

[First Reprint]

SENATE, No. 2769

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED FEBRUARY 24, 2015

Sponsored by:

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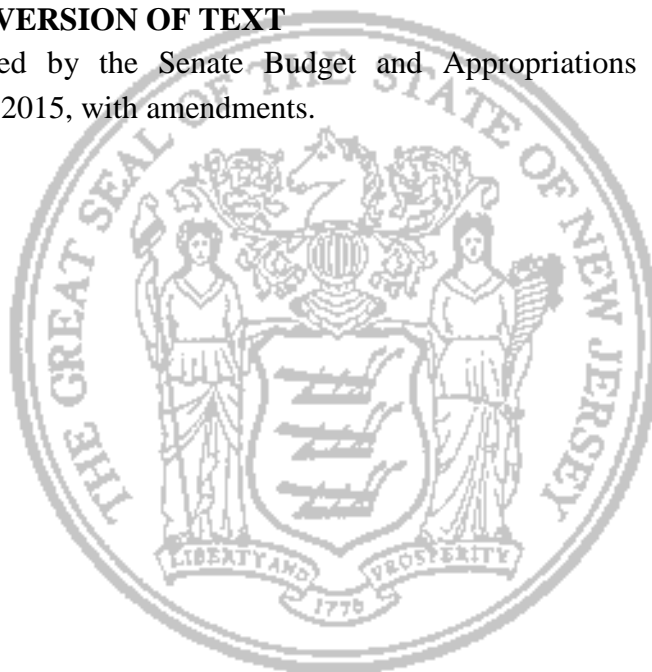
Senator P.Barnes, III

SYNOPSIS

Implements 2014 constitutional dedication of CBT revenues for certain environmental purposes; revises State's open space, farmland, and historic preservation programs.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on November 9, 2015, with amendments.



(Sponsorship Updated As Of: 12/8/2015)

1 AN ACT concerning the constitutional dedication of corporation
2 business tax revenues for certain environmental purposes,
3 supplementing Title 13 of the Revised Statutes, and amending
4 P.L.1999, c.152.

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

8
9 1. (New section) ¹**【Sections 1 through 15 of this】** This¹ act
10 shall be known, and may be cited, as the “Preserve New Jersey
11 Act.”

12
13 2. (New section) The Legislature finds and declares that:

14 a. Enhancing the quality of life of the citizens of New Jersey is
15 a paramount policy of the State, and the acquisition, preservation,
16 and stewardship of open space, farmland, and historic properties in
17 New Jersey protect and enhance the character and beauty of the
18 State and provide its citizens with greater opportunities for
19 recreation, relaxation, and education;

20 b. The lands and resources now dedicated to these purposes
21 will not be adequate to meet the needs of an expanding population
22 in years to come, and the open space and farmland that is available
23 and appropriate for these purposes will gradually disappear as the
24 costs of preserving them correspondingly increase;

25 c. ¹**【The Delaware River, the Passaic River, and the Raritan**
26 **River, and their respective tributaries, and many other areas**
27 **throughout the State have been subject to serious flooding over the**
28 **years, causing on some occasions loss of life and significant**
29 **property damage;**

30 d. Beginning on October 28, 2012, the post-tropical storm
31 commonly referred to as “Hurricane Sandy” struck New Jersey,
32 producing unprecedented severe weather conditions, including
33 enormous storm surges, devastating wind, and widespread flooding,
34 crippling entire communities across New Jersey, and inflicting
35 incalculable harm to the economy of the State;

36 e. The acquisition of properties damaged by Hurricane Sandy
37 and of other damaged and flood-prone properties throughout the
38 State is in the best interests of the State to prevent future losses of
39 life and property;

40 f. “Blue Acres” is the term used to refer to the acquisition, for
41 recreation and conservation purposes, of lands that have been
42 damaged by, or may be prone to incurring damage caused by,
43 storms or storm-related flooding, or that may buffer or protect other
44 lands from such damage;

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 numerals has been adopted as follows:

¹Senate SBA committee amendments adopted November 9, 2015.

1 g. Under the Blue Acres Program, structures on acquired
2 property are demolished, the debris is removed, and the property is
3 preserved for recreation and conservation purposes;

4 h. ¹ Agriculture plays an integral role in the prosperity and well-
5 being of the State as well as providing a fresh and abundant supply
6 of food for its citizens;

7 ¹ **[i.] d.** ¹ Much of the farmland in the State faces an imminent
8 threat of permanent conversion to non-farm uses, and retention and
9 development of an economically viable agricultural industry is of
10 high public priority;

11 ¹ **[j.] e.** ¹ There is an urgent need to preserve the State's historic
12 heritage to enable present and future generations to experience,
13 understand, and enjoy the landmarks of New Jersey's role in the
14 birth and development of this nation;

15 ¹ **[k.] f.** ¹ The restoration and preservation of properties of
16 historic character and importance in the State are central to meeting
17 this need, and a significant number of these historic properties are
18 located in urban centers, where their restoration and preservation
19 will advance urban revitalization efforts of the State and local
20 governments;

21 ¹ **[l.] g.** ¹ There is growing public recognition that the quality of
22 life, economic prosperity, and environmental quality in New Jersey
23 are served by the protection and timely preservation of open space
24 and farmland and better management of the lands, resources,
25 historic properties, and recreational facilities that are already under
26 public ownership or protection;

27 ¹ **[m.] h.** ¹ The protection and preservation of New Jersey's water
28 resources, including the quality and quantity of the State's limited
29 water supply, are essential to the quality of life and the economic
30 health of the citizens of the State;

31 ¹ **[n.] i.** ¹ The preservation of the existing diversity of animal and
32 plant species is essential to sustaining both the environment and the
33 economy of the Garden State, and the conservation of adequate
34 habitat for endangered, threatened, and other rare species is
35 necessary to preserve this biodiversity;

