

**NEW JERSEY
COMMISSION ON STATE
ADMINISTRATIVE REORGANIZATION**

REPORT

PART 4

CONSERVATION

SUBMITTED TO

GOVERNOR WALTER E. EDGE

JANUARY 1945



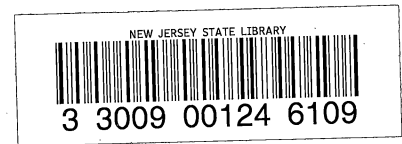
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NEW JERSEY
 COMMISSION ON STATE
 ADMINISTRATIVE REORGANIZATION



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January 29, 1945

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Hon. Walter E. Edge
 Governor
 State of New Jersey
 State House
 Trenton, N. J.

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Dear Governor Edge:

The Commission on State Administrative Reorganization herewith submits Part IV of its Report.

The bill accompanying this report proposes to establish one department, to be known as the Department of Conservation, and to place therein all existing departments and commissions whose major purposes are designed to conserve and develop the natural and historic resources of our State.

Each of the eleven agencies affected by this proposed reorganization is presently headed by a non-salaried board or commission. In submitting the first part of our report to you last February, we called attention to the contribution to the government of their State that may be made by many citizens through service on various boards and commissions. This contribution is well recognized and much appreciated. We stated that one of our objectives would be the proper use of this citizen interest in the development of a better coordinated State administrative program. We have attempted to apply this principle in formulating the new Department of Conservation.

We believe the proposed legislation is merely the first step in the hoped for development of a more unified Department of Conservation. The grouping of the various agencies presently concerned with the natural resources of the State within a single department will undoubtedly, after a period of adjustment, be followed by a closer integration of their activities and administrative procedures with resultant economies in operation and improved service to the State.

The proposed alignment of these agencies should pave the way for the development of a comprehensive conservation program. The need for such a program, as we face the post-war period, is apparent.

We are including a memorandum on the bill listing the boards and commissions placed within the new department and explaining in outline form the proposed organization.

Respectfully submitted,

CHARLES R. ERDMAN, JR., Chairman

C. WESLEY ARMSTRONG, JR.

ALFRED E. DRISCOLL

CHARLES A. EATON, JR.

WALTER JONES

PART IV

Memorandum on a Bill Establishing a State Department of Conservation and including within it those Departments, Boards and Commissions designed to conserve the State's Natural and Historic Resources

Under present laws, eleven separate departments, boards and commissions administer state policies designed to protect, develop and control the natural resources of the State, to preserve its historic monuments and to provide public recreation areas for its citizens.

The proposed bill provides for the integration of these eleven agencies within the framework of a single new department. It is hoped that this will provide for the better coordination of related activities and give unity to the State's program for the preservation and use of its natural resources.

The departments and commissions which will be transferred to the new Department of Conservation are:

- (1) The Board of Fish and Game Commissioners, operating two pheasant farms, one quail farm and two fish hatcheries and charged with the distribution and protection of fish, birds and game animals and the enforcement of the fish and game laws.
- (2) The Board of Shell Fisheries, having control, protection and direction of the shellfish industry, and responsible for improving the natural seed-producing beds.
- (3) The Department of Conservation and Development, responsible for the conservation and development of New Jersey minerals, soils, wells, forests and shade trees, the direction of two forest tree nurseries, the Forest Fire Service, and the management of eight State Forests and ten State Parks. It also has charge of the dismantling and sale of the Morris Canal property and the management of the Delaware and Raritan Canal. The direction of the State Museum, now a function of this Department, will be transferred to the new Department of Education under the provisions of bills now pending.
- (4) The Commission on Historic Sites, charged with the care and custody of fifteen historic sites, parks and monuments owned by the State.

