

[Second Reprint]
SENATE, No. 2920

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2018

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Senator Oroho, Assemblywoman Jasey, Assemblymen Wirths and Space

SYNOPSIS

Establishes funding allocations for constitutionally dedicated CBT revenues for Fiscal Year 2020 and thereafter and revises law for State's open space, farmland, and historic preservation programs; appropriates \$500,000.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on March 18, 2019, with amendments.

(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning the ²**constitutional dedication of corporation**
2 business tax revenues **the State's programs**² for open space,
3 farmland, and historic preservation, ¹**and**¹ amending and
4 supplementing P.L.2016, c.12 ¹, amending P.L.1999, c.152, and
5 making an appropriation¹ .

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

9
10 1. (New section) a. In each State fiscal year commencing in
11 State fiscal year 2020 and annually thereafter, of the amount
12 credited by the State Treasurer to the Preserve New Jersey Fund
13 Account pursuant to subparagraph (b) of paragraph (1) of
14 subsection a. of section 4 of P.L.2016, c.12 (C.13:8C-46):

15 (1) 62 percent shall be deposited into the Preserve New Jersey
16 Green Acres Fund;

17 (2) 31 percent shall be deposited into the Preserve New Jersey
18 Farmland Preservation Fund; and

19 (3) seven percent shall be deposited into the Preserve New
20 Jersey Historic Preservation Fund.

21 b. (1) Beginning July 1, 2022, and annually thereafter, the
22 Garden State Preservation Trust shall conduct a review of the
23 appropriations of constitutionally dedicated CBT moneys to, and
24 the expenditures thereof by, the Department of Environmental
25 Protection, the State Agriculture Development Committee, and the
26 New Jersey Historic Trust for their respective programs ¹**for the**
27 fiscal year ending two years prior to the year in which the review is
28 occurring. If the Garden State Preservation Trust determines that
29 the department, committee, or New Jersey Historic Trust have not
30 expended or contractually obligated the constitutionally dedicated
31 CBT moneys allocated pursuant to subsection a. of this section for
32 the fiscal year ending two years prior to the year in which the
33 review is occurring, the trust may reallocate the amount of
34 constitutionally dedicated CBT moneys that have not been
35 expended or contractually obligated for that particular fiscal year by
36 the department, committee, or New Jersey Historic Trust, as
37 applicable.

38 (2) If, after the review required pursuant to paragraph (1) of this
39 subsection, the Garden State Preservation Trust determines it is
40 appropriate, the trust, notwithstanding the provisions of section 6, 8,
41 or 9 of P.L.2016, c.12 (C.13:8C-48, 50, or 51) to the contrary, shall
42 allocate for appropriation pursuant to section 13 of P.L.2016, c.12
43 (C.13:8C-55) the amount of unexpended, unobligated, or
44 unappropriated constitutionally dedicated CBT moneys for the

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted January 24, 2019.

²Senate SBA committee amendments adopted March 18, 2019.

1 fiscal year ending two years prior to the year in which the review is
2 occurring, and shall determine, for that amount:

3 (a) the appropriate funding allocations for the Preserve New
4 Jersey Green Acres Fund, the Preserve New Jersey Farmland
5 Preservation Fund, or the Preserve New Jersey Historic
6 Preservation Fund; and

7 (b) how the allocations pursuant to subparagraph (a) of this
8 paragraph shall be allocated for the acquisition or development of
9 lands for recreation and conservation purposes, including Blue
10 Acres projects, farmland preservation purposes, or historic
11 preservation purposes. The trust shall make its determinations
12 pursuant to this subparagraph based upon a demonstrated need for
13 funding for the acquisition or development of lands for recreation
14 and conservation purposes, including Blue Acres projects, farmland
15 preservation purposes, or historic preservation purposes based upon
16 available projects, applicant demand, and past appropriations and
17 expenditures for these purposes.

18 (3) The trust shall hold a public hearing to solicit public input
19 when making determinations pursuant to paragraph (2) of this
20 subsection.

21 (4) The trust shall notify the department, the committee, the
22 New Jersey Historic Trust, and the Department of the Treasury on
23 the results of its review and determinations pursuant to this
24 subsection. The trust shall also send written notification to the
25 Chairperson of the Senate Environment and Energy Committee and
26 the Assembly Environment and Solid Waste Committee, or their
27 successors, of any determinations and allocations made pursuant to
28 this subsection.

29 (5) A determination by the trust to reallocate constitutionally
30 dedicated CBT moneys for a particular fiscal year based on the
31 review and determination made pursuant to this subsection shall not
32 affect the allocations set forth in subsection a. of this section for
33 any subsequent fiscal year.】 In conducting this review, the trust
34 shall: evaluate the demonstrated need for funding for the acquisition
35 or development of lands for recreation and conservation purposes,
36 including Blue Acres projects, farmland preservation purposes, or
37 historic preservation purposes based upon available projects,
38 applicant demand, and past appropriations and expenditures for
39 these purposes; and hold a public hearing to solicit public input on
40 appropriate funding allocations for the department, committee, and
41 New Jersey Historic Trust, for the upcoming fiscal year.

42 (2) If the trust determines, based on the review conducted
43 pursuant to paragraph (1) of this subsection, that it would be
44 appropriate to revise the allocations set forth in subsection a. of this
45 section, or section 6, 8, or 9 of P.L.2016, c.12 (C.13:8C-48, 50, or
46 51), the trust shall send a written notification to the Chairperson of
47 the Senate Environment and Energy Committee, the Assembly
48 Agriculture and Natural Resources Committee, and the Assembly

1 Environment and Solid Waste Committee, or their successors, of its
2 findings and recommendations concerning future funding
3 allocations for the Preserve New Jersey Green Acres Fund, the
4 Preserve New Jersey Farmland Preservation Fund, or the Preserve
5 New Jersey Historic Preservation Fund.

6 (3) A recommendation by the trust to reallocate constitutionally
7 dedicated CBT moneys based on the review conducted pursuant to
8 this subsection shall not alter the allocations set forth in subsection
9 a. of this section or section 6, 8, or 9 of P.L.2016, c.12 (C.13:8C-48,
10 50, or 51) for any fiscal year unless authorized by the Legislature.¹

11
12 ¹2. Section 3 of P.L.2016, c.12 (C.13:8C-45) is amended to read
13 as follows:

14 3. As used in **【this act】** P.L.2016, c.12 (C.13:8C-43 et seq.) :

15 "Acquisition" or "acquire" means the same as that term is
16 defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

17 "Blue Acres cost" means the expenses incurred in connection
18 with: all things deemed necessary or useful and convenient for the
19 acquisition by the State or a qualifying tax exempt nonprofit
20 organization, for recreation and conservation purposes, of lands that
21 have been damaged by, or may be prone to incurring damage caused
22 by, storms or storm-related flooding, or that may buffer or protect
23 other lands from such damage; the execution of any agreements or
24 franchises deemed by the Department of Environmental Protection
25 to be necessary or useful and convenient in connection with any
26 Blue Acres project authorized by **【this act】** P.L.2016, c.12
27 (C.13:8C-43 et seq.) ; the procurement or provision of appraisal,
28 archaeological, architectural, conservation, design, engineering,
29 financial, geological, historic research, hydrological, inspection,
30 legal, planning, relocation, surveying, or other professional advice,
31 estimates, reports, services, or studies; the purchase of title
32 insurance; the undertaking of feasibility studies; the demolition of
33 structures, the removal of debris, and the restoration of lands to a
34 natural state or to a state useful for recreation and conservation
35 purposes; the establishment of a reserve fund or funds for working
36 capital, operating, maintenance, or replacement expenses as the
37 Director of the Division of Budget and Accounting in the
38 Department of the Treasury may determine; and reimbursement to
39 any fund of the State of moneys that may have been transferred or
40 advanced therefrom to any fund established by **【this act】** P.L.2016,
41 c.12 (C.13:8C-43 et seq.) , or any moneys that may have been
42 expended therefrom for, or in connection with, **【this act】** P.L.2016,
43 c.12 (C.13:8C-43 et seq.) .

44 "Blue Acres project" means any project of the State or a
45 qualifying tax exempt nonprofit organization to acquire, for
46 recreation and conservation purposes, lands that have been damaged
47 by, or may be prone to incurring damage caused by, storms or

1 storm-related flooding, or that may buffer or protect other lands
2 from such damage.

3 "Commissioner" means the Commissioner of Environmental
4 Protection.

