

[First Reprint]

**SENATE, No. 212**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Senator JIM WHELAN**

**District 2 (Atlantic)**

**SYNOPSIS**

Allows construction of wind dependent energy facilities within 500 feet of mean high water line of tidal waters under certain circumstances.

**CURRENT VERSION OF TEXT**

As reported by the Senate Environment and Energy Committee on February 8, 2010, with amendments.



1 AN ACT concerning wind dependent energy facilities in certain  
2 parts of the coastal area and supplementing P.L.1973, c.185  
3 (C.13:19-1 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. Notwithstanding the provisions of any rule or regulation  
9 adopted pursuant to P.L.1973, c.185 (C.13:19-1 et seq.) to the  
10 contrary, construction of a wind dependent energy facility shall not  
11 be prohibited within 500 feet of the mean high water line of tidal  
12 waters <sup>1</sup>on a pier in existence on the effective date of this act.<sup>1</sup>  
13 pursuant to P.L.1973, c.185, provided that the permit application  
14 filed with the department meets all other criteria established by  
15 P.L.1973, c.185, any rules and regulations adopted pursuant thereto,  
16 and any other applicable law, rule or regulation.

17 b. Within 30 days after the date of enactment of this act, and  
18 notwithstanding any provision of the “Administrative Procedure  
19 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the  
20 department shall adopt, immediately upon filing with the Office of  
21 Administrative Law, such rules and regulations as deemed  
22 necessary to implement the provisions of this act which shall be  
23 effective for a period not to exceed 12 months and shall thereafter  
24 be amended, adopted or readopted in accordance with the  
25 provisions of P.L.1968, c.410.

26 c. The provisions of this section shall apply only to the  
27 construction of a wind dependent energy facility in a municipality  
28 in which casino gaming is authorized.  
29

30 2. This act shall take effect immediately.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEN committee amendments adopted February 8, 2010.