

§1
C. 13:19-16.2
§3
Note To §§1,2

P.L. 1997, CHAPTER 384, *approved January 19, 1998*
Senate, No. 1649 (*Second Reprint*)

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

3

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

6

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, ¹[1997] ²[1998¹] 1999², and for
11 each fiscal year thereafter, the commissioner shall use the priority
12 system to establish a shore protection project priority list for projects
13 designated to receive funding pursuant to an appropriation made from
14 the Shore Protection Fund, hereinafter referred to as the "fund,"
15 established pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1).
16 The list shall include a description of each project and its purpose,
17 impact, ¹estimated¹ cost, and ¹estimated¹ construction schedule, and
18 an explanation of the manner in which priorities were established. A
19 description of the priority system and the project priority list for the
20 ensuing fiscal year shall be submitted to the Legislature on or before
21 January 31 of each year on a day when both Houses are meeting. The
22 President of the Senate and the Speaker of the General Assembly shall
23 cause the date of submission to be entered upon the Senate Journal
24 and the Minutes of the General Assembly, respectively, and shall cause
25 the project priority list to be introduced in each House in the form of
26 legislative bills authorizing the expenditure of monies appropriated
27 pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1) for projects
28 on the list, and shall refer these bills to the Senate ¹[Natural Resources
29 and Economic Development] Economic Growth, Agriculture and

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEG committee amendments adopted February 10, 1997.

² Assembly floor amendments adopted December 18, 1997.

1 Tourism¹ Committee ²[and] , the Senate Budget and Appropriations
2 Committee,² the General Assembly Environment, Science and
3 Technology Committee, ²and the General Assembly Appropriations
4 Committee,² or their successors, for their respective consideration.

5 b. Within 60 days of the referral thereof, the Senate ¹[Natural
6 Resources and Economic Development] Economic Growth,
7 Agriculture and Tourism¹ Committee ²[and] , the Senate Budget and
8 Appropriations Committee,² the General Assembly Environment,
9 Science and Technology Committee ², and the General Assembly
10 Appropriations Committee² ¹, or their successors, shall, either
11 individually or jointly, consider the legislation containing the project
12 priority list, and shall report the legislation, together with any
13 modifications, out of committee for consideration by each House of
14 the Legislature. On or before June 1 of each year, the Legislature shall
15 approve the legislation containing the project priority list, including
16 any amendatory or supplementary provisions thereto. The legislation
17 approved by the Legislature shall authorize the expenditure of monies
18 appropriated to the Department of Environmental Protection from the
19 ¹[the]¹ Shore Protection Fund for the specific projects, including the
20 ¹[individual] estimated¹ amounts therefor, on the list.

21 c. No monies appropriated from the Shore Protection Fund to the
22 Department of Environmental Protection shall be expended for any
23 shore protection project unless the ¹estimated¹ expenditure is
24 authorized pursuant to legislation approved in accordance with the
25 provisions of subsection b. of this section ¹or unless the shore
26 protection project is of an emergency nature pursuant to the provisions
27 of subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1). The
28 department is authorized to transfer monies between authorized
29 projects to compensate for the differences between the estimated and
30 actual costs of a project. If the Legislature fails to approve legislation
31 within the time frame specified pursuant to subsection b. of this
32 section, the expenditure of monies appropriated from the Shore
33 Protection Fund shall be authorized pursuant to the provisions of the
34 annual appropriations act¹.

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

38 1. a. There is created in the Department of the Treasury a special
39 non-lapsing fund to be known as the "Shore Protection Fund." The
40 monies in the fund are dedicated and shall only be used to carry out
41 the purposes enumerated in subsection b. of this section. The fund
42 shall be credited with all revenues collected and deposited in the fund
43 pursuant to section 4 of P.L.1968, c.49 (C.46:15-8), all interest
44 received from the investment of monies in the fund, and any monies
45 which, from time to time, may otherwise become available for the
46 purposes of the fund. Pending the use thereof pursuant to the

1 provisions of subsection b. of this section, the monies deposited in the
 2 fund shall be held in interest-bearing accounts in public depositories,
 3 as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and
 4 may be invested or reinvested in such securities as are approved by the
 5 State Treasurer. Interest or other income earned on monies deposited
 6 into the fund shall be credited to the fund for use as set forth in this act
 7 for other monies in the fund.

8 b. Monies deposited in the "Shore Protection Fund" shall be used,
 9 in accordance with the priority list approved by the Legislature
 10 pursuant to section 1 of P.L. , c. (C.) (now before the
 11 Legislature as this bill), for shore protection projects associated with
 12 the protection, stabilization, restoration or maintenance of the shore,
 13 including monitoring studies and land acquisition, consistent with the
 14 ^{1current} New Jersey Shore Protection Master Plan prepared pursuant
 15 to section 5 of P.L.1978, c.157, and may include the nonfederal share
 16 of any State-federal project[, provided however that]. The
 17 requirements of subsection c. of section 1 of P.L. , c. (C.)
 18 (now before the Legislature as this bill) notwithstanding, the
 19 Commissioner of Environmental Protection [and Energy] may,
 20 pursuant to appropriations made by law, allocate monies deposited in
 21 the fund for shore protection projects of an emergency nature, in the
 22 event of storm, stress of weather or similar act of God. Two percent
 23 of the monies annually deposited in the fund shall be allocated and
 24 annually appropriated for the purposes of funding the Coastal
 25 Protection Technical Assistance Service established pursuant to
 26 section 1 of P.L.1993, c.176 (C.18A:64L-1), of which amount up to
 27 \$100,000 annually may be utilized for funding coastal engineering
 28 research and development to be conducted by Stevens Institute of
 29 Technology in response to requests therefor made by State or local
 30 governmental entities.

31 (cf: P.L.1993, c.176, s.5)

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33 3. This act shall take effect ¹[immediately] on January 1 following
 34 enactment, but the Commissioner of the Department of Environmental
 35 Protection may take such anticipatory action in advance as shall be
 36 necessary for the implementation of the act¹.

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41 Establishes priority list and legislative approval of shore protection
 42 projects.