ASSEMBLY, No. 2738

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Assemblyman GREGORY P. MCGUCKIN
District 10 (Ocean)

Co-Sponsored by:
Assemblyman Thomson

SYNOPSIS

"Barnegat Bay Protection Act"; establishes Barnegat Bay Protection Fund, dedicates portion of sales tax on lawn fertilizer, authorizes special license plates, and provides for donations.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 8/24/2020)

AN ACT concerning protection of the Barnegat Bay estuary watershed, and supplementing various parts of the statutory law.

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

1. Sections 1 through 7 of this act shall be known and may be cited as the "Barnegat Bay Protection Act."

2. The Legislature finds and declares that:

a. New Jersey's Barnegat Bay estuary watershed is one of the State's most precious natural resources, and this shallow lagoonal estuary is now significantly affected by an array of human impacts that potentially threaten its ecological integrity;

b. The Barnegat Bay estuary watershed encompasses most of the 33 municipalities in Ocean County and four municipalities in Monmouth County, supports a population of over 500,000 people that more than doubles during the summer season, and also provides economic, ecological, aesthetic, and recreational benefits;

c. Eutrophication exists in the Barnegat Bay, caused in part by nutrient loadings from nonpoint pollution sources and evidenced by the decline of seagrass and hard clams and the increase of harmful algae, drift algae, and other noxious species, and studies show that increased development has caused pollutant loadings from nitrogen and phosphorus to grow;

d. In order to preserve the Barnegat Bay estuary watershed, help is urgently needed to protect the bay from pollution; and

e. It is therefore altogether fitting and proper for the State to create a special fund dedicated to protecting the Barnegat Bay estuary watershed, and support the fund by: (1) dedicating a portion of sales tax revenues collected from the sale of fertilizer; (2) authorizing special license plates; and (3) soliciting and accepting donations, including at the time of application or renewal of a license to operate a personal watercraft or power vessel and registration or renewal of a vessel, and at the point of purchase of a beach tag or beach badge.

3. a. There is created in the Department of the Treasury a special non-lapsing fund to be known as the "Barnegat Bay Protection Fund." There shall be deposited in the fund:

(1) amounts collected from the retail sale of fertilizer pursuant to section 4 of P.L. , c. (C.) (pending before the Legislature as this bill;

(2) amounts collected from specialty license plate fees pursuant to section 5 of P.L. , c. (C.) (pending before the Legislature as this bill);

(3) amounts collected from donations, at the time an application is submitted or a fee is paid, for an operator's license of a personal

watercraft or power vessel, pursuant to section 6 of P.L. , c. (C.) (pending before the Legislature as this bill);

(4) amounts collected from donations, at the time a fee is paid, for the initial registration of a documented vessel and for each renewal thereof, pursuant to section 7 of P.L. , c. (C.) (pending before the Legislature as this bill);

(5) amounts collected from donations, received at the time of registration of persons by a municipality for access to a beach and bathing and recreational grounds, pursuant to subsection c. of section 1 of P.L.1955, c.49 (C.40:61-22.20); and

(6) amounts received from donations collected pursuant to subsection d. of this section.

b. Monies deposited in the fund shall be distributed, at the discretion of the State Treasurer in consultation with the Commissioner of Environmental Protection, and expended exclusively for the purposes of preservation and remediation of the Barnegat Bay estuary watershed, which may include a public education campaign about the importance of protecting, and measures and actions that can be taken to preserve, the Barnegat Bay estuary watershed.

c. Prior to distribution, monies deposited in the fund shall be held in interest-bearing accounts in public depositories as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in such securities as are approved by the State Treasurer. Interest or other income earned on monies deposited in the fund, and any monies which may be appropriated or otherwise become available for the purposes of the fund, shall be credited to and deposited in the fund for use as set forth in P.L. , c. (C.) (pending before the Legislature as this bill).

d. The Department of the Treasury, in consultation with the Department of Environmental Protection, may solicit and accept donations, by gift, bequest, or devise, from any person or entity, for deposit into the Barnegat Bay Protection Fund.

e. The State Treasurer, in consultation with the Commissioner of Environmental Protection, shall annually submit a report on the Barnegat Bay Protection Fund to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1). The annual report shall include a list of all funds received by source in the prior fiscal year, the uses of the fund in that fiscal year, and the projected balance and possible uses of the monies in the fund in the upcoming fiscal year.

