

SENATE, No. 9

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MAY 10, 1999

Sponsored by:

Senator DONALD T. DIFRANCESCO

District 22 (Middlesex, Morris, Somerset and Union)

Senator HENRY P. MCNAMARA

District 40 (Bergen and Passaic)

Co-Sponsored by:

**Senators Bark, Allen, Ciesla, Kavanaugh, Bassano, Connors, Robertson,
Cafiero, Kyrillos, Littell, Singer, Sinagra, Kosco, Inverso, Schluter,
Matheussen, Martin, Cardinale, Bennett, Adler, Vitale and Bucco**

SYNOPSIS

The "Garden State Preservation Trust Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/21/1999)

1 AN ACT concerning open space, farmland, and historic preservation,
2 establishing the Garden State Preservation Trust, supplementing
3 Title 13 of the Revised Statutes, and amending various parts of the
4 statutory law.

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

8
9 1. (New section) Sections 1 through 41 of this act shall be
10 known, and may be cited, as the "Garden State Preservation Trust
11 Act."

12
13 2. (New section) The Legislature finds and declares that
14 enhancing the quality of life of the citizens of New Jersey is a
15 paramount policy of the State; that the acquisition and preservation of
16 open space, farmland, and historic properties in New Jersey protects
17 and enhances the character and beauty of the State and provides its
18 citizens with greater opportunities for recreation, relaxation, and
19 education; that the lands and resources now dedicated to these
20 purposes will not be adequate to meet the needs of an expanding
21 population in years to come; that the open space and farmland that is
22 available and appropriate for these purposes will gradually disappear
23 as the costs of preserving them correspondingly increase; and that it
24 is necessary and desirable to provide funding for the development of
25 parks and other open space for recreation and conservation purposes.

26 The Legislature further finds and declares that agriculture plays an
27 integral role in the prosperity and well-being of the State as well as
28 providing a fresh and abundant supply of food for its citizens; that
29 much of the farmland in the State faces an imminent threat of
30 permanent conversion to non-farm uses; and that the retention and
31 development of an economically viable agricultural industry is of high
32 public priority.

33 The Legislature further finds and declares that there is an urgent
34 need to preserve the State's historic heritage to enable present and
35 future generations to experience, understand, and enjoy the landmarks
36 of New Jersey's role in the birth and development of this nation; that
37 the restoration and preservation of properties of historic character and
38 importance in the State is central to meeting this need; and that a
39 significant number of these historic properties are located in urban
40 centers, where their restoration and preservation will advance urban
41 revitalization efforts of the State and local governments.

42 The Legislature further finds and declares that there is growing
43 public recognition that the quality of life, economic prosperity, and

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 environmental quality in New Jersey are served by the protection and
2 timely preservation of open space and farmland and better management
3 of the lands, resources, historic properties, and recreational facilities
4 that are already under public ownership or protection; that the
5 preservation of the existing diversity of animal and plant species is
6 essential to sustaining both the environment and the economy of the
7 Garden State, and the conservation of adequate habitat for
8 endangered, threatened, and other rare species is necessary to preserve
9 this biodiversity; that there is a need to establish a program to serve as
10 the successor to the programs established by the "Green Acres,
11 Farmland and Historic Preservation, and Blue Acres Bond Act of
12 1995," P.L.1995, c.204, nine previous similar bond acts enacted in
13 1961, 1971, 1974, 1978, 1981, 1983, 1987, 1989, and 1992, and
14 various implementing laws; and that any such successor program
15 should support implementation of Statewide policies, goals, and
16 strategies concerned with and emphasizing the importance of
17 preserving open space, sensitive environmental areas, critical wildlife
18 habitat, farmland, and historic resources.

19 The Legislature further finds and declares that the citizens of the
20 State have indicated their very strong support for open space,
21 farmland, and historic preservation efforts not only in the past
22 approval of State Green Acres bond acts and numerous county and
23 municipal dedicated funding sources for those purposes, but most
24 recently in 1998 with the approval of an amendment to the New Jersey
25 Constitution that provides for a stable and dedicated source of funding
26 for those purposes for the next decade and beyond.

27 The Legislature therefore determines that it is in the public interest
28 to preserve as much open space and farmland, and as many historic
29 properties, as possible within the means provided by the 1998
30 constitutional amendment; that, in recognition of the recommendations
31 of the Governor's Council on New Jersey Outdoors, it is a worthy goal
32 to preserve one million more acres of open space and farmland in the
33 Garden State in the next decade to protect the quality of life for New
34 Jersey residents; and that, to accomplish that goal, it is also in the
35 public interest to create the Garden State Preservation Trust and to
36 enable it to raise revenue for those purposes, and to delegate to it such
37 other duties and responsibilities as shall be necessary to further the
38 purposes of the constitutional amendment and to advance the policies
39 and achieve the goals set forth in this preamble.

40

41 3. (New section) As used in sections 1 through 41 of this act:

42 "Acquisition" or "acquire" means the obtaining of a fee simple or
43 lesser interest in land, including but not limited to a development
44 easement or any other easement permanently restricting development,
45 by purchase, installment purchase agreement, gift, donation, devise, or
46 eminent domain by the State or a local government unit; except that

1 any acquisition of lands by the State for recreation and conservation
2 purposes by eminent domain shall include the process authorized
3 pursuant to section 28 of this act;

4 "Bonds" means bonds issued by the trust pursuant to this act;

5 "Commissioner" means the Commissioner of Environmental
6 Protection;

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

9 "Constitutionally dedicated moneys" means any moneys made
10 available pursuant to Article VIII, Section II, paragraph 7 of the State
11 Constitution or through the issuance of bonds, notes or other
12 obligations by the trust, as prescribed by Article VIII, Section II,
13 paragraph 7 of the State Constitution and this act, or any moneys from
14 other sources deposited in the trust funds established pursuant to
15 sections 19, 20, and 21 of this act, and appropriated by law, for any of
16 the purposes set forth in Article VIII, Section II, paragraph 7 of the
17 State Constitution or this act;

18 "Convey" or "conveyance" means to sell, donate, exchange,
19 transfer, or lease for a term of 25 years or more;

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

43 "Department" means the Department of Environmental Protection;

44 "Development" or "develop" means, except as used in the
45 definitions of "acquisition" and "development easement" in this
46 section, any improvement made to a land or water area designed to

1 expand and enhance its utilization for recreation and conservation
2 purposes, and shall include the construction, renovation, or repair of
3 any such improvement;

4 "Development easement" means an interest in land, less than fee
5 simple title thereto, which interest represents the right to develop that
6 land for all nonagricultural purposes and which interest may be
7 transferred under laws authorizing the transfer of development
8 potential;

9 "Farmland" means land identified as having prime or unique soils as
10 classified by the Natural Resources Conservation Service in the United
11 States Department of Agriculture, having soils of Statewide
12 importance according to criteria adopted by the State Soil
13 Conservation Committee, established pursuant to R.S.4:24-3, or
14 having soils of local importance as identified by local soil conservation
15 districts, and which land qualifies for differential property taxation
16 pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48
17 (C.54:4-23.1 et seq.), and any other land on the farm that is necessary
18 to accommodate farm practices as determined by the State Agriculture
19 Development Committee;

20 "Farmland preservation," "farmland preservation purposes" or
21 "preservation of farmland" means the permanent preservation of
22 farmland to support agricultural or horticultural production as the first
23 priority use of that land;

24 "Garden State Farmland Preservation Trust Fund" means the
25 Garden State Farmland Preservation Trust Fund established pursuant
26 to section 20 of this act;

27 "Garden State Green Acres Preservation Trust Fund" means the
28 Garden State Green Acres Preservation Trust Fund established
29 pursuant to section 19 of this act;

30 "Garden State Historic Preservation Trust Fund" means the Garden
31 State Historic Preservation Trust Fund established pursuant to section
32 21 of this act;

33 "Green Acres bond act" means: P.L.1961, c.46; P.L.1971, c.165;
34 P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265;
35 P.L.1989, c.183; P.L.1992, c.88; P.L.1995, c.204; and any State
36 general obligation bond act that may be approved after the date of
37 enactment of this act for the purpose of providing funding for the
38 acquisition or development of lands for recreation and conservation
39 purposes;

40 "Historic preservation," "historic preservation purposes," or
41 "preservation of historic properties" means any work relating to the
42 conservation, improvement, interpretation, preservation, protection,
43 rehabilitation, renovation, repair, restoration, or stabilization of any
44 historic property, and shall include any work related to providing
45 access thereto for disabled or handicapped persons;

46 "Historic property" means any area, building, facility, object,

1 property, site, or structure approved for inclusion, or which meets the
2 criteria for inclusion, in the New Jersey Register of Historic Places
3 pursuant to P.L.1970, c.268 (C.13:1B-15.128 et seq.);

4 "Indoor recreation" means active recreation that otherwise is or
5 may be pursued outdoors but, for reasons of extending the season or
6 avoiding inclement weather, is or may be pursued indoors within a
7 fully or partially enclosed building or other structure, and includes
8 basketball, ice skating, racquet sports, roller skating, swimming, and
9 similar recreational activities and sports as determined by the
10 Department of Environmental Protection;

11 "Land" or "lands" means real property, including improvements
12 thereof or thereon, rights-of-way, water, lakes, riparian and other
13 rights, easements, privileges and all other rights or interests of any
14 kind or description in, relating to, or connected with real property;

15 "Local government unit" means a county, municipality, or other
16 political subdivision of the State, or any agency, authority, or other
17 entity thereof;

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

20 "Notes" means the notes issued by the trust pursuant to this act;

21 "Pinelands area" means the pinelands area as defined pursuant to
22 section 3 of P.L.1979, c.111 (C.13:18A-3);

23 "Pinelands regional growth area" means a regional growth area
24 established pursuant to the pinelands comprehensive management plan
25 adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.);

26 "Project" means all things deemed necessary or useful and
27 convenient in connection with the acquisition or development of lands
28 for recreation and conservation purposes, the acquisition of
29 development easements or fee simple titles to farmland, or the
30 preservation of historic properties, as the case may be;

31 "Qualifying open space referendum county" means any county that
32 has: (1) approved and implemented, and is collecting and expending
33 the revenue from, an annual levy authorized pursuant to P.L.1997,
34 c.24 (C.40:12-15.1 et seq.) for an amount or at a rate equivalent to at
35 least one quarter of one cent per \$100 of assessed value of real
36 property, or for an amount or at a rate established by the county and
37 in effect as of April 1, 1999, whichever is greater; or (2) adopted an
38 alternative means of funding for the same or similar purposes as an
39 annual levy, which the Department of Environmental Protection, in
40 consultation with the committee and the New Jersey Historic Trust,
41 approves to be stable and reasonably equivalent in effect to an annual
42 levy;

43 "Qualifying open space referendum municipality" means any
44 municipality that has: (1) approved and implemented, and is collecting
45 and expending the revenue from, an annual levy authorized pursuant
46 to P.L.1997, c.24 (C.40:12-15.1 et seq.) for an amount or at a rate

1 equivalent to at least one quarter of one cent per \$100 of assessed
2 value of real property, or for an amount or at a rate established by the
3 municipality and in effect as of April 1, 1999, whichever is greater; or
4 (2) adopted an alternative means of funding for the same or similar
5 purposes as an annual levy, which the Department of Environmental
6 Protection, in consultation with the committee and the New Jersey
7 Historic Trust, approves to be stable and reasonably equivalent in
8 effect to an annual levy;

9 "Qualifying tax exempt nonprofit organization" means a nonprofit
10 organization that is exempt from federal taxation pursuant to section
11 501 (c)(3) of the federal Internal Revenue Code, 26 U.S.C. s.501
12 (c)(3), and which qualifies for a grant pursuant to sections 27 or 40 of
13 this act;

14 "Recreation and conservation purposes" means the use of lands for
15 beaches, biological or ecological study, boating, camping, fishing,
16 forests, greenways, hunting, natural areas, parks, playgrounds,
17 protecting historic properties, water reserves, watershed protection,
18 wildlife preserves, active sports, or a similar use for either public
19 outdoor recreation or conservation of natural resources, or both; and

20 "Trust" means the Garden State Preservation Trust established
21 pursuant to section 4 of this act.

22

23 4. (New section) a. There is hereby established in but not of the
24 Department of the Treasury a public body corporate and politic, with
25 corporate succession, to be known as the "Garden State Preservation
26 Trust." For the purpose of complying with the provisions of Article
27 V, Section IV, paragraph 1 of the New Jersey Constitution, the trust
28 is hereby allocated within the Department of the Treasury, but
29 notwithstanding that allocation, the trust shall be independent of any
30 supervision or control by that department or by any board or officer
31 thereof. The trust is hereby constituted as an instrumentality of the
32 State, exercising public and essential governmental functions, no part
33 of whose revenues shall accrue to the benefit of any individual, and the
34 exercise by the trust of the powers conferred by this act shall be
35 deemed and held to be an essential governmental function of the State.

36 b. The trust shall consist of nine voting members as follows: the
37 Commissioner of Environmental Protection, the Secretary of
38 Agriculture, the Secretary of State, and the State Treasurer, who shall
39 be members ex officio; and five public members, one of whom shall be
40 appointed by the Governor, two of whom shall be appointed by the
41 President of the Senate and shall be from different political parties, and
42 two of whom shall be appointed by the Speaker of the General
43 Assembly and shall be from different political parties. The public
44 member appointed by the Governor shall serve a term of five years.
45 Each public member appointed by the President of the Senate shall
46 serve a term of five years, except of those first appointed, one shall

1 serve a term of three years and the other a term of two years. Each
2 public member appointed by the Speaker of the General Assembly shall
3 serve a term of five years, except of those first appointed, one shall
4 serve a term of three years and the other a term of two years.

5 c. Each public member shall hold office for the term of the
6 member's appointment and until the member's successor shall have
7 been appointed and qualified. A public member shall be eligible for
8 reappointment. Any vacancy in a public membership occurring other
9 than by expiration of term shall be filled in the same manner as the
10 original appointment but for the unexpired term only.

11 d. Any public member may be removed from office by the
12 appointing authority, for cause, after a public hearing, and may be
13 suspended by the appointing authority pending the completion of the
14 hearing. All members before entering upon their duties shall take and
15 subscribe an oath to perform the duties of their office faithfully,
16 impartially and justly to the best of their ability. A record of each oath
17 shall be filed in the Office of the Secretary of State.

18 e. The first chairperson of the trust shall be the public member
19 first appointed by the Governor. At the first meeting of the trust held
20 in each subsequent year, the members shall elect one of the public
21 members to serve as chairperson of the trust in a manner that ensures
22 that the chair rotates annually among at least one of the appointees of
23 the President of the Senate, at least one of the appointees of the
24 Speaker of the General Assembly, and the appointee of the Governor.

25 f. The trust shall not be deemed to be constituted and shall not
26 take action or adopt motions or resolutions until all five authorized
27 public members shall have been appointed and qualified in the manner
28 provided in this section. The members shall annually elect one of the
29 public members as vice chairperson. The members shall elect a
30 secretary and a treasurer, who need not be members, and the same
31 person may be elected to serve as both secretary and treasurer. The
32 powers of the trust shall be vested in the members thereof in office
33 from time to time and five members of the trust shall constitute a
34 quorum at any meeting thereof. Action may be taken and motions and
35 resolutions adopted by the trust at any meeting thereof by the
36 affirmative vote of a majority of the full membership of the trust. No
37 vacancy in the membership of the trust shall impair the right of a
38 quorum of the members to exercise all the powers and perform all the
39 duties of the trust.

40 g. Each public member of the trust shall receive compensation in
41 the amount of \$150 per day for each day that the public member
42 attends a meeting of the trust, unless otherwise prohibited by law. Ex
43 officio members of the trust shall serve without compensation. All
44 members shall be reimbursed for actual expenses necessarily incurred
45 in the discharge of their duties. Notwithstanding the provisions of any
46 other law, no member shall be deemed to have forfeited nor shall the

1 member forfeit the member's office or employment or any benefits or
2 emoluments thereof by reason of the member's acceptance of the office
3 of ex officio member of the trust or the member's services therein.

4 h. Each ex officio member may designate an employee of the
5 member's department or agency to represent the member at meetings
6 of the trust. All designees may lawfully vote and otherwise act on
7 behalf of the member for whom they constitute the designee. The
8 designation shall be in writing delivered to the trust and shall continue
9 in effect until revoked or amended in writing delivered to the trust.

10 i. A true copy of the minutes of every meeting of the trust shall
11 be delivered forthwith by and under the certification of the secretary
12 thereof to the Governor. No action taken at the meeting by the trust
13 shall have force or effect until 15 days after the copy of the minutes
14 shall have been so delivered, unless during this 15-day period the
15 Governor shall approve in writing the minutes or any part thereof, in
16 which case the action shall become effective upon approval. If, within
17 that 15-day period, the Governor returns a copy of the minutes with
18 the Governor's veto of any action taken by the trust or any member
19 thereof at the meeting, the action shall be null and void and of no
20 effect. Notwithstanding the foregoing, if the last day of the 15-day
21 period shall be a Saturday, Sunday or legal holiday, then the 15-day
22 period shall be deemed extended to the next following business day.
23 The powers conferred in this subsection upon the Governor shall be
24 exercised with due regard for the rights of the holders of bonds, notes
25 or other obligations of the trust at any time outstanding, and nothing
26 in, or done pursuant to, this subsection shall in any way limit, restrict
27 or alter the obligation or powers of the trust or any representative or
28 officer of the trust to carry out and perform in every detail each and
29 every covenant, agreement or contract at any time made or entered
30 into by or on behalf of the trust with respect to its bonds, notes or
31 other obligations or for the benefit, protection or security of the
32 holders thereof.

