

4:24-18 et al.

LEGISLATIVE HISTORY CHECKLIST

NJSA 4:24-18 et al.

Laws of 1977 Chapter 264

(Soil Conservation Districts--Various Amendments)

Bill No. S1772

Sponsor(s) Martindell & Merlino

Date Introduced November 15, 1976

Committee: Assembly Energy & Natural Resources

Senate Energy & Environment

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of passage: Assembly Oct. 3, 1977

Senate April 21, 1977

Date of approval October 18, 1977

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Y&S ~~No~~

Not enclosed-identical to sponsors' statement

Fiscal Note Y&S ~~No~~

Veto message Y&S ~~No~~

Message on signing Y&S ~~No~~

Following were printed:

Reports Y&S ~~No~~

Hearings Y&S ~~No~~

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SENATE, No. 1772

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 15, 1976

By Senators MARTINDELL and MERLINO

Referred to Committee on Energy and Environment

AN ACT concerning soil conservation, amending R. S. 4:24-18 and P. L. 1975, c. 251, s. 3, supplementing chapter 24 of Title 4 of the Revised Statutes, and repealing sections 4:24-7 through 4:24-17 and 4:24-35 through 4:24-38 of the Revised Statutes.

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

1 1. R. S. 4:24-18 is amended to read as follows:

2 4:24-18. The governing body of the district shall consist of
3 **[three]** *five* supervisors, appointed **[as provided herein above]**
4 *by the State Soil Conservation Committee*. The **[three]** *five* super-
5 visors shall be legal residents **[and landowners]** of the district.

6 **[At any time after 1 year following the organization of a district,**
7 **the supervisors of such district may recommend a change in the**
8 **number of supervisors from three to five or from five to three for**
9 **said district after holding a public hearing on the proposal to**
10 **change the number of supervisors and thereafter obtaining the**
11 **approval of the State Soil Conservation Committee for such**
12 **change. Any additional supervisors shall be appointed by the State**
13 **Soil Conservation Committee in the same manner as hereinabove**
14 **provided for appointment of supervisors. Upon reduction in the**
15 **number of supervisors the committee shall designate the super-**
16 **visors to remain in office.]**

1 2. Section 3 of P. L. 1975, c. 251 (C. 4:24-41) is amended to read
2 as follows:

3 3. For the purposes of this act, unless the context clearly indi-
4 cates a different meaning:

5 a. "Application for development" means a proposed subdivision
6 of land, site plan, **[special exception]** *conditional use zoning*
7 *variance, planned unit development or [building] construction*
8 *permit.*

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

9 b. "Certification" means (1) a written endorsement of a plan
10 for soil erosion and sediment control by the local Soil Conservation
11 District which indicates that the plan meets the standards promul-
12 gated by the State Soil Conservation Committee pursuant to this
13 act or (2) that the time allotted in section 7 of this act has expired
14 without action by the district.

15 c. "District" means a Soil Conservation District organized pur-
16 suant to ***[R. S. 4:24-7 et seq.]*** **chapter 24 of Title 4 of the*
16A *Revised Statutes.**

17 d. "Disturbance" means any activity involving the clearing,
18 excavating, storing, grading, filling or transporting of soil or any
19 other activity which causes soil to be exposed to the danger of
20 erosion.

21 e. "Erosion" means the detachment and movement of soil or
22 rock fragments by water, wind, ice and gravity.

23 f. "Plan" means a scheme which indicates land treatment
24 measures, including a schedule of the timing for their installation,
25 to minimize soil erosion and sedimentation.

26 g. "Project" means the disturbance of more than 5,000 square
27 feet of the surface area of land for the accommodation of construc-
28 tion for which the **[Standard Building Code of the State of New**
29 **Jersey]** *State Uniform Construction Code* would require a **[build-**
30 **ing]** *construction* permit, except that the construction of a single-
31 family dwelling unit shall not be deemed a "project" under this act
32 unless such unit is part of a proposed subdivision, site plan, **[special**
33 **exception]** *conditional use*, zoning variance, planned **[unit]**
34 development or **[building]** *construction* permit application involv-
35 ing two or more such single-family dwelling units.

36 h. "Sediment" means solid material, mineral or organic, that is
37 in suspension, is being transported, or has been moved from its
38 site of origin by air, water or gravity as a product of erosion.

39 i. "Soil" means all unconsolidated mineral and organic material
40 of any origin.

41 j. "Standards" means the standards promulgated by the com-
42 mittee pursuant to this act.

43 k. "Committee" means the State Soil Conservation Committee
44 in the Department of Agriculture established pursuant to R. S.
45 4:24-3.

1 3. (New section) The whole area of the State shall, at all times,
2 be covered by a soil conservation district. Each soil conservation
3 district shall cover the whole area of one or more counties. A
4 tri-county soil conservation district shall serve the counties of

5 Hudson, Essex and Passaic to be known as the Hudson, Essex and
6 Passaic Soil Conservation District. Bi-county soil conservation
7 districts shall serve the following pairs of counties: Middlesex-
8 Monmouth, Somerset-Union and Cape May-Atlantic to be known
9 as the Freehold, Somerset-Union, and Cape-Atlantic Soil Conserva-
10 tion Districts respectively. Every other county in the State shall
11 be served by its own soil conservation district to be known as "the
12 County Soil Conservation District" with the
13 name of each such county inserted. The State Soil Conservation
14 Committee shall work with the supervisors of the multi-county soil
15 conservation districts to encourage the formation of a soil con-
16 servation district in each county of the State, pursuant to the pro-
17 cedures contained in P. L. 1966, c. 77 (C. 4:24-17.1 et seq.).

1 4. R. S. 4:24-7 through 4:24-17 and R. S. 4:24-35 through
2 4:24-38 are repealed.

1 5. This act shall take effect immediately.

6 Passaic Soil Conservation District. Bi-county soil conservation
7 districts shall serve the following pairs of counties: Middlesex-
8 Monmouth, Somerset-Union and Cape May-Atlantic to be known
9 as the Freehold, Somerset-Union, and Cape-Atlantic Soil Conserva-
10 tion Districts respectively. Every other county in the State shall
11 be served by its own soil conservation district to be known as "the
12 County Soil Conservation District" with the
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2 4:24-38 are repealed.

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STATEMENT

This act provides equality of representation for all residents of a soil conservation district by removing the existing requirement that soil conservation district supervisors be landholders. It reaffirms the boundaries of each of the existing soil conservation districts and makes it clear that the whole area of the State is and shall remain within a soil conservation district. Other amendments alter the definitions contained in the "Soil Erosion and Sediment Control Act" to make them conform to those used in the "Municipal Land Use Law" and the "State Uniform Construction Code Act" and repeal certain redundant provisions of the statutory law.