
Public Hearing

before

SENATE ENVIRONMENT COMMITTEE

SENATE CONCURRENT RESOLUTION No. 113

(Proposes constitutional amendment to authorize use of dedicated Corporation Business Tax revenues for air pollution control; changes existing allocation percentages for 10 years)

LOCATION: Committee Room 10
State House Annex
Trenton, New Jersey

DATE: May 26, 2005
1:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Bob Smith, Chair
Senator Stephen M. Sweeney, Vice Chair
Senator John H. Adler
Senator Andrew R. Ciesla
Senator Henry P. McNamara



ALSO PRESENT:

Judith L. Horowitz
Algis P. Matioska
*Office of Legislative Services
Committee Aides*

Kevil Duhon
*Senate Majority
Committee Aide*

John Hutchison
*Senate Republican
Committee Aide*

***Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey***

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SENATOR BOB SMITH (Chair): Do we need to say anything special about the hearing, Ms. Horowitz?

MS. HOROWITZ (Committee Aide): You may just want to introduce it so that on the tape recorder -- and it goes onto the computer and the people can listen to it on the Internet -- it's clear that it's starting.

SENATOR SMITH: Oh, we need to do a roll call.

Let's have a roll call on the hearing.

MS. HOROWITZ: This is a roll call for the public hearing on Senate Concurrent Resolution 113 (2R).

Senator Smith.

SENATOR SMITH: Present.

MS. HOROWITZ: Senator Sweeney.

SENATOR SWEENEY: Here.

MS. HOROWITZ: Senator Ciesla.

SENATOR CIESLA: Here.

MS. HOROWITZ: Senator McNamara.

SENATOR McNAMARA: Here.

SENATOR SMITH: And for the audience that may be listening, via computer, tuning into Committee proceedings -- which is now one of the capabilities of our State government -- we are having this hearing pursuant to our State statutes, which require that, prior to a constitutional amendment going on the ballot, there be a hearing.

Let me point out, however, that this has -- again for the listening audience -- that this is a topic that has been discussed over the course of the last year. And what it concerns is the funding necessary for legislation that would have a very significant impact on the emissions of

diesel particulates into New Jersey's air. We've held several hearings wherein the health effects on New Jersey's citizens have been discussed, including the almost 1,000 deaths per year -- premature deaths that occur in our state as a result of diesel particulates; the hundreds of millions of dollars of added health-care costs that result from increased morbidity and mortality from the bronchial effects of the diesel particulates, and other health effects.

So we have managed, I think, to put together a bipartisan coalition. And I want to publicly thank Senator McNamara for his flexibility, Senator Ciesla, and Senator Sweeney, and Senator Adler, because it was not an easy process.

And what we're going to do with the legislation, that corresponds to the constitutional amendment, is to fund the retrofits of New Jersey Transit buses, private commercial buses, and to install cleanup devices on school buses all over the state. We're also conducting a study of the control devices and the health effects, especially with regard to those school buses, because we're very concerned about what our school children are exposed to.

And we're funding -- and this is where we come to today's hearing. We're funding the retrofits that are in the legislation by using a portion of the constitutionally dedicated Corporate Business Tax, which has been dedicated for environmental cleanups in our state. We believe this is a good use of the money.

That being said, we're conducting a hearing, as required by law, today, to fulfill our obligations.

And with that introduction, we have a number of people who have indicated they would like to speak, starting with Mr. Pringle -- Dave Pringle.

DAVID PRINGLE: Thank you, Mr. Chairman.

I'm pleased to be here today to support the bill, especially because when this bill was before the Committee in March, we opposed it in that form. And we very much appreciate your leadership, and support, and dedicated effort in working with us to address our concerns. We all, obviously, had the same goal always in mind. And the bill before us today reflects that. So I want to thank you especially for your leadership in that.

I'm not going to bore you with-- This Committee already knows very much why this bill is here. I'm not going to bore you with that testimony -- only to, for the record, refer to my earlier comments before this Committee on this bill, as well as in the Assembly Environment and Senate Budget Committee, as well as the remarks from our coalition partners: Sierra Club, PIRG, and the Environmental Justice Alliance.

In short, this is -- this bill is an important -- or this constitutional amendment is an important step in cleaning up our air for diesel pollution. It will help save hundreds of premature deaths every year in New Jersey, the thousands of heart and asthma attacks resulting from diesel pollution, and the tens of thousands of lost work and school days, and other great environmental, and public health, and economic costs.

So, with that, I would just like to, again, thank you, and look forward to working with everybody to get this question on the ballot and passed in November.

Thank you.

SENATOR SMITH: Thank you, Mr. Pringle.

Mr. Eric DeGesero, from the Fuel Merchants Association, asked that he be noted in favor. And the fuel merchants are in favor of this legislation. So we are noting that for the record.

Mr. Ed Carman, New Jersey School Boards Association-- Mr. Carman asked that we record, as a part of this hearing, the fact that the New Jersey School Boards Association is in favor of the Senate Concurrent Resolution 113.

Mr. Jeff Tittel, New Jersey Sierra Club.

J E F F T I T T E L: I'll be brief.

