# ASSEMBLY, No. 156

# STATE OF NEW JERSEY

## 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**
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**SYNOPSIS**

Sunsets “Highlands Water Protection and Planning Act” five years after date of enactment unless certain conditions are met.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.

**AN ACT** concerning the Highlands Region and supplementing P.L.2004, c.120 (C.13:20-1 et al.).

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

1. a. Commencing on August 10, 2009, the provisions of the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et al.) shall cease to be in effect unless by that date the State has:

(1) established a dedicated source of funding for the acquisition, from willing sellers, of lands located within the preservation area for recreation and conservation purposes or farmland preservation purposes, provided that the owner of any such lands at the time of proposed acquisition is the same person who owned the lands on the date of enactment of P.L.2004, c.120 (C.13:20-1 et al.) and who has owned the lands continuously since that enactment date, or is an immediate family member of that person; and

(2) provided that acquisitions from the dedicated source of funding are based on an appraisal or appraisals of the value of the lands that shall be made using (a) the land use zoning of the lands, and any State environmental laws or Department of Environmental Protection rules and regulations that may affect the value of the lands, subject to the appraisal and in effect at the time of proposed acquisition, and (b) the land use zoning of the lands, and any State environmental laws or Department of Environmental Protection rules and regulations that may affect the value of the lands, subject to the appraisal and in effect on August 9, 2004, and the landowner has been provided with both values determined pursuant to this paragraph. If the appraisal made pursuant to subparagraph (b) of this paragraph is the higher of the appraisal values, then that value shall be utilized as the basis for negotiation with the landowner with respect to the acquisition price for the lands. A landowner may waive any of the requirements of this paragraph and may agree to sell the lands for less than the values determined pursuant to this paragraph.

b. As used in this section:

"Acquisition" means the obtaining of a fee simple or lesser interest in land, including but not limited to a development easement, a conservation restriction or easement, or any other restriction or easement permanently restricting development.

"Farmland preservation purposes" means the same as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

2. This act shall take effect immediately.

STATEMENT

This bill would sunset the provisions of the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et al.) on August 10, 2009, unless by that date a dedicated source of funding has been established by the State for the acquisition from willing sellers of lands located within the preservation area for recreation and conservation purposes or farmland preservation purposes, provided that the owner of any such lands at the time of proposed acquisition is the same person who owned the lands on the date of enactment of the "Highlands Water Protection and Planning Act" (i.e., August 10, 2004) and who has owned the lands continuously since that date, or is an immediate family member of that person. Further, the bill provides that acquisitions from the dedicated source of funding would be based on an appraisal or appraisals of the value of the lands made using (1) the land use zoning of the lands, and any State environmental laws or Department of Environmental Protection (DEP) rules and regulations that may affect the value of the lands, subject to the appraisal and in effect at the time of proposed acquisition, and (2) the land use zoning of the lands, and any State environmental laws or DEP rules and regulations that may affect the value of the lands, subject to the appraisal and in effect on August 9, 2004, and with both values provided to the landowner. If the latter appraisal (i.e., the "pre-Highlands act" value) is the higher of these two values, the bill would require that it be utilized as the basis for negotiation with the landowner with respect to the acquisition price for the lands.

Property owners in the preservation area bear the burden of the development restrictions imposed by, and the impact on their property values resulting from, the "Highlands Water Protection and Planning Act." It is only fitting that the State should establish a dedicated source of funding to compensate these landowners.