





P.L. 2025, CHAPTER 36, *approved March 17, 2025*  
Senate, No. 3466 (*First Reprint*)

1 AN ACT concerning the preservation and protection of land in the  
2 Highlands Region, amending <sup>1</sup>**[P.L.2019, c.136 and]** P.L.1999,  
3 c.152, <sup>1</sup>**and** amending and supplementing P.L.2004, c.120 <sup>1</sup>**[**,  
4 and supplementing P.L.2016, c.12 (C.13:8C-43 et seq.)<sup>1</sup>**]**.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8

9 1. Section 26 of P.L.1999, c.152 (C.13:8C-26) is amended to  
10 read as follows:

11 26. a. Moneys appropriated from the Garden State Green Acres  
12 Preservation Trust Fund to the Department of Environmental  
13 Protection shall be used by the department to:

14 (1) Pay the cost of acquisition and development of lands by the  
15 State for recreation and conservation purposes;

16 (2) Provide grants and loans to assist local government units to  
17 pay the cost of acquisition and development of lands for recreation  
18 and conservation purposes; and

19 (3) Provide grants to assist qualifying tax exempt nonprofit  
20 organizations to pay the cost of acquisition and development of  
21 lands for recreation and conservation purposes.

22 b. The expenditure and allocation of constitutionally dedicated  
23 moneys for recreation and conservation purposes shall reflect the  
24 geographic diversity of the State to the maximum extent practicable  
25 and feasible.

26 c. (1) Notwithstanding the provisions of section 5 of P.L.1985,  
27 c.310 (C.13:18A-34) or **[this act]** P.L.1999, c.152 (C.13:8C-1 et  
28 seq.) , or any rule or regulation adopted pursuant thereto, to the  
29 contrary, the value of a pinelands development credit, allocated to a  
30 parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the  
31 pinelands comprehensive management plan adopted pursuant  
32 thereto, shall be made utilizing a value to be determined by either  
33 appraisal, regional averaging based upon appraisal data, or a  
34 formula supported by appraisal data. The appraisal and appraisal  
35 data shall consider as appropriate: land values in the pinelands  
36 regional growth areas; land values in counties, municipalities, and  
37 other areas reasonably contiguous to, but outside of, the pinelands

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEN committee amendments adopted December 12, 2024.

1 area; and other relevant factors as may be necessary to maintain the  
2 environmental, ecological, and agricultural qualities of the  
3 pinelands area.

4 (2) No pinelands development credit allocated to a parcel of  
5 land pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the  
6 pinelands comprehensive management plan adopted pursuant  
7 thereto that is acquired or obtained in connection with the  
8 acquisition of the parcel for recreation and conservation purposes  
9 by the State, a local government unit, or a qualifying tax exempt  
10 nonprofit organization using constitutionally dedicated moneys in  
11 whole or in part may be conveyed in any manner. All such  
12 pinelands development credits shall be retired permanently.

13 d. (Deleted by amendment, P.L.2010, c.70)

14 e. Moneys appropriated from the fund may be used to match  
15 grants, contributions, donations, or reimbursements from federal aid  
16 programs or from other public or private sources established for the  
17 same or similar purposes as the fund.

18 f. Moneys appropriated from the fund shall not be used by  
19 local government units or qualifying tax exempt nonprofit  
20 organizations to acquire lands that are already permanently  
21 preserved for recreation and conservation purposes, as determined  
22 by the department.

23 g. Whenever lands are donated to the State by a public utility,  
24 as defined pursuant to Title 48 of the Revised Statutes, for  
25 recreation and conservation purposes, the commissioner may make  
26 and keep the lands accessible to the public, unless the commissioner  
27 determines that public accessibility would be detrimental to the  
28 lands or any natural resources associated therewith.

29 h. Whenever the State acquires land for recreation and  
30 conservation purposes, the agency in the Department of  
31 Environmental Protection responsible for administering the land  
32 shall, within six months after the date of acquisition, inspect the  
33 land for the presence of any buildings or structures thereon which  
34 are or may be historic properties and, within 60 days after  
35 completion of the inspection, provide to the New Jersey Historic  
36 Preservation Office in the department (1) a written notice of its  
37 findings, and (2) for any buildings or structures which are or may  
38 be historic properties discovered on the land, a request for  
39 determination of potential eligibility for inclusion of the historic  
40 building or structure in the New Jersey Register of Historic Places.  
41 Whenever such a building or structure is discovered, a copy of the  
42 written notice provided to the New Jersey Historic Preservation  
43 Office shall also be sent to the New Jersey Historic Trust and to the  
44 county historical commission or advisory committee, the county  
45 historical society, the local historic preservation commission or  
46 advisory committee, and the local historical society if any of those  
47 entities exist in the county or municipality wherein the land is  
48 located.

1 i. (Deleted by amendment, P.L.2010, c.70)  
2 j. (1) Commencing on the date of enactment of P.L.2004,  
3 c.120 (C.13:20-1 et al.) and through June 30, **[2024]** 2029 for lands  
4 located in the Highlands Region as defined pursuant to section 3 of  
5 P.L.2004, c.120 (C.13:20-3), when the department, a local  
6 government unit, or a qualifying tax exempt nonprofit organization  
7 seeks to acquire lands for recreation and conservation purposes  
8 using constitutionally dedicated moneys in whole or in part, Green  
9 Acres bond act moneys in whole or in part, or constitutionally  
10 dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et  
11 seq.) in whole or in part, it shall conduct or cause to be conducted  
12 an appraisal or appraisals of the value of the lands that shall be  
13 made using (a) the land use zoning of the lands, and any State  
14 environmental laws or Department of Environmental Protection  
15 rules and regulations that may affect the value of the lands, subject  
16 to the appraisal and in effect at the time of proposed acquisition,  
17 and (b) the land use zoning of the lands, and any State  
18 environmental laws or Department of Environmental Protection  
19 rules and regulations that may affect the value of the lands, subject  
20 to the appraisal and in effect on January 1, 2004. The higher of  
21 those two values shall be utilized by the department, a local  
22 government unit, or a qualifying tax exempt nonprofit organization  
23 as the basis for negotiation with the landowner with respect to the  
24 acquisition price for the lands. The landowner shall be provided  
25 with both values determined pursuant to this paragraph.

26 A landowner may waive any of the requirements of this  
27 paragraph and may agree to sell the lands for less than the values  
28 determined pursuant to this paragraph.

29 The provisions of this paragraph shall be applicable only to lands  
30 the owner of which at the time of proposed acquisition is the same  
31 person who owned the lands on the date of enactment of P.L.2004,  
32 c.120 (C.13:20-1 et al.) and who has owned the lands continuously  
33 since that enactment date, or is an immediate family member of that  
34 person.

35 (2) (Deleted by amendment, P.L.2010, c.70)

36 (3) The requirements of this subsection shall be in addition to  
37 any other requirements of law, rule, or regulation not inconsistent  
38 therewith.

39 (4) This subsection shall not:

40 (a) apply in the case of lands to be acquired with federal moneys  
41 in whole or in part;

42 (b) (Deleted by amendment, P.L.2010, c.70); or

43 (c) alter any requirements to disclose information to a  
44 landowner pursuant to the "Eminent Domain Act of 1971,"  
45 P.L.1971, c.361 (C.20:3-1 et seq.).

46 (5) For the purposes of this subsection, "immediate family  
47 member" means a spouse, child, parent, sibling, aunt, uncle, niece,  
48 nephew, first cousin, grandparent, grandchild, father-in-law,

1 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,  
2 stepbrother, stepsister, half brother, or half sister, whether the  
3 individual is related by blood, marriage, or adoption.

4 k. The department shall adopt guidelines for the evaluation and  
5 priority ranking process which shall be used in making decisions  
6 concerning the acquisition of lands by the State for recreation and  
7 conservation purposes using moneys from the Garden State Green  
8 Acres Preservation Trust Fund and from any other source. The  
9 guidelines shall be designed to provide, to the maximum extent  
10 practicable and feasible, that such moneys are spent equitably  
11 among the geographic areas of the State. The guidelines, and any  
12 subsequent revisions thereto, shall be published in the New Jersey  
13 Register. The adoption of the guidelines or of the revisions thereto,  
14 shall not be subject to the requirements of the "Administrative  
15 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

16 l. In making decisions concerning the acquisition of lands by  
17 the State for recreation and conservation purposes using moneys  
18 from the Garden State Green Acres Preservation Trust Fund, in the  
19 evaluation and priority ranking process the department shall accord  
20 three times the weight to acquisitions of lands that would protect  
21 water resources, and two times the weight to acquisitions of lands  
22 that would protect flood-prone areas, as those criteria are compared  
23 to the other criteria in the priority ranking process.

24 m. The department, pursuant to the "Administrative Procedure  
25 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
26 regulations that establish standards and requirements regulating any  
27 activity on lands acquired by the State for recreation and  
28 conservation purposes using constitutionally dedicated moneys to  
29 assure that the activity on those lands does not diminish the  
30 protection of surface water or groundwater resources.

31 Any rules and regulations adopted pursuant to this subsection  
32 shall not apply to activities on lands acquired prior to the adoption  
33 of the rules and regulations.

34 n. (1) The department, within three months after the date of the  
35 first meeting of the Highlands Water Protection and Planning  
36 Council established pursuant to section 4 of P.L.2004, c.120  
37 (C.13:20-4), shall consult with and solicit recommendations from  
38 the council concerning land preservation strategies and acquisition  
39 plans in the Highlands Region as defined in section 3 of P.L.2004,  
40 c.120 (C.13:20-3).

41 The council's recommendations shall also address strategies and  
42 plans concerning establishment by the department of a methodology  
43 for prioritizing the acquisition of land in the Highlands preservation  
44 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), for  
45 recreation and conservation purposes using moneys from the  
46 Garden State Green Acres Preservation Trust Fund, especially with  
47 respect to (a) any land that has declined substantially in value due  
48 to the implementation of the "Highlands Water Protection and

1 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), and (b) any major  
2 Highlands development, as defined in section 3 of P.L.2004, c.120  
3 (C.13:20-3), that would have qualified for an exemption pursuant to  
4 paragraph (3) of subsection a. of section 30 of P.L.2004, c.120  
5 (C.13:20-28) but for the lack of a necessary State permit as  
6 specified in subparagraph (b) or (c), as appropriate, of paragraph (3)  
7 of subsection a. of section 30 of P.L.2004, c.120 (C.13:20-28), and  
8 for which an application for such a permit had been submitted to the  
9 Department of Environmental Protection and deemed by the  
10 department to be complete for review on or before March 29, 2004.  
11 The recommendations may also include a listing of specific parcels  
12 in the Highlands preservation area that the council is aware of that  
13 meet the criteria of subparagraph (a) or (b) of this paragraph and for  
14 that reason should be considered by the department as a priority for  
15 acquisition, but any such list shall remain confidential  
16 notwithstanding any provision of P.L.1963, c.73 (C.47:1A-1 et seq.)  
17 or any other law to the contrary.

18 (2) In making decisions concerning applications for funding  
19 submitted by municipalities in the Highlands planning area, as  
20 defined in section 3 of P.L.2004, c.120 (C.13:20-3), to acquire or  
21 develop lands for recreation and conservation purposes using  
22 moneys from the Garden State Green Acres Preservation Trust  
23 Fund, in the evaluation and priority ranking process the department  
24 shall accord a higher weight to any application submitted by a  
25 municipality in the Highlands planning area that has amended its  
26 development regulations in accordance with section 13 of P.L.2004,  
27 c.120 (C.13:20-13) to establish one or more receiving zones for the  
28 transfer of development potential from the Highlands preservation  
29 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than  
30 that which is accorded to comparable applications submitted by  
31 other municipalities in the Highlands planning area that have not  
32 made such amendments to their development regulations.

33 o. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-  
34 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,  
35 the sum spent by the department in each of those fiscal years for the  
36 acquisition of lands by the State for recreation and conservation  
37 purposes using moneys from the Garden State Green Acres  
38 Preservation Trust Fund in each county of the State shall be not  
39 less, and may be greater if additional sums become available, than  
40 the average annual sum spent by the department therefor in each  
41 such county, respectively, for State fiscal years 2002 through 2004,  
42 provided there is sufficient and appropriate lands within the county  
43 to be so acquired by the State for such purposes.

44 (cf: P.L.2019, c.136, s.8)

45

46 2. Section 38 of P.L.1999, c.152 (C.13:8C-38) is amended to  
47 read as follows:

1       38. a. All acquisitions or grants made pursuant to section 37 of  
2 P.L.1999, c.152 (C.13:8C-37) shall be made with respect to  
3 farmland devoted to farmland preservation under programs  
4 established by law.

5       b. The expenditure and allocation of constitutionally dedicated  
6 moneys for farmland preservation purposes shall reflect the  
7 geographic diversity of the State to the maximum extent practicable  
8 and feasible.

9       c. The committee shall implement the provisions of section 37  
10 of P.L.1999, c.152 (C.13:8C-37) in accordance with the procedures  
11 and criteria established pursuant to the "Agriculture Retention and  
12 Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) except as  
13 provided otherwise by P.L.1999, c.152 (C.13:8C-1 et seq.).

14       d. The committee shall adopt the same or a substantially  
15 similar method for determining, for the purposes of P.L.1999, c.152  
16 (C.13:8C-1 et seq.), the committee's share of the cost of a  
17 development easement on farmland to be acquired by a local  
18 government as that which is being used by the committee on the  
19 date of enactment of P.L.1999, c.152 (C.13:8C-1 et seq.) for prior  
20 farmland preservation funding programs.

21       e. Notwithstanding the provisions of section 24 of P.L.1983,  
22 c.32 (C.4:1C-31) or P.L.1999, c.152 (C.13:8C-1 et seq.), or any  
23 rule or regulation adopted pursuant thereto to the contrary,  
24 whenever the value of a development easement on farmland to be  
25 acquired using constitutionally dedicated moneys in whole or in  
26 part is determined based upon the value of any pinelands  
27 development credits allocated to the parcel pursuant to P.L.1979,  
28 c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive  
29 management plan adopted pursuant thereto, the committee shall  
30 determine the value of the development easement by:

31       (1) conducting a sufficient number of fair market value  
32 appraisals as it deems appropriate to determine the value for  
33 farmland preservation purposes of the pinelands development  
34 credits;

35       (2) considering development easement values in counties,  
36 municipalities, and other areas (a) reasonably contiguous to, but  
37 outside of, the pinelands area, which in the sole opinion of the  
38 committee constitute reasonable development easement values in  
39 the pinelands area for the purposes of this subsection, and (b) in the  
40 pinelands area where pinelands development credits are or may be  
41 utilized, which in the sole opinion of the committee constitute  
42 reasonable development easement values in the pinelands area for  
43 the purposes of this subsection;

44       (3) considering land values in the pinelands regional growth  
45 areas;

46       (4) considering the importance of preserving agricultural lands  
47 in the pinelands area; and

1 (5) considering such other relevant factors, including the rate of  
2 inflation, as may be necessary to increase participation in the  
3 farmland preservation program by owners of agricultural lands  
4 located in the pinelands area.

5 f. No pinelands development credit that is acquired or obtained  
6 in connection with the acquisition of a development easement on  
7 farmland or fee simple title to farmland by the State, a local  
8 government unit, or a qualifying tax exempt nonprofit organization  
9 using constitutionally dedicated moneys in whole or in part may be  
10 conveyed in any manner. All such pinelands development credits  
11 shall be retired permanently.

12 g. (Deleted by amendment, P.L.2010, c.70)

13 h. Any farmland for which a development easement or fee  
14 simple title has been acquired pursuant to section 37 of P.L.1999,  
15 c.152 (C.13:8C-37) shall be entitled to the benefits conferred by the  
16 "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and the  
17 "Agriculture Retention and Development Act," P.L.1983, c.32  
18 (C.4:1C-11 et al.).

19 i. (Deleted by amendment, P.L.2010, c.70)

20 j. (1) Commencing on the date of enactment of P.L.2004, c.120  
21 (C.13:20-1 et al.) and through June 30, **[2024]** 2029 for lands  
22 located in the Highlands Region as defined pursuant to section 3 of  
23 P.L.2004, c.120 (C.13:20-3), when the committee, a local  
24 government unit, or a qualifying tax exempt nonprofit organization  
25 seeks to acquire a development easement on farmland or the fee  
26 simple title to farmland for farmland preservation purposes using  
27 constitutionally dedicated moneys in whole or in part, Green Acres  
28 bond act moneys in whole or in part, or constitutionally dedicated  
29 CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.) in  
30 whole or in part, it shall conduct or cause to be conducted an  
31 appraisal or appraisals of the value of the lands that shall be made  
32 using (a) the land use zoning of the lands, and any State  
33 environmental laws or Department of Environmental Protection  
34 rules and regulations that may affect the value of the lands, subject  
35 to the appraisal and in effect at the time of proposed acquisition,  
36 and (b) the land use zoning of the lands, and any State  
37 environmental laws or Department of Environmental Protection  
38 rules and regulations that may affect the value of the lands, subject  
39 to the appraisal and in effect on January 1, 2004. The higher of  
40 those two values shall be utilized by the committee, a local  
41 government unit, or a qualifying tax exempt nonprofit organization  
42 as the basis for negotiation with the landowner with respect to the  
43 acquisition price for the lands. The landowner shall be provided  
44 with both values determined pursuant to this paragraph.

45 A landowner may waive any of the requirements of this  
46 paragraph and may agree to sell the lands for less than the values  
47 determined pursuant to this paragraph.

1 The provisions of this paragraph shall be applicable only to lands  
2 the owner of which at the time of proposed acquisition is the same  
3 person who owned the lands on the date of enactment of P.L.2004,  
4 c.120 (C.13:20-1 et al.) and who has owned the lands continuously  
5 since that enactment date, or is an immediate family member of that  
6 person.

7 (2) (Deleted by amendment, P.L.2010, c.70)

8 (3) The requirements of this subsection shall be in addition to  
9 any other requirements of law, rule, or regulation not inconsistent  
10 therewith.

11 (4) This subsection shall not:

12 (a) apply in the case of lands to be acquired with federal moneys  
13 in whole or in part;

14 (b) (Deleted by amendment, P.L.2010, c.70); or

15 (c) alter any requirements to disclose information to a  
16 landowner pursuant to the "Eminent Domain Act of 1971,"  
17 P.L.1971, c.361 (C.20:3-1 et seq.).

18 (5) For the purposes of this subsection, "immediate family  
19 member" means a spouse, child, parent, sibling, aunt, uncle, niece,  
20 nephew, first cousin, grandparent, grandchild, father-in-law,  
21 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,  
22 stepbrother, stepsister, half-brother, or half-sister, whether the  
23 individual is related by blood, marriage, or adoption.

24 k. The committee and the Department of Environmental  
25 Protection, pursuant to the "Administrative Procedure Act,"  
26 P.L.1968, c.410 (C.52:14B-1 et seq.), shall jointly adopt rules and  
27 regulations that establish standards and requirements regulating any  
28 improvement on lands acquired by the State for farmland  
29 preservation purposes using constitutionally dedicated moneys to  
30 assure that any improvement does not diminish the protection of  
31 surface water or groundwater resources.

32 Any rules and regulations adopted pursuant to this subsection  
33 shall not apply to improvements on lands acquired prior to the  
34 adoption of the rules and regulations.

35 l. (1) The committee, within three months after the date of the  
36 first meeting of the Highlands Water Protection and Planning  
37 Council established pursuant to section 4 of P.L.2004, c.120  
38 (C.13:20-4), shall consult with and solicit recommendations from  
39 the council concerning farmland preservation strategies and  
40 acquisition plans in the Highlands Region as defined in section 3 of  
41 P.L.2004, c.120 (C.13:20-3).

42 The council's recommendations shall also address strategies and  
43 plans concerning establishment by the committee of a methodology  
44 for prioritizing the acquisition of development easements and fee  
45 simple titles to farmland in the Highlands preservation area, as  
46 defined in section 3 of P.L.2004, c.120 (C.13:20-3), for farmland  
47 preservation purposes using moneys from the Garden State  
48 Farmland Preservation Trust Fund, especially with respect to

1 farmland that has declined substantially in value due to the  
2 implementation of the "Highlands Water Protection and Planning  
3 Act," P.L.2004, c.120 (C.13:20-1 et al.). The recommendations  
4 may also include a listing of specific parcels in the Highlands  
5 preservation area that the council is aware of that have experienced  
6 a substantial decline in value and for that reason should be  
7 considered by the committee as a priority for acquisition, but any  
8 such list shall remain confidential notwithstanding any provision of  
9 P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary.

10 (2) In prioritizing applications for funding submitted by local  
11 government units in the Highlands planning area, as defined in  
12 section 3 of P.L.2004, c.120 (C.13:20-3), to acquire development  
13 easements on farmland in the Highlands planning area using  
14 moneys from the Garden State Farmland Preservation Trust Fund,  
15 the committee shall accord a higher weight to any application  
16 submitted by a local government unit to preserve farmland in a  
17 municipality in the Highlands planning area that has amended its  
18 development regulations in accordance with section 13 of P.L.2004,  
19 c.120 (C.13:20-13) to establish one or more receiving zones for the  
20 transfer of development potential from the Highlands preservation  
21 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than  
22 that which is accorded to comparable applications submitted by  
23 other local government units to preserve farmland in municipalities  
24 in the Highlands planning area that have not made such  
25 amendments to their development regulations.

26 m. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-  
27 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,  
28 the sum spent by the committee in each of those fiscal years for the  
29 acquisition by the committee of development easements and fee  
30 simple titles to farmland for farmland preservation purposes using  
31 moneys from the Garden State Farmland Preservation Trust Fund in  
32 each county of the State shall be not less, and may be greater if  
33 additional sums become available, than the average annual sum  
34 spent by the department therefor in each such county, respectively,  
35 for State fiscal years 2002 through 2004, provided there is sufficient  
36 and appropriate farmland within the county to be so acquired by the  
37 committee for such purposes.

38 (cf: P.L.2023, c.245, s.1.)

39

40 <sup>1</sup>[3. Section 1 of P.L.2019, c.136 (C.13:8C-47.1) is amended to  
41 read as follows:

42 1. a. **[In]** Except as otherwise provided in subsection c. of this  
43 section, in each State fiscal year commencing in State fiscal year  
44 2020 and annually thereafter, of the amount credited by the State  
45 Treasurer to the Preserve New Jersey Fund Account pursuant to  
46 subparagraph (b) of paragraph (1) of subsection a. of section 4 of  
47 P.L.2016, c.12 (C.13:8C-46):

1 (1) 62 percent shall be deposited into the Preserve New Jersey  
2 Green Acres Fund;

3 (2) 31 percent shall be deposited into the Preserve New Jersey  
4 Farmland Preservation Fund; and

5 (3) seven percent shall be deposited into the Preserve New  
6 Jersey Historic Preservation Fund.

7 b. (1) Beginning July 1, 2022, and annually thereafter, the  
8 Garden State Preservation Trust shall conduct a review of the  
9 appropriations of constitutionally dedicated CBT moneys to, and  
10 the expenditures thereof by, the Department of Environmental  
11 Protection, the State Agriculture Development Committee, and the  
12 New Jersey Historic Trust for their respective programs. In  
13 conducting this review, the trust shall: evaluate the demonstrated  
14 need for funding for the acquisition or development of lands for  
15 recreation and conservation purposes, including Blue Acres  
16 projects, farmland preservation purposes, or historic preservation  
17 purposes based upon available projects, applicant demand, and past  
18 appropriations and expenditures for these purposes; and hold a  
19 public hearing to solicit public input on appropriate funding  
20 allocations for the department, committee, and New Jersey Historic  
21 Trust, for the upcoming fiscal year.

22 (2) If the trust determines, based on the review conducted  
23 pursuant to paragraph (1) of this subsection, that it would be  
24 appropriate to revise the allocations set forth in subsection a. of this  
25 section, or section 6, 8, or 9 of P.L.2016, c.12 (C.13:8C-48, 50, or  
26 51), the trust shall send a written notification to the Chairperson of  
27 the Senate Environment and Energy Committee, the Assembly  
28 Agriculture and Natural Resources Committee, and the Assembly  
29 Environment and Solid Waste Committee, or their successors, of its  
30 findings and recommendations concerning future funding  
31 allocations for the Preserve New Jersey Green Acres Fund, the  
32 Preserve New Jersey Farmland Preservation Fund, or the Preserve  
33 New Jersey Historic Preservation Fund.

34 (3) A recommendation by the trust to reallocate constitutionally  
35 dedicated CBT moneys based on the review conducted pursuant to  
36 this subsection shall not alter the allocations set forth in subsection  
37 a. of this section or section 6, 8, or 9 of P.L.2016, c.12 (C.13:8C-48,  
38 50, or 51) for any fiscal year unless authorized by the Legislature.

39 c. Commencing on July 1 next following the effective date of  
40 P.L. , c. (C. ) (pending before the Legislature as this bill)  
41 and in each State fiscal year annually thereafter, there shall be  
42 deposited by the State Treasurer the following amounts into the  
43 Preserve New Jersey Highlands Fund created pursuant to section 4  
44 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
45 to be used for the purposes of section 5 of P.L. , c. (C. )  
46 (pending before the Legislature as this bill):

1       (1) \$5 million of the amount deposited into the Preserve New  
2 Jersey Green Acres Fund pursuant to paragraph (1) of subsection a.  
3 of this section; and

4       (2) \$2.5 million of the amount deposited into the Preserve New  
5 Jersey Farmland Preservation Fund pursuant to paragraph (2) of  
6 subsection a. of this section.  
7 (cf: P.L.2019, c.136, s.1)]<sup>1</sup>

8  
9       <sup>1</sup>[4.(New section) a. The State Treasurer shall establish a fund  
10 to be known as the "Preserve New Jersey Highlands Preservation  
11 Fund" and shall deposit into the fund all moneys received pursuant  
12 to subsection c. of section 1 of P.L.2019, c.136 (C.13:8C-47.1) and  
13 any other moneys appropriated by law for deposit into the fund.  
14 Moneys in the fund shall be invested in permitted investments or  
15 shall be held in interest-bearing accounts in those depositories as  
16 the State Treasurer may select, and may be invested and reinvested  
17 in permitted investments or as other trust funds in the custody of the  
18 State Treasurer in the manner provided by law. All interest or other  
19 income or earnings derived from the investment or reinvestment of  
20 moneys in the fund shall be credited to the fund.

21       b. The moneys in the Preserve New Jersey Highlands  
22 Preservation Fund are specifically dedicated and shall be used by  
23 the Highlands Water Protection and Planning Council, established  
24 pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), in accordance  
25 with the provisions of this section and section 5 of  
26 P.L. , c. (C. ) (pending before the Legislature as this bill),  
27 only for:

28       (1) the acquisition of lands for recreation and conservation  
29 purposes;

30       (2) the acquisition of lands for farmland preservation purposes;  
31 and

32       (3) as the State match for federal funding available pursuant to  
33 the Highlands Conservation Act, Pub.L. 108-421, or any other  
34 similar federal funding, for the acquisition of land in the Highlands  
35 Region from a willing seller for the permanent protection of those  
36 lands.

37       c. Moneys in the fund shall not be expended except in  
38 accordance with appropriations from the fund made by law. Any  
39 act appropriating moneys from the Preserve New Jersey Highlands  
40 Preservation Fund shall identify any particular project or projects to  
41 be funded by the moneys, and any expenditure for a project for  
42 which the location is not identified by municipality and county in  
43 the appropriation shall require the approval of the Joint Budget  
44 Oversight Committee. Any change in project sponsor, site, or type  
45 that has received an appropriation from the fund, shall require the  
46 approval of the Joint Budget Oversight Committee or its successor  
47 but shall not require the approval of the Garden State Preservation  
48 Trust.

- 1 d. Unexpended moneys due to project withdrawals,  
2 cancellations, or cost savings shall be returned to the fund.
- 3 e. The Highlands Water Protection and Planning Council shall  
4 include an accounting of the moneys in the Preserve New Jersey  
5 Highlands Preservation Fund in the annual report prepared pursuant  
6 to section 29 of P.L.2004, c.120 (C.13:20-27). The accounting shall  
7 identify, for each year and cumulatively: the amount of  
8 appropriations from the fund; the expenditure of moneys from the  
9 fund; the amount of land preserved with moneys in the fund; and  
10 the amount of federal funds received from using moneys in the fund  
11 as the State match. ]<sup>1</sup>

12

13 <sup>1</sup>[5.(New section) a. As used in this section:14 “Agricultural deed restriction” means an “agricultural deed  
15 restriction for farmland preservation purposes” as defined in section  
16 3 of P.L.1983, c.32 (C.4:1C-13).17 “Agricultural preservation priority area” means an area identified  
18 in the Highlands regional master plan as an agricultural priority  
19 area.20 “Charitable conservancy” means the same as the defined is  
21 defined in section 2 of P.L.1979, c.378 (C.13:8B-2).22 “Conservation easement” means a deeded transfer of an interest  
23 in real property under which the property owner agrees to  
24 permanently restrict the land in perpetuity from future development  
25 and to conserve and protect open space, scenic, agricultural, or  
26 other natural resource values on the land covered by the easement.27 “Conservation preservation priority area” means an area  
28 identified in the Highlands regional master plan as a conservation  
29 priority area.30 “Council” means the Highlands Water Protection and Planning  
31 Council established pursuant to section 4 of the “Highlands Water  
32 Protection and Planning Act,” P.L.2004, c.120 (C.13:20-4).33 “Highlands development credit” means a transfer of development  
34 rights credit that may be bought, sold, or transferred in accordance  
35 with the transfer of development rights program for the Highlands  
36 Region established by the council pursuant to section 13 of  
37 P.L.2004, c.120 (C.13:20-13).38 “Highlands Region” means the region designated by subsection  
39 a. of section 7 of P.L.2004, c.120 (C.13:20-7).40 “Highlands regional master plan” means the regional master plan  
41 as defined in section 3 of P.L.2004, c.120 (C.13:20-3).42 “Passive recreation” means a non-motorized outdoor recreational  
43 activity, such as nature observation, hiking, biking, and canoeing or  
44 kayaking, that requires a minimum of facilities or development and  
45 that has a minimal environmental impact on natural resources.46 “Preserve New Jersey Highlands Preservation Fund” means the  
47 fund established pursuant to section 4 of P.L. , c. (C. )  
48 (pending before the Legislature as this bill).