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

8 "Constitutionally dedicated CBT moneys" means any moneys
9 made available pursuant to Article VIII, Section II, paragraph 6 of
10 the State Constitution deposited in the funds established pursuant to
11 sections 6, 7, 8, and 9 of **[this act]** P.L.2016, c.12 (C.13:8C-48
12 through C.13:8C-51) , and appropriated by law, for recreation and
13 conservation, farmland preservation, or historic preservation
14 purposes set forth in Article VIII, Section II, paragraph 6 of the
15 State Constitution or **[this act]** P.L.2016, c.12 (C.13:8C-43 et seq.)

16 "Convey" or "conveyance" means the same as that term is
17 defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

18 "Cost" means the expenses incurred in connection with: all
19 things deemed necessary or useful and convenient for the
20 acquisition or development of lands for recreation and conservation
21 purposes, the acquisition of development easements or fee simple
22 titles to farmland, or the preservation of historic properties, as the
23 case may be; the execution of any agreements or franchises deemed
24 by the Department of Environmental Protection, State Agriculture
25 Development Committee, or New Jersey Historic Trust, as the case
26 may be, to be necessary or useful and convenient in connection with
27 any project funded in whole or in part using constitutionally
28 dedicated CBT moneys; the procurement or provision of appraisal,
29 archaeological, architectural, conservation, design, engineering,
30 financial, geological, historic research, hydrological, inspection,
31 legal, planning, relocation, surveying, or other professional advice,
32 estimates, reports, services, or studies; the purchase of title
33 insurance; the undertaking of feasibility studies; materials and labor
34 costs for stewardship activities, but not overhead or administration
35 costs for such activities; the establishment of a reserve fund or
36 funds for working capital, operating, maintenance, or replacement
37 expenses, as the Director of the Division of Budget and Accounting
38 in the Department of the Treasury may determine; and
39 reimbursement to any fund of the State of moneys that may have
40 been transferred or advanced therefrom to any fund established by
41 **[this act]** P.L.2016, c.12 (C.13:8C-43 et seq.) , or any moneys that
42 may have been expended therefrom for, or in connection with, **[this**
43 **act]** P.L.2016, c.12 (C.13:8C-43 et seq.) .

44 "Department" means the Department of Environmental
45 Protection.

46 "Development" or "develop" means, except as used in the
47 definitions of "acquisition" and "development easement" in this

1 section, any improvement, including a stewardship activity, made to
2 a land or water area designed to expand and enhance its utilization
3 for recreation and conservation purposes, and shall include the
4 construction, renovation, or repair of any such improvement, but
5 shall not mean shore protection or beach nourishment or
6 replenishment activities.

7 "Development easement" means the same as that term is defined
8 in section 3 of P.L.1999, c.152 (C.13:8C-3).

9 "Emergency intervention" means an immediate assessment or
10 capital improvement necessary to protect or stabilize the structural
11 integrity of a historic property.

12 "Farmland" means the same as that term is defined in section 3
13 of P.L.1999, c.152 (C.13:8C-3).

14 "Farmland preservation," "farmland preservation purposes," or
15 "preservation of farmland" means the same as those terms are
16 defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

17 "Garden State Preservation Trust" or "trust" means the Garden
18 State Preservation Trust established pursuant to section 4 of
19 P.L.1999, c.152 (C.13:8C-4).

20 "Green Acres bond act" means: P.L.1961, c.46; P.L.1971, c.165;
21 P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265;
22 P.L.1989, c.183; P.L.1992, c.88; P.L.1995, c.204; P.L.2007, c.119;
23 P.L.2009, c.117; and any State general obligation bond act that may
24 be approved after the date of enactment of **[this act]** P.L.2016, c.12
25 (C.13:8C-43 et seq.) for the purpose of providing funding for the
26 acquisition or development of lands for recreation and conservation
27 purposes or for farmland preservation purposes.

28 "Historic preservation," "historic preservation purposes," or
29 "preservation of historic properties" means the same as those terms
30 are defined in section 3 of P.L.1999, c.152 (C.13:8C-3) and shall
31 also include emergency intervention and the acquisition of a
32 historic preservation easement.

33 "Historic preservation easement" means an interest in land, less
34 than fee simple title thereto, that is purchased from a private or
35 governmental property owner to permanently protect a historic
36 property, and that is granted by the property owner to the New
37 Jersey Historic Trust, a local government unit, or a qualifying tax
38 exempt nonprofit organization.

39 "Historic property" means the same as that term is defined in
40 section 3 of P.L.1999, c.152 (C.13:8C-3).

41 "Land" or "lands" means the same as that term is defined in
42 section 3 of P.L.1999, c.152 (C.13:8C-3).

43 "Local government unit" means the same as that term is defined
44 in section 3 of P.L.1999, c.152 (C.13:8C-3).

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

47 "Permitted investments" means the same as that term is defined
48 in section 3 of P.L.1999, c.152 (C.13:8C-3).

1 "Preserve New Jersey Blue Acres Fund" means the Preserve New
 2 Jersey Blue Acres Fund established pursuant to section 7 of **[this**
 3 **act]** P.L.2016, c.12 (C.13:8C-49) .

4 "Preserve New Jersey Farmland Preservation Fund" means the
 5 Preserve New Jersey Farmland Preservation Fund established
 6 pursuant to section 8 of **[this act]** P.L.2016, c.12 (C.13:8C-50) .

7 "Preserve New Jersey Green Acres Fund" means the Preserve
 8 New Jersey Green Acres Fund established pursuant to section 6 of
 9 **[this act]** P.L.2016, c.12 (C.13:8C-48) .

10 "Preserve New Jersey Historic Preservation Fund" means the
 11 Preserve New Jersey Historic Preservation Fund established
 12 pursuant to section 9 of **[this act]** P.L.2016, c.12 (C.13:8C-51) .

13 "Preserve New Jersey Fund Account" means the Preserve New
 14 Jersey Fund Account established pursuant to section 4 of **[this act]**
 15 P.L.2016, c.12 (C.13:8C-46) .

16 "Project" means all things deemed necessary or useful and
 17 convenient in connection with the acquisition or development of
 18 lands for recreation and conservation purposes, the acquisition of
 19 development easements or fee simple titles to farmland, or the
 20 preservation of historic properties, as the case may be.

21 "Qualifying tax exempt nonprofit organization" means the same
 22 as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

23 "Recreation and conservation purposes" means the same as that
 24 term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

25 "Stewardship activity" means an activity, which is beyond
 26 routine operations and maintenance, undertaken by the State, a local
 27 government unit, or a qualifying tax exempt nonprofit organization
 28 to repair, or restore lands acquired or developed for recreation and
 29 conservation purposes for the purpose of enhancing or protecting
 30 those lands for recreation and conservation purposes. For the
 31 purposes of the farmland preservation program, "stewardship
 32 activity" means an activity, which is beyond routine operation and
 33 maintenance, undertaken by the landowner, or a farmer operator as
 34 an agent of the landowner, to repair, restore, or improve lands
 35 preserved for farmland preservation purposes, including , but not
 36 limited to , soil and water conservation projects approved pursuant
 37 to section 17 of P.L.1983, c.32 (C.4:1C-24) and projects that
 38 improve the resiliency of farmland soils.¹

39 (cf: P.L.2016, c.12, s.3)

40

41 ¹**[2.] 3.** Section 6 of P.L.2016, c.12 (C.13:8C-48) is amended
 42 to read as follows:

43 6. a. The State Treasurer shall establish a fund to be known as
 44 the "Preserve New Jersey Green Acres Fund" and shall deposit into
 45 the fund all moneys received pursuant to paragraph (1) of
 46 subsection a. of section 5 of P.L.2016, c.12 (C.13:8C-47) ,
 47 paragraph (1) of subsection a. of section 1 of P.L. , c. (C.)

1 (pending before the Legislature as this bill), and any other moneys
2 appropriated by law for deposit into the fund.

3 Moneys in the fund shall be invested in permitted investments or
4 shall be held in interest-bearing accounts in those depositories as
5 the State Treasurer may select, and may be invested and reinvested
6 in permitted investments or as other trust funds in the custody of the
7 State Treasurer in the manner provided by law. All interest or other
8 income or earnings derived from the investment or reinvestment of
9 moneys in the fund shall be credited to the fund. Moneys derived
10 from the payment of principal and interest on the loans to local
11 government units authorized by **[this act]** P.L.2016, c.12 (C.13:8C-
12 43 et seq.) shall also be held in the fund.

