

32:20A-52

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2011 **CHAPTER:** 8

NJSA: 32:20A-52 (Eliminates dock fees and establishes penalty for boat permit violations on Greenwood Lake)

BILL NO: S1955 (Substituted for A2973)

SPONSOR(S) Smith and others

DATE INTRODUCED: May 20, 2010

COMMITTEE: **ASSEMBLY:** Environment and Solid Waste
 SENATE: Environment and Energy

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** December 13, 2010
 SENATE: June 10, 2010

DATE OF APPROVAL: January 28, 2011

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted)

S1955

SPONSOR'S STATEMENT: (Begins on page 3 of original bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
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LEGISLATIVE FISCAL ESTIMATE:	Yes
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A2973

SPONSOR'S STATEMENT: (Begins on page 3 of original bill)	Yes
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COMMITTEE STATEMENT:	ASSEMBLY: Yes
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SENATE:	No
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FLOOR AMENDMENT STATEMENT:	No
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LEGISLATIVE FISCAL ESTIMATE:	No
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(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH

P.L.2011, CHAPTER 8, *approved January 28, 2011*
Senate, No. 1955

1 AN ACT concerning dock fees and boat permits on Greenwood
2 Lake, amending P.L.2009, c.310 and supplementing P.L.1999,
3 c.402 (C.32:20A-1 et seq.)
4

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

8 1. Section 1 of P.L.2009, c.310 (C.32:20A-5.1) is amended to
9 read as follows:

10 1. a. **[**The Greenwood Lake Commission may establish and
11 assess fees to be paid to the commission as follows:

12 (1) on the owner of a dock, wharf or mooring on Greenwood
13 Lake used for non-commercial residential purposes an annual fee of
14 \$37.50;

15 (2) on the owner of a dock or wharf on Greenwood Lake used
16 for commercial purposes an annual fee of \$3.75 per linear foot for
17 each such dock or wharf;

18 (3) on the owner of a mooring on Greenwood Lake used for
19 commercial purposes an annual fee of \$75 for each mooring; and

20 (4) on the owner of a new dock on Greenwood Lake constructed
21 for commercial use after the effective date of this section a first
22 time fee of \$7.50 per linear foot and a fee of \$3.75 per linear foot
23 annually thereafter. **]** (Deleted by amendment, P.L. , c. (pending
24 before the Legislature as this bill).

25 b. (1) In addition to any other registration or fee required by
26 the State, the Greenwood Lake Commission may require the owner
27 of any mechanically propelled boat or vessel with 10 or more
28 horsepower, and any non-mechanically propelled boat or vessel 18
29 or more feet in length, used on Greenwood Lake to obtain and
30 possess an annual permit issued by the commission, and assess a fee
31 therefor as follows:

32 (a) for boats or vessels 20 feet or less in length overall -- \$30;

33 (b) for boats or vessels 21 to 25 feet in length overall and for
34 rowing shells 21 feet in length or more -- \$37.50;

35 (c) for boats or vessels over 25 feet in length overall -- \$37.50
36 plus an additional \$7.50 for each foot by which the length overall
37 exceeds 25 feet; and

38 (d) for boats or vessels over 25 feet in length overall outfitted
39 for overnight use -- \$37.50 plus an additional \$30 for each foot by
40 which the overall length exceeds 25 feet.

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.

1 (2) Notwithstanding the provisions of paragraph (1) of this
2 subsection to the contrary, the commission may establish a one
3 week use permit for \$11.25 and a one-day use permit for \$7.50 for
4 any mechanically propelled boat or vessel or non-mechanically
5 propelled boat or vessel subject to the annual fee established in
6 paragraph (1) of this subsection.

7 c. The Greenwood Lake Commission may charge a fee to an
8 applicant for a permit issued pursuant to this section in order to
9 recover the costs incurred in reviewing and acting upon an
10 application for such permit.

11 d. The Greenwood Lake Commission shall establish a separate,
12 nonlapsing, dedicated account to be known as the "Greenwood Lake
13 Commission Fund." All fees and other monies collected by the
14 Greenwood Lake Commission pursuant to this section, or any rule
15 or regulation adopted pursuant thereto, shall be deposited into this
16 fund. Any investment earnings on monies in the fund shall accrue
17 to the fund and shall be available subject to the same terms and
18 conditions as other monies in the fund. The moneys in the fund
19 shall be used by the Greenwood Lake Commission for the purposes
20 set forth in P.L.1999, c.402 (C.32:20A-1 et seq.).

