

12:6B-1 to 12:6B-8  
LEGISLATIVE HISTORY CHECKLIST  
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NJSA: 12:6B-1 to 12:6B-8 (Dredging-expenditure)

LAWS OF: 1997 CHAPTER: 97

BILL NO: S34

SPONSOR(S): D9Francesco & others

DATE INTRODUCED: January 23, 1997

COMMITTEE: ASSEMBLY: ---  
SENATE: Economic Growth

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by  
Second reprint enacted superscript numbers

DATE OF PASSAGE: ASSEMBLY: March 24, 1997  
SENATE: March 10, 1997

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FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

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Adopted 3-10-97

COMMITTEE STATEMENT: ASSEMBLY: No  
SENATE: Yes

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[Second Reprint]  
SENATE, No. 34

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1997

By Senators DiFRANCESCO, O'CONNOR, Scott, Kyrillos, Rice,  
Assemblymen Corodemus, DeCroce, Assemblywomen Heck,  
Murphy and Assemblyman Talarico

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  
4 Title 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;

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

13

14 2. As used in this act:

15 "Containment facility" means an upland or in-water confined  
16 disposal facility which shall consist of an artificially constructed island,  
17 a diked extension of an existing island, or a diked extension attached  
18 to land, and which is used solely for the disposal of dredged materials;19 <sup>2</sup>["Delaware River and Bay Region" means all the State territory  
20 located within the "port district," as defined pursuant to section 1(6)  
21 of P.L.1951, c.288 (C.32:3-13.23);]22 "Decontamination" means a process by which contaminants are  
23 removed or reduced from dredged materials, or by which dredged  
24 materials are otherwise made acceptable for use;<sup>2</sup>25 "Dredge" or "dredging" means the removal of sand, silt, mud, and  
26 other materials from the bottom of a waterway in order to deepen  
27 navigation channels and ship berths;28 "Dredged material" means material removed by dredging that is, in  
29 the determination of the federal Environmental Protection Agency,  
30 either unsuitable for ocean disposal or suitable for ocean disposal only  
31 with capping;32 <sup>1</sup>["Economic development site" means land, equipment, buildings,  
33 appurtenant infrastructure and miscellaneous site improvements  
34 designed to promote economic activity and new jobs in the Delaware  
35 River and Bay Region; and]<sup>1</sup>36 "Port region" means the geographic area created by Article II of the  
37 Compact of April 30, 1921, creating the bi-state agency, now known  
38 as the Port Authority of New York and New Jersey, and which is  
39 commonly referred to as the Port of New York District <sup>1</sup>;40 <sup>2</sup>"Project" means any work relating to the construction of a  
41 containment facility or facilities and subaqueous pits for the disposal  
42 of dredged material from the port region; the decontamination of  
43 dredged material; the dredging of the Kill Van Kull, the Arthur Kill  
44 and other navigation channels located in the port region; the dredging  
45 of navigation channels not located in the port region; or the purchase  
46 of real or personal property, equipment, and any building.



1 vacancy shall be filled in the same manner as the original appointment  
 2 for the unexpired term only. A public member may be reappointed to  
 3 the task force upon term expiration.

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

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

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

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

44 b. Upon approval of a project priority list for projects authorized  
 45 to receive funding pursuant to sections 5 and 7 of P.L.1996, c.70, or  
 46 upon the failure of the task force to approve or disapprove a project

1 priority list within 60 days of receipt of the list from the office, the  
 2 task force shall submit the list to the President of the Senate and the  
 3 Speaker of the General Assembly, who shall cause the project priority  
 4 list to be introduced in each House in the form of legislative  
 5 appropriations bills.

6 c. The Legislature shall consider, and may amend or supplement,  
 7 the appropriations bills containing the project priority list. Any bill  
 8 introduced pursuant to subsection b. of this section and approved by  
 9 the Legislature shall appropriate monies from the "1996 Dredging and  
 10 Containment Facility Fund," established pursuant to section 18 of  
 11 P.L.1996, c.70, only for the projects authorized pursuant to sections  
 12 5 and 7 of P.L.1996, c.70, and shall identify the specific projects,  
 13 including the individual amounts therefor, for which monies are  
 14 appropriated.

