

40:56A-8 et al.

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:56A-8 et al.

Laws of 1975 Chapter 334

Bill No. S 722

Sponsor(s) Bateman, McGahn

Date Introduced February 4, 1974

Committee: Assembly Municipal Gov't.

Senate County & Municipal Gov't.

Amended during passage No

Date of passage: Assembly January 5, 1976

Senate May 2, 1974

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Following statements are attached if available:

Sponsor statement No

Committee Statement: Assembly No

Senate Yes

Fiscal Note No

Veto message No

Message on signing No

Following were printed:

Reports No

Hearings No

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SENATE, No. 722

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1974

By Senator BATEMAN

Referred to Committee on County and Municipal Government

AN ACT concerning municipal environmental commissions, authorizing the creation of environmental commissions jointly by two or more municipalities, amending and supplementing P. L. 1968, c. 245 (C. 40:56A-1 et seq.) and amending P. L. 1972, c. 49 (C. 13:1H-1 et seq.).

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

1 1. a. The governing bodies of two or more municipalities may,
2 by adoption of substantially similar ordinances, create a joint
3 environmental commission for the protection, development or use
4 of natural resources, including water resources located within their
5 combined territorial limits.

6 b. The number and qualifications of the members of such joint
7 environmental commission, and their terms and methods of appoint-
8 ment or removal shall be such as may be determined and agreed
9 upon by said governing bodies and set forth in the ordinance
10 creating such joint commission, except that

11 (1) when such joint commission is created by two municipalities
12 only, there shall be at least three members from each municipality;

13 (2) when such joint commission is created by three or more
14 municipalities, there shall be at least two members from each
15 municipality;

16 (3) at least one member from each municipality shall be a
17 member of the planning board (if any) of the municipality, and

18 (4) a majority of the members of the joint commission shall hold
19 no other public office, except membership on a municipal or other
20 planning board.

21 c. Members of the commission shall serve without compensation,
22 but may receive reimbursement for actual expenses necessarily

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

23 incurred in the performance of their duties as members of the
24 commission.

1 2. A joint environmental commission shall elect its chairman,
2 who shall hold no other public office or position, except that he may
3 be a member of a municipal or other planning board. The term of
4 the chairman shall be 1 year, and he shall be eligible to succeed
5 himself unless the ordinance creating the commission shall other-
6 wise provide. The ordinance creating such commission may pro-
7 vide that the chairmanship of the commission be rotated annually
8 so that over each period of years corresponding to the number of
9 participating municipalities it shall be held in each year by a
10 member appointed from a different participating municipality.

1 3. The proportion of the expenses of the joint environmental
2 commission to be borne by each participating municipality shall be
3 such as may be determined and agreed upon by the participating
4 municipalities, and said municipalities are hereby authorized to
5 appropriate their respective shares of such expenses. Within the
6 limits thus agreed upon and duly appropriated the commission may
7 employ such clerical and technical or other assistants and may
8 incur such other expenses as it may deem necessary to carry out
9 its functions.

1 4. A commission created pursuant to this supplementary act shall
2 have, with respect to all the participating municipalities, and to
3 each of them, all the functions, duties and powers of an environ-
4 mental commission established in a single municipality under
5 sections 2 and 3 of P. L. 1968, c. 245 (C. 40:56A-2 and 40:56A-3)
6 and section 7 of P. L. 1972, c. 35 (C. 40:56A-6).

1 5. If any municipality which has heretofore established an
2 environmental commission under the act to which this act is a
3 supplement shall enter into participation in a joint environmental
4 commission, such environmental commission heretofore established
5 shall be abolished upon the taking effect of the ordinance establish-
6 ing the joint environmental commission, and the terms of the
7 members of such abolished environmental commission shall im-
8 mediately cease and terminate. Except as may otherwise be pro-
9 vided in the ordinance establishing such joint commission, all
10 employees of such abolished environmental commission and all the
11 records, property and funds in its possession or under its control
12 shall be transferred to the joint environmental commission, and
13 all its debts and other financial obligations shall be assumed by the
14 joint environmental commission.

