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P.L.1992, CHAPTER 213, approved January 7, 1993
Senate Committee Substitute for
1992 Senate No. 61

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.

Establishes an "Adopt a Beach" program in DEP.

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.

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.).

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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.