4. On the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), and annually thereafter, there shall be deposited into the Barnegat Bay Protection Fund, established pursuant to section 3 of P.L. , c. (C.) (pending before the Legislature as this bill), the sum of one percent of the tax collected

on the retail sale of fertilizer, annually collected pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

5. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall establish Protect Barnegat Bay specialty license plates. Upon proper application, the chief administrator shall issue Protect Barnegat Bay license plates for any motor vehicle owned or leased and registered in the State. In addition to the registration number and other markings or identification otherwise prescribed by law, the Protect Barnegat Bay license plate shall display appropriate words and an emblem honoring Barnegat Bay. The chief administrator, in consultation with the Commissioner of Environmental Protection, shall choose the design, including an emblem and a color scheme, indicating support for, and an interest in, funding the protection, preservation and remediation of the Barnegat Bay estuary watershed.

b. Application for issuance of a Protect Barnegat Bay license plate shall be made to the chief administrator on forms and in a manner prescribed by the chief administrator. In order to be deemed complete, an application shall be accompanied by a fee of $50, payable to the New Jersey Motor Vehicle Commission, which shall be in addition to the fees otherwise prescribed by law for the registration of motor vehicles. The chief administrator shall collect annually, subsequent to the year of issuance of the Protect Barnegat Bay license plate and in addition to the fees otherwise prescribed by law for the registration of a motor vehicle, a $10 fee for the license plate which shall be forwarded to the State Treasurer for deposit into the Barnegat Bay Protection Fund created pursuant to section 3 of P.L. , c. (C.) (pending before the Legislature as this bill).

c. The chief administrator shall notify eligible motorists of the opportunity to obtain a Protect Barnegat Bay license plate by including a notice with all motor vehicle registration renewals and by posting appropriate posters or signs in all New Jersey Motor Vehicle Commission facilities and offices. The notices, posters and signs shall be designed by the commission.

d. The chief administrator annually shall certify to the State Treasurer the average cost per license plate incurred in the immediately preceding year by the New Jersey Motor Vehicle Commission in producing, issuing, renewing and publicizing the availability of the Protect Barnegat Bay license plates. The annual certification of the average cost per license plate shall be approved by the Joint Budget Oversight Committee, or its successor committee.

e. The Chief Administrator of the New Jersey Motor Vehicle Commission, the Commissioner of Environmental Protection and the State Treasurer shall develop and enter into an interagency memorandum of agreement setting forth the procedures to be followed by the commission and the departments in carrying out

their respective responsibilities under this section.

6. At the time a fee is required to be paid for an operator's license for a personal watercraft or for a power vessel, pursuant to section 4 of P.L.1995, c.401 (C.12:7-73), on waters of this State, the Chief Administrator of the New Jersey Motor Vehicle Commission, or the chief administrator's representative, shall inform the applicant that the applicant may make a donation to the Barnegat Bay Protection Fund, established pursuant to section 3 of P.L. , c. (C.) (pending before the Legislature as this bill), and how that donation may be made. Any donation shall be paid to the chief administrator and forwarded to the State Treasurer for deposit into the Barnegat Bay Protection Fund. No applicant shall be denied an operator's license for a personal watercraft or a power vessel based on whether the person did or did not donate to the fund.