21 (cf: P.L.2009, c.310, s.1)

22

23 2. (New section) a. Any person who operates a boat on
24 Greenwood Lake without a permit as required pursuant to
25 subsection b. of section 1 of P.L.2009, c.310 (C.32:20A-5.1) shall
26 be liable to a summons from the New Jersey State Police, the New
27 Jersey State Park Police, a State conservation officer, or a sworn
28 New Jersey law enforcement officer, and payment of up to a \$500
29 penalty per violation, which may be assessed in municipal court.

30 b. For any penalty collected pursuant to this section, 50 percent
31 thereof shall be provided to the entity issuing the summons and 50
32 percent shall be deposited into the "Greenwood Lake Commission
33 Fund" established pursuant to section 1 of P.L.2009, c.310 to be
34 used only for the purposes of the fund established by law.

35

36 3. This act shall take effect upon the enactment into law by the
37 State of New York of legislation having substantially similar effect,
38 or if the State of New York shall have already enacted such
39 legislation, this act shall take effect immediately.

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STATEMENT

43

44 This bill would remove the authority of the Greenwood Lake
45 Commission to charge dockage fees for residential and commercial
46 docks and would establish a penalty of up to \$500 for boat permit
47 violations. Any penalties collected would be shared by the entity
48 that issues the summons and the Greenwood Lake Commission. In

S1955

3

1 addition, the bill would authorize an annual permit fee of \$37.50 for
2 rowing shells 21 feet in length or more. The bill would take effect
3 only if and when the State of New York enacts similar legislation.

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8 _____
9 Eliminates dock fees and establishes penalty for boat permit
violations on Greenwood Lake.

SENATE, No. 1955

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 20, 2010

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator JOSEPH PENNACCHIO

District 26 (Morris and Passaic)

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblywoman CONNIE WAGNER

District 38 (Bergen)

SYNOPSIS

Eliminates dock fees and establishes penalty for boat permit violations on Greenwood Lake.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/14/2010)

1 AN ACT concerning dock fees and boat permits on Greenwood
2 Lake, amending P.L.2009, c.310 and supplementing P.L.1999,
3 c.402 (C.32:20A-1 et seq.)
4

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

8 1. Section 1 of P.L.2009, c.310 (C.32:20A-5.1) is amended to
9 read as follows:

10 1. a. [The Greenwood Lake Commission may establish and
11 assess fees to be paid to the commission as follows:

12 (1) on the owner of a dock, wharf or mooring on Greenwood
13 Lake used for non-commercial residential purposes an annual fee of
14 \$37.50;

15 (2) on the owner of a dock or wharf on Greenwood Lake used
16 for commercial purposes an annual fee of \$3.75 per linear foot for
17 each such dock or wharf;

18 (3) on the owner of a mooring on Greenwood Lake used for
19 commercial purposes an annual fee of \$75 for each mooring; and

20 (4) on the owner of a new dock on Greenwood Lake constructed
21 for commercial use after the effective date of this section a first
22 time fee of \$7.50 per linear foot and a fee of \$3.75 per linear foot
23 annually thereafter.] (Deleted by amendment, P.L. , c. (pending
24 before the Legislature as this bill).

25 b. (1) In addition to any other registration or fee required by
26 the State, the Greenwood Lake Commission may require the owner
27 of any mechanically propelled boat or vessel with 10 or more
28 horsepower, and any non-mechanically propelled boat or vessel 18
29 or more feet in length, used on Greenwood Lake to obtain and
30 possess an annual permit issued by the commission, and assess a fee
31 therefor as follows:

32 (a) for boats or vessels 20 feet or less in length overall -- \$30;

33 (b) for boats or vessels 21 to 25 feet in length overall and for
34 rowing shells 21 feet in length or more -- \$37.50;

35 (c) for boats or vessels over 25 feet in length overall -- \$37.50
36 plus an additional \$7.50 for each foot by which the length overall
37 exceeds 25 feet; and

38 (d) for boats or vessels over 25 feet in length overall outfitted
39 for overnight use -- \$37.50 plus an additional \$30 for each foot by
40 which the overall length exceeds 25 feet.

41 (2) Notwithstanding the provisions of paragraph (1) of this
42 subsection to the contrary, the commission may establish a one
43 week use permit for \$11.25 and a one-day use permit for \$7.50 for
44 any mechanically propelled boat or vessel or non-mechanically

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.