33 j. The trust shall continue in existence until dissolved by act of
34 the Legislature. However, any dissolution of this trust shall be on
35 condition that the trust has no debts, contractual duties or obligations
36 outstanding, or that provision has been made for the payment,
37 discharge or retirement of these debts, contractual duties or
38 obligations. Upon any dissolution of the trust, all property, rights,
39 funds and assets thereof shall pass to and become vested in the State.

40
41 5. (New section) It shall be the sole purpose of the trust
42 established pursuant to this act to:

43 a. Provide funding to the Department of Environmental
44 Protection, the State Agriculture Development Committee, and the
45 New Jersey Historic Trust for all or a portion of the cost of projects
46 undertaken by those entities or by grant or loan recipients in

1 accordance with the purposes and procedures established by Article
2 VIII, Section II, paragraph 7 of the State Constitution and this act;
3 and
4 b. Perform such other duties and responsibilities as authorized
5 pursuant to this act or any other law.
6
7 6. (New section) In addition to all other powers granted to the
8 trust in this act, the trust shall have power:
9 a. To sue and be sued;
10 b. To have an official seal and alter it at the trust's pleasure;
11 c. To make and alter bylaws for its organization and internal
12 management and rules and regulations for the conduct of its affairs and
13 business;
14 d. To maintain an office at a place or places within the State as it
15 may determine, and acquire, own, lease as lessee or lessor, hold, use,
16 sell, transfer, or dispose of real or personal property for that purpose;
17 e. To acquire, hold, use and dispose of its income, revenues,
18 funds and moneys;
19 f. To borrow money and to issue its bonds, notes or other
20 obligations and to secure them by its revenues or other funds and
21 otherwise to provide for and secure the payment thereof and to
22 provide for the rights of the holders thereof and to provide for the
23 refunding thereof, all as provided in this act;
24 g. To issue subordinated indebtedness and to enter into any
25 revolving credit agreement, agreement establishing a line of credit or
26 letter of credit, reimbursement agreement, interest rate exchange
27 agreement, insurance contract, surety bond, commitment to purchase
28 or sell bonds, notes or other obligations, purchase or sale agreement,
29 or commitments or other contracts or agreements, and other security
30 agreements as approved by the trust in connection with the issuance
31 of bonds, notes or other obligations;
32 h. Subject to any agreement with the holders of bonds, notes or
33 other obligations, to invest moneys of the trust not required for
34 immediate use, including proceeds from the sale of any bonds, notes
35 or other obligations, in obligations, securities and other investments as
36 the trust shall deem prudent;
37 i. Subject to any agreements with holders of bonds, notes or
38 other obligations, to purchase bonds, notes or other obligations of the
39 trust out of any funds or moneys of the trust available therefor, and to
40 hold, cancel or resell the bonds, notes or other obligations;
41 j. For its sole purpose as established in section 5 of this act, to
42 appoint and employ an executive director and such additional officers,
43 who need not be members of the trust, and such other personnel and
44 staff as it may require, at an annual expense not to exceed \$150,000,
45 all without regard to the provisions of Title 11A, Civil Service, of the
46 New Jersey Statutes;

- 1 k. To do and perform any acts and things authorized by this act
2 under, through, or by means of its officers, agents or employees or by
3 contract with any person, firm or corporation or any public body;
- 4 l. To procure insurance against any losses in connection with its
5 property, operations, assets or obligations in amounts and from
6 insurers as it deems desirable;
- 7 m. To adopt, pursuant to the "Administrative Procedure Act,"
8 P.L.1968, c.410 (C.52:14B-1 et seq.) such rules and regulations as it
9 deems necessary to effectuate the purposes of Article VIII, Section II,
10 paragraph 7 of the State Constitution and this act;
- 11 n. To make and enter into any and all contracts and agreements
12 which the trust determines are necessary, incidental, convenient or
13 desirable to the performance of its duties and the execution of its
14 powers under this act;
- 15 o. To accept and use any funds appropriated and paid by the State
16 to the trust, including, without limitation, appropriations and payments
17 from the Garden State Preservation Trust Fund Account established
18 pursuant to section 17 of this act, for the purposes for which the
19 appropriations and payments are made;
- 20 p. To apply for, and receive and accept, appropriations or grants
21 of property, money, services, or reimbursements for money previously
22 spent and other assistance offered or made available to it by or from
23 any person, government agency, public authority, or any public or
24 private entity whatever for any lawful corporate purpose of the trust,
25 including, without limitation, grants, appropriations, or
26 reimbursements from the federal government, and to apply and
27 negotiate for these upon such terms and conditions as may be required
28 by any person, government agency, authority, or entity as the trust
29 may determine to be necessary, convenient, or desirable, provided that
30 all such moneys, grants, appropriations, and reimbursements so
31 received and accepted shall be subject to appropriation by law
32 pursuant to the procedures established by this act; and
- 33 q. To do any and all things necessary, incidental, convenient or
34 desirable to carry out its purposes and exercise the powers given and
35 granted in this act.
- 36
- 37 7. (New section) a. The trust shall have the power and is hereby
38 authorized to issue its bonds, notes or other obligations in principal
39 amounts as determined by the trust to be necessary to provide for any
40 of its corporate purposes, including the payment, funding or refunding
41 of the principal of, or interest on, or redemption premiums, if any, on
42 bonds, notes or other obligations issued by it, whether the bonds,
43 notes, obligations or interest to be funded or refunded have or have
44 not become due; and to provide for the security thereof and for the
45 establishment or increase of reserves to secure or to pay the bonds,
46 notes or other obligations or interest thereon and all other reserves and

1 all costs or expenses of the trust incident to and necessary or
2 convenient to carry out its corporate purposes and powers; and in
3 addition to its bonds, notes and other obligations, the trust shall have
4 the power to issue subordinated indebtedness, which shall be
5 subordinate in lien to the lien of any or all of its bonds, notes or other
6 obligations as the trust may determine. No resolution or other action
7 of the trust providing for the issuance of bonds, refunding bonds, notes
8 or other obligations shall be adopted or otherwise made effective by
9 the trust without the prior approval in writing of the Governor and the
10 State Treasurer.

11 b. Except as may be otherwise expressly provided in this act or by
12 the trust, every issue of bonds, notes or other obligations shall be
13 general obligations payable out of any revenues or funds of the trust,
14 subject only to any agreements with the holders of particular bonds,
15 notes or other obligations pledging any particular revenues or funds.
16 The trust may provide the security and payment provisions for its
17 bonds, notes or other obligations as it may determine, including,
18 without limiting the generality of the foregoing, bonds, notes or other
19 obligations as to which the principal and interest are payable from and
20 secured by all or any portion of the revenues of and payments to the
21 trust, and other moneys or funds as the trust shall determine. The
22 trust may also enter into bank loan agreements, lines of credit and
23 other security agreements as authorized pursuant to subsection g. of
24 section 6 of this act and obtain for or on its behalf letters of credit in
25 each case for the purpose of securing its bonds, notes or other
26 obligations or to provide direct payment of any costs which the trust
27 is authorized to pay by this act and to secure repayment of any
28 borrowings under the loan agreement, line of credit, letter of credit or
29 other security agreement by its bonds, notes or other obligations or the
30 proceeds thereof or by any or all of the revenues of and payments to
31 the trust or by any appropriation, grant or reimbursement to be
32 received by the trust and other moneys or funds as the trust shall
33 determine.

34 c. Whether or not the bonds and notes are of the form and
35 character as to be negotiable instruments under the terms of Title 12A,
36 Commercial Transactions, of the New Jersey Statutes, the bonds and
37 notes are hereby made negotiable instruments within the meaning of
38 and for all the purposes of Title 12A.

39 d. Bonds or notes of the trust shall be authorized by a resolution
40 or resolutions of the trust and may be issued in one or more series and
41 shall bear the date, or dates, mature at the time or times, bear interest
42 at the rate or rates of interest per annum, be in the denomination or
43 denominations, be in the form, carry the conversion or registration
44 privileges, have the rank or priority, be executed in the manner, be
45 payable from the sources, in the medium of payment, at the place or
46 places within or outside of the State, and be subject to the terms of

1 redemption, with or without premium, as the resolution or resolutions
2 may provide. Bonds or notes may be further secured by a trust
3 indenture between the trust and a corporate trustee within or outside
4 of the State. All other obligations of the trust shall be authorized by
5 resolution containing terms and conditions as the trust shall determine.

6 e. Bonds, notes or other obligations of the trust may be sold at
7 public or private sale at a price or prices and in a manner as the trust
8 shall determine, either on a negotiated or on a competitive basis.

9 f. Bonds or notes may be issued and other obligations incurred
10 under the provisions of this act without obtaining the consent of any
11 department, division, commission, board, bureau or agency of the
12 State, other than the approval as required by subsection a. of this
13 section, and without any other proceedings or the happening of any
14 other conditions or other things than those proceedings, conditions or
15 things which are specifically required by this act.

16 g. Bonds, notes and other obligations of the trust issued or
17 incurred under the provisions of this act shall not be in any way a debt
18 or liability of the State or of any political subdivision thereof other
19 than the trust and shall not create or constitute any indebtedness,
20 liability or obligation of the State or of any political subdivision or be
21 or constitute a pledge of the faith and credit of the State or of any
22 political subdivision but all bonds, notes and obligations, unless funded
23 or refunded by bonds, notes or other obligations of the trust, shall be
24 payable solely from revenues or funds pledged or available for their
25 payment as authorized in this act. Each bond, note or other obligation
26 shall contain on its face a statement to the effect that the trust is
27 obligated to pay the principal thereof, redemption premium, if any, or
28 the interest thereon only from revenues or funds of the trust and that
29 neither the State nor any political subdivision thereof is obligated to
30 pay the principal thereof, redemption premium, if any, or interest
31 thereon and that neither the faith and credit nor the taxing power of
32 the State or any political subdivision thereof is pledged to the payment
33 of the principal of, redemption premium, if any, or the interest on the
34 bonds, notes or other obligations. For the purposes of this subsection,
35 political subdivision does not include the trust.

36 h. All expenses incurred in carrying out the provisions of this act
37 shall be payable solely from the revenues or funds provided or to be
38 provided under or pursuant to the provisions of this act and nothing
39 in this act shall be construed to authorize the trust to incur any
40 indebtedness or liability on behalf of or payable by the State or any
41 political subdivision thereof.

42 i. Prior to July 1, 2009, the aggregate principal amount of bonds,
43 notes or other obligations, including subordinated indebtedness, of the
44 trust shall not exceed \$1,000,000,000; except that this limitation shall
45 not include any bonds, notes or other obligations, including
46 subordinated indebtedness, of the trust issued for refunding purposes

1 in accordance with the provisions of this section, and any bonds, notes
2 or other obligations of the trust issued to fund the costs of issuance of
3 its bonds, notes or other obligations. After June 30, 2009, the trust
4 may issue only refunding bonds in any amount subject to subsections
5 j. through n. of this section. The limitations specified in this
6 subsection shall apply only to bonds, notes or other obligations of the
7 trust that are payable from, or secured by, amounts on deposit in the
8 Garden State Preservation Trust Fund Account established pursuant
9 to section 17 of this act.

10 The trust shall not incur debt in any State fiscal year in excess of
11 \$200,000,000, except that if that permitted amount of debt, or any
12 portion thereof, is not incurred in a State fiscal year it may be incurred
13 in a subsequent State fiscal year. Any increase in this limitation shall
14 only occur if so provided for by law.

15 j. Upon the decision by the trust to issue refunding bonds
16 pursuant to this section, and prior to the sale of those bonds, the trust
17 shall transmit to the Joint Budget Oversight Committee, or its
18 successor, a report that a decision has been made, reciting the basis on
19 which the decision was made, including an estimate of the debt service
20 savings to be achieved and the calculations upon which the trust relied
21 when making the decision to issue refunding bonds. The report shall
22 also disclose the intent of the trust to issue and sell the refunding
23 bonds at public or private sale and the reasons therefor.

24 k. The Joint Budget Oversight Committee, or its successor, shall
25 have authority to approve or disapprove the sale of refunding bonds
26 as included in each report submitted in accordance with subsection j.
27 of this section. The Joint Budget Oversight Committee, or its
28 successor, shall approve or disapprove the sale of refunding bonds
29 within 10 business days after physical receipt of the report. The Joint
30 Budget Oversight Committee, or its successor, shall notify the trust in
31 writing of the approval or disapproval as expeditiously as possible.

32 l. No refunding bonds shall be issued unless the report has been
33 submitted to and approved by the Joint Budget Oversight Committee,
34 or its successor, as set forth in subsection k. of this section.

35 m. Within 30 days after the sale of the refunding bonds, the trust
36 shall notify the Joint Budget Oversight Committee, or its successor, of
37 the result of that sale, including the prices and terms, conditions and
38 regulations concerning the refunding bonds, and the actual amount of
39 debt service savings to be realized as a result of the sale of refunding
40 bonds.

41 n. The Joint Budget Oversight Committee, or its successor, shall,
42 however, review all information and reports submitted in accordance
43 with this section and may, on its own initiative, make observations and
44 recommendations to the trust or to the Legislature, or both, as it
45 deems appropriate.

- 1 8. (New section) In any resolution of the trust authorizing or
2 relating to the issuance of any bonds, notes or other obligations or in
3 any indenture securing the bonds, notes or other obligations, the trust,
4 in order to secure the payment of the bonds, notes or other obligations
5 and in addition to its other powers, shall have the power by provisions
6 therein, which shall constitute covenants by the trust and contracts
7 with the holders of the bonds, notes or other obligations, to:
- 8 a. Pledge all or any part of its revenues or receipts to which its
9 right then exists or may thereafter come into existence and other
10 moneys or funds as the trust shall determine and the moneys derived
11 therefrom, and the proceeds of any bonds, notes or other obligations;
 - 12 b. Pledge any agreement, the revenues or payments thereunder
13 and the proceeds thereof;
 - 14 c. Covenant against pledging all or any part of its revenues or
15 receipts or its agreements and the revenues derived thereunder or the
16 proceeds thereof and other moneys or funds as the trust shall
17 determine and the moneys derived therefrom or against permitting or
18 suffering any lien on any of the foregoing;
 - 19 d. Covenant with respect to limitations on any right to sell, lease
20 or otherwise dispose of any property of any kind;
 - 21 e. Covenant as to any bonds, notes and other obligations to be
22 issued and the limitations thereof and the terms and conditions thereof
23 and as to the custody, application, investment, and disposition of the
24 proceeds thereof;
 - 25 f. Covenant as to the issuance of additional bonds, notes or other
26 obligations or as to limitations on the issuance of additional bonds,
27 notes or other obligations and on the incurring of other debts by it;
 - 28 g. Covenant as to the payment of the principal of or interest on
29 the bonds, notes or other obligations, as to the sources and methods
30 of payment, as to the rank or priority of any bonds, notes or
31 obligations with respect to any lien or security or as to the acceleration
32 of the maturity of any bonds, notes or obligations;
 - 33 h. Provide for the replacement of lost, stolen, destroyed or
34 mutilated bonds, notes or other obligations;
 - 35 i. Covenant against extending the time for the payment of bonds,
36 notes or other obligations or interest thereon;
 - 37 j. Covenant as to the redemption of bonds, notes or other
38 obligations and privileges of exchange thereof for other bonds, notes
39 or other obligations of the trust;
 - 40 k. Covenant to create or authorize the creation of special funds or
41 moneys to be held in pledge or otherwise for payment or redemption
42 of bonds, notes or other obligations, reserves or other purposes and as
43 to the use, investment, and disposition of the moneys held in the
44 funds;
 - 45 l. Establish the procedure, if any, by which the terms of any
46 contract or covenant with or for the benefit of the holders of bonds,

1 notes or other obligations may be amended or abrogated, the amount
2 of bonds, notes or other obligations the holders of which must consent
3 thereto, and the manner in which the consent may be given;

4 m. Provide for the release of property, agreements, or revenues
5 and receipts from any pledge and to reserve rights and powers in, or
6 the right to dispose of, property which is subject to a pledge;

7 n. Provide for the rights and liabilities, powers and duties arising
8 upon the breach of any covenant, condition or obligation and to
9 prescribe the events of default and the terms and conditions upon
10 which any or all of the bonds, notes or other obligations of the trust
11 shall become or may be declared due and payable before maturity and
12 the terms and conditions upon which any declaration and its
13 consequences may be waived;

14 o. Vest in a trustee or trustees within or outside of the State such
15 property, rights, powers and duties in trust as the trust may determine,
16 and to limit the rights, duties and powers of that trustee or trustees;

17 p. Execute all bills of sale, conveyances, deeds of trust and other
18 instruments necessary or convenient in the exercise of its powers or in
19 the performance of its covenants or duties;

20 q. Pay the costs or expenses incident to the enforcement of the
21 bonds, notes or other obligations or of the provisions of the resolution
22 or of any covenant or agreement of the trust with the holders of its
23 bonds, notes or other obligations;

24 r. Limit the rights of the holders of any bonds, notes or other
25 obligations to enforce any pledge or covenant securing the bonds,
26 notes or other obligations; and

27 s. Make covenants, in addition to the covenants herein expressly
28 authorized, of like or different character, and to make covenants to do
29 or refrain from doing acts and things as may be necessary, or
30 convenient and desirable, in order to better secure bonds, notes or
31 other obligations or which in the absolute discretion of the trust will
32 tend to make bonds, notes or other obligations more marketable,
33 notwithstanding that the covenants, acts or things may not be
34 enumerated herein.

