

ASSEMBLY, No. 171

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen GIBSON and BODINE

1 AN ACT concerning the Pinelands Commission, and amending
2 P.L.1979, c.111.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 5 of P.L.1979, c.111 (C.13:18A-5) is amended to read
8 as follows:

9 5. a. The commission shall consist of 15 members to be appointed
10 and qualified as follows:

11 (1) Seven residents of the State , each of whom shall be a resident
12 of a municipality in the pinelands area, appointed by the Governor,
13 with the advice and consent of the Senate, except as otherwise
14 provided herein;

15 (2) Seven residents of the State, one resident each of the counties
16 of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester
17 and Ocean, appointed by the board of chosen freeholders of each such
18 county; provided, however, that in any county operating under the
19 county executive plan or county supervisor plan pursuant to the
20 provisions of the "Optional County Charter Law," P.L.1972, c.154
21 (C.40:41A-1 et seq.), such appointment shall be made by the county
22 executive or the county supervisor, as the case may be;

23 (3) One member to be appointed by the Secretary of the United
24 States Department of the Interior.

25 Any appointments made prior to the effective date of this act by the
26 Governor or by any of the respective counties to the planning entity
27 established pursuant to the Federal Act shall be considered
28 appointments made to the commission, and no such gubernatorial
29 appointment shall be subject to the advice and consent of the Senate.

30 b. Commission members shall serve for terms of 3 years; provided,
31 however, that of the first members appointed by the Governor, two
32 shall serve 3 year terms, two shall serve 2 year terms and three shall

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

Matter underlined thus is new matter.

1 serve 1 year terms; and provided further, however, that of the first
2 members appointed by the respective counties, such members
3 appointed from Atlantic and Burlington counties shall serve 1 year
4 terms, such members appointed from Camden and Cape May counties
5 shall serve 2 year terms, and such members appointed from
6 Cumberland, Gloucester and Ocean counties shall serve 3 year terms.
7 Each member shall serve for the term of his appointment and until his
8 successor shall have been appointed and qualified. Any vacancy shall
9 be filled in the same manner as the original appointment for the
10 unexpired term only. The membership of the entire commission shall
11 include residents of the pinelands area who represent economic
12 activities, such as agriculture, in the area, as well as residents of the
13 [State] pinelands area who represent conservation interests.

14 c. Any member of the commission may be removed by the
15 appointing authority, for cause, after a public hearing.

16 d. Each member of the commission, before entering upon his
17 duties, shall take and subscribe an oath to perform the duties of his
18 office faithfully, impartially, and justly to the best of his ability. A
19 record of such oaths shall be filed in the Office of the Secretary of
20 State.

21 e. The members of the commission shall serve without
22 compensation, but the commission may, within the limits or funds
23 appropriated or otherwise made available for such purposes, reimburse
24 its members for necessary expenses incurred in the discharge of their
25 official duties.

26 f. The powers of the commission shall be vested in the members
27 thereof in office, and a majority of the total authorized membership of
28 the commission shall be required to exercise its powers at any meeting
29 thereof. No alternate or designee of any commission member shall
30 exercise any power to vote on any matter pending before the
31 commission.

32 g. The Governor shall designate one of the members of the
33 commission as chairman. The commission shall appoint an executive
34 director, who shall be the chief administrative officer thereof. The
35 executive director shall serve at the pleasure of the commission, and
36 shall be a person qualified by training and experience to perform the
37 duties of his office.

38 h. A true copy of the minutes of every meeting of the commission
39 shall be prepared and forthwith delivered to the Governor. No action
40 taken at such meeting by the commission shall have force or effect
41 until 10 days, exclusive of Saturdays, Sundays and public holidays,
42 after such copy of the minutes shall have been so delivered; provided,
43 however, that no action taken with respect to the adoption of the
44 comprehensive management plan, or any portion thereof, shall have
45 force or effect until 30 days, exclusive of Saturdays, Sundays and
46 public holidays, after such copy of the minutes shall have been so

1 delivered. If, in said 10-day period, or 30-day period, as the case may
2 be, the Governor returns such copy of the minutes with a veto of any
3 action taken by the commission at such meeting, such action shall be
4 null and void and of no force and effect.

5 i. Notwithstanding the provisions of this section to the contrary,
6 the members of the commission appointed by the Governor serving on
7 the effective date of P.L. , c. (now before the Legislature as this bill)
8 shall continue to serve until the expiration of their respective terms,
9 but a member of the commission appointed or reappointed by the
10 Governor after the effective date of P.L.19 , c. (now before the
11 Legislature as this bill) shall be a resident of a municipality in the
12 pinelands area.

13 (cf: P.L.1980, c.65, s.1)

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15 2. This act shall take effect immediately.

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STATEMENT

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20 This bill would amend the "Pinelands Protection Act," P.L.1979,
21 c.111 (C.13:18A-1 et seq.), to require that the seven members of the
22 Pinelands Commission that are appointed or reappointed by the
23 Governor reside in the pinelands area. Current law requires only that
24 they be residents of the State. Members appointed by the Governor
25 serving on the commission on the effective date of the bill would serve
26 until the expiration of their terms.

27 The bill allows members serving on the commission on the effective
28 date of the bill to serve until the expiration of their terms.

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33 Requires Governor's appointees to the Pinelands Commission reside
34 in the pinelands area.