

[Second Reprint]  
SENATE, No. 34

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1997

By Senators DiFRANCESCO, O'CONNOR, Scott and Kyrillos

1 AN ACT concerning dredging and dredged material disposal <sup>1</sup>[and] <sup>1</sup>  
2 providing for the expenditure of monies <sup>2</sup>[dedicated] made  
3 available<sup>2</sup> pursuant to P.L.1996, c.70 <sup>1</sup> <sup>2</sup>[ and], <sup>2</sup> supplementing Title  
4 12 and Title 34 of the Revised Statutes<sup>1</sup> <sup>2</sup>, and making an  
5 appropriation<sup>2</sup>.

6  
7 **BE IT ENACTED** by the Senate and General Assembly of the State  
8 of New Jersey:

9  
10 1. The Legislature finds and declares that the existence of deep  
11 water ports in both the northern and southern sections of the State  
12 have been of critical importance to the economy and growth of the  
13 region since the colonial era; that the combination of the natural silting  
14 of New Jersey's harbor areas and the building of larger oceangoing  
15 vessels that require greater water depth <sup>1</sup>[have] has<sup>1</sup> resulted in a  
16 reduction of the volume of maritime commerce in the region, resulting  
17 in a loss of jobs and the potential elimination of the Port of New York  
18 and New Jersey's present status as the primary port on the Eastern  
19 seaboard; that many of these port waters contain harmful contaminants  
20 that upset the ecological balance and threaten the environment, and  
21 that must be disposed of in the most cost-efficient manner possible,  
22 using the most up-to-date technology including the possible creation  
23 of a usable end product; and that the voters, in November 1996,  
24 overwhelmingly approved a bond issue for the dredging of New  
25 Jersey's <sup>1</sup>[port] navigation<sup>1</sup> channels.

26 The Legislature therefore determines that it is in the public interest  
27 that the port dredging and dredged material disposal <sup>1</sup>projects<sup>1</sup>  
28 proceed as expeditiously and efficiently as possible, and that the  
29 monies approved by the voters for this purpose be used effectively;  
30 that it is necessary for the State to establish an administrative  
31 procedure to set priorities for <sup>1</sup>dredging<sup>1</sup> projects in accordance with

**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:**

<sup>1</sup> Senate SEG committee amendments adopted February 10, 1997.

<sup>2</sup> Senate floor amendments adopted March 10, 1997.

1 their economic benefit to the State, and their relative potential to bring  
2 about economic growth through enhanced maritime commerce, to  
3 retain existing jobs and create new ones, and to support the continuing  
4 viability of the State's recreation and tourism industries; and that it is  
5 essential that the priorities for the dredging and dredged material  
6 disposal projects be established with the participation of the affected  
7 sectors of the State's economy, including representatives of the  
8 maritime industry, business and commercial interests, labor, and  
9 recreation and tourism industries, so that a consensus is reached on the  
10 most effective use of the available funds.

11

12 2. As used in this act:

13 "Containment facility" means an upland or in-water confined  
14 disposal facility which shall consist of an artificially constructed island,  
15 a diked extension of an existing island, or a diked extension attached  
16 to land, and which is used solely for the disposal of dredged materials;

17 <sup>2</sup>["Delaware River and Bay Region" means all the State territory  
18 located within the "port district," as defined pursuant to section 1(6)  
19 of P.L.1951, c.288 (C.32:3-13.23);]

20 "Decontamination" means a process by which contaminants are  
21 removed or reduced from dredged materials, or by which dredged  
22 materials are otherwise made acceptable for use;<sup>2</sup>

23 "Dredge" or "dredging" means the removal of sand, silt, mud, and  
24 other materials from the bottom of a waterway in order to deepen  
25 navigation channels and ship berths;

26 "Dredged material" means material removed by dredging that is, in  
27 the determination of the federal Environmental Protection Agency,  
28 either unsuitable for ocean disposal or suitable for ocean disposal only  
29 with capping;

30 <sup>1</sup>["Economic development site" means land, equipment, buildings,  
31 appurtenant infrastructure and miscellaneous site improvements  
32 designed to promote economic activity and new jobs in the Delaware  
33 River and Bay Region; and]<sup>1</sup>

34 "Port region" means the geographic area created by Article II of the  
35 Compact of April 30, 1921, creating the bi-state agency, now known  
36 as the Port Authority of New York and New Jersey, and which is  
37 commonly referred to as the Port of New York District <sup>1</sup>;

