

SENATE, No. 1110

STATE OF NEW JERSEY

INTRODUCED MAY 9, 1996

By Senator INVERSO

1 AN ACT concerning open space and farmland preservation by certain
2 counties, and amending P.L.1989, c.30, and P.L.1992, c.157.

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

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7 1. Section 1 of P.L.1989, c.30 (C.40:12-16) is amended to read as
8 follows:

9 1. The governing body of any county in which the voters of the
10 county have approved, in a general or special election, a proposition
11 authorizing the acquisition , maintenance, or improvement of lands for
12 conservation as open space or the acquisition of lands for conservation
13 as farmland, may annually raise by taxation, including for purpose of
14 debt service payments on indebtedness issued for the acquisition ,
15 maintenance, or improvement of open space or the acquisition of
16 farmland, a sum not to exceed the amount or rate set forth in the
17 proposition approved by the voters, for the acquisition , maintenance,
18 or improvement of land or water areas, and any existing improvements
19 thereon, within the county for conservation as open space or the
20 acquisition of land within the county for conservation as farmland.
21 Amounts raised by taxation hereunder shall be deposited in a county
22 open space and farmland preservation trust fund and shall be used
23 exclusively for the acquisition , maintenance, or improvement of open
24 space or the acquisition of farmland. Separate accounts may be
25 created within the county open space and farmland preservation trust
26 fund for the deposit of revenue to be expended for the acquisition ,
27 maintenance, or improvement of open space areas and for the deposit
28 of revenue to be expended for the acquisition of farmland. Selection
29 of open space for acquisition shall be in accordance with a park,
30 recreational and open space plan prepared and adopted by the county.
31 Revenue to be expended for the acquisition of farmland may be
32 expended pursuant to a farmland preservation plan prepared and
33 adopted by the county or pursuant to the provisions of the
34 "Agriculture Retention and Development Act," P.L.1983, c.32

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

Matter underlined thus is new matter.

1 (C.4:1C-11 et al.) or any other law enacted for the purpose of
2 preserving farmland.

3 Whenever the county shall determine that it is necessary that any
4 public utility facilities such as tracks, pipes, mains, conduits, cables,
5 wires, towers, poles and other equipment and appliances of any public
6 utility, as defined in R.S.48:2-13, which are now, or hereafter may be,
7 located in, on, along, over or under any open space acquired by the
8 county, should be removed from such area, the public utility owning
9 or operating such facilities shall relocate or remove the same in
10 accordance with the open space plan prepared and adopted by the
11 county; except that the cost and expenses of such relocation or
12 removal, including the cost of installing such facilities in a new
13 location or new locations, and the cost of any lands, or any rights or
14 interests in lands, and any other rights acquired to accomplish such
15 relocation or removal, less the cost of any lands or any rights of the
16 public utility paid to the public utility in connection with the relocation
17 or removal of such property, shall be ascertained and paid by the
18 county as a part of the cost of the acquisition. In case of any such
19 relocation or removal of facilities, as aforesaid, the public utility
20 owning or operating the same, its successors or assigns, may maintain
21 and operate such facilities, with the necessary appurtenances, in the
22 new location, for as long a period, and upon the same terms and
23 conditions, as it had the right to maintain and operate such facilities in
24 their former location.

25 As used in this act:

26 "Acquisition" means the securing of a fee simple absolute or a lesser
27 interest in land or water areas, including easements restricting
28 development, by gift, purchase, devise, installment purchase
29 agreement, or condemnation.

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

34 "Open space" means land or water areas to be retained in a largely
35 natural or undeveloped state, for purposes of, among other things,
36 providing parkland or green spaces, protecting ecologically sensitive
37 areas, preserving flora and wildlife, or protecting or preserving areas
38 of scenic, historic and cultural value, while at the same time affording,
39 whenever practicable, public outdoor recreational opportunities for the
40 county's residents. "Open space" may include a recreational area such
41 as a golf course if the acquisition subserves the objective of this act of
42 protecting a largely undeveloped area from future development.
43 (cf: P.L.1992, c.157, s.1)

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45 2. Section 7 of P.L.1992, c.157 (C.40:12-16.1) is amended to read
46 as follows:

1 7. The county agriculture development board of a county in which
2 the voters of the county have approved, in a general or special
3 election, a proposition authorizing the acquisition , maintenance, or
4 improvement of lands for conservation as open space or the
5 acquisition of lands for conservation as farmland pursuant to
6 P.L.1989, c.30 (C.40:12-16 et seq.) shall, pursuant to the provisions
7 of section 24 of P.L.1983, c.32 (C.4:1C-31), adopt a prioritized list of
8 farmland eligible for acquisition of development easements thereon by
9 installment purchase agreements pursuant to the provisions of
10 P.L.1992, c.157 (C.40:12-16.1 et al.) if the county intends to acquire
11 development easements on farmland in that manner. The governing
12 body of the county shall annually appropriate from the county open
13 space and farmland preservation trust fund such amounts as it may
14 deem necessary to finance the acquisition of development easements
15 on farmland within that county by installment purchase agreement.
16 (cf: P.L.1992, c.157, s.7)

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18 3. Section 3 of P.L.1989, c.30 (C.40:12-18) is amended to read as
19 follows:

20 3. Amounts raised by taxation for the acquisition , maintenance, or
21 improvement of open space or the acquisition of farmland pursuant to
22 this act shall be apportioned by the county board of taxation among
23 the municipalities within the county in accordance with R.S.54:4-49.
24 The amounts so apportioned shall be assessed, levied and collected in
25 the same manner and at the same time as other county taxes. The tax
26 collected hereunder shall be referred to as the "County Open Space
27 and Farmland Preservation Trust Fund Tax."
28 (cf: P.L.1992, c.157, s.3)

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30 4. This act shall take effect immediately and shall also apply
31 retroactively to any monies raised prior to the effective date of this act
32 through a proposition approved by the voters of a county pursuant to
33 section 1 of P.L.1989, c.30 (C.40:12-16).

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STATEMENT

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38 This bill would amend the law authorizing any county to adopt a
39 county open space and farmland preservation trust fund tax to provide
40 that the tax revenues may also be used for the maintenance and
41 improvement of open space within the county.

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3 Authorizes counties to use "County Open Space and Farmland

4 Preservation Trust Fund Tax" revenues for maintenance or

5 improvement of open space.