36 ¹ **[o.] j.** ¹ As recognized by the voters of the State when they, on
37 November 4, 2014, approved an amendment to the State
38 Constitution to dedicate a portion of corporation business tax
39 revenues specifically for the purposes of open space, farmland, and
40 historic preservation, there is a need to continue the State ¹ open
41 space, farmland, and historic preservation ¹ programs previously
42 funded by the “Green Acres, Water Supply and Floodplain
43 Protection, and Farmland and Historic Preservation Bond Act of
44 2009” (P.L.2009, c.117), the “Green Acres, Farmland, Blue Acres,
45 and Historic Preservation Bond Act of 2007” (P.L.2007, c.119),
46 Article VIII, Section II, paragraph 7 of the State Constitution, the
47 “Green Acres, Farmland and Historic Preservation, and Blue Acres

Bond Act of 1995” (P.L.1995, c.204), and the nine previous similar bond acts enacted in 1961, 1971, 1974, 1978, 1981, 1983, 1987, 1989, and 1992, and various implementing laws; and

¹[p.] k.¹ It is therefore in the public interest to preserve and protect as much land for recreation and conservation purposes, including lands that protect water supplies and flood-prone lands, and for farmland preservation purposes, and as many historic properties, as possible within the means provided by Article VIII, Section II, paragraph 6 of the State Constitution.

3. (New section) As used in ¹[sections 1 through 15 of]¹ this act:

“Acquisition” or “acquire” means the same as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

¹“Blue Acres cost” means the expenses incurred in connection with: all things deemed necessary or useful and convenient for the acquisition by the State or a qualifying tax exempt nonprofit organization, for recreation and conservation purposes, of lands that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage; the execution of any agreements or franchises deemed by the Department of Environmental Protection to be necessary or useful and convenient in connection with any Blue Acres project authorized by this act; the procurement or provision of appraisal, archaeological, architectural, conservation, design, engineering, financial, geological, historic research, hydrological, inspection, legal, planning, relocation, surveying, or other professional advice, estimates, reports, services, or studies; the purchase of title insurance; the undertaking of feasibility studies; the demolition of structures, the removal of debris, and the restoration of lands to a natural state or to a state useful for recreation and conservation purposes; the establishment of a reserve fund or funds for working capital, operating, maintenance, or replacement expenses as the Director of the Division of Budget and Accounting in the Department of the Treasury may determine; and reimbursement to any fund of the State of moneys that may have been transferred or advanced therefrom to any fund established by this act, or any moneys that may have been expended therefrom for, or in connection with, this act.

“Blue Acres project” means any project of the State or a qualifying tax exempt nonprofit organization to acquire, for recreation and conservation purposes, lands that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage, and which is funded with moneys made available pursuant to subsection b. of section 5 of this act.¹

“Commissioner” means the Commissioner of Environmental Protection.

1 “Committee” means the State Agriculture Development
2 Committee established pursuant to section 4 of P.L.1983, c.31
3 (C.4:1C-4).

4 “Constitutionally dedicated CBT moneys” means any moneys
5 made available pursuant to Article VIII, Section II, paragraph 6 of
6 the State Constitution deposited in the funds established pursuant to
7 sections 6, 7, ¹and¹ 8 ¹[, and 9]¹ of this act, and appropriated by
8 law, for recreation and conservation, farmland preservation, or
9 historic preservation purposes set forth in Article VIII, Section II,
10 paragraph 6 of the State Constitution or this act.

11 “Convey” or “conveyance” means the same as that term is
12 defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

13 “Cost” means the expenses incurred in connection with: all
14 things deemed necessary or useful and convenient for the
15 acquisition or development of lands for recreation and conservation
16 purposes, the acquisition of development easements or fee simple
17 titles to farmland, or the preservation of historic properties, as the
18 case may be; the execution of any agreements or franchises deemed
19 by the Department of Environmental Protection, State Agriculture
20 Development Committee, or New Jersey Historic Trust, as the case
21 may be, to be necessary or useful and convenient in connection with
22 any project funded in whole or in part using constitutionally
23 dedicated CBT moneys; the procurement or provision of appraisal,
24 archaeological, architectural, conservation, design, engineering,
25 financial, geological, historic research, hydrological, inspection,
26 legal, planning, relocation, surveying, or other professional advice,
27 estimates, reports, services, or studies; the purchase of title
28 insurance; the undertaking of feasibility studies; the establishment
29 of a reserve fund or funds for working capital, operating,
30 maintenance, or replacement expenses, as the Director of the
31 Division of Budget and Accounting in the Department of the
32 Treasury may determine; and reimbursement to any fund of the
33 State of moneys that may have been transferred or advanced
34 therefrom to any fund established by this act, or any moneys that
35 may have been expended therefrom for, or in connection with, this
36 act.

37 “Department” means the Department of Environmental
38 Protection.

39 "Development" or "develop" means, except as used in the
40 definitions of "acquisition" and "development easement" in this
41 section, any improvement, including a stewardship activity, made to
42 a land or water area designed to expand and enhance its utilization
43 for recreation and conservation purposes, and shall include the
44 construction, renovation, or repair of any such improvement, but
45 shall not mean shore protection or beach nourishment or
46 replenishment activities.

47 “Development easement” means the same as that term is defined
48 in section 3 of P.L.1999, c.152 (C.13:8C-3).

1 “Emergency intervention” means an immediate assessment or
2 capital improvement necessary to protect or stabilize the structural
3 integrity of a historic property.

4 “Farmland” means the same as that term is defined in section 3
5 of P.L.1999, c.152 (C.13:8C-3).

6 “Farmland preservation,” “farmland preservation purposes,” or
7 “preservation of farmland” means the same as those terms are
8 defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

9 “Garden State Preservation Trust” or “trust” means the Garden
10 State Preservation Trust established pursuant to section 4 of
11 P.L.1999, c.152 (C.13:8C-4).

12 “Green Acres bond act” means: P.L.1961, c.46; P.L.1971, c.165;
13 P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265;
14 P.L.1989, c.183; P.L.1992, c.88; P.L.1995, c.204; P.L.2007, c.119;
15 P.L.2009, c.117; and any State general obligation bond act that may
16 be approved after the date of enactment of this act for the purpose
17 of providing funding for the acquisition or development of lands for
18 recreation and conservation purposes or for farmland preservation
19 purposes.