13 b. Of the amount deposited **[each State fiscal year]** in State
14 fiscal year 2017 through and including State fiscal year 2019 into
15 the Preserve New Jersey Green Acres Fund pursuant to paragraph
16 (1) of subsection a. of section 5 of P.L.2016, c.12 (C.13:8C-47):

17 (1) 55 percent shall be allocated for the purpose of paying the
18 cost of acquisition and development of lands by the State for
19 recreation and conservation purposes, and the amount provided
20 pursuant to this paragraph shall be allocated as follows:

21 (a) 50 percent shall be allocated for the purpose of paying the
22 cost of acquisition of lands by the State for recreation and
23 conservation purposes; and

24 (b) 50 percent shall be allocated for the purpose of paying the
25 cost of development of lands by the State for recreation and
26 conservation purposes, and of the amount provided pursuant to this
27 subparagraph:

28 (i) up to 22 percent shall be allocated for the purpose of paying
29 the cost for stewardship activities undertaken on lands administered
30 by the Division of Fish and Wildlife in the department; and

31 (ii) up to 22 percent shall be allocated for the purpose of paying
32 the cost for stewardship activities undertaken on lands administered
33 by the Division of Parks and Forestry in the department;

34 (2) 38 percent shall be allocated for the purposes of providing
35 grants and loans to assist local government units to pay the cost of
36 acquisition and development of lands for recreation and
37 conservation purposes, and of this amount, up to **[2]** two percent
38 shall be allocated for stewardship activities undertaken by local
39 government units; and

40 (3) **[7]** seven percent 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
43 lands for recreation and conservation purposes, and of this amount,
44 11 percent shall be allocated for stewardship activities undertaken
45 by qualifying tax exempt nonprofit organizations.

46 c. Any repayments of the principal and interest on loans issued
47 to local government units for the acquisition or development of
48 lands for recreation and conservation purposes using

1 constitutionally dedicated CBT moneys shall be deposited into the
2 Preserve New Jersey Green Acres Fund, and shall be specifically
3 dedicated for the issuance of additional 'grants and' loans in the
4 same manner as provided in '[subsection] subsections a. and' b. of
5 section 27 of P.L.1999, c.152 (C.13:8C-27) 'and this section' .

6 d. (1) The moneys in the fund are specifically dedicated and
7 shall be used for the same purposes and according to the same
8 criteria and provisions as those set forth in section 26 of P.L.1999,
9 c.152 (C.13:8C-26), and as provided pursuant to P.L.2016, c.12
10 (C.13:8C-43 et seq.) and **[paragraph (3) of]** this **[subsection]**
11 section .

12 (2) Grants and loans issued to local government units and grants
13 issued to qualifying tax exempt nonprofit organizations using
14 constitutionally dedicated CBT moneys for the acquisition and
15 development of lands for recreation and conservation purposes shall
16 be subject to the same provisions as those prescribed in section 27
17 of P.L.1999, c.152 (C.13:8C-27), except as otherwise provided in
18 section 10 of P.L.2016, c.12 (C.13:8C-52).

19 (3) Notwithstanding any provision of P.L.2016, c.12 (C.13:8C-
20 43 et seq.) or P.L.1999, c.152 (C.13:8C-1 et seq.) to the contrary,
21 projects of the Palisades Interstate Park Commission established
22 pursuant to P.L.1980, c.104 (C.32:14-1.1 et seq.) for the acquisition
23 or development of land for recreation and conservation purposes in
24 New Jersey shall be considered State projects for the purposes of
25 eligibility for funding pursuant to the provisions of P.L.2016, c.12
26 (C.13:8C-43 et seq.).

27 e. Moneys in the fund shall not be expended except in
28 accordance with appropriations from the fund made by law. Any
29 act appropriating moneys from the Preserve New Jersey Green
30 Acres Fund shall identify any particular project or projects to be
31 funded by the moneys, and any expenditure for a project for which
32 the location is not identified by municipality and county in the
33 appropriation shall require the approval of the Joint Budget
34 Oversight Committee, or its successor, except as permitted
35 otherwise in accordance with the same exceptions as those specified
36 in paragraph (2) of subsection a. of section 23 of P.L.1999, c.152
37 (C.13:8C-23).

38 f. Unexpended moneys due to project withdrawals,
39 cancellations, or cost savings shall be returned to the fund.

40 g. Of the amount authorized pursuant to this section, not more
41 than five percent shall be utilized for organizational, administrative
42 and other work and services, including salaries, equipment and
43 materials necessary to administer the applicable provisions of **[this**
44 **act]** P.L.2016, c.12 (C.13:8C-43 et seq.) .

45 h. To the end that municipalities may not suffer a loss of taxes
46 by reason of the acquisition and ownership by the State of lands in
47 fee simple for recreation and conservation purposes, or the

1 acquisition and ownership by qualifying tax exempt nonprofit
2 organizations of lands in fee simple for recreation and conservation
3 purposes that become certified as exempt from property taxes
4 pursuant to P.L.1974, c.167 (C.54:4-3.63 et seq.) or similar laws,
5 the State shall make payments annually in the same manner as
6 payments are made pursuant to section 29 of P.L.1999, c.152
7 (C.13:8C-29).

8 i. The State shall not use the power of eminent domain in any
9 manner for the acquisition of lands by the State for recreation and
10 conservation purposes using constitutionally dedicated CBT
11 moneys in whole or in part unless a concurrent resolution approving
12 that use is approved by both Houses of the Legislature; except that,
13 without the need for such a concurrent resolution, the State may use
14 the power of eminent domain to the extent necessary to establish a
15 value for lands to be acquired from a willing seller by the State for
16 recreation and conservation purposes using constitutionally
17 dedicated CBT moneys in whole or in part.

18 j. Of the amount deposited in each State fiscal year
19 commencing in State fiscal year 2020 and annually thereafter into
20 the Preserve New Jersey Green Acres Fund pursuant to paragraph
21 (1) of subsection a. of section 1 of P.L. , c. (C.) (pending
22 before the Legislature as this bill):

23 (1) 60 percent shall be allocated for the purpose of paying the
24 cost of acquisition and development of lands by the State for
25 recreation and conservation purposes, and the amount provided
26 pursuant to this paragraph shall be allocated as follows:

27 (a) ¹[50] 45¹ percent shall be allocated for the purpose of
28 paying the cost of acquisition of lands by the State for recreation
29 and conservation purposes, ¹[including] and of this amount, a
30 minimum of 10 percent shall be allocated for¹ Blue Acres projects;
31 and

32 (b) ¹[50] 55¹ percent shall be allocated for the purpose of
33 paying the cost of development of lands by the State for recreation
34 and conservation purposes, and of the amount provided pursuant to
35 this subparagraph:

36 (i) up to 22 percent shall be allocated for the purpose of paying
37 the cost for stewardship activities undertaken on lands administered
38 by the Division of Fish and Wildlife in the department; and

39 (ii) up to 22 percent shall be allocated for the purpose of paying
40 the cost for stewardship activities undertaken on lands administered
41 by the Division of Parks and Forestry in the department;

42 (2) ¹[34] 30¹ percent shall be allocated for the purposes of
43 providing grants and loans to assist local government units to pay
44 the cost of acquisition and development of lands for recreation and
45 conservation purposes, including Blue Acres projects, and of this
46 amount, up to ¹[two] 10¹ percent shall be allocated for stewardship
47 activities undertaken by local government units; and

1 (3) ~~‘[six] 10~~¹ percent shall be allocated for the purposes of
2 providing grants to assist qualifying tax exempt nonprofit
3 organizations to pay the cost of acquisition and development of
4 lands for recreation and conservation purposes, including Blue
5 Acres projects, and of this amount, 11 percent shall be allocated for
6 stewardship activities undertaken by qualifying tax exempt
7 nonprofit organizations.

8 k. (1) In addition to the purposes set forth in subsection d. of
9 this section, moneys in the Preserve New Jersey Green Acres Fund
10 may be applied for the purposes of providing moneys to:

11 (a) meet the Blue Acres costs to the State for the acquisition of
12 lands for a Blue Acres project; or

13 (b) provide grants, pursuant to the provisions of paragraph (2) of
14 this subsection, to assist a qualifying tax exempt nonprofit
15 organization in meeting the Blue Acres costs for the acquisition of
16 lands for a Blue Acres project.

17 (2) A grant by the State for lands to be acquired by a qualifying
18 tax exempt nonprofit organization for a Blue Acres project may
19 include up to 50 percent of the Blue Acres cost of acquisition of the
20 lands by the qualifying tax exempt nonprofit organization.

21 (a) A qualifying tax exempt nonprofit organization shall not use
22 as its matching share of the Blue Acres cost of acquisition of lands
23 for a Blue Acres project any constitutionally dedicated moneys, as
24 defined pursuant to section 3 of P.L.1999, c.152 (C.13:8C-3), or
25 any grant moneys obtained from a Green Acres bond act.

