

32:14-1.1 to 32:14-1.12

LEGISLATIVE HISTORY CHECKLIST

NJSA 32:14-1.1 to 32:14-1.12; 59:1-3; (Palisades Interstate Park--provide for maintenance and utilization of facilities)
Repeals 32:14-1 et al.

LAWS 1980 CHAPTER 104

Bill No. S1164

Sponsor(s) Feldman and others

Date Introduced April 14, 1980

Committee: Assembly Transportation and Communications

Senate Energy and Environment

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly June 16, 1980

Senate April 28, 1980

Date of approval Sept. 11, 1980

Following statements are attached if available:

Sponsor statement Yes ~~No~~ (Below)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings ~~Yes~~ No

Sponsor's statement:

This bill would implement the recommendations of the Senate Energy and Environment Committee concerning the management, maintenance and utilization of lands and facilities in the New Jersey section of the Palisades Interstate Park Commission.

(over)

6/22/81

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Report mentioned in sponsor's and committee statements:

974.90 New Jersey. Legislature. Senate. Energy and
P252 Environment Committee.
1980 Report to the Senate...concerning the
 management, maintenance and utilization of lands
 and facilities in the New Jersey section of the
 Palisades Interstate Park, April, 1980.
 Trenton, 1980.

CORRECTED COPY
[OFFICIAL COPY REPRINT]
SENATE, No. 1164
STATE OF NEW JERSEY

INTRODUCED APRIL 14, 1980

By Senators FELDMAN, DODD, HERBERT and CAUFIELD

Referred to Committee on Energy and Environment

AN ACT concerning the powers, functions and duties of the Palisades Interstate Park Commission, amending N. J. S. 59:1-3, repealing R. S. 32:14-1, R. S. 32:14-27 and R. S. 32:14-28, and supplementing Chapter 14 of Title 32 of the Revised Statutes.

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

1 1. The Legislature finds and declares that the Palisades Inter-
2 state Park constitutes a natural and historic resource of
3 immeasurable value; that concern for the preservation of this
4 resource resulted in the enactment, in 1937, of an interstate
5 compact between New Jersey and New York; that this compact
6 established the Palisades Interstate Park Commission as a sepa-
7 rate agency charged with the responsibility of maintaining this
8 interstate park; that the separation of this commission from all
9 other agencies of State government has tended to impede, rather
10 than facilitate, the discharging of this responsibility; and that, in
11 order to insure the realization of the purpose of the interstate
12 compact, it is necessary to alter the powers, functions and duties of
13 the commission, all as hereinafter provided.

1 2. As used in this act:

2 a. "Commission" means the Palisades Interstate Park Com-
3 mission.

4 b. "Commissioner" means the Commissioner of Environmental
5 Protection.

6 c. "Council" means the Citizens Advisory Council on the Pali-
7 sades Interstate Park created by section 9 hereof.

8 d. "Department" means the Department of Environmental
9 Protection.

1 3. The Palisades Interstate Park Commission established by
2 compact between the states of New Jersey and New York pursuant
3 to P. L. 1937, c. 148 of the Laws of New Jersey and Chapter 170 of

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

4 the New York Laws of 1937, and approved by the Congress of the
5 United States pursuant to PL 75-706, is continued and allocated
6 within the Department of Environmental Protection. Notwith-
7 standing this allocation, the commission shall be independent of
8 any supervision or control by the department or by the commis-
9 sioner or any officer or employee thereof, except as otherwise
10 expressly provided in this act.

1 4. a. The commission shall prepare its annual budget request in
2 consultation with the department. The request shall be submitted
3 to the Governor and the Legislature as part of the annual budget
4 request of the department.

5 b. The commission shall prepare its annual request for the
6 funding of capital projects in consultation with the department.
7 The request shall be submitted to the New Jersey Commission on
8 Capital Budgeting and Planning, pursuant to the provisions of
9 section 3 of P. L. 1975, c. 208 (C. 52:9S-3), as part of the depart-
10 ment's annual request for the funding of capital projects.

