SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT
RESOLUTION No. 138

STATE OF NEW JERSEY
215th LEGISLATURE

ADOPTED MAY 20, 2013

Sponsored by:
Senator BOB SMITH
District 17 (Middlesex and Somerset)
Senator CHRISTOPHER "KIP" BATEMAN
District 16 (Hunterdon, Mercer, Middlesex and Somerset)
Senator JIM WHELAN
District 2 (Atlantic)

Co-Sponsored by:
Senators Gordon, Weinberg, Greenstein, Allen, Beach, Rice, Ruiz, Vitale
and Cunningham

SYNOPSIS
Amends Constitution to dedicate, for 30 years, 1/5 of a cent for each dollar
subject to sales tax for preservation of open space, including flood prone areas
and lands that protect water supplies, farmland, and historic properties.

CURRENT VERSION OF TEXT
Substitute as adopted by the Senate Environment and Energy Committee.

(Sponsorship Updated As Of: 6/28/2013)
PROPOSED AMENDMENT

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

9. (a) Commencing July 1, 2014, until June 30, 2044, there shall be annually credited in each State fiscal year, from existing State revenues held in the General Fund, into a special account in the General Fund, an amount equal to 0.2% of the total monies taxable pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and supplemented, or taxable pursuant to any other subsequent law of similar effect.

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

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

(c) It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amounts credited to the special account established pursuant to this paragraph, or any portion thereof, for (1) any purpose or in any manner other than as enumerated in this paragraph, or (2) making payments relating to any bonds, notes, or other obligations.
2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Attorney General, not less than three months prior to the general election.

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

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

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

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

   b. In every municipality the following question:

   **CONSTITUTIONAL AMENDMENT DEDICATING STATE FUNDS FOR OPEN SPACE, FARMLAND, AND HISTORIC PRESERVATION**

   Do you approve amending the Constitution to dedicate a specified amount of annual State revenues, for the next 30 years, to the preservation of open space, farmland, and historic properties? The dedicated amount would be taken from existing State revenues and would equal 0.2% of the total monies taxable under the State sales tax. This amount would equal 1/5 of a cent out of the seven cents currently collected for each dollar subject to the sales tax. The preservation of open space would include lands that protect water supplies and lands that are prone to flooding.
INTERPRETIVE STATEMENT

This constitutional amendment would provide a stable source of funding for the next 30 years for Green Acres and “Blue Acres” projects, and for the preservation of farmland and historic properties. The amendment would require that a certain amount of existing State revenue be used only for those purposes. The amount would equal 1/5 of a cent for each dollar subject to the State sales tax. The State sales tax is currently seven cents per dollar. Based on amounts projected to be subject to the sales tax in 2014, the amount dedicated for the first year would be approximately $246 million.

The Green Acres program acquires land that protects water supplies and preserves open space, including parks, fish and wildlife habitat, and flood prone or affected areas. It also funds park improvements and facilities.

“Blue Acres” refers to properties that have been damaged by storms or storm-related flooding, that appear likely to incur such damage, or that may buffer or protect other lands from such damage. Structures on properties purchased from willing sellers are demolished, the debris is removed, and the land is preserved as open space.