- 1       “Special environmental zone” means an area identified in the  
2 Highlands regional master plan as a special environmental zone.
- 3       b. Of the amount deposited in the Preserve New Jersey  
4 Highlands Preservation Fund, each year:
- 5       (1) \$2,500,000 shall be allocated for the Highlands Open Space  
6 Partnership Funding program to provide grants to local government  
7 units, charitable conservancies, or qualifying tax exempt nonprofit  
8 organizations as provided in subsection c. of this section;
- 9       (2) \$2,500,000 shall be allocated for the acquisition of  
10 Highlands development credits from landowners pursuant to the  
11 transfer of development rights program for the Highlands Region  
12 established pursuant to section 13 of P.L.2004, c.120 (C.13:20-13),  
13 and as provided in subsection d. of this section; and
- 14       (3) \$2,500,000 shall be allocated for farmland preservation for  
15 the preservation of farmland that does not qualify for preservation  
16 by the State Agriculture Development Committee, and as provided  
17 in subsection e. of this section.
- 18       c. (1) Funds allocated pursuant to paragraph (1) of subsection  
19 b. of this section for the Highlands Open Space Partnership Funding  
20 program shall be used for:
- 21       (a) the fee simple acquisition of land for recreation and  
22 conservation, including passive recreation purposes, including, but  
23 not limited to:
- 24       (i) parks, natural areas, and greenways; and  
25       (ii) the protection of natural resources as identified in the  
26 Highlands regional master plan; and
- 27       (b) the acquisition of conservation easements for conservation  
28 purposes, including, but not limited to:
- 29       (i) parks, natural areas, and greenways;  
30       (ii) farmland preservation; and  
31       (iii) the protection of natural resources and agricultural  
32 preservation priority areas.
- 33       (2) A grant awarded with funds pursuant to this section shall  
34 require the land to be restricted in perpetuity from future  
35 development to protect any existing natural resources located on the  
36 property in accordance with requirements of a conservation  
37 easement approved by the council, which conservation easement  
38 shall be:
- 39       (a) held by the council, the Department of Environmental  
40 Protection, a charitable conservancy, or a qualifying tax exempt  
41 nonprofit organization; and
- 42       (b) specifically and expressly enforceable by the entity which  
43 holds the conservation easement and the council; and
- 44       (3) A grant awarded pursuant to this section shall be in an  
45 amount not to exceed 50 percent of the total purchase price of the  
46 land.

1 d. (1) Funds allocated pursuant to paragraph (2) of subsection b.  
2 of this section shall be used for the acquisition of Highlands  
3 development credits for the protection of land:

- 4 (a) of significant ecological or agricultural importance;
- 5 (b) that serves to complement or buffer publicly-owned and  
6 managed lands preserved for recreation and conservation purposes;
- 7 (c) that will result in the protection of properties meeting the  
8 criteria set forth in subsection f. of this section; or
- 9 (d) that otherwise furthers the purposes of the Highlands  
10 regional master plan.

11 (2) To be eligible for funding pursuant to this subsection, a  
12 landowner shall:

- 13 (a) possess a marketable title and be legally empowered to  
14 restrict the use of the land in a manner consistent with the  
15 “Highlands Water Protection and Planning Act,” P.L.2004, c.120  
16 (C.13:20-1 et al.), any rules and regulations adopted pursuant  
17 thereto, the Highlands regional master plan, and this section; and
- 18 (b) place a conservation easement on the land, which  
19 conservation easement shall:
  - 20 (i) be held by the council, a charitable conservancy, or a  
21 qualifying tax exempt nonprofit organization; and
  - 22 (ii) specifically and expressly enforceable by the entity which  
23 holds the conservation easement and the council.

24 e. Funds allocated pursuant to paragraph (3) of subsection b. of  
25 this section shall be used for the preservation of farmland in the  
26 Highlands region, and shall comply with the requirements of  
27 subsections c. and d. as applicable to the application. Any land that  
28 receives funding pursuant to this subsection shall be subject to an  
29 agricultural deed restriction, and a copy of the agricultural deed  
30 restriction shall be provided to the State Agriculture Development  
31 Committee.

32 f. Priority for funding with moneys in the Preserve New Jersey  
33 Highlands Preservation Fund shall be provided to the acquisition of  
34 land based on the following criteria, in no specific order:

- 35 (1) land located in a special environmental zone area;
- 36 (2) land located in a high conservation preservation priority area  
37 or high agricultural preservation priority area;
- 38 (3) land located in a moderate conservation preservation priority  
39 area or moderate agricultural preservation priority area; and
- 40 (4) land that would provide or improve connectivity to existing  
41 preserved lands, are contiguous to existing preserved farmland, or  
42 otherwise improve access to existing lands preserved for recreation  
43 and conservation purposes.

44 g. In no case shall moneys in the Preserve New Jersey  
45 Highlands Preservation Fund be used for the acquisition in fee  
46 simple or a lesser interest of any land that:

1 (1) requires condemnation;

2 (2) contains significant environmental contamination, including,  
3 but not limited to, former landfill sites, sites with a history of  
4 operating as a facility with substantial potential for on-site  
5 contamination, or sites listed on the Department of Environmental  
6 Protection's Known Contaminated Sites List; or

7 (3) is already preserved or acquired by the State, a local  
8 government unit, a charitable conservancy, or a qualifying tax  
9 exempt nonprofit organization.

10 h. All Highlands development credits acquired with moneys  
11 from the Preserve New Jersey Highlands Preservation Fund shall be  
12 retired permanently.

13 i. Every agricultural deed restriction or conservation easement,  
14 as applicable, placed on land pursuant to this section shall be filed  
15 and recorded with the county clerk of the county in which the land  
16 is located in the same manner as a deed.

17 j. The council shall adopt, pursuant to the "Administrative  
18 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
19 regulations for the submittal and review of applications for funding  
20 pursuant to this section and may adopt criteria concerning the use of  
21 the funds pursuant to this section that are in addition to the criteria  
22 set forth in this section; provided however, that in no case shall  
23 funds allocated pursuant to this section be used for any other  
24 purpose than the acquisition and preservation of land for recreation  
25 and conservation purposes or farmland preservation purposes. The  
26 council may use the criteria in the rules codified at N.J.A.C.7:70-  
27 1.1 et seq., and adopted by the council pursuant to subsection y. of  
28 section 6 of P.L.2004, c.120 (C.13:20-6), provided that the rules  
29 are, at a minimum, consistent with the provisions of this section.

30 k. At least once each State fiscal year, the council shall submit  
31 to the Garden State Preservation Trust a list of projects  
32 recommended to be funded with moneys from the Preserve New  
33 Jersey Highlands Preservation Fund. The Garden State  
34 Preservation Trust shall review the submitted project list, and  
35 prepare and submit to the Governor and to the President of the  
36 Senate and the Speaker of the General Assembly for introduction in  
37 the Legislature, proposed legislation appropriating moneys pursuant  
38 to this section to fund projects on any such list. The Legislature  
39 may approve one or more appropriation bills containing a project  
40 list or lists submitted by the Garden State Preservation Trust  
41 pursuant to this subsection.】<sup>1</sup>

42

43 <sup>1</sup>【6.】 3.<sup>1</sup> Section 21 of P.L.2004, c.120 (C.13:20-19) is amended  
44 to read as follows:

45 21. a. There is created in the Department of the Treasury a special  
46 non-lapsing fund to be known as the "Highlands Protection Fund."  
47 The monies in the fund are dedicated and shall be used only to carry  
48 out the purposes enumerated in subsection b. of this section. The fund

1 shall be credited with all revenues collected and deposited in the fund  
2 pursuant to section 4 of P.L.1968, c.49 (C.46:15-8), all interest and  
3 other income received from the investment of monies in the fund, and  
4 any monies which, from time to time, may otherwise become available  
5 for the purposes of the fund. Pending the use thereof pursuant to the  
6 provisions of subsection b. of this section, the monies deposited in the  
7 fund shall be held in interest-bearing accounts in public depositories,  
8 as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and  
9 may be invested or reinvested in such securities as are approved by the  
10 State Treasurer. Interest or other income earned on monies deposited  
11 into the fund shall be credited to the fund for use as set forth in  
12 subsection b. of this section for other monies in the fund.

13 b. Monies deposited in the "Highlands Protection Fund" shall be  
14 used only for:

15 (1) payments to the "Highlands Municipal Property Tax  
16 Stabilization Fund" established pursuant to subsection b. of section 19  
17 of **[this act]** P.L.2004, c.120 (C.54:1-85) in such amounts as are  
18 necessary to provide property tax stabilization aid pursuant to that  
19 section;

20 (2) payments of watershed moratorium offset aid pursuant to  
21 section 1 of P.L.1999, c.225 (C.58:29-8) and watershed property  
22 municipal aid pursuant to section <sup>1</sup>**[7]** <sup>4</sup> of P.L. , c. (C. )  
23 (pending before the Legislature as this bill);

24 (3) the making of grants by the Highlands Water Protection and  
25 Planning Council pursuant to sections 13 and 18 of **[this act]**  
26 P.L.2004, c.120 (C.13:20-13 and C.13:20-18); and

27 (4) allocations to the Pinelands Property Tax Assistance Fund  
28 established pursuant to section 20 of **[this act]** P.L.2004, c.120  
29 (C.54:1-84).

30 (cf: P.L.2004, c.120, s.21)

31

32 <sup>1</sup>**[7.] 4.**<sup>1</sup> (New section) a. Funds shall be distributed each State  
33 fiscal year from the "Highlands Protection Fund" created pursuant  
34 to section 21 of P.L.2004, c.120 (C.13:20-19) to each municipality  
35 within the Highlands Region that that does not receive watershed  
36 moratorium offset aid pursuant to section 1 of P.L.1999, c.225  
37 (C.58:29-8) but hosts watershed lands, for those watershed lands, as  
38 determined by the Highlands Water Protection and Planning  
39 Council, in amounts equal to the per acre rate provided for  
40 watershed moratorium offset aid.

41 b. The State Treasurer shall include in its annual budget request  
42 to the Governor the moneys necessary to distribute funds to those  
43 municipalities eligible for watershed property municipal aid  
44 pursuant to subsection a. of this section. The Legislature shall  
45 appropriate the necessary funds to the department for this purpose.

46

47 <sup>1</sup>**[8.] 5.**<sup>1</sup> This act shall take effect immediately.

**S3466 [1R]**

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Extends expiration date of special appraisal process for Green Acres and farmland preservation program; provides aid for watershed lands.

## CHAPTER 36

AN ACT concerning the preservation and protection of land in the Highlands Region, amending P.L.1999, c.152, and amending and supplementing P.L.2004, c.120.

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

1. Section 26 of P.L.1999, c.152 (C.13:8C-26) is amended to read as follows:

C.13:8C-26 Allocation of funds appropriated; conditions.

26. a. Moneys appropriated from the Garden State Green Acres Preservation Trust Fund to the Department of Environmental Protection shall be used by the department to:

(1) Pay the cost of acquisition and development of lands by the State for recreation and conservation purposes;

(2) Provide grants and loans to assist local government units to pay the cost of acquisition and development of lands for recreation and conservation purposes; and

(3) Provide grants to assist qualifying tax exempt nonprofit organizations to pay the cost of acquisition and development of lands for recreation and conservation purposes.

b. The expenditure and allocation of constitutionally dedicated moneys for recreation and conservation purposes shall reflect the geographic diversity of the State to the maximum extent practicable and feasible.

c. (1) Notwithstanding the provisions of section 5 of P.L.1985, c.310 (C.13:18A-34) or P.L.1999, c.152 (C.13:8C-1 et seq.), or any rule or regulation adopted pursuant thereto, to the contrary, the value of a pinelands development credit, allocated to a parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive management plan adopted pursuant thereto, shall be made utilizing a value to be determined by either appraisal, regional averaging based upon appraisal data, or a formula supported by appraisal data. The appraisal and appraisal data shall consider as appropriate: land values in the pinelands regional growth areas; land values in counties, municipalities, and other areas reasonably contiguous to, but outside of, the pinelands area; and other relevant factors as may be necessary to maintain the environmental, ecological, and agricultural qualities of the pinelands area.

(2) No pinelands development credit allocated to a parcel of land pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive management plan adopted pursuant thereto that is acquired or obtained in connection with the acquisition of the parcel for recreation and conservation purposes by the State, a local government unit, or a qualifying tax exempt nonprofit organization using constitutionally dedicated moneys in whole or in part may be conveyed in any manner. All such pinelands development credits shall be retired permanently.

d. (Deleted by amendment, P.L.2010, c.70)

e. Moneys appropriated from the fund may be used to match grants, contributions, donations, or reimbursements from federal aid programs or from other public or private sources established for the same or similar purposes as the fund.

f. Moneys appropriated from the fund shall not be used by local government units or qualifying tax exempt nonprofit organizations to acquire lands that are already permanently preserved for recreation and conservation purposes, as determined by the department.

g. Whenever lands are donated to the State by a public utility, as defined pursuant to Title 48 of the Revised Statutes, for recreation and conservation purposes, the commissioner may make and keep the lands accessible to the public, unless the commissioner determines that public accessibility would be detrimental to the lands or any natural resources associated therewith.

h. Whenever the State acquires land for recreation and conservation purposes, the agency in the Department of Environmental Protection responsible for administering the land shall,

within six months after the date of acquisition, inspect the land for the presence of any buildings or structures thereon which are or may be historic properties and, within 60 days after completion of the inspection, provide to the New Jersey Historic Preservation Office in the department (1) a written notice of its findings, and (2) for any buildings or structures which are or may be historic properties discovered on the land, a request for determination of potential eligibility for inclusion of the historic building or structure in the New Jersey Register of Historic Places. Whenever such a building or structure is discovered, a copy of the written notice provided to the New Jersey Historic Preservation Office shall also be sent to the New Jersey Historic Trust and to the county historical commission or advisory committee, the county historical society, the local historic preservation commission or advisory committee, and the local historical society if any of those entities exist in the county or municipality wherein the land is located.

i. (Deleted by amendment, P.L.2010, c.70)

j. (1) Commencing on the date of enactment of P.L.2004, c.120 (C.13:20-1 et al.) and through June 30, 2029 for lands located in the Highlands Region as defined pursuant to section 3 of P.L.2004, c.120 (C.13:20-3), when the department, a local government unit, or a qualifying tax exempt nonprofit organization seeks to acquire lands for recreation and conservation purposes using constitutionally dedicated moneys in whole or in part, Green Acres bond act moneys in whole or in part, or constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.) in whole or in part, it shall conduct or cause to be conducted an appraisal or appraisals of the value of the lands that shall be made using (a) the land use zoning of the lands, and any State environmental laws or Department of Environmental Protection rules and regulations that may affect the value of the lands, subject to the appraisal and in effect at the time of proposed acquisition, and (b) the land use zoning of the lands, and any State environmental laws or Department of Environmental Protection rules and regulations that may affect the value of the lands, subject to the appraisal and in effect on January 1, 2004. The higher of those two values shall be utilized by the department, a local government unit, or a qualifying tax exempt nonprofit organization as the basis for negotiation with the landowner with respect to the acquisition price for the lands. The landowner shall be provided with both values determined pursuant to this paragraph.

A landowner may waive any of the requirements of this paragraph and may agree to sell the lands for less than the values determined pursuant to this paragraph.

The provisions of this paragraph shall be applicable only to lands the owner of which at the time of proposed acquisition is the same person who owned the lands on the date of enactment of P.L.2004, c.120 (C.13:20-1 et al.) and who has owned the lands continuously since that enactment date, or is an immediate family member of that person.

(2) (Deleted by amendment, P.L.2010, c.70)

(3) The requirements of this subsection shall be in addition to any other requirements of law, rule, or regulation not inconsistent therewith.

(4) This subsection shall not:

(a) apply in the case of lands to be acquired with federal moneys in whole or in part;

(b) (Deleted by amendment, P.L.2010, c.70); or

(c) alter any requirements to disclose information to a landowner pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.).

(5) For the purposes of this subsection, "immediate family member" means a spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister, whether the individual is related by blood, marriage, or adoption.

k. The department shall adopt guidelines for the evaluation and priority ranking process which shall be used in making decisions concerning the acquisition of lands by the State for recreation and conservation purposes using moneys from the Garden State Green Acres Preservation Trust Fund and from any other source. The guidelines shall be designed to provide, to the maximum extent practicable and feasible, that such moneys are spent equitably among the geographic areas of the State. The guidelines, and any subsequent revisions thereto, shall be published in the New Jersey Register. The adoption of the guidelines or of the revisions thereto, shall not be subject to the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

l. In making decisions concerning the acquisition of lands by the State for recreation and conservation purposes using moneys from the Garden State Green Acres Preservation Trust Fund, in the evaluation and priority ranking process, the department shall accord three times the weight to acquisitions of lands that would protect water resources and two times the weight to acquisitions of lands that would protect flood-prone areas, as those criteria are compared to the other criteria in the priority ranking process.

m. The department, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations that establish standards and requirements regulating any activity on lands acquired by the State for recreation and conservation purposes using constitutionally dedicated moneys to assure that the activity on those lands does not diminish the protection of surface water or groundwater resources.

Any rules and regulations adopted pursuant to this subsection shall not apply to activities on lands acquired prior to the adoption of the rules and regulations.

n. (1) The department, within three months after the date of the first meeting of the Highlands Water Protection and Planning Council established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), shall consult with and solicit recommendations from the council concerning land preservation strategies and acquisition plans in the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3).

The council's recommendations shall also address strategies and plans concerning establishment by the department of a methodology for prioritizing the acquisition of land in the Highlands preservation area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), for recreation and conservation purposes using moneys from the Garden State Green Acres Preservation Trust Fund, especially with respect to (a) any land that has declined substantially in value due to the implementation of the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), and (b) any major Highlands development, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), that would have qualified for an exemption pursuant to paragraph (3) of subsection a. of section 30 of P.L.2004, c.120 (C.13:20-28), but for the lack of a necessary State permit as specified in subparagraph (b) or (c), as appropriate, of paragraph (3) of subsection a. of section 30 of P.L.2004, c.120 (C.13:20-28), and for which an application for such a permit had been submitted to the Department of Environmental Protection and deemed by the department to be complete for review on or before March 29, 2004. The recommendations may also include a listing of specific parcels in the Highlands preservation area that the council is aware of that meet the criteria of subparagraph (a) or (b) of this paragraph and for that reason should be considered by the department as a priority for acquisition, but any such list shall remain confidential notwithstanding any provision of P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary.

(2) In making decisions concerning applications for funding submitted by municipalities in the Highlands planning area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), to acquire or develop lands for recreation and conservation purposes using moneys from the

Garden State Green Acres Preservation Trust Fund, in the evaluation and priority ranking process the department shall accord a higher weight to any application submitted by a municipality in the Highlands planning area that has amended its development regulations in accordance with section 13 of P.L.2004, c.120 (C.13:20-13) to establish one or more receiving zones for the transfer of development potential from the Highlands preservation area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than that which is accorded to comparable applications submitted by other municipalities in the Highlands planning area that have not made such amendments to their development regulations.

o. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-1 et seq.) to the contrary, for State fiscal years 2005 through 2009, the sum spent by the department in each of those fiscal years for the acquisition of lands by the State for recreation and conservation purposes using moneys from the Garden State Green Acres Preservation Trust Fund in each county of the State shall be not less, and may be greater if additional sums become available, than the average annual sum spent by the department therefor in each such county, respectively, for State fiscal years 2002 through 2004, provided there is sufficient and appropriate lands within the county to be so acquired by the State for such purposes.

2. Section 38 of P.L.1999, c.152 (C.13:8C-38) is amended to read as follows:

C.13:8C-38 Acquisitions, grants with respect to farmland preservation.

38. a. All acquisitions or grants made pursuant to section 37 of P.L.1999, c.152 (C.13:8C-37) shall be made with respect to farmland devoted to farmland preservation under programs established by law.

b. The expenditure and allocation of constitutionally dedicated moneys for farmland preservation purposes shall reflect the geographic diversity of the State to the maximum extent practicable and feasible.

c. The committee shall implement the provisions of section 37 of P.L.1999, c.152 (C.13:8C-37) in accordance with the procedures and criteria established pursuant to the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) except as provided otherwise by P.L.1999, c.152 (C.13:8C-1 et seq.).

d. The committee shall adopt the same or a substantially similar method for determining, for the purposes of P.L.1999, c.152 (C.13:8C-1 et seq.), the committee's share of the cost of a development easement on farmland to be acquired by a local government as that which is being used by the committee on the date of enactment of P.L.1999, c.152 (C.13:8C-1 et seq.) for prior farmland preservation funding programs.

e. Notwithstanding the provisions of section 24 of P.L.1983, c.32 (C.4:1C-31) or P.L.1999, c.152 (C.13:8C-1 et seq.), or any rule or regulation adopted pursuant thereto to the contrary, whenever the value of a development easement on farmland to be acquired using constitutionally dedicated moneys in whole or in part is determined based upon the value of any pinelands development credits allocated to the parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive management plan adopted pursuant thereto, the committee shall determine the value of the development easement by:

(1) conducting a sufficient number of fair market value appraisals as it deems appropriate to determine the value for farmland preservation purposes of the pinelands development credits;

(2) considering development easement values in counties, municipalities, and other areas (a) reasonably contiguous to, but outside of, the pinelands area, which in the sole opinion of the committee constitute reasonable development easement values in the pinelands area for the purposes of this subsection, and (b) in the pinelands area where pinelands development credits

are or may be utilized, which in the sole opinion of the committee constitute reasonable development easement values in the pinelands area for the purposes of this subsection;

(3) considering land values in the pinelands regional growth areas;

(4) considering the importance of preserving agricultural lands in the pinelands area; and

(5) considering such other relevant factors, including the rate of inflation, as may be necessary to increase participation in the farmland preservation program by owners of agricultural lands located in the pinelands area.

f. No pinelands development credit that is acquired or obtained in connection with the acquisition of a development easement on farmland or fee simple title to farmland by the State, a local government unit, or a qualifying tax exempt nonprofit organization using constitutionally dedicated moneys in whole or in part may be conveyed in any manner. All such pinelands development credits shall be retired permanently.

g. (Deleted by amendment, P.L.2010, c.70)

h. Any farmland for which a development easement or fee simple title has been acquired pursuant to section 37 of P.L.1999, c.152 (C.13:8C-37) shall be entitled to the benefits conferred by the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et al.).

i. (Deleted by amendment, P.L.2010, c.70)

j. (1) Commencing on the date of enactment of P.L.2004, c.120 (C.13:20-1 et al.) and through June 30, 2029 for lands located in the Highlands Region as defined pursuant to section 3 of P.L.2004, c.120 (C.13:20-3), when the committee, a local government unit, or a qualifying tax exempt nonprofit organization seeks to acquire a development easement on farmland or the fee simple title to farmland for farmland preservation purposes using constitutionally dedicated moneys in whole or in part, Green Acres bond act moneys in whole or in part, or constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.) in whole or in part, it shall conduct or cause to be conducted an appraisal or appraisals of the value of the lands that shall be made using (a) the land use zoning of the lands and any State environmental laws or Department of Environmental Protection rules and regulations that may affect the value of the lands, subject to the appraisal and in effect at the time of proposed acquisition, and (b) the land use zoning of the lands and any State environmental laws or Department of Environmental Protection rules and regulations that may affect the value of the lands, subject to the appraisal and in effect on January 1, 2004. The higher of those two values shall be utilized by the committee, a local government unit, or a qualifying tax exempt nonprofit organization as the basis for negotiation with the landowner with respect to the acquisition price for the lands. The landowner shall be provided with both values determined pursuant to this paragraph.

A landowner may waive any of the requirements of this paragraph and may agree to sell the lands for less than the values determined pursuant to this paragraph.

The provisions of this paragraph shall be applicable only to lands the owner of which at the time of proposed acquisition is the same person who owned the lands on the date of enactment of P.L.2004, c.120 (C.13:20-1 et al.) and who has owned the lands continuously since that enactment date, or is an immediate family member of that person.

(2) (Deleted by amendment, P.L.2010, c.70)

(3) The requirements of this subsection shall be in addition to any other requirements of law, rule, or regulation not inconsistent therewith.

(4) This subsection shall not:

(a) apply in the case of lands to be acquired with federal moneys in whole or in part;

(b) (Deleted by amendment, P.L.2010, c.70); or

(c) alter any requirements to disclose information to a landowner pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.).

(5) For the purposes of this subsection, "immediate family member" means a spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister, whether the individual is related by blood, marriage, or adoption.

k. The committee and the Department of Environmental Protection, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall jointly adopt rules and regulations that establish standards and requirements regulating any improvement on lands acquired by the State for farmland preservation purposes using constitutionally dedicated moneys to assure that any improvement does not diminish the protection of surface water or groundwater resources.

Any rules and regulations adopted pursuant to this subsection shall not apply to improvements on lands acquired prior to the adoption of the rules and regulations.

l. (1) The committee, within three months after the date of the first meeting of the Highlands Water Protection and Planning Council established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), shall consult with and solicit recommendations from the council concerning farmland preservation strategies and acquisition plans in the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3).

The council's recommendations shall also address strategies and plans concerning establishment by the committee of a methodology for prioritizing the acquisition of development easements and fee simple titles to farmland in the Highlands preservation area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), for farmland preservation purposes using moneys from the Garden State Farmland Preservation Trust Fund, especially with respect to farmland that has declined substantially in value due to the implementation of the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et al.). The recommendations may also include a listing of specific parcels in the Highlands preservation area that the council is aware of that have experienced a substantial decline in value and for that reason should be considered by the committee as a priority for acquisition, but any such list shall remain confidential notwithstanding any provision of P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary.

(2) In prioritizing applications for funding submitted by local government units in the Highlands planning area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), to acquire development easements on farmland in the Highlands planning area using moneys from the Garden State Farmland Preservation Trust Fund, the committee shall accord a higher weight to any application submitted by a local government unit to preserve farmland in a municipality in the Highlands planning area that has amended its development regulations in accordance with section 13 of P.L.2004, c.120 (C.13:20-13) to establish one or more receiving zones for the transfer of development potential from the Highlands preservation area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than that which is accorded to comparable applications submitted by other local government units to preserve farmland in municipalities in the Highlands planning area that have not made such amendments to their development regulations.

m. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-1 et seq.) to the contrary, for State fiscal years 2005 through 2009, the sum spent by the committee in each of those fiscal years for the acquisition by the committee of development easements and fee simple titles to farmland for farmland preservation purposes using moneys from the Garden State Farmland Preservation Trust Fund in each county of the State shall be not less, and may be greater if additional sums become available, than the average annual sum spent by the department

therefor in each such county, respectively, for State fiscal years 2002 through 2004, provided there is sufficient and appropriate farmland within the county to be so acquired by the committee for such purposes.

3. Section 21 of P.L.2004, c.120 (C.13:20-19) is amended to read as follows:

C.13:20-19 "Highlands Protection Fund"; use.

21. a. There is created in the Department of the Treasury a special non-lapsing fund to be known as the "Highlands Protection Fund." The monies in the fund are dedicated and shall be used only to carry out the purposes enumerated in subsection b. of this section. The fund shall be credited with all revenues collected and deposited in the fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8), all interest and other income received from the investment of monies in the fund, and any monies which, from time to time, may otherwise become available for the purposes of the fund. Pending the use thereof pursuant to the provisions of subsection b. of this section, the monies deposited in the fund shall be held in interest-bearing accounts in public depositories, as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in such securities as are approved by the State Treasurer. Interest or other income earned on monies deposited into the fund shall be credited to the fund for use as set forth in subsection b. of this section for other monies in the fund.

b. Monies deposited in the "Highlands Protection Fund" shall be used only for:

(1) payments to the "Highlands Municipal Property Tax Stabilization Fund" established pursuant to subsection b. of section 19 of P.L.2004, c.120 (C.54:1-85) in such amounts as are necessary to provide property tax stabilization aid pursuant to that section;

(2) payments of watershed moratorium offset aid pursuant to section 1 of P.L.1999, c.225 (C.58:29-8) and watershed property municipal aid pursuant to section 4 of P.L.2025, c.36 (C.13:20-19.1);

(3) the making of grants by the Highlands Water Protection and Planning Council pursuant to sections 13 and 18 of P.L.2004, c.120 (C.13:20-13 and C.13:20-18); and

(4) allocations to the Pinelands Property Tax Assistance Fund established pursuant to section 20 of P.L.2004, c.120 (C.54:1-84).

C.13:20-19.1 Distribution, Highlands Protection Fund; annual budget request.

4. a. Funds shall be distributed each State fiscal year from the "Highlands Protection Fund" created pursuant to section 21 of P.L.2004, c.120 (C.13:20-19) to each municipality within the Highlands Region that does not receive watershed moratorium offset aid pursuant to section 1 of P.L.1999, c.225 (C.58:29-8), but hosts watershed lands for those watershed lands, as determined by the Highlands Water Protection and Planning Council, in amounts equal to the per acre rate provided for watershed moratorium offset aid.

b. The State Treasurer shall include in its annual budget request to the Governor the moneys necessary to distribute funds to those municipalities eligible for watershed property municipal aid pursuant to subsection a. of this section. The Legislature shall appropriate the necessary funds to the department for this purpose.

5. This act shall take effect immediately.

Approved March 17, 2025.