1 5. a. Commission projects for the acquisition or development of
2 land for recreation and conservation purposes shall be considered
3 State projects for the purposes of eligibility for funding pursuant
4 to the provisions of the "New Jersey Green Acres Bond Act of
5 1961" (P. L. 1961, c. 46), the "New Jersey Green Acres Bond Act
6 of 1971" (P. L. 1971, c. 165), the "New Jersey Green Acres and
7 Recreation Opportunities Bond Act of 1974" (P. L. 1974, c. 102),
8 the "New Jersey Green Acres Bond Act of 1978" (P. L. 1978,
9 c. 118), as well as any other Green Acres Bond Act adopted subse-
10 quent to the effective date of this amendatory and supplementary
11 act. Requests by the commission for funding shall be submitted to
12 the department and reviewed in the same manner as similar
13 requests from other State departments, divisions, agencies or
14 instrumentalities thereof.

15 b. The commission shall coordinate its planning for the acquisi-
16 tion, development and use of lands for recreation and conservation
17 purposes with planning conducted by the department for the
18 preparation and revision of (1) the Comprehensive Master Plan,
19 pursuant to P. L. 1977, c. 348 (C. 13:8A-55); and (2) the New
20 Jersey Statewide Comprehensive Outdoor Recreation Plan, pur-
21 suant to the "Federal Land and Water Conservation Fund Act of
22 1965" (PL 94-422).

1 6. a. The Attorney General shall provide legal services to the
2 commission in the same manner as these services are provided to
3 the department.

4 b. The commission shall be entitled to call to its assistance and
5 avail itself of the services of such employees of the department,
6 or of any State, county or municipal department, board, commis-
7 sion or agency as may be required and made available to it.

1 7. The commission and the department shall determine whether
2 any of the areas or facilities in the New Jersey section of the
3 Palisades Interstate Park are appropriate for inclusion within
4 the State trails system pursuant to P. L. 1974, c. 159 (C. 13:8-30
5 et seq.), the New Jersey Natural Areas System pursuant to P. L.
6 1975, c. 363 (C. 13:1B-15.12a et seq.), the New Jersey Wild and
7 Scenic Rivers System pursuant to P. L. 1977, c. 236 (C. 13:8-45
8 et seq.), or the New Jersey Register of Historic Places pursuant
9 to P. L. 1970, c. 268 (C. 13:1B-15.128 et seq.). These determina-
10 tions and inclusions shall be made within 18 months of the effective
11 date of this amendatory act.

1 8. The commission shall, within 18 months of the effective date
2 of this act:

3 a. Conduct a feasibility study of imposing tolls on some portion
4 of the Palisades Parkway, as well as other sources of funding, and
5 report the results thereof to the Governor and the Legislature;

6 b. Examine the fees charged at its marinas***[, camps]*** and other
7 facilities, and make such revisions thereto as are necessary to
8 conform with fees charged for comparable public or private fa-
9 cilities;

10 c. Study and evaluate the existing payments in lieu of taxes
11 made to affected New Jersey municipalities, pursuant to P. L. 1947,
12 c. 73 (C. 54:4A-4 et seq.), as compared with similar payments
13 made to affected New York municipalities, and to make recom-
14 mendations to the Governor and the Legislature for changes in
15 the method or amount of such payments, including cost estimates
16 and potential sources of funding therefor;

17 d. Consider the consolidation of any existing facilities which,
18 in the judgment of the commission, would facilitate maintenance
19 and security programs;

20 e. Solicit the interest of private groups in running park con-
21 cessions and, where appropriate, maintaining buildings and
22 grounds frequently used by particular groups; and

23 f. Consider the imposition of a beverage container deposit re-
24 quirement on containers sold within the Palisades Interstate Park.

1 9. a. There is created in the department a Citizens Advisory
2 Council on the Palisades Interstate Park, the membership of which
3 shall consist of seven members appointed by the commissioner.
4 The members shall serve at the pleasure of the commissioner, and

5 shall be chosen from among those residents of this State who are
6 familiar with and make regular use of the lands and facilities
7 within the New Jersey section of the Palisades Interstate Park.

8 The council shall advise the commissioner and the commission
9 concerning the management, maintenance and utilization of the
10 New Jersey section.

