

ASSEMBLY, No. 3165

STATE OF NEW JERSEY

208th LEGISLATURE

INTRODUCED MAY 17, 1999

Sponsored by:

Assemblyman JOSEPH V. DORIA, JR.

District 31 (Hudson)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Co-Sponsored by:

Assemblyman Roberts

SYNOPSIS

The "New Jersey Parks, Agriculture, and Recreation KeepSake Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/4/1999)

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

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

8
9 1. (New section) Sections 1 through 42 of this act shall be known,
10 and may be cited, as the "New Jersey Parks, Agriculture, and
11 Recreation KeepSake Act."

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

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

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

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

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

40

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

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

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

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

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

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

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

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

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

43 "Department" means the Department of Environmental Protection;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 "Project" means all things deemed necessary or useful and
22 convenient in connection with the acquisition or development of lands
23 for recreation and conservation purposes, the acquisition of
24 development easements or fee simple titles to farmland, or the
25 preservation of historic properties, as the case may be;

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

38 "Qualifying open space referendum municipality" means any
39 municipality that has: (1) approved and implemented, and is collecting
40 and expending the revenue from, an annual levy authorized pursuant
41 to P.L.1997, c.24 (C.40:12-15.1 et seq.) for an amount or at a rate
42 equivalent to at least one quarter of one cent per \$100 of assessed
43 value of real property, or for an amount or at a rate established by the
44 municipality and in effect as of April 1, 1999, whichever is greater; or
45 (2) adopted an alternative means of funding for the same or similar
46 purposes as an annual levy, which the Department of Environmental

1 Protection, in consultation with the committee and the New Jersey
2 Historic Trust, approves to be stable and reasonably equivalent in
3 effect to an annual levy;

4 "Qualifying tax exempt nonprofit organization" means a nonprofit
5 organization that is exempt from federal taxation pursuant to section
6 501 (c)(3) of the federal Internal Revenue Code, 26 U.S.C. s.501
7 (c)(3), and which qualifies for a grant pursuant to sections 27, 39, or
8 41 of this act;

9 "Recreation and conservation purposes" means the use of lands in
10 New Jersey for beaches, biological or ecological study, boating,
11 camping, fishing, forests, greenways, hunting, natural areas, parks,
12 playgrounds, protecting historic properties, water reserves, watershed
13 protection, wildlife preserves, active sports, or a similar use for either
14 public outdoor recreation, public indoor recreation, or conservation of
15 natural resources, or any combination thereof;

16 "Trust" means the Garden State Preservation Trust established
17 pursuant to section 4 of this act; and

18 "Urban or suburban area" means (1) a municipality eligible to
19 receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.),
20 (2) a municipality with a population of at least 35,000 people
21 according to the latest federal decennial census which is located in a
22 county of the fifth class with a population of less than 400,000 people
23 according to the latest federal decennial census, (3) a municipality
24 which at the time of the initiation of a project was either eligible to
25 receive aid under the "Special Municipal Aid Act," P.L.1987, c.75
26 (C.52:27D-118.24 et seq.) or was coextensive with a school district
27 which qualified for designation as a "special needs district" pursuant
28 to the "Quality Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1
29 et seq.), or (4) a municipality in a county with a population density of
30 at least 1,000 persons per square mile according to the latest federal
31 decennial census.

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

46 b. (1) The trust shall consist of 13 members, including four

1 nonvoting, advisory members as prescribed pursuant to paragraph (2)
2 of this subsection, and nine voting members as follows: the
3 Commissioner of Environmental Protection, the Secretary of
4 Agriculture, the Secretary of State, and the State Treasurer, who shall
5 be members ex officio; and five public members, one of whom shall be
6 appointed by the Governor, one of whom shall be appointed by the
7 President of the Senate, one of whom shall be appointed by the
8 Speaker of the General Assembly, one of whom shall be appointed by
9 the Minority Leader of the Senate, and one of whom shall be
10 appointed by the Minority Leader of the General Assembly. The
11 public member appointed by the Governor shall serve a term of five
12 years. Each public member appointed by the President of the Senate,
13 the Speaker of the General Assembly, the Minority Leader of the
14 Senate, and the Minority Leader of the General Assembly shall serve
15 a term of five years.

16 (2) The four nonvoting, advisory members of the trust shall be as
17 follows: two members of the Senate appointed by the President of the
18 Senate, no more than one of whom shall be from the same political
19 party, and one of whom shall be appointed from a list of members of
20 the Senate recommended by the Minority Leader of the Senate; and
21 two members of the General Assembly appointed by the Speaker of the
22 General Assembly, no more than one of whom shall be from the same
23 political party, and one of whom shall be appointed from a list of
24 members of the General Assembly recommended by the Minority
25 Leader of the General Assembly. Legislator members of the trust shall
26 serve only for the length of their legislative term, but may be
27 reappointed to successive terms. A legislator member of the trust may
28 appoint a designee to represent the member at meetings of the trust.

