

13:13A-1 ET SEQ.

LEGISLATIVE HISTORY CHECKLIST

NJSA 13:13A-1 et seq.

Laws of 1974 Chapter 118

Bill No. S 963

Sponsor(s) Lynch & others

Date Introduced March 18

Committee: Assembly --

Senate Revenue, Finance & Appropriations

Amended during passage Yes ~~NY~~ Amendments during passage denoted by asterisks

Date of passage: Assembly May 2

Senate April 25

Date of approval October 10

Following statements are attached if available:

Sponsor statement Yes ~~NY~~

Committee Statement: Assembly ~~NY~~ No

Senate Yes ~~NY~~

Fiscal Note ~~NY~~ No

Veto message ~~NY~~ No

Message on signing Yes ~~NY~~

Following were printed:

Reports ~~NY~~ No

Hearings ~~NY~~ No

10/4/76
JAN 1977

CHAPTER 118 LAWS OF N. J. 19 74
APPROVED 10-10-74

[OFFICIAL COPY REPRINT]

SENATE, No. 963

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1974

By Senators LYNCH, MERLINO, BATEMAN and DWYER

Referred to Committee on Revenue, Finance and Appropriations

AN ACT establishing the Delaware and Raritan Canal State Park, and creating a Delaware and Raritan Canal Commission, prescribing its jurisdiction, powers and duties, and making an appropriation therefor.

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

1 1. This act shall be known and may be cited as the "Delaware
2 and Raritan Canal State Park Law of 1974."

1 2. The Legislature finds and declares that:

2 a. The Delaware and Raritan Canal is a vital source of water
3 supply and is of historic, ecological, and recreational value to the
4 citizens of New Jersey; that the canal and the narrow band of land
5 along the canal banks owned by the State are also an extremely
6 attractive and lucrative asset to the State; that the quantity and
7 quality of surface water runoff, flooding potential, esthetic
8 surroundings, and even the structural integrity of the canal, can
9 all be adversely affected by surrounding developments; that
10 within the State Government, decisions which affect the canal and
11 the State owned land appertaining thereto are often made
12 separately by different State agencies and local governing bodies;
13 that the surrounding properties are private and public portions
14 of 17 municipalities in four counties, each with its own planning and
15 zoning authority; that, in general, the decisions which are made
16 often reflect local expediencies rather than a coherent plan.

17 b. The State of New Jersey must act immediately and there-
18 after to preserve, locate, survey, and acquire such lands as are
19 now available for public recreation and the conservation of natural
20 resources, in order to promote the public health, prosperity, and
21 general welfare, as a proper responsibility of government; that the
22 enactment of the provisions set forth in this act would create a
23 Delaware and Raritan Canal State Park to be maintained and

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

24 operated under the jurisdiction of the Department of Environ-
25 mental Protection, which shall have the power, with the approval
26 of the Delaware and Raritan Canal Commission, as hereafter pro-
27 vided, to take such measures as may be necessary to preserve,
28 maintain, improve, and enlarge the park, if funds for these
29 purposes are made available from time to time; that a Delaware
30 and Raritan Canal Commission be established to prepare, adopt,
31 and implement a master plan for the physical development of the
32 park, and to review State and local actions that impact on the
33 park to insure that these actions conform as nearly as possible to
34 the commission's master plan; that funds will be appropriated in
35 this act to the Department of Environmental Protection for the
36 purposes of locating, surveying, and selecting necessary land sites
37 appertaining to the canal, immediately and thereafter, which in-
38 formation shall be reported to the Legislature for its consideration,
39 and for the use of the Delaware and Raritan Canal Commission in
40 the performance of its powers and duties pursuant to this act, and
41 that funds will be appropriated for the use of the commission in
42 the performance of its powers and duties pursuant to this act.

1 3. As used in this act:

2 a. "Department" means the Department of Environmental Pro-
3 tection.

4 b. "Park" means the Delaware and Raritan Canal Park as de-
5 termined by the Department of Environmental Protection, pur-
6 suant to section 6 a. of this act.

7 c. "Canal" means the Delaware and Raritan Canal, its feeder
8 canal, and the abandoned section of the canal in the township of
9 Hamilton, county of Mercer, to be determined, pursuant to subsec-
10 tion 6 f. of this act.

11 d. "Commission" means the Delaware and Raritan Canal Com-
12 mission.

13 e. "Commissioner" means the Commissioner of the Department
14 of Environmental Protection.

15 f. "Review zone" means that region appertaining to and includ-
16 ing the park, as determined pursuant to subsections 6 e. and 14 a.
17 of this act, in which proposed "projects," as defined in subsection
18 14 c., may cause an adverse impact on the park including, but not
19 limited to, drainage, esthetic, and ecological factors.

1 4. The Delaware and Raritan Canal and the lands along the canal
2 banks, now or hereafter owned by the State, are designated as the
3 Delaware and Raritan Canal State Park, to be maintained and
4 operated under the Department of Environmental Protection as a
5 State park.

1 5. a. The department shall, as funds for these purposes are made
2 available from time to time, take such measures as may be neces-
3 sary to preserve, maintain, develop and improve the park in such
4 manner and to such extent as, in its judgment, will best make it
5 of use to the public. In the development of the park, the depart-
6 ment shall have the power to install permanent improvements for
7 the health and comfort of the public; provided, however, that the
8 department shall take no such measures, nor install such improve-
9 ments, unless the plans therefor shall have been submitted to and
10 approved by the Delaware and Raritan Canal Commission, created
11 pursuant to section 11 of this act.

12 b. Notwithstanding the provisions of any other law to the con-
13 trary, no building or structure, streets, bridges, parking areas,
14 public transit lines, utilities, sewerage, and service-water supply
15 facilities may be altered within the park unless the plans or
16 specifications for the proposed alteration meet park standards to
17 be adopted and promulgated by the department.

1 6. a. The department shall, within 1 month after this act takes
2 effect, proceed to locate, survey and select critical land sites, and
3 within 1 year after this act takes effect, and from time to time
4 thereafter, such other land sites appertaining to the park which
5 may be advisable, proper or necessary for the purpose of establish-
6 ing the park and to expand and preserve the uses, benefits, and
7 enjoyments thereof to the people, and report its findings, including
8 its recommended priorities, and a schedule of required funding
9 for the acquisition of such lands, pursuant to the provisions of
10 subsection 6 d. of this act, to the Legislature.

