

SENATE, No. 969

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JANUARY 12, 2016

Sponsored by:

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Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

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District 37 (Bergen)

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District 11 (Monmouth)

Co-Sponsored by:

Senators Beck, Gordon, Greenstein, Assemblyman Land, Assemblywoman Pinkin, Assemblyman Zwicker, Assemblywoman Downey, Assemblyman Conaway, Assemblywoman Caride, Assemblymen Eustace and Diegnan

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 introduced.

(Sponsorship Updated As Of: 4/8/2016)

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) This act shall be known, and may be cited, as
10 the “Preserve New Jersey Act.”

11

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

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

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

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

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

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

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

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

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 h. Agriculture plays an integral role in the prosperity and well-
2 being of the State as well as providing a fresh and abundant supply
3 of food for its citizens;
- 4 i. Much of the farmland in the State faces an imminent threat
5 of permanent conversion to non-farm uses, and retention and
6 development of an economically viable agricultural industry is of
7 high public priority;
- 8 j. There is an urgent need to preserve the State's historic
9 heritage to enable present and future generations to experience,
10 understand, and enjoy the landmarks of New Jersey's role in the
11 birth and development of this nation;
- 12 k. The restoration and preservation of properties of historic
13 character and importance in the State are central to meeting this
14 need, and a significant number of these historic properties are
15 located in urban centers, where their restoration and preservation
16 will advance urban revitalization efforts of the State and local
17 governments;
- 18 l. There is growing public recognition that the quality of life,
19 economic prosperity, and environmental quality in New Jersey are
20 served by the protection and timely preservation of open space and
21 farmland and better management of the lands, resources, historic
22 properties, and recreational facilities that are already under public
23 ownership or protection;
- 24 m. The protection and preservation of New Jersey's water
25 resources, including the quality and quantity of the State's limited
26 water supply, are essential to the quality of life and the economic
27 health of the citizens of the State;
- 28 n. The preservation of the existing diversity of animal and plant
29 species is essential to sustaining both the environment and the
30 economy of the Garden State, and the conservation of adequate
31 habitat for endangered, threatened, and other rare species is
32 necessary to preserve this biodiversity;
- 33 o. As recognized by the voters of the State when they, on
34 November 4, 2014, approved an amendment to the State
35 Constitution to dedicate a portion of corporation business tax
36 revenues specifically for the purposes of open space, farmland, and
37 historic preservation, there is a need to continue the State open
38 space, farmland, and historic preservation programs previously
39 funded by the "Green Acres, Water Supply and Floodplain
40 Protection, and Farmland and Historic Preservation Bond Act of
41 2009" (P.L.2009, c.117), the "Green Acres, Farmland, Blue Acres,
42 and Historic Preservation Bond Act of 2007" (P.L.2007, c.119),
43 Article VIII, Section II, paragraph 7 of the State Constitution, the
44 "Green Acres, Farmland and Historic Preservation, and Blue Acres
45 Bond Act of 1995" (P.L.1995, c.204), and the nine previous similar
46 bond acts enacted in 1961, 1971, 1974, 1978, 1981, 1983, 1987,
47 1989, and 1992, and various implementing laws; and

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

7

8 3. (New section) As used in this act:

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

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

36 “Blue Acres project” means any project of the State or a
37 qualifying tax exempt nonprofit organization to acquire, for
38 recreation and conservation purposes, lands that have been damaged
39 by, or may be prone to incurring damage caused by, storms or
40 storm-related flooding, or that may buffer or protect other lands
41 from such damage.

42 “Commissioner” means the Commissioner of Environmental
43 Protection.

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

47 “Constitutionally dedicated CBT moneys” means any moneys
48 made available pursuant to Article VIII, Section II, paragraph 6 of

1 the State Constitution deposited in the funds established pursuant to
2 sections 6, 7, 8, and 9 of this act, and appropriated by law, for
3 recreation and conservation, farmland preservation, or historic
4 preservation purposes set forth in Article VIII, Section II, paragraph
5 6 of the State Constitution or this act.

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

8 “Cost” means the expenses incurred in connection with: all
9 things deemed necessary or useful and convenient for the
10 acquisition or development of lands for recreation and conservation
11 purposes, the acquisition of development easements or fee simple
12 titles to farmland, or the preservation of historic properties, as the
13 case may be; the execution of any agreements or franchises deemed
14 by the Department of Environmental Protection, State Agriculture
15 Development Committee, or New Jersey Historic Trust, as the case
16 may be, to be necessary or useful and convenient in connection with
17 any project funded in whole or in part using constitutionally
18 dedicated CBT moneys; the procurement or provision of appraisal,
19 archaeological, architectural, conservation, design, engineering,
20 financial, geological, historic research, hydrological, inspection,
21 legal, planning, relocation, surveying, or other professional advice,
22 estimates, reports, services, or studies; the purchase of title
23 insurance; the undertaking of feasibility studies; materials and labor
24 costs for stewardship activities, but not overhead or administration
25 costs for such activities; the establishment of a reserve fund or
26 funds for working capital, operating, maintenance, or replacement
27 expenses, as the Director of the Division of Budget and Accounting
28 in the Department of the Treasury may determine; and
29 reimbursement to any fund of the State of moneys that may have
30 been transferred or advanced therefrom to any fund established by
31 this act, or any moneys that may have been expended therefrom for,
32 or in connection with, this act.