38 <sup>2</sup>"Project" means any work relating to the construction of a  
39 containment facility or facilities and subaqueous pits for the disposal  
40 of dredged material from the port region; the decontamination of  
41 dredged material; the dredging of the Kill Van Kull, the Arthur Kill  
42 and other navigation channels located in the port region; the dredging  
43 of navigation channels not located in the port region; or the purchase  
44 of real or personal property, equipment, and any building,  
45 construction, and miscellaneous site improvements associated with an  
46 economic development site;<sup>2</sup> and

1       "Task force" means the Dredging Project Facilitation Task Force  
2 established pursuant to section 3 of this act<sup>1</sup> .

3  
4       3. a. There is established in the Executive Branch of the State  
5 Government a Dredging Project Facilitation Task Force. For the  
6 purpose of complying with the provisions of Article V, Section IV,  
7 paragraph 1 of the New Jersey Constitution, the task force is  
8 allocated within the Department of Commerce and Economic  
9 Development, but, notwithstanding that allocation, the task force shall  
10 be independent of any supervision or control by the department or by  
11 the commissioner or any officer or employee thereof. The task force  
12 shall constitute an instrumentality of the State exercising public and  
13 essential governmental functions, and the exercise by the task force of  
14 the powers conferred by this or any other act shall be deemed and held  
15 to be an essential governmental function of the State.

16       b. <sup>2</sup>(1)<sup>2</sup> The task force shall consist of <sup>2</sup>[11] 12 <sup>2</sup> <sup>1</sup>[voting]<sup>1</sup>  
17 members <sup>1</sup>[and one non-voting member. The Business Ombudsman,  
18 or his designee, shall serve ex-officio and as a non-voting member. The  
19 voting members] , and<sup>1</sup> shall include <sup>2</sup>the following three ex-officio  
20 members:<sup>2</sup> the Commissioner of the Department of Environmental  
21 Protection, or his designee; the Commissioner of the Department of  
22 Commerce and Economic Development, or his designee; <sup>2</sup>and the  
23 State Treasurer, or his designee. The task force shall also include<sup>2</sup>  
24 three public members appointed by the Governor; three public  
25 members appointed by the President of the Senate, one of whom the  
26 President of the Senate shall designate as chair of the <sup>1</sup>[board] task  
27 force<sup>1</sup>; and three public members appointed by the Speaker of the  
28 General Assembly.

29       <sup>2</sup>(2) The public members shall serve for terms of two years, except  
30 that of the public members first appointed by each appointing  
31 authority, one shall serve a term of three years, one shall serve a term  
32 of two years, and one shall serve a term of one year. Not more than  
33 two public members appointed by the same appointing authority shall  
34 be members of the same political party.

35       (3)<sup>2</sup> The appointment of the members shall be made within 45 days  
36 of the effective date of this act. The appointee of the President of the  
37 Senate designated as chair of the <sup>1</sup>[board] task force<sup>1</sup> <sup>2</sup>shall serve a  
38 term of two years and<sup>2</sup> shall convene an organizational meeting of the  
39 <sup>1</sup>[board] task force<sup>1</sup> as soon as is practicable following the  
40 appointment of at least six public members to the <sup>1</sup>[board] task force<sup>1</sup>.

41       <sup>2</sup>(4) Each member of the task force shall serve for the term of the  
42 appointment and until a successor shall have been appointed and  
43 qualified. Task force members shall serve without compensation. Any  
44 vacancy shall be filled in the same manner as the original appointment  
45 for the unexpired term only. A public member may be reappointed to  
46 the task force upon term expiration.

1     (5) Any member of the task force may be removed by the  
2 appointing authority, for cause, after a public hearing.

3     (6) A majority of the full membership of the task force shall  
4 constitute a quorum for the transaction of task force business. Action  
5 may be taken and motions and resolutions adopted by the task force  
6 at any meeting thereof by the affirmative vote of a majority of the full  
7 membership of the task force.

8     (7)<sup>2</sup> The public members shall, to the maximum extent practicable,  
9 represent one or more of the following areas of expertise and  
10 specialization: the maritime industry, the business community, the  
11 trucking industry, organized labor, marine terminal operations, the  
12 tourism and recreation industry, environmental technology, and  
13 commercial fishing.