11 b. In locating, surveying, and selecting the land sites mentioned
12 in subsection 6 a. of this act, the department shall: (1) assemble a
13 detailed data base, including updated mapping and zoning informa-
14 tion, to determine the ownership and use of lands appertaining to
15 park properties; and (2) consult with the Delaware and Raritan
16 Canal Commission, county and municipal governmental officials of
17 jurisdictions in which the State park or any of the land sites
18 therefor are located; concerned environmental groups; water
19 suppliers; historical associations and such State agencies as now
20 or hereafter have jurisdiction over the park, or any part thereof.

21 c. In determining which land sites described in subsection 6 a.
22 of this act should be recommended to the Legislature for acquisi-
23 tion, the department shall consider: (1) the existence of present
24 historical structures; (2) the immediate danger of an occurrence of
25 adverse impact to the park including, but not limited to, drainage,

26 esthetic, and ecological factors; (3) proximity to high-density
27 population concentrations; and (4) the availability of land at a
28 cost advantageous to the State.

29 d. The department shall, pursuant to the provisions of subsec-
30 tion 6 a. of this act, determine and recommend to the Legislature
31 a schedule of required funding for the acquisition of those land
32 sites described in subsection 6 a. of this act. The schedule may
33 provide for any combination of: (1) inclusion of necessary revenues
34 in a future State bond issue for the acquisition of open space or
35 other lands; (2) special authorization for purposes of completing
36 the State Park; and (3) local-State matching fund proposals to
37 implement or expand the agreed plan.

38 e. The department, in locating, surveying, and selecting the land
39 sites described in subsection 6 a. of this act, and in assembling a
40 detailed data base pursuant to subsection 6 b. of this act shall
41 locate, survey, select, and recommend to the commission land sites
42 to be included in the review zone, pursuant to the provisions of
43 subsection 14 a. of this act; provided that such recommendations
44 shall not be binding on the commission.

45 f. The department shall, within 3 months after this act takes
46 effect, proceed to locate, survey, and select the abandoned section
47 of the canal, in the township of Hamilton, county of Mercer, which,
48 for purposes of this act, shall be considered part of the canal.

49 g. The department shall in locating, surveying, and selecting the
50 land sites described in subsection 6 a. of this act, exclude those lands
51 situated between the Landing Lane bridge and the juncture of the
52 canal with the Raritan river.

1 7. In addition to the foregoing powers, the commissioner and his
2 authorized agents and employees may enter upon any lands, waters,
3 and premises for the purpose of making surveys, soundings, drill-
4 ings, and examinations as he may deem necessary or convenient for
5 the purposes of this act, all in accordance with due process of law,
6 and such entry shall not be deemed a trespass nor shall an entry
7 for such purpose be deemed an entry under any condemnation
8 proceedings which may be then pending. The commissioner shall
9 make reimbursement for any actual damages resulting to such
10 lands, waters, and premises as a result of such activities.

1 8. The department shall have power to take title, in fee or other-
2 wise, by gift or devise, and, if funds are made available for these
3 purposes from time to time, by purchase or eminent domain to such
4 lands appertaining to the park and to any rights, interests and
5 easements therein, in the name of the State of New Jersey. In the
6 event that it becomes necessary or advisable to acquire any lands

7 or interest therein for the purpose of this act by eminent domain,
8 the procedure for condemnation of such lands shall be taken in
9 accordance with the provisions of the "Eminent Domain Act of
10 1971," P. L. 1971, c. 361, (C. 20:3-1 et seq.).

1 9. The department, to effectuate the general purpose of this act,
2 shall with the approval of the commission, have power to hire, rent
3 or lease any portion of such lands to private enterprises and such
4 moneys as are derived from such hiring, renting, or leasing shall
5 be deposited with the General State Fund.

1 10. The department shall, with the approval of the commission,
2 have power to make such rules and regulations for the use and
3 protection of the park as may, in its judgment, be necessary. The
4 department shall, subject to the approval of the Attorney General
5 and in accordance with such regulations for the protection of the
6 public safety and welfare as the Attorney General shall prescribe,
7 further have power to vest in such of its employees as it may be
8 determined to be necessary the powers and duties of peace officers
9 for the abatement of nuisances, stopping of abuses, and protection
10 and management of the park under any rules and regulations the
11 department may prescribe.

1 11. a. There is hereby established in the Department of Environ-
2 mental Protection a Delaware and Raritan Canal Commission
3 which shall consist of nine members appointed and qualified as
4 follows:

5 (1) The Commissioner of the Department of Environmental
6 Protection, serving ex officio; provided, however, that the commis-
7 sioner may designate an officer or employee of the department to
8 represent him at meetings of the commission, and such designee
9 may lawfully vote and otherwise act on behalf of the commissioner.
10 Any such designation shall be in writing delivered to the chairman
11 of the commission and shall continue in effect during the period the
12 commissioner is in such office, or until revoked or amended by
13 writing delivered to the chairman of the commission.

14 (2) Eight citizens of the State, appointed by the Governor, with
15 the advice and consent of the Senate, no more than four of whom
16 shall be of the same political party; at least four of whom shall be
17 residents of the counties of Hunterdon, Mercer, Middlesex and
18 Somerset, respectively, and one of whom shall be a mayor of a
19 municipality appertaining to the Delaware and Raritan Canal
20 State Park; provided, however, that no more than one citizen shall
21 be appointed from any one municipality. In making appointments
22 to the commission, the Governor may consider the recommendations

23 of concerned environmental groups; historical associations; water
24 suppliers; real estate interests; and members of relevant pro-
25 fessions.

26 b. The commissioner shall serve on the commission during his
27 term of office and shall be succeeded by his successor in office. Each
28 member appointed by the Governor shall serve for terms of 5 years;
29 provided that of the first members appointed by the Governor, two
30 shall serve for a term of 2 years, two for a term of 3 years, two for
31 a term of 4 years, and two for a term of 5 years. Each member
32 shall serve for the term of his appointment and until his successor
33 shall have been appointed and qualified. Any vacancy shall be
34 filled in the same manner as the original appointment for the un-
35 expired term only.

