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LEGISLATIVE HISTORY CHECKLIST

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"Adopt A Beach"

NJSA: 13:19-22

LAWS OF: 1992 CHAPTER: 213

BILL NO: S61

SPONSOR(S): Palaia and others

DATE INTRODUCED: January 14, 1992

COMMITTEE: ASSEMBLY: Environment

SENATE: Coastal Resources

AMENDED DURING PASSAGE: No Senate Committee Substitute enacted

DATE OF PASSAGE: ASSEMBLY: November 16, 1992

SENATE: May 14, 1992

DATE OF APPROVAL: January 7, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

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ADOPTED

MAY

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 61

STATE OF NEW JERSEY

By Senators PALAIA, BENNETT, Kyrillos, Ciesla

*Suggested
Allocation
§1-9, inclusive
(C.S. 19-22 et
seq.)*

AN ACT concerning beaches and shores and supplementing Title 13 of the Revised Statutes.

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

1. This act shall be known, and may be cited, as the "New Jersey Adopt a Beach Act."

2. The Legislature finds and determines:

a. The presence of debris, litter, floatable waste, and other refuse in the ocean waters has an adverse impact on the quality of those waters and on sea mammals and other marine life;

b. Programs involving public participation can be an integral part of a Statewide strategy to combat the deleterious effects of ocean pollution, and can contribute to the goal of achieving a pollution free environment with the hope that in the future, cleanups of this nature will no longer be required; and

c. "Adopt a beach" programs, which provide for citizen cleanups of beaches and shores of debris, litter, floatable waste, and other refuse, have been enthusiastically received in other states, and have proved useful in the continuing effort to remove potential pollutants from ocean waters; and

d. It is in the public interest and in furtherance of the general welfare of the people of this State to establish an "Adopt a Beach" program in the Department of Environmental Protection.

3. As used in this act:

"Department" means the Department of Environmental Protection.

"Program volunteer" means any group, organization, business, or individual who has adopted a section of beach or shore for cleanup in accordance with this act.

4. The department shall, within 180 days of the effective date of this act, establish an "Adopt a Beach" program. The purpose of the program shall be to utilize volunteer labor in a cooperative effort with State and local government to periodically clear the public beaches and shores of the State of debris, litter, floatable waste, and other refuse.

5. a. The department shall:

(1) Develop a packet of information and instructions, and, within the limits of funds made available therefor, provide cleanup supplies, for use by program volunteers in cleaning up beaches and shores in accordance with this act;

(2) Coordinate with program volunteers and appropriate local government officials in arranging for the disposal, and to the maximum extent practicable and feasible, the recycling, of debris, litter, floatable waste, and other refuse collected by program volunteers;

(3) Advertise and promote the "Adopt a Beach" program, and develop and utilize such slogans, symbols, and mascots as the department may deem expedient for such purposes;

(4) Coordinate the operation of the "Adopt a Beach" program with the responsibilities of the department and the Department of Education to prepare and distribute educational materials concerning the deleterious effects of plastics and other forms of pollution on the marine environment pursuant to the "Clean Ocean Education Act," P.L.1988, c.62 (C.58:10A-52 et seq.);

(5) Cooperate with the Department of Corrections on any program established by law or by that department that utilizes prisoners to clean up or maintain beaches or shores;

(6) Provide notice of the provisions of this act to every coastal municipality in the State; and

(7) Organize, coordinate, and designate the dates for two annual coastwide beach and shore cleanups, one in the Spring and one in the Fall, in which all program volunteers shall be asked to participate, and which shall be in addition to any other cleanup activities that program volunteers may undertake.

b. The department may:

(1) Prepare or use from existing environmental advocacy group sources, data cards to be distributed to program volunteers to record information on the amounts and types of debris, litter, floatable waste, and other refuse collected, and such other information as the department may deem useful;

(2) Utilize the information derived from data cards distributed to program volunteers to formulate recommendations to the Governor and the Legislature for administrative or legislative action to effectuate the goal of preventing ocean pollution; and

(3) Issue to each program volunteer an adoption certificate, and, within the limits of funds made available therefor, provide a sign indicating the name of the participating group, organization, business, or individual for placement, if not otherwise prohibited by law or municipal ordinance, at an appropriate point on the public road providing access to the section of beach or shore adopted by the program volunteer, or at such other point as the department may prescribe.

