

13:1L-7

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 13:1L-7

(State parks and
forests--increase
state payments to
certain
municipalities)

LAWS OF: 1989

CHAPTER: 347

Bill No: S2778

Sponsor(s): Haines and Gormley

Date Introduced: August 4, 1990

Committee: Assembly: -----

Senate: Natural Resources; Revenue, Finance & Appropriations

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: January 8, 1990

Senate: December 18, 1989

Date of Approval: January 16, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes 2-6-89 & 12-11-89

Fiscal Note: Yes

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

P.L.1989, CHAPTER 347, *approved January 16, 1990*
 1988 Senate No. 2778 (*Second Reprint*)

1 AN ACT concerning State parks and forests ¹~~and~~ ²[¹] and²
 2 amending P.L.1983, c.324 ²[¹, and making an appropriation]¹].²

3
 4 BE IT ENACTED *by the Senate and General Assembly of the*
 5 *State of New Jersey:*

6 1. Section 7 of P.L.1983, c.324 (C.13:1L-7) is amended to read
 7 as follows:

8 7. a. For the purposes of acquiring, holding, managing or
 9 developing lands or other properties for a State park or forest,
 10 the department shall have the power to enter, inspect, survey,
 11 investigate ownership and take title to, in fee or otherwise, by
 12 purchase, gift, devise or eminent domain, any appropriate lands
 13 of the State that would be useful as a State park or forest.

14 b. The power of eminent domain shall extend to all rights,
 15 interests and easements in any property in the State.

16 c. The department shall exercise its power of eminent domain
 17 in accordance with the "Eminent Domain Act of 1971," P.L.1971,
 18 c.361 (C.20:3-1 et seq.).

19 d. Whenever the department wishes to acquire, by eminent
 20 domain, title to unoccupied lands and it appears that such title
 21 may be defective in any manner, the department may, with the
 22 consent of the Attorney General, acquire the best available title,
 23 notwithstanding that such title is defective or incomplete.

24 e. For purposes of this amendatory and supplementary act, the
 25 department may acquire by gift, grant or by payment of tax lien
 26 any municipal lands that have been acquired by the municipality
 27 through the foreclosure of a tax lien pursuant to chapter 5 of
 28 Title 54 (Taxation).

29 f. If the department acquires or owns title to, for the purposes
 30 of this act, more than ten acres of land in a municipality, the
 31 department shall annually pay that municipality [ten cents] one

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 numbers has been adopted as follows:

¹ Senate SNR committee amendments adopted February 6, 1989.

² Senate SRF committee amendments adopted December 11, 1989.

1 dollar (\$1.00) per acre for each acre of land so acquired, except
2 that this sum shall not be paid if any other payments in lieu of
3 taxes are determined to be due and payable to that municipality
4 pursuant to any other law.

5 g. No title or interest in any of the lands or properties
6 acquired or held by the department for the purposes of this
7 amendatory and supplementary act shall be subject to be taken by
8 condemnation proceedings through the power of eminent domain.
9 (cf: P.L.1983, c.324, s.7)

10 ²[¹2. There is appropriated from the General Fund to the
11 Department of Environmental Protection the sum of \$300,000 to
12 effectuate the purposes of this act.¹]²

13 ¹[².] ²[³.¹] ².² This act shall take effect immediately ²and
14 remain inoperative until January 1, 1990, or until the expiration
15 of the "Pinelands Municipal Property Tax Stabilization Act of
16 1983," P.L.1983, c.551 (C.54:1-68 et seq.), if that act expires
17 thereafter, and shall first apply to State payments made in the
18 State fiscal year commencing thereafter.²

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21 NATURAL RESOURCES

22 Parks and Forests

23

24 Increases payment by State to certain municipalities for State
25 parks and forests.

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SENATE, No. 2778
STATE OF NEW JERSEY

INTRODUCED AUGUST 4, 1988

By Senators HAINES and GORMLEY

1 AN ACT concerning State parks and forests and amending
P.L.1983, c.324.

3

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

1. Section 7 of P.L.1983, c.324 (C.13:1L-7) is amended to read
7 as follows:

7. a. For the purposes of acquiring, holding, managing or
9 developing lands or other properties for a State park or forest,
the department shall have the power to enter, inspect, survey,
11 investigate ownership and take title to, in fee or otherwise, by
purchase, gift, devise or eminent domain, any appropriate lands
13 of the State that would be useful as a State park or forest.

b. The power of eminent domain shall extend to all rights,
15 interests and easements in any property in the State.

c. The department shall exercise its power of eminent domain
17 in accordance with the "Eminent Domain Act of 1971," P.L.1971,
c.361 (C.20:3-1 et seq.).

d. Whenever the department wishes to acquire, by eminent
19 domain, title to unoccupied lands and it appears that such title
21 may be defective in any manner, the department may, with the
consent of the Attorney General, acquire the best available title,
23 notwithstanding that such title is defective or incomplete.

e. For purposes of this amendatory and supplementary act, the
25 department may acquire by gift, grant or by payment of tax lien
any municipal lands that have been acquired by the municipality
27 through the foreclosure of a tax lien pursuant to chapter 5 of
Title 54 (Taxation).

