

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1041 (First Reprint) without my approval.

This bill seeks to ban the disposing of waste generated through hydraulic fracturing ("fracking") within the State. Fracking is a technique used to extract natural gas from rock. As the Legislature found in 2011, while fracking is employed elsewhere in the country, it is "not occurring and is unlikely to occur in New Jersey in the foreseeable future." P.L. 2011, c. 194.

In 2012, I vetoed Assembly Bill No. 575, a bill nearly identical to this one. At that time, I explained that the lack of frackable shale in New Jersey meant that the bill's ban on fracking waste "from any State" necessarily meant that the bill intended to embargo out-of-State waste. This, I explained, would have created an unconstitutional restraint on interstate commerce, in violation of the Dormant Commerce Clause of the United States Constitution.

The United States Constitution has not been amended since I vetoed the Legislature's last attempt at a fracking waste ban in 2012. Likewise, Dormant Commerce Clause jurisprudence has not changed in a way that would cause me to sign a bill that I previously rejected on constitutional grounds.

Accordingly, because this bill would violate the Dormant Commerce Clause of the United States Constitution, I herewith return Senate Bill No. 1041 (First Reprint) without my approval.

Respectfully,

/s/ Chris Christie

[seal]

Governor

Attest:

/s/ Paul B. Matey

Deputy Chief Counsel to the Governor