1 propelled boat or vessel subject to the annual fee established in
2 paragraph (1) of this subsection.

3 c. The Greenwood Lake Commission may charge a fee to an
4 applicant for a permit issued pursuant to this section in order to
5 recover the costs incurred in reviewing and acting upon an
6 application for such permit.

7 d. The Greenwood Lake Commission shall establish a separate,
8 nonlapsing, dedicated account to be known as the "Greenwood Lake
9 Commission Fund." All fees and other monies collected by the
10 Greenwood Lake Commission pursuant to this section, or any rule
11 or regulation adopted pursuant thereto, shall be deposited into this
12 fund. Any investment earnings on monies in the fund shall accrue
13 to the fund and shall be available subject to the same terms and
14 conditions as other monies in the fund. The moneys in the fund
15 shall be used by the Greenwood Lake Commission for the purposes
16 set forth in P.L.1999, c.402 (C.32:20A-1 et seq.).

17 (cf: P.L.2009, c.310, s.1)

18

19 2. (New section) a. Any person who operates a boat on
20 Greenwood Lake without a permit as required pursuant to
21 subsection b. of section 1 of P.L.2009, c.310 (C.32:20A-5.1) shall
22 be liable to a summons from the New Jersey State Police, the New
23 Jersey State Park Police, a State conservation officer, or a sworn
24 New Jersey law enforcement officer, and payment of up to a \$500
25 penalty per violation, which may be assessed in municipal court.

26 b. For any penalty collected pursuant to this section, 50 percent
27 thereof shall be provided to the entity issuing the summons and 50
28 percent shall be deposited into the "Greenwood Lake Commission
29 Fund" established pursuant to section 1 of P.L.2009, c.310 to be
30 used only for the purposes of the fund established by law.

31

32 3. This act shall take effect upon the enactment into law by the
33 State of New York of legislation having substantially similar effect,
34 or if the State of New York shall have already enacted such
35 legislation, this act shall take effect immediately.

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STATEMENT

39

40 This bill would remove the authority of the Greenwood Lake
41 Commission to charge dockage fees for residential and commercial
42 docks and would establish a penalty of up to \$500 for boat permit
43 violations. Any penalties collected would be shared by the entity
44 that issues the summons and the Greenwood Lake Commission. In
45 addition, the bill would authorize an annual permit fee of \$37.50 for
46 rowing shells 21 feet in length or more. The bill would take effect
47 only if and when the State of New York enacts similar legislation.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 1955

STATE OF NEW JERSEY

DATED: JUNE 3, 2010

The Senate Environment and Energy Committee favorably reports Senate Bill No. 1955.

This bill would remove the authority of the Greenwood Lake Commission to charge dockage fees for residential and commercial docks and would establish a penalty of up to \$500 for boat permit violations. Any penalties collected would be shared by the entity that issues the summons and the Greenwood Lake Commission. In addition, the bill would authorize an annual permit fee of \$37.50 for rowing shells 21 feet in length or more. The bill would take effect only if and when the State of New York enacts similar legislation.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1955
STATE OF NEW JERSEY
214th LEGISLATURE

DATED: JUNE 16, 2010

SUMMARY

Synopsis: Eliminates dock fees and establishes penalty for boat permit violations on Greenwood Lake.

Type of Impact: Loss of potential revenue into the Greenwood Lake Commission Fund.

Agencies Affected: Greenwood Lake Commission

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Commission Revenue Loss	Indeterminate – See comments below		

- The bill eliminates the discretionary authority of the Greenwood Lake Commission to charge fees for docks, wharves and moorings on Greenwood Lake, lowers the permit fee for rowing shells 21 feet in length or more, and establishes a penalty for operating a boat or vessel without a permit on the lake.
- The discretionary authority for the commission to charge fees for docks, wharves and moorings and for annual permits for certain boats and vessels was established pursuant to P.L.2009, c.310 (C.32:20A-5.1), approved January 18, 2010. Since the enactment of P.L.2009, c.310, no dock, wharf or mooring fee has been assessed or collected.
- The Greenwood Lake Commission is a bi-state agency created jointly by the States of New Jersey and New York for the purpose of protecting and enhancing the environmental quality of the lake. This bill, if enacted into law, would take effect only upon the State of New York enacting into law substantially similar legislation, or if the State of New York has already enacted such legislation, the bill would take effect immediately.
- The Office of Legislative Services (OLS) estimates that the bill would have no fiscal impact on State or local government budgets. The OLS cannot estimate the loss of revenue to the commission from eliminating the commission’s discretionary authority to charge dock fees or the revenue that might be gained from penalties assessed for violations. The OLS

estimates that revenue would be lost by charging a flat fee instead of a per foot fee for rowing shells at least 21 feet long.

