

27:1A-75

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LAWS OF: 2001 **CHAPTER:** 429
NJSA: 27:1A-75 (Office of Maritime Resources—DOT)
BILL NO: A3925 (Substituted for S2717)

SPONSOR(S): DeCroce and Corodemus

DATE INTRODUCED: November 19, 2001

COMMITTEE: **ASSEMBLY:** Transportation
SENATE: ----

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** January 3, 2002
SENATE: January 7, 2002

DATE OF APPROVAL: January 8, 2002,

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL Original version of bill enacted

A3925

SPONSORS STATEMENT: (Begins on page 11 of original bill) Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S2717

SPONSORS STATEMENT: (Begins on page 11 of original bill) Yes

Bill and Sponsors Statement identical to A3925

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

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P.L. 2001, CHAPTER 429, *approved January 8, 2002*
Assembly, No. 3925

1 **AN ACT** concerning maritime transportation, establishing the Office of
2 Maritime Resources within the Department of Transportation,
3 amending P.L.1997, c.97, and supplementing Title 27 of the
4 Revised Statutes.

5

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

8

9 1. (New section) Sections 1 through 11 of this act shall be known
10 and may be cited as the "New Jersey Marine Transportation System
11 Act."

12

13 2. (New section) The Legislature finds and declares that:

14 a. There should be a single State agency for New Jersey's maritime
15 industry charged with advancing Statewide maritime development
16 initiatives and technologies, planning for maritime systems, enhancing
17 New Jersey's marine environment, fostering maritime education, and
18 providing overall support functions to the maritime industry in close
19 coordination with the Department of Environmental Protection, the
20 New Jersey Commerce and Economic Growth Commission, and other
21 State agencies.

22 b. New Jersey's maritime industry is a \$50 billion industry
23 supporting more than 300,000 New Jersey citizens. The industry is
24 located along 127 miles of New Jersey shoreline, on 116 State
25 navigation channels, 240 miles of navigable waterways in New York
26 Harbor, and along 106 miles of the Delaware River and Bay.
27 Throughout the State, warehousing, manufacturing and cargo handling
28 facilities service the commerce taking place along these water
29 highways, and the intermodal connections which service them support
30 local, national and international port commerce. The industry includes
31 boat-building companies, members of the marine trades' associations,
32 marinas, the commercial and recreational fishing industry, science,
33 technology, and educational and related services. It also includes
34 those industries that support waterborne military operations and
35 national security initiatives.

36 c. The infrastructure required to support New Jersey's commercial
37 and recreational maritime industry is collectively designated as New
38 Jersey's Marine Transportation System. It is a comprehensive system
39 which includes navigable channels, waterborne commerce, dredging
40 and dredged material management technologies, berth, terminal and

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 related structures, intermodal transportation facilities and corridors,
2 shipping, receiving and cargo-movement tracking systems, global
3 positioning systems, vessel traffic and port information systems,
4 physical oceanographic real-time systems, and geographical
5 information systems. Navigation aides, boat building technologies,
6 ocean habitat tracking systems and other new technologies interact to
7 create a seamless system linking all aspects of the maritime industry
8 into a single transportation matrix. The Marine Transportation System
9 provides economic value, State and national security support,
10 environmental protection and recreational opportunity for the State,
11 the region and the nation.

12 d. Water transportation systems are a desirable, necessary and
13 environmentally beneficial means of moving people and goods and
14 such systems will promote the development and redevelopment of the
15 State's urban centers. It is further declared that in a densely settled
16 state such as New Jersey, it should be a priority of the Department of
17 Transportation to promote the development of water transportation
18 systems and to provide, as necessary for the public safety and welfare,
19 for the coordination and facilitation of water transportation systems.

20

21 3. (New section) As used in this act:

22 "Commissioner" means the Commissioner of Transportation.

23 "Department" means the Department of Transportation.

