

32:18-3

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2000 **CHAPTER:** 6
NJSA: 32:18-3 (Interstate Sanitation Commission—name change)
BILL NO: A760 (Substituted for S487)
SPONSOR(S): Zecker
DATE INTRODUCED: Pre-filed
COMMITTEE: **ASSEMBLY:** Solid and Hazardous Waste
 SENATE: -----
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** January 31, 2000
 SENATE: February 7, 2000
DATE OF APPROVAL: March 23, 2000

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: First Reprint
(Amendments during passage denoted by subscript numbers)

A760

SPONSORS STATEMENT: (Begins on page 14 of original bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: No
FLOOR AMENDMENT STATEMENTS:	No
LEGISLATIVE FISCAL ESTIMATE:	No

S487

SPONSORS STATEMENT: (Begins on page 14 of original bill)	Yes
	Sponsors Statement identical to A760
COMMITTEE STATEMENT:	ASSEMBLY: No
	SENATE: Yes
FLOOR AMENDMENT STATEMENTS:	No
LEGISLATIVE FISCAL ESTIMATE:	No

VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes

FOLLOWING WERE PRINTED:

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REPORTS:	No
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ASSEMBLY SOLID AND HAZARDOUS WASTE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 760

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 24, 2000

The Assembly Solid and Hazardous Waste Committee favorably reports Assembly Bill No. 760 with committee amendments.

As amended, Assembly Bill No. 760 is intended to change the name of the Interstate Sanitation Commission to the Interstate Environmental Commission and the Interstate Sanitation District to the Interstate Environmental District.

Under current law, the Interstate Sanitation Commission is composed of members from New Jersey, New York and Connecticut, and is responsible for the administration of a water control program pursuant to a Tri-State Compact, R.S.32:18-1 et seq. (the Compact). The commission also administers an interstate air pollution program pursuant to the "Interstate Air Pollution Act," P.L.1961, c.105 (C.32:19A-1 et seq.) which supplements the Compact.

The commission's present name has led to misunderstandings concerning the responsibilities of the commission since the term "sanitation" no longer conveys the full scope of the commission's activities and programs. This bill is intended to clarify the role of the commission by changing the name of the commission and the district to more accurately reflect their activities and purposes.

This bill repeals section 7 of P.L.1961, c.105 (C.32:19A-7) since this section applied to the fiscal year 1959-60 and is now obsolete. This bill also repeals P.L.1967, c.107 (C.32:29-1 et seq.), the "Mid-Atlantic States Air Pollution Control Compact," because this act would, if approved by the federal government, repeal P.L.1961, c.105 (C.32:19A-1 et seq.) that supplements the Compact.

The committee amendments make several technical changes to the bill.

As amended, this bill is identical to S-487 Sca.

This bill was pre-filed for introduction in the 2000-2001 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

[First Reprint]

ASSEMBLY, No. 760

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman GERALD H. ZECKER

District 34 (Essex and Passaic)

Co-Sponsored by:

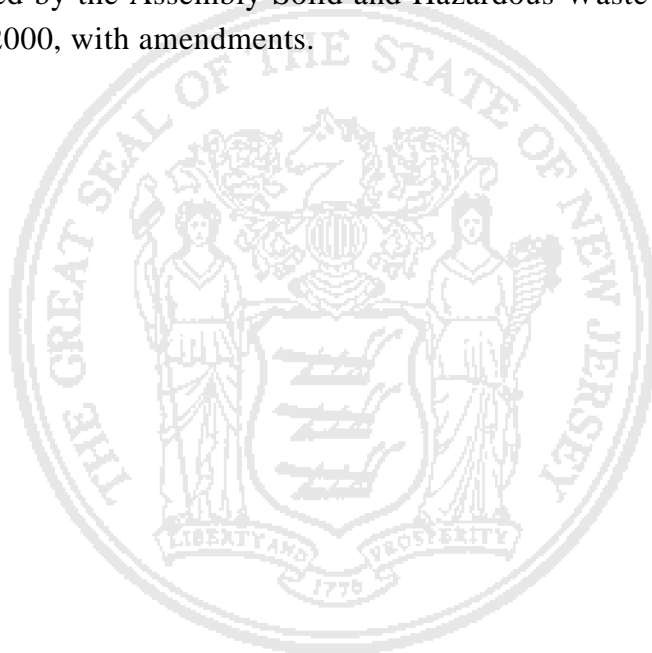
Senators Ciesla and McNamara

SYNOPSIS

Changes name of Interstate Sanitation Commission and Interstate Sanitation District to Interstate Environmental Commission and Interstate Environmental District.

CURRENT VERSION OF TEXT

As reported by the Assembly Solid and Hazardous Waste Committee on January 24, 2000, with amendments.



(Sponsorship Updated As Of: 2/8/2000)

1 AN ACT changing the name of the Interstate Sanitation Commission
2 to the Interstate Environmental Commission and the Interstate
3 Sanitation District to the Interstate Environmental District and
4 ¹[making various revisions to] amending, supplementing and
5 repealing parts of¹ the statutory law.

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

9
10 1. R.S.32:18-3 is amended to read as follows:

11
12 ARTICLE II.

13
14 1. To that end they do agree that there shall be created and they do
15 hereby create a district to be known as the Interstate [Sanitation]
16 Environmental District (hereinafter referred to as the district) which
17 shall embrace the territory described as follows:

18 All the coastal, estuarial and tidal waters within or covering
19 portions of the signatory states as follows:

20 a. In Connecticut, Long Island sound and estuaries and tidal waters
21 thereof between the easterly side of New Haven harbor at Morgan
22 Point and the Connecticut-New York state boundary, and the
23 Housatonic river up to the northerly boundary lines of the towns of
24 Stratford and Milford.

25 b. In New York, all of the tidal waters of greater New York city;
26 including Kill van Kull and Arthur Kill, Long Island sound and the
27 estuaries and tidal waters thereof between the New York city line and
28 the New York-Connecticut state boundary and between the New York
29 city line and the easterly side of Port Jefferson harbor; the Atlantic
30 ocean and the estuaries and tidal waters thereof between the New
31 York city line and the easterly side of Fire Island inlet; and the
32 Hudson river and estuaries and tidal waters thereof between the New
33 York and New Jersey state boundary and the northerly line of
34 Rockland county on the westerly side and between the northerly line
35 of New York city and the northerly line of Westchester county on the
36 easterly side of the river.

37 c. In New Jersey, the Hudson river and New York upper bay and
38 estuaries and tidal waters thereof between the New York-New Jersey
39 boundary and Constable Point on Constable Hook; the Kill van Kull
40 and Arthur Kill to the mouths of the rivers entering into the Kills;
41 Newark bay and the estuaries thereof up to the mouth of the Passaic

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 ASH committee amendments adopted January 24, 2000.

1 river; and up to the mouth of the Hackensack river; Raritan bay
2 together with the Raritan river up to the Victory bridge on said river
3 between Perth Amboy and South Amboy; together with the
4 Cheesequake creek up to the New York and Long Branch Railroad
5 bridge on said creek at Morgan; together with the Matawan creek up
6 to the New York and Long Branch Railroad bridge on said creek at
7 Matawan; Sandy Hook bay; together with the Shrewsbury river up to
8 the passenger railroad bridge between Navesink Light and Highland
9 Beach on said river.

10 (cf: R.S.32:18-3)

11

12 2. R.S.32:18-4 is amended to read as follows:

13

14

ARTICLE III.

15

16 1. There is hereby created the Interstate [Sanitation]
17 Environmental Commission (hereinafter referred to as the commission)
18 which shall be a body corporate and politic, having the powers, duties
19 and jurisdiction herein enumerated and such other and additional
20 powers as shall be conferred upon it by the act or acts of a signatory
21 state concurred in by the others and by the act or acts of congress
22 when necessary.

23 (cf: R.S.32:18-4)

24

25 3. R.S.32:18-14 is amended to read as follows:

26

27

ARTICLE XIII.

28

29 1. Terms used in this compact are defined as follows:

30 "District" means the area more particularly described in article II
31 of this compact.

32 "Commission" means the Interstate [Sanitation] Environmental
33 Commission.

34 "Municipality" means any city, incorporated village, borough,
35 county, town, township, district, or any municipality governed by an
36 improvement commission, any joint sewer commission, or any other
37 subdivision of any one of the signatory states, located within the
38 district.

39 "Rule or regulation" means any rule or regulation established by the
40 commission not inconsistent with the constitution of the United States
41 or of any signatory state, promulgated by the commission touching the
42 abatement of pollution of the waters of the district.

43 "Tidal waters" means all those waters which ebb and flow within
44 the designated district.

45 "Dissolved oxygen" is the gaseous oxygen held in solution by the
46 water at any given time. It is expressed as a percentage of the

1 maximum amount of oxygen that would be required to saturate the
2 water under the existing conditions of temperature and salinity.

3 "Pollution" is any foreign matter which renders waters unfit to
4 sustain fish life and unsatisfactory for bathing.

5 "Sewage effluent" means the treated sewage discharged from a
6 treatment plant.

7 "Suspended solids" means those solid particles carried in suspension
8 in the untreated sewage or sewage effluent.

9 "Entity" means any organization or association owning, controlling
10 or operating a sewerage system or treatment plant within a
11 municipality.

12 (cf: R.S.32:18-14)

13

14 4. R.S.32:19-1 is amended to read as follows:

15 32:19-1. The Governor shall, by and with the advice and consent
16 of the Senate, appoint three commissioners to the Interstate
17 **[Sanitation] Environmental** Commission created by the agreement or
18 compact between the States of New York and New Jersey and
19 Connecticut, each of whom shall be a resident voter of the State of
20 New Jersey. The Commissioner of Environmental Protection and the
21 Commissioner of Health shall serve as commissioners ex officio, and
22 may designate a representative of their respective departments to
23 represent them at all meetings, hearings and proceedings of the
24 Interstate **[Sanitation] Environmental** Commission with full power to
25 vote and act on their respective behalf. In the event that either the
26 Commissioner of Environmental Protection or the Commissioner of
27 Health shall not qualify in accordance with the provisions of the
28 compact, said commissioner shall designate a representative of his
29 respective department to serve as an Interstate **[Sanitation]**
30 **Environmental** Commissioner until such time as the commissioner ex
31 officio shall qualify.

32 Each appointive commissioner shall hold office, for a term of
33 5 years or until his successor has been appointed and qualified. At the
34 expiration of the term of each appointive commissioner, the Governor
35 shall, by and with the advice and consent of the Senate, appoint a
36 successor who shall hold office for a term of 5 years or until his
37 successor has been appointed and qualified. In the event of a vacancy
38 occurring in the office of an appointive commissioner by death,
39 resignation or otherwise, the Governor shall, by and with the advice
40 and consent of the Senate, appoint his successor, who shall hold office
41 for the unexpired term. Any commissioner may be removed upon
42 charges and after hearing by the Governor. The commissioners shall
43 have the powers and duties and be subject to the limitations provided
44 for in the compact and agreement entered into between the signatory
45 States and laws adopted by said States, and together with five
46 commissioners from the States of New York and Connecticut shall

1 form the Interstate [Sanitation] Environmental Commission. The
2 commissioners shall serve without compensation, but shall be paid
3 their actual expenses incurred and incident to the performance of their
4 duties.

5 (cf: P.L.1971, c.106, s.1)

6

7 5. R.S.32:19-3 is amended to read as follows:

8 32:19-3. The commission shall have power to make rules,
9 regulations and orders with regard to the pollution of all the coastal,
10 estuarial and tidal waters within or covering portions of the signatory
11 states as follows:

12 a. In Connecticut, Long Island sound and estuaries and tidal waters
13 thereof between the easterly side of New Haven harbor at Morgan
14 Point and the Connecticut-New York state boundary, and the
15 Housatonic river up to the northerly boundary lines of the towns of
16 Stratford and Milford.

17 b. In New York, all of the tidal waters of greater New York city,
18 including the Kill van Kull and the Arthur Kill, Long Island sound and
19 the estuaries and tidal waters thereof between the New York city line
20 and the New York-Connecticut state boundary and between the New
21 York city line and the easterly side of Port Jefferson harbor; the
22 Atlantic ocean and the estuaries and tidal waters thereof between the
23 New York city line and the easterly side of Fire Island inlet; and the
24 Hudson river and estuaries and tidal waters thereof between the New
25 York and New Jersey state boundary and the northerly line of
26 Rockland county, on the westerly side, and between the northerly line
27 of New York city and the northerly line of Westchester county on the
28 easterly side of the river.

29 c. In New Jersey, the Hudson river and New York upper bay and
30 estuaries and tidal waters thereof between the New York-New Jersey
31 boundary and Constable Point on Constable Hook; the Kill van Kull
32 and Arthur Kill to the mouths of the rivers entering into the Kills;
33 Newark bay and the estuaries thereof up to the mouth of the Passaic
34 river; and up to the mouth of the Hackensack river; Raritan bay
35 together with the Raritan river up to the Victory bridge on said river
36 between Perth Amboy and South Amboy; together with the
37 Cheesequake creek up to the New York and Long Branch Railroad
38 bridge on said creek at Morgan; together with the Matawan creek up
39 to the New York and Long Branch Railroad bridge on said creek at
40 Matawan; Sandy Hook bay; together with the Shrewsbury river up to
41 the passenger railroad bridge, between Navesink Light and Highland
42 Beach on said river; and shall have power to investigate and determine
43 if the requirements of the compact and/or the orders of the commission
44 are complied with and to bring action in its own name in the proper
45 court or courts to compel the enforcement of any and all provisions of
46 the compact and the orders of the commission pursuant thereto or

1 pursuant to laws; and to conduct investigations, inquiries or hearings
2 at such place or places, and at such times as it shall appoint. Such
3 investigations, inquiries or hearings may be held by or before one or
4 more of the commissioners, or by or before any person or persons
5 appointed as its representative and when ratified, approved or
6 confirmed by the Interstate [Sanitation] Environmental Commission,
7 his or their action shall be and be deemed to be the investigation,
8 inquiry or hearing of the Interstate [Sanitation] Environmental
9 Commission. All state and municipal departments, commissions,
10 boards and bodies having to do with the waters of the state shall
11 co-operate with the commission and shall furnish to the commission
12 such information as the commission shall request, touching the
13 pollution or the elimination thereof, of the waters of the district.
14 (cf: R.S.32:19-3)

15

16 6. R.S.32:19-4 is amended to read as follows:

17 32:19-4. Whenever the Interstate [Sanitation] Environmental
18 Commission shall be of the opinion that any person, association or
19 corporation, municipal or otherwise, within the district is failing or
20 omitting, or about to fail or omit to do anything required of it by its
21 order or by the laws governing the control or elimination of pollution
22 of the waters of the district, or is doing or is about to do anything or
23 permitting or about to permit anything to be done contrary to or in
24 violation of such orders or such laws or the provisions of the compact,
25 it may direct its legal representative to commence an action or a
26 proceeding in lieu of prerogative writ in the name of the Interstate
27 [Sanitation] Environmental Commission in the Superior Court for the
28 purpose of preventing the continuance of such violations or threatened
29 violations either by injunctive or other relief. The court shall have
30 jurisdiction to hear and determine such action or proceeding upon the
31 merits and grant such relief as may be appropriate.
32 (cf: P.L.1953, c.31, s.19)

33

34 7. R.S.32:19-5 is amended to read as follows:

35 32:19-5. Any powers herein granted to the Interstate [Sanitation]
36 Environmental Commission shall be regarded as in aid of and
37 supplemental to and in no case a limitation upon any of the powers
38 vested in said commission by the states of New York and New Jersey
39 and/or by congress or the terms of the compact.
40 (cf: R.S.32:19-5)

41

42 8. R.S.32:19-10 is amended to read as follows:

43 32:19-10. The Director of the Division of Budget and Accounting
44 in the New Jersey Department of the Treasury and the comptroller of
45 each of the other signatory states [is] are hereby authorized and
46 empowered from time to time to examine the accounts and books of

1 the Interstate **[Sanitation]** Environmental Commission, including its
2 receipts, disbursements and such other items referring to its financial
3 standing as **[such]** the director or comptroller may deem proper, and
4 to report the results of such examination to the governor of **[such]** the
5 appropriate state.

