

ASSEMBLY, No. 1867

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Assemblymen LeFEVRE and BLEE

1 AN ACT concerning riparian grants and leases and amending R.S.12:3-
2 23.

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

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7 1. R.S.12:3-23 is amended to read as follows:

8 12:3-23. Lease or grant to persons other than riparian owners;
9 notice to riparian owners

10 a. The board, with the approval of the governor, may lease or grant
11 the lands of the state below mean high-water mark and immediately
12 adjoining the shore, to any applicant or applicants therefor other than
13 the riparian or shore-owner or owners, provided the riparian or
14 shore-owner or owners shall have received six months' previous
15 notice of the intention to take said lease or grant such notice given by
16 the applicant or applicants therefor, and the riparian or shore-owner
17 or owners shall have failed or neglected within said period of six
18 months to apply for and complete such lease or grant; the notice
19 herein required shall be in writing and shall describe the lands for
20 which such lease or grant is desired, and it shall be served upon the
21 riparian or shore-owner or owners personally; and in the case of a
22 minor it shall be served upon the guardian; in case of a corporation
23 upon any officer performing the duties of president, secretary,
24 treasurer or director, and in the case of a nonresident owner the
25 notice may be by publication for four weeks successively at least once
26 a week in a newspaper or newspapers published in the county or
27 counties wherein the lands are situate, and in case of such publication,
28 a copy of such notice shall be mailed to such nonresident owner (or
29 in case such nonresident owner be a corporation, then to the president
30 of such corporation, directed to him at his post-office address, if the
31 same can be ascertained, with the postage prepaid); but nothing
32 contained in sections 12:3-21 to 12:3-25 of this title shall be construed
33 as repealing, altering, abridging, or in any manner limiting the
34 provisions and power conferred upon the riparian commissioners and

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

Matter underlined thus is new matter.

1 governor by sections 12:3-19 and 12:3-20 of this title.

2 b. The Tidelands Resource Council shall not lease or grant to any
3 person lands of the State below the mean highwater mark and
4 waterward of an existing lease or grant of lands of the State below the
5 mean high water mark and immediately adjoining the shore, unless the
6 person holding the existing lease or grant, after receiving notice from
7 the Tidelands Resource Council of an application for the proposed
8 lease or grant in the manner set forth in subsection a. of this section,
9 approves in writing the proposed lease or grant.

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11 2. This act shall take effect immediately and shall be retroactive to
12 January 1, 1996.

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STATEMENT

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17 This bill would prohibit the Tidelands Resource Council from
18 leasing or granting to any person lands of the State below the mean
19 highwater mark and waterward of an existing riparian lease or grant
20 unless the person holding the existing lease or grant, after receiving
21 notice from the Tidelands Resource Council of an application for the
22 proposed lease or grant, approves in writing the proposed lease or
23 grant. This bill would be retroactive to January 1, 1996, and would
24 thus apply to any lease or grant proposed after that date.

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30 Conditions riparian leases or grants waterward of existing leases or
grants on approval of owner of existing lease or grant.