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

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

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

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

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

45 (2) the development, operation <sup>2</sup>[and] <sup>2</sup> management <sup>2</sup>[of] .

1 closure and monitoring of<sup>2</sup> dredged material disposal, treatment and  
2 processing facilities; and

3 (3) the development, evaluation, certification and implementation  
4 of demonstration <sup>1</sup>dredged material<sup>1</sup> decontamination and treatment  
5 technologies that are cost-effective, environmentally sound and that  
6 create a usable end product.

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

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

18 e. The <sup>2</sup>[office] departments<sup>2</sup> shall be authorized to charge and  
19 collect fees or charges <sup>2</sup>for dredging and<sup>2</sup> for the use of a dredged  
20 material disposal facility at such rates necessary to compensate for the  
21 costs to <sup>2</sup>dredge, and to <sup>2</sup>plan, design, construct, equip, operate,  
22 improve, maintain, close or replace the dredged material disposal  
23 facility and to ensure continued availability of <sup>2</sup>[the facility] dredging  
24 and dredged material disposal<sup>2</sup> .  
25

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

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

1 specific projects, including the individual amounts therefor, <sup>1</sup>[on the  
2 list] for which monies are appropriated<sup>1</sup>.

3 c. No monies appropriated pursuant to subsection b. of this section  
4 shall be expended for any <sup>1</sup>[dredging related] <sup>1</sup>project unless the  
5 expenditure is authorized pursuant to the <sup>1</sup>project<sup>1</sup> priority list  
6 contained in the legislation approved in accordance with the provisions  
7 of subsection b. of this section.]<sup>2</sup>

8  
9 <sup>2</sup>[7. The Department of Environmental Protection shall <sup>1</sup>[, as it  
10 deems necessary,]<sup>1</sup> submit to the Legislature <sup>1</sup>, at such times as it  
11 deems appropriate,<sup>1</sup> a priority list of projects related to the dredging  
12 of navigation channels not located in the port region and authorized to  
13 receive funding pursuant to section 7 of P.L.1996, c.70. The order of  
14 priority for these dredging projects shall include, but need not be  
15 limited to, the maintenance of the viability of navigation channels not  
16 located in the port region to promote recreation <sup>1</sup>[and] <sup>1</sup>,<sup>1</sup> tourism  
17 <sup>1</sup>and commercial fishing,<sup>1</sup> as well as the creation and retention of jobs  
18 related to the navigability of these waterways. The Legislature shall,  
19 from time to time, appropriate <sup>1</sup>to the Department of Environmental  
20 Protection<sup>1</sup> monies <sup>1</sup>from the "1996 Dredging and Containment  
21 Facility Fund," established pursuant to section 18 of P.L.1996, c.70<sup>1</sup>  
22 to finance the <sup>1</sup>[costs] cost of projects<sup>1</sup> authorized pursuant to the  
23 provisions of section 7 of P.L.1996, c.70. <sup>1</sup>[Such monies shall be  
24 appropriated to the Department of Environmental Protection from the  
25 "1996 Dredging and Containment Facility Fund," established pursuant  
26 to section 18 of P.L.1996, c.70.]<sup>1</sup><sup>2</sup>

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

40 b. The task force shall consist of 12 members, and shall include:  
41 two representatives of the Department of Commerce and Economic  
42 Development, one of whom shall be the Commissioner, or his  
43 designee, who shall serve ex-officio, and one of whom shall be  
44 appointed by the Commissioner of Commerce and Economic  
45 Development; the Chairperson of the New Jersey Economic



1 Development Authority, or his designee, who shall serve ex-officio;  
2 three public members appointed by the Governor; three public  
3 members appointed by the President of the Senate; and three public  
4 members appointed by the Speaker of the General Assembly, one of  
5 whom the Speaker of the General Assembly shall designate as chair of  
6 the task force. The appointment of the members shall be made within  
7 45 days of the effective date of this act. An official making  
8 appointments to the task force shall not appoint more than one public  
9 member from the same county of residence. The appointee of the  
10 Speaker of the General Assembly designated as chair of the task force  
11 shall serve a term of two years and shall convene an organizational  
12 meeting of the task force as soon as is practicable following the  
13 appointment of at least six public members to the task force. The  
14 public members shall reside in the Delaware River and Bay Region.