29 c. Each public member shall hold office for the term of the
30 member's appointment and until the member's successor shall have
31 been appointed and qualified. A public member shall be eligible for
32 reappointment. Any vacancy in a public membership occurring other
33 than by expiration of term shall be filled in the same manner as the
34 original appointment but for the unexpired term only.

35 d. Any public member may be removed from office by the
36 appointing authority, for cause, after a public hearing, and may be
37 suspended by the appointing authority pending the completion of the
38 hearing. All members before entering upon their duties shall take and
39 subscribe an oath to perform the duties of their office faithfully,
40 impartially and justly to the best of their ability. A record of each oath
41 shall be filed in the Office of the Secretary of State.

42 All voting members shall be subject to the "New Jersey Conflicts of
43 Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), the Executive
44 Commission on Ethical Standards, and any applicable code of ethics
45 promulgated by that commission. All nonvoting, advisory legislator
46 members shall be subject to the "New Jersey Conflicts of Interest

1 Law," P.L.1971, c.182 (C.52:13D-12 et seq.), the Joint Legislative
2 Committee on Ethical Standards, and any applicable code of ethics
3 promulgated by that committee. No member of the trust or a member
4 of the immediate family of that member may realize a financial or other
5 benefit due to the acquisition of lands for farmland preservation, the
6 acquisition or development of lands for recreation and conservation
7 purposes, or the preservation of historic properties pursuant to this
8 act. For the purposes of this subsection, "immediate family" means a
9 person's spouse, child, sibling, parent, uncle, aunt, cousin,
10 grandparent, great grandparent, or great great grandparent or the
11 spouse of any such family member.

12 e. At the first meeting of the trust held each year, the voting
13 members shall elect one of the public members to serve as chairperson
14 of the trust in a manner that ensures that the chair rotates annually
15 among the public members.

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

31 g. The members of the trust shall serve without compensation, but
32 the trust shall reimburse its members for actual expenses necessarily
33 incurred in the discharge of their duties. Notwithstanding the
34 provisions of any other law, no member shall be deemed to have
35 forfeited nor shall the member forfeit the member's office or
36 employment or any benefits or emoluments thereof by reason of the
37 member's acceptance of the office of ex officio member of the trust or
38 the member's services therein.

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

45 i. A true copy of the minutes of every meeting of the trust shall be
46 delivered forthwith by and under the certification of the secretary

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

22 j. The trust shall continue in existence until dissolved by act of the
23 Legislature. However, any dissolution of this trust shall be on
24 condition that the trust has no debts, contractual duties or obligations
25 outstanding, or that provision has been made for the payment,
26 discharge or retirement of these debts, contractual duties or
27 obligations. Upon any dissolution of the trust, all property, rights,
28 funds and assets thereof shall pass to and become vested in the State.

29
30 5. (New section) It shall be the sole purpose of the trust
31 established pursuant to this act to:

32 a. Provide funding to the Department of Environmental Protection,
33 the State Agriculture Development Committee, and the New Jersey
34 Historic Trust for all or a portion of the cost of projects undertaken by
35 those entities or by grant or loan recipients in accordance with the
36 purposes and procedures established by Article VIII, Section II,
37 paragraph 7 of the State Constitution and this act; and

38 b. Perform such other duties and responsibilities as authorized
39 pursuant to this act or any other law.

40

41 6. (New section) In addition to all other powers granted to the
42 trust in this act, the trust shall have power:

43 a. To sue and be sued;

44 b. To have an official seal and alter it at the trust's pleasure;

45 c. To make and alter bylaws for its organization and internal
46 management and rules and regulations for the conduct of its affairs and

