

13:1B-15.133 to 15.145

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13:1B-15.133 to 13:1B-15.145

("Open Lands Management Act")

LAWS OF: 1983

CHAPTER: 560

Bill No: A655

Sponsor(s): Lesniak

Date Introduced: February 8, 1982

Committee: Assembly: Agriculture and Environment

Senate: Energy and Environment

Amended during passage: Yes

Amendments during passage  
denoted by asterisks

Date of Passage: Assembly: November 21, 1983

Senate: January 9, 1984

Date of Approval: January 17, 1984

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:

Reports: No

Hearings: No

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**ASSEMBLY, No. 655**

**STATE OF NEW JERSEY**

INTRODUCED FEBRUARY 8, 1982

By Assemblyman LESNIAK

Referred to Committee on Agriculture and Environment

AN ACT establishing an Open Lands Management Program, supplementing \***[P. L. 1979, c. 111 (C. 13:18A-1 et seq.)]**\* *\*Title 13 of the Revised Statutes\**, and making an appropriation.

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

1 1. This act shall be known and may be cited as the "Open Lands  
2 Management Act."

1 2. As used in this act:

2 a. "Commissioner" means the Commissioner of Environmental  
3 Protection;

4 b. "Department" means the Department of Environmental Pro-  
5 tection;

6 c. "Program" means the Open Lands Management Program.

1 3. The Legislature finds and declares that opportunities for  
2 access to recreational open space are rapidly diminishing\***[:]**\*  
3 *\*and\** that, in an effort to explore alternate techniques to provide  
4 that access, the State should aid private landowners permitting  
5 public recreational use of their land\***[;**; and that the pinelands area,  
6 where much of the open space is privately owned, would be an ideal  
7 location to demonstrate the practicability and feasibility of such a  
7A technique**]**\*.

8 The Legislature further finds and declares that administering a  
9 program to aid private landowners, informing the public of recrea-  
10 tion opportunities and evaluating the \***[feasibility of expanding]**\*  
11 *\*operation of\** the program would best be implemented by establish-  
12 ing an Open Lands Management Program, and by empowering 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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendments adopted April 11, 1983.

13 Department of Environmental Protection to provide financial  
 14 assistance and in kind services to assist private landowners in  
 15 maintaining and increasing public recreation opportunities, all as  
 16 hereinafter provided.

1 4. There is established in the Division of Parks and Forestry in  
 2 the Department of Environmental Protection the Open Lands  
 3 Management Program.

4 The purpose of this program shall be to provide financial assis-  
 5 tance and in kind services for the development and maintenance of  
 6 privately owned land for recreational purposes in accordance with  
 7 the provisions of this act. It shall further be the purpose of this  
 8 program to \*~~["determine the feasibility"]~~\* *\*evaluate the operation\**  
 9 of State efforts to provide opportunities for recreational access to  
 10 privately-owned open space.

1 5. The commissioner is authorized to adopt and enforce, pursuant  
 2 to the "Administrative Procedure Act," P. L. 1968, c. 410 (C.  
 3 52:14B-1 et seq.), rules and regulations necessary to implement the  
 4 provisions of this act.

1 6. The department shall undertake an informational and educa-  
 2 tional effort to acquaint landowners with the basic objectives and  
 3 details of the program by conducting public meetings \*~~["within the  
 4 pinelands area"]~~\* *\*in the various geographical regions of the State\**.

1 7. a. Voluntary offers to undertake certain projects shall be  
 2 solicited by the department from private landowners \*~~["in the pine-  
 3 lands area"]~~\*. The department may provide a landowner with any  
 4 appropriate assistance and guidance in the development of recrea-  
 5 tional opportunity proposals particularly suited to the topo-  
 6 graphical characteristics of the land.

7 b. A landowner may file an application with the department, on  
 8 forms prescribed by the commissioner, requesting financial assis-  
 9 tance for a specific project or projects for public recreational access  
 10 to his privately-owned open space. The department shall evaluate  
 11 the application and, within 30 days of receipt of the application,  
 12 either deny the application citing the reasons therefore or grant  
 13 preliminary approval thereof.

14 c. If preliminary approval has been granted, the land-  
 15 owner and the commissioner may enter into an agreement,  
 16 hereinafter referred to as an "access covenant," which guarantees  
 17 public access for a specified period of time, for specified recrea-  
 18 tional purposes to a specified parcel or parcels of land in return for  
 19 appropriate and reasonable financial assistance or in kind services,  
 20 or both, as determined by the commissioner.

21 d. If an access covenant has been signed by a landowner and the  
 22 commissioner, the landowner shall cause a statement containing  
 23 the conditions of the covenant to be attached to and recorded with  
 24 the deed to the land in the same manner as the deed was originally  
 25 recorded.