15 c. The public members shall serve terms of two years, except that  
16 of the public members first appointed by each appointing authority,  
17 one shall serve a term of three years, one shall serve a term of two  
18 years, and one shall serve a term of one year. Not more than two  
19 public members appointed by the same appointing authority shall be  
20 members of the same political party.

21 d. Each member of the task force shall serve for the term of the  
22 appointment and until a successor shall have been appointed and  
23 qualified. Task force members shall serve without compensation. Any  
24 vacancy shall be filled in the same manner as the original appointment  
25 for the unexpired term only. A public member may be reappointed to  
26 the task force upon term expiration.

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

29 f. A majority of the full membership of the task force shall  
30 constitute a quorum for the transaction of task force business. Action  
31 may be taken and motions and resolutions adopted by the task force  
32 at any meeting thereof by the affirmative vote of a majority of the full  
33 membership of the task force.<sup>2</sup>

34  
35 <sup>27</sup> a. The Department of Commerce and Economic Development  
36 shall establish a process under which applicants may apply for monies  
37 made available from the "1996 Economic Development Site Fund,"  
38 established pursuant to section 20 of P.L. 1996, c.70.

39 b. It shall be the duty of the Department of Commerce and  
40 Economic Development to review and evaluate applications received  
41 pursuant to the process established in subsection a. of this section to  
42 determine whether the project is eligible pursuant to the provisions of  
43 section 8 of P.L. , c. (C. )(now before the Legislature as this  
44 bill). Of those projects deemed eligible, the Department of Commerce  
45 and Economic Development shall include a description of each project  
46 and its purpose, impact, cost, and construction schedule and a

- 1 recommendation for the approval or disapproval by the task force.
- 2 c. Upon the development of the project priority list, the  
3 Department of Commerce and Economic Development shall submit the  
4 list to the task force for its approval. The task force is authorized to  
5 approve, disapprove or approve with modifications, a project priority  
6 list. Upon approval of a project priority list containing projects  
7 eligible pursuant to section 8 of P.L. , c. (C. )(now before the  
8 Legislature as this bill), and authorized to receive funding pursuant to  
9 section 8 of P.L. 1996, c. 70, the task force shall submit a project  
10 priority list to the President of the Senate and the Speaker of the  
11 General Assembly, who shall cause the project priority list to be  
12 introduced in each House in the form of legislative appropriations bills.
- 13 d. The Legislature shall consider, and may amend or supplement,  
14 the appropriations bills containing the project priority list. The monies  
15 authorized to be appropriated pursuant to this subsection shall be  
16 appropriated from the "1996 Economic Development Site Fund,"  
17 established pursuant to section 20 of P.L.1996, c.70, to the  
18 Department of Commerce and Economic Development for the projects  
19 designated in the legislation. The Department of Commerce and  
20 Economic Development shall administer the projects designated in the  
21 legislation.
- 22 e. No monies appropriated pursuant to subsection d. of this section  
23 shall be expended for any economic development site related project  
24 unless the expenditure is authorized pursuant to the legislation  
25 approved in accordance with the provisions of subsection d. of this  
26 section.
- 27 f. Nothing in this section shall preclude the Legislature from  
28 developing a project priority list and making appropriations therefor.<sup>2</sup>  
29
- 30 8. <sup>2</sup>a.<sup>2</sup> To be eligible to receive monies from the "1996 Economic  
31 Development Site Fund," established pursuant to section 20 of  
32 P.L.1996, c.70, an economic development site project must meet at  
33 least two of the following criteria:
- 34 <sup>2</sup>[a.] (1)<sup>2</sup> The project will support or enhance the existing  
35 economic base of the region in which it is located, which may include,  
36 but need not be limited to, the agricultural, tourism and commercial  
37 sectors, or improvements to the region's infrastructure;
- 38 <sup>2</sup>[b.] (2)<sup>2</sup> The project will result in the rehabilitation or expansion  
39 of existing facilities in the region in which it is located;
- 40 <sup>2</sup>[c.] (3)<sup>2</sup> The project will result in the creation or retention of  
41 jobs in the region in which it is located; and
- 42 <sup>2</sup>[d.] (4)<sup>2</sup> The project will foster the development of business or  
43 commercial ventures which will promote long-term economic growth  
44 in the region in which it is located.
- 45 <sup>2</sup>b. No monies from the "1996 Economic Development Site Fund,"  
46 established pursuant to section 20 of P.L.1996, c.70, shall be expended

