

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## SENATE, No. 1311

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 4, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Senate Bill No. 1311 (1R).

This bill, as amended by the committee, establishes a nonprofit, educational, and charitable organization to be known as the “New Jersey State Parks and Open Space Foundation” (foundation). The foundation would be devoted to the raising of funds for: (1) improvements to natural or artificial assets, including the planning, design, construction, installation, renovation, repair, or restoration thereof, which are designed to expand and enhance the utilization of State, county, and municipal parks and open space for recreation and conservation purposes and the equitable access thereto; and (2) activities, beyond the routine operations of State, county, or municipal parks and open space, which are intended to enhance public programming and recreational and educational offerings, restore or maintain public accessibility to the natural resources of the State, or support operation and maintenance activities attendant thereto.

The foundation would be incorporated as a New Jersey nonprofit corporation pursuant to N.J.S.15A:1-1 et seq. and would be organized and operated so that it would be eligible, under applicable federal law, for tax-exempt status and for the receipt of tax-deductible contributions.

The New Jersey State Parks and Open Space Foundation would be governed by a board of directors, consisting of 12 members, as follows: the Commissioner of the Department of Environmental Protection (DEP), the Secretary of State, and State Treasurer, or their designees, who would serve as nonvoting, ex officio members; the chairperson of the Garden State Preservation Trust established pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4), or the chairperson’s designee, who would serve as an ex officio member; one member of the public appointed by the President of the Senate; one member of the public appointed by the Speaker of the General Assembly; and six members of the public, to be appointed by the Governor, with the advice and consent of the Senate. The public members are to have expertise in open space preservation, recreational

development, natural lands management, or fundraising. Of the public members, at least three members would represent nonprofit organizations having open space preservation or environmental education as their corporate purpose, and two members would have experience advancing the causes of equity or environmental justice. The DEP Commissioner would serve as the chairperson of the board of directors.

The foundation would have the power to solicit and collect monetary donations and receive gifts, grants, devises, bequests, legacies, endowments, personal property, or services from and public or private sources to be used for the purposes of the foundation.

Under the bill, all funds received by the foundation, other than those necessary to pay for the expenses of the foundation, would be used exclusively for: (1) improvements to natural or artificial assets, including the planning, design, construction, installation, renovation, repair, or restoration thereof, which are designed to expand and enhance the utilization of State, county, and municipal parks and open space for recreation and conservation purposes and the equitable access thereto; and (2) activities, beyond the routine operations of State, county, or municipal parks and open space, which are intended to enhance public programming and recreational and educational offerings, restore or maintain public accessibility to the natural resources of the State, or support operation and maintenance activities attendant thereto.

As amended and reported by the committee, Senate Bill No. 1311 (1R) is identical to Assembly Bill No. 594 (1R), which was also amended and reported by the committee on this date.

#### COMMITTEE AMENDMENTS:

The committee amendments to the bill:

1) change the name of the foundation from New Jersey State Parks and Forests Foundation to New Jersey State Parks and Open Space Foundation;

2) amend the definition section, and add definitions for the terms “State parks and open space” and “county and municipal parks and open space”;

3) provide that county and municipal parks and open space would be eligible to receive funds from the foundation;

4) specify that funds raised by the foundation are to be used for: (a) improvements to natural or artificial assets, including the planning, design, construction, installation, renovation, repair, or restoration thereof, which are designed to expand and enhance the utilization of State, county, and municipal parks and open space for recreation and conservation purposes and the equitable access thereto; and (b) activities, beyond the routine operations of State, county, or municipal parks and open space, which are intended to enhance public programming and recreational and educational offerings, restore or

maintain public accessibility to the natural resources of the State, or support operation and maintenance activities attendant thereto;

5) provide that the foundation would be a separate and independent entity from the State and any State department;

6) revise the membership of the board of directors, and move the provisions regarding the board's membership to a new section 3 of bill;

7) revise the powers of the foundation, as previously set forth in the bill's First Reprint, including by deleting the provisions that would have authorized the foundation to oversee opportunities for the construction or operation of renewable energy generation systems and provisions that would have authorized the foundation to advise the DEP concerning the preparation of master plans and management plans for State parks and forests;

8) add a new section specifying that the foundation shall not have the authority to accept real property and shall direct all offers of real property to the DEP;

9) add a new section specifying that all expenses incurred by the foundation are payable from funds raised by the foundation; that no liability or obligation, in tort or contract, will be incurred by the State for the operation of the foundation; and that the foundation will be required to obtain private counsel in such a case, and will not be entitled to representation by the Attorney General or indemnification by the State; and

10) make technical and clarifying corrections.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.