- 1 business;
- 2 d. To maintain an office at a place or places within the State as
- 3 determined by the Department of the Treasury;
- 4 e. To acquire, hold, use and dispose of its income, revenues, funds
- 5 and moneys;
- 6 f. To borrow money and to issue its bonds, notes or other
- 7 obligations and to secure them by its revenues or other funds and
- 8 otherwise to provide for and secure the payment thereof and to
- 9 provide for the rights of the holders thereof and to provide for the
- 10 refunding thereof, all as provided in this act;
- 11 g. To issue subordinated indebtedness and to enter into any
- 12 revolving credit agreement, agreement establishing a line of credit or
- 13 letter of credit, reimbursement agreement, interest rate exchange
- 14 agreement, insurance contract, surety bond, commitment to purchase
- 15 or sell bonds, notes or other obligations, purchase or sale agreement,
- 16 or commitments or other contracts or agreements, and other security
- 17 agreements as approved by the trust in connection with the issuance
- 18 of bonds, notes or other obligations;
- 19 h. Subject to any agreement with the holders of bonds, notes or
- 20 other obligations, to invest moneys of the trust not required for
- 21 immediate use, including proceeds from the sale of any bonds, notes
- 22 or other obligations, in obligations, securities and other investments as
- 23 the trust shall deem prudent;
- 24 i. Subject to any agreements with holders of bonds, notes or other
- 25 obligations, to purchase bonds, notes or other obligations of the trust
- 26 out of any funds or moneys of the trust available therefor, and to hold,
- 27 cancel or resell the bonds, notes or other obligations;
- 28 j. To do and perform any acts and things authorized by this act
- 29 under, through, or by means of its officers, agents or employees or by
- 30 contract with any person, firm or corporation or any public body;
- 31 k. To procure insurance against any losses in connection with its
- 32 property, operations, assets or obligations in amounts and from
- 33 insurers as it deems desirable;
- 34 l. To adopt, pursuant to the "Administrative Procedure Act,"
- 35 P.L.1968, c.410 (C.52:14B-1 et seq.) such rules and regulations as it
- 36 deems necessary to effectuate the purposes of Article VIII, Section II,
- 37 paragraph 7 of the State Constitution and this act;
- 38 m. To make and enter into any and all contracts and agreements
- 39 which the trust determines are necessary, incidental, convenient or
- 40 desirable to the performance of its duties and the execution of its
- 41 powers under this act;
- 42 n. To accept and use any funds appropriated and paid by the State
- 43 to the trust, including, without limitation, appropriations and payments
- 44 from the Garden State Preservation Trust Fund Account established
- 45 pursuant to section 17 of this act, for the purposes for which the
- 46 appropriations and payments are made;

1 o. To apply for, and receive and accept, appropriations or grants
2 of property, money, services, or reimbursements for money previously
3 spent and other assistance offered or made available to it by or from
4 any person, government agency, public authority, or any public or
5 private entity whatever for any lawful corporate purpose of the trust,
6 including, without limitation, grants, appropriations, or
7 reimbursements from the federal government, and to apply and
8 negotiate for these upon such terms and conditions as may be required
9 by any person, government agency, authority, or entity as the trust
10 may determine to be necessary, convenient, or desirable, provided that
11 all such moneys, grants, appropriations, and reimbursements so
12 received and accepted shall be subject to appropriation by law
13 pursuant to the procedures established by this act; and

14 p. To do any and all things necessary, incidental, convenient or
15 desirable to carry out its purposes and exercise the powers given and
16 granted in this act.

17

18 7. (New section) a. The trust shall have the power and is hereby
19 authorized to issue its bonds, notes or other obligations in principal
20 amounts as determined by the trust to be necessary to provide for any
21 of its corporate purposes, including the payment, funding or refunding
22 of the principal of, or interest on, or redemption premiums, if any, on
23 bonds, notes or other obligations issued by it, whether the bonds,
24 notes, obligations or interest to be funded or refunded have or have
25 not become due; and to provide for the security thereof and for the
26 establishment or increase of reserves to secure or to pay the bonds,
27 notes or other obligations or interest thereon and all other reserves and
28 all costs or expenses of the trust incident to and necessary or
29 convenient to carry out its corporate purposes and powers; and in
30 addition to its bonds, notes and other obligations, the trust shall have
31 the power to issue subordinated indebtedness, which shall be
32 subordinate in lien to the lien of any or all of its bonds, notes or other
33 obligations as the trust may determine. No resolution or other action
34 of the trust providing for the issuance of bonds, refunding bonds, notes
35 or other obligations shall be adopted or otherwise made effective by
36 the trust without the prior approval in writing of the Governor and the
37 State Treasurer.

38 b. Except as may be otherwise expressly provided in this act or by
39 the trust, every issue of bonds, notes or other obligations shall be
40 general obligations payable out of any revenues or funds of the trust,
41 subject only to any agreements with the holders of particular bonds,
42 notes or other obligations pledging any particular revenues or funds.
43 The trust may provide the security and payment provisions for its
44 bonds, notes or other obligations as it may determine, including,
45 without limiting the generality of the foregoing, bonds, notes or other
46 obligations as to which the principal and interest are payable from and

1 secured by all or any portion of the revenues of and payments to the
2 trust, and other moneys or funds as the trust shall determine. The
3 trust may also enter into bank loan agreements, lines of credit and
4 other security agreements as authorized pursuant to subsection g. of
5 section 6 of this act and obtain for or on its behalf letters of credit in
6 each case for the purpose of securing its bonds, notes or other
7 obligations or to provide direct payment of any costs which the trust
8 is authorized to pay by this act and to secure repayment of any
9 borrowings under the loan agreement, line of credit, letter of credit or
10 other security agreement by its bonds, notes or other obligations or the
11 proceeds thereof or by any or all of the revenues of and payments to
12 the trust or by any appropriation, grant or reimbursement to be
13 received by the trust and other moneys or funds as the trust shall
14 determine.

