

[First Reprint]
SENATE, No. 59

STATE OF NEW JERSEY
214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator GERALD CARDINALE

District 39 (Bergen)

Senator LORETTA WEINBERG

District 37 (Bergen)

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Assemblyman ROBERT SCHROEDER

District 39 (Bergen)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman CONNIE WAGNER

District 38 (Bergen)

Co-Sponsored by:

Senators O'Toole and Gordon

SYNOPSIS

Creates bistate commission to coordinate management and flood prevention of waterways flowing between Bergen County, NJ and Rockland County, NY.

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on September 23, 2010, with amendments.

(Sponsorship Updated As Of: 1/10/2012)

1 AN ACT creating the Rockland-Bergen Bistate River Commission
2 and supplementing Title 32 of the Revised Statutes.

3

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

6

7 1. This act shall be known, and may be cited, as the “Rockland-
8 Bergen Watershed Flood Prevention and Protection Act.”

9

10 2. The Legislature finds and declares that the States of New
11 Jersey and New York and their respective citizens share a common
12 concern to protect their personal safety and property through the
13 identification and remediation of potential flood hazards along the
14 Hackensack River, Sparkill Brook/Creek, Saddle River,
15 Ramapo/Mahwah River, and their tributaries and watersheds; that
16 because the Hackensack River, Sparkill Brook/Creek, Saddle River,
17 Ramapo/Mahwah River, and their tributaries cross the interstate
18 border region, the identification and remediation of potential flood
19 hazards require a bistate comprehensive approach; that a bistate
20 comprehensive flood prevention approach will also help ensure the
21 preservation and maintenance of the environmental benefits of the
22 Hackensack River, Sparkill Brook/Creek, Saddle River,
23 Ramapo/Mahwah River, and their tributaries; that a bistate
24 approach will encourage open space preservation and recreational
25 opportunities along the Hackensack River, Sparkill Brook/Creek,
26 Saddle River, Ramapo/Mahwah River, and their tributaries; and that
27 there has been a long history of cooperation among state and local
28 governmental entities and various private organizations and
29 individuals in the vicinity of the Hackensack River, Sparkill
30 Brook/Creek, Saddle River, Ramapo/Mahwah River, and their
31 tributaries to ensure the preservation of those water bodies and
32 watersheds.

33 The Legislature therefore determines that there is a need to
34 endorse and formalize that bistate cooperative effort to identify and
35 remediate potential flood hazards and to protect the natural, scenic
36 and recreational opportunities of the Hackensack River, Sparkill
37 Brook/Creek, Saddle River, Ramapo/Mahwah River and their
38 tributaries; and that the creation of a bistate commission is an
39 appropriate means to accomplish these very important goals.

40

41 3. As used in this act:

42 “Bistate region” means tributaries and watersheds of the
43 Hackensack River, Sparkill Brook/Creek, Saddle River,

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted September 23, 2010.

1 Ramapo/Mahwah River within the County of Bergen in New Jersey
2 and the County of Rockland in New York.

3 “Resident voter” means an individual registered to vote and who
4 actually votes in a district within the County of Bergen in New
5 Jersey or the County of Rockland in New York.

6

7 4. a. There is created the Rockland-Bergen Bistate River
8 Commission, which shall comprise 18 members.

9 The commission shall include 12 voting members, as follows:
10 the Commissioner of the New Jersey Department of Environmental
11 Protection, or a designee thereof, who shall serve ex officio; the
12 Commissioner of the New York Department of Environmental
13 Conservation, or a designee thereof, who shall serve ex officio; and
14 10 members of the public with a background or experience in the
15 protection, preservation, maintenance, management, or
16 enhancement of rivers or the natural, scenic, or recreational
17 resources associated therewith, ‘or with a background or experience
18 in building or engineering.’ who are resident voters of the County
19 of Bergen in New Jersey or the County of Rockland in New York,
20 of whom one shall be appointed by the Governor of the State of
21 New Jersey, one shall be appointed by the Governor of the State of
22 New York, one shall be appointed by the President of the Senate of
23 the State of New Jersey, one shall be appointed by the Minority
24 Leader of the Senate of the State of New Jersey, one shall be
25 appointed by the Speaker of the General Assembly of the State of
26 New Jersey, one shall be appointed by the Minority Leader of the
27 General Assembly of the State of New Jersey, one shall be
28 appointed by the **‘[Majority Leader] President’** of the Senate of the
29 State of New York, one shall be appointed by the Minority Leader
30 of the Senate of the State of New York, one shall be appointed by
31 the Speaker of the Assembly of the State of New York and one shall
32 be appointed by the Minority Leader of the Assembly of the State of
33 New York.

34 Additionally, the commission shall include six non-voting
35 members, as follows: the Commissioner of the New Jersey
36 Department of Transportation, or a designee thereof, who shall
37 serve ex officio; the Commissioner of the New York State
38 Department of Transportation, or a designee thereof, who shall
39 serve ex officio; the County Executive of the County of Bergen in
40 New Jersey, or a designee thereof, who shall serve ex officio; the
41 County Executive of the County of Rockland in New York, or a
42 designee thereof, who shall serve ex officio; a representative of
43 United Water, Inc.; and a representative of the United States Army
44 Corps of Engineers.

