

[First Reprint]

**SENATE, No. 2920**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED SEPTEMBER 17, 2018

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator CHRISTOPHER "KIP" BATEMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

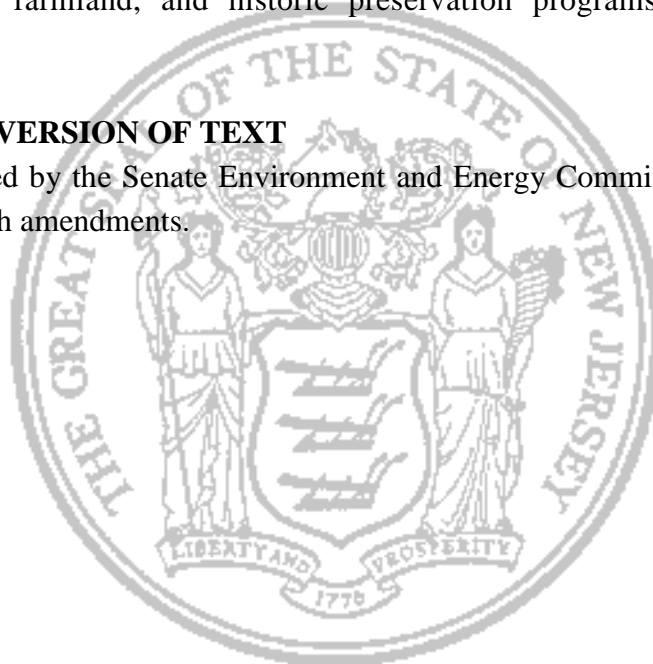
**Senator Oroho**

**SYNOPSIS**

Establishes funding allocations for constitutionally dedicated CBT revenues for Fiscal Year 2020 and thereafter and revises law for State's open space, farmland, and historic preservation programs; appropriates \$500,000.

**CURRENT VERSION OF TEXT**

As reported by the Senate Environment and Energy Committee on January 24, 2019, with amendments.



**(Sponsorship Updated As Of: 3/19/2019)**

1 AN ACT concerning the constitutional dedication of corporation  
2 business tax revenues for open space, farmland, and historic  
3 preservation, <sup>1</sup>**[and]**<sup>1</sup> amending and supplementing  
4 P.L.2016, c.12 <sup>1</sup>, amending P.L.1999, c.152, and making an  
5 appropriation<sup>1</sup> .  
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State  
8 of New Jersey:  
9

10 1. (New section) a. In each State fiscal year commencing in  
11 State fiscal year 2020 and annually thereafter, of the amount  
12 credited by the State Treasurer to the Preserve New Jersey Fund  
13 Account pursuant to subparagraph (b) of paragraph (1) of  
14 subsection a. of section 4 of P.L.2016, c.12 (C.13:8C-46):

15 (1) 62 percent shall be deposited into the Preserve New Jersey  
16 Green Acres Fund;

17 (2) 31 percent shall be deposited into the Preserve New Jersey  
18 Farmland Preservation Fund; and

19 (3) seven percent shall be deposited into the Preserve New  
20 Jersey Historic Preservation Fund.

21 b. (1) Beginning July 1, 2022, and annually thereafter, the  
22 Garden State Preservation Trust shall conduct a review of the  
23 appropriations of constitutionally dedicated CBT moneys to, and  
24 the expenditures thereof by, the Department of Environmental  
25 Protection, the State Agriculture Development Committee, and the  
26 New Jersey Historic Trust for their respective programs <sup>1</sup>**[for the**  
27 fiscal year ending two years prior to the year in which the review is  
28 occurring. If the Garden State Preservation Trust determines that  
29 the department, committee, or New Jersey Historic Trust have not  
30 expended or contractually obligated the constitutionally dedicated  
31 CBT moneys allocated pursuant to subsection a. of this section for  
32 the fiscal year ending two years prior to the year in which the  
33 review is occurring, the trust may reallocate the amount of  
34 constitutionally dedicated CBT moneys that have not been  
35 expended or contractually obligated for that particular fiscal year by  
36 the department, committee, or New Jersey Historic Trust, as  
37 applicable.

38 (2) If, after the review required pursuant to paragraph (1) of this  
39 subsection, the Garden State Preservation Trust determines it is  
40 appropriate, the trust, notwithstanding the provisions of section 6, 8,  
41 or 9 of P.L.2016, c.12 (C.13:8C-48, 50, or 51) to the contrary, shall  
42 allocate for appropriation pursuant to section 13 of P.L.2016, c.12  
43 (C.13:8C-55) the amount of unexpended, unobligated, or  
44 unappropriated constitutionally dedicated CBT moneys for the

**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:

<sup>1</sup>Senate SEN committee amendments adopted January 24, 2019.

1 fiscal year ending two years prior to the year in which the review is  
2 occurring, and shall determine, for that amount:

3 (a) the appropriate funding allocations for the Preserve New  
4 Jersey Green Acres Fund, the Preserve New Jersey Farmland  
5 Preservation Fund, or the Preserve New Jersey Historic  
6 Preservation Fund; and

7 (b) how the allocations pursuant to subparagraph (a) of this  
8 paragraph shall be allocated for the acquisition or development of  
9 lands for recreation and conservation purposes, including Blue  
10 Acres projects, farmland preservation purposes, or historic  
11 preservation purposes. The trust shall make its determinations  
12 pursuant to this subparagraph based upon a demonstrated need for  
13 funding for the acquisition or development of lands for recreation  
14 and conservation purposes, including Blue Acres projects, farmland  
15 preservation purposes, or historic preservation purposes based upon  
16 available projects, applicant demand, and past appropriations and  
17 expenditures for these purposes.

18 (3) The trust shall hold a public hearing to solicit public input  
19 when making determinations pursuant to paragraph (2) of this  
20 subsection.

21 (4) The trust shall notify the department, the committee, the  
22 New Jersey Historic Trust, and the Department of the Treasury on  
23 the results of its review and determinations pursuant to this  
24 subsection. The trust shall also send written notification to the  
25 Chairperson of the Senate Environment and Energy Committee and  
26 the Assembly Environment and Solid Waste Committee, or their  
27 successors, of any determinations and allocations made pursuant to  
28 this subsection.

