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LAW/KR

P.L.2011, CHAPTER 173, *approved January 5, 2012*  
Assembly, No. 4267

1 AN ACT concerning the use of county and municipal open space  
2 trust funds for the purchase of flood-prone properties, and  
3 amending P.L.1992, c.157 and P.L.1997, 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 **[this act]** 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 **;** .

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

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

31 "County trust fund" means a "County Open Space, Recreation,  
32 Floodplain Protection, and Farmland and Historic Preservation  
33 Trust Fund" created pursuant to subsection c. of section 2 of **[this**  
34 **act;]** P.L.1997, c.24 (C.40:12-15.2).

35 "Development" means any improvement to land acquired for  
36 recreation and conservation purposes designed to expand and  
37 enhance its utilization for those purposes **;** .

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

**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 "Farmland preservation purposes" means the long-term  
2 preservation of farmland for agricultural or horticultural use [;] .

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

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

12 "Land" or "lands" means real property, including improvements  
13 thereof or thereon, rights-of-way, water, lakes, riparian and other  
14 rights, easements, privileges and all other rights or interests of any  
15 kind or description in, relating to or connected with real property  
16 [;] .

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

21 "Public indoor recreation" means public recreation in enclosed  
22 structures or facilities, and includes but is not limited to swimming  
23 pools, basketball courts, and ice skating rinks open for public use [;  
24 and] .

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

31 (cf: P.L.1997, c.24, s.1)

32

33 2. Section 2 of P.L.1997, c.24 (C.40:12-15.2) is amended to  
34 read as follows:

35 2. a. (1) The governing body of any county may submit to the  
36 voters of the county in a general or special election a proposition  
37 authorizing imposition of an annual levy for an amount or at a rate  
38 deemed appropriate for any or all of the following purposes, or any  
39 combination thereof, as determined by the governing body:

40 (a) acquisition of lands for recreation and conservation  
41 purposes;

42 (b) development of lands acquired for recreation and  
43 conservation purposes;

44 (c) maintenance of lands acquired for recreation and  
45 conservation purposes;

46 (d) acquisition of farmland for farmland preservation purposes;

1 (e) historic preservation of historic properties, structures,  
2 facilities, sites, areas, or objects, and the acquisition of such  
3 properties, structures, facilities, sites, areas, or objects for historic  
4 preservation purposes; **[or]**

5 (f) payment of debt service on indebtedness issued or incurred  
6 by a county for any of the purposes set forth in subparagraph (a),  
7 (b), (d) **[or]**, (e) or (g) of this paragraph ; or

8 (g) Blue Acres projects .

9 (2) The amount or rate of the annual levy may be subdivided in  
10 the proposition to reflect the relative portions thereof to be allocated  
11 to any of the respective purposes specified in paragraph (1) of this  
12 subsection or may be depicted as a total amount or rate, to be  
13 subdivided in a manner determined previously, or to be determined  
14 at a later date, by the governing body of the county after conducting  
15 at least one public hearing thereon.

16 b. Upon approval of the proposition by a majority of the votes  
17 cast by the voters of the county, the governing body of the county  
18 may annually raise by taxation a sum not to exceed the amount or  
19 rate set forth in the proposition approved by the voters for the  
20 purposes specified therein. If the amount or rate set forth in the  
21 proposition was not subdivided among the various purposes, the  
22 governing body of the county may determine the appropriate  
23 amount or rate to be allocated to each purpose after conducting at  
24 least one public hearing thereon.

25 c. Amounts raised by the levy imposed pursuant to this section  
26 shall be deposited into a "County Open Space, Recreation,  
27 Floodplain Protection, and Farmland and Historic Preservation  
28 Trust Fund" to be created by the county, and shall be used  
29 exclusively for the purposes authorized by the voters of the county.  
30 Any interest or other income earned on monies deposited into the  
31 county trust fund shall be credited to the fund to be used for the  
32 same purposes as the principal. Separate accounts may be created  
33 within the county trust fund for the deposit of revenue to be  
34 expended for each of the purposes specified in the proposition  
35 approved by the voters of the county. A county may deposit other  
36 funds into the County Open Space, Recreation, Floodplain  
37 Protection, and Farmland and Historic Preservation Trust Fund, as it  
38 may, from time to time, deem appropriate.

39 d. (1) (a) Selection of lands for acquisition for recreation and  
40 conservation purposes shall be in accordance with an open space  
41 and recreation plan prepared and adopted by the county.

42 (b) Selection of projects to develop or maintain lands acquired  
43 for recreation and conservation purposes shall be in accordance  
44 with a open space and recreation development and maintenance  
45 plan prepared and adopted by the county.

46 (c) Selection of farmland for acquisition for farmland  
47 preservation purposes shall be in accordance with a farmland  
48 preservation plan prepared and adopted by the county or pursuant to

1 the provisions of the "Agriculture Retention and Development Act,"  
2 P.L.1983, c.32 (C.4:1C-11 et al.) or any other law enacted for the  
3 purpose of preserving farmland, or any rules or regulations adopted  
4 pursuant thereto.

5 (d) Selection of historic preservation projects shall be in  
6 accordance with a historic preservation plan prepared and adopted  
7 by the county.

8 (2) Monies in the county trust fund may be used to pay the cost  
9 of preparing and adopting the plans required by this subsection.

10 e. The governing body of a county may submit to the voters of  
11 the county in a general or special election a proposition amending  
12 or supplementing a proposition previously submitted, approved, and  
13 implemented as provided pursuant to this section either (1)  
14 changing the amount or rate of the annual levy, or (2) adding or  
15 removing purposes authorized pursuant to this section for which the  
16 levy may be expended. Upon approval of the amendatory or  
17 supplementary proposition by a majority of the votes cast by the  
18 voters of the county, the governing body of the county shall  
19 implement it in the same manner as set forth in **[this act]** P.L.1997,  
20 c.24 (C.40:12-15.1 et seq.) for implementation of the original  
21 proposition.

22 f. Upon petition to the governing body of a county signed by  
23 the voters of the county equal in number to at least 15% of the votes  
24 cast therein at the last preceding general election, filed with the  
25 governing body at least 90 days before a general or special election,  
26 the governing body of the county shall submit to the voters of the  
27 county in the general or special election the proposition otherwise  
28 authorized pursuant to subsection a. or subsection e. of this section,  
29 as the case may be.

30 (cf: P.L.2005, c.108, s.1)

31

32 3. Section 3 of P.L.1997, c.24 (C.40:12-15.3) is amended to  
33 read as follows:

34 3. a. Any county whose voters, prior to the effective date of  
35 **[this act]** P.L.1997, c.24 (C.40:12-15.1 et seq.) , approved pursuant  
36 to P.L.1989, c.30 (C.40:12-16 et seq.) a proposition authorizing the  
37 acquisition of lands for conservation as open space or as farmland  
38 shall be deemed to have approved a proposition for the purposes  
39 specified in paragraph (1) of subsection a. of section 2 of **[this act]**  
40 P.L.1997, c.24 (C.40:12-15.2), but excluding the purpose specified  
41 in subparagraph (c) of that paragraph if the proposition was  
42 approved prior to the 24 months immediately preceding the  
43 effective date of P.L.1997, c.24 (C.40:12-15.1 et **[al.]** seq. ), at the  
44 amount or rate specified in the original proposition, which purposes  
45 shall be determined by adoption of a resolution or ordinance, as  
46 appropriate, by the governing body of the county after conducting at  
47 least one public hearing thereon and subject to the requirements of  
48 subsections b., c. and d. of this section. The county open space and

1 farmland preservation trust fund created for the purposes of  
2 P.L.1989, c.30 (C.40:12-16 et seq.) shall be dissolved and any  
3 monies remaining therein shall be deposited into the "County Open  
4 Space, Recreation, Floodplain Protection, and Farmland and  
5 Historic Preservation Trust Fund" created pursuant to subsection c.  
6 of section 2 of **[this act]** P.L.1997, c.24 to be utilized for the  
7 purposes determined by the governing body of the county as  
8 authorized pursuant to this subsection.

