

12:3-12; 12:3-13 and 12:3-26  
 LEGISLATIVE HISTORY CHECKLIST

NJSA 12:3-12; 12:3-13 and 12:3-26; Repeals 12:3-27 (Natural Resources Council--  
 Extend jurisdiction)

LAWS OF 1979 CHAPTER 311

Bill No. A3448

Sponsor(s) Hollenbeck and others

Date Introduced June 14, 1979

Committee: Assembly Agriculture and Environment

Senate -----

Amended during passage Yes ~~No~~ **Amendments during passage**

Date of Passage: Assembly Dec. 3, 1979

Senate Dec. 10, 1979

**denoted by asterisks.  
 Substituted for S3353  
 (not attached since  
 identical to A3448)**

Date of approval Jan. 17, 1980

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings ~~Yes~~ No

Report cited in sponsor's statement:

974.90 NJ. Legislature. Assembly. Agriculture and Environmental  
 F953 Committee and Energy and Natural Resources Committee.  
 1978d Report to the General Assembly on the Outer Continental  
 Shelf Drilling Seminar. Trenton, 1978.  
 (Note: Attorney General Opinion cited on p.39  
 is an informal opinion).

2/1/78

(over)

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3448

STATE OF NEW JERSEY

INTRODUCED JUNE 14, 1979

By Assemblymen HOLLENBECK, VISOTCKY, STEWART,  
FROUDE, BURSTEIN and COWAN

Referred to Committee on Agriculture and Environment

AN ACT concerning riparian lands, and amending R. S. 12:3-12\*,  
R. S. 12:3-13\* and R. S. 12:3-26\*, and repealing R. S. 12:3-17\*.

1 BE IT ENACTED by the Senate and General Assembly of the State  
2 of New Jersey:

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

2 12:3-12. The **[board]** *council* with the concurrence of the  
2A Governor and Attorney General, in all cases of application for  
3 grants or leases of land now, or at the time of the application, or  
4 at the time of the lease or grant, under tidewater; and in all cases of  
5 application for grants or leases of lands which are not now, or shall  
6 not at the time of the application, or at the time of the lease or grant  
7 be under tidewater, and in all cases of applications for leases or  
8 grants for all or any of such lands may, notwithstanding the first  
9 proviso in section 12:3-5 of this Title, or any other clause or matter  
10 contained in sections 12:3-2 to 12:3-9 of this Title, grant or lease,  
11 or lease first with a covenant to grant, and grant afterwards, for  
12 such principal sum that the interest thereof at 7% will produce  
13 the rental, such lands, or any part thereof lying between what  
14 was, at any time heretofore, the original high-water line and  
15 the **[exterior lines established or to be established]** *seaward terri-*  
16 *torial jurisdiction of the State*, and grant or lease in all cases in  
17 which, in their discretion, they shall think such grant or lease should  
17A be made, such rights, privileges and franchises as they are autho-  
18 rized to grant in cases coming directly within said section 12:3-5 of  
19 this Title, and enter into the same covenants in the name of the  
20 State, in all cases of grants or leases where they deem such  
21 covenants proper, as are authorized in grants or leases under said  
22 section 12:3-5 and insert such other covenants, clauses and con-  
23 ditions in said grants or leases as they shall think proper to

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

24 require from the grantee or lessee, or ought to be made by the  
 25 State; provided, that nothing herein contained shall authorize  
 26 grants or leases in front of a riparian owner to any other than such  
 27 riparian owner, except upon the proceedings and conditions pro-  
 28 vided in sections 12:3-2 to 12:3-9 of this Title; and provided also,  
 29 that the applications for grants or leases, and the certificates of  
 30 said **[commissioners]** council, Governor and Attorney General,  
 31 may in the cases hereby provided for, vary from the provisions of  
 32 said sections 12:3-2 to 12:3-9 in such manner as to conform to this  
 33 section, and any party who has already asked for or accepted a  
 34 lease or conveyance may apply for and have the benefits of this sec-  
 35 tion, notwithstanding such former application or former acceptance  
 36 of a lease or conveyance.

