

13:19-16.2

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

NJSA: 13:19-16.2 (Shore protection)

LAWS OF: 1997 CHAPTER: 384

BILL NO: S1649

SPONSOR(S): Kyrillos

DATE INTRODUCED: October 28, 1996

COMMITTEE: ASSEMBLY: Environment
SENATE: Natural Resources

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

DATE OF PASSAGE: ASSEMBLY: January 8, 1998
SENATE: May 22, 1997

DATE OF APPROVAL: January 19, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VE TO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

§1
C. 13:19-16.2
§3
Note To §§1,2

P.L. 1997, CHAPTER 384, *approved January 19, 1998*
Senate, No. 1649 (*Second Reprint*)

1 AN ACT concerning legislative oversight of shore protection
2 expenditures, amending and supplementing P.L.1992, c.148.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

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, ¹[1997] ²[1998¹] 1999², 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, ¹estimated cost, and ¹estimated 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
27 pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1) for projects
28 on the list, and shall refer these bills to the Senate ¹[Natural Resources
29 and Economic Development] Economic Growth, Agriculture and

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:

¹ Senate SEG committee amendments adopted February 10, 1997.

² Assembly floor amendments adopted December 18, 1997.

1 Tourism¹ Committee² [and] , the Senate Budget and Appropriations
 2 Committee.² the General Assembly Environment, Science and
 3 Technology Committee,² and the General Assembly Appropriations
 4 Committee.² or their successors, for their respective consideration.

5 b. Within 60 days of the referral thereof, the Senate ¹[Natural
 6 Resources and Economic Development] Economic Growth,
 7 Agriculture and Tourism¹ Committee² [and] , the Senate Budget and
 8 Appropriations Committee.² the General Assembly Environment,
 9 Science and Technology Committee² , and the General Assembly
 10 Appropriations Committee² ¹ , or their successors.¹ shall, either
 11 individually or jointly, consider the legislation containing the project
 12 priority list, and shall report the legislation, together with any
 13 modifications, out of committee for consideration by each House of
 14 the Legislature. On or before June 1 of each year, the Legislature shall
 15 approve the legislation containing the project priority list, including
 16 any amendatory or supplementary provisions thereto. The legislation
 17 approved by the Legislature shall authorize the expenditure of monies
 18 appropriated to the Department of Environmental Protection from the
 19 ¹[the]¹ Shore Protection Fund for the specific projects, including the
 20 ¹[individual] estimated¹ amounts therefor, on the list.

21 c. No monies appropriated from the Shore Protection Fund to the
 22 Department of Environmental Protection shall be expended for any
 23 shore protection project unless the ¹estimated ¹expenditure is
 24 authorized pursuant to legislation approved in accordance with the
 25 provisions of subsection b. of this section ¹or unless the shore
 26 protection project is of an emergency nature pursuant to the provisions
 27 of subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1). The
 28 department is authorized to transfer monies between authorized
 29 projects to compensate for the differences between the estimated and
 30 actual costs of a project. If the Legislature fails to approve legislation
 31 within the time frame specified pursuant to subsection b. of this
 32 section, the expenditure of monies appropriated from the Shore
 33 Protection Fund shall be authorized pursuant to the provisions of the
 34 annual appropriations act¹.

35

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

38 1. a. There is created in the Department of the Treasury a special
 39 non-lapsing fund to be known as the "Shore Protection Fund." The
 40 monies in the fund are dedicated and shall only be used to carry out
 41 the purposes enumerated in subsection b. of this section. The fund
 42 shall be credited with all revenues collected and deposited in the fund
 43 pursuant to section 4 of P.L.1968, c.49 (C.46:15-8), all interest
 44 received from the investment of monies in the fund, and any monies
 45 which, from time to time, may otherwise become available for the
 46 purposes of the fund. Pending the use thereof pursuant to the

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

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

32
 33 3. This act shall take effect ¹**[immediately]** on January 1 following
 34 enactment, but the Commissioner of the Department of Environmental
 35 Protection may take such anticipatory action in advance as shall be
 36 necessary for the implementation of the act¹.

37

38

39

40

41 Establishes priority list and legislative approval of shore protection
 42 projects.

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

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

14

15 3. This act shall take effect immediately.

16

17

18

STATEMENT

19

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

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

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

1 successors, for their respective consideration.

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

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

17

18

19

20

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

ASSEMBLY ENVIRONMENT, SCIENCE AND TECHNOLOGY
COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1649

LAW LIBRARY COPY
DO NOT REMOVE

STATE OF NEW JERSEY

DATED: JUNE 12, 1997

The Assembly Environment, Science and Technology Committee favorably reports Senate Bill No. 1649 (1R).

