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

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

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

PROPOSED AMENDMENT

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

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

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 for costs incurred by the State to repair damage to, restore, or replace damaged or lost natural resources of the State, or permanently protect the State's natural resources, or for any of the purposes enumerated in Article VIII, Section II, paragraph 6 of the State Constitution, except that no more than five or for paying the legal or other costs incurred by the State to pursue settlements and judicial and administrative awards relating to natural resource damages. The first priority for the use of any moneys by the State to repair, restore, or replace damaged or lost natural resources of the State, or permanently protect the natural resources of the State, pursuant to this paragraph shall be in the immediate area in which the damage to the natural resources occurred in connection with the claim for which the moneys were recovered. If no reasonable project is available to satisfy the first priority for the use of the moneys, or there are moneys available after satisfying the first priority for their use, the second priority for the use of any moneys by the State to repair, restore, or replace damaged or lost natural resources of the State, or permanently protect the natural resources of the State, pursuant to this paragraph shall be in the same water region in which the damage to the natural resources occurred in 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:
Senate SEN committee amendments adopted November 3, 2016.
Senate floor amendments adopted November 14, 2016.
reasonable project is available to satisfy the first or second priority for
the use of the moneys, or there are moneys available after satisfying
the first or second priority for their use, the moneys may be used by
the State to repair, restore, or replace damaged or lost natural resources
of the State, or permanently protect the natural resources of the State,
pursuant to this paragraph without geographic constraints. Up to $10^2$
percent of the moneys appropriated pursuant to this paragraph may be
expended for administrative costs of the State or its departments,
agencies, or authorities for the purposes authorized in this paragraph.

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 Secretary of State, not less than three
months prior to the general election.

3. This proposed amendment to the Constitution shall be
subtracted 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 (√) in the square opposite the word "Yes." If you are
opposed thereto make a cross (X), plus (+) or check (√) in the square
opposite the word "No."

b. In every municipality the following question:

<table>
<thead>
<tr>
<th>YES</th>
<th>CONSTITUTIONAL AMENDMENT Dedicating Moneys From State Environmental Contamination Cases</th>
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<tbody>
<tr>
<td></td>
<td>Do you approve amending the Constitution to dedicate all moneys collected by the State</td>
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<td>relating to natural resource damages in cases of contamination of the environment? The</td>
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<td></td>
<td>moneys would have to be used only for environmental purposes to repair, restore, replace,</td>
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<td>or preserve the State’s natural resources. The moneys may also be used to pay legal or</td>
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<td></td>
<td>other costs incurred by the State in pursuing its claims.</td>
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4. The moneys may also be used to pay legal or other costs incurred by the State in pursuing its claims.
<table>
<thead>
<tr>
<th>NO</th>
<th>INTERPRETIVE STATEMENT</th>
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<tbody>
<tr>
<td>This amendment would dedicate all moneys collected by the State relating to natural resource damages through settlements or awards for legal claims based on environmental contamination. These moneys would be dedicated solely for environmental purposes. These purposes could include preserving, repairing, or restoring damaged natural resources, 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. They may include cleaning contaminated sites and underground storage tank sites, funding water quality programs, or preserving open space, farmland, or historic buildings or sites to preserve the State’s natural resources to pay for the State’s legal or other costs in pursuing the claims. Currently, these moneys may be used for any State purpose.</td>
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