14  
15     4. <sup>2</sup>a.<sup>2</sup> It shall be the duty of the Office of Maritime Resources in  
16 the Department of Commerce and Economic Development to establish  
17 <sup>2</sup>. from time to time,<sup>2</sup> a <sup>2</sup>project<sup>2</sup> priority list for dredging <sup>2</sup>[and] <sup>2</sup>  
18 dredged material disposal <sup>2</sup>[facility]<sup>2</sup> projects <sup>2</sup>and decontamination  
19 projects<sup>2</sup> based primarily on the maintenance of the viability of the  
20 Port of New Jersey and New York as a deep water port accessible to  
21 international commerce <sup>2</sup>. on the maintenance of the viability of  
22 navigation channels not located in the port region to promote  
23 commerce, recreation and tourism,<sup>2</sup> and on the prospects for the  
24 creation and retention of jobs in New Jersey. In developing <sup>2</sup>[the] a  
25 project<sup>2</sup> priority list, the office shall consult with the <sup>1</sup>[Dredging  
26 Project Facilitation Task Force] task force<sup>1</sup> and the Department of  
27 Environmental Protection, and shall review and consider the plan <sup>2</sup>[for  
28 the expenditure of funds authorized pursuant to section 5 of P.L.1996,  
29 c.70 and required to be submitted by the Commissioner of  
30 Environmental Protection to the State Treasurer pursuant to section  
31 32 of P.L.1996, c.70, and any changes to that plan made pursuant to  
32 section 33 of P.L.1996, c.70] developed pursuant to subsection a. of  
33 section 5 of P.L. , c. (C. )(now before the Legislature as this  
34 bill). The office, in consultation with the task force and the  
35 Department of Environmental Protection, shall identify in the project  
36 priority lists developed pursuant to this subsection, not less than a  
37 total of \$5 million for decontamination projects<sup>2</sup>. Upon the  
38 development of <sup>2</sup>[the] a project<sup>2</sup> priority list, the office shall submit the  
39 list to the task force for its approval. <sup>2</sup>The task force is authorized to  
40 approve, disapprove, or approve in part, a project priority list.

41     b. Upon approval of a project priority list for projects authorized  
42 to receive funding pursuant to sections 5 and 7 of P.L.1996, c.70, or  
43 upon the failure of the task force to approve or disapprove a project  
44 priority list within 60 days of receipt of the list from the office, the  
45 task force shall submit the list to the President of the Senate and the  
46 Speaker of the General Assembly, who shall cause the project priority

1 list to be introduced in each House in the form of legislative  
 2 appropriations bills.

3 c. The Legislature shall consider, and may amend or supplement,  
 4 the appropriations bills containing the project priority list. Any bill  
 5 introduced pursuant to subsection b. of this section and approved by  
 6 the Legislature shall appropriate monies from the "1996 Dredging and  
 7 Containment Facility Fund," established pursuant to section 18 of  
 8 P.L.1996, c.70, only for the projects authorized pursuant to sections  
 9 5 and 7 of P.L.1996, c.70 , and shall identify the specific projects,  
 10 including the individual amounts therefor, for which monies are  
 11 appropriated.

12 d. No monies appropriated pursuant to subsection c. of this section  
 13 shall be expended for any project unless the expenditure is authorized  
 14 pursuant to the project priority list contained in the legislation  
 15 approved in accordance with the provisions of subsection c. of this  
 16 section.

17 e. Nothing in this section shall preclude the Legislature from  
 18 developing a project priority list and making appropriations therefor.<sup>2</sup>

20 5. a. The Office of Maritime Resources in the Department of  
 21 Commerce and Economic Development shall, in consultation with the  
 22 Department of Environmental Protection and the <sup>1</sup>[Dredging Project  
 23 Facilitation Task Force] task force<sup>1</sup> established pursuant to section 3  
 24 of P.L. , c. (C. )(now before the Legislature as this bill),  
 25 develop, implement and maintain a comprehensive dredging and  
 26 dredged material management and disposal plan <sup>2</sup>, including dredged  
 27 material decontamination,<sup>2</sup> for the navigable waters of the State  
 28 <sup>2</sup>[located in the port region]<sup>2</sup> .

