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LEGISLATIVE HISTORY CHECKLIST
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(NJ Council on
Environmental Quality)

NJSA: 13:1DD-1

LAWS OF: 1991 CHAPTER: 450

BILL NO: S2678

SPONSOR(S): McNamara and Brown

DATE INTRODUCED: May 17, 1990

COMMITTEE: ASSEMBLY: _____
SENATE: Environmental Quality

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: January 13, 1992
SENATE: December 19, 1991

DATE OF APPROVAL: January 18, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No
SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

[FIRST REPRINT]
SENATE, No. 2678

STATE OF NEW JERSEY

INTRODUCED MAY 17, 1990

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By Senators McNAMARA and BROWN

1 AN ACT creating ¹[a] the New Jersey¹ Council ¹[of] on¹
2 Environmental Quality ¹, and supplementing Title 13 of the
3 Revised Statutes¹.
4

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

7 1. The Legislature finds and declares that New Jersey's
8 natural environment provides priceless resources to the people of
9 the State of New Jersey; that these are resources vital for the
10 economic, recreational, ¹and¹ aesthetic benefits central to the
11 health and well being of the citizens of this ¹[state] State¹; that
12 the maintenance of these valuable benefits is heavily dependent
13 upon improving environmental quality and long range public
14 planning therefor; that these resources are threatened by
15 pollution, increasing population density, and land development;
16 that environmental problems are persistent and pervasive,
17 requiring both short- and long-term approaches by government;
18 that poor environmental quality is also a present and potential
19 danger to public health; that a coordinated effort by the State is
20 required to maintain and improve environmental quality, and to
21 mitigate and reduce the adverse ¹[affects] effects¹ of hazardous
22 and other pollutants on human health; that protection, restoration
23 or improvement of the environment and human health requires a
24 cooperative effort between the public and private sectors; and
25 that there is a need for a public body removed from day-to-day
26 regulatory involvements that is at liberty to take a more
27 comprehensive and longer term view of the problems of
28 protecting, managing and improving New Jersey's physical
29 environment, including its natural resources, and mitigating and
30 reducing the adverse effects of environmental degradation and
31 pollution on human health.

32 2. There is established in the Executive Branch of the State
33 Government ¹[a] the¹ New Jersey Council ¹[of] on¹
34 Environmental Quality. For the purpose of complying with the
35 provisions of Article V, Section IV, paragraph 1 of the New
36 Jersey Constitution, the council is allocated within the
37 Department of Environmental Protection; notwithstanding that
38 allocation, the ¹[commission] council¹ shall be independent of any
39 supervision or control by the ¹[the]¹ Commissioner of
40 Environmental Protection, or any officer or employee of the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEQ committee amendments adopted June 10, 1991.

1 department. The council shall consist of ¹[fifteen] ten members
2 as follows: the Commissioner of Environmental Protection, or a
3 designee, who shall serve ex officio, but shall not be entitled to
4 vote; five¹ members, to be appointed by the Governor, with the
5 advice and consent of the Senate, ¹[as follows: eight of the
6 members] who¹ shall be representatives of industry, civic
7 organizations, environmental groups, ¹municipal or county
8 government,¹ and the educational institutions of this State, with
9 ¹[two members] one member¹ appointed from each category; and
10 ¹[seven of the members shall be] four¹ public members ¹, to be
11 appointed by the Governor, with the advice and consent of the
12 Senate,¹ who shall have demonstrated a knowledge of, and
13 interest in, environmental ¹[and] or¹ environmental health issues
14 ¹and environmental protection, with two members having at least
15 a master's degree in the physical or life sciences, and two
16 members having at least a master's degree in the social or public
17 policy sciences¹. Membership on the council shall be
18 geographically and demographically balanced and nonpartisan.
19 Council members ¹, with the exception of the ex officio
20 member,¹ shall be appointed for three-year terms, except that of
21 the members first appointed, ¹[five] four¹ members shall be
22 appointed for a term of one year and five members for a term of
23 two years, with the ¹[appointments] terms¹ to be evenly
24 distributed ¹[between group members and public members], to the
25 maximum extent practicable, between the two groups of voting
26 members¹. Vacancies shall be filled in the same manner as the
27 original appointment for the remainder of the uncompleted term.
28 A member shall serve until a successor is appointed and is
29 qualified. Any member of the council may be removed for cause
30 by the Governor.

31 Members of the council shall serve without compensation, but
32 the council may, within the limits of funds available therefor,
33 reimburse its members ¹, except the commissioner or the
34 commissioner's designee,¹ for necessary expenses incurred in the
35 discharge of official duties.

