

12:3-5
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2009 **CHAPTER:** 40

NJSA: 12:3-5 (Changes riparian land grant and lease process and amends various parts of statutory law)

BILL NO: S2188 (Substituted for A1642)

SPONSOR(S) Van Drew and Others

DATE INTRODUCED: October 6, 2008

COMMITTEE: **ASSEMBLY:** ---

SENATE: Environment

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** March 5, 2009

SENATE: February 23, 2009

DATE OF APPROVAL: April 15, 2009

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Original version of bill enacted)

S2188

SPONSOR'S STATEMENT: (Begins on page 9 of original bill)	Yes
COMMITTEE STATEMENT:	
ASSEMBLY:	No
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
LEGISLATIVE FISCAL ESTIMATE:	No

A1642

SPONSOR'S STATEMENT: (Begins on page 9 of original bill)	Yes
COMMITTEE STATEMENT:	
ASSEMBLY:	Yes
SENATE:	No
FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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LAW/RWH 7/31/09

SENATE, No. 2188

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED OCTOBER 6, 2008

Sponsored by:

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

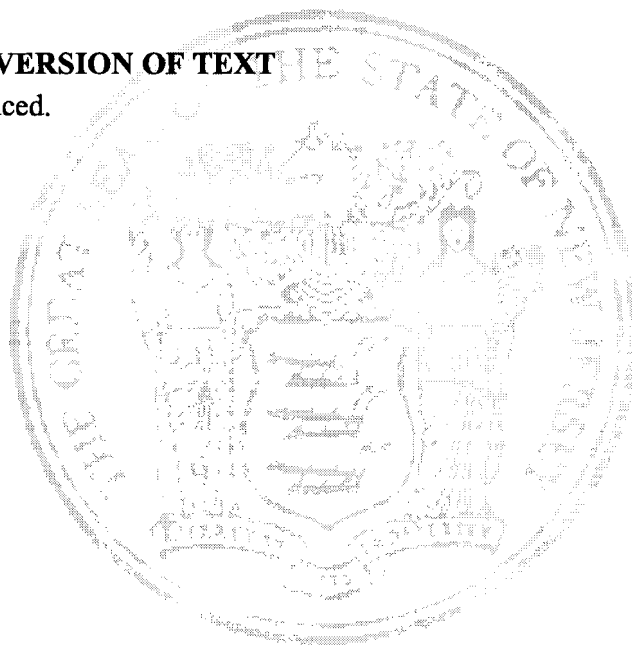
Senator Whelan

SYNOPSIS

Changes riparian land grant and lease process and amends various parts of statutory law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/6/2009)

1 AN ACT changing the grant and lease process for riparian lands and
2 amending various parts of the statutory law.

3

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

6

7 1. R.S.12:3-5 is amended to read as follows:

8 12:3-5. In case any person or corporation who by any legislative
9 act, is a grantee or licensee, or has such power or authority, or any
10 of his, her or their representatives or assigns shall desire a paper
11 capable of being acknowledged and recorded, made by and in the
12 name of the State of New Jersey, conveying the land mentioned in
13 the proviso to the third section of an act entitled "Supplement to an
14 act entitled "An act to ascertain the rights of the State and of
15 riparian owners in the lands lying under the waters of the bay of
16 New York and elsewhere in this State," approved April eleventh,
17 eighteen hundred and sixty-four," approved March thirty-first, one
18 thousand eight hundred and sixty-nine ([s.] R.S.12:3-4 [of this
19 Title]), whether under water now or not, and the benefit of an
20 express covenant, that the State will not make or give any grant or
21 license power, or authority affecting lands under water in front of
22 said lands, then and in either of such cases, such person or
23 corporation, grantee or licensee, having such grant and license,
24 power or authority, his, her or their representatives or assigns on
25 producing a duly certified copy of such legislative act to the
26 **[Planning and Development]** Tidelands Resource Council in the
27 Department of **[Conservation and Economic Development]**
28 Environmental Protection , and in case of a representative or
29 assignee also satisfactory evidence of his, her or their being such
30 representative or assignee, and requesting such grant and benefits as
31 in this section mentioned, shall be entitled to said paper so capable
32 of being acknowledged and recorded, and granting the title and
33 benefits aforesaid, on payment of the consideration hereinafter
34 mentioned; and the **[Planning and Development]** Tidelands
35 Resource Council, **[and]** Commissioner of **[Conservation and**
36 **Economic Development** with the Governor and Attorney-General
37 for the time being, to be shown by the Governor signing the grant, **]**
38 Environmental Protection and the **[Attorney-General attesting it,]**
39 Attorney General shall and may execute and deliver and
40 acknowledge in the name and on behalf of the State, a lease in
41 perpetuity to such grantee or licensee or corporation having such
42 grant, license, power or authority, and to the heirs and assigns of
43 such grantee or licensee, or to the successors and assigns of such
44 corporation, upon his, her or their securing to be paid to the State