6 (cf: R.S.32:19-10)

7

8 9. Section 1 of P.L.1961, c.105 (C.32:19A-1) is amended to read
9 as follows:

10 1. In addition to the powers, duties and functions now provided by
11 law, the Interstate **[Sanitation]** Environmental Commission shall have
12 authority to engage in activities with respect to interstate air pollution
13 problems between the States of New York and New Jersey as follows:

14 a. To conduct studies;

15 b. To undertake research, testing and development;

16 c. To gather, exchange and disseminate information with and among
17 public or private bodies, persons or organizations and to co-operate
18 with any of them in solving air pollution problems;

19 d. To take samplings and to trace sources of air pollutants;

20 e. To refer complaints to an appropriate enforcement agency or
21 agencies of the States in which the sources are located and to which
22 air pollutants are carried, along with such data and information as it
23 may have obtained with respect to the nature, characteristics, source,
24 path and effect of air pollutants; and

25 f. Make recommendations and reports to the Governors and
26 Legislatures of the participating States.

27 (cf: P.L.1961, c.105, s.1)

28

29 10. Section 2 of P.L.1961, c.105 (C.32:19A-2) is amended to read
30 as follows:

31 2. The primary effort of the Interstate **[Sanitation]** Environmental
32 Commission under this act shall be directed to air contaminant solids,
33 liquids or gases which are toxic, disagreeable or irritant, or which are
34 destructive.

35 (cf: P.L.1961, c.105, s.2)

36

37 11. Section 3 of P.L.1961, c.105 (C.32:19A-3) is amended to read
38 as follows:

39 3. In carrying out its functions under this act, the Interstate
40 **[Sanitation]** Environmental Commission shall make use of the
41 services, facilities and information of existing State, **[Local]** local and
42 **[Federal]** federal agencies wherever feasible and available.

43 (cf: P.L.1961, c.105, s.3)

44

45 12. Section 4 of P.L.1961, c.105 (C.32:19A-4) is amended to read
46 as follows:

1 4. In furtherance of the purposes of this act, the Interstate
2 **[Sanitation]** Environmental Commission is empowered to accept
3 moneys, property and other donations or gifts from any person
4 whatever, whether public, private or governmental, real or artificial.
5 (cf: P.L.1961, c.105, s.4)

6
7 13. Section 5 of P.L.1961, c.105 (C.32:19A-5) is amended to read
8 as follows:

9 5. No trade secret or secret process shall be inquired into by the
10 Interstate **[Sanitation]** Environmental Commission under this act,
11 whether with respect to **[1]** one or more of the substances or **[1]** one
12 or more of the processes, operations, techniques or devices used in
13 connection therewith, and whenever a trade secret or secret process
14 is involved, the activity under this act shall be limited to the
15 identification of the device or facility from which the effluent
16 discharged into the outer air derives, and the nature, rate and period
17 of emission of such effluent.

18 All information obtained from any sampling, tracing or other
19 specific inquiry performed under this act shall be kept and maintained
20 as a confidential disclosure and, except as may be essential for the
21 purpose of referring a complaint to an appropriate enforcement agency
22 and of any enforcement proceeding by or before any such agency, shall
23 not be disclosed or published in any way other than such as will not
24 identify a given substance, process, operation, technique or device
25 with the physical location or identity of the source plant or facility, or
26 with the product made or service performed, or with the person or
27 persons using the same.

28 A printed copy of the provisions of this section shall be furnished
29 on request to any person furnishing information to the Interstate
30 **[Sanitation]** Environmental Commission and, in case of an inquiry at
31 a plant or facility, to the person then in charge of the same.
32 (cf: P.L.1961, c.105, s.5)

33
34 14. Section 6 of P.L.1961, c.105 (C.32:19A-6) is amended to read
35 as follows:

36 6. So long as the activities conducted pursuant to this act are
37 limited to the States of New York and New Jersey, all of the costs and
38 expenses of the same, direct and indirect, shall be met, within the
39 limits of available appropriations therefor, by said **[2]** two States in
40 equal shares and all actions of the Interstate **[Sanitation]**
41 Environmental Commission with respect to such activities shall be
42 governed solely by the commissioners from the States of New York
43 and New Jersey, with like effect as though the State of Connecticut
44 were not a participant of said commission, and for this purpose the
45 commission shall establish administratively a separate Division on
46 Interstate Air Pollution, and maintain separate financial accounts to

1 reflect its direct and allocated costs and expenses; provided, however,
2 that the full commission, including the members representing the State
3 of Connecticut, shall rule on all matters touching the accounting
4 systems to be used and the charging and allocation of costs and
5 expenses.

6 (cf: P.L.1961, c.105, s.6)

7

8 15. Section 36 of P.L.1946, c.138 (C.40:14A-36) is amended to
9 read as follows:

10 36. Nothing herein contained shall in any way affect or limit the
11 jurisdiction or rights of the State Department of Health, Interstate
12 ~~Sanitation~~ Environmental Commission, ~~Interstate Commission on the~~
13 ~~Delaware River Basin~~ Commission or Passaic Valley Sewerage
14 Commissioners; or impair the obligations assumed by any municipality
15 included in any district created under this act in any contract made
16 prior to the creation of such district, with one or more other
17 municipalities or with the Passaic Valley Sewerage Commissioners.
18 (cf: P.L.1946, c.138, s.36)

19

20 16. Section 68 of P.L.1957, c.183 (C.40:14B-68) is amended to
21 read as follows:

22 68. This act shall be construed liberally to effectuate the legislative
23 intent and as complete and independent authority for the performance
24 of each and every act and thing herein authorized, and a municipal
25 authority shall not be subject to regulation as to its service charges by
26 any other officer, board, agency, commission or other office of the
27 State, or constitute a municipality or agency or component of a
28 municipality subject to, any provisions of Title 40 of the Revised
29 Statutes and of Title 40A of the New Jersey Statutes, except
30 P.L.1971, c.198 "Local Public Contracts Law" (C.40A:11-1 et seq.);
31 provided, however, that nothing contained in this act shall in any way
32 affect or limit the jurisdiction, powers or rights of the State
33 Department of Health, Interstate ~~Sanitation~~ Environmental
34 Commission, ~~Interstate Commission on the~~ Delaware River Basin
35 Commission, Water Policy and Supply Council of the Department of
36 ~~Conservation and Economic Development~~ Environmental
37 Protection, North Jersey District Water Supply Commission, Passaic
38 Valley Sewerage Commissioners, or Passaic Valley Water
39 Commission, or impair the obligations assumed by any municipality
40 included in any district in any contract made prior to the creation of
41 such district with any sewerage authority or any county sewer
42 authority or with one or more other municipalities or with the Passaic
43 Valley Sewerage Commissioners or with the North Jersey District
44 Water Supply Commission.

45 (cf: P.L.1975, c.96, s.5)

1 17. Section 73 of P.L.1954, c.84 (C.43:15A-73) is amended to
2 read as follows:

3 73. a. The Public Employees' Retirement System is hereby
4 authorized and directed to enroll eligible employees of the New Jersey
5 Turnpike Authority, the New Jersey Highway Authority, Palisades
6 Interstate Park Commission, Interstate ~~Sanitation~~ Environmental
7 Commission, the Delaware River Basin Commission and the Delaware
8 River Joint Toll Bridge Commission.

9 In the case of the Delaware River Joint Toll Bridge Commission,
10 the eligible employees shall be only those who are employed on the
11 free bridges across the Delaware river, under the control of said
12 commission, or who are members of the retirement system at the time
13 they begin employment with the commission.

14 The said employees shall be subject to the same membership,
15 contribution and benefit provisions of the retirement system as State
16 employees.

17 b. The State University of New Jersey, as an instrumentality of the
18 State, shall, for all purposes of this act, be deemed an employer and its
19 eligible employees, both veterans and nonveterans, shall be subject to
20 the same membership, contribution and benefit provisions of the
21 retirement system and to the provisions of chapter 3 of Title 43 of the
22 Revised Statutes as are applicable to State employees and for all
23 purposes of this act employment by the State University of New Jersey
24 after April 16, 1945, and for the purposes of chapter 3 of Title 43 of
25 the Revised Statutes any new employment after January 1, 1955, shall
26 be deemed to be and shall be construed as service to and employment
27 by the State of New Jersey.

28 c. The Compensation Rating and Inspection Bureau, created and
29 established pursuant to the provisions of R.S.34:15-89, shall, for all
30 purposes of this act, be deemed an employer and its eligible
31 employees, both veterans and nonveterans, shall be subject to the same
32 membership, contribution and benefit provisions of the retirement
33 system and to the provisions of chapter 3 of Title 43 of the Revised
34 Statutes as both are applicable to State employees.

35 The retirement system shall certify to the Commissioner of Banking
36 and Insurance and the Commissioner of Banking and Insurance shall
37 direct the Compensation Rating and Inspection Bureau to provide the
38 necessary payments to the retirement system in accordance with
39 procedures established by the retirement system. Such payments shall
40 include (1) the contributions and charges, similar to those paid by
41 other public agency employers, to be paid by the Compensation Rating
42 and Inspection Bureau to the retirement system on behalf of its
43 employee members, and (2) the contributions to be paid by the
44 Compensation Rating and Inspection Bureau to provide the past
45 service credits up to June 30, 1965 for these members, both veterans
46 and nonveterans, who enroll before July 1, 1966.

1 d. The New Jersey Sports and Exposition Authority, created and
2 established pursuant to the "New Jersey Sports and Exposition
3 Authority Law," P.L.1971, c.137 (C.5:10-1 et seq.) shall for all
4 purposes of this act, be deemed an employer and its eligible employees
5 both veterans and nonveterans, shall be subject to the same
6 membership, contribution and benefit provisions of the retirement
7 system and to the provisions of chapter 3 of Title 43 of the Revised
8 Statutes as are applicable to State employees.

9 (1) Eligible employees as used herein shall not include persons who
10 are not classified as salaried, or who are compensated on an hourly or
11 per diem basis, or whose employment is normally covered by other
12 retirement systems to which the authority makes contributions.

13 (2) Eligible employees previously permitted to enroll in the
14 retirement system shall redeposit the contributions previously made by
15 them and all service credit shall then be restored and future
16 contributions made at the date of contribution as originally assigned.
17 The authority shall redeposit the employer payments it had made, with
18 interest to the date of redeposit.

19 e. The New Jersey Transit Corporation created and established
20 pursuant to the "New Jersey Public Transportation Act of 1979,"
21 P.L.1979, c.150 (C.27:25-1 et seq.) shall for all purposes of this act,
22 be deemed an employer and its eligible employees both veterans and
23 nonveterans, shall be subject to the same membership, contribution and
24 benefit provisions of the retirement system and to the provisions of
25 chapter 3 of Title 43 of the Revised Statutes as are applicable to State
26 employees. Eligible employees as used herein means only those
27 individuals who are members of the Public Employees' Retirement
28 System or any other State-administered retirement system immediately
29 prior to their initial employment by the corporation.

30 f. (1) The Casino Reinvestment Development Authority, created
31 and established pursuant to P.L.1984, c.218 (C.5:12-153 et seq.), the
32 New Jersey Urban Development Corporation, created and established
33 pursuant to P.L.1985, c.227 (C.55:19-1 et seq.), the South Jersey
34 Food Distribution Authority, created and established pursuant to
35 P.L.1985, c.383 (C.4:26-1 et seq.), the New Jersey Development
36 Authority for Small Businesses, Minorities and Women's Enterprises,
37 created and established pursuant to P.L.1985, c.386 (C.34:1B-47 et
38 seq.), and the Catastrophic Illness in Children Relief Fund
39 Commission, created and established pursuant to P.L.1987, c.370
40 (C.26:2-148 et seq.) shall each, for all purposes of this act, be deemed
41 an employer and eligible authority, corporation, or commission.
42 Employees, both veterans and nonveterans, shall be subject to the
43 same membership, contribution and benefit provisions of the
44 retirement system and to the provisions of chapter 3 of Title 43 of the
45 Revised Statutes as are applicable to State employees.

46 (2) The current or former employees of the authorities, the

1 corporation, and the commission may purchase credit for all service
2 with the authority, corporation, or commission rendered prior to the
3 effective date of this amendatory and supplementary act, P.L.1990,
4 c.25 (C.43:15A-73.2 et al.), if that service would otherwise be eligible
5 for credit in the retirement system. This purchase shall be made in the
6 same manner and shall be subject to the same terms and conditions
7 provided for the purchase of previous membership service by section
8 8 of P.L.1954, c.84 (C.43:15A-8). The authority, corporation, or
9 commission shall pay the unfunded liability as determined by the
10 actuary for prior service purchased by its employees in accordance
11 with a schedule approved by the actuary. This obligation of the
12 authority, corporation, or commission shall be known as the accrued
13 liability for prior service credit.

14 (3) For any employee of the authorities or of the corporation or
15 commission who is in service with the authority, corporation, or
16 commission on the effective date of this amendatory and
17 supplementary act, P.L.1990, c.25 (C.43:15A-73.2 et al.), the age of
18 enrollment for the purposes of the member contribution rate under
19 section 25 of P.L.1954, c.84 (C.43:15A-25) shall be the age of the
20 employee on the date the continuous service with the authority began.
21 Any employee who was a member of the retirement system on the date
22 continuous service with the authority, corporation, or commission
23 began but whose membership expired before the effective date of
24 participation by the authority, corporation, or commission in the
25 retirement system, and who has not withdrawn the employee
26 contributions from the system, shall participate in the retirement
27 system under the former membership and shall contribute to the system
28 at the rate applicable to the former membership.