**SENATE, No. 3466**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED JUNE 20, 2024

**Sponsored by:**

**Senator JOHN F. MCKEON**  
**District 27 (Essex and Passaic)**

**Co-Sponsored by:**

**Senators Space, Steinhardt, Pennacchio and A.M.Bucco**

**SYNOPSIS**

Allocates \$7.5 million annually of constitutionally dedicated CBT revenue for preservation of land in Highlands Region; extends expiration date of special appraisal process for Green Acres and farmland preservation program; provides aid for watershed lands.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/12/2024)**

1 AN ACT concerning the preservation and protection of land in the  
2 Highlands Region, amending P.L.2019, c.136 and P.L.1999,  
3 c.152, amending and supplementing P.L.2004, c.120, and  
4 supplementing P.L.2016, c.12 (C.13:8C-43 et seq.).  
5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*  
8

9 1. Section 26 of P.L.1999, c.152 (C.13:8C-26) is amended to  
10 read as follows:

11 26. a. Moneys appropriated from the Garden State Green Acres  
12 Preservation Trust Fund to the Department of Environmental  
13 Protection shall be used by the department to:

14 (1) Pay the cost of acquisition and development of lands by the  
15 State for recreation and conservation purposes;

16 (2) Provide grants and loans to assist local government units to  
17 pay the cost of acquisition and development of lands for recreation  
18 and conservation purposes; and

19 (3) Provide grants to assist qualifying tax exempt nonprofit  
20 organizations to pay the cost of acquisition and development of  
21 lands for recreation and conservation purposes.

22 b. The expenditure and allocation of constitutionally dedicated  
23 moneys for recreation and conservation purposes shall reflect the  
24 geographic diversity of the State to the maximum extent practicable  
25 and feasible.

26 c. (1) Notwithstanding the provisions of section 5 of P.L.1985,  
27 c.310 (C.13:18A-34) or **[this act]** P.L.1999, c.152 (C.13:8C-1 et  
28 seq.) , or any rule or regulation adopted pursuant thereto, to the  
29 contrary, the value of a pinelands development credit, allocated to a  
30 parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the  
31 pinelands comprehensive management plan adopted pursuant  
32 thereto, shall be made utilizing a value to be determined by either  
33 appraisal, regional averaging based upon appraisal data, or a  
34 formula supported by appraisal data. The appraisal and appraisal  
35 data shall consider as appropriate: land values in the pinelands  
36 regional growth areas; land values in counties, municipalities, and  
37 other areas reasonably contiguous to, but outside of, the pinelands  
38 area; and other relevant factors as may be necessary to maintain the  
39 environmental, ecological, and agricultural qualities of the  
40 pinelands area.

41 (2) No pinelands development credit allocated to a parcel of  
42 land pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the  
43 pinelands comprehensive management plan adopted pursuant  
44 thereto that is acquired or obtained in connection with the  
45 acquisition of the parcel for recreation and conservation purposes

**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 by the State, a local government unit, or a qualifying tax exempt  
2 nonprofit organization using constitutionally dedicated moneys in  
3 whole or in part may be conveyed in any manner. All such  
4 pinelands development credits shall be retired permanently.

5 d. (Deleted by amendment, P.L.2010, c.70)

6 e. Moneys appropriated from the fund may be used to match  
7 grants, contributions, donations, or reimbursements from federal aid  
8 programs or from other public or private sources established for the  
9 same or similar purposes as the fund.

10 f. Moneys appropriated from the fund shall not be used by  
11 local government units or qualifying tax exempt nonprofit  
12 organizations to acquire lands that are already permanently  
13 preserved for recreation and conservation purposes, as determined  
14 by the department.

15 g. Whenever lands are donated to the State by a public utility,  
16 as defined pursuant to Title 48 of the Revised Statutes, for  
17 recreation and conservation purposes, the commissioner may make  
18 and keep the lands accessible to the public, unless the commissioner  
19 determines that public accessibility would be detrimental to the  
20 lands or any natural resources associated therewith.

21 h. Whenever the State acquires land for recreation and  
22 conservation purposes, the agency in the Department of  
23 Environmental Protection responsible for administering the land  
24 shall, within six months after the date of acquisition, inspect the  
25 land for the presence of any buildings or structures thereon which  
26 are or may be historic properties and, within 60 days after  
27 completion of the inspection, provide to the New Jersey Historic  
28 Preservation Office in the department (1) a written notice of its  
29 findings, and (2) for any buildings or structures which are or may  
30 be historic properties discovered on the land, a request for  
31 determination of potential eligibility for inclusion of the historic  
32 building or structure in the New Jersey Register of Historic Places.  
33 Whenever such a building or structure is discovered, a copy of the  
34 written notice provided to the New Jersey Historic Preservation  
35 Office shall also be sent to the New Jersey Historic Trust and to the  
36 county historical commission or advisory committee, the county  
37 historical society, the local historic preservation commission or  
38 advisory committee, and the local historical society if any of those  
39 entities exist in the county or municipality wherein the land is  
40 located.

41 i. (Deleted by amendment, P.L.2010, c.70)

42 j. (1) Commencing on the date of enactment of P.L.2004, c.120  
43 (C.13:20-1 et al.) and through June 30, **[2024]** 2029 for lands  
44 located in the Highlands Region as defined pursuant to section 3 of  
45 P.L.2004, c.120 (C.13:20-3), when the department, a local  
46 government unit, or a qualifying tax exempt nonprofit organization  
47 seeks to acquire lands for recreation and conservation purposes  
48 using constitutionally dedicated moneys in whole or in part, Green

1 Acres bond act moneys in whole or in part, or constitutionally  
2 dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et  
3 seq.) in whole or in part, it shall conduct or cause to be conducted  
4 an appraisal or appraisals of the value of the lands that shall be  
5 made using (a) the land use zoning of the lands, and any State  
6 environmental laws or Department of Environmental Protection  
7 rules and regulations that may affect the value of the lands, subject  
8 to the appraisal and in effect at the time of proposed acquisition,  
9 and (b) the land use zoning of the lands, and any State  
10 environmental laws or Department of Environmental Protection  
11 rules and regulations that may affect the value of the lands, subject  
12 to the appraisal and in effect on January 1, 2004. The higher of  
13 those two values shall be utilized by the department, a local  
14 government unit, or a qualifying tax exempt nonprofit organization  
15 as the basis for negotiation with the landowner with respect to the  
16 acquisition price for the lands. The landowner shall be provided  
17 with both values determined pursuant to this paragraph.

18 A landowner may waive any of the requirements of this  
19 paragraph and may agree to sell the lands for less than the values  
20 determined pursuant to this paragraph.

21 The provisions of this paragraph shall be applicable only to lands  
22 the owner of which at the time of proposed acquisition is the same  
23 person who owned the lands on the date of enactment of P.L.2004,  
24 c.120 (C.13:20-1 et al.) and who has owned the lands continuously  
25 since that enactment date, or is an immediate family member of that  
26 person.

27 (2) (Deleted by amendment, P.L.2010, c.70)

28 (3) The requirements of this subsection shall be in addition to  
29 any other requirements of law, rule, or regulation not inconsistent  
30 therewith.

31 (4) This subsection shall not:

32 (a) apply in the case of lands to be acquired with federal moneys  
33 in whole or in part;

34 (b) (Deleted by amendment, P.L.2010, c.70); or

35 (c) alter any requirements to disclose information to a  
36 landowner pursuant to the "Eminent Domain Act of 1971,"  
37 P.L.1971, c.361 (C.20:3-1 et seq.).

38 (5) For the purposes of this subsection, "immediate family  
39 member" means a spouse, child, parent, sibling, aunt, uncle, niece,  
40 nephew, first cousin, grandparent, grandchild, father-in-law,  
41 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,  
42 stepbrother, stepsister, half brother, or half sister, whether the  
43 individual is related by blood, marriage, or adoption.

44 k. The department shall adopt guidelines for the evaluation and  
45 priority ranking process which shall be used in making decisions  
46 concerning the acquisition of lands by the State for recreation and  
47 conservation purposes using moneys from the Garden State Green  
48 Acres Preservation Trust Fund and from any other source. The

1 guidelines shall be designed to provide, to the maximum extent  
2 practicable and feasible, that such moneys are spent equitably  
3 among the geographic areas of the State. The guidelines, and any  
4 subsequent revisions thereto, shall be published in the New Jersey  
5 Register. The adoption of the guidelines or of the revisions thereto,  
6 shall not be subject to the requirements of the "Administrative  
7 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

8 l. In making decisions concerning the acquisition of lands by  
9 the State for recreation and conservation purposes using moneys  
10 from the Garden State Green Acres Preservation Trust Fund, in the  
11 evaluation and priority ranking process the department shall accord  
12 three times the weight to acquisitions of lands that would protect  
13 water resources, and two times the weight to acquisitions of lands  
14 that would protect flood-prone areas, as those criteria are compared  
15 to the other criteria in the priority ranking process.

16 m. The department, pursuant to the "Administrative Procedure  
17 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
18 regulations that establish standards and requirements regulating any  
19 activity on lands acquired by the State for recreation and  
20 conservation purposes using constitutionally dedicated moneys to  
21 assure that the activity on those lands does not diminish the  
22 protection of surface water or groundwater resources.

23 Any rules and regulations adopted pursuant to this subsection  
24 shall not apply to activities on lands acquired prior to the adoption  
25 of the rules and regulations.

26 n. (1) The department, within three months after the date of the  
27 first meeting of the Highlands Water Protection and Planning  
28 Council established pursuant to section 4 of P.L.2004, c.120  
29 (C.13:20-4), shall consult with and solicit recommendations from  
30 the council concerning land preservation strategies and acquisition  
31 plans in the Highlands Region as defined in section 3 of P.L.2004,  
32 c.120 (C.13:20-3).

33 The council's recommendations shall also address strategies and  
34 plans concerning establishment by the department of a methodology  
35 for prioritizing the acquisition of land in the Highlands preservation  
36 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), for  
37 recreation and conservation purposes using moneys from the  
38 Garden State Green Acres Preservation Trust Fund, especially with  
39 respect to (a) any land that has declined substantially in value due  
40 to the implementation of the "Highlands Water Protection and  
41 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), and (b) any major  
42 Highlands development, as defined in section 3 of P.L.2004, c.120  
43 (C.13:20-3), that would have qualified for an exemption pursuant to  
44 paragraph (3) of subsection a. of section 30 of P.L.2004, c.120  
45 (C.13:20-28) but for the lack of a necessary State permit as  
46 specified in subparagraph (b) or (c), as appropriate, of paragraph (3)  
47 of subsection a. of section 30 of P.L.2004, c.120 (C.13:20-28), and  
48 for which an application for such a permit had been submitted to the

1 Department of Environmental Protection and deemed by the  
2 department to be complete for review on or before March 29, 2004.  
3 The recommendations may also include a listing of specific parcels  
4 in the Highlands preservation area that the council is aware of that  
5 meet the criteria of subparagraph (a) or (b) of this paragraph and for  
6 that reason should be considered by the department as a priority for  
7 acquisition, but any such list shall remain confidential  
8 notwithstanding any provision of P.L.1963, c.73 (C.47:1A-1 et seq.)  
9 or any other law to the contrary.

10 (2) In making decisions concerning applications for funding  
11 submitted by municipalities in the Highlands planning area, as  
12 defined in section 3 of P.L.2004, c.120 (C.13:20-3), to acquire or  
13 develop lands for recreation and conservation purposes using  
14 moneys from the Garden State Green Acres Preservation Trust  
15 Fund, in the evaluation and priority ranking process the department  
16 shall accord a higher weight to any application submitted by a  
17 municipality in the Highlands planning area that has amended its  
18 development regulations in accordance with section 13 of P.L.2004,  
19 c.120 (C.13:20-13) to establish one or more receiving zones for the  
20 transfer of development potential from the Highlands preservation  
21 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than  
22 that which is accorded to comparable applications submitted by  
23 other municipalities in the Highlands planning area that have not  
24 made such amendments to their development regulations.

25 o. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-  
26 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,  
27 the sum spent by the department in each of those fiscal years for the  
28 acquisition of lands by the State for recreation and conservation  
29 purposes using moneys from the Garden State Green Acres  
30 Preservation Trust Fund in each county of the State shall be not  
31 less, and may be greater if additional sums become available, than  
32 the average annual sum spent by the department therefor in each  
33 such county, respectively, for State fiscal years 2002 through 2004,  
34 provided there is sufficient and appropriate lands within the county  
35 to be so acquired by the State for such purposes.

36 (cf: P.L.2019, c.136, s.8)

37

38 2. Section 38 of P.L.1999, c.152 (C.13:8C-38) is amended to  
39 read as follows:

40 38. a. All acquisitions or grants made pursuant to section 37 of  
41 P.L.1999, c.152 (C.13:8C-37) shall be made with respect to  
42 farmland devoted to farmland preservation under programs  
43 established by law.

44 b. The expenditure and allocation of constitutionally dedicated  
45 moneys for farmland preservation purposes shall reflect the  
46 geographic diversity of the State to the maximum extent practicable  
47 and feasible.

1 c. The committee shall implement the provisions of section 37  
2 of P.L.1999, c.152 (C.13:8C-37) in accordance with the procedures  
3 and criteria established pursuant to the "Agriculture Retention and  
4 Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) except as  
5 provided otherwise by P.L.1999, c.152 (C.13:8C-1 et seq.).

6 d. The committee shall adopt the same or a substantially  
7 similar method for determining, for the purposes of P.L.1999, c.152  
8 (C.13:8C-1 et seq.), the committee's share of the cost of a  
9 development easement on farmland to be acquired by a local  
10 government as that which is being used by the committee on the  
11 date of enactment of P.L.1999, c.152 (C.13:8C-1 et seq.) for prior  
12 farmland preservation funding programs.

13 e. Notwithstanding the provisions of section 24 of P.L.1983,  
14 c.32 (C.4:1C-31) or P.L.1999, c.152 (C.13:8C-1 et seq.), or any  
15 rule or regulation adopted pursuant thereto to the contrary,  
16 whenever the value of a development easement on farmland to be  
17 acquired using constitutionally dedicated moneys in whole or in  
18 part is determined based upon the value of any pinelands  
19 development credits allocated to the parcel pursuant to P.L.1979,  
20 c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive  
21 management plan adopted pursuant thereto, the committee shall  
22 determine the value of the development easement by:

23 (1) conducting a sufficient number of fair market value  
24 appraisals as it deems appropriate to determine the value for  
25 farmland preservation purposes of the pinelands development  
26 credits;

27 (2) considering development easement values in counties,  
28 municipalities, and other areas (a) reasonably contiguous to, but  
29 outside of, the pinelands area, which in the sole opinion of the  
30 committee constitute reasonable development easement values in  
31 the pinelands area for the purposes of this subsection, and (b) in the  
32 pinelands area where pinelands development credits are or may be  
33 utilized, which in the sole opinion of the committee constitute  
34 reasonable development easement values in the pinelands area for  
35 the purposes of this subsection;

36 (3) considering land values in the pinelands regional growth  
37 areas;

38 (4) considering the importance of preserving agricultural lands  
39 in the pinelands area; and

40 (5) considering such other relevant factors, including the rate of  
41 inflation, as may be necessary to increase participation in the  
42 farmland preservation program by owners of agricultural lands  
43 located in the pinelands area.

44 f. No pinelands development credit that is acquired or obtained  
45 in connection with the acquisition of a development easement on  
46 farmland or fee simple title to farmland by the State, a local  
47 government unit, or a qualifying tax exempt nonprofit organization  
48 using constitutionally dedicated moneys in whole or in part may be

1 conveyed in any manner. All such pinelands development credits  
2 shall be retired permanently.

3 g. (Deleted by amendment, P.L.2010, c.70)

4 h. Any farmland for which a development easement or fee  
5 simple title has been acquired pursuant to section 37 of P.L.1999,  
6 c.152 (C.13:8C-37) shall be entitled to the benefits conferred by the  
7 "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and the  
8 "Agriculture Retention and Development Act," P.L.1983, c.32  
9 (C.4:1C-11 et al.).

10 i. (Deleted by amendment, P.L.2010, c.70)

11 j. (1) Commencing on the date of enactment of P.L.2004, c.120  
12 (C.13:20-1 et al.) and through June 30, **[2024]** 2029 for lands  
13 located in the Highlands Region as defined pursuant to section 3 of  
14 P.L.2004, c.120 (C.13:20-3), when the committee, a local  
15 government unit, or a qualifying tax exempt nonprofit organization  
16 seeks to acquire a development easement on farmland or the fee  
17 simple title to farmland for farmland preservation purposes using  
18 constitutionally dedicated moneys in whole or in part, Green Acres  
19 bond act moneys in whole or in part, or constitutionally dedicated  
20 CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.) in  
21 whole or in part, it shall conduct or cause to be conducted an  
22 appraisal or appraisals of the value of the lands that shall be made  
23 using (a) the land use zoning of the lands, and any State  
24 environmental laws or Department of Environmental Protection  
25 rules and regulations that may affect the value of the lands, subject  
26 to the appraisal and in effect at the time of proposed acquisition,  
27 and (b) the land use zoning of the lands, and any State  
28 environmental laws or Department of Environmental Protection  
29 rules and regulations that may affect the value of the lands, subject  
30 to the appraisal and in effect on January 1, 2004. The higher of  
31 those two values shall be utilized by the committee, a local  
32 government unit, or a qualifying tax exempt nonprofit organization  
33 as the basis for negotiation with the landowner with respect to the  
34 acquisition price for the lands. The landowner shall be provided  
35 with both values determined pursuant to this paragraph.

36 A landowner may waive any of the requirements of this  
37 paragraph and may agree to sell the lands for less than the values  
38 determined pursuant to this paragraph.

39 The provisions of this paragraph shall be applicable only to lands  
40 the owner of which at the time of proposed acquisition is the same  
41 person who owned the lands on the date of enactment of P.L.2004,  
42 c.120 (C.13:20-1 et al.) and who has owned the lands continuously  
43 since that enactment date, or is an immediate family member of that  
44 person.

45 (2) (Deleted by amendment, P.L.2010, c.70)

46 (3) The requirements of this subsection shall be in addition to  
47 any other requirements of law, rule, or regulation not inconsistent  
48 therewith.

1 (4) This subsection shall not:

2 (a) apply in the case of lands to be acquired with federal moneys  
3 in whole or in part;

4 (b) (Deleted by amendment, P.L.2010, c.70); or

5 (c) alter any requirements to disclose information to a  
6 landowner pursuant to the "Eminent Domain Act of 1971,"  
7 P.L.1971, c.361 (C.20:3-1 et seq.).

8 (5) For the purposes of this subsection, "immediate family  
9 member" means a spouse, child, parent, sibling, aunt, uncle, niece,  
10 nephew, first cousin, grandparent, grandchild, father-in-law,  
11 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,  
12 stepbrother, stepsister, half-brother, or half-sister, whether the  
13 individual is related by blood, marriage, or adoption.

14 k. The committee and the Department of Environmental  
15 Protection, pursuant to the "Administrative Procedure Act,"  
16 P.L.1968, c.410 (C.52:14B-1 et seq.), shall jointly adopt rules and  
17 regulations that establish standards and requirements regulating any  
18 improvement on lands acquired by the State for farmland  
19 preservation purposes using constitutionally dedicated moneys to  
20 assure that any improvement does not diminish the protection of  
21 surface water or groundwater resources.

22 Any rules and regulations adopted pursuant to this subsection  
23 shall not apply to improvements on lands acquired prior to the  
24 adoption of the rules and regulations.

25 l. (1) The committee, within three months after the date of the  
26 first meeting of the Highlands Water Protection and Planning  
27 Council established pursuant to section 4 of P.L.2004, c.120  
28 (C.13:20-4), shall consult with and solicit recommendations from  
29 the council concerning farmland preservation strategies and  
30 acquisition plans in the Highlands Region as defined in section 3 of  
31 P.L.2004, c.120 (C.13:20-3).

32 The council's recommendations shall also address strategies and  
33 plans concerning establishment by the committee of a methodology  
34 for prioritizing the acquisition of development easements and fee  
35 simple titles to farmland in the Highlands preservation area, as  
36 defined in section 3 of P.L.2004, c.120 (C.13:20-3), for farmland  
37 preservation purposes using moneys from the Garden State  
38 Farmland Preservation Trust Fund, especially with respect to  
39 farmland that has declined substantially in value due to the  
40 implementation of the "Highlands Water Protection and Planning  
41 Act," P.L.2004, c.120 (C.13:20-1 et al.). The recommendations  
42 may also include a listing of specific parcels in the Highlands  
43 preservation area that the council is aware of that have experienced  
44 a substantial decline in value and for that reason should be  
45 considered by the committee as a priority for acquisition, but any  
46 such list shall remain confidential notwithstanding any provision of  
47 P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary.

1 (2) In prioritizing applications for funding submitted by local  
2 government units in the Highlands planning area, as defined in  
3 section 3 of P.L.2004, c.120 (C.13:20-3), to acquire development  
4 easements on farmland in the Highlands planning area using  
5 moneys from the Garden State Farmland Preservation Trust Fund,  
6 the committee shall accord a higher weight to any application  
7 submitted by a local government unit to preserve farmland in a  
8 municipality in the Highlands planning area that has amended its  
9 development regulations in accordance with section 13 of P.L.2004,  
10 c.120 (C.13:20-13) to establish one or more receiving zones for the  
11 transfer of development potential from the Highlands preservation  
12 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than  
13 that which is accorded to comparable applications submitted by  
14 other local government units to preserve farmland in municipalities  
15 in the Highlands planning area that have not made such  
16 amendments to their development regulations.

17 m. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-  
18 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,  
19 the sum spent by the committee in each of those fiscal years for the  
20 acquisition by the committee of development easements and fee  
21 simple titles to farmland for farmland preservation purposes using  
22 moneys from the Garden State Farmland Preservation Trust Fund in  
23 each county of the State shall be not less, and may be greater if  
24 additional sums become available, than the average annual sum  
25 spent by the department therefor in each such county, respectively,  
26 for State fiscal years 2002 through 2004, provided there is sufficient  
27 and appropriate farmland within the county to be so acquired by the  
28 committee for such purposes.  
29 (cf: P.L.2023, c.245, s.1.)  
30

31 3. Section 1 of P.L.2019, c.136 (C.13:8C-47.1) is amended to  
32 read as follows:

33 1. a. **[In]** Except as otherwise provided in subsection c. of this  
34 section, in each State fiscal year commencing in State fiscal year  
35 2020 and annually thereafter, of the amount credited by the State  
36 Treasurer to the Preserve New Jersey Fund Account pursuant to  
37 subparagraph (b) of paragraph (1) of subsection a. of section 4 of  
38 P.L.2016, c.12 (C.13:8C-46):

39 (1) 62 percent shall be deposited into the Preserve New Jersey  
40 Green Acres Fund;

41 (2) 31 percent shall be deposited into the Preserve New Jersey  
42 Farmland Preservation Fund; and

43 (3) seven percent shall be deposited into the Preserve New  
44 Jersey Historic Preservation Fund.

45 b. (1) Beginning July 1, 2022, and annually thereafter, the  
46 Garden State Preservation Trust shall conduct a review of the  
47 appropriations of constitutionally dedicated CBT moneys to, and  
48 the expenditures thereof by, the Department of Environmental

1 Protection, the State Agriculture Development Committee, and the  
2 New Jersey Historic Trust for their respective programs. In  
3 conducting this review, the trust shall: evaluate the demonstrated  
4 need for funding for the acquisition or development of lands for  
5 recreation and conservation purposes, including Blue Acres  
6 projects, farmland preservation purposes, or historic preservation  
7 purposes based upon available projects, applicant demand, and past  
8 appropriations and expenditures for these purposes; and hold a  
9 public hearing to solicit public input on appropriate funding  
10 allocations for the department, committee, and New Jersey Historic  
11 Trust, for the upcoming fiscal year.

12 (2) If the trust determines, based on the review conducted  
13 pursuant to paragraph (1) of this subsection, that it would be  
14 appropriate to revise the allocations set forth in subsection a. of this  
15 section, or section 6, 8, or 9 of P.L.2016, c.12 (C.13:8C-48, 50, or  
16 51), the trust shall send a written notification to the Chairperson of  
17 the Senate Environment and Energy Committee, the Assembly  
18 Agriculture and Natural Resources Committee, and the Assembly  
19 Environment and Solid Waste Committee, or their successors, of its  
20 findings and recommendations concerning future funding  
21 allocations for the Preserve New Jersey Green Acres Fund, the  
22 Preserve New Jersey Farmland Preservation Fund, or the Preserve  
23 New Jersey Historic Preservation Fund.

24 (3) A recommendation by the trust to reallocate constitutionally  
25 dedicated CBT moneys based on the review conducted pursuant to  
26 this subsection shall not alter the allocations set forth in subsection  
27 a. of this section or section 6, 8, or 9 of P.L.2016, c.12 (C.13:8C-48,  
28 50, or 51) for any fiscal year unless authorized by the Legislature.

29 c. Commencing on July 1 next following the effective date of  
30 P.L. , c. (C. ) (pending before the Legislature as this bill)  
31 and in each State fiscal year annually thereafter, there shall be  
32 deposited by the State Treasurer the following amounts into the  
33 Preserve New Jersey Highlands Fund created pursuant to section 4  
34 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
35 to be used for the purposes of section 5 of P.L. , c. (C. )  
36 (pending before the Legislature as this bill):

37 (1) \$5 million of the amount deposited into the Preserve New  
38 Jersey Green Acres Fund pursuant to paragraph (1) of subsection a.  
39 of this section; and

40 (2) \$2.5 million of the amount deposited into the Preserve New  
41 Jersey Farmland Preservation Fund pursuant to paragraph (2) of  
42 subsection a. of this section.

43 (cf: P.L.2019, c.136, s.1)

44

45 4. (New section) a. The State Treasurer shall establish a fund  
46 to be known as the "Preserve New Jersey Highlands Preservation  
47 Fund" and shall deposit into the fund all moneys received pursuant  
48 to subsection c. of section 1 of P.L.2019, c.136 (C.13:8C-47.1) and

1 any other moneys appropriated by law for deposit into the fund.  
2 Moneys in the fund shall be invested in permitted investments or  
3 shall be held in interest-bearing accounts in those depositories as  
4 the State Treasurer may select, and may be invested and reinvested  
5 in permitted investments or as other trust funds in the custody of the  
6 State Treasurer in the manner provided by law. All interest or other  
7 income or earnings derived from the investment or reinvestment of  
8 moneys in the fund shall be credited to the fund.

9 b. The moneys in the Preserve New Jersey Highlands  
10 Preservation Fund are specifically dedicated and shall be used by  
11 the Highlands Water Protection and Planning Council, established  
12 pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), in accordance  
13 with the provisions of this section and section 5 of P.L. , c.  
14 (C. ) (pending before the Legislature as this bill), only for:

15 (1) the acquisition of lands for recreation and conservation  
16 purposes;

17 (2) the acquisition of lands for farmland preservation purposes;  
18 and

19 (3) as the State match for federal funding available pursuant to  
20 the Highlands Conservation Act, Pub.L. 108-421, or any other  
21 similar federal funding, for the acquisition of land in the Highlands  
22 Region from a willing seller for the permanent protection of those  
23 lands.

24 c. Moneys in the fund shall not be expended except in  
25 accordance with appropriations from the fund made by law. Any  
26 act appropriating moneys from the Preserve New Jersey Highlands  
27 Preservation Fund shall identify any particular project or projects to  
28 be funded by the moneys, and any expenditure for a project for  
29 which the location is not identified by municipality and county in  
30 the appropriation shall require the approval of the Joint Budget  
31 Oversight Committee. Any change in project sponsor, site, or type  
32 that has received an appropriation from the fund, shall require the  
33 approval of the Joint Budget Oversight Committee or its successor  
34 but shall not require the approval of the Garden State Preservation  
35 Trust.

36 d. Unexpended moneys due to project withdrawals,  
37 cancellations, or cost savings shall be returned to the fund.

38 e. The Highlands Water Protection and Planning Council shall  
39 include an accounting of the moneys in the Preserve New Jersey  
40 Highlands Preservation Fund in the annual report prepared pursuant  
41 to section 29 of P.L.2004, c.120 (C.13:20-27). The accounting shall  
42 identify, for each year and cumulatively: the amount of  
43 appropriations from the fund; the expenditure of moneys from the  
44 fund; the amount of land preserved with moneys in the fund; and  
45 the amount of federal funds received from using moneys in the fund  
46 as the State match.

47

48 5. (New section) a. As used in this section:

1 “Agricultural deed restriction” means an “agricultural deed  
2 restriction for farmland preservation purposes” as defined in section  
3 3 of P.L.1983, c.32 (C.4:1C-13).

4 “Agricultural preservation priority area” means an area identified  
5 in the Highlands regional master plan as an agricultural priority  
6 area.

7 “Charitable conservancy” means the same as the defined is  
8 defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

9 “Conservation easement” means a deeded transfer of an interest  
10 in real property under which the property owner agrees to  
11 permanently restrict the land in perpetuity from future development  
12 and to conserve and protect open space, scenic, agricultural, or  
13 other natural resource values on the land covered by the easement.

14 “Conservation preservation priority area” means an area  
15 identified in the Highlands regional master plan as a conservation  
16 priority area.

17 “Council” means the Highlands Water Protection and Planning  
18 Council established pursuant to section 4 of the “Highlands Water  
19 Protection and Planning Act,” P.L.2004, c.120 (C.13:20-4).

20 “Highlands development credit” means a transfer of development  
21 rights credit that may be bought, sold, or transferred in accordance  
22 with the transfer of development rights program for the Highlands  
23 Region established by the council pursuant to section 13 of  
24 P.L.2004, c.120 (C.13:20-13).

25 “Highlands Region” means the region designated by subsection  
26 a. of section 7 of P.L.2004, c.120 (C.13:20-7).

27 “Highlands regional master plan” means the regional master plan  
28 as defined in section 3 of P.L.2004, c.120 (C.13:20-3).

29 “Passive recreation” means a non-motorized outdoor recreational  
30 activity, such as nature observation, hiking, biking, and canoeing or  
31 kayaking, that requires a minimum of facilities or development and  
32 that has a minimal environmental impact on natural resources.

33 “Preserve New Jersey Highlands Preservation Fund” means the  
34 fund established pursuant to section 4 of P.L. , c. (C. )  
35 (pending before the Legislature as this bill).

36 “Special environmental zone” means an area identified in the  
37 Highlands regional master plan as a special environmental zone.

