

13:1D-51

LEGISLATIVE HISTORY CHECKLIST
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(State lands--public hearings--
convey)

NJSA: 13:1D-51

LAWS OF: 1993

CHAPTER: 38

BILL NO: A330

SPONSOR(S) Ogden

DATE INTRODUCED: January 14, 1992

COMMITTEE: **ASSEMBLY:** Environment

SENATE: State Government

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FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

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HEARINGS: No

See newspaper clipping-attached.

KBG:pp

[THIRD REPRINT]
ASSEMBLY, No. 330

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Assemblywoman OGDEN, Assemblymen ROONEY,
Albohn and Assemblywoman Heck

1 AN ACT concerning the conveyance of certain State-owned
2 lands, amending P.L.1958, c.93, P.L.1961, c.45, P.L.1962,
3 c.220, P.L.1971, c.419, P.L.1975, c.155, and P.L.1983, c.324,
4 and supplementing Title 13 of the Revised Statutes.

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

8 1. (New section) As used in ¹[this section] sections 1 through 7
9 of this amendatory and supplementary act¹ :

10 "Commissioner" means the Commissioner of the Department
11 of Environmental Protection.

12 "Convey" means to sell, exchange, lease for a term of 25 years
13 or more, grant, or agree to ³sell, exchange, lease for a term of 25
14 years or more, or grant, in an amount greater than one acre³.

15 "Department" means the Department of Environmental
16 Protection ¹, or any agency, division, or office thereof¹ .

17 "Green Acres funds" means any funds made available for the
18 acquisition ¹[and] or¹ development of lands by the State for
19 recreation and conservation purposes pursuant to ¹; ¹ P.L.1961,
20 c.46; P.L.1971, c.165; P.L.1974, c.102; P.L.1978, c.118; P.L.1983,
21 c.354; P.L.1987, c.265; and P.L.1989, c.183; or any similar act for
22 such purposes that may be enacted ¹[;] ¹, ¹ or any such funds
23 administered pursuant to P.L.1961, c.45 (C.13:8A-1 et seq.),
24 P.L.1971, c.419 (C.13:8A-19 et seq.), and P.L.1975, c.155
25 (C.13:8A-35 et seq.), or any similar act for such purposes that
26 may be enacted.

27 "Land" or "lands" means real property, including improvements
28 thereof or thereon, rights-of-way, water, riparian and other
29 rights, easements, ¹and¹ privileges ¹,¹ and all other rights or
30 interests of any kind or description in, relating to ¹,¹ or
31 connected with real property.

32 ¹"Minor conveyance" means a conveyance or proposed
33 conveyance of lands acquired or developed by the State with
34 Green Acres funds, or acquired or developed by the State in any
35 other manner and administered by the department, which lands
36 shall be ³greater than one acre but³ less than five acres in size
37 and valued at less than \$50,000, and which conveyance or
38 proposed conveyance under law requires the approval of the State
39 House Commission established pursuant to R.S.52:20-1 et seq.¹

40 2. (New section) ¹a.¹ No lands acquired ¹or developed¹ by
41 the State with Green Acres funds, or acquired ¹or developed¹ by
42 the State in any other manner and administered by 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:

¹ Assembly AEN committee amendments adopted January 28, 1992.

² Assembly floor amendments adopted February 10, 1992.

³ Senate SSG committee amendments adopted June 22, 1992.

1 Department of Environmental Protection, or any agency of the
2 department, may be conveyed unless the department first:

3 ¹[a.] ¹(1)¹ Prepares a report identifying the reasons for, and all
4 advantages and disadvantages and benefits and detriments of, the
5 proposed conveyance; assessing the environmental and
6 recreational impact of that proposed conveyance, including, but
7 not limited to, the impact on endangered species and nongame
8 species as defined and regulated pursuant to P.L.1973, c.309
9 (C.23:2A-1 et seq.), and endangered plant species as defined and
10 regulated pursuant to P.L.1989, c.56 (C.13:1B-15.151 et seq.); and
11 assessing the environmental and economic value of the lands
12 proposed to be conveyed under both their current and proposed
13 uses;

14 ¹[b.] ¹(2)¹ Transmits the report required to be prepared
15 pursuant to ¹paragraph (1) of this¹ subsection ¹[a. of this
16 section]¹ at least 30 days in advance of the date of the first
17 scheduled public hearing required pursuant to ¹paragraph (4) of
18 this¹ subsection ¹[d. of this section]¹ to the chairpersons of ¹[the
19 Senate Natural Resources and Agriculture Committee,]¹ the
20 Senate ¹[Environmental Quality] Environment¹ Committee, ¹[the
21 Senate Land Use Management and Regional Affairs Committee,]¹
22 the Senate State Government ¹[and Federal and Interstate
23 Relations]¹ Committee, the Senate ¹[Revenue, Finance] Budget¹
24 and Appropriations ²[¹Oversight¹]² Committee, ¹[the Assembly
25 Conservation and Natural Resources Committee,]¹ the Assembly
26 ¹[Energy and Environment] Environment¹ Committee, the
27 Assembly State Government Committee, and the Assembly
28 Appropriations Committee, or the successors of those
29 committees ¹as designated by the President of the Senate for the
30 Senate committees and by the Speaker of the General Assembly
31 for the Assembly committees¹ , and to the State House
32 Commission ¹[established pursuant to R.S.52:20-1 et seq.]¹ ;

