

SENATE, No. 4311

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED DECEMBER 9, 2019

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

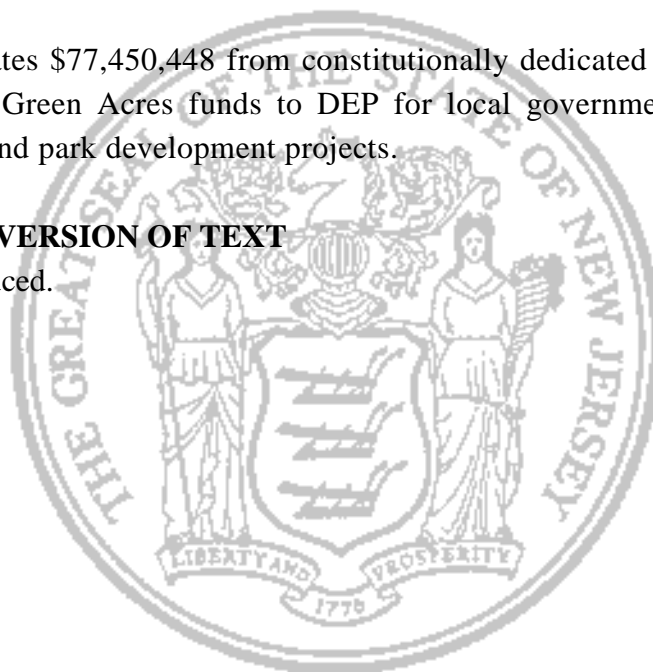
**Senators Doherty, Ruiz, Turner, Assemblyman Benson and
Assemblywoman Murphy**

SYNOPSIS

Appropriates \$77,450,448 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT appropriating \$77,450,448 from constitutionally dedicated
2 corporation business tax revenues and various Green Acres funds
3 to assist local government units to acquire or develop lands for
4 recreation and conservation purposes.

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

8
9 1. As used in this act:

10 “Constitutionally dedicated corporation business tax revenues”
11 means corporation business tax revenues dedicated pursuant to
12 Article VIII, Section II, paragraph 6 of the State Constitution in the
13 “Preserve New Jersey Green Acres Fund” and the unexpended
14 balances in the Diesel Risk Mitigation Fund - Constitutional
15 Dedication account and the Diesel Risk Mitigation Administrative
16 Costs - Constitutional Dedication account made available for this
17 purpose pursuant to the provisions of P.L.2019, c.150, for the
18 acquisition or development of lands by local government units for
19 recreation and conservation purposes in accordance with the
20 provisions of P.L.2016, c.12 (C.13:8C-43 et seq).

21 “Densely or highly populated municipality” means a
22 municipality with a population density of at least 5,000 persons per
23 square mile, or a population of at least 35,000 persons, according to
24 the latest federal decennial census.

25 “Densely populated county” means a county with a population
26 density of at least 5,000 persons per square mile according to the
27 latest federal decennial census.

28 “Garden State Green Acres Preservation Trust Fund” means the
29 fund established pursuant to section 19 of P.L.1999, c.152
30 (C.13:8C-19).

31 “Green Acres bond act” means P.L.2009, c.117, P.L.2007, c.119,
32 P.L.1995, c.204, P.L.1992, c.88, P.L.1989, c.183, P.L.1987, c.265,
33 and P.L.1983, c.354.

34 “Highly populated county” means a county with a population
35 density of at least 1,000 persons per square mile according to the
36 latest federal decennial census.

37 “Preserve New Jersey Green Acres Fund” means the fund
38 established pursuant to section 6 of the “Preserve New Jersey Act,”
39 P.L.2016, c.12 (C.13:8C-48).

40 “Stewardship activity” means the same as the term is defined in
41 section 3 of the “Preserve New Jersey Act,” P.L.2016, c.12
42 (C.13:8C-45).