29 (5) A determination by the trust to reallocate constitutionally  
30 dedicated CBT moneys for a particular fiscal year based on the  
31 review and determination made pursuant to this subsection shall not  
32 affect the allocations set forth in subsection a. of this section for  
33 any subsequent fiscal year.】 In conducting this review, the trust  
34 shall: evaluate the demonstrated need for funding for the acquisition  
35 or development of lands for recreation and conservation purposes,  
36 including Blue Acres projects, farmland preservation purposes, or  
37 historic preservation purposes based upon available projects,  
38 applicant demand, and past appropriations and expenditures for  
39 these purposes; and hold a public hearing to solicit public input on  
40 appropriate funding allocations for the department, committee, and  
41 New Jersey Historic Trust, for the upcoming fiscal year.

42 (2) If the trust determines, based on the review conducted  
43 pursuant to paragraph (1) of this subsection, that it would be  
44 appropriate to revise the allocations set forth in subsection a. of this  
45 section, or section 6, 8, or 9 of P.L.2016, c.12 (C.13:8C-48, 50, or  
46 51), the trust shall send a written notification to the Chairperson of  
47 the Senate Environment and Energy Committee, the Assembly  
48 Agriculture and Natural Resources Committee, and the Assembly

1 Environment and Solid Waste Committee, or their successors, of its  
2 findings and recommendations concerning future funding  
3 allocations for the Preserve New Jersey Green Acres Fund, the  
4 Preserve New Jersey Farmland Preservation Fund, or the Preserve  
5 New Jersey Historic Preservation Fund.

6 (3) A recommendation by the trust to reallocate constitutionally  
7 dedicated CBT moneys based on the review conducted pursuant to  
8 this subsection shall not alter the allocations set forth in subsection  
9 a. of this section or section 6, 8, or 9 of P.L.2016, c.12 (C.13:8C-48,  
10 50, or 51) for any fiscal year unless authorized by the Legislature.<sup>1</sup>

11  
12 <sup>1</sup>2. Section 3 of P.L.2016, c.12 (C.13:8C-45) is amended to read  
13 as follows:

14 3. As used in **【this act】** P.L.2016, c.12 (C.13:8C-43 et seq.) :

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

17 "Blue Acres cost" means the expenses incurred in connection  
18 with: all things deemed necessary or useful and convenient for the  
19 acquisition by the State or a qualifying tax exempt nonprofit  
20 organization, for recreation and conservation purposes, of lands that  
21 have been damaged by, or may be prone to incurring damage caused  
22 by, storms or storm-related flooding, or that may buffer or protect  
23 other lands from such damage; the execution of any agreements or  
24 franchises deemed by the Department of Environmental Protection  
25 to be necessary or useful and convenient in connection with any  
26 Blue Acres project authorized by **【this act】** P.L.2016, c.12  
27 (C.13:8C-43 et seq.) ; the procurement or provision of appraisal,  
28 archaeological, architectural, conservation, design, engineering,  
29 financial, geological, historic research, hydrological, inspection,  
30 legal, planning, relocation, surveying, or other professional advice,  
31 estimates, reports, services, or studies; the purchase of title  
32 insurance; the undertaking of feasibility studies; the demolition of  
33 structures, the removal of debris, and the restoration of lands to a  
34 natural state or to a state useful for recreation and conservation  
35 purposes; the establishment of a reserve fund or funds for working  
36 capital, operating, maintenance, or replacement expenses as the  
37 Director of the Division of Budget and Accounting in the  
38 Department of the Treasury may determine; and reimbursement to  
39 any fund of the State of moneys that may have been transferred or  
40 advanced therefrom to any fund established by **【this act】** P.L.2016,  
41 c.12 (C.13:8C-43 et seq.) , or any moneys that may have been  
42 expended therefrom for, or in connection with, **【this act】** P.L.2016,  
43 c.12 (C.13:8C-43 et seq.) .

44 "Blue Acres project" means any project of the State or a  
45 qualifying tax exempt nonprofit organization to acquire, for  
46 recreation and conservation purposes, lands that have been damaged  
47 by, or may be prone to incurring damage caused by, storms or

1 storm-related flooding, or that may buffer or protect other lands  
2 from such damage.

3 "Commissioner" means the Commissioner of Environmental  
4 Protection.

5 "Committee" means the State Agriculture Development  
6 Committee established pursuant to section 4 of P.L.1983, c.31  
7 (C.4:1C-4).

8 "Constitutionally dedicated CBT moneys" means any moneys  
9 made available pursuant to Article VIII, Section II, paragraph 6 of  
10 the State Constitution deposited in the funds established pursuant to  
11 sections 6, 7, 8, and 9 of **[this act]** P.L.2016, c.12 (C.13:8C-48  
12 through C.13:8C-51) , and appropriated by law, for recreation and  
13 conservation, farmland preservation, or historic preservation  
14 purposes set forth in Article VIII, Section II, paragraph 6 of the  
15 State Constitution or **[this act]** P.L.2016, c.12 (C.13:8C-43 et seq.)

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

18 "Cost" means the expenses incurred in connection with: all  
19 things deemed necessary or useful and convenient for the  
20 acquisition or development of lands for recreation and conservation  
21 purposes, the acquisition of development easements or fee simple  
22 titles to farmland, or the preservation of historic properties, as the  
23 case may be; the execution of any agreements or franchises deemed  
24 by the Department of Environmental Protection, State Agriculture  
25 Development Committee, or New Jersey Historic Trust, as the case  
26 may be, to be necessary or useful and convenient in connection with  
27 any project funded in whole or in part using constitutionally  
28 dedicated CBT moneys; the procurement or provision of appraisal,  
29 archaeological, architectural, conservation, design, engineering,  
30 financial, geological, historic research, hydrological, inspection,  
31 legal, planning, relocation, surveying, or other professional advice,  
32 estimates, reports, services, or studies; the purchase of title  
33 insurance; the undertaking of feasibility studies; materials and labor  
34 costs for stewardship activities, but not overhead or administration  
35 costs for such activities; the establishment of a reserve fund or  
36 funds for working capital, operating, maintenance, or replacement  
37 expenses, as the Director of the Division of Budget and Accounting  
38 in the Department of the Treasury may determine; and  
39 reimbursement to any fund of the State of moneys that may have  
40 been transferred or advanced therefrom to any fund established by  
41 **[this act]** P.L.2016, c.12 (C.13:8C-43 et seq.) , or any moneys that  
42 may have been expended therefrom for, or in connection with, **[this**  
43 **act]** P.L.2016, c.12 (C.13:8C-43 et seq.) .

