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SMITH ISSUES STATEMENT REGARDING GOVERNOR'S VETO OF **BARNEGAT BAY LEGISLATION**

TRENTON – Senator Bob Smith (D-Middlesex) issued the following statement today regarding the governor's veto of S-1856, which would have authorized the Ocean County Planning Board, in conjunction with each municipality within the Barnegat Bay watershed, to develop a stormwater and nonpoint source pollution management plan for the watershed:

"Governor Christie's veto of this important environmental legislation is short sighted and without any basis in fact or law. The opposition of the Ocean County Freeholders to impose a fee is simply not a legitimate reason to veto the entire legislation. Case law clearly states that this is constitutional and would pass legal muster.

"If the governor or his staff had any sort of issue with the constitutionality of the bill, they should have approached me or any of the other bill's sponsors beforehand. They should not have waited until after the bill made its way through the Legislature and then sat on the governor's desk for almost two months before they formulated this inaccurate rationale for vetoing the bill.

"Moreover, the purpose of the bill is not to 'generate revenue'. Rather, it is meant for developers to reimburse the county for specific environmental costs that are caused by their developments. Additionally, the bill does not 'require' the imposition of additional fees. It is permissive. It is meant to be a tool Ocean County can use or not use at its discretion. By vetoing this bill, the governor puts the profits of developers ahead of the interests of the people of New Jersey.

"We could have worked these issues out amicably and in a way that wouldn't leave a gaping hole in the environmental well being of the Bay and its inhabitants. The governor chose otherwise."

***See NJSA 40:55D-42 and NJSA 40:55D-38. Also see the summary of case law ([Linked here](#)) on impact fees in New Jersey which holds that impact fees are valid if they have a statutory basis (this bill that the Governor just vetoed), if the development is rationally related to the impact (all residential and commercial development in Ocean County creates stormwater runoff which goes into the Barnegat Bay) and if the impact fee has been established by a study and the fee is imposed on a pro rata basis (which this bill requires).