

13-1D-1 et seq. December 16, 1970

LEGISLATIVE HISTORY OF R.S. 13:1D-1 et seq.
(Department of Environmental Protection)

Copy 2

An awakening of concern with problems of pollution culminated in the national celebration of "Earth Day", April 22, 1970. Governor Cahill signed this bill on that symbolic date:

L. 1970, Chapter 33 - A887

Introduced April 6 by Kean [and 27 others].
No statement (copy of original bill enclosed).
April 20 - Passed Senate amended (copy enclosed).
April 20 - Senate amendment passed Assembly.
Fiscal note - (copy enclosed).
Governor made statement on signing (copy enclosed).

Periodical notes on A887 of 1970:

Listed as "approved" in:

974.905 Journal of the Medical Society of N.J.
M49 Vol. 67, no. 6, p. 290, June 1970.

Listed as "opposed", with reason:

974.905 League of N.J. Municipalities.
M95 Legislative bulletin. No. 4, p. 5, 2/17/70 (cop. encl.)

"Long-A-Coming" legislation finally arrived," in:

974.905 New Jersey Nature News, p. 50 (cop. enc.)
A89

"Governor's ... Bill meets with FB approval ..."

974.905 This Week in Farm Bureau. Vol. VIII, no. 15,
F22.1 April 11, 1970 (copy enclosed)

Earlier bills to create a cabinet level department on the Environment:

1969 - A184
1970 - A47
1970 - S630
1970 - S378

Note on this bill in:

974.905 League of N.J. Municipalities.
M95 Legislative bulletin.
No. 4, p. 5, 2/17/70 (copy enclosed).

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Attempts within old Department of Conservation & Economic Development:

- 1967 - S496
Changes name to "Conservation & Natural Resources".
- 1968 - A8
Same as above.
- 1968 - S170
Same as above.
- 1969 - A248
Same as above.
- 1970 - A857
Same as above.
- 1970 - S660
Same as above.

Newspaper clippings - V.F.--N.J.--Environmental Protection Dept.

- "Cahill weighs new Dept. to guide environmental drive" TET 3/6/70.
- "Governor ponders Dept. shifts" NEN 3/13/70.
- "Jersey may get new Dept. for environment" NSL 4/4/70.
- "Cahill to form new agency for fight on pollution" PI 4/4/70
- "Cahill urges pollution control unit" STA 4/5/70.
- "Cahill's program ready" PI 4/6/70.
- "Pesticide control would go to new Environmental Dept. TET 4/7/70.
- "N.J. environment, garbage bills moved" NEN 4/7/70.
- "Ecology: Cahill wants all pollution weapons in one arsenal"
NSL 4/7/70.
- "Environment under one roof" Record 4/8/70.
- "The Governor and the environment" TET 4/9/70.
- "Continued attack on environmental pollution pledged by Cahill"
NEN 4/9/70.
- "New Dept. gets fast action" TET 4/14/70.
- "Environmental measure passed 69-0 by Assembly" NEN 4/14/70.
- "Assembly backs new department for environment" NSL 4/14/70.
- "Pesticide plan irks farmers" TET 4/17/70.
- "State to celebrate with new baby" Record 4/21/70.
- "Resource-saver: Jersey gets a Dept. of Environment" NSL 4/21/70.
- "Cahill gets Environment Dept. TET 4/21/70.
- "Environment halts Cahill" NEN 4/21/70.
- "Sullivan heads Environs agency" NEN 4/22/70.
- "Area apologizes to the planet" TET 4/23/70.
- "Pollution trend can be reversed at public expense" TET 4/23/70.
- "Cahill symbolically signs environ. agency bill" NSL 4/23/70.
- "Environment council gets Senate OK" APP 4/24/70.
- "State pollution agency" C-P 4/24/70.
- "State creates new Dept. in reaction to Earth week" C-P 4/25/70.
- "Make every day Earth Day, says ecology chief" NSL 4/26/70.
- "Control of pesticides proposed for new State Dept." TET 5/1/70.
- "Environment council clears Assembly" NSL 5/1/70.

ASSEMBLY BILL NO. 887, 1970

If you will combine the Senate Amendments with the original bill
you will have the final version as signed by the Governor on
April 22, 1970. (Chapter 33, Laws of New Jersey 1970)

ASSEMBLY, No. 887

STATE OF NEW JERSEY

INTRODUCED APRIL 6, 1970

By Assemblymen KEAN, DICKEY, Assemblywoman MARGETTS, Assemblymen WILSON, LITTELL, KALTENBACHER, KIEHN, GOLDFARB, FIORE, SCHLUTER, WEIDEL, EWING, THOMAS, VREELAND, HEILMANN, PARKER, TURNER, SHUSTED, MABIE, AZZOLINA, DAWES, HURLEY, CAFIERO, ENOS and GAVAN.

(Without Reference)

AN ACT relating to the organization and reorganization of the Executive Branch of the State Government, continuing the Department of Conservation and Economic Development as a principal department in the Executive Branch of the State Government to be known and designated as the Department of Environmental Protection, and revising parts of the statutory law.

