

**SENATE CONCURRENT  
RESOLUTION No. 44**

**STATE OF NEW JERSEY  
215th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

Amends Constitution to dedicate water consumption and diversion user fee revenue for open space and farmland preservation.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 A CONCURRENT RESOLUTION proposing to amend Article VIII,  
2 Section II, of the Constitution of the State of New Jersey.

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4 BE IT RESOLVED by the Senate of the State of New Jersey (the  
5 General Assembly concurring):

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7 1. The following proposed amendment to the Constitution of  
8 the State of New Jersey is agreed to:

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10 PROPOSED AMENDMENT

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12 Amend Article VIII, Section II, by addition of a new paragraph 8  
13 to read as follows:

14 8. a. There shall be credited in each State fiscal year to a  
15 special account in the General Fund the revenue annually derived  
16 from the water consumption and water diversion user fees imposed  
17 pursuant to the "Water Supply Open Space and Farmland Trust  
18 Fund Act," P.L. , c. (C. ) (pending before the Legislature as  
19 Senate Bill No. of 2010 or Assembly Bill No. of 2010).

20 The amount annually credited pursuant to this paragraph shall be  
21 dedicated and shall be appropriated from time to time by the  
22 Legislature only for the purpose of providing funding, including  
23 loans or grants, for the acquisition and development of lands for  
24 recreation and conservation purposes and for the preservation of  
25 farmland for agricultural or horticultural use and production.

26 b. It shall not be competent for the Legislature, under any  
27 pretense whatever, to borrow, appropriate, or use the amount  
28 credited to the special account pursuant to this paragraph, or any  
29 portion thereof, (1) for any purpose or in any manner other than as  
30 enumerated in this paragraph, or (2) for the payment of the principal  
31 or interest on any general obligation bond, refunding bond, or any  
32 other bond, note, or other obligation including, but not limited to, a  
33 bond, note, or other obligation authorized pursuant to paragraph 7  
34 or subparagraph (e) of paragraph 6 of Article VIII, Section II, of the  
35 State Constitution.

36 c. All moneys derived from repayments of any loan issued  
37 from the amount dedicated pursuant to this paragraph shall be  
38 dedicated, and shall be appropriated from time to time by the  
39 Legislature, only for the purposes authorized pursuant to this  
40 paragraph.

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42 2. When this proposed amendment to the Constitution is finally  
43 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it  
44 shall be submitted to the people at the next general election  
45 occurring more than three months after the final agreement and  
46 shall be published at least once in at least one newspaper of each  
47 county designated by the President of the Senate, the Speaker of the

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1 General Assembly and the Secretary of State, not less than three  
2 months prior to the general election.

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4 3. This proposed amendment to the Constitution shall be  
5 submitted to the people at that election in the following manner and  
6 form:

7 There shall be printed on each official ballot to be used at the  
8 general election, the following:

9 a. In every municipality in which voting machines are not used,  
10 a legend which shall immediately precede the question as follows:

11 If you favor the proposition printed below make a cross (X), plus  
12 (+), or check (✓) in the square opposite the word "Yes." If you are  
13 opposed thereto make a cross (X), plus (+) or check (✓) in the  
14 square opposite the word "No."

15 b. In every municipality the following question:

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	YES	<p style="text-align: center;"><b>DEDICATION OF WATER CONSUMPTION AND WATER DIVERSION USER FEE REVENUE FOR OPEN SPACE AND FARMLAND PRESERVATION</b></p> <p>Shall the amendment to Article VIII, Section II, of the Constitution of the State of New Jersey, agreed to by the Legislature, to provide that the revenue annually derived from the water consumption and water diversion user fees imposed under the "Water Supply Open Space and Farmland Trust Fund Act," P.L. , c. (C. ) (pending before the Legislature as Senate Bill No. of 2010 or Assembly Bill No. of 2010) be dedicated, and appropriated by the Legislature, only for the purpose of providing funding, including loans or grants, for the acquisition and development of lands for recreation and conservation purposes and for the preservation of farmland for agricultural or horticultural use and production, be approved?</p>
	NO	<p style="text-align: center;"><b>INTERPRETIVE STATEMENT</b></p> <p>Approval of this proposed constitutional amendment would dedicate the annual revenue from the Water Consumption User Fee and the Water Diversion User Fee to provide a stable source of funding for the Green Acres program and for farmland preservation. The Green Acres program preserves open space, including parks, fish and wildlife habitat, flood prone or affected areas, and land that protects water supplies. It also funds park improvements and facilities. This constitutional amendment would replenish the now depleted dedicated funding for land preservation approved by the voters in 1998 so that new land preservation efforts may be undertaken in the State.</p>

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STATEMENT

This concurrent resolution proposes an amendment to the State Constitution requiring the State to dedicate revenues derived from the water consumption and water diversion user fees imposed under the "Water Supply Open Space and Farmland Trust Fund Act," P.L. , c. (C. ) (pending before the Legislature as Senate Bill No. of 2010 or Assembly Bill No. of 2010). This companion legislation imposes a water consumption fee on the owner or operator of every public community water system equal to forty cents per thousand gallons of water delivered to a consumer and a water diversion fee on every person required by law to obtain a diversion permit or a water use registration equal to forty cents per thousand gallons of water diverted for a consumptive use. The amount due from any person subject to one of these fees would not exceed \$50,000 per year.

The revenue derived from the user fees would be used only for the purpose of providing funding, including loans or grants, for the acquisition and development of lands for recreation and conservation purposes (Green Acres) and for the preservation of farmland for agricultural or horticultural use and production.