

**SENATE CONCURRENT
RESOLUTION No. 2**

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED JANUARY 16, 2014

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Amends Constitution to dedicate \$200 million, or 2.4 percent, whichever is less, annually from FY2015 to FY2044 of sales and use tax revenue for preservation of open space, including flood prone areas and lands that protect water supplies, farmland, and historic properties.

CURRENT VERSION OF TEXT

As introduced.



1 A **CONCURRENT RESOLUTION** proposing to amend Article VIII,
2 Section II of the New Jersey Constitution by adding a new
3 paragraph.

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

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

10
11 **PROPOSED AMENDMENT**

12
13 Amend Article VIII, Section II, by adding a new paragraph 9 to
14 read as follows:

15 9. (a) Commencing July 1, 2014, there shall be annually
16 credited in each State fiscal year, until June 30, 2044, to a special
17 account in the General Fund an amount equal to 2.4 percent or the
18 sum of \$200,000,000, whichever is less in each fiscal year, from the
19 State revenue annually collected from the State tax imposed under
20 the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.),
21 as amended and supplemented, or from any other State law of
22 similar effect. The dedication and use of those moneys credited
23 pursuant to this subparagraph from the State revenue annually
24 collected from the State tax imposed under the "Sales and Use Tax
25 Act," as amended and supplemented, or from any other State law of
26 similar effect, shall be subject and subordinate to (1) all
27 appropriations of revenues from taxes made by laws enacted prior
28 to the effective date of this paragraph in accordance with Article
29 VIII, Section II, paragraph 3 of the State Constitution in order to
30 provide the ways and means to pay the principal and interest on
31 bonds of the State presently outstanding or authorized to be issued
32 under those laws, (2) any other use of those revenues enacted into
33 law prior to the effective date of this paragraph, or (3) the credit of
34 State revenue annually collected from the State tax imposed under
35 the "Sales and Use Tax Act," as amended and supplemented, or
36 from any other State law of similar effect, as required by Article
37 VIII, Section II, paragraph 7 of the State Constitution.

38 The amount credited each State fiscal year pursuant to this
39 subparagraph shall be dedicated and shall be appropriated from time
40 to time by the Legislature only to provide funding, including loans
41 or grants, for: the preservation, including acquisition, development,
42 and stewardship, of lands for recreation and conservation purposes,
43 including lands that protect water supplies and lands that have
44 incurred flood or storm damage or are likely to do so, or that may
45 buffer or protect other properties from flood or storm damage; the
46 preservation and stewardship of farmland for agricultural or
47 horticultural use and production; historic preservation; and
48 administrative costs associated with each of those efforts.

1 (b) All moneys derived from repayments of any loan issued
2 from the amounts dedicated pursuant to subparagraph (a) of this
3 paragraph, and all income derived from the investment of moneys
4 in the special account established pursuant to this paragraph, shall
5 be credited to that special account, and shall be dedicated and shall
6 be appropriated from time to time by the Legislature only for the
7 purposes authorized pursuant to subparagraph (a) of this paragraph.
8 Notwithstanding any provision of this paragraph to the contrary, the
9 dedication of moneys derived from loan repayments and
10 investments shall not expire.

11 (c) It shall not be competent for the Legislature, under any
12 pretense whatever, to borrow, appropriate, or use the amounts
13 credited to the special account established pursuant to this
14 paragraph, or any portion thereof, for (1) any purpose or in any
15 manner other than as enumerated in this paragraph, or (2) making
16 payments relating to any bonds, notes, or other obligations.

17

18 2. When this proposed amendment to the Constitution is finally
19 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
20 shall be submitted to the people at the next general election
21 occurring more than three months after the final agreement and
22 shall be published at least once in at least one newspaper of each
23 county designated by the President of the Senate, the Speaker of the
24 General Assembly and the Secretary of State, not less than three
25 months prior to the general election.

26

27 3. This proposed amendment to the Constitution shall be
28 submitted to the people at that election in the following manner and
29 form:

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

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

34 If you favor the proposition printed below make a cross (X), plus
35 (+), or check (✓) in the square opposite the word "Yes." If you are
36 opposed thereto make a cross (X), plus (+) or check (✓) in the
37 square opposite the word "No."

38 b. In every municipality the following question:

1

	YES	<p style="text-align: center;">CONSTITUTIONAL AMENDMENT DEDICATING STATE FUNDS FOR OPEN SPACE, FARMLAND, AND HISTORIC PRESERVATION</p> <p>Do you approve amending the Constitution to dedicate \$200 million or 2.4% of State sales tax revenue, whichever is less, each year for the next 30 years for the preservation of open space, farmland, and historic properties? Open space includes lands that protect water supplies and lands that are prone to flooding.</p>
	NO	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>This constitutional amendment would provide a stable source of funding for the next 30 years for Green Acres and “Blue Acres” projects, and for the preservation of farmland and historic properties. The amendment would dedicate \$200 million or 2.4%, whichever is less in a given year, of State sales tax revenue each year for the next 30 years for these purposes.</p> <p>The Green Acres program acquires land that protects water supplies and preserves open space, including parks, fish and wildlife habitat, and flood prone or affected areas. It also funds park improvements and facilities.</p> <p>“Blue Acres” refers to properties that have been damaged by storms or storm-related flooding, that appear likely to incur such damage, or that may buffer or protect other lands from such damage. Structures on properties purchased from willing sellers are demolished, the debris is removed, and the land is preserved as open space.</p>

2

3

4

STATEMENT

5

6

7

8

9

10

11

This constitutional amendment would dedicate \$200 million or 2.4 percent, whichever is less in a given year, of State sales and use tax revenue annually for the next 30 years, from Fiscal Year 2015 through Fiscal Year 2044, to finance the State’s programs for open space preservation, farmland preservation, and historic preservation. The specific allocation for each of these purposes

1 would be established by law. The amendment also allows for the
2 dedicated monies to be used for stewardship activities and
3 administrative costs associated with the programs.

4 The constitutional amendment also recognizes a special funding
5 category under open space preservation, referred to as the “Blue
6 Acres” program, for the acquisition, for recreation and conservation
7 purposes, of lands that have incurred flood or storm damage or are
8 likely to do so, or that may buffer or protect other properties from
9 flood or storm damage. Properties are purchased from willing
10 sellers only. The Blue Acres program is administered by the
11 Department of Environmental Protection’s Green Acres Program.

12 This proposed amendment to the State Constitution would
13 provide a dedicated, stable source of funding to continue the State’s
14 current programs for open space, including flood prone lands,
15 farmland, and historic preservation implemented pursuant to Article
16 VIII, Section II, paragraph 7 of the State Constitution, the “Garden
17 State Preservation Trust Act,” P.L.1999, c.152 (C.13:8C-1 et seq.),
18 and various bond acts passed by the voters of this State over the last
19 50 years.