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

1 1. The Department of Conservation and Economic Development
2 heretofore established as a principal department in the Executive
3 Branch of the State Government is hereby reorganized, continued
4 and designated as the Department of Environmental Protection,
5 and the office of Commissioner of Conservation and Economic De-
6 velopment is hereby continued and designated as the office of the
7 Commissioner of Environmental Protection.

1 2. Except as otherwise provided by this act, all the functions,
2 powers and duties of the existing Department of Conservation and
3 Economic Development and the commissioner thereof are continued
4 in the Department of Environmental Protection as hereby desig-
5 nated and in the office of the commissioner thereof.

1 3. Section 5 of P. L. 1948, chapter 448 (C. 13:1B-5) is amended to
2 read as follows:

3 5 *a.* There is hereby established in the Department of **Conserva-**
4 **tion and Economic Development** *Environmental Protection, a*
5 *Division of Environmental Protection, a Division of Resource*

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

6 Development] *Natural Resources*, [a Division of Economic De-
 7 velopment, a Division of Veterans' Services,] a Division of [Fish
 8 and Game, a Division of] *Fish, Game and Shell Fisheries*, a Divi-
 9 sion of Water Policy and Supply[, a Division of State and Regional
 10 Planning] and a Division of Parks, Forestry and Recreation.

11 The commissioner shall have authority to organize and maintain
 12 in his offices an administrative division and to assign to employ-
 13 ment therein such secretarial, clerical and other assistants in the
 14 department as his office and the internal operations of the depart-
 15 ment shall require, and the commissioner shall have authority to
 16 direct and coordinate the uses of all public lands under the juris-
 17 diction of the department.

18 *In addition, the commissioner shall have the authority to reor-*
 19 *ganize the department and the several divisions established therein,*
 20 *into such offices, bureaus and agencies which he deems to be ne-*
 21 *cessary and desirable.*

22 *b. The commissioner may designate any officer or employee in*
 23 *the department to perform all of the powers, functions and duties of*
 24 *the commissioner during the absence or disability of the commis-*
 25 *sioner. Such designation shall be subject to the approval of the*
 26 *Governor, and shall be in writing and filed with the Secretary of*
 27 *State. In the event that the commissioner shall die, resign or be*
 28 *removed from office or become disqualified to execute the duties of*
 29 *his office or a vacancy shall occur in the office of the commissioner*
 30 *for any cause whatever, the person designated as aforesaid shall*
 31 *have and exercise the powers and perform the functions, powers*
 32 *and duties of the commissioner until the successor of the commis-*
 33 *sioner is appointed and shall qualify.*

1 4. a. The Division of Resource Development, together with all of
 2 its functions, powers and duties is continued as the Division of
 3 Natural Resources in the Department of Conservation and Environ-
 4 mental Protection.

5 b. The Resource Development Council, together with all of its
 6 functions, powers and duties, is continued as the Natural Resource
 7 Council in the Department of Environmental Protection. This act
 8 shall not affect the terms of office of the present members of the
 9 council. The members of the council shall continue to be appointed
 10 as provided by existing law.

1 5. Section 9 of chapter 448 of the laws of 1948 (C. 13:1B-9) is
 2 amended to read as follows:

3 9. In addition to other functions, powers and duties vested in it
 4 by this act or by any other law, the department shall, through the
 5 Division of [Resource Development] *Natural Resources*:

6 a. *Except as otherwise provided by law, act as the exclusive*
 7 *agency and instrumentality of the State for the acquisition of lands*
 8 *for recreation and conservation purposes.*

9 b. *Give due consideration to coordination with the plans of other*
 10 *departments of State Government with respect to land conservation,*
 11 *use or acquisition. For this purpose, the department is authorized*
 12 *to use the facilities of any interdepartmental committee or other*
 13 *agency suitable to assist in such coordination.*

14 **[a.]** c. Conduct or encourage research designed to further new
 15 and more extensive uses of the natural **[and other]** resources of
 16 the State**],** and designed to develop new products**].**

17 **[b.]** d. Cooperate with other State agencies and departments
 18 and with interstate and Federal departments and agencies, and
 19 with interested individuals and groups in the promotion and de-
 20 velopment of plans, policies and programs for the study, beneficial
 21 use, conservation and protection of natural resources within the
 22 State.

23 **[c.]** Advise and cooperate with municipal, county, regional, and
 24 other local agencies and officers within the State to plan and other-
 25 wise coordinate the development of a system of air routes, airports
 26 and landing fields within the State and to protect their approaches.

27 d. Cooperate with interstate commissions and authorities, State
 28 departments, and with councils, commissions and other State
 29 agencies, and with appropriate Federal agencies, and with inter-
 30 ested private individuals and clubs in the coordination of plans and
 31 policies for the development of air commerce and air facilities**].**

1 6. Section 11 of chapter 448 of the laws of 1948 (C. 13:1B-11) is
 2 amended to read as follows :

3 11. The **[Resource Development]** *Natural Resource* Council
 4 shall, subject to the approval of the commissioner :

5 a. **[Formulate]** *Advise on* comprehensive **[economic]** policies
 6 **[for the development and use of the natural and economic resources**
 7 **of the State.]** *with respect to land conservation, use or acquisition*
 8 *in cooperation with the Division of Environmental Protection.*

9 b. Formulate comprehensive policies for the prevention and
 10 control of beach erosion.