29 g. A subsidiary corporation or other corporation established by the
30 Delaware River Port Authority pursuant to subdivision (m) of Article
31 I of the compact creating the authority (R.S.32:3-2), as defined in
32 section 3 of P.L.1997, c.150 (C.34:1B-146), shall, for all purposes of
33 this act, be deemed an employer and its eligible employees, both
34 veterans and nonveterans, shall be subject to the same membership,
35 contribution and benefit provisions of the retirement system and to the
36 provisions of chapter 3 of Title 43 of the Revised Statutes as are
37 applicable to State employees. Employees of the subsidiary or other
38 corporation eligible for participation in the retirement system under
39 this subsection shall include only persons who are employees of the
40 South Jersey Port Corporation on the effective date of P.L.1997,
41 c.150 (C.34:1B-144 et al.) and are re-employed by the subsidiary or
42 other corporation within 365 days of the effective date.
43 (cf: P.L.1997, c.150, s.24)

44

45 18. Section 3 of P.L.1964, c.125 (C.52:14-17.34) is amended to
46 read as follows:

1 3. In order that the New Jersey State Health Benefits Program Act
2 may be extended to include other public and school employees,
3 participation by counties, municipalities, school districts, public
4 agencies or organizations as defined in section 71 of P.L.1954, c. 84
5 (C.43:15A-71), including the New Jersey Turnpike Authority, the
6 New Jersey Highway Authority, the Interstate [Sanitation]
7 Environmental Commission, the Delaware River Basin Commission,
8 New Jersey Housing and Mortgage Finance Agency, New Jersey
9 Educational Facilities Authority, Hackensack Meadowlands
10 Development Commission and the Compensation Rating and
11 Inspection Bureau, hereinafter defined as employers, is hereby
12 authorized.

13 (cf: P.L.1972, c.75, s.8)

14

15 19. Section 4 of P.L.1964, c.25 (C.52:14-17.35) is amended to
16 read as follows:

17 4. As used in this act and in the act to which this act is a
18 supplement:

19 (a) The term "employer" means a county, municipality, school
20 district, public agency or organization as defined in section 71 of
21 P.L.1954, c.84 (C.43:15A-71), including the New Jersey Turnpike
22 Authority, the New Jersey Highway Authority, the Interstate
23 [Sanitation] Environmental Commission, the Delaware River Basin
24 Commission, New Jersey Housing and Mortgage Finance Agency,
25 New Jersey Educational Facilities Authority, Hackensack
26 Meadowlands Development Commission and the Compensation Rating
27 and Inspection Bureau. The term "employer" shall include a subsidiary
28 corporation or other corporation established by the Delaware River
29 Port Authority pursuant to subdivision (m) of Article I of the compact
30 creating the authority (R.S.32:3-2), as defined in section 3 of
31 P.L.1997, c.150 (C.34:1B-146), except that only persons who are
32 employees of the South Jersey Port Corporation on the effective date
33 of P.L.1997, c.150 (C.34:1B-144 et al.) and are re-employed by the
34 subsidiary or other corporation within 365 days of the effective date
35 are eligible to participate in the program.

36 (b) The term "State Treasury" means the State agency responsible
37 for the administration of the New Jersey State Health Benefits
38 Program Act which is to be located in the Division of Pensions and
39 Benefits in the Department of the Treasury.

40 (cf: P.L.1997, c.150, s.26)

41

42 20. (New section) On and after the effective date of this act,
43 reference in any law, contract or document to the "Interstate
44 Sanitation District" or the "Interstate Sanitation Commission" shall be
45 deemed to mean and refer to the "Interstate Environmental District"
46 or the "Interstate Environmental Commission," as the case may be.

1 21. Section 7 of P.L.1961, c.105 (C.32:19A-7) is repealed.

2

3 22. P.L.1967, c.107 (C.32:29-1 et seq.) is repealed.

4

5 23. This act shall take effect when the states of New York and
6 Connecticut have enacted legislation changing the name of the
7 Interstate Sanitation Commission to the Interstate Environmental
8 Commission and the name of the Interstate Sanitation District to the
9 Interstate Environmental District, and when the Congress of the
10 United States has given its consent to these changes.

ASSEMBLY, No. 760

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman GERALD H. ZECKER

District 34 (Essex and Passaic)

SYNOPSIS

Changes name of Interstate Sanitation Commission and Interstate Sanitation District to Interstate Environmental Commission and Interstate Environmental District.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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2

1 AN ACT changing the name of the Interstate Sanitation Commission
2 to the Interstate Environmental Commission and the Interstate
3 Sanitation District to the Interstate Environmental District and
4 making various revisions to the statutory law.

5

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

8

9 1. R.S.32:18-3 is amended to read as follows:

10

11

ARTICLE II.

12

13 1. To that end they do agree that there shall be created and they do
14 hereby create a district to be known as the Interstate **[Sanitation]**
15 Environmental District (hereinafter referred to as the district) which
16 shall embrace the territory described as follows:

17 All the coastal, estuarial and tidal waters within or covering
18 portions of the signatory states as follows:

19 a. In Connecticut, Long Island sound and estuaries and tidal waters
20 thereof between the easterly side of New Haven harbor at Morgan
21 Point and the Connecticut-New York state boundary, and the
22 Housatonic river up to the northerly boundary lines of the towns of
23 Stratford and Milford.

24 b. In New York, all of the tidal waters of greater New York city;
25 including Kill van Kull and Arthur Kill, Long Island sound and the
26 estuaries and tidal waters thereof between the New York city line and
27 the New York-Connecticut state boundary and between the New York
28 city line and the easterly side of Port Jefferson harbor; the Atlantic
29 ocean and the estuaries and tidal waters thereof between the New
30 York city line and the easterly side of Fire Island inlet; and the
31 Hudson river and estuaries and tidal waters thereof between the New
32 York and New Jersey state boundary and the northerly line of
33 Rockland county on the westerly side and between the northerly line
34 of New York city and the northerly line of Westchester county on the
35 easterly side of the river.

36 c. In New Jersey, the Hudson river and New York upper bay and
37 estuaries and tidal waters thereof between the New York-New Jersey
38 boundary and Constable Point on Constable Hook; the Kill van Kull
39 and Arthur Kill to the mouths of the rivers entering into the Kills;
40 Newark bay and the estuaries thereof up to the mouth of the Passaic
41 river; and up to the mouth of the Hackensack river; Raritan bay
42 together with the Raritan river up to the Victory bridge on said river
43 between Perth Amboy and South Amboy; together with the

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 Cheesequake creek up to the New York and Long Branch Railroad
2 bridge on said creek at Morgan; together with the Matawan creek up
3 to the New York and Long Branch Railroad bridge on said creek at
4 Matawan; Sandy Hook bay; together with the Shrewsbury river up to
5 the passenger railroad bridge between Navesink Light and Highland
6 Beach on said river.

7 (cf: R.S.32:18-3)

8

9 2. R.S.32:18-4 is amended to read as follows:

10

11

ARTICLE III.

12

13 1. There is hereby created the Interstate [Sanitation]
14 Environmental Commission (hereinafter referred to as the commission)
15 which shall be a body corporate and politic, having the powers, duties
16 and jurisdiction herein enumerated and such other and additional
17 powers as shall be conferred upon it by the act or acts of a signatory
18 state concurred in by the others and by the act or acts of congress
19 when necessary.

20 (cf: R.S.32:18-4)

21

22 3. R.S.32:18-14 is amended to read as follows:

23

24

ARTICLE XIII.

25

26 1. Terms used in this compact are defined as follows:

27 "District" means the area more particularly described in article II
28 of this compact.

29 "Commission" means the Interstate [Sanitation] Environmental
30 Commission.

31 "Municipality" means any city, incorporated village, borough,
32 county, town, township, district, or any municipality governed by an
33 improvement commission, any joint sewer commission, or any other
34 subdivision of any one of the signatory states, located within the
35 district.

36 "Rule or regulation" means any rule or regulation established by the
37 commission not inconsistent with the constitution of the United States
38 or of any signatory state, promulgated by the commission touching the
39 abatement of pollution of the waters of the district.

40 "Tidal waters" means all those waters which ebb and flow within
41 the designated district.

42 "Dissolved oxygen" is the gaseous oxygen held in solution by the
43 water at any given time. It is expressed as a percentage of the
44 maximum amount of oxygen that would be required to saturate the
45 water under the existing conditions of temperature and salinity.

46 "Pollution" is any foreign matter which renders waters unfit to

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1 sustain fish life and unsatisfactory for bathing.

2 "Sewage effluent" means the treated sewage discharged from a
3 treatment plant.

4 "Suspended solids" means those solid particles carried in suspension
5 in the untreated sewage or sewage effluent.

6 "Entity" means any organization or association owning, controlling
7 or operating a sewerage system or treatment plant within a
8 municipality.

9 (cf: R.S.32:18-14)

10

11 4. R.S.32:19-1 is amended to read as follows:

12 32:19-1. The Governor shall, by and with the advice and consent
13 of the Senate, appoint three commissioners to the Interstate
14 **[Sanitation]** Environmental Commission created by the agreement or
15 compact between the States of New York and New Jersey and
16 Connecticut, each of whom shall be a resident voter of the State of
17 New Jersey. The Commissioner of Environmental Protection and the
18 Commissioner of Health shall serve as commissioners ex officio, and
19 may designate a representative of their respective departments to
20 represent them at all meetings, hearings and proceedings of the
21 Interstate **[Sanitation]** Environmental Commission with full power to
22 vote and act on their respective behalf. In the event that either the
23 Commissioner of Environmental Protection or the Commissioner of
24 Health shall not qualify in accordance with the provisions of the
25 compact, said commissioner shall designate a representative of his
26 respective department to serve as an Interstate **[Sanitation]**
27 Environmental Commissioner until such time as the commissioner ex
28 officio shall qualify.

29 Each appointive commissioner shall hold office, for a term of
30 5 years or until his successor has been appointed and qualified. At the
31 expiration of the term of each appointive commissioner, the Governor
32 shall, by and with the advice and consent of the Senate, appoint a
33 successor who shall hold office for a term of 5 years or until his
34 successor has been appointed and qualified. In the event of a vacancy
35 occurring in the office of an appointive commissioner by death,
36 resignation or otherwise, the Governor shall, by and with the advice
37 and consent of the Senate, appoint his successor, who shall hold office
38 for the unexpired term. Any commissioner may be removed upon
39 charges and after hearing by the Governor. The commissioners shall
40 have the powers and duties and be subject to the limitations provided
41 for in the compact and agreement entered into between the signatory
42 States and laws adopted by said States, and together with five
43 commissioners from the States of New York and Connecticut shall
44 form the Interstate **[Sanitation]** Environmental Commission. The
45 commissioners shall serve without compensation, but shall be paid

1 their actual expenses incurred and incident to the performance of their
2 duties.

3 (cf: P.L.1971, c.106, s.1)

4

5 5. R.S.32:19-3 is amended to read as follows:

6 32:19-3. The commission shall have power to make rules,
7 regulations and orders with regard to the pollution of all the coastal,
8 estuarial and tidal waters within or covering portions of the signatory
9 states as follows:

10 a. In Connecticut, Long Island sound and estuaries and tidal waters
11 thereof between the easterly side of New Haven harbor at Morgan
12 Point and the Connecticut-New York state boundary, and the
13 Housatonic river up to the northerly boundary lines of the towns of
14 Stratford and Milford.

15 b. In New York, all of the tidal waters of greater New York city,
16 including the Kill van Kull and the Arthur Kill, Long Island sound and
17 the estuaries and tidal waters thereof between the New York city line
18 and the New York-Connecticut state boundary and between the New
19 York city line and the easterly side of Port Jefferson harbor; the
20 Atlantic ocean and the estuaries and tidal waters thereof between the
21 New York city line and the easterly side of Fire Island inlet; and the
22 Hudson river and estuaries and tidal waters thereof between the New
23 York and New Jersey state boundary and the northerly line of
24 Rockland county, on the westerly side, and between the northerly line
25 of New York city and the northerly line of Westchester county on the
26 easterly side of the river.

27 c. In New Jersey, the Hudson river and New York upper bay and
28 estuaries and tidal waters thereof between the New York-New Jersey
29 boundary and Constable Point on Constable Hook; the Kill van Kull
30 and Arthur Kill to the mouths of the rivers entering into the Kills;
31 Newark bay and the estuaries thereof up to the mouth of the Passaic
32 river; and up to the mouth of the Hackensack river; Raritan bay
33 together with the Raritan river up to the Victory bridge on said river
34 between Perth Amboy and South Amboy; together with the
35 Cheesecake creek up to the New York and Long Branch Railroad
36 bridge on said creek at Morgan; together with the Matawan creek up
37 to the New York and Long Branch Railroad bridge on said creek at
38 Matawan; Sandy Hook bay; together with the Shrewsbury river up to
39 the passenger railroad bridge, between Navesink Light and Highland
40 Beach on said river; and shall have power to investigate and determine
41 if the requirements of the compact and/or the orders of the commission
42 are complied with and to bring action in its own name in the proper
43 court or courts to compel the enforcement of any and all provisions of
44 the compact and the orders of the commission pursuant thereto or
45 pursuant to laws; and to conduct investigations, inquiries or hearings
46 at such place or places, and at such times as it shall appoint. Such

1 investigations, inquiries or hearings may be held by or before one or
2 more of the commissioners, or by or before any person or persons
3 appointed as its representative and when ratified, approved or
4 confirmed by the Interstate [Sanitation] Environmental Commission,
5 his or their action shall be and be deemed to be the investigation,
6 inquiry or hearing of the Interstate [Sanitation] Environmental
7 Commission. All state and municipal departments, commissions,
8 boards and bodies having to do with the waters of the state shall
9 co-operate with the commission and shall furnish to the commission
10 such information as the commission shall request, touching the
11 pollution or the elimination thereof, of the waters of the district.
12 (cf: R.S.32:19-3)

13

14 6. R.S.32:19-4 is amended to read as follows:

15 32:19-4. Whenever the Interstate [Sanitation] Environmental
16 Commission shall be of the opinion that any person, association or
17 corporation, municipal or otherwise, within the district is failing or
18 omitting, or about to fail or omit to do anything required of it by its
19 order or by the laws governing the control or elimination of pollution
20 of the waters of the district, or is doing or is about to do anything or
21 permitting or about to permit anything to be done contrary to or in
22 violation of such orders or such laws or the provisions of the compact,
23 it may direct its legal representative to commence an action or a
24 proceeding in lieu of prerogative writ in the name of the Interstate
25 [Sanitation] Environmental Commission in the Superior Court for the
26 purpose of preventing the continuance of such violations or threatened
27 violations either by injunctive or other relief. The court shall have
28 jurisdiction to hear and determine such action or proceeding upon the
29 merits and grant such relief as may be appropriate.

30 (cf: P.L.1953, c.31, s.19)

31

32 7. R.S.32:19-5 is amended to read as follows:

33 32:19-5. Any powers herein granted to the Interstate [Sanitation]
34 Environmental Commission shall be regarded as in aid of and
35 supplemental to and in no case a limitation upon any of the powers
36 vested in said commission by the states of New York and New Jersey
37 and/or by congress or the terms of the compact.