33 ¹[c.] ¹(3)¹ Makes the report required to be prepared pursuant to
34 ¹paragraph (1) of this¹ subsection ¹[a. of this section]¹ available
35 upon request, at no cost or at the cost of reproduction, to the
36 public at least 30 days in advance of the date of the first
37 scheduled public hearing required pursuant to ¹paragraph (4) of
38 this¹ subsection ¹[d. of this section]¹ , and at each of the two
39 public hearings;

40 ¹[d.] ¹(4)¹ In addition to any other applicable requirements of
41 law, rule, or regulation, conducts two public hearings on the
42 proposed conveyance at least 14 days apart and at least ¹[60] 90¹
43 days in advance of the date on which the proposed conveyance is
44 scheduled to be considered by the State House Commission, or, if
45 review by the State House Commission is not required under law,
46 than at least ¹[60] 90¹ days in advance of the date of the
47 proposed conveyance. Of the two public hearings, one shall be
48 held in the City of Trenton, Mercer county, and the other in the
49 municipality wherein the lands proposed to be conveyed are
50 located or, if that is not practicable, in a municipality as close
51 thereto as can reasonably be arranged. At each such hearing, the
52 department shall explain the proposed conveyance and indicate
53 the consideration to be received by the State for agreeing to the
54 proposed conveyance.

1 Notwithstanding the provisions of this subsection to the
2 contrary, in the case of a minor conveyance, a public hearing
3 shall be held in accordance with this subsection in the
4 municipality wherein the lands proposed to be conveyed are
5 located or, if that is not practicable, in a municipality as close
6 thereto as can reasonably be arranged, but no second public
7 hearing in the City of Trenton need be held as otherwise required
8 pursuant to this subsection. Any subsequent conveyance or
9 proposed conveyance involving lands contiguous to those
10 considered under the minor conveyance exception of this
11 paragraph shall not be considered a minor conveyance for the
12 purposes of this amendatory and supplementary act,
13 notwithstanding that the conveyance or proposed conveyance may
14 otherwise meet the definition of a minor conveyance as set forth
15 in section 1 of this amendatory and supplementary act.

16 b. The department may assess and collect a reasonable fee
17 from any person to whom lands may be conveyed pursuant to this
18 amendatory and supplementary act, which fee shall cover the
19 administrative and any other costs incurred by the department in
20 complying with the provisions and requirements of this
21 amendatory and supplementary act. The fee shall be payable
22 whether or not the lands are in fact eventually conveyed to such
23 person.¹

24 3. (New section) In addition to any other applicable
25 requirements of law, rule, or regulation, the department shall
26 provide notice of any public hearing required pursuant to
27 paragraph (4) of¹ subsection 1[d.] a.¹ of section 2 of this
28 amendatory and supplementary act at least 30 days in advance of
29 the date of the hearing as follows:

30 a. By mailing a copy of the notice to:

31 (1) all parties to the proposed conveyance;

32 (2) the governing body, county clerk, and municipal clerk of
33 every county and municipality in which the lands proposed to be
34 conveyed are located; and

35 (3) any person who requests in writing of the department to
36 receive in advance such notices;

37 b. By publishing the notice in a daily or weekly newspaper of
38 general circulation in each county and municipality in which the
39 lands proposed to be conveyed are located; ¹[and]¹

40 c. By publishing a notice in the New Jersey Register ¹; and

41 d. By publishing a notice in the Department of Environmental
42 Protection Monthly Bulletin¹.

43 4. (New section) The department shall include the following
44 information in all notices required pursuant to section 3 of this
45 amendatory and supplementary act:

46 a. A general description ¹and the location¹ of the lands
47 proposed to be conveyed ¹, including the street address, if any,
48 and the lot and block numbers from the currently applicable
49 municipal tax map¹. In the case of an exchange, the notice shall
50 also include a general description ¹and the location¹ of the lands
51 proposed to be conveyed to the State ¹, including the street
52 address, if any, and the lot and block numbers from the currently
53 applicable municipal tax map¹;

54 b. The name of the parties to the proposed conveyance;

1 c. A description of the current and proposed use of the
2 lands proposed to be conveyed;

3 d. The date, time, and place of the public hearing;

4 e. A statement that the public may submit written comments
5 to the department on or before the date of the public hearing;

6 f. A brief description of the comment procedures;

7 g. The name and address of the person in the administering
8 agency, division, or office designated to receive written
9 comments and to contact for additional information ¹and copies
10 of any reports, analyses, hearing transcripts, or appraisals of
11 value prepared concerning the proposed conveyance¹; and

12 h. Any additional information considered by the department to
13 be necessary or appropriate.

14 5. (New section) The appropriate agency, division, or office
15 within the department conducting a public hearing required
16 pursuant to ¹paragraph (4) of ¹subsection ¹[d.] a.¹ of section 2 of
17 this amendatory and supplementary act shall submit to the
18 commissioner, and to the State House Commission for any
19 conveyance of lands requiring, pursuant to law, review by the
20 commission, a summary of the written comments received and
21 the testimony heard at each public hearing pertaining to the
22 proposed conveyance within 30 days after the date on which the
23 public hearing was held. ¹Transcripts of any public hearing shall
24 also be made available to the State House Commission and, upon
25 request, to the public within that time period.¹

26 6. (New section) a. ¹For the purpose of determining the
27 amount of consideration to be paid or transferred to the State in
28 exchange for conveying lands acquired or developed by the State
29 with Green Acres funds, or acquired or developed by the State in
30 any other manner and administered by the department, the value
31 of such lands shall be based upon their intended use upon
32 conveyance or upon their highest and best use, whichever shall
33 provide to the State the greatest value in return.