33 “Department” means the Department of Environmental
34 Protection.

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

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

45 “Emergency intervention” means an immediate assessment or
46 capital improvement necessary to protect or stabilize the structural
47 integrity of a historic property.

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

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

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

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

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

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

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

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

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

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

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

38 “Preserve New Jersey Blue Acres Fund” means the Preserve
39 New Jersey Blue Acres Fund established pursuant to section 7 of
40 this act.

41 “Preserve New Jersey Farmland Preservation Fund” means the
42 Preserve New Jersey Farmland Preservation Fund established
43 pursuant to section 8 of this act.

44 “Preserve New Jersey Green Acres Fund” means the Preserve
45 New Jersey Green Acres Fund established pursuant to section 6 of
46 this act.

1 “Preserve New Jersey Historic Preservation Fund” means the
2 Preserve New Jersey Historic Preservation Fund established
3 pursuant to section 9 of this act.

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

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

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

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

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

28

29 4. (New section) There is established in the General Fund a
30 special account to be known as the “Preserve New Jersey Fund
31 Account.”

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

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

42 (b) in each State fiscal year commencing in State fiscal year
43 2020 and annually thereafter, an amount equal to 78 percent of the
44 six percent of the revenue annually derived from the tax imposed
45 pursuant to the “Corporation Business Tax Act (1945),” P.L.1945,
46 c.162 (C.54:10A-1 et seq.), as amended and supplemented, or any
47 other State law of similar effect, dedicated to recreation and
48 conservation, farmland preservation, and historic preservation

1 purposes pursuant to subparagraph (a) of Article VIII, Section II,
2 paragraph 6 of the State Constitution; and

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

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

11 (1) providing funding, including loans or grants, for the
12 preservation, including acquisition, development, and stewardship,
13 of lands for recreation and conservation purposes, including lands
14 that protect water supplies and lands that have incurred flood or
15 storm damage or are likely to do so, or that may buffer or protect
16 other properties from flood or storm damage;

17 (2) providing funding, including loans or grants, for the
18 preservation and stewardship of land for agricultural or horticultural
19 use and production;

20 (3) providing funding, including loans or grants, for historic
21 preservation; and

22 (4) paying administrative costs associated with (1) through (3)
23 of this subsection.

24 c. Nothing in this act shall authorize any State entity to use
25 constitutionally dedicated CBT moneys for the purpose of making
26 any payments relating to any bonds, notes, or other debt
27 obligations, other than those relating to obligations arising from
28 land purchase agreements made with landowners.
29

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

34 (1) 64 percent shall be deposited into the Preserve New Jersey
35 Green Acres Fund established pursuant to section 6 of this act;

36 (2) 31 percent shall be deposited into the Preserve New Jersey
37 Farmland Preservation Fund established pursuant to section 8 of
38 this act; and

39 (3) 5 percent shall be deposited into the Preserve New Jersey
40 Historic Preservation Fund established pursuant to section 9 of this
41 act.

42 b. In State fiscal year 2016 through and including State fiscal
43 year 2019, of the amount credited by the State Treasurer to the
44 Preserve New Jersey Fund Account pursuant to paragraph (2) of
45 subsection a. of section 4 of this act, each State park, forest, or
46 wildlife management area shall receive an amount equal to the
47 amount of revenue annually derived from leases or conveyances of
48 lands at that State park, forest, or wildlife management area, as

1 appropriate, to be used for recreation and conservation purposes at
2 that State park, forest, or wildlife management area.

3

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

9 Moneys in the fund shall be invested in permitted investments or
10 shall be held in interest-bearing accounts in those depositories as
11 the State Treasurer may select, and may be invested and reinvested
12 in permitted investments or as other trust funds in the custody of the
13 State Treasurer in the manner provided by law. All interest or other
14 income or earnings derived from the investment or reinvestment of
15 moneys in the fund shall be credited to the fund. Moneys derived
16 from the payment of principal and interest on the loans to local
17 government units authorized by this act shall also be held in the
18 fund.

19 b. Of the amount deposited each State fiscal year into the
20 Preserve New Jersey Green Acres Fund pursuant to paragraph (1) of
21 subsection a. of section 5 of this act:

22 (1) 55 percent shall be allocated for the purpose of paying the
23 cost of acquisition and development of lands by the State for
24 recreation and conservation purposes, and the amount provided
25 pursuant to this paragraph shall be allocated as follows:

26 (a) 50 percent shall be allocated for the purpose of paying the
27 cost of acquisition of lands by the State for recreation and
28 conservation purposes; and

29 (b) 50 percent shall be allocated for the purpose of paying the
30 cost of development of lands by the State for recreation and
31 conservation purposes, and of the amount provided pursuant to this
32 subparagraph:

33 (i) up to 22 percent shall be allocated for the purpose of paying
34 the cost for stewardship activities undertaken on lands administered
35 by the Division of Fish and Wildlife in the department; and

