

## CHAPTER 177

**AN ACT** creating the Rockland-Bergen Bistate River Commission and supplementing Title 32 of the Revised Statutes.

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

C.32:20B-1 Short title.

1. This act shall be known, and may be cited, as the “Rockland-Bergen Watershed Flood Prevention and Protection Act.”

C.32:20B-2 Findings, declarations relative to a bistate river commission.

2. The Legislature finds and declares that the States of New Jersey and New York and their respective citizens share a common concern to protect their personal safety and property through the identification and remediation of potential flood hazards along the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries and watersheds; that because the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries cross the interstate border region, the identification and remediation of potential flood hazards require a bistate comprehensive approach; that a bistate comprehensive flood prevention approach will also help ensure the preservation and maintenance of the environmental benefits of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries; that a bistate approach will encourage open space preservation and recreational opportunities along the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries; and that there has been a long history of cooperation among state and local governmental entities and various private organizations and individuals in the vicinity of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries to ensure the preservation of those water bodies and watersheds.

The Legislature therefore determines that there is a need to endorse and formalize that bistate cooperative effort to identify and remediate potential flood hazards and to protect the natural, scenic and recreational opportunities of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River and their tributaries; and that the creation of a bistate commission is an appropriate means to accomplish these very important goals.

C.32:20B-3 Definitions relative to a bistate river commission.

3. As used in this act:

“Bistate region” means tributaries and watersheds of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River within the County of Bergen in New Jersey and the County of Rockland in New York.

“Resident voter” means an individual registered to vote and who actually votes in a district within the County of Bergen in New Jersey or the County of Rockland in New York.

C.32:20B-4 Rockland-Bergen Bistate River Commission.

4. a. There is created the Rockland-Bergen Bistate River Commission, which shall comprise 18 members.

The commission shall include 12 voting members, as follows: the Commissioner of the New Jersey Department of Environmental Protection, or a designee thereof, who shall serve ex officio; the Commissioner of the New York Department of Environmental Conservation, or a designee thereof, who shall serve ex officio; and 10 members of the public with a background or experience in the protection, preservation, maintenance, management, or

enhancement of rivers or the natural, scenic, or recreational resources associated therewith, or with a background or experience in building or engineering, who are resident voters of the County of Bergen in New Jersey or the County of Rockland in New York, of whom one shall be appointed by the Governor of the State of New Jersey, one shall be appointed by the Governor of the State of New York, one shall be appointed by the President of the Senate of the State of New Jersey, one shall be appointed by the Minority Leader of the Senate of the State of New Jersey, one shall be appointed by the Speaker of the General Assembly of the State of New Jersey, one shall be appointed by the Minority Leader of the General Assembly of the State of New Jersey, one shall be appointed by the President of the Senate of the State of New York, one shall be appointed by the Minority Leader of the Senate of the State of New York, one shall be appointed by the Speaker of the Assembly of the State of New York and one shall be appointed by the Minority Leader of the Assembly of the State of New York.

Additionally, the commission shall include six non-voting members, as follows: the Commissioner of the New Jersey Department of Transportation, or a designee thereof, who shall serve ex officio; the Commissioner of the New York State Department of Transportation, or a designee thereof, who shall serve ex officio; the County Executive of the County of Bergen in New Jersey, or a designee thereof, who shall serve ex officio; the County Executive of the County of Rockland in New York, or a designee thereof, who shall serve ex officio; a representative of United Water, Inc.; and a representative of the United States Army Corps of Engineers.

b. Vacancies in the appointed positions on the commission shall be filled in the same manner as the original appointments were made.

c. Members of the commission shall serve without compensation, but the commission may, within the limits of funds appropriated or otherwise made available to it, reimburse members for actual expenses necessarily incurred in the discharge of their official duties.

d. Members of the commission shall serve at the pleasure of the relevant appointing authority.

