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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT enacting the "Rockland Bergen Bi-state watershed flood prevention and protection act" and creating the Rockland Bergen Bi-state River Commission

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "Rockland
2 Bergen Bi-state watershed flood prevention and protection act".
3 S 2. The legislature finds and declares that the states of New York
4 and New Jersey and their respective citizens share a common concern to
5 protect their personal safety and property through the identification
6 and remediation of potential flood hazards along the tributaries and
7 watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle
8 River, and Sparkill Brook/Creek that cross the interstate border region.
9 The identification and remediation of potential flood hazards requires a
10 bi-state comprehensive approach. A bi-state comprehensive flood
11 prevention approach will also help ensure the preservation and maintenance of the environmentally beneficial impacts of the tributaries and
12 watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle
13 River, and Sparkill Brook/Creek. A bi-state approach will encourage
14 open space and recreational opportunities along the tributaries and
15 watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle
16 River, and Sparkill Brook/Creek. The legislature further finds that
17 there has been a long history of cooperation among state and local
18 governmental entities and various private organizations and individuals
19 in the vicinity of the tributaries and watersheds of the Hackensack
20 River, Mahwah River, Ramapo River, Saddle River, and Sparkill
21 River, Mahwah River, Ramapo River, Saddle River, and Sparkill
22 Brook/Creek.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 The legislature therefore determines that there is a need to endorse
2 and formalize that bi-state cooperative effort to identify and remediate
3 potential flood hazards and to protect the natural, scenic and recre-
4 ational opportunities of the tributaries and watersheds of the Hacken-
5 sack River, Mahwah River, Ramapo River, Saddle River, and Sparkill
6 Brook/Creek. The legislature further determines that the creation of a
7 bi-state commission is an appropriate means to accomplish these very
8 important goals.

9 S 3. As used in this act, "Bi-state region" shall mean the tributaries
10 and watersheds of the Hackensack River, Mahwah River, Ramapo River,
11 Saddle River, and Sparkill Brook/Creek, within the counties of Rockland
12 in New York and Bergen in New Jersey. "Resident voter" shall mean an
13 individual registered to vote and who actually votes in an election
14 district within the county of Rockland in New York or the county of
15 Bergen in New Jersey.

16 S 4. a. There is hereby created the Rockland Bergen Bi-state river
17 commission, which shall be comprised of twelve voting members. Six
18 members of New York shall be appointed as follows: one each, by the
19 governor, the temporary president of the senate, the speaker of the
20 assembly, the minority leader of the senate, and the minority leader of
21 the assembly, of New York, all of whom shall be resident voters of the
22 county of Rockland, New York; and the commissioner of the New York state
23 department of environmental conservation or a designee thereof, who
24 shall serve ex officio. Six members of New Jersey shall be appointed as
25 follows: one each, by the governor, the temporary president of the
26 senate, the speaker of the assembly, the minority leader of the senate,
27 and the minority leader of the assembly, of New Jersey, all of whom
28 shall be resident voters from either the county of Bergen, Essex, or
29 Hudson; and the commissioner of the New Jersey department of environ-
30 mental protection or a designee thereof, who shall serve ex officio.
31 Additionally, the commission shall include six non voting members, as
32 follows: the commissioner of the New York state department of transpor-
33 tation or a designee thereof, who shall serve ex officio; the commis-
34 sioner of the New Jersey department of transportation or a designee
35 thereof, who shall serve ex officio; the county executive of the county
36 of Rockland in New York or a designee thereof who shall serve ex offi-
37 cio; the county executive of the county of Bergen in New Jersey, or a
38 designee thereof, who shall serve ex officio; a representative of United
39 Water Inc. or its successor; and a representative of the United States
40 army corps of engineers.

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

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

47 d. Members of the commission shall serve at the pleasure of the rele-
48 vant appointing authority.

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

53 b. The commission shall meet regularly as it may determine. Meetings
54 of the commission shall be at such times and places as the co-chairper-
55 sons of the commission deem appropriate, but to the maximum extent prac-
56 ticable 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. The commission shall also meet at the call of either co-chairperson.

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 members of the commission.

d. The commission shall request assistance, and 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 state 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.

S 6. The duties of the commission shall be to:

a. assess present and projected development, land use, and land management practices and patterns, and identify actual and potential environmental threats and problems, around the bi-state region, and determine the effects of those practices and patterns, threats, and problems upon the natural, scenic, and recreational resources of the bi-state region;

b. develop recommended regulations, procedures, policies, planning strategies, and model ordinances and resolutions pertaining to the protection, preservation, maintenance, management, and enhancement of the bi-state region which would be implemented as appropriate on a voluntary basis by those municipalities within the bi-state region;

c. coordinate environmental cleanup, maintenance, and protection efforts undertaken, for the benefit of the bi-state region by municipalities within the bi-state region;

d. coordinate with the New York State department of environmental conservation and the New Jersey department of environmental protection, including but not limited to, their watershed management programs, the United States Army Corps of Engineers and all municipalities within the bi-state region.

e. recommend appropriate state legislation and administrative action pertaining to the protection, preservation, maintenance, management, and enhancement of the bi-state region;

f. advocate, and where appropriate, act as a coordinating, distributing, or recipient agency for, federal, state, or private funding of environmental cleanup, maintenance, protection projects, flood prevention projects and flood hazard remediation for the bi-state region, which projects may include the work of the commission;

g. identify existing and projected flood hazards in the bi-state region;

h. recommend, propose and coordinate a bi-state comprehensive plan to remediate existing and projected flood hazards in the bi-state region; and

1 i. take such other action as may be appropriate or necessary to
2 further the purpose of this act.

3 S 7. The commission shall, within 18 months of the date it organizes,
4 and annually thereafter, prepare a progress report on its activities,
5 and submit it, together with any recommendations for legislation, admin-
6 istrative action, or action by local governments, to the governors and
7 legislatures of the states of New Jersey and New York.

8 S 8. The comptroller of the state of New Jersey and the comptroller of
9 the state of New York are hereby authorized and empowered from time to
10 time to examine the accounts and books of the commission, including its
11 receipts, disbursements, and such other items referring to its financial
12 standing as such comptrollers may deem proper and to report the results
13 of such examination to their respective governor and legislature.

14 S 9. This act shall take effect upon the enactment into law by the
15 state of New Jersey of legislation having substantially similar effect
16 with this act, but if the state of New Jersey shall have already enacted
17 such legislation, this act shall take effect immediately; provided that
18 the Rockland Bergen bi-state river commission shall notify the legisla-
19 tive bill drafting commission upon the occurrence of the enactment of
20 the legislation provided for in this act in order that the legislative
21 bill drafting commission may maintain an accurate and timely effective
22 data base of the official text of the laws of the state of New York in
23 furtherance of effecting the provisions of section 44 of the legislative
24 law and section 70-b of the public officers law.