1 \*2. R. S. 12:3-13 is amended to read as follows:

2 12:3-13. The **[board]** council may change, fix and establish any  
 3 other lines than those now fixed and established for pier lines, or  
 4 lines for solid filling in the **[waters of the bay of New York or the**  
 5 **Hudson River]** *tidewaters of the State*, or make any changes in  
 6 any basin now fixed and established, or lay out and fix and establish  
 7 any new basin or basins in the **[waters of the bay of New York or**  
 8 **the Hudson River]** *tidewaters of the State*, and when so fixed and  
 9 established, the **[board]** council shall file a map and surveys in the  
 10 office of the secretary of state, showing what lines have been fixed  
 11 and established by it for the exterior lines for solid filling and  
 12 pier lines, as well as for any changes in basins or new basins fixed,  
 13 laid out and established by it under this section.\*

1 \***[2.]**\* \*3.\* R. S. 12:3-26 is amended to read as follows:

2 12:3-26. \***[**It shall be unlawful for any person or corporation to  
 3 lay any pipe or pipes on any of the lands of the State lying under  
 4 tidal waters without the consent or permission of the Governor and  
 5 the **[board]** council first had and obtained in writing]\* \**The*  
 6 *council, with the approval of the Governor, may license any person*  
 7 *or corporation to lay any pipe or pipes on or under the lands of*  
 8 *the State under tidewaters under such terms and restrictions as to*  
 9 *duration, compensation to be paid, and such other conditions and*  
 10 *restrictions as the interests of the State may require. Such license*  
 11 *shall be granted by a written instrument and executed in the same*  
 12 *manner as grants of land under tidewaters are required to be*  
 13 *executed.*\* **[**; provided, that nothing in this section contained shall  
 14 be construed to apply to lands under the waters of the Atlantic  
 15 ocean].

1 \*4. R. S. 12:3-17 is repealed.\*

1 \***[3.]**\* \*5.\* This act shall take effect immediately.

ASSEMBLY, No. 3448

STATE OF NEW JERSEY

INTRODUCED JUNE 14, 1979

By Assemblymen HOLLENBECK, VISOTCKY, STEWART,  
FROUDE, BURSTEIN and COWAN

Referred to Committee on Agriculture and Environment

AN ACT concerning riparian lands, and amending R. S. 12:3-12  
and R. S. 12:3-26.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

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

2 12:3-12. The **board** *council* with the concurrence of the  
2A Governor and Attorney General, in all cases of application for  
3 grants or leases of land now, or at the time of the application, or  
4 at the time of the lease or grant, under tidewater; and in all cases of  
5 application for grants or leases of lands which are not now, or shall  
6 not at the time of the application, or at the time of the lease or grant  
7 be under tidewater, and in all cases of applications for leases or  
8 grants for all or any of such lands may, notwithstanding the first  
9 proviso in section 12:3-5 of this Title, or any other clause or matter  
10 contained in sections 12:3-2 to 12:3-9 of this Title, grant or lease,  
11 or lease first with a covenant to grant, and grant afterwards, for  
12 such principal sum that the interest thereof at 7% will produce  
13 the rental, such lands, or any part thereof lying between what  
14 was, at any time heretofore, the original high-water line and  
15 the **exterior lines established or to be established** *seaward terri-*  
16 *torial jurisdiction of the State*, and grant or lease in all cases in  
17 which, in their discretion, they shall think such grant or lease should  
17A be made, such rights, privileges and franchises as they are autho-  
18 rized to grant in cases coming directly within said section 12:3-5 of  
19 this Title, and enter into the same covenants in the name of the  
20 State, in all cases of grants or leases where they deem such  
21 covenants proper, as are authorized in grants or leases under said  
22 section 12:3-5 and insert such other covenants, clauses and con-  
23 ditions in said grants or leases as they shall think proper to

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

24 require from the grantee or lessee, or ought to be made by the  
25 State; provided, that nothing herein contained shall authorize  
26 grants or leases in front of a riparian owner to any other than such  
27 riparian owner, except upon the proceedings and conditions pro-  
28 vided in sections 12:3-2 to 12:3-9 of this Title; and provided also,  
29 that the applications for grants or leases, and the certificates of  
30 said [commissioners] *council*, Governor and Attorney General,  
31 may in the cases hereby provided for, vary from the provisions of  
32 said sections 12:3-2 to 12:3-9 in such manner as to conform to this  
33 section, and any party who has already asked for or accepted a  
34 lease or conveyance may apply for and have the benefits of this sec-  
35 tion, notwithstanding such former application or former acceptance  
36 of a lease or conveyance.

1 2. R. S. 12:3-26 is amended to read as follows:

2 12:3-26. It shall be unlawful for any person or corporation to  
3 lay any pipe or pipes on any of the lands of the State lying under  
4 tidal waters without the consent or permission of the Governor and  
5 the [board] *council* first had and obtained in writing[; provided,  
6 that nothing in this section contained shall be construed to apply  
7 to lands under the waters of the Atlantic ocean].

1 3. This act shall take effect immediately.

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#### STATEMENT

This bill would explicitly extend the jurisdiction of the Natural Resources Council from the "bulkhead" line to the 3 mile seaward jurisdiction of the State, thereby establishing a single mechanism for the granting of riparian grants, leases or licenses. This extension would implement one of the recommendations of the Assembly Committees on Agriculture & Environment and Energy & Natural Resources, which recommendation was contained in the *Outer Continental Shelf Drilling Seminar report*, issued November 20, 1978.