#### C.32:20B-5 Organization of commission.

5. a. The commission shall organize as soon as may be practicable after the appointment of its members, and shall select two co-chairpersons from its members, one from each state, and a secretary who need not be a member.

b. The commission shall meet regularly as it may determine. Meetings of the commission shall be at such times and places as the co-chairpersons of the commission deem appropriate, but to the maximum extent practicable and feasible, shall be rotated between the two states on an alternating basis. Meetings held in New Jersey shall be subject to the provisions and requirements of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.). Meetings held in New York shall be subject to the provisions and requirements of that state's open meetings law, article 7 of the public officers law.

c. A majority of the voting membership of the commission shall constitute a quorum for the transaction of commission business. Action may be taken and motions and resolutions adopted by the commission at any meeting thereof by the affirmative vote of seven voting members of the commission.

d. The commission shall be entitled to call to its assistance, and avail itself of the services of, such employees of the two states, or any political subdivisions, instrumentalities, entities, agencies, or authorities thereof, as it may require and as may be made available to it

for the purpose of carrying out its duties under this act. If requested by the commission, the New Jersey Department of Environmental Protection and the New York Department of Environmental Conservation shall provide primary staff support.

e. The commission may, within the limits of funds appropriated or otherwise made available to it for those purposes, employ such professional, technical, and clerical staff and incur such traveling and other miscellaneous expenses as it may deem necessary in order to perform its duties.

C.32:20B-6 Duties of commission.

6. The duties of the commission shall be to:

- a. identify existing and projected flood hazards in the bistate region;
- b. recommend, propose and coordinate a comprehensive plan to remediate existing and projected flood hazards in the bistate region;
- c. assess present and projected development, land use, and land management practices and patterns, and identify actual and potential environmental threats and problems, in the bistate region, and determine the effects of those practices and patterns, threats, and problems upon the natural, scenic, and recreational resources of the bistate region;
- d. offer recommended regulations, procedures, policies, planning strategies, and model ordinances and resolutions pertaining to the protection, preservation, maintenance, management, and enhancement of the bistate region, which would be implemented as appropriate on a voluntary basis by the municipalities within the bistate region, provided, however, that the commission shall not adopt rules or regulations;
- e. coordinate environmental cleanup, maintenance, and protection efforts undertaken, for the benefit of the bistate region, by the municipalities within the bistate region;
- f. coordinate with the New Jersey Department of Environmental Protection and the New York Department of Environmental Conservation, including, but not limited to, their watershed management programs, the United States Army Corps of Engineers and the municipalities within the bistate region;
- g. recommend appropriate state legislation and administrative action pertaining to the protection, preservation, maintenance, management, and enhancement of the bistate region;
- h. advocate, and where appropriate, act as a coordinating, distributing, or recipient agency for, federal, state, or private funding of environmental cleanup, maintenance, and protection projects, flood prevention projects and flood hazard remediation for the bistate region, which projects may include the work of the commission; and
- i. take such other action as may be appropriate or necessary to further the purpose of this act.

C.32:20B-7 Report to Governors, Legislatures.

7. The commission shall, within 18 months after the date it organizes, and annually thereafter, prepare a progress report on its activities, and submit it, together with any recommendations for legislation, administrative action, or action by local governments, to the Governors and Legislatures of the States of New Jersey and New York. For New Jersey, each such report shall be submitted to the Legislature in accordance with the requirements of section 2 of P.L.1991, c.164 (C.52:14-19.1).

C.32:20B-8 Examination of accounts, books; report.

8. The State Comptroller of New Jersey and the comptroller of the state of New York are hereby authorized and empowered from time to time to examine the accounts and books

of the commission, including its receipts, disbursements, and such other items referring to its financial standing as the comptroller may deem proper and to report the results of such examination to the Governors and Legislatures of the States of New Jersey and New York. Such report shall be submitted to the New Jersey Legislature in accordance with the requirements of section 2 of P.L.1991, c.164 (C.52:14-19.1).

C.32:20B-9 Effective date dependent on enactment of legislation in New York.

9. This act shall take effect upon enactment of substantially similar legislation by the State of New York, unless the State of New York has enacted such legislation prior to the date of enactment of this act, in which case this act shall take effect immediately.

Approved January 17, 2012.