1 7. a. All the functions, powers and duties of the Division of Fish
 2 and Game of the existing Department of Conservation and Eco-
 3 nomic Development, of the Fish and Game Council therein, and of
 4 the Division of Shell Fisheries of the existing Department of Con-
 5 servation and Economic Development, and of the Shell Fisheries
 6 Council therein, and of the Commissioner of Conservation and
 7 Economic Development relating to, or administered through said

8 divisions, are transferred to and vested in the Division of Fish,
9 Game and Shell Fisheries established hereunder.

10 b. The Fish and Game Council, together with all of its functions,
11 powers and duties, is continued as the Fish and Game Council in the
12 Division of Fish, Game and Shell Fisheries in the Department of
13 Environmental Protection. This act shall not affect the terms of
14 office of the present members of the council. The members of the
15 council shall continue to be appointed as provided by existing law.

16 c. The Shell Fisheries Council, together with all of its functions,
17 powers, and duties, is continued as the Shell Fisheries Council in
18 the Division of Fish, Game and Shell Fisheries in the Department
19 of Environmental Protection. This act shall not affect the terms of
20 office of the present members of the council. The members of the
21 council shall continue to be appointed as provided by existing law.

1 8. The Division of Clean Air and Water established by Executive
2 Notice No. 109, dated February 16, 1967, and Executive Notice No.
3 132 dated July 1, 1968 of the State Commissioner of Health pur-
4 suant to P. L. 1947, chapter 177, section 5 (C. 26:1A-5) together
5 with all of its functions, powers and duties, is transferred to and
6 constituted the Division of Environmental Protection in the De-
7 partment of Environmental Protection. Such division, by and
8 through its director, shall continue to have all of the powers and
9 shall exercise all of the functions and duties vested in it or im-
10 posed upon it by said executive notices or by this or any other law.

1 9. The Director of the Division of Environmental Protection
2 shall be appointed by the commissioner, subject to the approval of
3 the Governor, and shall serve at the pleasure of the commissioner.
4 The director shall receive such salary as shall be provided by law.
5 The director shall administer the work of such division under the
6 direction and supervision of the commissioner, and shall perform
7 such other functions of the department as the commissioner may
8 prescribe.

1 10. a. All the functions, powers and duties heretofore exercised by
2 the Department of Health, the commissioner thereof, and of the
3 Public Health Council relating to air pollution, water pollution,
4 radiation protection, waters of this State, sewage, sewerage
5 facilities, refuse disposal, and potable water supplies, including the
6 licensing of water and sewerage treatment plant operators, are
7 hereby transferred to, and vested in The Division of Environmental
8 Protection and the Commissioner of the Department of Environ-
9 mental Protection, and including without limitation, those func-
10 tions, powers and duties derived from the "Air Pollution Control
11 Act (1954)," P. L. 1954, chapter 212, P. L. 1967, chapter 106, P. L.

12 1966, chapter 16, P. L. 1962, chapter 215 (C. 26:2C-1 to 26:2C-25),
13 the "Air Pollution Emergency Control Act (1967)," P. L. 1967,
14 chapter 108 (C. 26:2C-26 to 26:2C-36), the "Radiation Protection
15 Act," P. L. 1958, chapter 116, P. L. 1961, chapter 124 (C. 26:2D-1
16 et seq.), the "State Public Sanitary Sewerage Facilities Act
17 (1965)," P. L. 1965, chapter 121 and P. L. 1967, chapter 109 (C.
18 26:2E-1 et seq.), P. L. 1942, chapter 308 (C. 58:11-9.1 to
19 58:11-9.11), P. L. 1938, chapter 206 (C. 58:11-18.1 to 58:11-18.5),
20 P. L. 1941, chapter 234 (C. 58:11-18.7 to 58:11-18.9), P. L. 1946,
21 chapter 295 (C. 58:11-18.10 to 58:11-18.22), the "Realty Improve-
22 ment Sewerage Facilities Act (1954)," P. L. 1954, chapter 199 (C.
23 58:11-23 to 58:11-42), chapter 14 of Title 24 of the Revised Statutes
24 (Oysters, Clams and other Shellfish), chapter 10 of Title 58 of the
25 Revised Statutes (Pollution of Waters), chapter 11 of Title 58 of
26 the Revised Statutes (Water and Sewerage Plants and Systems in
27 General), chapter 12 of Title 58 of the Revised Statutes (Sewerage
28 Districts and Sewerage District Boards), the "Water Conservation
29 Bond Act," P. L. 1969, chapter 127, P. L. 1966, chapter 15 (C.
30 39:3-70.1, 39:3-70.2), P. L. 1966, chapter 127, and P. L. 1967,
31 chapter 104 (C. 54:4-3.56 to 54:4-3.58), and all amendments and
32 supplements to said acts and statutes.