11 b. The council shall elect a chairman from among its members,
12 and shall meet at the call of the chairman, the commissioner, or
13 the commission.

14 c. Members of the council shall serve without compensation but
15 may be reimbursed, subject to the limits of funds appropriated or
16 otherwise made available for such purposes, for expenses actually
17 incurred in attending meetings of the council and in performance
18 of their duties as members thereof.

19 d. The commissioner and the commission shall provide the
20 council with such assistance and information as may be necessary
21 for the purposes of this section.

1 10. The Civil Service Commission shall, within 1 year of the
2 effective date of this act, reexamine the titles and salary ranges
3 of all employees of the commission who are covered by Title 11 of
4 the Revised Statutes, subject to the approval of the commission,
5 and make such changes therein as may be required to provide
6 parity with other comparable State or local civil service positions.

1 11. N. J. S. 59:1-3 is amended to read as follows:

2 59:1-3. Definitions. As used in this subtitle:

3 "Employee" includes an officer, employee, or servant, whether
4 or not compensated or part-time, who is authorized to perform any
5 act or service; provided, however, that the term does not include
6 an independent contractor.

7 "Employment" includes office, position or employment.

8 "Enactment" includes a constitutional provision, statute, ex-
9 ecutive order, ordinance, resolution or regulation.

10 "Injury" means death, injury to a person, damage to or loss of
11 property or any other injury that a person may suffer that would
12 be actionable if inflicted by a private person.

13 "Law" includes enactments and also the decisional law applici-
14 ble within this State as determined and declared from time to time
15 by the courts of this State and of the United States.

16 "Public employee" means an employee of a public entity.

17 "Public entity" includes the State, and any county, municipality,
18 district, public authority, public agency, and any other political
19 subdivision or public body in the State.

20 "State" shall mean the State and any office, department, divi-
21 sion, bureau, board, commission or agency of the State, but shall
22 not include any such entity which is statutorily authorized to sue
23 and be sued. "*State*" also means the *Palisades Interstate Park*
24 *Commission, but only with respect to employees, property and*
25 *activities within the State of New Jersey.*

26 "Statute" means an act adopted by the Legislature of this State
27 or by the Congress of the United States.

1 12. On or before March 31 in each year, the commission shall
2 make an annual report of its activities for the preceding calendar
3 year to the Governor and to the Legislature. The report shall set
4 forth a complete operating and financial statement covering the
5 operations of the commission during the year, and shall include
6 an account of the management, maintenance and utilization of
7 lands and facilities in the New Jersey section of the Palisades
8 Interstate Park, as well as a discussion of the implementation of
9 this act.

1 13. R. S. 32:14-1, R. S. 32:14-27 and R. S. 32:14-28 are repealed.

1 14. Any transfer of responsibilities required by this act shall
2 be made in accordance with the "State Agency Transfer Act,"
3 P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

1 15. This act shall take effect immediately, but section 11 shall
2 apply only to causes of action against the commission which ac-
3 crue subsequent to this effective date.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1164

with Senate committee amendments

STATE OF NEW JERSEY

DATED: APRIL 17, 1980

This bill would implement the recommendations of the Senate Energy and Environment Committee concerning the management, maintenance and utilization of lands and facilities in the New Jersey section of the Palisades Interstate Park Commission. These recommendations were contained in a Committee report which was submitted to the Senate on April 14, 1980.

In general, this bill is an attempt to solve certain management and financial problems of the Palisades Interstate Park Commission. This would be done by allocating the commission within the Department of Environmental Protection. Once brought within the department, the commission would:

- (1) coordinate the preparation and submittal of its budget and capital needs requests with those of the department;
- (2) be considered a State agency eligible for 100% Green Acres funding;
- (3) coordinate its planning efforts with those of the department;
- (4) be entitled to legal services from the Attorney General;
- (5) be authorized to use staff provided by other State or local agencies;
- (6) be provided with coverage under the "New Jersey Tort Claims Act" (P. L. 1972, c. 45);
- (7) study means of raising revenues or decreasing costs by:
 - a. imposing a toll on the Palisades Interstate Parkway;
 - b. reviewing current fees;
 - c. consolidating existing facilities;
 - d. getting private groups to run concessions or maintain certain areas;
 - e. imposing "bottle bill" regulations.