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 an annual rental of such reasonable sum as the [Planning and
2 Development] Tidelands Resource Council may fix with the
3 approval of the Commissioner of [Conservation and Economic
4 Development] Environmental Protection for each and every lineal
5 foot measuring on the bulkhead line, or a conveyance to such
6 grantee or licensee or corporation having such grant, license, power
7 or authority, and to the heirs and assigns of such grantee or
8 licensee, or to the successors and assigns of such corporation in fee,
9 upon his, her, or their paying to the State such reasonable sum as
10 the [Planning and Development] Tidelands Resource Council may
11 fix with the approval of the Commissioner of [Conservation and
12 Economic Development] Environmental Protection for each and
13 every lineal foot measuring on the bulkhead line, in front of the
14 land included in said conveyance; provided, that no corporation to
15 whom any such grant, license, power or authority was given by
16 legislative act as aforesaid, in which provision was made for the
17 payment of money to the Treasurer of the State for each and every
18 foot of the shore embraced and contained in the act; nor the assigns
19 of such corporation shall be entitled to the benefits of this section;
20 and provided further, that the [board] council shall in no case grant
21 lands under water beyond the exterior lines hereby established, or
22 that may be hereafter established, but the said conveyance shall be
23 construed to extend to any bulkhead or pier line further out on said
24 river and bay that may hereafter be established by legislative
25 authority; in case any person or corporation taking a lease under
26 this section, shall desire afterwards a conveyance of all or any part
27 of the land so leased, the same shall be made upon payment of such
28 reasonable sum for every such lineal foot, as the [Planning and
29 Development] Tidelands Resource Council may fix, with the
30 approval of the Commissioner of [Conservation and Economic
31 Development] Environmental Protection, the conveyance or lease
32 of the [board] council under this section or [sections] R.S.12:3-2
33 to R.S.12:3-9 [of this Title] , shall not merely pass the title to the
34 land therein described, but the right of the grantee or licensee,
35 individual or corporation, his, her or their heirs and assigns, to
36 exclude to the exterior bulkhead line, the tidewater by filling in or
37 otherwise improving the same, and to appropriate the land to
38 exclusive private uses, and so far as the upland from time to time
39 made shall adjoin the navigable water, the said conveyance or lease
40 shall vest in the grantee or licensee, individual or corporation, and
41 their heirs and assigns, the rights to the perquisites of wharfage, and
42 other like profits, tolls and charges.
43 (cf: P.L.1952, c.225, s.1)

44
45 2. R.S.12:3-7 is amended to read as follows:

46 12:3-7. If any person or persons, corporation or corporations, or
47 associations, shall desire to obtain a grant for lands under water