9 b. A county shall not expend more than \$100,000 for any  
10 proposed project or use to be undertaken pursuant to a resolution or  
11 ordinance adopted pursuant to subsection a. of this section  
12 authorizing a purpose specified in subparagraph (b), (c), or (f) of  
13 paragraph (1) of subsection a. of section 2 of **[this act]** P.L.1997,  
14 c.24 , unless the governing body of the county first conducts a  
15 public hearing on the proposed project or use and adopts a  
16 resolution or ordinance, as appropriate, authorizing the expenditure.  
17 Any public hearing required pursuant to this subsection shall be  
18 held at least 45 days before the governing body of the county takes  
19 action to adopt the resolution or ordinance authorizing the  
20 expenditure.

21 c. In addition to any other applicable requirements of law, rule  
22 or regulation, the governing body of the county shall provide notice  
23 of the public hearing required pursuant to subsection b. of this  
24 section at least 30 days before the date of the hearing as follows:

25 (1) By mailing or otherwise providing a copy of the notice to:  
26 (a) the county clerk and to the municipal clerk of every  
27 municipality in which the land or lands affected by the proposed  
28 project or use are located; and (b) any person who requests in  
29 writing of the governing body to receive in advance such notices;  
30 and

31 (2) By publishing the notice in a daily or weekly newspaper of  
32 general circulation in the county and each municipality in which the  
33 land or lands to be affected by the proposed project or use are  
34 located.

35 d. The governing body of the county shall include the  
36 following information in all notices required pursuant to subsection  
37 c. of this section: (1) a general description of the proposed project  
38 or use and the location of the land or lands to be affected; (2) the  
39 aggregate amount of monies to be utilized for the proposed project  
40 or use; (3) a schedule setting forth the anticipated commencement  
41 and completion date for the proposed project or use; (4) the date,  
42 time, and place of the public hearing; (5) a statement that the public  
43 may submit written comments to the governing body of the county  
44 on or before the date of the public hearing; and (6) the name and  
45 address of the person designated by the governing body of the  
46 county to receive the written comments and to contact for additional  
47 information.

1 e. Any county whose voters, prior to the effective date of [this  
2 act] P.L.1997, c.24 (C.40:12-15.1 et seq.) , approved pursuant to  
3 R.S.40:12-10 et seq. a proposition authorizing the establishment,  
4 maintenance, and improvement of a system of public recreation  
5 shall be deemed to have approved a proposition for any or all of the  
6 purposes specified in paragraph (1) of subsection a. of section 2 of  
7 [this act] P.L.1997, c.24 (C.40:12-15.2) at the amount or rate  
8 specified in the original proposition, which purposes shall be  
9 determined by adoption of a resolution or ordinance, as appropriate,  
10 by the governing body of the county after conducting at least one  
11 public hearing thereon. Any fund created for the purposes of  
12 R.S.40:12-10 et seq. shall be dissolved and any monies remaining  
13 therein shall be deposited into the "County Open Space, Recreation,  
14 Floodplain Protection, and Farmland and Historic Preservation  
15 Trust Fund" created pursuant to subsection c. of section 2 of [this  
16 act] P.L.1997, c.24 to be utilized for the purposes determined by  
17 the governing body of the county as authorized pursuant to this  
18 subsection.

19 (cf: P.L.1997, c.24, s.3)

20

21 4. Section 4 of P.L.1997, c.24 (C.40:12-15.4) is amended to  
22 read as follows:

23 4. Lands acquired by a county using revenue raised pursuant to  
24 [this act] P.L.1997, c.24 (C.40:12-15.1 et seq.) shall be held in  
25 trust and shall be used exclusively for the purposes authorized  
26 under [this act] P.L.1997, c.24 .

27 After conducting at least one public hearing thereon and upon a  
28 finding that the purposes of [this act] P.L.1997, c.24 might  
29 otherwise be better served or that any land acquired by a county  
30 pursuant thereto is required for another public use, which finding  
31 shall be set forth in a resolution or ordinance, as appropriate,  
32 adopted by the governing body of the county, the governing body  
33 may convey, through sale, exchange, transfer, or other disposition,  
34 title to, or a lesser interest in, that land, provided that the governing  
35 body shall replace any land conveyed under this section by land of  
36 at least equal fair market value and of reasonably equivalent  
37 usefulness, size, quality, and location to the land conveyed, and any  
38 monies derived from the conveyance shall be deposited into the  
39 "County Open Space, Recreation, Floodplain Protection, and  
40 Farmland and Historic Preservation Trust Fund" created pursuant to  
41 subsection c. of section 2 of [this act] P.L.1997, c.24 (C.40:12-  
42 15.2) for use for the purposes authorized by [this act] P.L.1997,  
43 c.24 (C.40:12-15.1 et seq.) for monies in the county trust fund. Any  
44 such conveyance shall be made in accordance with the "Local  
45 Lands and Buildings Law," P.L.1971, c.199 (C.40A:12-1 et seq.).  
46 In the event of conveyance by exchange, the land or improvements  
47 thereon to be transferred to the trust shall be at least equal in fair



1 market value and of reasonably equivalent usefulness, size, quality,  
2 and location to the land or improvements transferred from the trust.  
3 (cf: P.L.1997, c.24, s.4)

4

5 5. Section 5 of P.L.1997, c.24 (C.40:12-15.5) is amended to  
6 read as follows:

7 5. Amounts raised by taxation for the purposes of **[this act]**  
8 P.L.1997, c.24 (C.40:12-15.1 et seq.) shall be apportioned by the  
9 county board of taxation among the municipalities within the  
10 county in accordance with R.S.54:4-49. The amounts so  
11 apportioned shall be assessed, levied and collected in the same  
12 manner and at the same time as other county taxes. The tax  
13 collected pursuant to **[this act]** P.L.1997, c.24 shall be referred to  
14 as the "County Open Space, Recreation, Floodplain Protection, and  
15 Farmland and Historic Preservation Tax."

16 (cf: P.L.1997, c.24, s.5)

17

18 6. Section 6 of P.L.1997, c.24 (C.40:12-15.6) is amended to  
19 read as follows:

20 6. a. The governing body of any county in which the voters of  
21 the county have approved a proposition in accordance with **[this**  
22 **act]** P.L.1997, c.24 (C.40:12-15.1 et seq.) may adopt a resolution  
23 authorizing the distribution of monies deposited into the "County  
24 Open Space, Recreation, Floodplain Protection, and Farmland and  
25 Historic Preservation Trust Fund" created pursuant to subsection c.  
26 of section 2 of **[this act]** P.L.1997, c.24 (C.40:12-15.2) , in such  
27 portions as deemed appropriate, to municipalities within the county  
28 or to charitable conservancies, to be used in the county by those  
29 municipalities or charitable conservancies for the purposes of **[this**  
30 **act]** P.L.1997, c.24 in accordance with the provisions, conditions,  
31 and requirements thereof, provided that any municipality or  
32 charitable conservancy receiving such monies has presented a plan  
33 to the county documenting the proposed use of the monies.

34 b. Lands acquired by a municipality pursuant to this section  
35 shall be held in trust and shall be used exclusively for the purposes  
36 authorized by **[this act]** P.L.1997, c.24 .

37 c. The governing body of a municipality acquiring lands using  
38 monies received pursuant to this section shall have full control of  
39 the lands and may adopt an ordinance providing for (1) suitable  
40 rules, regulations, and bylaws for use of the lands, (2) the  
41 enforcement of those rules, regulations and bylaws, and (3) when  
42 appropriate, the charging and collection of reasonable fees for use  
43 of the lands or for activities conducted thereon.