I want to thank the Chairman, and Assemblyman McKeon, and everyone else who worked so hard on getting a bill done this year. I think that it shows that, through compromise and cooperation, you may not get a perfect bill, but you get one that works and one that will benefit clean air for the people of New Jersey, especially children. I think adding school buses -- especially the crank cases -- was critical.

And we need to get the money. Maybe this isn't the perfect source for the money, and maybe there's other places -- but there isn't. For those that feel that maybe we shouldn't tap into the Corporate Business Tax, there is really no other source. And I think that it's more important to move the diesel bill forward and to get this on the ballot this year. And we can always deal with some of those other issues later. So I think-- We support the bill, and we thank the Chair.

SENATOR SMITH: Thank you.

Mr. Jim Sinclair, New Jersey Business and Industry Association.

MR. TITTEL: We're not on the same side again, are we?

JIM SINCLAIR: Yes.

MR. TITTEL: Oh, okay.

MR. SINCLAIR: Mr. Chairman, I'm Jim Sinclair, New Jersey Business and Industry Association. And I'm happy to be here, once again, to support this amendment. I think I was the only person in New Jersey that supported it the last time, other than the Committee.

This money, of course, is coming from the business community, through the Corporate Business Tax, to pay for what is an important public purpose. And so I'm here to support this.

And I would like to thank the Committee Chairman. I just checked with Michael. This is the bill that we got kicked out of your office on, for not coming to the table with the suggestions. At the end, and thanks to Senator Sweeney, the final solution here for this problem looks a lot like what we were bringing to the table in that meeting.

So we're in favor of this. And the Business and Industry Association will support the constitutional amendment. And we will support it with our membership and the business community. And this is a really good bill now that should -- gives us an opportunity to do something really good before the big hit comes of the fuel change, and the new diesel engine's phased in.

SENATOR SMITH: Thank you, Mr. Sinclair.

Ginger Gold Schnitzer, from the NJEA.

GINGER GOLD SCHNITZER: Thank you, Senator Smith, for your leadership on this bill.

The 192,000 members of the New Jersey Education Association -- on behalf of them, we're pleased to support this legislation. It will help

clean up the air both inside and outside of school buses, which will benefit for the health and safety of children, and the health and safety of our drivers.

We had some concerns about the funding, but certainly the SCR takes care of that. And we're pleased to be aboard.

Thank you.

SENATOR SMITH: Thank you.

Mr. Michael -- and I'm not sure how to say the last name. Is that P-S-A-W?

MICHAEL L. PISAURO: Pisauero.

SENATOR SMITH: Pisauero. I'm sorry. Oh, sure.

I couldn't see the "I". It looked like P-S.

Mike -- Mr. Pisauero is from the New Jersey Environmental Lobby.

MR. PISAURO: I failed handwriting in grammar school, and I don't think it's gotten any better.

Mr. Chairman, thank you very much. Committee members, thank you very much for working very hard to put together a bill that has a real impact on our health of our children and of the people most affected by diesel fumes.

This, as has been said before, may not be the ultimate solution. It is a wonderful and great first step. And I want to thank everyone for their hard work.

When this bill passes -- the constitutional amendment passes in November, all of our citizens will reap the benefit. So thank you very much for your hard work.

SENATOR SMITH: Thank you.

Mr. Doug O'Malley, New Jersey PIRG.

D O U G O' M A L L E Y: Thank you, again, Mr. Chairman, for your work -- long, hard work on this legislation, as well as the work of the Committee, and the work of the Committee members of the Senate Budget.

As has been said before, the impact of diesel pollution is quite dramatic. And I think we do want to remember how dramatic it is. Each year, over 800 citizens across this state die prematurely because of the impact of diesel pollution, over 1,300 suffer heart attacks, and over 17,000 suffer asthma attacks because of the impact of diesel soot. Kids on school buses get impacted even more. This bill will provide the funding to help start to tackle this problem. There will be more to do, but this is the right first step.

Thank you.

SENATOR SMITH: Thank you.

We have Debbie Steverson -- or Stevenson, New Jersey Department of Transportation. Ms. Stevenson, are you here?

D E B O R A H S T E V E N S O N: The Department submitted a statement in support of the bill -- the resolution.

SENATOR SMITH: Right. And we do have a written statement from the New Jersey Department of Transportation supporting SCR-113.

Thank you very much for weighing in on the issue.

Is there anyone else in the audience that wishes to make any comments at this public hearing on the Senate Concurrent Resolution 113?
(no response)

There being no one, I'll entertain a motion to close the hearing.

SENATOR SWEENEY: Motion.

SENATOR SMITH: Motion to close the hearing.

Seconded by-- Moved by Senator Sweeney and seconded by Senator McNamara.

Would you take a vote on that motion to close the hearing?

MS. HOROWITZ: On the motion to close the hearing, Senator McNamara.

SENATOR McNAMARA: Yes.

MS. HOROWITZ: Senator Ciesla votes yes.

Senator Adler.

SENATOR ADLER: Yes.

MS. HOROWITZ: Senator Sweeney.

SENATOR SWEENEY: Yes.

MS. HOROWITZ: And Senator Smith.

SENATOR SMITH: Yes.

And, God willing, we're going to see it on the November ballot, and we're going to do a very good thing for New Jersey's air and the health of our citizens.

(HEARING CONCLUDED)