33 b. The Clean Air Council, together with all of its functions,
34 powers and duties, is continued, transferred and constituted the
35 Clean Air Council in the Department of Environmental Protection.
36 This act shall not affect the terms of office of the present members
37 of the council. The members of the council shall continue to be
38 appointed as provided by existing law.

39 c. The Clean Water Council, together with all of its functions,
40 powers and duties, is continued, transferred and constituted the
41 Clean Water Council in the Department of Environmental Protec-
42 tion. This act shall not affect the terms of office of the present
43 members of the council. The members of the council shall continue
44 to be appointed as provided by existing law.

45 d. The Commission on Radiation Protection, together with all of
46 its functions, powers and duties, is continued, transferred and con-
47 stituted the Commission on Radiation Protection in the Department
48 of Environmental Protection. This act shall not affect the terms of
49 office of the present members of the commission. The members of
50 the commission shall continue to be appointed as provided by exist-
51 ing law.

1 11. All the functions, powers and duties heretofore exercised by
2 the Department of Agriculture, the Secretary thereof, and the State
3 Chemist therein, pursuant to the "Economic Poison Act of 1951,"

4 P. L. 1951, chapter 316 and P. L. 1969, chapter 116 (C. 4:8A-1, et
5 seq.), and all amendments and supplements to said acts, are hereby
6 transferred to and vested in the Division of Environmental Pro-
7 tection established hereunder.

1 12. The department shall formulate comprehensive policies for
2 the conservation of the natural resources of the State, the promo-
3 tion of environmental protection and the prevention of pollution of
4 the environment of the State. The department shall in addition to
5 the powers and duties vested in it by this act or by any other law
6 have the power to:

7 a. Conduct and supervise research programs for the purpose of
8 determining the causes, effects and hazards to the environment and
9 its ecology;

10 b. Conduct and supervise State-wide programs of education in-
11 cluding the preparation and distribution of information relating to
12 conservation, environmental protection and ecology.

13 c. Require the registration of persons engaged in operations
14 which may result in pollution of the environment and the filing of
15 reports by them containing such information as the department may
16 prescribe to be filed relative to pollution of the environment, all in
17 accordance with applicable codes, rules or regulations established
18 by the department.

19 d. Enter and inspect any building or place for the purpose of
20 investigating an actual or suspected source of pollution of the en-
21 vironment and ascertaining compliance or noncompliance with any
22 code, rules and regulations of the department. Any information
23 relating to secret processes concerning methods of manufacture or
24 production obtained in the course of such inspection, investigation
25 or determination, shall be kept confidential and shall not be admis-
26 sible in evidence in any court or in any other proceeding except
27 before the department as herein defined. If samples are taken for
28 analysis, a duplicate of the analytical report shall be furnished
29 promptly to the person suspected of causing pollution of the en-
30 vironment;

31 e. Receive or initiate complaints of pollution of the environment,
32 including thermal pollution, hold hearings in connection therewith
33 and institute legal proceedings for the prevention of pollution of
34 the environment and abatement of nuisances in connection there-
35 with and shall have the authority to seek and obtain injunctive
36 relief and the recovery of fines and penalties in summary proceed-
37 ings in the Superior Court;

38 f. Prepare, administer and supervise State-wide, regional and
39 local programs of conservation and environmental protection, giv-

40 ing due regard for the ecology of the varied areas of the State and
41 the relationship thereof to the environment, and in connection there-
42 with prepare and make available to appropriate agencies in the
43 State technical information concerning conservation and environ-
44 mental protection, cooperate with the Commissioner of Health in
45 the preparation and distribution of environmental protection and
46 health bulletins for the purpose of educating the public, and cooper-
47 ate with the Commissioner of Health in the preparation of a pro-
48 gram of environmental protection ;

49 g. Encourage, direct and aid in coordinating State, regional and
50 local plans and programs concerning conservation and environ-
51 mental protection in accordance with a unified State-wide plan
52 which shall be formulated, approved and supervised by the depart-
53 ment. In reviewing such plans and programs and in determining
54 conditions under which such plans may be approved, the depart-
55 ment shall give due consideration to the development of a com-
56 prehensive ecological and environmental plan in order to be assured
57 insofar as is practicable that all proposed plans and programs shall
58 conform to reasonably contemplated conservation and environ-
59 mental protection plans for the State and the varied areas thereof.

60 h. Administer or supervise programs of conservation and en-
61 vironmental protection, prescribe the minimum qualifications of all
62 persons engaged in official environmental protection work, and en-
63 courage and aid in coordinating local environmental protection
64 services ;

65 i. Establish and maintain adequate bacteriological, radiological
66 and chemical laboratories with such expert assistance and such
67 facilities as are necessary for routine examinations and analyses,
68 and for original investigations and research in matters affecting
69 the environment and ecology.

