

12:5-3

LEGISLATIVE HISTORY CHECKLIST

NJSA 12:5-3 (Docks and other structures--certain--exempt from State regulation)

LAWS 1981 CHAPTER 315

Bill No. S3231

Sponsor(s) Zane

Date Introduced May 14, 1981

Committee: Assembly -----

Senate Natural Resources and Agriculture

Amended during passage Yes ~~No~~ Amendments denoted by asterisks

according to Governor's recommendations:

Date of Passage: Assembly June 22, 1981

Re-enacted 11-23-81

Senate June 18, 1981

Re-enacted 11-16-81

Date of approval Dec. 3, 1981

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~~

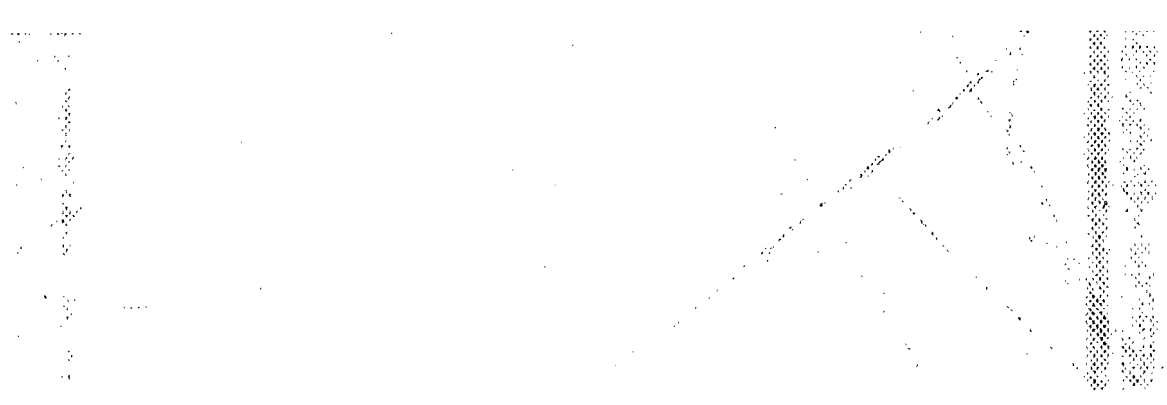
Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

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6/22/81



CHAPTER 315 LAWS OF N. J. 1981
APPROVED 12-3-81

[OFFICIAL COPY REPRINT]

SENATE, No. 3231

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1981

By Senator ZANE

Referred to Committee on Natural Resources and Agriculture

AN ACT concerning the repair, replacement or renovation of certain
docks and other structures and amending R. S. 12:5-3.

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

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

2 12:5-3. *a. All plans for the development of any waterfront upon*
3 *any navigable water or stream of this State or bounding thereon,*
4 *which is contemplated by any person or municipality, in the nature*
5 *of individual improvement or development or as a part of a general*
6 *plan which involves the construction or alteration of a dock, wharf,*
7 *pier, bulkhead, bridge, pipeline, cable, or any other similar or*
8 *dissimilar waterfront development shall be first submitted to the*
9 *Department of Environmental Protection. No such development*
10 *or improvement shall be commenced or executed without the ap-*
11 *proval of the Department of Environmental Protection first had*
12 *and received, or as hereinafter in this chapter provided.*

13 *b. The following are exempt from the provisions of subsection*
14 *a. of this section:*

15 *(1) The repair, replacement or renovation of a permanent dock,*
16 *wharf, pier, bulkhead or building existing prior to January 1, 1981,*
17 *provided the repair, replacement or renovation does not increase*
18 *the size of the structure and the structure is used solely for resi-*
19 *dential purposes or the docking or servicing of pleasure vessels;*

20 *(2) The ***[construction,]*** repair, replacement or renovation of a*
21 *floating dock, mooring raft or similar temporary or seasonal im-*
22 *provement or structure, provided the improvement or structure*
23 *does not exceed in length the waterfront frontage of the parcel of*
24 *real property to which it is attached and is used solely for the dock-*
25 *ing or servicing of pleasure vessels.*

1 2. This act shall take effect immediately.

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

SENATE, No. 3231
STATE OF NEW JERSEY

INTRODUCED MAY 14, 1981

By Senator ZANE

Referred to Committee on Natural Resources and Agriculture

AN ACT concerning the repair, replacement or renovation of certain
docks and other structures and amending R. S. 12:5-3.