34 b.¹ If lands acquired ¹or developed¹ by the State with Green
35 Acres funds, or acquired ¹or developed¹ by the State in any other
36 manner and administered by the department, ¹[or any agency of
37 the department,]¹ are conveyed, and within 25 years after the
38 date of the conveyance the governing body of the municipality
39 wherein the lands are located proposes to amend or revise for any
40 reason the zoning ordinance as it pertains to those lands, or the
41 zoning board of adjustment or planning board of the municipality
42 receives an application for a variance from the zoning regulations
43 or requirements pertaining to those lands, the governing body ¹,
44 zoning board of adjustment, or planning board, as the case may
45 be,¹ shall notify the commissioner in writing at least ¹[90] 30¹
46 days prior to ¹[the governing body, zoning board of adjustment, or
47 planning board, as the case may be,]¹ taking action on the
48 proposed amendment or revision to the zoning ordinance or
49 variance application, as the case may be, according to procedures
50 to be developed therefor by the department pursuant to the
51 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
52 seq.).

53 ¹[b.] c.¹ (1) If the governing body of the municipality wherein
54 the lands are located amends or revises for any reason the zoning

1 ordinance as it pertains to those lands, or the zoning board of
2 adjustment or planning board of the municipality grants a
3 variance from the zoning regulations or requirements pertaining
4 to those lands, as the case may be, within 25 years after the date
5 of conveyance of the lands by the State, and that amendment or
6 revision of the zoning ordinance or grant of a variance results in
7 an increase in the value of the lands, an amount of money equal
8 to that increase in value measured as of the effective date of the
9 amendment or revision of the zoning ordinance or grant of a
10 variance, as the case may be, shall be paid to the department by
11 the then current owner of the lands within 60 days after the date
12 of the last public hearing required pursuant to paragraph (3) of
13 this ¹[section] subsection¹, or if a court determination of the
14 value is required pursuant to ¹[paragrph] paragraph¹ (2) of this
15 ¹[section] subsection¹, within 60 days after the date of the
16 court's judgment, for deposit and use by the department pursuant
17 to section 7 of this amendatory and supplementary act. In
18 addition, the current owner of the lands on the effective date of
19 the first amendment or revision of the zoning ordinance or first
20 grant of a variance pertaining to those lands, as the case may be,
21 shall dedicate 20% of the lands for use as public open space.

22 (2) If the department and the then current owner are unable to
23 agree on the amount of the increased value resulting from an
24 amendment or revision of the zoning ordinance or grant of a
25 variance pertaining to the lands, as the case may be, the value
26 shall be decided in a summary proceeding before the Superior
27 Court.

28 (3) The department shall not agree to any determination of the
29 amount of money equal to an increased value unless it has first
30 conducted two additional public hearings and given appropriate
31 notice of its intentions according to the procedures set forth in
32 ¹[subsection d. of section 2 and in]¹ sections 1₂¹, 3₁¹, and 4 of
33 this amendatory and supplementary act.

34 (4) If the current owner of the lands on the effective date of
35 any amendment or revision of the zoning ordinance or grant of a
36 variance pertaining to those lands, as the case may be, is unable
37 to pay an amount of money equal to the increase in value
38 required pursuant to this subsection, the lands shall revert to the
39 State and shall be managed by the department for the same
40 purposes as they were immediately prior to the original
41 conveyance by the State.

42 ¹d. The department may accept land of equivalent or greater
43 value in lieu of any payment required pursuant to subsection c. of
44 this section, but prior to doing so, the department shall comply
45 with the requirements of paragraph (3) of that subsection.¹

46 ¹[c.] e.¹ The terms of ¹subsections b., c., and d. of¹ this
47 section shall be incorporated into any contract of sale, lease, or
48 other similar instrument, as well as any deed or other instrument
49 of conveyance, involving the lands, and shall run with the land.

50 7. (New section) a. Except as provided pursuant to section 8
51 of P.L.1983, c.324 (C.13:1L-8) and sections 1 and 3 of P.L.1958,
52 c.93 (C.23:8A-1 and C.23:8A-3), any proceeds obtained from the
53 conveyance of lands acquired ¹or developed¹ by the State with
54 Green Acres funds, or acquired ¹or developed¹ by the State in

1 any other manner and administered by the department, ¹[or any
2 agency of the department,]¹ shall be deposited in the ¹[1989 New
3 Jersey Green Acres Fund established pursuant to section 18 to
4 P.L.1989, c.183] appropriate Green Acres fund or such other fund
5 that may be specially created therefor¹, to be appropriated to,
6 and utilized by, the department for the acquisition ¹[and
7 development]¹ of lands by the State for recreation and
8 conservation purposes ¹[as set forth in subsection a. of section 5
9 of P.L.1989, c.183]¹.

10 b. Except as provided pursuant to section 8 of P.L.1983, c.324
11 (C.13:1L-8) and sections 1 and 3 of P.L.1958, c.93 (C.23:8A-1 and
12 C.23:8A-3), any lands obtained in exchange for lands acquired ¹or
13 developed¹ by the State with Green Acres funds, or acquired ¹or
14 developed¹ by the State in any other manner and administered by
15 the department, ¹[or any agency of the department,]¹ shall be
16 managed by the department for the same purposes as those lands
17 of the State that were exchanged.