44 d. In order to qualify to receive monies from a county trust  
45 fund pursuant to this section, the board of directors, board of  
46 trustees, or other governing body, as appropriate, of an applying  
47 charitable conservancy shall:

- 1 (1) demonstrate to the governing body of the county that it  
2 qualifies as a charitable conservancy;
- 3 (2) agree to use the monies only in connection with lands  
4 located in the county and for the purposes authorized by **[this act]**  
5 P.L.1997, c.24 ;
- 6 (3) agree to make and keep the lands accessible to the public,  
7 unless the governing body of the county determines that public  
8 accessibility would be detrimental to the lands or to any natural or  
9 historic resources associated therewith;
- 10 (4) agree not to sell, lease, exchange, transfer, or donate the  
11 lands for which the monies received were allocated for use pursuant  
12 to this section, except upon approval of the governing body of the  
13 county under such conditions as the governing body may establish;  
14 and
- 15 (5) agree to execute and donate to the county at no charge (a) a  
16 conservation restriction or historic preservation restriction, as the  
17 case may be, pursuant to P.L.1979, c.378 (C.13:8B-1 et seq.), or (b)  
18 a development easement, as defined pursuant to section 3 of  
19 P.L.1983, c.32 (C.4:1C-13), as appropriate, on the lands for which  
20 the monies received were allocated for use pursuant to this section.  
21 (cf: P.L.1997, c.24, s.6)
- 22
- 23 7. Section 7 of P.L.1997, c.24 (C.40:12-15.7) is amended to  
24 read as follows:
- 25 7. a. (1) The governing body of any municipality may submit  
26 to the voters of the municipality in a general or special election a  
27 proposition authorizing imposition of an annual levy for an amount  
28 or at a rate deemed appropriate for any or all of the following  
29 purposes, or any combination thereof, as determined by the  
30 governing body:
- 31 (a) acquisition of lands for recreation and conservation  
32 purposes;
- 33 (b) development of lands acquired for recreation and  
34 conservation purposes;
- 35 (c) maintenance of lands acquired for recreation and  
36 conservation purposes;
- 37 (d) acquisition of farmland for farmland preservation purposes;
- 38 (e) historic preservation of historic properties, structures,  
39 facilities, sites, areas, or objects, and the acquisition of such  
40 properties, structures, facilities, sites, areas, or objects for historic  
41 preservation purposes; **[or]**
- 42 (f) payment of debt service on indebtedness issued or incurred  
43 by a municipality for any of the purposes set forth in subparagraph  
44 (a), (b), (d) **[or]** , (e) or (g) of this paragraph ; or  
45 (g) Blue Acres projects .
- 46 (2) The amount or rate of the annual levy may be subdivided in  
47 the proposition to reflect the relative portions thereof to be allocated  
48 to any of the respective purposes specified in paragraph (1) of this

1 subsection or may be depicted as a total amount or rate, to be  
2 subdivided in a manner determined previously, or to be determined  
3 at a later date, by the governing body of the municipality after  
4 conducting at least one public hearing thereon.

5 b. Upon approval of the proposition by a majority of the votes  
6 cast by the voters of the municipality, the governing body of the  
7 municipality may annually raise by taxation a sum not to exceed the  
8 amount or rate set forth in the proposition approved by the voters  
9 for the purposes specified therein. If the amount or rate set forth in  
10 the proposition was not subdivided among the various purposes, the  
11 governing body of the municipality may determine the appropriate  
12 amount or rate to be allocated to each purpose after conducting at  
13 least one public hearing thereon.

14 c. Amounts raised by the levy imposed pursuant to this section  
15 shall be deposited into a "Municipal Open Space, Recreation,  
16 Floodplain Protection, and Farmland and Historic Preservation  
17 Trust Fund" to be created by the municipality, and shall be used  
18 exclusively for the purposes authorized by the voters of the  
19 municipality. Any interest or other income earned on monies  
20 deposited into the municipal trust fund shall be credited to the fund  
21 to be used for the same purposes as the principal. Separate  
22 accounts may be created within the municipal trust fund for the  
23 deposit of revenue to be expended for each of the purposes  
24 specified in the proposition approved by the voters of the  
25 municipality. A municipality may deposit other funds into the  
26 Municipal Open Space, Recreation, Floodplain Protection, and  
27 Farmland and Historic Preservation Trust Fund, as it may, from  
28 time to time, deem appropriate.

29 d. The governing body of a municipality may submit to the  
30 voters of the municipality in a general or special election a  
31 proposition amending or supplementing a proposition previously  
32 submitted, approved, and implemented as provided pursuant to this  
33 section either (1) changing the amount or rate of the annual levy, or  
34 (2) adding or removing purposes authorized pursuant to this section  
35 for which the levy may be expended. Upon approval of the  
36 amendatory or supplementary proposition by a majority of the votes  
37 cast by the voters of the municipality, the governing body of the  
38 municipality shall implement it in the same manner as set forth in  
39 **[this act]** P.L.1997, c.24 for implementation of the original  
40 proposition.

41 e. Upon petition to the governing body of a municipality  
42 signed by the voters of the municipality equal in number to at least  
43 15% of the votes cast therein at the last preceding general election,  
44 filed with the governing body at least 90 days before a general or  
45 special election, the governing body of the municipality shall  
46 submit to the voters of the municipality in the general or special  
47 election the proposition otherwise authorized pursuant to subsection

1 a. or subsection d. of this section, as the case may be.  
2 (cf: P.L.2005, c.108, s.2)

3

4 8. Section 8 of P.L.1997, c.24 (C.40:12-15.8) is amended to  
5 read as follows:

6 8. Any municipality whose voters, prior to the effective date of  
7 **[this act] P.L.1997, c.24 (C.40:12-15.1 et seq.)** , approved pursuant  
8 to R.S.40:12-10 et seq. a proposition authorizing the establishment,  
9 maintenance, and improvement of a system of public recreation  
10 shall be deemed to have approved a proposition for any or all of the  
11 purposes specified in paragraph (1) of subsection a. of section 7 of  
12 **[this act] P.L.1997, c.24 (C.40:12-15.7)** at the amount or rate  
13 specified in the original proposition, which purposes shall be  
14 determined by adoption of an ordinance by the governing body of  
15 the municipality after conducting at least one public hearing  
16 thereon. Any fund created for the purposes of R.S.40:12-10 et seq.  
17 shall be dissolved and any monies remaining therein shall be  
18 deposited into the "Municipal Open Space, Recreation, Floodplain  
19 Protection, and Farmland and Historic Preservation Trust Fund"  
20 created pursuant to subsection c. of section 7 of **[this act] P.L.1997,**  
21 **c.24 (C.40:12-15.7)** to be utilized for the purposes determined by  
22 the governing body of the municipality as authorized pursuant to  
23 this section.

24 (cf: P.L.1997, c.24, s.8)

25

26 9. Section 9 of P.L.1997, c.24 (C.40:12-15.9) is amended to  
27 read as follows:

28 9. Lands acquired by a municipality using revenue raised  
29 pursuant to **[this act] P.L.1997, c.24 (C.40:12-15.1 et seq.)** shall be  
30 held in trust and shall be used exclusively for the purposes  
31 authorized under **[this act] P.L.1997, c.24** .

32 After conducting at least one public hearing thereon and upon a  
33 finding that the purposes of **[this act] P.L.1997, c.24** might  
34 otherwise be better served or that any land acquired by a  
35 municipality pursuant thereto is required for another public use,  
36 which finding shall be set forth in an ordinance adopted by the  
37 governing body of the municipality, the governing body may  
38 convey, through sale, exchange, transfer, or other disposition, title  
39 to, or a lesser interest in, that land, provided that the governing  
40 body shall replace any land conveyed under this section by land of  
41 at least equal fair market value and of reasonably equivalent  
42 usefulness, size, quality, and location to the land conveyed, and any  
43 monies derived from the conveyance shall be deposited into the  
44 "Municipal Open Space, Recreation, Floodplain Protection, and  
45 Farmland and Historic Preservation Trust Fund" created pursuant to  
46 subsection c. of section 7 of **[this act] P.L.1997, c.24 (C.40:12-**  
47 **15.7)** for use for the purposes authorized by **[this act] P.L.1997,**

1 c.24 for monies in the municipal trust fund. Any such conveyance  
2 shall be made in accordance with the "Local Lands and Buildings  
3 Law," P.L.1971, c.199 (C.40A:12-1 et seq.). In the event of  
4 conveyance by exchange, the land or improvements thereon to be  
5 transferred to the trust shall be at least equal in fair market value  
6 and of reasonably equivalent usefulness, size, quality, and location  
7 to the land or improvements transferred from the trust.