36 c. Any member of the commission may be removed by the
37 Governor for cause after a public hearing.

38 d. Each member of the commission, before entering upon his
39 duties, shall take and subscribe to an oath to perform the duties of
40 his office faithfully, impartially, and justly to the best of his
41 ability. A record of such oaths shall be filed in the office of the
42 Secretary of State.

43 e. The members of the commission shall serve without compensa-
44 tion, but the commission may reimburse its members for necessary
45 expenses incurred in the discharge of their duties.

46 f. The Governor shall designate one of the members of the com-
47 mission, other than the Commissioner of the Department of
48 Environmental Protection, as chairman. The commission shall
49 select from its members a vice-chairman and shall employ an execu-
50 tive director, who shall be secretary, and a treasurer. The com-
51 mission may also appoint, retain and employ, without regard to the
52 provisions of Title 11, Civil Service, of the Revised Statutes, such
53 officers, agents, employees and experts as it may require, and it
54 shall determine their qualifications, terms of office, duties, services
55 and compensation.

56 g. The powers of the commission shall be vested in the members
57 thereof in office from time to time, and a majority of the total
58 authorized membership of the commission shall constitute a
59 quorum at any meeting thereof. Action may be taken and motions
60 and resolutions adopted by the commission at any meeting thereof
61 by the affirmative vote of a majority of the members, unless in any
62 case the bylaws of the commission or any of the provisions of this
63 act shall require a larger number; provided, however, that the
64 commission may designate one or more of its agents or employees

65 to exercise such administrative functions, powers, and duties, as
66 it may deem proper, under its supervision and control. No vacancy
67 in the membership of the commission shall impair the right of a
68 quorum to exercise all the rights and perform all the duties of the
69 commission, except that the commission shall not take any final
70 action on any matter to be submitted to the Legislature, pursuant to
71 subsection 12 g. of this act, except by a vote of two-thirds of the
72 full membership of the commission.

73 h. The commission shall prepare, adopt, and implement a master
74 plan for the physical development of the park, or a portion thereof;
75 review State and local actions that impact on the park to insure
76 that these actions conform as nearly as possible to the commission's
77 master plan; and coordinate and support activities by citizens'
78 groups to promote and preserve the park.

79 i. On or before December 31 in each year the commission shall
80 make an annual report of its activities for the preceding calendar
81 year to the Governor and to the Legislature. Each such report shall
82 set forth a complete operating and financial statement covering its
83 operations during the year, all as more fully provided in section
84 15 of this act. The commission may, in addition, at any time request
85 the Governor and the Legislature to appropriate funds for com-
86 mission purposes, as more fully provided in subsection 12 g. of
87 this act.

88 j. The commission shall cause an audit of its books and accounts
89 to be made at least once in each year and the cost thereof shall be
90 treated as one incurred by the commission in the administration of
91 this act, and a copy thereof shall be filed with the State Treasurer
92 and the Office of Fiscal Affairs.

93 k. (1) No member, officer, employee, or agent of the commission
94 shall be financially interested, either directly or indirectly, in any
95 project or any part of a project area, other than a residence, or in
96 any contract, sale, purchase, lease, or transfer of real or personal
97 property to the Department of Environmental Protection for in-
98 clusion in the Delaware and Raritan Canal State Park.

99 (2) Any contract or agreement knowingly made in contraven-
100 tion of this section is voidable.

101 (3) Any person who shall willfully violate any of the provisions
102 of this section shall forfeit his office or employment and shall be
103 guilty of a misdemeanor.

1 12. The commission shall have the following powers:

2 a. To adopt and from time to time amend and repeal suitable
3 bylaws for the management of its affairs;

4 b. To maintain offices at such place or places within the State as
5 it may designate;

6 c. To enter upon any building or property in order to conduct
7 investigations, examinations, surveys, soundings, or test borings
8 necessary to carry out the purposes of sections 13 and 14 of this
9 act, all in accordance with due process of law;

10 d. To receive and accept, from any Federal or other public
11 agency or governmental entity, grants or loans for, or aid of, the
12 purposes of sections 13 and 14 of this act, and to enter into
13 cooperative agreements with the Federal Government or any other
14 public or governmental agency for the performance of such acts
15 as may be necessary and proper for the purposes of sections 13 and
16 14 of this act;

17 e. To enter into any and all agreements or contracts, execute
18 any and all instruments, and do and perform any and all acts or
19 things necessary, convenient, or desirable for the purposes of the
20 commission or to carry out any power expressly given to the com-
21 mission in this act;

22 f. To conduct examinations and investigations, hear testimony
23 and take proof under oath at public or private hearings, of any
24 material matter, require attendance of witnesses and the produc-
25 tion of books and papers and issue commissions for the examina-
26 tion of witnesses who are out of State, unable to attend, or excused
27 from attendance;

28 g. To petition the Legislature for specific direction or appro-
29 priation to accomplish commission objectives, in the event of sub-
30 stantial disagreement between the commission and the department.

1 13. a. The commission shall prepare, or cause to be prepared, and,
2 after a public hearing, or public hearings, and pursuant to the pro-
3 visions provided for in subsection 13 b. of this act, adopt a master
4 plan or portion thereof for the physical development of the park,
5 which plan may include proposals for various stages in the future
6 development of the park, or amend the master plan. The master
7 plan shall include a report presenting the objectives, assumptions,
8 standards and principles which are embodied in the various inter-
9 locking portions of the master plan. The master plan shall be a
10 composite of the one or more written proposals recommending the
11 physical development and expansion of the park either in its
12 entirety or a portion thereof which the commission shall prepare
13 after meetings with the governing bodies of the affected munici-
14 palities and counties, and any agencies and instrumentalities
15 thereof.