In addition, this bill establishes a Citizens Advisory Council, to provide the commission with the advice of park users, and requires a Civil Service reexamination of existing job titles and salary ranges of commission employees.

These changes, more fully outlined in the Committee report, are intended to improve the management and use of the scenic Palisades Interstate Park.

In reporting this measure, the Committee notes that the provisions of section 4 do *not* authorize the Department of Environmental Protection to alter or disapprove budget or capital need requests, and provide that commission requests become a portion of departmental requests.

A technical amendment to subsection b. of section 8 was adopted. This amendment was necessitated by the fact that the commission does not operate any camps within the New Jersey section of the Palisades Interstate Park.

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

SENATE, No. 1164

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STATE OF NEW JERSEY

DATED: MAY 22, 1980

This bill would implement the recommendations of the Senate Energy and Environment Committee concerning the management, maintenance and utilization of lands and facilities in the New Jersey section of the Palisades Interstate Park Commission. These recommendations were contained in a committee report which was submitted to the Senate on April 14, 1980.

In general, this bill is an attempt to solve certain management and financial problems of the Palisades Interstate Park Commission. This would be done by allocating the commission within the Department of Environmental Protection. Once brought within the department, the commission would:

1. coordinate the preparation and submittal of its budget and capital needs requests with those of the department;
2. be considered a State agency eligible for 100% Green Acres funding;
3. coordinate its planning efforts with those of the department;
4. be entitled to legal services from the Attorney General;
5. be authorized to use staff provided by other State or local agencies;
6. be provided with coverage under the "New Jersey Tort Claims Act" (P. L. 1972, c. 45);
7. study means of raising revenues or decreasing costs by:
 - a. imposing a toll on the Palisades Interstate Parkway;
 - b. reviewing current fees;
 - c. consolidating existing facilities;
 - d. getting private groups to run concessions or maintain certain areas;
 - e. imposing "bottle bill" regulations.

In addition, this bill establishes a Citizens Advisory Council, to provide the commission with the advice of park users, and requires a Civil Service reexamination of existing job titles and salary ranges of commission employees.

The Department of Environmental Protection support this legislation.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

SEPTEMBER 12, 1980

KATHRYN FORSYTH

Governor Brendan Byrne today signed S-1164, sponsored by Senator Matthew Feldman (D-Bergen), which places the New Jersey section of the Palisades Interstate Park within but not under the direct jurisdiction of the State Department of Environment Protection.

The bill implements the recommendations contained in a report released by the Senate Energy and Environment Committees earlier this year, after hearings were held by the Committees which revealed problems in the management, maintenance and utilization of the Park.

Under the bill, the Commission can: coordinate the preparation and submission of its budget, capital needs and planning efforts requests with those of DEP; be considered a State agency to be eligible for 100 percent Green Acres funding; be entitled to legal services from the Attorney General; and be authorized to use staff provided by other State or local agencies.

In addition, the measure authorizes the Commission to conduct a feasibility study to recommend a method of raising revenues or reducing costs. Among the means to be studied are reviewing of current fees, consolidating existing facilities, imposing "bottle bill" regulations, encouraging private groups to run concessions or maintain certain areas or imposing a toll on the Palisades Interstate Parkway.

In signing the measure, the Governor stressed that the imposition of a toll on the Parkway "was only one of many options that the Commission will be studying as a means of raising revenues."

"This bill does not authorize the imposition of any tolls. It only authorizes a feasibility study. Should the Commission recommend such an action, further legislation and discussion of the problem would be certainly necessary," Byrne said.

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The bill also establishes a Citizens Advisory Council to provide the Commission with the advice of park users, requires a Civil Service re-examination of existing job titles and salary ranges of Commission employees and provides the Commission with access to the New Jersey Tort Claims Fund to pay any judgment that might be entered against it.

The Park was established in 1937 by compact between the states of New York and New Jersey.

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