43
44 2. There is appropriated to the Department of Environmental
45 Protection the following sums for the purpose of providing grants or
46 loans, or both, to assist local government units to acquire lands for
47 recreation and conservation purposes pursuant to section 4 of this
48 act and for the purpose of providing grants or loans, or both, to

- 1 assist local government units to develop lands for recreation and
2 conservation purposes pursuant to section 5 of this act:
- 3 a. \$48,616,876 from constitutionally dedicated corporation
4 business tax revenues;
- 5 b. \$23,775,958 from the “Garden State Green Acres
6 Preservation Trust Fund” and any Green Acres fund established
7 pursuant to a Green Acres bond act, made available due to loan
8 repayments and interest earnings; and
- 9 c. \$5,057,614 from the “Garden State Green Acres
10 Preservation Trust Fund” and any Green Acres fund established
11 pursuant to a Green Acres bond act, made available due to project
12 cancellations and withdrawals.

13
14 3. There is appropriated from the General Fund to the
15 “Preserve New Jersey Green Acres Fund” an amount determined by
16 the State Treasurer to be necessary to implement the provisions of
17 this act.

18
19 4. a. The following projects to acquire lands for recreation and
20 conservation purposes are eligible for funding with the moneys
21 appropriated pursuant to section 2 of this act:

22
23 (1) Planning Incentive Acquisition Projects:

24

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Oakland Boro	Bergen	Boro of Oakland Open Space & Recreation Plan	\$500,000
River Vale Twp	Bergen	Watershed Property Acquisition	500,000
Teaneck Twp	Bergen	Queen Anne Road Acquisition Project	182,500
Burlington County	Burlington	Planning Incentive	1,000,000
Evesham Twp	Burlington	Planning Incentive	750,000
Medford Twp	Burlington	Open Space Incentive	500,000
Moorestown Twp	Burlington	Open Space Preservation Plan	500,000
Mount Laurel Twp	Burlington	Mt Laurel Acquisition Plan	750,000
Cumberland County	Cumberland	Trails & Open Space Acquisition	150,000
Gloucester County	Gloucester	Open Space Plan	1,000,000
Clinton Twp	Hunterdon	Open Space Acquisition Plan	500,000
Delaware Twp	Hunterdon	Open Space Acquisition	500,000
East Amwell Twp	Hunterdon	Open Space and Recreation Plan	350,000
Frenchtown Boro	Hunterdon	Frenchtown Greenbelt	500,000
Lebanon Twp	Hunterdon	Lebanon Twp Preservation Priorities	350,000
Raritan Twp	Hunterdon	Land Acquisition Plan	500,000

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Readington Twp	Hunterdon	Greenway Incentive Plan	500,000
Mercer County	Mercer	Mercer County Planning Incentive	1,250,000
Hamilton Twp	Mercer	Hamilton Township Open Space Acquisition	750,000
Hopewell Twp	Mercer	Hopewell Open Space Acquisition	500,000
Lawrence Twp	Mercer	Open Space Plan Acquisition	500,000
Princeton Boro	Mercer	Princeton Open Space Acquisition	125,000
Robbinsville Twp	Mercer	Green Links Program	500,000
West Windsor Twp	Mercer	West Windsor Planning Incentive	500,000
North Brunswick Twp	Middlesex	North Brunswick Plan	750,000
South Brunswick Twp	Middlesex	Open Space Acquisition	750,000
Monmouth County	Monmouth	Planning Incentive Acquisition	1,250,000
Millstone Twp	Monmouth	Millstone Planning Incentive-Project Evergreen	500,000
Tinton Falls Boro	Monmouth	Tinton Falls Acquisition	500,000
Chatham Twp	Morris	Chatham Open Space Acquisition	467,253
Hanover Twp	Morris	Open Space Acquisition	200,000
Madison Boro	Morris	Madison Boro Open Space Acquisition	500,000
Ocean County	Ocean	Planning Incentive Grant	1,000,000
Manchester Twp	Ocean	Planning Incentive	604,603
Montgomery Twp	Somerset	Open Space Acquisition 5	500,000
Peapack & Gladstone Boro	Somerset	Open Space Acquisition	500,000
Union County	Union	Union County Open Space & Recreation Plan	1,500,000
TOTAL			\$22,179,356