16 b. In preparing the master plan or any portion thereof or
17 amendment thereto the commission shall give due consideration to:
18 (1) the function of the canal as a major water supply facility in the
19 State; (2) the necessity to provide recreational activities to the
20 citizens of this State, including but not limited to, facilities, design
21 capacities, and relationship to other available recreational areas;
22 (3) existing historical sites and potential restorations or compatible
23 development; (4) the range of uses and potential uses of the canal
24 in the urban environments of the older, intensively developed com-
25 munities through which it passes; and (5) designated wilderness
26 areas to be kept as undeveloped, limited-access areas restricted to
27 canoeing and hiking. In preparing the master plan or any portion
28 thereof or amendment thereto the commission shall consider exist-
29 ing patterns of development and any relevant master plan or other
30 plan of development, and shall insure widespread citizen involve-
31 ment and participation in the planning process.

32 c. The commission shall act in support of local suggestions or
33 desires to complement the park master plan. Consultation,
34 planning, and technical expertise will be made available to local
35 planning bodies that wish to implement land-use policy to enhance
36 the park area. The commission shall act on or refer complaints by
37 citizens' groups or private residents who discover hazardous
38 situations, pollution, or evidence of noncompliance with use
39 regulations.

40 d. The commission shall review and approve, reject or modify,
41 any State project planned or State permits issued in the park, and
42 submit its decision to the Governor.

1 14. a. The commission shall determine, after a public hearing, or
2 public hearings held in Hunterdon, Somerset, Mercer, and Middle-
3 sex counties respectively, the extent and limits of the region to be
4 designated the review zone. Any subsequent modification of said
5 review zone shall be made by the commission only after public
6 hearings in the county or counties in which such modification is to
7 be made. All public hearings required pursuant to this section shall
8 be held only after giving prior notice thereof by public advertise-
9 ment once each week for 2 consecutive weeks in such newspaper or
10 newspapers selected by the chairman of the commission as will best
11 give notice thereof. The last publication of such notice shall be not
12 less than 10 days prior to the date set for the hearing.

13 b. The commission shall approve all State actions within the
14 review zone that impact on the park, and insure that these actions
15 conform as nearly as possible to the commission's master plan and

16 relevant local plans or initiatives. The State actions which the com-
17 mission shall review will include the operations of the Division of
18 Water Resources concerning water supply and quality; the Division
19 of Parks and Forestry in developing recreation facilities; and the
20 activities of any other State department or agency that might
21 affect the park.

22 c. The commission shall review and approve, reject, or modify
23 any project within the review zone. The initial application for a
24 proposed project within the zone shall be submitted by the applicant
25 to the appropriate municipal reviewing agency. If approved by the
26 agency, the application shall be sent to the commission for review.
27 The commission shall review each proposed project in terms of its
28 conformity with, or divergence from, the objectives of the commis-
29 sion's master plan and shall: (1) advise the appropriate municipal
30 reviewing agency that the project can proceed as proposed; (2)
31 reject the application and so advise the appropriate municipal
32 reviewing agency and the governing body of the municipality; or
33 (3) require modifications or additional safeguards on the part of
34 the applicant, and return the application to the appropriate municip-
35 al reviewing agency, which shall be responsible for insuring that
36 these conditions are satisfied before issuing a permit. If no action
37 is taken by the commission within a period of 45 days from the
38 date of submission of the application to the commission by the
39 municipal reviewing agency, this shall constitute an approval by
40 the commission. The commission's decision shall be final and bind-
41 ing on the municipality, and the commission may, in the case of any
42 violation or threat of a violation of a commission's decision by a
43 municipality, or by the appropriate municipal reviewing agency,
44 as the case may be, institute civil action (1) for injunctive relief;
45 (2) to set aside and invalidate a decision made by a municipality
46 in violation of this subsection; or (3) to restrain, correct or abate
47 such violation. As used herein: (1) "project" means any struc-
48 ture, land use change, or public improvements for which a permit
49 from, or determination by, the municipality is required, which shall
50 include, but not be limited to, building permits, zoning variances,
51 and excavation permits; and (2) "agency" means any body or
52 instrumentality of the municipality responsible for the issuance of
53 permits or the approval of projects, as herein defined, which shall
54 include, but not be limited to, governing bodies, planning and zon-
55 ing boards, building inspectors, managers and municipal engineers.

1 15. The commission shall cause an annual audit of its accounts
2 to be made, and for this purpose it shall employ a registered

3 municipal accountant of New Jersey or a certified public account-
4 ant of New Jersey. The audit shall be completed and filed with the
5 commission within 4 months after the close of the fiscal year of the
6 commission, and a certified duplicate copy thereof shall be filed in
7 the Office of Management and Budget in the Department of
8 Environmental Protection, in the office of the Division of Budget
9 and Accounting in the Department of the Treasury, and in the
10 Office of Fiscal Affairs within 5 days after the original audit is
11 filed with the commission.

1 16. There is hereby appropriated from the General State Fund
2 to the Department of Environmental Protection the sum of
3 \$25,000.00, or so much thereof as may be required, for the purposes
4 of locating, surveying, and selecting those land sites and the
5 abandoned section of the canal described in section 6 of this act,
6 and the sum of *~~[\$100,000.00]~~* *\$50,000.00* for the use of the
7 Delaware and Raritan Canal Commission in the performance of its
8 powers and duties pursuant to this act.

1 17. This act shall take effect immediately.

SENATE, No. 963

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1974

By Senators LYNCH, MERLINO, BATEMAN and DWYER

Referred to Committee on Revenue, Finance and Appropriations

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1 1. This act shall be known and may be cited as the "Delaware
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1 2. The Legislature finds and declares that:

2 a. The Delaware and Raritan Canal is a vital source of water
3 supply and is of historic, ecological, and recreational value to the
4 citizens of New Jersey; that the canal and the narrow band of land
5 along the canal banks owned by the State are also an extremely
6 attractive and lucrative asset to the State; that the quantity and
7 quality of surface water runoff, flooding potential, esthetic
8 surroundings, and even the structural integrity of the canal, can
9 all be adversely affected by surrounding developments; that
10 within the State Government, decisions which affect the canal and
11 the State owned land appertaining thereto are often made
12 separately by different State agencies and local governing bodies;
13 that the surrounding properties are private and public portions
14 of 17 municipalities in four counties, each with its own planning and
15 zoning authority; that, in general, the decisions which are made
16 often reflect local expediencies rather than a coherent plan.