36 (ii) up to 22 percent shall be allocated for the purpose of paying
37 the cost for stewardship activities undertaken on lands administered
38 by the Division of Parks and Forestry in the department;

39 (2) 38 percent shall be allocated for the purposes of providing
40 grants and loans to assist local government units to pay the cost of
41 acquisition and development of lands for recreation and
42 conservation purposes, and of this amount, up to 2 percent shall be
43 allocated for stewardship activities undertaken by local government
44 units; and

45 (3) 7 percent shall be allocated for the purposes of providing
46 grants to assist qualifying tax exempt nonprofit organizations to pay
47 the cost of acquisition and development of lands for recreation and
48 conservation purposes, and of this amount, 11 percent shall be

- 1 allocated for stewardship activities undertaken by qualifying tax
2 exempt nonprofit organizations.
- 3 c. Any repayments of the principal and interest on loans issued
4 to local government units for the acquisition or development of
5 lands for recreation and conservation purposes using
6 constitutionally dedicated CBT moneys shall be deposited into the
7 Preserve New Jersey Green Acres Fund, and shall be specifically
8 dedicated for the issuance of additional loans in the same manner as
9 provided in subsection b. of section 27 of P.L.1999,
10 c.152 (C.13:8C-27).
- 11 d. (1) The moneys in the fund are specifically dedicated and
12 shall be used for the same purposes and according to the same
13 criteria and provisions as those set forth in section 26 of P.L.1999,
14 c.152 (C.13:8C-26), and as provided pursuant to this act.
- 15 (2) Grants and loans issued to local government units and grants
16 issued to qualifying tax exempt nonprofit organizations using
17 constitutionally dedicated CBT moneys for the acquisition and
18 development of lands for recreation and conservation purposes shall
19 be subject to the same provisions as those prescribed in section 27
20 of P.L.1999, c.152 (C.13:8C-27), except as otherwise provided in
21 section 10 of this act.
- 22 e. Moneys in the fund shall not be expended except in
23 accordance with appropriations from the fund made by law. Any
24 act appropriating moneys from the Preserve New Jersey Green
25 Acres Fund shall identify any particular project or projects to be
26 funded by the moneys, and any expenditure for a project for which
27 the location is not identified by municipality and county in the
28 appropriation shall require the approval of the Joint Budget
29 Oversight Committee, or its successor, except as permitted
30 otherwise in accordance with the same exceptions as those specified
31 in paragraph (2) of subsection a. of section 23 of P.L.1999,
32 c.152 (C.13:8C-23).
- 33 f. Unexpended moneys due to project withdrawals,
34 cancellations, or cost savings shall be returned to the fund.
- 35 g. Of the amount authorized pursuant to this section, not more
36 than five percent shall be utilized for organizational, administrative
37 and other work and services, including salaries, equipment and
38 materials necessary to administer the applicable provisions of this
39 act.
- 40 h. To the end that municipalities may not suffer a loss of taxes
41 by reason of the acquisition and ownership by the State of lands in
42 fee simple for recreation and conservation purposes, or the
43 acquisition and ownership by qualifying tax exempt nonprofit
44 organizations of lands in fee simple for recreation and conservation
45 purposes that become certified as exempt from property taxes
46 pursuant to P.L.1974, c.167 (C.54:4-3.63 et seq.) or similar laws,
47 the State shall make payments annually in the same manner as

1 payments are made pursuant to section 29 of P.L.1999,
2 c.152 (C.13:8C-29).

3 i. The State shall not use the power of eminent domain in any
4 manner for the acquisition of lands by the State for recreation and
5 conservation purposes using constitutionally dedicated CBT
6 moneys in whole or in part unless a concurrent resolution approving
7 that use is approved by both Houses of the Legislature; except that,
8 without the need for such a concurrent resolution, the State may use
9 the power of eminent domain to the extent necessary to establish a
10 value for lands to be acquired from a willing seller by the State for
11 recreation and conservation purposes using constitutionally
12 dedicated CBT moneys in whole or in part.

13

14 7. (New section) a. The State Treasurer shall establish a fund
15 to be known as the "Preserve New Jersey Blue Acres Fund" and
16 shall deposit into the fund all moneys received or appropriated by
17 law for deposit into the fund.

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

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

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

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

34 c. (1) A grant by the State for lands to be acquired by a
35 qualifying tax exempt nonprofit organization for a Blue Acres
36 project may include up to 50 percent of the Blue Acres cost of
37 acquisition of the lands by the qualifying tax exempt nonprofit
38 organization.

39 (2) A qualifying tax exempt nonprofit organization shall not use
40 as its matching share of the Blue Acres cost of acquisition of lands
41 for a Blue Acres project any constitutionally dedicated moneys, as
42 defined pursuant to section 3 of P.L.1999, c.152 (C.13:8C-3), or
43 any grant moneys obtained from a Green Acres bond act.

