

[Passed Both Houses]

[Second Reprint]

**SENATE, No. 1649**

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**STATE OF NEW JERSEY**

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INTRODUCED OCTOBER 28, 1996

**By Senators KYRILLOS, CIESLA, Palaia, Connors, Singer,  
Gormley, Bennett, Cafiero, Assemblymen Corodemus,  
Wolfe and LeFevre**

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, <sup>1</sup>[1997] <sup>2</sup>[1998<sup>1</sup>] 1999<sup>2</sup>, 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, estimated<sup>1</sup> cost, and estimated<sup>1</sup> 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

**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> Assembly floor amendments adopted December 18, 1997.

1 pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1) for projects  
 2 on the list, and shall refer these bills to the Senate <sup>1</sup>[Natural Resources  
 3 and Economic Development] Economic Growth, Agriculture and  
 4 Tourism<sup>1</sup> Committee <sup>2</sup>[and] , the Senate Budget and Appropriations  
 5 Committee.<sup>2</sup> the General Assembly Environment, Science and  
 6 Technology Committee, <sup>2</sup>and the General Assembly Appropriations  
 7 Committee.<sup>2</sup> or their successors, for their respective consideration.

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

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

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

41 1. a. There is created in the Department of the Treasury a special  
 42 non-lapsing fund to be known as the "Shore Protection Fund." The  
 43 monies in the fund are dedicated and shall only be used to carry out  
 44 the purposes enumerated in subsection b. of this section. The fund  
 45 shall be credited with all revenues collected and deposited in the fund  
 46 pursuant to section 4 of P.L.1968, c.49 (C.46:15-8), all interest

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

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

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

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36 3. This act shall take effect <sup>1</sup>[immediately] on January 1 following  
 37 enactment, but the Commissioner of the Department of Environmental  
 38 Protection may take such anticipatory action in advance as shall be  
 39 necessary for the implementation of the act<sup>1</sup>.

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