38 (cf: R.S.32:19-5)

39

40 8. R.S.32:19-10 is amended to read as follows:

41 32:19-10. The Director of the Division of Budget and Accounting
42 in the New Jersey Department of the Treasury and the comptroller of
43 each of the other signatory states [is] are hereby authorized and
44 empowered from time to time to examine the accounts and books of
45 the Interstate [Sanitation] Environmental Commission, including its
46 receipts, disbursements and such other items referring to its financial

1 standing as [such] the director or comptroller may deem proper, and
2 to report the results of such examination to the governor of [such] the
3 appropriate state.

4 (cf: R.S.32:19-10)

5

6 9. Section 1 of P.L.1961, c.105 (C.32:19A-1) is amended to read
7 as follows:

8 1. In addition to the powers, duties and functions now provided by
9 law, the Interstate [Sanitation] Environmental Commission shall have
10 authority to engage in activities with respect to interstate air pollution
11 problems between the States of New York and New Jersey as follows:

12 a. To conduct studies;

13 b. To undertake research, testing and development;

14 c. To gather, exchange and disseminate information with and among
15 public or private bodies, persons or organizations and to co-operate
16 with any of them in solving air pollution problems;

17 d. To take samplings and to trace sources of air pollutants;

18 e. To refer complaints to an appropriate enforcement agency or
19 agencies of the States in which the sources are located and to which
20 air pollutants are carried, along with such data and information as it
21 may have obtained with respect to the nature, characteristics, source,
22 path and effect of air pollutants; and

23 f. Make recommendations and reports to the Governors and
24 Legislatures of the participating States.

25 (cf: P.L.1961, c.105, s.1)

26

27 10. Section 2 of P.L.1961, c.105 (C.32:19A-2) is amended to read
28 as follows:

29 2. The primary effort of the Interstate [Sanitation] Environmental
30 Commission under this act shall be directed to air contaminant solids,
31 liquids or gases which are toxic, disagreeable or irritant, or which are
32 destructive.

33 (cf: P.L.1961, c.105, s.2)

34

35 11. Section 3 of P.L.1961, c.105 (C.32:19A-3) is amended to read
36 as follows:

37 3. In carrying out its functions under this act, the Interstate
38 [Sanitation] Environmental Commission shall make use of the
39 services, facilities and information of existing State, [Local] local and
40 [Federal] federal agencies wherever feasible and available.

41 (cf: P.L.1961, c.105, s.3)

42

43 12. Section 4 of P.L.1961, c.105 (C.32:19A-4) is amended to read
44 as follows:

45 4. In furtherance of the purposes of this act, the Interstate
46 [Sanitation] Environmental Commission is empowered to accept

1 moneys, property and other donations or gifts from any person
2 whatever, whether public, private or governmental, real or artificial.
3 (cf: P.L.1961, c.105, s.4)

4

5 13. Section 5 of P.L.1961, c.105 (C.32:19A-5) is amended to read
6 as follows:

7 5. No trade secret or secret process shall be inquired into by the
8 Interstate **[Sanitation]** Environmental Commission under this act,
9 whether with respect to **[1]** one or more of the substances or **[1]** one
10 or more of the processes, operations, techniques or devices used in
11 connection therewith, and whenever a trade secret or secret process
12 is involved, the activity under this act shall be limited to the
13 identification of the device or facility from which the effluent
14 discharged into the outer air derives, and the nature, rate and period
15 of emission of such effluent.

16 All information obtained from any sampling, tracing or other
17 specific inquiry performed under this act shall be kept and maintained
18 as a confidential disclosure and, except as may be essential for the
19 purpose of referring a complaint to an appropriate enforcement agency
20 and of any enforcement proceeding by or before any such agency, shall
21 not be disclosed or published in any way other than such as will not
22 identify a given substance, process, operation, technique or device
23 with the physical location or identity of the source plant or facility, or
24 with the product made or service performed, or with the person or
25 persons using the same.

26 A printed copy of the provisions of this section shall be furnished
27 on request to any person furnishing information to the Interstate
28 **[Sanitation]** Environmental Commission and, in case of an inquiry at
29 a plant or facility, to the person then in charge of the same.
30 (cf: P.L.1961, c.105, s.5)

31

32 14. Section 6 of P.L.1961, c.105 (C.32:19A-6) is amended to read
33 as follows:

34 6. So long as the activities conducted pursuant to this act are
35 limited to the States of New York and New Jersey, all of the costs and
36 expenses of the same, direct and indirect, shall be met, within the
37 limits of available appropriations therefor, by said **[2]** two States in
38 equal shares and all actions of the Interstate **[Sanitation]**
39 Environmental Commission with respect to such activities shall be
40 governed solely by the commissioners from the States of New York
41 and New Jersey, with like effect as though the State of Connecticut
42 were not a participant of said commission, and for this purpose the
43 commission shall establish administratively a separate Division on
44 Interstate Air Pollution, and maintain separate financial accounts to
45 reflect its direct and allocated costs and expenses; provided, however,
46 that the full commission, including the members representing the State

1 of Connecticut, shall rule on all matters touching the accounting
2 systems to be used and the charging and allocation of costs and
3 expenses.

4 (cf: P.L.1961, c.105, s.6)

5

6 15. Section 36 of P.L.1946, c.138 (C.40:14A-36) is amended to
7 read as follows:

8 36. Nothing herein contained shall in any way affect or limit the
9 jurisdiction or rights of the State Department of Health, Interstate
10 ~~Sanitation~~ Environmental Commission, ~~Interstate Commission on~~
11 ~~the~~ Delaware River Basin Commission or Passaic Valley Sewerage
12 Commissioners; or impair the obligations assumed by any municipality
13 included in any district created under this act in any contract made
14 prior to the creation of such district, with one or more other
15 municipalities or with the Passaic Valley Sewerage Commissioners.
16 (cf: P.L.1946, c.138, s.36)

17

18 16. Section 68 of P.L.1957, c.183 (C.40:14B-68) is amended to
19 read as follows:

20 68. This act shall be construed liberally to effectuate the legislative
21 intent and as complete and independent authority for the performance
22 of each and every act and thing herein authorized, and a municipal
23 authority shall not be subject to regulation as to its service charges by
24 any other officer, board, agency, commission or other office of the
25 State, or constitute a municipality or agency or component of a
26 municipality subject to, any provisions of Title 40 of the Revised
27 Statutes and of Title 40A of the New Jersey Statutes, except
28 P.L.1971, c.198 "Local Public Contracts Law" (C.40A:11-1 et seq.);
29 provided, however, that nothing contained in this act shall in any way
30 affect or limit the jurisdiction, powers or rights of the State
31 Department of Health, Interstate ~~Sanitation~~ Environmental
32 Commission, ~~Interstate Commission on the~~ Delaware River Basin
33 Commission, Water Policy and Supply Council of the Department of
34 ~~Conservation and Economic Development~~ Environmental
35 Protection, North Jersey District Water Supply Commission, Passaic
36 Valley Sewerage Commissioners, or Passaic Valley Water
37 Commission, or impair the obligations assumed by any municipality
38 included in any district in any contract made prior to the creation of
39 such district with any sewerage authority or any county sewer
40 authority or with one or more other municipalities or with the Passaic
41 Valley Sewerage Commissioners or with the North Jersey District
42 Water Supply Commission.

43 (cf: P.L.1975, c.96, s.5)

44

45 17. Section 73 of P.L.1954, c.84 (C.43:15A-73) is amended to
46 read as follows:

1 73. a. The Public Employees' Retirement System is hereby
2 authorized and directed to enroll eligible employees of the New Jersey
3 Turnpike Authority, the New Jersey Highway Authority, Palisades
4 Interstate Park Commission, Interstate [Sanitation] Environmental
5 Commission, the Delaware River Basin Commission and the Delaware
6 River Joint Toll Bridge Commission.

7 In the case of the Delaware River Joint Toll Bridge Commission,
8 the eligible employees shall be only those who are employed on the
9 free bridges across the Delaware river, under the control of said
10 commission, or who are members of the retirement system at the time
11 they begin employment with the commission.

12 The said employees shall be subject to the same membership,
13 contribution and benefit provisions of the retirement system as State
14 employees.

15 b. The State University of New Jersey, as an instrumentality of the
16 State, shall, for all purposes of this act, be deemed an employer and its
17 eligible employees, both veterans and nonveterans, shall be subject to
18 the same membership, contribution and benefit provisions of the
19 retirement system and to the provisions of chapter 3 of Title 43 of the
20 Revised Statutes as are applicable to State employees and for all
21 purposes of this act employment by the State University of New Jersey
22 after April 16, 1945, and for the purposes of chapter 3 of Title 43 of
23 the Revised Statutes any new employment after January 1, 1955, shall
24 be deemed to be and shall be construed as service to and employment
25 by the State of New Jersey.

26 c. The Compensation Rating and Inspection Bureau, created and
27 established pursuant to the provisions of R.S.34:15-89, shall, for all
28 purposes of this act, be deemed an employer and its eligible
29 employees, both veterans and nonveterans, shall be subject to the same
30 membership, contribution and benefit provisions of the retirement
31 system and to the provisions of chapter 3 of Title 43 of the Revised
32 Statutes as both are applicable to State employees.

33 The retirement system shall certify to the Commissioner of Banking
34 and Insurance and the Commissioner of Banking and Insurance shall
35 direct the Compensation Rating and Inspection Bureau to provide the
36 necessary payments to the retirement system in accordance with
37 procedures established by the retirement system. Such payments shall
38 include (1) the contributions and charges, similar to those paid by
39 other public agency employers, to be paid by the Compensation Rating
40 and Inspection Bureau to the retirement system on behalf of its
41 employee members, and (2) the contributions to be paid by the
42 Compensation Rating and Inspection Bureau to provide the past
43 service credits up to June 30, 1965 for these members, both veterans
44 and nonveterans, who enroll before July 1, 1966.

45 d. The New Jersey Sports and Exposition Authority, created and
46 established pursuant to the "New Jersey Sports and Exposition

1 Authority Law," P.L.1971, c.137 (C.5:10-1 et seq.) shall for all
2 purposes of this act, be deemed an employer and its eligible employees
3 both veterans and nonveterans, shall be subject to the same
4 membership, contribution and benefit provisions of the retirement
5 system and to the provisions of chapter 3 of Title 43 of the Revised
6 Statutes as are applicable to State employees.

7 (1) Eligible employees as used herein shall not include persons who
8 are not classified as salaried, or who are compensated on an hourly or
9 per diem basis, or whose employment is normally covered by other
10 retirement systems to which the authority makes contributions.

11 (2) Eligible employees previously permitted to enroll in the
12 retirement system shall redeposit the contributions previously made by
13 them and all service credit shall then be restored and future
14 contributions made at the date of contribution as originally assigned.
15 The authority shall redeposit the employer payments it had made, with
16 interest to the date of redeposit.

17 e. The New Jersey Transit Corporation created and established
18 pursuant to the "New Jersey Public Transportation Act of 1979,"
19 P.L.1979, c.150 (C.27:25-1 et seq.) shall for all purposes of this act,
20 be deemed an employer and its eligible employees both veterans and
21 nonveterans, shall be subject to the same membership, contribution and
22 benefit provisions of the retirement system and to the provisions of
23 chapter 3 of Title 43 of the Revised Statutes as are applicable to State
24 employees. Eligible employees as used herein means only those
25 individuals who are members of the Public Employees' Retirement
26 System or any other State-administered retirement system immediately
27 prior to their initial employment by the corporation.

28 f. (1) The Casino Reinvestment Development Authority, created
29 and established pursuant to P.L.1984, c.218 (C.5:12-153 et seq.), the
30 New Jersey Urban Development Corporation, created and established
31 pursuant to P.L.1985, c.227 (C.55:19-1 et seq.), the South Jersey
32 Food Distribution Authority, created and established pursuant to
33 P.L.1985, c.383 (C.4:26-1 et seq.), the New Jersey Development
34 Authority for Small Businesses, Minorities and Women's Enterprises,
35 created and established pursuant to P.L.1985, c.386 (C.34:1B-47 et
36 seq.), and the Catastrophic Illness in Children Relief Fund
37 Commission, created and established pursuant to P.L.1987, c.370
38 (C.26:2-148 et seq.) shall each, for all purposes of this act, be deemed
39 an employer and eligible authority, corporation, or commission.
40 Employees, both veterans and nonveterans, shall be subject to the
41 same membership, contribution and benefit provisions of the
42 retirement system and to the provisions of chapter 3 of Title 43 of the
43 Revised Statutes as are applicable to State employees.

44 (2) The current or former employees of the authorities, the
45 corporation, and the commission may purchase credit for all service
46 with the authority, corporation, or commission rendered prior to the

1 effective date of this amendatory and supplementary act, P.L.1990,
2 c.25 (C.43:15A-73.2 et al.), if that service would otherwise be eligible
3 for credit in the retirement system. This purchase shall be made in the
4 same manner and shall be subject to the same terms and conditions
5 provided for the purchase of previous membership service by section
6 8 of P.L.1954, c.84 (C.43:15A-8). The authority, corporation, or
7 commission shall pay the unfunded liability as determined by the
8 actuary for prior service purchased by its employees in accordance
9 with a schedule approved by the actuary. This obligation of the
10 authority, corporation, or commission shall be known as the accrued
11 liability for prior service credit.

12 (3) For any employee of the authorities or of the corporation or
13 commission who is in service with the authority, corporation, or
14 commission on the effective date of this amendatory and
15 supplementary act, P.L.1990, c.25 (C.43:15A-73.2 et al.), the age of
16 enrollment for the purposes of the member contribution rate under
17 section 25 of P.L.1954, c.84 (C.43:15A-25) shall be the age of the
18 employee on the date the continuous service with the authority began.
19 Any employee who was a member of the retirement system on the date
20 continuous service with the authority, corporation, or commission
21 began but whose membership expired before the effective date of
22 participation by the authority, corporation, or commission in the
23 retirement system, and who has not withdrawn the employee
24 contributions from the system, shall participate in the retirement
25 system under the former membership and shall contribute to the system
26 at the rate applicable to the former membership.

27 g. A subsidiary corporation or other corporation established by the
28 Delaware River Port Authority pursuant to subdivision (m) of Article
29 I of the compact creating the authority (R.S.32:3-2), as defined in
30 section 3 of P.L.1997, c.150 (C.34:1B-146), shall, for all purposes of
31 this act, be deemed an employer and its eligible employees, both
32 veterans and nonveterans, shall be subject to the same membership,
33 contribution and benefit provisions of the retirement system and to the
34 provisions of chapter 3 of Title 43 of the Revised Statutes as are
35 applicable to State employees. Employees of the subsidiary or other
36 corporation eligible for participation in the retirement system under
37 this subsection shall include only persons who are employees of the
38 South Jersey Port Corporation on the effective date of P.L.1997,
39 c.150 (C.34:1B-144 et al.) and are re-employed by the subsidiary or
40 other corporation within 365 days of the effective date.