44 (3) To qualify to receive a grant from the Preserve New Jersey
45 Blue Acres Fund, the board of directors or governing body of the
46 applying tax exempt nonprofit organization shall:

- 1 (a) demonstrate to the commissioner that the organization
2 qualifies as a charitable conservancy for the purposes of P.L.1979,
3 c.378 (C.13:8B-1 et seq.);
- 4 (b) demonstrate that the organization has the resources to match
5 the grant requested;
- 6 (c) agree to make and keep the lands accessible to the public,
7 unless the commissioner determines that public accessibility would
8 be detrimental to the lands or any natural resources associated
9 therewith;
- 10 (d) agree not to convey the lands except to the federal
11 government, the State, a local government unit, or another
12 qualifying tax exempt nonprofit organization, for recreation and
13 conservation purposes; and
- 14 (e) agree to execute and donate to the State at no charge a
15 conservation restriction pursuant to P.L.1979, c.378 (C.13:8B-1 et
16 seq.) on the lands to be acquired with the grant.
- 17 d. The State shall not use the power of eminent domain in any
18 manner for the acquisition of lands by the State for Blue Acres
19 projects using constitutionally dedicated CBT moneys in whole or
20 in part unless a concurrent resolution approving that use is approved
21 by both Houses of the Legislature; except that, without the need for
22 such a concurrent resolution, the State may use the power of
23 eminent domain to the extent necessary to establish a value for
24 lands to be acquired from a willing seller by the State for recreation
25 and conservation purposes, as part of a Blue Acres project, using
26 constitutionally dedicated CBT moneys in whole or in part.
- 27 e. Moneys in the fund shall not be expended except in
28 accordance with appropriations from the fund made by law. Any
29 act appropriating moneys from the Preserve New Jersey Blue Acres
30 Fund shall identify the particular project or projects to be funded by
31 the moneys, and any expenditure for a project for which the
32 location is not identified by municipality and county in the
33 appropriation shall require the approval of the Joint Budget
34 Oversight Committee, or its successor.
- 35 f. Unexpended moneys due to project withdrawals,
36 cancellations, or cost savings shall be returned to the fund to be
37 used for the purposes of the fund.
- 38 g. Of the amount authorized pursuant to this section, not more
39 than five percent shall be utilized for organizational, administrative
40 and other work and services, including salaries, equipment and
41 materials necessary to administer the applicable provisions of this
42 act.
- 43
- 44 8. (New section) a. The State Treasurer shall establish a fund
45 to be known as the "Preserve New Jersey Farmland Preservation
46 Fund" and shall deposit all moneys received pursuant to paragraph
47 (2) of subsection a. of section 5 of this act and any other moneys
48 appropriated by law for deposit into the fund.

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

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

12 (2) Of the moneys deposited into the Preserve New Jersey
13 Farmland Preservation Fund each year, up to 3 percent shall be
14 allocated by the committee on an annual basis for stewardship
15 activities.

16 c. Moneys in the fund shall not be expended except in
17 accordance with appropriations from the fund made by law. Any
18 act appropriating moneys from the Preserve New Jersey Farmland
19 Preservation Fund shall identify any particular project or projects to
20 be funded by the moneys, and any expenditure for a project for
21 which the location is not identified by municipality and county in
22 the appropriation shall require the approval of the Joint Budget
23 Oversight Committee, or its successor, except as permitted
24 otherwise in accordance with the same exceptions as those specified
25 in paragraph (2) of subsection b. of section 23 of P.L.1999,
26 c.152 (C.13:8C-23).

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

29

30 9. (New section) a. The State Treasurer shall establish a fund
31 to be known as the "Preserve New Jersey Historic Preservation
32 Fund" and shall deposit all moneys received pursuant to paragraph
33 (3) of subsection a. of section 5 of this act and any other moneys
34 appropriated by law for deposit into the fund.

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

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

46 c. Moneys in the fund shall not be expended except in
47 accordance with appropriations from the fund made by law. Any
48 act appropriating moneys from the Preserve New Jersey Historic

1 Preservation Fund shall identify any particular project or projects to
2 be funded by the moneys, and any expenditure for a project for
3 which the location is not identified by municipality and county in
4 the appropriation shall require the approval of the Joint Budget
5 Oversight Committee, or its successor.

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

8
9 10. (New section) a. Notwithstanding the provisions of
10 subparagraph (b) of paragraph (2) of subsection a. of section 27 of
11 P.L.1999, c.152 (C.13:8C-27) to the contrary, a grant by the State
12 for lands acquired or developed for recreation and conservation
13 purposes by a local government unit in a municipality eligible to
14 receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.)
15 shall be for 75 percent of the cost of acquisition or development of
16 the lands by the local government unit, except that the department
17 may authorize an increase in the State's share of the cost up to 100
18 percent of the allowable funding cap established by the department
19 upon a demonstration of special need or exceptional circumstances.

20 b. A local government unit or a qualifying tax exempt
21 nonprofit organization may use a grant or loan received pursuant to
22 this act for recreation and conservation purposes for the
23 construction of a community garden, provided that public access to
24 the lands acquired for recreation and conservation purposes is not
25 limited by the community garden.