38 b. Of the amount deposited in the Preserve New Jersey  
39 Highlands Preservation Fund, each year:

40 (1) \$2,500,000 shall be allocated for the Highlands Open Space  
41 Partnership Funding program to provide grants to local government  
42 units, charitable conservancies, or qualifying tax exempt nonprofit  
43 organizations as provided in subsection c. of this section;

44 (2) \$2,500,000 shall be allocated for the acquisition of  
45 Highlands development credits from landowners pursuant to the  
46 transfer of development rights program for the Highlands Region  
47 established pursuant to section 13 of P.L.2004, c.120 (C.13:20-13),  
48 and as provided in subsection d. of this section; and

1 (3) \$2,500,000 shall be allocated for farmland preservation for  
2 the preservation of farmland that does not qualify for preservation  
3 by the State Agriculture Development Committee, and as provided  
4 in subsection e. of this section.

5 c. (1) Funds allocated pursuant to paragraph (1) of subsection  
6 b. of this section for the Highlands Open Space Partnership Funding  
7 program shall be used for:

8 (a) the fee simple acquisition of land for recreation and  
9 conservation, including passive recreation purposes, including, but  
10 not limited to:

11 (i) parks, natural areas, and greenways; and

12 (ii) the protection of natural resources as identified in the  
13 Highlands regional master plan; and

14 (b) the acquisition of conservation easements for conservation  
15 purposes, including, but not limited to:

16 (i) parks, natural areas, and greenways;

17 (ii) farmland preservation; and

18 (iii) the protection of natural resources and agricultural  
19 preservation priority areas.

20 (2) A grant awarded with funds pursuant to this section shall  
21 require the land to be restricted in perpetuity from future  
22 development to protect any existing natural resources located on the  
23 property in accordance with requirements of a conservation  
24 easement approved by the council, which conservation easement  
25 shall be:

26 (a) held by the council, the Department of Environmental  
27 Protection, a charitable conservancy, or a qualifying tax exempt  
28 nonprofit organization; and

29 (b) specifically and expressly enforceable by the entity which  
30 holds the conservation easement and the council; and

31 (3) A grant awarded pursuant to this section shall be in an  
32 amount not to exceed 50 percent of the total purchase price of the  
33 land.

34 d. (1) Funds allocated pursuant to paragraph (2) of subsection b.  
35 of this section shall be used for the acquisition of Highlands  
36 development credits for the protection of land:

37 (a) of significant ecological or agricultural importance;

38 (b) that serves to complement or buffer publicly-owned and  
39 managed lands preserved for recreation and conservation purposes;

40 (c) that will result in the protection of properties meeting the  
41 criteria set forth in subsection f. of this section; or

42 (d) that otherwise furthers the purposes of the Highlands  
43 regional master plan.

44 (2) To be eligible for funding pursuant to this subsection, a  
45 landowner shall:

46 (a) possess a marketable title and be legally empowered to  
47 restrict the use of the land in a manner consistent with the  
48 "Highlands Water Protection and Planning Act," P.L.2004, c.120

- 1 (C.13:20-1 et al.), any rules and regulations adopted pursuant  
2 thereto, the Highlands regional master plan, and this section; and
- 3 (b) place a conservation easement on the land, which  
4 conservation easement shall:
- 5 (i) be held by the council, a charitable conservancy, or a  
6 qualifying tax exempt nonprofit organization; and
- 7 (ii) specifically and expressly enforceable by the entity which  
8 holds the conservation easement and the council.
- 9 e. Funds allocated pursuant to paragraph (3) of subsection b. of  
10 this section shall be used for the preservation of farmland in the  
11 Highlands region, and shall comply with the requirements of  
12 subsections c. and d. as applicable to the application. Any land that  
13 receives funding pursuant to this subsection shall be subject to an  
14 agricultural deed restriction, and a copy of the agricultural deed  
15 restriction shall be provided to the State Agriculture Development  
16 Committee.
- 17 f. Priority for funding with moneys in the Preserve New Jersey  
18 Highlands Preservation Fund shall be provided to the acquisition of  
19 land based on the following criteria, in no specific order:
- 20 (1) land located in a special environmental zone area;
- 21 (2) land located in a high conservation preservation priority area  
22 or high agricultural preservation priority area;
- 23 (3) land located in a moderate conservation preservation priority  
24 area or moderate agricultural preservation priority area; and
- 25 (4) land that would provide or improve connectivity to existing  
26 preserved lands, are contiguous to existing preserved farmland, or  
27 otherwise improve access to existing lands preserved for recreation  
28 and conservation purposes.
- 29 g. In no case shall moneys in the Preserve New Jersey  
30 Highlands Preservation Fund be used for the acquisition in fee  
31 simple or a lesser interest of any land that:
- 32 (1) requires condemnation;
- 33 (2) contains significant environmental contamination, including,  
34 but not limited to, former landfill sites, sites with a history of  
35 operating as a facility with substantial potential for on-site  
36 contamination, or sites listed on the Department of Environmental  
37 Protection's Known Contaminated Sites List; or
- 38 (3) is already preserved or acquired by the State, a local  
39 government unit, a charitable conservancy, or a qualifying tax  
40 exempt nonprofit organization.
- 41 h. All Highlands development credits acquired with moneys  
42 from the Preserve New Jersey Highlands Preservation Fund shall be  
43 retired permanently.
- 44 i. Every agricultural deed restriction or conservation easement,  
45 as applicable, placed on land pursuant to this section shall be filed  
46 and recorded with the county clerk of the county in which the land  
47 is located in the same manner as a deed.

1 j. The council shall adopt, pursuant to the "Administrative  
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
3 regulations for the submittal and review of applications for funding  
4 pursuant to this section and may adopt criteria concerning the use of  
5 the funds pursuant to this section that are in addition to the criteria  
6 set forth in this section; provided however, that in no case shall  
7 funds allocated pursuant to this section be used for any other  
8 purpose than the acquisition and preservation of land for recreation  
9 and conservation purposes or farmland preservation purposes. The  
10 council may use the criteria in the rules codified at N.J.A.C.7:70-  
11 1.1 et seq., and adopted by the council pursuant to subsection y. of  
12 section 6 of P.L.2004, c.120 (C.13:20-6), provided that the rules  
13 are, at a minimum, consistent with the provisions of this section.

14 k. At least once each State fiscal year, the council shall submit  
15 to the Garden State Preservation Trust a list of projects  
16 recommended to be funded with moneys from the Preserve New  
17 Jersey Highlands Preservation Fund. The Garden State  
18 Preservation Trust shall review the submitted project list, and  
19 prepare and submit to the Governor and to the President of the  
20 Senate and the Speaker of the General Assembly for introduction in  
21 the Legislature, proposed legislation appropriating moneys pursuant  
22 to this section to fund projects on any such list. The Legislature  
23 may approve one or more appropriation bills containing a project  
24 list or lists submitted by the Garden State Preservation Trust  
25 pursuant to this subsection.

26

27 6. Section 21 of P.L.2004, c.120 (C.13:20-19) is amended to  
28 read as follows:

29 21. a. There is created in the Department of the Treasury a  
30 special non-lapsing fund to be known as the "Highlands Protection  
31 Fund." The monies in the fund are dedicated and shall be used only  
32 to carry out the purposes enumerated in subsection b. of this  
33 section. The fund shall be credited with all revenues collected and  
34 deposited in the fund pursuant to section 4 of P.L.1968, c.49  
35 (C.46:15-8), all interest and other income received from the  
36 investment of monies in the fund, and any monies which, from time  
37 to time, may otherwise become available for the purposes of the  
38 fund. Pending the use thereof pursuant to the provisions of  
39 subsection b. of this section, the monies deposited in the fund shall  
40 be held in interest-bearing accounts in public depositories, as  
41 defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and  
42 may be invested or reinvested in such securities as are approved by  
43 the State Treasurer. Interest or other income earned on monies  
44 deposited into the fund shall be credited to the fund for use as set  
45 forth in subsection b. of this section for other monies in the fund.

46 b. Monies deposited in the "Highlands Protection Fund" shall  
47 be used only for:

1 (1) payments to the "Highlands Municipal Property Tax  
2 Stabilization Fund" established pursuant to subsection b. of section  
3 19 of **[this act]** P.L.2004, c.120 (C.54:1-85) in such amounts as are  
4 necessary to provide property tax stabilization aid pursuant to that  
5 section;

6 (2) payments of watershed moratorium offset aid pursuant to  
7 section 1 of P.L.1999, c.225 (C.58:29-8) and watershed property  
8 municipal aid pursuant to section 7 of P.L. , c. (C. ) (pending  
9 before the Legislature as this bill);

10 (3) the making of grants by the Highlands Water Protection and  
11 Planning Council pursuant to sections 13 and 18 of **[this act]**  
12 P.L.2004, c.120 (C.13:20-13 and C.13:20-18); and

13 (4) allocations to the Pinelands Property Tax Assistance Fund  
14 established pursuant to section 20 of **[this act]** P.L.2004, c.120  
15 (C.54:1-84).

16 (cf: P.L.2004, c.120, s.21)

17  
18 7. (New section) a. Funds shall be distributed each State fiscal  
19 year from the "Highlands Protection Fund" created pursuant to  
20 section 21 of P.L.2004, c.120 (C.13:20-19) to each municipality  
21 within the Highlands Region that that does not receive watershed  
22 moratorium offset aid pursuant to section 1 of P.L.1999, c.225  
23 (C.58:29-8) but hosts watershed lands, for those watershed lands, as  
24 determined by the Highlands Water Protection and Planning  
25 Council, in amounts equal to the per acre rate provided for  
26 watershed moratorium offset aid.

27 b. The State Treasurer shall include in its annual budget request  
28 to the Governor the moneys necessary to distribute funds to those  
29 municipalities eligible for watershed property municipal aid  
30 pursuant to subsection a. of this section. The Legislature shall  
31 appropriate the necessary funds to the department for this purpose.

32  
33 8. This act shall take effect immediately.

#### 34 35 36 STATEMENT

37  
38 This bill would amend and supplement the "Preserve New Jersey  
39 Act," P.L.2016, c.12 (C.13:8C-43 et seq.), to allocate \$7.5 million  
40 annually of constitutionally dedicated Corporation Business Tax  
41 (CBT) revenue to the Highlands Water Protection and Planning  
42 Council (council) for the preservation of land in the Highlands  
43 Region.

44 The funding in this bill is provided from constitutionally  
45 dedicated CBT revenues pursuant to Article VIII, Section II,  
46 paragraph 6 of the State Constitution, which dedicates six percent  
47 of the CBT for certain environmental purposes. Under the  
48 "Preserve New Jersey Act" (act), P.L.2016, c.12 (C.13:8C-43 et

1 seq.), of the dedicated CBT revenues allocated for open space,  
2 farmland, and historic preservation, each year: 62 percent is  
3 allocated to the Department of Environmental Protection (DEP) for  
4 recreation and conservation purposes; 31 percent is allocated to the  
5 State Agriculture Development Committee (SADC) for farmland  
6 preservation; and the remaining seven percent is allocated to the  
7 New Jersey Historic Trust for historic preservation.

8 Under this bill, \$5 million of the amount allocated each year to  
9 the DEP and \$2.5 million of the amount allocated to the SADC  
10 would be deposited into the “Preserve New Jersey Highlands  
11 Preservation Fund,” a new fund created by the bill. These moneys,  
12 totaling \$7.5 million each year would be used by the council to  
13 preserve lands located in the Highlands Region.

14 In addition, this bill extends the expiration date of the special  
15 appraisal process provided by law for State-funded land  
16 acquisitions under the Green Acres program and the farmland  
17 preservation program from June 30, 2024 to June 30, 2029 for lands  
18 located in the Highlands Region. The term “special appraisal  
19 process” refers to the process in which the State or other eligible  
20 participants are currently required by law to conduct two appraisals  
21 of lands that are proposed for acquisition, one of which is based on  
22 the property value on the proposed acquisition date, the other based  
23 on the value of the property as of January 1, 2004. The higher of  
24 the two values is used as the basis of negotiation with the  
25 landowner when determining the property’s final acquisition price.

26 In 2004, “Highlands Water Protection and Planning Act,”  
27 P.L.2004, c.120 (C.13:20-1 et al.), was enacted to protect and  
28 preserve the drinking water and natural resources of the New Jersey  
29 Highlands Region, which is the source of the drinking water of  
30 more than half of the residents of New Jersey and offers unique  
31 hiking, bird watching, fishing, and other naturalist and recreational  
32 activities.

33 Approximately 230 square miles, or approximately 17 percent of  
34 land, in the Highlands Region, approximately is considered  
35 “undeveloped, but developable” land. The council administers,  
36 pursuant to rules and regulations found at N.J.A.C.7:70-1.1 et seq.,  
37 two programs to preserve land in the region in order to protecting  
38 the region’s vital resources: the Highlands Open Space Partnership  
39 Funding Program and the Highlands Development Credit Purchase  
40 Program. This bill would provide a portion of constitutionally  
41 dedicated CBT moneys for open space and farmland preservation to  
42 the council to be used for these two programs, in accordance with  
43 the requirements of section 5 of this bill and rules and regulations  
44 adopted by the council.

45 The council would also be able to use the funding to be provided  
46 by the bill as the State match to apply for funding from the federal  
47 government pursuant to the Highlands Conservation Act, Pub.L.  
48 108-421, or other similar federal funding. This federal funding is

1 awarded by the United State Fish and Wildlife Service through the  
2 Highland Conservation Act Grant Program, which is designed to  
3 assist Connecticut, New Jersey, New York, and Pennsylvania in  
4 conserving land and natural resources in the Highlands Region  
5 through federal assistance for land conservation projects in which a  
6 State entity acquires land, or an interest in land, from a willing  
7 seller to permanently protect resources of high conservation value.

8 Finally, this bill would require that State aid be distributed each  
9 State fiscal year from the "Highlands Protection Fund" to each  
10 municipality within the Highlands Region that that does not receive  
11 watershed moratorium offset aid pursuant to section 1 of P.L.1999,  
12 c.225 (C.58:29-8) but hosts watershed lands, for those watershed  
13 lands, as determined by the Highlands Water Protection and  
14 Planning Council, in amounts equal to the per acre rate provided for  
15 watershed moratorium offset aid. The State Treasurer would be  
16 required to include in its annual budget request to the Governor the  
17 moneys necessary to distribute funds to those municipalities eligible  
18 for watershed property municipal aid.

[First Reprint]

**SENATE, No. 3466**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED JUNE 20, 2024

**Sponsored by:**

**Senator JOHN F. MCKEON**

**District 27 (Essex and Passaic)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Assemblywoman ALIXON COLLAZOS-GILL**

**District 27 (Essex and Passaic)**

**Assemblyman JOHN DIMAIO**

**District 23 (Hunterdon, Somerset and Warren)**

**Co-Sponsored by:**

**Senators Space, Steinhardt, Pennacchio, A.M.Bucco, Assemblywoman**

**Fantasia, Assemblymen Inganamort, Bergen, Barlas, Azzariti Jr., Webber,**

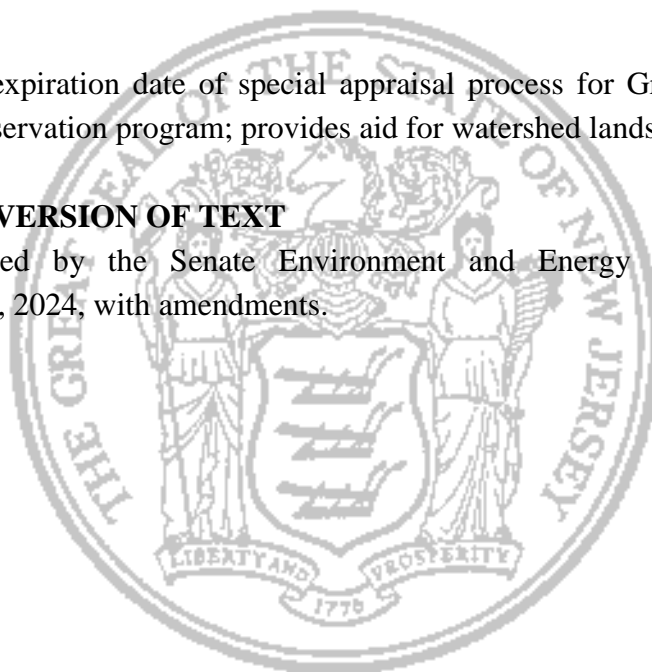
**Auth, Assemblywomen Flynn and Hall**

**SYNOPSIS**

Extends expiration date of special appraisal process for Green Acres and farmland preservation program; provides aid for watershed lands.

**CURRENT VERSION OF TEXT**

As reported by the Senate Environment and Energy Committee on December 12, 2024, with amendments.



**(Sponsorship Updated As Of: 1/30/2025)**

1 AN ACT concerning the preservation and protection of land in the  
2 Highlands Region, amending <sup>1</sup> [P.L.2019, c.136 and] <sup>1</sup> P.L.1999,  
3 c.152, <sup>1</sup> and <sup>1</sup> amending and supplementing P.L.2004, c.120 <sup>1</sup> [,  
4 and supplementing P.L.2016, c.12 (C.13:8C-43 et seq.)] <sup>1</sup> .  
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:  
8

9 1. Section 26 of P.L.1999, c.152 (C.13:8C-26) is amended to  
10 read as follows:

11 26. a. Moneys appropriated from the Garden State Green Acres  
12 Preservation Trust Fund to the Department of Environmental  
13 Protection shall be used by the department to:

14 (1) Pay the cost of acquisition and development of lands by the  
15 State for recreation and conservation purposes;

16 (2) Provide grants and loans to assist local government units to  
17 pay the cost of acquisition and development of lands for recreation  
18 and conservation purposes; and

19 (3) Provide grants to assist qualifying tax exempt nonprofit  
20 organizations to pay the cost of acquisition and development of  
21 lands for recreation and conservation purposes.

22 b. The expenditure and allocation of constitutionally dedicated  
23 moneys for recreation and conservation purposes shall reflect the  
24 geographic diversity of the State to the maximum extent practicable  
25 and feasible.

26 c. (1) Notwithstanding the provisions of section 5 of P.L.1985,  
27 c.310 (C.13:18A-34) or [this act] P.L.1999, c.152 (C.13:8C-1 et  
28 seq.) , or any rule or regulation adopted pursuant thereto, to the  
29 contrary, the value of a pinelands development credit, allocated to a  
30 parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the  
31 pinelands comprehensive management plan adopted pursuant  
32 thereto, shall be made utilizing a value to be determined by either  
33 appraisal, regional averaging based upon appraisal data, or a  
34 formula supported by appraisal data. The appraisal and appraisal  
35 data shall consider as appropriate: land values in the pinelands  
36 regional growth areas; land values in counties, municipalities, and  
37 other areas reasonably contiguous to, but outside of, the pinelands  
38 area; and other relevant factors as may be necessary to maintain the  
39 environmental, ecological, and agricultural qualities of the  
40 pinelands area.

41 (2) No pinelands development credit allocated to a parcel of  
42 land pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the  
43 pinelands comprehensive management plan adopted pursuant  
44 thereto that is acquired or obtained in connection with the

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEN committee amendments adopted December 12, 2024.

1 acquisition of the parcel for recreation and conservation purposes  
2 by the State, a local government unit, or a qualifying tax exempt  
3 nonprofit organization using constitutionally dedicated moneys in  
4 whole or in part may be conveyed in any manner. All such  
5 pinelands development credits shall be retired permanently.

6 d. (Deleted by amendment, P.L.2010, c.70)

7 e. Moneys appropriated from the fund may be used to match  
8 grants, contributions, donations, or reimbursements from federal aid  
9 programs or from other public or private sources established for the  
10 same or similar purposes as the fund.

11 f. Moneys appropriated from the fund shall not be used by  
12 local government units or qualifying tax exempt nonprofit  
13 organizations to acquire lands that are already permanently  
14 preserved for recreation and conservation purposes, as determined  
15 by the department.

16 g. Whenever lands are donated to the State by a public utility,  
17 as defined pursuant to Title 48 of the Revised Statutes, for  
18 recreation and conservation purposes, the commissioner may make  
19 and keep the lands accessible to the public, unless the commissioner  
20 determines that public accessibility would be detrimental to the  
21 lands or any natural resources associated therewith.

22 h. Whenever the State acquires land for recreation and  
23 conservation purposes, the agency in the Department of  
24 Environmental Protection responsible for administering the land  
25 shall, within six months after the date of acquisition, inspect the  
26 land for the presence of any buildings or structures thereon which  
27 are or may be historic properties and, within 60 days after  
28 completion of the inspection, provide to the New Jersey Historic  
29 Preservation Office in the department (1) a written notice of its  
30 findings, and (2) for any buildings or structures which are or may  
31 be historic properties discovered on the land, a request for  
32 determination of potential eligibility for inclusion of the historic  
33 building or structure in the New Jersey Register of Historic Places.  
34 Whenever such a building or structure is discovered, a copy of the  
35 written notice provided to the New Jersey Historic Preservation  
36 Office shall also be sent to the New Jersey Historic Trust and to the  
37 county historical commission or advisory committee, the county  
38 historical society, the local historic preservation commission or  
39 advisory committee, and the local historical society if any of those  
40 entities exist in the county or municipality wherein the land is  
41 located.

42 i. (Deleted by amendment, P.L.2010, c.70)

43 j. (1) Commencing on the date of enactment of P.L.2004, c.120  
44 (C.13:20-1 et al.) and through June 30, **[2024]** 2029 for lands  
45 located in the Highlands Region as defined pursuant to section 3 of  
46 P.L.2004, c.120 (C.13:20-3), when the department, a local  
47 government unit, or a qualifying tax exempt nonprofit organization  
48 seeks to acquire lands for recreation and conservation purposes

1 using constitutionally dedicated moneys in whole or in part, Green  
2 Acres bond act moneys in whole or in part, or constitutionally  
3 dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et  
4 seq.) in whole or in part, it shall conduct or cause to be conducted  
5 an appraisal or appraisals of the value of the lands that shall be  
6 made using (a) the land use zoning of the lands, and any State  
7 environmental laws or Department of Environmental Protection  
8 rules and regulations that may affect the value of the lands, subject  
9 to the appraisal and in effect at the time of proposed acquisition,  
10 and (b) the land use zoning of the lands, and any State  
11 environmental laws or Department of Environmental Protection  
12 rules and regulations that may affect the value of the lands, subject  
13 to the appraisal and in effect on January 1, 2004. The higher of  
14 those two values shall be utilized by the department, a local  
15 government unit, or a qualifying tax exempt nonprofit organization  
16 as the basis for negotiation with the landowner with respect to the  
17 acquisition price for the lands. The landowner shall be provided  
18 with both values determined pursuant to this paragraph.

19 A landowner may waive any of the requirements of this  
20 paragraph and may agree to sell the lands for less than the values  
21 determined pursuant to this paragraph.

22 The provisions of this paragraph shall be applicable only to lands  
23 the owner of which at the time of proposed acquisition is the same  
24 person who owned the lands on the date of enactment of P.L.2004,  
25 c.120 (C.13:20-1 et al.) and who has owned the lands continuously  
26 since that enactment date, or is an immediate family member of that  
27 person.

28 (2) (Deleted by amendment, P.L.2010, c.70)

29 (3) The requirements of this subsection shall be in addition to  
30 any other requirements of law, rule, or regulation not inconsistent  
31 therewith.

32 (4) This subsection shall not:

33 (a) apply in the case of lands to be acquired with federal moneys  
34 in whole or in part;

35 (b) (Deleted by amendment, P.L.2010, c.70); or

36 (c) alter any requirements to disclose information to a  
37 landowner pursuant to the "Eminent Domain Act of 1971,"  
38 P.L.1971, c.361 (C.20:3-1 et seq.).

39 (5) For the purposes of this subsection, "immediate family  
40 member" means a spouse, child, parent, sibling, aunt, uncle, niece,  
41 nephew, first cousin, grandparent, grandchild, father-in-law,  
42 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,  
43 stepbrother, stepsister, half brother, or half sister, whether the  
44 individual is related by blood, marriage, or adoption.

45 k. The department shall adopt guidelines for the evaluation and  
46 priority ranking process which shall be used in making decisions  
47 concerning the acquisition of lands by the State for recreation and  
48 conservation purposes using moneys from the Garden State Green

1 Acres Preservation Trust Fund and from any other source. The  
2 guidelines shall be designed to provide, to the maximum extent  
3 practicable and feasible, that such moneys are spent equitably  
4 among the geographic areas of the State. The guidelines, and any  
5 subsequent revisions thereto, shall be published in the New Jersey  
6 Register. The adoption of the guidelines or of the revisions thereto,  
7 shall not be subject to the requirements of the "Administrative  
8 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

9 l. In making decisions concerning the acquisition of lands by  
10 the State for recreation and conservation purposes using moneys  
11 from the Garden State Green Acres Preservation Trust Fund, in the  
12 evaluation and priority ranking process the department shall accord  
13 three times the weight to acquisitions of lands that would protect  
14 water resources, and two times the weight to acquisitions of lands  
15 that would protect flood-prone areas, as those criteria are compared  
16 to the other criteria in the priority ranking process.

17 m. The department, pursuant to the "Administrative Procedure  
18 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
19 regulations that establish standards and requirements regulating any  
20 activity on lands acquired by the State for recreation and  
21 conservation purposes using constitutionally dedicated moneys to  
22 assure that the activity on those lands does not diminish the  
23 protection of surface water or groundwater resources.

24 Any rules and regulations adopted pursuant to this subsection  
25 shall not apply to activities on lands acquired prior to the adoption  
26 of the rules and regulations.

27 n. (1) The department, within three months after the date of the  
28 first meeting of the Highlands Water Protection and Planning  
29 Council established pursuant to section 4 of P.L.2004, c.120  
30 (C.13:20-4), shall consult with and solicit recommendations from  
31 the council concerning land preservation strategies and acquisition  
32 plans in the Highlands Region as defined in section 3 of P.L.2004,  
33 c.120 (C.13:20-3).

34 The council's recommendations shall also address strategies and  
35 plans concerning establishment by the department of a methodology  
36 for prioritizing the acquisition of land in the Highlands preservation  
37 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), for  
38 recreation and conservation purposes using moneys from the  
39 Garden State Green Acres Preservation Trust Fund, especially with  
40 respect to (a) any land that has declined substantially in value due  
41 to the implementation of the "Highlands Water Protection and  
42 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), and (b) any major  
43 Highlands development, as defined in section 3 of P.L.2004, c.120  
44 (C.13:20-3), that would have qualified for an exemption pursuant to  
45 paragraph (3) of subsection a. of section 30 of P.L.2004, c.120  
46 (C.13:20-28) but for the lack of a necessary State permit as  
47 specified in subparagraph (b) or (c), as appropriate, of paragraph (3)  
48 of subsection a. of section 30 of P.L.2004, c.120 (C.13:20-28), and

1 for which an application for such a permit had been submitted to the  
2 Department of Environmental Protection and deemed by the  
3 department to be complete for review on or before March 29, 2004.  
4 The recommendations may also include a listing of specific parcels  
5 in the Highlands preservation area that the council is aware of that  
6 meet the criteria of subparagraph (a) or (b) of this paragraph and for  
7 that reason should be considered by the department as a priority for  
8 acquisition, but any such list shall remain confidential  
9 notwithstanding any provision of P.L.1963, c.73 (C.47:1A-1 et seq.)  
10 or any other law to the contrary.

11 (2) In making decisions concerning applications for funding  
12 submitted by municipalities in the Highlands planning area, as  
13 defined in section 3 of P.L.2004, c.120 (C.13:20-3), to acquire or  
14 develop lands for recreation and conservation purposes using  
15 moneys from the Garden State Green Acres Preservation Trust  
16 Fund, in the evaluation and priority ranking process the department  
17 shall accord a higher weight to any application submitted by a  
18 municipality in the Highlands planning area that has amended its  
19 development regulations in accordance with section 13 of P.L.2004,  
20 c.120 (C.13:20-13) to establish one or more receiving zones for the  
21 transfer of development potential from the Highlands preservation  
22 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than  
23 that which is accorded to comparable applications submitted by  
24 other municipalities in the Highlands planning area that have not  
25 made such amendments to their development regulations.

26 o. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-  
27 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,  
28 the sum spent by the department in each of those fiscal years for the  
29 acquisition of lands by the State for recreation and conservation  
30 purposes using moneys from the Garden State Green Acres  
31 Preservation Trust Fund in each county of the State shall be not  
32 less, and may be greater if additional sums become available, than  
33 the average annual sum spent by the department therefor in each  
34 such county, respectively, for State fiscal years 2002 through 2004,  
35 provided there is sufficient and appropriate lands within the county  
36 to be so acquired by the State for such purposes.

37 (cf: P.L.2019, c.136, s.8)

38

39 2. Section 38 of P.L.1999, c.152 (C.13:8C-38) is amended to  
40 read as follows:

41 38. a. All acquisitions or grants made pursuant to section 37 of  
42 P.L.1999, c.152 (C.13:8C-37) shall be made with respect to  
43 farmland devoted to farmland preservation under programs  
44 established by law.

45 b. The expenditure and allocation of constitutionally dedicated  
46 moneys for farmland preservation purposes shall reflect the  
47 geographic diversity of the State to the maximum extent practicable  
48 and feasible.

1 c. The committee shall implement the provisions of section 37  
2 of P.L.1999, c.152 (C.13:8C-37) in accordance with the procedures  
3 and criteria established pursuant to the "Agriculture Retention and  
4 Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) except as  
5 provided otherwise by P.L.1999, c.152 (C.13:8C-1 et seq.).

6 d. The committee shall adopt the same or a substantially  
7 similar method for determining, for the purposes of P.L.1999, c.152  
8 (C.13:8C-1 et seq.), the committee's share of the cost of a  
9 development easement on farmland to be acquired by a local  
10 government as that which is being used by the committee on the  
11 date of enactment of P.L.1999, c.152 (C.13:8C-1 et seq.) for prior  
12 farmland preservation funding programs.