1 8. Projects eligible for consideration by the commissioner shall  
 2 include but not necessarily be limited to:

3 a. Installation, repair or replacement of existing protective  
 4 structures, such as fencing, water bars, berms or stiles;

5 b. Installation, repair or replacement of any facility which pro-  
 6 vides or improves public recreational access to privately-owned  
 7 land, such as parking areas, access roads, trails, signs, picnic areas,  
 8 rest areas or boat or canoe launch areas;

9 c. Planting, restoration or maintenance of trees or shrubs for the  
 10 purpose of screening or increasing the value of scenic areas; and,

11 d. Repair or restoration of any vandalized crops or improvements  
 12 located on, or adjacent to, agricultural land which is subject to an  
 13 access covenant.

1 \*9. a. *An owner, lessee or occupant of land for which an access*  
 2 *covenant has been entered into and who is participating in the*  
 3 *program and thereby guarantees access pursuant to subsection c.*  
 4 *of section 7 of this act does not thereby: (1) extend any assurance*  
 5 *that the premises, including any natural or man-made conditions,*  
 6 *are safe for these purposes; (2) constitute the person to whom*  
 7 *access is guaranteed an invitee or licensee to whom a duty of care*  
 8 *is owed; or (3) assume responsibility for, or incur liability for, any*  
 9 *injury to person or property caused by any act of persons to whom*  
 10 *access is guaranteed.*

11 b. *This section shall not limit the liability which would otherwise*  
 12 *exist for willful or malicious failure to guard, or to warn against, a*  
 13 *dangerous condition, use, structure or activity.*

1 10. *The access covenant for recreational purposes shall not affect*  
 2 *the assessment and taxation of agricultural land which is taxed*  
 3 *pursuant to the "Farmland Assessment Act of 1964," P. L. 1964, c.*  
 4 *48 (C. 54:4-23.1 et seq.), nor shall it affect the assessment and*  
 5 *taxation of vacant land or agricultural land which is not taxed*  
 6 *pursuant to the "Farmland Assessment Act of 1964."\**

1 \***[9.]**\* \*11.\* Subject to the provisions of Title 11 of the Revised  
 2 Statutes, and within the limits of funds appropriated or otherwise  
 3 made available, the commissioner may appoint any officer or em-  
 4 ployee to the department necessary to carry out the provisions of  
 5 this act, fix and determine their qualifications, which may include a  
 6 knowledge of and familiarity with the pinelands area and the  
 7 residents thereof.

1     \***[10.]**\* \*12.\* The commissioner shall submit a written report to  
2 the Governor and to the Legislature within one year of the effective  
3 date of this act. The report shall detail the effectiveness of the  
4 Open Lands Management Program in increasing recreational  
5 opportunities and the advisability of continuing the program at its  
6 current level, expanding the program Statewide or terminating the  
7 program.

1     \***[11.]**\* \*13.\* The department may apply for, accept and expend  
2 funds from any public or private source for the purposes of plan-  
3 ning and implementing the program in accordance with the pro-  
4 visions of this act.

1     \***[12.]**\* \*14.\* There is appropriated to the Department of Envi-  
2 ronmental Protection from the State General Fund the sum of  
3 \***[\$100,000.00]**\* \*\$250,000.00\* to implement the provisions of this  
4 act.

1     \***[13.]**\* \*15.\* This act shall take effect immediately.

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**ASSEMBLY, No. 655**

**STATE OF NEW JERSEY**

INTRODUCED FEBRUARY 8, 1982

By Assemblyman LESNIAK

Referred to Committee on Agriculture and Environment

AN ACT establishing an Open Lands Management Program, supplementing P. L. 1979, c. 111 (C. 13:18A-1 et seq.), and making an appropriation.

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

1 1. This act shall be known and may be cited as the "Open Lands  
2 Management Act."

1 2. As used in this act:

2 a. "Commissioner" means the Commissioner of Environmental  
3 Protection;

4 b. "Department" means the Department of Environmental Pro-  
5 tection;

6 c. "Program" means the Open Lands Management Program.

1 3. The Legislature finds and declares that opportunities for  
2 access to recreational open space are rapidly diminishing; that, in  
3 an effort to explore alternate techniques to provide that access, the  
4 State should aid private landowners permitting public recreational  
5 use of their land; and that the pinelands area, where much of the  
6 open space is privately owned, would be an ideal location to demon-  
7 strate the practicability and feasibility of such a technique.