35

36 9. (New section) Any pledge of revenues, moneys, funds or other
37 property made by the trust shall be valid and binding from the time
38 when the pledge is made; the revenues, moneys, funds or other
39 property so pledged and thereafter received by the trust shall
40 immediately be subject to the lien of the pledge without any physical
41 delivery thereof or further act, and the lien of any pledge shall be valid
42 and binding as against all parties having claims of any kind in tort,
43 contract or otherwise against the trust, irrespective of whether the
44 parties have notice thereof. Neither the resolution nor any other
45 instrument by which a pledge of revenues, moneys or funds is created
46 need be filed or recorded, except in the records of the trust.

1 10. (New section) Neither the members of the trust nor any
2 person executing bonds, notes or other obligations issued pursuant to
3 this act shall be liable personally on the bonds, notes or other
4 obligations by reason of the issuance thereof.

5
6 11. (New section) The trust may establish reserves, funds or
7 accounts as may be, in its discretion, necessary or desirable to further
8 the accomplishment of the purposes of the trust or to comply with the
9 provisions of any agreement made by or any resolution of the trust.

10
11 12. (New section) The State does hereby pledge to and covenant
12 and agree with the holders of any bonds, notes or other obligations
13 issued or incurred pursuant to the authorization of this act that the
14 State will not limit or alter the rights or powers hereby vested in the
15 trust in any way that would jeopardize the interest of the holders of the
16 bonds, notes or other obligations or inhibit or prevent performance or
17 fulfillment by the trust of the terms of any agreement made with the
18 holders of the bonds, notes or other obligations, or prevent the trust
19 from obtaining sufficient revenues which, together with other available
20 funds, shall be sufficient to meet all expenses of the trust and fulfill the
21 terms of any agreement made with the holders of the bonds, notes or
22 other obligations, together with interest thereon, with interest on any
23 unpaid installments of interest, and all costs and expenses in
24 connection with any action or proceedings by or on behalf of the
25 holders, as provided in any agreement provided for in this act, until the
26 bonds, notes or other obligations, together with interest thereon, are
27 fully met and discharged or provided for. The failure of the State to
28 appropriate moneys for any purpose of this act shall not be deemed or
29 construed to be a violation of this section.

30
31 13. (New section) The State and all public officers, governmental
32 units and agencies thereof, all banks, trust companies, savings banks
33 and institutions, building and loan associations, savings and loan
34 associations, investment companies, and other persons carrying on a
35 banking business, all insurance companies, insurance associations and
36 other persons carrying on an insurance business, and all executors,
37 administrators, guardians, trustees and other fiduciaries may legally
38 invest any sinking funds, moneys or other funds belonging to them or
39 within their control in any bonds, notes or other obligations issued
40 pursuant to this act, and the bonds, notes or other obligations shall be
41 authorized security for any and all public deposits.

42
43 14. (New section) All property of the trust is declared to be public
44 property devoted to an essential public and governmental function and
45 purpose and shall be exempt from all taxes and special assessments of
46 the State or any political subdivision thereof. All bonds, notes or

1 other obligations issued pursuant to this act are hereby declared to be
2 issued by a body corporate and politic of the State and for an essential
3 public and governmental purpose and the bonds, notes and other
4 obligations, and the interest thereon and the income therefrom, and all
5 funds, revenues, income and other moneys received or to be received
6 by the trust and pledged or available to pay or secure the payment of
7 the bonds, notes and other obligations, or interest thereon, shall at all
8 times be exempt from taxation, except for transfer inheritance and
9 estate taxes.

10
11 15. (New section) On or before the first day of September in each
12 year, commencing with the calendar year after the date of enactment
13 of this act, the trust shall make an annual report of its activities for the
14 preceding State fiscal year to the Governor and to the Legislature, in
15 addition to responding to other requests made by the Legislature from
16 time to time. The report shall set forth a complete operating and
17 financial statement covering its operations during the year, a long
18 range financing plan for the next five years and a more specific short
19 range financing plan for the next year with respect to providing the
20 funding necessary to achieve the goals and objectives of this act, and
21 a summary of the progress made to date on achieving those goals and
22 objectives. The trust shall cause an audit of its books and accounts to
23 be made at least once in each year by certified public accountants and
24 the cost thereof shall be considered an expense of the trust and a copy
25 thereof shall be filed with the Director of the Division of Budget and
26 Accounting and the Comptroller of the Treasury. Notwithstanding the
27 provisions of any law to the contrary, the State Auditor, or the State
28 Auditor's legally authorized representative, may examine the accounts
29 and books of the trust.

30
31 16. (New section) All officers, departments, boards, agencies,
32 divisions, and commissions of the State are hereby authorized and
33 empowered to render any and all services to the trust as may be within
34 the area of their respective governmental functions as fixed or
35 established by law, and as may be requested by the trust. Insofar as
36 possible, the cost and expense of any services shall be met and
37 provided for by those officers, departments, boards, agencies, divisions
38 and commissions.

39
40 17. (New section) a. There is established in the General Fund a
41 special account to be known as the "Garden State Preservation Trust
42 Fund Account." The State Treasurer shall credit to this account:

43 (1) In each State fiscal year from State fiscal year 2000 through
44 and including State fiscal year 2009, an amount from the State revenue
45 annually collected from the State tax imposed under the "Sales and
46 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and

1 supplemented, equal to \$98,000,000; and

2 (2) In each State fiscal year from State fiscal year 2010 through
3 and including State fiscal year 2029, an amount from the State revenue
4 annually collected from the State tax imposed under the "Sales and
5 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and
6 supplemented, necessary to satisfy any payments relating to bonds,
7 notes or other obligations, including refunding bonds, of the trust, but
8 such amount shall not exceed \$98,000,000 in any such State fiscal
9 year.

10 b. In each State fiscal year, the amount credited to the Garden
11 State Preservation Trust Fund Account shall be appropriated only for
12 the purposes set forth in Article VIII, Section II, paragraph 7 of the
13 State Constitution and this act.

14 c. (1) On the basis of a payment schedule provided annually by
15 the trust to the State Treasurer for State fiscal year 2000 through and
16 including State fiscal year 2009, the State Treasurer shall pay to the
17 trust the amount credited to the Garden State Preservation Trust Fund
18 Account, plus any interest or other income earned on the amount so
19 credited prior to payment pursuant to this subsection, for each such
20 State fiscal year as provided pursuant to paragraph (1) of subsection
21 a. of this section and appropriated pursuant to subsection b. of this
22 section, which the trust shall use for its purposes as set forth in this
23 act. The State Treasurer also shall pay to the trust such other amounts
24 as may be appropriated from time to time for use by the trust for its
25 purposes as set forth in this act.

26 (2) In each State fiscal year from State fiscal year 2010 through and
27 including State fiscal year 2029, the State Treasurer shall pay to the
28 trust the amount credited to the Garden State Preservation Trust Fund
29 Account for that State fiscal year as provided pursuant to paragraph
30 (2) of subsection a. of this section and appropriated pursuant to
31 subsection b. of this section, which the trust shall use for its purposes
32 as set forth in this act. The State Treasurer also shall pay to the trust
33 such other amounts as may be appropriated from time to time for use
34 by the trust for its purposes as set forth in this act.

35 d. Any repayments of the principal and interest on loans issued to
36 local government units for the acquisition or development of lands for
37 recreation and conservation purposes pursuant to subsection b. of
38 section 27 of this act credited to the Garden State Preservation Trust
39 Fund Account as provided pursuant to Article VIII, Section II,
40 paragraph 7 of the State Constitution shall be deposited in the Garden
41 State Green Acres Preservation Trust Fund established pursuant to
42 section 19 of this act.

43

44 18. (New section) a. In each State fiscal year, from State fiscal
45 year 2000 through and including State fiscal year 2009, the trust shall
46 transfer to the State Treasurer for deposit into:

1 (1) the Garden State Green Acres Preservation Trust Fund,
2 established pursuant to section 19 of this act, 60% of such amounts as
3 are available from:

4 (a) the amount paid to the trust for that State fiscal year pursuant
5 to subsection c. of section 17 of this act, net of the amount necessary
6 to be deposited in the Garden State Historic Preservation Trust Fund
7 pursuant to paragraph (3) of this subsection and net of any amount
8 that shall be retained by the trust to make any necessary payments
9 related to bonds, notes or other obligations, including refunding bonds,
10 issued by the trust; and

11 (b) such proceeds raised by the trust for the purposes set forth in
12 Article VIII, Section II, paragraph 7 of the State Constitution and this
13 act through the issuance of bonds, notes or other obligations;

14 (2) the Garden State Farmland Preservation Trust Fund, established
15 pursuant to section 20 of this act, 40% of such amounts as are
16 available from:

17 (a) the amount paid to the trust for that State fiscal year pursuant
18 to subsection c. of section 17 of this act, net of the amount necessary
19 to be deposited in the Garden State Historic Preservation Trust Fund
20 pursuant to paragraph (3) of this subsection and net of any amount
21 that shall be retained by the trust to make any necessary payments
22 related to bonds, notes or other obligations, including refunding bonds,
23 issued by the trust; and

24 (b) such proceeds raised by the trust for the purposes set forth in
25 Article VIII, Section II, paragraph 7 of the State Constitution and this
26 act through the issuance of bonds, notes or other obligations; and

27 (3) the Garden State Historic Preservation Trust Fund, established
28 pursuant to section 21 of this act, the sum of \$6,000,000 per year from
29 the amount paid to the trust for that State fiscal year pursuant to
30 subsection c. of section 17 of this act.

31 b. (1) Of the amount deposited each State fiscal year into the
32 Garden State Green Acres Preservation Trust Fund pursuant to
33 paragraph (1) of subsection a. of this section, or received into the fund
34 each State fiscal year from other sources: 50% thereof shall be
35 allocated for the purposes of paying the cost of acquisition and
36 development of lands by the State for recreation and conservation
37 purposes; 40% thereof shall be allocated for the purposes of providing
38 grants and loans to assist local government units to pay the cost of
39 acquisition and development of lands for recreation and conservation
40 purposes; and 10% thereof 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 lands
43 for recreation and conservation purposes, all as provided pursuant to
44 this act.

45 (2) Notwithstanding the provisions of this subsection to the
46 contrary, any repayments of the principal and interest on loans issued

1 to local government units for the acquisition or development of lands
2 for recreation and conservation purposes pursuant to subsection b. of
3 section 27 of this act, including repayments received after June 30,
4 2009, shall be allocated only for the issuance of additional loans to
5 local government units for the acquisition or development of lands for
6 recreation and conservation purposes pursuant to subsection b. of
7 section 27 of this act.

8 c. (1) Notwithstanding the provisions of this section to the
9 contrary, the trust, after conducting at least one public hearing upon
10 at least 60 days advance public notice thereof, and upon finding that
11 it would further the purposes of Article VIII, Section II, paragraph 7
12 of the State Constitution and this act, may (a) alter for a specific and
13 identified State fiscal year the funding allocation percentages or levels
14 set for or within each of the trust funds as prescribed pursuant to this
15 section for that State fiscal year, or (b) request the State Treasurer to
16 transfer moneys from one trust fund to another trust fund, to respond
17 to the special needs and funding priorities of the State within a specific
18 and identified State fiscal year, respond to exigent circumstances, take
19 advantage of unexpected opportunities, or maximize the impact of
20 financial resources applied to the purposes of any particular funding
21 category. Upon receipt of any such request from the trust, the State
22 Treasurer shall transfer the moneys between the trust funds in the
23 manner prescribed by the trust. Moneys so transferred from a trust
24 fund shall not be required to be repaid to the trust fund from which
25 they were transferred, provided that the moneys so transferred are
26 expended for any of the purposes authorized by Article VIII, Section
27 II, paragraph 7 of the State Constitution or this act.

28 (2) Moneys deposited into the Garden State Green Acres
29 Preservation Trust Fund from the repayments of the principal and
30 interest on loans, including repayments received after June 30, 2009,
31 issued to local government units for the acquisition or development of
32 lands for recreation and conservation purposes pursuant to subsection
33 b. of section 27 of this act shall not be subject to transfer to other trust
34 funds or be made available for other purposes authorized for moneys
35 deposited into the Garden State Green Acres Preservation Trust Fund;
36 such repayments shall be allocated only for the issuance of additional
37 loans to local government units for the acquisition or development of
38 lands for recreation and conservation purposes as provided pursuant
39 to subsection b. of section 27 of this act.

40 d. All administrative costs and expenses, including but not limited
41 to salaries, fringe and other benefits, equipment, materials, direct and
42 indirect costs, and non-salaried administrative costs, of the
43 Department of Environmental Protection, the State Agriculture
44 Development Committee, the New Jersey Historic Trust, and any
45 other State entity incurred in connection with the implementation or
46 administration of Article VIII, Section II, paragraph 7 of the State

1 Constitution or this act shall be paid from the General Fund and not
2 from constitutionally dedicated moneys.

3

4 19. (New section) The State Treasurer shall establish a fund to be
5 known as the "Garden State Green Acres Preservation Trust Fund."
6 The State Treasurer shall deposit into the fund all moneys transferred
7 from the trust to the State Treasurer for deposit into the fund pursuant
8 to paragraph (1) of subsection a. of section 18 of this act and any
9 other moneys appropriated by law for deposit into the fund. Moneys
10 in the fund shall be held in interest-bearing accounts in those
11 depositories as the State Treasurer may select, and may be invested
12 and reinvested as other trust funds in the custody of the State
13 Treasurer in the manner provided by law. All interest or other income
14 or earnings derived from the investment or reinvestment of moneys in
15 the fund shall be credited to the fund. Moneys derived from the
16 payment of principal and interest on the loans to local government
17 units authorized in subsection b. of section 27 of this act shall also be
18 held in the fund. Such grants, contributions, donations, and
19 reimbursements from federal aid programs, including but not limited
20 to funding received by the State from the federal Land and Water
21 Conservation Fund, 16 U.S.C. s.4601-4 et al., and from other public
22 or private sources as may be used lawfully for the purposes of section
23 26 of this act shall also be held in the fund, but shall be expended in
24 accordance with any purposes for which the moneys were designated
25 and in compliance with any conditions or requirements attached
26 thereto. The moneys in the fund are specifically dedicated and shall be
27 applied to the cost of the purposes set forth in section 26 of this act.
28 Moneys derived from the payment of principal and interest on the
29 loans to local government units authorized in subsection b. of section
30 27 of this act are specifically dedicated for the issuance of additional
31 loans in accordance with subsection b. of section 27 of this act.
32 Moneys in the fund shall not be expended except in accordance with
33 appropriations from the fund made by law. Unexpended moneys due
34 to project withdrawals, cancellations, or cost savings shall be returned
35 to the fund, except as otherwise provided pursuant to paragraph (3)
36 of subsection a. of section 23 of this act, to be used for the purposes
37 of the fund.

38

39 20. (New section) The State Treasurer shall establish a fund to be
40 known as the "Garden State Farmland Preservation Trust Fund." The
41 State Treasurer shall deposit into the fund all moneys transferred from
42 the trust to the State Treasurer for deposit into the fund pursuant to
43 paragraph (2) of subsection a. of section 18 of this act and any other
44 moneys appropriated by law for deposit into the fund. Moneys in the
45 fund shall be held in interest-bearing accounts in those depositories as
46 the State Treasurer may select, and may be invested and reinvested as

1 other trust funds in the custody of the State Treasurer in the manner
2 provided by law. All interest or other income or earnings derived from
3 the investment or reinvestment of moneys in the fund shall be credited
4 to the fund. Such grants, contributions, donations, and
5 reimbursements from federal aid programs and from other public or
6 private sources as may be used lawfully for the purposes of section 37
7 of this act shall also be held in the fund, but shall be expended in
8 accordance with any purposes for which the moneys were designated
9 and in compliance with any conditions or requirements attached
10 thereto. The moneys in the fund are specifically dedicated and shall be
11 applied to the cost of the purposes set forth in section 37 of this act.
12 Moneys in the fund shall not be expended except in accordance with
13 appropriations from the fund made by law. Unexpended moneys due
14 to project withdrawals, cancellations, or cost savings shall be returned
15 to the fund, except as otherwise provided pursuant to paragraph (3)
16 of subsection b. of section 23 of this act, to be used for the purposes
17 of the fund.

18

19 21. (New section) The State Treasurer shall establish a fund to be
20 known as the "Garden State Historic Preservation Trust Fund." The
21 State Treasurer shall deposit into the fund all moneys transferred from
22 the Garden State Preservation Trust to the State Treasurer for deposit
23 into the fund pursuant to paragraph (3) of subsection a. of section 18
24 of this act and any other moneys appropriated by law for deposit into
25 the fund. Moneys in the fund shall be held in interest-bearing accounts
26 in those depositories as the State Treasurer may select, and may be
27 invested and reinvested as other trust funds in the custody of the State
28 Treasurer in the manner provided by law. All interest or other income
29 or earnings derived from the investment or reinvestment of moneys in
30 the fund shall be credited to the fund. Such grants, contributions,
31 donations, and reimbursements from federal aid programs and from
32 other public or private sources as may be used lawfully for the
33 purposes of section 40 of this act shall also be held in the fund, but
34 shall be expended in accordance with any purposes for which the
35 moneys were designated and in compliance with any conditions or
36 requirements attached thereto. The moneys in the fund are specifically
37 dedicated and shall be applied to the cost of the purposes set forth in
38 section 40 of this act. Moneys in the fund shall not be expended
39 except in accordance with appropriations from the fund made by law.
40 Unexpended moneys due to project withdrawals, cancellations, or cost
41 savings shall be returned to the fund, except as otherwise provided
42 pursuant to paragraph (3) of subsection c. of section 23 of this act, to
43 be used for the purposes of the fund.