1 which have not been improved, and are not authorized to be
2 improved, under any grant or license protected by the provisions of
3 [sections] R.S.12:3-2 to R.S.12:3-9 [of this title] , it shall be
4 lawful for the [board] Tidelands Resource Council , together with
5 the [governor] Commissioner of Environmental Protection and
6 [attorney general] Attorney General of the [state] State , upon
7 application to them, to designate what lands under water for which
8 a grant is desired lie within the exterior lines, and to fix such price,
9 reasonable compensation, or annual rentals for so much of said
10 lands as lie below high-water mark, as are to be included in the
11 grant or lease for which such application shall be made, and to
12 certify the boundaries, and the price, compensation or annual
13 rentals to be paid for the same, under their hands, which shall be
14 filed in the [office of the secretary of state] Office of the Secretary
15 of State ; and upon the payment of such price or compensation or
16 annual rentals, or securing the same to be paid to the [treasurer]
17 Treasurer of this [state] State , by such applicant, it shall be lawful
18 for such applicant to apply to the [commissioners] council for a
19 conveyance, assuring to the grantee, his or her heirs and assigns, if
20 to an individual, or to its successors and assigns, if to a
21 corporation, the land under water so described in said certificate;
22 and the [board] council shall, in the name of the [state] State, and
23 under the great seal of the [state] State , grant the said lands in
24 manner last aforesaid, and said conveyance shall be subscribed by
25 the [governor] commissioner and [attested by] the [attorney
26 general] Attorney General and [secretary of state] attested by the
27 Secretary of State , and shall be prepared under the direction of the
28 [attorney general] Attorney General , to whom the grantee shall
29 pay the expense of such preparation, and upon the delivery of such
30 conveyance, the grantee may reclaim, improve, and appropriate to
31 his and their own use, the lands contained and described in the said
32 certificate; subject, however, to the regulations and provisions of
33 [sections] R.S.12:3-2 and R.S.12:3-3 [of this title] , and such lands
34 shall thereupon vest in said applicant; provided, that no grant or
35 license shall be granted to any other than a riparian proprietor, until
36 six calendar months after the riparian proprietors shall have been
37 personally notified in writing by the applicant for such grant or
38 license, and shall have neglected to apply for the grant or license,
39 and neglected to pay, or secured to be paid, the price that the
40 [board] council shall have fixed; the notice in the case of a minor
41 shall be given to the guardian, and in case of a corporation to any
42 officer doing the duties incumbent upon president, secretary,
43 treasurer or director, and in case of a nonresident, the notice may
44 be by publication for four weeks successively in a daily newspaper

1 published in Hudson county, and in a daily newspaper published in
2 New York city.
3 (cf: R.S.12:3-7)

4
5 3. R.S.12:3-12 is amended to read as follows:

6 12:3-12. The council with the concurrence of the **[Governor]**
7 Commissioner of Environmental Protection and Attorney General,
8 in all cases of application for grants or leases of land now, or at the
9 time of the application, or at the time of the lease or grant, under
10 tidewater; and in all cases of application for grants or leases of
11 lands which are not now, or shall not at the time of the application,
12 or at the time of the lease or grant be under tidewater, and in all
13 cases of applications for leases or grants for all or any of such
14 lands may, notwithstanding the first proviso in **[section] R.S.12:3-5**
15 **[of this Title]** , or any other **[clause or matter] provisions**
16 contained in **[sections] R.S.12:3-2 to R.S.12:3-9 [of this Title]** ,
17 grant or lease, or lease first with a covenant to grant, and grant
18 afterwards, for such principal sum that the interest thereof at 7%
19 will produce the rental, such lands, or any part thereof lying
20 between what was, at any time heretofore, the original high-water
21 line and the seaward territorial jurisdiction of the State, and grant
22 or lease in all cases in which, in their discretion, they shall think
23 such grant or lease should be made, such rights, privileges and
24 franchises as they are authorized to grant in cases coming directly
25 within **[said section] R.S.12:3-5 [of this Title]** , and enter into the
26 same covenants in the name of the State, in all cases of grants or
27 leases where they deem such covenants proper, as are authorized in
28 grants or leases under **[said section] R.S.12:3-5** and insert such
29 other covenants, clauses and conditions in said grants or leases as
30 they shall think proper to require from the grantee or lessee, or
31 ought to be made by the State; provided, that nothing herein
32 contained shall authorize grants or leases in front of a riparian
33 owner to any other than such riparian owner, except upon the
34 proceedings and conditions provided in **[sections] R.S.12:3-2 to**
35 **R.S.12:3-9 [of this Title]** ; and provided also, that the applications
36 for grants or leases, and the certificates of **[said] the** council,
37 **[Governor] commissioner** and Attorney General, may in the cases
38 hereby provided for, vary from the provisions of **[said sections]**
39 **R.S.12:3-2 to R.S.12:3-9** in such manner as to conform to this
40 section, and any party who has already asked for or accepted a
41 lease or conveyance may apply for and have the benefits of this
42 section, notwithstanding such former application or former
43 acceptance of a lease or conveyance.

44 (cf: P.L.1979, c.311, s.1)

45

46 4. R.S.12:3-16 is amended to read as follows:

1 12:3-16. It shall be lawful for the [board] Tidelands Resource
2 Council, together with the [governor] Commissioner of
3 Environmental Protection , to fix and determine within the limits
4 prescribed by law, the price or purchase money or annual rental to
5 be paid by any applicant for so much of lands below high-water
6 mark, or lands formerly under tidewater belonging to [this state]
7 the State , as may be described in any application therefor duly
8 made according to law, and the [board] council , with the approval
9 of the [governor] commissioner , shall, in the name and under the
10 great seal of the [state] State , grant or lease said lands to such
11 applicant accordingly, and all such conveyances or leases shall be
12 prepared by the [board] council or its agents at the cost and
13 expense of the grantee or lessee therein and shall be subscribed by
14 the [governor] commissioner and the Attorney General and the
15 [board] council and attested by the [secretary of state] Secretary
16 of State .