24 "Dredging and dredging related projects" means the removal of
25 sand, silt, mud, clay, rock, or other material from the bottom of a
26 waterway in order to maintain or deepen navigation channels and
27 berths, related infrastructure development of such a project, the
28 management of the dredged material through decontamination,
29 acceptable placement or beneficial use, and the potential funding of
30 such projects as necessary to support New Jersey's maritime industry.

31 "Marine transportation system" means navigable channels, berths,
32 terminals and related intermodal transportation infrastructure, facilities
33 and equipment, sediment and dredged materials management
34 programs, shipping, receiving, cargo-movement and tracking, aides to
35 navigation, intelligent and vessel transportation systems, and such
36 related activities which promote the efficient operation, environmental
37 integrity, and economic development of New Jersey's maritime
38 industry.

39 "Maritime industry" means ports and terminals, ship services and
40 boat building, education, science and technology, marine trades and
41 support services, ferries, movement of cargo and waterborne
42 commerce, commercial and recreational fishing, navigation and
43 government support services, including waterborne military operations
44 and national security initiatives, and the direct and indirect industries
45 supporting the entire marine transportation system.

46 "Office" means the Office of Maritime Resources in the Department
47 of Transportation.

1 4. (New section) There is hereby established in the Department of
2 Transportation the Office of Maritime Resources. The office shall
3 serve as the lead on all maritime industry matters including, but not
4 limited to, dredging, dredging technologies and dredging related
5 issues, State and federal marine transportation systems, and port
6 development. The office shall be the primary advisor to the Governor
7 and the commissioner on all matters relating to the mission of the
8 office. The office shall also serve as the point of contact for the
9 maritime industry and shall coordinate maritime planning and policy
10 issues with federal, State and local governments and regional and bi-
11 state agencies, as appropriate.

12
13 5. (New section) In support of the State's long range transportation
14 plan, the office shall be responsible, in collaboration with the Division
15 of Transportation Systems Planning in the department, for the
16 preparation of a "New Jersey Marine Transportation System
17 Development" section of the State's long range transportation plan
18 which shall assess conditions, define future needs and propose
19 recommendations that improve New Jersey's Marine Transportation
20 System, in accordance with the findings and declarations contained in
21 section 2 of this act. The section shall outline strategic initiatives on
22 regional port planning, marine transportation system infrastructure,
23 technology, and economic development related to the maritime
24 infrastructure and capital investment strategies.

25
26 6. (New section) In addition to any powers granted to the
27 commissioner under this act or any other provision of law, the
28 commissioner shall:

29 a. Provide interagency support, programmatic planning and policy
30 recommendations, promote coordination and cooperation with and
31 among State, multi-state, bi-state, federal and non-governmental
32 agencies in matters affecting the New Jersey Marine Transportation
33 System;

34 b. Engage in public education on maritime issues;

35 c. Serve as the primary advisory body and lead agency for support
36 of New Jersey's \$50 billion maritime industry;

37 d. Participate in maritime-related technology research and
38 development;

39 e. Investigate innovative dredged material management technologies
40 and techniques to ensure continued growth of New Jersey's Marine
41 Transportation System;

42 f. Act as the local sponsor for agreements with State and federal
43 agencies in support of dredging and dredging related projects;

44 g. Research, facilitate, and act as lead advisory body for grant
45 funding opportunities which enhance and further the mission of the
46 office;