- (5) The Commissioners of High Point Park, operating this park which provides public camp sites, trails, bathing facilities and accommodations for picnic parties.
- (6) The Grover Cleveland Birth Place Association, maintaining the birthplace of Grover Cleveland in Caldwell as a State memorial.
- (7) The New Jersey Veterans of All Wars Memorial Association, maintaining the monument and lands situated in Manchester Township, Ocean County.
- (8) The Commissioners of Edison Park, responsible for the maintenance of this park. Funds for this purpose are provided by the Thomas A. Edison Foundation.
- (9) The State Water Policy Commission, responsible for the conservation and development of all sources of potable and public water supplies within the State and for the prevention of floods and the conservation of water power.
- (10) The Passaic Valley Flood Control Commission which has never functioned.
- (11) The Department of Commerce and Navigation, responsible for the administration of the riparian lands of the State, the enforcement of the navigation laws of the State, and the prevention of beach erosion.

There will be five divisions within the new department; namely, the Division of Water Policy and Supply, the Division of Fish and Game, the Division of Shell Fisheries, the Division of Natural Resources, Parks and Historic Sites, and the Division of Navigation.

The work of each of these divisions will be, as heretofore, under the general supervision of a non-salaried council. Each council will consist of nine members, appointed by the governor with the advice and consent of the Senate for five year terms, except that the members of the State Water Policy Commission, the Board of Fish and Game Commissioners, the Board of Shell Fisheries, the Board of Conservation and Development, and the Board of Commerce and Navigation will continue in office as members of the corresponding councils for the remainder of their present terms.

The new commissioner of the department will exercise veto power over the actions of the councils, will be the chief fiscal officer of the department, and will be charged with the duty of coordinating the activities of the related agencies in the department. He will be appointed by the governor with the advice and consent of the senate, for a term coinciding with that of the governor and will receive a salary of \$12,000 per annum.

The powers and functions of the various departments, boards and commissions transferred to divisions within the new Department of Conservation will be exercised by the respective division councils subject to the approval of the Commissioner, as follows:

1. Water Policy and Supply Council: This Council will assume the functions of the Water Policy Commission, the Passaic Valley Flood Control Commission, the responsibility for the Morris Canal property and the rehabilitation and management of the Delaware and Raritan Canal now vested in the Department of Conservation and Development.
2. Fish and Game Council: This Council will assume the functions of the Board of Fish and Game Commissioners.
3. Shell Fisheries Council: This Council will assume the functions of the Board of Shell Fisheries.
4. Natural Resources, Parks and Historic Sites Council: This Council will assume the functions of the Department of Conservation and Development, with the exceptions previously noted, the Commission on Historic Sites, the Commissioners of High Point Park, the Grover Cleveland Birth Place Association, the New Jersey Veterans of All Wars Memorial Association, and the Commissioners of Edison Park.
5. Navigation Council: This Council will assume the functions of the Board of Commerce and Navigation including the administration of riparian rights.

The conservation of natural resources constitutes a problem of vital concern to the welfare of New Jersey. A well balanced and coordinated program affecting all conservation activities can best be planned and executed within the framework of a single department. For instance, the development of public water supplies and recreation areas is of vital interest to the sportsmen, and should proceed with a sympathetic understanding of the varied interests involved. It can best be achieved through an integration of the programs for the State forests, parks, water supply, and fish and game.

Furthermore, the protection of a water supply is directly affected by a sound policy in the care and preservation of the trees and forests of the drainage area, and here again the inclusion within the same department of closely allied functions should prove of great benefit to the citizens of New Jersey.

The Commissioner will be able to accomplish such integration effectively through his power to approve or disapprove the actions of the councils in the exercise of their various powers.

The acquisition by the State of public property through deed or gift has, under the new bill, been surrounded with certain safeguards to prevent donations of "white elephants" or the removal of property from the tax rolls of a municipality without opportunity for the community affected to be heard, and other procedures designed to protect the interests of the State.

A clause in the bill provides that neither the Commissioner nor any employee in a division may engage in any business which is regulated by that division. This provision incorporates the sound public policy found in other statutes governing state officials and agencies performing regulatory functions, among others the Commissioner of Banking and Insurance, the Public Utilities Commission, the Department of Law and all municipal officials.

