

[First Reprint]
ASSEMBLY, No. 999

STATE OF NEW JERSEY

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.

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

7
8 1. ¹As used in this act, the term "environmental commission" shall
9 also mean and include an environmental council and an environmental
10 agency.¹

11 The governing body of any county may by resolution or ordinance,
12 as appropriate, establish an environmental commission for the
13 protection, ¹[development or] management and planning for the¹ use
14 of natural resources, including water resources, located within its
15 territorial limits ¹, and may prepare and adopt bylaws for the operation
16 of the commission, including, but not limited to, the number of
17 members, the powers and duties of the members and any other matters
18 as may be deemed necessary and appropriate by the governing body.
19 The members of the commission may petition the governing body for
20 changes to the bylaws. The resolution or ordinance may designate the
21 environmental commission to be an advisory body to the county
22 planning board. The resolution, ordinance or bylaws shall determine
23 the number of members of the commission. The governing body shall
24 appoint the members of the commission, all of whom shall be residents
25 of the county. The governing body may appoint a member of the
26 planning board to serve as a member of the commission¹. The
27 ¹[commission shall consist of not less than five nor more than seven
28 members, appointed by the governing body, all of whom shall be
29 residents of the county; the]¹ members shall serve without
30 compensation except as hereinafter provided. The governing body
31 ¹[shall] may¹ designate one of the members to serve as chairman and

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALG committee amendments adopted September 16, 1996.

1 presiding officer of the commission ¹, and one member to serve as
2 vice-chairman of the commission, or the governing body may provide
3 in the ordinance, resolution or bylaws, as appropriate, that the
4 members of the commission shall designate a chairman and vice-
5 chairman¹. The terms of office of the first commissioners shall be for
6 one, two or three years, to be designated by the governing body in
7 making its appointments so that the terms of approximately 1/3 of the
8 members will expire each year, and their successors shall be appointed
9 for terms of three years and until the appointment and qualification of
10 their successors. ¹A member of the commission may be appointed to
11 succeed himself. The term of an environmental commission member
12 who is also a planning board member shall coincide with that person's
13 planning board term. A member shall not be permitted to act on any
14 matter in which he has either directly or indirectly any personal or
15 financial interest.¹ The governing body may remove any member of
16 the commission for cause, on written charges served upon the member
17 and after a hearing thereon at which the member shall be entitled to be
18 heard in person or by counsel. A vacancy on the commission
19 occurring otherwise than by expiration of a term shall be filled for the
20 unexpired term in the same manner as an original appointment.

21 The governing body may, by ¹ordinance or¹ resolution, ¹as
22 appropriate,¹ provide for the appointment of not more than two
23 alternate members. ¹[Notwithstanding the provisions of any other law
24 or charter heretofore adopted, the] The ordinance or¹ resolution shall
25 provide the method of appointment of alternate members. Alternate
26 members shall be designated at the time of appointment by the
27 authority appointing them as "Alternate No. 1" and "Alternate No. 2."

28 The terms of the alternate members shall be for ¹[two years, except
29 that the terms of the alternate members first appointed shall be two
30 years for Alternate No. 1 and one year for Alternate No. 2 so that the
31 term of not more than one alternate member shall expire in any]¹ one
32 year. A vacancy occurring otherwise than by expiration of term shall
33 be filled by the governing body for the unexpired term only.

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

38 An alternate member may participate in discussions of the
39 proceedings but may not vote except in the absence or disqualification
40 of a regular member. A vote shall not be delayed in order that a
41 regular member may vote instead of an alternate member. In the event
42 that a choice must be made as to which alternate member is to vote,
43 Alternate No. 1 shall vote first.

44

45 2. An environmental commission organized under this act shall ¹at
46 the direction of the governing body or pursuant to the contents of the

1 bylaws, as appropriate,¹ have power to conduct research ¹[into the use
2 and possible use of the open land areas of the county and may
3 coordinate the activities of unofficial bodies organized for similar
4 purposes, and may advertise,] relative to regional environmental
5 impacts of land use decisions; collect and monitor environmental data;
6 provide environmental education opportunities within the county;
7 promote a regional dialog between municipalities, the county, and
8 where appropriate, the State;¹ prepare, print and distribute books,
9 maps, charts, plans and pamphlets ¹[which in its judgment it deems
10 necessary for its purposes. It shall];¹ keep an index of ¹[all]¹ open
11 ¹[areas, publicly or privately owned, including open marshlands,
12 swamps and other wetlands,] space, landscape, water, soil, geology,
13 and marine resources, flora and fauna, and the quality of ambient air
14 and water,¹ in order to obtain information on the proper use ¹and
15 management¹ of such ¹[areas, and may from time to time recommend]
16 resources; advise and make recommendations¹ to the planning board
17 or, if none, to the governing body ¹, relative to regional environmental
18 issues and impacts of¹ plans and programs for inclusion in a county
19 master plan ¹;¹ and ¹[the development and use of such areas]other
20 duties and responsibilities as may be required of the commission by
21 ordinance or resolution, as appropriate, of the governing body¹.