17 b. The State of New Jersey must act immediately and there-
18 after to preserve, locate, survey, and acquire such lands as are
19 now available for public recreation and the conservation of natural
20 resources, in order to promote the public health, prosperity, and
21 general welfare, as a proper responsibility of government; that the
22 enactment of the provisions set forth in this act would create a
23 Delaware and Raritan Canal State Park to be maintained and

24 operated under the jurisdiction of the Department of Environ-
25 mental Protection, which shall have the power, with the approval
26 of the Delaware and Raritan Canal Commission, as hereafter pro-
27 vided, to take such measures as may be necessary to preserve,
28 maintain, improve, and enlarge the park, if funds for these
29 purposes are made available from time to time; that a Delaware
30 and Raritan Canal Commission be established to prepare, adopt,
31 and implement a master plan for the physical development of the
32 park, and to review State and local actions that impact on the
33 park to insure that these actions conform as nearly as possible to
34 the commission's master plan; that funds will be appropriated in
35 this act to the Department of Environmental Protection for the
36 purposes of locating, surveying, and selecting necessary land sites
37 appertaining to the canal, immediately and thereafter, which in-
38 formation shall be reported to the Legislature for its consideration,
39 and for the use of the Delaware and Raritan Canal Commission in
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18 14 c., may cause an adverse impact on the park including, but not
19 limited to, drainage, esthetic, and ecological factors.

1 4. The Delaware and Raritan Canal and the lands along the canal
2 banks, now or hereafter owned by the State, are designated as the
3 Delaware and Raritan Canal State Park, to be maintained and
4 operated under the Department of Environmental Protection as a
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2 available from time to time, take such measures as may be neces-
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6 ment shall have the power to install permanent improvements for
7 the health and comfort of the public; provided, however, that the
8 department shall take no such measures, nor install such improve-
9 ments, unless the plans therefor shall have been submitted to and
10 approved by the Delaware and Raritan Canal Commission, created
11 pursuant to section 11 of this act.

12 b. Notwithstanding the provisions of any other law to the con-
13 trary, no building or structure, streets, bridges, parking areas,
14 public transit lines, utilities, sewerage, and service-water supply
15 facilities may be altered within the park unless the plans or
16 specifications for the proposed alteration meet park standards to
17 be adopted and promulgated by the department.

1 6. a. The department shall, within 1 month after this act takes
2 effect, proceed to locate, survey and select critical land sites, and
3 within 1 year after this act takes effect, and from time to time
4 thereafter, such other land sites appertaining to the park which
5 may be advisable, proper or necessary for the purpose of establish-
6 ing the park and to expand and preserve the uses, benefits, and
7 enjoyments thereof to the people, and report its findings, including
8 its recommended priorities, and a schedule of required funding
9 for the acquisition of such lands, pursuant to the provisions of
10 subsection 6 d. of this act, to the Legislature.

11 b. In locating, surveying, and selecting the land sites mentioned
12 in subsection 6 a. of this act, the department shall: (1) assemble a
13 detailed data base, including updated mapping and zoning informa-
14 tion, to determine the ownership and use of lands appertaining to
15 park properties; and (2) consult with the Delaware and Raritan
16 Canal Commission, county and municipal governmental officials of
17 jurisdictions in which the State park or any of the land sites
18 therefor are located; concerned environmental groups; water
19 suppliers; historical associations and such State agencies as now
20 or hereafter have jurisdiction over the park, or any part thereof.

21 c. In determining which land sites described in subsection 6 a.
22 of this act should be recommended to the Legislature for acquisi-
23 tion, the department shall consider: (1) the existence of present
24 historical structures; (2) the immediate danger of an occurrence of
25 adverse impact to the park including, but not limited to, drainage,

26 esthetic, and ecological factors; (3) proximity to high-density
27 population concentrations; and (4) the availability of land at a
28 cost advantageous to the State.

29 d. The department shall, pursuant to the provisions of subsec-
30 tion 6 a. of this act, determine and recommend to the Legislature
31 a schedule of required funding for the acquisition of those land
32 sites described in subsection 6 a. of this act. The schedule may
33 provide for any combination of: (1) inclusion of necessary revenues
34 in a future State bond issue for the acquisition of open space or
35 other lands; (2) special authorization for purposes of completing
36 the State Park; and (3) local-State matching fund proposals to
37 implement or expand the agreed plan.

38 e. The department, in locating, surveying, and selecting the land
39 sites described in subsection 6 a. of this act, and in assembling a
40 detailed data base pursuant to subsection 6 b. of this act shall
41 locate, survey, select, and recommend to the commission land sites
42 to be included in the review zone, pursuant to the provisions of
43 subsection 14 a. of this act; provided that such recommendations
44 shall not be binding on the commission.

45 f. The department shall, within 3 months after this act takes
46 effect, proceed to locate, survey, and select the abandoned section
47 of the canal, in the township of Hamilton, county of Mercer, which,
48 for purposes of this act, shall be considered part of the canal.

49 g. The department shall in locating, surveying, and selecting the
50 land sites described in subsection 6 a. of this act, exclude those lands
51 situated between the Landing Lane bridge and the juncture of the
52 canal with the Raritan river.

1 7. In addition to the foregoing powers, the commissioner and his
2 authorized agents and employees may enter upon any lands, waters,
3 and premises for the purpose of making surveys, soundings, drill-
4 ings, and examinations as he may deem necessary or convenient for
5 the purposes of this act, all in accordance with due process of law,
6 and such entry shall not be deemed a trespass nor shall an entry
7 for such purpose be deemed an entry under any condemnation
8 proceedings which may be then pending. The commissioner shall
9 make reimbursement for any actual damages resulting to such
10 lands, waters, and premises as a result of such activities.

1 8. The department shall have power to take title, in fee or other-
2 wise, by gift or devise, and, if funds are made available for these
3 purposes from time to time, by purchase or eminent domain to such
4 lands appertaining to the park and to any rights, interests and
5 easements therein, in the name of the State of New Jersey. In the
6 event that it becomes necessary or advisable to acquire any lands

7 or interest therein for the purpose of this act by eminent domain,
8 the procedure for condemnation of such lands shall be taken in
9 accordance with the provisions of the "Eminent Domain Act of
10 1971," P. L. 1971, c. 361, (C. 20:3-1 et seq.).