6. a. Any group, organization, business, or individual interested in adopting a section of beach or shore for cleanup in accordance with this act shall notify the department. Such notification may include a request to adopt, if possible, a specified section of

beach or shore. Upon receipt of a notification of interest, the department shall (1) assign an appropriate section of beach or shore to that group, organization, business, or individual for adoption; (2) notify the group, organization, business, or individual of that assignment and provide thereto the materials required to be prepared pursuant to paragraph (1) of subsection a. of section 5 of this act.

b. Upon receipt from the department of notification of its assigned section of beach or shore, the program volunteer shall notify the clerk of the municipality within which the assigned section of beach or shore is located so that the municipality will be aware of the program volunteer's activities and may, at its discretion, provide assistance.

c. (1) An adopted section of beach or shore shall be approximately one mile in length, but other lengths may be permitted depending upon the desires and capabilities of the program volunteer, the amount of waste that may be expected to be collected, or the accessibility of the section of beach or shore.

(2) The adoption period for a section of beach or shore shall be one year, but a program volunteer may renew its participation in the program by notifying the department annually at such time as shall be specified therefor by the department.

7. Nothing in this act shall be construed to prohibit any person from cleaning up any section of beach or shore, regardless of whether or not it has been adopted for cleanup in accordance with this act.

8. a. No department, agency, bureau, board, commission, authority, or other entity of the State, or of any county or municipality, and no employee thereof, shall be liable to any person for any injury or damages that may be caused or sustained by a program volunteer during an "Adopt a Beach" event or activity.

As a condition of participating in the program, a prospective program volunteer shall sign a waiver releasing the department, the State, and any other appropriate governmental entity, and all employees thereof, from liability for any injury or damages that may be caused or sustained by that volunteer during an "Adopt a Beach" event or activity.

b. A program volunteer shall not be considered a "public employee" or "State employee" for purposes of the "New Jersey Tort Claims Act," N.J.S. 59:1-1 et seq., or otherwise be accorded any of the protections set forth therein.

9. Any person may donate to the department, or to a county or municipality, funds, supplies, or services for use in the "Adopt a Beach" program, and the department and any county or municipality are authorized to accept such donations.

10. This act shall take effect immediately.

1 waste recycling industry; one representative of the solid waste
2 collection and disposal industry; one representative of the
3 tourism industry; one representative of the petrochemical
4 industry; and one representative of the shipping industry.

5 Committee members shall serve at the pleasure of the
6 commissioner.

7 b. Members of the committee shall serve without
8 compensation, but the department may, within the limits of funds
9 appropriated or otherwise made available to it, reimburse
10 members for actual expenses necessarily incurred in the
11 discharge of their official duties.

12 c. The committee shall organize as soon as may be practicable
13 after the appointment of its members. The commissioner shall
14 designate a chairperson, who shall schedule, convene, and chair
15 committee meetings, and a vice-chairperson, who shall act as
16 chairperson in the chairperson's absence. The members shall
17 select a secretary who need not be a member of the committee.
18 The committee shall also meet at the call of the commissioner.

19 d. It shall be the responsibility of the committee to advise the
20 commissioner on the establishment, development, and operation
21 of the "Adopt a Beach" program, and to carry out such other
22 duties in connection therewith as the commissioner may prescribe.

23 9. Any person may donate to the department funds, supplies,
24 or services for use in the program, and the department is
25 authorized to accept such donations.

26 10. This act shall take effect immediately.

27 28 29 STATEMENT

30
31 This bill would establish an "Adopt a Beach" program in the
32 Department of Environmental Protection. The New Jersey
33 program would be closely modeled after the very successful,
34 award-winning Texas "Adopt A Beach" program.

35 The "Adopt a Beach" program would provide for the "adoption"
36 of a section of beach, typically a mile in length, by a community
37 group, business, or even an individual for a period of one year.
38 The group adopting a section of beach would pledge to clean it of
39 debris, floatable waste, and refuse at least three times annually.
40 Two of the cleanups, one in the Spring and one in the Fall, would
41 be required to be held on days designated by the department for a
42 coordinated coastwide effort. Groups could share the adoption of
43 a section of beach if not enough adoptable sections are available.
44 Adoptions would be renewable on an annual basis.

45 Each participant would be required to sign a waiver to release
46 the department and the State, and any employees thereof, from
47 any liability for any injury or damages caused or sustained during
48 a program event or activity.

49 Each group would receive an adoption certificate, and the
50 group's name would be listed on a sign installed at the access
51 road nearest its adopted beach or shore section, where permitted.

52 The department, through appointed volunteer county
53 coordinators, would provide logistical and promotional support to
54 program volunteers, including arranging for disposal of the

1 collected waste. Recycling would be encouraged to the maximum
2 extent practicable and feasible.

3 The department would also prepare and distribute to program
4 volunteers data cards to record information for research and
5 other purposes on the amounts and types of waste collected. The
6 data could be used to evaluate the effectiveness of MARPOL
7 Annex V regulations in reducing the amount of plastic and other
8 floating debris reaching New Jersey's shores.