36 ¹Voting members of the council, except for the representative
37 of an educational institution of the State, may not be employees
38 of the State.¹

39 3. The council shall organize as soon as practicable after the
40 appointment of ¹all¹ its members. At the organizational meeting
41 the council members shall elect a chairperson, vice chairperson
42 and secretary from among ¹[its] the council's¹ members. A
43 majority of the authorized ¹and voting¹ membership shall
44 constitute a quorum for the transaction of council business.
45 Action by the council may be taken by affirmative vote of a
46 majority of the members present ¹and authorized to vote¹. The
47 council shall meet at least once every three months, and may
48 meet at such other times upon call of the chairperson. Meetings
49 of the ¹[commission] council¹ shall be subject to the "Open

1 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

2 The council may call to its assistance and avail itself of the
3 services of such employees of the Department of Environmental
4 Protection and other departments or agencies of the State, or any
5 political subdivision of the State, as it may require and as may be
6 made available to it for carrying out the council's responsibilities
7 under this act. Within the limits of funds appropriated or
8 otherwise ¹made¹ available therefor, the council may employ
9 such professional, stenographic and clerical assistance, and incur
10 such traveling and other expenses ^{1,1} as may be deemed
11 necessary to the performance of its responsibilities.

12 4. The council shall prepare on a biennial basis a report to the
13 Governor, the Legislature and the residents of New Jersey on the
14 state of the environment and environmental health in New
15 Jersey. ¹[The report may include such recommendations,
16 including proposals for legislative or administrative actions, as
17 the council deems necessary or desirable.]¹

18 The council shall also conduct studies^{1[,]1} and may prepare
19 reports on any matter set forth in section 5 of this act. Council
20 reports may include such policy, program, organizational or other
21 recommendations to the Governor, the Legislature, or the
22 Commissioner of Environmental Protection ^{1,} including
23 legislation or administrative recommendations,¹ as the council
24 deems necessary or useful for the protection, management or
25 enhancement of the quality of the natural ¹or urban¹
26 environment, and the protection or improvement of
27 environmental health.

28 Prior to adoption of any report, the council shall hold at least
29 two public hearings on the draft report, and any
30 recommendations contained therein, for the purpose of allowing
31 residents of the State to comment on the draft report or
32 recommendations. The council shall hold at least one public
33 hearing in the northern part and at least one public hearing in the
34 southern part of the State.

35 The council may charge a fee for council reports, which shall
36 not exceed the cost of printing and mailing copies thereof.

37 5. The council shall:

38 a. Identify, document, analyze and interpret conditions,
39 changes or trends relating to the state of New Jersey's air, water
40 and land resources, ¹and the effects of environmental pollution
41 on¹ animal and plant life ^{1[,]1} and human health;

42 b. Review and evaluate human health risk assessment and
43 environmental impact assessment methods and techniques in
44 order to better understand the dynamics of ecological and
45 physiological stress from hazardous and other pollutants
46 discharged to the environment;

47 c. Review and evaluate alternative strategies for protecting
48 and managing the environment, including the natural resources of
49 the State ^{1,} and for protecting human health and animal and plant

1 life from environmental exposure to hazardous substances and
2 other pollutants¹;

3 d. Develop guiding principles, priorities and strategies for
4 long-term public research on the adverse effects on human health
5 of environmental degradation and ¹environmental¹ exposure to
6 hazardous substances and other pollutants;

7 e. Study and assess the environmental impacts of the land use
8 and development, energy, transportation and other infrastructure
9 programs and policies of State and local governments;

10 f. Review and evaluate current State environmental programs
11 and policies with respect to cross-program consistency,
12 compatibility, and coordination, and the effectiveness of these
13 programs and policies in achieving their intended objectives;

14 g. Review and evaluate problems of intergovernmental
15 program and policy compatibility and coordination, including
16 federal, State and local government policies and programs;

17 h. Study and develop methods and procedures for better
18 integrating environmental considerations into the decisionmaking
19 processes of State and local governments, as well as the
20 decisionmaking processes of private entities and the general
21 public;

22 i. At its own initiative, or at the direction of the Governor,
23 the Commissioner of Environmental Protection, or the
24 Legislature pursuant to a concurrent resolution, review any other
25 issue or problem relating to the protection, management or
26 restoration of the environment, and mitigating the adverse
27 effects of environmental degradation, including hazardous and
28 other pollutants, on public health ¹; and

29 j. Review and evaluate the functions of any State agency or
30 local government as those functions relate to environmental or
31 environmental health issues and environmental protection. In
32 carrying out the functions pursuant to this subsection, the council
33 may request to review pertinent documents as may be in the
34 possession of the State agency or local government.¹

35 6. This act shall take effect immediately.