20 “Historic preservation,” “historic preservation purposes,” or
21 “preservation of historic properties” means the same as those terms
22 are defined in section 3 of P.L.1999, c.152 (C.13:8C-3) and shall
23 also include emergency intervention and the acquisition of a
24 historic preservation easement.

25 “Historic preservation easement” means an interest in land, less
26 than fee simple title thereto, that is purchased from a private or
27 governmental property owner to permanently protect a historic
28 property, and that is granted by the property owner to the New
29 Jersey Historic Trust, a local government unit, or a qualifying tax
30 exempt nonprofit organization.

31 “Historic property” means the same as that term is defined in
32 section 3 of P.L.1999, c.152 (C.13:8C-3).

33 “Land” or “lands” means the same as that term is defined in
34 section 3 of P.L.1999, c.152 (C.13:8C-3).

35 “Local government unit” means the same as that term is defined
36 in section 3 of P.L.1999, c.152 (C.13:8C-3).

37 “New Jersey Historic Trust” means the entity established
38 pursuant to section 4 of P.L.1967, c.124 (C.13:1B-15.111).

39 “Permitted investments” means the same as that term is defined
40 in section 3 of P.L.1999, c.152 (C.13:8C-3).

41 ¹“Preserve New Jersey Blue Acres Fund” means the Preserve
42 New Jersey Blue Acres Fund established pursuant to section 7 of
43 this act.¹

44 “Preserve New Jersey Farmland Preservation Fund” means the
45 Preserve New Jersey Farmland Preservation Fund established
46 pursuant to section ¹~~8~~ 7¹ of this act.

1 “Preserve New Jersey Green Acres Fund” means the Preserve
2 New Jersey Green Acres Fund established pursuant to section 6 of
3 this act.

4 “Preserve New Jersey Historic Preservation Fund” means the
5 Preserve New Jersey Historic Preservation Fund established
6 pursuant to section ¹9] 8¹ of this act.

7 “Preserve New Jersey Fund Account” means the Preserve New
8 Jersey Fund Account established pursuant to section 4 of this act.

9 “Project” means all things deemed necessary or useful and
10 convenient in connection with the acquisition or development of
11 lands for recreation and conservation purposes, the acquisition of
12 development easements or fee simple titles to farmland, or the
13 preservation of historic properties, as the case may be.

14 “Qualifying tax exempt nonprofit organization” means the same
15 as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

16 “Recreation and conservation purposes” means the same as that
17 term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

18 “Stewardship activity” means an activity, which is beyond
19 routine operations and maintenance, undertaken by the State, a local
20 government unit, or a qualifying tax exempt nonprofit organization
21 to repair, restore, or improve lands acquired or developed for
22 recreation and conservation purposes ¹or acquired for farmland
23 preservation purposes¹ for the purpose of enhancing or protecting
24 those lands for recreation and conservation purposes ¹or farmland
25 preservation purposes¹. ¹For the purposes of the farmland
26 preservation program, “stewardship activity” means an activity,
27 which is beyond routine operation and maintenance, undertaken by
28 the landowner, or a farmer operator as an agent of the landowner, to
29 repair, restore, or improve lands preserved for farmland
30 preservation purposes, including but not limited to soil and water
31 conservation projects approved pursuant to section 17 of P.L.1983,
32 c.32 (C.4:1C-24).¹

33
34 4. (New section) There is established in the General Fund a
35 special account to be known as the “Preserve New Jersey Fund
36 Account.”

37 a. The State Treasurer shall credit to this account:

38 (1) (a) in each State fiscal year commencing with State fiscal
39 year 2016 through and including State fiscal year 2019 an amount
40 equal to 71 percent of the four percent of the revenue annually
41 derived from the tax imposed pursuant to the “Corporation Business
42 Tax Act (1945),” P.L.1945, c.162 (C.54:10A-1 et seq.), as amended
43 and supplemented, or any other State law of similar effect,
44 dedicated to recreation and conservation, farmland preservation,
45 and historic preservation purposes pursuant to subparagraph (a) of
46 Article VIII, Section II, paragraph 6 of the State Constitution; and

1 (b) in each State fiscal year commencing in State fiscal year
2 2020 and annually thereafter, an amount equal to 78 percent of the
3 six percent of the revenue annually derived from the tax imposed
4 pursuant to the “Corporation Business Tax Act (1945),” P.L.1945,
5 c.162 (C.54:10A-1 et seq.), as amended and supplemented, or any
6 other State law of similar effect, dedicated to recreation and
7 conservation, farmland preservation, and historic preservation
8 purposes pursuant to subparagraph (a) of Article VIII, Section II,
9 paragraph 6 of the State Constitution; and

10 (2) in each State fiscal year, an amount equal to the amount
11 dedicated pursuant to subparagraph (b) of Article VIII, Section II,
12 paragraph 6 of the State Constitution.

13 b. In each State fiscal year, the amount credited to the Preserve
14 New Jersey Fund Account shall be appropriated from time to time
15 by the Legislature only for the applicable purposes set forth in
16 Article VIII, Section II, paragraph 6 of the State Constitution and
17 this act for:

18 (1) providing funding, including loans or grants, for the
19 preservation, including acquisition, development, and stewardship,
20 of lands for recreation and conservation purposes, including lands
21 that protect water supplies and lands that have incurred flood or
22 storm damage or are likely to do so, or that may buffer or protect
23 other properties from flood or storm damage;

24 (2) providing funding, including loans or grants, for the
25 preservation and stewardship of land for agricultural or horticultural
26 use and production;

27 (3) providing funding, including loans or grants, for historic
28 preservation; and

29 (4) paying administrative costs associated with (1) through (3)
30 of this subsection.