26 (b) To qualify to receive a grant from the Preserve New Jersey
27 Blue Acres Fund, the board of directors or governing body of the
28 applying tax exempt nonprofit organization shall:

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

32 (ii) demonstrate that the organization has the resources to match
33 the grant requested;

34 (iii) agree to make and keep the lands accessible to the public,
35 unless the commissioner determines that public accessibility would
36 be detrimental to the lands or any natural resources associated
37 therewith;

38 (iv) agree not to convey the lands except to the federal
39 government, the State, a local government unit, or another
40 qualifying tax exempt nonprofit organization, for recreation and
41 conservation purposes; and

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

45 ¹l. In addition to any other reporting requirements required by
46 law, the department shall annually send a written report to the
47 Chairperson of the Senate Environment and Energy Committee, the
48 Assembly Agriculture and Natural Resources Committee, and the

1 Assembly Environment and Solid Waste Committee, or their
2 successors, identifying the projects funded with moneys pursuant to
3 subparagraph (b) of paragraph (1) of subsection j. of this section.
4 This report shall: (1) identify the project type, location, and cost for
5 each development project; and (2) identify the stewardship
6 activities, including the location and cost for each stewardship
7 activity, undertaken on lands administered by the Division of Fish
8 and Wildlife and Division of Parks and Forestry pursuant to
9 subparagraph (b) of paragraph (1) of subsection j. of this section.¹
10 (cf: P.L.2018, c.95, s.1)

11
12 ¹**[3.] 4.**¹ Section 8 of P.L.2016, c.12 (C.13:8C-50) is amended
13 to read as follows:

14 8. a. The State Treasurer shall establish a fund to be known as
15 the "Preserve New Jersey Farmland Preservation Fund" and shall
16 deposit all moneys received pursuant to paragraph (3) of subsection
17 a. of section 5 of **[this act]** P.L.2016, c.12 (C.13:8C-47), paragraph
18 (2) of subsection a. of section 1 of P.L. , c. (C.) (pending
19 before the Legislature as this bill), and any other moneys
20 appropriated by law for deposit into the fund.

21 Moneys in the fund shall be invested in permitted investments or
22 shall be held in interest-bearing accounts in those depositories as
23 the State Treasurer may select, and may be invested and reinvested
24 in permitted investments or as other trust funds in the custody of the
25 State Treasurer in the manner provided by law. All interest or other
26 income or earnings derived from the investment or reinvestment of
27 moneys in the fund shall be credited to the fund.

28 b. (1) The moneys in the fund are specifically dedicated and
29 shall be used for the same purposes as those set forth in section 37
30 of P.L.1999, c.152 (C.13:8C-37) and as provided in paragraph (2)
31 of this subsection.

32 (2) Of the moneys deposited into the Preserve New Jersey
33 Farmland Preservation Fund ¹**[each year,]** : (a) in State fiscal year
34 2017 through and including State fiscal year 2019,¹ up to **[3]** three
35 percent shall be allocated by the committee on an annual basis for
36 stewardship activities ¹; and (b) commencing in State fiscal year
37 2020 and annually thereafter, up to four percent shall be allocated
38 by the committee on an annual basis for stewardship activities¹.

39 ²(3) Notwithstanding any provision of P.L.2016, c.12 (C.13:8C-43
40 et seq.) to the contrary, stewardship activities undertaken on farmland
41 on which (a) the pinelands development credits have been acquired
42 pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.), and the pinelands
43 comprehensive management plan adopted pursuant thereto, or the
44 development rights have been acquired pursuant to a transfer of
45 development rights program for the Highlands Region established
46 pursuant to section 13 of P.L.2004, c.120 (C.13:20-13), and (b) there is

1 deed restriction approved by the committee, shall be eligible for
2 funding pursuant to paragraph (2) of this subsection.²

3 c. Moneys in the fund shall not be expended except in
4 accordance with appropriations from the fund made by law. Any
5 act appropriating moneys from the Preserve New Jersey Farmland
6 Preservation Fund shall identify any particular project or projects to
7 be funded by the moneys, and any expenditure for a project for
8 which the location is not identified by municipality and county in
9 the appropriation shall require the approval of the Joint Budget
10 Oversight Committee, or its successor, except as permitted
11 otherwise in accordance with the same exceptions as those specified
12 in paragraph (2) of subsection b. of section 23 of P.L.1999, c.152
13 (C.13:8C-23).

14 d. Unexpended moneys due to project withdrawals,
15 cancellations, or cost savings shall be returned to the fund.
16 (cf: P.L.2016, c.12, s.8)

17
18 ¹**[4.] 5.**¹ Section 9 of P.L.2016, c.12 (C.13:8C-51) is amended
19 to read as follows:

20 9. a. The State Treasurer shall establish a fund to be known as
21 the "Preserve New Jersey Historic Preservation Fund" and shall
22 deposit all moneys received pursuant to paragraph (4) of subsection
23 a. of section 5 of P.L.2016, c.12 (C.13:8C-47) , paragraph (3) of
24 subsection a. of section 1 of P.L. , c. (C.) (pending before
25 the Legislature as this bill), and any other moneys appropriated by
26 law for deposit into the fund.

27 Moneys in the fund shall be invested in permitted investments or
28 shall be held in interest-bearing accounts in those depositories as
29 the State Treasurer may select, and may be invested and reinvested
30 in permitted investments or as other trust funds in the custody of the
31 State Treasurer in the manner provided by law. All interest or other
32 income or earnings derived from the investment or reinvestment of
33 moneys in the fund shall be credited to the fund.

34 b. (1) The moneys in the fund are specifically dedicated and
35 shall be used for ¹;

36 (a)¹ the same purposes as those set forth in section 41 of
37 P.L.1999, c.152 (C.13:8C-41) ¹**[, [and] for] ;**

38 (b)¹ emergency intervention and the acquisition of historic
39 preservation easements ¹**[, and shall be allocated by the New Jersey**
40 **Historic Trust as provided in subsection e. of this section] ;**

41 (c) matching grants to the Department of Environmental
42 Protection to meet the cost of preservation of State-owned historic
43 properties; and

44 (d) the purposes as provided in paragraphs (2) and (3) of this
45 subsection¹ .

46 (2) Notwithstanding any provision of P.L.2016, c.12 (C.13:8C-
47 43 et seq.) or P.L.1999, c.152 (C.13:8C-1 et seq.) to the contrary,

1 the Palisades Interstate Park Commission established pursuant to
 2 P.L.1980, c.104 (C.32:14-1.1 et seq.) shall be eligible for grants
 3 pursuant to the provisions of section 41 of P.L.1999, c.152
 4 (C.13:8C-41) for projects located in New Jersey. A project by the
 5 Palisades Interstate Park Commission for historic preservation
 6 purposes shall be subject to the same criteria and conditions set
 7 forth in section 41 of P.L.1999, c.152 (C.13:8C-41) applicable to a
 8 project by a local government unit.

9 ¹(3) Notwithstanding any provision of P.L.2016, c.12 (C.13:8C-
 10 43 et seq.) or P.L.1999, c.152 (C.13:8C-1 et seq.) to the contrary, an
 11 amount not to exceed \$500,000 may be appropriated from the
 12 Preserve New Jersey Historic Preservation Fund to the New Jersey
 13 Historic Trust for the purposes of establishing an electronic
 14 database to track projects that receive funding for historic
 15 preservation puposes.¹

16 c. Moneys in the fund shall not be expended except in
 17 accordance with appropriations from the fund made by law. Any
 18 act appropriating moneys from the Preserve New Jersey Historic
 19 Preservation Fund shall identify any particular project or projects to
 20 be funded by the moneys, and any expenditure for a project for
 21 which the location is not identified by municipality and county in
 22 the appropriation shall require the approval of the Joint Budget
 23 Oversight Committee, or its successor.

24 d. Unexpended moneys due to project withdrawals,
 25 cancellations, or cost savings shall be returned to the fund.

26 ¹[e. Of the amount deposited in each State fiscal year
 27 commencing in State fiscal year 2020 and annually thereafter into
 28 the Preserve New Jersey Historic Preservation Fund pursuant to
 29 paragraph (3) of subsection a. of section 1 of P.L. , c. (C.)
 30 (pending before the Legislature as this bill), a minimum of 50
 31 percent shall be allocated for Level II capital preservation grants.