To depart from this policy on the specious reasoning that no one can administer regulations unless he is engaged in the business concerned would be to ignore the well founded principle that "No man shall be a judge in his own case."

The potential savings that can result from the creation of this new department will depend upon the ability of the Commissioner to provide for the more efficient coordination of personnel and equipment in the various divisions.

The Board of Fish and Game Commissioners, Board of Shell Fisheries and the Board of Commerce and Navigation all make use of owned or rented boats in carrying out their functions. Well over \$60,000 a year is currently being expended in supplying the boating needs of the agencies mentioned. It is the considered judgment of this Commission that a closer integration of the activities of these related agencies, the pooling of State owned or rented equipment, and the prudent use of the same will achieve savings far in excess of the salary of the new commissioner.

These recommendations are submitted as a first step in the hoped for development of a more unified Department of Conservation.

AN ACT relating to conservation, providing for the establishment, in the Executive Branch of the State Government, of a State Department of Conservation, defining its organization, functions, powers and duties, providing thereby for the consolidation and co-ordination of conservation activities; establishing in the State Department of Conservation a Division of Water Policy and Supply, a Division of Fish and Game, a Division of Shell Fisheries, a Division of Natural Resources, Parks and Historic Sites, and a Division of Navigation; transferring to, and vesting in, said Division of Water Policy and Supply, the functions, powers and duties of the Department of Conservation and Development and of the Board of Conservation and Development exercised and used in the management, maintenance, operation and control of the Delaware and Raritan Canal and exercised and used in any matter concerning the Morris Canal, and the functions, powers and duties of the State Water Policy Commission and of the Passaic Valley Flood Control Commission; transferring to, and vesting in, said Division of Fish and Game, the functions, powers and duties of the Board of Fish and Game Commissioners; transferring to, and vesting in, said Division of Shell Fisheries, the functions, powers and duties of the Department of Shell Fisheries and of the Board of Shell Fisheries; transferring to, and vesting in, said Division of Natural Resources, Parks and Historic Sites, the functions, powers and duties of the Department of Conservation and Development and of the Board of Conservation and Development, except as otherwise provided herein, and the functions, powers and duties of the Commission on Historic Sites, of the board of commissioners known as Commissioners of Edison Park, of the board of commissioners known as Commissioner of

High Point Park, of the Grover Cleveland Birthplace Association, and of the New Jersey Veterans of All Wars Memorial Association; and transferring to, and vesting in, said Division of Navigation, the functions, powers and duties of the Department of Commerce and Navigation and of the Board of Commerce and Navigation; and repealing sections 12:2-1 to 12:2-5 inclusive, 12:2-16, 13:1-1, 13:1-2, 13:1-10, 13:4-1, 13:4-4, 13:4-6, 13:5-1 to 13:5-3 inclusive, 13:5-12, 23:2-1, 28:1-1 to 28:-1-3 inclusive, 28:1-12, 28:2-2 to 28:2-6 inclusive, 28:2-15, 28:2-16, 50:1-1 to 50:1-4 inclusive, 58:1-1 and 58:16-2 of the Revised Statutes.

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

ARTICLE I

Definitions

1. As used in this act, unless otherwise specifically indicated:

"Department of Conservation," "department" and "state department" means the State Department of Conservation herein established.

"Commissioner" means the state commissioner of conservation.

"Council" means the council of an indicated division herein established in the State Department of Conservation.

ARTICLE II

2. There is hereby established in the Executive Branch of the State Government a State Department of Conservation which shall consist of a state commissioner of conservation and such divisions, councils,

officers and employees as are specifically referred to in this act and as may be constituted or employed by virtue of the authority conferred by this act and by any other law.

3. The state commissioner of conservation shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office until the next Governor shall be elected and qualified and until the commissioner's successor shall be appointed and qualified.