29 b. The <sup>2</sup>[office] Department of Environmental Protection and the  
 30 Department of Commerce and Economic Development<sup>2</sup> shall be  
 31 authorized, in <sup>2</sup>[consultation with the Commissioner of Environmental  
 32 Protection] accordance with the rules, regulations and procedures of  
 33 the General Services Administration<sup>2</sup>, to enter into agreements with  
 34 public or private entities to <sup>2</sup>[designate] establish<sup>2</sup> ownership, lease  
 35 provisions and other related <sup>2</sup>real and personal<sup>2</sup> property interests.  
 36 The <sup>2</sup>[office] departments<sup>2</sup> may also <sup>2</sup>, in accordance with the rules,  
 37 regulations and procedures of the General Services Administration,<sup>2</sup>  
 38 enter into agreements with regard to:

39 (1) <sup>2</sup>the development, operation and management of<sup>2</sup> dredging  
 40 projects including, but not necessarily limited to, any cost sharing,  
 41 right of way or easement provisions involved;

42 (2) the development, operation <sup>2</sup>[and] <sup>2</sup> management <sup>2</sup>[of] ,  
 43 closure and monitoring of<sup>2</sup> dredged material disposal, treatment and  
 44 processing facilities; and

45 (3) the development, evaluation, certification and implementation  
 46 of demonstration <sup>1</sup>dredged material<sup>1</sup> decontamination and treatment

1 technologies that are cost-effective, environmentally sound and that  
2 create a usable end product.

3 c. The <sup>2</sup>[office] departments<sup>2</sup> shall be authorized to acquire by  
4 purchase, lease, grant or otherwise, any land <sup>1</sup>[or] <sup>1</sup>  
5 real <sup>1</sup>or personal<sup>1</sup> property which, in the determination of the <sup>2</sup>[office]  
6 departments<sup>2</sup>, is reasonably necessary to effectuate the purposes of this  
7 act.

8 d. The <sup>2</sup>[office] departments<sup>2</sup> shall be authorized to solicit  
9 proposals <sup>2</sup>[from developers] and to enter into all contracts and  
10 agreements necessary<sup>2</sup> to plan, design, construct, equip, operate,  
11 finance, improve or maintain demonstration projects <sup>2</sup>[and] for  
12 dredging,<sup>2</sup> dredged material disposal <sup>2</sup>[facilities] and dredged material  
13 decontamination projects<sup>2</sup>.

14 e. The <sup>2</sup>[office] departments<sup>2</sup> shall be authorized to charge and  
15 collect fees or charges <sup>2</sup>for dredging and<sup>2</sup> for the use of a dredged  
16 material disposal facility at such rates necessary to compensate for the  
17 costs to <sup>2</sup>dredge, and to<sup>2</sup> plan, design, construct, equip, operate,  
18 improve, maintain, close or replace the dredged material disposal  
19 facility and to ensure continued availability of <sup>2</sup>[the facility] dredging  
20 and dredged material disposal<sup>2</sup> .

21  
22 <sup>2</sup>[6. a. <sup>1</sup>[Upon] As soon as practicable after<sup>1</sup> the effective date of  
23 this act, <sup>1</sup>and thereafter from time to time, <sup>1</sup>the <sup>1</sup>[Dredging Project  
24 Facilitation Task Force] task force<sup>1</sup> shall <sup>1</sup>[, as soon as practicable, and  
25 thereafter from time to time,]<sup>1</sup> submit to the Legislature a project  
26 priority list for projects authorized to receive funding pursuant to  
27 section 5 of P.L.1996, c.70. The project priority list shall include a  
28 description of each project and its purpose, impact, cost, and  
29 construction schedule. The President of the Senate and the Speaker  
30 of the General Assembly shall cause the project priority list to be  
31 introduced in each House in the form of legislative appropriations bills.

32 b. Within 60 days of the introduction thereof, the Legislature shall  
33 consider the appropriations bills containing the project priority list,  
34 including any amendatory or supplementary provisions thereto. <sup>1</sup>[The  
35 legislation] Any bill introduced pursuant to subsection a. of this  
36 section and<sup>1</sup> approved by the Legislature shall appropriate <sup>1</sup>[only  
37 those]<sup>1</sup> monies from the "1996 Dredging and Containment Facility  
38 Fund," established pursuant to section 18 of P.L.1996, c.70, <sup>1</sup>only for  
39 the projects<sup>1</sup> authorized <sup>1</sup>[to be expended]<sup>1</sup> pursuant to section 5 of  
40 P.L.1996, c.70 <sup>1</sup> [. The monies authorized to be appropriated pursuant  
41 to this subsection] , and<sup>1</sup> shall <sup>1</sup>[be appropriated for] identify<sup>1</sup> the  
42 specific projects, including the individual amounts therefor, <sup>1</sup>[on the  
43 list] for which monies are appropriated<sup>1</sup> .