15 c. Whether or not the bonds and notes are of the form and
16 character as to be negotiable instruments under the terms of Title 12A,
17 Commercial Transactions, of the New Jersey Statutes, the bonds and
18 notes are hereby made negotiable instruments within the meaning of
19 and for all the purposes of Title 12A.

20 d. Bonds or notes of the trust shall be authorized by a resolution
21 or resolutions of the trust and may be issued in one or more series and
22 shall bear the date, or dates, mature at the time or times, bear interest
23 at the rate or rates of interest per annum, be in the denomination or
24 denominations, be in the form, carry the conversion or registration
25 privileges, have the rank or priority, be executed in the manner, be
26 payable from the sources, in the medium of payment, at the place or
27 places within or outside of the State, and be subject to the terms of
28 redemption, with or without premium, as the resolution or resolutions
29 may provide. Bonds or notes may be further secured by a trust
30 indenture between the trust and a corporate trustee within or outside
31 of the State. All other obligations of the trust shall be authorized by
32 resolution containing terms and conditions as the trust shall determine.

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

36 f. Bonds or notes may be issued and other obligations incurred
37 under the provisions of this act without obtaining the consent of any
38 department, division, commission, board, bureau or agency of the
39 State, other than the approval as required by subsection a. of this
40 section, and without any other proceedings or the happening of any
41 other conditions or other things than those proceedings, conditions or
42 things which are specifically required by this act.

43 g. Bonds, notes and other obligations of the trust issued or
44 incurred under the provisions of this act shall not be in any way a debt
45 or liability of the State or of any political subdivision thereof other
46 than the trust and shall not create or constitute any indebtedness,

1 liability or obligation of the State or of any political subdivision or be
2 or constitute a pledge of the faith and credit of the State or of any
3 political subdivision but all bonds, notes and obligations, unless funded
4 or refunded by bonds, notes or other obligations of the trust, shall be
5 payable solely from revenues or funds pledged or available for their
6 payment as authorized in this act. Each bond, note or other obligation
7 shall contain on its face a statement to the effect that the trust is
8 obligated to pay the principal thereof, redemption premium, if any, or
9 the interest thereon only from revenues or funds of the trust and that
10 neither the State nor any political subdivision thereof is obligated to
11 pay the principal thereof, redemption premium, if any, or interest
12 thereon and that neither the faith and credit nor the taxing power of
13 the State or any political subdivision thereof is pledged to the payment
14 of the principal of, redemption premium, if any, or the interest on the
15 bonds, notes or other obligations. For the purposes of this subsection,
16 political subdivision does not include the trust.

17 h. All expenses incurred in carrying out the provisions of this act
18 shall be payable solely from the revenues or funds provided or to be
19 provided under or pursuant to the provisions of this act and nothing
20 in this act shall be construed to authorize the trust to incur any
21 indebtedness or liability on behalf of or payable by the State or any
22 political subdivision thereof.

23 i. (1) Prior to July 1, 2009, the aggregate principal amount of
24 bonds, notes or other obligations, including subordinated indebtedness,
25 of the trust shall not exceed \$500,000,000; except that this limitation
26 shall not include any bonds, notes or other obligations, including
27 subordinated indebtedness, of the trust issued for refunding purposes
28 in accordance with the provisions of this section, and any bonds, notes
29 or other obligations of the trust issued to fund the costs of issuance of
30 its bonds, notes or other obligations. After June 30, 2009, the trust
31 may issue only refunding bonds in any amount subject to subsections
32 j. through n. of this section. The limitations specified in this
33 subsection shall apply only to bonds, notes or other obligations of the
34 trust that are payable from, or secured by, amounts on deposit in the
35 Garden State Preservation Trust Fund Account established pursuant
36 to section 17 of this act.

37 (2) The trust shall not incur debt in any State fiscal year in excess
38 of \$50,000,000, except that if that permitted amount of debt, or any
39 portion thereof, is not incurred in a State fiscal year it may be incurred
40 in a subsequent State fiscal year. Any increase in this limitation shall
41 only occur if so provided for by law.

42 j. Upon the decision by the trust to issue refunding bonds pursuant
43 to this section, and prior to the sale of those bonds, the trust shall
44 transmit to the Joint Budget Oversight Committee, or its successor, a
45 report that a decision has been made, reciting the basis on which the
46 decision was made, including an estimate of the debt service savings

1 to be achieved and the calculations upon which the trust relied when
2 making the decision to issue refunding bonds. The report shall also
3 disclose the intent of the trust to issue and sell the refunding bonds at
4 public or private sale and the reasons therefor.