32 As used in this subsection, "Level II capital preservation grant"
 33 means a construction grant awarded by the New Jersey Historic
 34 Trust for the preservation, restoration, or rehabilitation of a historic
 35 property in an amount between \$150,001 to \$750,000.]¹

36 (cf: P.L.2018, c.95, s.2)

37
 38 ¹6. Section 13 of P.L.2016, c.12 (C.13:8C-55) is amended to
 39 read as follows:

40 13. a. At least once **[every two years]** each State fiscal year ,
 41 the Department of Environmental Protection, the State Agriculture
 42 Development Committee, and the New Jersey Historic Trust shall
 43 each submit to the Garden State Preservation Trust a list of projects
 44 recommended to receive funding pursuant to **[this act]** P.L.2016,
 45 c.12 (C.13:8C-43 et seq.) . Except as otherwise provided by **[this**
 46 **act]** P.L.2016, c.12 (C.13:8C-43 et seq.) , such funding
 47 recommendations shall be based upon the same respective priority

1 systems, ranking criteria, and funding policies as those established
2 pursuant to sections 23, 24, 26, 27, and 37 through 42 of P.L.1999,
3 c.152 (C.13:8C-23, C.13:8C-24, C.13:8C-26, C.13:8C-27, and
4 C.13:8C-37 through C.13:8C-42), section 7 of P.L.2005, c.178
5 (C.13:8C-38.1), and sections 1 and 2 of P.L.2001, c.405 (C.13:8C-
6 40.1 and C.13:8C-40.2), and any rules or regulations adopted
7 pursuant to thereto.

8 b. The Garden State Preservation Trust shall review the project
9 lists submitted pursuant to subsection a. of this section, and prepare,
10 and submit to the Governor and to the President of the Senate and
11 the Speaker of the General Assembly for introduction in the
12 Legislature, proposed legislation appropriating moneys pursuant to
13 **【this act】** P.L.2016, c.12 (C.13:8C-43 et seq.) to fund projects on
14 any such list. The Legislature may approve one or more
15 appropriation bills containing a project list or lists submitted by the
16 Garden State Preservation Trust pursuant to this subsection.¹
17 (cf: P.L.2016, c.12, s.13)
18

19 ¹7. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to
20 read as follows:

21 24. a. (1) There is established in the Department of
22 Environmental Protection the Office of Green Acres. The
23 commissioner may appoint an administrator or director who shall
24 supervise the office, and the department may employ such other
25 personnel and staff as may be required to carry out the duties and
26 responsibilities of the department and the office pursuant to
27 P.L.1999, c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-43
28 et **【al.】** seq.), all without regard to the provisions of Title 11A,
29 Civil Service, of the New Jersey Statutes. Persons appointed or
30 employed as provided pursuant to this subsection shall be
31 compensated in a manner similar to other employees in the
32 Executive Branch, and their compensation shall be determined by
33 the Civil Service Commission.

34 (2) The Green Acres Program in the Department of
35 Environmental Protection, together with all of its functions, powers
36 and duties, are continued and transferred to and constituted as the
37 Office of Green Acres in the Department of Environmental
38 Protection. Whenever, in any law, rule, regulation, order, contract,
39 document, judicial or administrative proceeding or otherwise,
40 reference is made to the Green Acres Program, the same shall mean
41 and refer to the Office of Green Acres in the Department of
42 Environmental Protection. This transfer shall be subject to the
43 provisions of the "State Agency Transfer Act," P.L.1971, c.375
44 (C.52:14D-1 et seq.).

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

1 (1) Administer all provisions of P.L.1999, c.152 (C.13:8C-1 et
2 al.) and P.L.2016, c.12 (C.13:8C-43 et **al.** seq.) pertaining to
3 funding the acquisition and development of lands for recreation and
4 conservation purposes as authorized pursuant to Article VIII,
5 Section II, paragraph 6 and paragraph 7 of the State Constitution;

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

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

15 (a) establishing application procedures for grants and loans for
16 the acquisition and development of lands for recreation and
17 conservation purposes, criteria and policies for the evaluation and
18 priority ranking of projects for eligibility to receive funding for
19 recreation and conservation purposes using constitutionally
20 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
21 constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12
22 (C.13:8C-43 et **al.** seq.), any conditions that may be placed on the
23 award of a grant or loan for recreation and conservation purposes
24 pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or P.L.2016, c.12
25 (C.13:8C-43 et al.), and any restrictions that may be placed on the
26 use of lands acquired or developed with a grant or loan for
27 recreation and conservation purposes pursuant to P.L.1999, c.152
28 (C.13:8C-1 et al.) or P.L.2016, c.12 (C.13:8C-43 et **al.** seq.). The
29 criteria and policies established pursuant to this subparagraph for
30 the evaluation and priority ranking of projects for eligibility to
31 receive funding for recreation and conservation purposes using
32 constitutionally dedicated moneys pursuant to P.L.1999, c.152
33 (C.13:8C-1 et al.) or constitutionally dedicated CBT moneys
34 pursuant to P.L.2016, c.12 (C.13:8C-43 et **al.** seq.) may be based
35 upon, but need not be limited to, such factors as: protection of the
36 environment, natural resources, water resources, watersheds,
37 aquifers, wetlands, floodplains and flood-prone areas, stream
38 corridors, beaches and coastal resources, forests and grasslands,
39 scenic views, biodiversity, habitat for wildlife, rare, threatened, or
40 endangered species, and plants; vernal habitat; degree of likelihood
41 of development; promotion of greenways; provision for recreational
42 access and use; protection of geologic, historic, archaeological, and
43 cultural resources; relative cost; parcel size; and degree of public
44 support; **and**

45 (b) addressing any other matters deemed necessary to implement
46 and carry out the goals and objectives of Article VIII, Section II,
47 paragraph 6 and paragraph 7 of the State Constitution and P.L.1999,

1 c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-
2 43 et **[al.]** seq.) with respect to the acquisition and development of
3 lands for recreation and conservation purposes, including the
4 acquisition of lands for recreation and conservation purposes that
5 have been damaged by, or may be prone to incurring damage caused
6 by, storms or storm-related flooding, or that may buffer or protect
7 other lands from such damage; and

8 (c) establishing application requirements and a fee schedule for
9 the review by the department of applications to convey, dispose of,
10 or divert to a use other than recreation and conservation purposes
11 lands acquired or developed by a local government unit or a
12 qualifying tax exempt nonprofit organization for recreation and
13 conservation purposes using funds from any Green Acres bond act,
14 constitutionally dedicated moneys pursuant to P.L.1999, c.152
15 (C.13:8C-1 et al.), or constitutionally dedicated CBT moneys
16 pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.), or lands held by
17 the local government unit for recreation and conservation purposes
18 at the time of receipt of such funds. The fees established pursuant
19 to this subparagraph shall reflect the costs of the Office of Green
20 Acres incurred in processing and reviewing applications to convey,
21 dispose of, or divert lands acquired, developed, or held for
22 recreation and conservation purposes to a use other than recreation
23 and conservation purposes. All fees collected pursuant to the fee
24 schedule adopted pursuant to this subparagraph shall be used to
25 offset the administrative costs of the Office of Green Acres
26 associated with such reviews pursuant to the provisions of section
27 13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419
28 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections
29 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-
30 35), and section 11 of P.L.2016, c.12 (C.13:8C-53), as appropriate,
31 and any other applicable law; and

32 (4) Establishing criteria and policies for the evaluation and
33 priority ranking of State projects to acquire and develop lands for
34 recreation and conservation purposes using constitutionally
35 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
36 constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12
37 (C.13:8C-43 et **[al.]** seq.), which criteria and policies may be based
38 upon, but need not be limited to, such factors as: protection of the
39 environment, natural resources, water resources, watersheds,
40 aquifers, wetlands, floodplains and flood-prone areas, stream
41 corridors, beaches and coastal resources, forests and grasslands,
42 scenic views, biodiversity, habitat for wildlife, rare, threatened, or
43 endangered species, and plants; vernal habitat; degree of likelihood
44 of development; promotion of greenways; provision for recreational
45 access and use; protection of geologic, historic, archaeological, and
46 cultural resources; relative cost; parcel size; and degree of public
47 support.¹

48 (cf: P.L.2016, c.12, s.16)

1 ²8. Section 26 of P.L.1999, c.152 (C.13:8C-26) is amended to
2 read as follows:

3 26. a. Moneys appropriated from the Garden State Green Acres
4 Preservation Trust Fund to the Department of Environmental
5 Protection shall be used by the department to:

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

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

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

14 b. The expenditure and allocation of constitutionally dedicated
15 moneys for recreation and conservation purposes shall reflect the
16 geographic diversity of the State to the maximum extent practicable
17 and feasible.

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

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

41 d. (Deleted by amendment, P.L.2010, c.70)

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

46 f. Moneys appropriated from the fund shall not be used by
47 local government units or qualifying tax exempt nonprofit
48 organizations to acquire lands that are already permanently

1 preserved for recreation and conservation purposes, as determined
2 by the department.

3 g. Whenever lands are donated to the State by a public utility,
4 as defined pursuant to Title 48 of the Revised Statutes, for
5 recreation and conservation purposes, the commissioner may make
6 and keep the lands accessible to the public, unless the commissioner
7 determines that public accessibility would be detrimental to the
8 lands or any natural resources associated therewith.