70 j. Administer or supervise a program of industrial planning for
71 environmental protection ; encourage industrial plants in the State
72 to undertake environmental and ecological engineering programs,
73 and cooperate with the State Departments of Health and Labor and
74 Industry in formulating rules and regulations concerning industrial
75 sanitary conditions ;

76 k. Supervise sanitary engineering facilities and projects within
77 the State, authority for which is now or may hereafter be vested by
78 law in the department, and shall, in the exercise of such supervision,
79 make and enforce rules and regulations concerning plans and
80 specifications, or either, for the construction, improvement, altera-
81 tion or operation of all public water supplies, all public bathing
82 places, land fill operations and of sewerage systems and disposal

83 plants for treatment of sewage, wastes and other deleterious matter,
84 liquid, solid or gaseous, require all such plans or specifications, or
85 either, to be first approved by it before any work thereunder shall
86 be commenced, inspect all such projects during the progress thereof
87 and enforce compliance with such approved plans and specifica-
88 tions;

89 l. Undertake programs of research and development for the
90 purpose of determining the most efficient, sanitary and economical
91 ways of collecting, disposing or utilizing of solid waste;

92 m. Construct and operate, on an experimental basis, incinerators
93 or other facilities for the disposal of solid waste, provide the
94 various municipalities and counties of this State, the Public Utilities
95 Commission, and the Division of Local Finance in the Department
96 of Community Affairs with statistical data on costs and methods of
97 solid waste collection, disposal and utilization;

98 n. Enforce the State air pollution, water pollution, conservation,
99 environmental protection, waste and refuse disposal laws, rules and
100 regulations;

101 o. Acquire by purchase, grant, contract or condemnation, title to
102 real property, for the purpose of demonstrating new methods and
103 techniques for the collection or disposal of solid waste;

104 p. Purchase, operate and maintain, pursuant to the provisions of
105 this act, any facility, site, laboratory, equipment or machinery ne-
106 cessary to the performance of its duties pursuant to this act;

107 q. Contract with any other public agency or corporation in-
108 corporated under the laws of this or any other State for the per-
109 formance of any function under this act;

110 r. With the approval of the Governor, cooperate with, apply for,
111 receive and expend funds from, the Federal Government, the State
112 Government, or any county or municipal government or from any
113 public or private sources for any of the objects of this act;

114 s. Make annual and such other reports as it may deem proper to
115 the Governor and the Legislature evaluating the demonstrations
116 conducted during each calendar year.

117 t. Keep complete and accurate minutes of all hearings held before
118 the commissioner or any member of the department pursuant to the
119 provisions of this act. All such minutes shall be retained in a
120 permanent record, and shall be available for public inspection at all
121 times during the office hours of the department.

1 13. a. The Division of Economic Development, together with all
2 of its functions, powers and duties, is continued, transferred and
3 constituted the Division of Economic Development in the Depart-
4 ment of Labor and Industry.

5 The Economic Development Council, together with all of its func-
 6 tions, powers and duties, is continued, transferred and constituted
 7 the Economic Development Council in the Department of Labor
 8 and Industry. This act shall not affect the terms of office of the
 9 present members of the council. The members of the council shall
 10 continue to be appointed as provided by existing law.

11 b. The New Jersey Area Redevelopment Authority, established
 12 pursuant to the laws of 1962, chapter 204, as amended and supple-
 13 mented (C. 13:1B-15.13 et seq.), together with all of its functions,
 14 powers and duties, is continued and transferred to the Department
 15 of Labor and Industry. This act shall not affect the terms of office
 16 of the present members of the authority. The members of the au-
 17 thority shall continue to be appointed as provided by existing law,
 18 except that the Commissioner of Banking shall serve as an ex-
 19 officio member of the authority in the place and stead of the Com-
 20 missioner of Banking and Insurance as heretofore.

21 c. The functions, powers and duties of the Division of Veterans
 22 Services in the Department of Conservation and Economic Develop-
 23 ment are transferred to and shall be exercised and performed by the
 24 Department of Institutions and Agencies through an appropriate
 25 organizational unit to be established by the Commissioner of In-
 26 stitutions and Agencies with the approval of the State Board of
 27 Control. The term of office of the Director of the Division of
 28 Veterans Services shall expire on the effective date of this act.

29 The Veterans' Services Council, together with all its functions,
 30 powers and duties, is continued and constituted the Veterans'
 31 Services Council in the Department of Institutions and Agencies.
 32 This act shall not affect the terms of office of the present members
 33 of the council. The members of the council shall continue to be
 34 appointed as provided by existing law.

1 14. a. All appropriations, grants and other moneys available and
 2 to become available to any department, division, bureau, board,
 3 commission, council or other agency, the functions, powers and
 4 duties of which have been herein assigned or transferred to the De-
 5 partment of Environmental Protection, are hereby transferred to
 6 the Department of Environmental Protection established here-
 7 under, and shall be available for the objects and purposes for which
 8 appropriated, subject to any terms, restrictions, limitations or other
 9 requirements imposed by State or Federal law.

10 b. All appropriations, grants and other moneys available and to
 11 become available to any department, division, bureau, board, com-
 12 mission, council or other agency, the functions, powers and duties
 13 of which have been hereto assigned or transferred to the Depart-

14 ment of Labor and Industry or the Department of Institutions and
15 Agencies are hereby transferred to the Department of Labor and
16 Industry and the Department of Institutions and Agencies, respec-
17 tively, and shall be available for the objects and purposes for which
18 appropriated, subject to any terms, restrictions, limitations or other
19 requirements imposed by State or Federal law.