5 k. The Joint Budget Oversight Committee, or its successor, shall
6 have authority to approve or disapprove the sale of refunding bonds
7 as included in each report submitted in accordance with subsection j.
8 of this section. The Joint Budget Oversight Committee, or its
9 successor, shall approve or disapprove the sale of refunding bonds
10 within 10 business days after physical receipt of the report. The Joint
11 Budget Oversight Committee, or its successor, shall notify the trust in
12 writing of the approval or disapproval as expeditiously as possible.

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

16 m. Within 30 days after the sale of the refunding bonds, the trust
17 shall notify the Joint Budget Oversight Committee, or its successor, of
18 the result of that sale, including the prices and terms, conditions and
19 regulations concerning the refunding bonds, and the actual amount of
20 debt service savings to be realized as a result of the sale of refunding
21 bonds.

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

27 o. The trust shall comply with all provisions of Executive Order
28 No. 26 of 1994, which pertains to the issuance of bonds, notes and
29 other obligations by the State and its agencies and authorities.

30
31 8. (New section) In any resolution of the trust authorizing or
32 relating to the issuance of any bonds, notes or other obligations or in
33 any indenture securing the bonds, notes or other obligations, the trust,
34 in order to secure the payment of the bonds, notes or other obligations
35 and in addition to its other powers, shall have the power by provisions
36 therein, which shall constitute covenants by the trust and contracts
37 with the holders of the bonds, notes or other obligations, to:

38 a. Pledge all or any part of its revenues or receipts to which its
39 right then exists or may thereafter come into existence and other
40 moneys or funds as the trust shall determine and the moneys derived
41 therefrom, and the proceeds of any bonds, notes or other obligations;

42 b. Pledge any agreement, the revenues or payments thereunder and
43 the proceeds thereof;

44 c. Covenant against pledging all or any part of its revenues or
45 receipts or its agreements and the revenues derived thereunder or the
46 proceeds thereof and other moneys or funds as the trust shall

- 1 determine and the moneys derived therefrom or against permitting or
2 suffering any lien on any of the foregoing;
- 3 d. Covenant with respect to limitations on any right to sell, lease
4 or otherwise dispose of any property of any kind;
- 5 e. Covenant as to any bonds, notes and other obligations to be
6 issued and the limitations thereof and the terms and conditions thereof
7 and as to the custody, application, investment, and disposition of the
8 proceeds thereof;
- 9 f. Covenant as to the issuance of additional bonds, notes or other
10 obligations or as to limitations on the issuance of additional bonds,
11 notes or other obligations and on the incurring of other debts by it;
- 12 g. Covenant as to the payment of the principal of or interest on the
13 bonds, notes or other obligations, as to the sources and methods of
14 payment, as to the rank or priority of any bonds, notes or obligations
15 with respect to any lien or security or as to the acceleration of the
16 maturity of any bonds, notes or obligations;
- 17 h. Provide for the replacement of lost, stolen, destroyed or
18 mutilated bonds, notes or other obligations;
- 19 i. Covenant against extending the time for the payment of bonds,
20 notes or other obligations or interest thereon;
- 21 j. Covenant as to the redemption of bonds, notes or other
22 obligations and privileges of exchange thereof for other bonds, notes
23 or other obligations of the trust;
- 24 k. Covenant to create or authorize the creation of special funds or
25 moneys to be held in pledge or otherwise for payment or redemption
26 of bonds, notes or other obligations, reserves or other purposes and as
27 to the use, investment, and disposition of the moneys held in the
28 funds;
- 29 l. Establish the procedure, if any, by which the terms of any
30 contract or covenant with or for the benefit of the holders of bonds,
31 notes or other obligations may be amended or abrogated, the amount
32 of bonds, notes or other obligations the holders of which must consent
33 thereto, and the manner in which the consent may be given;
- 34 m. Provide for the release of property, agreements, or revenues
35 and receipts from any pledge and to reserve rights and powers in, or
36 the right to dispose of, property which is subject to a pledge;
- 37 n. Provide for the rights and liabilities, powers and duties arising
38 upon the breach of any covenant, condition or obligation and to
39 prescribe the events of default and the terms and conditions upon
40 which any or all of the bonds, notes or other obligations of the trust
41 shall become or may be declared due and payable before maturity and
42 the terms and conditions upon which any declaration and its
43 consequences may be waived;
- 44 o. Vest in a trustee or trustees within or outside of the State such
45 property, rights, powers and duties in trust as the trust may determine,
46 and to limit the rights, duties and powers of that trustee or trustees;

