

[Second Reprint]  
SENATE, No. 299

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator BENNETT

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; <sup>1</sup>[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] and<sup>1</sup> that the substantive  
27 policies adopted by the council and information about the roles of the  
28 council and the <sup>1</sup>[Bureau of Tidelands Management] tidelands  
29 management program within the Department of Environmental  
30 Protection<sup>1</sup> 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:**

<sup>1</sup> Senate SEN committee amendments adopted March 7, 1996.

<sup>2</sup> 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 <sup>1</sup>[and make available free of charge, to any person expressing an  
6 interest in applying for lease, license or grant of any riparian lands,]<sup>1</sup>  
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. <sup>1</sup>The 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. <sup>2</sup> [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.<sup>1</sup> ]<sup>2</sup> 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 <sup>1</sup>[Bureau of Tidelands Management] tidelands management program  
20 within the Department of Environmental Protection<sup>1</sup>, 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 <sup>1</sup>imposed by  
42 the council<sup>1</sup>, 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] <sup>1</sup>[13] 12<sup>1</sup> 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 <sup>1</sup>[No less than 10 ] At least 9 <sup>1</sup>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. <sup>1</sup>(C. )<sup>1</sup> (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 <sup>1</sup>5. 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.<sup>1</sup>

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

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8 <sup>1</sup>[5.] 6.<sup>1</sup> 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.