This bill would establish a procedure for the Legislature to annually review the expenditure of monies deposited in the Shore Protection Fund. Currently, the Department of Environmental Protection (DEP) receives an annual appropriation (\$15 million) pursuant to the appropriations act from the fund to pay for the costs of shore protection projects as determined by the DEP. This bill would require the commissioner to develop a priority system for ranking shore protection projects and to establish appropriate ranking criteria.

Commencing with the fiscal year beginning on July 1, 1998, and for each fiscal year thereafter, the commissioner would be required to use the priority system to establish a shore protection project priority list for projects designated to receive funding pursuant to an appropriation made from the "Shore Protection Fund" established pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1). The list would include a description of each project and its purpose, impact, estimated cost, and estimated construction schedule, and an explanation of the manner in which priorities were established.

The commissioner would be required to submit a description of the priority system and the project priority list for the ensuing fiscal year to the Legislature on or before January 31 of each year on a day when both Houses are meeting. The project priority list would then be introduced in each House in the form of legislative bills authorizing the expenditure of monies appropriated pursuant to the fund for projects on the list. The bills would be referred to the Senate Economic Growth, Agriculture and Tourism Committee and the General Assembly Environment, Science and Technology Committee, or their successors, for their respective consideration.

Within 60 days of referral, the Senate and General Assembly Committees would be required to consider the legislation and report it, together with any modifications, out of committee for consideration

by each House of the Legislature. On or before June 1 of each year, the Legislature would be required to approve the authorizing legislation. The bill would prohibit the expenditure of monies appropriated from the Shore Protection Fund to the Department of Environmental Protection for any shore protection project unless the expenditure is authorized pursuant to legislation, as described above.

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

The bill authorizes the Department of Environmental Protection to transfer monies between projects authorized pursuant to legislation to compensate for the differences between the estimated and actual costs of a project. The bill also provides that, in the event the Legislature does not approve legislation within the time frame specified in the bill, the expenditure of monies appropriated from the Shore Protection Fund would be authorized pursuant to the provisions of the annual appropriations act. Other provisions of the bill further clarify that monies appropriated from the Shore Protection Fund could be expended for shore protection projects of an emergency nature, as already provided pursuant to section 1 of P.L. 1992, c. 148 (C.13:19-16.1). The bill would take effect on January 1 following enactment.

As reported by the committee, this bill is identical to Assembly Bill No. 2969 of 1997 as also reported by the committee.

SENATE ECONOMIC GROWTH, AGRICULTURE
AND TOURISM COMMITTEE

STATEMENT TO

SENATE, No. 1649

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1997

The Senate Economic Development, Agriculture and Tourism Committee favorably reports Senate Bill No. 1649 with committee amendments.

As amended, this bill would establish a procedure for the Legislature to annually review the expenditure of monies deposited in the Shore Protection Fund. Currently, the Department of Environmental Protection (DEP) receives an annual appropriation (\$15 million) pursuant to the appropriations act from the fund to pay for the costs of shore protection projects as determined by the DEP. This bill would require the commissioner to develop a priority system for ranking shore protection projects and establish appropriate ranking criteria.

Commencing with the fiscal year beginning on July 1, 1998, and for each fiscal year thereafter, the commissioner would be required to use the priority system to establish a shore protection project priority list for projects designated to receive funding pursuant to an appropriation made from the Shore Protection Fund, established pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1). The list would include a description of each project and its purpose, impact, estimated cost, and estimated construction schedule, and an explanation of the manner in which priorities were established.

The commissioner would be required to submit a description of the priority system and the project priority list for the ensuing fiscal year to the Legislature on or before January 31 of each year on a day when both Houses are meeting. The project priority list would then be introduced in each House in the form of legislative bills authorizing the expenditure of monies appropriated pursuant to the fund for projects on the list. The bills would be referred to the Senate Economic Growth, Agriculture and Tourism Committee and the General Assembly Environment, Science and Technology Committee, or their successors, for their respective consideration.

Within 60 days of referral, the Senate and General Assembly Committees would be required to consider the legislation and report

it, together with any modifications, out of committee for consideration by each House of the Legislature. On or before June 1 of each year, the Legislature would be required to approve the authorizing legislation. The bill would prohibit the expenditure of monies appropriated from the Shore Protection Fund to the Department of Environmental Protection for any shore protection project unless the expenditure is authorized pursuant to legislation, as described above.

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

The committee adopted amendments that would authorize the Department of Environmental Protection to transfer monies between projects authorized pursuant to legislation to compensate for the differences between the estimated and actual costs of a project. The committee amendments would also provide that, in the event the Legislature does not approve legislation within the time frame specified in the bill, the expenditure of monies appropriated from the Shore Protection Fund would be authorized pursuant to the provisions of the annual appropriations act. Other committee amendments would further clarify that monies appropriated from the Shore Protection Fund could be expended for shore protection projects of an emergency nature, as already provided pursuant to section 1 of P.L. 1992, c. 148 (C.13:19-16.1). Also, the committee amendments provide that the bill would take effect on January 1 following enactment.