He shall devote his entire time and attention to the duties of his office and shall receive an annual compensation of twelve thousand dollars (\$12,000.00). He may be removed from office by the Governor, for cause.

Any vacancy occurring in the office of commissioner shall be filled in the same manner as the original appointment, but for the unexpired term only.

4. The following are hereby established as divisions in the department:

The Division of Water Policy and Supply.

The Division of Fish and Game.

The Division of Shell Fisheries.

The Division of Natural Resources, Parks
and Historic Sites.

The Division of Navigation.

5. Except as otherwise provided in this act or by any other law, the commissioner shall, in addition to other powers and duties specifically conferred and imposed upon him:

- a. Exercise all powers of the department.
- b. Administer the work of the department.

- c. Execute and enforce all laws relating to the conservation of the natural resources of the State.
- d. Maintain liaison with local and federal officers and agencies concerned with matters of conservation of natural resources or otherwise related to the functions of the department.
- e. Report to the Governor and the Legislature, with respect to the work of the department, on January 15th of each year and at such other times as he may deem in the public interest.
- f. Make such rules and regulations governing the work of the department and the conduct of its employees as, in his opinion, may be necessary to conserve, develop and promote the interest of the State, in all matters within the jurisdiction of the department.

6. Except as otherwise provided in this act or by any other law, the commissioner shall appoint such personnel as he may consider necessary for the efficient performance of the work of the department. He shall prescribe the duties of all such persons thus appointed and shall fix their compensation within the limits of available appropriations.

7. The commissioner shall co-ordinate the activities of the various divisions established by this act. He shall be the request officer of the department within the meaning of such terms as defined in Chapter 112 of the Laws of 1944.

ARTICLE III

Division of Water Policy and Supply

8. There shall be within the Division of Water Policy and Supply a Water Policy and Supply Council which shall consist of nine members. Each member shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of five years and shall serve until his successor has been appointed and qualified, except that the five persons in office as appointed members of the State Water Policy Commission upon the effective date of this act shall constitute five of the first members of the Water Policy and Supply Council and shall continue in office as such for the remainder of the respective terms for which they were appointed as members of the State Water Policy Commission, and that, of the remaining four members to be appointed to initial membership in said council, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Any vacancy in the membership of said council, occurring other than by expiration of term, shall be filled by the Governor, by and with the advice and consent of the Senate, for the unexpired term only. Any member of the council may be removed from office by the Governor, for cause.

The members of the council shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

9. The functions, powers and duties, records and property of the Department of Conservation and Development and the Board of Conservation and Development exercised and used in the management,

maintenance, operation and control of the Delaware and Raritan Canal and exercised and used in any matter concerning the Morris Canal, and the functions, powers and duties, records and property of the State Water Policy Commission and of the Passaic Valley Flood Control Commission are hereby transferred to and vested in the Division of Water Policy and Supply established under this act, to be exercised and used by the council thereof, in accordance with the provisions of this act. No action shall be taken by said council except upon approval by the commissioner of conservation.

10. The council, in addition to other powers and duties vested in it by this act, shall, subject to the approval of the commissioner:

- a. Formulate comprehensive policies for the preservation and improvement of the water supply facilities of the State.
- b. Survey the needs of the State for additional water supply facilities and formulate plans for the development of such facilities.
- c. Develop or construct such additional facilities, within the limits of available appropriations therefor, and maintain and operate the same.

11. The employees of the Department of Conservation and Development and of the Board of Conservation and Development engaged in the management, maintenance, operation and control of the Delaware and Raritan Canal, and the employees of the State Water Policy Commission are hereby transferred to the Division of Water Policy and Supply established under this act, without diminution in salary or change in Civil Service status. Persons thus transferred shall be assigned such

duties as the Water Policy and Supply Council shall, subject to the approval of the Commissioner, determine.

12. All appropriations available and to become available to the Department of Conservation and Development and to the Board of Conservation and Development for the management, maintenance, operation and control of the Delaware and Raritan Canal, and all appropriations available and to become available to the State Water Policy Commission are hereby transferred to the Division of Water Policy and Supply established under this act, to be used for the purposes for which said appropriations were or shall be made.