18 8. Section 8 of P.L.1983, c.324 (C.13:1L-8) is amended to read
19 as follows:

20 8. The department shall have the authority to sell, lease or
21 exchange any lands or any interest therein, except those lands or
22 interests acquired pursuant to the Green Acres program, for the
23 acquisition of any other lands or interests therein for
24 incorporation into the State park and forest system. Any such
25 sale, lease or exchange shall be executed in accordance with
26 P.L. , c. (C.) (now before the Legislature as this bill).

27 (cf: P.L.1983, c.324, s.8)

28 9. Section 13 of P.L.1961, c.45 (C.13:8A-13) is amended to
29 read as follows:

30 13. (a) Lands acquired by a local unit with the aid of a grant
31 under this act shall not be disposed of or diverted to a use for
32 other than recreation and conservation purposes without the
33 approval of the commissioner and the State House Commission.
34 Such approval of the State House Commission shall not be given
35 unless the local unit shall agree to pay an amount equal to 50% of
36 the value of such land, as determined by the commission, into the
37 State Recreation and Conservation Land Acquisition Fund, if the
38 original grant shall have been made from that fund, or, if not,
39 then into the State Treasury. Money so returned to said fund
40 shall be deemed wholly a part of the portion of that fund
41 available for grants to local units under this act.

42 (b) Lands acquired by the State under this act with money
43 from the State Recreation and Conservation Land Acquisition
44 Fund shall not be disposed of or diverted to use for other than
45 recreation and conservation purposes without the approval of the
46 State House Commission and unless the disposal or diversion is
47 executed in accordance with P.L. , c. (C.) (now before the
48 Legislature as this bill). Such approval shall not be given unless
49 the commissioner shall agree to pay an amount equal to the value
50 of such land, as determined by the commission, into [said fund]
51 ¹[the 1989 New Jersey Green Acres Fund established pursuant to
52 section 18 to P.L.1989, c.183] that fund¹. Money so returned to
53 said fund shall be deemed wholly a part of the portion of that
54 fund available for land acquisition by the State under this act ¹[or
55 pursuant to P.L.1989, c.183]¹.

1 (c) If land acquired by the State under this act with money
2 from the State Recreation and Conservation Land Acquisition
3 Fund is subsequently developed for any water supply projects, the
4 commissioner shall pay an amount equal to the value of the land
5 so developed, as said value is determined by the State House
6 Commission, into [said fund] ¹[the 1989 New Jersey Green Acres
7 Fund established pursuant to section 18 to P.L.1989, c.183] that
8 fund¹ . Money so returned to the fund shall be deemed wholly a
9 part of the portion of that fund available for land acquisition by
10 the State under this act ¹[or pursuant to P.L.1989, c.183]¹ . The
11 commissioner shall make said payment from any funds available
12 for such purpose in the State Water Development Fund or other
13 water development moneys appropriated and available for such
14 purpose.

15 (cf: P.L.1961, c.45, s.13)

16 10. Section 13 of P.L.1971, c.419 (C.13:8A-31) is amended to
17 read as follows:

18 13. a. Lands acquired by a local unit with the aid of a grant
19 under this act shall not be disposed of or diverted to a use for
20 other than recreation and conservation purposes without the
21 approval of the commissioner and the State House Commission
22 and following a public hearing at least 1 month prior to any such
23 approvals. Such approval of the State House Commission shall
24 not be given unless the local unit shall agree to pay an amount
25 equal to 50% of the current value of such land, as determined by
26 the commission, into the State Recreation and Conservation Land
27 Acquisition Fund, if the original grant shall have been made from
28 that fund, or, if not, then into the State Treasury. Money so
29 returned to said fund shall be deemed wholly a part of the portion
30 of that fund available for grants to local units under this act.

31 b. Lands acquired by the State under this act with money from
32 the State Recreation and Conservation Land Acquisition Fund
33 shall not be disposed of or diverted to use for other than
34 recreation and conservation purposes without the approval of the
35 State House Commission and unless the disposal or diversion is
36 executed in accordance with P.L. , c. (C.) (now before the
37 Legislature as this bill). Such approval shall not be given unless
38 the commissioner shall agree to pay an amount equal to the value
39 of such land, as determined by the commission, into [said fund]
40 ¹[the 1989 New Jersey Green Acres Fund established pursuant to
41 section 18 to P.L.1989, c.183] that fund¹ . Money so returned to
42 said fund shall be deemed wholly a part of the portion of that
43 fund available for land acquisition by the State under this act ¹[or
44 pursuant to P.L.1989, c.183]¹ .

45 c. If land acquired by the State under this act with money
46 from the State Recreation and Conservation Land Acquisition
47 Fund is subsequently developed for any water supply projects, the
48 commissioner shall pay an amount equal to the current value of
49 the land so developed, as said value is determined by the State
50 House Commission, into [said fund] ¹[the 1989 New Jersey Green
51 Acres Fund established pursuant to section 18 to P.L.1989, c.183]
52 that fund¹ . Money so returned to the fund shall be deemed
53 wholly a part of the portion of that fund available for land
54 acquisition by the State under this act ¹[or pursuant to P.L.1989,

1 c.183]¹. The commissioner shall make said payment from any
2 funds available for such purpose in the State Water Development
3 Fund or other water development moneys appropriated and
4 available for such purpose.