13 e. Notwithstanding the provisions of section 24 of P.L.1983,  
14 c.32 (C.4:1C-31) or P.L.1999, c.152 (C.13:8C-1 et seq.), or any  
15 rule or regulation adopted pursuant thereto to the contrary,  
16 whenever the value of a development easement on farmland to be  
17 acquired using constitutionally dedicated moneys in whole or in  
18 part is determined based upon the value of any pinelands  
19 development credits allocated to the parcel pursuant to P.L.1979,  
20 c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive  
21 management plan adopted pursuant thereto, the committee shall  
22 determine the value of the development easement by:

23 (1) conducting a sufficient number of fair market value  
24 appraisals as it deems appropriate to determine the value for  
25 farmland preservation purposes of the pinelands development  
26 credits;

27 (2) considering development easement values in counties,  
28 municipalities, and other areas (a) reasonably contiguous to, but  
29 outside of, the pinelands area, which in the sole opinion of the  
30 committee constitute reasonable development easement values in  
31 the pinelands area for the purposes of this subsection, and (b) in the  
32 pinelands area where pinelands development credits are or may be  
33 utilized, which in the sole opinion of the committee constitute  
34 reasonable development easement values in the pinelands area for  
35 the purposes of this subsection;

36 (3) considering land values in the pinelands regional growth  
37 areas;

38 (4) considering the importance of preserving agricultural lands  
39 in the pinelands area; and

40 (5) considering such other relevant factors, including the rate of  
41 inflation, as may be necessary to increase participation in the  
42 farmland preservation program by owners of agricultural lands  
43 located in the pinelands area.

44 f. No pinelands development credit that is acquired or obtained  
45 in connection with the acquisition of a development easement on  
46 farmland or fee simple title to farmland by the State, a local  
47 government unit, or a qualifying tax exempt nonprofit organization  
48 using constitutionally dedicated moneys in whole or in part may be

1 conveyed in any manner. All such pinelands development credits  
2 shall be retired permanently.

3 g. (Deleted by amendment, P.L.2010, c.70)

4 h. Any farmland for which a development easement or fee  
5 simple title has been acquired pursuant to section 37 of P.L.1999,  
6 c.152 (C.13:8C-37) shall be entitled to the benefits conferred by the  
7 "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and the  
8 "Agriculture Retention and Development Act," P.L.1983, c.32  
9 (C.4:1C-11 et al.).

10 i. (Deleted by amendment, P.L.2010, c.70)

11 j. (1) Commencing on the date of enactment of P.L.2004, c.120  
12 (C.13:20-1 et al.) and through June 30, **[2024]** 2029 for lands  
13 located in the Highlands Region as defined pursuant to section 3 of  
14 P.L.2004, c.120 (C.13:20-3), when the committee, a local  
15 government unit, or a qualifying tax exempt nonprofit organization  
16 seeks to acquire a development easement on farmland or the fee  
17 simple title to farmland for farmland preservation purposes using  
18 constitutionally dedicated moneys in whole or in part, Green Acres  
19 bond act moneys in whole or in part, or constitutionally dedicated  
20 CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.) in  
21 whole or in part, it shall conduct or cause to be conducted an  
22 appraisal or appraisals of the value of the lands that shall be made  
23 using (a) the land use zoning of the lands, and any State  
24 environmental laws or Department of Environmental Protection  
25 rules and regulations that may affect the value of the lands, subject  
26 to the appraisal and in effect at the time of proposed acquisition,  
27 and (b) the land use zoning of the lands, and any State  
28 environmental laws or Department of Environmental Protection  
29 rules and regulations that may affect the value of the lands, subject  
30 to the appraisal and in effect on January 1, 2004. The higher of  
31 those two values shall be utilized by the committee, a local  
32 government unit, or a qualifying tax exempt nonprofit organization  
33 as the basis for negotiation with the landowner with respect to the  
34 acquisition price for the lands. The landowner shall be provided  
35 with both values determined pursuant to this paragraph.

36 A landowner may waive any of the requirements of this  
37 paragraph and may agree to sell the lands for less than the values  
38 determined pursuant to this paragraph.

39 The provisions of this paragraph shall be applicable only to lands  
40 the owner of which at the time of proposed acquisition is the same  
41 person who owned the lands on the date of enactment of P.L.2004,  
42 c.120 (C.13:20-1 et al.) and who has owned the lands continuously  
43 since that enactment date, or is an immediate family member of that  
44 person.

45 (2) (Deleted by amendment, P.L.2010, c.70)

46 (3) The requirements of this subsection shall be in addition to  
47 any other requirements of law, rule, or regulation not inconsistent  
48 therewith.

1 (4) This subsection shall not:

2 (a) apply in the case of lands to be acquired with federal moneys  
3 in whole or in part;

4 (b) (Deleted by amendment, P.L.2010, c.70); or

5 (c) alter any requirements to disclose information to a  
6 landowner pursuant to the "Eminent Domain Act of 1971,"  
7 P.L.1971, c.361 (C.20:3-1 et seq.).

8 (5) For the purposes of this subsection, "immediate family  
9 member" means a spouse, child, parent, sibling, aunt, uncle, niece,  
10 nephew, first cousin, grandparent, grandchild, father-in-law,  
11 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,  
12 stepbrother, stepsister, half-brother, or half-sister, whether the  
13 individual is related by blood, marriage, or adoption.

14 k. The committee and the Department of Environmental  
15 Protection, pursuant to the "Administrative Procedure Act,"  
16 P.L.1968, c.410 (C.52:14B-1 et seq.), shall jointly adopt rules and  
17 regulations that establish standards and requirements regulating any  
18 improvement on lands acquired by the State for farmland  
19 preservation purposes using constitutionally dedicated moneys to  
20 assure that any improvement does not diminish the protection of  
21 surface water or groundwater resources.

22 Any rules and regulations adopted pursuant to this subsection  
23 shall not apply to improvements on lands acquired prior to the  
24 adoption of the rules and regulations.

25 l. (1) The committee, within three months after the date of the  
26 first meeting of the Highlands Water Protection and Planning  
27 Council established pursuant to section 4 of P.L.2004, c.120  
28 (C.13:20-4), shall consult with and solicit recommendations from  
29 the council concerning farmland preservation strategies and  
30 acquisition plans in the Highlands Region as defined in section 3 of  
31 P.L.2004, c.120 (C.13:20-3).

32 The council's recommendations shall also address strategies and  
33 plans concerning establishment by the committee of a methodology  
34 for prioritizing the acquisition of development easements and fee  
35 simple titles to farmland in the Highlands preservation area, as  
36 defined in section 3 of P.L.2004, c.120 (C.13:20-3), for farmland  
37 preservation purposes using moneys from the Garden State  
38 Farmland Preservation Trust Fund, especially with respect to  
39 farmland that has declined substantially in value due to the  
40 implementation of the "Highlands Water Protection and Planning  
41 Act," P.L.2004, c.120 (C.13:20-1 et al.). The recommendations  
42 may also include a listing of specific parcels in the Highlands  
43 preservation area that the council is aware of that have experienced  
44 a substantial decline in value and for that reason should be  
45 considered by the committee as a priority for acquisition, but any  
46 such list shall remain confidential notwithstanding any provision of  
47 P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary.

1 (2) In prioritizing applications for funding submitted by local  
2 government units in the Highlands planning area, as defined in  
3 section 3 of P.L.2004, c.120 (C.13:20-3), to acquire development  
4 easements on farmland in the Highlands planning area using  
5 moneys from the Garden State Farmland Preservation Trust Fund,  
6 the committee shall accord a higher weight to any application  
7 submitted by a local government unit to preserve farmland in a  
8 municipality in the Highlands planning area that has amended its  
9 development regulations in accordance with section 13 of P.L.2004,  
10 c.120 (C.13:20-13) to establish one or more receiving zones for the  
11 transfer of development potential from the Highlands preservation  
12 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than  
13 that which is accorded to comparable applications submitted by  
14 other local government units to preserve farmland in municipalities  
15 in the Highlands planning area that have not made such  
16 amendments to their development regulations.

17 m. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-  
18 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,  
19 the sum spent by the committee in each of those fiscal years for the  
20 acquisition by the committee of development easements and fee  
21 simple titles to farmland for farmland preservation purposes using  
22 moneys from the Garden State Farmland Preservation Trust Fund in  
23 each county of the State shall be not less, and may be greater if  
24 additional sums become available, than the average annual sum  
25 spent by the department therefor in each such county, respectively,  
26 for State fiscal years 2002 through 2004, provided there is sufficient  
27 and appropriate farmland within the county to be so acquired by the  
28 committee for such purposes.  
29 (cf: P.L.2023, c.245, s.1.)  
30

31 <sup>1</sup> [3. Section 1 of P.L.2019, c.136 (C.13:8C-47.1) is amended to  
32 read as follows:

33 1. a. **[In]** Except as otherwise provided in subsection c. of this  
34 section, in each State fiscal year commencing in State fiscal year  
35 2020 and annually thereafter, of the amount credited by the State  
36 Treasurer to the Preserve New Jersey Fund Account pursuant to  
37 subparagraph (b) of paragraph (1) of subsection a. of section 4 of  
38 P.L.2016, c.12 (C.13:8C-46):

39 (1) 62 percent shall be deposited into the Preserve New Jersey  
40 Green Acres Fund;

41 (2) 31 percent shall be deposited into the Preserve New Jersey  
42 Farmland Preservation Fund; and

43 (3) seven percent shall be deposited into the Preserve New  
44 Jersey Historic Preservation Fund.

45 b. (1) Beginning July 1, 2022, and annually thereafter, the  
46 Garden State Preservation Trust shall conduct a review of the  
47 appropriations of constitutionally dedicated CBT moneys to, and  
48 the expenditures thereof by, the Department of Environmental

1 Protection, the State Agriculture Development Committee, and the  
 2 New Jersey Historic Trust for their respective programs. In  
 3 conducting this review, the trust shall: evaluate the demonstrated  
 4 need for funding for the acquisition or development of lands for  
 5 recreation and conservation purposes, including Blue Acres  
 6 projects, farmland preservation purposes, or historic preservation  
 7 purposes based upon available projects, applicant demand, and past  
 8 appropriations and expenditures for these purposes; and hold a  
 9 public hearing to solicit public input on appropriate funding  
 10 allocations for the department, committee, and New Jersey Historic  
 11 Trust, for the upcoming fiscal year.

12 (2) If the trust determines, based on the review conducted  
 13 pursuant to paragraph (1) of this subsection, that it would be  
 14 appropriate to revise the allocations set forth in subsection a. of this  
 15 section, or section 6, 8, or 9 of P.L.2016, c.12 (C.13:8C-48, 50, or  
 16 51), the trust shall send a written notification to the Chairperson of  
 17 the Senate Environment and Energy Committee, the Assembly  
 18 Agriculture and Natural Resources Committee, and the Assembly  
 19 Environment and Solid Waste Committee, or their successors, of its  
 20 findings and recommendations concerning future funding  
 21 allocations for the Preserve New Jersey Green Acres Fund, the  
 22 Preserve New Jersey Farmland Preservation Fund, or the Preserve  
 23 New Jersey Historic Preservation Fund.

24 (3) A recommendation by the trust to reallocate constitutionally  
 25 dedicated CBT moneys based on the review conducted pursuant to  
 26 this subsection shall not alter the allocations set forth in subsection  
 27 a. of this section or section 6, 8, or 9 of P.L.2016, c.12 (C.13:8C-48,  
 28 50, or 51) for any fiscal year unless authorized by the Legislature.

29 c. Commencing on July 1 next following the effective date of  
 30 P.L. , c. (C. ) (pending before the Legislature as this bill)  
 31 and in each State fiscal year annually thereafter, there shall be  
 32 deposited by the State Treasurer the following amounts into the  
 33 Preserve New Jersey Highlands Fund created pursuant to section 4  
 34 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
 35 to be used for the purposes of section 5 of P.L. , c. (C. )  
 36 (pending before the Legislature as this bill):

37 (1) \$5 million of the amount deposited into the Preserve New  
 38 Jersey Green Acres Fund pursuant to paragraph (1) of subsection a.  
 39 of this section; and

40 (2) \$2.5 million of the amount deposited into the Preserve New  
 41 Jersey Farmland Preservation Fund pursuant to paragraph (2) of  
 42 subsection a. of this section.

43 (cf: P.L.2019, c.136, s.1)<sup>1</sup>

44  
 45 <sup>1</sup>[4.(New section) a. The State Treasurer shall establish a fund  
 46 to be known as the "Preserve New Jersey Highlands Preservation  
 47 Fund" and shall deposit into the fund all moneys received pursuant  
 48 to subsection c. of section 1 of P.L.2019, c.136 (C.13:8C-47.1) and

1 any other moneys appropriated by law for deposit into the fund.  
2 Moneys in the fund shall be invested in permitted investments or  
3 shall be held in interest-bearing accounts in those depositories as  
4 the State Treasurer may select, and may be invested and reinvested  
5 in permitted investments or as other trust funds in the custody of the  
6 State Treasurer in the manner provided by law. All interest or other  
7 income or earnings derived from the investment or reinvestment of  
8 moneys in the fund shall be credited to the fund.

9 b. The moneys in the Preserve New Jersey Highlands  
10 Preservation Fund are specifically dedicated and shall be used by  
11 the Highlands Water Protection and Planning Council, established  
12 pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), in accordance  
13 with the provisions of this section and section 5 of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill),  
15 only for:

16 (1) the acquisition of lands for recreation and conservation  
17 purposes;

18 (2) the acquisition of lands for farmland preservation purposes;  
19 and

20 (3) as the State match for federal funding available pursuant to  
21 the Highlands Conservation Act, Pub.L. 108-421, or any other  
22 similar federal funding, for the acquisition of land in the Highlands  
23 Region from a willing seller for the permanent protection of those  
24 lands.

25 c. Moneys in the fund shall not be expended except in  
26 accordance with appropriations from the fund made by law. Any  
27 act appropriating moneys from the Preserve New Jersey Highlands  
28 Preservation Fund shall identify any particular project or projects to  
29 be funded by the moneys, and any expenditure for a project for  
30 which the location is not identified by municipality and county in  
31 the appropriation shall require the approval of the Joint Budget  
32 Oversight Committee. Any change in project sponsor, site, or type  
33 that has received an appropriation from the fund, shall require the  
34 approval of the Joint Budget Oversight Committee or its successor  
35 but shall not require the approval of the Garden State Preservation  
36 Trust.

37 d. Unexpended moneys due to project withdrawals,  
38 cancellations, or cost savings shall be returned to the fund.

39 e. The Highlands Water Protection and Planning Council shall  
40 include an accounting of the moneys in the Preserve New Jersey  
41 Highlands Preservation Fund in the annual report prepared pursuant  
42 to section 29 of P.L.2004, c.120 (C.13:20-27). The accounting shall  
43 identify, for each year and cumulatively: the amount of  
44 appropriations from the fund; the expenditure of moneys from the  
45 fund; the amount of land preserved with moneys in the fund; and  
46 the amount of federal funds received from using moneys in the fund  
47 as the State match. ]<sup>1</sup>

1       <sup>1</sup>[5.(New section) a. As used in this section:

2       “Agricultural deed restriction” means an “agricultural deed  
3 restriction for farmland preservation purposes” as defined in section  
4 3 of P.L.1983, c.32 (C.4:1C-13).

5       “Agricultural preservation priority area” means an area identified  
6 in the Highlands regional master plan as an agricultural priority  
7 area.

8       “Charitable conservancy” means the same as the defined is  
9 defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

10       “Conservation easement” means a deeded transfer of an interest  
11 in real property under which the property owner agrees to  
12 permanently restrict the land in perpetuity from future development  
13 and to conserve and protect open space, scenic, agricultural, or  
14 other natural resource values on the land covered by the easement.

15       “Conservation preservation priority area” means an area  
16 identified in the Highlands regional master plan as a conservation  
17 priority area.

18       “Council” means the Highlands Water Protection and Planning  
19 Council established pursuant to section 4 of the “Highlands Water  
20 Protection and Planning Act,” P.L.2004, c.120 (C.13:20-4).

21       “Highlands development credit” means a transfer of development  
22 rights credit that may be bought, sold, or transferred in accordance  
23 with the transfer of development rights program for the Highlands  
24 Region established by the council pursuant to section 13 of  
25 P.L.2004, c.120 (C.13:20-13).

26       “Highlands Region” means the region designated by subsection  
27 a. of section 7 of P.L.2004, c.120 (C.13:20-7).

28       “Highlands regional master plan” means the regional master plan  
29 as defined in section 3 of P.L.2004, c.120 (C.13:20-3).

30       “Passive recreation” means a non-motorized outdoor recreational  
31 activity, such as nature observation, hiking, biking, and canoeing or  
32 kayaking, that requires a minimum of facilities or development and  
33 that has a minimal environmental impact on natural resources.

34       “Preserve New Jersey Highlands Preservation Fund” means the  
35 fund established pursuant to section 4 of P.L.     , c.     (C.     )  
36 (pending before the Legislature as this bill).

37       “Special environmental zone” means an area identified in the  
38 Highlands regional master plan as a special environmental zone.

39       b. Of the amount deposited in the Preserve New Jersey  
40 Highlands Preservation Fund, each year:

41       (1) \$2,500,000 shall be allocated for the Highlands Open Space  
42 Partnership Funding program to provide grants to local government  
43 units, charitable conservancies, or qualifying tax exempt nonprofit  
44 organizations as provided in subsection c. of this section;

45       (2) \$2,500,000 shall be allocated for the acquisition of  
46 Highlands development credits from landowners pursuant to the  
47 transfer of development rights program for the Highlands Region

- 1 established pursuant to section 13 of P.L.2004, c.120 (C.13:20-13),  
2 and as provided in subsection d. of this section; and
- 3 (3) \$2,500,000 shall be allocated for farmland preservation for  
4 the preservation of farmland that does not qualify for preservation  
5 by the State Agriculture Development Committee, and as provided  
6 in subsection e. of this section.
- 7 c. (1) Funds allocated pursuant to paragraph (1) of subsection  
8 b. of this section for the Highlands Open Space Partnership Funding  
9 program shall be used for:
- 10 (a) the fee simple acquisition of land for recreation and  
11 conservation, including passive recreation purposes, including, but  
12 not limited to:
- 13 (i) parks, natural areas, and greenways; and  
14 (ii) the protection of natural resources as identified in the  
15 Highlands regional master plan; and
- 16 (b) the acquisition of conservation easements for conservation  
17 purposes, including, but not limited to:
- 18 (i) parks, natural areas, and greenways;  
19 (ii) farmland preservation; and  
20 (iii) the protection of natural resources and agricultural  
21 preservation priority areas.
- 22 (2) A grant awarded with funds pursuant to this section shall  
23 require the land to be restricted in perpetuity from future  
24 development to protect any existing natural resources located on the  
25 property in accordance with requirements of a conservation  
26 easement approved by the council, which conservation easement  
27 shall be:
- 28 (a) held by the council, the Department of Environmental  
29 Protection, a charitable conservancy, or a qualifying tax exempt  
30 nonprofit organization; and
- 31 (b) specifically and expressly enforceable by the entity which  
32 holds the conservation easement and the council; and
- 33 (3) A grant awarded pursuant to this section shall be in an  
34 amount not to exceed 50 percent of the total purchase price of the  
35 land.
- 36 d. (1) Funds allocated pursuant to paragraph (2) of subsection b.  
37 of this section shall be used for the acquisition of Highlands  
38 development credits for the protection of land:
- 39 (a) of significant ecological or agricultural importance;  
40 (b) that serves to complement or buffer publicly-owned and  
41 managed lands preserved for recreation and conservation purposes;  
42 (c) that will result in the protection of properties meeting the  
43 criteria set forth in subsection f. of this section; or  
44 (d) that otherwise furthers the purposes of the Highlands  
45 regional master plan.
- 46 (2) To be eligible for funding pursuant to this subsection, a  
47 landowner shall:

- 1 (a) possess a marketable title and be legally empowered to  
2 restrict the use of the land in a manner consistent with the  
3 “Highlands Water Protection and Planning Act,” P.L.2004, c.120  
4 (C.13:20-1 et al.), any rules and regulations adopted pursuant  
5 thereto, the Highlands regional master plan, and this section; and
- 6 (b) place a conservation easement on the land, which  
7 conservation easement shall:
- 8 (i) be held by the council, a charitable conservancy, or a  
9 qualifying tax exempt nonprofit organization; and
- 10 (ii) specifically and expressly enforceable by the entity which  
11 holds the conservation easement and the council.
- 12 e. Funds allocated pursuant to paragraph (3) of subsection b. of  
13 this section shall be used for the preservation of farmland in the  
14 Highlands region, and shall comply with the requirements of  
15 subsections c. and d. as applicable to the application. Any land that  
16 receives funding pursuant to this subsection shall be subject to an  
17 agricultural deed restriction, and a copy of the agricultural deed  
18 restriction shall be provided to the State Agriculture Development  
19 Committee.
- 20 f. Priority for funding with moneys in the Preserve New Jersey  
21 Highlands Preservation Fund shall be provided to the acquisition of  
22 land based on the following criteria, in no specific order:
- 23 (1) land located in a special environmental zone area;
- 24 (2) land located in a high conservation preservation priority area  
25 or high agricultural preservation priority area;
- 26 (3) land located in a moderate conservation preservation priority  
27 area or moderate agricultural preservation priority area; and
- 28 (4) land that would provide or improve connectivity to existing  
29 preserved lands, are contiguous to existing preserved farmland, or  
30 otherwise improve access to existing lands preserved for recreation  
31 and conservation purposes.
- 32 g. In no case shall moneys in the Preserve New Jersey  
33 Highlands Preservation Fund be used for the acquisition in fee  
34 simple or a lesser interest of any land that:
- 35 (1) requires condemnation;
- 36 (2) contains significant environmental contamination, including,  
37 but not limited to, former landfill sites, sites with a history of  
38 operating as a facility with substantial potential for on-site  
39 contamination, or sites listed on the Department of Environmental  
40 Protection’s Known Contaminated Sites List; or
- 41 (3) is already preserved or acquired by the State, a local  
42 government unit, a charitable conservancy, or a qualifying tax  
43 exempt nonprofit organization.
- 44 h. All Highlands development credits acquired with moneys  
45 from the Preserve New Jersey Highlands Preservation Fund shall be  
46 retired permanently.
- 47 i. Every agricultural deed restriction or conservation easement,  
48 as applicable, placed on land pursuant to this section shall be filed

1 and recorded with the county clerk of the county in which the land  
2 is located in the same manner as a deed.

3 j. The council shall adopt, pursuant to the "Administrative  
4 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
5 regulations for the submittal and review of applications for funding  
6 pursuant to this section and may adopt criteria concerning the use of  
7 the funds pursuant to this section that are in addition to the criteria  
8 set forth in this section; provided however, that in no case shall  
9 funds allocated pursuant to this section be used for any other  
10 purpose than the acquisition and preservation of land for recreation  
11 and conservation purposes or farmland preservation purposes. The  
12 council may use the criteria in the rules codified at N.J.A.C.7:70-  
13 1.1 et seq., and adopted by the council pursuant to subsection y. of  
14 section 6 of P.L.2004, c.120 (C.13:20-6), provided that the rules  
15 are, at a minimum, consistent with the provisions of this section.

16 k. At least once each State fiscal year, the council shall submit  
17 to the Garden State Preservation Trust a list of projects  
18 recommended to be funded with moneys from the Preserve New  
19 Jersey Highlands Preservation Fund. The Garden State  
20 Preservation Trust shall review the submitted project list, and  
21 prepare and submit to the Governor and to the President of the  
22 Senate and the Speaker of the General Assembly for introduction in  
23 the Legislature, proposed legislation appropriating moneys pursuant  
24 to this section to fund projects on any such list. The Legislature  
25 may approve one or more appropriation bills containing a project  
26 list or lists submitted by the Garden State Preservation Trust  
27 pursuant to this subsection.】<sup>1</sup>

28

29 <sup>1</sup>【6.】 3.<sup>1</sup> Section 21 of P.L.2004, c.120 (C.13:20-19) is amended  
30 to read as follows:

31 21. a. There is created in the Department of the Treasury a special  
32 non-lapsing fund to be known as the "Highlands Protection Fund."  
33 The monies in the fund are dedicated and shall be used only to carry  
34 out the purposes enumerated in subsection b. of this section. The fund  
35 shall be credited with all revenues collected and deposited in the fund  
36 pursuant to section 4 of P.L.1968, c.49 (C.46:15-8), all interest and  
37 other income received from the investment of monies in the fund, and  
38 any monies which, from time to time, may otherwise become available  
39 for the purposes of the fund. Pending the use thereof pursuant to the  
40 provisions of subsection b. of this section, the monies deposited in the  
41 fund shall be held in interest-bearing accounts in public depositories,  
42 as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and  
43 may be invested or reinvested in such securities as are approved by the  
44 State Treasurer. Interest or other income earned on monies deposited  
45 into the fund shall be credited to the fund for use as set forth in  
46 subsection b. of this section for other monies in the fund.

47 b. Monies deposited in the "Highlands Protection Fund" shall be  
48 used only for:

1 (1) payments to the "Highlands Municipal Property Tax  
2 Stabilization Fund" established pursuant to subsection b. of section 19  
3 of **[this act]** P.L.2004, c.120 (C.54:1-85) in such amounts as are  
4 necessary to provide property tax stabilization aid pursuant to that  
5 section;

6 (2) payments of watershed moratorium offset aid pursuant to  
7 section 1 of P.L.1999, c.225 (C.58:29-8) and watershed property  
8 municipal aid pursuant to section <sup>1</sup>**[7.] 4<sup>1</sup>** of P.L. , c. (C. )  
9 (pending before the Legislature as this bill);

10 (3) the making of grants by the Highlands Water Protection and  
11 Planning Council pursuant to sections 13 and 18 of **[this act]**  
12 P.L.2004, c.120 (C.13:20-13 and C.13:20-18); and

13 (4) allocations to the Pinelands Property Tax Assistance Fund  
14 established pursuant to section 20 of **[this act]** P.L.2004, c.120  
15 (C.54:1-84).

16 (cf: P.L.2004, c.120, s.21)

17

18 <sup>1</sup>**[7.] 4.<sup>1</sup>** (New section) a. Funds shall be distributed each State  
19 fiscal year from the "Highlands Protection Fund" created pursuant  
20 to section 21 of P.L.2004, c.120 (C.13:20-19) to each municipality  
21 within the Highlands Region that that does not receive watershed  
22 moratorium offset aid pursuant to section 1 of P.L.1999, c.225  
23 (C.58:29-8) but hosts watershed lands, for those watershed lands, as  
24 determined by the Highlands Water Protection and Planning  
25 Council, in amounts equal to the per acre rate provided for  
26 watershed moratorium offset aid.

27 b. The State Treasurer shall include in its annual budget request  
28 to the Governor the moneys necessary to distribute funds to those  
29 municipalities eligible for watershed property municipal aid  
30 pursuant to subsection a. of this section. The Legislature shall  
31 appropriate the necessary funds to the department for this purpose.

32

33 <sup>1</sup>**[8.] 5.<sup>1</sup>** This act shall take effect immediately.

ASSEMBLY ENVIRONMENT, NATURAL RESOURCES, AND  
SOLID WASTE COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 3466**

**STATE OF NEW JERSEY**

DATED: JANUARY 27, 2025

The Assembly Environment, Natural Resources, and Solid Waste Committee reports favorably Senate Bill No. 3466 (1R).

This bill would extend the expiration date of the special appraisal process provided by law for State-funded land acquisitions under the Green Acres program and the farmland preservation program, from June 30, 2024 to June 30, 2029, for lands located in the Highlands Region. The term "special appraisal process" refers to the process in which the State or other eligible participants are currently required by law to conduct two appraisals of lands that are proposed for acquisition, one of which is based on the property value on the proposed acquisition date, the other of which is based on the value of the property as of January 1, 2004. The higher of the two values is used as the basis of negotiation with the landowner when determining the property's final acquisition price.

The bill would also require that State aid be distributed each State fiscal year, from the "Highlands Protection Fund," to each municipality within the Highlands Region that does not receive watershed moratorium offset aid, pursuant to section 1 of P.L.1999, c.225 (C.58:29-8), but which hosts watershed lands, for those watershed lands, as determined by the Highlands Water Protection and Planning Council, in amounts equal to the per acre rate provided for watershed moratorium offset aid. The State Treasurer would be required to include, in its annual budget request to the Governor, the moneys necessary to distribute funds to those municipalities that are eligible for watershed property municipal aid.

This bill, as reported by the committee, is identical to Assembly Bill No. 4627, as amended and reported by the committee on this date.

# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### **SENATE, No. 3466**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 12, 2024

The Senate Environment and Energy Committee reports favorably and with committee amendments Senate Bill No. 3466.

This bill, as amended, would extend the expiration date of the special appraisal process provided by law for State-funded land acquisitions under the Green Acres program and the farmland preservation program from June 30, 2024 to June 30, 2029 for lands located in the Highlands Region. The term “special appraisal process” refers to the process in which the State or other eligible participants are currently required by law to conduct two appraisals of lands that are proposed for acquisition, one of which is based on the property value on the proposed acquisition date, the other based on the value of the property as of January 1, 2004. The higher of the two values is used as the basis of negotiation with the landowner when determining the property’s final acquisition price.

The bill would also require that State aid be distributed each State fiscal year from the "Highlands Protection Fund" to each municipality within the Highlands Region that that does not receive watershed moratorium offset aid pursuant to section 1 of P.L.1999, c.225 (C.58:29-8) but hosts watershed lands, for those watershed lands, as determined by the Highlands Water Protection and Planning Council, in amounts equal to the per acre rate provided for watershed moratorium offset aid. The State Treasurer would be required to include in its annual budget request to the Governor the moneys necessary to distribute funds to those municipalities eligible for watershed property municipal aid.

#### COMMITTEE AMENDMENTS:

The committee amendments to the bill would:

(1) delete sections 3 through 5 of the bill, which would have provided for a \$7.5 million annual allocation of constitutionally dedicated Corporation Business Tax (CBT) revenue to the Highlands Water Protection and Planning Council for the preservation of land in the Highlands Region; and

(2) make technical changes to the bill.