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

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

2 12:5-3. *a.* All plans for the development of any waterfront upon
3 any navigable water or stream of this State or bounding thereon,
4 which is contemplated by any person or municipality, in the nature
5 of individual improvement or development or as a part of a general
6 plan which involves the construction or alteration of a dock, wharf,
7 pier, bulkhead, bridge, pipeline, cable, or any other similar or
8 dissimilar waterfront development shall be first submitted to the
9 Department of Environmental Protection. No such development
10 or improvement shall be commenced or executed without the ap-
11 proval of the Department of Environmental Protection first had
12 and received, or as hereinafter in this chapter provided.

13 *b.* *The following are exempt from the provisions of subsection*
14 *a. of this section:*

15 (1) *The repair, replacement or renovation of a permanent dock,*
16 *wharf, pier, bulkhead or building existing prior to January 1, 1981,*
17 *provided the repair, replacement or renovation does not increase*
18 *the size of the structure and the structure is used solely for resi-*
19 *dential purposes or the docking or servicing of pleasure vessels;*

20 (2) *The construction, repair, replacement or renovation of a*
21 *floating dock, mooring raft or similar temporary or seasonal im-*
22 *provement or structure, provided the improvement or structure*
23 *does not exceed in length the waterfront frontage of the parcel of*
24 *real property to which it is attached and is used solely for the dock-*
25 *ing or servicing of pleasure vessels.*

1 2. This act shall take effect immediately.

STATEMENT

This bill amends R. S. 12:5-3 which requires the Department of Environmental Protection to review any development of any waterfront upon a State navigable water or stream.

The bill provides an exemption from State approval where the repair or renovation is of a permanent dock or other structure existing prior to January 1, 1981 or the construction is of a floating dock or other temporary structure, provided the structures are used for the docking or servicing of pleasure vessels.

SENATE AMENDMENT TO
SENATE, No. 3231

STATE OF NEW JERSEY

ADOPTED NOVEMBER 12, 1981

Amend page 1, section 1, line 20, delete "construction".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 12, 1981

SENATE BILL NO. 3231

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 3231 with my objections.

This bill would amend the statute requiring approval by the Department of Environmental Protection before one may construct a dock, wharf, pier or other waterfront development. N.J.S.A. 12:5-3. The bill would exempt from this process

1. the repair, replacement or renovation of permanent docks existing prior to January 1, 1981 provided the repair etc. does not increase the size of the structure and the structure is used solely for residential purposes or the docking of pleasure vessels, and
2. the construction, repair, replacement or renovation of floating docks provided the structure does not exceed the waterfront frontage and is used solely for pleasure vessels.

I agree with the content of this bill that repairs to existing waterfront structures be freed from a burdensome regulatory process and I am convinced that no damage to the environment will result. I note, however, that the bill exempts the new construction of floating decks. These projects should continue to be reviewed by the Department of Environmental Protection.

Accordingly, I am returning Senate Bill No. 3231 and recommend the following amendment:

Page 1, Section 1, Line 20: Delete "construction".

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

CHIEF OF STAFF, SECRETARY

DECEMBER 3, 1981

- 0 -

S-3231, sponsored by Senator Raymond Zane (D-Gloucester), which amends the statute requiring approval by the Department of Environmental Protection before one may construct a dock, wharf, pier or other waterfront development to exempt the repair, replacement or renovation of permanent docks existing prior to January 1, 1981, provided that the repair, etc., does not increase the size of the structure and the structure is used solely for residential purposes or for the docking of pleasure vessels.

As originally passed, the bill also exempted the construction, repair, replacement or renovation of floating docks provided the structure does not exceed waterfront frontage and is used solely for pleasure vessels.

Governor Byrne conditionally vetoed the bill on November 12, saying that floating docks "should continue to be reviewed by the Department of Environmental Protection." The Legislature concurred with his recommendations.

A-923, sponsored by Assemblyman Martin Herman (D-Gloucester), which continues to permit prescription holders to possess a 10-day supply of a controlled dangerous substance in other than the original container.

However, upon the request of a law enforcement officer, the individual must produce the name and address of the prescribing practitioner and the dispensing pharmacist. Failure to produce this information is a disorderly persons offense.

A-1349, sponsored by Assemblyman James Bornheimer (D-Middlesex), which as a matter of public policy, voids "hold harmless" clauses in construction, architectural, engineering or surveying contracts by which one party shifts responsibility for damages resulting from its negligence to another. These clauses are standard in most competitive construction contracts.

Seventeen other states have adopted similar legislation.

S-1183, sponsored by Senator Wayne Dumont (R-Sussex), prohibiting municipalities from charging interest on deferred assessments granted to owners of farmland.

Under current law, a farm owner may defer charges or assessments for local improvements such as sewers, which he does not immediately use. The deferral on assessments lasts until the farm owner subdivides or obtains a building permit on the land. This bill attempts to clarify a previously ambiguous situation.