

40:56A-1

LEGISLATIVE HISTORY CHECKLIST
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(Permits municipalities to establish environmental commissions instead of conservation commissions)

LAWS OF: 1972

CHAPTER: 35

Bill No: A2

Sponsor(s): Margetts

Date Introduced: Pre-filed

Committee: Assembly: Agriculture, Conservation and Natural Resources

Senate: County and Municipal Government

Amended during passage: No

Date of Passage: Assembly: February 10, 1972

Senate: May 11, 1972

Date of Approval: May 25, 1972

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

ASSEMBLY, No. 2

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1972 SESSION

By Assemblywoman MARGETTS

AN ACT to amend the title of "An act authorizing municipalities to establish conservation commissions and supplementing Title 40 of the Revised Statutes," approved August 6, 1968 (P. L. 1968, c. 245), so that the same shall read "An act authorizing municipalities to establish environmental commissions and supplementing Title 40 of the Revised Statutes," and to amend and supplement the body of said act.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The title of P. L. 1968, c. 245 is amended to read as follows:
2 An act authorizing municipalities to establish **[conservation]**
3 *environmental* commissions and supplementing Title 40 of the Re-
4 vised Statutes.

1 2. Section 1 of P. L. 1968, c. 245 (C. 40:56A-1) is amended to read
2 as follows:

3 1. Commission; appointment; terms; vacancies. The governing
4 body of any municipality may by ordinance establish **[a conserva-**
5 **tion]** *an environmental* commission for the protection, development
6 or use of natural resources, including water resources, located
7 within its territorial limits. The commission shall consist of not
8 less than five nor more than seven members, appointed by the mayor
9 or other chief executive officer of the municipality, one of whom
10 shall also be a member of the municipal planning board and all of
11 whom shall be residents of the municipality; the members shall
12 serve without compensation except as hereinafter provided. The
13 mayor or other chief executive officer of the municipality shall
14 designate one of the members to serve as chairman and presiding
15 officer of the commission. The terms of office of the first commis-
16 sioners shall be for 1, 2 or 3 years, to be designated by the mayor
17 in making his appointments so that the terms of approximately $\frac{1}{3}$

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

18 of the members will expire each year, and their successors shall be
19 appointed for terms of 3 years and until the appointment and
20 qualification of their successors. The mayor or governing body of
21 the municipality may remove any member of the commission for
22 cause, on written charges served upon the member and after a hear-
23 ing thereon at which the member shall be entitled to be heard in
24 person or by counsel. A vacancy on the commission occurring
25 otherwise than by expiration of a term shall be filled for the un-
26 expired term in the same manner as an original appointment.

1 3. Section 2 of P. L. 1968, c. 245 (C. 40:56A-2) is amended to
2 read as follows:

3 2. Powers of commission. **[A conservation]** *An environmental*
4 *commission* organized under this act shall have power to conduct
5 research into the use and possible use of the open land areas of the
6 municipality and may coordinate the activities of unofficial bodies
7 organized for similar purposes, and may advertise, prepare, print
8 and distribute books, maps, charts, plans and pamphlets which in
9 its judgment it deems necessary for its purposes. It shall keep an
10 index of all open areas, publicly or privately owned, including open
11 marshlands, swamps and other wetlands, in order to obtain in-
12 formation on the proper use of such areas, and may from time to
13 time recommend to the planning board or, if none, to the mayor and
14 governing body of the municipality plans and programs for in-
15 clusion in a municipal master plan and the development and use of
16 such areas.

1 4. Section 3 of P. L. 1968, c. 245 (C. 40:56A-3) is amended to read
2 as follows:

3 3. Acquisitions by commission. **[A conservation]** *An environ-*
4 *mental commission* may, subject to the approval of the governing
5 body, acquire property, both real and personal, in the name of the
6 municipality by gift, purchase, grant, bequest, devise or lease for
7 any of its purposes and shall administer the same for such purposes
8 subject to the terms of the conveyance or gift. Such an acquisition
9 may be to acquire the fee or any lesser interest, development right,
10 easement (including conservation easement), covenant or other
11 contractual right (including a conveyance on conditions or with
12 limitations or reversions), as may be necessary to acquire, main-
13 tain, improve, protect, limit the future use of, or otherwise conserve
14 and properly utilize open spaces and other land and water areas in
15 the municipality.

1 5. Section 4 of P. L. 1968, c. 245 (C. 40:56A-4) is amended to
2 read as follows:

3 4. Records and annual report. **[A conservation]** *An environ-*
4 *mental* commission shall keep records of its meetings and activities
5 and shall make an annual report to the governing body of the
6 municipality.

1 6. Section 5 of P. L. 1968, c. 245 (C. 40:56A-5) is amended to read
2 as follows:

3 5. Appropriation. The governing body of a municipality may
4 appropriate funds for the expenses incurred by the **[conservation]**
5 *environmental* commission. The commission may appoint such
6 clerks and other employees as it may from time to time require and
7 as shall be within the limits of funds appropriated to it.

1 7. An environmental commission shall have power to study and
2 make recommendations concerning open space preservation, water
3 resources management, air pollution control, solid waste manage-
4 ment, noise control, soil and landscape protection, environmental
5 appearance, marine resources and protection of flora and fauna.

1 8. Any conservation commission established pursuant to this act
2 shall be an environmental commission.

1 9. This act shall take effect immediately.

STATEMENT

In 1968 the Legislature passed an act authorizing municipal conservation commissions. Since that time over 100 municipalities have created conservation commissions. This act is designed to strengthen and promote this movement by broadening the powers and responsibilities of the commissions. The act authorizes studies into all areas of environmental concern while continuing the commissions as citizen advisory bodies which make recommendations to the elected governing body.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2

—•—
STATE OF NEW JERSEY
—•—

DATED: APRIL 17, 1972

Assembly Bill No. 2 alters the title of municipal conservation commission to that of an environmental commission and expands the scope of its authority. As presently constituted, a municipal conservation commission is primarily an educational-informational and advisory body concerned with the utilization of open land, including wetland areas; it also has the power to acquire and administer certain real and personal property for any of its purposes.

The grant of broader authority is delineated in paragraph 7 and entails the power and responsibility to study and make recommendations on a wide range of environmental matters: the preservation of open spaces, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and the protection of flora and fauna.

Paragraph 8 provides that any municipal conservation commission already created pursuant to C. 40:56A-1 et seq. shall be designated an environmental commission.