ARTICLE IV

Division of Fish and Game

13. There shall be within the Division of Fish and Game a Fish and Game Council which shall consist of nine members. Each member shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of five years and shall serve until his successor has been appointed and qualified, except that the nine persons in office as appointed members of the Board of Fish and Game Commissioners upon the effective date of this act shall constitute the first members of the Fish and Game Council and shall continue in office as such for the remainder of the respective terms for which they were appointed as members of the Board of Fish and Game Commissioners. Any vacancy in the membership of said council, occurring other than by expiration of term, shall be filled by the Governor, by and with the advice and consent of the Senate, for the unexpired term only. Any member of the council may be removed from office by the Governor, for cause.

The members of the council shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

14. The functions, powers and duties, records and property of the Board of Fish and Game Commissioners are hereby transferred to and vested in the Division of Fish and Game established under this act, to be exercised and used by the council thereof, in accordance with the provisions of this act. No action shall be taken by said council except upon approval by the commissioner of conservation.

15. The council, in addition to other powers and duties vested in it by this act, shall, subject to the approval of the commissioner:

- a. Formulate comprehensive policies for the protection and propagation of fish, birds, and game animals and for the propagation and distribution of food fish and the keeping up of the supply thereof in the waters of the State.
- b. Establish and maintain state game refuges or sanctuaries for the protection, preservation or propagation of game birds, animals or fish on all or any portion of lands or waters held in fee, or trust, or under lease by the State; and game birds, animals or fish shall not be hunted, pursued, disturbed or molested thereon at any time.

16. The employees of the Board of Fish and Game Commissioners are hereby transferred to the Division of Fish and Game established under this act, without diminution in salary or change in Civil Service status. Persons thus transferred shall be assigned such duties as the Fish and Game Council shall, subject to the approval of the commissioner, determine.

17. All appropriations available and to become available to the Board of Fish and Game Commissioners are hereby transferred to the Division of Fish and Game established under this act, to be used for the purposes for which such appropriations were or shall be made.

ARTICLE V

Division of Shell Fisheries

18. There shall be within the Division of Shell Fisheries a Shell Fisheries Council which shall consist of nine members. Each member shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of five years and shall serve until his successor has been appointed and qualified, except that the eight persons in office as appointed members of the Board of Shell Fisheries upon the effective date of this act shall constitute eight of the first members of the Shell Fisheries Council and shall continue in office as such for the remainder of the respective terms for which they were appointed as members of the Board of Shell Fisheries, and that the remaining member to be appointed to initial membership in said council, shall be appointed for a term of four years. The residence qualifications heretofore required for membership in the Board of Shell Fisheries

shall apply with respect to membership in the Shell Fisheries Council, except that such restrictions shall not apply to the member of said council appointed pursuant to the provisions of this section for a term of four years nor to any successor of such member. Any vacancy in the membership of said council, occurring other than by expiration of term, shall be filled by the Governor, by and with the advice and consent of the Senate, for the unexpired term only. Any member of the council may be removed from office by the Governor, for cause.

The members of the council shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

19. The functions, powers and duties, records and property of the Department of Shell Fisheries and of the Board of Shell Fisheries are hereby transferred to and vested in the Division of Shell Fisheries established under this act, to be exercised and used by the Council thereof, in accordance with the provisions of this act. No action shall be taken by said council except upon approval by the commissioner of conservation.

20. The council, in addition to other powers and duties vested in it by this act shall, subject to the approval of the commissioner, formulate comprehensive policies for the preservation and improvement of the shellfish industry of the State.

21. The employees of the Department of Shell Fisheries and of the Board of Shell Fisheries are hereby transferred to the Division of Shell Fisheries established under this act, without diminution in salary or change in Civil Service status. Persons thus transferred shall be assigned such duties as the Shell Fisheries Council shall,

subject to the approval of the commissioner, determine.