1 for an economic development site outside of the Delaware River and  
2 Bay Region.<sup>2</sup>

3 <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  
4 P.L. , c. (C. )(now before the Legislature as this bill):  
5 "Delaware River and Bay Region" means all the State territory located  
6 within the "port district," as defined pursuant to section 1(6) of  
7 P.L.1951, c.288 (C.32:3-13.23); and<sup>2</sup> "economic development site"  
8 means land, equipment, buildings, appurtenant infrastructure and  
9 miscellaneous site improvements designed to promote economic  
10 activity and new jobs in the Delaware River and Bay Region.<sup>1</sup>

11  
12 9. The Legislature shall, from time to time, appropriate monies  
13 from the "1996 Economic Development Site Fund," established  
14 pursuant to section 20 of P.L.1996, c.70, to the Department of  
15 Commerce and Economic Development for the projects designated in  
16 the legislation. Any appropriation from this fund shall specify the  
17 projects involved, all of which shall meet the requirements of section  
18 8 of P.L. , c. (C. )(now before the Legislature as this bill).

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

33  
34 11. a. The Department of Environmental Protection shall adopt,  
35 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
36 (C.52:14B-1 et seq.), any rules or regulations necessary to effectuate  
37 the purposes of this act.

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

42  
43 12. The Legislature may, in the annual appropriations act or in any  
44 other act, limit the amount of funds appropriated from the "1996  
45 Dredging and Containment Facility Fund," established pursuant to  
46 section 18 of P.L.1996, c.70, that may be expended for any direct or

1 indirect program administrative costs of the State, its departments,  
2 agencies, or authorities.

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

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

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

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

1 of the State by the contract holder. The Department of Commerce and  
2 Economic Development or the Department of Environmental  
3 Protection, as appropriate, in consultation with the task force, shall  
4 solicit requests for proposals and negotiate contracts.

5

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

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

14

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

21

22 13. This act shall take effect immediately.

23

24

#### 25 STATEMENT

26

27 This bill would establish guidelines and procedures for the  
28 appropriation of certain bond funds authorized pursuant to the "Port  
29 of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake  
30 Restoration, and Delaware Bay Area Economic Development Bond  
31 Act of 1996," P.L.1996, c.70. The bill provides specific guidelines for  
32 the appropriation of monies from the "1996 Dredging and  
33 Containment Facility Fund" and the "1996 Economic Development  
34 Site Fund," both of which were created in the 1996 bond act and  
35 approved by the voters in November, 1996.

36 With regard to the appropriation and expenditure of bond monies  
37 authorized for the dredging of navigational channels in the New Jersey  
38 port region (e.g., Kill van Kull, Arthur Kill), the construction of  
39 underwater storage pits and containment facilities for the disposal of  
40 dredged materials, and dredged material decontamination projects, the  
41 bill authorizes the Office of Maritime Resources in the Department of  
42 Commerce and Economic Development to develop a priority list of  
43 dredging and dredged material disposal facility projects.

44 Prior to submission to the Legislature for consideration, the list  
45 would first have to be approved by a 12-member Dredging Project  
46 Facilitation Task Force established by the bill. The task force would

1 be composed of one non-voting member, the Business Ombudsman,  
2 and eleven voting members, including the Commissioners of  
3 Environmental Protection and Commerce and Economic Development,  
4 and nine public members, three of which would be appointed by the  
5 Governor, three by the Senate President and three by the Speaker of  
6 the General Assembly. One of the Senate President's appointments  
7 would be the chair of the task force. The public members would be  
8 required to represent various sectors related to the port economy.  
9 Upon the approval of the priority list by the task force, the Legislature  
10 would then consider the list in the form of an appropriations bill listing  
11 specific projects, in accordance with the provision of the bond act.