44 c. No monies appropriated pursuant to subsection b. of this section  
45 shall be expended for any <sup>1</sup>[dredging related]<sup>1</sup> project unless the  
46 expenditure is authorized pursuant to the <sup>1</sup>project<sup>1</sup> priority list

1 contained in the legislation approved in accordance with the provisions  
2 of subsection b. of this section.]<sup>2</sup>

3  
4 <sup>2</sup>[7. The Department of Environmental Protection shall <sup>1</sup>[, as it  
5 deems necessary,]<sup>1</sup> submit to the Legislature <sup>1</sup>, at such times as it  
6 deems appropriate,<sup>1</sup> a priority list of projects related to the dredging  
7 of navigation channels not located in the port region and authorized to  
8 receive funding pursuant to section 7 of P.L.1996, c.70. The order of  
9 priority for these dredging projects shall include, but need not be  
10 limited to, the maintenance of the viability of navigation channels not  
11 located in the port region to promote recreation <sup>1</sup>[and] <sup>1</sup> tourism <sup>1</sup>and  
12 commercial fishing,<sup>1</sup> as well as the creation and retention of jobs  
13 related to the navigability of these waterways. The Legislature shall,  
14 from time to time, appropriate <sup>1</sup>to the Department of Environmental  
15 Protection<sup>1</sup> monies <sup>1</sup>from the "1996 Dredging and Containment  
16 Facility Fund," established pursuant to section 18 of P.L.1996, c.70<sup>1</sup>  
17 to finance the <sup>1</sup>[costs] cost of projects<sup>1</sup> authorized pursuant to the  
18 provisions of section 7 of P.L.1996, c.70. <sup>1</sup>[Such monies shall be  
19 appropriated to the Department of Environmental Protection from the  
20 "1996 Dredging and Containment Facility Fund," established pursuant  
21 to section 18 of P.L.1996, c.70.]<sup>1</sup><sup>2</sup>

22  
23 <sup>2</sup>6. a. There is established in the Executive Branch of the State  
24 Government an Economic Development Site Task Force. For the  
25 purpose of complying with the provisions of Article V, Section IV,  
26 paragraph 1 of the New Jersey Constitution, the task force is allocated  
27 within the Department of Commerce and Economic Development, but,  
28 notwithstanding that allocation, the task force shall be independent of  
29 any supervision or control by the department or by the commissioner  
30 or any officer or employee thereof. The task force shall constitute an  
31 instrumentality of the State exercising public and essential  
32 governmental functions, and the exercise by the task force of the  
33 powers conferred by this or any other act shall be deemed and held to  
34 be an essential governmental function of the State.

35 b. The task force shall consist of 12 members, and shall include:  
36 two representatives of the Department of Commerce and Economic  
37 Development, one of whom shall be the Commissioner, or his  
38 designee, who shall serve ex-officio, and one of whom shall be  
39 appointed by the Commissioner of Commerce and Economic  
40 Development; the Chairperson of the New Jersey Economic  
41 Development Authority, or his designee, who shall serve ex-officio;  
42 three public members appointed by the Governor; three public  
43 members appointed by the President of the Senate; and three public  
44 members appointed by the Speaker of the General Assembly, one of  
45 whom the Speaker of the General Assembly shall designate as chair of  
46 the task force. The appointment of the members shall be made within

1 45 days of the effective date of this act. An official making  
2 appointments to the task force shall not appoint more than one public  
3 member from the same county of residence. The appointee of the  
4 Speaker of the General Assembly designated as chair of the task force  
5 shall serve a term of two years and shall convene an organizational  
6 meeting of the task force as soon as is practicable following the  
7 appointment of at least six public members to the task force. The  
8 public members shall reside in the Delaware River and Bay Region.

9 c. The public members shall serve terms of two years, except that  
10 of the public members first appointed by each appointing authority,  
11 one shall serve a term of three years, one shall serve a term of two  
12 years, and one shall serve a term of one year. Not more than two  
13 public members appointed by the same appointing authority shall be  
14 members of the same political party.

15 d. Each member of the task force shall serve for the term of the  
16 appointment and until a successor shall have been appointed and  
17 qualified. Task force members shall serve without compensation. Any  
18 vacancy shall be filled in the same manner as the original appointment  
19 for the unexpired term only. A public member may be reappointed to  
20 the task force upon term expiration.