36

37

38 ENVIRONMENT

39

40 Creates the NJ Council on Environmental Quality.

1 effects of environmental degradation, including hazardous and
2 other pollutants, on public health.

3 6. This act shall take effect immediately.

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5

6

STATEMENT

7

8 This bill creates a Council of Environmental Quality in the
9 Department of Environmental Protection. Council members shall
10 be appointed by the Governor, with the advice and consent of the
11 Senate, from representatives of designated interest groups and
12 the general public. The council shall undertake studies and make
13 reports, including a biennial report on the state of the
14 environment and environmental health in New Jersey, on issues
15 relating to environmental quality and environmental health. The
16 council may include in its reports such recommendations for
17 legislative and administrative actions as it may deem
18 appropriate. The council shall hold public hearings on its draft
19 reports in order to allow inputs from the general public.

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21

22

ENVIRONMENT

23

24

Creates a Council on Environmental Quality.

SENATE ENVIRONMENTAL QUALITY COMMITTEE

STATEMENT TO

SENATE, No. 2678

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 1991

The Senate Environmental Quality Committee favorably reports Senate Bill No. 2678 with Senate committee amendments.

As amended, this bill would establish a New Jersey Council on Environmental Quality. The council's responsibilities include the preparation of a biennial report to the Governor, the Legislature, and the public concerning the state of the environment and environmental health in New Jersey. The council would also be charged with conducting studies and issuing reports on any number of broadly enumerated matters concerning the State's environment.

Section 2 of the bill establishes the council as an independent entity within the Department of Environmental Protection. The membership of the council consists of the Commissioner of Environmental Protection, who will be a nonvoting member, and nine voting members, appointed by the Governor with the advice and consent of the Senate.

Five of the voting members shall be representatives, respectively, of industry, civic organizations, environmental groups, local government, and educational institutions of the State. The other four members will be members of the public having knowledge of environmental or environmental health issues. Two of these members must have master's degrees in physical or life sciences and two must have master's degrees in social or public policy sciences.

Appointed members will serve three year terms and will not be compensated except for expenses if money is available for that purpose. Membership is to be geographically and demographically balanced and nonpartisan. Appointed members, except for the representative of an educational institution of the State, may not be State government employees.

Section 3 concerns meetings of the council. It provides that the council is to meet at least once every three months. Meetings are subject to the "Open Public Meetings Act."

Section 4 provides for the preparation of the biennial report and allows the council to issue other reports at any time, which reports may include legislative or administrative recommendations.

Section 5 contains a list of responsibilities for the council, including the review of the State's environmental conditions and any discernible trends; an evaluation of health risk and environmental assessment methods; a review and evaluation of environmental protection strategies; developing principles, priorities, and strategies for research projects; assessing the effects of various infrastructure projects; evaluating the consistency of current environmental programs; evaluating intergovernmental program and policy compatibility and coordination; studying methods to improve environmental decisionmaking; undertaking other studies on its own initiative, or at the request of the Governor, the Legislature, or the Commissioner of Environmental Protection; and reviewing and evaluating State and local government environmental functions.

The committee amended the bill to reduce the number of council members from 15 to ten; specify the educational qualifications for certain public members; provide that one member represent local government; provide that the Commissioner of Environmental Protection shall be a nonvoting member; provide that council members, except the commissioner and the educational representative, may not be State employees; and make several technical and clarifying changes that were made to a similar bill pending in the General Assembly, Assembly Bill No. 3481 (TR).

LEGISLATIVE FISCAL ESTIMATE TO
SENATE, No. 2678

STATE OF NEW JERSEY

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DATED: December 12, 1990

Senate Bill No. 2678 of 1990 creates a Council of Environmental Quality in the Department of Environmental Protection for the purpose of studying issues relating to environmental quality and environmental health.

The Office of Legislative Services estimates that one or two professional staff and one clerical employee from the department would be assigned to carry out the duties and objectives of the council. This assignment could be on a full or part-time basis depending on the workload. This estimate is based on previous staff assignments to other councils and advisory bodies associated with the department. Depending on the amount of time spent on council activities, the number of professional staff involved, and the level of secretarial support needed, annual costs to the department could range from \$25,000 to \$75,000.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.