8 The Legislature further finds and declares that administering a  
9 program to aid private landowners, informing the public of recrea-  
10 tion opportunities and evaluating the feasibility of expanding the  
11 program would best be implemented by establishing an Open Lands  
12 Management Program, and by empowering the Department of  
13 Environmental Protection to provide financial assistance and in

14 kind services to assist private landowners in maintaining and in-  
15 creasing public recreation opportunities, all as hereinafter  
16 provided.

1 4. There is established in the Division of Parks and Forestry in  
2 the Department of Environmental Protection the Open Lands  
3 Management Program.

4 The purpose of this program shall be to provide financial assis-  
5 tance and in kind services for the development and maintenance of  
6 privately owned land for recreational purposes in accordance with  
7 the provisions of this act. It shall further be the purpose of this  
8 program to determine the feasibility of State efforts to provide  
9 opportunities for recreational access to privately-owned open space.

1 5. The commissioner is authorized to adopt and enforce, pursuant  
2 to the "Administrative Procedure Act," P. L. 1968, c. 410 (C.  
3 52:14B-1 et seq.), rules and regulations necessary to implement the  
4 provisions of this act.

1 6. The department shall undertake an informational and educa-  
2 tional effort to acquaint landowners with the basic objectives and  
3 details of the program by conducting public meetings within the  
4 pinelands area.

1 7. a. Voluntary offers to undertake certain projects shall be  
2 solicited by the department from private landowners in the pine-  
3 lands area. The department may provide a landowner with any  
4 appropriate assistance and guidance in the development of recrea-  
5 tional opportunity proposals particularly suited to the topo-  
6 graphical characteristics of the land.

7 b. A landowner may file an application with the department, on  
8 forms prescribed by the commissioner, requesting financial assis-  
9 tance for a specific project or projects for public recreational access  
10 to his privately-owned open space. The department shall evaluate  
11 the application and, within 30 days of receipt of the application,  
12 either deny the application citing the reasons therefore or grant  
13 preliminary approval thereof.

14 c. If preliminary approval has been granted, the land-  
15 owner and the commissioner may enter into an agreement,  
16 hereinafter referred to as an "access covenant," which guarantees  
17 public access for a specified period of time, for specified recrea-  
18 tional purposes to a specified parcel or parcels of land in return for  
19 appropriate and reasonable financial assistance or in kind services,  
20 or both, as determined by the commissioner.

21 d. If an access covenant has been signed by a landowner and the  
22 commissioner, the landowner shall cause a statement containing  
23 the conditions of the covenant to be attached to and recorded with

24 the deed to the land in the same manner as the deed was originally  
25 recorded.

1 8. Projects eligible for consideration by the commissioner shall  
2 include but not necessarily be limited to:

3 a. Installation, repair or replacement of existing protective  
4 structures, such as fencing, water bars, berms or stiles;

5 b. Installation, repair or replacement of any facility which pro-  
6 vides or improves public recreational access to privately-owned  
7 land, such as parking areas, access roads, trails, signs, picnic areas,  
8 rest areas or boat or canoe launch areas;

9 c. Planting, restoration or maintenance of trees or shrubs for the  
10 purpose of screening or increasing the value of scenic areas; and,

11 d. Repair or restoration of any vandalized crops or improvements  
12 located on, or adjacent to, agricultural land which is subject to an  
13 access covenant.

1 9. Subject to the provisions of Title 11 of the Revised Statutes,  
2 and within the limits of funds appropriated or otherwise made  
3 available, the commissioner may appoint any officer or employee to  
4 the department necessary to carry out the provisions of this act,  
5 fix and determine their qualifications, which may include a knowl-  
6 edge of and familiarity with the pinelands area and the residents  
7 thereof.

1 10. The commissioner shall submit a written report to the  
2 Governor and to the Legislature within 1 year of the effective date  
3 of this act. The report shall detail the effectiveness of the Open  
4 Lands Management Program in increasing recreational oppor-  
5 tunities and the advisability of continuing the program at its  
6 current level, expanding the program Statewide or terminating the  
7 program.

1 11. The department may apply for, accept and expend funds  
2 from any public or private source for the purposes of planning and  
3 implementing the program in accordance with the provisions of  
4 this act.

1 12. There is appropriated to the Department of Environmental  
2 Protection from the State General Fund the sum of \$100,000.00 to  
3 implement the provisions of this act.

1 13. This act shall take effect immediately.

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STATEMENT

The purpose of this bill is to assist in the management and protection of private lands open to public access for recreational purposes in the Pinelands area on a pilot program basis. To this end, the bill establishes the Open Lands Management Program in



the Department of Environmental Protection. The program would provide private landowners with financial assistance and in kind services for projects designed to develop and maintain their lands for recreational purposes in exchange for a guarantee, in the form of an access covenant, that the public be permitted recreational use of their lands.

