

[Passed Both Houses]

[Second Reprint]

**SENATE, No. 299**

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# STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

**By Senator BENNETT, Assemblymen Corodemus, T.Smith  
and Assemblywoman Buono**

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

**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 council and the <sup>1</sup>[Bureau of Tidelands Management] tidelands  
2 management program within the Department of Environmental  
3 Protection<sup>1</sup> in requiring, reviewing, and processing applications for  
4 the lease, license, and grant of riparian lands should be made readily  
5 available to the general public and should be provided to those who  
6 apply for permission to use riparian lands.

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

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

22 b. The purpose of the Tidelands Resource Council and the  
23 <sup>1</sup>[Bureau of Tidelands Management] tidelands management program  
24 within the Department of Environmental Protection<sup>1</sup>, emphasizing the  
25 status of mapped riparian lands as property of the State under the  
26 stewardship of the Tidelands Resource Council;

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

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

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

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

42  
43 3. (New section) The Tidelands Resource Council shall, pursuant  
44 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
45 et seq.), adopt rules and regulations setting forth all fees <sup>1</sup>imposed by  
46 the council<sup>1</sup>, but shall not be required to publish as a rule or regulation

1 any formula or method used to determine the fair market value of a  
2 lease, license or grant. All leases and licenses shall be conveyed for a  
3 minimum of seven years.

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

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

15 <sup>1</sup>[No less than 10 ] At least 9<sup>1</sup> of the council members shall be  
16 residents of counties wherein riparian lands are located and have been  
17 mapped. A person who is a member of the council on the effective  
18 date of P.L. , c. <sup>1</sup>(C. )<sup>1</sup> (now before the Legislature as this bill)  
19 shall not be removed from the council for failing to meet the  
20 mentioned residency requirements, but may be reappointed by the  
21 Governor at the expiration of that term only if that reappointment  
22 would comply with the residency requirement for the council set forth  
23 in this section.

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

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

41 The members of the council shall serve without compensation but  
42 shall be reimbursed for necessary expenses incurred in the performance  
43 of their duties.

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

1       <sup>1</sup>5. Section 13 of P.L.1948, c.448 (C.13:1B-13) is amended to read  
2 as follows:

3       13. No action shall be taken by the council except upon the  
4 approval of the Commissioner of Environmental Protection. No  
5 riparian leases or grants shall hereafter be allowed except when  
6 approved by at least a majority of the council and signed by the  
7 [chairman] chairperson of the council; and no such leases or grants  
8 shall hereafter in any case be allowed except when approved and  
9 signed by the Governor and the Commissioner of Environmental  
10 Protection.<sup>1</sup>

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

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13       <sup>1</sup>[5.] 6.<sup>1</sup> This act shall take effect 180 days following enactment.

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