1 9. The department, to effectuate the general purpose of this act,
2 shall with the approval of the commission, have power to hire, rent
3 or lease any portion of such lands to private enterprises and such
4 moneys as are derived from such hiring, renting, or leasing shall
5 be deposited with the General State Fund.

1 10. The department shall, with the approval of the commission,
2 have power to make such rules and regulations for the use and
3 protection of the park as may, in its judgment, be necessary. The
4 department shall, subject to the approval of the Attorney General
5 and in accordance with such regulations for the protection of the
6 public safety and welfare as the Attorney General shall prescribe,
7 further have power to vest in such of its employees as it may be
8 determined to be necessary the powers and duties of peace officers
9 for the abatement of nuisances, stopping of abuses, and protection
10 and management of the park under any rules and regulations the
11 department may prescribe.

1 11. a. There is hereby established in the Department of Environ-
2 mental Protection a Delaware and Raritan Canal Commission
3 which shall consist of nine members appointed and qualified as
4 follows:

5 (1) The Commissioner of the Department of Environmental
6 Protection, serving *ex officio*; provided, however, that the commis-
7 sioner may designate an officer or employee of the department to
8 represent him at meetings of the commission, and such designee
9 may lawfully vote and otherwise act on behalf of the commissioner.
10 Any such designation shall be in writing delivered to the chairman
11 of the commission and shall continue in effect during the period the
12 commissioner is in such office, or until revoked or amended by
13 writing delivered to the chairman of the commission.

14 (2) Eight citizens of the State, appointed by the Governor, with
15 the advice and consent of the Senate, no more than four of whom
16 shall be of the same political party; at least four of whom shall be
17 residents of the counties of Hunterdon, Mercer, Middlesex and
18 Somerset, respectively, and one of whom shall be a mayor of a
19 municipality appertaining to the Delaware and Raritan Canal
20 State Park; provided, however, that no more than one citizen shall
21 be appointed from any one municipality. In making appointments
22 to the commission, the Governor may consider the recommendations

23 of concerned environmental groups; historical associations; water
24 suppliers; real estate interests; and members of relevant pro-
25 fessions.

26 b. The commissioner shall serve on the commission during his
27 term of office and shall be succeeded by his successor in office. Each
28 member appointed by the Governor shall serve for terms of 5 years;
29 provided that of the first members appointed by the Governor, two
30 shall serve for a term of 2 years, two for a term of 3 years, two for
31 a term of 4 years, and two for a term of 5 years. Each member
32 shall serve for the term of his appointment and until his successor
33 shall have been appointed and qualified. Any vacancy shall be
34 filled in the same manner as the original appointment for the un-
35 expired term only.

36 c. Any member of the commission may be removed by the
37 Governor for cause after a public hearing.

38 d. Each member of the commission, before entering upon his
39 duties, shall take and subscribe to an oath to perform the duties of
40 his office faithfully, impartially, and justly to the best of his
41 ability. A record of such oaths shall be filed in the office of the
42 Secretary of State.

43 e. The members of the commission shall serve without compensa-
44 tion, but the commission may reimburse its members for necessary
45 expenses incurred in the discharge of their duties.

46 f. The Governor shall designate one of the members of the com-
47 mission, other than the Commissioner of the Department of
48 Environmental Protection, as chairman. The commission shall
49 select from its members a vice-chairman and shall employ an execu-
50 tive director, who shall be secretary, and a treasurer. The com-
51 mission may also appoint, retain and employ, without regard to the
52 provisions of Title 11, Civil Service, of the Revised Statutes, such
53 officers, agents, employees and experts as it may require, and it
54 shall determine their qualifications, terms of office, duties, services
55 and compensation.

56 g. The powers of the commission shall be vested in the members
57 thereof in office from time to time, and a majority of the total
58 authorized membership of the commission shall constitute a
59 quorum at any meeting thereof. Action may be taken and motions
60 and resolutions adopted by the commission at any meeting thereof
61 by the affirmative vote of a majority of the members, unless in any
62 case the bylaws of the commission or any of the provisions of this
63 act shall require a larger number; provided, however, that the
64 commission may designate one or more of its agents or employees

65 to exercise such administrative functions, powers, and duties, as
66 it may deem proper, under its supervision and control. No vacancy
67 in the membership of the commission shall impair the right of a
68 quorum to exercise all the rights and perform all the duties of the
69 commission, except that the commission shall not take any final
70 action on any matter to be submitted to the Legislature, pursuant to
71 subsection 12 g. of this act, except by a vote of two-thirds of the
72 full membership of the commission.

73 h. The commission shall prepare, adopt, and implement a master
74 plan for the physical development of the park, or a portion thereof;
75 review State and local actions that impact on the park to insure
76 that these actions conform as nearly as possible to the commission's
77 master plan; and coordinate and support activities by citizens'
78 groups to promote and preserve the park.

79 i. On or before December 31 in each year the commission shall
80 make an annual report of its activities for the preceding calendar
81 year to the Governor and to the Legislature. Each such report shall
82 set forth a complete operating and financial statement covering its
83 operations during the year, all as more fully provided in section
84 15 of this act. The commission may, in addition, at any time request
85 the Governor and the Legislature to appropriate funds for com-
86 mission purposes, as more fully provided in subsection 12 g. of
87 this act.

88 j. The commission shall cause an audit of its books and accounts
89 to be made at least once in each year and the cost thereof shall be
90 treated as one incurred by the commission in the administration of
91 this act, and a copy thereof shall be filed with the State Treasurer
92 and the Office of Fiscal Affairs.

93 k. (1) No member, officer, employee, or agent of the commission
94 shall be financially interested, either directly or indirectly, in any
95 project or any part of a project area, other than a residence, or in
96 any contract, sale, purchase, lease, or transfer of real or personal
97 property to the Department of Environmental Protection for in-
98 clusion in the Delaware and Raritan Canal State Park.

99 (2) Any contract or agreement knowingly made in contraven-
100 tion of this section is voidable.