44

45 22. (New section) a. The State Auditor shall conduct audits of the
46 expenditures from the Garden State Green Acres Preservation Trust

1 Fund, the Garden State Farmland Preservation Trust Fund, and the
2 Garden State Historic Preservation Trust Fund as necessary to
3 determine from time to time whether moneys from those funds have
4 been expended for costs consistent with Article VIII, Section II,
5 paragraph 7 of the State Constitution, this act, any appropriations of
6 those moneys made by the Legislature, and any requirements
7 established therefor by the trust. The State Auditor shall transmit the
8 audit to the President of the Senate and the Speaker of the General
9 Assembly, and to the members of the Senate Budget and
10 Appropriations Committee, the Assembly Appropriations Committee,
11 and the Joint Budget Oversight Committee, or their successors. The
12 State Auditor shall also provide copies of the audit to the Governor,
13 the State Treasurer, and the trust.

14 b. The State Auditor shall review bond, note and other obligation
15 issuances of the trust and report annually to the members of the Senate
16 Budget and Appropriations Committee, the Assembly Appropriations
17 Committee, and the Joint Budget Oversight Committee, or their
18 successors, on the status of the bonds, notes and other obligations of
19 the trust and projects financed from the proceeds of the bonds, notes
20 or other obligations. The report shall include the investment status of
21 all unexpended bond, note or other obligation proceeds and provide a
22 description of any bond, note or other obligation issues expected
23 during a fiscal year, including type of issue, estimated amount of
24 bonds, notes or other obligations to be issued, and the expected month
25 of sale.

26

27 23. (New section) a. (1) At least twice each State fiscal year, the
28 Department of Environmental Protection shall submit to the trust a list
29 of projects that the department recommends to receive funding from:
30 the Garden State Green Acres Preservation Trust Fund, based upon a
31 priority system, ranking criteria, and funding policies established by
32 the department pursuant to this act; or any Green Acres bond act with
33 respect to moneys allocated therein for appropriation for the purpose
34 of acquiring or developing lands for recreation and conservation
35 purposes, based upon a priority system, ranking criteria, and funding
36 policies established by the department pursuant to law and any rules
37 or regulations adopted pursuant thereto. The trust shall review the list
38 and may make such deletions, but not additions, of projects therefrom
39 as it deems appropriate and in accordance with the procedures
40 established for such deletions pursuant to subsection d. of this section,
41 whereupon the trust shall approve the list. At least twice each State
42 fiscal year: (a) the trust shall prepare, and submit to the Governor and
43 to the President of the Senate and the Speaker of the General
44 Assembly for introduction in the Legislature, proposed legislation
45 appropriating moneys from the Garden State Green Acres Preservation
46 Trust Fund, or from any Green Acres bond act with respect to moneys

1 allocated therein for appropriation for the purpose of acquiring or
2 developing lands for recreation and conservation purposes, to fund
3 projects on any such list; and (b) the Legislature may approve one or
4 more appropriation acts containing a project list or lists submitted by
5 the trust pursuant to this paragraph.

6 (2) Any act appropriating moneys from the Garden State Green
7 Acres Preservation Trust Fund, or from any Green Acres bond act
8 with respect to moneys allocated therein for appropriation for the
9 purpose of acquiring or developing lands for recreation and
10 conservation purposes, shall identify the particular project or projects
11 to be funded by those moneys, and any expenditure for a project for
12 which the location is not identified by county and municipality in the
13 appropriation shall require the approval of the Joint Budget Oversight
14 Committee or its successor.

15 Moneys may be appropriated to a local government unit that has
16 prepared and adopted an open space acquisition and development plan
17 approved by the department, or to a qualifying tax exempt nonprofit
18 organization that, in cooperation and with the approval of a local
19 government unit, is implementing or assisting in the implementation of
20 an open space acquisition and development plan adopted by the local
21 government unit and approved by the department, without identifying
22 in the act the particular project or projects to be funded, provided that
23 the appropriation will be expended in accordance with that approved
24 plan.

25 (3) Any transfer of moneys appropriated from the Garden State
26 Green Acres Preservation Trust Fund, or from any Green Acres bond
27 act with respect to moneys allocated therein for appropriation for the
28 purpose of acquiring or developing lands for recreation and
29 conservation purposes, or any change in project sponsor, site, or type
30 that has received an appropriation from the fund or from a Green
31 Acres bond act, shall require the approval of the Joint Budget
32 Oversight Committee or its successor.

33 b. (1) At least twice each State fiscal year, the State Agriculture
34 Development Committee shall submit to the trust a list of projects that
35 the committee recommends to receive funding from the Garden State
36 Farmland Preservation Trust Fund, based upon a priority system,
37 ranking criteria, and funding policies established by the committee
38 pursuant to this act and the "Agriculture Retention and Development
39 Act," P.L.1983, c.32 (C.4:1C-11 et seq.), and any rules or regulations
40 adopted pursuant thereto. The trust shall review the list and may
41 make such deletions, but not additions, of projects therefrom as it
42 deems appropriate and in accordance with the procedures established
43 for such deletions pursuant to subsection d. of this section, whereupon
44 the trust shall approve the list. At least twice each State fiscal year:
45 (a) the trust shall prepare, and submit to the Governor and to the
46 President of the Senate and the Speaker of the General Assembly for

1 introduction in the Legislature, proposed legislation appropriating
2 moneys from the Garden State Farmland Preservation Trust Fund to
3 fund projects on any such list; and (b) the Legislature may approve one
4 or more appropriation acts containing a project list or lists submitted
5 by the trust pursuant to this paragraph.

6 (2) Any act appropriating moneys from the Garden State Farmland
7 Preservation Trust Fund shall identify the particular project or projects
8 to be funded with those moneys, and any expenditure for a project for
9 which the location is not identified by county and municipality in the
10 appropriation shall require the approval of the Joint Budget Oversight
11 Committee or its successor.

12 Notwithstanding the provisions of this paragraph to the contrary,
13 any appropriation of moneys from the fund to pay the cost of
14 acquisition of a fee simple title to farmland shall not be required to
15 identify the particular project or identify its location by county or
16 municipality, and the expenditure of those moneys shall not require the
17 approval of the Joint Budget Oversight Committee or its successor.

18 (3) Any transfer of moneys appropriated from the Garden State
19 Farmland Preservation Trust Fund, or change in project sponsor, site,
20 or type that has received an appropriation from the fund, shall require
21 the approval of the Joint Budget Oversight Committee or its
22 successor.

23 c. (1) At least once each State fiscal year, or at such other interval
24 as the New Jersey Historic Trust in consultation with the Garden State
25 Preservation Trust deems appropriate, the New Jersey Historic Trust
26 shall submit to the Garden State Preservation Trust a list of projects
27 that the New Jersey Historic Trust recommends to receive funding
28 from the Garden State Historic Preservation Trust Fund, based upon
29 a priority system, ranking criteria, and funding policies established by
30 the New Jersey Historic Trust pursuant to this act and P.L.1967, c.124
31 (C.13:1B-15.111 et al.), and any rules or regulations adopted pursuant
32 thereto. The Garden State Preservation Trust shall review the list and
33 may make such deletions, but not additions, of projects therefrom as
34 it deems appropriate and in accordance with the procedures
35 established for such deletions pursuant to subsection d. of this section,
36 whereupon the Garden State Preservation Trust shall approve the list.
37 At least once each State fiscal year, or at such other interval as the
38 Garden State Preservation Trust in consultation with the New Jersey
39 Historic Trust deems appropriate : (a) the Garden State Preservation
40 Trust shall prepare, and submit to the Governor and to the President
41 of the Senate and the Speaker of the General Assembly for
42 introduction in the Legislature, proposed legislation appropriating
43 moneys from the Garden State Historic Preservation Trust Fund to
44 fund projects on any such list; and (b) the Legislature may approve one
45 or more appropriation acts containing a project list or lists submitted
46 by the Garden State Preservation Trust pursuant to this paragraph.

1 (2) Any act appropriating moneys from the Garden State Historic
2 Preservation Trust Fund shall identify the particular project or projects
3 to be funded by those moneys, and any expenditure for a project for
4 which the location is not identified by county and municipality in the
5 appropriation shall require the approval of the Joint Budget Oversight
6 Committee or its successor.

7 (3) Any transfer of moneys appropriated from the Garden State
8 Historic Preservation Trust Fund, or change in project sponsor, site,
9 or type that has received an appropriation from the fund, shall require
10 the approval of the Joint Budget Oversight Committee or its
11 successor.

12 d. Whenever the Garden State Preservation Trust deletes a project
13 from a list of projects that has been submitted to the Garden State
14 Preservation Trust pursuant to subsection a., b., or c. of this section,
15 the Garden State Preservation Trust shall, in consultation with the
16 applicant and the department, the committee, or the New Jersey
17 Historic Trust, as the case may be, review and reevaluate the merits
18 and validity of the project. After completion of this review and
19 reevaluation, if the department, committee, or New Jersey Historic
20 Trust, as the case may be, continues to recommend funding of the
21 project, it shall transmit its reasons therefor in writing to the Garden
22 State Preservation Trust and place the project on the next or a
23 subsequent list of projects submitted to the Garden State Preservation
24 Trust pursuant to subsection a., b., or c. of this section. The Garden
25 State Preservation Trust shall include the project in the next proposed
26 legislation appropriating moneys from the Garden State Green Acres
27 Preservation Trust Fund, Green Acres bond act, Garden State
28 Farmland Preservation Trust Fund, or Garden State Historic
29 Preservation Trust Fund, as the case may be, that is submitted to the
30 Governor, President of the Senate, and Speaker of the General
31 Assembly pursuant to subsection a., b., or c. of this section, together
32 with a written report setting forth the rationale of the Garden State
33 Preservation Trust in recommending deletion of the project from the
34 proposed legislation and the rationale of the department, committee,
35 or New Jersey Historic Trust, as the case may be, in recommending
36 retention of the project in the proposed legislation.

37 e. The Garden State Preservation Trust may at any time suggest
38 projects to be considered or rejected for consideration by the
39 department, the committee, or the New Jersey Historic Trust in the
40 preparation of recommended project funding lists pursuant to this
41 section.

42 f. Projects involving the joint effort of more than one level of
43 government or qualifying tax exempt nonprofit organization, or the
44 joint effort of the department, the committee, and the New Jersey
45 Historic Trust, or any combination thereof, shall be encouraged.

46 g. For the purposes of efficiency and convenience, nothing in this

1 section shall prohibit the Garden State Preservation Trust from
2 combining the project lists, in whole or in part, of the department,
3 committee, and New Jersey Historic Trust into one proposed
4 appropriation bill or bills to be submitted to the Governor and
5 Legislature for consideration and enactment into law as otherwise
6 prescribed pursuant to this section.

7 h. The total amount appropriated for proposed projects pursuant
8 to subsections a. and b. of this section in any State fiscal year shall not
9 exceed \$200,000,000.

10

11 24. (New section) a. There is established in the Department of
12 Environmental Protection the Office of Green Acres. The
13 commissioner may appoint an administrator or director who shall
14 supervise the office, and the department may employ such other
15 personnel and staff as may be required to carry out the duties and
16 responsibilities of the department and the office pursuant to this act,
17 all without regard to the provisions of Title 11A, Civil Service, of the
18 New Jersey Statutes. Persons appointed or employed as provided
19 pursuant to this subsection shall be compensated in a manner similar
20 to other employees in the Executive Branch, and their compensation
21 shall be determined by the Commissioner of Personnel.

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

23 (1) Administer all provisions of this act pertaining to funding the
24 acquisition and development of lands for recreation and conservation
25 purposes as authorized pursuant to Article VIII, Section II, paragraph
26 7 of the State Constitution;

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

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

36 (a) establishing application procedures for grants and loans for the
37 acquisition and development of lands for recreation and conservation
38 purposes, criteria and policies for the evaluation and priority ranking
39 of projects for eligibility to receive funding for recreation and
40 conservation purposes using constitutionally dedicated moneys, any
41 conditions that may be placed on the award of a grant or loan for
42 recreation and conservation purposes pursuant to this act, and any
43 restrictions that may be placed on the use of lands acquired or
44 developed with a grant or loan for recreation and conservation
45 purposes pursuant to this act. The criteria and policies established
46 pursuant to this subparagraph for the evaluation and priority ranking

1 of projects for eligibility to receive funding for recreation and
2 conservation purposes using constitutionally dedicated moneys may be
3 based upon, but need not be limited to, such factors as: protection of
4 the environment, natural resources, water resources, watersheds,
5 wetlands, floodplains, beaches and coastal resources, forests and
6 grasslands, scenic views, biodiversity, habitat for wildlife, rare,
7 threatened, or endangered species, and plants; degree of likelihood of
8 development; promotion of greenways; provision for recreational
9 access and use; protection of geologic, historic, archaeological, and
10 cultural resources; relative cost; parcel size; and degree of public
11 support; and

12 (b) addressing any other matters deemed necessary to implement
13 and carry out the goals and objectives of Article VIII, Section II,
14 paragraph 7 of the State Constitution and this act with respect to the
15 acquisition and development of lands for recreation and conservation
16 purposes; and

17 (4) Establishing criteria and policies for the evaluation and priority
18 ranking of State projects to acquire and develop lands for recreation
19 and conservation purposes using constitutionally dedicated moneys,
20 which criteria and policies may be based upon, but need not be limited
21 to, such factors as: protection of the environment, natural resources,
22 water resources, watersheds, wetlands, floodplains, beaches and
23 coastal resources, forests and grasslands, scenic views, biodiversity,
24 habitat for wildlife, rare, threatened, or endangered species, and plants;
25 degree of likelihood of development; promotion of greenways;
26 provision for recreational access and use; protection of geologic,
27 historic, archaeological, and cultural resources; relative cost; parcel
28 size; and degree of public support.

29

30 25. (New section) Within one year after the date of enactment of
31 this act, and biennially thereafter until and including 2008, the Garden
32 State Preservation Trust, after consultation with the Department of
33 Environmental Protection, the State Agriculture Development
34 Committee and the New Jersey Historic Trust, shall prepare and
35 submit to the Governor and the Legislature a written report, which
36 shall:

37 a. Describe the progress being made on achieving the goals and
38 objectives of Article VIII, Section II, paragraph 7 of the State
39 Constitution and this act with respect to the acquisition and
40 development of lands for recreation and conservation purposes, the
41 preservation of farmland, and the preservation of historic properties,
42 and provide recommendations with respect to any legislative,
43 administrative, or local action that may be required to ensure that
44 those goals and objectives may be met in the future;

45 b. Tabulate, both for the reporting period and cumulatively, the
46 total acreage for the entire State, and the acreage in each county and

1 municipality, of lands acquired for recreation and conservation
2 purposes and of farmland preserved for farmland preservation
3 purposes that have been applied toward meeting the goals and
4 objectives of Article VIII, Section II, paragraph 7 of the State
5 Constitution and this act with respect to the acquisition of lands for
6 recreation and conservation purposes and the preservation of farmland;

7 c. 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 any donations of land that have been applied toward
10 meeting the goals and objectives of Article VIII, Section II, paragraph
11 7 of the State Constitution and this act with respect to the acquisition
12 of lands for recreation and conservation purposes and the preservation
13 of farmland;

14 d. 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 funded with
17 constitutionally dedicated moneys;

18 e. Indicate those areas of the State where the acquisition and
19 development of lands by the State for recreation and conservation
20 purposes, and the allocation of constitutionally dedicated moneys for
21 farmland preservation purposes, are planned or are most likely to
22 occur, and a proposed schedule and expenditure plan for those
23 acquisitions, developments, and allocations, for the next reporting
24 period, which shall include an explanation of how those acquisitions,
25 developments, and allocations will be distributed throughout all
26 geographic regions of the State to the maximum extent practicable and
27 feasible;

28 f. List any surplus real property owned by the State or an
29 independent authority of the State that may be utilizable for recreation
30 and conservation purposes or farmland preservation purposes, and
31 indicate what action has been or must be taken to effect a conveyance
32 of those lands to the department, the committee, local government
33 units, qualifying tax exempt nonprofit organizations, or other entities
34 or persons so that the lands may be preserved and used for those
35 purposes; and

36 g. List, for the reporting period, all projects for which
37 applications for funding under the Green Acres, farmland preservation,
38 and historic preservation programs were received but not funded with
39 constitutionally dedicated moneys during the reporting period, and the
40 reason or reasons why those projects were not funded.

41

42 26. (New section) a. Moneys appropriated from the Garden State
43 Green Acres Preservation Trust Fund to the Department of
44 Environmental Protection shall be used by the department to:

45 (1) Pay the cost of acquisition and development of lands by the
46 State for recreation and conservation purposes;

1 (2) Provide grants and loans to assist local government units to pay
2 the cost of acquisition and development of lands for recreation and
3 conservation purposes; and

4 (3) Provide grants to assist qualifying tax exempt nonprofit
5 organizations to pay the cost of acquisition and development of lands
6 for recreation and conservation purposes.

7 b. The expenditure and allocation of constitutionally dedicated
8 moneys for recreation and conservation purposes shall reflect the
9 geographic diversity of the State to the maximum extent practicable
10 and feasible.

11 c. (1) Notwithstanding the provisions of section 5 of P.L.1985,
12 c.310 (C.13:18A-34) or this act, or any rule or regulation adopted
13 pursuant thereto, to the contrary, the value of a pinelands development
14 credit, allocated to a parcel pursuant to P.L.1979, c.111 (C.13:18A-1
15 et seq.) and the pinelands comprehensive management plan adopted
16 pursuant thereto, shall be made utilizing a value to be determined by
17 either appraisal, regional averaging based upon appraisal data, or a
18 formula supported by appraisal data. The appraisal and appraisal data
19 shall consider as appropriate: land values in the pinelands regional
20 growth areas; land values in counties, municipalities, and other areas
21 reasonably contiguous to, but outside of, the pinelands area; and other
22 relevant factors as may be necessary to maintain the environmental,
23 ecological, and agricultural qualities of the pinelands area.