1 15. a. Such employees of any department, division, bureau, board,
2 commission, council or other agency, the functions, powers and
3 duties of which have been herein assigned or transferred to the De-
4 partment of Environmental Protection or to any agency designated,
5 continued or constituted therein, as the Commissioner of Environ-
6 mental Protection may determine are needed for the proper per-
7 formance of the functions and duties imposed upon the Department
8 of Environmental Protection, or any agency therein, are hereby
9 transferred to the department or agency to which such functions,
10 powers and duties have been herein assigned or transferred.

11 b. Such employees of any division, bureau, board, council or
12 other agency, the functions, powers and duties of which have been
13 herein assigned or transferred to the Department of Labor and
14 Industry or the Department of Institutions and Agencies or to any
15 agency designated, continued or constituted therein, are hereby
16 transferred to the department or agency to which such functions,
17 powers and duties have been herein assigned or transferred.

1 16. Nothing in this act shall be construed to deprive any person
2 of any tenure rights or of any right or protection provided him by
3 Title 11 of the Revised Statutes, Civil Service, or under any pension
4 law or retirement system.

1 17. a. All files, books, papers, records, equipment and other prop-
2 erty of any department, division, bureau, board, commission,
3 council or other agency, the functions, powers and duties of which
4 have been herein assigned or transferred to the Department of
5 Environmental Protection or to any agency designated, continued
6 or constituted hereunder, shall upon the effective date of this act be
7 transferred to the department or agency to which such assignment
8 or transfer has been made hereunder.

9 b. All files, books, papers, records, equipment and other property
10 of any department, division, bureau, board, commission, council or
11 other agency, the functions, powers and duties of which have been
12 herein assigned or transferred to the Department of Labor and
13 Industry or the Department of Institutions and Agencies, shall upon
14 the effective date of this act be transferred to the department or
15 agency to which such assignment or transfer has been made here-
16 under.

1 18. This act shall not affect the orders, rules and regulations
2 heretofore made or promulgated by any department, division,
3 bureau, board, commission, council or other agency, the functions,
4 powers and duties of which have been herein assigned or trans-
5 ferred to the Department of Environmental Protection or to any
6 agency designated, continued or constituted hereunder; but such
7 orders, rules and regulations shall continue with full force and
8 effect until amended or repealed pursuant to law.

9 a. This act shall not affect the orders, rules and regulations
10 heretofore made or promulgated by any division, bureau, board,
11 commission, council or other agency, the functions, powers and
12 duties of which have been herein assigned or transferred to the De-
13 partment of Labor and Industry or the Department of Institutions
14 and Agencies; but such orders, rules and regulations shall con-
15 tinue with full force and effect until amended or repealed pursuant
16 to law.

1 19. This act shall not affect actions or proceedings, civil or
2 criminal, brought by or against any department, division, bureau,
3 board, commission, council or other agency, the functions, powers
4 and duties of which have been herein assigned or transferred to the
5 Department of Environmental Protection or to any other depart-
6 ment, or to any agency designated, continued or constituted here-
7 under, and pending on the effective date of this act, but such actions
8 or proceedings may be prosecuted or defended in the same manner
9 and to the same effect by the department or agency to which such
10 assignment or transfer has been made hereunder, as if the fore-
11 going provisions had not taken effect; nor shall any of the foregoing
12 provisions affect any order or recommendation made by, or other
13 matters or proceedings before, any department, division, bureau,
14 board, commission, council or other agency, the functions, powers
15 and duties of which have been herein assigned or transferred to the
16 Department of Environmental Protection or to any other depart-
17 ment, or to any agency designated, continued or constituted here-
18 under, and all such matters or proceedings pending before such
19 department, division, bureau, board, commission, council or other
20 agency on the effective date of this act shall be continued by the
21 department or agency to which such assignment or transfer has
22 been made hereunder, as if the foregoing provisions had not taken
23 effect.

1 20. Unless specifically otherwise provided in this act or by any
2 operative law, whenever, pursuant to existing law, reports, certifi-
3 cations, applications or requests are required or permitted to be
4 made to a department, division, bureau, board, commission, council

5 or other agency, whose powers and duties are herein assigned or
6 transferred, such reports and certifications shall hereafter be re-
7 quired to be filed with, and such applications or requests shall
8 hereafter be made to, the department or agency to which such
9 assignment or transfer has been made hereunder.

1 21. With respect to the functions, powers and duties hereby
2 transferred to the Department of Environmental Protection, when-
3 ever in any law, rule, regulation, contract, document, judicial or
4 administrative proceeding or otherwise, reference is made to the
5 Department of Conservation and Economic Development, or the
6 commissioner thereof, the same shall mean and refer to the Depart-
7 ment of Environmental Protection and the Commissioner of En-
8 vironmental Protection, respectively.