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

4 q. Pay the costs or expenses incident to the enforcement of the
5 bonds, notes or other obligations or of the provisions of the resolution
6 or of any covenant or agreement of the trust with the holders of its
7 bonds, notes or other obligations;

8 r. Limit the rights of the holders of any bonds, notes or other
9 obligations to enforce any pledge or covenant securing the bonds,
10 notes or other obligations; and

11 s. Make covenants, in addition to the covenants herein expressly
12 authorized, of like or different character, and to make covenants to do
13 or refrain from doing acts and things as may be necessary, or
14 convenient and desirable, in order to better secure bonds, notes or
15 other obligations or which in the absolute discretion of the trust will
16 tend to make bonds, notes or other obligations more marketable,
17 notwithstanding that the covenants, acts or things may not be
18 enumerated herein.

19

20 9. (New section) Any pledge of revenues, moneys, funds or other
21 property made by the trust shall be valid and binding from the time
22 when the pledge is made; the revenues, moneys, funds or other
23 property so pledged and thereafter received by the trust shall
24 immediately be subject to the lien of the pledge without any physical
25 delivery thereof or further act, and the lien of any pledge shall be valid
26 and binding as against all parties having claims of any kind in tort,
27 contract or otherwise against the trust, irrespective of whether the
28 parties have notice thereof. Neither the resolution nor any other
29 instrument by which a pledge of revenues, moneys or funds is created
30 need be filed or recorded, except in the records of the trust.

31

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

36

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

41

42 12. (New section) The State does hereby pledge to and covenant
43 and agree with the holders of any bonds, notes or other obligations
44 issued or incurred pursuant to the authorization of this act that the
45 State will not limit or alter the rights or powers hereby vested in the
46 trust in any way that would jeopardize the interest of the holders of the

1 bonds, notes or other obligations or inhibit or prevent performance or
2 fulfillment by the trust of the terms of any agreement made with the
3 holders of the bonds, notes or other obligations, or prevent the trust
4 from obtaining sufficient revenues which, together with other available
5 funds, shall be sufficient to meet all expenses of the trust and fulfill the
6 terms of any agreement made with the holders of the bonds, notes or
7 other obligations, together with interest thereon, with interest on any
8 unpaid installments of interest, and all costs and expenses in
9 connection with any action or proceedings by or on behalf of the
10 holders, as provided in any agreement provided for in this act, until the
11 bonds, notes or other obligations, together with interest thereon, are
12 fully met and discharged or provided for. The failure of the State to
13 appropriate moneys for any purpose of this act shall not be deemed or
14 construed to be a violation of this section.

15

16 13. (New section) The State and all public officers, governmental
17 units and agencies thereof, all banks, trust companies, savings banks
18 and institutions, building and loan associations, savings and loan
19 associations, investment companies, and other persons carrying on a
20 banking business, all insurance companies, insurance associations and
21 other persons carrying on an insurance business, and all executors,
22 administrators, guardians, trustees and other fiduciaries may legally
23 invest any sinking funds, moneys or other funds belonging to them or
24 within their control in any bonds, notes or other obligations issued
25 pursuant to this act, and the bonds, notes or other obligations shall be
26 authorized security for any and all public deposits.

27

28 14. (New section) All property of the trust is declared to be public
29 property devoted to an essential public and governmental function and
30 purpose and shall be exempt from all taxes and special assessments of
31 the State or any political subdivision thereof. All bonds, notes or
32 other obligations issued pursuant to this act are hereby declared to be
33 issued by a body corporate and politic of the State and for an essential
34 public and governmental purpose and the bonds, notes and other
35 obligations, and the interest thereon and the income therefrom, and all
36 funds, revenues, income and other moneys received or to be received
37 by the trust and pledged or available to pay or secure the payment of
38 the bonds, notes and other obligations, or interest thereon, shall at all
39 times be exempt from taxation, except for transfer inheritance and
40 estate taxes.

41

42 15. (New section) On or before the first day of September in each
43 year, commencing with the calendar year after the date of enactment
44 of this act, the trust shall make an annual report of its activities for the
45 preceding State fiscal year to the Governor and to the Legislature, in
46 addition to responding to other requests made by the Legislature from

1 time to time. The report shall set forth a complete operating and
2 financial statement covering its operations during the year, a long
3 range financing plan for the next five years and a more specific short
4 range financing plan for the next year with respect to providing the
5 funding necessary to achieve the goals and objectives of this act, and
6 a summary of the progress made to date on achieving those goals and
7 objectives. The trust shall cause an audit of its books and accounts to
8 be made at least once in each year by certified public accountants and
9 the cost thereof shall be considered an expense of the trust and a copy
10 thereof shall be filed with the Director of the Division of Budget and
11 Accounting and the Comptroller of the Treasury. Notwithstanding the
12 provisions of any law to the contrary, the State Auditor, or the State
13 Auditor's legally authorized representative, may examine the accounts
14 and books of the trust.

