

SENATE CONCURRENT RESOLUTION No. 67

STATE OF NEW JERSEY

INTRODUCED MAY 9, 1996

By Senator SCOTT

1 **A CONCURRENT RESOLUTION** concerning legislative review of a Department
2 of Transportation regulation pursuant to Article V, Section IV, paragraph
3 6 of the Constitution of the State of New Jersey.

4

5 **BE IT RESOLVED** *by the Senate of the State of New Jersey (the General*
6 *Assembly concurring):*

7

8 1. Pursuant to Article V, Section IV, paragraph 6 of the Constitution of the
9 State of New Jersey, the Legislature may review any rule or regulation of any
10 department to determine if the rule or regulation is consistent with the intent of
11 the Legislature as expressed in the language of the statute which the rule or
12 regulation is intended to implement.

13

14 2. The Legislature finds that a regulation by the Department of
15 Transportation concerning the expenditure of monies from the "New Jersey
16 Bridge Rehabilitation and Improvement and Railroad Right-of-way
17 Preservation Fund of 1989" and codified at N.J.A.C.16:21B-1.1(c) is not
18 consistent with section 16 of P.L.1991, c.271 to the extent that the regulation
19 provides that monies appropriated from that bond fund for bridge projects
20 which are not the subject of a design or engineering contract or agreement
21 within three years of the effective date of P.L.1991, c.271 are to be returned
22 to the Commissioner of Transportation to be reallocated. The intent of the
23 Legislature is that such monies are to lapse to the "New Jersey Bridge
24 Rehabilitation and Improvement and Railroad Right-of-way Preservation Fund
25 of 1989" and be available for appropriation by the Legislature,

26

27 3. The Secretary of the Senate and the Clerk of the General Assembly
28 shall transmit a duly authenticated copy of this concurrent resolution to the
29 Governor and the Commissioner of Transportation.

30

31 4. Pursuant to Article V, Section IV, paragraph 6 of the Constitution of the
32 State of New Jersey, the Commissioner of Transportation shall have 30 days
33 following transmittal of this resolution to amend or withdraw the regulation or
34 the Legislature may, by passage of another concurrent resolution, exercise its
35 option under the Constitution to invalidate the regulation codified at

1 N.J.A.C.16:21B-1.1(c), in whole or in part.

2

3

4

STATEMENT

5

6 This concurrent resolution expresses the finding of the Legislature that a
7 Department of Transportation regulation, N.J.A.C.16:21B-1.1(c), concerning
8 the expenditure of monies from the "New Jersey Bridge Rehabilitation and
9 Improvement and Railroad Right-of-way Preservation Fund of 1989" is
10 inconsistent with section 16 of P.L.1991, c.271 which stipulates that monies
11 appropriated from that bond fund for bridge projects which are not the subject
12 of a design or engineering contract or agreement within three years of the
13 effective date of P.L.1991, c.271 are to lapse back to the 1989 bond fund
14 and be available for appropriation by the Legislature. The regulation provides
15 that such monies are to be returned to the Commissioner of Transportation to
16 be reallocated.

17 The Commissioner of Transportation shall have 30 days following
18 transmittal of this resolution to amend or withdraw the regulation or the
19 Legislature may, by passage of another concurrent resolution, exercise its
20 authority under the Constitution to invalidate the regulation.

21

22

23

24

25 Determines that Department of Transportation regulation concerning
26 expenditure of monies from a 1989 bond fund for bridge repairs is inconsistent
27 with legislative intent.