9 The bill would also create an Adopt a Beach Advisory
10 Committee composed of citizens from a number of ocean-related
11 disciplines, industries, and organizations, whose duty it would be
12 to advise the Commissioner of Environmental Protection on the
13 establishment, development, and operation of the program.

14 The Texas program has been enthusiastically received by
15 Texans. Adopters were easily secured for all 172 easily
16 accessible Texas beach miles within the first year of the
17 program, and even some sections accessible only by boat or
18 four-wheel drive vehicles found sponsors. Since the program's
19 first coastwide cleanup in April 1987, nearly 25,000 volunteers
20 have removed more than 1,000 tons of trash from Texas beaches.
21 Corporations and businesses have also participated by funding
22 cleanups, donating supplies, and providing services and
23 promotional assistance. Groups now enrolled in the program
24 include civic clubs, sporting clubs, chambers of commerce, large
25 corporations, small businesses, conservation organizations, public
26 schools, colleges, scout troops, State agencies, municipalities,
27 property owners' associations, and families.

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31
32 Establishes an "Adopt a Beach" program in DEP.

ASSEMBLY ENVIRONMENT COMMITTEE
STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 61

STATE OF NEW JERSEY

DATED: JULY 20, 1992

The Assembly Environment Committee favorably reports Senate Bill No. 61 (SCS).

This bill would establish an "Adopt a Beach" program in the Department of Environmental Protection (DEP).

The "Adopt a Beach" program would authorize the "adoption" of a section of beach, typically one mile in length, by a group, organization, business, or individual for a period of one year. The group or individual adopting a section of the beach would pledge to clean it of debris, litter, floatable waste, and refuse at least twice annually. Two of the cleanups, one in the Spring and one in the Fall of the year, would be encouraged to be held on certain days designated by the DEP for a coordinated coast-wide effort. Adoptions could be renewed on an annual basis.

Under the provisions of the bill, each participant in the "Adopt a Beach" program would be required to sign a waiver to release all State and local governmental entities, and all employees thereof, from any liability for injury or damages caused or sustained during a program event or activity. An "Adopt a Beach" program volunteer would not be considered a "public employee" or "State employee" for the purposes of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., and would not be accorded any of the protections set forth therein.

Each group would receive an adoption certificate, and the group's name would be listed on a sign installed at the access road nearest its adopted section of beach or shore or at another point as the DEP may prescribe, and where permitted by law or municipal ordinance.

The bill also authorizes the DEP to distribute data cards to program volunteers. These cards, which would be prepared by the DEP or derived from cards already used by environmental advocacy groups, would be used to record information for research and other purposes on the amounts and types of wastes collected during "Adopt a Beach" activities.

The bill also directs the DEP to coordinate the "Adopt a Beach" program with ongoing activities of the Department of Corrections that utilize prisoners to clean or maintain beaches or shores, and to cooperate with the Department of Education in the preparation of educational materials concerning the deleterious effects of ocean pollution on the marine environment pursuant to the provisions of the "Clean Ocean Education Act," P.L.1988, c.62 (C.58:10A-52 et seq.).

The bill also authorizes the DEP and counties and municipalities to accept donations of funds, supplies, or services for use in the "Adopt a Beach" program.

As reported by the committee, this bill is identical to the Assembly Committee Substitute for Assembly Bill No. 708 as also reported by the Assembly Environment Committee.

SENATE COASTAL RESOURCES AND TOURISM COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 61

STATE OF NEW JERSEY

DATED: APRIL 28, 1992

The Senate Coastal Resources and Tourism Committee reports favorably a Senate Committee Substitute for Senate Bill No. 61.

The substitute bill would establish an "Adopt a Beach" program in the Department of Environmental Protection (DEP), which would be similar to a program presently being administered by the state of Texas.

The "Adopt a Beach" program would authorize the "adoption" of a section of beach, typically one mile in length, by a community group, business or individual for a period of one year. The group or individual adopting a section of the beach would pledge to clean it of debris, floatable waste and refuse at least twice annually. Two of the cleanups, one in the Spring and one in the Fall of the year, would be required to be held on days designated by the DEP for a coordinated coast-wide effort. Groups could share the adoption of a beach if a sufficient number of sections were unavailable. Adoptions could be renewed on an annual basis.

Under the provisions of the substitute bill, each participant in the "Adopt a Beach" program would be required to sign a waiver to release all State and local government entities, and all employees thereof, from any liability for injury or damages caused or sustained during a program event or activity. An "Adopt a Beach" program volunteer would not be considered a "public employee" or "State employee" for the purposes of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., and would not be accorded any of the protections set forth therein.

Each group would receive an adoption certificate, and the group's name would be listed on a sign installed at the access road nearest its adopted section of beach or shore or at another point as the DEP may prescribe, and where permitted by law or municipal ordinance.

