

§§1 - 3
C. 12:3-12.1
To
12:3-12.3
§6
Note To §§ 1 - 5

P.L. 1997, CHAPTER 239, *approved September 5, 1997*
Senate, No. 299 (*Second Reprint*)

1 **AN ACT** concerning the conveyance of riparian lands, supplementing
2 chapter 3 of Title 12 of the Revised Statutes, and amending
3 P.L.1948, c.448.

4

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

7

8 1. (New section) The Legislature finds and declares that the
9 Tidelands Resource Council is the public body responsible for the
10 stewardship of the State's riparian lands; that it is the responsibility of
11 the council to determine whether applications for the lease, license, or
12 grant of riparian lands are in the public interest; that it is the
13 responsibility of the council to determine, in assessing applications for
14 the lease, license, or grant of riparian lands, whether the State may
15 have a future use for such lands; that the council must obtain the fair
16 market value for the lease, license or grant of riparian lands in
17 accordance with court decisions and legal opinions of the Attorney
18 General; ¹[that the substantive policies adopted by the council have
19 not been adopted pursuant to the "Administrative Procedure Act,"
20 P.L.1968, c.410 (C.52:14B-1 et seq.), even though the policies of
21 nearly every other agency of State government are adopted pursuant
22 to that act in order to ensure public participation in the creation of
23 such policies; and that the current substantive policies adopted by the
24 council are not readily available to the public in any commonly
25 available publication.

26 The Legislature therefore determines] and¹ that the substantive
27 policies adopted by the council and information about the roles of the
28 council and the ¹[Bureau of Tidelands Management] tidelands
29 management program within the Department of Environmental
30 Protection¹ in requiring, reviewing, and processing applications for
31 the lease, license, and grant of riparian lands should be made readily

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEN committee amendments adopted March 7, 1996.

² Senate floor amendments adopted March 18, 1996.

1 available to the general public and should be provided to those who
2 apply for permission to use riparian lands.

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4 2. (New section) The Tidelands Resource Council shall develop
5 ¹[and make available free of charge, to any person expressing an
6 interest in applying for lease, license or grant of any riparian lands,]¹
7 an informational guide entitled "Guide to the Tidelands," which shall
8 be written in clear and plain language such that a person possessing a
9 high school degree or its equivalent can understand any information
10 provided in the guide. ¹The council shall provide a copy of the guide
11 to any person expressing an interest in applying for a lease, license or
12 grant of any riparian land and to any other person who requests a copy
13 of the guide. ² [The council may impose a charge for providing a copy
14 of the guide which shall not exceed the actual cost to photocopy the
15 guide.¹]² The guide shall contain the following information:

16 a. A brief history of the designation of riparian lands in New Jersey
17 as property of the State to be held in the public trust;

18 b. The purpose of the Tidelands Resource Council and the
19 ¹[Bureau of Tidelands Management] tidelands management program
20 within the Department of Environmental Protection¹, emphasizing the
21 status of mapped riparian lands as property of the State under the
22 stewardship of the Tidelands Resource Council;

23 c. A complete listing and explanation of application fees adopted
24 by the council pursuant to the "Administrative Procedure Act,"
25 P.L.1968, c.410 (C.52:14B-1 et seq.);

26 d. An explanation of the process involved in submitting an
27 application to the council, and an explanation of the method by which
28 the council establishes the fair market value of riparian lands, and the
29 consequent price of a lease, license, or grant of such lands;

30 e. An explanation of the process by which an applicant for a lease,
31 license, or grant of riparian lands may appeal to the council for a
32 reduction in the price of such lease, license, or grant as established by
33 the council; and

34 f. Any information not specified in subsections a. through e. of this
35 section that the council determines will help applicants obtain a clear
36 understanding of the council's role as steward of State-owned riparian
37 lands.

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39 3. (New section) The Tidelands Resource Council shall, pursuant
40 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
41 et seq.), adopt rules and regulations setting forth all fees ¹imposed by
42 the council¹, but shall not be required to publish as a rule or regulation
43 any formula or method used to determine the fair market value of a
44 lease, license or grant. All leases and licenses shall be conveyed for a
45 minimum of seven years.

1 4. Section 10 of P.L.1948, c.448 (C.13:1B-10) is amended to read
2 as follows:

3 10. There shall be within the Department of Environmental
4 Protection[,]a Tidelands Resource Council , which shall consist of
5 [12] ¹[13] 12¹ members. Each member of the council shall be
6 appointed by the Governor, with the advice and consent of the Senate,
7 for a term of four years and shall serve until [his] a successor has been
8 appointed and has qualified[, except that of the first appointments
9 hereunder, three shall be for a term of one year, three for two years,
10 three for three years and three for four years].

11 ¹[No less than 10] At least 9¹ of the council members shall be
12 residents of counties wherein riparian lands are located and have been
13 mapped. A person who is a member of the council on the effective
14 date of P.L. , c. ¹(C.)¹ (now before the Legislature as this bill)
15 shall not be removed from the council for failing to meet the
16 aforementioned residency requirements, but may be reappointed by the
17 Governor at the expiration of that term only if that reappointment
18 would comply with the residency requirement for the council set forth
19 in this section.

20 Each Governor shall designate one of the members of the council
21 as [chairman] chairperson and one of the members as [vice-chairman
22 of such council] vice-chairperson. Any member of the council so
23 designated shall serve as [such chairman] chairperson or
24 [vice-chairman] vice-chairperson at the pleasure of the Governor
25 designating [him] that member and until [his] a successor has been
26 designated. The [chairman] chairperson of the council shall be its
27 presiding officer and the [vice-chairman] vice-chairperson shall act as
28 [chairman] chairperson in the [chairman's] chairperson's absence.

29 Any vacancies in the membership of [said] the council occurring
30 other than by expiration of term shall be filled by the Governor, with
31 the advice and consent of the Senate, for the unexpired term only.
32 Any member of the council may be removed from office by the
33 Governor[,]for cause, upon notice and opportunity to be heard. A
34 member of the council may be removed from office by a majority vote
35 of the membership of the council upon failure of that member to attend
36 three consecutive meetings of the council without good cause.

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

40 (cf: P.L.1987, c.438, s.1)

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42 ¹5. Section 13 of P.L.1948, c.448 (C.13:1B-13) is amended to read
43 as follows:

44 13. No action shall be taken by the council except upon the
45 approval of the Commissioner of Environmental Protection. No
46 riparian leases or grants shall hereafter be allowed except when

1 approved by at least a majority of the council and signed by the
2 [chairman] chairperson of the council; and no such leases or grants
3 shall hereafter in any case be allowed except when approved and
4 signed by the Governor and the Commissioner of Environmental
5 Protection.¹

6 (cf:P.L.1979, c. 386, s. 2)

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8 ¹[5.] 6.¹ This act shall take effect 180 days following enactment.

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13 Requires the Tidelands Resource Council to convey seven year leases
14 and licenses, requires adoption of fees pursuant to "Administrative
15 Procedure Act," and requires the development of information guide.