7. At the time a fee is required to be paid for the initial numbering of a vessel and for each renewal of the certificate of number issued thereto, pursuant to section 12 of P.L.1962, c.73 (C.12:7-34.47), the Chief Administrator of the New Jersey Motor Vehicle Commission, or the chief administrator's representative, shall inform the applicant that the applicant may make a donation to the Barnegat Bay Protection Fund, established pursuant to section 3 of P.L. , c. (C.) (pending before the Legislature as this bill), and how that donation may be made. Any donation shall be paid to the chief administrator and forwarded to the State Treasurer for deposit into the Barnegat Bay Protection Fund. No applicant shall be denied a certificate of number based on whether the person did or did not donate to the fund.

8. This act shall take effect immediately, except that section 4 thereof shall take effect on July 1 next following the date of enactment, and section 5 thereof shall take effect on the first day of the seventh month after the date of enactment. The State Treasurer, the Chief Administrator of the New Jersey Motor Vehicle Commission, and the Commissioner of Environmental Protection may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

STATEMENT

This bill, to be known as the "Barnegat Bay Protection Act," would establish the "Barnegat Bay Protection Fund" to support and help protect, preserve, and remediate the Barnegat Bay estuary and its watershed. The fund would be supported through: (1) dedication of a portion of the sales tax on lawn fertilizer; (2) authorization of special Protect Barnegat Bay license plates; and (3) donations,

including those that may be at the time of application or renewal of a license to operate a personal watercraft or power vessel and registration or renewal of a vessel, and at the time a beach badge or tag fee is collected anywhere in the State. Monies in the fund would be used exclusively for the purposes of preservation and remediation of the Barnegat Bay estuary watershed, which may include a public education campaign about the importance of protecting the Barnegat Bay and measures and actions that can be taken to preserve it.

Section 3 of the bill establishes the Barnegat Bay Protection Fund, a special non-lapsing fund in the Department of the Treasury. Monies deposited into the fund would include the amounts collected from specialty license plate fees, donations at the time of boat registration or renewal, the dedication of 1% of the sales tax on lawn fertilizer, and donations at the point of purchase of a beach registration fee (i.e., a beach badge or beach tag), or other donations made to the fund. Monies deposited are to be distributed, at the discretion of the State Treasurer in consultation with the Commissioner of Environmental Protection, and expended exclusively for the purposes of the preservation and remediation of the Barnegat Bay estuary watershed. The State Treasurer, in consultation with the Commissioner of Environmental Protection, would annually submit to the Legislature a report on the fund, concerning the monies received and spent.

The bill authorizes the solicitation and acceptance of donations, by gift, bequest, or devise, from any person or entity, for deposit into the "Barnegat Bay Protection Fund." The bill also provides that 1% of the sales and use tax collected only on the retail sale of lawn fertilizer would be deposited into the fund.

The bill would authorize a Protect Barnegat Bay license plate, which would indicate support for, and an interest in, funding the protection, preservation and remediation of the Barnegat Bay estuary watershed. The design of the license plate would be chosen by the Chief Administrator of the New Jersey Motor Vehicle Commission (MVC) in consultation with the Commissioner of Environmental Protection. There would be a $50 initial fee in addition to the registration fees required by law, and in addition to the renewal fees required by law, a $10 annual renewal fee, which would be deposited into the Barnegat Bay Protection Fund.

At the time the fee is paid for a license to operate a personal watercraft or power vessel, or for the registration or renewal of a certificate of number (registration) for a vessel, the Chief Administrator of the MVC, or the chief administrator's representative, would inform an applicant that they may make a donation to the Barnegat Bay Protection Fund and how that donation may be made. A donation would be paid to the chief administrator and forwarded to the State Treasurer for deposit into the Barnegat Bay Protection Fund. An applicant could not be

denied an operator's license or a certificate of registration based on whether the person did or did not donate to the fund.

Finally, the bill provides that, for any municipality charging and collecting a beach badge or beach tag fee, the municipality may provide an opportunity for a person purchasing a badge or tag to donate to the Barnegat Bay Protection Fund at the time the fee is collected. Any monies collected from donations made at the point of purchase of a beach badge or tag would be forwarded to the State Treasurer to be deposited into the fund. A municipality would be prohibited from denying the purchase of a beach badge or tag based on whether a person did or did not donate to the fund.