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2 (2) Standard Acquisition Projects:

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LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
East Rutherford Boro	Bergen	Morton Street Acquisition Project	\$500,000
Downe Twp	Cumberland	Downe Twp Open Space Acquisition	50,000
Pitman Boro	Gloucester	Alcyon Lake Park Expansion	500,000
High Bridge Boro	Hunterdon	Open Space Plan	77,154
Mountainside Boro	Union	Levi Cory Park Acquisition	56,250
TOTAL			\$1,183,404

1 b. The following projects to acquire lands for recreation and
2 conservation purposes located in municipalities eligible to receive
3 State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), either
4 as of June 30, 2019 or the effective date of this act, are eligible for
5 funding with the moneys appropriated pursuant to section 2 of this
6 act:

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LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Bloomfield Twp	Essex	Bloomfield Twp Third River Park and Preserve	\$1,000,000
Union City	Hudson	44th Street Acquisition	900,000
TOTAL			\$1,900,000

8 c. The following projects to acquire lands for recreation and
9 conservation purposes, located in densely or highly populated
10 municipalities or sponsored by densely populated counties or highly
11 populated counties, are eligible for funding with the moneys
12 appropriated pursuant to section 2 of this act:

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LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Fairview Boro	Bergen	Fairview Dog Park Acquisition Project	\$250,000
Wood-Ridge Boro	Bergen	Wood-Ridge Recreation Complex Acquisition	750,000
Bound Brook Boro	Somerset	Riverfront Acquisition	193,250
TOTAL			\$1,193,250
GRAND TOTAL			\$26,456,010

14
15 5. a. The following projects to develop lands for recreation and
16 conservation purposes, located in municipalities eligible to receive
17 State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) either
18 as of June 30, 2019 or the effective date of this act, or sponsored by
19 densely populated counties, are eligible for funding with the
20 moneys appropriated pursuant to section 2 of this act:

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LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Bergenfield Boro	Bergen	Twin Boro Field Improvements	\$1,000,000
Garfield City	Bergen	20th Century Field Playground	160,000
Hackensack City	Bergen	Multi-Park Improvements	840,906
Lodi Boro	Bergen	Multi-Park Improvements	941,250

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Mount Holly Twp	Burlington	Mill Dam Park Redevelopment	1,000,000
Camden County	Camden	Cooper River Park Improvements II	1,250,000
Camden City	Camden	Whitman Park Improvement Project	1,000,000
Gloucester Twp	Camden	Multi-Park Improvements	276,983
Essex County	Essex	Multi-Park Improvements 2019	1,500,000
Belleville Twp	Essex	Belleville Municipal Stadium Improvements	1,000,000
East Orange City	Essex	Columbian Park Improvements	1,000,000
Montclair Twp	Essex	Multi Park Development	1,000,000
Newark City	Essex	Frederick Douglas Park	750,000
Nutley Twp	Essex	DeMuro Park Improvements Project	731,160
Hudson County	Hudson	Laurel Hill Park Phase IV	1,500,000
Bayonne City	Hudson	Multi Park Development	1,000,000
Hoboken City	Hudson	Hoboken Cove Park	1,000,000
Jersey City	Hudson	Reservoir 3 Trail Development	884,334
North Bergen Twp	Hudson	North Bergen Community Center	1,000,000
Weehawken Twp	Hudson	Waterfront Multi-Use Pavilion II	1,000,000
West New York Town	Hudson	Port Imperial Pedestrian Connection	514,500
Trenton City	Mercer	Hetzel Field Park Development	1,000,000
Middlesex County	Middlesex	Perth Amboy Arthur Kill Waterfront	1,250,000
Carteret Boro	Middlesex	Bishop Andrews Park Improvements	1,000,000
Old Bridge Twp	Middlesex	Cottrell Farm Park Development	1,000,000
Long Branch City	Monmouth	Jerry Morgan Park Redevelopment	1,000,000
Brick Twp	Ocean	Multi-Park Improvements 2	1,000,000
Clifton City	Passaic	Athenia Park 2	862,685
Passaic City	Passaic	Multi-Park Improvements	1,000,000
Paterson City	Passaic	Vista Park Development Project	1,000,000
Hillside Twp	Union	Multi Parks Improvement Project	912,515
Plainfield City	Union	Rushmore Playground Improvements Phase I	1,000,000
Rahway City	Union	Madden Field Park Improvements	1,000,000
Roselle Boro	Union	Arminio Field Park Improvement	1,000,000
TOTAL			\$32,374,333