BILL DESCRIPTION

Senate Bill No. 1955 of 2010 would remove the discretionary authority of the Greenwood Lake Commission to charge fees for commercial and residential docks and would establish a penalty of up to \$500 for boat permit violations. Of the penalties collected, 50 percent would be allocated to the State or local government entity that issued the summons and 50 percent would be deposited into the Greenwood Lake Commission Fund.

In addition, the bill would authorize an annual permit fee of \$37.50 for rowing shells 21 feet in length or more. Under current law, boats or vessels greater than 25 feet must pay a fee of \$37.50 in addition to \$7.50 for each foot by which the length overall exceeds 25 feet, and \$30 for each foot by which the length overall exceeds 25 feet if the boat or vessel is outfitted for overnight use.

The bill would take effect only if and when the State of New York enacts similar legislation.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the bill's enactment will have no fiscal impact on the State Budget or on local government budgets because the Greenwood Lake Commission does not receive regular funding or support from these bodies. However, it is possible that the State or a local government could voluntarily decide to provide funds to the commission to make up in whole or in part for any potential revenue lost to the commission because of this bill. The removal of the discretionary authority to charge fees for a dock, wharf, or mooring under the bill could be considered as a loss of unrealized revenue for the commission, since the commission has not yet assessed and collected the fees authorized pursuant to P.L.2009, c.310. In addition, there likely will be a loss of potential revenue to the commission from lowering the permit fee amount for certain rowing shells.

The commission is a bi-state agency supported by federal, state, and local grants, local government donations and volunteers. While the OLS cannot estimate the amount of revenue that would be lost from eliminating the authority to charge dock fees, upon enactment this bill would cause a loss of unrealized revenue to the commission since the commission has not yet assessed and collected these fees. Previously, the commission estimated that approximately \$140,000 would be collected from fees authorized by the New York State version of P.L.2009, c.310. However, the commission recently informally projected that some marinas could have been required to pay more than \$20,000 in dock fees had the fees actually been assessed, and the current law applies to not only marinas but to all kinds of docks, public and private. If all of these fees were actually collected, they could amount to significantly more than the initial

estimate of \$140,000. The elimination of the authority to charge these dock fees greatly reduces the funds that otherwise potentially could have been collected by the commission.

This bill requires rowing shells 21 feet in length or more to obtain an annual permit for a flat fee of \$37.50. The commission has informally indicated to the OLS that about 75 shells currently use the lake and that many shells are 62 feet long. Under the existing formula, a rowing shell 62 feet long would pay a total of \$315, which is composed of the \$37.50 fee plus the \$7.50 per foot for the additional 37 feet; 75 shells of this length would equate to \$23,625 to be collected by the commission. Under the bill's provisions, the commission would receive \$2,812.50 from 75 rowing shells paying a flat fee of \$37.50, instead of \$23,625 (assuming 75 shells averaging 62 feet in length), for a total revenue loss of approximately \$20,000 to \$21,000. Additionally, the \$37.50 permit fee would likely also apply to shells that take part in a competition or regatta, and thus more rowing shells may be eligible for this smaller fee.

The penalty for operating a boat without an annual permit would be a fine of up to \$500 per violation, of which 50 percent would be allocated to the entity that issued the summons and 50 percent would be deposited into the Greenwood Lake Commission Fund. The OLS cannot estimate the amount of penalty revenue that would be received by the commission or by any entity authorized to issue a summons. The commission has informally indicated to the OLS that the penalty is not intended as a revenue source for the commission; rather, the possibility of being fined will be used to encourage the boating public to obtain the required permit. However, as more boaters comply with the law, more permit fee revenue should be realized by the commission. Additionally, as the public becomes more aware of the permit requirement, it is projected that fewer violations will occur.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Amy Denholtz
Associate Research Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

SENATE, No. 1955

STATE OF NEW JERSEY

DATED: OCTOBER 14, 2010

The Assembly Environment and Solid Waste Committee reports favorably Senate Bill No. 1955.