8 (cf: P.L.1997, c.24, s.9)

9

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

12 7. The county agriculture development board of a county in  
13 which the voters of the county have approved, in a general or  
14 special election, a proposition authorizing the acquisition of lands  
15 for farmland preservation purposes pursuant to P.L.1989, c.30  
16 (C.40:12-16 et seq.) or P.L.1997, c.24 (C.40:12-15.1 et **[al.]** seq. )  
17 shall, pursuant to the provisions of section 24 of P.L.1983, c.32  
18 (C.4:1C-31), adopt a prioritized list of farmland eligible for  
19 acquisition of development easements thereon by installment  
20 purchase agreements pursuant to the provisions of P.L.1992, c.157  
21 (C.40:12-16.1 et al.) if the county intends to acquire development  
22 easements on farmland in that manner. The governing body of the  
23 county shall annually appropriate from the "County Open Space,  
24 Recreation, Floodplain Protection, and Farmland and Historic  
25 Preservation Trust Fund" created pursuant to subsection c. of  
26 section 2 of P.L.1997, c.24 (C.40:12-15.2) such amounts as it may  
27 deem necessary to finance the acquisition of development  
28 easements on farmland within that county by installment purchase  
29 agreement.

30 (cf: P.L.1997, c.24, s.11)

31

32 11. This act shall take effect immediately.

33

34

#### 35 STATEMENT

36

37 This bill would allow counties and municipalities to utilize  
38 county and municipal open space trust funds for the additional  
39 purpose of purchasing flood-prone properties, otherwise known as  
40 "Blue Acres projects."

41 Under current law, counties are authorized to establish "County

42 Open Space, Recreation, and Farmland and Historic Preservation

43 Trust Funds" and municipalities are authorized to establish

44 "Municipal Open Space, Recreation, and Farmland and Historic

45 Preservation Trust Funds." This bill would expand this

46 authorization to specifically include "Blue Acres projects" and

47 would revise the names of these open space trust funds to include

48 "floodplain protection."

1       The bill defines "Blue Acres project" to mean any project to  
2 acquire, for recreation and conservation purposes, lands that have  
3 been damaged by, or may be prone to incurring damage caused by,  
4 storms or storm-related flooding, or that may buffer or protect other  
5 lands from such damage, and includes the demolition of structures  
6 on, the removal of debris from, and the restoration of those lands to  
7 a natural state or to a state useful for recreation and conservation  
8 purposes.

9

10

11

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12

13       Allows counties and municipalities to use open space trust funds  
14 for purchase of flood-prone properties.

# ASSEMBLY, No. 4267

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED NOVEMBER 21, 2011

**Sponsored by:**

**Assemblywoman CONNIE WAGNER**

**District 38 (Bergen)**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**Assemblyman ANTHONY M. BUCCO**

**District 25 (Morris)**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Assemblymen Chivukula, Webber, Senators Gordon, Bateman,  
Greenstein, Gill, O'Toole and Turner**

**SYNOPSIS**

Allows counties and municipalities to use open space trust funds for purchase of flood-prone properties.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/16/2011)**

1 AN ACT concerning the use of county and municipal open space  
2 trust funds for the purchase of flood-prone properties, and  
3 amending P.L.1992, c.157 and P.L.1997, 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 **[this act]** 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 **[:]** .

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

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

31 "County trust fund" means a "County Open Space, Recreation,  
32 Floodplain Protection, and Farmland and Historic Preservation  
33 Trust Fund" created pursuant to subsection c. of section 2 of **[this**  
34 **act;]** P.L.1997, c.24 (C.40:12-15.2).

35 "Development" means any improvement to land acquired for  
36 recreation and conservation purposes designed to expand and  
37 enhance its utilization for those purposes **[:]** .

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

42 "Farmland preservation purposes" means the long-term  
43 preservation of farmland for agricultural or horticultural use **[:]** .

44 "Historic preservation" means the performance of any work

**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 relating to the stabilization, repair, rehabilitation, renovation,  
2 restoration, improvement, protection, or preservation of an historic  
3 property, structure, facility, site, area, or object [;] .

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

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

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

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

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.1997, c.24, s.1)

29

30 2. Section 2 of P.L.1997, c.24 (C.40:12-15.2) is amended to  
31 read as follows:

32 2. a. (1) The governing body of any county may submit to the  
33 voters of the county in a general or special election a proposition  
34 authorizing imposition of an annual levy for an amount or at a rate  
35 deemed appropriate for any or all of the following purposes, or any  
36 combination thereof, as determined by the governing body:

37 (a) acquisition of lands for recreation and conservation  
38 purposes;

39 (b) development of lands acquired for recreation and  
40 conservation purposes;

41 (c) maintenance of lands acquired for recreation and  
42 conservation purposes;

43 (d) acquisition of farmland for farmland preservation purposes;

44 (e) historic preservation of historic properties, structures,  
45 facilities, sites, areas, or objects, and the acquisition of such  
46 properties, structures, facilities, sites, areas, or objects for historic  
47 preservation purposes; [or]

1 (f) payment of debt service on indebtedness issued or incurred  
2 by a county for any of the purposes set forth in subparagraph (a),  
3 (b), (d) **[or]** , (e) or (g) of this paragraph ; or  
4 (g) Blue Acres projects .

5 (2) The amount or rate of the annual levy may be subdivided in  
6 the proposition to reflect the relative portions thereof to be allocated  
7 to any of the respective purposes specified in paragraph (1) of this  
8 subsection or may be depicted as a total amount or rate, to be  
9 subdivided in a manner determined previously, or to be determined  
10 at a later date, by the governing body of the county after conducting  
11 at least one public hearing thereon.

12 b. Upon approval of the proposition by a majority of the votes  
13 cast by the voters of the county, the governing body of the county  
14 may annually raise by taxation a sum not to exceed the amount or  
15 rate set forth in the proposition approved by the voters for the  
16 purposes specified therein. If the amount or rate set forth in the  
17 proposition was not subdivided among the various purposes, the  
18 governing body of the county may determine the appropriate  
19 amount or rate to be allocated to each purpose after conducting at  
20 least one public hearing thereon.

21 c. Amounts raised by the levy imposed pursuant to this section  
22 shall be deposited into a "County Open Space, Recreation,  
23 Floodplain Protection, and Farmland and Historic Preservation  
24 Trust Fund" to be created by the county, and shall be used  
25 exclusively for the purposes authorized by the voters of the county.  
26 Any interest or other income earned on monies deposited into the  
27 county trust fund shall be credited to the fund to be used for the  
28 same purposes as the principal. Separate accounts may be created  
29 within the county trust fund for the deposit of revenue to be  
30 expended for each of the purposes specified in the proposition  
31 approved by the voters of the county. A county may deposit other  
32 funds into the County Open Space, Recreation, Floodplain  
33 Protection, and Farmland and Historic Preservation Trust Fund, as it  
34 may, from time to time, deem appropriate.

35 d. (1) (a) Selection of lands for acquisition for recreation and  
36 conservation purposes shall be in accordance with an open space  
37 and recreation plan prepared and adopted by the county.

38 (b) Selection of projects to develop or maintain lands acquired  
39 for recreation and conservation purposes shall be in accordance  
40 with a open space and recreation development and maintenance  
41 plan prepared and adopted by the county.

42 (c) Selection of farmland for acquisition for farmland  
43 preservation purposes shall be in accordance with a farmland  
44 preservation plan prepared and adopted by the county or pursuant to  
45 the provisions of the "Agriculture Retention and Development Act,"  
46 P.L.1983, c.32 (C.4:1C-11 et al.) or any other law enacted for the  
47 purpose of preserving farmland, or any rules or regulations adopted  
48 pursuant thereto.

1 (d) Selection of historic preservation projects shall be in  
2 accordance with a historic preservation plan prepared and adopted  
3 by the county.

4 (2) Monies in the county trust fund may be used to pay the cost  
5 of preparing and adopting the plans required by this subsection.