12 The bill assigns primary responsibility for the development and  
13 implementation of a comprehensive dredging and dredged material  
14 management and disposal plan to the Office of Maritime Resources, in  
15 consultation with the Department of Environmental Protection (DEP)  
16 and the task force. The bill authorizes the office to manage the  
17 development and implementation of dredging and dredged disposal  
18 facility projects and demonstration decontamination and treatment  
19 technologies, as well as to charge fees for the use of a dredged  
20 material disposal facility to offset the costs of the facility.

21 With regard to the dredging of navigation channels not located in  
22 the port region, for which the bond act authorizes a total of \$20  
23 million, the bill requires the DEP to submit to the Legislature a priority  
24 list, as necessary, of such projects for approval. The order of priority  
25 would be based upon the maintenance of the channels so as to promote  
26 recreation and tourism and create and retain related jobs.

27 The bill also establishes eligibility criteria for economic  
28 development sites, for which the bond act authorizes \$20 million. The  
29 project would be required to meet specific criteria related to its impact  
30 on economic development in the affected region.

31 Finally, the bill authorizes the Legislature to limit the amount of  
32 bond funds that may be expended for administrative costs.

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37 Establishes process for expenditure of dredging and economic  
38 development bond monies.

SENATE ECONOMIC GROWTH, AGRICULTURE  
AND TOURISM COMMITTEE

STATEMENT TO

**SENATE, No. 34**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 10, 1997

The Senate Economic Growth, Tourism and Agriculture Committee reports favorably Senate Bill No. 34, with committee amendments.

This bill would establish guidelines and procedures for the appropriation of certain bond funds authorized pursuant to the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70. The bill provides specific guidelines for the appropriation of monies from the "1996 Dredging and Containment Facility Fund" and the "1996 Economic Development Site Fund," both of which were created in the 1996 bond act and approved by the voters in November, 1996.

With regard to the appropriation and expenditure of bond monies authorized for the dredging of navigational channels in the New Jersey port region (e.g., Kill van Kull, Arthur Kill), the construction of underwater storage pits and containment facilities for the disposal of dredged materials, and dredged material decontamination projects, the bill authorizes the Office of Maritime Resources in the Department of Commerce and Economic Development to develop a priority list of dredging and dredged material disposal facility projects.

Prior to submission to the Legislature for consideration, the list would first have to be approved by an 11-member Dredging Project Facilitation Task Force established by the bill. The task force would be composed of the Commissioners of Environmental Protection and Commerce and Economic Development, and nine public members, three of which would be appointed by the Governor, three by the Senate President and three by the Speaker of the General Assembly. One of the Senate President's appointments would be the chair of the task force. The public members would be required to represent various sectors related to the port economy. Upon the approval of the priority list by the task force, the Legislature would then consider the list in the form of an appropriations bill listing specific projects, in accordance with the provisions of the bond act.

The bill assigns primary responsibility for the development and implementation of a comprehensive dredging and dredged material management and disposal plan to the Office of Maritime Resources, in consultation with the Department of Environmental Protection (DEP) and the task force. The bill authorizes the office to manage the development and implementation of dredging and dredged disposal facility projects and demonstration decontamination and treatment technologies, as well as to charge fees for the use of a dredged material disposal facility to offset the costs of the facility.

With regard to the dredging of navigation channels not located in the port region, for which the bond act authorizes a total of \$20 million, the bill requires the DEP to submit to the Legislature a priority list, as necessary, of such projects for approval. The order of priority would be based upon the maintenance of the channels so as to promote recreation, tourism and commercial fishing, and create and retain related jobs.

The bill also establishes eligibility criteria for economic development sites, for which the bond act authorizes \$20 million. The project would be required to meet specific criteria related to its impact on economic development in the affected region.

Finally, the bill authorizes the Legislature to limit the amount of bond funds that may be expended for administrative costs.

The committee amendments are technical in nature and would clarify language in the bill and provide more precise directions with regard to the legislative process for bond appropriations. The amendments also remove a requirement that the State include, in each request for proposals, a provision for the indemnification of the State by the contract holder. Instead, the bill would, on a case-by-case basis, permit the State to include such a provision in a request for proposals.

