

LEGISLATIVE HISTORY CHECKLIST

NJSA 58:1A-7.1 - 58:1A-7.3 (Pinelands National Reserve--water--
restrict removal from area)

LAWB 1981 CHAPTER 277

Bill No. S3346

Sponsor(s) J. Russo and others

Date Introduced June 25, 1981

Committee: Assembly _____
Senate _____

Amended during passage Yes No Substituted for A3572
(not attached since
identical to S3346)

Date of Passage: Assembly June 29, 1981
Senate June 25, 1981

Date of approval Sept. 8, 1981

Following statements are attached if available:

Sponsor statement	<u>Yes</u>	<u>No</u>
Committee Statement: Assembly	<u>Yes</u>	<u>No</u>
Senate	<u>Yes</u>	<u>No</u>
Fiscal Note	<u>Yes</u>	<u>No</u>
Veto Message	<u>Yes</u>	<u>No</u>
Message on signing	<u>Yes</u>	<u>No</u>
Following were printed:		
Reports	<u>Yes</u>	<u>No</u>
Hearings	<u>Yes</u>	<u>No</u>

Standards and procedures of DEP (referred to in act):
N.J.A.C. 7:21-1.1 et seq.

DEPOSITORY COPY
Do Not Remove From Library

CHAPTER 277
APPROVED 9-8-81

SENATE, No. 3346

STATE OF NEW JERSEY

INTRODUCED JUNE 25, 1981

By Senators J. RUSSO, PERSKIE, MARESSA, MERLINO, ZANE,
DODD, CAFIERO and PARKER

(Without Reference)

AN ACT concerning the diversion or transportation of water and the imposition of fees therefor, and amending section 6 of P. L. 1981, c. . . (now pending before the Legislature as Senate Committee Substitute for Senate Bills Nos. 1611 and 1613 of 1980, or as Assembly Committee Substitute for Assembly Bills Nos. 2346 and 2347 of 1980, identical therewith).

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

1 1. The provisions of any law, rule or regulation to the contrary
2 notwithstanding, no person shall transport, or cause to be trans-
3 ported, more than 10 miles outside the boundary of the Pinelands
4 National Reserve, any ground or surface water therefrom; pro-
5 vided, however, that nothing in this section shall prohibit the
6 continued transportation of any such water utilized for public
7 water supply purposes prior to the effective date of this act.

8 As used in this section, "Pinelands National Reserve" means
9 the approximately 1,000,000 acre area so designated by section 502
10 of the "National Parks and Recreation Act of 1978" (PL 95-625),
11 and generally depicted on the map entitled "Pinelands National
12 Reserve Boundary Map" numbered NPS/80,011A and dated
13 September 1978.

1 2. The provisions of any law, rule or regulation to the contrary
2 notwithstanding, no tax, fee or other charge shall be imposed on the
3 diversion, for agricultural or horticultural purposes, of any ground
4 or surface water of this State; provided, however, that nothing in
5 this section shall prohibit the imposition of a fee, pursuant to law,
6 for the cost of processing, monitoring and administering a water
7 usage certification program for persons who divert any ground
8 or surface water for agricultural and horticultural purposes.

1 3. Section 6 of P. L. 1981, c. . . (now pending before the Legisla-
2 ture as Senate Committee Substitute for Senate Bills Nos. 1611 and

3 1613 of 1980, or as Assembly Committee Substitute for Assembly
4 Bills Nos. 2346 and 2347 of 1980, identical therewith), is amended
5 to read as follows;

6 6. a. The department in developing the permit system established
7 by this act shall:

8 (1) Permit privileges previously allowed pursuant to lawful
9 legislative or administrative action, except that the department
10 may, after notice and hearing, limit the exercise of these privileges
11 to the extent currently exercised, subject to contract, or reasonably
12 required for a demonstrated future need. All diversion permits
13 issued by the Water Policy and Supply Council prior to the
14 effective date of this act shall remain in effect until modified by
15 the department pursuant to this act. Persons having or claiming a
16 right to divert more than 100,000 gallons of water per day pur-
17 suant to prior legislative or administrative action, including per-
18 sons previously exempted from the requirement to obtain a permit,
19 shall renew that right by applying for a permit, or water usage
20 certification, as the case may be, within 180 days of the effective
21 date of this act. Thereafter, the conditions of the new permit or
22 certification shall be deemed conclusive evidence of such previously
23 allowed privileges.

24 (2) Require any person diverting 100,000 or more gallons of
25 water per day for agricultural or horticultural purposes to obtain
26 [departmental] approval [, in consultation with] of the appro-
27 priate county agricultural agent [,] of a 5 year water usage certi-
28 fication program. *This approval shall be based on standards and*
29 *procedures established by the department.* This program shall in-
30 clude the right to construct, repair or reconstruct dams or other
31 structures, the right to divert water for irrigation, frost protection,
32 harvesting and other agriculturally-related purposes, and the right
33 to measure the amount of water diverted by means of a log or
34 other appropriate record, and shall be obtained in lieu of any
35 permit which would otherwise be required by this act.

36 b. Nothing in this act shall prevent the department from includ-
37 ing, or require the department to include, the presently non-utilized
38 existing privileges in the new or any future diversion permits issued
39 to the present possessors of these privileges, except as otherwise
40 expressly provided in subsection a. of this section.

1 4. This act shall take effect immediately.

STATEMENT

This bill would prohibit any new transportation of ground or surface waters of the Pinelands National Reserve to any area located more than 10 miles outside the boundary of this reserve. This bill would also prohibit the imposition of water diversion fees upon the farmers of this State. This bill also provides that county agricultural agents, rather than the Department of Environmental Protection, be the issuing authority for water usage certification programs.

The provisions of this bill are intended to address the concerns which residents of the southern portion of this State have expressed over the proposed water supply legislation, now pending before the Legislature as Senate Committee Substitutes for Senate Bills Nos. 1610, 1611, 1612, 1613 and 1614.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

SEPTEMBER 8, 1981

KATHRYN FORSYTH

Governor Brendan Byrne today signed S-3346, sponsored by Senator John Russo (D-Ocean), which prohibits any new transportation of the ground or surface waters of the Pinelands National Reserve to any area located more than ten miles from the boundary of the reserve. Existing transportation would be grandfathered.

The bill also prohibits the imposition of water diversion fees for agricultural or horticultural uses.

It provides that county agricultural agents, rather than the Department of Environmental Protection, be the issuing authority for water usage certification programs, although approval would still be based on standards and procedures established by the Department.

Byrne said the bill addressed some of the concerns of residents of South Jersey over the water supply legislation introduced earlier this year.

In signing the measure, the Governor also noted that it was the 52nd bill sponsored by Senator Russo that he has signed into law since 1974.

"That is a remarkable record, exceeded by only one or two other New Jersey legislators. And Senator Russo's bills have not been merely run-of-the-mill laws. They include the first oil spill compensation law in the nation, the Caps law by which the State limited its own spending and several bills that gave long-needed assistance to senior citizens -- all measures that will remain landmarks of New Jersey law," Byrne said.

#