6 e. The governing body of a county may submit to the voters of  
7 the county in a general or special election a proposition amending  
8 or supplementing a proposition previously submitted, approved, and  
9 implemented as provided pursuant to this section either (1)  
10 changing the amount or rate of the annual levy, or (2) adding or  
11 removing purposes authorized pursuant to this section for which the  
12 levy may be expended. Upon approval of the amendatory or  
13 supplementary proposition by a majority of the votes cast by the  
14 voters of the county, the governing body of the county shall  
15 implement it in the same manner as set forth in **[this act] P.L.1997,**  
16 c.24 (C.40:12-15.1 et seq.) for implementation of the original  
17 proposition.

18 f. Upon petition to the governing body of a county signed by  
19 the voters of the county equal in number to at least 15% of the votes  
20 cast therein at the last preceding general election, filed with the  
21 governing body at least 90 days before a general or special election,  
22 the governing body of the county shall submit to the voters of the  
23 county in the general or special election the proposition otherwise  
24 authorized pursuant to subsection a. or subsection e. of this section,  
25 as the case may be.

26 (cf: P.L.2005, c.108, s.1)

27

28 3. Section 3 of P.L.1997, c.24 (C.40:12-15.3) is amended to  
29 read as follows:

30 3. a. Any county whose voters, prior to the effective date of  
31 **[this act] P.L.1997, c.24 (C.40:12-15.1 et seq.)** , approved pursuant  
32 to P.L.1989, c.30 (C.40:12-16 et seq.) a proposition authorizing the  
33 acquisition of lands for conservation as open space or as farmland  
34 shall be deemed to have approved a proposition for the purposes  
35 specified in paragraph (1) of subsection a. of section 2 of **[this act]**  
36 P.L.1997, c.24 (C.40:12-15.2), but excluding the purpose specified  
37 in subparagraph (c) of that paragraph if the proposition was  
38 approved prior to the 24 months immediately preceding the  
39 effective date of P.L.1997, c.24 (C.40:12-15.1 et **[al.] seq.** ), at the  
40 amount or rate specified in the original proposition, which purposes  
41 shall be determined by adoption of a resolution or ordinance, as  
42 appropriate, by the governing body of the county after conducting at  
43 least one public hearing thereon and subject to the requirements of  
44 subsections b., c. and d. of this section. The county open space and  
45 farmland preservation trust fund created for the purposes of  
46 P.L.1989, c.30 (C.40:12-16 et seq.) shall be dissolved and any  
47 monies remaining therein shall be deposited into the "County Open  
48 Space, Recreation, Floodplain Protection, and Farmland and

1 Historic Preservation Trust Fund" created pursuant to subsection c.  
2 of section 2 of **[this act]** P.L.1997, c.24 to be utilized for the  
3 purposes determined by the governing body of the county as  
4 authorized pursuant to this subsection.

5 b. A county shall not expend more than \$100,000 for any  
6 proposed project or use to be undertaken pursuant to a resolution or  
7 ordinance adopted pursuant to subsection a. of this section  
8 authorizing a purpose specified in subparagraph (b), (c), or (f) of  
9 paragraph (1) of subsection a. of section 2 of **[this act]** P.L.1997,  
10 c.24 , unless the governing body of the county first conducts a  
11 public hearing on the proposed project or use and adopts a  
12 resolution or ordinance, as appropriate, authorizing the expenditure.  
13 Any public hearing required pursuant to this subsection shall be  
14 held at least 45 days before the governing body of the county takes  
15 action to adopt the resolution or ordinance authorizing the  
16 expenditure.

17 c. In addition to any other applicable requirements of law, rule  
18 or regulation, the governing body of the county shall provide notice  
19 of the public hearing required pursuant to subsection b. of this  
20 section at least 30 days before the date of the hearing as follows:

21 (1) By mailing or otherwise providing a copy of the notice to:  
22 (a) the county clerk and to the municipal clerk of every  
23 municipality in which the land or lands affected by the proposed  
24 project or use are located; and (b) any person who requests in  
25 writing of the governing body to receive in advance such notices;  
26 and

27 (2) By publishing the notice in a daily or weekly newspaper of  
28 general circulation in the county and each municipality in which the  
29 land or lands to be affected by the proposed project or use are  
30 located.

31 d. The governing body of the county shall include the  
32 following information in all notices required pursuant to subsection  
33 c. of this section: (1) a general description of the proposed project  
34 or use and the location of the land or lands to be affected; (2) the  
35 aggregate amount of monies to be utilized for the proposed project  
36 or use; (3) a schedule setting forth the anticipated commencement  
37 and completion date for the proposed project or use; (4) the date,  
38 time, and place of the public hearing; (5) a statement that the public  
39 may submit written comments to the governing body of the county  
40 on or before the date of the public hearing; and (6) the name and  
41 address of the person designated by the governing body of the  
42 county to receive the written comments and to contact for additional  
43 information.

44 e. Any county whose voters, prior to the effective date of **[this**  
45 **act]** P.L.1997, c.24 (C.40:12-15.1 et seq.) , approved pursuant to  
46 R.S.40:12-10 et seq. a proposition authorizing the establishment,  
47 maintenance, and improvement of a system of public recreation  
48 shall be deemed to have approved a proposition for any or all of the

1 purposes specified in paragraph (1) of subsection a. of section 2 of  
2 **【this act】** P.L.1997, c.24 (C.40:12-15.2) at the amount or rate  
3 specified in the original proposition, which purposes shall be  
4 determined by adoption of a resolution or ordinance, as appropriate,  
5 by the governing body of the county after conducting at least one  
6 public hearing thereon. Any fund created for the purposes of  
7 R.S.40:12-10 et seq. shall be dissolved and any monies remaining  
8 therein shall be deposited into the "County Open Space, Recreation,  
9 Floodplain Protection, and Farmland and Historic Preservation  
10 Trust Fund" created pursuant to subsection c. of section 2 of **【this**  
11 **act】** P.L.1997, c.24 to be utilized for the purposes determined by  
12 the governing body of the county as authorized pursuant to this  
13 subsection.

14 (cf: P.L.1997, c.24, s.3)

15

16 4. Section 4 of P.L.1997, c.24 (C.40:12-15.4) is amended to  
17 read as follows:

18 4. Lands acquired by a county using revenue raised pursuant to  
19 **【this act】** P.L.1997, c.24 (C.40:12-15.1 et seq.) shall be held in  
20 trust and shall be used exclusively for the purposes authorized  
21 under **【this act】** P.L.1997, c.24 .

22 After conducting at least one public hearing thereon and upon a  
23 finding that the purposes of **【this act】** P.L.1997, c.24 might  
24 otherwise be better served or that any land acquired by a county  
25 pursuant thereto is required for another public use, which finding  
26 shall be set forth in a resolution or ordinance, as appropriate,  
27 adopted by the governing body of the county, the governing body  
28 may convey, through sale, exchange, transfer, or other disposition,  
29 title to, or a lesser interest in, that land, provided that the governing  
30 body shall replace any land conveyed under this section by land of  
31 at least equal fair market value and of reasonably equivalent  
32 usefulness, size, quality, and location to the land conveyed, and any  
33 monies derived from the conveyance shall be deposited into the  
34 "County Open Space, Recreation, Floodplain Protection, and  
35 Farmland and Historic Preservation Trust Fund" created pursuant to  
36 subsection c. of section 2 of **【this act】** P.L.1997, c.24 (C.40:12-  
37 15.2) for use for the purposes authorized by **【this act】** P.L.1997,  
38 c.24 (C.40:12-15.1 et seq.) for monies in the county trust fund. Any  
39 such conveyance shall be made in accordance with the "Local  
40 Lands and Buildings Law," P.L.1971, c.199 (C.40A:12-1 et seq.).  
41 In the event of conveyance by exchange, the land or improvements  
42 thereon to be transferred to the trust shall be at least equal in fair  
43 market value and of reasonably equivalent usefulness, size, quality,  
44 and location to the land or improvements transferred from the trust.