5 (cf: P.L.1971, c.419, s.13)

6 11. Section 14 of P.L.1975, c.155 (C.13:8A-48) is amended to
7 read as follows:

8 14. a. Lands acquired or developed by the State under this act
9 with money from the State Recreation and Conservation Land
10 Acquisition and Development Fund shall not be disposed of or
11 diverted to use for other than recreation and conservation
12 purposes without the approval of the State House Commission and
13 unless the disposal or diversion is executed in accordance with
14 P.L. , c. (C.) (now before the Legislature as this bill). Such
15 approval shall not be given unless the commissioner shall agree to
16 pay an amount equal to the value of such land, as determined by
17 the commission, into [said fund] ¹[the 1989 New Jersey Green
18 Acres Fund established pursuant to section 18 to P.L.1989, c.183]
19 that fund¹ . Money so returned to said fund shall be deemed
20 wholly a part of the portion of that fund available for land
21 acquisition or development by the State under this act ¹[or
22 pursuant to P.L.1989, c.183]¹ .

23 b. If land acquired by the State under this act with money
24 from the State Recreation and Conservation Land Acquisition and
25 Development Fund is subsequently developed for any water supply
26 projects, the commissioner shall pay an amount equal to the
27 current value of the land so developed, as said value is
28 determined by the State House Commission, into [said fund] ¹[the
29 1989 New Jersey Green Acres Fund established pursuant to
30 section 18 to P.L.1989, c.183] that fund¹ . Money so returned to
31 the fund shall be deemed wholly a part of the portion of that fund
32 available for land acquisition and development by the State under
33 this act ¹[or pursuant to P.L.1989, c.183]¹ . The commissioner
34 shall make said payment from any funds available for such
35 purpose from the State Water Development Fund or other water
36 development moneys appropriated and available for such purpose.
37 (cf: P.L.1975, c.155, s.14)

38 12. Section 1 of P.L.1958, c.93 (C.23:8A-1) is amended to read
39 as follows:

40 1. In any case where the Commissioner of the Department of
41 [Conservation and Economic Development] Environmental
42 Protection finds that the best interests of the State will be
43 served thereby, he shall have the power and authority to sell,
44 lease or exchange for other lands or property, any areas of land,
45 water, or land and water, or any interest therein, belonging to the
46 State, acquired exclusively for public hunting and fishing grounds
47 and game refuges, and assigned to the Division of Fish [and] ,
48 Game and Wildlife, provided, however, that the Fish and Game
49 Council shall be given an opportunity to review any proposed sale,
50 lease or exchange and to make recommendations thereon to the
51 Commissioner of the Department of [Conservation and Economic
52 Development] Environmental Protection before such sale, lease,
53 or exchange is executed, and that it shall be executed in
54 accordance with P.L. , c. (C.) (now before the Legislature

1 as this bill). Such sales, leases or exchanges shall be made in the
 2 name of the State of New Jersey and executed by the
 3 Commissioner of [Conservation and Economic Development]
 4 Environmental Protection at such price and upon such terms and
 5 conditions as shall be fixed by the State House Commission.

6 (cf: P.L.1960, c.178, s.1)

7 13. Section 1 of P.L.1962, c.220 (C.52:31-1.1) is amended to
 8 read as follows:

9 1. The head or principal executive of any State department,
 10 with the written approval of the Governor, is hereby authorized
 11 to sell and convey all or any part of the State's interest in any
 12 real property and the improvements thereon held by the
 13 department or to grant an easement in or across such property if
 14 he shall find that his department does not require such property
 15 or interest for any public purpose and that such sale is in the best
 16 interests of the State or that a grant of such easement is in the
 17 best interests of the State.

18 The sale or grant shall be upon such terms and conditions as the
 19 State House Commission shall determine to be in the best
 20 interests of the State and shall be by public auction to the highest
 21 bidder unless the commission shall otherwise direct.

22 In the case of lands subject to the provisions of P.L. , c.
 23 (C.) (now before the Legislature as this bill), the State House
 24 Commission shall conduct a public hearing at least ²[60] ²90² days
 25 in advance of determining the terms and conditions of the sale or
 26 conveyance. In addition to any other applicable requirements of
 27 law, rule, or regulation concerning notice for public hearings, the
 28 State House Commission shall provide notice of the public
 29 hearing at least 30 days in advance of the date of the hearing in
 30 the same manner and according to the same procedures
 31 prescribed for the Department of Environmental Protection
 32 pursuant to sections 3 and 4 of P.L. , c. (C.) (now before
 33 the Legislature as this bill). ¹Any meeting at which the State
 34 House Commission is to determine the terms and conditions of
 35 the sale or conveyance or to decide to approve or disapprove a
 36 conveyance of lands subject to the provisions of P.L. , c.
 37 (C.) (now before the Legislature as this bill) shall be open to
 38 the public, and the commission shall provide public notice of any
 39 such meeting at least 30 days prior thereto.¹

40 The proceeds from the sale of any property or interest in
 41 property sold pursuant to the provisions of this section or from
 42 the grant of an easement shall be paid into the General Treasury
 43 of the State, except, in the case of lands subject to the provisions
 44 of P.L. , c. (C.) (now before the Legislature as this bill),
 45 the proceeds shall be deposited, appropriated, and utilized as
 46 prescribed pursuant to section 7 of P.L. , c. (C.) (now
 47 before the Legislature as this bill).

