

ASSEMBLY, No. 2969

STATE OF NEW JERSEY

INTRODUCED MAY 12, 1997

By Assemblymen CORODEMUS and WOLFE

1 AN ACT concerning legislative oversight of shore protection
2 expenditures, amending and supplementing P.L.1992, c.148.

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

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7 1. (New section) a. The Commissioner of Environmental
8 Protection shall develop a priority system for ranking shore protection
9 projects and establish appropriate criteria therefor. Commencing with
10 the fiscal year beginning on July 1, 1998, and for each fiscal year
11 thereafter, the commissioner shall use the priority system to establish
12 a shore protection project priority list for projects designated to
13 receive funding pursuant to an appropriation made from the Shore
14 Protection Fund, hereinafter referred to as the "fund," established
15 pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1). The list shall
16 include a description of each project and its purpose, impact, estimated
17 cost, and estimated construction schedule, and an explanation of the
18 manner in which priorities were established. A description of the
19 priority system and the project priority list for the ensuing fiscal year
20 shall be submitted to the Legislature on or before January 31 of each
21 year on a day when both Houses are meeting. The President of the
22 Senate and the Speaker of the General Assembly shall cause the date
23 of submission to be entered upon the Senate Journal and the Minutes
24 of the General Assembly, respectively, and shall cause the project
25 priority list to be introduced in each House in the form of legislative
26 bills authorizing the expenditure of monies appropriated pursuant to
27 section 1 of P.L.1992, c.148 (C.13:19-16.1) for projects on the list,
28 and shall refer these bills to the Senate Economic Growth, Agriculture
29 and Tourism Committee and the General Assembly Environment,
30 Science and Technology Committee, or their successors, for their
31 respective consideration.

32 b. Within 60 days of the referral thereof, the Senate Economic
33 Growth, Agriculture and Tourism Committee and the General
34 Assembly Environment, Science and Technology Committee, or their

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 successors, shall, either individually or jointly, consider the legislation
2 containing the project priority list, and shall report the legislation,
3 together with any modifications, out of committee for consideration
4 by each House of the Legislature. On or before June 1 of each year,
5 the Legislature shall approve the legislation containing the project
6 priority list, including any amendatory or supplementary provisions
7 thereto. The legislation approved by the Legislature shall authorize
8 the expenditure of monies appropriated to the Department of
9 Environmental Protection from the Shore Protection Fund for the
10 specific projects, including the estimated amounts therefor, on the list.

11 c. No monies appropriated from the Shore Protection Fund to the
12 Department of Environmental Protection shall be expended for any
13 shore protection project unless the estimated expenditure is authorized
14 pursuant to legislation approved in accordance with the provisions of
15 subsection b. of this section or unless the shore protection project is
16 of an emergency nature pursuant to the provisions of subsection b. of
17 section 1 of P.L.1992, c.148 (C.13:19-16.1). The department is
18 authorized to transfer monies between authorized projects to
19 compensate for the differences between the estimated and actual costs
20 of a project. If the Legislature fails to approve legislation within the
21 time frame specified pursuant to subsection b. of this section, the
22 expenditure of monies appropriated from the Shore Protection Fund
23 shall be authorized pursuant to the provisions of the annual
24 appropriations act.

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26 2. Section 1 of P.L.1992, c.148 (C.13:19-16.1) is amended to read
27 as follows:

28 1. a. There is created in the Department of the Treasury a special
29 non-lapsing fund to be known as the "Shore Protection Fund." The
30 monies in the fund are dedicated and shall only be used to carry out
31 the purposes enumerated in subsection b. of this section. The fund
32 shall be credited with all revenues collected and deposited in the fund
33 pursuant to section 4 of P.L.1968, c.49 (C.46:15-8), all interest
34 received from the investment of monies in the fund, and any monies
35 which, from time to time, may otherwise become available for the
36 purposes of the fund. Pending the use thereof pursuant to the
37 provisions of subsection b. of this section, the monies deposited in the
38 fund shall be held in interest-bearing accounts in public depositories,
39 as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and
40 may be invested or reinvested in such securities as are approved by the
41 State Treasurer. Interest or other income earned on monies deposited
42 into the fund shall be credited to the fund for use as set forth in this act
43 for other monies in the fund.

