

CHAPTER 20

AN ACT concerning wind dependent energy facilities in the coastal area and supplementing P.L.1973, c.185 (C.13:19-1 et seq.).

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

C.13:19-10.1 Wind dependent energy facilities, construction on piers, certain circumstances; permitted.

1. a. Notwithstanding the provisions of any rule or regulation adopted pursuant to P.L.1973, c.185 (C.13:19-1 et seq.) to the contrary, construction of a wind dependent energy facility shall not be prohibited within 500 feet of the mean high water line of tidal waters on a pier pursuant to P.L.1973, c.185, provided that (1) the permit application filed with the department meets all other criteria established by P.L.1973, c.185, any rules and regulations adopted pursuant thereto, and any other applicable law, rule or regulation, and (2) the wind dependent energy facility is an accessory use to the other uses of, or purposes for, the pier.

b. Within 30 days after the date of enactment of this act, and notwithstanding any provision of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the department shall adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as deemed necessary to implement the provisions of this act which shall be effective for a period not to exceed 12 months and shall thereafter be amended, adopted or readopted in accordance with the provisions of P.L.1968, c.410.

2. This act shall take effect immediately.

Approved February 3, 2011.