48 (cf: P.L.1962, c.220, s.1)

49 14. This act shall take effect immediately.

50
 51
 52
 53
 54 Imposes public hearing and other requirements before State may
 55 convey certain State-owned lands.

1 department or to grant an easement in or across such property if
2 he shall find that his department does not require such property
3 or interest for any public purpose and that such sale is in the best
4 interests of the State or that a grant of such easement is in the
5 best interests of the State.

6 The sale or grant shall be upon such terms and conditions as the
7 State House Commission shall determine to be in the best
8 interests of the State and shall be by public auction to the highest
9 bidder unless the commission shall otherwise direct.

10 In the case of lands subject to the provisions of P.L. , c.
11 (C.) (now before the Legislature as this bill), the State House
12 Commission shall conduct a public hearing at least 60 days in
13 advance of determining the terms and conditions of the sale or
14 conveyance. In addition to any other applicable requirements of
15 law, rule, or regulation concerning notice for public hearings, the
16 State House Commission shall provide notice of the public
17 hearing at least 30 days in advance of the date of the hearing in
18 the same manner and according to the same procedures
19 prescribed for the Department of Environmental Protection
20 pursuant to sections 3 and 4 of P.L. , c. (C.) (now before
21 the Legislature as this bill).

22 The proceeds from the sale of any property or interest in
23 property sold pursuant to the provisions of this section or from
24 the grant of an easement shall be paid into the General Treasury
25 of the State, except, in the case of lands subject to the provisions
26 of P.L. , c. (C.) (now before the Legislature as this bill),
27 the proceeds shall be deposited, appropriated, and utilized as
28 prescribed pursuant to section 7 of P.L. , c. (C.) (now
29 before the Legislature as this bill).

30 (cf: P.L.1962, c.220, s.1)

31 14. This act shall take effect immediately.

34 STATEMENT

35
36 This bill would require public hearings and sufficient notice
37 before the State could convey lands acquired with Green Acres
38 funds or lands otherwise acquired by the State and administered
39 by the Department of Environmental Protection (DEP).

40 Specifically, under the bill, no such lands could be conveyed
41 unless the department first:

42 a. Prepares a report identifying the reasons for, and all
43 advantages and disadvantages and benefits and detriments of, the
44 proposed conveyance; assessing the environmental and
45 recreational impact of that proposed conveyance, including, but
46 not limited to, the impact on endangered species and nongame
47 species and endangered plants; and assessing the environmental
48 and economic value of the lands proposed to be conveyed under
49 both their current and proposed uses;

50 b. Transmits that report at least 30 days in advance of the
51 date of the first scheduled public hearing required by the bill to
52 the chairpersons of nine relevant legislative committees and to
53 the State House Commission;

54 c. Makes that report available upon request to the public at

1 least 30 days in advance of the date of the first scheduled public
2 hearing required by the bill, and at each of the two public
3 hearings;

4 d. Conducts two public hearings on the proposed conveyance at
5 least 14 days apart and at least 60 days in advance of the date on
6 which the proposed conveyance is scheduled to be considered by
7 the State House Commission, or, if review by the State House
8 Commission is not required under law, than at least 60 days in
9 advance of the date of the proposed conveyance. Of the two
10 public hearings, one would be held in Trenton and the other in the
11 municipality wherein the lands proposed to be conveyed are
12 located or, if that is not practicable, in a municipality as close
13 thereto as can reasonably be arranged. A summary of the written
14 comments and testimony received at these hearings would be
15 required to be transmitted to the Commissioner of Environmental
16 Protection and to the State House Commission.

17 The bill would impose extensive requirements pertaining to the
18 timing and content of the public notices for the public hearings so
19 that the public can be sufficiently informed about such proposed
20 conveyances.

21 Under the bill, if State Green Acres or DEP lands are
22 conveyed, and within 25 years after the date of the conveyance
23 the governing body of the municipality wherein the lands are
24 located proposes to amend or revise for any reason the zoning
25 ordinance as it pertains to those lands, or the zoning board of
26 adjustment or planning board of the municipality receives an
27 application for a variance from the zoning regulations or
28 requirements pertaining to those lands, the governing body would
29 be required to notify the DEP commissioner in writing at least 90
30 days prior to the governing body, zoning board of adjustment, or
31 planning board, as the case may be, taking action on the proposed
32 amendment or revision to the zoning ordinance or variance
33 application, as the case may be. If such a rezoning or granting of
34 a variance occurs, and it results in an increase in the value of the
35 lands, an amount of money equal to that increase in value
36 measured as of the effective date of the rezoning or grant of a
37 variance, as the case may be, would be required to be paid to the
38 department by the then current owner of the lands, for deposit
39 and use by the department to acquire additional lands for
40 recreation and conservation purposes. In addition, the current
41 owner of the lands on the effective date of the first amendment
42 or revision of the zoning ordinance or first grant of a variance
43 pertaining to those lands, as the case may be, would be required
44 to dedicate 20% of the lands for use as public open space. All of
45 these provisions would be incorporated in the deed or other
46 instrument of conveyance for the lands, and would run with the
47 land.

48 The department would be prohibited from agreeing to any
49 determination of the amount of money equal to an increased
50 value unless it has first conducted two additional public hearings
51 and given appropriate public notice of its intentions.