101 (3) Any person who shall willfully violate any of the provisions
102 of this section shall forfeit his office or employment and shall be
103 guilty of a misdemeanor.

1 12. The commission shall have the following powers:

2 a. To adopt and from time to time amend and repeal suitable
3 bylaws for the management of its affairs;

4 b. To maintain offices at such place or places within the State as
5 it may designate;

6 c. To enter upon any building or property in order to conduct
7 investigations, examinations, surveys, soundings, or test borings
8 necessary to carry out the purposes of sections 13 and 14 of this
9 act, all in accordance with due process of law;

10 d. To receive and accept, from any Federal or other public
11 agency or governmental entity, grants or loans for, or aid of, the
12 purposes of sections 13 and 14 of this act, and to enter into
13 cooperative agreements with the Federal Government or any other
14 public or governmental agency for the performance of such acts
15 as may be necessary and proper for the purposes of sections 13 and
16 14 of this act;

17 e. To enter into any and all agreements or contracts, execute
18 any and all instruments, and do and perform any and all acts or
19 things necessary, convenient, or desirable for the purposes of the
20 commission or to carry out any power expressly given to the com-
21 mission in this act;

22 f. To conduct examinations and investigations, hear testimony
23 and take proof under oath at public or private hearings, of any
24 material matter, require attendance of witnesses and the produc-
25 tion of books and papers and issue commissions for the examina-
26 tion of witnesses who are out of State, unable to attend, or excused
27 from attendance;

28 g. To petition the Legislature for specific direction or appro-
29 priation to accomplish commission objectives, in the event of sub-
30 stantial disagreement between the commission and the department.

1 13. a. The commission shall prepare, or cause to be prepared, and,
2 after a public hearing, or public hearings, and pursuant to the pro-
3 visions provided for in subsection 13 b. of this act, adopt a master
4 plan or portion thereof for the physical development of the park,
5 which plan may include proposals for various stages in the future
6 development of the park, or amend the master plan. The master
7 plan shall include a report presenting the objectives, assumptions,
8 standards and principles which are embodied in the various inter-
9 locking portions of the master plan. The master plan shall be a
10 composite of the one or more written proposals recommending the
11 physical development and expansion of the park either in its
12 entirety or a portion thereof which the commission shall prepare
13 after meetings with the governing bodies of the affected munici-
14 palities and counties, and any agencies and instrumentalities
15 thereof.

16 b. In preparing the master plan or any portion thereof or
17 amendment thereto the commission shall give due consideration to:
18 (1) the function of the canal as a major water supply facility in the
19 State; (2) the necessity to provide recreational activities to the
20 citizens of this State, including but not limited to, facilities, design
21 capacities, and relationship to other available recreational areas;
22 (3) existing historical sites and potential restorations or compatible
23 development; (4) the range of uses and potential uses of the canal
24 in the urban environments of the older, intensively developed com-
25 munities through which it passes; and (5) designated wilderness
26 areas to be kept as undeveloped, limited-access areas restricted to
27 canoeing and hiking. In preparing the master plan or any portion
28 thereof or amendment thereto the commission shall consider exist-
29 ing patterns of development and any relevant master plan or other
30 plan of development, and shall insure widespread citizen involve-
31 ment and participation in the planning process.

32 c. The commission shall act in support of local suggestions or
33 desires to complement the park master plan. Consultation,
34 planning, and technical expertise will be made available to local
35 planning bodies that wish to implement land-use policy to enhance
36 the park area. The commission shall act on or refer complaints by
37 citizens' groups or private residents who discover hazardous
38 situations, pollution, or evidence of noncompliance with use
39 regulations.

40 d. The commission shall review and approve, reject or modify,
41 any State project planned or State permits issued in the park, and
42 submit its decision to the Governor.

1 14. a. The commission shall determine, after a public hearing, or
2 public hearings held in Hunterdon, Somerset, Mercer, and Middle-
3 sex counties respectively, the extent and limits of the region to be
4 designated the review zone. Any subsequent modification of said
5 review zone shall be made by the commission only after public
6 hearings in the county or counties in which such modification is to
7 be made. All public hearings required pursuant to this section shall
8 be held only after giving prior notice thereof by public advertise-
9 ment once each week for 2 consecutive weeks in such newspaper or
10 newspapers selected by the chairman of the commission as will best
11 give notice thereof. The last publication of such notice shall be not
12 less than 10 days prior to the date set for the hearing.

13 b. The commission shall approve all State actions within the
14 review zone that impact on the park, and insure that these actions
15 conform as nearly as possible to the commission's master plan and

16 relevant local plans or initiatives. The State actions which the com-
17 mission shall review will include the operations of the Division of
18 Water Resources concerning water supply and quality; the Division
19 of Parks and Forestry in developing recreation facilities; and the
20 activities of any other State department or agency that might
21 affect the park.

22 c. The commission shall review and approve, reject, or modify
23 any project within the review zone. The initial application for a
24 proposed project within the zone shall be submitted by the applicant
25 to the appropriate municipal reviewing agency. If approved by the
26 agency, the application shall be sent to the commission for review.
27 The commission shall review each proposed project in terms of its
28 conformity with, or divergence from, the objectives of the commis-
29 sion's master plan and shall: (1) advise the appropriate municipal
30 reviewing agency that the project can proceed as proposed; (2)
31 reject the application and so advise the appropriate municipal
32 reviewing agency and the governing body of the municipality; or
33 (3) require modifications or additional safeguards on the part of
34 the applicant, and return the application to the appropriate municip-
35 al reviewing agency, which shall be responsible for insuring that
36 these conditions are satisfied before issuing a permit. If no action
37 is taken by the commission within a period of 45 days from the
38 date of submission of the application to the commission by the
39 municipal reviewing agency, this shall constitute an approval by
40 the commission. The commission's decision shall be final and bind-
41 ing on the municipality, and the commission may, in the case of any
42 violation or threat of a violation of a commission's decision by a
43 municipality, or by the appropriate municipal reviewing agency,
44 as the case may be, institute civil action (1) for injunctive relief;
45 (2) to set aside and invalidate a decision made by a municipality
46 in violation of this subsection; or (3) to restrain, correct or abate
47 such violation. As used herein: (1) "project" means any struc-
48 ture, land use change, or public improvements for which a permit
49 from, or determination by, the municipality is required, which shall
50 include, but not be limited to, building permits, zoning variances,
51 and excavation permits; and (2) "agency" means any body or
52 instrumentality of the municipality responsible for the issuance of
53 permits or the approval of projects, as herein defined, which shall
54 include, but not be limited to, governing bodies, planning and zon-
55 ing boards, building inspectors, managers and municipal engineers.