31 c. Nothing in this act shall authorize any State entity to use
32 constitutionally dedicated CBT moneys for the purpose of making
33 any payments relating to any bonds, notes, or other ¹debt¹
34 obligations, ¹other than those relating to obligations arising from
35 land purchase agreements made with landowners¹.
36

37 5. (New section) a. In State fiscal year 2016 through and
38 including State fiscal year 2019, of the amount credited by the State
39 Treasurer to the Preserve New Jersey Fund Account pursuant to
40 paragraph (1) of subsection a. of section 4 of this act:

41 (1) 64 percent shall be deposited into the Preserve New Jersey
42 Green Acres Fund established pursuant to section 6 of this act;

43 (2) ¹4 percent shall be deposited into the Preserve New Jersey
44 Blue Acres Fund established pursuant to section 7 of this act;

45 (3) 29] 31¹ percent shall be deposited into the Preserve New
46 Jersey Farmland Preservation Fund established pursuant to section
47 ¹8] 7¹ of this act; and

1 ¹[(4) 3] (3) 5¹ percent shall be deposited into the Preserve New
2 Jersey Historic Preservation Fund established pursuant to section
3 ¹[9] 8¹ of this act.

4 b. In State fiscal year 2016 through and including State fiscal
5 year 2019, of the amount credited by the State Treasurer to the
6 Preserve New Jersey Fund Account pursuant to paragraph (2) of
7 subsection a. of section 4 of this act, each State park, forest, or
8 wildlife management area shall receive an amount equal to the
9 amount of revenue annually derived from leases or conveyances of
10 lands at that State park, forest, or wildlife management area, as
11 appropriate, to be used for recreation and conservation purposes at
12 that State park, forest, or wildlife management area.

13

14 6. (New section) a. The State Treasurer shall establish a fund
15 to be known as the “Preserve New Jersey Green Acres Fund” and
16 shall deposit into the fund all moneys received pursuant to
17 ¹paragraph (1) of¹ subsection a. of section 5 of this act and any
18 other moneys appropriated by law for deposit into the fund.

19 Moneys in the fund shall be invested in permitted investments or
20 shall be held in interest-bearing accounts in those depositories as
21 the State Treasurer may select, and may be invested and reinvested
22 in permitted investments or as other trust funds in the custody of the
23 State Treasurer in the manner provided by law. All interest or other
24 income or earnings derived from the investment or reinvestment of
25 moneys in the fund shall be credited to the fund. Moneys derived
26 from the payment of principal and interest on the loans to local
27 government units authorized by this act shall also be held in the
28 fund.

29 b. Of the amount deposited each State fiscal year into the
30 Preserve New Jersey Green Acres Fund pursuant to subsection a. of
31 section 5 of this act:

32 (1) 55 percent shall be allocated for the purpose of paying the
33 cost of acquisition and development of lands by the State for
34 recreation and conservation purposes, and the amount provided
35 pursuant to this paragraph shall be allocated as follows:

36 (a) ¹[40] 50¹ percent shall be allocated for the purpose of
37 paying the cost of acquisition of lands by the State for recreation
38 and conservation purposes; and

39 (b) ¹[60] 50¹ percent shall be allocated for the purpose of
40 paying the cost of development of lands by the State for recreation
41 and conservation purposes, and of the amount provided pursuant to
42 this subparagraph:

43 (i) ¹up to¹ 22 percent shall be allocated for the purpose of
44 paying the cost for stewardship activities undertaken on lands
45 administered by the Division of Fish and Wildlife in the
46 department; and

1 (ii) 'up to' 22 percent shall be allocated for the purpose of
2 paying the cost for stewardship activities undertaken on lands
3 administered by the Division of Parks and Forestry in the
4 department;

5 (2) 38 percent shall be allocated for the purposes of providing
6 grants and loans to assist local government units to pay the cost of
7 acquisition and development of lands for recreation and
8 conservation purposes, and of this amount, 'up to' 2 percent shall
9 be allocated for stewardship activities undertaken by local
10 government units; and

11 (3) 7 percent shall be allocated for the purposes of providing
12 grants to assist qualifying tax exempt nonprofit organizations to pay
13 the cost of acquisition and development of lands for recreation and
14 conservation purposes, and of this amount, 'up to' 11 percent shall
15 be allocated for stewardship activities undertaken by qualifying tax
16 exempt nonprofit organizations.

17 c. Any repayments of the principal and interest on loans issued
18 to local government units for the acquisition or development of
19 lands for recreation and conservation purposes using
20 constitutionally dedicated CBT moneys shall be deposited into the
21 Preserve New Jersey Green Acres Fund, and shall be specifically
22 dedicated for the issuance of additional loans in the same manner as
23 provided in subsection b. of section 27 of P.L.1999, c.152
24 (C.13:8C-27).

25 d. (1) The moneys in the fund are specifically dedicated and
26 shall be used for the same purposes and according to the same
27 criteria and provisions as those set forth in section 26 of P.L.1999,
28 c.152 (C.13:8C-26), and as provided pursuant to this act.

29 (2) Grants and loans issued to local government units and grants
30 issued to qualifying tax exempt nonprofit organizations using
31 constitutionally dedicated CBT moneys for the acquisition and
32 development of lands for recreation and conservation purposes shall
33 be subject to the same provisions as those prescribed in section 27
34 of P.L.1999, c.152 (C.13:8C-27), except as otherwise provided in
35 section **'[10] 9'** of this act.

36 e. Moneys in the fund shall not be expended except in
37 accordance with appropriations from the fund made by law. Any
38 act appropriating moneys from the Preserve New Jersey Green
39 Acres Fund shall identify any particular project or projects to be
40 funded by the moneys, and any expenditure for a project for which
41 the location is not identified by municipality and county in the
42 appropriation shall require the approval of the Joint Budget
43 Oversight Committee, or its successor, except as permitted
44 otherwise in accordance with the same exceptions as those specified
45 in paragraph (2) of subsection a. of section 23 of P.L.1999, c.152
46 (C.13:8C-23).

47 f. Unexpended moneys due to project withdrawals,
48 cancellations, or cost savings shall be returned to the fund.

1 g. Of the amount authorized pursuant to this section, not more
2 than five percent shall be utilized for organizational, administrative
3 and other work and services, including salaries, equipment and
4 materials necessary to administer the applicable provisions of this
5 act.

