

R. S. 13: 8A-1 et seq.

May 19, 1967

LEGISLATIVE HISTORY ON R.S. 13:8A-1 et seq.
(Green Acres)

COPY NO. 1

L. 1961 - Chapter 45 - A540
Introduced March 27 by Mr. Davis and 9 others.
No statement.

May 1 - Passed Assembly.
May 31 - Passed Senate - amended to change two dollar
figures in Section 17.
May 31 - Senate amended Passed Assembly
June 3 - Approved

No hearings or reports were located.

For general background see:

974.90 New Jersey, Department of Conservation and Economic Development.
P252 Land use committee.
1960a The need for a state recreational land acquisition and
development program. 1960.

KS/maw

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ASSEMBLY, No. 540

STATE OF NEW JERSEY

INTRODUCED MARCH 27, 1961

By Assemblyman DAVIS, Assemblywoman HUGHES, Assemblymen
MATTHEWS, PANARO, BRADY, TANZMAN, BOWKLEY, BATEMAN,
TATE and LAMORTE

Referred to Committee on Agriculture, Conservation and Economic Development

AN ACT concerning the acquisition of lands for recreation and conservation purposes, governing the expenditure of money for such purposes, appropriating \$60,000,000.00 from the State Recreation and Conservation Land Acquisition Fund for such expenditure, and supplementing Title 13 of the Revised Statutes.

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

1 1. This act may be cited as the "New Jersey Green-Acres Land Acqui-
2 sition Act of 1961."

1 2. The Legislature hereby finds that:

2 (a) The provision of lands for public recreation and the conservation of
3 national resources promotes the public health, prosperity and general welfare
4 and is a proper responsibility of government;

5 (b) Lands now provided for such purposes will not be adequate to meet
6 the needs of an expanding population in years to come;

7 (c) The expansion of population, while increasing the need for such
8 lands, will continually diminish the supply and tend to increase the cost of
9 public acquisition of lands available and appropriate for such purposes;

10 (d) The State of New Jersey must act now to acquire and to assist local
11 governments to acquire substantial quantities of such lands as are now avail-
12 able and appropriate for such purposes so that they may be used and pre-
13 served for use for such purposes; and

14 (e) The sum of \$60,000,000.00 is needed now to make such acquisition
15 possible.

16 (f) Such sum will be made available by the sale of bonds authorized
17 by the New Jersey Green Acres Bond Act of 1961, if the same be approved
18 by the people;

19 (g) It is desirable to appropriate said sum for prompt use and to
20 specify the manner in which the Legislature now proposes that such sum,
21 and such other funds as may be appropriated, shall be used for such
22 purposes.

1 3. Except as the context may otherwise require:

2 (a) "Commissioner" means the Commissioner of Conservation and Eco-
3 nomic Development or his designated representative;

4 (b) "Local unit" means a municipality, county or other political sub-
5 division of this State, or any agency thereof.

6 (c) "Recreation and conservation purposes" means use of lands for
7 parks, natural areas, forests, camping, fishing, water reserves, wildlife, re-
8 servoirs, hunting, boating, winter sports and similar uses for public out-
9 door recreation and conservation of natural resources; and

10 (d) "Land" or "lands" means real property, including improvements
11 thereof or thereon, rights of way, water, riparian and other rights, ease-
12 ments, privileges and all other rights or interests of any kind or description
13 in, relating to or connected with real property.

1 4. The commissioner shall use the sum appropriated by this act from
2 the proceeds of the sale of bonds under the New Jersey Green Acres Bond
3 Act of 1961, and such other sums as may be appropriated from time to time
4 for like purpose, to acquire lands for recreation and conservation purposes
5 and to make grants to assist local units to acquire lands for such purposes,
6 subject to the conditions and limitations prescribed by this act.

1 5. In acquiring lands and making grants to assist local units to acquire
2 lands the commissioner shall:

3 (a) seek to achieve a reasonable balance among all areas of the State
4 in consideration of the relative adequacy of area recreation and conserva-
5 tion facilities at the time and the relative anticipated future needs for ad-
6 ditional recreation and conservation facilities;

7 (b) insofar as practicable, limit acquisition to predominantly open and
8 natural land to minimize the cost of acquisition and the subsequent expense
9 necessary to render land suitable for recreation and conservation purposes;

10 (c) wherever possible, select land for acquisition which is suitable for
11 multiple recreation and conservation purposes;

12 (d) give due consideration to co-ordination with the plans of other de-
13 partments of State Government with respect to land use or acquisition. For
14 this purpose, the commissioner is authorized to use the facilities of any
15 interdepartmental committee or other agency suitable to assist in such
17 co-ordination.

1 6. Lands acquired by the State shall be acquired by the commissioner
2 in the name of the State. They may be acquired by purchase or otherwise
3 on such terms and conditions as the commissioner shall determine, or by
4 the exercise of the power of eminent domain in the manner provided in
5 chapter 1 of Title 20 of the Revised Statutes. This power of acquisition
6 shall extend to lands held by any local unit.