24 (2) No pinelands development credit allocated to a parcel of land
25 pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands
26 comprehensive management plan adopted pursuant thereto that is
27 acquired or obtained in connection with the acquisition of the parcel
28 for recreation and conservation purposes by the State, a local
29 government unit, or a qualifying tax exempt nonprofit organization
30 using constitutionally dedicated moneys in whole or in part may be
31 conveyed in any manner. All such pinelands development credits shall
32 be retired permanently.

33 d. In determining the value of lands under consideration for
34 acquisition for recreation and conservation purposes to be paid for
35 using constitutionally dedicated moneys in whole or in part, any
36 appraisal of that value conducted by or for the department, a local
37 government unit, or a qualifying tax exempt nonprofit organization
38 shall be made using the land use zoning of the lands in effect on
39 November 3, 1998. This subsection shall not apply to appraisals
40 conducted for the purposes of subsection c. of this section.

41 e. Moneys appropriated from the fund may be used to match
42 grants, contributions, donations, or reimbursements from federal aid
43 programs or from other public or private sources established for the
44 same or similar purposes as the fund.

45
46 27. (New section) a. (1) Any grant awarded by the State to a local

1 government unit to acquire lands for recreation and conservation
2 purposes shall be for 25% of the cost of acquisition, except that the
3 trust may authorize an increase in the State's share of the cost to a
4 maximum of 50% upon a demonstration of special need or exceptional
5 circumstances.

6 (2) Notwithstanding the provisions of paragraph (1) of this
7 subsection to the contrary:

8 (a) a grant by the State for lands acquired for recreation and
9 conservation purposes by a qualifying open space referendum county
10 or a qualifying open space referendum municipality shall be for 50%
11 of the cost of acquisition of the lands by that county or municipality,
12 except that the trust may authorize an increase in the State's share of
13 the cost to a maximum of 75% upon a demonstration of special need
14 or exceptional circumstances; and

15 (b) a grant by the State for lands acquired or developed for
16 recreation and conservation purposes by a local government unit in a
17 municipality eligible to receive State aid pursuant to P.L.1978, c.14
18 (C.52:27D-178 et seq.) shall be for 50% of the cost of acquisition or
19 development of the lands by the local government unit, except that the
20 trust may authorize an increase in the State's share of the cost to a
21 maximum of 75% upon a demonstration of special need or exceptional
22 circumstances.

23 b. A loan by the State for lands to be acquired or developed by a
24 local government unit for recreation and conservation purposes may
25 include up to 100% of the cost of acquisition or development of the
26 lands by the local government unit, shall bear interest of not more than
27 2% per year, and shall be for a term of not more than 30 years for an
28 acquisition project and not more than 20 years for a development
29 project.

30 c. (1) A grant by the State for lands to be acquired or developed
31 by a qualifying tax exempt nonprofit organization for recreation and
32 conservation purposes may include up to 50% of the cost of
33 acquisition or development of the lands by the qualifying tax exempt
34 nonprofit organization.

35 (2) No grant shall be made to a qualifying tax exempt nonprofit
36 organization for a development project for recreation and conservation
37 purposes on lands owned by a local government unit unless the local
38 government unit is a co-applicant with the qualifying tax exempt
39 nonprofit organization or has otherwise indicated its approval in
40 writing of the proposed development project. The match provided by
41 the qualifying tax exempt nonprofit organization for any such
42 development project grant shall not be met with any moneys obtained
43 through a State grant.

44 (3) To qualify to receive a grant pursuant to this subsection, the
45 board of directors or governing body of the applying tax exempt
46 nonprofit organization shall:

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

4 (2) demonstrate that the organization has the resources to match
5 the grant requested;

6 (3) agree to make and keep the lands accessible to the public,
7 unless the commissioner determines that public accessibility would be
8 detrimental to the lands or any natural resources associated therewith;

9 (4) agree not to convey the lands except to the federal government,
10 the State, a local government unit, or another qualifying tax exempt
11 nonprofit organization, for recreation and conservation purposes; and

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

15 d. The local government unit or qualifying tax exempt nonprofit
16 organization share of the cost of an acquisition of lands, if any, may be
17 reduced (1) by the fair market value, as determined by the
18 commissioner, of any portion of the lands to be acquired that have
19 been donated to, or otherwise received without cost by, the local
20 government unit or qualifying tax exempt nonprofit organization; or
21 (2) in the case of a conveyance of the lands, or any portion thereof, to
22 the local government unit or qualifying tax exempt nonprofit
23 organization at less than fair market value, by the difference between
24 the fair market value at the time of the conveyance and the conveyance
25 price to the local government unit or qualifying tax exempt nonprofit
26 organization.

27
28 28. (New section) The State shall not use the power of eminent
29 domain in any manner for the acquisition of lands by the State for
30 recreation and conservation purposes using constitutionally dedicated
31 moneys in whole or in part unless a concurrent resolution approving
32 that use is approved by both Houses of the Legislature; except that,
33 without the need for such a concurrent resolution, the State may use
34 the power of eminent domain to the extent necessary to establish a
35 value for lands to be acquired from a willing seller by the State for
36 recreation and conservation purposes using constitutionally dedicated
37 moneys in whole or in part.

38
39 29. (New section) a. (1) (a) To the end that municipalities may
40 not suffer a loss of taxes by reason of the acquisition and ownership
41 by the State of lands in fee simple for recreation and conservation
42 purposes or in fee simple for farmland preservation 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 exempt from property taxes pursuant
46 to P.L.1974, c.167 (C.54:4-3.63 et seq.) or similar laws, or in fee

1 simple for farmland preservation purposes, using constitutionally
2 dedicated moneys in whole or in part, the State shall pay annually on
3 October 1 to each municipality in which lands are so acquired and
4 owned, for a period of 13 years following an acquisition the following
5 amounts: in the first year a sum of money equal to the tax last
6 assessed and last paid by the taxpayer upon this land and the
7 improvements thereon for the taxable year immediately prior to the
8 time of its acquisition and thereafter the following percentages of the
9 amount paid in the first year: second year, 92%; third year, 84%;
10 fourth year, 76%; fifth year, 68%; sixth year, 60%; seventh year, 52%;
11 eighth year, 44%; ninth year, 36%; 10th year, 28%; 11th year, 20%;
12 12th year, 12%; 13th year, 4%.

13 (b) Notwithstanding the provisions of subparagraph (a) of this
14 paragraph to the contrary, any payment made pursuant to that
15 subparagraph shall be not less than the amount that would be paid as
16 provided pursuant to paragraph (2) of this subsection.

17 (2) After the 13th year, or sooner as provided pursuant to
18 subparagraph (b) of paragraph (1) of this subsection, the State shall
19 pay annually on October 1 to each municipality in which lands are so
20 acquired and owned the following amounts: \$2 per acre of lands so
21 acquired and owned for any municipality for which all lands owned in
22 fee simple by the State or by a qualifying tax exempt nonprofit
23 organization for recreation and conservation purposes or farmland
24 preservation purposes constitute less than 20% of the total land area
25 of the municipality; \$5 per acre of lands so acquired and owned for
26 any municipality for which all lands owned in fee simple by the State
27 or by a qualifying tax exempt nonprofit organization for recreation and
28 conservation purposes or farmland preservation purposes constitute at
29 least 20% but less than 50% of the total land area of the municipality;
30 \$10 per acre of lands so acquired and owned for any municipality for
31 which all lands owned in fee simple by the State or by a qualifying tax
32 exempt nonprofit organization for recreation and conservation
33 purposes or farmland preservation purposes constitute at least 50%
34 but less than 60% of the total land area of the municipality; and \$20
35 per acre of lands so acquired and owned for any municipality for which
36 all lands owned in fee simple by the State or by a qualifying tax exempt
37 nonprofit organization for recreation and conservation purposes or
38 farmland preservation purposes constitute at least 60% of the total
39 land area of the municipality.

40 b. In the event that land acquired by the State, a local government
41 unit, or a qualifying tax exempt nonprofit organization for recreation
42 and conservation purposes or farmland preservation purposes was
43 assessed at an agricultural and horticultural use valuation in
44 accordance with provisions of the "Farmland Assessment Act of
45 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.) at the time of its
46 acquisition by the State, local government unit, or qualifying tax

1 exempt nonprofit organization, no roll-back tax pursuant to section 8
2 of P.L.1964, c.48 (C.54:4-23.8) shall be imposed as to this land nor
3 shall this roll-back tax be applicable in determining the annual
4 payments to be made pursuant to subsection a. of this section by the
5 State to the municipality in which this land is located.

6 c. Any payments made by the State pursuant to this section shall
7 be paid from the General Fund but not from constitutionally dedicated
8 moneys.

9 d. All sums of money received by the respective municipalities as
10 compensation for loss of tax revenue pursuant to this section shall be
11 applied to the same purposes as is the tax revenue from the assessment
12 and collection of taxes on real property of these municipalities, and to
13 accomplish this end the sums shall be apportioned in the same manner
14 as the general tax rate of the municipality for the tax year preceding
15 the year of receipt.

16
17 30. (New section) a. With respect to lands acquired using any
18 funding source other than constitutionally dedicated moneys, whether
19 prior to the date of enactment of this act or thereafter, and owned in
20 fee simple by the State or by a qualifying tax exempt nonprofit
21 organization, and which lands are permanently preserved for recreation
22 and conservation purposes or for farmland preservation purposes, the
23 State shall pay annually on October 1 to each municipality in which
24 those lands are located the following amounts: \$2 per acre of lands so
25 acquired and owned for any municipality for which all lands owned in
26 fee simple by the State or by a qualifying tax exempt nonprofit
27 organization for recreation and conservation purposes or farmland
28 preservation purposes constitute less than 20% of the total land area
29 of the municipality; \$5 per acre of lands so acquired and owned for
30 any municipality for which all lands owned in fee simple by the State
31 or by a qualifying tax exempt nonprofit organization for recreation and
32 conservation purposes or farmland preservation purposes constitute at
33 least 20% but less than 50% of the total land area of the municipality;
34 \$10 per acre of lands so acquired and owned for any municipality for
35 which all lands owned in fee simple by the State or by a qualifying tax
36 exempt nonprofit organization for recreation and conservation
37 purposes or farmland preservation purposes constitute at least 50%
38 but less than 60% of the total land area of the municipality, and \$20
39 per acre of lands so acquired and owned for any municipality for which
40 all lands owned in fee simple by the State or by a qualifying tax exempt
41 nonprofit organization for recreation and conservation purposes or
42 farmland preservation purposes constitute at least 60% of the total
43 land area of the municipality.

44 b. In the event payments in lieu of taxes are due and payable from
45 the State on those lands pursuant to another law, and those payments,
46 if made by the State, would exceed those that would be paid pursuant

1 to this section, the payments shall be made in accordance with the
2 other law. In no case shall payments be made to a municipality in
3 compliance with both this section and any other applicable law.

4 c. Any payments made by the State pursuant to this section shall
5 be paid from the General Fund but not from constitutionally dedicated
6 moneys.

7 d. All sums of money received by the respective municipalities as
8 compensation for loss of tax revenue pursuant to this section shall be
9 applied to the same purposes as is the tax revenue from the assessment
10 and collection of taxes on real property of these municipalities, and to
11 accomplish this end the sums shall be apportioned in the same manner
12 as the general tax rate of the municipality for the tax year preceding
13 the year of receipt.

14

15 31. (New section) Lands acquired or developed by the State for
16 recreation and conservation purposes using constitutionally dedicated
17 moneys in whole or in part shall not be conveyed, disposed of, or
18 diverted to use for other than recreation and conservation purposes
19 without the approval of the State House Commission established
20 pursuant to R.S.52:20-1 et seq. Approval shall not be given unless the
21 commissioner shall agree to pay an amount equal to or greater than the
22 fair market value of the land at the time of the proposed conveyance,
23 disposal, or diversion, as determined by the State House Commission,
24 into the Garden State Green Acres Preservation Trust Fund. Moneys
25 so returned to that fund shall be deemed wholly a part of the portion
26 of that fund available for the acquisition by the State of lands for
27 recreation and conservation purposes as provided pursuant to this act.

28

29 32. (New section) a. Lands acquired or developed by a local
30 government unit or a qualifying tax exempt nonprofit organization for
31 recreation and conservation purposes using constitutionally dedicated
32 moneys in whole or in part shall not be conveyed, disposed of, or
33 diverted to a use for other than recreation and conservation purposes
34 without the approval of the commissioner and the State House
35 Commission and following a public hearing held at least one month
36 prior to those approvals. Approval of the commissioner and the State
37 House Commission shall not be given unless the local government unit
38 or qualifying tax exempt nonprofit organization agrees to (1) replace
39 the lands with lands of equal or greater fair market value and of
40 reasonably equivalent size, quality, location, and usefulness for
41 recreation and conservation purposes, as approved by the
42 commissioner, or (2) pay an amount equal to or greater than the fair
43 market value of the lands, as determined by the commission, into the
44 Garden State Green Acres Preservation Trust Fund. Moneys so
45 returned to that fund shall be deemed wholly a part of the portion of
46 that fund available for grants or loans to local government units or

1 grants to qualifying tax exempt nonprofit organizations for the
2 acquisition of lands for recreation and conservation purposes as
3 provided pursuant to this act.

4 b. A local government unit that receives a grant or loan for
5 recreation and conservation purposes pursuant to this act shall not
6 convey, dispose of, or divert to a use for other than recreation and
7 conservation purposes any lands held by the local government unit for
8 those purposes at the time of receipt of the grant or loan without the
9 approval of the commissioner and the State House Commission and
10 following a public hearing held by the local government unit at least
11 one month prior to those approvals. Approval of the commissioner
12 and the State House Commission shall not be given unless the local
13 government unit agrees to (a) replace the lands with lands of equal or
14 greater fair market value and of reasonably equivalent size, quality,
15 location, and usefulness for recreation and conservation purposes, as
16 approved by the commissioner, or (b) pay an amount equal to or
17 greater than the fair market value of the lands, as determined by the
18 commission, into the Garden State Green Acres Preservation Trust
19 Fund. Moneys so returned to that fund shall be deemed wholly a part
20 of the portion of that fund available for grants or loans to local
21 government units for the acquisition of lands for recreation and
22 conservation purposes as provided pursuant to this act.

23 c. For the purposes of this section, "fair market value" shall mean
24 the fair market value at the time of the proposed conveyance, disposal,
25 or diversion.

26

27 33. (New section) a. For lands held by a local government unit for
28 recreation and conservation purposes that were neither acquired nor
29 developed for any of those purposes with any financial assistance from
30 the State, and which have been included in an inventory of lands
31 prepared for the purposes of complying with section 32 of this act, the
32 local government unit may (1) change the recreation and conservation
33 purpose for which the lands are being used to another recreation and
34 conservation purpose, including but not limited to developing the lands
35 for public outdoor recreation, or (2) construct a building or other
36 structure on the lands for public indoor recreation, provided that the
37 local government unit has held at least one public hearing on the
38 proposed change in purpose or use at least 90 days prior to final
39 approval thereof by the local government unit. Any action taken by a
40 local government unit pursuant to this section shall not be deemed to
41 be a conveyance, disposal, or diversion for the purposes of subsection
42 b. of section 32 of this act.

43 b. The local government unit shall provide to the commissioner
44 (1) at least 30 days advance written notice of any public hearing to be
45 held on any such change in purpose or use, (2) within 90 days after
46 final approval of the change in purpose or use by the local government

1 unit, written proof that any such public hearing was held, and (3)
2 written notice of the change in purpose or use within 90 days after it
3 has been effected.

4
5 34. (New section) a. A local government unit may convey lands
6 held by the local government unit for recreation and conservation
7 purposes to the federal government, the State, another local
8 government unit, or a qualifying tax exempt nonprofit organization,
9 provided that (1) the lands will continue to be preserved and used for
10 recreation and conservation purposes, (2) any restrictions on the lands
11 when they were held by the local government unit are maintained by
12 the new owner, and (3) at least one public hearing on the proposed
13 conveyance is held by the local government unit at least 90 days prior
14 to final approval thereof by the local government unit.

15 b. The local government unit shall provide to the commissioner
16 (1) at least 30 days advance written notice of any public hearing to be
17 held on any such conveyance, (2) within 90 days after final approval
18 of the conveyance by the local government unit, written proof that any
19 such public hearing was held, and (3) written notice of the conveyance
20 within 90 days after it has been executed.

21
22 35. (New section) a. No lands acquired or developed by the State
23 for recreation and conservation purposes using constitutionally
24 dedicated moneys in whole or in part may be conveyed except in
25 accordance with the provisions of this act, P.L.1993, c.38 (C.13:1D-
26 51 et seq.), and any other applicable law.

27 b. No lands acquired or developed by a county for recreation and
28 conservation purposes using constitutionally dedicated moneys in
29 whole or in part may be conveyed except in accordance with the
30 provisions of this act, P.L.1993, c.36 (C.40A:12-13.5 et seq.), and any
31 other applicable law.

32 c. No lands acquired or developed by a local government unit,
33 other than a county, for recreation and conservation purposes using
34 constitutionally dedicated moneys in whole or in part may be conveyed
35 except in accordance with the provisions of this act and any other
36 applicable law.