1 15. The commission shall cause an annual audit of its accounts
2 to be made, and for this purpose it shall employ a registered

3 municipal accountant of New Jersey or a certified public account-
4 ant of New Jersey. The audit shall be completed and filed with the
5 commission within 4 months after the close of the fiscal year of the
6 commission, and a certified duplicate copy thereof shall be filed in
7 the Office of Management and Budget in the Department of
8 Environmental Protection, in the office of the Division of Budget
9 and Accounting in the Department of the Treasury, and in the
10 Office of Fiscal Affairs within 5 days after the original audit is
11 filed with the commission.

1 16. There is hereby appropriated from the General State Fund
2 to the Department of Environmental Protection the sum of
3 \$25,000.00, or so much thereof as may be required, for the purposes
4 of locating, surveying, and selecting those land sites and the
5 abandoned section of the canal described in section 6 of this act,
6 and the sum of \$100,000.00 for the use of the Delaware and Raritan
7 Canal Commission in the performance of its powers and duties
8 pursuant to this act.

1 17. This act shall take effect immediately.

STATEMENT

This bill would create a Delaware and Raritan Canal State Park to be maintained and operated under the jurisdiction of the Department of Environmental Protection. The park would consist of the 60-mile long canal, acquired in 1934 by the State, the feeder canals, the abandoned portion of the canal in the township of Hamilton, county of Mercer, and the narrow band of land along the canal banks owned by the State. The enactment of this bill would authorize the department to take such measures as may be necessary to preserve, maintain, improve and enlarge the park, if funds for these purposes are made available from time to time, in such manner and to such extent as, in its judgment, will best make it of use to the public as a "green corridor" in the midst of several population centers. As a first step in the enlargement of State-owned lands along the canal banks which comprise the park—presently less than 50 feet wide in many places—an appropriation of \$25,000.00 to the department is provided for in this bill to locate, survey, and select, in order of priority, land sites appertaining to the park which are both immediately and thereafter necessary, for the purpose of preserving the uses, benefits and enjoyments of the park to the people. These findings must be reported back to the Legislature within designated periods of time, along with a

schedule of required funding for the acquisition of such lands, after which the Legislature can act accordingly. Since historic sites, public recreational lands, and other natural resources are diminishing, and will be regrettably lost to citizens of New Jersey in the face of an expanding population in the years to come, it is incumbent upon the Legislature to act now in the creation of new State parks, such as the Delaware and Raritan Canal State Park.

A Delaware and Raritan Canal Commission will also be established in the Department of Environmental Protection to: (1) prepare, adopt, and implement a master plan for the physical development of the park, or portions thereof; (2) determine the extent and limits of the region appertaining to and including the park to be designated the review zone and provided for in this bill, in which proposed projects may cause an adverse impact on the park; (3) review and approve all State actions within the review zone, that impact on the park, and insure that these actions conform as nearly as possible to the commission's master plan and relevant local plans or initiatives; and (4) review and approve local actions within the review zone that impact on the park and insure that these actions conform as nearly as possible to the commission's master plan. An appropriation of \$100,000.00 for the use of the commission, is also made in this bill.

SENATE REVENUE, FINANCE AND
APPROPRIATIONS COMMITTEE

STATEMENT ON
SENATE, No. 963

STATE OF NEW JERSEY

DATED: APRIL 16, 1974

This bill creates a Delaware and Raritan Canal State Park and Commission.

The park would consist of the 60-mile long canal and specified contiguous areas. It would be maintained and operated by the Department of Environmental Protection. The bill provides an appropriation of \$25,000.00 to locate, survey and select sites along the canal for park land use. The findings are to be reported back to the Legislature, along with a schedule of funding for the acquisition of such lands.

The commission would be a nine member body appointed by the Governor. The commission would have the responsibility to prepare and implement a development plan, designate a "Review Zone," and review and approve State and local actions which impact on the park. The bill provides an appropriation of \$50,000.00 for the commission's use.

SENATE COMMITTEE AMENDMENT TO
SENATE, No. 963

STATE OF NEW JERSEY

ADOPTED APRIL 16, 1974

Amend page 11, section 16, line 6, after "sum of", omit "\$100,000.00",
insert "\$50,000.00".

OCTOBER 10, 1974

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law Thursday two bills, one making the Delaware and Raritan Canal a state park and the other strengthening the state's law against child abuse.

The canal bill, S-963, sponsored by Senator John A. Lynch, D-Middlesex, preserves the historic waterway and its adjoining tow path as a recreational site. The measure was co-sponsored by Senators Joseph P. Merlino, D-Mercer; Raymond H. Bateman, R-Somerset, and Bernard J. Dwyer, D-Middlesex.

The canal system includes a 40-mile stretch from Bordentown to New Brunswick and a feeder canal that runs 20 miles along the Delaware River and joins the main canal at Trenton.

The new law establishes a nine-member commission to control development of the park and land use in the adjacent area.

"As the most densely populated state in the nation, New Jersey has a particular responsibility to preserve open space and to protect the environment," said Byrne.

The Governor said he expects the commission to judiciously balance the environmental protection objective against other needs of the region.

Byrne noted that the canal serves as a source of water supply for municipalities and private industry.

He said he would give top priority to appointing the members of the commission.

The other bill, S-1217, sponsored by Senator Frank J. Dodd, D-Essex, broadens the power of the Juvenile and Domestic Relations Court in dealing with child abuse cases.

Among other things, the new law authorizes the immediate removal from the home of an abused child and provides for legal representation for the child by the State Public Defender.

"This law should provide greater protection for the unfortunate victims of child abuse", said Byrne.

The law becomes effective in 90 days.