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1 b. The following projects to develop lands for recreation and
2 conservation purposes, located in densely or highly populated
3 municipalities or sponsored by highly populated counties, are
4 eligible for funding with the moneys appropriated pursuant to
5 section 2 of this act:

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LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Atlantic City	Atlantic	Gardner's Basin Improvements	\$750,000
Egg Harbor Twp	Atlantic	Tony Canale Park Expansion	750,000
Ventnor City	Atlantic	Ventnor City Ski Beach Improvements	388,400
Cliffside Park Boro	Bergen	Zalewski Park Improvements 2	316,000
Dumont Boro	Bergen	Gina's Field Improvements	235,632
Edgewater Boro	Bergen	Old Borough Hall Park Development	115,000
Elmwood Park Boro	Bergen	Elmwood Park Marina	250,407
Englewood City	Bergen	Mackay Park Field Improvements	66,750
Maywood Boro	Bergen	Memorial Park Field Improvements	60,000
North Arlington Boro	Bergen	James Zadroga Memorial Field	268,425
Palisades Park Boro	Bergen	Columbus Park Improvements	38,063
Riverside Twp	Burlington	Whomsley Fields Development	750,000
Washington Twp	Gloucester	Washington Lake Park Improvements	750,000
Harrison Town	Hudson	Cape May Street Waterfront Park	750,000
Edison Twp	Middlesex	Camp Kilmer Fields Improvements	750,000
Keyport Boro	Monmouth	Kearney Street Park Improvements	71,250
Middletown Twp	Monmouth	Multi-Park Improvements	340,000
Red Bank Boro	Monmouth	Bellhaven Nature Area Park	105,843
Parsippany-Troy Hills	Morris	Smith Field Park Improvements Project	750,000
Berkeley Twp	Ocean	Main Street Boat Ramp Park	135,872
Toms River Twp	Ocean	Toms River Field of Dreams	750,000
Manchester Twp	Ocean	Bowker Field Rehabilitation	86,650
Seaside Heights Boro	Ocean	Carousel Enclosure	750,000
Passaic County	Passaic	Rifle Camp Park Improvement Project (Phase 1)	500,000
Little Falls Twp	Passaic	Duva Field Improvements Project	750,000

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Prospect Park Boro	Passaic	Hofstra Park Soccer Field Improvements	750,000
Linden City	Union	Linden City Multi-Parks Project	750,000
TOTAL			\$11,978,292

c. The following standard park development projects are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Burlington City	Burlington	Multi-Park Improvements	\$500,000
Woolwich Twp	Gloucester	Locke Ave Park Improvement Project	500,000
Carneys Point Twp	Salem	Rec Complex Infrastructure Improvements	500,000
Sussex Boro	Sussex	Brookside Ave Park Improvements	100,000
TOTAL			\$1,600,000

