

ASSEMBLY, No. 1645

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Monmouth)

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Co-Sponsored by:

Assemblyman Diegnan, Assemblywoman Caride, Senators Thompson and Pou

SYNOPSIS

Expands definition of “acquisition,” for purposes of county and municipal open space trust funds, to include demolition, removal of debris, and restoration of lands being acquired.

CURRENT VERSION OF TEXT

As reported by the Assembly Agriculture and Natural Resources Committee with technical review.

(Sponsorship Updated As Of: 6/20/2017)

A1645 SCHAER, WEBBER

2

1 AN ACT concerning the use of county and municipal open space
2 trust funds for the acquisition of lands, and amending P.L.1997,
3 c.24.

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.1997, c.24 (C.40:12-15.1) is amended to
9 read as follows:

10 1. As used in P.L.1997, c.24 (C.40:12-15.1 et seq.):

11 "Acquisition" or "acquire" means the securing of a fee simple or
12 a lesser interest in land, including but not limited to an easement
13 restricting development, by gift, purchase, installment purchase
14 agreement, devise, or condemnation, and includes the demolition of
15 structures on, the removal of debris from, and the restoration of
16 those lands to a natural state or to a state useful for recreation and
17 conservation purposes .

18 "Blue Acres project" means any project to acquire, for recreation
19 and conservation purposes, lands that have been damaged by, or
20 may be prone to incurring damage caused by, storms or storm-
21 related flooding, or that may buffer or protect other lands from such
22 damage, and includes the demolition of structures on, the removal
23 of debris from, and the restoration of those lands to a natural state
24 or to a state useful for recreation and conservation purposes.

25 "Charitable conservancy" means a corporation or trust exempt
26 from federal income taxation under paragraph (3) of subsection (c)
27 of section 501 of the federal Internal Revenue Code of 1986 (26
28 U.S.C. s.501(c)(3)), whose purposes include (1) acquisition and
29 preservation of lands in a natural, scenic, or open condition, or (2)
30 historic preservation of historic properties, structures, facilities,
31 sites, areas, or objects, or the acquisition of such properties,
32 structures, facilities, sites, areas, or objects for historic preservation
33 purposes.

34 "County trust fund" means a "County Open Space, Recreation,
35 Floodplain Protection, and Farmland and Historic Preservation
36 Trust Fund" created pursuant to subsection c. of section 2 of
37 P.L.1997, c.24 (C.40:12-15.2).

38 "Development" means any improvement to land acquired for
39 recreation and conservation purposes designed to expand and
40 enhance its utilization for those purposes.

41 "Farmland" means land actively devoted to agricultural or
42 horticultural use that is valued, assessed, and taxed pursuant to the
43 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et
44 seq.).

45 "Farmland preservation purposes" means the long-term

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 preservation of farmland for agricultural or horticultural use.

2 "Historic preservation" means the performance of any work
3 relating to the stabilization, repair, rehabilitation, renovation,
4 restoration, improvement, protection, or preservation of an historic
5 property, structure, facility, site, area, or object.

6 "Historic property, structure, facility, site, area, or object" means
7 any property, structure, facility, site, area, or object approved for
8 inclusion, or which meets the criteria for inclusion, in the New
9 Jersey Register of Historic Places pursuant to P.L.1970, c.268
10 (C.13:1B-15.128 et seq.).

11 "Land" or "lands" means real property, including improvements
12 thereof or thereon, rights-of-way, water, lakes, riparian and other
13 rights, easements, privileges and all other rights or interests of any
14 kind or description in, relating to or connected with real property.

15 "Municipal trust fund" means a "Municipal Open Space,
16 Recreation, Floodplain Protection, and Farmland and Historic
17 Preservation Trust Fund" created pursuant to subsection c. of
18 section 7 of P.L.1997, c.24 (C.40:12-15.7).

19 "Public indoor recreation" means public recreation in enclosed
20 structures or facilities, and includes but is not limited to swimming
21 pools, basketball courts, and ice skating rinks open for public use.

22 "Recreation and conservation purposes" means the use of lands
23 for parks, open space, natural areas, ecological and biological study,
24 forests, water reserves, wildlife preserves, fishing, hunting,
25 camping, boating, winter sports, or similar uses for either public
26 outdoor recreation or conservation of natural resources, or both, or
27 the use of lands for public indoor recreation.

28 (cf: P.L.2011, c.173, s.1)

29

30 2. This act shall take effect immediately.