17 (cf: R.S.12:3-16)

18

19 5. R.S.12:3-19 is amended to read as follows:

20 12:3-19. The [board] Tidelands Resource Council , with the
21 approval of the [governor] Commissioner of Environmental
22 Protection and after consultation with the [board of engineers
23 acting under the authority of the secretary of war] Army Corps of
24 Engineers , shall, from time to time, fix and establish, around or in
25 front of all islands, reefs and shoals situate in the tidal waters of
26 this state, exterior lines in said waters, beyond which no pier, wharf,
27 bulkhead, erection or permanent obstruction of any kind shall be
28 made or maintained, and also the interior lines for solid filling in
29 said waters, beyond which no permanent obstruction shall be made
30 or maintained other than wharves and piers and erections thereon
31 for commercial uses; provided, however, that no exterior line
32 around or in front of any such island, reef or shoal shall be fixed
33 and established in front of any riparian grant which was made prior
34 to February tenth, one thousand eight hundred and ninety-one,
35 unless such exterior line shall be fixed and established, after
36 consultation with [said board of engineers] the Army Corps of
37 Engineers , at such distance as will, in the judgment of the [board
38 of commerce and navigation] Tidelands Resource Council , leave
39 sufficient waterway in front of said grants for navigation, and when
40 the [board] council shall have so fixed and established said lines
41 after consultation as aforesaid, it shall file a survey and map thereof
42 in the [office of the secretary of state] Office of the Secretary of
43 State , showing the lines for piers and solid filling so fixed and
44 established.

45 (cf: R.S.12:3-19)

S2188 VAN DREW

7

1 6. R.S.12:3-20 is amended to read as follows:

2 12:3-20. The **[board]** Tidelands Resource Council , together
3 with the **[governor]** Commissioner of Environmental Protection ,
4 may sell or let to any applicant therefor any of the lands under
5 water and below mean high-water mark, embraced within the lines
6 fixed and established pursuant to **[section]** R.S.12:3-19 **[of this**
7 **title]** , upon such terms as to purchase money or rental, and under
8 such conditions and restrictions as to time and manner of payment,
9 the duration and renewal of any lease, the occupation and use of the
10 land sold or leased, and such other conditions and restrictions as the
11 interest of the **[state]** State may require, and as may be fixed and
12 determined by the **[board]** council together with the **[governor]**
13 commissioner .

14 (cf: R.S.12:3-20)

15

16 7. R.S.12:3-22 is amended to read as follows:

17 12:3-22. The **[board]** Tidelands Resource Council , with the
18 approval of the **[governor]** Commissioner of Environmental
19 Protection , may, under such terms and restrictions as to duration,
20 compensation to be paid and such other conditions and restrictions
21 as the interests of the **[state]** State may require, license by an
22 instrument in writing, executed in the same manner as grants of
23 land under water are required to be executed, any person or
24 corporation to dig, dredge or remove any deposits of sand or other
25 material from lands of the **[state]** State under tidewaters.

26 (cf: R.S.12:3-22)

27

28 8. R.S.12:3-23 is amended to read as follows:

29 12:3-23. The **[board]** Tidelands Resource Council , with the
30 approval of the **[governor]** Commissioner of Environmental
31 Protection , may lease or grant the lands of the **[state]** State below
32 mean high-water mark and immediately adjoining the shore, to any
33 applicant or applicants therefor other than the riparian or shore-
34 owner or owners, provided the riparian or shore-owner or owners
35 shall have received six months' previous notice of the intention to
36 take said lease or grant such notice given by the applicant or
37 applicants therefor, and the riparian or shore-owner or owners shall
38 have failed or neglected within said period of six months to apply
39 for and complete such lease or grant; the notice herein required
40 shall be in writing and shall describe the lands for which such lease
41 or grant is desired, and it shall be served upon the riparian or shore-
42 owner or owners personally; and in the case of a minor it shall be
43 served upon the guardian; in case of a corporation upon any
44 officer performing the duties of president, secretary, treasurer or
45 director, and in the case of a nonresident owner the notice may be
46 by publication for four weeks successively at least once a week in a
47 newspaper or newspapers published in the county or counties