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ASSEMBLY AGRICULTURE AND ENVIRONMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3448**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 26, 1979

This bill would explicitly extend the jurisdiction of the Natural Resources Council from the "bulkhead" line to the 3 mile seaward jurisdiction of the State, thereby establishing a single mechanism for the granting of riparian grants, leases or licenses. This extension would implement one of the recommendations of the Assembly Committees on Agriculture and Environment and Energy and Natural Resources, which recommendation was contained in the Outer Continental Shelf Drilling Seminar report, issued November 20, 1978.

The committee adopted several technical amendments which were suggested by the Attorney General and the Department of Environmental Protection. These amendments conform other portions of Title 12 to the provisions of this bill.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 3448

STATE OF NEW JERSEY

ADOPTED NOVEMBER 26, 1979

Amend page 1, title, line 1, after "R. S. 12:3-12", insert ", R. S. 12:3-13".

Amend page 1, title, line 2, after "R. S. 12:3-26", insert ", and repealing R. S. 12:3-17".

Amend page 2, section 1, after line 36, insert new section as follows:

"2. R. S. 12:3-13 is amended to read as follows:

12:3-13. The **[board]** *council* may change, fix and establish any other lines than those now fixed and established for pier lines, or lines for solid filling in the **[waters of the bay of New York or the Hudson River]** *tidewaters of the State* or make any changes in any basin now fixed and established, or layout and fix and establish any new basin or basins in the **[waters of the bay of New York or the Hudson River]** *tidewaters of the State*, and when so fixed and established, the **[board]** *council* shall file a map and surveys in the office of the secretary of state, showing what lines have been fixed and established by it for the exterior lines for solid filling and pier lines, as well as for any changes in basins or new basins fixed, laid out and established by it under this section."

Amend page 2, section 2, line 1, omit "2.", insert "3."

Amend page 2, section 2, line 2, omit "It shall be unlawful for any person or corporation to".

Amend page 2, section 2, lines 3-4, omit in their entirety.

Amend page 2, section 2, line 5, omit "the **[board]** *council* first had and obtained in writing" and insert "The council, with the approval of the Governor, may license any person or corporation to lay any pipe or pipes on or under the lands of the State under tidewaters under such terms and restrictions as to duration, compensation to be paid, and such other conditions and restrictions as the interests of the State may require. Such license shall be granted by a written instrument and executed in the same manner as grants of land under tidewaters are required to be executed."

Amend page 2, section 2, after line 7, insert new section as follows:

"4. R. S. 12:3-17 is repealed."

Amend page 2, section 3, line 1, omit "3.", insert "5."

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

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 17, 1980

PAT SWEENEY

Governor Brendan Byrne today signed the following bills into law:

A-3039, sponsored by Assemblywoman Barbara W. McConnell (D-Hunterdon), which repeals the statutory provisions requiring the licensing of commercial poultry dealers.

A-3042, also sponsored by Assemblywoman McConnell, which strengthens and clarifies the powers of the State Superintendent of Weights and Measures to issue subpoenas to compel testimony and records of persons involved with the weighing and measuring of poultry.

A-3119, sponsored by Assemblyman Robert E. Littell (R-Sussex), which extends the registration period for public accountants for six months under the "Public Accounting Act."

A-3255, sponsored by Assemblyman Richard F. Visotcky (D-Bergen), which authorizes the Division of Youth and Family Services (DYFS), within the Department of Human Services, to enter into written agreements with public, private or voluntary agencies to provide "youth facility aid."

The bill appropriates \$310,000, which the Governor vetoed with a line-item.

A-3275, sponsored by former Assemblywoman Rosemarie Totaro (D-Morris), which appropriates to the Department of Environmental Protection from the State Water Development Fund \$1,013,519 to conduct studies in the furtherance of the statewide water supply master plan.

A-3448, sponsored by Assemblyman Robert P. Hollenbeck (D-Bergen), which extends the jurisdiction of the Natural Resources Council.

The bill clarifies the authority of the Council to issue riparian grants, leases and licenses for lands between the bulkhead line and the three-mile seaward jurisdiction of the State. The bulkhead line is a line fixed by the Council marking the farthest distance from the shore that piers and solid fill can be placed in the waters.

A-3481, sponsored by Assemblyman Robert Burns (D-Bergen), which permits the Commissioner of Insurance to conduct written examinations as a prerequisite for filing a license application.

A-3533, sponsored by Assemblywoman McConnell, which provides that under the "Safe Drinking Water Act" the regulations shall not apply to a public water system which does not provide water for potable purposes to any carrier which conveys passengers in interstate commerce.