6 h. To the end that municipalities may not suffer a loss of taxes
7 by reason of the acquisition and ownership by the State of lands in
8 fee simple for recreation and conservation purposes, or the
9 acquisition and ownership by qualifying tax exempt nonprofit
10 organizations of lands in fee simple for recreation and conservation
11 purposes that become certified as exempt from property taxes
12 pursuant to P.L.1974, c.167 (C.54:4-3.63 et seq.) or similar laws,
13 the State shall make payments annually in the same manner as
14 payments are made pursuant to section 29 of P.L.1999, c.152
15 (C.13:8C-29).

16 i. The State shall not use the power of eminent domain in any
17 manner for the acquisition of lands by the State for recreation and
18 conservation purposes using constitutionally dedicated CBT
19 moneys in whole or in part unless a concurrent resolution approving
20 that use is approved by both Houses of the Legislature; except that,
21 without the need for such a concurrent resolution, the State may use
22 the power of eminent domain to the extent necessary to establish a
23 value for lands to be acquired from a willing seller by the State for
24 recreation and conservation purposes using constitutionally
25 dedicated CBT moneys in whole or in part.

26

27 ¹7.(New section) a. The State Treasurer shall establish a fund
28 to be known as the "Preserve New Jersey Blue Acres Fund" and
29 shall deposit into the fund all moneys received pursuant to
30 subsection b. of section 5 of this act and any other moneys
31 appropriated by law for deposit into the fund.

32 Moneys in the fund shall be invested in permitted investments or
33 shall be held in interest-bearing accounts in those depositories as
34 the State Treasurer may select, and may be invested and reinvested
35 in permitted investments or as other trust funds in the custody of the
36 State Treasurer in the manner provided by law. All interest or other
37 income or earnings derived from the investment or reinvestment of
38 moneys in the fund shall be credited to the fund.

39 b. The moneys in the Preserve New Jersey Blue Acres Fund are
40 specifically dedicated and shall be applied for the purposes of
41 providing moneys to:

42 (1) meet the Blue Acres costs to the State for the acquisition of
43 lands for a Blue Acres project; or

44 (2) provide grants, pursuant to the provisions of subsection c. of
45 this section, to assist a qualifying tax exempt nonprofit organization
46 in meeting the Blue Acres costs for the acquisition of lands for a
47 Blue Acres project.

- 1 c. (1) A grant by the State for lands to be acquired by a
2 qualifying tax exempt nonprofit organization for a Blue Acres
3 project may include up to 50 percent of the Blue Acres cost of
4 acquisition of the lands by the qualifying tax exempt nonprofit
5 organization.
- 6 (2) A qualifying tax exempt nonprofit organization shall not use
7 as its matching share of the Blue Acres cost of acquisition of lands
8 for a Blue Acres project any constitutionally dedicated moneys, as
9 defined pursuant to section 3 of P.L.1999, c.152 (C.13:8C-3), or
10 any grant moneys obtained from a Green Acres bond act.
- 11 (3) To qualify to receive a grant from the Preserve New Jersey
12 Blue Acres Fund, the board of directors or governing body of the
13 applying tax exempt nonprofit organization shall:
- 14 (a) demonstrate to the commissioner that the organization
15 qualifies as a charitable conservancy for the purposes of P.L.1979,
16 c.378 (C.13:8B-1 et seq.);
- 17 (b) demonstrate that the organization has the resources to match
18 the grant requested;
- 19 (c) agree to make and keep the lands accessible to the public,
20 unless the commissioner determines that public accessibility would
21 be detrimental to the lands or any natural resources associated
22 therewith;
- 23 (d) agree not to convey the lands except to the federal
24 government, the State, a local government unit, or another
25 qualifying tax exempt nonprofit organization, for recreation and
26 conservation purposes; and
- 27 (e) agree to execute and donate to the State at no charge a
28 conservation restriction pursuant to P.L.1979, c.378 (C.13:8B-1 et
29 seq.) on the lands to be acquired with the grant.
- 30 d. The State shall not use the power of eminent domain in any
31 manner for the acquisition of lands by the State for Blue Acres
32 projects using constitutionally dedicated CBT moneys in whole or
33 in part unless a concurrent resolution approving that use is approved
34 by both Houses of the Legislature; except that, without the need for
35 such a concurrent resolution, the State may use the power of
36 eminent domain to the extent necessary to establish a value for
37 lands to be acquired from a willing seller by the State for recreation
38 and conservation purposes, as part of a Blue Acres project, using
39 constitutionally dedicated CBT moneys in whole or in part.
- 40 e. Moneys in the fund shall not be expended except in
41 accordance with appropriations from the fund made by law. Any
42 act appropriating moneys from the Preserve New Jersey Blue Acres
43 Fund shall identify the particular project or projects to be funded by
44 the moneys, and any expenditure for a project for which the
45 location is not identified by municipality and county in the
46 appropriation shall require the approval of the Joint Budget
47 Oversight Committee, or its successor.

1 f. Unexpended moneys due to project withdrawals,
2 cancellations, or cost savings shall be returned to the fund to be
3 used for the purposes of the fund.

4 g. Of the amount authorized pursuant to this section, not more
5 than five percent shall be utilized for organizational, administrative
6 and other work and services, including salaries, equipment and
7 materials necessary to administer the applicable provisions of this
8 act.】¹

9
10 ¹【8.】 7.¹ (New section) a. The State Treasurer shall establish a
11 fund to be known as the “Preserve New Jersey Farmland
12 Preservation Fund” and shall deposit all moneys received pursuant
13 to ¹paragraph (2) of¹ subsection ¹【c.】 a.¹ of section 5 of this act and
14 any other moneys appropriated by law for deposit into the fund.

15 Moneys in the fund shall be invested in permitted investments or
16 shall be held in interest-bearing accounts in those depositories as
17 the State Treasurer may select, and may be invested and reinvested
18 in permitted investments or as other trust funds in the custody of the
19 State Treasurer in the manner provided by law. All interest or other
20 income or earnings derived from the investment or reinvestment of
21 moneys in the fund shall be credited to the fund.

