

ASSEMBLY, No. 999

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen MORAN and CONNORS

1 **AN ACT** authorizing the creation by any county in this State of a
2 county environmental commission and supplementing chapter 56A
3 of Title 40 of the Revised Statutes.

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

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8 1. The governing body of any county may by resolution or
9 ordinance, as appropriate, establish an environmental commission for
10 the protection, development or use of natural resources, including
11 water resources, located within its territorial limits. The commission
12 shall consist of not less than five nor more than seven members,
13 appointed by the governing body, all of whom shall be residents of the
14 county; the members shall serve without compensation except as
15 hereinafter provided. The governing body shall designate one of the
16 members to serve as chairman and presiding officer of the commission.
17 The terms of office of the first commissioners shall be for one, two or
18 three years, to be designated by the governing body in making its
19 appointments so that the terms of approximately 1/3 of the members
20 will expire each year, and their successors shall be appointed for terms
21 of three years and until the appointment and qualification of their
22 successors. The governing body may remove any member of the
23 commission for cause, on written charges served upon the member and
24 after a hearing thereon at which the member shall be entitled to be
25 heard in person or by counsel. A vacancy on the commission
26 occurring otherwise than by expiration of a term shall be filled for the
27 unexpired term in the same manner as an original appointment.

28 The governing body may, by resolution, provide for the
29 appointment of not more than two alternate members.
30 Notwithstanding the provisions of any other law or charter heretofore
31 adopted, the resolution shall provide the method of appointment of
32 alternate members. Alternate members shall be designated at the time
33 of appointment by the authority appointing them as "Alternate No. 1"
34 and "Alternate No. 2."

35 The terms of the alternate members shall be for two years, except

1 that the terms of the alternate members first appointed shall be two
2 years for Alternate No. 1 and one year for Alternate No. 2 so that the
3 term of not more than one alternate member shall expire in any one
4 year. A vacancy occurring otherwise than by expiration of term shall
5 be filled by the governing body for the unexpired term only.

6 An alternate member shall not be permitted to act on any matter in
7 which he has either directly or indirectly any personal or financial
8 interest. An alternate member may, after public hearing if he requests
9 one, be removed by the governing body for cause.

10 An alternate member may participate in discussions of the
11 proceedings but may not vote except in the absence or disqualification
12 of a regular member. A vote shall not be delayed in order that a
13 regular member may vote instead of an alternate member. In the event
14 that a choice must be made as to which alternate member is to vote,
15 Alternate No. 1 shall vote first.

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17 2. An environmental commission organized under this act shall
18 have power to conduct research into the use and possible use of the
19 open land areas of the county and may coordinate the activities of
20 unofficial bodies organized for similar purposes, and may advertise,
21 prepare, print and distribute books, maps, charts, plans and pamphlets
22 which in its judgment it deems necessary for its purposes. It shall keep
23 an index of all open areas, publicly or privately owned, including open
24 marshlands, swamps and other wetlands, in order to obtain information
25 on the proper use of such areas, and may from time to time
26 recommend to the planning board or, if none, to the governing body
27 plans and programs for inclusion in a county master plan and the
28 development and use of such areas.

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30 3. An environmental commission may, subject to the approval of
31 the governing body, acquire property, both real and personal, in the
32 name of the municipality by gift, purchase, grant, bequest, devise or
33 lease for any of its purposes and shall administer the same for such
34 purposes subject to the terms of the conveyance or gift. Such an
35 acquisition may be to acquire the fee or any lesser interest,
36 development right, easement (including conservation easement),
37 covenant or other contractual right (including a conveyance on
38 conditions or with limitations or reversions), as may be necessary to
39 acquire, maintain, improve, protect, limit the future use of, or
40 otherwise conserve and properly utilize open spaces and other land
41 and water areas in the county.

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43 4. An environmental commission shall keep records of its meetings
44 and activities and shall make an annual report to the governing body
45 of the county.

1 5. The governing body may appropriate funds for the expenses
2 incurred by the environmental commission. The commission may
3 appoint such clerks and other employees as it may from time to time
4 require and as shall be within the limits of funds appropriated to it.

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6 6. An environmental commission shall have power to study and
7 make recommendations concerning open space preservation, water
8 resources management, air pollution control, solid waste management,
9 noise control, soil and landscape protection, environmental
10 appearance, marine resources and protection of flora and fauna.

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12 7. a. The governing bodies of two or more counties may, by
13 adoption of substantially similar resolutions, create a joint
14 environmental commission for the protection, development or use of
15 natural resources, including water resources located within their
16 combined territorial limits.

17 b. The number and qualifications of the members of such a joint
18 environmental commission, and their terms and methods of
19 appointment or removal shall be such as may be determined and agreed
20 upon by the governing bodies and set forth in the resolution or
21 ordinance, as appropriate, creating such joint commission, except that

22 (1) when such joint commission is created by two counties only,
23 there shall be at least three members from each county;

24 (2) when such joint commission is created by three or more
25 counties, there shall be at least two members from each county;

26 (3) a majority of the members of the joint commission shall hold no
27 other public office, except membership on a planning board.

28 c. Members of the commission shall serve without compensation,
29 but may receive reimbursement for actual expenses necessarily
30 incurred in the performance of their duties as members of the
31 commission.

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33 8. A joint environmental commission shall elect its chairman, who
34 shall hold no other public office or position, except that he may be a
35 member of a planning board. The term of the chairman shall be one
36 year, and that person shall be eligible to succeed himself unless the
37 resolution creating the commission shall otherwise provide. The
38 resolution creating the commission may provide that the chairmanship
39 of the commission be rotated annually so that over each period of
40 years corresponding to the number of participating counties it shall be
41 held in each year by a member appointed from a different participating
42 county.

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44 9. The proportion of the expenses of the joint environmental
45 commission to be borne by each participating county shall be such as
46 may be determined and agreed upon by the participating counties, and

the participating counties are hereby authorized to appropriate their respective shares of such expenses. Within the limits thus agreed upon and duly appropriated the commission may employ such clerical and technical or other assistants and may incur such other expenses as it may deem necessary to carry out its functions.

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7 10. A commission created by two or more counties shall have, with
8 respect to all the participating counties, and to each of them, all the
9 functions, duties and powers of an environmental commission
10 established in a single county under the provisions of this act.

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12 11. If any county with an established environmental commission
13 shall enter into participation in a joint environmental commission, the
14 environmental commission previously established shall be abolished
15 upon the taking effect of the resolution establishing the joint
16 environmental commission, and the terms of the members of the
17 abolished environmental commission shall immediately cease and
18 terminate. Except as may otherwise be provided in the resolution
19 establishing such joint commission, all employees of such abolished
20 environmental commission and all the records, property and funds in
21 its possession or under its control shall be transferred to the joint
22 environmental commission, and all its debts and other financial
23 obligations shall be assumed by the joint environmental commission.

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25 12. Any county environmental commission or agency which was in
26 existence at the time P.L. , c. (C.) (now pending
27 before the Legislature as this bill) was enacted, shall continue to
28 operate as a county environmental commission under the provisions of
29 this act.

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31 13. This act shall take effect on the first day of the fourth month
32 next following enactment.

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STATEMENT

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This bill permits a county governing body to establish a county environmental commission with the power to conduct research into the use and possible use of the open land areas of the county and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna. The bill also provides for the creation of a joint environmental commission between two or more counties. Finally, the bill provides for the continuation as a county environmental commission under the provisions of the bill

1 of a county environmental commission or agency established prior to
2 the enactment of this bill.

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7 Authorizes counties to create environmental commissions.