26
27 11. (New section) Lands acquired or developed by the State, a
28 local government unit, or a qualifying tax exempt nonprofit
29 organization for recreation and conservation purposes using
30 constitutionally dedicated CBT moneys shall not be conveyed,
31 disposed of, or diverted to a use for other than recreation and
32 conservation purposes without complying with the provisions of
33 sections 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through
34 C.13:8C-35), as appropriate, and any other applicable law.

35
36 12. (New section) A local government unit that receives a grant
37 or loan for recreation and conservation purposes pursuant to this act
38 shall satisfactorily operate and maintain the lands acquired or
39 developed pursuant to the conditions of the agreement between the
40 local government unit and the department when the grant or loan is
41 made. In the event that the local government unit cannot or will not
42 correct deficiencies in the operation and maintenance within a
43 reasonable time period, the commissioner may require the
44 repayment of all or a portion of the grant or loan amount received
45 by the local government unit.

46
47 13. (New section) a. At least once every two years, the
48 Department of Environmental Protection, the State Agriculture

1 Development Committee, and the New Jersey Historic Trust shall
2 each submit to the Garden State Preservation Trust a list of projects
3 recommended to receive funding pursuant to this act. Except as
4 otherwise provided by this act, such funding recommendations shall
5 be based upon the same respective priority systems, ranking
6 criteria, and funding policies as those established pursuant to
7 sections 23, 24, 26, 27, and 37 through 42 of P.L.1999,
8 c.152 (C.13:8C-23, C.13:8C-24, C.13:8C-26, C.13:8C-27, and
9 C.13:8C-37 through C.13:8C-42), section 7 of P.L.2005,
10 c.178 (C.13:8C-38.1), and sections 1 and 2 of P.L.2001,
11 c.405 (C.13:8C-40.1 and C.13:8C-40.2), and any rules or
12 regulations adopted pursuant to thereto.

13 b. The Garden State Preservation Trust shall review the project
14 lists submitted pursuant to subsection a. of this section, and prepare,
15 and submit to the Governor and to the President of the Senate and
16 the Speaker of the General Assembly for introduction in the
17 Legislature, proposed legislation appropriating moneys pursuant to
18 this act to fund projects on any such list. The Legislature may
19 approve one or more appropriation bills containing a project list or
20 lists submitted by the Garden State Preservation Trust pursuant to
21 this subsection.

22
23 14. (New section) Within one year after the date of enactment
24 of this act, and biennially thereafter, the Garden State Preservation
25 Trust, after consultation with Department of Environmental
26 Protection, the State Agriculture Development Committee, and the
27 New Jersey Historic Trust shall submit to the Governor and the
28 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
29 19.1), a written report, which shall:

30 a. Describe the progress being made with respect to the
31 acquisition and development of lands for recreation and
32 conservation purposes, including lands that have incurred flood or
33 storm damage or are likely to do so, or that may buffer or protect
34 other properties from flood or storm damage, the preservation of
35 farmland, and the preservation of historic properties, and provide
36 recommendations with respect to any legislative, administrative, or
37 local action that may be required to enable the Department of
38 Environmental Protection, the State Agriculture Development
39 Committee, and the New Jersey Historic Trust to meet their goals
40 and objectives;

41 b. Tabulate, both for the reporting period and cumulatively, the
42 total acreage for the entire State, and the acreage in each county and
43 municipality, of lands acquired for recreation and conservation
44 purposes, including lands that protect water supplies and lands that
45 have incurred flood or storm damage or are likely to do so, or that
46 may buffer or protect other properties from flood or storm damage,
47 using (1) funding provided by this act, and (2) any other funding
48 provided for such purposes;

- 1 c. Tabulate, both for the reporting period and cumulatively, the
2 total acreage for the entire State, and the acreage in each county and
3 municipality, of farmland preserved for farmland preservation
4 purposes using (1) funding provided by this act, and (2) any other
5 funding provided for such purposes;
- 6 d. Tabulate, both for the reporting period and cumulatively, the
7 total acreage for the entire State, and the acreage in each county and
8 municipality, of any donations of land for recreation and
9 conservation purposes or farmland preservation purposes;
- 10 e. List, both for the reporting period and cumulatively, and by
11 location by county and municipality, all stewardship activities
12 funded pursuant to subsection b. of section 6 of this act and
13 paragraph (2) of subsection b. of section 8 of this act;
- 14 f. List, both for the reporting period and cumulatively, and by
15 project name, project sponsor, and location by county and
16 municipality, all historic preservation projects, including emergency
17 intervention and the acquisition of historic preservation easements,
18 funded with constitutionally dedicated CBT moneys in whole or in
19 part;
- 20 g. Indicate those areas of the State where, as designated by the
21 Department of Environmental Protection in the Open Space Master
22 Plan prepared pursuant to section 5 of P.L.2002, c.76 (C.13:8C-
23 25.1), the acquisition and development of lands by the State for
24 recreation and conservation purposes, including lands that have
25 incurred flood or storm damage or are likely to do so, or that may
26 buffer or protect other properties from flood or storm damage, is
27 planned or is most likely to occur, and those areas of the State
28 where there is a need to protect water resources, including the
29 identification of lands where protection is needed to assure
30 adequate quality and quantity of drinking water supplies in times of
31 drought, indicate those areas of the State where the allocation of
32 constitutionally dedicated CBT moneys for farmland preservation
33 purposes is planned or is most likely to occur, and provide a
34 proposed schedule and expenditure plan for those acquisitions,
35 developments, and allocations, for the next reporting period, which
36 shall include an explanation of how those acquisitions,
37 developments, and allocations will be distributed throughout all
38 geographic regions of the State to the maximum extent practicable
39 and feasible;
- 40 h. List any surplus real property owned by the State or an
41 independent authority of the State that may be utilizable for
42 recreation and conservation purposes or farmland preservation
43 purposes, and indicate what action has been or must be taken to
44 effect a conveyance of those lands to the department, the
45 committee, local government units, qualifying tax exempt nonprofit
46 organizations, or other entities or persons so that the lands may be
47 preserved and used for those purposes;