As the monies authorized pursuant to section 5 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act," P.L.1996, c.70, are appropriated, it is the intent of the committee that the State take the appropriate steps to ensure that other stakeholders, namely the City and State of New York, the Port Authority of New York and New Jersey and the federal government, have participated to the maximum extent possible.



# STATEMENT TO

[First Reprint]

## **SENATE, No. 34**

with Senate Floor Amendments  
(Proposed By Senators DiFrancesco and O'Connor)

ADOPTED: MARCH 10, 1997

The amendments would provide the following:

(1) A \$32 million appropriation from the "1996 Dredging and Containment Facility Fund," established pursuant to the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70 for dredging and dredged material disposal projects, including infrastructure investments, in the Kill Van Kull, Arthur Kill, Wards Point Bend, Port Jersey Channel, Claremont Channel, Shooter's Island Reach, New Jersey Anchorages, Reaches A, B, C and D in Port Newark/Elizabeth, the Raritan River Channel, the Raritan Bay Reach, the New Jersey side of the 40 foot Hudson River Channel, and the Newark Bay Channels.

(2) The establishment of a 12-member Economic Development Site Task Force that would serve to prioritize economic development site projects authorized by the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996." The amendments establish a procedure for the expenditure of economic development bond monies, whereby the Department of Commerce and Economic Development would establish and administer an application process and develop a project priority list for submission to the task force. The task force would then approve, disapprove or approve with modifications the project list submitted by the department, which would be required to include all projects eligible pursuant to the criteria established in section 8 of the bill. The task force would then submit, upon its approval, a project priority list to the Legislature for legislative review and consideration.

(3) The dredging task force would be expanded to 12 members to include the State Treasurer. The amendments also provide additional clarification regarding the terms of the dredging task force. The amendments establish a two-year term for public members, and provide for staggered first-time appointments of one, two and three years by each of the appointing authorities. No more than two public members appointed by the same appointing authority could be members of the same political party. The chairman of the task force would be appointed to a two-year term. The amendments also clarify that agreement of a majority of the full membership is required for the

task force to act.

(4) The amendments require the task force to approve or disapprove a project priority list within 60 days of receipt of the list from the Office of Maritime Resources. Failure to act within this time period would mean automatic transmission of the list to the Legislature for introduction as appropriations bills.

(5) The amendments provide that non-port dredging projects would be administered by the Office of Maritime Resources in the Department of Commerce and Economic Development. Consequently, the non-port dredging projects would be subject to the dredging task force's approval prior to legislative consideration and appropriation.

(6) The amendments require the project priority lists developed by the Office of Maritime Resources to include, over time, not less than \$5 million for decontamination projects. The amendments also add references to "decontamination" to the bill to ensure that decontamination projects and facilities receive the same consideration as any other dredged material disposal alternative, and thus make the bill consistent with language contained in the original bond act.

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## OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001**

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**TRENTON, NJ 08625**

**RELEASE:** Thurs, May 8, 1997

### **GOVERNOR WHITMAN SIGNS DREDGING BOND ACT TO KEEP NEW JERSEY WORKING**

With cargo containers being unloaded in the background, Gov. Christie Whitman today signed the dredging bond implementation act into law, ensuring that New Jersey keeps working and its ports remain open.

"This is about jobs," Gov. Whitman said. "Dredging affects everyone, because the products that come through this port are found in homes throughout this state. With this act, we preserve New Jersey's reputation as an international gateway. And most importantly, we keep the ports open, the workers employed, and the goods moving -- while at the same time, we protect the environment."

Without dredging, cargo ships would be unable to load and unload at Port Newark/Elizabeth, jeopardizing the jobs of 180,000 people and more than \$29 billion in economic activity. More than a million metric tons of silt flows into the port each year.

The Governor also toured the ship *Ever Repute*, a 964 foot cargo ship that requires a 45 foot depth when fully loaded. The dredging projects being funded by the bond act will ensure that ships this size will continue to be able to dock at New Jersey ports.