15

16 16. (New section) All officers, departments, boards, agencies,
17 divisions, and commissions of the State are hereby authorized and
18 empowered to render any and all services to the trust as may be within
19 the area of their respective governmental functions as fixed or
20 established by law, and as may be requested by the trust. Insofar as
21 possible, the cost and expense of any services shall be met and
22 provided for by those officers, departments, boards, agencies, divisions
23 and commissions.

24

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

28 (1) In each State fiscal year from State fiscal year 2000 through
29 and including State fiscal year 2009, an amount from the State revenue
30 annually collected from the State tax imposed under the "Sales and
31 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and
32 supplemented, equal to \$98,000,000; and

33 (2) In each State fiscal year from State fiscal year 2010 through
34 and including State fiscal year 2029: (a) an amount from the State
35 revenue annually collected from the State tax imposed under the "Sales
36 and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended
37 and supplemented, necessary to satisfy any payments relating to bonds,
38 notes or other obligations, including refunding bonds, of the trust, but
39 such amount shall not exceed \$98,000,000 in any such State fiscal
40 year; and (b) an amount from the State General Fund equal to the
41 difference between the amount credited pursuant to subparagraph (a)
42 of this paragraph and \$98 million.

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

1 c. (1) On the basis of a payment schedule provided annually by the
2 trust to the State Treasurer but in no case later than October 1 of each
3 State fiscal year from State fiscal year 2000 through and including
4 State fiscal year 2009, the State Treasurer shall pay to the trust the
5 amount credited to the Garden State Preservation Trust Fund
6 Account, plus any interest or other income earned on the amount so
7 credited prior to payment pursuant to this subsection, for that State
8 fiscal year as provided pursuant to paragraph (1) of subsection a. of
9 this section and appropriated pursuant to subsection b. of this section,
10 which the trust shall use for its purposes as set forth in this act. The
11 State Treasurer also shall pay to the trust such other amounts as may
12 be appropriated from time to time for use by the trust for its purposes
13 as set forth in this act.

14 (2) In each State fiscal year from State fiscal year 2010 through
15 and including State fiscal year 2029, the State Treasurer shall pay to
16 the trust the amount credited to the Garden State Preservation Trust
17 Fund Account for that State fiscal year as provided pursuant to
18 paragraph (2) of subsection a. of this section and appropriated
19 pursuant to subsection b. of this section, which the trust shall use for
20 its purposes as set forth in this act. The State Treasurer also shall pay
21 to the trust such other amounts as may be appropriated from time to
22 time for use by the trust for its purposes as set forth in this act.

23 d. Any repayments of the principal and interest on loans issued to
24 local government units for the acquisition or development of lands for
25 recreation and conservation purposes pursuant to subsection b. of
26 section 27 of this act credited to the Garden State Preservation Trust
27 Fund Account as provided pursuant to Article VIII, Section II,
28 paragraph 7 of the State Constitution shall be deposited in the Garden
29 State Green Acres Preservation Trust Fund established pursuant to
30 section 19 of this act.

31

32 18. (New section) a. In each State fiscal year, from State fiscal
33 year 2000 through and including State fiscal year 2029, the trust shall
34 transfer to the State Treasurer for deposit into:

35 (1) the Garden State Green Acres Preservation Trust Fund,
36 established pursuant to section 19 of this act, 70% of such amounts as
37 are available from:

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

45 (b) such proceeds raised by the trust for the purposes set forth in
46 Article VIII, Section II, paragraph 7 of the State Constitution and this

1 act through the issuance of bonds, notes or other obligations;

2 (2) the Garden State Farmland Preservation Trust Fund, established
3 pursuant to section 20 of this act, 30% of such amounts as are
4 available from:

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

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

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

19 b. (1) Of the amount deposited each State fiscal year into the
20 Garden State Green Acres Preservation Trust Fund pursuant to
21 paragraph (1) of subsection a. of this section, or received into the fund
22 each State fiscal year from other sources: 50% thereof shall be
23 allocated for the purposes of paying the cost of acquisition and
24 development of lands by the State for recreation and conservation
25 purposes; 40% thereof shall be allocated for the purposes of providing
26 grants and loans to assist local government units to pay the cost of
27 acquisition and development of lands for recreation and conservation
28 purposes; and 10% thereof shall be allocated for the purposes of
29 providing grants to assist qualifying tax exempt nonprofit
30 organizations to pay the cost of acquisition and development of lands
31 for recreation and conservation purposes, all as provided pursuant to
32 this act.