9 With respect to the functions, power and duties of the Depart-
10 ment of Health and the commissioner thereof, which are herein
11 transferred and vested in the Division of Environmental Protection
12 established hereunder, whenever in any law, rule, regulation, con-
13 tract, document or otherwise, reference is made to the Department
14 of Health, or the commissioner thereof, the same shall be deemed
15 to mean and refer to the Department of Environmental Protection
16 and the Commissioner of Environmental Protection, respectively.

17 Whenever the term "Division of Clean Air and Water" occurs
18 or any reference is made thereto in any law, contract or document,
19 the same shall be deemed to mean or refer to the Division of En-
20 vironmental Protection in the Department of Environmental Protec-
21 tion established hereunder.

22 Whenever the term "Clean Air Council" occurs or any reference
23 is made thereto in any law, contract or document, the same shall
24 be deemed to mean or refer to the Clean Air Council in the Depart-
25 ment of Environmental Protection established hereunder.

26 Whenever the term "Clean Water Council" occurs or any ref-
27 erence is made thereto in any law, contract or document, the same
28 shall be deemed to mean or refer to the Clean Water Council in the
29 Department of Environmental Protection established hereunder.

30 Whenever the term, "Commission on Radiation Protection" or
31 any reference is made thereto in any law, contract or document, the
32 same shall be deemed to mean or refer to the Commission on
33 Radiation Protection in the Department of Environmental Protec-
34 tion established hereunder.

35 Whenever the term "Division of Fish and Game" or "Division of
36 Shell Fisheries" occurs or any reference is made thereto in any
37 law, contract or document, the same shall be deemed to refer to the
38 Division of Fish, Game and Shell Fisheries established hereunder.

39 Whenever the term "Director of Fish and Game" occurs or any
40 reference is made thereto in any law, contract or document, the
41 same shall be deemed to mean or refer to the Director of the
42 Division of Fish, Game and Shell Fisheries established hereunder.

43 Whenever the term "Fish and Game Council" occurs or any ref-
44 erence is made thereto in any law, contract or document, the same
45 shall be deemed to mean or refer to the Fish and Game Council in
46 the Department of Environmental Protection established hereunder.

47 Whenever the term "Shell Fisheries Council" occurs or any
48 reference is made thereto in any law, contract or document, the same
49 shall be deemed to mean or refer to the Shell Fisheries Council in
50 the Department of Environmental Protection established hereunder.

51 Whenever the term "Director of Shell Fisheries" occurs or any
52 reference is made thereto in any law, contract or document, the
53 same shall be deemed to mean or refer to the Director of the
54 Division of Fish, Game and Shell Fisheries established hereunder.

55 Whenever the term "Division of Resource Development" or
56 "Director of the Division of Resource Development" occurs or any
57 reference is made thereto in any law, contract or document, the
58 same shall be deemed to mean or refer to the Division of Natural
59 Resources established hereunder and the director thereof, re-
60 spectively.

61 Whenever the term "Resource Development Council" or "Plan-
62 ning and Development Council" occurs or any reference is made
63 thereto in any law, contract or document, the same shall be deemed
64 to mean or refer to the Natural Resource Council established
65 hereunder.

66 Whenever the term "Division of Parks, Forestry and Recrea-
67 tion" occurs or any reference is made thereto in any law, contract
68 or document, the same shall be deemed to mean or refer to the
69 Division of Parks, Forestry and Recreation in the Department of
70 Environmental Protection established hereunder.

71 Whenever the term "Parks, Forestry and Recreation Council"
72 occurs or any reference is made thereto in any law, contract or
73 document, the same shall be deemed to mean or refer to the Parks,
74 Forestry and Recreation Council in the Department of Environ-
75 mental Protection established hereunder.

76 Whenever the term "Division of Water Policy and Supply"
77 occurs or any reference is made thereto in any law, contract or
78 document, the same shall be deemed to mean or refer to the Division
79 of Water Policy and Supply in the Department of Environmental
80 Protection.

81 Whenever the term "Water Policy and Supply Council" occurs
82 or any reference is made thereto in any law, contract or document,

83 the same shall be deemed to mean or refer to the Water Policy and
84 Supply Council in the Department of Environmental Protection.

85 Whenever the term "Division of Economic Development" is
86 referred to in any law, contract or document, the same shall be
87 deemed to mean or refer to the Division of Economic Development
88 in the Department of Labor and Industry.

89 Whenever the term "Economic Development Council" is re-
90 ferred to in any law, contract or document, the same shall be
91 deemed to mean or refer to the Economic Development Council in
92 the Department of Labor and Industry.

93 Whenever the term "Division of Veterans' Services" is referred
94 to in any law, contract or document, the same shall be deemed to
95 mean or refer to the organizational unit of the Department of In-
96 stitutions and Agencies to be established pursuant to section 13
97 of this act.

98 Whenever the term "Veterans' Services Council" is referred to
99 in any law, contract or document, the same shall be deemed to mean
100 or refer to the Veterans Services Council in the Department of In-
101 stitutions and Agencies.

102 With respect to the functions, powers and duties of the Depart-
103 ment of Agriculture which are hereby transferred and vested in
104 the Division of Environmental Protection established hereunder,
105 whenever in any law, rule, regulation, contract, document or other-
106 wise reference is made to the Department of Agriculture, the same
107 shall mean and refer to the Department of Environmental Protec-
108 tion established hereunder.