d. The following projects for stewardship activities are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Bergen County	Bergen	Wild Duck Pond Restoration	\$1,250,000
Rutherford Boro	Bergen	Walls Field Rain Garden / Bio-Retention System	63,420
Camden County	Camden	Watchable Wildlife Trail	118,300
Cape May City	Cape May	Lafayette Street Park Nature Trail	500,000
Belleville Twp	Essex	Rifle Range Preserve Project	105,000
Bloomfield Twp	Essex	Third River Park Trail	286,968
Harrison Town	Hudson	Cape May Street Waterfront Park	750,000
Hoboken City	Hudson	Cove Shoreline and Ecological Restoration	69,132
Jersey City	Hudson	Gateway and Hamilton Park Rain Gardens	93,990
Secaucus Town	Hudson	Duck Pond Rehabilitation Project	325,000
Weehawken Twp	Hudson	South Park Shoreline Enhancement	406,222
Red Bank Boro	Monmouth	Riverside Garden Park	56,782

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Spring Lake Heights	Monmouth	Joseph Robertson Park Improvements	75,000
Morris County	Morris	Trail Improvements and Meadow Restoration	198,715
Mendham Twp	Morris	Historic Park at Pitney Farm	377,500
Passaic County	Passaic	Westervelt-Vanderhoef Historic Landscape	289,500
Paterson City	Passaic	Valley Rock Trail Improvements	76,284
TOTAL			\$5,041,813
GRAND TOTAL			\$50,994,438

6. a. Any transfer of funds, or change in project sponsor, site, or type, listed in section 4 or 5 of this act shall require the approval of the Joint Budget Oversight Committee or its successor.

b. To the extent that moneys remain available after the projects listed in section 4 or 5 of this act are offered funding pursuant thereto, any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, or that receives funding approved pursuant to this act, shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

7. a. There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project withdrawals, cancellations, or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund to assist local government units to acquire or develop lands for recreation and conservation purposes, for the purposes of providing:

(1) grants or loans, or both, to assist local government units to acquire or develop lands for recreation and conservation purposes, for projects approved as eligible for such funding pursuant to this act; and

(2) additional funding, as determined by the Department of Environmental Protection, to any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes or that receives funding approved pursuant to this act, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional

1 funding provided from a Green Acres bond act may include
2 administrative costs.

3 b. There is appropriated to the Department of Environmental
4 Protection such sums as may be, or may become, available on or
5 before June 30, 2020, due to interest earnings or loan repayments in
6 any "Green Trust Fund" established pursuant to a Green Acres bond
7 act or in the "Garden State Green Acres Preservation Trust Fund,"
8 for the purpose of providing:

9 (1) grants or loans, or both, to assist local government units to
10 acquire or develop lands for recreation and conservation purposes,
11 for projects approved as eligible for such funding pursuant to this
12 act; and

13 (2) additional funding, as determined by the Department of
14 Environmental Protection, to any project of a local government unit
15 that previously received funding appropriated or reappropriated
16 from any Green Acres bond act, any annual appropriations act, or
17 the Garden State Green Acres Preservation Trust Fund for
18 recreation and conservation purposes or that receives funding
19 approved pursuant to this act, subject to the approval of the Joint
20 Budget Oversight Committee or its successor. Any such additional
21 funding provided from a Green Acres bond act may include
22 administrative costs.

23

24 8. This act shall take effect immediately.

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26

27 **STATEMENT**

28

29 This bill appropriates \$77,450,448 from constitutionally
30 dedicated corporation business tax revenues, the "Garden State
31 Green Acres Preservation Trust Fund," and various Green Acres
32 funds to the Department of Environmental Protection (DEP) to
33 provide grants or low-interest loans, or both, to assist local
34 government units in the State to acquire or develop lands for
35 recreation and conservation purposes.

36 Of the total amount appropriated: \$48,616,876 is from
37 constitutionally dedicated corporation business tax (CBT) revenues;
38 \$23,775,958 is made available due to loan repayments and interest
39 earnings; and \$5,057,614 is made available due to project
40 cancellations and withdrawals. The funds made available due to
41 loan repayments, interest earnings, and project cancellations and
42 withdrawals are from the "Garden State Green Acres Preservation
43 Trust Fund" and various Green Acres funds established pursuant to
44 a Green Acres bond act.