44 "Department" means the Department of Environmental  
45 Protection.

46 "Development" or "develop" means, except as used in the  
47 definitions of "acquisition" and "development easement" in this

1 section, any improvement, including a stewardship activity, made to  
2 a land or water area designed to expand and enhance its utilization  
3 for recreation and conservation purposes, and shall include the  
4 construction, renovation, or repair of any such improvement, but  
5 shall not mean shore protection or beach nourishment or  
6 replenishment activities.

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

9 "Emergency intervention" means an immediate assessment or  
10 capital improvement necessary to protect or stabilize the structural  
11 integrity of a historic property.

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

14 "Farmland preservation," "farmland preservation purposes," or  
15 "preservation of farmland" means the same as those terms are  
16 defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

17 "Garden State Preservation Trust" or "trust" means the Garden  
18 State Preservation Trust established pursuant to section 4 of  
19 P.L.1999, c.152 (C.13:8C-4).

20 "Green Acres bond act" means: P.L.1961, c.46; P.L.1971, c.165;  
21 P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265;  
22 P.L.1989, c.183; P.L.1992, c.88; P.L.1995, c.204; P.L.2007, c.119;  
23 P.L.2009, c.117; and any State general obligation bond act that may  
24 be approved after the date of enactment of **[this act]** P.L.2016, c.12  
25 (C.13:8C-43 et seq.) for the purpose of providing funding for the  
26 acquisition or development of lands for recreation and conservation  
27 purposes or for farmland preservation purposes.

28 "Historic preservation," "historic preservation purposes," or  
29 "preservation of historic properties" means the same as those terms  
30 are defined in section 3 of P.L.1999, c.152 (C.13:8C-3) and shall  
31 also include emergency intervention and the acquisition of a  
32 historic preservation easement.

33 "Historic preservation easement" means an interest in land, less  
34 than fee simple title thereto, that is purchased from a private or  
35 governmental property owner to permanently protect a historic  
36 property, and that is granted by the property owner to the New  
37 Jersey Historic Trust, a local government unit, or a qualifying tax  
38 exempt nonprofit organization.

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

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

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

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

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

1 "Preserve New Jersey Blue Acres Fund" means the Preserve New  
2 Jersey Blue Acres Fund established pursuant to section 7 of **[this**  
3 **act]** P.L.2016, c.12 (C.13:8C-49) .

4 "Preserve New Jersey Farmland Preservation Fund" means the  
5 Preserve New Jersey Farmland Preservation Fund established  
6 pursuant to section 8 of **[this act]** P.L.2016, c.12 (C.13:8C-50) .

7 "Preserve New Jersey Green Acres Fund" means the Preserve  
8 New Jersey Green Acres Fund established pursuant to section 6 of  
9 **[this act]** P.L.2016, c.12 (C.13:8C-48) .

10 "Preserve New Jersey Historic Preservation Fund" means the  
11 Preserve New Jersey Historic Preservation Fund established  
12 pursuant to section 9 of **[this act]** P.L.2016, c.12 (C.13:8C-51) .

13 "Preserve New Jersey Fund Account" means the Preserve New  
14 Jersey Fund Account established pursuant to section 4 of **[this act]**  
15 P.L.2016, c.12 (C.13:8C-46) .

16 "Project" means all things deemed necessary or useful and  
17 convenient in connection with the acquisition or development of  
18 lands for recreation and conservation purposes, the acquisition of  
19 development easements or fee simple titles to farmland, or the  
20 preservation of historic properties, as the case may be.

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

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

25 "Stewardship activity" means an activity, which is beyond  
26 routine operations and maintenance, undertaken by the State, a local  
27 government unit, or a qualifying tax exempt nonprofit organization  
28 to repair, or restore lands acquired or developed for recreation and  
29 conservation purposes for the purpose of enhancing or protecting  
30 those lands for recreation and conservation purposes. For the  
31 purposes of the farmland preservation program, "stewardship  
32 activity" means an activity, which is beyond routine operation and  
33 maintenance, undertaken by the landowner, or a farmer operator as  
34 an agent of the landowner, to repair, restore, or improve lands  
35 preserved for farmland preservation purposes, including , but not  
36 limited to , soil and water conservation projects approved pursuant  
37 to section 17 of P.L.1983, c.32 (C.4:1C-24) and projects that  
38 improve the resiliency of farmland soils.<sup>1</sup>

39 (cf: P.L.2016, c.12, s.3)

40

41 <sup>1</sup>**[2.] 3.**<sup>1</sup> Section 6 of P.L.2016, c.12 (C.13:8C-48) is amended  
42 to read as follows:

43 6. a. The State Treasurer shall establish a fund to be known as  
44 the "Preserve New Jersey Green Acres Fund" and shall deposit into  
45 the fund all moneys received pursuant to paragraph (1) of  
46 subsection a. of section 5 of P.L.2016, c.12 (C.13:8C-47) ,  
47 paragraph (1) of subsection a. of section 1 of P.L. , c. (C. )

1 (pending before the Legislature as this bill), and any other moneys  
2 appropriated by law for deposit into the fund.

3 Moneys in the fund shall be invested in permitted investments or  
4 shall be held in interest-bearing accounts in those depositories as  
5 the State Treasurer may select, and may be invested and reinvested  
6 in permitted investments or as other trust funds in the custody of the  
7 State Treasurer in the manner provided by law. All interest or other  
8 income or earnings derived from the investment or reinvestment of  
9 moneys in the fund shall be credited to the fund. Moneys derived  
10 from the payment of principal and interest on the loans to local  
11 government units authorized by **[this act]** P.L.2016, c.12 (C.13:8C-  
12 43 et seq.) shall also be held in the fund.