22

23 3. An environmental commission may, subject to the approval of
24 the governing body, acquire property, both real and personal, in the
25 name of the ¹[municipality] county¹ by gift, purchase, grant, bequest,
26 devise or lease for any of its purposes and shall administer the same
27 for such purposes subject to the terms of the conveyance or gift. Such
28 an acquisition may be to acquire the fee or any lesser interest,
29 development right, easement (including conservation easement),
30 covenant or other contractual right (including a conveyance on
31 conditions or with limitations or reversions), as may be necessary to
32 acquire, maintain, improve, protect, limit the future use of, or
33 otherwise conserve and properly utilize open spaces and other land
34 and water areas in the county.

35

36 4. An environmental commission shall keep records of its meetings
37 and activities and shall make an annual report to the governing body
38 of the county.

39

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

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45 6. An environmental commission ¹[shall have power to] may, at
46 the direction of the governing body,¹ study and make

1 recommendations concerning open space preservation, water resources
2 management, air pollution control, solid waste management, noise
3 control, soil and landscape protection, environmental appearance,
4 marine resources and protection of flora and fauna ¹. unless there
5 exists within the county an advisory body to the governing body or the
6 planning board on the matter¹.

7
8 7. a. The governing bodies of two or more counties may, by
9 adoption of substantially similar resolutions, create a joint
10 environmental commission for the ¹coordinated¹ protection,
11 development or use of natural resources, including water resources
12 located within their combined territorial limits.

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

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

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

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

24 c. Members of the ¹joint¹ commission shall serve without
25 compensation, but may receive reimbursement for actual expenses
26 necessarily incurred in the performance of their duties as members of
27 the commission ¹. if funds are available¹.

28
29 8. A joint environmental commission shall elect its chairman, who
30 shall hold no other public office or position, except that he may be a
31 member of a planning board. The term of the chairman shall be one
32 year ¹[, and that person shall be eligible to succeed himself unless the
33 resolution creating the commission shall otherwise provide]¹. The
34 resolution creating the ¹joint¹ commission may provide that the
35 chairmanship of the ¹joint¹ commission be rotated annually so that
36 over each period of years corresponding to the number of participating
37 counties it shall be held in each year by a member appointed from a
38 different participating county.

39
40 9. The proportion of the expenses of the joint environmental
41 commission to be borne by each participating county shall be such as
42 may be determined and agreed upon by the participating counties, and
43 the participating counties are hereby authorized to appropriate their
44 respective shares of such expenses. Within the limits thus agreed upon
45 and duly appropriated the ¹joint¹ commission may employ such clerical
46 and technical or other assistants and may incur such other expenses as

1 it may deem necessary to carry out its functions.

2

3 10. A ¹joint¹ commission created by two or more counties shall
4 have, with respect to all the participating counties, and to each of
5 them, all the functions, duties and powers of ¹[an] a county¹
6 environmental commission established in a single county under the
7 provisions of this act.

8

9 ¹[11. If any county with an established environmental commission
10 shall enter into participation in a joint environmental commission, the
11 environmental commission previously established shall be abolished
12 upon the taking effect of the resolution establishing the joint
13 environmental commission, and the terms of the members of the
14 abolished environmental commission shall immediately cease and
15 terminate. Except as may otherwise be provided in the resolution
16 establishing such joint commission, all employees of such abolished
17 environmental commission and all the records, property and funds in
18 its possession or under its control shall be transferred to the joint
19 environmental commission, and all its debts and other financial
20 obligations shall be assumed by the joint environmental commission.]¹

21

22 ¹[12] 11¹. Any county environmental commission ¹council¹ or
23 agency which was in existence at the time ¹of the enactment
24 of¹ P.L. , c. (C.) (now pending before the Legislature
25 as this bill) ¹[was enacted]¹, shall ¹not be required to adopt the
26 provisions of this act and shall be permitted to¹ continue to operate
27 ¹[as a county environmental commission under the provisions of this
28 act] in the same manner as it operated prior to the enactment of
29 P.L. , c. (C.) (pending before the Legislature as
30 this bill.)¹.

31

32 ¹[13.] 12¹. This act shall take effect on the first day of the fourth
33 month next following enactment.

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38 Authorizes counties to create environmental commissions.