45 (cf: P.L.1997, c.24, s.4)

1       5. Section 5 of P.L.1997, c.24 (C.40:12-15.5) is amended to  
2 read as follows:

3       5. Amounts raised by taxation for the purposes of **[this act]**  
4 P.L.1997, c.24 (C.40:12-15.1 et seq.) shall be apportioned by the  
5 county board of taxation among the municipalities within the  
6 county in accordance with R.S.54:4-49. The amounts so  
7 apportioned shall be assessed, levied and collected in the same  
8 manner and at the same time as other county taxes. The tax  
9 collected pursuant to **[this act]** P.L.1997, c.24 shall be referred to  
10 as the "County Open Space, Recreation, Floodplain Protection, and  
11 Farmland and Historic Preservation Tax."  
12 (cf: P.L.1997, c.24, s.5)  
13

14       6. Section 6 of P.L.1997, c.24 (C.40:12-15.6) is amended to  
15 read as follows:

16       6. a. The governing body of any county in which the voters of  
17 the county have approved a proposition in accordance with **[this**  
18 **act]** P.L.1997, c.24 (C.40:12-15.1 et seq.) may adopt a resolution  
19 authorizing the distribution of monies deposited into the "County  
20 Open Space, Recreation, Floodplain Protection, and Farmland and  
21 Historic Preservation Trust Fund" created pursuant to subsection c.  
22 of section 2 of **[this act]** P.L.1997, c.24 (C.40:12-15.2) , in such  
23 portions as deemed appropriate, to municipalities within the county  
24 or to charitable conservancies, to be used in the county by those  
25 municipalities or charitable conservancies for the purposes of **[this**  
26 **act]** P.L.1997, c.24 in accordance with the provisions, conditions,  
27 and requirements thereof, provided that any municipality or  
28 charitable conservancy receiving such monies has presented a plan  
29 to the county documenting the proposed use of the monies.

30       b. Lands acquired by a municipality pursuant to this section  
31 shall be held in trust and shall be used exclusively for the purposes  
32 authorized by **[this act]** P.L.1997, c.24 .

33       c. The governing body of a municipality acquiring lands using  
34 monies received pursuant to this section shall have full control of  
35 the lands and may adopt an ordinance providing for (1) suitable  
36 rules, regulations, and bylaws for use of the lands, (2) the  
37 enforcement of those rules, regulations and bylaws, and (3) when  
38 appropriate, the charging and collection of reasonable fees for use  
39 of the lands or for activities conducted thereon.

40       d. In order to qualify to receive monies from a county trust  
41 fund pursuant to this section, the board of directors, board of  
42 trustees, or other governing body, as appropriate, of an applying  
43 charitable conservancy shall:

44       (1) demonstrate to the governing body of the county that it  
45 qualifies as a charitable conservancy;

1 (2) agree to use the monies only in connection with lands  
2 located in the county and for the purposes authorized by **[this act]**  
3 P.L.1997, c.24 ;

4 (3) agree to make and keep the lands accessible to the public,  
5 unless the governing body of the county determines that public  
6 accessibility would be detrimental to the lands or to any natural or  
7 historic resources associated therewith;

8 (4) agree not to sell, lease, exchange, transfer, or donate the  
9 lands for which the monies received were allocated for use pursuant  
10 to this section, except upon approval of the governing body of the  
11 county under such conditions as the governing body may establish;  
12 and

13 (5) agree to execute and donate to the county at no charge (a) a  
14 conservation restriction or historic preservation restriction, as the  
15 case may be, pursuant to P.L.1979, c.378 (C.13:8B-1 et seq.), or (b)  
16 a development easement, as defined pursuant to section 3 of  
17 P.L.1983, c.32 (C.4:1C-13), as appropriate, on the lands for which  
18 the monies received were allocated for use pursuant to this section.  
19 (cf: P.L.1997, c.24, s.6)

20

21 7. Section 7 of P.L.1997, c.24 (C.40:12-15.7) is amended to  
22 read as follows:

23 7. a. (1) The governing body of any municipality may submit  
24 to the voters of the municipality in a general or special election a  
25 proposition authorizing imposition of an annual levy for an amount  
26 or at a rate deemed appropriate for any or all of the following  
27 purposes, or any combination thereof, as determined by the  
28 governing body:

29 (a) acquisition of lands for recreation and conservation  
30 purposes;

31 (b) development of lands acquired for recreation and  
32 conservation purposes;

33 (c) maintenance of lands acquired for recreation and  
34 conservation purposes;

35 (d) acquisition of farmland for farmland preservation purposes;

36 (e) historic preservation of historic properties, structures,  
37 facilities, sites, areas, or objects, and the acquisition of such  
38 properties, structures, facilities, sites, areas, or objects for historic  
39 preservation purposes; **[or]**

40 (f) payment of debt service on indebtedness issued or incurred  
41 by a municipality for any of the purposes set forth in subparagraph  
42 (a), (b), (d) **[or]** , (e) or (g) of this paragraph ; or

43 (g) Blue Acres projects .

44 (2) The amount or rate of the annual levy may be subdivided in  
45 the proposition to reflect the relative portions thereof to be allocated  
46 to any of the respective purposes specified in paragraph (1) of this  
47 subsection or may be depicted as a total amount or rate, to be  
48 subdivided in a manner determined previously, or to be determined

- 1 at a later date, by the governing body of the municipality after  
2 conducting at least one public hearing thereon.
- 3 b. Upon approval of the proposition by a majority of the votes  
4 cast by the voters of the municipality, the governing body of the  
5 municipality may annually raise by taxation a sum not to exceed the  
6 amount or rate set forth in the proposition approved by the voters  
7 for the purposes specified therein. If the amount or rate set forth in  
8 the proposition was not subdivided among the various purposes, the  
9 governing body of the municipality may determine the appropriate  
10 amount or rate to be allocated to each purpose after conducting at  
11 least one public hearing thereon.
- 12 c. Amounts raised by the levy imposed pursuant to this section  
13 shall be deposited into a "Municipal Open Space, Recreation,  
14 Floodplain Protection, and Farmland and Historic Preservation  
15 Trust Fund" to be created by the municipality, and shall be used  
16 exclusively for the purposes authorized by the voters of the  
17 municipality. Any interest or other income earned on monies  
18 deposited into the municipal trust fund shall be credited to the fund  
19 to be used for the same purposes as the principal. Separate  
20 accounts may be created within the municipal trust fund for the  
21 deposit of revenue to be expended for each of the purposes  
22 specified in the proposition approved by the voters of the  
23 municipality. A municipality may deposit other funds into the  
24 Municipal Open Space, Recreation, Floodplain Protection, and  
25 Farmland and Historic Preservation Trust Fund, as it may, from  
26 time to time, deem appropriate.
- 27 d. The governing body of a municipality may submit to the  
28 voters of the municipality in a general or special election a  
29 proposition amending or supplementing a proposition previously  
30 submitted, approved, and implemented as provided pursuant to this  
31 section either (1) changing the amount or rate of the annual levy, or  
32 (2) adding or removing purposes authorized pursuant to this section  
33 for which the levy may be expended. Upon approval of the  
34 amendatory or supplementary proposition by a majority of the votes  
35 cast by the voters of the municipality, the governing body of the  
36 municipality shall implement it in the same manner as set forth in  
37 **[this act]** P.L.1997, c.24 for implementation of the original  
38 proposition.
- 39 e. Upon petition to the governing body of a municipality  
40 signed by the voters of the municipality equal in number to at least  
41 15% of the votes cast therein at the last preceding general election,  
42 filed with the governing body at least 90 days before a general or  
43 special election, the governing body of the municipality shall  
44 submit to the voters of the municipality in the general or special  
45 election the proposition otherwise authorized pursuant to subsection  
46 a. or subsection d. of this section, as the case may be.  
47 (cf: P.L.2005, c.108, s.2)



1       8. Section 8 of P.L.1997, c.24 (C.40:12-15.8) is amended to  
2 read as follows:

3       8. Any municipality whose voters, prior to the effective date of  
4 **【this act】** P.L.1997, c.24 (C.40:12-15.1 et seq.) , approved pursuant  
5 to R.S.40:12-10 et seq. a proposition authorizing the establishment,  
6 maintenance, and improvement of a system of public recreation  
7 shall be deemed to have approved a proposition for any or all of the  
8 purposes specified in paragraph (1) of subsection a. of section 7 of  
9 **【this act】** P.L.1997, c.24 (C.40:12-15.7) at the amount or rate  
10 specified in the original proposition, which purposes shall be  
11 determined by adoption of an ordinance by the governing body of  
12 the municipality after conducting at least one public hearing  
13 thereon. Any fund created for the purposes of R.S.40:12-10 et seq.  
14 shall be dissolved and any monies remaining therein shall be  
15 deposited into the "Municipal Open Space, Recreation, Floodplain  
16 Protection, and Farmland and Historic Preservation Trust Fund"  
17 created pursuant to subsection c. of section 7 of **【this act】** P.L.1997,  
18 c.24 (C.40:12-15.7) to be utilized for the purposes determined by  
19 the governing body of the municipality as authorized pursuant to  
20 this section.