f. If the department acquires or owns title to, for the purposes
29 of this act, more than ten acres of land in a municipality, the
department shall annually pay that municipality [ten cents] one
31 dollar (\$1.00) per acre for each acre of land so acquired, except
33 that this sum shall not be paid if any other payments in lieu of
taxes are determined to be due and payable to that municipality
35 pursuant to any other law.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 g. No title or interest in any of the lands or properties
acquired or held by the department for the purposes of this
3 amendatory and supplementary act shall be subject to be taken by
condemnation proceedings through the power of eminent domain.
5 (cf: P.L.1983, c.324, s.7)

2. This act shall take effect immediately.

7

9

STATEMENT

11 Current law directs the Department of Environmental
Protection to annually pay municipalities ten cents per acre for
13 each acre acquired for a State park or forest if no other
payments in lieu of taxes are payable to the municipality.
15 Approximately 230,000 acres of land are part of this program
statewide. Payments range from \$1.69 to Bedminster, Somerset
17 County to \$4,636.30 to Washington Township, Burlington County.
This rate of payment has remained unchanged for nearly 60
19 years. This bill would increase the payment level to \$1.00 per
acre.

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NATURAL RESOURCES

Parks and Forests

25

Increases payment by State to certain municipalities for State
27 parks and forests

SENATE NATURAL RESOURCES AND
AGRICULTURE COMMITTEE

STATEMENT TO

SENATE, No. 2778

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 1989

The Senate Natural Resources and Agriculture Committee favorably reports Senate Bill No. 2778 with Senate committee amendments .

Current law directs the Department of Environmental Protection to annually pay municipalities ten cents per acre for each acre acquired for a State park or forest, if no other payments in-lieu-of taxes are payable to the municipality. Over 200,000 acres of land are part of this program Statewide. The amounts of the payments range from, for example, \$1.69 paid to Bedminster township, Somerset county, to \$4,636.30 paid to Washington township, Burlington county. This rate of payment has remained unchanged for nearly 60 years. This bill would increase the payment rate to \$1.00 per acre.

The committee amended the bill to add a supplemental appropriation of \$300,000 from the General Fund to cover the cost of the increase in the payment rate.

SENATE REVENUE, FINANCE AND
APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2778

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1989

The Senate Revenue, Finance and Appropriations Committee favorably reports Senate Bill No. 2778 [1R], with committee amendments.

Senate Bill No. 2778 [1R], as amended, increases, under certain conditions, the amount the Department of Environmental Protection pays annually to municipalities for lands acquired by the State for use as a State park or forest from \$.10 an acre to \$1.00 an acre. Under the current statute, only municipalities not receiving in-lieu-of-tax payments for these lands (under the Green Acres 12-year payment schedule) are eligible for this payment. The Division of Parks and Forestry certifies that approximately 224,000 acres of land presently fall into this category.

As amended, the bill provides that the increase will remain inoperative until the expiration of the "Pinelands Municipal Property Tax Stabilization Act of 1983," P.L.1983, c.551. Currently, that law will expire on December 31, 1989.

COMMITTEE AMENDMENTS

The Committee amended the bill to eliminate the appropriation and provide that the bill shall remain inoperative until the latter of January 1, 1990 or the expiration of the "Pinelands Municipal Property Tax Stabilization Act of 1983," which currently expires December 31, 1989 unless extended by law. The amendments also clarify that the increase shall first apply to payments made in the State fiscal year commencing after the operative date.

FISCAL IMPACT

This bill, as amended, contains no appropriation. Currently, approximately \$23,000 is appropriated to fund this program. The Office of Legislative Services estimates that the additional

appropriation needed to fund the increase is approximately \$200,000. The bill, as amended, however, provides that the first payments to include the increase shall occur in the State fiscal year commencing after the expiration of the "Pinelands Municipal Property Tax Stabilization Act of 1983."

The amount necessary for this program will increase over time as lands currently receiving Green Acres in lieu of tax payments are no longer eligible for those payments. Currently, there are approximately 300,000 acres in the Green Acres program.

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LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]

SENATE, No. 2778

STATE OF NEW JERSEY

DATED: October 3, 1989

Senate Bill No. 2778 (1R) of 1988 amends Section 7 of P.L. 1983, c.324 by increasing the amount, from \$0.10 to \$1.00 per acre, the Department of Environmental Protection pays annually to municipalities for lands acquired by the State for use as a State park or forest. Under the current statute, only municipalities not receiving in-lieu-of-tax payments for these lands (under the Green Acres 13-year payment schedule) are eligible for this payment. The Division of Parks and Forestry certifies that approximately 223,775 acres of land presently fall into this category. The bill includes an appropriation of \$300,000 to cover the increase in the payment rate for one year.

The Office of Legislative Services believes that the bill's appropriation level should be reduced to \$201,397. This amount accurately reflects the proposed payment rate per acre less the amount currently disbursed. It should also be noted that the proposed appropriation is limited to one year and would be subject to the annual State Budget process thereafter. The bill would have no other fiscal impact except to increase revenues to the affected municipalities.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.