13 b. Of the amount deposited **[each State fiscal year]** in State  
14 fiscal year 2017 through and including State fiscal year 2019 into  
15 the Preserve New Jersey Green Acres Fund pursuant to paragraph  
16 (1) of subsection a. of section 5 of P.L.2016, c.12 (C.13:8C-47):

17 (1) 55 percent shall be allocated for the purpose of paying the  
18 cost of acquisition and development of lands by the State for  
19 recreation and conservation purposes, and the amount provided  
20 pursuant to this paragraph shall be allocated as follows:

21 (a) 50 percent shall be allocated for the purpose of paying the  
22 cost of acquisition of lands by the State for recreation and  
23 conservation purposes; and

24 (b) 50 percent shall be allocated for the purpose of paying the  
25 cost of development of lands by the State for recreation and  
26 conservation purposes, and of the amount provided pursuant to this  
27 subparagraph:

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

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

34 (2) 38 percent shall be allocated for the purposes of providing  
35 grants and loans to assist local government units to pay the cost of  
36 acquisition and development of lands for recreation and  
37 conservation purposes, and of this amount, up to **[2]** two percent  
38 shall be allocated for stewardship activities undertaken by local  
39 government units; and

40 (3) **[7]** seven percent shall be allocated for the purposes of  
41 providing grants to assist qualifying tax exempt nonprofit  
42 organizations to pay the cost of acquisition and development of  
43 lands for recreation and conservation purposes, and of this amount,  
44 11 percent shall be allocated for stewardship activities undertaken  
45 by qualifying tax exempt nonprofit organizations.

46 c. Any repayments of the principal and interest on loans issued  
47 to local government units for the acquisition or development of  
48 lands for recreation and conservation purposes using



1 constitutionally dedicated CBT moneys shall be deposited into the  
2 Preserve New Jersey Green Acres Fund, and shall be specifically  
3 dedicated for the issuance of additional 'grants and' loans in the  
4 same manner as provided in '[subsection] subsections a. and' b. of  
5 section 27 of P.L.1999, c.152 (C.13:8C-27) 'and this section' .

6 d. (1) The moneys in the fund are specifically dedicated and  
7 shall be used for the same purposes and according to the same  
8 criteria and provisions as those set forth in section 26 of P.L.1999,  
9 c.152 (C.13:8C-26), and as provided pursuant to P.L.2016, c.12  
10 (C.13:8C-43 et seq.) and **[paragraph (3) of]** this **[subsection]**  
11 section .

12 (2) Grants and loans issued to local government units and grants  
13 issued to qualifying tax exempt nonprofit organizations using  
14 constitutionally dedicated CBT moneys for the acquisition and  
15 development of lands for recreation and conservation purposes shall  
16 be subject to the same provisions as those prescribed in section 27  
17 of P.L.1999, c.152 (C.13:8C-27), except as otherwise provided in  
18 section 10 of P.L.2016, c.12 (C.13:8C-52).

19 (3) Notwithstanding any provision of P.L.2016, c.12 (C.13:8C-  
20 43 et seq.) or P.L.1999, c.152 (C.13:8C-1 et seq.) to the contrary,  
21 projects of the Palisades Interstate Park Commission established  
22 pursuant to P.L.1980, c.104 (C.32:14-1.1 et seq.) for the acquisition  
23 or development of land for recreation and conservation purposes in  
24 New Jersey shall be considered State projects for the purposes of  
25 eligibility for funding pursuant to the provisions of P.L.2016, c.12  
26 (C.13:8C-43 et seq.).

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 Green  
30 Acres Fund shall identify any particular project or projects to be  
31 funded by the moneys, and any expenditure for a project for which  
32 the 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, except as permitted  
35 otherwise in accordance with the same exceptions as those specified  
36 in paragraph (2) of subsection a. of section 23 of P.L.1999, c.152  
37 (C.13:8C-23).

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

40 g. Of the amount authorized pursuant to this section, not more  
41 than five percent shall be utilized for organizational, administrative  
42 and other work and services, including salaries, equipment and  
43 materials necessary to administer the applicable provisions of **[this**  
44 **act]** P.L.2016, c.12 (C.13:8C-43 et seq.) .

45 h. To the end that municipalities may not suffer a loss of taxes  
46 by reason of the acquisition and ownership by the State of lands in  
47 fee simple for recreation and conservation purposes, or the

1 acquisition and ownership by qualifying tax exempt nonprofit  
 2 organizations of lands in fee simple for recreation and conservation  
 3 purposes that become certified as exempt from property taxes  
 4 pursuant to P.L.1974, c.167 (C.54:4-3.63 et seq.) or similar laws,  
 5 the State shall make payments annually in the same manner as  
 6 payments are made pursuant to section 29 of P.L.1999, c.152  
 7 (C.13:8C-29).

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

18 j. Of the amount deposited in each State fiscal year  
 19 commencing in State fiscal year 2020 and annually thereafter into  
 20 the Preserve New Jersey Green Acres Fund pursuant to paragraph  
 21 (1) of subsection a. of section 1 of P.L. , c. (C. ) (pending  
 22 before the Legislature as this bill):

23 (1) 60 percent shall be allocated for the purpose of paying the  
 24 cost of acquisition and development of lands by the State for  
 25 recreation and conservation purposes, and the amount provided  
 26 pursuant to this paragraph shall be allocated as follows:

27 (a) <sup>1</sup>[50] 45<sup>1</sup> percent shall be allocated for the purpose of  
 28 paying the cost of acquisition of lands by the State for recreation  
 29 and conservation purposes, <sup>1</sup>[including] and of this amount, a  
 30 minimum of 10 percent shall be allocated for<sup>1</sup> Blue Acres projects;  
 31 and

32 (b) <sup>1</sup>[50] 55<sup>1</sup> percent shall be allocated for the purpose of  
 33 paying the cost of development of lands by the State for recreation  
 34 and conservation purposes, and of the amount provided pursuant to  
 35 this subparagraph:

36 (i) 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 Fish and Wildlife in the department; and

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

42 (2) <sup>1</sup>[34] 30<sup>1</sup> percent shall be allocated for the purposes of  
 43 providing grants and loans to assist local government units to pay  
 44 the cost of acquisition and development of lands for recreation and  
 45 conservation purposes, including Blue Acres projects, and of this  
 46 amount, up to <sup>1</sup>[two] 10<sup>1</sup> percent shall be allocated for stewardship  
 47 activities undertaken by local government units; and

1       (3) ~~‘[six] 10~~<sup>1</sup> percent shall be allocated for the purposes of  
2       providing grants to assist qualifying tax exempt nonprofit  
3       organizations to pay the cost of acquisition and development of  
4       lands for recreation and conservation purposes, including Blue  
5       Acres projects, and of this amount, 11 percent shall be allocated for  
6       stewardship activities undertaken by qualifying tax exempt  
7       nonprofit organizations.

