

SENATE, No. 1649

STATE OF NEW JERSEY

INTRODUCED OCTOBER 28, 1996

By Senators KYRILLOS, CIESLA, Palaia, Connors, Singer,
Gormley, Bennett and Cafiero

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, 1997, 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, cost, and
17 construction schedule, and an explanation of the manner in which
18 priorities were established. A description of the priority system and
19 the project priority list for the ensuing fiscal year shall be submitted to
20 the Legislature on or before January 31 of each year on a day when
21 both Houses are meeting. The President of the Senate and the
22 Speaker of the General Assembly shall cause the date of submission to
23 be entered upon the Senate Journal and the Minutes of the General
24 Assembly, respectively, and shall cause the project priority list to be
25 introduced in each House in the form of legislative bills authorizing the
26 expenditure of monies appropriated pursuant to section 1 of P.L.1992,
27 c.148 (C.13:19-16.1) for projects on the list, and shall refer these bills
28 to the Senate Natural Resources and Economic Development
29 Committee and the General Assembly Environment, Science and
30 Technology Committee, or their successors, for their respective
31 consideration.

32 b. Within 60 days of the referral thereof, the Senate Natural
33 Resources and Economic Development Committee and the General

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

12 c. No monies appropriated from the Shore Protection Fund to the
13 Department of Environmental Protection shall be expended for any
14 shore protection project unless the expenditure is authorized pursuant
15 to legislation approved in accordance with the provisions of subsection
16 b. of this section.

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

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

36 b. Monies deposited in the "Shore Protection Fund" shall be used,
37 in accordance with the priority list approved by the Legislature
38 pursuant to section 1 of P.L. _____, c. _____ (C. _____) (now before the
39 Legislature as this bill), for shore protection projects associated with
40 the protection, stabilization, restoration or maintenance of the shore,
41 including monitoring studies and land acquisition, consistent with the
42 New Jersey Shore Protection Master Plan prepared pursuant to section
43 5 of P.L.1978, c.157, and may include the nonfederal share of any
44 State-federal project[, provided however that]. The requirements of
45 subsection c. of section 1 of P.L. _____, c. _____ (C. _____) (now before the
46 Legislature as this bill) notwithstanding, the Commissioner of

1 Environmental Protection [and Energy] may, pursuant to
2 appropriations made by law, allocate monies deposited in the fund for
3 shore protection projects of an emergency nature, in the event of
4 storm, stress of weather or similar act of God. Two percent of the
5 monies annually deposited in the fund shall be allocated and annually
6 appropriated for the purposes of funding the Coastal Protection
7 Technical Assistance Service established pursuant to section 1 of
8 P.L.1993, c.176 (C.18A:64L-1), of which amount up to \$100,000
9 annually may be utilized for funding coastal engineering research and
10 development to be conducted by Stevens Institute of Technology in
11 response to requests therefor made by State or local governmental
12 entities.

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

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15 3. This act shall take effect immediately.

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STATEMENT

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20 This bill would establish a procedure to enable the Legislature to
21 annually approve or disapprove the expenditure of monies deposited
22 in the Shore Protection Fund. Currently, the Department of
23 Environmental Protection (DEP) receives an annual appropriation
24 (\$15 million) pursuant to the appropriations act from the fund to pay
25 for the costs of shore protection projects as the DEP sees fit. This bill
26 would require the Commissioner of the DEP to develop a priority
27 system for ranking shore protection projects and establish appropriate
28 ranking criteria.

29 Commencing with the fiscal year beginning on July 1, 1997, and for
30 each fiscal year thereafter, the commissioner would be required to use
31 the priority system to establish a shore protection project priority list
32 for projects designated to receive funding pursuant to an appropriation
33 made from the Shore Protection Fund, established pursuant to section
34 1 of P.L.1992, c.148 (C.13:19-16.1). The list would include a
35 description of each project and its purpose, impact, cost, and
36 construction schedule, and an explanation of the manner in which
37 priorities were established.

38 The commissioner would be required to submit a description of the
39 priority system and the project priority list for the ensuing fiscal year
40 to the Legislature on or before January 31 of each year on a day when
41 both Houses are meeting. The project priority list would then be
42 introduced in each House in the form of legislative bills authorizing the
43 expenditure of monies appropriated pursuant to the fund for projects
44 on the list. The bills would be referred to the Senate Natural
45 Resources and Economic Development Committee and the General
46 Assembly Environment, Science and Technology Committee, or their

1 successors, for their respective consideration.

2 Within 60 days of referral, the Senate and General Assembly
3 Committees would be required to consider the legislation and report
4 it, together with any modifications, out of committee for consideration
5 by each House of the Legislature. On or before June 1 of each year,
6 the Legislature would be required to approve the authorizing
7 legislation. The bill would prohibit the expenditure of monies
8 appropriated from the Shore Protection Fund to the Department of
9 Environmental Protection for any shore protection project unless the
10 expenditure is authorized pursuant to legislation, as described above.

11 The bill would also amend P.L.1992, c.148 to provide that monies
12 deposited in the "Shore Protection Fund" be used for shore protection
13 projects in accordance with the priority list approved by the
14 Legislature. However, the commissioner of DEP would retain the
15 authority to allocate monies appropriated from the fund for shore
16 protection projects of an emergency nature.

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21 Establishes priority list and legislative approval of shore protection
22 projects.