22 b. (1) The moneys in the fund are specifically dedicated and
23 shall be used for the same purposes as those set forth in section 37
24 of P.L.1999, c.152 (C.13:8C-37) and as provided in paragraph (2)
25 of this subsection.

26 (2) Of the moneys deposited into the Preserve New Jersey
27 Farmland Preservation Fund each year, ¹up to¹ 3 percent shall be
28 allocated by the committee on an annual basis for stewardship
29 activities.

30 c. Moneys in the fund shall not be expended except in
31 accordance with appropriations from the fund made by law. Any
32 act appropriating moneys from the Preserve New Jersey Farmland
33 Preservation Fund shall identify any particular project or projects to
34 be funded by the moneys, and any expenditure for a project for
35 which the location is not identified by municipality and county in
36 the appropriation shall require the approval of the Joint Budget
37 Oversight Committee, or its successor, except as permitted
38 otherwise in accordance with the same exceptions as those specified
39 in paragraph (2) of subsection b. of section 23 of P.L.1999, c.152
40 (C.13:8C-23).

41 d. Unexpended moneys due to project withdrawals,
42 cancellations, or cost savings shall be returned to the fund.

43 ¹【e. Of the amount authorized pursuant to this section, not more
44 than five percent shall be utilized for organizational, administrative
45 and other work and services, including salaries, equipment and
46 materials necessary to administer the applicable provisions of this
47 act.】¹

1 **¹[9.] 8.¹** (New section) a. The State Treasurer shall establish a
2 fund to be known as the “Preserve New Jersey Historic Preservation
3 Fund” and shall deposit all moneys received pursuant to ¹paragraph
4 (3) of¹ subsection **¹[d.] a.¹** of section 5 of this act and any other
5 moneys appropriated by law for deposit into the fund.

6 Moneys in the fund shall be invested in permitted investments or
7 shall be held in interest-bearing accounts in those depositories as
8 the State Treasurer may select, and may be invested and reinvested
9 in permitted investments or as other trust funds in the custody of the
10 State Treasurer in the manner provided by law. All interest or other
11 income or earnings derived from the investment or reinvestment of
12 moneys in the fund shall be credited to the fund.

13 b. The moneys in the fund are specifically dedicated and shall
14 be used for the same purposes as those set forth in section 41 of
15 P.L.1999, c.152 (C.13:8C-41), and for emergency intervention and
16 the acquisition of historic preservation easements.

17 c. Moneys in the fund shall not be expended except in
18 accordance with appropriations from the fund made by law. Any
19 act appropriating moneys from the Preserve New Jersey Historic
20 Preservation Fund shall identify any particular project or projects to
21 be funded by the moneys, and any expenditure for a project for
22 which the location is not identified by municipality and county in
23 the appropriation shall require the approval of the Joint Budget
24 Oversight Committee, or its successor.

25 d. Unexpended moneys due to project withdrawals,
26 cancellations, or cost savings shall be returned to the fund.

27 **¹[e.** Of the amount authorized pursuant to this section, not more
28 than five percent shall be utilized for organizational, administrative
29 and other work and services, including salaries, equipment and
30 materials necessary to administer the applicable provisions of this
31 act.**]¹**

32
33 **¹[10.] 9.¹** (New section) a. Notwithstanding the provisions of
34 subparagraph (b) of paragraph (2) of subsection a. of section 27 of
35 P.L.1999, c.152 (C.13:8C-27) to the contrary, a grant by the State
36 for lands acquired or developed for recreation and conservation
37 purposes by a local government unit in a municipality eligible to
38 receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.)
39 shall be for 75 percent of the cost of acquisition or development of
40 the lands by the local government unit, except that the department
41 may authorize an increase in the State's share of the cost up to 100
42 percent of the allowable funding cap established by the department
43 upon a demonstration of special need or exceptional circumstances.

44 b. A local government unit or a qualifying tax exempt
45 nonprofit organization may use a grant or loan received pursuant to
46 this act for recreation and conservation purposes for the
47 construction of a community garden, provided that public access to

1 the lands acquired for recreation and conservation purposes is not
2 limited by the community garden.

3
4 **¹【11.】 10.**¹ (New section) Lands acquired or developed by the
5 State, a local government unit, or a qualifying tax exempt nonprofit
6 organization for recreation and conservation purposes using
7 constitutionally dedicated CBT moneys shall not be conveyed,
8 disposed of, or diverted to a use for other than recreation and
9 conservation purposes without complying with the provisions of
10 sections 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through
11 C.13:8C-35), as appropriate, and any other applicable law.

12
13 **¹【12.】 11.**¹ (New section) A local government unit that receives
14 a grant or loan for recreation and conservation purposes pursuant to
15 this act shall satisfactorily operate and maintain the lands acquired
16 or developed pursuant to the conditions of the agreement between
17 the local government unit and the department when the grant or
18 loan is made. In the event that the local government unit cannot or
19 will not correct deficiencies in the operation and maintenance
20 within a reasonable time period, the commissioner may require the
21 repayment of all or a portion of the grant or loan amount received
22 by the local government unit.

23
24 **¹【13.】 12.**¹ (New section) a. At least once every two years, the
25 Department of Environmental Protection, the State Agriculture
26 Development Committee, and the New Jersey Historic Trust shall
27 each submit to the Garden State Preservation Trust a list of projects
28 recommended to receive funding pursuant to this act. Except as
29 otherwise provided by this act, such funding recommendations shall
30 be based upon the same respective priority systems, ranking
31 criteria, and funding policies as those established pursuant to
32 sections 23, 24, 26, 27, and 37 through 42 of P.L.1999, c.152
33 (C.13:8C-23, C.13:8C-24, C.13:8C-26, C.13:8C-27, and C.13:8C-
34 37 through C.13:8C-42), section 7 of P.L.2005, c.178 (C.13:8C-
35 38.1), and sections 1 and 2 of P.L.2001, c.405 (C.13:8C-40.1 and
36 C.13:8C-40.2), and any rules or regulations adopted pursuant to
37 thereto.