1 wherein the lands are situate, and in case of such publication, a
2 copy of such notice shall be mailed to such nonresident owner (or in
3 case such nonresident owner be a corporation, then to the president
4 of such corporation, directed to him at his post-office address, if
5 the same can be ascertained, with the postage prepaid); but nothing
6 contained in [sections] R.S.12:3-21 to R.S.12:3-25 [of this title]
7 shall be construed as repealing, altering, abridging, or in any
8 manner limiting the provisions and power conferred upon the
9 [riparian commissioners and] Tidelands Resource Council and the
10 [governor] Commissioner of Environmental Protection by
11 [sections] R.S.12:3-19 and R.S.12:3-20 [of this title] .

12 (cf: R.S.12:3-23)

13

14 9. R.S.12:3-24 is amended to read as follows:

15 12:3-24. The [board] Tidelands Resource Council , together
16 with the [governor] Commissioner of Environmental Protection ,
17 shall not be required to give leases for lands of the [state] State
18 under water, convertible into grants upon payment of the principal
19 sum mentioned therein, but may sell or let any of the lands of the
20 [state] State below mean high-water mark upon such terms as to
21 purchase money or rental, and under such conditions and
22 restrictions as to time and manner of payment, the duration and
23 renewal of any lease, the occupation and use of the lands sold or
24 leased, and such other conditions and restrictions as the interest of
25 the [state] State may require, as may be fixed and determined by
26 the [board] council , together with the [governor] commissioner .

27 (cf: R.S.12:3-24)

28

29 10. R.S.12:3-25 is amended to read as follows:

30 12:3-25. The [department] Tidelands Resource Council ,
31 together with the [Governor] Commissioner of Environmental
32 Protection , may, in any lease of lands of the State below mean
33 high-water mark, provide for a renewal or renewals of the lease for
34 a subsequent term or terms to be expressed in the lease, and therein
35 provide that the annual rentals to be paid for each renewal shall, in
36 case the amount cannot be agreed upon, be fixed and determined
37 before the commencement of the renewal term by three arbitrators,
38 one to be appointed by the State, one by the then lessee, and the
39 third by their joint agreement, or should they fail to agree, then by
40 the Superior Court.

41 (cf: P.L.1953, c.12, s.5)

42

43 11. R.S.12:3-26 is amended to read as follows:

44 12:3-26. The council, with the approval of the [Governor]
45 Commissioner of Environmental Protection , may license any
46 person or corporation to lay any pipe or pipes on or under the lands
47 of the State under tidewaters under such terms and restrictions as to

1 duration, compensation to be paid, and such other conditions and
2 restrictions as the interests of the State may require. Such license
3 shall be granted by a written instrument and executed in the same
4 manner as grants of land under tidewaters are required to be
5 executed.

6 (cf: P.L.1979, c.311, s.3)

7

8 12. Section 13 of P.L.1948, c.488 (C.13:1B-13) is amended to
9 read as follows:

10 13. No action shall be taken by the council except upon the
11 approval of the Commissioner of Environmental Protection. No
12 riparian leases or grants shall hereafter be allowed except when
13 approved by at least a majority of the council and signed by the
14 chairperson of the council; and no such leases or grants shall
15 hereafter in any case be allowed except when approved and signed
16 by [the Governor and] the Commissioner of Environmental
17 Protection and the Attorney General .

18 (cf: P.L.1997, c.239, s.5)

19

20 13. This act shall take effect on the first day of the fourth month
21 next following the date of enactment.

22

23 SPONSOR'S STATEMENT

24

25 This bill would change the State's approval process for grants
26 and leases of riparian lands and tidelands by amending various parts
27 of the statutory law and minimizing the role of the Governor in the
28 riparian land grant process. The bill would also make various
29 technical amendments to the law to update citations and references.

30 Currently, the clearing of the State's title interest in its present
31 and former riparian lands or tidelands is a lengthy process,
32 requiring review and approval, in the first instance, by the
33 Tidelands Resource Council, followed by the review and approval
34 of the Commissioner of Environmental Protection, the Attorney
35 General, and the Governor. The four steps in this process, along
36 with the Secretary of State's certification, result in a lengthy review
37 of the underlying terms of the transaction. The time spent in
38 reviews can cause concern among land owners as they seek to clear
39 their title in order to effectuate a sale, frequently under specific
40 timelines. The length of time necessary to conclude this review can
41 also result in a diminution of the value of what the State realizes in
42 a transaction as appraisals, performed at the beginning of the
43 process, become stale with the passage of time.