52 If the current owner of the lands on the effective date of any
53 amendment or revision of the zoning ordinance or grant of a
54 variance pertaining to those lands, as the case may be, is unable

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ASSEMBLY ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 330

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 28, 1992

The Assembly Environment Committee favorably reports Assembly Bill No. 330 with Assembly committee amendments.

This bill would require public hearings and sufficient notice before the State could convey lands acquired with Green Acres funds or lands otherwise acquired by the State and administered by the Department of Environmental Protection (DEP).

Specifically, under the bill, no such lands could be conveyed unless the department first:

(1) Prepares a report identifying the reasons for, and all advantages and disadvantages and benefits and detriments of, the proposed conveyance; assessing the environmental and recreational impact of that proposed conveyance, including, but not limited to, the impact on endangered species and nongame species and endangered plants; and assessing the environmental and economic value of the lands proposed to be conveyed under both their current and proposed uses;

(2) Transmits that report at least 30 days in advance of the date of the first scheduled public hearing required by the bill to the chairpersons of nine relevant legislative committees and to the State House Commission;

(3) Makes that report available upon request to the public at least 30 days in advance of the date of the first scheduled public hearing required by the bill, and at each of the two public hearings;

(4) Conducts two public hearings on the proposed conveyance at least 14 days apart and at least 60 days in advance of the date on which the proposed conveyance is scheduled to be considered by the State House Commission, or, if review by the State House Commission is not required under law, than at least 60 days in advance of the date of the proposed conveyance. Of the two public hearings, one would be held in Trenton and the other in the municipality wherein the lands proposed to be conveyed are located or, if that is not practicable, in a municipality as close thereto as can reasonably be arranged. A summary of the written comments and testimony received at these hearings would be required to be transmitted to the Commissioner of Environmental Protection and to the State House Commission.

The bill would impose extensive requirements pertaining to the timing and content of the public notices for the public hearings so that the public can be sufficiently informed about such proposed conveyances.

Under the bill, if State Green Acres or DEP lands are conveyed, and within 25 years after the date of the conveyance the governing body of the municipality wherein the lands are located proposes to amend or revise for any reason the zoning ordinance as it pertains to those lands, or the zoning board of adjustment or planning board of the municipality receives an application for a variance from the zoning regulations or requirements pertaining to those lands, the governing body would be required to notify the DEP commissioner in writing at least 90 days prior to the governing body, zoning board of adjustment, or planning board, as the case may be, taking action on the proposed amendment or revision to the zoning ordinance or variance application, as the case may be. If such a rezoning or granting of a variance occurs, and it results in an increase in the value of the lands, an amount of money equal to that increase in value measured as of the effective date of the rezoning or grant of a variance, as the case may be, would be required to be paid to the department by the then current owner of the lands, for deposit and use by the department to acquire additional lands for recreation and conservation purposes. In addition, the current owner of the lands on the effective date of the first amendment or revision of the zoning ordinance or first grant of a variance pertaining to those lands, as the case may be, would be required to dedicate 20% of the lands for use as public open space. All of these provisions would be incorporated in the deed or other instrument of conveyance for the lands, and would run with the land.

The department would be prohibited from agreeing to any determination of the amount of money equal to the increase in value unless it has first conducted two additional public hearings and given appropriate public notice of its intentions.

If the current owner of the lands on the effective date of any amendment or revision of the zoning ordinance or grant of a variance pertaining to those lands, as the case may be, is unable to pay an amount of money equal to the increase in value, the lands would revert to the State to be managed by the department for the same purposes as they were immediately prior to the original conveyance by the State.

Generally, the bill requires that proceeds from any conveyances be utilized for the acquisition and development of State-owned lands for recreation and conservation purposes.

Finally, the bill requires the State House Commission to hold a public hearing whenever it is reviewing such conveyances and to provide sufficient notice of the hearing.

The committee amended the bill to:

- (1) reflect certain regulatory provisions pertaining to the conveyance of State lands that have been adopted by the DEP;
- (2) change the particular funds into which moneys received from these transactions may be deposited;
- (3) allow the DEP to assess and collect a reasonable fee from any person to whom lands may be conveyed pursuant to the bill in order to cover the department's administrative and other costs

associated with the conveyance;

(4) require that hearing transcripts be made available to the public and to the State House Commission;

(5) require that for the purpose of determining the amount of consideration to be paid or transferred to the State in exchange for conveying lands under the bill, the value of such lands shall be based upon their intended use upon conveyance or upon their highest and best use, whichever shall provide to the State the greatest value in return;

(6) authorize the DEP to accept land of equivalent or greater value in lieu of any payment of money required pursuant to section 6 of the bill;

(7) provide that the bill applies also to proposed conveyances of lands developed by the State with Green Acres funds, or developed by the State in any other manner and administered by the department, or any agency of the department;

(8) provide that moneys received from the conveyances be used only for acquisitions of lands for recreation and conservation purposes;

(9) require that meetings of the State House Commission at which decisions affecting the lands subject to the provisions of the bill are made be open to the public and be given public notice at least 30 days in advance thereof;

(10) provide that only one public hearing need be held by the DEP in the case of a minor conveyance as defined in the bill;

(11) reduce from nine to six the number of relevant legislative committees that are to receive copies of the DEP report on a proposed conveyance, which would thus reflect the legislative committee structure for the 1992-1993 legislative session;

(12) reduce the notice requirement of section 6 of the bill from 90 days to 30 days, and require the appropriate municipal entity, rather than only the governing body, to provide that notice; and

(13) increase from 60 days to 90 days the minimum time period with respect to the holding of the two public hearings to be held by the DEP before a proposed conveyance is scheduled to be considered by the State House Commission, or if review by the State House Commission is not required under law, before a proposed conveyance may proceed.

