

ASSEMBLY REGULATORY OVERSIGHT AND GAMING
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1527

STATE OF NEW JERSEY

DATED: MARCH 12, 2012

The Assembly Regulatory Oversight and Gaming Committee reports favorably Assembly Bill No. 1527.

This bill would make revisions to the law pertaining to the Watershed Property Review Board (hereinafter referred to as the “board”) – the entity, created by P.L.1988, c.163 as amended by P.L.1990, c.19, which has the authority to exempt the conveyance of property from the watershed moratorium established by that act. The bill would allow the board members, consisting of the Commissioner of Environmental Protection, Commissioner of Community Affairs, and President of the Board of Public Utilities (BPU), to appoint their respective designees to perform the duties required of the board.

The bill would require the board to act on an application for exemption from the watershed moratorium within 90 days. Pursuant to the bill’s provisions, a person applying for an exemption would be authorized to contest an adverse decision of the board before an Administrative Law Judge as a contested case in accordance with the “Administrative Procedure Act.”

The bill would also provide that the law’s watershed moratorium would not apply to any watershed property conveyed to a municipal or county government entity for the purposes of supporting open space, conservation or recreation, or through the Green Acres program or another similar State program, as determined by the Department of Environmental Protection (DEP).

Under the bill, the Watershed Property Review Board would be made subject to the “Senator Byron M. Baer Open Public Meetings Act,” and would be required to post all rulings and determinations and reasons therefor on the website of the DEP. Any such rulings and determinations would be considered public records.

Current law requires the BPU, in reviewing a request by a public utility to convey land utilized for the protection of a public water supply to a corporation or other entity which is not subject to the jurisdiction of the BPU, to request the DEP to review and make recommendations on an assessment, prepared and submitted by the utility, of the impact of that conveyance, including the impact on open space, conservation, and recreation. Current law further requires the

DEP to submit its recommendations to the BPU within one year of its receipt of a BPU request in this regard. The bill would change this provision of law to require a BPU request for assessment review to be submitted to the board. The board would be required, moreover, to submit its recommendations to the BPU within 90 days of BPU's request therefor, except that, whenever a public utility wishes to convey land that is utilized for the protection of a public water supply to a government entity, such as a county or municipality, the bill would require the board to expedite its response time to 30 days or less.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.