9 h. Whenever the State acquires land for recreation and
10 conservation purposes, the agency in the Department of
11 Environmental Protection responsible for administering the land
12 shall, within six months after the date of acquisition, inspect the
13 land for the presence of any buildings or structures thereon which
14 are or may be historic properties and, within 60 days after
15 completion of the inspection, provide to the New Jersey Historic
16 Preservation Office in the department (1) a written notice of its
17 findings, and (2) for any buildings or structures which are or may
18 be historic properties discovered on the land, a request for
19 determination of potential eligibility for inclusion of the historic
20 building or structure in the New Jersey Register of Historic Places.
21 Whenever such a building or structure is discovered, a copy of the
22 written notice provided to the New Jersey Historic Preservation
23 Office shall also be sent to the New Jersey Historic Trust and to the
24 county historical commission or advisory committee, the county
25 historical society, the local historic preservation commission or
26 advisory committee, and the local historical society if any of those
27 entities exist in the county or municipality wherein the land is
28 located.

29 i. (Deleted by amendment, P.L.2010, c.70)

30 j. (1) Commencing on the date of enactment of P.L.2004,
31 c.120 (C.13:20-1 et al.) and through June 30, **[2019]** 2024 for lands
32 located in the Highlands Region as defined pursuant to section 3 of
33 P.L.2004, c.120 (C.13:20-3), when the department, a local
34 government unit, or a qualifying tax exempt nonprofit organization
35 seeks to acquire lands for recreation and conservation purposes
36 using constitutionally dedicated moneys in whole or in part **[or]** ,
37 Green Acres bond act moneys in whole or in part, or
38 constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12
39 (C.13:8C-43 et seq.) in whole or in part, it shall conduct or cause to
40 be conducted an appraisal or appraisals of the value of the lands that
41 shall be made using (a) the land use zoning of the lands, and any
42 State environmental laws or Department of Environmental
43 Protection rules and regulations that may affect the value of the
44 lands, subject to the appraisal and in effect at the time of proposed
45 acquisition, and (b) the land use zoning of the lands, and any State
46 environmental laws or Department of Environmental Protection
47 rules and regulations that may affect the value of the lands, subject
48 to the appraisal and in effect on January 1, 2004. The higher of

1 those two values shall be utilized by the department, a local
2 government unit, or a qualifying tax exempt nonprofit organization
3 as the basis for negotiation with the landowner with respect to the
4 acquisition price for the lands. The landowner shall be provided
5 with both values determined pursuant to this paragraph.

6 A landowner may waive any of the requirements of this
7 paragraph and may agree to sell the lands for less than the values
8 determined pursuant to this paragraph.

9 The provisions of this paragraph shall be applicable only to lands
10 the owner of which at the time of proposed acquisition is the same
11 person who owned the lands on the date of enactment of P.L.2004,
12 c.120 (C.13:20-1 et al.) and who has owned the lands continuously
13 since that enactment date, or is an immediate family member of that
14 person.

15 (2) (Deleted by amendment, P.L.2010, c.70)

16 (3) The requirements of this subsection shall be in addition to
17 any other requirements of law, rule, or regulation not inconsistent
18 therewith.

19 (4) This subsection shall not:

20 (a) apply in the case of lands to be acquired with federal moneys
21 in whole or in part;

22 (b) (Deleted by amendment, P.L.2010, c.70); or

23 (c) alter any requirements to disclose information to a
24 landowner pursuant to the "Eminent Domain Act of 1971,"
25 P.L.1971, c.361 (C.20:3-1 et seq.).

26 (5) For the purposes of this subsection, "immediate family
27 member" means a spouse, child, parent, sibling, aunt, uncle, niece,
28 nephew, first cousin, grandparent, grandchild, father-in-law,
29 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,
30 stepbrother, stepsister, half brother, or half sister, whether the
31 individual is related by blood, marriage, or adoption.

32 k. The department shall adopt guidelines for the evaluation and
33 priority ranking process which shall be used in making decisions
34 concerning the acquisition of lands by the State for recreation and
35 conservation purposes using moneys from the Garden State Green
36 Acres Preservation Trust Fund and from any other source. The
37 guidelines shall be designed to provide, to the maximum extent
38 practicable and feasible, that such moneys are spent equitably
39 among the geographic areas of the State. The guidelines, and any
40 subsequent revisions thereto, shall be published in the New Jersey
41 Register. The adoption of the guidelines or of the revisions thereto,
42 shall not be subject to the requirements of the "Administrative
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

44 l. In making decisions concerning the acquisition of lands by
45 the State for recreation and conservation purposes using moneys
46 from the Garden State Green Acres Preservation Trust Fund, in the
47 evaluation and priority ranking process the department shall accord
48 three times the weight to acquisitions of lands that would protect

1 water resources, and two times the weight to acquisitions of lands
2 that would protect flood-prone areas, as those criteria are compared
3 to the other criteria in the priority ranking process.

4 m. The department, pursuant to the "Administrative Procedure
5 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
6 regulations that establish standards and requirements regulating any
7 activity on lands acquired by the State for recreation and
8 conservation purposes using constitutionally dedicated moneys to
9 assure that the activity on those lands does not diminish the
10 protection of surface water or groundwater resources.

11 Any rules and regulations adopted pursuant to this subsection
12 shall not apply to activities on lands acquired prior to the adoption
13 of the rules and regulations.

14 n. (1) The department, within three months after the date of the
15 first meeting of the Highlands Water Protection and Planning
16 Council established pursuant to section 4 of P.L.2004, c.120
17 (C.13:20-4), shall consult with and solicit recommendations from
18 the council concerning land preservation strategies and acquisition
19 plans in the Highlands Region as defined in section 3 of P.L.2004,
20 c.120 (C.13:20-3).

21 The council's recommendations shall also address strategies and
22 plans concerning establishment by the department of a methodology
23 for prioritizing the acquisition of land in the Highlands preservation
24 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), for
25 recreation and conservation purposes using moneys from the
26 Garden State Green Acres Preservation Trust Fund, especially with
27 respect to (a) any land that has declined substantially in value due
28 to the implementation of the "Highlands Water Protection and
29 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), and (b) any major
30 Highlands development, as defined in section 3 of P.L.2004, c.120
31 (C.13:20-3), that would have qualified for an exemption pursuant to
32 paragraph (3) of subsection a. of section 30 of P.L.2004, c.120
33 (C.13:20-28) but for the lack of a necessary State permit as
34 specified in subparagraph (b) or (c), as appropriate, of paragraph (3)
35 of subsection a. of section 30 of P.L.2004, c.120 (C.13:20-28), and
36 for which an application for such a permit had been submitted to the
37 Department of Environmental Protection and deemed by the
38 department to be complete for review on or before March 29, 2004.
39 The recommendations may also include a listing of specific parcels
40 in the Highlands preservation area that the council is aware of that
41 meet the criteria of subparagraph (a) or (b) of this paragraph and for
42 that reason should be considered by the department as a priority for
43 acquisition, but any such list shall remain confidential
44 notwithstanding any provision of P.L.1963, c.73 (C.47:1A-1 et seq.)
45 or any other law to the contrary.

46 (2) In making decisions concerning applications for funding
47 submitted by municipalities in the Highlands planning area, as
48 defined in section 3 of P.L.2004, c.120 (C.13:20-3), to acquire or

1 develop lands for recreation and conservation purposes using
2 moneys from the Garden State Green Acres Preservation Trust
3 Fund, in the evaluation and priority ranking process the department
4 shall accord a higher weight to any application submitted by a
5 municipality in the Highlands planning area that has amended its
6 development regulations in accordance with section 13 of P.L.2004,
7 c.120 (C.13:20-13) to establish one or more receiving zones for the
8 transfer of development potential from the Highlands preservation
9 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than
10 that which is accorded to comparable applications submitted by
11 other municipalities in the Highlands planning area that have not
12 made such amendments to their development regulations.

13 o. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-
14 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,
15 the sum spent by the department in each of those fiscal years for the
16 acquisition of lands by the State for recreation and conservation
17 purposes using moneys from the Garden State Green Acres
18 Preservation Trust Fund in each county of the State shall be not
19 less, and may be greater if additional sums become available, than
20 the average annual sum spent by the department therefor in each
21 such county, respectively, for State fiscal years 2002 through 2004,
22 provided there is sufficient and appropriate lands within the county
23 to be so acquired by the State for such purposes.²

24 (cf: P.L.2015, c.5, s.1)

25

26 ²⁹. Section 38 of P.L.1999, c.152 (C.13:8C-38) is amended to
27 read as follows:

28 38. a. All acquisitions or grants made pursuant to section 37 of
29 P.L.1999, c.152 (C.13:8C-37) shall be made with respect to
30 farmland devoted to farmland preservation under programs
31 established by law.