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

1 37. (New section) a. Moneys appropriated from the Garden State
2 Farmland Preservation Trust Fund to the State Agriculture
3 Development Committee for farmland preservation purposes shall be
4 used by the committee to:

5 (1) Provide grants to local government units to pay up to 80% of
6 the cost of acquisition of development easements on farmland,
7 provided that any funds received for the transfer of a development
8 easement shall be dedicated to the future purchase of development
9 easements on farmland and the State's pro rata share of any such funds
10 shall be deposited in the Garden State Farmland Preservation Trust
11 Fund to be used for the purposes of that fund;

12 (2) Provide grants to local government units to pay up to 80% of
13 the cost of acquisition of fee simple titles to farmland from willing
14 sellers only, which shall be offered for resale or lease with agricultural
15 deed restrictions, as determined by the committee, and any proceeds
16 received from a resale shall be dedicated for farmland preservation
17 purposes and the State's pro rata share of any such proceeds shall be
18 deposited in the Garden State Farmland Preservation Trust Fund to be
19 used for the purposes of that fund;

20 (3) Pay the cost of acquisition by the State of development
21 easements on farmland, provided that any funds received for the
22 transfer of a development easement shall be deposited in the Garden
23 State Farmland Preservation Trust Fund to be used for the purposes
24 of that fund; and

25 (4) Pay the cost of acquisition by the State of fee simple titles to
26 farmland from willing sellers only, which shall be offered for resale or
27 lease with agricultural deed restrictions, as determined by the
28 committee, and any proceeds received from a resale or lease shall be
29 deposited in the Garden State Farmland Preservation Trust Fund to be
30 used for the purposes of that fund.

31 b. Moneys appropriated from the fund may be used to match
32 grants, contributions, donations, or reimbursements from federal aid
33 programs or from other public or private sources established for the
34 same or similar purposes as the fund.

35

36 38. (New section) a. All acquisitions or grants made pursuant to
37 section 37 of this act shall be made with respect to farmland devoted
38 to farmland preservation under programs established by law.

39 b. The expenditure and allocation of constitutionally dedicated
40 moneys for farmland preservation purposes shall reflect the geographic
41 diversity of the State to the maximum extent practicable and feasible.

42 c. The committee shall implement the provisions of section 37 of
43 this act in accordance with the procedures and criteria established
44 pursuant to the "Agriculture Retention and Development Act,"
45 P.L.1983, c.32 (C.4:1C-11 et seq.) except as provided otherwise by
46 this act.

1 d. The committee shall adopt the same or a substantially similar
2 method for determining, for the purposes of this act, the committee's
3 share of the cost of a development easement on farmland to be
4 acquired by a local government as that which is being used by the
5 committee on the date of enactment of this act for prior farmland
6 preservation funding programs.

7 e. Notwithstanding the provisions of section 24 of P.L.1983, c.32
8 (C.4:1C-31) or this act, or any rule or regulation adopted pursuant
9 thereto, to the contrary, whenever the value of a development
10 easement on farmland to be acquired using constitutionally dedicated
11 moneys in whole or in part is determined based upon the value of any
12 pinelands development credits allocated to the parcel pursuant
13 P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive
14 management plan adopted pursuant thereto, the committee shall
15 determine the value of the development easement by:

16 (1) conducting a sufficient number of fair market value appraisals
17 as it deems appropriate to determine the value for farmland
18 preservation purposes of the pinelands development credits;

19 (2) considering development easement values in counties,
20 municipalities, and other areas (a) reasonably contiguous to, but
21 outside of, the pinelands area, which in the sole opinion of the
22 committee constitute reasonable development easement values in the
23 pinelands area for the purposes of this subsection, and (b) in the
24 pinelands area where pinelands development credits are or may be
25 utilized, which in the sole opinion of the committee constitute
26 reasonable development easement values in the pinelands area for the
27 purposes of this subsection;

28 (3) considering land values in the pinelands regional growth areas;

29 (4) considering the importance of preserving agricultural lands in
30 the pinelands area; and

31 (5) considering such other relevant factors as may be necessary to
32 increase participation in the farmland preservation program by owners
33 of agricultural lands located in the pinelands area.

34 f. No pinelands development credit that is acquired or obtained
35 in connection with the acquisition of a development easement on
36 farmland or fee simple title to farmland by the State or a local
37 government unit using constitutionally dedicated moneys in whole or
38 in part may be conveyed in any manner. All such pinelands
39 development credits shall be retired permanently.

40 g. In determining the value of a development easement on
41 farmland or the fee simple title to farmland under consideration for
42 acquisition for farmland preservation purposes to be paid for using
43 constitutionally dedicated moneys in whole or in part, any appraisal of
44 that value conducted by or for the committee or a local government
45 unit shall be made using the land use zoning of the farmland in effect
46 on November 3, 1998. This subsection shall not apply to appraisals

1 conducted for the purposes of subsection e. of this section.

2 h. Any farmland for which a development easement or fee simple
3 title has been acquired pursuant to section 37 of this act shall be
4 entitled to the benefits conferred by the "Right to Farm Act,"
5 P.L.1983, c.31 (C.4:1C-1 et al.) and the "Agriculture Retention and
6 Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) P.L.1983, c.32
7 (C.4:1C-11 et al.).

8

9 39. (New section) a. The committee may acquire and permanently
10 retire development easements on farmland.

11 b. The committee shall evaluate the suitability of the acquisition
12 of a development easement based upon the eligibility criteria listed in
13 subsection b. of section 24 of P.L.1983, c.32 (C.4:1C-31) and any
14 other criteria that may be adopted by the committee.

15 c. Appraisals to determine the fair market value of a development
16 easement to be acquired by the committee shall be conducted by
17 appraisers approved by the committee and in a manner consistent with
18 the process set forth in subsection c. of section 24 of P.L.1983, c.32
19 (C.4:1C-31).

20 d. Any development easement acquired by the committee shall be
21 held of record in the name of the committee.

22

23 40. (New section) a. Moneys appropriated from the Garden State
24 Historic Preservation Trust Fund to the New Jersey Historic Trust for
25 historic preservation purposes shall be used by the New Jersey Historic
26 Trust to provide grants to local government units or qualifying tax
27 exempt nonprofit organizations to pay a portion of the cost of
28 preservation of historic properties. Grants shall be awarded on a
29 competitive basis based upon the following criteria:

30 (1) submission of specific plans and objectives for the preservation
31 of the architectural and historical integrity of the project, including a
32 statement of public benefit and the need for the work proposed;

33 (2) demonstration by the applicant of administrative capabilities to
34 carry out the preservation plans required pursuant to paragraph (1) of
35 this subsection;

36 (3) evidence of ability to meet the eligibility standards set forth in
37 subsection b. of this section; and

38 (4) evidence that the historic property is and shall remain
39 accessible to the public, or if it is not accessible to the public at the
40 time of application, that it shall be made, and shall remain, accessible
41 to the public.

42 b. To qualify to receive a construction grant pursuant to this
43 section, the applicant shall:

44 (1) if not in ownership in fee simple of the property, obtain a valid
45 lease of a term acceptable to the New Jersey Historic Trust within 18
46 months after the date of the appropriation by law of the moneys for the

1 grant, or the grant for the project shall lapse into the Garden State
2 Historic Preservation Trust Fund;

3 (2) certify that the property is an historic property and, if it is not
4 listed in the New Jersey Register of Historic Places pursuant to
5 P.L.1970, c.268 (C.13:1B-15.128 et seq.), agree to list it in that
6 register;

7 (3) demonstrate that it has the resources to match the grant
8 requested;

9 (4) agree, if requested by the New Jersey Historic Trust, to execute
10 and donate at no charge to the New Jersey Historic Trust or another
11 entity designated by the New Jersey Historic Trust, an historic
12 preservation restriction pursuant to P.L.1979, c.378 (C.13:8B-1 et
13 seq.) on the historic property; and

14 (5) in the case of a qualifying tax exempt nonprofit organization,
15 agree not to convey the historic property to any person or organization
16 that does not have tax exempt nonprofit or governmental status
17 without the approval of the New Jersey Historic Trust.

18 c. Moneys raised within two years prior to the date of enactment
19 of this act for ongoing historic preservation projects may be used by
20 an applicant to meet the matching requirements of this section, but
21 moneys raised prior thereto may not be used for that purpose.

22 d. No grant awarded pursuant to this section may exceed
23 \$750,000.

24 e. Recipients of grants awarded pursuant to this section shall
25 reflect the racial, ethnic, and geographic diversity of the State.

26 f. Any local government unit or qualifying tax exempt nonprofit
27 organization awarded a grant pursuant to this section shall execute a
28 contract between that entity and the New Jersey Historic Trust within
29 18 months after the date of the appropriation by law of the moneys for
30 the grant, or the grant for the project shall lapse into the Garden State
31 Historic Preservation Trust Fund.

32 g. The New Jersey Historic Trust shall establish an advisory
33 committee composed of trustees of the New Jersey Historic Trust and
34 other individuals with the requisite professional expertise to evaluate
35 the grant applications submitted pursuant to this section and to advise
36 the New Jersey Historic Trust on the merits of each application
37 received.

38 h. Moneys appropriated from the fund may be used to match
39 grants, contributions, donations, or reimbursements from federal aid
40 programs or from other public or private sources established for the
41 same or similar purposes as the fund.

42

43 41. (New section) a. The Department of Environmental
44 Protection, the State Agriculture Development Committee, the New
45 Jersey Historic Trust, and the Department of the Treasury shall adopt,
46 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), such rules and regulations as may be necessary
2 to implement and carry out the goals and objectives of Article VIII,
3 Section II, paragraph 7 of the State Constitution and this act.

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

16 c. In order to implement the funding provisions provided for in
17 this act, the State Treasurer, the Department of Environmental
18 Protection, the State Agriculture Development Committee, the New
19 Jersey Historic Trust, and the Garden State Preservation Trust are
20 hereby authorized to enter into one or more contracts. The contracts
21 shall commence in the State fiscal year beginning July 1, 1999, and
22 provide for the credit to the Garden State Preservation Trust Fund
23 Account in the amounts provided for in section 17 of this act and for
24 the payment to the Garden State Preservation Trust of the amounts
25 credited to the Garden State Preservation Trust Fund Account in
26 accordance with the provisions of section 17 of this act. The contracts
27 shall also provide for the payment by the Garden State Preservation
28 Trust of the amounts provided for in section 18 of this act and for
29 expenditures from the Garden State Green Acres Preservation Trust
30 Fund, the Garden State Farmland Preservation Trust Fund, and the
31 Garden State Historic Preservation Trust Fund, as provided in section
32 18 of this act. The contract or contracts shall be on terms and
33 conditions as determined by the parties and may contain terms and
34 conditions necessary and desirable to secure the bonds, notes and
35 other obligations of the Garden State Preservation Trust, provided,
36 however, that the incurrence of any obligation by the State under the
37 contract or contracts, including any payments to be made thereunder
38 from the Garden State Preservation Trust Fund Account, the Garden
39 State Green Acres Preservation Trust Fund, the Garden State
40 Farmland Preservation Trust Fund, or the Garden State Historic
41 Preservation Trust Fund, as provided in sections 17, 19, 20, and 21 of
42 this act, shall be subject to and dependent upon appropriations being
43 made from time to time by the Legislature for the purposes of this act.

44
45 42. (New section) a. To the extent moneys are or may become
46 available as a result of project withdrawals, cancellations, or costs

1 savings, there is reappropriated to the New Jersey Historic Trust the
2 unexpended balances of the amounts appropriated or reappropriated
3 pursuant to P.L.1990, c.91, P.L.1991, c.468, P.L.1993, c.203,
4 P.L.1993, c.270, P.L.1993, c.271, P.L.1993, c.272, P.L.1995, c.420,
5 P.L.1995, c.421, P.L.1997, c.106, P.L.1997, c.107, P.L.1998, c.64,
6 and P.L.1998, c.65, for the purpose of providing additional funding if
7 appropriate, subject to the approval of the Joint Budget Oversight
8 Committee or its successor and in a sequence consistent with the
9 priority system established by the New Jersey Historic Trust, in the
10 form of grants for the projects listed in P.L.1990, c.91, P.L.1991,
11 c.468, P.L.1993, c.203, P.L.1993, c.270, P.L.1993, c.271, P.L.1993,
12 c.272, P.L.1995, c.420, P.L.1995, c.421, P.L.1997, c.106, P.L.1997,
13 c.107, P.L.1998, c.64, and P.L.1998, c.65, and for the purpose of
14 administrative costs of the New Jersey Historic Trust associated with
15 any such projects.

16 b. The expenditure of the sums reappropriated pursuant to this
17 section is subject to the provisions of P.L.1987, c.265, P.L.1992, c.88,
18 and P.L.1995, c.204, as appropriate.

19

20 43. Section 4 of P.L.1967, c.124 (C.13:1B-15.111) is amended to
21 read as follows:

22 4. There is hereby created and established in but not of the
23 Department of **【Environmental Protection】 State** , a body corporate
24 and politic with corporate succession, to be known as the New Jersey
25 Historic Trust. The trust is hereby constituted an instrumentality
26 exercising public and essential governmental functions, and the
27 exercise by the trust of the powers conferred by **【this act】 P.L.1967,**
28 c.124 (C.13:1B-15.111 et al.) shall be deemed and held to be an
29 essential governmental function of the State.

30 (cf: P.L.1995, c.217, s.1)

31

32 44. Section 3 of P.L.1983, c.562 (C.13:1B-15.112a) is amended to
33 read as follows:

34 3. a. The powers and duties of the New Jersey Historic Trust
35 shall vest in and be exercised by a board of 15 trustees, of whom three
36 shall be the **【Commissioner】 Administrator of the New Jersey Historic**
37 Preservation Office in the Department of Environmental Protection or
38 such other representative of that department as may be designated by
39 the Commissioner of Environmental Protection , the State Treasurer,
40 and the Executive Director of the New Jersey Historical Commission
41 in the Department of State or such other representative of that
42 department as may be designated by the Secretary of State. or their
43 respective designees, who shall serve ex officio, and 12 shall be
44 citizens of the State, representing the several geographic regions of the
45 State, to be appointed by the Governor with the advice and consent of
46 the Senate. Citizen trustees shall possess a minimum of five years

1 experience in historic preservation, except this requirement shall not
2 apply to any citizen trustee serving on the board on the date of
3 enactment of P.L.1995, c.217 (C.13:1B-15.115f et al.) for the
4 remainder of the unexpired term of that trustee.

5 b. Citizen trustees shall serve for three year terms provided,
6 however, that the terms of the four new trustees appointed pursuant
7 to P.L.1995, c.217 (C.13:1B-15.115f et al.) shall begin in the same
8 calendar year as the effective date of that act, and that two of those
9 trustees first appointed shall be appointed for a two-year term and two
10 shall be appointed for a one-year term. Each citizen trustee shall hold
11 office for the term of the appointment and until a successor shall have
12 been appointed and qualified. No citizen trustee may serve more than
13 three consecutive terms, except this restriction shall not apply to terms
14 either completed or commenced prior to the effective date of
15 P.L.1995, c.217 (C.13:1B-15.115f et al.).

16 c. The trustees shall elect a chairman , vice-chairman, treasurer,
17 and assistant secretary .

18 d. Eight trustees shall constitute a quorum, and the concurrence
19 of a majority of the **【trustees】** quorum shall be necessary to validate
20 all acts of the board.

21 (cf: P.L.1995, c.217, s.2)

22

23 45. Section 8 of P.L.1967, c.124 (C.13:1B-15.115) is amended to
24 read as follows:

25 8. The trust shall have power in particular to:

26 a. **【to】** solicit and accept gifts, legacies, bequests and
27 endowments for any purpose which falls within that of the trust, and
28 to maintain interest-bearing trust accounts for those purposes; and,
29 unless otherwise specified by the person making such gift, legacy,
30 bequest or endowment, the trustees may expend both principal and
31 income of any such gift, bequest, legacy, or endowment in furtherance
32 of the trust or invest it in whole or in part in securities which are legal
33 for trust funds in the State of New Jersey;

34 b. **【to】** acquire and hold real and personal property of historic,
35 aesthetic or cultural significance, by gift, purchase, devise, bequest, or
36 by any other means, and to preserve and administer such properties;
37 and in the acquisition of such properties, to acquire property adjacent
38 thereto deemed necessary for the proper use and administration of
39 historic, aesthetic or cultural property;

40 c. **【to】** apply all moneys, assets, property or other things of value
41 it may receive as an incident to its operation to the general purpose of
42 the trust;

43 d. **【to co-operate】** cooperate with and assist, insofar as
44 practicable, any agency of the State or any of its political subdivisions,
45 and any private agency or person in furtherance of the purpose of the
46 trust;

1 e. **【to】** give any moneys or property held by the trust to the
2 Secretary of State or the Commissioner of Environmental Protection
3 on behalf of the State for purpose of administering, operating or
4 maintaining the historic sites programs of the State of New Jersey; and

5 f. **【to】** report annually to the Governor and the Legislature of the
6 State of New Jersey its activities during the preceding year together
7 with any recommendations or requests it deems appropriate to further
8 the purpose of the trust.

9 (cf: P.L.1995, c.217, s.4)

10
11 46. Section 2 of P.L.1991, c.41 (C.13:1B-15.115b) is amended to
12 read as follows:

13 2. a. There is appropriated to the "Historic Preservation
14 Revolving Loan Fund" from the "Cultural Centers and Historic
15 Preservation Fund" created pursuant to section 20 of P.L.1987, c.265
16 the sum of \$3,000,000 for the purpose of making low-interest loans,
17 to the extent sufficient funds are available, to units of county or
18 municipal government, or to tax-exempt nonprofit organizations, to
19 finance the historic preservation costs of acquiring, restoring,
20 repairing, or rehabilitating historic structures.

21 b. Prior to awarding any loans under this section, the New Jersey
22 Historic Trust shall submit to the Legislature for its approval **【**, which
23 approval shall be in the form of the passage of a concurrent
24 resolution,**】** a list of projects that are to receive loans and the amount
25 of each loan , which approval may given in the form of (1) a
26 declaration of approval included in any act appropriating moneys for
27 historic preservation projects pursuant to P.L. , c. (C.) (now
28 before the Legislature as this bill), (2) the passage of a concurrent
29 resolution, or (3) a declaration of approval by the Joint Budget
30 Oversight Committee or its successor .