8       k. (1) In addition to the purposes set forth in subsection d. of  
9       this section, moneys in the Preserve New Jersey Green Acres Fund  
10      may be applied for the purposes of providing moneys to:

11      (a) meet the Blue Acres costs to the State for the acquisition of  
12      lands for a Blue Acres project; or

13      (b) provide grants, pursuant to the provisions of paragraph (2) of  
14      this subsection, to assist a qualifying tax exempt nonprofit  
15      organization in meeting the Blue Acres costs for the acquisition of  
16      lands for a Blue Acres project.

17      (2) A grant by the State for lands to be acquired by a qualifying  
18      tax exempt nonprofit organization for a Blue Acres project may  
19      include up to 50 percent of the Blue Acres cost of acquisition of the  
20      lands by the qualifying tax exempt nonprofit organization.

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

26      (b) To qualify to receive a grant from the Preserve New Jersey  
27      Blue Acres Fund, the board of directors or governing body of the  
28      applying tax exempt nonprofit organization shall:

29      (i) demonstrate to the commissioner that the organization  
30      qualifies as a charitable conservancy for the purposes of P.L.1979,  
31      c.378 (C.13:8B-1 et seq.);

32      (ii) demonstrate that the organization has the resources to match  
33      the grant requested;

34      (iii) agree to make and keep the lands accessible to the public,  
35      unless the commissioner determines that public accessibility would  
36      be detrimental to the lands or any natural resources associated  
37      therewith;

38      (iv) agree not to convey the lands except to the federal  
39      government, the State, a local government unit, or another  
40      qualifying tax exempt nonprofit organization, for recreation and  
41      conservation purposes; and

42      (v) agree to execute and donate to the State at no charge a  
43      conservation restriction pursuant to P.L.1979, c.378 (C.13:8B-1 et  
44      seq.) on the lands to be acquired with the grant.

45      <sup>1</sup>l. In addition to any other reporting requirements required by  
46      law, the department shall annually send a written report to the  
47      Chairperson of the Senate Environment and Energy Committee, the  
48      Assembly Agriculture and Natural Resources Committee, and the

1 Assembly Environment and Solid Waste Committee, or their  
2 successors, identifying the projects funded with moneys pursuant to  
3 subparagraph (b) of paragraph (1) of subsection j. of this section.  
4 This report shall: (1) identify the project type, location, and cost for  
5 each development project; and (2) identify the stewardship  
6 activities, including the location and cost for each stewardship  
7 activity, undertaken on lands administered by the Division of Fish  
8 and Wildlife and Division of Parks and Forestry pursuant to  
9 subparagraph (b) of paragraph (1) of subsection j. of this section.<sup>1</sup>  
10 (cf: P.L.2018, c.95, s.1)

11  
12 <sup>1</sup>**[3.] 4.**<sup>1</sup> Section 8 of P.L.2016, c.12 (C.13:8C-50) is amended  
13 to read as follows:

14 8. a. The State Treasurer shall establish a fund to be known as  
15 the "Preserve New Jersey Farmland Preservation Fund" and shall  
16 deposit all moneys received pursuant to paragraph (3) of subsection  
17 a. of section 5 of **[this act]** P.L.2016, c.12 (C.13:8C-47), paragraph  
18 (2) of subsection a. of section 1 of P.L. , c. (C. ) (pending  
19 before the Legislature as this bill), and any other moneys  
20 appropriated by law for deposit into the fund.

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

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

32 (2) Of the moneys deposited into the Preserve New Jersey  
33 Farmland Preservation Fund <sup>1</sup>**[each year,]** : (a) in State fiscal year  
34 2017 through and including State fiscal year 2019,<sup>1</sup> up to **[3]** three  
35 percent shall be allocated by the committee on an annual basis for  
36 stewardship activities<sup>1</sup>; and (b) commencing in State fiscal year  
37 2020 and annually thereafter, up to four percent shall be allocated  
38 by the committee on an annual basis for stewardship activities<sup>1</sup> .

39 c. Moneys in the fund shall not be expended except in  
40 accordance with appropriations from the fund made by law. Any  
41 act appropriating moneys from the Preserve New Jersey Farmland  
42 Preservation Fund shall identify any particular project or projects to  
43 be funded by the moneys, and any expenditure for a project for  
44 which the location is not identified by municipality and county in  
45 the appropriation shall require the approval of the Joint Budget  
46 Oversight Committee, or its successor, except as permitted  
47 otherwise in accordance with the same exceptions as those specified

1 in paragraph (2) of subsection b. of section 23 of P.L.1999, c.152  
2 (C.13:8C-23).

3 d. Unexpended moneys due to project withdrawals,  
4 cancellations, or cost savings shall be returned to the fund.  
5 (cf: P.L.2016, c.12, s.8)

6  
7 <sup>1</sup>**[4.] 5.**<sup>1</sup> Section 9 of P.L.2016, c.12 (C.13:8C-51) is amended  
8 to read as follows:

9 9. a. The State Treasurer shall establish a fund to be known as  
10 the "Preserve New Jersey Historic Preservation Fund" and shall  
11 deposit all moneys received pursuant to paragraph (4) of subsection  
12 a. of section 5 of P.L.2016, c.12 (C.13:8C-47) , paragraph (3) of  
13 subsection a. of section 1 of P.L. , c. (C. ) (pending before  
14 the Legislature as this bill), and any other moneys appropriated by  
15 law for deposit into the fund.