21 e. Any member of the task force may be removed by the appointing  
22 authority, for cause, after a public hearing.

23 f. A majority of the full membership of the task force shall  
24 constitute a quorum for the transaction of task force business. Action  
25 may be taken and motions and resolutions adopted by the task force  
26 at any meeting thereof by the affirmative vote of a majority of the full  
27 membership of the task force.<sup>2</sup>

28  
29 <sup>27.</sup> a. The Department of Commerce and Economic Development  
30 shall establish a process under which applicants may apply for monies  
31 made available from the "1996 Economic Development Site Fund,"  
32 established pursuant to section 20 of P.L. 1996, c.70.

33 b. It shall be the duty of the Department of Commerce and  
34 Economic Development to review and evaluate applications received  
35 pursuant to the process established in subsection a. of this section to  
36 determine whether the project is eligible pursuant to the provisions of  
37 section 8 of P.L. , c. (C. )(now before the Legislature as this  
38 bill). Of those projects deemed eligible, the Department of Commerce  
39 and Economic Development shall include a description of each project  
40 and its purpose, impact, cost, and construction schedule and a  
41 recommendation for the approval or disapproval by the task force.

42 c. Upon the development of the project priority list, the  
43 Department of Commerce and Economic Development shall submit the  
44 list to the task force for its approval. The task force is authorized to  
45 approve, disapprove or approve with modifications, a project priority  
46 list. Upon approval of a project priority list containing projects

1 eligible pursuant to section 8 of P.L. , c. (C. )(now before the  
2 Legislature as this bill), and authorized to receive funding pursuant to  
3 section 8 of P.L. 1996, c. 70, the task force shall submit a project  
4 priority list to the President of the Senate and the Speaker of the  
5 General Assembly, who shall cause the project priority list to be  
6 introduced in each House in the form of legislative appropriations bills.

7 d. The Legislature shall consider, and may amend or supplement,  
8 the appropriations bills containing the project priority list. The monies  
9 authorized to be appropriated pursuant to this subsection shall be  
10 appropriated from the "1996 Economic Development Site Fund,"  
11 established pursuant to section 20 of P.L.1996, c.70, to the  
12 Department of Commerce and Economic Development for the projects  
13 designated in the legislation. The Department of Commerce and  
14 Economic Development shall administer the projects designated in the  
15 legislation.

16 e. No monies appropriated pursuant to subsection d. of this section  
17 shall be expended for any economic development site related project  
18 unless the expenditure is authorized pursuant to the legislation  
19 approved in accordance with the provisions of subsection d. of this  
20 section.

21 f. Nothing in this section shall preclude the Legislature from  
22 developing a project priority list and making appropriations therefor.<sup>2</sup>  
23

24 8. <sup>2</sup>a.<sup>2</sup> To be eligible to receive monies from the "1996 Economic  
25 Development Site Fund," established pursuant to section 20 of  
26 P.L.1996, c.70, an economic development site project must meet at  
27 least two of the following criteria:

28 <sup>2</sup>[a.] (1)<sup>2</sup> The project will support or enhance the existing  
29 economic base of the region in which it is located, which may include,  
30 but need not be limited to, the agricultural, tourism and commercial  
31 sectors, or improvements to the region's infrastructure;

32 <sup>2</sup>[b.] (2)<sup>2</sup> The project will result in the rehabilitation or expansion  
33 of existing facilities in the region in which it is located;

34 <sup>2</sup>[c.] (3)<sup>2</sup> The project will result in the creation or retention of jobs  
35 in the region in which it is located; and

36 <sup>2</sup>[d.] (4)<sup>2</sup> The project will foster the development of business or  
37 commercial ventures which will promote long-term economic growth  
38 in the region in which it is located.

