

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.