7 At least 60 days prior to any acquisition the commissioner shall submit
8 a statement of any such intended acquisition to each of the following bodies
9 in the Department of Conservation and Economic Development: the Water
10 Policy and Supply Council, the Planning and Development Council, the Fish
11 and Game Council and the Shell Fisheries Council.

1 7. The commissioner shall prescribe rules and regulations governing the
2 administration, operation and use of lands acquired by the State under this
3 act to effect the purpose of this act.

1 8. Lands approved by the commissioner for acquisition by a local unit
2 with State assistance shall be acquired by and in the name of the local unit
3 and may be acquired in any manner authorized by law for the acquisition of
4 lands of such purposes by the local unit.

1 9. A grant to assist a local unit to acquire lands for recreation and
2 conservation purposes shall not be made under this act until:

3 (a) The local unit has applied to the commissioner on forms prescribed
4 by him describing the land acquisition for which a grant is sought, stating
5 the recreation and conservation purpose or purposes to which such lands will
6 be devoted, stating the facts which give rise to the need for such lands for such
7 purpose, enclosing a comprehensive plan for the development of the local
8 unit approved by its governing body, and stating such other matters as the
9 commissioner shall prescribe;

10 (b) The commissioner shall have prescribed the terms and conditions
11 under which the grant applied for will be made; and

12 (c) The local unit shall have filed with the commissioner its acceptance
13 of such terms and conditions, and has otherwise complied with the provisions
14 of this act.

1 10. A grant may not be made under this act until the local unit has
2 adopted regulations governing the administration, use and development of the
3 lands in question, and until the commissioner shall have approved such
4 regulations. No such regulation may be altered thereafter without the ap-
5 proval of the commissioner.

1 11. Grants under this act shall be made by the State Treasurer upon
2 certification of approval by the commissioner. Each grant shall be in an
3 amount equal to 50% of the actual price to be paid for the lands in question.

1 12. Without limitation of the definition of "lands" herein, the commis-
2 sioner may acquire, or approve grants to assist a local unit to acquire:

3 (a) lands subject to the right of another to occupy the same for a period
4 measured in years or otherwise; or

5 (b) an interest or right consisting, in whole or in part, of a restriction
6 on the use of land by others including owners of other interests therein; such
7 interest or right sometimes known as a "conservation easement."

1 13. (a) Lands acquired by a local unit with the aid of a grant under this
2 act shall not be disposed of or diverted to a use for other than recreation and
3 conservation purposes without the approval of the commissioner and the State
4 House Commission. Such approval of the State House Commission shall not
5 be given unless the local unit shall agree to pay an amount equal to 50% of the
6 value of such land, as determined by the commission, into the State Recrea-
7 tion and Conservation Land Acquisition Fund, if the original grant shall
8 have been made from that fund, or, if not, then into the State Treasury.
9 Money so returned to said fund shall be deemed wholly a part of the por-
10 tion of that fund available for grants to local units under this act.

11 (b) Lands acquired by the State under this act with money from the
12 State Recreation and Conservation Land Acquisition Fund shall not be dis-
13 posed of or diverted to use for other than recreation and conservation pur-
14 poses without the approval of the State House Commission. Such approval
15 shall not be given unless the commissioner shall agree to pay an amount equal
16 to the value of such land, as determined by the commission, into said fund.
17 Money so returned to said fund shall be deemed wholly a part of the portion
18 of that fund available for land acquisition by the State under this act.

19 (c) If land acquired by the State under this act with money from the
20 State Recreation and Conservation Land Acquisition Fund is subsequently
21 developed for any water supply projects, the commissioner shall pay an
22 amount equal to the value of the land so developed, as said value is deter-
23 mined by the State House Commission, into said fund. Money so returned
24 to the fund shall be deemed wholly a part of the portion of that fund avail-
25 able for land acquisition by the State under this act. The commissioner shall
26 make said payment from any funds available for such purpose in the State
27 Water Development Fund or other water development moneys appropriated
28 and available for such purpose.

1 14. Use of lands acquired under this act by the State or with State
2 assistance shall not be restricted by any conditions of race, creed, color or
3 nationality, and shall not be restricted by any condition of residence except
4 by direction of or with the approval of the commissioner.

1 15. Notwithstanding any other provision of law, lands to be acquired by
2 the State under this act from any local unit may be sold to the State by the
3 unit at private sale.

1 16. The commissioner, in executing this act, may do all things necessary
2 or useful and convenient in connection with the acquisition of lands by the
3 State or with the assistance of the State, including the following:

4 (a) Make arrangements for and direct (i) engineering, inspection, legal,
5 financial, geological, hydrological and other professional services, estimates
6 and advice; (ii) and organizational, administrative and other work and
7 services;

8 (b) Enter on any lands for the purpose of making surveys, borings,
9 soundings or other inspections or examinations;

10 (c) Prescribe rules and regulations to implement any provisions of this
11 act.