41 (cf: P.L.1997, c.150, s.24)

42

43 18. Section 3 of P.L.1964, c.125 (C.52:14-17.34) is amended to
44 read as follows:

45 3. In order that the New Jersey State Health Benefits Program Act
46 may be extended to include other public and school employees,

1 participation by counties, municipalities, school districts, public
2 agencies or organizations as defined in section 71 of P.L.1954, c. 84
3 (C.43:15A-71), including the New Jersey Turnpike Authority, the
4 New Jersey Highway Authority, the Interstate [Sanitation]
5 Environmental Commission, the Delaware River Basin Commission,
6 New Jersey Housing and Mortgage Finance Agency, New Jersey
7 Educational Facilities Authority, Hackensack Meadowlands
8 Development Commission and the Compensation Rating and
9 Inspection Bureau, hereinafter defined as employers, is hereby
10 authorized.

11 (cf: P.L.1972, c.75, s.8)

12

13 19. Section 4 of P.L.1964, c.25 (C.52:14-17.35) is amended to
14 read as follows:

15 4. As used in this act and in the act to which this act is a
16 supplement:

17 (a) The term "employer" means a county, municipality, school
18 district, public agency or organization as defined in section 71 of
19 P.L.1954, c.84 (C.43:15A-71), including the New Jersey Turnpike
20 Authority, the New Jersey Highway Authority, the Interstate
21 [Sanitation] Environmental Commission, the Delaware River Basin
22 Commission, New Jersey Housing and Mortgage Finance Agency,
23 New Jersey Educational Facilities Authority, Hackensack
24 Meadowlands Development Commission and the Compensation Rating
25 and Inspection Bureau. The term "employer" shall include a subsidiary
26 corporation or other corporation established by the Delaware River
27 Port Authority pursuant to subdivision (m) of Article I of the compact
28 creating the authority (R.S.32:3-2), as defined in section 3 of
29 P.L.1997, c.150 (C.34:1B-146), except that only persons who are
30 employees of the South Jersey Port Corporation on the effective date
31 of P.L.1997, c.150 (C.34:1B-144 et al.) and are re-employed by the
32 subsidiary or other corporation within 365 days of the effective date
33 are eligible to participate in the program.

34 (b) The term "State Treasury" means the State agency responsible
35 for the administration of the New Jersey State Health Benefits
36 Program Act which is to be located in the Division of Pensions and
37 Benefits in the Department of the Treasury.

38 (cf: P.L.1997, c.150, s.26)

39

40 20. (New section) On and after the effective date of this act,
41 reference in any law, contract or document to the "Interstate
42 Sanitation District" or the "Interstate Sanitation Commission" shall be
43 deemed to mean and refer to the "Interstate Environmental District"
44 or the "Interstate Environmental Commission," as the case may be.

45

46 21. Section 7 of P.L.1961, c.105 (C.32:19A-7) is repealed.

1 22. P.L.1967, c.107 (C.32:29-1 et seq.) is repealed.

2

3 23. This act shall take effect when the states of New York and
4 Connecticut have enacted legislation changing the name of the
5 Interstate Sanitation Commission to the Interstate Environmental
6 Commission and the name of the Interstate Sanitation District to the
7 Interstate Environmental District, and when the Congress of the
8 United States has given its consent to these changes.

9

10

11

STATEMENT

12

13 This bill is intended to change the name of the Interstate Sanitation
14 Commission to the Interstate Environmental Commission and the
15 Interstate Sanitation District to the Interstate Environmental District.

16 Under current law, the Interstate Sanitation Commission is
17 composed of members from New Jersey, New York and Connecticut,
18 and is responsible for the administration of a water control program
19 pursuant to a Tri-State Compact, R.S.32:18-1 et seq. (the Compact).
20 The commission also administers an interstate air pollution program
21 pursuant to the "Interstate Air Pollution Act," P.L.1961, c.105
22 (C.32:19A-1 et seq.) which supplements the Compact.

23 The commission's present name has led to misunderstandings
24 concerning the responsibilities of the commission since the term
25 "sanitation" no longer conveys the full scope of the commission's
26 activities and programs. This bill is intended to clarify the role of the
27 commission by changing the name of the commission and the district
28 to more accurately reflect their activities and purposes.

29 This bill repeals section 7 of P.L.1961, c.105 (C.32:19A-7) since
30 this section applied to the fiscal year 1959-60 and is now obsolete.
31 This bill also repeals P.L.1967, c.107 (C.32:29-1 et seq.), the "Mid-
32 Atlantic States Air Pollution Control Compact," because this act
33 would, if approved by the federal government, repeal P.L.1961, c.105
34 (C.32:19A-1 et seq.) that supplements the Compact.

P.L. 2000, CHAPTER 6, *approved March 23, 2000*
Assembly, No. 760 (*First Reprint*)

1 AN ACT changing the name of the Interstate Sanitation Commission
2 to the Interstate Environmental Commission and the Interstate
3 Sanitation District to the Interstate Environmental District and
4 ¹[making various revisions to] amending, supplementing and
5 repealing parts of¹ the statutory law.
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:
9

10 1. R.S.32:18-3 is amended to read as follows:
11

12 ARTICLE II.
13

14 1. To that end they do agree that there shall be created and they do
15 hereby create a district to be known as the Interstate **[Sanitation]**
16 Environmental District (hereinafter referred to as the district) which
17 shall embrace the territory described as follows:

18 All the coastal, estuarial and tidal waters within or covering
19 portions of the signatory states as follows:

20 a. In Connecticut, Long Island sound and estuaries and tidal waters
21 thereof between the easterly side of New Haven harbor at Morgan
22 Point and the Connecticut-New York state boundary, and the
23 Housatonic river up to the northerly boundary lines of the towns of
24 Stratford and Milford.

25 b. In New York, all of the tidal waters of greater New York city;
26 including Kill van Kull and Arthur Kill, Long Island sound and the
27 estuaries and tidal waters thereof between the New York city line and
28 the New York-Connecticut state boundary and between the New York
29 city line and the easterly side of Port Jefferson harbor; the Atlantic
30 ocean and the estuaries and tidal waters thereof between the New
31 York city line and the easterly side of Fire Island inlet; and the
32 Hudson river and estuaries and tidal waters thereof between the New
33 York and New Jersey state boundary and the northerly line of
34 Rockland county on the westerly side and between the northerly line
35 of New York city and the northerly line of Westchester county on the
36 easterly side of the river.

37 c. In New Jersey, the Hudson river and New York upper bay 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 ASH committee amendments adopted January 24, 2000.

1 estuaries and tidal waters thereof between the New York-New Jersey
2 boundary and Constable Point on Constable Hook; the Kill van Kull
3 and Arthur Kill to the mouths of the rivers entering into the Kills;
4 Newark bay and the estuaries thereof up to the mouth of the Passaic
5 river; and up to the mouth of the Hackensack river; Raritan bay
6 together with the Raritan river up to the Victory bridge on said river
7 between Perth Amboy and South Amboy; together with the
8 Cheesequake creek up to the New York and Long Branch Railroad
9 bridge on said creek at Morgan; together with the Matawan creek up
10 to the New York and Long Branch Railroad bridge on said creek at
11 Matawan; Sandy Hook bay; together with the Shrewsbury river up to
12 the passenger railroad bridge between Navesink Light and Highland
13 Beach on said river.

14 (cf: R.S.32:18-3)

15

16 2. R.S.32:18-4 is amended to read as follows:

17

18

ARTICLE III.

19

20 1. There is hereby created the Interstate [Sanitation]
21 Environmental Commission (hereinafter referred to as the commission)
22 which shall be a body corporate and politic, having the powers, duties
23 and jurisdiction herein enumerated and such other and additional
24 powers as shall be conferred upon it by the act or acts of a signatory
25 state concurred in by the others and by the act or acts of congress
26 when necessary.

27 (cf: R.S.32:18-4)

28

29 3. R.S.32:18-14 is amended to read as follows:

30

31

ARTICLE XIII.

32

33 1. Terms used in this compact are defined as follows:

34 "District" means the area more particularly described in article II
35 of this compact.

36 "Commission" means the Interstate [Sanitation] Environmental
37 Commission.

38 "Municipality" means any city, incorporated village, borough,
39 county, town, township, district, or any municipality governed by an
40 improvement commission, any joint sewer commission, or any other
41 subdivision of any one of the signatory states, located within the
42 district.

43 "Rule or regulation" means any rule or regulation established by the
44 commission not inconsistent with the constitution of the United States
45 or of any signatory state, promulgated by the commission touching the
46 abatement of pollution of the waters of the district.

1 "Tidal waters" means all those waters which ebb and flow within
2 the designated district.

3 "Dissolved oxygen" is the gaseous oxygen held in solution by the
4 water at any given time. It is expressed as a percentage of the
5 maximum amount of oxygen that would be required to saturate the
6 water under the existing conditions of temperature and salinity.

7 "Pollution" is any foreign matter which renders waters unfit to
8 sustain fish life and unsatisfactory for bathing.

9 "Sewage effluent" means the treated sewage discharged from a
10 treatment plant.

11 "Suspended solids" means those solid particles carried in suspension
12 in the untreated sewage or sewage effluent.

13 "Entity" means any organization or association owning, controlling
14 or operating a sewerage system or treatment plant within a
15 municipality.

16 (cf: R.S.32:18-14)

17

18 4. R.S.32:19-1 is amended to read as follows:

19 32:19-1. The Governor shall, by and with the advice and consent
20 of the Senate, appoint three commissioners to the Interstate
21 **[Sanitation] Environmental** Commission created by the agreement or
22 compact between the States of New York and New Jersey and
23 Connecticut, each of whom shall be a resident voter of the State of
24 New Jersey. The Commissioner of Environmental Protection and the
25 Commissioner of Health shall serve as commissioners ex officio, and
26 may designate a representative of their respective departments to
27 represent them at all meetings, hearings and proceedings of the
28 Interstate **[Sanitation] Environmental** Commission with full power to
29 vote and act on their respective behalf. In the event that either the
30 Commissioner of Environmental Protection or the Commissioner of
31 Health shall not qualify in accordance with the provisions of the
32 compact, said commissioner shall designate a representative of his
33 respective department to serve as an Interstate **[Sanitation]**
34 **Environmental** Commissioner until such time as the commissioner ex
35 officio shall qualify.

36 Each appointive commissioner shall hold office, for a term of
37 5 years or until his successor has been appointed and qualified. At the
38 expiration of the term of each appointive commissioner, the Governor
39 shall, by and with the advice and consent of the Senate, appoint a
40 successor who shall hold office for a term of 5 years or until his
41 successor has been appointed and qualified. In the event of a vacancy
42 occurring in the office of an appointive commissioner by death,
43 resignation or otherwise, the Governor shall, by and with the advice
44 and consent of the Senate, appoint his successor, who shall hold office
45 for the unexpired term. Any commissioner may be removed upon
46 charges and after hearing by the Governor. The commissioners shall

1 have the powers and duties and be subject to the limitations provided
2 for in the compact and agreement entered into between the signatory
3 States and laws adopted by said States, and together with five
4 commissioners from the States of New York and Connecticut shall
5 form the Interstate ~~Sanitation~~ Environmental Commission. The
6 commissioners shall serve without compensation, but shall be paid
7 their actual expenses incurred and incident to the performance of their
8 duties.

9 (cf: P.L.1971, c.106, s.1)

10

11 5. R.S.32:19-3 is amended to read as follows:

12 32:19-3. The commission shall have power to make rules,
13 regulations and orders with regard to the pollution of all the coastal,
14 estuarial and tidal waters within or covering portions of the signatory
15 states as follows:

16 a. In Connecticut, Long Island sound and estuaries and tidal waters
17 thereof between the easterly side of New Haven harbor at Morgan
18 Point and the Connecticut-New York state boundary, and the
19 Housatonic river up to the northerly boundary lines of the towns of
20 Stratford and Milford.

21 b. In New York, all of the tidal waters of greater New York city,
22 including the Kill van Kull and the Arthur Kill, Long Island sound and
23 the estuaries and tidal waters thereof between the New York city line
24 and the New York-Connecticut state boundary and between the New
25 York city line and the easterly side of Port Jefferson harbor; the
26 Atlantic ocean and the estuaries and tidal waters thereof between the
27 New York city line and the easterly side of Fire Island inlet; and the
28 Hudson river and estuaries and tidal waters thereof between the New
29 York and New Jersey state boundary and the northerly line of
30 Rockland county, on the westerly side, and between the northerly line
31 of New York city and the northerly line of Westchester county on the
32 easterly side of the river.

33 c. In New Jersey, the Hudson river and New York upper bay and
34 estuaries and tidal waters thereof between the New York-New Jersey
35 boundary and Constable Point on Constable Hook; the Kill van Kull
36 and Arthur Kill to the mouths of the rivers entering into the Kills;
37 Newark bay and the estuaries thereof up to the mouth of the Passaic
38 river; and up to the mouth of the Hackensack river; Raritan bay
39 together with the Raritan river up to the Victory bridge on said river
40 between Perth Amboy and South Amboy; together with the
41 Cheesequake creek up to the New York and Long Branch Railroad
42 bridge on said creek at Morgan; together with the Matawan creek up
43 to the New York and Long Branch Railroad bridge on said creek at
44 Matawan; Sandy Hook bay; together with the Shrewsbury river up to
45 the passenger railroad bridge, between Navesink Light and Highland
46 Beach on said river; and shall have power to investigate and determine

1 if the requirements of the compact and/or the orders of the commission
2 are complied with and to bring action in its own name in the proper
3 court or courts to compel the enforcement of any and all provisions of
4 the compact and the orders of the commission pursuant thereto or
5 pursuant to laws; and to conduct investigations, inquiries or hearings
6 at such place or places, and at such times as it shall appoint. Such
7 investigations, inquiries or hearings may be held by or before one or
8 more of the commissioners, or by or before any person or persons
9 appointed as its representative and when ratified, approved or
10 confirmed by the Interstate [Sanitation] Environmental Commission,
11 his or their action shall be and be deemed to be the investigation,
12 inquiry or hearing of the Interstate [Sanitation] Environmental
13 Commission. All state and municipal departments, commissions,
14 boards and bodies having to do with the waters of the state shall
15 co-operate with the commission and shall furnish to the commission
16 such information as the commission shall request, touching the
17 pollution or the elimination thereof, of the waters of the district.
18 (cf: R.S.32:19-3)

19

20 6. R.S.32:19-4 is amended to read as follows:

21 32:19-4. Whenever the Interstate [Sanitation] Environmental
22 Commission shall be of the opinion that any person, association or
23 corporation, municipal or otherwise, within the district is failing or
24 omitting, or about to fail or omit to do anything required of it by its
25 order or by the laws governing the control or elimination of pollution
26 of the waters of the district, or is doing or is about to do anything or
27 permitting or about to permit anything to be done contrary to or in
28 violation of such orders or such laws or the provisions of the compact,
29 it may direct its legal representative to commence an action or a
30 proceeding in lieu of prerogative writ in the name of the Interstate
31 [Sanitation] Environmental Commission in the Superior Court for the
32 purpose of preventing the continuance of such violations or threatened
33 violations either by injunctive or other relief. The court shall have
34 jurisdiction to hear and determine such action or proceeding upon the
35 merits and grant such relief as may be appropriate.