32 b. The expenditure and allocation of constitutionally dedicated
33 moneys for farmland preservation purposes shall reflect the
34 geographic diversity of the State to the maximum extent practicable
35 and feasible.

36 c. The committee shall implement the provisions of section 37
37 of P.L.1999, c.152 (C.13:8C-37) in accordance with the procedures
38 and criteria established pursuant to the "Agriculture Retention and
39 Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) except as
40 provided otherwise by this act.

41 d. The committee shall adopt the same or a substantially
42 similar method for determining, for the purposes of this act, the
43 committee's share of the cost of a development easement on
44 farmland to be acquired by a local government as that which is
45 being used by the committee on the date of enactment of this act for
46 prior farmland preservation funding programs.

47 e. Notwithstanding the provisions of section 24 of P.L.1983,
48 c.32 (C.4:1C-31) or this act, or any rule or regulation adopted

1 pursuant thereto, to the contrary, whenever the value of a
2 development easement on farmland to be acquired using
3 constitutionally dedicated moneys in whole or in part is determined
4 based upon the value of any pinelands development credits
5 allocated to the parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et
6 seq.) and the pinelands comprehensive management plan adopted
7 pursuant thereto, the committee shall determine the value of the
8 development easement by:

9 (1) conducting a sufficient number of fair market value
10 appraisals as it deems appropriate to determine the value for
11 farmland preservation purposes of the pinelands development
12 credits;

13 (2) considering development easement values in counties,
14 municipalities, and other areas (a) reasonably contiguous to, but
15 outside of, the pinelands area, which in the sole opinion of the
16 committee constitute reasonable development easement values in
17 the pinelands area for the purposes of this subsection, and (b) in the
18 pinelands area where pinelands development credits are or may be
19 utilized, which in the sole opinion of the committee constitute
20 reasonable development easement values in the pinelands area for
21 the purposes of this subsection;

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

24 (4) considering the importance of preserving agricultural lands
25 in the pinelands area; and

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

29 f. No pinelands development credit that is acquired or obtained
30 in connection with the acquisition of a development easement on
31 farmland or fee simple title to farmland by the State, a local
32 government unit, or a qualifying tax exempt nonprofit organization
33 using constitutionally dedicated moneys in whole or in part may be
34 conveyed in any manner. All such pinelands development credits
35 shall be retired permanently.

36 g. (Deleted by amendment, P.L.2010, c.70)

37 h. Any farmland for which a development easement or fee
38 simple title has been acquired pursuant to section 37 of P.L.1999,
39 c.152 (C.13:8C-37) shall be entitled to the benefits conferred by the
40 "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and the
41 "Agriculture Retention and Development Act," P.L.1983, c.32
42 (C.4:1C-11 et al.).

43 i. (Deleted by amendment, P.L.2010, c.70)

44 j. (1) Commencing on the date of enactment of P.L.2004, c.120
45 (C.13:20-1 et al.) and through June 30, **2019** 2024 for lands
46 located in the Highlands Region as defined pursuant to section 3 of
47 P.L.2004, c.120 (C.13:20-3), when the committee, a local
48 government unit, or a qualifying tax exempt nonprofit organization

1 seeks to acquire a development easement on farmland or the fee
2 simple title to farmland for farmland preservation purposes using
3 constitutionally dedicated moneys in whole or in part **[or]** Green
4 Acres bond act moneys in whole or in part, or constitutionally
5 dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et
6 seq.) in whole or in part. it shall conduct or cause to be conducted
7 an appraisal or appraisals of the value of the lands that shall be
8 made using (a) the land use zoning of the lands, and any State
9 environmental laws or Department of Environmental Protection
10 rules and regulations that may affect the value of the lands, subject
11 to the appraisal and in effect at the time of proposed acquisition,
12 and (b) the land use zoning of the lands, and any State
13 environmental laws or Department of Environmental Protection
14 rules and regulations that may affect the value of the lands, subject
15 to the appraisal and in effect on January 1, 2004. The higher of
16 those two values shall be utilized by the committee, a local
17 government unit, or a qualifying tax exempt nonprofit organization
18 as the basis for negotiation with the landowner with respect to the
19 acquisition price for the lands. The landowner shall be provided
20 with both values determined pursuant to this paragraph.

21 A landowner may waive any of the requirements of this
22 paragraph and may agree to sell the lands for less than the values
23 determined pursuant to this paragraph.

24 The provisions of this paragraph shall be applicable only to lands
25 the owner of which at the time of proposed acquisition is the same
26 person who owned the lands on the date of enactment of P.L.2004,
27 c.120 (C.13:20-1 et al.) and who has owned the lands continuously
28 since that enactment date, or is an immediate family member of that
29 person.

30 (2) (Deleted by amendment, P.L.2010, c.70)

31 (3) The requirements of this subsection shall be in addition to
32 any other requirements of law, rule, or regulation not inconsistent
33 therewith.

34 (4) This subsection shall not:

35 (a) apply in the case of lands to be acquired with federal moneys
36 in whole or in part;

37 (b) (Deleted by amendment, P.L.2010, c.70); or

38 (c) alter any requirements to disclose information to a
39 landowner pursuant to the "Eminent Domain Act of 1971,"
40 P.L.1971, c.361 (C.20:3-1 et seq.).

41 (5) For the purposes of this subsection, "immediate family
42 member" means a spouse, child, parent, sibling, aunt, uncle, niece,
43 nephew, first cousin, grandparent, grandchild, father-in-law,
44 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,
45 stepbrother, stepsister, half brother, or half sister, whether the
46 individual is related by blood, marriage, or adoption.

47 k. The committee and the Department of Environmental
48 Protection, pursuant to the "Administrative Procedure Act,"

1 P.L.1968, c.410 (C.52:14B-1 et seq.), shall jointly adopt rules and
2 regulations that establish standards and requirements regulating any
3 improvement on lands acquired by the State for farmland
4 preservation purposes using constitutionally dedicated moneys to
5 assure that any improvement does not diminish the protection of
6 surface water or groundwater resources.

7 Any rules and regulations adopted pursuant to this subsection
8 shall not apply to improvements on lands acquired prior to the
9 adoption of the rules and regulations.

10 1. (1) The committee, within three months after the date of the
11 first meeting of the Highlands Water Protection and Planning
12 Council established pursuant to section 4 of P.L.2004, c.120
13 (C.13:20-4), shall consult with and solicit recommendations from
14 the council concerning farmland preservation strategies and
15 acquisition plans in the Highlands Region as defined in section 3 of
16 P.L.2004, c.120 (C.13:20-3).

17 The council's recommendations shall also address strategies and
18 plans concerning establishment by the committee of a methodology
19 for prioritizing the acquisition of development easements and fee
20 simple titles to farmland in the Highlands preservation area, as
21 defined in section 3 of P.L.2004, c.120 (C.13:20-3), for farmland
22 preservation purposes using moneys from the Garden State
23 Farmland Preservation Trust Fund, especially with respect to
24 farmland that has declined substantially in value due to the
25 implementation of the "Highlands Water Protection and Planning
26 Act," P.L.2004, c.120 (C.13:20-1 et al.). The recommendations
27 may also include a listing of specific parcels in the Highlands
28 preservation area that the council is aware of that have experienced
29 a substantial decline in value and for that reason should be
30 considered by the committee as a priority for acquisition, but any
31 such list shall remain confidential notwithstanding any provision of
32 P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary.

33 (2) In prioritizing applications for funding submitted by local
34 government units in the Highlands planning area, as defined in
35 section 3 of P.L.2004, c.120 (C.13:20-3), to acquire development
36 easements on farmland in the Highlands planning area using
37 moneys from the Garden State Farmland Preservation Trust Fund,
38 the committee shall accord a higher weight to any application
39 submitted by a local government unit to preserve farmland in a
40 municipality in the Highlands planning area that has amended its
41 development regulations in accordance with section 13 of P.L.2004,
42 c.120 (C.13:20-13) to establish one or more receiving zones for the
43 transfer of development potential from the Highlands preservation
44 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than
45 that which is accorded to comparable applications submitted by
46 other local government units to preserve farmland in municipalities
47 in the Highlands planning area that have not made such
48 amendments to their development regulations.