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

23 b. (1) The moneys in the fund are specifically dedicated and  
24 shall be used for <sup>1</sup>;

25 (a)<sup>1</sup> the same purposes as those set forth in section 41 of  
26 P.L.1999, c.152 (C.13:8C-41) <sup>1</sup>**[, [and] for]** ;

27 (b)<sup>1</sup> emergency intervention and the acquisition of historic  
28 preservation easements <sup>1</sup>**[, and shall be allocated by the New Jersey**  
29 **Historic Trust as provided in subsection e. of this section]** ;

30 (c) matching grants to the Department of Environmental  
31 Protection to meet the cost of preservation of State-owned historic  
32 properties; and

33 (d) the purposes as provided in paragraphs (2) and (3) of this  
34 subsection<sup>1</sup> .

35 (2) Notwithstanding any provision of P.L.2016, c.12 (C.13:8C-  
36 43 et seq.) or P.L.1999, c.152 (C.13:8C-1 et seq.) to the contrary,  
37 the Palisades Interstate Park Commission established pursuant to  
38 P.L.1980, c.104 (C.32:14-1.1 et seq.) shall be eligible for grants  
39 pursuant to the provisions of section 41 of P.L.1999, c.152  
40 (C.13:8C-41) for projects located in New Jersey. A project by the  
41 Palisades Interstate Park Commission for historic preservation  
42 purposes shall be subject to the same criteria and conditions set  
43 forth in section 41 of P.L.1999, c.152 (C.13:8C-41) applicable to a  
44 project by a local government unit.

45 <sup>1</sup>(3) Notwithstanding any provision of P.L.2016, c.12 (C.13:8C-  
46 43 et seq.) or P.L.1999, c.152 (C.13:8C-1 et seq.) to the contrary, an  
47 amount not to exceed \$500,000 may be appropriated from the

1 Preserve New Jersey Historic Preservation Fund to the New Jersey  
 2 Historic Trust for the purposes of establishing an electronic  
 3 database to track projects that receive funding for historic  
 4 preservation puposes.<sup>1</sup>

5 c. Moneys in the fund shall not be expended except in  
 6 accordance with appropriations from the fund made by law. Any  
 7 act appropriating moneys from the Preserve New Jersey Historic  
 8 Preservation Fund shall identify any particular project or projects to  
 9 be funded by the moneys, and any expenditure for a project for  
 10 which the location is not identified by municipality and county in  
 11 the appropriation shall require the approval of the Joint Budget  
 12 Oversight Committee, or its successor.

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

15 <sup>1</sup>【e. Of the amount deposited in each State fiscal year  
 16 commencing in State fiscal year 2020 and annually thereafter into  
 17 the Preserve New Jersey Historic Preservation Fund pursuant to  
 18 paragraph (3) of subsection a. of section 1 of P.L. , c. (C. )  
 19 (pending before the Legislature as this bill), a minimum of 50  
 20 percent shall be allocated for Level II capital preservation grants.

21 As used in this subsection, “Level II capital preservation grant”  
 22 means a construction grant awarded by the New Jersey Historic  
 23 Trust for the preservation, restoration, or rehabilitation of a historic  
 24 property in an amount between \$150,001 to \$750,000.】<sup>1</sup>

25 (cf: P.L.2018, c.95, s.2)

26  
 27 <sup>1</sup>6. Section 13 of P.L.2016, c.12 (C.13:8C-55) is amended to  
 28 read as follows:

29 13. a. At least once **【every two years】** each State fiscal year ,  
 30 the Department of Environmental Protection, the State Agriculture  
 31 Development Committee, and the New Jersey Historic Trust shall  
 32 each submit to the Garden State Preservation Trust a list of projects  
 33 recommended to receive funding pursuant to **【this act】** P.L.2016,  
 34 c.12 (C.13:8C-43 et seq.) . Except as otherwise provided by **【this**  
 35 **act】** P.L.2016, c.12 (C.13:8C-43 et seq.) , such funding  
 36 recommendations shall be based upon the same respective priority  
 37 systems, ranking criteria, and funding policies as those established  
 38 pursuant to sections 23, 24, 26, 27, and 37 through 42 of P.L.1999,  
 39 c.152 (C.13:8C-23, C.13:8C-24, C.13:8C-26, C.13:8C-27, and  
 40 C.13:8C-37 through C.13:8C-42), section 7 of P.L.2005, c.178  
 41 (C.13:8C-38.1), and sections 1 and 2 of P.L.2001, c.405 (C.13:8C-  
 42 40.1 and C.13:8C-40.2), and any rules or regulations adopted  
 43 pursuant to thereto.

44 b. The Garden State Preservation Trust shall review the project  
 45 lists submitted pursuant to subsection a. of this section, and prepare,  
 46 and submit to the Governor and to the President of the Senate and  
 47 the Speaker of the General Assembly for introduction in the

1 Legislature, proposed legislation appropriating moneys pursuant to  
2 **【this act】** P.L.2016, c.12 (C.13:8C-43 et seq.) to fund projects on  
3 any such list. The Legislature may approve one or more  
4 appropriation bills containing a project list or lists submitted by the  
5 Garden State Preservation Trust pursuant to this subsection.<sup>1</sup>  
6 (cf: P.L.2016, c.12, s.13)  
7

8 <sup>1</sup>7. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to  
9 read as follows:

10 24. a. (1) There is established in the Department of  
11 Environmental Protection the Office of Green Acres. The  
12 commissioner may appoint an administrator or director who shall  
13 supervise the office, and the department may employ such other  
14 personnel and staff as may be required to carry out the duties and  
15 responsibilities of the department and the office pursuant to  
16 P.L.1999, c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-43  
17 et **【al.】** seq.), all without regard to the provisions of Title 11A,  
18 Civil Service, of the New Jersey Statutes. Persons appointed or  
19 employed as provided pursuant to this subsection shall be  
20 compensated in a manner similar to other employees in the  
21 Executive Branch, and their compensation shall be determined by  
22 the Civil Service Commission.