36 (cf: P.L.1953, c.31, s.19)

37

38 7. R.S.32:19-5 is amended to read as follows:

39 32:19-5. Any powers herein granted to the Interstate [Sanitation]
40 Environmental Commission shall be regarded as in aid of and
41 supplemental to and in no case a limitation upon any of the powers
42 vested in said commission by the states of New York and New Jersey
43 and/or by congress or the terms of the compact.

44 (cf: R.S.32:19-5)

45

46 8. R.S.32:19-10 is amended to read as follows:

1 32:19-10. The Director of the Division of Budget and Accounting
2 in the New Jersey Department of the Treasury and the comptroller of
3 each of the other signatory states [is] are hereby authorized and
4 empowered from time to time to examine the accounts and books of
5 the Interstate [Sanitation] Environmental Commission, including its
6 receipts, disbursements and such other items referring to its financial
7 standing as [such] the director or comptroller may deem proper, and
8 to report the results of such examination to the governor of [such] the
9 appropriate state.
10 (cf: R.S.32:19-10)

11
12 9. Section 1 of P.L.1961, c.105 (C.32:19A-1) is amended to read
13 as follows:

14 1. In addition to the powers, duties and functions now provided by
15 law, the Interstate [Sanitation] Environmental Commission shall have
16 authority to engage in activities with respect to interstate air pollution
17 problems between the States of New York and New Jersey as follows:

18 a. To conduct studies;

19 b. To undertake research, testing and development;

20 c. To gather, exchange and disseminate information with and among
21 public or private bodies, persons or organizations and to co-operate
22 with any of them in solving air pollution problems;

23 d. To take samplings and to trace sources of air pollutants;

24 e. To refer complaints to an appropriate enforcement agency or
25 agencies of the States in which the sources are located and to which
26 air pollutants are carried, along with such data and information as it
27 may have obtained with respect to the nature, characteristics, source,
28 path and effect of air pollutants; and

29 f. Make recommendations and reports to the Governors and
30 Legislatures of the participating States.

31 (cf: P.L.1961, c.105, s.1)

32

33 10. Section 2 of P.L.1961, c.105 (C.32:19A-2) is amended to read
34 as follows:

35 2. The primary effort of the Interstate [Sanitation] Environmental
36 Commission under this act shall be directed to air contaminant solids,
37 liquids or gases which are toxic, disagreeable or irritant, or which are
38 destructive.

39 (cf: P.L.1961, c.105, s.2)

40

41 11. Section 3 of P.L.1961, c.105 (C.32:19A-3) is amended to read
42 as follows:

43 3. In carrying out its functions under this act, the Interstate
44 [Sanitation] Environmental Commission shall make use of the
45 services, facilities and information of existing State, [Local] local and

1 [Federal] federal agencies wherever feasible and available.

2 (cf: P.L.1961, c.105, s.3)

3

4 12. Section 4 of P.L.1961, c.105 (C.32:19A-4) is amended to read
5 as follows:

6 4. In furtherance of the purposes of this act, the Interstate
7 [Sanitation] Environmental Commission is empowered to accept
8 moneys, property and other donations or gifts from any person
9 whatever, whether public, private or governmental, real or artificial.

10 (cf: P.L.1961, c.105, s.4)

11

12 13. Section 5 of P.L.1961, c.105 (C.32:19A-5) is amended to read
13 as follows:

14 5. No trade secret or secret process shall be inquired into by the
15 Interstate [Sanitation] Environmental Commission under this act,
16 whether with respect to [1] one or more of the substances or [1] one
17 or more of the processes, operations, techniques or devices used in
18 connection therewith, and whenever a trade secret or secret process
19 is involved, the activity under this act shall be limited to the
20 identification of the device or facility from which the effluent
21 discharged into the outer air derives, and the nature, rate and period
22 of emission of such effluent.

23 All information obtained from any sampling, tracing or other
24 specific inquiry performed under this act shall be kept and maintained
25 as a confidential disclosure and, except as may be essential for the
26 purpose of referring a complaint to an appropriate enforcement agency
27 and of any enforcement proceeding by or before any such agency, shall
28 not be disclosed or published in any way other than such as will not
29 identify a given substance, process, operation, technique or device
30 with the physical location or identity of the source plant or facility, or
31 with the product made or service performed, or with the person or
32 persons using the same.

33 A printed copy of the provisions of this section shall be furnished
34 on request to any person furnishing information to the Interstate
35 [Sanitation] Environmental Commission and, in case of an inquiry at
36 a plant or facility, to the person then in charge of the same.

37 (cf: P.L.1961, c.105, s.5)

38

39 14. Section 6 of P.L.1961, c.105 (C.32:19A-6) is amended to read
40 as follows:

41 6. So long as the activities conducted pursuant to this act are
42 limited to the States of New York and New Jersey, all of the costs and
43 expenses of the same, direct and indirect, shall be met, within the
44 limits of available appropriations therefor, by said [2] two States in
45 equal shares and all actions of the Interstate [Sanitation]
46 Environmental Commission with respect to such activities shall be

1 governed solely by the commissioners from the States of New York
2 and New Jersey, with like effect as though the State of Connecticut
3 were not a participant of said commission, and for this purpose the
4 commission shall establish administratively a separate Division on
5 Interstate Air Pollution, and maintain separate financial accounts to
6 reflect its direct and allocated costs and expenses; provided, however,
7 that the full commission, including the members representing the State
8 of Connecticut, shall rule on all matters touching the accounting
9 systems to be used and the charging and allocation of costs and
10 expenses.

11 (cf: P.L.1961, c.105, s.6)

12

13 15. Section 36 of P.L.1946, c.138 (C.40:14A-36) is amended to
14 read as follows:

15 36. Nothing herein contained shall in any way affect or limit the
16 jurisdiction or rights of the State Department of Health, Interstate
17 **[Sanitation] Environmental** Commission, **[Interstate Commission on**
18 **the] Delaware River Basin Commission** or Passaic Valley Sewerage
19 Commissioners; or impair the obligations assumed by any municipality
20 included in any district created under this act in any contract made
21 prior to the creation of such district, with one or more other
22 municipalities or with the Passaic Valley Sewerage Commissioners.
23 (cf: P.L.1946, c.138, s.36)

24

25 16. Section 68 of P.L.1957, c.183 (C.40:14B-68) is amended to
26 read as follows:

27 68. This act shall be construed liberally to effectuate the legislative
28 intent and as complete and independent authority for the performance
29 of each and every act and thing herein authorized, and a municipal
30 authority shall not be subject to regulation as to its service charges by
31 any other officer, board, agency, commission or other office of the
32 State, or constitute a municipality or agency or component of a
33 municipality subject to, any provisions of Title 40 of the Revised
34 Statutes and of Title 40A of the New Jersey Statutes, except
35 P.L.1971, c.198 "Local Public Contracts Law" (C.40A:11-1 et seq.);
36 provided, however, that nothing contained in this act shall in any way
37 affect or limit the jurisdiction, powers or rights of the State
38 Department of Health, Interstate **[Sanitation] Environmental**
39 **Commission, [Interstate Commission on the] Delaware River Basin**
40 **Commission, Water Policy and Supply Council of the Department of**
41 **[Conservation and Economic Development] Environmental**
42 **Protection, North Jersey District Water Supply Commission, Passaic**
43 **Valley Sewerage Commissioners, or Passaic Valley Water**
44 **Commission, or impair the obligations assumed by any municipality**
45 **included in any district in any contract made prior to the creation of**
46 **such district with any sewerage authority or any county sewer**

1 authority or with one or more other municipalities or with the Passaic
2 Valley Sewerage Commissioners or with the North Jersey District
3 Water Supply Commission.

4 (cf: P.L.1975, c.96, s.5)

5

6 17. Section 73 of P.L.1954, c.84 (C.43:15A-73) is amended to
7 read as follows:

8 73. a. The Public Employees' Retirement System is hereby
9 authorized and directed to enroll eligible employees of the New Jersey
10 Turnpike Authority, the New Jersey Highway Authority, Palisades
11 Interstate Park Commission, Interstate **[Sanitation]** Environmental
12 Commission, the Delaware River Basin Commission and the Delaware
13 River Joint Toll Bridge Commission.

14 In the case of the Delaware River Joint Toll Bridge Commission,
15 the eligible employees shall be only those who are employed on the
16 free bridges across the Delaware river, under the control of said
17 commission, or who are members of the retirement system at the time
18 they begin employment with the commission.

19 The said employees shall be subject to the same membership,
20 contribution and benefit provisions of the retirement system as State
21 employees.

22 b. The State University of New Jersey, as an instrumentality of the
23 State, shall, for all purposes of this act, be deemed an employer and its
24 eligible employees, both veterans and nonveterans, shall be subject to
25 the same membership, contribution and benefit provisions of the
26 retirement system and to the provisions of chapter 3 of Title 43 of the
27 Revised Statutes as are applicable to State employees and for all
28 purposes of this act employment by the State University of New Jersey
29 after April 16, 1945, and for the purposes of chapter 3 of Title 43 of
30 the Revised Statutes any new employment after January 1, 1955, shall
31 be deemed to be and shall be construed as service to and employment
32 by the State of New Jersey.

33 c. The Compensation Rating and Inspection Bureau, created and
34 established pursuant to the provisions of R.S.34:15-89, shall, for all
35 purposes of this act, be deemed an employer and its eligible
36 employees, both veterans and nonveterans, shall be subject to the same
37 membership, contribution and benefit provisions of the retirement
38 system and to the provisions of chapter 3 of Title 43 of the Revised
39 Statutes as both are applicable to State employees.

40 The retirement system shall certify to the Commissioner of Banking
41 and Insurance and the Commissioner of Banking and Insurance shall
42 direct the Compensation Rating and Inspection Bureau to provide the
43 necessary payments to the retirement system in accordance with
44 procedures established by the retirement system. Such payments shall
45 include (1) the contributions and charges, similar to those paid by
46 other public agency employers, to be paid by the Compensation Rating

1 and Inspection Bureau to the retirement system on behalf of its
2 employee members, and (2) the contributions to be paid by the
3 Compensation Rating and Inspection Bureau to provide the past
4 service credits up to June 30, 1965 for these members, both veterans
5 and nonveterans, who enroll before July 1, 1966.

6 d. The New Jersey Sports and Exposition Authority, created and
7 established pursuant to the "New Jersey Sports and Exposition
8 Authority Law," P.L.1971, c.137 (C.5:10-1 et seq.) shall for all
9 purposes of this act, be deemed an employer and its eligible employees
10 both veterans and nonveterans, shall be subject to the same
11 membership, contribution and benefit provisions of the retirement
12 system and to the provisions of chapter 3 of Title 43 of the Revised
13 Statutes as are applicable to State employees.

14 (1) Eligible employees as used herein shall not include persons who
15 are not classified as salaried, or who are compensated on an hourly or
16 per diem basis, or whose employment is normally covered by other
17 retirement systems to which the authority makes contributions.

18 (2) Eligible employees previously permitted to enroll in the
19 retirement system shall redeposit the contributions previously made by
20 them and all service credit shall then be restored and future
21 contributions made at the date of contribution as originally assigned.
22 The authority shall redeposit the employer payments it had made, with
23 interest to the date of redeposit.

24 e. The New Jersey Transit Corporation created and established
25 pursuant to the "New Jersey Public Transportation Act of 1979,"
26 P.L.1979, c.150 (C.27:25-1 et seq.) shall for all purposes of this act,
27 be deemed an employer and its eligible employees both veterans and
28 nonveterans, shall be subject to the same membership, contribution and
29 benefit provisions of the retirement system and to the provisions of
30 chapter 3 of Title 43 of the Revised Statutes as are applicable to State
31 employees. Eligible employees as used herein means only those
32 individuals who are members of the Public Employees' Retirement
33 System or any other State-administered retirement system immediately
34 prior to their initial employment by the corporation.

35 f. (1) The Casino Reinvestment Development Authority, created
36 and established pursuant to P.L.1984, c.218 (C.5:12-153 et seq.), the
37 New Jersey Urban Development Corporation, created and established
38 pursuant to P.L.1985, c.227 (C.55:19-1 et seq.), the South Jersey
39 Food Distribution Authority, created and established pursuant to
40 P.L.1985, c.383 (C.4:26-1 et seq.), the New Jersey Development
41 Authority for Small Businesses, Minorities and Women's Enterprises,
42 created and established pursuant to P.L.1985, c.386 (C.34:1B-47 et
43 seq.), and the Catastrophic Illness in Children Relief Fund
44 Commission, created and established pursuant to P.L.1987, c.370
45 (C.26:2-148 et seq.) shall each, for all purposes of this act, be deemed
46 an employer and eligible authority, corporation, or commission.

1 Employees, both veterans and nonveterans, shall be subject to the
2 same membership, contribution and benefit provisions of the
3 retirement system and to the provisions of chapter 3 of Title 43 of the
4 Revised Statutes as are applicable to State employees.

5 (2) The current or former employees of the authorities, the
6 corporation, and the commission may purchase credit for all service
7 with the authority, corporation, or commission rendered prior to the
8 effective date of this amendatory and supplementary act, P.L.1990,
9 c.25 (C.43:15A-73.2 et al.), if that service would otherwise be eligible
10 for credit in the retirement system. This purchase shall be made in the
11 same manner and shall be subject to the same terms and conditions
12 provided for the purchase of previous membership service by section
13 8 of P.L.1954, c.84 (C.43:15A-8). The authority, corporation, or
14 commission shall pay the unfunded liability as determined by the
15 actuary for prior service purchased by its employees in accordance
16 with a schedule approved by the actuary. This obligation of the
17 authority, corporation, or commission shall be known as the accrued
18 liability for prior service credit.

19 (3) For any employee of the authorities or of the corporation or
20 commission who is in service with the authority, corporation, or
21 commission on the effective date of this amendatory and
22 supplementary act, P.L.1990, c.25 (C.43:15A-73.2 et al.), the age of
23 enrollment for the purposes of the member contribution rate under
24 section 25 of P.L.1954, c.84 (C.43:15A-25) shall be the age of the
25 employee on the date the continuous service with the authority began.
26 Any employee who was a member of the retirement system on the date
27 continuous service with the authority, corporation, or commission
28 began but whose membership expired before the effective date of
29 participation by the authority, corporation, or commission in the
30 retirement system, and who has not withdrawn the employee
31 contributions from the system, shall participate in the retirement
32 system under the former membership and shall contribute to the system
33 at the rate applicable to the former membership.