44 The bill would provide for review by the Tidelands Resource
45 Council, in conjunction with review by the Commissioner of
46 Environmental Protection and the Attorney General, to determine
47 sufficient consideration and the appropriateness of any required
48 conditions.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 2188

STATE OF NEW JERSEY

DATED: OCTOBER 20, 2008

The Senate Environment Committee favorably reports Senate Bill No. 2188.

This bill would change the State's approval process for grants and leases of riparian lands and tidelands by amending various parts of the statutory law and minimizing the role of the Governor in the riparian land grant process. The bill would also make various technical amendments to the law to update citations and references.

Currently, the clearing of the State's title interest in its present and former riparian lands or tidelands is a lengthy process, requiring review and approval, in the first instance, by the Tidelands Resource Council, followed by the review and approval of the Commissioner of Environmental Protection, the Attorney General, and the Governor. The four steps in this process, along with the Secretary of State's certification, result in a lengthy review of the underlying terms of the transaction. The time spent in reviews can cause concern among land owners as they seek to clear their title in order to effectuate a sale, frequently under specific timelines. The length of time necessary to conclude this review can also result in a diminution of the value of what the State realizes in a transaction as appraisals, performed at the beginning of the process, become stale with the passage of time.

The bill would provide for review by the Tidelands Resource Council, in conjunction with review by the Commissioner of Environmental Protection and the Attorney General, to determine sufficient consideration and the appropriateness of any required conditions.

1 manner as grants of land under tidewaters are required to be
2 executed.

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6 read as follows:

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8 approval of the Commissioner of Environmental Protection. No
9 riparian leases or grants shall hereafter be allowed except when
10 approved by at least a majority of the council and signed by the
11 chairperson of the council; and no such leases or grants shall
12 hereafter in any case be allowed except when approved and signed
13 by **[the Governor and]** the Commissioner of Environmental
14 Protection and the Attorney General .

15 (cf: P.L.1997, c.239, s.5)

16

17 13. This act shall take effect on the first day of the fourth month
18 next following the date of enactment.

19

20

21 *SPONSOR'S* STATEMENT

22

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24 and leases of riparian lands and tidelands by amending various parts
25 of the statutory law and minimizing the role of the Governor in the
26 riparian land grant process. The bill would also make various
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29 and former riparian lands or tidelands is a lengthy process,
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31 Tidelands Resource Council, followed by the review and approval
32 of the Commissioner of Environmental Protection, the Attorney
33 General, and the Governor. The four steps in this process, along
34 with the Secretary of State's certification, result in a lengthy review
35 of the underlying terms of the transaction. The time spent in
36 reviews can cause concern among land owners as they seek to clear
37 their title in order to effectuate a sale, frequently under specific
38 timelines. The length of time necessary to conclude this review can
39 also result in a diminution of the value of what the State realizes in
40 a transaction as appraisals, performed at the beginning of the
41 process, become stale with the passage of time.

42 The bill would provide for review by the Tidelands Resource
43 Council, in conjunction with review by the Commissioner of
44 Environmental Protection and the Attorney General, to determine
45 sufficient consideration and the appropriateness of any required
46 conditions.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1642

STATE OF NEW JERSEY

DATED: SEPTEMBER 22, 2008

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No.1642.

This bill would change the State's approval process for grants and leases of riparian lands and tidelands by amending various parts of the statutory law and minimizing the role of the Governor in the riparian land grant process. The bill would also make various technical amendments to the law to update citations and references.

Currently, the clearing of the State's title interest in its present and former riparian lands or tidelands is a lengthy process, requiring review and approval, in the first instance, by the Tidelands Resource Council, followed by the review and approval of the Commissioner of Environmental Protection, the Attorney General, and the Governor. The four steps in this process, along with the Secretary of State's certification, result in a lengthy review of the underlying terms of the transaction. The time spent in reviews can cause concern among land owners as they seek to clear their title in order to effectuate a sale, frequently under specific timelines. The length of time necessary to conclude this review can also result in a diminution of the value of what the State realizes in a transaction as appraisals, performed at the beginning of the process, become stale with the passage of time.

The bill would provide for review by the Tidelands Resource Council, in conjunction with review by the Commissioner of Environmental Protection and the Attorney General, to determine sufficient consideration and the appropriateness of any required conditions.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.