21 (cf: P.L.1997, c.24, s.8)

22

23       9. Section 9 of P.L.1997, c.24 (C.40:12-15.9) is amended to  
24 read as follows:

25       9. Lands acquired by a municipality using revenue raised  
26 pursuant to **【this act】** P.L.1997, c.24 (C.40:12-15.1 et seq.) shall be  
27 held in trust and shall be used exclusively for the purposes  
28 authorized under **【this act】** P.L.1997, c.24 .

29       After conducting at least one public hearing thereon and upon a  
30 finding that the purposes of **【this act】** P.L.1997, c.24 might  
31 otherwise be better served or that any land acquired by a  
32 municipality pursuant thereto is required for another public use,  
33 which finding shall be set forth in an ordinance adopted by the  
34 governing body of the municipality, the governing body may  
35 convey, through sale, exchange, transfer, or other disposition, title  
36 to, or a lesser interest in, that land, provided that the governing  
37 body shall replace any land conveyed under this section by land of  
38 at least equal fair market value and of reasonably equivalent  
39 usefulness, size, quality, and location to the land conveyed, and any  
40 monies derived from the conveyance shall be deposited into the  
41 "Municipal Open Space, Recreation, Floodplain Protection, and  
42 Farmland and Historic Preservation Trust Fund" created pursuant to  
43 subsection c. of section 7 of **【this act】** P.L.1997, c.24 (C.40:12-  
44 15.7) for use for the purposes authorized by **【this act】** P.L.1997,  
45 c.24 for monies in the municipal trust fund. Any such conveyance  
46 shall be made in accordance with the "Local Lands and Buildings  
47 Law," P.L.1971, c.199 (C.40A:12-1 et seq.). In the event of

1 conveyance by exchange, the land or improvements thereon to be  
2 transferred to the trust shall be at least equal in fair market value  
3 and of reasonably equivalent usefulness, size, quality, and location  
4 to the land or improvements transferred from the trust.

5 (cf: P.L.1997, c.24, s.9)

6

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

9 7. The county agriculture development board of a county in  
10 which the voters of the county have approved, in a general or  
11 special election, a proposition authorizing the acquisition of lands  
12 for farmland preservation purposes pursuant to P.L.1989, c.30  
13 (C.40:12-16 et seq.) or P.L.1997, c.24 (C.40:12-15.1 et **[al.]** seq. )  
14 shall, pursuant to the provisions of section 24 of P.L.1983, c.32  
15 (C.4:1C-31), adopt a prioritized list of farmland eligible for  
16 acquisition of development easements thereon by installment  
17 purchase agreements pursuant to the provisions of P.L.1992, c.157  
18 (C.40:12-16.1 et al.) if the county intends to acquire development  
19 easements on farmland in that manner. The governing body of the  
20 county shall annually appropriate from the "County Open Space,  
21 Recreation, Floodplain Protection, and Farmland and Historic  
22 Preservation Trust Fund" created pursuant to subsection c. of  
23 section 2 of P.L.1997, c.24 (C.40:12-15.2) such amounts as it may  
24 deem necessary to finance the acquisition of development  
25 easements on farmland within that county by installment purchase  
26 agreement.

27 (cf: P.L.1997, c.24, s.11)

28

29 11. This act shall take effect immediately.

30

31

32

#### STATEMENT

33

34 This bill would allow counties and municipalities to utilize  
35 county and municipal open space trust funds for the additional  
36 purpose of purchasing flood-prone properties, otherwise known as  
37 "Blue Acres projects."

38 Under current law, counties are authorized to establish "County  
39 Open Space, Recreation, and Farmland and Historic Preservation  
40 Trust Funds" and municipalities are authorized to establish  
41 "Municipal Open Space, Recreation, and Farmland and Historic  
42 Preservation Trust Funds." This bill would expand this  
43 authorization to specifically include "Blue Acres projects" and  
44 would revise the names of these open space trust funds to include  
45 "floodplain protection."

46 The bill defines "Blue Acres project" to mean any project to  
47 acquire, for recreation and conservation purposes, lands that have  
48 been damaged by, or may be prone to incurring damage caused by,

1 storms or storm-related flooding, or that may buffer or protect other  
2 lands from such damage, and includes the demolition of structures  
3 on, the removal of debris from, and the restoration of those lands to  
4 a natural state or to a state useful for recreation and conservation  
5 purposes.

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 4267**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 28, 2011

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 4267.

This bill would allow counties and municipalities to utilize county and municipal open space trust funds respectively for the additional purpose of purchasing flood-prone properties, otherwise known as "Blue Acres projects."

Under current law, counties are authorized to establish "County Open Space, Recreation, and Farmland and Historic Preservation Trust Funds" and municipalities are authorized to establish "Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Funds." This bill would expand this authorization to specifically include "Blue Acres projects" and would revise the names of these open space trust funds to include "floodplain protection."

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

**SENATE, No. 3078**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

INTRODUCED SEPTEMBER 26, 2011

**Sponsored by:**  
**Senator ROBERT M. GORDON**  
**District 38 (Bergen)**

**SYNOPSIS**

Allows municipalities to use open space trust funds for purchase of flood-prone properties.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the use of municipal open space trust funds for  
2 the purchase of flood-prone properties, 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 **[this act]** 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 **[:]** .

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

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

31 "County trust fund" means a "County Open Space, Recreation,  
32 and Farmland and Historic Preservation Trust Fund" created  
33 pursuant to subsection c. of section 2 of **[this act;]** P.L.1997, c.24  
34 (C.40:12-15.2).

35 "Development" means any improvement to land acquired for  
36 recreation and conservation purposes designed to expand and  
37 enhance its utilization for those purposes **[:]** .

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

42 "Farmland preservation purposes" means the long-term  
43 preservation of farmland for agricultural or horticultural use **[:]** .

44 "Historic preservation" means the performance of any work

**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 relating to the stabilization, repair, rehabilitation, renovation,  
2 restoration, improvement, protection, or preservation of an historic  
3 property, structure, facility, site, area, or object [;] .

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

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

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

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

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.1997, c.24, s.1)

29

30 2. Section 7 of P.L.1997, c.24 (C.40:12-15.7) is amended to  
31 read as follows:

32 7. a. (1) The governing body of any municipality may submit  
33 to the voters of the municipality in a general or special election a  
34 proposition authorizing imposition of an annual levy for an amount  
35 or at a rate deemed appropriate for any or all of the following  
36 purposes, or any combination thereof, as determined by the  
37 governing body:

38 (a) acquisition of lands for recreation and conservation  
39 purposes;

40 (b) development of lands acquired for recreation and  
41 conservation purposes;

42 (c) maintenance of lands acquired for recreation and  
43 conservation purposes;

44 (d) acquisition of farmland for farmland preservation purposes;

45 (e) historic preservation of historic properties, structures,  
46 facilities, sites, areas, or objects, and the acquisition of such

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1 properties, structures, facilities, sites, areas, or objects for historic  
2 preservation purposes; [or]

3 (f) payment of debt service on indebtedness issued or incurred  
4 by a municipality for any of the purposes set forth in subparagraph  
5 (a), (b), (d) [or] , (e) or (g) of this paragraph ; or

6 (g) Blue Acres projects .

