

News From NJ Senate Democrats



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CONTACT: Jason Butkowski
Tel: (609) 292-5215
Fax: (609) 984-1235

SMITH BILL TO ALLOW STATE TO USE EMINENT DOMAIN TO PROTECT WATER SOURCES

TRENTON -A bill sponsored by Senator Bob Smith which would allow the State to acquire open space necessary to protect drinking water supplies through eminent domain using constitutionally dedicated open space funds, subject to the prior approval of the State House Commission, was discussed in the Senate Environment Committee today.

The bill, S-196, would allow the State DEP to use eminent domain to condemn property and then purchase that property with Green Acres' Program funds. The DEP would only be authorized to exercise their eminent domain power upon approval of the State House Commission, which is made up of the Governor, the State Treasurer, the Director of the Office of Management and Budget, and two members from each house of the State Legislature, which would make their determination based on the necessity of the acquisition of property to protect drinking water sources. Senator Smith said that he is confident that the DEP would use the power of eminent domain sparingly, but that it is necessary as a last resort to protect water supplies.

"In the history of the DEP's use of eminent domain, the power has been used very rarely, only when there has been an open space emergency and the seller was not willing to sell to the State," said Senator Smith. "I firmly believe that this trend will continue if the DEP were given the added authority to exercise eminent domain to protect water sources. However, in instances in which the drinking water of many people is in danger because of the development of a property, I think it is necessary for the DEP to step in and ensure the quality of drinking water for New Jersey citizens."

The bill was only before the Senate Environment Committee for discussion today. Senator Smith said that it would be before the Committee for a vote at the next Committee meeting, on February 24.

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