1 m. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-
2 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,
3 the sum spent by the committee in each of those fiscal years for the
4 acquisition by the committee of development easements and fee
5 simple titles to farmland for farmland preservation purposes using
6 moneys from the Garden State Farmland Preservation Trust Fund in
7 each county of the State shall be not less, and may be greater if
8 additional sums become available, than the average annual sum
9 spent by the department therefor in each such county, respectively,
10 for State fiscal years 2002 through 2004, provided there is sufficient
11 and appropriate farmland within the county to be so acquired by the
12 committee for such purposes.²

13 (cf: P.L.2015, c.5, s.2)

14
15 ²[18.] 10.² (New section) Notwithstanding the provisions of
16 paragraph (2) of subsection b. of section 18 of P.L.1999, c.152
17 (C.13:8C-18) or any Green Acres bond act to the contrary, any
18 repayments of the principal and interest on loans issued to local
19 government units for the acquisition or development of lands for
20 recreation and conservation purposes pursuant to subsection b. of
21 section 27 of P.L.1999, c.152 (C.13:8C-27) or any Green Acres
22 bond act, as applicable, shall be allocated only for the issuance of
23 additional grants or loans to local government units for the
24 acquisition or development of lands for recreation and conservation
25 purposes.¹

26
27 ²[19.] 11.² (New section) a. Whenever the Commissioner
28 of Environmental Protection finds that a person has violated section
29 13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419
30 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections
31 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-
32 35), or section 11 of P.L.2016, c.12 (C.13:8C-53), or any other
33 applicable law, or any rule or regulation adopted pursuant thereto,
34 concerning the conveyance, disposal, or diversion of lands acquired,
35 developed, or held for recreation and conservation purposes, the
36 commissioner may:

37 (1) issue an order requiring any such person to comply in
38 accordance with subsection b. of this section; or

39 (2) bring a civil action in accordance with subsection c. of this
40 section; or

41 (3) levy a civil administrative penalty in accordance with
42 subsection d. of this section; or

43 (4) bring an action for a civil penalty in accordance with
44 subsection e. of this section.

45 Recourse to any of the remedies available under this section shall
46 not preclude recourse to any of the other remedies prescribed in this
47 section or by any other applicable law.

1 b. Whenever, on the basis of available information, the
2 commissioner finds a person in violation of any provision of section
3 13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419
4 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections
5 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-
6 35), or section 11 of P.L.2016, c.12 (C.13:8C-53), or any other
7 applicable law, or any rule or regulation adopted pursuant thereto,
8 the commissioner may issue an order: (1) specifying the provision
9 or provisions of the law, rule, or regulation, being violated; (2)
10 citing the action which constituted the violation; (3) requiring
11 compliance with the provision or provisions violated; (4) requiring
12 the restoration of the area which is the site of the violation; and (5)
13 providing notice to the person of the right to a hearing on the
14 matters contained in the order.

15 c. The commissioner is authorized to institute a civil action in
16 Superior Court for appropriate relief from any violation of any
17 provision of any provision of section 13 of P.L.1961, c.45
18 (C.13:8A-13), section 13 of P.L.1971, c.419 (C.13:8A-31), section
19 13 of P.L.1975, c.155 (C.13:8A-47), sections 31 through 35 of
20 P.L.1999, c.152 (C.13:8C-31 through C.13:8C-35), or section 11 of
21 P.L.2016, c.12 (C.13:8C-53), or any other applicable law, or any
22 rule or regulation adopted pursuant thereto. Such relief may
23 include, singly or in combination:

- 24 (1) a temporary or permanent injunction;
25 (2) assessment of the violator for the costs of any investigation,
26 inspection, or monitoring survey which led to the establishment of
27 the violation, and for the reasonable costs of preparing and bringing
28 legal action under this subsection;
29 (3) assessment of the violator for any costs incurred by the State
30 in removing, correcting, or terminating the adverse effects resulting
31 from any unauthorized regulated activity for which legal action
32 under this subsection may have been brought;
33 (4) assessment against the violator for compensatory damages
34 for any loss or destruction of wildlife, fish or aquatic life, and for
35 any other actual damages caused by an unauthorized regulated
36 activity; or
37 (5) a requirement that the violator restore the site of the
38 violation to the maximum extent practicable and feasible.

39 d. The commissioner is authorized to assess a civil
40 administrative penalty of up to \$25,000 for each violation, and each
41 day during which each violation continues shall constitute an
42 additional, separate, and distinct offense. Any amount assessed
43 under this subsection shall fall within a range established by
44 regulation by the commissioner for violations of similar type,
45 seriousness, and duration. In adopting rules and regulations
46 establishing the amount of any penalty to be assessed, the
47 commissioner may take into account the economic benefits from the
48 violation gained by the violator. No assessment shall be levied

1 pursuant to this section until after the party has been notified by
2 certified mail or personal service. The notice shall: (1) identify the
3 section of the law, rule, or regulation violated; (2) recite the facts
4 alleged to constitute a violation; (3) state the amount of the civil
5 penalties to be imposed; and (4) affirm the rights of the alleged
6 violation to a hearing. The ordered party shall have 20 days from
7 receipt of the notice within which to deliver to the commissioner a
8 written request for a hearing. After the hearing and upon finding
9 that a violation has occurred, the commissioner may issue a final
10 order after assessing the amount of the fine specified in the notice.
11 If no hearing is requested, the notice shall become a final order after
12 the expiration of the 20-day period. Payment of the assessment is
13 due when a final order is issued or the notice becomes a final order.
14 The authority to levy an administrative penalty is in addition to all
15 other enforcement provisions in any other applicable law, rule, or
16 regulation, and the payment of any assessment shall not be deemed
17 to affect the availability of any other enforcement provisions in
18 connection with the violation for which the assessment is levied.
19 Any civil administrative penalty assessed under this section may be
20 compromised by the commissioner upon the posting of a
21 performance bond by the violator, or upon such terms and
22 conditions as the commissioner may establish by regulation.

23 e. A person who violates any provision of provision of section
24 13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419
25 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections
26 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-
27 35), or section 11 of P.L.2016, c.12 (C.13:8C-53), or any other
28 applicable law, or any rule or regulation adopted pursuant thereto,
29 an administrative order issued pursuant to subsection b. of this
30 section, or a court order issued pursuant to subsection c. of this
31 section, or who fails to pay a civil administrative penalty in full
32 pursuant to subsection d. of this section, shall be subject, upon
33 order of a court, to a civil penalty not to exceed \$10,000 per day of
34 such violation, and each day during which the violation continues
35 shall constitute an additional, separate, and distinct offense. Any
36 civil penalty imposed pursuant to this subsection may be collected
37 with costs in a summary proceeding pursuant to the "Penalty
38 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
39 In addition to any penalties, costs or interest charges, the court may
40 assess against the violator the amount of actual economic benefit
41 accruing to the violator from the violation. The Superior Court and
42 the municipal court shall have jurisdiction to enforce the provisions
43 of the "Penalty Enforcement Law of 1999" in connection with this
44 act.

45 f. The department may require an applicant to provide any
46 information the department requires to determine compliance with
47 any provision of section 13 of P.L.1961, c.45 (C.13:8A-13), section
48 13 of P.L.1971, c.419 (C.13:8A-31), section 13 of P.L.1975, c.155

1 (C.13:8A-47), sections 31 through 35 of P.L.1999, c.152 (C.13:8C-
2 31 through C.13:8C-35), or section 11 of P.L.2016, c.12 (C.13:8C-
3 53), or any other applicable law, or any rule or regulation adopted
4 pursuant thereto.

5 g. Any person who knowingly, recklessly, or negligently makes
6 a false statement, representation, or certification in any application,
7 record, or other document filed or required to be maintained under
8 section 13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971,
9 c.419 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47),
10 sections 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through
11 C.13:8C-35), or section 11 of P.L.2016, c.12 (C.13:8C-53), or any
12 other applicable law, or any rule or regulation adopted pursuant
13 thereto, shall be in violation and shall be subject to the penalties
14 assessed pursuant to subsections d. and e. of this section.

15 h. All penalties collected pursuant to this section shall either be
16 used, as determined by the department, for the purposes of
17 reviewing the conveyance, disposal, or diversion of lands acquired,
18 developed, or held for recreation and conservation purposes.¹

19
20 ²[¹10.] 12.² Notwithstanding the provisions of section 9 of
21 P.L.2016, c.12 (C.13:8C-51) or any other provision of law to the
22 contrary, there is appropriated the sum of \$500,000 from the
23 “Preserve New Jersey Historic Preservation Fund,” established
24 pursuant to section 9 of P.L.2016, c.12 (C.13:8C-51), to the New
25 Jersey Historic Trust for the purpose of establishing an electronic
26 database to track projects that receive funding for historic
27 preservation purposes.¹

28
29 ¹[5. This] ²[11.] 13.² Sections 1 through ²[9] 11² of this¹ act
30 shall take effect immediately ¹, and section ²[10] 12² of this act
31 shall take effect on July 1, 2019 or immediately, whichever is later¹.