**ASSEMBLY, No. 4627**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED JUNE 25, 2024

**Sponsored by:**

**Assemblywoman ALIXON COLLAZOS-GILL**

**District 27 (Essex and Passaic)**

**Assemblyman JOHN DIMAIO**

**District 23 (Hunterdon, Somerset and Warren)**

**Co-Sponsored by:**

**Assemblywoman Fantasia, Assemblymen Inganamort, Bergen, Barlas, Azzariti Jr., Webber, Auth, Assemblywomen Flynn and Hall**

**SYNOPSIS**

Allocates \$7.5 million annually of constitutionally dedicated CBT revenue for preservation of land in Highlands Region; extends expiration date of special appraisal process for Green Acres and farmland preservation program; provides aid for watershed lands.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/27/2025)**

1 AN ACT concerning the preservation and protection of land in the  
2 Highlands Region, amending P.L.2019, c.136 and P.L.1999,  
3 c.152, amending and supplementing P.L.2004, c.120, and  
4 supplementing P.L.2016, c.12 (C.13:8C-43 et seq.).  
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:  
8

9 1. Section 26 of P.L.1999, c.152 (C.13:8C-26) is amended to  
10 read as follows:

11 26. a. Moneys appropriated from the Garden State Green Acres  
12 Preservation Trust Fund to the Department of Environmental  
13 Protection shall be used by the department to:

14 (1) Pay the cost of acquisition and development of lands by the  
15 State for recreation and conservation purposes;

16 (2) Provide grants and loans to assist local government units to  
17 pay the cost of acquisition and development of lands for recreation  
18 and conservation purposes; and

19 (3) Provide grants to assist qualifying tax exempt nonprofit  
20 organizations to pay the cost of acquisition and development of  
21 lands for recreation and conservation purposes.

22 b. The expenditure and allocation of constitutionally dedicated  
23 moneys for recreation and conservation purposes shall reflect the  
24 geographic diversity of the State to the maximum extent practicable  
25 and feasible.

26 c. (1) Notwithstanding the provisions of section 5 of P.L.1985,  
27 c.310 (C.13:18A-34) or **[this act]** P.L.1999, c.152 (C.13:8C-1 et  
28 seq.) , or any rule or regulation adopted pursuant thereto, to the  
29 contrary, the value of a pinelands development credit, allocated to a  
30 parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the  
31 pinelands comprehensive management plan adopted pursuant  
32 thereto, shall be made utilizing a value to be determined by either  
33 appraisal, regional averaging based upon appraisal data, or a  
34 formula supported by appraisal data. The appraisal and appraisal  
35 data shall consider as appropriate: land values in the pinelands  
36 regional growth areas; land values in counties, municipalities, and  
37 other areas reasonably contiguous to, but outside of, the pinelands  
38 area; and other relevant factors as may be necessary to maintain the  
39 environmental, ecological, and agricultural qualities of the  
40 pinelands area.

41 (2) No pinelands development credit allocated to a parcel of  
42 land pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the  
43 pinelands comprehensive management plan adopted pursuant  
44 thereto that is acquired or obtained in connection with the  
45 acquisition of the parcel for recreation and conservation purposes  
46 by the State, a local government unit, or a qualifying tax exempt

**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 nonprofit organization using constitutionally dedicated moneys in  
2 whole or in part may be conveyed in any manner. All such  
3 pinelands development credits shall be retired permanently.
- 4 d. (Deleted by amendment, P.L.2010, c.70)
- 5 e. Moneys appropriated from the fund may be used to match  
6 grants, contributions, donations, or reimbursements from federal aid  
7 programs or from other public or private sources established for the  
8 same or similar purposes as the fund.
- 9 f. Moneys appropriated from the fund shall not be used by  
10 local government units or qualifying tax exempt nonprofit  
11 organizations to acquire lands that are already permanently  
12 preserved for recreation and conservation purposes, as determined  
13 by the department.
- 14 g. Whenever lands are donated to the State by a public utility,  
15 as defined pursuant to Title 48 of the Revised Statutes, for  
16 recreation and conservation purposes, the commissioner may make  
17 and keep the lands accessible to the public, unless the commissioner  
18 determines that public accessibility would be detrimental to the  
19 lands or any natural resources associated therewith.
- 20 h. Whenever the State acquires land for recreation and  
21 conservation purposes, the agency in the Department of  
22 Environmental Protection responsible for administering the land  
23 shall, within six months after the date of acquisition, inspect the  
24 land for the presence of any buildings or structures thereon which  
25 are or may be historic properties and, within 60 days after  
26 completion of the inspection, provide to the New Jersey Historic  
27 Preservation Office in the department (1) a written notice of its  
28 findings, and (2) for any buildings or structures which are or may  
29 be historic properties discovered on the land, a request for  
30 determination of potential eligibility for inclusion of the historic  
31 building or structure in the New Jersey Register of Historic Places.  
32 Whenever such a building or structure is discovered, a copy of the  
33 written notice provided to the New Jersey Historic Preservation  
34 Office shall also be sent to the New Jersey Historic Trust and to the  
35 county historical commission or advisory committee, the county  
36 historical society, the local historic preservation commission or  
37 advisory committee, and the local historical society if any of those  
38 entities exist in the county or municipality wherein the land is  
39 located.
- 40 i. (Deleted by amendment, P.L.2010, c.70)
- 41 j. (1) Commencing on the date of enactment of P.L.2004, c.120  
42 (C.13:20-1 et al.) and through June 30, **[2024]** 2029 for lands  
43 located in the Highlands Region as defined pursuant to section 3 of  
44 P.L.2004, c.120 (C.13:20-3), when the department, a local  
45 government unit, or a qualifying tax exempt nonprofit organization  
46 seeks to acquire lands for recreation and conservation purposes  
47 using constitutionally dedicated moneys in whole or in part, Green

1 Acres bond act moneys in whole or in part, or constitutionally  
2 dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et  
3 seq.) in whole or in part, it shall conduct or cause to be conducted  
4 an appraisal or appraisals of the value of the lands that shall be  
5 made using (a) the land use zoning of the lands, and any State  
6 environmental laws or Department of Environmental Protection  
7 rules and regulations that may affect the value of the lands, subject  
8 to the appraisal and in effect at the time of proposed acquisition,  
9 and (b) the land use zoning of the lands, and any State  
10 environmental laws or Department of Environmental Protection  
11 rules and regulations that may affect the value of the lands, subject  
12 to the appraisal and in effect on January 1, 2004. The higher of  
13 those two values shall be utilized by the department, a local  
14 government unit, or a qualifying tax exempt nonprofit organization  
15 as the basis for negotiation with the landowner with respect to the  
16 acquisition price for the lands. The landowner shall be provided  
17 with both values determined pursuant to this paragraph.

18 A landowner may waive any of the requirements of this  
19 paragraph and may agree to sell the lands for less than the values  
20 determined pursuant to this paragraph.

21 The provisions of this paragraph shall be applicable only to lands  
22 the owner of which at the time of proposed acquisition is the same  
23 person who owned the lands on the date of enactment of P.L.2004,  
24 c.120 (C.13:20-1 et al.) and who has owned the lands continuously  
25 since that enactment date, or is an immediate family member of that  
26 person.

27 (2) (Deleted by amendment, P.L.2010, c.70)

28 (3) The requirements of this subsection shall be in addition to  
29 any other requirements of law, rule, or regulation not inconsistent  
30 therewith.

31 (4) This subsection shall not:

32 (a) apply in the case of lands to be acquired with federal moneys  
33 in whole or in part;

34 (b) (Deleted by amendment, P.L.2010, c.70); or

35 (c) alter any requirements to disclose information to a  
36 landowner pursuant to the "Eminent Domain Act of 1971,"  
37 P.L.1971, c.361 (C.20:3-1 et seq.).

38 (5) For the purposes of this subsection, "immediate family  
39 member" means a spouse, child, parent, sibling, aunt, uncle, niece,  
40 nephew, first cousin, grandparent, grandchild, father-in-law,  
41 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,  
42 stepbrother, stepsister, half brother, or half sister, whether the  
43 individual is related by blood, marriage, or adoption.

44 k. The department shall adopt guidelines for the evaluation and  
45 priority ranking process which shall be used in making decisions  
46 concerning the acquisition of lands by the State for recreation and  
47 conservation purposes using moneys from the Garden State Green  
48 Acres Preservation Trust Fund and from any other source. The  
49 guidelines shall be designed to provide, to the maximum extent

1 practicable and feasible, that such moneys are spent equitably  
2 among the geographic areas of the State. The guidelines, and any  
3 subsequent revisions thereto, shall be published in the New Jersey  
4 Register. The adoption of the guidelines or of the revisions thereto,  
5 shall not be subject to the requirements of the "Administrative  
6 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

7 l. In making decisions concerning the acquisition of lands by  
8 the State for recreation and conservation purposes using moneys  
9 from the Garden State Green Acres Preservation Trust Fund, in the  
10 evaluation and priority ranking process the department shall accord  
11 three times the weight to acquisitions of lands that would protect  
12 water resources, and two times the weight to acquisitions of lands  
13 that would protect flood-prone areas, as those criteria are compared  
14 to the other criteria in the priority ranking process.

15 m. The department, pursuant to the "Administrative Procedure  
16 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
17 regulations that establish standards and requirements regulating any  
18 activity on lands acquired by the State for recreation and  
19 conservation purposes using constitutionally dedicated moneys to  
20 assure that the activity on those lands does not diminish the  
21 protection of surface water or groundwater resources.

22 Any rules and regulations adopted pursuant to this subsection  
23 shall not apply to activities on lands acquired prior to the adoption  
24 of the rules and regulations.

25 n. (1) The department, within three months after the date of the  
26 first meeting of the Highlands Water Protection and Planning  
27 Council established pursuant to section 4 of P.L.2004, c.120  
28 (C.13:20-4), shall consult with and solicit recommendations from  
29 the council concerning land preservation strategies and acquisition  
30 plans in the Highlands Region as defined in section 3 of P.L.2004,  
31 c.120 (C.13:20-3).

32 The council's recommendations shall also address strategies and  
33 plans concerning establishment by the department of a methodology  
34 for prioritizing the acquisition of land in the Highlands preservation  
35 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), for  
36 recreation and conservation purposes using moneys from the  
37 Garden State Green Acres Preservation Trust Fund, especially with  
38 respect to (a) any land that has declined substantially in value due  
39 to the implementation of the "Highlands Water Protection and  
40 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), and (b) any major  
41 Highlands development, as defined in section 3 of P.L.2004, c.120  
42 (C.13:20-3), that would have qualified for an exemption pursuant to  
43 paragraph (3) of subsection a. of section 30 of P.L.2004, c.120  
44 (C.13:20-28) but for the lack of a necessary State permit as  
45 specified in subparagraph (b) or (c), as appropriate, of paragraph (3)  
46 of subsection a. of section 30 of P.L.2004, c.120 (C.13:20-28), and  
47 for which an application for such a permit had been submitted to the  
48 Department of Environmental Protection and deemed by the  
49 department to be complete for review on or before March 29, 2004.

1 The recommendations may also include a listing of specific parcels  
2 in the Highlands preservation area that the council is aware of that  
3 meet the criteria of subparagraph (a) or (b) of this paragraph and for  
4 that reason should be considered by the department as a priority for  
5 acquisition, but any such list shall remain confidential  
6 notwithstanding any provision of P.L.1963, c.73 (C.47:1A-1 et seq.)  
7 or any other law to the contrary.

8 (2) In making decisions concerning applications for funding  
9 submitted by municipalities in the Highlands planning area, as  
10 defined in section 3 of P.L.2004, c.120 (C.13:20-3), to acquire or  
11 develop lands for recreation and conservation purposes using  
12 moneys from the Garden State Green Acres Preservation Trust  
13 Fund, in the evaluation and priority ranking process the department  
14 shall accord a higher weight to any application submitted by a  
15 municipality in the Highlands planning area that has amended its  
16 development regulations in accordance with section 13 of P.L.2004,  
17 c.120 (C.13:20-13) to establish one or more receiving zones for the  
18 transfer of development potential from the Highlands preservation  
19 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than  
20 that which is accorded to comparable applications submitted by  
21 other municipalities in the Highlands planning area that have not  
22 made such amendments to their development regulations.

23 o. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-  
24 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,  
25 the sum spent by the department in each of those fiscal years for the  
26 acquisition of lands by the State for recreation and conservation  
27 purposes using moneys from the Garden State Green Acres  
28 Preservation Trust Fund in each county of the State shall be not  
29 less, and may be greater if additional sums become available, than  
30 the average annual sum spent by the department therefor in each  
31 such county, respectively, for State fiscal years 2002 through 2004,  
32 provided there is sufficient and appropriate lands within the county  
33 to be so acquired by the State for such purposes.

34 (cf: P.L.2019, c.136, s.8)

35

36 2. Section 38 of P.L.1999, c.152 (C.13:8C-38) is amended to  
37 read as follows:

38 38. a. All acquisitions or grants made pursuant to section 37 of  
39 P.L.1999, c.152 (C.13:8C-37) shall be made with respect to  
40 farmland devoted to farmland preservation under programs  
41 established by law.

42 b. The expenditure and allocation of constitutionally dedicated  
43 moneys for farmland preservation purposes shall reflect the  
44 geographic diversity of the State to the maximum extent practicable  
45 and feasible.

46 c. The committee shall implement the provisions of section 37  
47 of P.L.1999, c.152 (C.13:8C-37) in accordance with the procedures  
48 and criteria established pursuant to the "Agriculture Retention and

1 Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) except as  
2 provided otherwise by P.L.1999, c.152 (C.13:8C-1 et seq.).

3 d. The committee shall adopt the same or a substantially  
4 similar method for determining, for the purposes of P.L.1999, c.152  
5 (C.13:8C-1 et seq.), the committee's share of the cost of a  
6 development easement on farmland to be acquired by a local  
7 government as that which is being used by the committee on the  
8 date of enactment of P.L.1999, c.152 (C.13:8C-1 et seq.) for prior  
9 farmland preservation funding programs.

10 e. Notwithstanding the provisions of section 24 of P.L.1983,  
11 c.32 (C.4:1C-31) or P.L.1999, c.152 (C.13:8C-1 et seq.), or any  
12 rule or regulation adopted pursuant thereto to the contrary,  
13 whenever the value of a development easement on farmland to be  
14 acquired using constitutionally dedicated moneys in whole or in  
15 part is determined based upon the value of any pinelands  
16 development credits allocated to the parcel pursuant to P.L.1979,  
17 c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive  
18 management plan adopted pursuant thereto, the committee shall  
19 determine the value of the development easement by:

20 (1) conducting a sufficient number of fair market value  
21 appraisals as it deems appropriate to determine the value for  
22 farmland preservation purposes of the pinelands development  
23 credits;

24 (2) considering development easement values in counties,  
25 municipalities, and other areas (a) reasonably contiguous to, but  
26 outside of, the pinelands area, which in the sole opinion of the  
27 committee constitute reasonable development easement values in  
28 the pinelands area for the purposes of this subsection, and (b) in the  
29 pinelands area where pinelands development credits are or may be  
30 utilized, which in the sole opinion of the committee constitute  
31 reasonable development easement values in the pinelands area for  
32 the purposes of this subsection;

33 (3) considering land values in the pinelands regional growth  
34 areas;

35 (4) considering the importance of preserving agricultural lands in  
36 the pinelands area; and

37 (5) considering such other relevant factors, including the rate of  
38 inflation, as may be necessary to increase participation in the  
39 farmland preservation program by owners of agricultural lands  
40 located in the pinelands area.

41 f. No pinelands development credit that is acquired or obtained  
42 in connection with the acquisition of a development easement on  
43 farmland or fee simple title to farmland by the State, a local  
44 government unit, or a qualifying tax exempt nonprofit organization  
45 using constitutionally dedicated moneys in whole or in part may be  
46 conveyed in any manner. All such pinelands development credits  
47 shall be retired permanently.

48 g. (Deleted by amendment, P.L.2010, c.70)

1 h. Any farmland for which a development easement or fee  
2 simple title has been acquired pursuant to section 37 of P.L.1999,  
3 c.152 (C.13:8C-37) shall be entitled to the benefits conferred by the  
4 "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and the  
5 "Agriculture Retention and Development Act," P.L.1983, c.32  
6 (C.4:1C-11 et al.).

7 i. (Deleted by amendment, P.L.2010, c.70)

8 j. (1) Commencing on the date of enactment of P.L.2004, c.120  
9 (C.13:20-1 et al.) and through June 30, **[2024]** 2029 for lands  
10 located in the Highlands Region as defined pursuant to section 3 of  
11 P.L.2004, c.120 (C.13:20-3), when the committee, a local  
12 government unit, or a qualifying tax exempt nonprofit organization  
13 seeks to acquire a development easement on farmland or the fee  
14 simple title to farmland for farmland preservation purposes using  
15 constitutionally dedicated moneys in whole or in part, Green Acres  
16 bond act moneys in whole or in part, or constitutionally dedicated  
17 CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.) in  
18 whole or in part, it shall conduct or cause to be conducted an  
19 appraisal or appraisals of the value of the lands that shall be made  
20 using (a) the land use zoning of the lands, and any State  
21 environmental laws or Department of Environmental Protection  
22 rules and regulations that may affect the value of the lands, subject  
23 to the appraisal and in effect at the time of proposed acquisition,  
24 and (b) the land use zoning of the lands, and any State  
25 environmental laws or Department of Environmental Protection  
26 rules and regulations that may affect the value of the lands, subject  
27 to the appraisal and in effect on January 1, 2004. The higher of  
28 those two values shall be utilized by the committee, a local  
29 government unit, or a qualifying tax exempt nonprofit organization  
30 as the basis for negotiation with the landowner with respect to the  
31 acquisition price for the lands. The landowner shall be provided  
32 with both values determined pursuant to this paragraph.

33 A landowner may waive any of the requirements of this  
34 paragraph and may agree to sell the lands for less than the values  
35 determined pursuant to this paragraph.

36 The provisions of this paragraph shall be applicable only to lands  
37 the owner of which at the time of proposed acquisition is the same  
38 person who owned the lands on the date of enactment of P.L.2004,  
39 c.120 (C.13:20-1 et al.) and who has owned the lands continuously  
40 since that enactment date, or is an immediate family member of that  
41 person.

42 (2) (Deleted by amendment, P.L.2010, c.70)

43 (3) The requirements of this subsection shall be in addition to  
44 any other requirements of law, rule, or regulation not inconsistent  
45 therewith.

46 (4) This subsection shall not:

47 (a) apply in the case of lands to be acquired with federal moneys  
48 in whole or in part;

49 (b) (Deleted by amendment, P.L.2010, c.70); or

1 (c) alter any requirements to disclose information to a landowner  
2 pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361  
3 (C.20:3-1 et seq.).

4 (5) For the purposes of this subsection, "immediate family  
5 member" means a spouse, child, parent, sibling, aunt, uncle, niece,  
6 nephew, first cousin, grandparent, grandchild, father-in-law,  
7 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,  
8 stepbrother, stepsister, half-brother, or half-sister, whether the  
9 individual is related by blood, marriage, or adoption.

10 k. The committee and the Department of Environmental  
11 Protection, pursuant to the "Administrative Procedure Act,"  
12 P.L.1968, c.410 (C.52:14B-1 et seq.), shall jointly adopt rules and  
13 regulations that establish standards and requirements regulating any  
14 improvement on lands acquired by the State for farmland  
15 preservation purposes using constitutionally dedicated moneys to  
16 assure that any improvement does not diminish the protection of  
17 surface water or groundwater resources.

18 Any rules and regulations adopted pursuant to this subsection  
19 shall not apply to improvements on lands acquired prior to the  
20 adoption of the rules and regulations.

21 l. (1) The committee, within three months after the date of the  
22 first meeting of the Highlands Water Protection and Planning  
23 Council established pursuant to section 4 of P.L.2004, c.120  
24 (C.13:20-4), shall consult with and solicit recommendations from  
25 the council concerning farmland preservation strategies and  
26 acquisition plans in the Highlands Region as defined in section 3 of  
27 P.L.2004, c.120 (C.13:20-3).

28 The council's recommendations shall also address strategies and  
29 plans concerning establishment by the committee of a methodology  
30 for prioritizing the acquisition of development easements and fee  
31 simple titles to farmland in the Highlands preservation area, as  
32 defined in section 3 of P.L.2004, c.120 (C.13:20-3), for farmland  
33 preservation purposes using moneys from the Garden State  
34 Farmland Preservation Trust Fund, especially with respect to  
35 farmland that has declined substantially in value due to the  
36 implementation of the "Highlands Water Protection and Planning  
37 Act," P.L.2004, c.120 (C.13:20-1 et al.). The recommendations  
38 may also include a listing of specific parcels in the Highlands  
39 preservation area that the council is aware of that have experienced  
40 a substantial decline in value and for that reason should be  
41 considered by the committee as a priority for acquisition, but any  
42 such list shall remain confidential notwithstanding any provision of  
43 P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary.

44 (2) In prioritizing applications for funding submitted by local  
45 government units in the Highlands planning area, as defined in  
46 section 3 of P.L.2004, c.120 (C.13:20-3), to acquire development  
47 easements on farmland in the Highlands planning area using  
48 moneys from the Garden State Farmland Preservation Trust Fund,  
49 the committee shall accord a higher weight to any application

1 submitted by a local government unit to preserve farmland in a  
2 municipality in the Highlands planning area that has amended its  
3 development regulations in accordance with section 13 of P.L.2004,  
4 c.120 (C.13:20-13) to establish one or more receiving zones for the  
5 transfer of development potential from the Highlands preservation  
6 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than  
7 that which is accorded to comparable applications submitted by  
8 other local government units to preserve farmland in municipalities  
9 in the Highlands planning area that have not made such  
10 amendments to their development regulations.

11 m. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-  
12 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,  
13 the sum spent by the committee in each of those fiscal years for the  
14 acquisition by the committee of development easements and fee  
15 simple titles to farmland for farmland preservation purposes using  
16 moneys from the Garden State Farmland Preservation Trust Fund in  
17 each county of the State shall be not less, and may be greater if  
18 additional sums become available, than the average annual sum  
19 spent by the department therefor in each such county, respectively,  
20 for State fiscal years 2002 through 2004, provided there is sufficient  
21 and appropriate farmland within the county to be so acquired by the  
22 committee for such purposes.

23 (cf: P.L.2023, c.245, s.1.)

24

25 3. Section 1 of P.L.2019, c.136 (C.13:8C-47.1) is amended to  
26 read as follows:

27 1. a. **[In]** Except as otherwise provided in subsection c. of this  
28 section, in each State fiscal year commencing in State fiscal year  
29 2020 and annually thereafter, of the amount credited by the State  
30 Treasurer to the Preserve New Jersey Fund Account pursuant to  
31 subparagraph (b) of paragraph (1) of subsection a. of section 4 of  
32 P.L.2016, c.12 (C.13:8C-46):

33 (1) 62 percent shall be deposited into the Preserve New Jersey  
34 Green Acres Fund;

35 (2) 31 percent shall be deposited into the Preserve New Jersey  
36 Farmland Preservation Fund; and

37 (3) seven percent shall be deposited into the Preserve New  
38 Jersey Historic Preservation Fund.

39 b. (1) Beginning July 1, 2022, and annually thereafter, the  
40 Garden State Preservation Trust shall conduct a review of the  
41 appropriations of constitutionally dedicated CBT moneys to, and  
42 the expenditures thereof by, the Department of Environmental  
43 Protection, the State Agriculture Development Committee, and the  
44 New Jersey Historic Trust for their respective programs. In  
45 conducting this review, the trust shall: evaluate the demonstrated  
46 need for funding for the acquisition or development of lands for  
47 recreation and conservation purposes, including Blue Acres  
48 projects, farmland preservation purposes, or historic preservation  
49 purposes based upon available projects, applicant demand, and past

1 appropriations and expenditures for these purposes; and hold a  
2 public hearing to solicit public input on appropriate funding  
3 allocations for the department, committee, and New Jersey Historic  
4 Trust, for the upcoming fiscal year.

5 (2) If the trust determines, based on the review conducted  
6 pursuant to paragraph (1) of this subsection, that it would be  
7 appropriate to revise the allocations set forth in subsection a. of this  
8 section, or section 6, 8, or 9 of P.L.2016, c.12 (C.13:8C-48, 50, or  
9 51), the trust shall send a written notification to the Chairperson of  
10 the Senate Environment and Energy Committee, the Assembly  
11 Agriculture and Natural Resources Committee, and the Assembly  
12 Environment and Solid Waste Committee, or their successors, of its  
13 findings and recommendations concerning future funding  
14 allocations for the Preserve New Jersey Green Acres Fund, the  
15 Preserve New Jersey Farmland Preservation Fund, or the Preserve  
16 New Jersey Historic Preservation Fund.

17 (3) A recommendation by the trust to reallocate constitutionally  
18 dedicated CBT moneys based on the review conducted pursuant to  
19 this subsection shall not alter the allocations set forth in subsection  
20 a. of this section or section 6, 8, or 9 of P.L.2016, c.12 (C.13:8C-48,  
21 50, or 51) for any fiscal year unless authorized by the Legislature.

22 c. Commencing on July 1 next following the effective date of  
23 P.L. , c. (C. ) (pending before the Legislature as this bill)  
24 and in each State fiscal year annually thereafter, there shall be  
25 deposited by the State Treasurer the following amounts into the  
26 Preserve New Jersey Highlands Fund created pursuant to section 4  
27 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
28 to be used for the purposes of section 5 of P.L. , c. (C. )  
29 (pending before the Legislature as this bill):

30 (1) \$5 million of the amount deposited into the Preserve New  
31 Jersey Green Acres Fund pursuant to paragraph (1) of subsection a.  
32 of this section; and

33 (2) \$2.5 million of the amount deposited into the Preserve New  
34 Jersey Farmland Preservation Fund pursuant to paragraph (2) of  
35 subsection a. of this section.

36 (cf: P.L.2019, c.136, s.1)

37

38 4. (New section) a. The State Treasurer shall establish a fund  
39 to be known as the "Preserve New Jersey Highlands Preservation  
40 Fund" and shall deposit into the fund all moneys received pursuant  
41 to subsection c. of section 1 of P.L.2019, c.136 (C.13:8C-47.1) and  
42 any other moneys appropriated by law for deposit into the fund.  
43 Moneys in the fund shall be invested in permitted investments or  
44 shall be held in interest-bearing accounts in those depositories as  
45 the State Treasurer may select, and may be invested and reinvested  
46 in permitted investments or as other trust funds in the custody of the  
47 State Treasurer in the manner provided by law. All interest or other  
48 income or earnings derived from the investment or reinvestment of  
49 moneys in the fund shall be credited to the fund.

1       b. The moneys in the Preserve New Jersey Highlands  
2 Preservation Fund are specifically dedicated and shall be used by  
3 the Highlands Water Protection and Planning Council, established  
4 pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), in accordance  
5 with the provisions of this section and section 5 of  
6 P.L. , c. (C. ) (pending before the Legislature as this bill), only  
7 for:

8       (1) the acquisition of lands for recreation and conservation  
9 purposes;

10       (2) the acquisition of lands for farmland preservation purposes;  
11 and

12       (3) as the State match for federal funding available pursuant to  
13 the Highlands Conservation Act, Pub.L. 108-421, or any other  
14 similar federal funding, for the acquisition of land in the Highlands  
15 Region from a willing seller for the permanent protection of those  
16 lands.

17       c. Moneys in the fund shall not be expended except in  
18 accordance with appropriations from the fund made by law. Any  
19 act appropriating moneys from the Preserve New Jersey Highlands  
20 Preservation Fund shall identify any particular project or projects to  
21 be funded by the moneys, and any expenditure for a project for  
22 which the location is not identified by municipality and county in  
23 the appropriation shall require the approval of the Joint Budget  
24 Oversight Committee. Any change in project sponsor, site, or type  
25 that has received an appropriation from the fund, shall require the  
26 approval of the Joint Budget Oversight Committee or its successor  
27 but shall not require the approval of the Garden State Preservation  
28 Trust.

29       d. Unexpended moneys due to project withdrawals,  
30 cancellations, or cost savings shall be returned to the fund.

31       e. The Highlands Water Protection and Planning Council shall  
32 include an accounting of the moneys in the Preserve New Jersey  
33 Highlands Preservation Fund in the annual report prepared pursuant  
34 to section 29 of P.L.2004, c.120 (C.13:20-27). The accounting shall  
35 identify, for each year and cumulatively: the amount of  
36 appropriations from the fund; the expenditure of moneys from the  
37 fund; the amount of land preserved with moneys in the fund; and  
38 the amount of federal funds received from using moneys in the fund  
39 as the State match.

40

41       5. (New section) a. As used in this section:

42       “Agricultural deed restriction” means an “agricultural deed  
43 restriction for farmland preservation purposes” as defined in section  
44 3 of P.L.1983, c.32 (C.4:1C-13).

45       “Agricultural preservation priority area” means an area identified  
46 in the Highlands regional master plan as an agricultural priority  
47 area.

48       “Charitable conservancy” means the same as the defined is  
49 defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

1 “Conservation easement” means a deeded transfer of an interest  
2 in real property under which the property owner agrees to  
3 permanently restrict the land in perpetuity from future development  
4 and to conserve and protect open space, scenic, agricultural, or  
5 other natural resource values on the land covered by the easement.

6 “Conservation preservation priority area” means an area  
7 identified in the Highlands regional master plan as a conservation  
8 priority area.

9 “Council” means the Highlands Water Protection and Planning  
10 Council established pursuant to section 4 of the “Highlands Water  
11 Protection and Planning Act,” P.L.2004, c.120 (C.13:20-4).

12 “Highlands development credit” means a transfer of development  
13 rights credit that may be bought, sold, or transferred in accordance  
14 with the transfer of development rights program for the Highlands  
15 Region established by the council pursuant to section 13 of  
16 P.L.2004, c.120 (C.13:20-13).

17 “Highlands Region” means the region designated by subsection  
18 a. of section 7 of P.L.2004, c.120 (C.13:20-7).

19 “Highlands regional master plan” means the regional master plan  
20 as defined in section 3 of P.L.2004, c.120 (C.13:20-3).