1 6. Section 2 of P. L. 1972, c. 49 (C. 13:1H-2) is amended to read
2 as follows:

3 2. The following words shall have the following meanings:

4 a. "Department" means the Department of Environmental
5 Protection.

6 b. "Local environmental agency" means (1) a municipal [con-
7 servation] *environmental commission or joint environmental com-
8 mission established by two or more municipalities*, (2) a county
9 environmental commission and (3) a soil conservation district.

1 7. Section 7 of P. L. 1972, c. 49 (C. 13:1H-7) is amended to read
2 as follows:

3 7. The department may grant up to \$2,500.00 in State aid per
4 year to any local environmental agency, *except that such aid to a
5 joint environmental commission may be up to \$2,500.00 for each
6 municipality participating in such joint environmental commission.*

7 The contribution by the department shall not exceed 50% of the
8 cost of the project which qualifies for assistance under this act.

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

3 1. Commission; appointment; terms; vacancies. The governing
4 body of any municipality may by ordinance establish an environ-
5 mental commission for the protection, development or use of
6 natural resources, including water resources, located within its
7 territorial limits. The commission shall consist of not less than five
8 nor more than seven members, appointed by the mayor [or other
9 chief executive officer] of the municipality, one of whom shall also
10 be a member of the municipal planning board and all of whom shall
11 be residents of the municipality; the members shall serve without
12 compensation except as hereinafter provided. The mayor [or other
13 chief executive officer] of the municipality shall designate one
14 of the members to serve as chairman and presiding officer of the
15 commission. The terms of office of the first commissioners shall be
16 for 1, 2 or 3 years, to be designated by the mayor in making his
17 appointments so that the terms of approximately $\frac{1}{3}$ of the members
18 will expire each year, and their successors shall be appointed for
19 terms of 3 years and until the appointment and qualification of their
20 successors. The mayor or governing body of the municipality may
21 remove any member of the commission for cause, on written charges
22 served upon the member and after a hearing thereon at which the
23 member shall be entitled to be heard in person or by counsel. A
24 vacancy on the commission occurring otherwise than by expiration
25 of a term shall be filled for the unexpired term in the same manner

26 as an original appointment . *Notwithstanding any other provisions*
27 *of law to the contrary, the powers of appointment and removal*
28 *hereby accorded to the mayor of a municipality shall be vested in*
29 *the elected official so designated or, where there is a vacancy in the*
30 *office of mayor, in the duly designated acting mayor.*

1 9. This act shall take effect immediately.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 722

STATE OF NEW JERSEY

DATED: APRIL 22, 1974

Senate Bill 722 authorizes the creation of a joint environmental commission by two or more municipalities.

This bill authorizes two or more municipalities to create, by the adoption of substantially similar ordinances, a joint environmental commission, which shall enjoy all of the functions, duties and powers currently conferred by P. L. 1968, c. 245, as amended by P. L. 1972, c. 35, on environmental commissions established by individual municipalities.

This bill specifies:

(1) The composition of the joint environmental commission, including the minimal representation for each participating municipality, the qualifications of its members and the manner of compensation, which shall be only for expenses incurred in the performance of their duties (section 1);

(2) The selection and rotation of commission chairmen (section 2);

(3) The manner of allocating expenses (section 3); and

(4) The procedures for dissolving an existing environmental commission in cases where a municipality elects to participate in a joint endeavor, pursuant to this act, and provides for the transfer to the proposed joint commission of the municipal commission's records, property, debts and other financial obligations (section 5).

Section seven of Senate Bill 722 amends P. L. 1972, c. 49 so as to make a joint environmental commission eligible for the total amount of State aid to which the several participating municipalities would, in the aggregate, be eligible if operating separate commissions.

Section eight of this act amends P. L. 1968, c. 245 so as to grant to the mayor or, when such office is vacant, the duly designated acting mayor, sole discretion in appointing and removing environmental commission members and designating a commission chairman.

The provisions of section 8 apply only to municipal environmental commissions.