31 c. Loans issued from the "Historic Preservation Revolving Loan
32 Fund" shall be for a term not to exceed 20 years and at an interest rate
33 not to exceed 4 percent per year. The terms of any loan agreements
34 shall be approved by the State Treasurer.

35 (cf: P.L.1991, c.41, s.2)

36
37 47. Section 9 of P.L.1967, c.124 (C.13:1B-15.116) is amended to
38 read as follows:

39 9. The trust may not acquire, hold, receive or accept any moneys
40 or other property, real or personal, tangible or intangible, which will
41 result in the incurrence of any financial obligations on the part of the
42 State of New Jersey which cannot be supported entirely from funds
43 available in the trust without the express approval of the
44 **【Commissioner of Environmental Protection】** Secretary of State or the
45 Legislature.

46 (cf: P.L.1995, c.217, s.5)

1 48. Section 7 of P.L.1983, c.324 (C.13:1L-7) is amended to read
2 as follows:

3 7. a. For the purposes of acquiring, holding, managing or
4 developing lands or other properties for a State park or forest, the
5 department shall have the power to enter, inspect, survey, investigate
6 ownership and take title to, in fee or otherwise, by purchase, gift,
7 devise or eminent domain, any appropriate lands of the State that
8 would be useful as a State park or forest.

9 b. The power of eminent domain shall extend to all rights,
10 interests and easements in any property in the State.

11 c. The department shall exercise its power of eminent domain in
12 accordance with the "Eminent Domain Act of 1971," P.L.1971, c.361
13 (C.20:3-1 et seq.) and section 28 of P.L. , c. (C.) (now before
14 the Legislature as this bill) .

15 d. Whenever the department wishes to acquire, by eminent
16 domain, title to unoccupied lands and it appears that such title may be
17 defective in any manner, the department may, with the consent of the
18 Attorney General, acquire the best available title, notwithstanding that
19 such title is defective or incomplete.

20 e. For purposes of **【this amendatory and supplementary act】**
21 P.L.1983, c.324 (C.13:1L-1 et seq.) , the department may acquire by
22 gift, grant or by payment of tax lien any municipal lands that have been
23 acquired by the municipality through the foreclosure of a tax lien
24 pursuant to chapter 5 of Title 54 (Taxation).

25 f. **【If the department acquires or owns title to, for the purposes**
26 **of this act, more than 10 acres of land in a municipality, the**
27 **department shall annually pay that municipality one dollar (\$1.00) per**
28 **acre for each acre of land so acquired, except that this sum shall not**
29 **be paid if any other payments in lieu of taxes are determined to be due**
30 **and payable to that municipality pursuant to any other law.】 Deleted**
31 **by amendment (P.L. , c.) (now before the Legislature as this bill)**

32 g. No title or interest in any of the lands or properties acquired or
33 held by the department for the purposes of **【this amendatory and**
34 **supplementary act】** P.L.1983, c.324 (C.13:1L-1 et seq.) shall be
35 subject to be taken by condemnation proceedings through the power
36 of eminent domain.

37 (cf: P.L.1989, c.347, s.1)

38

39 49. R.S.34:15-10 is amended to read as follows:

40 34:15-10. In the employment of minors, this article shall be
41 presumed to apply unless the notice be given by or to the parent or
42 guardian of the minor. If the injured employee at the time of the
43 accident or compensable occupational disease is a minor under 14
44 years of age employed in violation of the labor law or a minor between
45 14 and 18 years of age employed, permitted or suffered to work
46 without an employment certificate or special permit if required by law

1 or at an occupation prohibited at the minor's age by law, a
2 compensation or death benefit shall be payable to the employee or his
3 dependents which shall be double the amount payable under the
4 schedules provided in R.S.34:15-12 and R.S.34:15-13.

5 The possession of such duly issued employment certificate shall be
6 conclusive evidence for an employer that the minor has reached the
7 age certified to therein and no extra compensation shall be payable to
8 any minor engaged in an employment allowed by the law for the age
9 and sex certified to in such certificate. If the certificate presented by
10 the employee as one issued to that person shall have been really issued
11 to another child and the real age of the employee shall be such that
12 employment in any capacity or in the particular capacity the employee
13 was employed by the employer was prohibited and if the employer
14 shall show to the satisfaction of the Division of Workers'
15 Compensation that the employer accepted the certificate in good faith
16 as having been issued to the employee and could not have, despite
17 reasonable diligence, discovered the fraud, in such event no extra
18 compensation shall be paid to the employee illegally employed.

19 The employer alone and not the insurance carrier shall be liable for
20 the extra compensation or death benefit which is over and above the
21 amount of the compensation or death benefit provided under
22 R.S.34:15-12 or R.S.34:15-13. Any provision in an insurance policy
23 undertaking to relieve an employer from the liability for the extra
24 compensation or extra death benefit shall be void.

25 Nothing in this chapter contained shall deprive an infant under the
26 age of 18 years of the right or rights now existing to recover damages
27 in a common law or other appropriate action or proceeding for injuries
28 received by reason of the negligence of his or her master.

29 Nothing in this section regarding the payment of a compensation or
30 death benefit in double the amount payable under the schedules
31 provided in R.S.34:15-12 and R.S.34:15-13 shall apply to: members
32 of a junior firemen's auxiliary established pursuant to N.J.S.40A:14-95;
33 employees, of the age of 18 years or under, employed in summer
34 camps operated by the Boy Scouts of America, the Girl Scouts of
35 America, the Knights of Columbus, the Young Men's Christian
36 Association, the Young Women's Christian Association, the Young
37 Men's Hebrew Association, or any domestic corporation organized
38 solely for religious or charitable purposes; student-learners employed
39 in a cooperative vocational education program approved by the State
40 Board of Education; persons, 18 years of age or younger,
41 participating, under the supervision of the Palisades Interstate Park
42 Commission, in volunteer programs in that part of the Palisades
43 Interstate Park located in New Jersey; or persons, 18 years of age or
44 younger, doing volunteer work for the Division of Parks and Forestry,
45 the Division of Fish, Game and Wildlife, or the New Jersey Natural
46 Lands Trust **[or the New Jersey Historic Trust]**, as authorized by the

1 Commissioner of Environmental Protection , or for the New Jersey
2 Historic Trust .

3 (cf: P.L.1997, c.199, s.1)

4

5 50. R.S.34:15-43 is amended to read as follows:

6 34:15-43. Every officer, appointed or elected, and every employee
7 of the State, county, municipality or any board or commission, or any
8 other governing body, including boards of education, and governing
9 bodies of service districts, individuals who are under the general
10 supervision of the Palisades Interstate Park Commission and who work
11 in that part of the Palisades Interstate Park which is located in this
12 State, and also each and every member of a volunteer fire company
13 doing public fire duty and also each and every active volunteer, first
14 aid or rescue squad worker, including each and every authorized
15 worker who is not a member of the volunteer fire company within
16 which the first aid or rescue squad may have been created, doing
17 public first aid or rescue duty under the control or supervision of any
18 commission, council, or any other governing body of any municipality,
19 any board of fire commissioners of such municipality or of any fire
20 district within the State, or of the board of managers of any State
21 institution, every county fire marshal and assistant county fire marshal,
22 every special, reserve or auxiliary policeman doing volunteer public
23 police duty under the control or supervision of any commission,
24 council or any other governing body of any municipality, every
25 emergency management volunteer doing emergency management
26 service for the State and any person doing volunteer work for the
27 Division of Parks and Forestry, the Division of Fish, Game and
28 Wildlife, or the New Jersey Natural Lands Trust **【**or the New Jersey
29 **】** Historic Trust **】** , as authorized by the Commissioner of Environmental
30 Protection, or for the New Jersey Historic Trust, who may be injured
31 in line of duty shall be compensated under and by virtue of the
32 provisions of this article and article 2 of this chapter (R.S.34:15-7 et
33 seq.). No former employee who has been retired on pension by reason
34 of injury or disability shall be entitled under this section to
35 compensation for such injury or disability; provided, however, that
36 such employee, despite retirement, shall, nevertheless, be entitled to
37 the medical, surgical and other treatment and hospital services as set
38 forth in R.S.34:15-15.

39 Benefits available under this section to emergency management
40 volunteers and volunteers participating in activities of the Division of
41 Parks and Forestry, the Division of Fish, Game and Wildlife, the New
42 Jersey Natural Lands Trust or the New Jersey Historic Trust, shall not
43 be paid to any claimant who has another single source of injury or
44 death benefits that provides the claimant with an amount of
45 compensation that exceeds the compensation available to the claimant
46 under R.S.34:15-1 et seq.

1 As used in this section, the terms "doing public fire duty" and "who
2 may be injured in line of duty," as applied to members of volunteer fire
3 companies, county fire marshals or assistant county fire marshals, and
4 the term "doing public first aid or rescue duty," as applied to active
5 volunteer first aid or rescue squad workers, shall be deemed to include
6 participation in any authorized construction, installation, alteration,
7 maintenance or repair work upon the premises, apparatus or other
8 equipment owned or used by the fire company or the first aid or rescue
9 squad, participation in any authorized public drill, showing, exhibition,
10 fund raising activity or parade, and to include also the rendering of
11 assistance in case of fire and, when authorized, in connection with
12 other events affecting the public health or safety, in any political
13 subdivision or territory of another state of the United States or on
14 property ceded to the federal government while such assistance is
15 being rendered and while going to and returning from the place in
16 which it is rendered.

17 Also, as used in this section, "doing public police duty" and "who
18 may be injured in line of duty" as applied to special, reserve or
19 auxiliary policemen, shall be deemed to include participation in any
20 authorized public drill, showing, exhibition or parade, and to include
21 also the rendering of assistance in connection with other events
22 affecting the public health or safety in the municipality, and also, when
23 authorized, in connection with any such events in any political
24 subdivision or territory of this or any other state of the United States
25 or on property ceded to the federal government while such assistance
26 is being rendered and while going to and returning from the place in
27 which it is rendered.

28 As used in this section, the terms "doing emergency management
29 service" and "who may be injured in the line of duty" as applied to
30 emergency management volunteers mean participation in any activities
31 authorized pursuant to P.L.1942, c.251 (C.App. A:9-33 et seq.),
32 except that the terms shall not include activities engaged in by a
33 member of an emergency management agency of the United States
34 Government or of another state, whether pursuant to a mutual aid
35 compact or otherwise.

36 Every member of a volunteer fire company shall be deemed to be
37 doing public fire duty under the control or supervision of any such
38 commission, council, governing body, board of fire commissioners or
39 fire district or board of managers of any State institution within the
40 meaning of this section, if such control or supervision is provided for
41 by statute or by rule or regulation of the board of managers or the
42 superintendent of such State institution, or if the fire company of
43 which he is a member receives contributions from, or a substantial part
44 of its expenses or equipment are paid for by, the municipality, or board
45 of fire commissioners of the fire district or if such fire company has
46 been or hereafter shall be designated by ordinance as the fire

1 department of the municipality.

2 Every active volunteer, first aid or rescue squad worker, including
3 every authorized worker who is not a member of the volunteer fire
4 company within which the first aid or rescue squad may have been
5 created, shall be deemed to be doing public first aid or rescue duty
6 under the control or supervision of any such commission, council,
7 governing body, board of fire commissioners or fire district within the
8 meaning of this section if such control or supervision is provided for
9 by statute, or if the first aid or rescue squad of which he is a member
10 or authorized worker receives or is eligible to receive contributions
11 from, or a substantial part of its expenses or equipment are paid for by,
12 the municipality, or board of fire commissioners of the fire district, or
13 if such first aid or rescue squad has been or hereafter shall be
14 designated by ordinance as the first aid or rescue squad of the
15 municipality.

16 As used in this section and in R.S.34:15-74, the term "authorized
17 worker" shall mean and include, in addition to an active volunteer
18 fireman and an active volunteer first aid or rescue squad worker, any
19 person performing any public fire duty or public first aid or rescue
20 squad duty, as the same are defined in this section, at the request of
21 the chief or acting chief of a fire company or the president or person
22 in charge of a first aid or rescue squad for the time being.

23 Nothing herein contained shall be construed as affecting or
24 changing in any way the provisions of any statute providing for sick,
25 disability, vacation or other leave for public employees or any
26 provision of any retirement or pension fund provided by law.

27 (cf: P.L.1997, c.199, s.2)

28

29 51. Section 1 of P.L.1995, c.368 (C.39:3-27.72) is amended to
30 read as follows:

31 1. As used in **[this act]** P.L.1995, c.368 (C.39:3-27.72 et seq.) :

32 **["Commissioner" means the Commissioner of Environmental**
33 **Protection;]**

34 "Department" means the Department of **[Environmental**
35 **Protection]** State ;

36 "Director" means the Director of the Division of Motor Vehicles in
37 the Department of Transportation;

38 "Division" means the Division of Motor Vehicles in the Department
39 of Transportation;

40 "Fund" means the "Historic Preservation License Plate Fund"
41 created pursuant to section 4 of **[this act.]** P.L.1995, c.368 (C.39:3-
42 27.75);

43 "Historic resources" means the historic resources in New Jersey,
44 and shall include, but need not necessarily be limited to, buildings,
45 sites, and structures listed in or eligible for listing in the New Jersey
46 Register of Historic Places, and museums and library collections

1 related to New Jersey history **[.]** ; and

2 "Secretary" means the Secretary of State.

3 (cf: P.L.1995, c.368, s.1)

4

5 52. Section 4 of P.L.1995, c.368 (C.39:3-27.75) is amended to
6 read as follows:

7 4. a. There is created in the Department of **[Environmental**
8 **Protection]** State a special non-lapsing fund to be known as the
9 "Historic Preservation License Plate Fund." The fund shall be
10 administered by the New Jersey Historic Trust. There shall be
11 deposited in the fund the amount collected from all license plate fees
12 collected pursuant to section 3 of **[this act]** P.L.1995, c.368 (C.39:3-
13 27.74) , less the amounts necessary to reimburse the division for
14 administrative costs pursuant to section 5 of **[this act]** P.L.1995,
15 c.368 (C.39:3-27.76) . **[Monies]** Moneys deposited in the fund shall
16 be dedicated for use in the awarding of grants to State agencies, local
17 government units, and qualifying tax-exempt nonprofit organizations
18 to meet costs related to the physical preservation of, development of
19 interpretive and educational programming for, or operation of New
20 Jersey's historic resources. Approval of any grants shall be made by
21 the "Historic Preservation License Plate Advisory Committee," which
22 shall be established in the Department of **[Environmental Protection]**
23 State and shall comprise the following: the Chairman of the Board of
24 Trustees of the New Jersey Historic Trust, and two other trustees
25 thereof, one of whom shall be the Executive Director of the New
26 Jersey Historical Commission; a representative of Preservation New
27 Jersey; a representative of the New Jersey Association of Museums;
28 a representative of the League of Historical Societies of New Jersey;
29 a representative of the New Jersey Council for the Social Studies; a
30 representative of the New Jersey Council on the Humanities; and the
31 Administrator of the Historic Preservation Office in the Department of
32 Environmental Protection.

33 b. **[Monies]** Moneys deposited in the fund shall be held in
34 interest-bearing accounts in public depositories as defined pursuant to
35 section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or
36 reinvested in such securities as are approved by the State Treasurer.
37 Interest or other income earned on **[monies]** moneys deposited in the
38 fund, and any **[monies]** moneys which may be appropriated or
39 otherwise become available for the purposes of the fund, shall be
40 credited to and deposited in the fund for use as set forth in **[this act]**
41 P.L.1995, c.368 (C.39:3-27.72 et seq.) .

42 (cf: P.L.1995, c.368, s.4)

43

44 53. Section 5 of P.L.1995, c.368 (C.39:3-27.76) is amended to
45 read as follows:

1 5. a. Prior to the deposit of license plate fees collected pursuant
2 to section 3 of **【this act】** P.L.1995, c.368 (C.39:3-27.74) into the
3 fund, amounts thereof as are necessary shall be used to reimburse the
4 division for all costs reasonably and actually incurred, as stipulated by
5 the director, for:

6 (1) producing, issuing, renewing, and publicizing the availability of
7 historic preservation license plates; and

8 (2) any initial computer programming changes that may be
9 necessary to implement the historic preservation license plate program
10 established by **【this act】** P.L.1995, c.368 (C.39:3-27.72 et seq.) .

11 b. The director shall annually certify to the **【commissioner】**
12 secretary the average cost per license plate incurred in the immediately
13 preceding year by the division in producing, issuing, renewing, and
14 publicizing the availability of historic preservation license plates. The
15 annual certification of the average cost per license plate shall be
16 approved by the Joint Budget Oversight Committee, or its successor.

17 c. In the event that the average cost per license plate as certified
18 by the director and approved by the Joint Budget Oversight
19 Committee, or its successor, is greater than the \$50 application fee
20 established in subsection a. of section 3 of **【this act】** P.L.1995, c.368
21 (C.39:3-27.74) in two consecutive fiscal years, the director may
22 discontinue the issuance of historic preservation license plates.
23 (cf: P.L.1995, c.368, s.5)

24
25 54. Section 6 of P.L.1995, c.368 (C.39:3-27.77) is amended to
26 read as follows:

27 6. The director shall notify eligible motorists of the opportunity
28 to obtain historic preservation license plates by including a notice with
29 all motor vehicle registration renewals, and by posting appropriate
30 posters or signs in all division facilities and offices, as may be provided
31 by the department. The notices, posters, and signs shall be designed
32 by the Historic Preservation License Plate Advisory Committee with
33 the approval of the **【commissioner】** secretary . The designs shall be
34 subject to the approval of the director, and the **【commissioner】**
35 secretary shall supply the division with the notices, posters, and signs
36 to be circulated or posted by that division.