1 i. List, for the reporting period, all projects for which
2 applications for funding under the Green Acres, Blue Acres,
3 farmland preservation, and historic preservation programs were
4 received but not funded with constitutionally dedicated CBT
5 moneys or other funds during the reporting period, and the reason
6 or reasons why those projects were not funded;

7 j. Tabulate, both for the reporting period and cumulatively, the
8 total acreage for the entire State, and the acreage in each county and
9 municipality, of lands acquired for recreation and conservation
10 purposes that protect water resources and that have incurred flood
11 or storm damage or are likely to do so, or that may buffer or protect
12 other properties from flood or storm damage; and

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

17

18 15. (New section) a. The Department of Environmental
19 Protection, the State Agriculture Development Committee, the New
20 Jersey Historic Trust, and the Department of the Treasury shall each
21 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
22 c.410 (C.52:14B-1 et seq.), such rules and regulations as may be
23 necessary to implement and carry out the goals and objectives of
24 this act.

25 b. Notwithstanding the provisions of any law to the contrary,
26 any rules and regulations of the Department of Environmental
27 Protection, the State Agriculture Development Committee, the New
28 Jersey Historic Trust, and the Department of the Treasury that have
29 been adopted pursuant to the "Administrative Procedure Act" and
30 are in effect as of the date of enactment of this act, that are not
31 inconsistent with the provisions of this act, and that pertain to the
32 Green Acres, Blue Acres, farmland preservation, and historic
33 preservation programs continued pursuant to this act, shall continue
34 in effect until amended or supplemented and readopted as necessary
35 to reflect the provisions and requirements of this act.

36

37 16. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to
38 read as follows:

39 24. a. (1) There is established in the Department of
40 Environmental Protection the Office of Green Acres. The
41 commissioner may appoint an administrator or director who shall
42 supervise the office, and the department may employ such other
43 personnel and staff as may be required to carry out the duties and
44 responsibilities of the department and the office pursuant to **[this**
45 **act]** P.L.1999, c.152 (C.13:8C-1 et al.) and P.L. , c. (C.)
46 (pending before the Legislature as this bill), all without regard to
47 the provisions of Title 11A, Civil Service, of the New Jersey
48 Statutes. Persons appointed or employed as provided pursuant to

1 this subsection shall be compensated in a manner similar to other
2 employees in the Executive Branch, and their compensation shall be
3 determined by the Civil Service Commission.

4 (2) The Green Acres Program in the Department of
5 Environmental Protection, together with all of its functions, powers
6 and duties, are continued and transferred to and constituted as the
7 Office of Green Acres in the Department of Environmental
8 Protection. Whenever, in any law, rule, regulation, order, contract,
9 document, judicial or administrative proceeding or otherwise,
10 reference is made to the Green Acres Program, the same shall mean
11 and refer to the Office of Green Acres in the Department of
12 Environmental Protection. This transfer shall be subject to the
13 provisions of the "State Agency Transfer Act," P.L.1971,
14 c.375 (C.52:14D-1 et seq.).

15 b. The duties and responsibilities of the office shall be as
16 follows:

17 (1) Administer all provisions of **[this act]** P.L.1999,
18 c.152 (C.13:8C-1 et al.) and P.L. , c. (C.) (pending before
19 the Legislature as this bill) pertaining to funding the acquisition and
20 development of lands for recreation and conservation purposes as
21 authorized pursuant to Article VIII, Section II, paragraph 6 and
22 paragraph 7 of the State Constitution;

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

29 (3) Adopt, with the approval of the commissioner and pursuant
30 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
31 1 et seq.), rules and regulations:

32 (a) establishing application procedures for grants and loans for
33 the acquisition and development of lands for recreation and
34 conservation purposes, criteria and policies for the evaluation and
35 priority ranking of projects for eligibility to receive funding for
36 recreation and conservation purposes using constitutionally
37 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
38 constitutionally dedicated CBT moneys pursuant to
39 P.L. , c. (C.) (pending before the Legislature as this bill),
40 any conditions that may be placed on the award of a grant or loan
41 for recreation and conservation purposes pursuant to **[this act]**
42 P.L.1999, c.152 (C.13:8C-1 et al.) or P.L. ,
43 c. (C.) (pending before the Legislature as this bill), and any
44 restrictions that may be placed on the use of lands acquired or
45 developed with a grant or loan for recreation and conservation
46 purposes pursuant to **[this act]** P.L.1999, c.152 or P.L. ,
47 c. (C.) (pending before the Legislature as this bill) . The
48 criteria and policies established pursuant to this subparagraph for