Financial aid and in kind services would be provided, pursuant to regulation, for installation, repair, replacement and maintenance of structures and land typical of public recreational facilities. The bill authorizes the department to accept funding from any public or private source and appropriates \$100,000.00 to implement the program.

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**ASSEMBLY AGRICULTURE AND ENVIRONMENT  
COMMITTEE**

STATEMENT TO

**ASSEMBLY, No. 655**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 29, 1983

The purpose of this bill is to expand the stock of land open for public recreation at the lowest possible cost and assist in the management and protection of private lands open to public access for recreational purposes on a pilot program basis. To this end, the bill establishes the Open Lands Management Program in the Department of Environmental Protection. The program would provide private landowners with financial assistance and in-kind services for projects designed to develop and maintain their lands for recreational purposes in exchange for a guarantee, in the form of an access covenant, that the public be permitted recreational use of their lands.

Financial aid and in-kind services would be provided, pursuant to regulation, for installation, repair, replacement and maintenance of structures and land typical of public recreational facilities. The bill authorizes the department to accept funding from any public or private source and appropriate \$100,000.00 to implement the program.

Committee amendments to the bill give the program Statewide application rather than limit it to the pinelands area; protect landowners from liability for guaranteeing access; prohibit increases in the tax assessment of the land due to the signing of an access covenant for recreational purposes; and increase the appropriation from \$100,000.00 to \$250,000.00.

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 655**

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**STATE OF NEW JERSEY**

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DATED: SEPTEMBER 15, 1983

Assembly Bill No. 655 OCR establishes the Open Lands Management Program in the Department of Environmental Protection to provide private landowners with financial assistance and in-kind services for projects designed to develop and maintain their lands for recreational purposes in exchange for a guarantee, in the form of an access covenant, that the public be permitted recreational use of their lands.

Financial aid and in-kind services would be provided, pursuant to regulation, for installation, repair, replacement and maintenance of structures and land typical of public recreational facilities. The bill authorizes the department to accept funding from any public or private source and appropriates \$250,000.00 to implement the program. This bill also prohibits increases in the tax assessment of agricultural and vacant land due to the signing of an access covenant for recreational purposes and protects landowners from liability for guaranteeing access.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 655**

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**STATE OF NEW JERSEY**

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DATED: DECEMBER 8, 1983

Assembly Bill No. 655 establishes the Open Lands Management Program in the Department of Environmental Protection to provide private landowners with financial assistance and in-kind services for projects designed to develop and maintain their lands for recreational purposes, in exchange for a guarantee, in the form of an access covenant, that the public be permitted recreational use of their lands.

The intent of this bill is to increase the land available for public recreational use at the lowest cost, and owners of land anywhere in the State can apply to the department to participate in the program. The department would provide landowners participating in the program with financing and in-kind services for the installation, repair, replacement, and maintenance of structures and land appropriate to public recreational areas. Assembly Bill No. 655 also protects participants from liability for injury or property damage associated with guaranteeing access to their property, and prohibits increases in the tax assignment of the land for which access is guaranteed. This bill also appropriates \$250,000,000.00 to the department to administer the Open Lands Management Program, and requires the Commissioner of Environmental Protection to submit a report to the Governor and the Legislature on the results of the first year of the program.

A-3018, ET AL.

Tuesday, January 17, 1984

Page Three

A-542, sponsored by Assemblyman John Bennett, R-Monmouth, to appropriate \$297,775 from the Energy Conservation Fund to retrofit a number of State buildings with solar hot water systems.

A-562, sponsored by Assemblyman Robert Franks, R-Union, to require the State Department of Energy to evaluate preparedness of the State one year after the effective date of the legislation and every three years thereafter.

A-655, sponsored by Senator Raymond Lesniak, D-Union to establish the Open Lands Management Program to provide private landowners with financial assistance and in-kind services for projects designed to develop and maintain their lands for recreational purposes.

A-1674 sponsored by Assemblyman Newton Miller, R-Passaic, to permit peace officers and sheriff's officers to issue a summons rather than arresting an offender.

A-1918, sponsored by Assemblyman Harry McEnroe, D-Essex, to establish as a disorderly persons offense the sale of a document which simulates a driver's license or other document issued by a government agency which could be used as a means of identification or verification of age.

S-1768, sponsored by Senator Gerald Stockman, D-Mercer, to permit Boards of Education to enter into multi-year contracts for the purchase of thermal energy.

A-2007, sponsored by Assemblyman Walter Kern, R-Bergen, to subject safe deposit companies to controls by the Commissioner of Banking similar to the controls exercised over financial institutions.

A-3066, sponsored by Assemblyman Robert Hollenbeck, D-Bergen, to permit victims of pollution to seek remedy in the courts or agencies of the state in which the pollution originated.