Gov. Whitman observed the unloading of the ship's cargo and talked with workers at the port whose jobs will be preserved by the dredging projects funded by the bond act.

In her remarks, Gov. Whitman said she was concerned that the federal government had not included sufficient funding, notably for dredging the Elizabeth

Channel, in its budget request. The dredging of that and other high priority channels had been agreed to by the White House.

"The Elizabeth Channel needs immediate attention," Governor Whitman said. "But the federal government may not be ready to fund this work as soon as permits are issued. If that's the case, I will ask the Port Authority to draw on the \$65 million in dredging funds allocated to New Jersey to dredge the channel."

Gov. Whitman also said she has asked Assemblyman Steve Corodemus and the Dredged Materials Management Team to thoroughly review the 53 disposal sites that have been proposed by the U.S. Army Corps of Engineers, and to report back in six months on which sites are acceptable. Governor Whitman had objected to several of the proposed Army Corps disposal sites, which included building a containment island in Raritan Bay, and locating several sites close to ballfields, playgrounds and a synagogue.

Today's bill signing marks another critical component in Governor Whitman's efforts to ensure that the ports remain open and its employees working, by helping to fund the dredging of navigational channels that lead to Ports Newark/Elizabeth.

The bond issue was overwhelmingly approved by the voters last fall. The legislation that the Governor signed today establishes a mechanism for appropriating money from the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration & Delaware Bay Economic Development Bond Act of 1996." The bipartisan legislation, **S-34**, was sponsored by Senate President Donald T. DiFrancesco (R-Union) and Sen. Edward T. O'Connor (D-Hudson), as well as Assemblymen Steve Corodemus, (R-Monmouth) and Alex DeCroce, (R-Passaic.)

It also immediately makes \$32 million available to support dredging infrastructure projects.

Last year, Gov. Whitman helped break a dredging logjam over where dredge materials should be placed when the state announced the authorization of the beneficial reuse of dredged materials as construction fill for a mall parking lot in Elizabeth. That site solved one of the most difficult issues involving dredging -- where to put dredged material -- by giving the Port Authority a disposal site and providing the crucial link which allowed the dredging to begin.

In addition to the approach channels, dredging is required at four berths in Port Newark/Elizabeth, known as Reaches A, B, C and D. In fact, the dredging of Reach A, and the removal of 86,000 cubic yards of dredged materials to the Elizabeth construction site, was completed last month. Last week, the U.S. Army Corps of Engineers gave the Port Authority a permit to begin a deepening project at the Port Elizabeth berths (Reaches B and C), which will allow bigger container ships requiring 45 foot depths to dock at the port. The dredging of Reach C will begin the week of

May 12. Yesterday, the Corps released the permit for Reach D. The current depth averages 38-40 feet, which limits the port's ability to compete for cargo.

"This port is critical to the economy of New Jersey," said Commerce Commissioner Gualberto "Gil" Medina. "It supports 70,000 manufacturing jobs in this state, and more than \$20 billion in exports. Dredging these ports is vital to our economic base."

The implementation legislation which Governor Whitman signed today establishes the process by which the moneys from the bond are to be spent. The authorization includes:

- \$185 million will help fund the dredging of the navigational channels that lead to Reaches A, B, C and D in the Port Authority's region, including the Kill Van Kull and the Arthur Kill. The money will also be used to identify and develop disposal options, such as underwater pits and a containment facility, as well as decontamination of dredged materials.
- \$20 million from the bond issue will be used to dredge navigational channels located in the rest of the state, including those channels used by commercial fishing industrial and recreational boaters.
- \$20 million to finance economic development projects in the Delaware River and Bay region, which includes Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem counties.
- At least \$5 million for decontamination technologies.

The bond money is in addition to \$130 million that Governor Whitman and New York Governor George Pataki said the Port Authority of New York and New Jersey had committed to dredging. The New Jersey share of that money, \$65 million, will be used to help build the Newark Bay disposal pits.

Construction of the Newark Bay disposal pits is expected to begin on or around May 21, said Frank McDonough, Director of the Office of Maritime Resources.

The legislation also directs the Office of Maritime Resources to develop a comprehensive statewide plan for dredging and disposal of dredged materials.