- 1 h. Develop and maintain an interactive educational website on the
2 department's Internet website;
- 3 i. Act as advisor for State and federal entities and non-
4 governmental entities involved in advancing the mission of the New
5 Jersey Marine Transportation System;
- 6 j. Engage in waterborne, dredging, and related infrastructure
7 development projects which enhance the economic, environmental, and
8 efficient nature of maritime and marine trades services;
- 9 k. Operate, lease, or license a dredging processing facility, or
10 contract for the design, construction, use, management or operation
11 of any State dredging processing facility; and
- 12 l. Undertake any additional actions as appropriate to advance the
13 State's maritime roles and responsibilities.
- 14
- 15 7. (New section) The commissioner shall investigate and develop
16 alternative funding resources, establish and budget annual State
17 funding in furtherance of maritime initiatives, improve government
18 coordination with the recreational and commercial fishing and boating
19 industries, create regional dredged material disposal facilities, continue
20 development of beneficial use options for dredged material, develop
21 dredging and dredged material technologies, continue development of
22 waterborne transportation targeting congestion relief from highways
23 and reduced air pollution, and implement public education programs
24 as desirable.
- 25
- 26 8. (New section) a. The commissioner, in consultation with the
27 Department of Environmental Protection and the Department of the
28 Treasury, may operate, lease, license or contract the design,
29 construction, use, management or operation of any State dredged
30 material processing facility in such manner as to produce revenue in
31 support of the maritime industry.
- 32 b. There is established in the General Fund a separate, non-lapsing,
33 dedicated account to be known as the "Maritime Industry Fund,"
34 hereinafter referred to as "the fund." Notwithstanding any provisions
35 of law to the contrary and except as otherwise provided in this act, the
36 Maritime Industry Fund shall be utilized to provide for projects that
37 support New Jersey's maritime industry.
- 38 c. Each fiscal year, the State Treasurer shall credit all revenues
39 from any State dredged material processing facility to the fund.
- 40 d. Each fiscal year, the State Treasurer shall credit all earnings
41 received from the investment or deposit of revenue in the fund, to the
42 fund.
- 43 e. All revenues and earnings deposited in the fund shall be
44 appropriated in the same fiscal year to the department exclusively in
45 furtherance of the purposes set forth in this act.

1 9. (New section) Purchases, contracts, or agreements over \$25,000
2 for dredging and dredging related projects shall be governed as
3 provided in subsections a. and b. below.

4 a. All purchases, contracts, or agreements, where the cost or
5 contract price exceeds the sum of \$25,000, or, after January 1, 2003,
6 the amount determined pursuant to subsection b. of this section, shall,
7 except as otherwise provided by section 10 of this act, be made,
8 negotiated, or awarded only after public advertisement for bids
9 therefor and shall be awarded to that responsible bidder whose bid,
10 conforming to the invitation for bids, is most advantageous to the
11 office in its judgment, upon consideration of price and other factors.
12 Any bid may be rejected when the office determines that it is in the
13 public interest to do so.

14 Any purchase, contract, or agreement, where the cost or contract
15 price is less than or equal to \$25,000, or the amount determined
16 pursuant to subsection b. of this section, shall be made, negotiated, or
17 awarded by the office without advertising and in any manner which the
18 office, in its judgment, deems necessary to serve its unique interests
19 and purposes and which promotes, whenever practicable, full and free
20 competition by the acceptance of quotations or proposals or by the use
21 of other suitable methods.

22 b. The department shall no later than March 1 of each odd-
23 numbered year adjust the threshold amount set forth in subsection a.
24 of this section, or subsequent to 2003 the threshold amount resulting
25 from any adjustment under this subsection, in direct proportion to the
26 rise or fall of the consumer price index for all urban consumers in the
27 New York City and the Philadelphia areas as reported by the United
28 States Department of Labor. The adjustment shall become effective
29 on July 1 of each odd-numbered year.

30

31 10. (New section) Purchases, contracts or agreements over
32 \$25,000 for dredging and dredging related projects may be made,
33 negotiated, or awarded by the office without public advertisement as
34 provided for in subsections a., b. and c. of this section.