34 g. A subsidiary corporation or other corporation established by the
35 Delaware River Port Authority pursuant to subdivision (m) of Article
36 I of the compact creating the authority (R.S.32:3-2), as defined in
37 section 3 of P.L.1997, c.150 (C.34:1B-146), shall, for all purposes of
38 this act, be deemed an employer and its eligible employees, both
39 veterans and nonveterans, shall be subject to the same membership,
40 contribution and benefit provisions of the retirement system and to the
41 provisions of chapter 3 of Title 43 of the Revised Statutes as are
42 applicable to State employees. Employees of the subsidiary or other
43 corporation eligible for participation in the retirement system under
44 this subsection shall include only persons who are employees of the
45 South Jersey Port Corporation on the effective date of P.L.1997,
46 c.150 (C.34:1B-144 et al.) and are re-employed by the subsidiary or

1 other corporation within 365 days of the effective date.
2 (cf: P.L.1997, c.150, s.24)

3
4 18. Section 3 of P.L.1964, c.125 (C.52:14-17.34) is amended to
5 read as follows:

6 3. In order that the New Jersey State Health Benefits Program Act
7 may be extended to include other public and school employees,
8 participation by counties, municipalities, school districts, public
9 agencies or organizations as defined in section 71 of P.L.1954, c. 84
10 (C.43:15A-71), including the New Jersey Turnpike Authority, the
11 New Jersey Highway Authority, the Interstate **[Sanitation]**
12 Environmental Commission, the Delaware River Basin Commission,
13 New Jersey Housing and Mortgage Finance Agency, New Jersey
14 Educational Facilities Authority, Hackensack Meadowlands
15 Development Commission and the Compensation Rating and
16 Inspection Bureau, hereinafter defined as employers, is hereby
17 authorized.

18 (cf: P.L.1972, c.75, s.8)

19

20 19. Section 4 of P.L.1964, c.25 (C.52:14-17.35) is amended to
21 read as follows:

22 4. As used in this act and in the act to which this act is a
23 supplement:

24 (a) The term "employer" means a county, municipality, school
25 district, public agency or organization as defined in section 71 of
26 P.L.1954, c.84 (C.43:15A-71), including the New Jersey Turnpike
27 Authority, the New Jersey Highway Authority, the Interstate
28 **[Sanitation]** Environmental Commission, the Delaware River Basin
29 Commission, New Jersey Housing and Mortgage Finance Agency,
30 New Jersey Educational Facilities Authority, Hackensack
31 Meadowlands Development Commission and the Compensation Rating
32 and Inspection Bureau. The term "employer" shall include a subsidiary
33 corporation or other corporation established by the Delaware River
34 Port Authority pursuant to subdivision (m) of Article I of the compact
35 creating the authority (R.S.32:3-2), as defined in section 3 of
36 P.L.1997, c.150 (C.34:1B-146), except that only persons who are
37 employees of the South Jersey Port Corporation on the effective date
38 of P.L.1997, c.150 (C.34:1B-144 et al.) and are re-employed by the
39 subsidiary or other corporation within 365 days of the effective date
40 are eligible to participate in the program.

41 (b) The term "State Treasury" means the State agency responsible
42 for the administration of the New Jersey State Health Benefits
43 Program Act which is to be located in the Division of Pensions and
44 Benefits in the Department of the Treasury.

45 (cf: P.L.1997, c.150, s.26)

1 20. (New section) On and after the effective date of this act,
2 reference in any law, contract or document to the "Interstate
3 Sanitation District" or the "Interstate Sanitation Commission" shall be
4 deemed to mean and refer to the "Interstate Environmental District"
5 or the "Interstate Environmental Commission," as the case may be.

6

7 21. Section 7 of P.L.1961, c.105 (C.32:19A-7) is repealed.

8

9 22. P.L.1967, c.107 (C.32:29-1 et seq.) is repealed.

10

11 23. This act shall take effect when the states of New York and
12 Connecticut have enacted legislation changing the name of the
13 Interstate Sanitation Commission to the Interstate Environmental
14 Commission and the name of the Interstate Sanitation District to the
15 Interstate Environmental District, and when the Congress of the
16 United States has given its consent to these changes.

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21 Changes name of Interstate Sanitation Commission and Interstate
22 Sanitation District to Interstate Environmental Commission and
23 Interstate Environmental District.

CHAPTER 6

AN ACT changing the name of the Interstate Sanitation Commission to the Interstate Environmental Commission and the Interstate Sanitation District to the Interstate Environmental District and amending, supplementing and repealing parts of the statutory law.

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

1. R.S.32:18-3 is amended to read as follows:

Interstate environmental district created; boundaries.

ARTICLE II.

1. To that end they do agree that there shall be created and they do hereby create a district to be known as the Interstate Environmental District (hereinafter referred to as the district) which shall embrace the territory described as follows:

All the coastal, estuarial and tidal waters within or covering portions of the signatory states as follows:

- a. In Connecticut, Long Island sound and estuaries and tidal waters thereof between the easterly side of New Haven harbor at Morgan Point and the Connecticut-New York state boundary, and the Housatonic river up to the northerly boundary lines of the towns of Stratford and Milford.

- b. In New York, all of the tidal waters of greater New York city; including Kill van Kull and Arthur Kill, Long Island sound and the estuaries and tidal waters thereof between the New York city line and the New York-Connecticut state boundary and between the New York city line and the easterly side of Port Jefferson harbor; the Atlantic ocean and the estuaries and tidal waters thereof between the New York city line and the easterly side of Fire Island inlet; and the Hudson river and estuaries and tidal waters thereof between the New York and New Jersey state boundary and the northerly line of Rockland county on the westerly side and between the northerly line of New York city and the northerly line of Westchester county on the easterly side of the river.

- c. In New Jersey, the Hudson river and New York upper bay and estuaries and tidal waters thereof between the New York-New Jersey boundary and Constable Point on Constable Hook; the Kill van Kull and Arthur Kill to the mouths of the rivers entering into the Kills; Newark bay and the estuaries thereof up to the mouth of the Passaic river; and up to the mouth of the Hackensack river; Raritan bay together with the Raritan river up to the Victory bridge on said river between Perth Amboy and South Amboy; together with the Cheesequake creek up to the New York and Long Branch Railroad bridge on said creek at Morgan; together with the Matawan creek up to the New York and Long Branch Railroad bridge on said creek at Matawan; Sandy Hook bay; together with the Shrewsbury river up to the passenger railroad bridge between Navesink Light and Highland Beach on said river.

2. R.S.32:18-4 is amended to read as follows:

Interstate Environmental Commission created.

ARTICLE III.

1. There is hereby created the Interstate Environmental Commission (hereinafter referred to as the commission) which shall be a body corporate and politic, having the powers, duties and jurisdiction herein enumerated and such other and additional powers as shall be conferred upon it by the act or acts of a signatory state concurred in by the others and by the act or acts of congress when necessary.

3. R.S.32:18-14 is amended to read as follows:

Definitions.

ARTICLE XIII.

1. Terms used in this compact are defined as follows:

"District" means the area more particularly described in article II of this compact.

"Commission" means the Interstate Environmental Commission.

"Municipality" means any city, incorporated village, borough, county, town, township, district, or any municipality governed by an improvement commission, any joint sewer commission, or any other subdivision of any one of the signatory states, located within the district.

"Rule or regulation" means any rule or regulation established by the commission not inconsistent with the constitution of the United States or of any signatory state, promulgated by the commission touching the abatement of pollution of the waters of the district.

"Tidal waters" means all those waters which ebb and flow within the designated district.

"Dissolved oxygen" is the gaseous oxygen held in solution by the water at any given time. It is expressed as a percentage of the maximum amount of oxygen that would be required to saturate the water under the existing conditions of temperature and salinity.

"Pollution" is any foreign matter which renders waters unfit to sustain fish life and unsatisfactory for bathing.

"Sewage effluent" means the treated sewage discharged from a treatment plant.

"Suspended solids" means those solid particles carried in suspension in the untreated sewage or sewage effluent.

"Entity" means any organization or association owning, controlling or operating a sewerage system or treatment plant within a municipality.

4. R.S.32:19-1 is amended to read as follows:

Appointment of commissioners to Interstate Environmental Commission.

32:19-1. The Governor shall, by and with the advice and consent of the Senate, appoint three commissioners to the Interstate Environmental Commission created by the agreement or compact between the states of New York and New Jersey and Connecticut, each of whom shall be a resident voter of the State of New Jersey. The Commissioner of Environmental Protection and the Commissioner of Health and Senior Services shall serve as commissioners ex officio, and may designate a representative of their respective departments to represent them at all meetings, hearings and proceedings of the Interstate Environmental Commission with full power to vote and act on their respective behalf. In the event that either the Commissioner of Environmental Protection or the Commissioner of Health and Senior Services shall not qualify in accordance with the provisions of the compact, said commissioner shall designate a representative of his respective department to serve as an Interstate Environmental Commissioner until such time as the commissioner ex officio shall qualify.

Each appointive commissioner shall hold office, for a term of five years or until his successor has been appointed and qualified. At the expiration of the term of each appointive commissioner, the Governor shall, by and with the advice and consent of the Senate, appoint a successor who shall hold office for a term of five years or until his successor has been appointed and qualified. In the event of a vacancy occurring in the office of an appointive commissioner by death, resignation or otherwise, the Governor shall, by and with the advice and consent of the Senate,

appoint his successor, who shall hold office for the unexpired term. Any commissioner may be removed upon charges and after hearing by the Governor. The commissioners shall have the powers and duties and be subject to the limitations provided for in the compact and agreement entered into between the signatory states and laws adopted by said states, and together with five commissioners from the states of New York and Connecticut shall form the Interstate Environmental Commission. The commissioners shall serve without compensation, but shall be paid their actual expenses incurred and incident to the performance of their duties.

5. R.S.32:19-3 is amended to read as follows:

Powers of commission.

32:19-3. The commission shall have power to make rules, regulations and orders with regard to the pollution of all the coastal, estuarial and tidal waters within or covering portions of the signatory states as follows:

a. In Connecticut, Long Island sound and estuaries and tidal waters thereof between the easterly side of New Haven harbor at Morgan Point and the Connecticut-New York state boundary, and the Housatonic river up to the northerly boundary lines of the towns of Stratford and Milford.

b. In New York, all of the tidal waters of greater New York city, including the Kill van Kull and the Arthur Kill, Long Island sound and the estuaries and tidal waters thereof between the New York city line and the New York-Connecticut state boundary and between the New York city line and the easterly side of Port Jefferson harbor; the Atlantic ocean and the estuaries and tidal waters thereof between the New York city line and the easterly side of Fire Island inlet; and the Hudson river and estuaries and tidal waters thereof between the New York and New Jersey state boundary and the northerly line of Rockland county, on the westerly side, and between the northerly line of New York city and the northerly line of Westchester county on the easterly side of the river.

c. New Jersey, the Hudson river and New York upper bay and estuaries and tidal waters thereof between the New York-New Jersey boundary and Constable Point on Constable Hook; the Kill van Kull and Arthur Kill to the mouths of the rivers entering into the Kills; Newark bay and the estuaries thereof up to the mouth of the Passaic river; and up to the mouth of the Hackensack river; Raritan bay together with the Raritan river up to the Victory bridge on said river between Perth Amboy and South Amboy; together with the Cheesequake creek up to the New York and Long Branch Railroad bridge on said creek at Morgan; together with the Matawan creek up to the New York and Long Branch Railroad bridge on said creek at Matawan; Sandy Hook bay; together with the Shrewsbury river up to the passenger railroad bridge, between Navesink Light and Highland Beach on said river; and shall have power to investigate and determine if the requirements of the compact and/or the orders of the commission are complied with and to bring action in its own name in the proper court or courts to compel the enforcement of any and all provisions of the compact and the orders of the commission pursuant thereto or pursuant to laws; and to conduct investigations, inquiries or hearings at such place or places, and at such times as it shall appoint. Such investigations, inquiries or hearings may be held by or before one or more of the commissioners, or by or before any person or persons appointed as its representative and when ratified, approved or confirmed by the Interstate Environmental Commission, his or their action shall be and be deemed to be the investigation, inquiry or hearing of the Interstate Environmental Commission. All state and municipal departments, commissions, boards and bodies having to do with the waters of the state shall co-operate with the commission and shall furnish to the commission such information as the commission shall request, touching the pollution or the elimination thereof, of the waters of the district.

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6. R.S.32:19-4 is amended to read as follows:

Initiation of action, proceeding due to violations, threatened violations.

32:19-4. Whenever the Interstate Environmental Commission shall be of the opinion that any person, association or corporation, municipal or otherwise, within the district is failing or omitting, or about to fail or omit to do anything required of it by its order or by the laws governing the control or elimination of pollution of the waters of the district, or is doing or is about to do anything or permitting or about to permit anything to be done contrary to or in violation of such orders or such laws or the provisions of the compact, it may direct its legal representative to commence an action or a proceeding in lieu of prerogative writ in the name of the Interstate Environmental Commission in the Superior Court for the purpose of preventing the continuance of such violations or threatened violations either by injunctive or other relief. The court shall have jurisdiction to hear and determine such action or proceeding upon the merits and grant such relief as may be appropriate.

7. R.S.32:19-5 is amended to read as follows:

Interstate Environmental Commission, powers regarded as in aid of, supplemental.

32:19-5. Any powers herein granted to the Interstate Environmental Commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by the states of New York and New Jersey and/or by congress or the terms of the compact.

8. R.S.32:19-10 is amended to read as follows:

Examination of accounts, books; reports on results.

32:19-10. The Director of the Division of Budget and Accounting in the New Jersey Department of the Treasury and the comptroller of each of the other signatory states are hereby authorized and empowered from time to time to examine the accounts and books of the Interstate Environmental Commission, including its receipts, disbursements and such other items referring to its financial standing as the director or comptroller may deem proper, and to report the results of such examination to the governor of the appropriate state.

9. Section 1 of P.L.1961, c.105 (C.32:19A-1) is amended to read as follows:

C.32:19A-1 Additional authority of commission.

1. In addition to the powers, duties and functions now provided by law, the Interstate Environmental Commission shall have authority to engage in activities with respect to interstate air pollution problems between the states of New York and New Jersey as follows:

- a. To conduct studies;
- b. To undertake research, testing and development;
- c. To gather, exchange and disseminate information with and among public or private bodies, persons or organizations and to co-operate with any of them in solving air pollution problems;
- d. To take samplings and to trace sources of air pollutants;
- e. To refer complaints to an appropriate enforcement agency or agencies of the states in which the sources are located and to which air pollutants are carried, along with such data and information as it may have obtained with respect to the nature, characteristics, source, path and effect of air pollutants; and
- f. Make recommendations and reports to the Governors and Legislatures of the

participating states.

10. Section 2 of P.L.1961, c.105 (C.32:19A-2) is amended to read as follows:

C.32:19A-2 Primary effort of commission.

2. The primary effort of the Interstate Environmental Commission under this act shall be directed to air contaminant solids, liquids or gases which are toxic, disagreeable or irritant, or which are destructive.

11. Section 3 of P.L.1961, c.105 (C.32:19A-3) is amended to read as follows:

C.32:19A-3 Use of services, facilities, information.