The committee also made certain clarifying and technical amendments.

This bill was pre-filed for introduction in the 1992-1993 session pending technical review. As reported the bill includes the changes required by technical review, which has been performed.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

[SECOND REPRINT]

ASSEMBLY, No. 330

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 1992

The Senate State Government Committee reports favorably and with committee amendments Assembly Bill No. 330 [2R].

This bill would require public hearings and sufficient notice before the State could convey, in amounts greater than one acre, lands acquired or developed with Green Acres funds or lands otherwise acquired or developed by the State and administered by the Department of Environmental Protection (DEP). No such lands could be conveyed unless the department first:

(1) prepares a report identifying the reasons for, and all advantages and disadvantages and benefits and detriments of, the proposed conveyance; assessing the environmental and recreational impact of that proposed conveyance, including, but not limited to, the impact on endangered species and nongame species and endangered plant species; and assessing the environmental and economic value of the lands proposed to be conveyed under both their current and proposed uses;

(2) transmits that report at least 30 days in advance of the date of the first scheduled public hearing required by the bill to the chairpersons of six relevant legislative committees and to the State House Commission;

(3) makes that report available upon request to the public at least 30 days in advance of the date of the first scheduled public hearing required by the bill, and at each of the two public hearings;

(4) conducts two public hearings on the proposed conveyance at least 14 days apart and at least 90 days in advance of the date on which the proposed conveyance is scheduled to be considered by the State House Commission, or, if review by the State House Commission is not required under law, than at least 90 days in advance of the date of the proposed conveyance. Of the two public hearings, one would be held in the City of Trenton, Mercer county, and the other in the municipality wherein the lands proposed to be conveyed are located or, if that is not practicable, in a municipality as close thereto as can reasonably be arranged. A summary of the written comments and testimony received at these hearings would be required to be transmitted to the Commissioner of Environmental Protection and to the State House Commission. Transcripts of any public hearing would also be required to be made available to the State House Commission and, upon request, to the public. In the case of minor conveyances, only one public hearing would be held in the municipality wherein the lands proposed to be conveyed are located or, if that is not practicable, in a municipality as close thereto as can reasonably be arranged. No second public hearing would be held in Trenton in such cases.

The bill would impose extensive requirements pertaining to the timing and content of the public notices for the public hearings so that the public can be sufficiently informed about such proposed conveyances.

The bill authorizes the DEP to assess and collect a reasonable fee from any person to whom lands may be conveyed pursuant to the bill in order to cover the administrative and any other costs incurred by the DEP in complying with the bill's provisions. The fee would be payable whether or not the lands are in fact eventually conveyed to such person.

Under the bill, if State Green Acres or DEP lands are conveyed, and within 25 years after the date of the conveyance the governing body of the municipality wherein the lands are located proposes to amend or revise for any reason the zoning ordinance as it pertains to those lands, or the zoning board of adjustment or planning board of the municipality receives an application for a variance from the zoning regulations or requirements pertaining to those lands, the governing body, zoning board of adjustment, or planning board, as the case may be, would be required to notify the DEP commissioner in writing at least 30 days prior to taking action on the proposed amendment or revision to the zoning ordinance or variance application, as the case may be. If such a rezoning or granting of a variance occurs, and it results in an increase in the value of the lands, an amount of money equal to that increase in value measured as of the effective date of the rezoning or grant of a variance, as the case may be, would be required to be paid to the department by the then current owner of the lands, for deposit and use by the department to acquire additional lands for recreation and conservation purposes. In addition, the current owner of the lands on the effective date of the first amendment or revision of the zoning ordinance or first grant of a variance pertaining to those lands, as the case may be, would be required to dedicate 20% of the lands for use as public open space. All of these provisions would be incorporated in the deed or other instrument of conveyance for the lands, and would run with the land.

The department would be prohibited from agreeing to any determination of the amount of money equal to the increase in value unless it has first conducted two additional public hearings and given appropriate public notice of its intentions. The DEP would be authorized to accept land of equivalent or greater value in lieu of any payment required pursuant to the recapture provision of the bill.

If the current owner of the lands on the effective date of any amendment or revision of the zoning ordinance or grant of a variance pertaining to those lands, as the case may be, is unable to pay an amount of money equal to the increase in value, the lands would revert to the State to be managed by the department for the same purposes as they were immediately prior to the original conveyance by the State.

Generally, the bill requires that proceeds from any conveyances be utilized for the acquisition of State-owned lands for recreation and conservation purposes. The bill also requires that for the purpose of determining the amount of consideration to be paid or transferred to the State in exchange for conveying lands under the bill, the value of such lands would be based upon their intended use

upon conveyance or upon their highest and best use, whichever would provide to the State the greatest value in return.

Finally, the bill requires the State House Commission to hold a public hearing whenever it is reviewing such conveyances and to provide at least 30 days public notice of the hearing. Meetings of the State House Commission at which decisions affecting the lands subject to the provisions of the bill are made would also be required to be open to the public, with public notice of the meetings to be given at least 30 days in advance thereof.

COMMITTEE AMENDMENTS

The committee amended the bill to revise the definition of "convey" and "minor conveyance to make the bill applicable to lands of more than one acre that are conveyed."