35 a. Any purchase, contract, or agreement, where the cost or
36 contract price exceeds the amount set forth in subsection a. of section
37 16 of P.L.1998, c.44 (C.52:27C-76), or, after January 1, 2003, the
38 amount calculated by the Governor pursuant to subsection b. of
39 section 16 of P.L.1998, c.44 (C.52:27C-76) may be made, negotiated,
40 or awarded by the office without advertisement for bids under the
41 following circumstances:

42 (1) When the subject matter consists of:

43 The purchase, rental, or lease of such office space, office
44 machinery, specialized equipment, buildings or real property as may be
45 necessary for the use, or incidental to the performance of the office's
46 duties and the exercise of its powers under this act; or

1 (2) When any one or more of the following circumstances exist:

2 (a) Standardization of equipment and interchangeability of parts is
3 in the public interest;

4 (b) Only one source of supply or service is available;

5 (c) The exigency of the office's duties and responsibilities will not
6 admit of advertisement;

7 (d) More favorable terms can be obtained from a primary source
8 of supply of an item or service;

9 (e) Bid prices, after advertising, are not reasonable or have not
10 been independently arrived at in open competition, but no negotiated
11 purchase, contract, or agreement may be entered into under this
12 subsection after the rejection of all bids received unless: (i) notification
13 of the intention to negotiate and reasonable opportunity to negotiate
14 is given to each responsible bidder; (ii) the negotiated price is lower
15 than the lowest rejected bid price of a responsible bidder; and (iii) the
16 negotiated price is the lowest negotiated price offered by any
17 responsible bidder;

18 (f) The purchase is to be made from, or the contract is to be made
19 with, any federal or State government agency or other entity, or any
20 political subdivision thereof; or

21 (g) Purchases are made through or by the Director of the Division
22 of Purchase and Property, in the Department of the Treasury, pursuant
23 to section 1 of P.L.1959, c.40 (C.52:27B-56.1).

24 b. In any such instances as identified in subsection a. of this
25 section, the office may make, negotiate, or award the purchase,
26 contract or agreement in any manner which the office deems necessary
27 to serve its unique interests and purposes and which promotes,
28 whenever practicable, full and free competition by the acceptance of
29 quotations or proposals or by the use of other suitable methods.

30 c. In any case in which the office shall make, negotiate, or award
31 a purchase, contract, or agreement without public advertisement
32 pursuant to subsection a. of this section, the office shall specify the
33 subject matter or circumstances set forth in subsection a. which permit
34 the office to take such action.

35

36 11. (New section) The commissioner is hereby authorized to make
37 and issue such rules and regulations in accordance with the
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
39 as the commissioner may deem necessary or appropriate to effectuate
40 the purposes of this act.

41

42 12. Section 3 of P.L.1997, c.97 (C.12:6B-3) is amended to read as
43 follows:

44 3. a. There is established in the Executive Branch of the State
45 Government a Dredging Project Facilitation Task Force. For the
46 purpose of complying with the provisions of Article V, Section IV,

1 paragraph 1 of the New Jersey Constitution, the task force is
2 allocated within the Department of [Commerce and Economic
3 Development] Transportation, but, notwithstanding that allocation,
4 the task force shall be independent of any supervision or control by the
5 department or by the commissioner or any officer or employee thereof.
6 The task force shall constitute an instrumentality of the State
7 exercising public and essential governmental functions, and the
8 exercise by the task force of the powers conferred by this or any other
9 act shall be deemed and held to be an essential governmental function
10 of the State.

11 b. (1) The task force shall consist of 12 members, and shall include
12 the following three ex-officio members: the Commissioner of the
13 Department of Environmental Protection, or his designee; the
14 Commissioner of the Department of [Commerce and Economic
15 Development] Transportation, or his designee; and the State
16 Treasurer, or his designee. The task force shall also include three
17 public members appointed by the Governor; three public members
18 appointed by the President of the Senate, one of whom the President
19 of the Senate shall designate as chair of the task force; and three public
20 members appointed by the Speaker of the General Assembly.

21 (2) The public members shall serve for terms of two years, except
22 that of the public members first appointed by each appointing
23 authority, one shall serve a term of three years, one shall serve a term
24 of two years, and one shall serve a term of one year. Not more than
25 two public members appointed by the same appointing authority shall
26 be members of the same political party.

27 (3) The appointment of the members shall be made within 45 days
28 of the effective date of this act. The appointee of the President of the
29 Senate designated as chair of the task force shall serve a term of two
30 years and shall convene an organizational meeting of the task force as
31 soon as is practicable following the appointment of at least six public
32 members to the task force.