7 (2) The amount or rate of the annual levy may be subdivided in  
8 the proposition to reflect the relative portions thereof to be allocated  
9 to any of the respective purposes specified in paragraph (1) of this  
10 subsection or may be depicted as a total amount or rate, to be  
11 subdivided in a manner determined previously, or to be determined  
12 at a later date, by the governing body of the municipality after  
13 conducting at least one public hearing thereon.

14 b. Upon approval of the proposition by a majority of the votes  
15 cast by the voters of the municipality, the governing body of the  
16 municipality may annually raise by taxation a sum not to exceed the  
17 amount or rate set forth in the proposition approved by the voters  
18 for the purposes specified therein. If the amount or rate set forth in  
19 the proposition was not subdivided among the various purposes, the  
20 governing body of the municipality may determine the appropriate  
21 amount or rate to be allocated to each purpose after conducting at  
22 least one public hearing thereon.

23 c. Amounts raised by the levy imposed pursuant to this section  
24 shall be deposited into a "Municipal Open Space, Recreation,  
25 Floodplain Protection, and Farmland and Historic Preservation  
26 Trust Fund" to be created by the municipality, and shall be used  
27 exclusively for the purposes authorized by the voters of the  
28 municipality. Any interest or other income earned on monies  
29 deposited into the municipal trust fund shall be credited to the fund  
30 to be used for the same purposes as the principal. Separate  
31 accounts may be created within the municipal trust fund for the  
32 deposit of revenue to be expended for each of the purposes  
33 specified in the proposition approved by the voters of the  
34 municipality. A municipality may deposit other funds into the  
35 Municipal Open Space, Recreation, Floodplain Protection, and  
36 Farmland and Historic Preservation Trust Fund, as it may, from  
37 time to time, deem appropriate.

38 d. The governing body of a municipality may submit to the  
39 voters of the municipality in a general or special election a  
40 proposition amending or supplementing a proposition previously  
41 submitted, approved, and implemented as provided pursuant to this  
42 section either (1) changing the amount or rate of the annual levy, or  
43 (2) adding or removing purposes authorized pursuant to this section  
44 for which the levy may be expended. Upon approval of the  
45 amendatory or supplementary proposition by a majority of the votes  
46 cast by the voters of the municipality, the governing body of the  
47 municipality shall implement it in the same manner as set forth in  
48 this act for implementation of the original proposition.



1 e. Upon petition to the governing body of a municipality  
2 signed by the voters of the municipality equal in number to at least  
3 15% of the votes cast therein at the last preceding general election,  
4 filed with the governing body at least 90 days before a general or  
5 special election, the governing body of the municipality shall  
6 submit to the voters of the municipality in the general or special  
7 election the proposition otherwise authorized pursuant to subsection  
8 a. or subsection d. of this section, as the case may be.

9 (cf: P.L.2005, c.108, s.2)

10  
11 3. Section 8 of P.L.1997, c.24 (C.40:12-15.8) is amended to  
12 read as follows:

13 8. Any municipality whose voters, prior to the effective date of  
14 **【this act】** P.L.1997, c.24 (C.40:12-15.1 et seq.) , approved pursuant  
15 to R.S.40:12-10 et seq. a proposition authorizing the establishment,  
16 maintenance, and improvement of a system of public recreation  
17 shall be deemed to have approved a proposition for any or all of the  
18 purposes specified in paragraph (1) of subsection a. of section 7 of  
19 **【this act】** P.L.1997, c.24 (C.40:12-15.7) at the amount or rate  
20 specified in the original proposition, which purposes shall be  
21 determined by adoption of an ordinance by the governing body of  
22 the municipality after conducting at least one public hearing  
23 thereon. Any fund created for the purposes of R.S.40:12-10 et seq.  
24 shall be dissolved and any monies remaining therein shall be  
25 deposited into the "Municipal Open Space, Recreation, Floodplain  
26 Protection, and Farmland and Historic Preservation Trust Fund"  
27 created pursuant to subsection c. of section 7 of **【this act】** P.L.1997,  
28 c.24 (C.40:12-15.7) to be utilized for the purposes determined by  
29 the governing body of the municipality as authorized pursuant to  
30 this section.

31 (cf: P.L.1997, c.24, s.8)

32  
33 4. Section 9 of P.L.1997, c.24 (C.40:12-15.9) is amended to  
34 read as follows:

35 9. Lands acquired by a municipality using revenue raised  
36 pursuant to **【this act】** P.L.1997, c.24 (C.40:12-15.1 et seq.) shall be  
37 held in trust and shall be used exclusively for the purposes  
38 authorized under **【this act】** P.L.1997, c.24 .

39 After conducting at least one public hearing thereon and upon a  
40 finding that the purposes of **【this act】** P.L.1997, c.24 might  
41 otherwise be better served or that any land acquired by a  
42 municipality pursuant thereto is required for another public use,  
43 which finding shall be set forth in an ordinance adopted by the  
44 governing body of the municipality, the governing body may  
45 convey, through sale, exchange, transfer, or other disposition, title  
46 to, or a lesser interest in, that land, provided that the governing  
47 body shall replace any land conveyed under this section by land of

1 at least equal fair market value and of reasonably equivalent  
2 usefulness, size, quality, and location to the land conveyed, and any  
3 monies derived from the conveyance shall be deposited into the  
4 "Municipal Open Space, Recreation, Floodplain Protection, and  
5 Farmland and Historic Preservation Trust Fund" created pursuant to  
6 subsection c. of section 7 of **[this act]** P.L.1997, c.24 (C.40:12-  
7 15.7) for use for the purposes authorized by this act for monies in  
8 the municipal trust fund. Any such conveyance shall be made in  
9 accordance with the "Local Lands and Buildings Law," P.L.1971,  
10 c.199 (C.40A:12-1 et seq.). In the event of conveyance by  
11 exchange, the land or improvements thereon to be transferred to the  
12 trust shall be at least equal in fair market value and of reasonably  
13 equivalent usefulness, size, quality, and location to the land or  
14 improvements transferred from the trust.  
15 (cf: P.L.1997, c.24, s.9)

16

17 5. This act shall take effect immediately.

18

19

20

## STATEMENT

21

22 This bill would allow municipalities to establish municipal open  
23 space trust funds specifically for the purchase of flood-prone  
24 properties, otherwise known as "Blue Acres projects."25 Under current law, municipalities are authorized to establish  
26 "Municipal Open Space, Recreation, and Farmland and Historic  
27 Preservation Trust Funds." This bill would expand this  
28 authorization to specifically include "Blue Acres projects" and  
29 would amend the name of these municipal open space trust funds to  
30 be "Municipal Open Space, Recreation, Floodplain Protection, and  
31 Farmland and Historic Preservation Trust Funds."32 The bill defines "Blue Acres project" to mean any project to  
33 acquire, for recreation and conservation purposes, lands that have  
34 been damaged by, or may be prone to incurring damage caused by,  
35 storms or storm-related flooding, or that may buffer or protect other  
36 lands from such damage, and includes the demolition of structures  
37 on, the removal of debris from, and the restoration of those lands to  
38 a natural state or to a state useful for recreation and conservation  
39 purposes.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 3078**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 13, 2011

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3078, with committee amendments.

As amended, this bill would allow counties and municipalities to utilize county and municipal open space trust funds for the additional purpose of purchasing flood-prone properties, otherwise known as "Blue Acres projects."

Under current law, counties are authorized to establish "County Open Space, Recreation, and Farmland and Historic Preservation Trust Funds" and municipalities are authorized to establish "Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Funds." This bill would expand this authorization to specifically include "Blue Acres projects" and would revise the names of these open space trust funds to include "floodplain protection."

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

#### COMMITTEE AMENDMENTS:

The committee amendments would authorize counties, in addition to municipalities, to utilize open space trust funds for the additional purpose of purchasing flood-prone properties, otherwise known as "Blue Acres projects."

#### FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.