22. All appropriations available and to become available to the Department of Shell Fisheries and to the Board of Shell Fisheries are hereby transferred to the Division of Shell Fisheries established under this act, to be used for the purposes for which such appropriations were or shall be made.

ARTICLE VI

Division of Natural Resources, Parks and Historic Sites

23. There shall be within the Division of Natural Resources, Parks and Historic Sites a Natural Resources, Parks and Historic Sites Council which shall consist of nine members. Each member shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of five years and shall serve until his successor has been appointed and qualified, except that the eight persons in office as appointed members of the Board of Conservation and Development upon the effective date of this act shall constitute eight of the first members of the Natural Resources, Parks and Historic Sites Council and shall continue in office as such for the remainder of the respective terms for which they were appointed as members of the Board of Conservation and Development, and that the remaining member to the appointed to initial membership in said council shall be appointed for a term of four years. Any vacancy in the membership of said council, occurring other than by expiration of term, shall be filled by the

Governor, by and with the advice and consent of the Senate, for the unexpired term only. Any member of the council may be removed from office by the Governor, for cause.

The members of the council shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

24. The functions, powers and duties, records and property of the Department of Conservation and Development and of the Board of Conservation and Development, except as otherwise provided by this act and except as have been or shall be transferred to the Division of the State Museum of the State Department of Education, and the functions, powers and duties, records and property of the Commission on Historic Sites, of the board of commissioners known as Commissioners of Edison Park, of the Board of commissioners known as Commissioners of High Point Park, of the Grover Cleveland Birthplace Association, and of the New Jersey Veterans of All Wars Memorial Association are hereby transferred to and vested in the Division of Natural Resources, Parks and Historic Sites, to be exercised and used by the council thereof, in accordance with the provisions of this act. No action shall be taken by said council except upon approval by the commissioner of conservation.

25. The council, in addition to other powers and duties vested in it by this act shall, subject to the approval of the commissioner;

- a. Formulate comprehensive policies for the preservation and conservation of all state parks, except those regulated by interstate compact, and of all historic sites within the state.

- b. Have charge and supervision of all parks now owned or hereafter acquired by the state and of all lands which the state has acquired or may hereafter acquire for parks.
- c. Formulate plans for the improvement, use and extension of the parks and historic sites under the jurisdiction of the division, and for the establishment of a uniform park policy by the State, so far as the character and use of such parks will permit.
- d. Provide information on park planning and make available information on parks and historic sites to all municipalities of the State.

26. The employees of the Department of Conservation and Development and of the Board of Conservation and Development, except as otherwise provided by this act and except as have been or shall be transferred to the Division of the State Museum of the State Department of Education, and the employees of the Commission on Historic Sites, of the board of commissioners known as Commissioners of Edison Park, of the board of commissioners known as Commissioners of High Point Park, of the Grover Cleveland Birthplace Association, and of the New Jersey Veterans of All Wars Memorial Association are hereby transferred to the Division of Natural Resources, Parks and Historic Sites established under this act, without diminution in salary or change in Civil Service status. Persons thus transferred shall be assigned such duties as the Natural Resources, Parks and Historic Sites Council shall, subject to the approval of the commissioner, determine.

27. All appropriations available and to become available to the Department of Conservation and Development and to the Board of Conservation and Development, except as otherwise provided by this act and except as have been or shall be transferred to the Division of the State Museum of the State Department of Education, and all appropriations available and to become available to the Commission on Historic Sites, to the board of commissioners known as Commissioners of Edison Park, to the board of commissioners known as Commissioners of High Point Park, to the Grover Cleveland Birthplace Association, and to the New Jersey Veterans of All Wars Memorial Association are hereby transferred to the Division of Natural Resources, Parks and Historic Sites established under this act, to be used for the purposes for which said appropriations were or shall be made.