38 b. The Garden State Preservation Trust shall review the project
39 lists submitted pursuant to subsection a. of this section, and prepare,
40 and submit to the Governor and to the President of the Senate and
41 the Speaker of the General Assembly for introduction in the
42 Legislature, proposed legislation appropriating moneys pursuant to
43 this act to fund projects on any such list. The Legislature may
44 approve one or more appropriation bills containing a project list or
45 lists submitted by the Garden State Preservation Trust pursuant to
46 this subsection.

- 1 **14.** **13.**¹ (New section) Within one year after the date of
2 enactment of this act, and biennially thereafter, the Garden State
3 Preservation Trust, after consultation with Department of
4 Environmental Protection, the State Agriculture Development
5 Committee, and the New Jersey Historic Trust shall submit to the
6 Governor and the Legislature, pursuant to section 2 of P.L.1991,
7 c.164 (C.52:14-19.1), a written report, which shall:
- 8 a. Describe the progress being made with respect to the
9 acquisition and development of lands for recreation and
10 conservation purposes, including lands that have incurred flood or
11 storm damage or are likely to do so, or that may buffer or protect
12 other properties from flood or storm damage, the preservation of
13 farmland, and the preservation of historic properties, and provide
14 recommendations with respect to any legislative, administrative, or
15 local action that may be required to enable the Department of
16 Environmental Protection, the State Agriculture Development
17 Committee, and the New Jersey Historic Trust to meet their goals
18 and objectives;
- 19 b. Tabulate, both for the reporting period and cumulatively, the
20 total acreage for the entire State, and the acreage in each county and
21 municipality, of lands acquired for recreation and conservation
22 purposes, including lands that protect water supplies and lands that
23 have incurred flood or storm damage or are likely to do so, or that
24 may buffer or protect other properties from flood or storm damage,
25 using (1) funding provided by this act, and (2) any other funding
26 provided for such purposes;
- 27 c. Tabulate, both for the reporting period and cumulatively, the
28 total acreage for the entire State, and the acreage in each county and
29 municipality, of farmland preserved for farmland preservation
30 purposes using (1) funding provided by this act, and (2) any other
31 funding provided for such purposes;
- 32 d. Tabulate, both for the reporting period and cumulatively, the
33 total acreage for the entire State, and the acreage in each county and
34 municipality, of any donations of land for recreation and
35 conservation purposes or farmland preservation purposes;
- 36 e. List, both for the reporting period and cumulatively, and by
37 location by county and municipality, all stewardship activities
38 funded pursuant to subsection **1e.** **b.**¹ of section 6 of this act and
39 paragraph (2) of subsection b. of section **18** **7**¹ of this act;
- 40 f. List, both for the reporting period and cumulatively, and by
41 project name, project sponsor, and location by county and
42 municipality, all historic preservation projects, including emergency
43 intervention and the acquisition of historic preservation easements,
44 funded with constitutionally dedicated CBT moneys in whole or in
45 part;
- 46 g. Indicate those areas of the State where, as designated by the
47 Department of Environmental Protection in the Open Space Master
48 Plan prepared pursuant to section 5 of P.L.2002, c.76 (C.13:8C-

1 25.1), the acquisition and development of lands by the State for
2 recreation and conservation purposes, including lands that have
3 incurred flood or storm damage or are likely to do so, or that may
4 buffer or protect other properties from flood or storm damage, is
5 planned or is most likely to occur, and those areas of the State
6 where there is a need to protect water resources, including the
7 identification of lands where protection is needed to assure
8 adequate quality and quantity of drinking water supplies in times of
9 drought, indicate those areas of the State where the allocation of
10 constitutionally dedicated CBT moneys for farmland preservation
11 purposes is planned or is most likely to occur, and provide a
12 proposed schedule and expenditure plan for those acquisitions,
13 developments, and allocations, for the next reporting period, which
14 shall include an explanation of how those acquisitions,
15 developments, and allocations will be distributed throughout all
16 geographic regions of the State to the maximum extent practicable
17 and feasible;

18 h. List any surplus real property owned by the State or an
19 independent authority of the State that may be utilizable for
20 recreation and conservation purposes or farmland preservation
21 purposes, and indicate what action has been or must be taken to
22 effect a conveyance of those lands to the department, the
23 committee, local government units, qualifying tax exempt nonprofit
24 organizations, or other entities or persons so that the lands may be
25 preserved and used for those purposes;

26 i. List, for the reporting period, all projects for which
27 applications for funding under the Green Acres, ¹**Blue Acres,**¹
28 farmland preservation, and historic preservation programs were
29 received but not funded with constitutionally dedicated CBT
30 moneys or other funds during the reporting period, and the reason
31 or reasons why those projects were not funded;

32 j. Tabulate, both for the reporting period and cumulatively, the
33 total acreage for the entire State, and the acreage in each county and
34 municipality, of lands acquired for recreation and conservation
35 purposes that protect water resources and that have incurred flood
36 or storm damage or are likely to do so, or that may buffer or protect
37 other properties from flood or storm damage; and

38 k. Describe any other information or statistics necessary to
39 document the expenditure of funds pursuant to this act in
40 conjunction with the expenditure of funds pursuant to P.L.1999,
41 c.152 (C.13:8C-1 et al.) and any Green Acres bond act.

42
43 ¹**15.14.**¹ (New section) a. The Department of Environmental
44 Protection, the State Agriculture Development Committee, the New
45 Jersey Historic Trust, and the Department of the Treasury shall each
46 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
47 c.410 (C.52:14B-1 et seq.), such rules and regulations as may be

1 necessary to implement and carry out the goals and objectives of
2 this act.

3 b. Notwithstanding the provisions of any law to the contrary,
4 any rules and regulations of the Department of Environmental
5 Protection, the State Agriculture Development Committee, the New
6 Jersey Historic Trust, and the Department of the Treasury that have
7 been adopted pursuant to the "Administrative Procedure Act" and
8 are in effect as of the date of enactment of this act, that are not
9 inconsistent with the provisions of this act, and that pertain to the
10 Green Acres, ¹**Blue Acres,**¹ farmland preservation, and historic
11 preservation programs continued pursuant to this act, shall continue
12 in effect until amended or supplemented and readopted as necessary
13 to reflect the provisions and requirements of this act.