37 (cf: P.L.1995, c.368, s.6)

38
39 55. Section 7 of P.L.1995, c.368 (C.39:3-27.78) is amended to
40 read as follows:

41 7. The **【commissioner】** secretary , the New Jersey Historic Trust,
42 the Historic Preservation License Plate Advisory Committee, the
43 director, and the State Treasurer shall develop and enter into an
44 interagency memorandum of agreement setting forth the procedures
45 to be followed by the departments, the New Jersey Historic Trust, the
46 Historic Preservation License Plate Advisory Committee, and the

1 division in carrying out their respective responsibilities under **[this**
2 **act]** P.L.1995, c.368 (C.39:3-27.72 et seq.) .
3 (cf: P.L.1995, c.368, s.7)

4
5 56. Section 8 of P.L.1964, c.48 (C.54:4-23.8) is amended to read
6 as follows:

7 8. When land which is in agricultural or horticultural use and is
8 being valued, assessed and taxed under the provisions of **[this act]**
9 P.L.1964, c.48 (C.54:4-23.1 et seq.) , is applied to a use other than
10 agricultural or horticultural, it shall be subject to additional taxes,
11 hereinafter referred to as roll-back taxes, in an amount equal to the
12 difference, if any, between the taxes paid or payable on the basis of the
13 valuation and the assessment authorized hereunder and the taxes that
14 would have been paid or payable had the land been valued, assessed
15 and taxed as other land in the taxing district, in the current tax year
16 (the year of change in use) and in such of the 2 tax years immediately
17 preceding, in which the land was valued, assessed and taxed as herein
18 provided.

19 If the tax year in which a change in use of the land occurs, the land
20 was not valued, assessed and taxed under **[this act]** P.L.1964, c.48
21 (C.54:4-23.1 et seq.) , then such land shall be subject to roll-back
22 taxes for such of the 2 tax years, immediately preceding, in which the
23 land was valued, assessed and taxed hereunder.

24 Notwithstanding the provisions of any law, rule, or regulation to
25 the contrary, land which is valued, assessed and taxed under the
26 provisions of P.L.1964, c.48 (C.54:4-23.1 et seq.) and is acquired by
27 the State, a local government unit, or a qualifying tax exempt
28 nonprofit organization for recreation and conservation purposes or
29 farmland preservation purposes shall not be subject to roll-back taxes.
30 As used in this section, "acquired," "farmland preservation purposes,"
31 "local government unit," "qualifying tax exempt nonprofit
32 organization," and "recreation and conservation purposes" mean the
33 same as those terms are defined pursuant to section 3 of P.L. , c.
34 (C.) (now before the Legislature as this bill).

35 In determining the amounts of the roll-back taxes chargeable on
36 land which has undergone a change in use, the assessor shall for each
37 of the roll-back tax years involved, ascertain:

38 (a) The full and fair value of such land under the valuation standard
39 applicable to other land in the taxing district;

40 (b) The amount of the land assessment for the particular tax year
41 by multiplying such full and fair value by the county percentage level,
42 as determined by the county board of taxation in accordance with
43 section 3 of P.L.1960, **[chapter]** c.51 (C.54:4-2.27);

44 (c) The amount of the additional assessment on the land for the
45 particular tax year by deducting the amount of the actual assessment
46 on the land for that year from the amount of the land assessment

1 determined under (b) hereof; and

2 (d) The amount of the roll-back tax for that tax year by multiplying
3 the amount of the additional assessment determined under (c) hereof
4 by the general property tax rate of the taxing district applicable for
5 that tax year.

6 (cf: P.L.1970, c.243, s.2)

7

8 57. N.J.S.59:1-3 is amended to read as follows:

9 59:1-3. Definitions. As used in this subtitle:

10 "Employee" includes an officer, employee, or servant, whether or
11 not compensated or part-time, who is authorized to perform any act
12 or service; provided, however, that the term does not include an
13 independent contractor.

14 "Employment" includes office; position; employment; or service,
15 under the supervision of the Palisades Interstate Park Commission, in
16 a volunteer program in that part of the Palisades Interstate Park
17 located in New Jersey, as an emergency management volunteer or as
18 a volunteer doing work for the Division of Parks and Forestry, the
19 Division of Fish, Game and Wildlife, or the New Jersey Natural Lands
20 Trust **【or the New Jersey Historic Trust】**, as authorized by the
21 Commissioner of Environmental Protection, or for the New Jersey
22 Historic Trust.

23 "Enactment" includes a constitutional provision, statute, executive
24 order, ordinance, resolution or regulation.

25 "Injury" means death, injury to a person, damage to or loss of
26 property or any other injury that a person may suffer that would be
27 actionable if inflicted by a private person.

28 "Law" includes enactments and also the decisional law applicable
29 within this State as determined and declared from time to time by the
30 courts of this State and of the United States.

31 "Public employee" means an employee of a public entity, and
32 includes: a person participating, under the supervision of the Palisades
33 Interstate Park Commission, in a volunteer program in that part of the
34 Palisades Interstate Park located in New Jersey; a volunteer doing
35 work for the Division of Parks and Forestry, the Division of Fish,
36 Game and Wildlife, or the New Jersey Natural Lands Trust **【or the**
37 **New Jersey Historic Trust】**, as authorized by the Commissioner of
38 Environmental Protection; a volunteer doing work for the New Jersey
39 Historic Trust; and any person retained by the public defender to
40 serve as an arbitrator, mediator, or in such similar capacity. "Public
41 employee" does not include any independent contractors or other
42 individuals, agencies, or entities not established in or employed by the
43 Office of the Public Defender designated to provide protection and
44 advocacy services to indigent mental hospital admittees or persons
45 with a developmental disability as the term is defined in section 3 of
46 P.L.1977, c.82 (C.30:6D-3).

1 "Public entity" includes the State, and any county, municipality,
2 district, public authority, public agency, and any other political
3 subdivision or public body in the State. "Public entity" does not
4 include any independent contractors or other individuals, agencies, or
5 entities not established in or employed by the Office of the Public
6 Defender designated to provide protection and advocacy services to
7 indigent mental hospital admittees or persons with a developmental
8 disability as the term is defined in section 3 of P.L.1977, c.82
9 (C.30:6D-3).

10 "State" shall mean the State and any office, department, division,
11 bureau, board, commission or agency of the State, but shall not
12 include any such entity which is statutorily authorized to sue and be
13 sued. "State" also means the Palisades Interstate Park Commission,
14 but only with respect to employees, property and activities within the
15 State of New Jersey.

16 "Statute" means an act adopted by the Legislature of this State or
17 by the Congress of the United States.
18 (cf: P.L.1997, c.199, s.4)

19

20 58. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill, to be known as the "Garden State Preservation Trust
26 Act," sets forth a comprehensive statutory framework that will enable
27 the State to address its open space preservation, farmland
28 preservation, recreation and park development, and historic
29 preservation funding needs for at least the next decade. In November
30 1998, the voters of the State approved a constitutional amendment
31 dedicating \$98 million per year to those purposes and authorizing the
32 issuance of up to \$1 billion in revenue bonds based upon the
33 constitutionally dedicated funds. This bill would establish the "Garden
34 State Preservation Trust" (GSPT) as the entity responsible for issuing
35 those bonds, and prescribe procedures and funding allocations to guide
36 the GSPT, the Department of Environmental Protection (DEP), the
37 State Agricultural Development Committee (SADC), and the New
38 Jersey Historic Trust (NJHT) in meeting those funding needs. This
39 bill, in conjunction with the 1998 constitutional amendment, will give
40 the State, local governments, and nonprofit organizations the financial
41 wherewithal to fulfill their proper roles as stewards of the State's open
42 spaces, farmland, and historic sites, and, in so doing, ensure that these
43 priceless resources are preserved and protected for the use and
44 enjoyment of both the current and future generations.

45 The GSPT would be composed of nine voting members, as follows:
46 (1) the Commissioner of Environmental Protection, the Secretary of

1 Agriculture, the Secretary of State, and the State Treasurer, all of
2 whom would serve ex officio; and (2) one appointee by the Governor,
3 two appointees (from different political parties) by the President of the
4 Senate, and two appointees (from different political parties) by the
5 Speaker of the General Assembly. The appointees of the Senate
6 President and the Assembly Speaker would be made in compliance
7 with the constitutional amendment's provision authorizing
8 appointments to the GSPT by the Legislature. The terms of the
9 appointees would be five years, except for the staggered terms of
10 those first appointed. The chairperson would be elected annually and
11 the chair would rotate annually among the three classes of appointees.
12 The Governor's appointee would be the first chairperson of the trust.

13 The bill would provide that the GSPT shall not incur debt in any
14 State fiscal year in excess of \$200 million, except that if that permitted
15 amount of debt, or any portion thereof, is not incurred in a State fiscal
16 year it may be incurred in a subsequent State fiscal year. This
17 limitation could not be increased except by law. The constitutional
18 amendment provides that the constitutionally dedicated moneys shall
19 not be used to make payments related to bonds, notes or other
20 obligations which in aggregate principal amount exceed \$1 billion plus
21 costs of issuance. The bill includes a \$1 billion limit (plus costs of
22 issuance) on the aggregate principal amount of bonds, notes or other
23 obligations, including subordinated indebtedness, that may be issued
24 by the GSPT.

25 Generally, the bill would provide that in each State fiscal year over
26 the next decade, the GSPT, after retaining sufficient funds to pay any
27 debt service on its bonds and notes, would transfer \$6 million to the
28 NJHT for historic preservation projects, and then divide the remaining
29 proceeds as follows: 60% for the Green Acres program and 40% for
30 the farmland preservation program. All administrative costs and
31 expenses, including but not limited to salaries, fringe and other
32 benefits, equipment, materials, direct and indirect costs, and non-
33 salaried administrative costs, of the DEP, SADC, NJHT, and any other
34 State entity incurred in connection with the implementation or
35 administration of the constitutional amendment or the bill would be
36 paid from the State General Fund, not from constitutionally dedicated
37 moneys.

38 Of the moneys set aside each year for the Green Acres program,
39 50% would be allocated for open space acquisition and park
40 development by the State, 40% for grants and low-interest (up to 2%)
41 loans to local government units for open space acquisition and park
42 development, and 10% for grants to nonprofit organizations for open
43 space acquisition and park development. Loan repayments are
44 specifically dedicated for future loans to local government units for
45 open space acquisition or park development.

46 The GSPT would have the authority from year to year to alter the

1 presumed funding allocation percentages and levels among and within
2 the three programs as established in the bill and to transfer moneys
3 between the programs for the purposes of responding to special needs
4 or circumstances, but only after conducting at least one public hearing
5 with at least 60 days advance public notice thereof.

6 Under the bill, proposed project funding lists would be submitted
7 by the DEP and the SADC at least twice per year to the GSPT for its
8 approval, and by the NJHT to the GSPT for its approval whenever
9 deemed appropriate but most likely at least once per year. Once
10 approved, these lists would be forwarded to the Governor and the
11 Legislature for approval in the form of appropriation bills. The GSPT
12 could not add projects to these lists, but it could delete projects. A
13 project deletion by the GSPT would trigger a review process by the
14 GSPT involving the affected parties. Upon completion of that review,
15 if the DEP, SADC, or NJHT, as the case may be, decided that the
16 project still warranted funding, the project would be placed again on
17 a list to be considered by the Legislature for appropriation, and once
18 on that list the project could not be deleted again by the GSPT. The
19 opinions of the GSPT and the State agency concerning the merits and
20 validity of any project subjected to this review process would be
21 forwarded to the Legislature. The Legislature would retain its
22 inherent power in all cases to accept or reject a project by choosing to
23 include it in, or exclude it from, an appropriation bill. The bill
24 provides that the total amount that may be appropriated for Green
25 Acres and farmland preservation projects in any State fiscal year shall
26 not exceed \$200 million.

27 The bill would create the Office of Green Acres in the DEP.
28 Heretofore, that office, out of necessity, has been functioning but
29 without fully expressed statutory authority. In addition to its other
30 duties and responsibilities under the bill, the office would be
31 responsible for establishing criteria for evaluating and ranking open
32 space preservation projects for funding based upon guidelines in the
33 bill, and would continue to administer the existing Green Acres bond
34 act program and especially the existing Green Trust program for local
35 government units. Projects funded with Green Trust moneys would
36 also proceed through the GSPT approval process outlined above.

37 Under the bill, the GSPT would have certain reporting
38 responsibilities with respect to financing plans, acquisition and
39 development plans and progress, available surplus State property, and
40 unfunded projects.

41 Generally, with respect to the Green Acres program, the standard
42 grant, if awarded, to a local government unit would be for 25% of
43 open space acquisition costs, except the GSPT could raise that amount
44 to 50% upon a showing of special need or exceptional circumstances.
45 However, if a local government unit has enacted a dedicated local
46 open space tax or similar stable source of local funding for open space

1 preservation, the grant, if awarded, would be for 50% of acquisition
2 costs, and the GSPT could raise that amount to 75% upon a special
3 showing. A grant to a county or municipality for a project in an urban
4 aid municipality would be for 50% of open space acquisition or park
5 development costs, except that the GSPT could raise that amount to
6 75% upon a special showing. Finally, a grant to a nonprofit
7 organization would be for up to 50% of open space acquisition or park
8 development costs. Park development projects by a nonprofit
9 organization on lands owned by a local government unit would require
10 co-application or approval by the local government unit.

11 The bill would establish a sliding scale formula for payments in lieu
12 of property taxes by the State for open space and farmland acquired
13 and owned in fee simple by the State or nonprofit organizations.
14 Initially, for such acquisitions pursuant to the bill, there would be a 13-
15 year declining payment schedule similar to that used in past Green
16 Acres bond acts. Thereafter, and for open space and farmland
17 acquired prior to or after implementation of the bill using other
18 funding sources and owned in fee simple by the State or nonprofit
19 organizations, the payments in lieu of property taxes would be based
20 upon the total amount of open space and farmland owned in fee simple
21 by the State or nonprofit organizations in the municipality, using a
22 sliding scale, as follows: \$2 per acre when the percentage of the total
23 acreage in a municipality that is owned in fee simple by the State or
24 nonprofit organizations for open space or farmland preservation
25 purposes is less than 20%; \$5 per acre for 20% to less than 50%
26 ownership; \$10 per acre for 50% to less than 60% ownership; and \$20
27 per acre for 60% or more ownership. These payments would be made
28 from the State General Fund, not from constitutionally dedicated
29 moneys.

30 The bill would exempt the State, local government units, and
31 nonprofit organizations from the payment of any farmland assessment
32 roll-back tax in connection with any acquisition of land for open space
33 or farmland preservation purposes. Also, the State would be
34 prohibited from using eminent domain to acquire land for open space
35 preservation except with the approval of the Legislature by adoption
36 of a concurrent resolution to that effect. However, if needed, eminent
37 domain proceedings could be employed by the State for the purpose
38 only of establishing value.

39 The bill generally follows the laws and regulations for the existing
40 Green Acres bond act program with respect to diversions of land
41 acquired for open space preservation purposes to other uses, with
42 certain exceptions.

43 With respect to farmland preservation, the SADC would pay for up
44 to 80% of the cost of acquisition by a local government unit of a
45 development easement on farmland. The bill also would provide for
46 payment by the SADC of up to 80% of the cost of acquisition by a

1 local government unit of the fee simple title to farmland, which would
2 be resold with an agricultural deed restriction placed upon the land.
3 The current sliding scale formula for calculating the actual SADC
4 share of the cost of an acquisition, as set forth in SADC regulations,
5 would continue.

6 Under the bill, the SADC as well could acquire farmland
7 development easements or fee simple titles to farmland.

8 The bill would authorize a special flexible approach to be used
9 when appraising farmland to be preserved in the pinelands area under
10 the farmland preservation program. It is expected that this appraisal
11 process will help preserve more farmland in the pinelands area. The
12 bill also provides for a similar flexible approach to be used when
13 appraising lands in the pinelands area to be acquired for open space
14 preservation purposes. In addition, the bill would require the
15 permanent retirement of any pinelands development credits acquired
16 in connection with either the open space or farmland preservation
17 programs.

18 The bill provides that in determining the value of lands under
19 consideration for acquisition for open space or farmland preservation
20 purposes, any appraisal of that value conducted by or for the DEP, the
21 SADC, a local government unit, or a nonprofit organization must be
22 made using the land use zoning of the lands in effect on November 3,
23 1998; except that this provision would not apply to appraisals
24 conducted for open space or farmland preservation purposes in the
25 pinelands area as described above.

26 The bill would allocate \$6 million annually for historic preservation
27 matching grants to local government units and nonprofit organizations,
28 with a maximum grant amount of \$750,000 for any individual project.
29 Also, unexpended historic preservation funds from past historic
30 preservation grant awards due to project withdrawals, cancellations,
31 or cost savings would be reallocated to historic preservation projects
32 previously approved under the prior funding program. In addition, the
33 bill would authorize two new alternatives (in addition to by concurrent
34 resolution of the Legislature) for legislative approval of historic
35 preservation loans issued pursuant to a 1987 bond act program: (1)
36 by legislative act in connection with appropriations made pursuant to
37 this bill; or (2) by approval of the Joint Budget Oversight Committee.
38 Finally, the bill would formalize by legislation the transfer, which was
39 accomplished in 1998 by an executive reorganization plan, of the
40 NJHT from in but not of the DEP to in but not of the Department of
41 State, and make certain changes to the membership, powers, and
42 operating procedures of the NJHT.