1 17. The money in the State Recreation and Conservation Land Acquisi-
2 tion Fund created by the New Jersey Green Acres Bond Act of 1961 is hereby
3 appropriated to the Department of Conservation and Economic Develop-
4 ment for use in executing the provisions of this act, according to the following
5 division:

6 (a) with respect to acquisition of lands by the State under this act,
7 \$45,000,000.00;

8 (b) with respect to State grants under this act to assist local units to
9 acquire lands, \$15,000,000.00.

1 18. Section 17 of this act shall take effect upon approval by the people at
2 a general election of the New Jersey Green Acres Bond Act of 1961, and the
3 remainder of this act shall take effect immediately.

(CORRECTED COPY)

ASSEMBLY, No. 540

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4 and is a proper responsibility of government;

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6 the needs of an expanding population in years to come;

7 (c) The expansion of population, while increasing the need for such
8 lands, will continually diminish the supply and tend to increase the cost of
9 public acquisition of lands available and appropriate for such purposes;

10 (d) The State of New Jersey must act now to acquire and to assist local
11 governments to acquire substantial quantities of such lands as are now avail-

12 able and appropriate for such purposes so that they may be used and pre-
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19 (c) If land acquired by the State under this act with money from the
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2 assistance shall not be restricted by any conditions of race, creed, color or
3 nationality, and shall not be restricted by any condition of residence except
4 by direction of or with the approval of the commissioner.

1 15. Notwithstanding any other provision of law, lands to be acquired by
2 the State under this act from any local unit may be sold to the State by the
3 unit at private sale.

1 16. The commissioner, in executing this act, may do all things necessary
2 or useful and convenient in connection with the acquisition of lands by the
3 State or with the assistance of the State, including the following:

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1 18. Section 17 of this act shall take effect upon approval by the people at
2 a general election of the New Jersey Green Acres Bond Act of 1961, and the
3 remainder of this act shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 540

STATE OF NEW JERSEY

ADOPTED MAY 31, 1961

Amend page 6, section 17, line 7, delete "\$45,000,000.00," insert "\$40,000,000.00".

Amend page 6, section 17, line 9, delete "\$15,000,000.00," insert "\$20,000,000.00".

CHAPTER 45 LAWS OF N. J. 19 61

APPROVED 6-3-61
[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 540

STATE OF NEW JERSEY

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By Assemblyman DAVIS, Assemblywoman HUGHES, Assemblymen
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5 (b) Lands now provided for such purposes will not be adequate to meet
6 the needs of an expanding population in years to come;

7 (c) The expansion of population, while increasing the need for such
8 lands, will continually diminish the supply and tend to increase the cost of
9 public acquisition of lands available and appropriate for such 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.

10 (d) The State of New Jersey must act now to acquire and to assist local
11 governments to acquire substantial quantities of such lands as are now avail-
12 able and appropriate for such purposes so that they may be used and pre-
13 served for use for such purposes; and

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17 Money so returned to said fund shall be deemed wholly a part of the portion
18 of that fund available for land acquisition by the State under this act.

19 (c) If land acquired by the State under this act with money from the
20 State Recreation and Conservation Land Acquisition Fund is subsequently
21 developed for any water supply projects, the commissioner shall pay an
22 amount equal to the value of the land so developed, as said value is deter-
23 mined by the State House Commission, into said fund. Money so returned
24 to the fund shall be deemed wholly a part of the portion of that fund avail-
25 able for land acquisition by the State under this act. The commissioner shall
26 make said payment from any funds available for such purpose in the State
27 Water Development Fund or other water development moneys appropriated
28 and available for such purpose.

1 14. Use of lands acquired under this act by the State or with State
2 assistance shall not be restricted by any conditions of race, creed, color or
3 nationality, and shall not be restricted by any condition of residence except
4 by direction of or with the approval of the commissioner.

1 15. Notwithstanding any other provision of law, lands to be acquired by
2 the State under this act from any local unit may be sold to the State by the
3 unit at private sale.

1 16. The commissioner, in executing this act, may do all things necessary
2 or useful and convenient in connection with the acquisition of lands by the
3 State or with the assistance of the State, including the following:

4 (a) Make arrangements for and direct (i) engineering, inspection, legal,
5 financial, geological, hydrological and other professional services, estimates
6 and advice; (ii) and organizational, administrative and other work and
7 services;

8 (b) Enter on any lands for the purpose of making surveys, borings,
9 soundings or other inspections or examinations;

10 (c) Prescribe rules and regulations to implement any provisions of this
11 act.

1 17. The money in the State Recreation and Conservation Land Acquisi-
2 tion Fund created by the New Jersey Green Acres Bond Act of 1961 is hereby
3 appropriated to the Department of Conservation and Economic Develop-
4 ment for use in executing the provisions of this act, according to the following
5 division:

6 (a) with respect to acquisition of lands by the State under this act,
7 ~~[\$45,000,000.00]~~ \$40,000,000.00;

8 (b) with respect to State grants under this act to assist local units to
9 acquire lands, ~~[\$15,000,000.00]~~ \$20,000,000.00.

1 18. Section 17 of this act shall take effect upon approval by the people at
2 a general election of the New Jersey Green Acres Bond Act of 1961, and the
3 remainder of this act shall take effect immediately.