33 (4) Each member of the task force shall serve for the term of the
34 appointment and until a successor shall have been appointed and
35 qualified. Task force members shall serve without compensation. Any
36 vacancy shall be filled in the same manner as the original appointment
37 for the unexpired term only. A public member may be reappointed to
38 the task force upon term expiration.

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

41 (6) A majority of the full membership of the task force shall
42 constitute a quorum for the transaction of task force business. Action
43 may be taken and motions and resolutions adopted by the task force
44 at any meeting thereof by the affirmative vote of a majority of the full
45 membership of the task force.

46 (7) The public members shall, to the maximum extent practicable,

1 represent one or more of the following areas of expertise and
2 specialization: the maritime industry, the business community, the
3 trucking industry, organized labor, marine terminal operations, the
4 tourism and recreation industry, environmental technology, and
5 commercial fishing.

6 (cf: P.L.1997, c.97, s.3)

7

8 13. Section 4 of P.L.1997, c.97 (C.12:6B-4) is amended to read as
9 follows:

10 4. a. It shall be the duty of the Office of Maritime Resources in the
11 Department of [Commerce and Economic Development]
12 Transportation to establish , from time to time, a project priority list
13 for dredging, dredged material disposal projects and decontamination
14 projects based primarily on the maintenance of the viability of the Port
15 of New Jersey and New York as a deep water port accessible to
16 international commerce , on the maintenance of the viability of
17 navigation channels not located in the port region to promote
18 commerce, recreation and tourism, and on the prospects for the
19 creation and retention of jobs in New Jersey. In developing a project
20 priority list, the office shall consult with the task force and the
21 Department of Environmental Protection, and shall review and
22 consider the plan developed pursuant to subsection a. of section 5 of
23 P.L.1997, c.97 (C.12:6B-5). The office, in consultation with the task
24 force and the Department of Environmental Protection, shall identify
25 in the project priority lists developed pursuant to this subsection, not
26 less than a total of \$5 million for decontamination projects. Upon the
27 development of a project priority list, the office shall submit the list to
28 the task force for its approval. The task force is authorized to
29 approve, disapprove, or approve in part, a project priority list.

30 b. Upon approval of a project priority list for projects authorized
31 to receive funding pursuant to sections 5 and 7 of P.L.1996, c.70, or
32 upon the failure of the task force to approve or disapprove a project
33 priority list within 60 days of receipt of the list from the office, the
34 task force shall submit the list to the President of the Senate and the
35 Speaker of the General Assembly, who shall cause the project priority
36 list to be introduced in each House in the form of legislative
37 appropriations bills.

38 c. The Legislature shall consider, and may amend or supplement,
39 the appropriations bills containing the project priority list. Any bill
40 introduced pursuant to subsection b. of this section and approved by
41 the Legislature shall appropriate monies from the "1996 Dredging and
42 Containment Facility Fund," established pursuant to section 18 of
43 P.L.1996, c.70, only for the projects authorized pursuant to sections
44 5 and 7 of P.L.1996, c.70 , and shall identify the specific projects,
45 including the individual amounts therefor, for which monies are
46 appropriated.

1 d. No monies appropriated pursuant to subsection c. of this section
2 shall be expended for any project unless the expenditure is authorized
3 pursuant to the project priority list contained in the legislation
4 approved in accordance with the provisions of subsection c. of this
5 section.

6 e. Nothing in this section shall preclude the Legislature from
7 developing a project priority list and making appropriations therefor.
8 (cf: P.L.1997, c.97, s.4)

9

10 14. Section 5 of P.L.1997, c.97 (C.12:6B-5) is amended to read as
11 follows:

12 5. a. The Office of Maritime Resources in the Department of
13 [Commerce and Economic Development] Transportation shall, in
14 consultation with the Department of Environmental Protection and the
15 task force established pursuant to section 3 of P.L.1997, c.97
16 (C.12:6B-3), develop, implement and maintain a comprehensive
17 dredging and dredged material management and disposal plan ,
18 including dredged material decontamination, for the navigable waters
19 of the State.