This bill would remove the authority of the Greenwood Lake Commission to charge dockage fees for residential and commercial docks and would establish a penalty of up to \$500 for boat permit violations. Any penalties collected would be shared by the entity that issues the summons and the Greenwood Lake Commission. In addition, the bill would authorize an annual permit fee of \$37.50 for rowing shells 21 feet in length or more. The bill would take effect only if and when the State of New York enacts similar legislation.

As reported by the committee, this bill is identical to Assembly Bill No. 2973 as also reported by the committee.

ASSEMBLY, No. 2973

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 21, 2010

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblywoman CONNIE WAGNER

District 38 (Bergen)

SYNOPSIS

Eliminates dock fees and establishes penalty for boat permit violations on Greenwood Lake.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/14/2010)

1 AN ACT concerning dock fees and boat permits on Greenwood
2 Lake, amending P.L.2009, c.310 and supplementing P.L.1999,
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5 **BE IT ENACTED** by the Senate and General Assembly of the State
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17 each such dock or wharf;

18 (3) on the owner of a mooring on Greenwood Lake used for
19 commercial purposes an annual fee of \$75 for each mooring; and

20 (4) on the owner of a new dock on Greenwood Lake constructed
21 for commercial use after the effective date of this section a first
22 time fee of \$7.50 per linear foot and a fee of \$3.75 per linear foot
23 annually thereafter.] (Deleted by amendment, P.L. , c. (pending
24 before the Legislature as this bill).

25 b. (1) In addition to any other registration or fee required by
26 the State, the Greenwood Lake Commission may require the owner
27 of any mechanically propelled boat or vessel with 10 or more
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30 possess an annual permit issued by the commission, and assess a fee
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32 (a) for boats or vessels 20 feet or less in length overall -- \$30;

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35 (c) for boats or vessels over 25 feet in length overall -- \$37.50
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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.

1 propelled boat or vessel subject to the annual fee established in
2 paragraph (1) of this subsection.

3 c. The Greenwood Lake Commission may charge a fee to an
4 applicant for a permit issued pursuant to this section in order to
5 recover the costs incurred in reviewing and acting upon an
6 application for such permit.

7 d. The Greenwood Lake Commission shall establish a separate,
8 nonlapsing, dedicated account to be known as the "Greenwood Lake
9 Commission Fund." All fees and other monies collected by the
10 Greenwood Lake Commission pursuant to this section, or any rule
11 or regulation adopted pursuant thereto, shall be deposited into this
12 fund. Any investment earnings on monies in the fund shall accrue
13 to the fund and shall be available subject to the same terms and
14 conditions as other monies in the fund. The moneys in the fund
15 shall be used by the Greenwood Lake Commission for the purposes
16 set forth in P.L.1999, c.402 (C.32:20A-1 et seq.).

17 (cf: P.L.2009, c.310, s.1)

18

19 2. (New section) a. Any person who operates a boat on
20 Greenwood Lake without a permit as required pursuant to
21 subsection b. of section 1 of P.L.2009, c.310 (C.32:20A-5.1) shall
22 be liable to a summons from the New Jersey State Police, the New
23 Jersey State Park Police, a State conservation officer, or a sworn
24 New Jersey law enforcement officer, and payment of up to a \$500
25 penalty per violation, which may be assessed in municipal court.

26 b. For any penalty collected pursuant to this section, 50 percent
27 thereof shall be provided to the entity issuing the summons and 50
28 percent shall be deposited into the "Greenwood Lake Commission
29 Fund" established pursuant to section 1 of P.L.2009, c.310 to be
30 used only for the purposes of the fund established by law.

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33 State of New York of legislation having substantially similar effect,
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STATEMENT

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40 This bill would remove the authority of the Greenwood Lake
41 Commission to charge dockage fees for residential and commercial
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45 addition, the bill would authorize an annual permit fee of \$37.50 for
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47 only if and when the State of New York enacts similar legislation.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2973

STATE OF NEW JERSEY

DATED: OCTOBER 14, 2010

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 2973.

This bill would remove the authority of the Greenwood Lake Commission to charge dockage fees for residential and commercial docks and would establish a penalty of up to \$500 for boat permit violations. Any penalties collected would be shared by the entity that issues the summons and the Greenwood Lake Commission. In addition, the bill would authorize an annual permit fee of \$37.50 for rowing shells 21 feet in length or more. The bill would take effect only if and when the State of New York enacts similar legislation.

As reported by the committee, this bill is identical to Senate Bill No. 1955 as also reported by the committee.