

40:56A-1

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 40:56A-1

(Permits
municipalities to
establish
conservation
commissions)

LAWS OF: 1968

CHAPTER: 245

Bill No: A735

Sponsor(s): Margetts and others

Date Introduced: May 13, 1968

Committee: Assembly: County and Municipal Government

Senate: County and Municipal Government

Amended during passage: No

Date of Passage: Assembly: June 13, 1968

Senate: June 24, 1968

Date of Approval: August 6, 1968

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: No

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: Yes

Hearings: No

(over)

ASSEMBLY, No. 735

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1968

By Assemblywoman MARGETTS, Assemblymen CRANE, DICKEY,
RINALDI, SCHLUTER, HORN, WILENTZ, FAY, COBB,
VREELAND, MABIE and THOMAS

Referred to Committee on County and Municipal Government

AN ACT authorizing municipalities to establish conservation com-
missions and supplementing Title 40 of the Revised Statutes.

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

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

1 2. Powers of commission. A conservation commission organ-
2 ized under this act shall have power to conduct research into the
3 use and possible use of the open land areas of the municipality
4 and may co-ordinate the activities of unofficial bodies organized for
5 similar purposes, and may advertise, prepare, print and distribute
6 books, maps, charts, plans and pamphlets which in its judgment
7 it deems necessary for its purposes. It shall keep an index of all
8 open areas, publicly or privately owned, including open marsh-
9 lands, swamps and other wetlands, in order to obtain information
10 on the proper use of such areas, and may from time to time recom-
11 mend to the planning board or, if none, to the mayor and governing
12 body of the municipality plans and programs for inclusion in a
13 municipal master plan and the development and use of such areas.

1 3. Acquisitions by commission. A conservation commission may,
2 subject to the approval of the governing body, acquire property,
3 both real and personal, in the name of the municipality by gift,
4 purchase, grant, bequest, devise or lease for any of its purposes
5 and shall administer the same for such purposes subject to the
6 terms of the conveyance or gift. Such an acquisition may be to
7 acquire the fee or any lesser interest, development right, easement
8 (including conservation easement), covenant or other contractual
9 right (including a conveyance on conditions or with limitations or
10 reversions), as may be necessary to acquire, maintain, improve,
11 protect, limit the future use of, or otherwise conserve and properly
12 utilize open spaces and other land and water areas in the munici-
13 pality.

1 4. Records and annual report. A conservation commission shall
2 keep records of its meetings and activities and shall make an annual
3 report to the governing body of the municipality.

1 5. Appropriation. The governing body of a municipality may
2 appropriate funds for the expenses incurred by the conservation
3 commission. The commission may appoint such clerks and other
4 employees as it may from time to time require and as shall be
5 within the limits of funds appropriated to it.

1 6. This act shall take effect immediately.

STATEMENT

This bill would enable a municipality to establish a conservation commission as a functioning unit of municipal government to promote the conservation and development of the municipality's natural resources. A conservation commission would be responsible for providing the impetus and taking the leadership in natural resources planning at a local level where no organized effort towards these ends has been noticeable in the past.

A commission's activities would be devoted to planning, implementing and informing the public about local conservation programs. It would produce natural resources inventories, plans and projects for development and recommend conservation measures to be included by planning boards in master plans for land use. It could accept gifts of land, interests therein or funds, or apply for grants to acquire land or interests therein, all on behalf of the municipality for conservation purposes. It could manage donated or purchased land for conservation purposes and operate conservation programs. It would act as the co-ordinating agency of the community on conservation matters and a liaison between local conservation needs and regional, State and Federal agencies ministering to those needs.

Such enabling legislation has been adopted by several New England States and the record of accomplishment of the conservation commissions established under such laws has been outstanding. The experience of other States has been that a properly constituted conservation commission will complement, not overlap or conflict with, existing organizations.

This bill is vital in order to insure more effectively the preservation of New Jersey's natural resources for the benefit and enjoyment of the citizens of our State now and in the future.