21 “Passive recreation” means a non-motorized outdoor recreational  
22 activity, such as nature observation, hiking, biking, and canoeing or  
23 kayaking, that requires a minimum of facilities or development and  
24 that has a minimal environmental impact on natural resources.

25 “Preserve New Jersey Highlands Preservation Fund” means the  
26 fund established pursuant to section 4 of P.L. , c. (C. )  
27 (pending before the Legislature as this bill).

28 “Special environmental zone” means an area identified in the  
29 Highlands regional master plan as a special environmental zone.

30 b. Of the amount deposited in the Preserve New Jersey  
31 Highlands Preservation Fund, each year:

32 (1) \$2,500,000 shall be allocated for the Highlands Open Space  
33 Partnership Funding program to provide grants to local government  
34 units, charitable conservancies, or qualifying tax exempt nonprofit  
35 organizations as provided in subsection c. of this section;

36 (2) \$2,500,000 shall be allocated for the acquisition of Highlands  
37 development credits from landowners pursuant to the transfer of  
38 development rights program for the Highlands Region established  
39 pursuant to section 13 of P.L.2004, c.120 (C.13:20-13), and as  
40 provided in subsection d. of this section; and

41 (3) \$2,500,000 shall be allocated for farmland preservation for  
42 the preservation of farmland that does not qualify for preservation  
43 by the State Agriculture Development Committee, and as provided  
44 in subsection e. of this section.

45 c. (1) Funds allocated pursuant to paragraph (1) of subsection  
46 b. of this section for the Highlands Open Space Partnership Funding  
47 program shall be used for:

1 (a) the fee simple acquisition of land for recreation and  
2 conservation, including passive recreation purposes, including, but  
3 not limited to:

- 4 (i) parks, natural areas, and greenways; and
- 5 (ii) the protection of natural resources as identified in the  
6 Highlands regional master plan; and
- 7 (b) the acquisition of conservation easements for conservation  
8 purposes, including, but not limited to:
  - 9 (i) parks, natural areas, and greenways;
  - 10 (ii) farmland preservation; and
  - 11 (iii) the protection of natural resources and agricultural  
12 preservation priority areas.

13 (2) A grant awarded with funds pursuant to this section shall  
14 require the land to be restricted in perpetuity from future  
15 development to protect any existing natural resources located on the  
16 property in accordance with requirements of a conservation  
17 easement approved by the council, which conservation easement  
18 shall be:

- 19 (a) held by the council, the Department of Environmental  
20 Protection, a charitable conservancy, or a qualifying tax exempt  
21 nonprofit organization; and
- 22 (b) specifically and expressly enforceable by the entity which  
23 holds the conservation easement and the council; and

24 (3) A grant awarded pursuant to this section shall be in an  
25 amount not to exceed 50 percent of the total purchase price of the  
26 land.

27 d. (1) Funds allocated pursuant to paragraph (2) of subsection b.  
28 of this section shall be used for the acquisition of Highlands  
29 development credits for the protection of land:

- 30 (a) of significant ecological or agricultural importance;
- 31 (b) that serves to complement or buffer publicly-owned and  
32 managed lands preserved for recreation and conservation purposes;
- 33 (c) that will result in the protection of properties meeting the  
34 criteria set forth in subsection f. of this section; or
- 35 (d) that otherwise furthers the purposes of the Highlands regional  
36 master plan.

37 (2) To be eligible for funding pursuant to this subsection, a  
38 landowner shall:

- 39 (a) possess a marketable title and be legally empowered to  
40 restrict the use of the land in a manner consistent with the  
41 "Highlands Water Protection and Planning Act," P.L.2004, c.120  
42 (C.13:20-1 et al.), any rules and regulations adopted pursuant  
43 thereto, the Highlands regional master plan, and this section; and
- 44 (b) place a conservation easement on the land, which  
45 conservation easement shall:
  - 46 (i) be held by the council, a charitable conservancy, or a  
47 qualifying tax exempt nonprofit organization; and
  - 48 (ii) specifically and expressly enforceable by the entity which  
49 holds the conservation easement and the council.

1 e. Funds allocated pursuant to paragraph (3) of subsection b. of  
2 this section shall be used for the preservation of farmland in the  
3 Highlands region, and shall comply with the requirements of  
4 subsections c. and d. as applicable to the application. Any land that  
5 receives funding pursuant to this subsection shall be subject to an  
6 agricultural deed restriction, and a copy of the agricultural deed  
7 restriction shall be provided to the State Agriculture Development  
8 Committee.

9 f. Priority for funding with moneys in the Preserve New Jersey  
10 Highlands Preservation Fund shall be provided to the acquisition of  
11 land based on the following criteria, in no specific order:

- 12 (1) land located in a special environmental zone area;
- 13 (2) land located in a high conservation preservation priority area  
14 or high agricultural preservation priority area;
- 15 (3) land located in a moderate conservation preservation priority  
16 area or moderate agricultural preservation priority area; and
- 17 (4) land that would provide or improve connectivity to existing  
18 preserved lands, are contiguous to existing preserved farmland, or  
19 otherwise improve access to existing lands preserved for recreation  
20 and conservation purposes.

21 g. In no case shall moneys in the Preserve New Jersey  
22 Highlands Preservation Fund be used for the acquisition in fee  
23 simple or a lesser interest of any land that:

- 24 (1) requires condemnation;
- 25 (2) contains significant environmental contamination, including,  
26 but not limited to, former landfill sites, sites with a history of  
27 operating as a facility with substantial potential for on-site  
28 contamination, or sites listed on the Department of Environmental  
29 Protection's Known Contaminated Sites List; or
- 30 (3) is already preserved or acquired by the State, a local  
31 government unit, a charitable conservancy, or a qualifying tax  
32 exempt nonprofit organization.

33 h. All Highlands development credits acquired with moneys  
34 from the Preserve New Jersey Highlands Preservation Fund shall be  
35 retired permanently.

36 i. Every agricultural deed restriction or conservation easement,  
37 as applicable, placed on land pursuant to this section shall be filed  
38 and recorded with the county clerk of the county in which the land  
39 is located in the same manner as a deed.

40 j. The council shall adopt, pursuant to the "Administrative  
41 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
42 regulations for the submittal and review of applications for funding  
43 pursuant to this section and may adopt criteria concerning the use of  
44 the funds pursuant to this section that are in addition to the criteria  
45 set forth in this section; provided however, that in no case shall  
46 funds allocated pursuant to this section be used for any other  
47 purpose than the acquisition and preservation of land for recreation

1 and conservation purposes or farmland preservation purposes. The  
2 council may use the criteria in the rules codified at N.J.A.C.7:70-  
3 1.1 et seq., and adopted by the council pursuant to subsection y. of  
4 section 6 of P.L.2004, c.120 (C.13:20-6), provided that the rules  
5 are, at a minimum, consistent with the provisions of this section.

6 k. At least once each State fiscal year, the council shall submit  
7 to the Garden State Preservation Trust a list of projects  
8 recommended to be funded with moneys from the Preserve New  
9 Jersey Highlands Preservation Fund. The Garden State  
10 Preservation Trust shall review the submitted project list, and  
11 prepare and submit to the Governor and to the President of the  
12 Senate and the Speaker of the General Assembly for introduction in  
13 the Legislature, proposed legislation appropriating moneys pursuant  
14 to this section to fund projects on any such list. The Legislature  
15 may approve one or more appropriation bills containing a project  
16 list or lists submitted by the Garden State Preservation Trust  
17 pursuant to this subsection.

18

19 6. Section 21 of P.L.2004, c.120 (C.13:20-19) is amended to  
20 read as follows:

21 21. a. There is created in the Department of the Treasury a  
22 special non-lapsing fund to be known as the "Highlands Protection  
23 Fund." The monies in the fund are dedicated and shall be used only  
24 to carry out the purposes enumerated in subsection b. of this  
25 section. The fund shall be credited with all revenues collected and  
26 deposited in the fund pursuant to section 4 of P.L.1968, c.49  
27 (C.46:15-8), all interest and other income received from the  
28 investment of monies in the fund, and any monies which, from time  
29 to time, may otherwise become available for the purposes of the  
30 fund. Pending the use thereof pursuant to the provisions of  
31 subsection b. of this section, the monies deposited in the fund shall  
32 be held in interest-bearing accounts in public depositories, as  
33 defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and  
34 may be invested or reinvested in such securities as are approved by  
35 the State Treasurer. Interest or other income earned on monies  
36 deposited into the fund shall be credited to the fund for use as set  
37 forth in subsection b. of this section for other monies in the fund.

38 b. Monies deposited in the "Highlands Protection Fund" shall  
39 be used only for:

40 (1) payments to the "Highlands Municipal Property Tax  
41 Stabilization Fund" established pursuant to subsection b. of section  
42 19 of **[this act]** P.L.2004, c.120 (C.54:1-85) in such amounts as are  
43 necessary to provide property tax stabilization aid pursuant to that  
44 section;

45 (2) payments of watershed moratorium offset aid pursuant to  
46 section 1 of P.L.1999, c.225 (C.58:29-8) and watershed property  
47 municipal aid pursuant to section 7 of P.L. , c. (C. ) (pending  
48 before the Legislature as this bill);

1 (3) the making of grants by the Highlands Water Protection and  
2 Planning Council pursuant to sections 13 and 18 of **【this act】**  
3 P.L.2004, c.120 (C.13:20-13 and C.13:20-18); and

4 (4) allocations to the Pinelands Property Tax Assistance Fund  
5 established pursuant to section 20 of **【this act】** P.L.2004, c.120  
6 (C.54:1-84).

7 (cf: P.L.2004, c.120, s.21)

8  
9 7. (New section) a. Funds shall be distributed each State fiscal  
10 year from the "Highlands Protection Fund" created pursuant to  
11 section 21 of P.L.2004, c.120 (C.13:20-19) to each municipality  
12 within the Highlands Region that that does not receive watershed  
13 moratorium offset aid pursuant to section 1 of P.L.1999, c.225  
14 (C.58:29-8) but hosts watershed lands, for those watershed lands, as  
15 determined by the Highlands Water Protection and Planning  
16 Council, in amounts equal to the per acre rate provided for  
17 watershed moratorium offset aid.

18 b. The State Treasurer shall include in its annual budget request  
19 to the Governor the moneys necessary to distribute funds to those  
20 municipalities eligible for watershed property municipal aid  
21 pursuant to subsection a. of this section. The Legislature shall  
22 appropriate the necessary funds to the department for this purpose.

23  
24 8. This act shall take effect immediately.

25  
26  
27 STATEMENT

28  
29 This bill would amend and supplement the "Preserve New Jersey  
30 Act," P.L.2016, c.12 (C.13:8C-43 et seq.), to allocate \$7.5 million  
31 annually of constitutionally dedicated Corporation Business Tax  
32 (CBT) revenue to the Highlands Water Protection and Planning  
33 Council (council) for the preservation of land in the Highlands  
34 Region.

35 The funding in this bill is provided from constitutionally  
36 dedicated CBT revenues pursuant to Article VIII, Section II,  
37 paragraph 6 of the State Constitution, which dedicates six percent  
38 of the CBT for certain environmental purposes. Under the  
39 "Preserve New Jersey Act" (act), P.L.2016, c.12 (C.13:8C-43 et  
40 seq.), of the dedicated CBT revenues allocated for open space,  
41 farmland, and historic preservation, each year: 62 percent is  
42 allocated to the Department of Environmental Protection (DEP) for  
43 recreation and conservation purposes; 31 percent is allocated to the  
44 State Agriculture Development Committee (SADC) for farmland  
45 preservation; and the remaining seven percent is allocated to the  
46 New Jersey Historic Trust for historic preservation.

47 Under this bill, \$5 million of the amount allocated each year to  
48 the DEP and \$2.5 million of the amount allocated to the SADC  
49 would be deposited into the "Preserve New Jersey Highlands

1 Preservation Fund,” a new fund created by the bill. These moneys,  
2 totaling \$7.5 million each year would be used by the council to  
3 preserve lands located in the Highlands Region.

4 In addition, this bill extends the expiration date of the special  
5 appraisal process provided by law for State-funded land  
6 acquisitions under the Green Acres program and the farmland  
7 preservation program from June 30, 2024 to June 30, 2029 for lands  
8 located in the Highlands Region. The term “special appraisal  
9 process” refers to the process in which the State or other eligible  
10 participants are currently required by law to conduct two appraisals  
11 of lands that are proposed for acquisition, one of which is based on  
12 the property value on the proposed acquisition date, the other based  
13 on the value of the property as of January 1, 2004. The higher of  
14 the two values is used as the basis of negotiation with the  
15 landowner when determining the property’s final acquisition price.

16 In 2004, “Highlands Water Protection and Planning Act,”  
17 P.L.2004, c.120 (C.13:20-1 et al.), was enacted to protect and  
18 preserve the drinking water and natural resources of the New Jersey  
19 Highlands Region, which is the source of the drinking water of  
20 more than half of the residents of New Jersey and offers unique  
21 hiking, bird watching, fishing, and other naturalist and recreational  
22 activities.

23 Approximately 230 square miles, or approximately 17 percent of  
24 land, in the Highlands Region, approximately is considered  
25 “undeveloped, but developable” land. The council administers,  
26 pursuant to rules and regulations found at N.J.A.C.7:70-1.1 et seq.,  
27 two programs to preserve land in the region in order to protecting  
28 the region’s vital resources: the Highlands Open Space Partnership  
29 Funding Program and the Highlands Development Credit Purchase  
30 Program. This bill would provide a portion of constitutionally  
31 dedicated CBT moneys for open space and farmland preservation to  
32 the council to be used for these two programs, in accordance with  
33 the requirements of section 5 of this bill and rules and regulations  
34 adopted by the council.

35 The council would also be able to use the funding to be provided  
36 by the bill as the State match to apply for funding from the federal  
37 government pursuant to the Highlands Conservation Act, Pub.L.  
38 108-421, or other similar federal funding. This federal funding is  
39 awarded by the United State Fish and Wildlife Service through the  
40 Highland Conservation Act Grant Program, which is designed to  
41 assist Connecticut, New Jersey, New York, and Pennsylvania in  
42 conserving land and natural resources in the Highlands Region  
43 through federal assistance for land conservation projects in which a  
44 State entity acquires land, or an interest in land, from a willing  
45 seller to permanently protect resources of high conservation value.

46 Finally, this bill would require that State aid be distributed each  
47 State fiscal year from the "Highlands Protection Fund" to each  
48 municipality within the Highlands Region that that does not receive  
49 watershed moratorium offset aid pursuant to section 1 of P.L.1999,

1 c.225 (C.58:29-8) but hosts watershed lands, for those watershed  
2 lands, as determined by the Highlands Water Protection and  
3 Planning Council, in amounts equal to the per acre rate provided for  
4 watershed moratorium offset aid. The State Treasurer would be  
5 required to include in its annual budget request to the Governor the  
6 moneys necessary to distribute funds to those municipalities eligible  
7 for watershed property municipal aid.

[First Reprint]

**ASSEMBLY, No. 4627**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED JUNE 25, 2024

**Sponsored by:**

**Assemblywoman ALIXON COLLAZOS-GILL**

**District 27 (Essex and Passaic)**

**Assemblyman JOHN DIMAIO**

**District 23 (Hunterdon, Somerset and Warren)**

**Co-Sponsored by:**

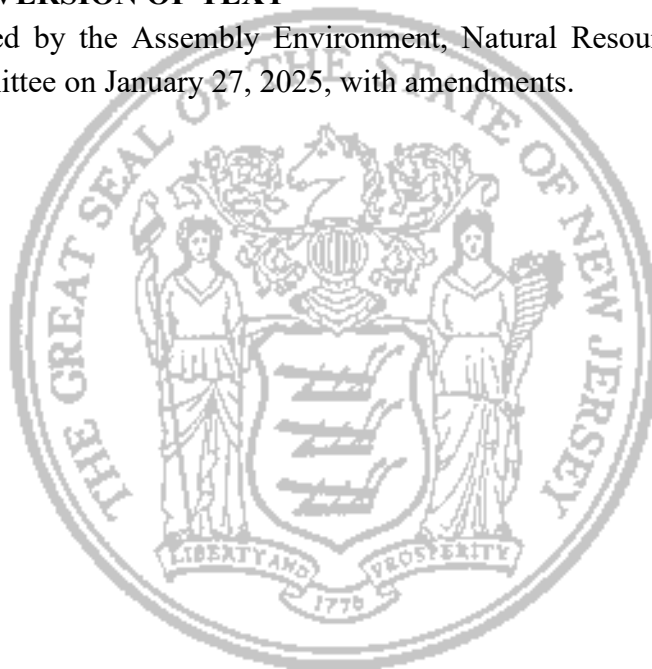
**Assemblywoman Fantasia, Assemblymen Inganamort, Bergen, Barlas, Azzariti Jr., Webber, Auth, Assemblywomen Flynn and Hall**

**SYNOPSIS**

Extends expiration date of special appraisal process for Green Acres and farmland preservation program; provides aid for watershed lands.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Environment, Natural Resources, and Solid Waste Committee on January 27, 2025, with amendments.



**(Sponsorship Updated As Of: 1/27/2025)**

1 AN ACT concerning the preservation and protection of land in the  
2 Highlands Region, amending <sup>1</sup>**[P.L.2019, c.136 and]**<sup>1</sup> P.L.1999,  
3 c.152, <sup>1</sup>**and**<sup>1</sup> amending and supplementing P.L.2004, c.120<sup>1</sup>**[**,  
4 and supplementing P.L.2016, c.12 (C.13:8C-43 et seq.)**]**<sup>1</sup>.

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

8  
9 1. Section 26 of P.L.1999, c.152 (C.13:8C-26) is amended to  
10 read as follows:

11 26. a. Moneys appropriated from the Garden State Green Acres  
12 Preservation Trust Fund to the Department of Environmental  
13 Protection shall be used by the department to:

14 (1) Pay the cost of acquisition and development of lands by the  
15 State for recreation and conservation purposes;

16 (2) Provide grants and loans to assist local government units to  
17 pay the cost of acquisition and development of lands for recreation  
18 and conservation purposes; and

19 (3) Provide grants to assist qualifying tax exempt nonprofit  
20 organizations to pay the cost of acquisition and development of  
21 lands for recreation and conservation purposes.

22 b. The expenditure and allocation of constitutionally dedicated  
23 moneys for recreation and conservation purposes shall reflect the  
24 geographic diversity of the State to the maximum extent practicable  
25 and feasible.

26 c. (1) Notwithstanding the provisions of section 5 of P.L.1985,  
27 c.310 (C.13:18A-34) or **[this act]** P.L.1999, c.152 (C.13:8C-1 et  
28 seq.) , or any rule or regulation adopted pursuant thereto, to the  
29 contrary, the value of a pinelands development credit, allocated to a  
30 parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the  
31 pinelands comprehensive management plan adopted pursuant  
32 thereto, shall be made utilizing a value to be determined by either  
33 appraisal, regional averaging based upon appraisal data, or a  
34 formula supported by appraisal data. The appraisal and appraisal  
35 data shall consider as appropriate: land values in the pinelands  
36 regional growth areas; land values in counties, municipalities, and  
37 other areas reasonably contiguous to, but outside of, the pinelands  
38 area; and other relevant factors as may be necessary to maintain the  
39 environmental, ecological, and agricultural qualities of the  
40 pinelands area.

41 (2) No pinelands development credit allocated to a parcel of  
42 land pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the  
43 pinelands comprehensive management plan adopted pursuant  
44 thereto that is acquired or obtained in connection with the

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AEN committee amendments adopted January 27, 2025.

1 acquisition of the parcel for recreation and conservation purposes  
2 by the State, a local government unit, or a qualifying tax exempt  
3 nonprofit organization using constitutionally dedicated moneys in  
4 whole or in part may be conveyed in any manner. All such  
5 pinelands development credits shall be retired permanently.

6 d. (Deleted by amendment, P.L.2010, c.70)

7 e. Moneys appropriated from the fund may be used to match  
8 grants, contributions, donations, or reimbursements from federal aid  
9 programs or from other public or private sources established for the  
10 same or similar purposes as the fund.

11 f. Moneys appropriated from the fund shall not be used by  
12 local government units or qualifying tax exempt nonprofit  
13 organizations to acquire lands that are already permanently  
14 preserved for recreation and conservation purposes, as determined  
15 by the department.

16 g. Whenever lands are donated to the State by a public utility,  
17 as defined pursuant to Title 48 of the Revised Statutes, for  
18 recreation and conservation purposes, the commissioner may make  
19 and keep the lands accessible to the public, unless the commissioner  
20 determines that public accessibility would be detrimental to the  
21 lands or any natural resources associated therewith.

22 h. Whenever the State acquires land for recreation and  
23 conservation purposes, the agency in the Department of  
24 Environmental Protection responsible for administering the land  
25 shall, within six months after the date of acquisition, inspect the  
26 land for the presence of any buildings or structures thereon which  
27 are or may be historic properties and, within 60 days after  
28 completion of the inspection, provide to the New Jersey Historic  
29 Preservation Office in the department (1) a written notice of its  
30 findings, and (2) for any buildings or structures which are or may  
31 be historic properties discovered on the land, a request for  
32 determination of potential eligibility for inclusion of the historic  
33 building or structure in the New Jersey Register of Historic Places.  
34 Whenever such a building or structure is discovered, a copy of the  
35 written notice provided to the New Jersey Historic Preservation  
36 Office shall also be sent to the New Jersey Historic Trust and to the  
37 county historical commission or advisory committee, the county  
38 historical society, the local historic preservation commission or  
39 advisory committee, and the local historical society if any of those  
40 entities exist in the county or municipality wherein the land is  
41 located.

42 i. (Deleted by amendment, P.L.2010, c.70)

43 j. (1) Commencing on the date of enactment of P.L.2004, c.120  
44 (C.13:20-1 et al.) and through June 30, **[2024]** 2029 for lands  
45 located in the Highlands Region as defined pursuant to section 3 of  
46 P.L.2004, c.120 (C.13:20-3), when the department, a local  
47 government unit, or a qualifying tax exempt nonprofit organization  
48 seeks to acquire lands for recreation and conservation purposes  
49 using constitutionally dedicated moneys in whole or in part, Green

1 Acres bond act moneys in whole or in part, or constitutionally  
2 dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et  
3 seq.) in whole or in part, it shall conduct or cause to be conducted  
4 an appraisal or appraisals of the value of the lands that shall be  
5 made using (a) the land use zoning of the lands, and any State  
6 environmental laws or Department of Environmental Protection  
7 rules and regulations that may affect the value of the lands, subject  
8 to the appraisal and in effect at the time of proposed acquisition,  
9 and (b) the land use zoning of the lands, and any State  
10 environmental laws or Department of Environmental Protection  
11 rules and regulations that may affect the value of the lands, subject  
12 to the appraisal and in effect on January 1, 2004. The higher of  
13 those two values shall be utilized by the department, a local  
14 government unit, or a qualifying tax exempt nonprofit organization  
15 as the basis for negotiation with the landowner with respect to the  
16 acquisition price for the lands. The landowner shall be provided  
17 with both values determined pursuant to this paragraph.

18 A landowner may waive any of the requirements of this  
19 paragraph and may agree to sell the lands for less than the values  
20 determined pursuant to this paragraph.

21 The provisions of this paragraph shall be applicable only to lands  
22 the owner of which at the time of proposed acquisition is the same  
23 person who owned the lands on the date of enactment of P.L.2004,  
24 c.120 (C.13:20-1 et al.) and who has owned the lands continuously  
25 since that enactment date, or is an immediate family member of that  
26 person.

27 (2) (Deleted by amendment, P.L.2010, c.70)

28 (3) The requirements of this subsection shall be in addition to  
29 any other requirements of law, rule, or regulation not inconsistent  
30 therewith.

31 (4) This subsection shall not:

32 (a) apply in the case of lands to be acquired with federal moneys  
33 in whole or in part;

34 (b) (Deleted by amendment, P.L.2010, c.70); or

35 (c) alter any requirements to disclose information to a  
36 landowner pursuant to the "Eminent Domain Act of 1971,"  
37 P.L.1971, c.361 (C.20:3-1 et seq.).

38 (5) For the purposes of this subsection, "immediate family  
39 member" means a spouse, child, parent, sibling, aunt, uncle, niece,  
40 nephew, first cousin, grandparent, grandchild, father-in-law,  
41 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,  
42 stepbrother, stepsister, half brother, or half sister, whether the  
43 individual is related by blood, marriage, or adoption.

44 k. The department shall adopt guidelines for the evaluation and  
45 priority ranking process which shall be used in making decisions  
46 concerning the acquisition of lands by the State for recreation and  
47 conservation purposes using moneys from the Garden State Green  
48 Acres Preservation Trust Fund and from any other source. The  
49 guidelines shall be designed to provide, to the maximum extent

1 practicable and feasible, that such moneys are spent equitably  
2 among the geographic areas of the State. The guidelines, and any  
3 subsequent revisions thereto, shall be published in the New Jersey  
4 Register. The adoption of the guidelines or of the revisions thereto,  
5 shall not be subject to the requirements of the "Administrative  
6 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

7 1. In making decisions concerning the acquisition of lands by  
8 the State for recreation and conservation purposes using moneys  
9 from the Garden State Green Acres Preservation Trust Fund, in the  
10 evaluation and priority ranking process the department shall accord  
11 three times the weight to acquisitions of lands that would protect  
12 water resources, and two times the weight to acquisitions of lands  
13 that would protect flood-prone areas, as those criteria are compared  
14 to the other criteria in the priority ranking process.

15 m. The department, pursuant to the "Administrative Procedure  
16 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
17 regulations that establish standards and requirements regulating any  
18 activity on lands acquired by the State for recreation and  
19 conservation purposes using constitutionally dedicated moneys to  
20 assure that the activity on those lands does not diminish the  
21 protection of surface water or groundwater resources.

22 Any rules and regulations adopted pursuant to this subsection  
23 shall not apply to activities on lands acquired prior to the adoption  
24 of the rules and regulations.

25 n. (1) The department, within three months after the date of the  
26 first meeting of the Highlands Water Protection and Planning  
27 Council established pursuant to section 4 of P.L.2004, c.120  
28 (C.13:20-4), shall consult with and solicit recommendations from  
29 the council concerning land preservation strategies and acquisition  
30 plans in the Highlands Region as defined in section 3 of P.L.2004,  
31 c.120 (C.13:20-3).

32 The council's recommendations shall also address strategies and  
33 plans concerning establishment by the department of a methodology  
34 for prioritizing the acquisition of land in the Highlands preservation  
35 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), for  
36 recreation and conservation purposes using moneys from the  
37 Garden State Green Acres Preservation Trust Fund, especially with  
38 respect to (a) any land that has declined substantially in value due  
39 to the implementation of the "Highlands Water Protection and  
40 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), and (b) any major  
41 Highlands development, as defined in section 3 of P.L.2004, c.120  
42 (C.13:20-3), that would have qualified for an exemption pursuant to  
43 paragraph (3) of subsection a. of section 30 of P.L.2004, c.120  
44 (C.13:20-28) but for the lack of a necessary State permit as  
45 specified in subparagraph (b) or (c), as appropriate, of paragraph (3)  
46 of subsection a. of section 30 of P.L.2004, c.120 (C.13:20-28), and  
47 for which an application for such a permit had been submitted to the  
48 Department of Environmental Protection and deemed by the  
49 department to be complete for review on or before March 29, 2004.

1 The recommendations may also include a listing of specific parcels  
2 in the Highlands preservation area that the council is aware of that  
3 meet the criteria of subparagraph (a) or (b) of this paragraph and for  
4 that reason should be considered by the department as a priority for  
5 acquisition, but any such list shall remain confidential  
6 notwithstanding any provision of P.L.1963, c.73 (C.47:1A-1 et seq.)  
7 or any other law to the contrary.

8 (2) In making decisions concerning applications for funding  
9 submitted by municipalities in the Highlands planning area, as  
10 defined in section 3 of P.L.2004, c.120 (C.13:20-3), to acquire or  
11 develop lands for recreation and conservation purposes using  
12 moneys from the Garden State Green Acres Preservation Trust  
13 Fund, in the evaluation and priority ranking process the department  
14 shall accord a higher weight to any application submitted by a  
15 municipality in the Highlands planning area that has amended its  
16 development regulations in accordance with section 13 of P.L.2004,  
17 c.120 (C.13:20-13) to establish one or more receiving zones for the  
18 transfer of development potential from the Highlands preservation  
19 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than  
20 that which is accorded to comparable applications submitted by  
21 other municipalities in the Highlands planning area that have not  
22 made such amendments to their development regulations.

23 o. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-  
24 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,  
25 the sum spent by the department in each of those fiscal years for the  
26 acquisition of lands by the State for recreation and conservation  
27 purposes using moneys from the Garden State Green Acres  
28 Preservation Trust Fund in each county of the State shall be not  
29 less, and may be greater if additional sums become available, than  
30 the average annual sum spent by the department therefor in each  
31 such county, respectively, for State fiscal years 2002 through 2004,  
32 provided there is sufficient and appropriate lands within the county  
33 to be so acquired by the State for such purposes.  
34 (cf: P.L.2019, c.136, s.8)

35  
36 2. Section 38 of P.L.1999, c.152 (C.13:8C-38) is amended to  
37 read as follows:

38 38. a. All acquisitions or grants made pursuant to section 37 of  
39 P.L.1999, c.152 (C.13:8C-37) shall be made with respect to  
40 farmland devoted to farmland preservation under programs  
41 established by law.

42 b. The expenditure and allocation of constitutionally dedicated  
43 moneys for farmland preservation purposes shall reflect the  
44 geographic diversity of the State to the maximum extent practicable  
45 and feasible.

46 c. The committee shall implement the provisions of section 37  
47 of P.L.1999, c.152 (C.13:8C-37) in accordance with the procedures  
48 and criteria established pursuant to the "Agriculture Retention and

1 Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) except as  
2 provided otherwise by P.L.1999, c.152 (C.13:8C-1 et seq.).