14
15 ¹**[16.] 15.**¹ Section 24 of P.L.1999, c.152 (C.13:8C-24) is
16 amended to read as follows:

17 24. a. (1) There is established in the Department of
18 Environmental Protection the Office of Green Acres. The
19 commissioner may appoint an administrator or director who shall
20 supervise the office, and the department may employ such other
21 personnel and staff as may be required to carry out the duties and
22 responsibilities of the department and the office pursuant to **[this**
23 **act]** P.L.1999, c.152 (C.13:8C-1 et al.) and P.L. , c. (C.)
24 (pending before the Legislature as this bill), all without regard to
25 the provisions of Title 11A, Civil Service, of the New Jersey
26 Statutes. Persons appointed or employed as provided pursuant to
27 this subsection shall be compensated in a manner similar to other
28 employees in the Executive Branch, and their compensation shall be
29 determined by the Civil Service Commission.

30 (2) The Green Acres Program in the Department of
31 Environmental Protection, together with all of its functions, powers
32 and duties, are continued and transferred to and constituted as the
33 Office of Green Acres in the Department of Environmental
34 Protection. Whenever, in any law, rule, regulation, order, contract,
35 document, judicial or administrative proceeding or otherwise,
36 reference is made to the Green Acres Program, the same shall mean
37 and refer to the Office of Green Acres in the Department of
38 Environmental Protection. This transfer shall be subject to the
39 provisions of the "State Agency Transfer Act," P.L.1971, c.375
40 (C.52:14D-1 et seq.).

41 b. The duties and responsibilities of the office shall be as
42 follows:

43 (1) Administer all provisions of **[this act]** P.L.1999, c.152
44 (C.13:8C-1 et al.) and P.L. , c. (C.) (pending before the
45 Legislature as this bill) pertaining to funding the acquisition and
46 development of lands for recreation and conservation purposes as

1 authorized pursuant to Article VIII, Section II, paragraph 6 and
2 paragraph 7 of the State Constitution;

3 (2) Continue to administer all grant and loan programs for the
4 acquisition and development of lands for recreation and
5 conservation purposes, including the Green Trust, established or
6 funded for those purposes pursuant to: P.L.1961, c.45 (C.13:8A-1
7 et seq.); P.L.1971, c.419 (C.13:8A-19 et seq.); P.L.1975, c.155
8 (C.13:8A-35 et seq.); or any Green Acres bond act; and

9 (3) Adopt, with the approval of the commissioner and pursuant
10 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
11 1 et seq.), rules and regulations:

12 (a) establishing application procedures for grants and loans for
13 the acquisition and development of lands for recreation and
14 conservation purposes, criteria and policies for the evaluation and
15 priority ranking of projects for eligibility to receive funding for
16 recreation and conservation purposes using constitutionally
17 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
18 constitutionally dedicated CBT moneys pursuant to
19 P.L. , c. (C.) (pending before the Legislature as this bill),
20 any conditions that may be placed on the award of a grant or loan
21 for recreation and conservation purposes pursuant to **【this act】**
22 P.L.1999, c.152 (C.13:8C-1 et al.) or P.L. , c. (C. .)
23 (pending before the Legislature as this bill), and any restrictions
24 that may be placed on the use of lands acquired or developed with a
25 grant or loan for recreation and conservation purposes pursuant to
26 **【this act】** P.L.1999, c.152 or P.L. , c. (C.) (pending
27 before the Legislature as this bill) . The criteria and policies
28 established pursuant to this subparagraph for the evaluation and
29 priority ranking of projects for eligibility to receive funding for
30 recreation and conservation purposes using constitutionally
31 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
32 constitutionally dedicated CBT moneys pursuant to
33 P.L. , c. (C.) (pending before the Legislature as this bill)
34 may be based upon, but need not be limited to, such factors as:
35 protection of the environment, natural resources, water resources,
36 watersheds, aquifers, wetlands, floodplains and flood-prone areas,
37 stream corridors, beaches and coastal resources, forests and
38 grasslands, scenic views, biodiversity, habitat for wildlife, rare,
39 threatened, or endangered species, and plants; vernal habitat; degree
40 of likelihood of development; promotion of greenways; provision
41 for recreational access and use; protection of geologic, historic,
42 archaeological, and cultural resources; relative cost; parcel size; and
43 degree of public support; and

44 (b) addressing any other matters deemed necessary to implement
45 and carry out the goals and objectives of Article VIII, Section II,
46 paragraph 6 and paragraph 7 of the State Constitution and 【this act】
47 P.L.1999, c.152 (C.13:8C-1 et al.) and P.L. , c. (C.)
48 (pending before the Legislature as this bill) with respect to the

1 acquisition and development of lands for recreation and
2 conservation purposes , including the acquisition of lands for
3 recreation and conservation purposes that have been damaged by, or
4 may be prone to incurring damage caused by, storms or storm-
5 related flooding, or that may buffer or protect other lands from such
6 damage ; and

7 (4) Establishing criteria and policies for the evaluation and
8 priority ranking of State projects to acquire and develop lands for
9 recreation and conservation purposes using constitutionally
10 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
11 constitutionally dedicated CBT moneys pursuant to
12 P.L. , c. (C.) (pending before the Legislature as this bill) ,
13 which criteria and policies may be based upon, but need not be
14 limited to, such factors as: protection of the environment, natural
15 resources, water resources, watersheds, aquifers, wetlands,
16 floodplains and flood-prone areas, stream corridors, beaches and
17 coastal resources, forests and grasslands, scenic views, biodiversity,
18 habitat for wildlife, rare, threatened, or endangered species, and
19 plants; vernal habitat; degree of likelihood of development;
20 promotion of greenways; provision for recreational access and use;
21 protection of geologic, historic, archaeological, and cultural
22 resources; relative cost; parcel size; and degree of public support.
23 (cf: P.L.2008, c.29, s.114)

24

25 ¹**【17.】** 16.¹ This act shall take effect immediately.