1 the evaluation and priority ranking of projects for eligibility to
2 receive funding for recreation and conservation purposes using
3 constitutionally dedicated moneys pursuant to P.L.1999,
4 c.152 (C.13:8C-1 et al.) or constitutionally dedicated CBT moneys
5 pursuant to P.L. , c. (C.) (pending before the Legislature as
6 this bill) may be based upon, but need not be limited to, such
7 factors as: protection of the environment, natural resources, water
8 resources, watersheds, aquifers, wetlands, floodplains and flood-
9 prone areas, stream corridors, beaches and coastal resources, forests
10 and grasslands, scenic views, biodiversity, habitat for wildlife, rare,
11 threatened, or endangered species, and plants; vernal habitat; degree
12 of likelihood of development; promotion of greenways; provision
13 for recreational access and use; protection of geologic, historic,
14 archaeological, and cultural resources; relative cost; parcel size; and
15 degree of public support; and

16 (b) addressing any other matters deemed necessary to implement
17 and carry out the goals and objectives of Article VIII, Section II,
18 paragraph 6 and paragraph 7 of the State Constitution and [this act]
19 P.L.1999, c.152 (C.13:8C-1 et al.) and P.L. ,
20 c. (C.) (pending before the Legislature as this bill) with
21 respect to the acquisition and development of lands for recreation
22 and conservation purposes , including the acquisition of lands for
23 recreation and conservation purposes that have been damaged by, or
24 may be prone to incurring damage caused by, storms or storm-
25 related flooding, or that may buffer or protect other lands from such
26 damage ; and

27 (4) Establishing criteria and policies for the evaluation and
28 priority ranking of State projects to acquire and develop lands for
29 recreation and conservation purposes using constitutionally
30 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
31 constitutionally dedicated CBT moneys pursuant to
32 P.L. , c. (C.) (pending before the Legislature as this bill) ,
33 which criteria and policies may be based upon, but need not be
34 limited to, such factors as: protection of the environment, natural
35 resources, water resources, watersheds, aquifers, wetlands,
36 floodplains and flood-prone areas, stream corridors, beaches and
37 coastal resources, forests and grasslands, scenic views, biodiversity,
38 habitat for wildlife, rare, threatened, or endangered species, and
39 plants; vernal habitat; degree of likelihood of development;
40 promotion of greenways; provision for recreational access and use;
41 protection of geologic, historic, archaeological, and cultural
42 resources; relative cost; parcel size; and degree of public support.

43 (cf: P.L.2008, c.29, s.114)

44

45 17. This act shall take effect immediately.

STATEMENT

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This bill would implement, for State fiscal year 2016 through State fiscal year 2019, the constitutional dedication of Corporation Business Tax (CBT) revenues for open space, farmland, and historic preservation. Senate Concurrent Resolution No. 84 (SCS) of 2014, or “Ballot Question No. 2,” presented to, and approved by, the voters of the State on November 4, 2014, amended the New Jersey Constitution to dedicate four percent of CBT revenues for open space, farmland, and historic preservation, water programs, public and private site remediation, and underground storage tank programs for fiscal years 2016 through 2019, and further increased the annual dedication for certain environmental programs from four percent to six percent commencing in fiscal year 2020 and thereafter.

Specifically with regard to open space, farmland, and historic preservation, for fiscal year 2016 through fiscal year 2019, of the four percent CBT dedication, the State Constitution dedicates annually 71 percent for: (1) providing funding, including loans or grants, for the preservation, including acquisition, development, and stewardship, of lands for recreation and conservation purposes, including lands that protect water supplies and lands that have incurred flood or storm damage or are likely to do so, or that may buffer or protect other properties from flood or storm damage (i.e., Green Acres and Blue Acres); (2) providing funding, including loans or grants, for the preservation and stewardship of land for agricultural or horticultural use and production (i.e., farmland preservation); (3) providing funding, including loans or grants, for historic preservation; and (4) paying administrative costs associated with each of those efforts. Commencing July 1, 2019 (i.e., for State fiscal year 2020 and thereafter), of the six percent of the CBT revenue to be dedicated annually for certain environmental programs, 78 percent would be dedicated for the above-listed four purposes.

The Constitution also dedicates money received from leases and conveyances of State open space lands. Under this bill, each State park, forest, or wildlife management area would receive an amount equal to the amount of revenue annually derived from leases or conveyances of lands at that State park, forest, or wildlife management area, as appropriate, to be used for recreation and conservation purposes at that State park, forest, or wildlife management area.

For fiscal year 2016 through and including fiscal year 2019, the above-described CBT dedicated revenues would be allocated as follows:

(1) 64 percent would be used for acquiring and developing lands for public recreation and conservation purposes, including lands that protect water supplies, under the Green Acres program;

1 (2) 31 percent would be used for farmland preservation
2 purposes; and

3 (3) 5 percent would be used for historic preservation purposes.