ARTICLE VII

Division of Navigation

28. There shall be within the Division of Navigation a Navigation Council which shall consist of nine members. Each member shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of five years and shall serve until his successor has been appointed and qualified, except that the eight persons in office as appointed members of the Board of Commerce and Navigation upon the effective date of this act shall constitute eight of the first members of the Navigation Council and shall continue in office as such for the remainder of the respective terms for which they were appointed as members of the Board of Commerce and Navigation, and

that the remaining member to be appointed to initial membership in said council shall be appointed for a term of four years. Any vacancy in the membership of said council, occurring other than by expiration of term, shall be filled by the Governor, by and with the advice and consent of the Senate, for the unexpired term only. Any member of the council may be removed from office by the Governor, for cause.

The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

29. The functions, powers and duties, records and property of the Department of Commerce and Navigation and of the Board of Commerce and Navigation are hereby transferred to and vested in the Division of Navigation established under this act, to be exercised by the council thereof, in accordance with the provisions of this act. No action shall be taken by said council except upon the approval of the commissioner of conservation.

No riparian leases or grants shall hereafter be allowed by less than a majority of the council and no such leases or grants shall hereafter in any case be allowed by the council except when approved and signed by the Governor and the commissioner of conservation

30. The council, in addition to other powers and duties vested in it by this act shall, subject to the approval of the commissioner, formulate comprehensive policies for the prevention and control of beach erosion.

31. The employees of the Department of Commerce and Navigation and of the Board of Commerce and Navigation are hereby transferred to the Division of Navigation established under this act, without diminution in salary or change in Civil Service status. Persons thus transferred shall be assigned such duties as the Navigation Council shall, subject to the approval of the commissioner, determine.

32. All appropriations available and to become available to the Department of Commerce and Navigation and to the Board of Commerce and Navigation are hereby transferred to the Division of Navigation established under this act, to be used for the purposes for which said appropriations were or shall be made.

ARTICLE VIII

General

33. Any of the divisions established under this act is authorized to accept for and in the name of the State, subject to approval of the Governor and the commissioner of conservation, grants, conveyances and devises of land, and bequests and donations of money or other personal property to be used for the maintenance and use of any service in or activity of such division, if such grants, conveyances, devises, bequests or donations are unconditional or are subject to such conditions as the commissioner and the council of such division find are reasonable and not inconsistent with the use of such property for such service or activity; provided, however, that prior to the acceptance of any such grant, conveyance or devise due notice and hearing has been granted by the commissioner and such council to the municipality or municipalities which may be affected thereby.

34. Before any of the divisions established under this act shall purchase or acquire any property by condemnation or otherwise, pursuant to the provisions of this act or any other law, the commissioner shall request the attorney general to make an examination of the title of such property and render a report thereon in writing. At least one copy of such report shall be kept on file in the office of the State Department of Conservation at Trenton and at least one other copy thereof shall be kept on file in the office of the Department of Law at Trenton. Such reports shall be appropriately indexed, and shall be subject to public inspection at reasonable times.

35. Any of the divisions established under this act may, on recommendation of the council of such division and subject to the approval of the Governor and the commissioner of conservation, apply for and accept grants from the Federal Government or any agency thereof, and may comply with the terms, conditions and limitations thereof, for any of the purposes of such division. Any moneys so received may be expended by such division, subject to any limitation imposed in such grants, to effect any of the purposes of such division upon warrant of the commissioner of taxation and finance on vouchers certified and approved by the commissioner of conservation.

36. Each council established by this act shall elect one of its members chairman thereof. Each council chairman thus elected shall hold office for one year and until his successor is elected.

37. The commissioner, in addition to other powers and duties vested in him by this act, may accept the services of any local or Federal official or agency in such manner and in such capacities as he may deem appropriate. He may also authorize any officer or employee of the department to act for him and in his place, as his deputy, during his absence or disability.

38. In any case where approval of the commissioner is required under the provisions of this act, such approval shall, when granted, be reduced to writing and filed in the office of said commissioner at Trenton.

