

58:16A-55.1

LEGISLATIVE HISTORY CHECKLIST

HJSA 58:16A-55.1 (Allows repair of damaged structures damaged by flood)

LAWS OF 1977 CHAPTER 385

Bill No. S3183

Sponsor(s) Feldman, Scardino

Date Introduced April 18, 1977

Committee: Assembly -----

Senate Energy & Environment

Amended during passage ~~Yes~~ No

Date of Passage: Assembly Dec. 1, 1977

Senate Nov. 28, 1977

Date of approval Feb. 10, 1978

Following statements are attached if available:

Sponsor statement Yes ~~No~~ Below

Committee Statement: Assembly ~~Yes~~ No

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsor's Statement:

This act invalidates an existing regulation of the Department of Environmental Protection, which prohibits, in most cases, the repair, within a flood hazard area, of a lawful preexisting prohibited structure damaged by a flood or any other means, when the extent of destruction is 50% or more. The act should not be construed to limit the power of the department to require adequate floodproofing of said rebuilt or repaired structure.

9/1/78

M.S.

KB

CORRECTED COPY
SENATE, No. 3183

STATE OF NEW JERSEY

INTRODUCED APRIL 18, 1977

By Senators FELDMAN and SCARDINO

Referred to Committee on Energy and Environment

AN ACT authorizing the repair of damaged structures located in
flood hazard areas.

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

1 1. No rule or regulation adopted pursuant to section 4 or 7 of
2 P. L. 1972, c. 185 (C. 58:16A-55 or 58) shall prevent the repair or
3 rebuilding within a flood hazard area of any lawful preexisting
4 structure which was damaged by a flood or by any other means.

1 2. This act shall take effect immediately.

STATEMENT

This act invalidates an existing regulation of the Department of Environmental Protection, which prohibits, in most cases, the repair, within a flood hazard area, of a lawful preexisting prohibited structure damaged by a flood or any other means, when the extent of destruction is 50% or more. The act should not be construed to limit the power of the department to require adequate floodproofing of said rebuilt or repaired structure.

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STATEMENT

This act invalidates an existing regulation of the Department of Environmental Protection, which prohibits, in most cases, the repair, within a flood hazard area, of a lawful preexisting prohibited structure damaged by a flood or any other means, when the extent of destruction is 50% or more. It also prohibits the department from adopting any other regulations which limit the repair of any prohibited lawful preexisting structure which was damaged by any means whatsoever.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 10, 1978

ANNE BURNS

Governor Brendan Byrne today signed the following bills into law:

S-3137, sponsored by former Senator Herbert Buehler, (D-Monmouth), which provides that income generated from properties owned by the Commuter Operating Agency since April 1, 1976 be collected by the agency and used for authorized public transportation purposes.

The Commuter Operating Agency purchased nine commuter rail properties between March 31 and April 30, 1976. A number of these properties generate income. Through this legislation, the Commuter Operating Agency will be able to use this income to help pay for the maintenance, repair and operation of these properties.

The bill also amends the Fiscal Year 1978 General Appropriations Act to appropriate this income for the agency's use.

S-3141, sponsored by former Senator Joseph McGahn, (D-Atlantic), which enables municipal and county utilities authorities to construct and operate solid waste facilities in addition to the sewage facilities and water supply facilities already authorized by current law.

The sewerage authorities created by counties under P.L. 1946, c.138 and the county sewer authorities created under P.L. 1946, c.123 are reorganized as county utilities authorities by this bill.

The members of the reorganized authority shall consist of the members of the existing authority holding office at the time of the reorganization.

S-3183, sponsored by Senator Matthew Feldman, (D-Bergen), which permits the repair of damaged structures in flood hazard areas.

The bill provides that no rule or regulation adopted under the Flood Plains Act may prevent the repair or rebuilding within a flood hazard area of any lawful preexisting structure which was damaged by flood or other means.

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