45 The CBT revenues appropriated in this bill are provided from
46 constitutionally dedicated CBT revenues pursuant to Article VIII,
47 Section II, paragraph 6 of the State Constitution, approved by the
48 voters of the State in November 2014, including the unexpended

1 balances in the Diesel Risk Mitigation Fund – Constitutional
2 Dedication account and the Diesel Risk Mitigation Administrative
3 Costs - Constitutional Dedication account made available for these
4 purposes pursuant to P.L.2019, c.150 (i.e., the FY2020 annual
5 appropriations act).

6 The “Preserve New Jersey Act” implements the constitutional
7 dedication of CBT revenues for open space, farmland, and historic
8 preservation. The “Preserve New Jersey Green Acres Fund” was
9 established by section 6 of the “Preserve New Jersey Act.” The act
10 provides that a certain amount of the portion of dedicated CBT
11 revenues allocated each year for the Green Acres program is to be
12 used for: the acquisition of lands for open space, including Blue
13 Acres projects, and development projects on State lands
14 administered by the DEP’s Division of Fish and Wildlife and
15 Division of Parks and Forestry; grants and loans to fund local
16 government open space acquisition and development projects; and
17 grants to nonprofit entities to acquire or develop lands for
18 recreation and conservation purposes. This bill appropriates funds
19 to be used for grants and loans to fund local government open space
20 acquisition and development projects. Further, of the funding
21 allocated for local open space acquisition and development projects,
22 a certain percentage may be used to fund stewardship activities
23 undertaken by local governments. “Stewardship activity” is defined
24 in the act as an activity, which is beyond routine operations and
25 maintenance, undertaken to repair or restore lands acquired or
26 developed for recreation and conservation purposes for the purpose
27 of enhancing or protecting those lands for recreation and
28 conservation purposes.

29 The total amount of funding allocated for local government
30 projects listed in this bill is \$77,450,448. Of this amount,
31 \$26,456,010 is for projects to acquire lands for recreation and
32 conservation purposes, and \$50,994,438 is for projects to develop
33 lands for recreation and conservation purposes.

34 Of the sum for projects to acquire lands for recreation and
35 conservation purposes: \$22,179,356 allocated for planning incentive
36 open space acquisition projects; \$1,183,404 is allocated for standard
37 open space acquisition projects (i.e., projects located in
38 municipalities that do not have an open space tax); \$1.9 million is
39 allocated for projects in “urban aid” municipalities; and \$1,193,250
40 is allocated for projects in densely or highly populated
41 municipalities or sponsored by densely or highly populated
42 counties.

43 Of the sum for projects to develop lands for recreation and
44 conservation purposes: \$32,374,333 is allocated for local park
45 development projects in urban aid municipalities or sponsored by
46 densely populated counties; \$11,978,292 is allocated for local park
47 development projects in densely or highly populated municipalities
48 or sponsored by highly populated counties; \$1.6 million is allocated

1 for standard local park development projects (i.e., projects located
2 municipalities that do not meet the criteria of the prior two
3 categories); and \$5,041,813 is allocated for stewardship activity
4 projects.

5 The projects listed have been approved by the DEP and the
6 Garden State Preservation Trust (GSPT).

7 The projects approved by the bill include projects in “urban aid”
8 and densely or highly populated municipalities and counties. The
9 bill defines a “densely or highly populated municipality” as a
10 municipality with a population density of at least 5,000 persons per
11 square mile or a population of at least 35,000 persons; a “densely
12 populated county” as a county with a population density of at least
13 5,000 persons per square mile; and a “highly populated county” as a
14 county with a population density of at least 1,000 persons per
15 square mile.

16 To the extent that there are funds remaining after those local
17 government unit projects listed in this bill are offered funding, the
18 bill also authorizes the DEP, with the approval of the Joint Budget
19 Oversight Committee (JBOC), to use those funds to provide
20 additional funding for local government unit projects listed in this
21 bill as well as for local government unit projects previously
22 approved for funding pursuant to various other laws.