39. No person shall be eligible to or shall continue to hold the office of commissioner who is engaged in any business in which water is distributed or sold under any public franchise, or who is engaged in the shellfish business in this State, or who is engaged in the business of lumbering in any forest preserve county of this State. No person shall be eligible for any employment in any capacity in the Division of Water Policy and Supply who is engaged in any business in which water is distributed or sold under any public franchise. No person shall be eligible for any employment in any capacity in the Division of Shell Fisheries who is engaged in the shellfish business in this State. No person shall be eligible for any employment in any capacity in the Division of Natural Resources, Parks and Historic Sites who is engaged in the business of lumbering in any forest preserve county of this State.

40. This act shall not be construed as authorizing the department, the commissioner or any of the councils established by this act to change any penalty for violating any game law or regulation, or to change the fee for any license established by the Legislature, or to extend any open season or bag limits on migratory birds prescribed by Federal law or regulations, or to contract any indebtedness or obligation in excess of appropriations made by the Legislature.

41. The rules and regulations heretofore promulgated by any of the departments, boards, commissions, authorities, or other agencies, the functions, powers and duties of which have been herein transferred to any of the divisions established hereunder, shall continue with full force and effect until amended or repealed by the council of such division, subject to the approval of the commissioner of conservation.

42. The terms of office of the Commissioners of Edison Park, of the Commissioners of High Point Park, of the Board of Trustees of the Grover Cleveland Birthplace Association, of the Board of Trustees of the New Jersey Veterans of All Wars Memorial Association, of the members of the Commission on Historic Sites and of the members of the Passaic Valley Flood Control Commission shall expire on the thirtieth day of June, one thousand nine hundred and forty-five.

43. Nothing in this act shall be construed to deprive any person of any right or protection provided him by Title 11 of the Revised Statutes or by any pension law or retirement system.

44. The following sections of the Revised Statutes are hereby repealed:

Revised Statutes sections 12:2-1 to 12:2-5 inclusive, 12:2-16, 13:1-1, 13:1-2, 13:1-10, 13:4-1, 13:4-4, 13:4-6, 13:5-1 to 13:5-3 inclusive, 13:5-12, 23:2-1, 28:1-1 to 28:1-3 inclusive, 28:1-12, 28:2-2 to 28:2-6 inclusive, 28:2-15, 28:2-16, 50:1-1 to 50:1-4 inclusive, 58:1-1 and 58:16-2. In addition thereto, all acts and parts of acts inconsistent with any of the provisions hereof are hereby repealed.

45. This act shall take effect on the first day of July, one thousand nine hundred and forty-five, except that any appointment and any confirmation of any appointment permitted by this act may be made prior to such date.

S T A T E M E N T

The purpose of this bill is to consolidate and co-ordinate the conservation activities of the State. For this purpose the bill creates a Department of Conservation composed of a commissioner and five divisions within each of which there will be a council of nine non-salaried members.

The Division of Water Policy and Supply will assume the functions and powers of the State Water Policy Commission and the Passaic Valley Flood Control Commission and will have the responsibility for the Morris Canal property and the management and control of the Delaware and Raritan Canal now vested in the Department of Conservation and Development. It will be authorized to proceed with the development of additional water supply facilities whenever the Legislature may direct. The Division of Fish and Game will assume the functions and powers of the Board of Fish and Game Commissioners. The Division of Shell Fisheries will assume the functions and powers of the Board of Shell Fisheries. The Division of Natural Resources, Parks and Historic Sites will assume the functions of the Commission on Historic Sites, the Commissioners of High Point Park, the Grover Cleveland Birthplace Association, the New Jersey Veterans of All Wars Memorial Association, the Commissioners of Edison Park, and the residue of the functions and powers of the Board of Conservation and Development. The Division of Navigation will assume the functions and powers of the Board of Commerce and Navigation.

The councils of the respective divisions will, as now, exercise the functions and powers thereof subject, however, to the approval of the commissioner.