45 b. Vacancies in the appointed positions on the commission
46 shall be filled in the same manner as the original appointments were
47 made.

1 c. Members of the commission shall serve without
2 compensation, but the commission may, within the limits of funds
3 appropriated or otherwise made available to it, reimburse members
4 for actual expenses necessarily incurred in the discharge of their
5 official duties.

6 d. Members of the commission shall serve at the pleasure of the
7 relevant appointing authority.

8

9 5. a. The commission shall organize as soon as may be
10 practicable after the appointment of its members, and shall select
11 two co-chairpersons from its members, one from each state, and a
12 secretary who need not be a member.

13 b. The commission shall meet regularly as it may determine.
14 Meetings of the commission shall be at such times and places as the
15 co-chairpersons of the commission deem appropriate, but to the
16 maximum extent practicable and feasible, shall be rotated between
17 the two states on an alternating basis. Meetings held in New Jersey
18 shall be subject to the provisions and requirements of the "Senator
19 Byron M. Baer Open Public Meetings Act," P.L.1975, c.231
20 (C.10:4-6 et seq.). Meetings held in New York shall be subject to
21 the provisions and requirements of that state's open meetings law,
22 article 7 of the public officers law.

23 c. A majority of the voting membership of the commission
24 shall constitute a quorum for the transaction of commission
25 business. Action may be taken and motions and resolutions adopted
26 by the commission at any meeting thereof by the affirmative vote of
27 seven voting members of the commission.

28 d. The commission shall be entitled to call to its assistance, and
29 avail itself of the services of, such employees of the two states, or
30 any political subdivisions, instrumentalities, entities, agencies, or
31 authorities thereof, as it may require and as may be made available
32 to it for the purpose of carrying out its duties under this act. If
33 requested by the commission, the New Jersey Department of
34 Environmental Protection and the New York Department of
35 Environmental Conservation shall provide primary staff support.

36 e. The commission may, within the limits of funds
37 appropriated or otherwise made available to it for those purposes,
38 employ such professional, technical, and clerical staff and incur
39 such traveling and other miscellaneous expenses as it may deem
40 necessary in order to perform its duties.

41

42 6. The duties of the commission shall be to:

43 a. identify existing and projected flood hazards in the bistate
44 region;

45 b. recommend, propose and coordinate a comprehensive plan to
46 remediate existing and projected flood hazards in the bistate region;

1 c. assess present and projected development, land use, and land
2 management practices and patterns, and identify actual and
3 potential environmental threats and problems, in the bistate region,
4 and determine the effects of those practices and patterns, threats,
5 and problems upon the natural, scenic, and recreational resources of
6 the bistate region;

7 d. ~~'[develop]~~ offer¹ recommended regulations, procedures,
8 policies, planning strategies, and model ordinances and resolutions
9 pertaining to the protection, preservation, maintenance,
10 management, and enhancement of the bistate region, which would
11 be implemented as appropriate on a voluntary basis by the
12 municipalities within the bistate region ¹, provided, however, that
13 the commission shall not adopt rules or regulations¹ ;

14 e. coordinate environmental cleanup, maintenance, and
15 protection efforts undertaken, for the benefit of the bistate region,
16 by the municipalities within the bistate region;

17 f. coordinate with the New Jersey Department of
18 Environmental Protection and the New York Department of
19 Environmental Conservation, including, but not limited to, their
20 watershed management programs, the United States Army Corps of
21 Engineers and the municipalities within the bistate region;

22 g. recommend appropriate state legislation and administrative
23 action pertaining to the protection, preservation, maintenance,
24 management, and enhancement of the bistate region;

25 h. advocate, and where appropriate, act as a coordinating,
26 distributing, or recipient agency for, federal, state, or private
27 funding of environmental cleanup, maintenance, and protection
28 projects, flood prevention projects and flood hazard remediation for
29 the bistate region, which projects may include the work of the
30 commission; and

31 i. take such other action as may be appropriate or necessary to
32 further the purpose of this act.

33
34 7. The commission shall, within 18 months after the date it
35 organizes, and annually thereafter, prepare a progress report on its
36 activities, and submit it, together with any recommendations for
37 legislation, administrative action, or action by local governments, to
38 the Governors and Legislatures of the States of New Jersey and
39 New York. For New Jersey, each such report shall be submitted to
40 the Legislature in accordance with the requirements of section 2 of
41 P.L.1991, c.164 (C.52:14-19.1).

42
43 8. The State Comptroller of New Jersey and the comptroller of
44 the state of New York are hereby authorized and empowered from
45 time to time to examine the accounts and books of the commission,
46 including its receipts, disbursements, and such other items referring
47 to its financial standing as the comptroller may deem proper and to

1 report the results of such examination to the Governors and
2 Legislatures of the States of New Jersey and New York. Such
3 report shall be submitted to the New Jersey Legislature in
4 accordance with the requirements of section 2 of P.L.1991, c.164
5 (C.52:14-19.1).

6
7 9. This act shall take effect upon enactment of substantially
8 similar legislation by the State of New York, unless the State of
9 New York has enacted such legislation prior to the date of
10 enactment of this act, in which case this act shall take effect
11 immediately.