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

34 b. The duties and responsibilities of the office shall be as  
35 follows:

36 (1) Administer all provisions of P.L.1999, c.152 (C.13:8C-1 et  
37 al.) and P.L.2016, c.12 (C.13:8C-43 et **【al.】** seq.) pertaining to  
38 funding the acquisition and development of lands for recreation and  
39 conservation purposes as authorized pursuant to Article VIII,  
40 Section II, paragraph 6 and paragraph 7 of the State Constitution;

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

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

4 (a) establishing application procedures for grants and loans for  
5 the acquisition and development of lands for recreation and  
6 conservation purposes, criteria and policies for the evaluation and  
7 priority ranking of projects for eligibility to receive funding for  
8 recreation and conservation purposes using constitutionally  
9 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or  
10 constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12  
11 (C.13:8C-43 et **al.** seq.), any conditions that may be placed on the  
12 award of a grant or loan for recreation and conservation purposes  
13 pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or P.L.2016, c.12  
14 (C.13:8C-43 et al.), and any restrictions that may be placed on the  
15 use of lands acquired or developed with a grant or loan for  
16 recreation and conservation purposes pursuant to P.L.1999, c.152  
17 (C.13:8C-1 et al.) or P.L.2016, c.12 (C.13:8C-43 et **al.** seq.). The  
18 criteria and policies established pursuant to this subparagraph for  
19 the evaluation and priority ranking of projects for eligibility to  
20 receive funding for recreation and conservation purposes using  
21 constitutionally dedicated moneys pursuant to P.L.1999, c.152  
22 (C.13:8C-1 et al.) or constitutionally dedicated CBT moneys  
23 pursuant to P.L.2016, c.12 (C.13:8C-43 et **al.** seq.) may be based  
24 upon, but need not be limited to, such factors as: protection of the  
25 environment, natural resources, water resources, watersheds,  
26 aquifers, wetlands, floodplains and flood-prone areas, stream  
27 corridors, beaches and coastal resources, forests and grasslands,  
28 scenic views, biodiversity, habitat for wildlife, rare, threatened, or  
29 endangered species, and plants; vernal habitat; degree of likelihood  
30 of development; promotion of greenways; provision for recreational  
31 access and use; protection of geologic, historic, archaeological, and  
32 cultural resources; relative cost; parcel size; and degree of public  
33 support; **[and]**

34 (b) addressing any other matters deemed necessary to implement  
35 and carry out the goals and objectives of Article VIII, Section II,  
36 paragraph 6 and paragraph 7 of the State Constitution and P.L.1999,  
37 c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-  
38 43 et **al.** seq.) with respect to the acquisition and development of  
39 lands for recreation and conservation purposes, including the  
40 acquisition of lands for recreation and conservation purposes that  
41 have been damaged by, or may be prone to incurring damage caused  
42 by, storms or storm-related flooding, or that may buffer or protect  
43 other lands from such damage; and

44 (c) establishing application requirements and a fee schedule for  
45 the review by the department of applications to convey, dispose of,  
46 or divert to a use other than recreation and conservation purposes  
47 lands acquired or developed by a local government unit or a



qualifying tax exempt nonprofit organization for recreation and conservation purposes using funds from any Green Acres bond act, constitutionally dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.), or constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.), or lands held by the local government unit for recreation and conservation purposes at the time of receipt of such funds. The fees established pursuant to this subparagraph shall reflect the costs of the Office of Green Acres incurred in processing and reviewing applications to convey, dispose of, or divert lands acquired, developed, or held for recreation and conservation purposes to a use other than recreation and conservation purposes. All fees collected pursuant to the fee schedule adopted pursuant to this subparagraph shall be used to offset the administrative costs of the Office of Green Acres associated with such reviews pursuant to the provisions of section 13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-35), and section 11 of P.L.2016, c.12 (C.13:8C-53), as appropriate, and any other applicable law; and

(4) Establishing criteria and policies for the evaluation and priority ranking of State projects to acquire and develop lands for recreation and conservation purposes using constitutionally dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et **[al.]** seq.), which criteria and policies may be based upon, but need not be limited to, such factors as: protection of the environment, natural resources, water resources, watersheds, aquifers, wetlands, floodplains and flood-prone areas, stream corridors, beaches and coastal resources, forests and grasslands, scenic views, biodiversity, habitat for wildlife, rare, threatened, or endangered species, and plants; vernal habitat; degree of likelihood of development; promotion of greenways; provision for recreational access and use; protection of geologic, historic, archaeological, and cultural resources; relative cost; parcel size; and degree of public support.<sup>1</sup>

(cf: P.L.2016, c.12, s.16)

<sup>1</sup>8. (New section) Notwithstanding the provisions of paragraph (2) of subsection b. of section 18 of P.L.1999, c.152 (C.13:8C-18) or any Green Acres bond act to the contrary, any repayments of the principal and interest on loans issued to local government units for the acquisition or development of lands for recreation and conservation purposes pursuant to subsection b. of section 27 of P.L.1999, c.152 (C.13:8C-27) or any Green Acres bond act, as applicable, shall be allocated only for the issuance of additional grants or loans to local government units for the acquisition or development of lands for recreation and conservation purposes.<sup>1</sup>

1       <sup>1</sup>9. (New section) a. Whenever the Commissioner of  
2       Environmental Protection finds that a person has violated section 13  
3       of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419  
4       (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections  
5       31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-  
6       35), or section 11 of P.L.2016, c.12 (C.13:8C-53), or any other  
7       applicable law, or any rule or regulation adopted pursuant thereto,  
8       concerning the conveyance, disposal, or diversion of lands acquired,  
9       developed, or held for recreation and conservation purposes, the  
10      commissioner may:

11      (1) issue an order requiring any such person to comply in  
12      accordance with subsection b. of this section; or

13      (2) bring a civil action in accordance with subsection c. of this  
14      section; or

15      (3) levy a civil administrative penalty in accordance with  
16      subsection d. of this section; or

17      (4) bring an action for a civil penalty in accordance with  
18      subsection e. of this section.

19      Recourse to any of the remedies available under this section shall  
20      not preclude recourse to any of the other remedies prescribed in this  
21      section or by any other applicable law.