44 b. Monies deposited in the "Shore Protection Fund" shall be used,
45 in accordance with the priority list approved by the Legislature
46 pursuant to section 1 of P.L. , c. (C.) (now before the

1 Legislature as this bill), for shore protection projects associated with
2 the protection, stabilization, restoration or maintenance of the shore,
3 including monitoring studies and land acquisition, consistent with the
4 current New Jersey Shore Protection Master Plan prepared pursuant
5 to section 5 of P.L.1978, c.157, and may include the nonfederal share
6 of any State-federal project[, provided however that]. The
7 requirements of subsection c. of section 1 of P.L. , c. (C.)
8 (now before the Legislature as this bill) notwithstanding, the
9 Commissioner of Environmental Protection [and Energy] may,
10 pursuant to appropriations made by law, allocate monies deposited in
11 the fund for shore protection projects of an emergency nature, in the
12 event of storm, stress of weather or similar act of God. Two percent
13 of the monies annually deposited in the fund shall be allocated and
14 annually appropriated for the purposes of funding the Coastal
15 Protection Technical Assistance Service established pursuant to
16 section 1 of P.L.1993, c.176 (C.18A:64L-1), of which amount up to
17 \$100,000 annually may be utilized for funding coastal engineering
18 research and development to be conducted by Stevens Institute of
19 Technology in response to requests therefor made by State or local
20 governmental entities.
21 (cf: P.L.1993, c.176, s.5)

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23 3. This act shall take effect on January 1 following enactment, but
24 the Commissioner of the Department of Environmental Protection may
25 take such anticipatory action in advance as shall be necessary for the
26 implementation of the act.

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STATEMENT

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31 This bill would establish a procedure for the Legislature to annually
32 review the expenditure of monies deposited in the Shore Protection
33 Fund. Currently, the Department of Environmental Protection (DEP)
34 receives an annual appropriation (\$15 million) pursuant to the
35 appropriations act from the fund to pay for the costs of shore
36 protection projects as determined by the DEP. This bill would require
37 the commissioner to develop a priority system for ranking shore
38 protection projects and establish appropriate ranking criteria.

39 Commencing with the fiscal year beginning on July 1, 1998, and for
40 each fiscal year thereafter, the commissioner would be required to use
41 the priority system to establish a shore protection project priority list
42 for projects designated to receive funding pursuant to an appropriation
43 made from the Shore Protection Fund, established pursuant to section
44 1 of P.L.1992, c.148 (C.13:19-16.1). The list would include a
45 description of each project and its purpose, impact, estimated cost,
46 and estimated construction schedule, and an explanation of the manner

1 in which priorities were established.

2 The commissioner would be required to submit a description of the
3 priority system and the project priority list for the ensuing fiscal year
4 to the Legislature on or before January 31 of each year on a day when
5 both Houses are meeting. The project priority list would then be
6 introduced in each House in the form of legislative bills authorizing the
7 expenditure of monies appropriated pursuant to the fund for projects
8 on the list. The bills would be referred to the Senate Economic
9 Growth, Agriculture and Tourism Committee and the General
10 Assembly Environment, Science and Technology Committee, or their
11 successors, for their respective consideration.

12 Within 60 days of referral, the Senate and General Assembly
13 Committees would be required to consider the legislation and report
14 it, together with any modifications, out of committee for consideration
15 by each House of the Legislature. On or before June 1 of each year,
16 the Legislature would be required to approve the authorizing
17 legislation. The bill would prohibit the expenditure of monies
18 appropriated from the Shore Protection Fund to the Department of
19 Environmental Protection for any shore protection project unless the
20 expenditure is authorized pursuant to legislation, as described above.

21 The bill would also amend P.L.1992, c.148 to provide that monies
22 deposited in the "Shore Protection Fund" be used for shore protection
23 projects in accordance with the priority list approved by the
24 Legislature. However, the commissioner would retain the authority to
25 allocate monies appropriated from the fund for shore protection
26 projects of an emergency nature.

27 The bill authorizes the Department of Environmental Protection to
28 transfer monies between projects authorized pursuant to legislation to
29 compensate for the differences between the estimated and actual costs
30 of a project. The bill also provides that, in the event the Legislature
31 does not approve legislation within the time frame specified in the bill,
32 the expenditure of monies appropriated from the Shore Protection
33 Fund would be authorized pursuant to the provisions of the annual
34 appropriations act. Other provisions of the bill further clarify that
35 monies appropriated from the Shore Protection Fund could be
36 expended for shore protection projects of an emergency nature, as
37 already provided pursuant to section 1 of P.L.1992, c.148 (C.13:19-
38 16.1). The bill would take effect on January 1 following enactment.

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43 Establishes priority list and legislative approval of shore protection
44 projects.