3 d. The committee shall adopt the same or a substantially  
4 similar method for determining, for the purposes of P.L.1999, c.152  
5 (C.13:8C-1 et seq.), the committee's share of the cost of a  
6 development easement on farmland to be acquired by a local  
7 government as that which is being used by the committee on the  
8 date of enactment of P.L.1999, c.152 (C.13:8C-1 et seq.) for prior  
9 farmland preservation funding programs.

10 e. Notwithstanding the provisions of section 24 of P.L.1983,  
11 c.32 (C.4:1C-31) or P.L.1999, c.152 (C.13:8C-1 et seq.), or any  
12 rule or regulation adopted pursuant thereto to the contrary,  
13 whenever the value of a development easement on farmland to be  
14 acquired using constitutionally dedicated moneys in whole or in  
15 part is determined based upon the value of any pinelands  
16 development credits allocated to the parcel pursuant to P.L.1979,  
17 c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive  
18 management plan adopted pursuant thereto, the committee shall  
19 determine the value of the development easement by:

20 (1) conducting a sufficient number of fair market value  
21 appraisals as it deems appropriate to determine the value for  
22 farmland preservation purposes of the pinelands development  
23 credits;

24 (2) considering development easement values in counties,  
25 municipalities, and other areas (a) reasonably contiguous to, but  
26 outside of, the pinelands area, which in the sole opinion of the  
27 committee constitute reasonable development easement values in  
28 the pinelands area for the purposes of this subsection, and (b) in the  
29 pinelands area where pinelands development credits are or may be  
30 utilized, which in the sole opinion of the committee constitute  
31 reasonable development easement values in the pinelands area for  
32 the purposes of this subsection;

33 (3) considering land values in the pinelands regional growth  
34 areas;

35 (4) considering the importance of preserving agricultural lands in  
36 the pinelands area; and

37 (5) considering such other relevant factors, including the rate of  
38 inflation, as may be necessary to increase participation in the  
39 farmland preservation program by owners of agricultural lands  
40 located in the pinelands area.

41 f. No pinelands development credit that is acquired or obtained  
42 in connection with the acquisition of a development easement on  
43 farmland or fee simple title to farmland by the State, a local  
44 government unit, or a qualifying tax exempt nonprofit organization  
45 using constitutionally dedicated moneys in whole or in part may be  
46 conveyed in any manner. All such pinelands development credits  
47 shall be retired permanently.

48 g. (Deleted by amendment, P.L.2010, c.70)

1 h. Any farmland for which a development easement or fee  
2 simple title has been acquired pursuant to section 37 of P.L.1999,  
3 c.152 (C.13:8C-37) shall be entitled to the benefits conferred by the  
4 "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and the  
5 "Agriculture Retention and Development Act," P.L.1983, c.32  
6 (C.4:1C-11 et al.).

7 i. (Deleted by amendment, P.L.2010, c.70)

8 j. (1) Commencing on the date of enactment of P.L.2004, c.120  
9 (C.13:20-1 et al.) and through June 30, **[2024]** 2029 for lands  
10 located in the Highlands Region as defined pursuant to section 3 of  
11 P.L.2004, c.120 (C.13:20-3), when the committee, a local  
12 government unit, or a qualifying tax exempt nonprofit organization  
13 seeks to acquire a development easement on farmland or the fee  
14 simple title to farmland for farmland preservation purposes using  
15 constitutionally dedicated moneys in whole or in part, Green Acres  
16 bond act moneys in whole or in part, or constitutionally dedicated  
17 CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.) in  
18 whole or in part, it shall conduct or cause to be conducted an  
19 appraisal or appraisals of the value of the lands that shall be made  
20 using (a) the land use zoning of the lands, and any State  
21 environmental laws or Department of Environmental Protection  
22 rules and regulations that may affect the value of the lands, subject  
23 to the appraisal and in effect at the time of proposed acquisition,  
24 and (b) the land use zoning of the lands, and any State  
25 environmental laws or Department of Environmental Protection  
26 rules and regulations that may affect the value of the lands, subject  
27 to the appraisal and in effect on January 1, 2004. The higher of  
28 those two values shall be utilized by the committee, a local  
29 government unit, or a qualifying tax exempt nonprofit organization  
30 as the basis for negotiation with the landowner with respect to the  
31 acquisition price for the lands. The landowner shall be provided  
32 with both values determined pursuant to this paragraph.

33 A landowner may waive any of the requirements of this  
34 paragraph and may agree to sell the lands for less than the values  
35 determined pursuant to this paragraph.

36 The provisions of this paragraph shall be applicable only to lands  
37 the owner of which at the time of proposed acquisition is the same  
38 person who owned the lands on the date of enactment of P.L.2004,  
39 c.120 (C.13:20-1 et al.) and who has owned the lands continuously  
40 since that enactment date, or is an immediate family member of that  
41 person.

42 (2) (Deleted by amendment, P.L.2010, c.70)

43 (3) The requirements of this subsection shall be in addition to  
44 any other requirements of law, rule, or regulation not inconsistent  
45 therewith.

46 (4) This subsection shall not:

47 (a) apply in the case of lands to be acquired with federal moneys  
48 in whole or in part;

49 (b) (Deleted by amendment, P.L.2010, c.70); or

1 (c) alter any requirements to disclose information to a landowner  
2 pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361  
3 (C.20:3-1 et seq.).

4 (5) For the purposes of this subsection, "immediate family  
5 member" means a spouse, child, parent, sibling, aunt, uncle, niece,  
6 nephew, first cousin, grandparent, grandchild, father-in-law,  
7 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,  
8 stepbrother, stepsister, half-brother, or half-sister, whether the  
9 individual is related by blood, marriage, or adoption.

10 k. The committee and the Department of Environmental  
11 Protection, pursuant to the "Administrative Procedure Act,"  
12 P.L.1968, c.410 (C.52:14B-1 et seq.), shall jointly adopt rules and  
13 regulations that establish standards and requirements regulating any  
14 improvement on lands acquired by the State for farmland  
15 preservation purposes using constitutionally dedicated moneys to  
16 assure that any improvement does not diminish the protection of  
17 surface water or groundwater resources.

18 Any rules and regulations adopted pursuant to this subsection  
19 shall not apply to improvements on lands acquired prior to the  
20 adoption of the rules and regulations.

21 1. (1) The committee, within three months after the date of the  
22 first meeting of the Highlands Water Protection and Planning  
23 Council established pursuant to section 4 of P.L.2004, c.120  
24 (C.13:20-4), shall consult with and solicit recommendations from  
25 the council concerning farmland preservation strategies and  
26 acquisition plans in the Highlands Region as defined in section 3 of  
27 P.L.2004, c.120 (C.13:20-3).

28 The council's recommendations shall also address strategies and  
29 plans concerning establishment by the committee of a methodology  
30 for prioritizing the acquisition of development easements and fee  
31 simple titles to farmland in the Highlands preservation area, as  
32 defined in section 3 of P.L.2004, c.120 (C.13:20-3), for farmland  
33 preservation purposes using moneys from the Garden State  
34 Farmland Preservation Trust Fund, especially with respect to  
35 farmland that has declined substantially in value due to the  
36 implementation of the "Highlands Water Protection and Planning  
37 Act," P.L.2004, c.120 (C.13:20-1 et al.). The recommendations  
38 may also include a listing of specific parcels in the Highlands  
39 preservation area that the council is aware of that have experienced  
40 a substantial decline in value and for that reason should be  
41 considered by the committee as a priority for acquisition, but any  
42 such list shall remain confidential notwithstanding any provision of  
43 P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary.

44 (2) In prioritizing applications for funding submitted by local  
45 government units in the Highlands planning area, as defined in  
46 section 3 of P.L.2004, c.120 (C.13:20-3), to acquire development  
47 easements on farmland in the Highlands planning area using  
48 moneys from the Garden State Farmland Preservation Trust Fund,  
49 the committee shall accord a higher weight to any application

1 submitted by a local government unit to preserve farmland in a  
2 municipality in the Highlands planning area that has amended its  
3 development regulations in accordance with section 13 of P.L.2004,  
4 c.120 (C.13:20-13) to establish one or more receiving zones for the  
5 transfer of development potential from the Highlands preservation  
6 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than  
7 that which is accorded to comparable applications submitted by  
8 other local government units to preserve farmland in municipalities  
9 in the Highlands planning area that have not made such  
10 amendments to their development regulations.

11 m. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-  
12 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,  
13 the sum spent by the committee in each of those fiscal years for the  
14 acquisition by the committee of development easements and fee  
15 simple titles to farmland for farmland preservation purposes using  
16 moneys from the Garden State Farmland Preservation Trust Fund in  
17 each county of the State shall be not less, and may be greater if  
18 additional sums become available, than the average annual sum  
19 spent by the department therefor in each such county, respectively,  
20 for State fiscal years 2002 through 2004, provided there is sufficient  
21 and appropriate farmland within the county to be so acquired by the  
22 committee for such purposes.

23 (cf: P.L.2023, c.245, s.1.)

24

25 <sup>1</sup> [3. Section 1 of P.L.2019, c.136 (C.13:8C-47.1) is amended to  
26 read as follows:

27 1. a. **[In]** Except as otherwise provided in subsection c. of this  
28 section, in each State fiscal year commencing in State fiscal year  
29 2020 and annually thereafter, of the amount credited by the State  
30 Treasurer to the Preserve New Jersey Fund Account pursuant to  
31 subparagraph (b) of paragraph (1) of subsection a. of section 4 of  
32 P.L.2016, c.12 (C.13:8C-46):

33 (1) 62 percent shall be deposited into the Preserve New Jersey  
34 Green Acres Fund;

35 (2) 31 percent shall be deposited into the Preserve New Jersey  
36 Farmland Preservation Fund; and

37 (3) seven percent shall be deposited into the Preserve New  
38 Jersey Historic Preservation Fund.

39 b. (1) Beginning July 1, 2022, and annually thereafter, the  
40 Garden State Preservation Trust shall conduct a review of the  
41 appropriations of constitutionally dedicated CBT moneys to, and  
42 the expenditures thereof by, the Department of Environmental  
43 Protection, the State Agriculture Development Committee, and the  
44 New Jersey Historic Trust for their respective programs. In  
45 conducting this review, the trust shall: evaluate the demonstrated  
46 need for funding for the acquisition or development of lands for  
47 recreation and conservation purposes, including Blue Acres  
48 projects, farmland preservation purposes, or historic preservation  
49 purposes based upon available projects, applicant demand, and past

1 appropriations and expenditures for these purposes; and hold a  
2 public hearing to solicit public input on appropriate funding  
3 allocations for the department, committee, and New Jersey Historic  
4 Trust, for the upcoming fiscal year.

5 (2) If the trust determines, based on the review conducted  
6 pursuant to paragraph (1) of this subsection, that it would be  
7 appropriate to revise the allocations set forth in subsection a. of this  
8 section, or section 6, 8, or 9 of P.L.2016, c.12 (C.13:8C-48, 50, or  
9 51), the trust shall send a written notification to the Chairperson of  
10 the Senate Environment and Energy Committee, the Assembly  
11 Agriculture and Natural Resources Committee, and the Assembly  
12 Environment and Solid Waste Committee, or their successors, of its  
13 findings and recommendations concerning future funding  
14 allocations for the Preserve New Jersey Green Acres Fund, the  
15 Preserve New Jersey Farmland Preservation Fund, or the Preserve  
16 New Jersey Historic Preservation Fund.

17 (3) A recommendation by the trust to reallocate constitutionally  
18 dedicated CBT moneys based on the review conducted pursuant to  
19 this subsection shall not alter the allocations set forth in subsection  
20 a. of this section or section 6, 8, or 9 of P.L.2016, c.12 (C.13:8C-48,  
21 50, or 51) for any fiscal year unless authorized by the Legislature.

22 c. Commencing on July 1 next following the effective date of  
23 P.L. , c. (C. ) (pending before the Legislature as this bill)  
24 and in each State fiscal year annually thereafter, there shall be  
25 deposited by the State Treasurer the following amounts into the  
26 Preserve New Jersey Highlands Fund created pursuant to section 4  
27 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
28 to be used for the purposes of section 5 of P.L. , c. (C. )  
29 (pending before the Legislature as this bill):

30 (1) \$5 million of the amount deposited into the Preserve New  
31 Jersey Green Acres Fund pursuant to paragraph (1) of subsection a.  
32 of this section; and

33 (2) \$2.5 million of the amount deposited into the Preserve New  
34 Jersey Farmland Preservation Fund pursuant to paragraph (2) of  
35 subsection a. of this section.

36 (cf: P.L.2019, c.136, s.1)<sup>1</sup>

37

38 <sup>1</sup>[4. (New section) a. The State Treasurer shall establish a fund  
39 to be known as the "Preserve New Jersey Highlands Preservation  
40 Fund" and shall deposit into the fund all moneys received pursuant  
41 to subsection c. of section 1 of P.L.2019, c.136 (C.13:8C-47.1) and  
42 any other moneys appropriated by law for deposit into the fund.  
43 Moneys in the fund shall be invested in permitted investments or  
44 shall be held in interest-bearing accounts in those depositories as  
45 the State Treasurer may select, and may be invested and reinvested  
46 in permitted investments or as other trust funds in the custody of the  
47 State Treasurer in the manner provided by law. All interest or other  
48 income or earnings derived from the investment or reinvestment of  
49 moneys in the fund shall be credited to the fund.

1 b. The moneys in the Preserve New Jersey Highlands  
2 Preservation Fund are specifically dedicated and shall be used by  
3 the Highlands Water Protection and Planning Council, established  
4 pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), in accordance  
5 with the provisions of this section and section 5 of  
6 P.L. , c. (C. ) (pending before the Legislature as this bill), only  
7 for:

8 (1) the acquisition of lands for recreation and conservation  
9 purposes;

10 (2) the acquisition of lands for farmland preservation purposes;  
11 and

12 (3) as the State match for federal funding available pursuant to  
13 the Highlands Conservation Act, Pub.L. 108-421, or any other  
14 similar federal funding, for the acquisition of land in the Highlands  
15 Region from a willing seller for the permanent protection of those  
16 lands.

17 c. Moneys in the fund shall not be expended except in  
18 accordance with appropriations from the fund made by law. Any  
19 act appropriating moneys from the Preserve New Jersey Highlands  
20 Preservation Fund shall identify any particular project or projects to  
21 be funded by the moneys, and any expenditure for a project for  
22 which the location is not identified by municipality and county in  
23 the appropriation shall require the approval of the Joint Budget  
24 Oversight Committee. Any change in project sponsor, site, or type  
25 that has received an appropriation from the fund, shall require the  
26 approval of the Joint Budget Oversight Committee or its successor  
27 but shall not require the approval of the Garden State Preservation  
28 Trust.

29 d. Unexpended moneys due to project withdrawals,  
30 cancellations, or cost savings shall be returned to the fund.

31 e. The Highlands Water Protection and Planning Council shall  
32 include an accounting of the moneys in the Preserve New Jersey  
33 Highlands Preservation Fund in the annual report prepared pursuant  
34 to section 29 of P.L.2004, c.120 (C.13:20-27). The accounting shall  
35 identify, for each year and cumulatively: the amount of  
36 appropriations from the fund; the expenditure of moneys from the  
37 fund; the amount of land preserved with moneys in the fund; and  
38 the amount of federal funds received from using moneys in the fund  
39 as the State match.】<sup>1</sup>

40

41 <sup>1</sup>【5. (New section) a. As used in this section:

42 “Agricultural deed restriction” means an “agricultural deed  
43 restriction for farmland preservation purposes” as defined in section  
44 3 of P.L.1983, c.32 (C.4:1C-13).

45 “Agricultural preservation priority area” means an area identified  
46 in the Highlands regional master plan as an agricultural priority  
47 area.

48 “Charitable conservancy” means the same as the defined is  
49 defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

1 “Conservation easement” means a deeded transfer of an interest  
2 in real property under which the property owner agrees to  
3 permanently restrict the land in perpetuity from future development  
4 and to conserve and protect open space, scenic, agricultural, or  
5 other natural resource values on the land covered by the easement.

6 “Conservation preservation priority area” means an area  
7 identified in the Highlands regional master plan as a conservation  
8 priority area.

9 “Council” means the Highlands Water Protection and Planning  
10 Council established pursuant to section 4 of the “Highlands Water  
11 Protection and Planning Act,” P.L.2004, c.120 (C.13:20-4).

12 “Highlands development credit” means a transfer of development  
13 rights credit that may be bought, sold, or transferred in accordance  
14 with the transfer of development rights program for the Highlands  
15 Region established by the council pursuant to section 13 of  
16 P.L.2004, c.120 (C.13:20-13).

17 “Highlands Region” means the region designated by subsection  
18 a. of section 7 of P.L.2004, c.120 (C.13:20-7).

19 “Highlands regional master plan” means the regional master plan  
20 as defined in section 3 of P.L.2004, c.120 (C.13:20-3).

21 “Passive recreation” means a non-motorized outdoor recreational  
22 activity, such as nature observation, hiking, biking, and canoeing or  
23 kayaking, that requires a minimum of facilities or development and  
24 that has a minimal environmental impact on natural resources.

25 “Preserve New Jersey Highlands Preservation Fund” means the  
26 fund established pursuant to section 4 of P.L. , c. (C. )  
27 (pending before the Legislature as this bill).

28 “Special environmental zone” means an area identified in the  
29 Highlands regional master plan as a special environmental zone.

30 b. Of the amount deposited in the Preserve New Jersey  
31 Highlands Preservation Fund, each year:

32 (1) \$2,500,000 shall be allocated for the Highlands Open Space  
33 Partnership Funding program to provide grants to local government  
34 units, charitable conservancies, or qualifying tax exempt nonprofit  
35 organizations as provided in subsection c. of this section;

36 (2) \$2,500,000 shall be allocated for the acquisition of Highlands  
37 development credits from landowners pursuant to the transfer of  
38 development rights program for the Highlands Region established  
39 pursuant to section 13 of P.L.2004, c.120 (C.13:20-13), and as  
40 provided in subsection d. of this section; and

41 (3) \$2,500,000 shall be allocated for farmland preservation for  
42 the preservation of farmland that does not qualify for preservation  
43 by the State Agriculture Development Committee, and as provided  
44 in subsection e. of this section.

45 c. (1) Funds allocated pursuant to paragraph (1) of subsection  
46 b. of this section for the Highlands Open Space Partnership Funding  
47 program shall be used for:

1 (a) the fee simple acquisition of land for recreation and  
2 conservation, including passive recreation purposes, including, but  
3 not limited to:

- 4 (i) parks, natural areas, and greenways; and  
5 (ii) the protection of natural resources as identified in the  
6 Highlands regional master plan; and  
7 (b) the acquisition of conservation easements for conservation  
8 purposes, including, but not limited to:  
9 (i) parks, natural areas, and greenways;  
10 (ii) farmland preservation; and  
11 (iii) the protection of natural resources and agricultural  
12 preservation priority areas.

13 (2) A grant awarded with funds pursuant to this section shall  
14 require the land to be restricted in perpetuity from future  
15 development to protect any existing natural resources located on the  
16 property in accordance with requirements of a conservation  
17 easement approved by the council, which conservation easement  
18 shall be:

19 (a) held by the council, the Department of Environmental  
20 Protection, a charitable conservancy, or a qualifying tax exempt  
21 nonprofit organization; and

22 (b) specifically and expressly enforceable by the entity which  
23 holds the conservation easement and the council; and

24 (3) A grant awarded pursuant to this section shall be in an  
25 amount not to exceed 50 percent of the total purchase price of the  
26 land.

27 d. (1) Funds allocated pursuant to paragraph (2) of subsection b.  
28 of this section shall be used for the acquisition of Highlands  
29 development credits for the protection of land:

30 (a) of significant ecological or agricultural importance;

31 (b) that serves to complement or buffer publicly-owned and  
32 managed lands preserved for recreation and conservation purposes;

33 (c) that will result in the protection of properties meeting the  
34 criteria set forth in subsection f. of this section; or

35 (d) that otherwise furthers the purposes of the Highlands regional  
36 master plan.

37 (2) To be eligible for funding pursuant to this subsection, a  
38 landowner shall:

39 (a) possess a marketable title and be legally empowered to  
40 restrict the use of the land in a manner consistent with the  
41 "Highlands Water Protection and Planning Act," P.L.2004, c.120  
42 (C.13:20-1 et al.), any rules and regulations adopted pursuant  
43 thereto, the Highlands regional master plan, and this section; and

44 (b) place a conservation easement on the land, which  
45 conservation easement shall:

46 (i) be held by the council, a charitable conservancy, or a  
47 qualifying tax exempt nonprofit organization; and

48 (ii) specifically and expressly enforceable by the entity which  
49 holds the conservation easement and the council.

1 e. Funds allocated pursuant to paragraph (3) of subsection b. of  
2 this section shall be used for the preservation of farmland in the  
3 Highlands region, and shall comply with the requirements of  
4 subsections c. and d. as applicable to the application. Any land that  
5 receives funding pursuant to this subsection shall be subject to an  
6 agricultural deed restriction, and a copy of the agricultural deed  
7 restriction shall be provided to the State Agriculture Development  
8 Committee.

9 f. Priority for funding with moneys in the Preserve New Jersey  
10 Highlands Preservation Fund shall be provided to the acquisition of  
11 land based on the following criteria, in no specific order:

12 (1) land located in a special environmental zone area;

13 (2) land located in a high conservation preservation priority area  
14 or high agricultural preservation priority area;

15 (3) land located in a moderate conservation preservation priority  
16 area or moderate agricultural preservation priority area; and

17 (4) land that would provide or improve connectivity to existing  
18 preserved lands, are contiguous to existing preserved farmland, or  
19 otherwise improve access to existing lands preserved for recreation  
20 and conservation purposes.

21 g. In no case shall moneys in the Preserve New Jersey  
22 Highlands Preservation Fund be used for the acquisition in fee  
23 simple or a lesser interest of any land that:

24 (1) requires condemnation;

25 (2) contains significant environmental contamination, including,  
26 but not limited to, former landfill sites, sites with a history of  
27 operating as a facility with substantial potential for on-site  
28 contamination, or sites listed on the Department of Environmental  
29 Protection's Known Contaminated Sites List; or

30 (3) is already preserved or acquired by the State, a local  
31 government unit, a charitable conservancy, or a qualifying tax  
32 exempt nonprofit organization.

33 h. All Highlands development credits acquired with moneys  
34 from the Preserve New Jersey Highlands Preservation Fund shall be  
35 retired permanently.

36 i. Every agricultural deed restriction or conservation easement,  
37 as applicable, placed on land pursuant to this section shall be filed  
38 and recorded with the county clerk of the county in which the land  
39 is located in the same manner as a deed.

40 j. The council shall adopt, pursuant to the "Administrative  
41 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
42 regulations for the submittal and review of applications for funding  
43 pursuant to this section and may adopt criteria concerning the use of  
44 the funds pursuant to this section that are in addition to the criteria  
45 set forth in this section; provided however, that in no case shall  
46 funds allocated pursuant to this section be used for any other  
47 purpose than the acquisition and preservation of land for recreation

1 and conservation purposes or farmland preservation purposes. The  
2 council may use the criteria in the rules codified at N.J.A.C.7:70-  
3 1.1 et seq., and adopted by the council pursuant to subsection y. of  
4 section 6 of P.L.2004, c.120 (C.13:20-6), provided that the rules  
5 are, at a minimum, consistent with the provisions of this section.

6 k. At least once each State fiscal year, the council shall submit  
7 to the Garden State Preservation Trust a list of projects  
8 recommended to be funded with moneys from the Preserve New  
9 Jersey Highlands Preservation Fund. The Garden State  
10 Preservation Trust shall review the submitted project list, and  
11 prepare and submit to the Governor and to the President of the  
12 Senate and the Speaker of the General Assembly for introduction in  
13 the Legislature, proposed legislation appropriating moneys pursuant  
14 to this section to fund projects on any such list. The Legislature  
15 may approve one or more appropriation bills containing a project  
16 list or lists submitted by the Garden State Preservation Trust  
17 pursuant to this subsection.】<sup>1</sup>

18  
19 <sup>1</sup>【6.】 3. Section 21 of P.L.2004, c.120 (C.13:20-19) is amended  
20 to read as follows:

21 21. a. There is created in the Department of the Treasury a  
22 special non-lapsing fund to be known as the "Highlands Protection  
23 Fund." The monies in the fund are dedicated and shall be used only  
24 to carry out the purposes enumerated in subsection b. of this  
25 section. The fund shall be credited with all revenues collected and  
26 deposited in the fund pursuant to section 4 of P.L.1968, c.49  
27 (C.46:15-8), all interest and other income received from the  
28 investment of monies in the fund, and any monies which, from time  
29 to time, may otherwise become available for the purposes of the  
30 fund. Pending the use thereof pursuant to the provisions of  
31 subsection b. of this section, the monies deposited in the fund shall  
32 be held in interest-bearing accounts in public depositories, as  
33 defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and  
34 may be invested or reinvested in such securities as are approved by  
35 the State Treasurer. Interest or other income earned on monies  
36 deposited into the fund shall be credited to the fund for use as set  
37 forth in subsection b. of this section for other monies in the fund.

38 b. Monies deposited in the "Highlands Protection Fund" shall  
39 be used only for:

40 (1) payments to the "Highlands Municipal Property Tax  
41 Stabilization Fund" established pursuant to subsection b. of section  
42 19 of 【this act】 P.L.2004, c.120 (C.54:1-85) in such amounts as are  
43 necessary to provide property tax stabilization aid pursuant to that  
44 section;

45 (2) payments of watershed moratorium offset aid pursuant to  
46 section 1 of P.L.1999, c.225 (C.58:29-8) and watershed property  
47 municipal aid pursuant to section <sup>1</sup>【7】 <sup>4</sup> of P.L. , c. (C. )  
48 (pending before the Legislature as this bill);

1 (3) the making of grants by the Highlands Water Protection and  
2 Planning Council pursuant to sections 13 and 18 of **【this act】**  
3 P.L.2004, c.120 (C.13:20-13 and C.13:20-18); and

4 (4) allocations to the Pinelands Property Tax Assistance Fund  
5 established pursuant to section 20 of **【this act】** P.L.2004, c.120  
6 (C.54:1-84).

7 (cf: P.L.2004, c.120, s.21)

8

9 **<sup>1</sup>【7.】 4.** (New section) a. Funds shall be distributed each State  
10 fiscal year from the "Highlands Protection Fund" created pursuant  
11 to section 21 of P.L.2004, c.120 (C.13:20-19) to each municipality  
12 within the Highlands Region that that does not receive watershed  
13 moratorium offset aid pursuant to section 1 of P.L.1999, c.225  
14 (C.58:29-8) but hosts watershed lands, for those watershed lands, as  
15 determined by the Highlands Water Protection and Planning  
16 Council, in amounts equal to the per acre rate provided for  
17 watershed moratorium offset aid.

18 b. The State Treasurer shall include in its annual budget request  
19 to the Governor the moneys necessary to distribute funds to those  
20 municipalities eligible for watershed property municipal aid  
21 pursuant to subsection a. of this section. The Legislature shall  
22 appropriate the necessary funds to the department for this purpose.

23

24 **<sup>1</sup>【8.】 5.** This act shall take effect immediately.

ASSEMBLY ENVIRONMENT, NATURAL RESOURCES, AND  
SOLID WASTE COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 4627**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 27, 2025

The Assembly Environment, Natural Resources, and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 4627.

This bill, as amended, would extend the expiration date of the special appraisal process provided by law for State-funded land acquisitions under the Green Acres program and the farmland preservation program, from June 30, 2024 to June 30, 2029, for lands located in the Highlands Region. The term “special appraisal process” refers to the process in which the State or other eligible participants are currently required by law to conduct two appraisals of lands that are proposed for acquisition, one of which is based on the property value on the proposed acquisition date, the other of which is based on the value of the property as of January 1, 2004. The higher of the two values is used as the basis of negotiation with the landowner when determining the property’s final acquisition price.

The bill would also require that State aid be distributed each State fiscal year, from the "Highlands Protection Fund," to each municipality within the Highlands Region that does not receive watershed moratorium offset aid, pursuant to section 1 of P.L.1999, c.225 (C.58:29-8), but which hosts watershed lands, for those watershed lands, as determined by the Highlands Water Protection and Planning Council, in amounts equal to the per acre rate provided for watershed moratorium offset aid. The State Treasurer would be required to include, in its annual budget request to the Governor, the moneys necessary to distribute funds to those municipalities that are eligible for watershed property municipal aid.

This bill, as amended and reported by the committee, is identical to Senate Bill No. 3466(1R), as reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill:

(1) to delete sections 3 through 5, which would have provided for a \$7.5 million annual allocation of constitutionally dedicated Corporation Business Tax (CBT) revenue, to the Highlands Water Protection and Planning Council, for the preservation of land in the Highlands Region; and

(2) to make technical changes to the bill.

# Governor Murphy Takes Action on Legislation

03/17/2025

**TRENTON** – Today, Governor Murphy signed the following bills into law:

**S-2423/ACS for A-3678 (Pou, McKnight/Reynolds-Jackson, Wimberly, Moen)** - Renames Juvenile Justice Commission as Youth Justice Commission

**S-3466/A-4627 (McKeon, Greenstein/Collazos-Gill, DiMaio)** - Extends expiration date of special appraisal process for Green Acres and farmland preservation program; provides aid for watershed lands

**AJR-159/SJR-109 (Sumter, Verrelli, Wimberly/McKnight, Mukherji)** - Designates November 14 of each year as Ruby Bridges Walk to School Day

Governor Murphy conditionally vetoed the following bills:

**ACS for A-3540/SS for S-2544 (Conaway, Greenwald, Park/Moriarty, Corrado) –CONDITIONAL** - Establishes criminal penalties for production or dissemination of deceptive audio or visual media, commonly known as “deepfakes”

[Copy of Statement](#)

**A-3881/S-2513 (Quijano, Park/Stack, McKnight) – CONDITIONAL** - Prohibits dissemination of certain criminal history background information

[Copy of Statement](#)

Governor Murphy issued an absolute veto on the following bill:

**A-3667/S-1138 (Freiman, Park/McKeon) - ABSOLUTE** - Permits dental service corporations to be subsidiaries of nonprofit parent companies

[Copy of Statement](#)