The substitute bill also authorizes DEP to distribute data cards to program volunteers. These cards, which would be prepared by DEP or derived from cards already used by environmental advocacy groups, would be used to record information for research and other purposes on the amounts and types of wastes collected during "Adopt a Beach" activities. The data could be used, for example, to evaluate the effectiveness of MARPOL Annex V treaty regulations regarding the amount of plastic and other floating debris affecting New Jersey's waters.

The substitute bill also directs DEP to coordinate the "Adopt a Beach" program with ongoing activities of the Department of Corrections that utilize prisoners to clean or maintain beaches, and to cooperate with the Department of Education in the preparation of educational materials concerning the deleterious effects of

ocean pollution on the marine environment pursuant to the provisions of the "Clean Ocean Education Act," P.L.1988, c.62 (C.58:10A-52 et seq.).

The substitute bill also authorizes the DEP to accept donations of funds, supplies or services for use in the "Adopt a Beach" program.

LEGISLATIVE FISCAL ESTIMATE TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 61

STATE OF NEW JERSEY

DATED: June 2, 1992

Senate Committee Substitute for Senate Bill No. 61 of 1992 establishes an "Adopt a Beach" program for the purpose of promoting clean beaches through community, business and individual volunteerism. The program would be organized and coordinated by the Department of Environmental Protection and Energy and is modeled after a successful effort in Texas. It is designed to encourage private citizens to commit themselves to cleaning a specific section of beach for one year. The department would be responsible for providing logistical and promotional support, and for disseminating data from volunteers concerning beach conditions and types of debris collected. No appropriation is included in the bill.

Although the department provided no fiscal impact information on the bill, it did testify before an Assembly committee in 1989 on a similar bill (Assembly Bill No. 4849 (1R) of 1989). It stated at that time that such a program would require at least \$175,000 for administrative expenses and up to \$400,000 for beach debris disposal costs.

In a Legislative Fiscal Estimate prepared for A. 4849, the Office of Legislative Services (OLS) did not concur with the department's statements. It estimated that the bill would have a minimal fiscal impact on the department because administrative duties would require only sporadic outputs of manpower that could be met by existing staff and resources through temporary reallocations of staff. The OLS also stated that the amount of debris collected from the adopted beaches would be substantially less than the amount collected from the sections of industrial coastline under Operation Clean Shores, from which the above-mentioned estimate was derived.

The Senate Committee Substitute differs from A. 4849 by changing the department's role from program administrator to program coordinator and promoter. Many of the fiscal and administrative functions contained in A. 4849 are either eliminated or delegated in the Committee Substitute to volunteer groups. Consequently, the OLS still maintains its position as stated in the Fiscal Estimate for A. 4849.

Although the bill does not specify who would be responsible for disposal costs, it is likely that those costs not covered by volunteer groups would likely fall to participating municipalities or counties. Debris that can be recycled, however, may provide some revenues to support these functions. Further, promotional materials and cleanup supplies would be limited by the amount of donations or voluntary services provided.

If additional program support is needed, possible funding sources could include federal support similar to the "Adopt-A-Highway" program, the 1983 Shore Protection Bond Act (unappropriated balance of \$7.2 million as of 3/31/92), excess solid waste fee revenues collected by the department, or revenues collected by various solid waste and litter taxes.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.



561/A708

OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

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THURSDAY
JANUARY 7, 1993

GOVERNOR SIGNS "ADOPT-A-BEACH" LEGISLATION

Governor Jim Florio today signed legislation that will encourage businesses, corporations, individuals or organizations to "adopt" a section of the New Jersey shoreline to increase volunteer beach maintenance and clean-up programs.

"The Jersey Shore is one of our state's most valuable and beautiful assets," Gov. Florio said. "The 'Adopt-A-Beach' program, along with the volunteer efforts of Alliance for a Living Ocean and Clean Ocean Action, reaffirms our commitment to protecting our ocean and shoreline. We have worked hard to make the Jersey Shore one of the finest coastal resources in the nation, and we're going to make sure it stays that way for the generations who follow us."

The new law will allow groups or individuals to adopt approximately one-mile sections of the coastline. Volunteers will participate in maintenance and clean-up of that section of beach in cooperation with local government and the state Department of Environmental Protection and Energy. Government agencies will coordinate the disposal or recycling of all debris collected from the beaches.

Volunteers will be asked to participate in two coastwide beach and shore clean-ups each year.

The state Departments of Education and Corrections will also join in the program, with Education distributing information on the effects of plastics and other pollutants on the marine environment, and Corrections making use of programs which permit prisoners to maintain beaches.

The bill takes effect immediately.

S-61Scs/A-708Acs was sponsored by Sens. Joseph Paliaia and John Bennett and Assemblymen Michael Arnone and Frank LoBiondo.