1 22. The term of office of the Director of the Division of Shell
2 Fisheries shall expire on the effective date of this act.

1 23. All acts and parts of acts inconsistent with any of the pro-
2 visions of this act are, to the extent of such inconsistency, super-
3 seded and repealed.

1 24. The provisions of this act shall become operative at the
2 beginning of the biweekly pay period next following enactment.
3 Anticipatory action may be taken in advance thereof including the
4 making of authorized appointments, and confirmation or approval
5 thereof, and, within the limits of funds available to the department,
6 the expenditure of funds for payment of salaries and expenses in-
7 cident thereto.

1 25. Section 122 of P. L. 1948, chapter 448 (C. 13:1B-71) is
2 amended to read as follows:

3 122. This act shall be known as, and may be cited as, the "De-
4 partment of [Conservation and Economic Development Act of
5 1948] *Environmental Protection Act of 1970.*"

1 26. This act shall take effect immediately.

SENATE AMENDMENTS TO
ASSEMBLY, No. 887

—•—
STATE OF NEW JERSEY
—•—

ADOPTED APRIL 20, 1970

Amend page 1, section 3, line 5, delete "Protection", and insert in lieu thereof "Quality".

Amend page 2, section 4, line 3, delete "Conservation and".

Amend page 3, section 6, line 8, delete "Protection", and insert in lieu thereof "Quality".

Amend page 4, section 8, line 6, delete "Protection", and insert in lieu thereof "Quality".

Amend page 4, section 9, line 1, delete "Protection", and insert in lieu thereof "Quality".

Amend page 4, section 10, line 8, delete "Protection", and insert in lieu thereof "Quality".

Amend page 6, section 11, lines 6-7, delete "Protection", and insert in lieu thereof "Quality".

Amend page 7, section 12, line 46, delete "educting", and insert in lieu thereof "educating".

Amend page 12, section 21, line 11, delete "Protection", and insert in lieu thereof "Quality".

Amend page 12, section 21, line 20, delete "Protection", and insert in lieu thereof "Quality".

Amend page 14, section 21, line 104, delete "Protection", and insert in lieu thereof "Quality".

FISCAL NOTE TO
ASSEMBLY, No. 887

STATE OF NEW JERSEY

DATED: APRIL 9, 1970

Assembly Bill No. 887 creates the Department of Environmental Protection.

In a summary prepared by the Division of Budget and Accounting in the Department of the Treasury, it is pointed out that this bill does not create any new agencies, but merely shuffles existing organizational units between five departments. The principal cost, therefore, of creating the new department will be the costs of printing new letterheads, replacing signs in parks and field activities and perhaps moving costs to bring units closer together. The existing administrative structure of the Department of Conservation and Economic Development should be adequate to serve the personnel, financial and procurement needs of the new department. The direct costs will therefore be about \$50,000.00. The bill does not contain an appropriation for this purpose.

Other areas where costs can be anticipated include computer rental and laboratory services. The Division of Clean Air and Water now makes use of the Health Department computer for monitoring its network of air and water pollution surveillance equipment. Conservation does not have data processing capability to serve this need. Initially a time sharing arrangement can be accommodated with the Health Department, but in the future there may be another third generation computer required.

The Division of Clean Air and Water and the Agriculture Department's Pesticide program all require laboratory services at both the chemical and bacteriological sections of the health and agriculture laboratories. These laboratories were planned to serve the water, air and pesticide programs. Initially some cost accounting may be done to indicate services performed in the laboratory for the new department. However, a more permanent arrangement might be to reduce the appropriation to the Health Department Division of Laboratories and provide a sum in the new department for purchase of laboratory service.

The Division of Fish and Game now operates from two revolving funds supported by receipts from hunting and fishing licenses. By adding the Division of Shell Fisheries to this unit the revision of the

law to either remove the fish and game dedication or to raise shell fish lease rates to a level sufficient to support their operations and add this sum to the revolving fund should be considered.

The bill indicates that the term of the present Director of Veteran's Services and Director of Shell Fisheries will expire on the effective date of the act. If this clause means that the positions are abolished as well, there will be a saving of \$31,480.00. It is not thought the positions should be completely abolished because the programs will remain to be supervised. The jobs should remain and perhaps be reclassified by civil service to reflect the reduced management requirements of the job.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

cf33

FROM: OFFICE OF THE GOVERNOR

FOR RELEASE: APRIL 22, 1970

Governor William T. Cahill announced he has signed into law Assembly Bill No. 887, designated the "Department of Environmental Protection Act of 1970". The bill reorganizes the Department of Conservation and Economic Development into the Department of Environmental Protection and combines into one department the functions of various departments and agencies relating to environmental protection and conservation. The new department has five divisions: the Division of Environmental Quality, the Division of Natural Resources, the Division of Fish, Game and Shell Fisheries, the Division of Water Policy and Supply and the Division of Parks, Forestry and Recreation.

The Governor also announced he intends to submit the name of Richard J. Sullivan as Commissioner of the new Department of Environmental Protection.