20 b. The Department of Environmental Protection and the
21 Department of [Commerce and Economic Development]
22 Transportation shall be authorized, in accordance with the rules,
23 regulations and procedures of the General Services Administration, to
24 enter into agreements with public or private entities to establish
25 ownership, lease provisions and other related real and personal
26 property interests. The departments may also , in accordance with the
27 rules, regulations and procedures of the General Services
28 Administration, enter into agreements with regard to:

29 (1) the development, operation and management of dredging
30 projects including, but not necessarily limited to, any cost sharing,
31 right of way or easement provisions involved;

32 (2) the development, operation, management, closure and
33 monitoring of dredged material disposal, treatment and processing
34 facilities; and

35 (3) the development, evaluation, certification and implementation
36 of demonstration dredged material decontamination and treatment
37 technologies that are cost-effective, environmentally sound and that
38 create a usable end product.

39 c. The departments shall be authorized to acquire by purchase,
40 lease, grant or otherwise, any land, real or personal property which, in
41 the determination of the departments, is reasonably necessary to
42 effectuate the purposes of this act.

43 d. The departments shall be authorized to solicit proposals and to
44 enter into all contracts and agreements necessary to plan, design,
45 construct, equip, operate, finance, improve or maintain demonstration
46 projects for dredging, dredged material disposal and dredged material

1 decontamination projects.

2 e. The departments shall be authorized to charge and collect fees
3 or charges for dredging and for the use of a dredged material disposal
4 facility at such rates necessary to compensate for the costs to dredge,
5 and to plan, design, construct, equip, operate, improve, maintain, close
6 or replace the dredged material disposal facility and to ensure
7 continued availability of dredging and dredged material disposal .
8 (cf: P.L.1997, c.97, s.5)

9

10 15. Section 10 of P.L.1997, c.97 (C.12:6B-6) is amended to read
11 as follows:

12 10. The Department of [Commerce and Economic Development]
13 Transportation and the Department of Environmental Protection shall
14 establish, in consultation with the Dredging Project Facilitation Task
15 Force, the criteria for the content of final requests for proposals for
16 any studies, assessments, demonstration projects and dredging, and all
17 phases in the development and construction of a dredged material
18 disposal facility. The State may include in a request for proposals
19 developed pursuant to this act, on a case-by-case basis, a provision for
20 the indemnification of the State by the contract holder. The
21 Department of [Commerce and Economic Development]
22 Transportation or the Department of Environmental Protection, as
23 appropriate, in consultation with the task force, shall solicit requests
24 for proposals and negotiate contracts.
25 (cf: P.L.1997, c.97, s.10)

26

27 16. Section 11 of P.L.1997, c.97 (C.12:6B-7) is amended to read
28 as follows:

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

33 b. The Department of [Commerce and Economic Development]
34 Transportation shall adopt, pursuant to the "Administrative Procedure
35 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules or regulations
36 necessary to effectuate the purposes of this act.
37 (cf: P.L.1997, c.97, s.11)

38

39 17. This act shall take effect immediately.

40

41

42

STATEMENT

43

44 This bill, known as the "New Jersey Marine Transportation System
45 Act," statutorily establishes the Office of Maritime Resources in the
46 Department of Transportation. Although the Office of Maritime

1 Resources had been an agency within the New Jersey Commerce and
2 Economic Growth Commission prior to its transfer to the Department
3 of Transportation, effective December 31, 1999, the office was not
4 statutorily created. This bill provides the statutory authority for the
5 establishment of the office and specifies its responsibilities.

6 The bill also provides additional powers to the Commissioner of
7 Transportation with respect to maritime activities, including dredging
8 and dredging related functions. Further, the bill authorizes purchases,
9 contracts or agreements for dredging and dredging related projects and
10 when such projects are to be publicly bid or when they may be
11 negotiated.