39 <sup>2</sup>b. No monies from the "1996 Economic Development Site Fund,"  
40 established pursuant to section 20 of P.L.1996, c.70, shall be expended  
41 for an economic development site outside of the Delaware River and  
42 Bay Region.<sup>2</sup>

43 <sup>1</sup><sup>2</sup>c.<sup>2</sup> For the purposes of <sup>2</sup>[this section,] sections 6, 7 and 8 of P.L.  
44 , c. (C. )(now before the Legislature as this bill): "Delaware  
45 River and Bay Region" means all the State territory located within the  
46 "port district," as defined pursuant to section 1(6) of P.L.1951, c.288

1 (C.32:3-13.23); and<sup>2</sup> "economic development site" means land,  
2 equipment, buildings, appurtenant infrastructure and miscellaneous site  
3 improvements designed to promote economic activity and new jobs in  
4 the Delaware River and Bay Region.<sup>1</sup>

5  
6 9. The Legislature shall, from time to time, appropriate monies  
7 from the "1996 Economic Development Site Fund," established  
8 pursuant to section 20 of P.L.1996, c.70, to the Department of  
9 Commerce and Economic Development for the projects designated in  
10 the legislation. Any appropriation from this fund shall specify the  
11 projects involved, all of which shall meet the requirements of section  
12 8 of P.L. , c. (C. )(now before the Legislature as this bill).

13  
14 10. The Department of Commerce and Economic Development and  
15 the Department of Environmental Protection shall establish, in  
16 consultation with the Dredging Project Facilitation Task Force, the  
17 criteria for the content of final requests for proposals for any studies,  
18 assessments, demonstration projects and dredging, and all phases in  
19 the development and construction of a dredged material disposal  
20 facility. <sup>1</sup>[Any] The State may include in a <sup>1</sup>request for proposals  
21 developed pursuant to this act <sup>1</sup>[shall include, but need not be limited  
22 to,] , on a case-by-case basis.<sup>1</sup> a provision for the indemnification of  
23 the State by the contract holder. The Department of Commerce and  
24 Economic Development or the Department of Environmental  
25 Protection, as appropriate, in consultation with the task force, shall  
26 solicit requests for proposals and negotiate contracts.

27  
28 11. a. The Department of Environmental Protection shall adopt,  
29 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
30 (C.52:14B-1 et seq.), any rules or regulations necessary to effectuate  
31 the purposes of this act.

32 b. The Department of Commerce and Economic Development shall  
33 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,  
34 c.410 (C.52:14B-1 et seq.), any rules or regulations necessary to  
35 effectuate the purposes of this act.

36  
37 12. The Legislature may, in the annual appropriations act or in any  
38 other act, limit the amount of funds appropriated from the "1996  
39 Dredging and Containment Facility Fund," established pursuant to  
40 section 18 of P.L.1996, c.70, that may be expended for any direct or  
41 indirect program administrative costs of the State, its departments,  
42 agencies, or authorities.

1       <sup>2</sup>13. There is appropriated to the Department of Environmental  
 2 Protection from the "1996 Dredging and Containment Facility Fund,"  
 3 established pursuant to section 18 of the "Port of New Jersey  
 4 Revitalization, Dredging, Environmental Cleanup, Lake Restoration,  
 5 and Delaware Bay Area Economic Development Bond Act of 1996,"  
 6 P.L. 1996, c.70, the sum of \$32,000,000 for the following dredging  
 7 and dredged material disposal projects, including infrastructure  
 8 investments:

9		
10	<b>Project Name</b>	<b>Channel/Reach</b>
11	<u>New York and New Jersey Channels</u>	<u>Kill Van Kull</u>
12	<u>New York and New Jersey Channels</u>	<u>Arthur Kill</u>
13	<u>Upper New York Harbor</u>	<u>Port Jersey Channel</u>
14	<u>Upper New York Harbor</u>	<u>Claremont Channel</u>
15	<u>New York and New Jersey Channels</u>	<u>Wards Point Bend</u>
16	<u>Port Newark/Elizabeth</u>	<u>Reaches A,B,C and D</u>
17	<u>Hudson River &amp; Adjacent Channels</u>	<u>New Jersey Anchorages</u>
18	<u>New York and New Jersey Channels</u>	<u>Shooter's Island Reach</u>
19	<u>Raritan River</u>	<u>Raritan River Channel</u>
20	<u>New York and New Jersey Channels</u>	<u>Raritan Bay Reach</u>
21	<u>Hudson River Channel</u>	<u>40 foot channel</u>
22		<u>(New Jersey side)</u>
23	<u>Newark Bay, Hackensack and</u>	<u>Newark Bay Channels</u>
24	<u>Passaic Rivers</u>	

25

26       <sup>2</sup>[13.] 14.<sup>2</sup> This act shall take effect immediately.

27

28

29

30

31 Establishes process for expenditure of dredging and economic  
 32 development bond monies; appropriates \$32 million from bond fund  
 33 for various dredging and dredged material disposal projects.