22      b. Whenever, on the basis of available information, the  
23      commissioner finds a person in violation of any provision of section  
24      13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419  
25      (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections  
26      31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-  
27      35), or section 11 of P.L.2016, c.12 (C.13:8C-53), or any other  
28      applicable law, or any rule or regulation adopted pursuant thereto,  
29      the commissioner may issue an order: (1) specifying the provision  
30      or provisions of the law, rule, or regulation, being violated; (2)  
31      citing the action which constituted the violation; (3) requiring  
32      compliance with the provision or provisions violated; (4) requiring  
33      the restoration of the area which is the site of the violation; and (5)  
34      providing notice to the person of the right to a hearing on the  
35      matters contained in the order.

36      c. The commissioner is authorized to institute a civil action in  
37      Superior Court for appropriate relief from any violation of any  
38      provision of any provision of section 13 of P.L.1961, c.45  
39      (C.13:8A-13), section 13 of P.L.1971, c.419 (C.13:8A-31), section  
40      13 of P.L.1975, c.155 (C.13:8A-47), sections 31 through 35 of  
41      P.L.1999, c.152 (C.13:8C-31 through C.13:8C-35), or section 11 of  
42      P.L.2016, c.12 (C.13:8C-53), or any other applicable law, or any  
43      rule or regulation adopted pursuant thereto. Such relief may  
44      include, singly or in combination:

45      (1) a temporary or permanent injunction;

46      (2) assessment of the violator for the costs of any investigation,  
47      inspection, or monitoring survey which led to the establishment of

1 the violation, and for the reasonable costs of preparing and bringing  
2 legal action under this subsection;

3 (3) assessment of the violator for any costs incurred by the State  
4 in removing, correcting, or terminating the adverse effects resulting  
5 from any unauthorized regulated activity for which legal action  
6 under this subsection may have been brought;

7 (4) assessment against the violator for compensatory damages  
8 for any loss or destruction of wildlife, fish or aquatic life, and for  
9 any other actual damages caused by an unauthorized regulated  
10 activity; or

11 (5) a requirement that the violator restore the site of the  
12 violation to the maximum extent practicable and feasible.

13 d. The commissioner is authorized to assess a civil  
14 administrative penalty of up to \$25,000 for each violation, and each  
15 day during which each violation continues shall constitute an  
16 additional, separate, and distinct offense. Any amount assessed  
17 under this subsection shall fall within a range established by  
18 regulation by the commissioner for violations of similar type,  
19 seriousness, and duration. In adopting rules and regulations  
20 establishing the amount of any penalty to be assessed, the  
21 commissioner may take into account the economic benefits from the  
22 violation gained by the violator. No assessment shall be levied  
23 pursuant to this section until after the party has been notified by  
24 certified mail or personal service. The notice shall: (1) identify the  
25 section of the law, rule, or regulation violated; (2) recite the facts  
26 alleged to constitute a violation; (3) state the amount of the civil  
27 penalties to be imposed; and (4) affirm the rights of the alleged  
28 violator to a hearing. The ordered party shall have 20 days from  
29 receipt of the notice within which to deliver to the commissioner a  
30 written request for a hearing. After the hearing and upon finding  
31 that a violation has occurred, the commissioner may issue a final  
32 order after assessing the amount of the fine specified in the notice.  
33 If no hearing is requested, the notice shall become a final order after  
34 the expiration of the 20-day period. Payment of the assessment is  
35 due when a final order is issued or the notice becomes a final order.  
36 The authority to levy an administrative penalty is in addition to all  
37 other enforcement provisions in any other applicable law, rule, or  
38 regulation, and the payment of any assessment shall not be deemed  
39 to affect the availability of any other enforcement provisions in  
40 connection with the violation for which the assessment is levied.  
41 Any civil administrative penalty assessed under this section may be  
42 compromised by the commissioner upon the posting of a  
43 performance bond by the violator, or upon such terms and  
44 conditions as the commissioner may establish by regulation.

45 e. A person who violates any provision of provision of section  
46 13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419  
47 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections  
48 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-

35), or section 11 of P.L.2016, c.12 (C.13:8C-53), or any other applicable law, or any rule or regulation adopted pursuant thereto, an administrative order issued pursuant to subsection b. of this section, or a court order issued pursuant to subsection c. of this section, or who fails to pay a civil administrative penalty in full pursuant to subsection d. of this section, shall be subject, upon order of a court, to a civil penalty not to exceed \$10,000 per day of such violation, and each day during which the violation continues shall constitute an additional, separate, and distinct offense. Any civil penalty imposed pursuant to this subsection may be collected with costs in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). In addition to any penalties, costs or interest charges, the court may assess against the violator the amount of actual economic benefit accruing to the violator from the violation. The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999" in connection with this act.

f. The department may require an applicant to provide any information the department requires to determine compliance with any provision of section 13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-35), or section 11 of P.L.2016, c.12 (C.13:8C-53), or any other applicable law, or any rule or regulation adopted pursuant thereto.

g. Any person who knowingly, recklessly, or negligently makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under section 13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-35), or section 11 of P.L.2016, c.12 (C.13:8C-53), or any other applicable law, or any rule or regulation adopted pursuant thereto, shall be in violation and shall be subject to the penalties assessed pursuant to subsections d. and e. of this section.

h. All penalties collected pursuant to this section shall either be used, as determined by the department, for the purposes of reviewing the conveyance, disposal, or diversion of lands acquired, developed, or held for recreation and conservation purposes.<sup>1</sup>

<sup>1</sup>10. Notwithstanding the provisions of section 9 of P.L.2016, c.12 (C.13:8C-51) or any other provision of law to the contrary, there is appropriated the sum of \$500,000 from the "Preserve New Jersey Historic Preservation Fund," established pursuant to section 9 of P.L.2016, c.12 (C.13:8C-51), to the New Jersey Historic Trust for the purpose of establishing an electronic database to track projects that receive funding for historic preservation purposes.<sup>1</sup>

1       <sup>1</sup>**【5. This】** 11. Sections 1 through 9 of this<sup>1</sup> act shall take effect  
2       immediately <sup>1</sup>, and section 10 of this act shall take effect on July 1,  
3       2019 or immediately, whichever is later<sup>1</sup>.