12 The bill amends several sections of law to indicate that the Office
13 of Maritime Resources and the Dredging Project Facilities Task Force
14 are in the Department of Transportation. Finally, the bill authorizes
15 the commissioner to make and issue rules and regulations to effectuate
16 the purposes established by this bill.

17

18

19

20

21 Establishes Office of Maritime Resources in DOT.

1 e. The departments shall be authorized to charge and collect fees
2 or charges for dredging and for the use of a dredged material disposal
3 facility at such rates necessary to compensate for the costs to dredge,
4 and to plan, design, construct, equip, operate, improve, maintain, close
5 or replace the dredged material disposal facility and to ensure
6 continued availability of dredging and dredged material disposal .
7 (cf: P.L.1997, c.97, s.5)

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19 the indemnification of the State by the contract holder. The
20 Department of **Commerce and Economic Development**
21 Transportation or the Department of Environmental Protection, as
22 appropriate, in consultation with the task force, shall solicit requests
23 for proposals and negotiate contracts.

24 (cf: P.L.1997, c.97, s.10)

25

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

36 (cf: P.L.1997, c.97, s.11)

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11 The bill amends several sections of law to indicate that the Office
12 of Maritime Resources and the Dredging Project Facilities Task Force
13 are in the Department of Transportation. Finally, the bill authorizes
14 the commissioner to make and issue rules and regulations to effectuate
15 the purposes established by this bill.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3925

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2001

The Assembly Transportation Committee reports favorably Assembly Bill No. 3925.

This bill, known as the "New Jersey Marine Transportation System Act," statutorily establishes the Office of Maritime Resources in the Department of Transportation. Although the Office of Maritime Resources has been an agency within the New Jersey Commerce and Economic Growth Commission and, since December 31, 1999, of the Department of Transportation, the office was never statutorily created. This bill provides the statutory authority for the establishment of the office and specifies its responsibilities.

In addition, the bill establishes the "Maritime Industry Fund," a separate, non-lapsing account in the General Fund, which is to be annually credited with revenues from any State dredged material processing facility and earnings from the investment or deposit of revenue in the fund. Revenues and earnings deposited in the fund are to be appropriated in the same fiscal year to the department to further the purposes of the office.

The bill also provides additional powers to the Commissioner of Transportation with respect to maritime activities, including dredging and dredging related functions. Further, the bill authorizes purchases, contracts or agreements for dredging and dredging related projects and when such projects are to be publicly bid or when they may be negotiated.

The bill amends several sections of law to indicate that the Office of Maritime Resources and the Dredging Project Facilities Task Force are in the Department of Transportation. Finally, the bill authorizes the commissioner to make and issue rules and regulations to effectuate the purposes established by this bill.

SENATE TRANSPORTATION COMMITTEE**STATEMENT TO****SENATE, No. 2717****STATE OF NEW JERSEY**

DATED: DECEMBER 13, 2001

The Senate Transportation Committee reports favorably Senate Bill No. 2717.

This bill, known as the "New Jersey Marine Transportation System Act," statutorily establishes the Office of Maritime Resources in the Department of Transportation. Although the Office of Maritime Resources had been an agency within the New Jersey Commerce and Economic Growth Commission prior to its transfer to the Department of Transportation, effective December 31, 1999, the office was not statutorily created. This bill provides the statutory authority for the establishment of the office and specifies its responsibilities.

The bill also provides additional powers to the Commissioner of Transportation with respect to maritime activities, including dredging and dredging related functions. Further, the bill authorizes purchases, contracts or agreements for dredging and dredging related projects and when such projects are to be publicly bid or when they may be negotiated.

The bill amends several sections of law to indicate that the Office of Maritime Resources and the Dredging Project Facilities Task Force are in the Department of Transportation. Finally, the bill authorizes the commissioner to make and issue rules and regulations to effectuate the purposes established by this bill.