3. In carrying out its functions under this act, the Interstate Environmental Commission shall make use of the services, facilities and information of existing state, local and federal agencies wherever feasible and available.

12. Section 4 of P.L.1961, c.105 (C.32:19A-4) is amended to read as follows:

C.32:19A-4 Empowerment to accept moneys, property, donations, gifts.

4. In furtherance of the purposes of this act, the Interstate Environmental Commission is empowered to accept moneys, property and other donations or gifts from any person whatever, whether public, private or governmental, real or artificial.

13. Section 5 of P.L.1961, c.105 (C.32:19A-5) is amended to read as follows:

C.32:19A-5 Trade secret, secret process exempt from inquiry; confidentiality of information; exemptions.

5. No trade secret or secret process shall be inquired into by the Interstate Environmental Commission under this act, whether with respect to one or more of the substances or one or more of the processes, operations, techniques or devices used in connection therewith, and whenever a trade secret or secret process is involved, the activity under this act shall be limited to the identification of the device or facility from which the effluent discharged into the outer air derives, and the nature, rate and period of emission of such effluent.

All information obtained from any sampling, tracing or other specific inquiry performed under this act shall be kept and maintained as a confidential disclosure and, except as may be essential for the purpose of referring a complaint to an appropriate enforcement agency and of any enforcement proceeding by or before any such agency, shall not be disclosed or published in any way other than such as will not identify a given substance, process, operation, technique or device with the physical location or identity of the source plant or facility, or with the product made or service performed, or with the person or persons using the same.

A printed copy of the provisions of this section shall be furnished on request to any person furnishing information to the Interstate Environmental Commission and, in case of an inquiry at a plant or facility, to the person then in charge of the same.

14. Section 6 of P.L.1961, c.105 (C.32:19A-6) is amended to read as follows:

C.32:19A-6 Meeting of costs, expenses.

6. So long as the activities conducted pursuant to this act are limited to the states of New York and New Jersey, all of the costs and expenses of the same, direct and indirect, shall be met, within the limits of available appropriations therefor, by said two states in equal shares and all

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actions of the Interstate Environmental Commission with respect to such activities shall be governed solely by the commissioners from the states of New York and New Jersey, with like effect as though the state of Connecticut were not a participant of said commission, and for this purpose the commission shall establish administratively a separate Division on Interstate Air Pollution, and maintain separate financial accounts to reflect its direct and allocated costs and expenses; provided, however, that the full commission, including the members representing the state of Connecticut, shall rule on all matters touching the accounting systems to be used and the charging and allocation of costs and expenses.

15. Section 36 of P.L.1946, c.138 (C.40:14A-36) is amended to read as follows:

C.40:14A-36 Jurisdiction, rights of State agencies unaffected.

36. Nothing herein contained shall in any way affect or limit the jurisdiction or rights of the State Department of Health and Senior Services, Interstate Environmental Commission, Delaware River Basin Commission or Passaic Valley Sewerage Commissioners; or impair the obligations assumed by any municipality included in any district created under this act in any contract made prior to the creation of such district, with one or more other municipalities or with the Passaic Valley Sewerage Commissioners.

16. Section 68 of P.L.1957, c.183 (C.40:14B-68) is amended to read as follows:

C.40:14B-68 Construction of act.

68. This act shall be construed liberally to effectuate the legislative intent and as complete and independent authority for the performance of each and every act and thing herein authorized, and a municipal authority shall not be subject to regulation as to its service charges by any other officer, board, agency, commission or other office of the State, or constitute a municipality or agency or component of a municipality subject to, any provisions of Title 40 of the Revised Statutes and of Title 40A of the New Jersey Statutes, except P.L.1971, c.198, the "Local Public Contracts Law" (C.40A:11-1 et seq.); provided, however, that nothing contained in this act shall in any way affect or limit the jurisdiction, powers or rights of the State Department of Health and Senior Services, Interstate Environmental Commission, Delaware River Basin Commission, Water Policy and Supply Council of the Department of Environmental Protection, North Jersey District Water Supply Commission, Passaic Valley Sewerage Commissioners, or Passaic Valley Water Commission, or impair the obligations assumed by any municipality included in any district in any contract made prior to the creation of such district with any sewerage authority or any county sewer authority or with one or more other municipalities or with the Passaic Valley Sewerage Commissioners or with the North Jersey District Water Supply Commission.

17. Section 73 of P.L.1954, c.84 (C.43:15A-73) is amended to read as follows:

C.43:15A-73 Employees of certain authorities and commissions; State university; compensation rating and inspection bureau.

73. a. The Public Employees' Retirement System is hereby authorized and directed to enroll eligible employees of the New Jersey Turnpike Authority, the New Jersey Highway Authority, Palisades Interstate Park Commission, Interstate Environmental Commission, the Delaware River Basin Commission and the Delaware River Joint Toll Bridge Commission.

In the case of the Delaware River Joint Toll Bridge Commission, the eligible employees shall be only those who are employed on the free bridges across the Delaware river, under the control of said commission, or who are members of the retirement system at the time they begin employment with the commission.

The said employees shall be subject to the same membership, contribution and benefit provisions of the retirement system as State employees.

b. The State University of New Jersey, as an instrumentality of the State, shall, for all purposes of this act, be deemed an employer and its eligible employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees and for all purposes of this act employment by the State University of New Jersey after April 16, 1945, and for the purposes of chapter 3 of Title 43 of the Revised Statutes any new employment after January 1, 1955, shall be deemed to be and shall be construed as service to and employment by the State of New Jersey.

c. The Compensation Rating and Inspection Bureau, created and established pursuant to the provisions of R.S.34:15-89, shall, for all purposes of this act, be deemed an employer and its eligible employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as both are applicable to State employees.

The retirement system shall certify to the Commissioner of Banking and Insurance and the Commissioner of Banking and Insurance shall direct the Compensation Rating and Inspection Bureau to provide the necessary payments to the retirement system in accordance with procedures established by the retirement system. Such payments shall include (1) the contributions and charges, similar to those paid by other public agency employers, to be paid by the Compensation Rating and Inspection Bureau to the retirement system on behalf of its employee members, and (2) the contributions to be paid by the Compensation Rating and Inspection Bureau to provide the past service credits up to June 30, 1965 for these members, both veterans and nonveterans, who enroll before July 1, 1966.

d. The New Jersey Sports and Exposition Authority, created and established pursuant to the "New Jersey Sports and Exposition Authority Law," P.L.1971, c.137 (C.5:10-1 et seq.) shall for all purposes of this act, be deemed an employer and its eligible employees both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees.

(1) Eligible employees as used herein shall not include persons who are not classified as salaried, or who are compensated on an hourly or per diem basis, or whose employment is normally covered by other retirement systems to which the authority makes contributions.

(2) Eligible employees previously permitted to enroll in the retirement system shall redeposit the contributions previously made by them and all service credit shall then be restored and future contributions made at the date of contribution as originally assigned. The authority shall redeposit the employer payments it had made, with interest to the date of redeposit.

e. The New Jersey Transit Corporation created and established pursuant to the "New Jersey Public Transportation Act of 1979," P.L.1979, c.150 (C.27:25-1 et seq.) shall for all purposes of this act, be deemed an employer and its eligible employees both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees. Eligible employees as used herein means only those individuals who are members of the Public Employees' Retirement System or any other State-administered retirement system immediately prior to their initial employment by the corporation.

f. (1) The Casino Reinvestment Development Authority, created and established pursuant to P.L.1984, c.218 (C.5:12-153 et seq.), the New Jersey Urban Development Corporation, created and established pursuant to P.L.1985, c.227 (C.55:19-1 et seq.), the South Jersey Food Distribution Authority, created and established pursuant to P.L.1985, c.383 (C.4:26-1 et seq.), the New Jersey Development Authority for Small Businesses, Minorities and Women's

Enterprises, created and established pursuant to P.L.1985, c.386 (C.34:1B-47 et seq.), and the Catastrophic Illness in Children Relief Fund Commission, created and established pursuant to P.L.1987, c.370 (C.26:2-148 et seq.) shall each, for all purposes of this act, be deemed an employer and eligible authority, corporation, or commission. Employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees.

(2) The current or former employees of the authorities, the corporation, and the commission may purchase credit for all service with the authority, corporation, or commission rendered prior to the effective date of this amendatory and supplementary act, P.L.1990, c.25 (C.43:15A-73.2 et al.), if that service would otherwise be eligible for credit in the retirement system. This purchase shall be made in the same manner and shall be subject to the same terms and conditions provided for the purchase of previous membership service by section 8 of P.L.1954, c.84 (C.43:15A-8). The authority, corporation, or commission shall pay the unfunded liability as determined by the actuary for prior service purchased by its employees in accordance with a schedule approved by the actuary. This obligation of the authority, corporation, or commission shall be known as the accrued liability for prior service credit.

(3) For any employee of the authorities or of the corporation or commission who is in service with the authority, corporation, or commission on the effective date of this amendatory and supplementary act, P.L.1990, c.25 (C.43:15A-73.2 et al.), the age of enrollment for the purposes of the member contribution rate under section 25 of P.L.1954, c.84 (C.43:15A-25) shall be the age of the employee on the date the continuous service with the authority began. Any employee who was a member of the retirement system on the date continuous service with the authority, corporation, or commission began but whose membership expired before the effective date of participation by the authority, corporation, or commission in the retirement system, and who has not withdrawn the employee contributions from the system, shall participate in the retirement system under the former membership and shall contribute to the system at the rate applicable to the former membership.

g. A subsidiary corporation or other corporation established by the Delaware River Port Authority pursuant to subdivision (m) of Article I of the compact creating the authority (R.S.32:3-2), as defined in section 3 of P.L.1997, c.150 (C.34:1B-146), shall, for all purposes of this act, be deemed an employer and its eligible employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees. Employees of the subsidiary or other corporation eligible for participation in the retirement system under this subsection shall include only persons who are employees of the South Jersey Port Corporation on the effective date of P.L.1997, c.150 (C.34:1B-144 et al.) and are re-employed by the subsidiary or other corporation within 365 days of the effective date.

18. Section 3 of P.L.1964, c.125 (C.52:14-17.34) is amended to read as follows:

C.52:14-17.34 Extension of New Jersey State Health Benefits Program.

3. In order that the New Jersey State Health Benefits Program Act may be extended to include other public and school employees, participation by counties, municipalities, school districts, public agencies or organizations as defined in section 71 of P.L.1954, c.84 (C.43:15A-71), including the New Jersey Turnpike Authority, the New Jersey Highway Authority, the Interstate Environmental Commission, the Delaware River Basin Commission, New Jersey Housing and Mortgage Finance Agency, New Jersey Educational Facilities Authority, Hackensack Meadowlands Development Commission and the Compensation Rating and Inspection Bureau, hereinafter defined as employers, is hereby authorized.

19. Section 4 of P.L.1964, c.25 (C.52:14-17.35) is amended to read as follows:

C.52:14-17.35 Definitions.

4. As used in this act and in the act to which this act is a supplement:

(a) The term "employer" means a county, municipality, school district, public agency or organization as defined in section 71 of P.L.1954, c.84 (C.43:15A-71), including the New Jersey Turnpike Authority, the New Jersey Highway Authority, the Interstate Environmental Commission, the Delaware River Basin Commission, New Jersey Housing and Mortgage Finance Agency, New Jersey Educational Facilities Authority, Hackensack Meadowlands Development Commission and the Compensation Rating and Inspection Bureau. The term "employer" shall include a subsidiary corporation or other corporation established by the Delaware River Port Authority pursuant to subdivision (m) of Article I of the compact creating the authority (R.S.32:3-2), as defined in section 3 of P.L.1997, c.150 (C.34:1B-146), except that only persons who are employees of the South Jersey Port Corporation on the effective date of P.L.1997, c.150 (C.34:1B-144 et al.) and are re-employed by the subsidiary or other corporation within 365 days of the effective date are eligible to participate in the program.

(b) The term "State Treasury" means the State agency responsible for the administration of the New Jersey State Health Benefits Program Act which is to be located in the Division of Pensions and Benefits in the Department of the Treasury.

C.32:18-14.1 References to Sanitation Commission deemed to refer to Environmental Commission.

20. On and after the effective date of this act, reference in any law, contract or document to the "Interstate Sanitation District" or the "Interstate Sanitation Commission" shall be deemed to mean and refer to the "Interstate Environmental District" or the "Interstate Environmental Commission," as the case may be.

21. Section 7 of P.L.1961, c.105 (C.32:19A-7) is repealed.

Repealer.

22. P.L.1967, c.107 (C.32:29-1 et seq.) is repealed.

23. This act shall take effect when the states of New York and Connecticut have enacted legislation changing the name of the Interstate Sanitation Commission to the Interstate Environmental Commission and the name of the Interstate Sanitation District to the Interstate Environmental District, and when the Congress of the United States has given its consent to these changes.

Approved March 23, 2000.

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Office of the Governor
NEWS RELEASE

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RELEASE: March 23, 2000

Governor Christie Whitman today signed the following pieces of legislation:

A-20, sponsored by Assembly Members Jack Collins (R-Salem/Cumberland/Gloucester) and Joseph V. Doria, Jr. (D-Hudson) and Senators Diane B. Allen (R-Burlington/Camden) and Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union), appropriates \$26,311,000 of federal Low Income Home Energy Assistance Program (LIHEAP) funds. The funds were recently made available by the federal government to assist eligible low-income persons with their home heating bills.

Due to the availability of these federal funds, Gov. Whitman announced on February 24 that the state LIHEAP would be expanded to provide 145,000 low-income households, including 90,000 senior citizens, with financial help with their home heating bills. The federal allocation also authorizes funds already expended by the Department of Human Services (DHS) to assist low-income households with particularly high cooling costs from the 1999 heat wave, and unanticipated costs due to destruction from Hurricane Floyd. LIHEAP is jointly administered by the DHS and the Department of Community Affairs.

A-1424, sponsored by Assembly Members Alex DeCroce (R-Essex/Morris/Passaic) and Carol J. Murphy (R-Essex/Morris/Passaic), prohibits using Department of Transportation (DOT) property for the storage or handling of radioactive contaminated material. The bill is primarily directed at private companies that use DOT property to store or handle radioactive-contaminated materials. However, the prohibition does not apply to DOT itself - in the event the department obtains appropriate environmental approvals to store or handle radioactive-contaminated materials on its property. Under past law, private companies were required to obtain DOT approval and applicable environmental approvals prior to storing or handling any hazardous substance on DOT property.

A-760, sponsored by Assembly Member Gerald H. Zecker (R-Essex/Passaic) and Senators Andrew R. Ciesla (R-Ocean/Monmouth) and Henry P. McNamara (R-Bergen/Passaic), changes the name of the Interstate Sanitation Commission to the Interstate Environmental Commission, and the Interstate Sanitation District to the Interstate Environmental District. The bill is intended to clarify the role of the Commission by changing the name of the Commission and the District to more accurately reflect its full scope of activities and purpose.