ASSEMBLY CONCURRENT
RESOLUTION No. 116

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED FEBRUARY 10, 2014

Sponsored by:
Assemblyman JOHN F. MCKEON
District 27 (Essex and Morris)

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

CURRENT VERSION OF TEXT
As introduced.
A CONCURRENT RESOLUTION proposing to amend Article VIII, Section II, of the Constitution of the State of New Jersey.

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

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

PROPOSED AMENDMENT

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

9. a. There shall be credited in each State fiscal year to a special account in the General Fund the revenue annually derived from the water consumption and water diversion user fees imposed pursuant to the “Water Supply, Open Space, Farmland and Historic Preservation Trust Fund Act,” P.L. , c. (C. ) (pending before the Legislature as Assembly Bill No. 1753 of 2014 or Senate Bill No. of 2014).

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

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

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

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 Secretary of State, 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:
DEDICATION OF FUNDS FROM NEW WATER USER FEES FOR OPEN SPACE, FARMLAND, AND HISTORIC PRESERVATION

Do you approve amending the Constitution to dedicate funds from water user fees to be imposed under the “Water Supply, Open Space, Farmland and Historic Preservation Trust Fund Act,” P.L. , c. (C. ) (pending before the Legislature as Assembly Bill No. 1753 of 2014 or Senate Bill No. of 2014) for open space, farmland, and historic preservation. Open space includes lands that protect water supplies and lands that are prone to flooding.

INTERPRETIVE STATEMENT

This amendment would provide a stable source of funding for Green Acres and “Blue Acres” projects, and for the preservation of farmland and historic properties. This amendment would dedicate the annual revenue from a new Water Consumption User Fee and a new Water Diversion User Fee for these purposes.

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.

STATEMENT

This concurrent resolution proposes an amendment to the State Constitution requiring the State to dedicate revenues derived from the water consumption and water diversion user fees imposed under
the “Water Supply, Open Space, Farmland and Historic Preservation Trust Fund Act,” P.L. , c. (pending before the Legislature as Assembly Bill No. 1753 of 2014 or Senate Bill No. of 2014). This companion legislation imposes a water consumption fee on the owner or operator of every public community water system equal to forty cents per thousand gallons of water delivered to a consumer and a water diversion fee on every person required by law to obtain a diversion permit or a water use registration equal to forty cents per thousand gallons of water diverted for a consumptive use. The amount due from any public community water system or person subject to one of these fees would not exceed $50,000 per year.

The revenue derived from the user fees would be used only for the purpose of providing funding, including loans or grants, for the acquisition and development of lands for recreation and conservation purposes (Green Acres), for the acquisition of flood-prone and storm damaged property for open space preservation (Blue Acres), for the preservation of farmland for agricultural or horticultural use and production, and for historic preservation purposes.