4 A maximum of 5 percent each year would be permitted to be
5 used for administrative costs associated with implementing the
6 Green Acres program.

7 Of the monies allocated for the Green Acres program and the
8 farmland preservation program, the bill also allocates funding for
9 stewardship activities. The bill defines “stewardship activity” to
10 mean “activity, which is beyond routine operations and
11 maintenance, undertaken by the State, a local government unit, or a
12 qualifying tax exempt nonprofit organization to repair or restore
13 lands acquired or developed for recreation and conservation
14 purposes for the purpose of enhancing or protecting those lands for
15 recreation and conservation purposes. For the purposes of the
16 farmland preservation program, “stewardship activity” means an
17 activity, which is beyond routine operation and maintenance,
18 undertaken by the landowner, or a farmer operator as an agent of
19 the landowner, to repair, restore, or improve lands preserved for
20 farmland preservation purposes, including but not limited to soil
21 and water conservation projects approved pursuant to section 17 of
22 P.L.1983, c.32 (C.4:1C-24).

23 Of the 64 percent allocated each year for the Green Acres
24 program: 55 percent would be used for State open space acquisition
25 and development projects; 38 percent would be used for grants and
26 loans to fund local government open space acquisition and
27 development projects; and 7 percent would be used for grants to
28 fund open space acquisition and development projects undertaken
29 by qualifying tax exempt nonprofit organizations. Of the funding
30 for State open space acquisition and development projects: 50
31 percent would be used for acquisition projects and 50 percent would
32 be used for development projects. Further, of the funding for State
33 open space development projects, up to 22 percent would be used
34 for stewardship activities undertaken on lands administered by the
35 Division of Fish and Wildlife and up to 22 percent would be used
36 for stewardship activities undertaken on lands administered by the
37 Division of Parks and Forestry. Of the funding allocated for local
38 open space acquisition and development projects, up to 2 percent
39 would be used to fund stewardship activities. Of the allocated
40 funding for open space acquisition and development projects by
41 qualifying tax exempt nonprofit organizations, 11 percent would be
42 used to fund stewardship activities.

43 “Blue Acres” is the term used to refer to properties that have
44 been damaged by storms or storm-related flooding, that appear
45 likely to incur such damage, or that may buffer or protect other
46 lands from such damage. Structures on a purchased property are
47 demolished, the debris is removed, and the land is preserved as
48 open space. The Blue Acres program is administered by the DEP’s

1 Green Acres program. Under the bill, funding under the Blue Acres
2 program, when available, would be used for (1) acquisition by the
3 State of Blue Acres properties, or (2) State grants to assist
4 qualifying tax exempt nonprofits in the acquisition of Blue Acres
5 properties. The State would be prohibited from using eminent
6 domain to acquire land for Blue Acres projects, except with the
7 approval of the Legislature by adoption of a concurrent resolution
8 to that effect. However, if needed, eminent domain proceedings
9 could be employed by the State for the purpose only of establishing
10 value.

11 This bill continues the State's existing open space, farmland, and
12 historic preservation programs. It is based on the provisions of the
13 "Garden State Preservation Trust Act" (GSPTA), as well as the
14 "Green Acres, Water Supply and Floodplain Protection, and
15 Farmland and Historic Preservation Bond Act of 2009" (P.L.2009,
16 c.117) and the "Green Acres, Farmland, Blue Acres, and Historic
17 Preservation Bond Act of 2007" (P.L.2007, c.119) and, generally,
18 defines relevant terms in the same manner as the GSPTA and
19 continues the respective priority systems, ranking criteria, and
20 funding policies set forth in the GSPTA, except as otherwise
21 specified in the bill.

22 For the Green Acres program, the bill provides that an urban aid
23 municipality may receive a grant by the State for the acquisition or
24 development of lands for recreation and conservation purposes for
25 75 percent of the cost of acquisition or development of the lands by
26 the local government unit, and this amount may be increased by the
27 DEP up to 100 percent of the allowable funding cap upon a
28 demonstration of special need or exceptional circumstances. Under
29 current law, an urban aid municipality may receive a grant for 50
30 percent of the cost of the project, with the possibility of this amount
31 being increased to a maximum of 75 percent (up to the allowable
32 cap). In addition, the bill provides that a local government unit or a
33 qualifying tax exempt nonprofit organization may use a grant or
34 loan for recreation and conservation purposes for the construction
35 of a community garden.

36 For the historic preservation program, the bill provides that
37 historic preservation funds may also be used for emergency
38 intervention and the acquisition of historic property easements. The
39 bill defines "emergency intervention" to mean an immediate
40 assessment or capital improvement necessary to protect or stabilize
41 the structural integrity of a historic property.

42 Lastly, the bill provides that the DEP, the State Agriculture
43 Development Committee, and the New Jersey Historic Trust would
44 each, at least once every two years, submit to the Garden State
45 Preservation Trust projects recommended to receive funding under
46 the bill. The Garden State Preservation Trust would then submit the
47 list of projects to the Legislature for funding in the form of
48 appropriation bills.