33 (2) (a) Of the amount deposited each State fiscal year into the
34 Garden State Green Acres Preservation Trust Fund pursuant to
35 paragraph (1) of subsection a. of this section, or received into that
36 fund each State fiscal year from other sources, at least 50% thereof or
37 \$50,000,000, whichever is greater, in State fiscal year 2000 through
38 and including State fiscal year 2009, and at least 50% in State fiscal
39 year 2010 through and including State fiscal year 2029, shall be
40 allocated for projects located in urban or suburban areas.

41 (b) Of the amount deposited each State fiscal year into the Garden
42 State Green Acres Preservation Trust Fund pursuant to paragraph (1)
43 of subsection a. of this section, or received into that fund each State
44 fiscal year from other sources, at least 40% thereof shall be allocated
45 for public outdoor recreation projects or public indoor recreation
46 projects.

1 (3) Notwithstanding the provisions of this subsection to the
2 contrary, any repayments of the principal and interest on loans issued
3 to local government units for the acquisition or development of lands
4 for recreation and conservation purposes pursuant to subsection b. of
5 section 27 of this act, including repayments received after June 30,
6 2009, shall be allocated only for the issuance of additional loans to
7 local government units for the acquisition or development of lands for
8 recreation and conservation purposes pursuant to subsection b. of
9 section 27 of this act.

10 c. (1) Notwithstanding the provisions of this section to the
11 contrary, the trust, after conducting at least one public hearing upon
12 at least 60 days advance public notice thereof, and upon finding that
13 it would further the purposes of Article VIII, Section II, paragraph 7
14 of the State Constitution and this act, may (a) alter for a specific and
15 identified State fiscal year the funding allocation percentages or levels
16 set for or within each of the trust funds as prescribed pursuant to this
17 section for that State fiscal year, or (b) request the State Treasurer to
18 transfer moneys from one trust fund to another trust fund, to respond
19 to the special needs and funding priorities of the State within a specific
20 and identified State fiscal year, respond to exigent circumstances, take
21 advantage of unexpected opportunities, or maximize the impact of
22 financial resources applied to the purposes of any particular funding
23 category. Upon receipt of any such request from the trust, the State
24 Treasurer shall transfer the moneys between the trust funds in the
25 manner prescribed by the trust. Moneys so transferred from a trust
26 fund shall be repaid to the trust fund from which they were transferred.

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

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

1 from constitutionally dedicated moneys.

2

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

37

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

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

17
18 21. (New section) The State Treasurer shall establish a fund to be
19 known as the "Garden State Historic Preservation Trust Fund." The
20 State Treasurer shall deposit into the fund all moneys transferred from
21 the Garden State Preservation Trust to the State Treasurer for deposit
22 into the fund pursuant to paragraph (3) of subsection a. of section 18
23 of this act and any other moneys appropriated by law for deposit into
24 the fund. Moneys in the fund shall be held in interest-bearing accounts
25 in those depositories as the State Treasurer may select, and may be
26 invested and reinvested as other trust funds in the custody of the State
27 Treasurer in the manner provided by law. All interest or other income
28 or earnings derived from the investment or reinvestment of moneys in
29 the fund shall be credited to the fund. Such grants, contributions,
30 donations, and reimbursements from federal aid programs and from
31 other public or private sources as may be used lawfully for the
32 purposes of section 41 of this act shall also be held in the fund, but
33 shall be expended in accordance with any purposes for which the
34 moneys were designated and in compliance with any conditions or
35 requirements attached thereto. The moneys in the fund are specifically
36 dedicated and shall be applied to the cost of the purposes set forth in
37 section 41 of this act. Moneys in the fund shall not be expended
38 except in accordance with appropriations from the fund made by law.
39 Unexpended moneys due to project withdrawals, cancellations, or cost
40 savings shall be returned to the fund, except as otherwise provided
41 pursuant to paragraph (3) of subsection c. of section 23 of this act, to
42 be used for the purposes of the fund.

43
44 22. (New section) a. The State Auditor shall conduct audits of the
45 expenditures from the Garden State Green Acres Preservation Trust
46 Fund, the Garden State Farmland Preservation Trust Fund, and the

1 Garden State Historic Preservation Trust Fund as necessary, but not
2 less than once every three years, to determine from time to time
3 whether moneys from those funds have been expended for costs
4 consistent with Article VIII, Section II, paragraph 7 of the State
5 Constitution, this act, any appropriations of those moneys made by the
6 Legislature, and any requirements established therefor by the trust.
7 The State Auditor shall transmit the audit to the President of the
8 Senate, the Speaker of the General Assembly, the Minority Leader of
9 the Senate, and the Minority Leader of the General Assembly, and to
10 the members of the Senate Budget and Appropriations Committee, the
11 Assembly Appropriations Committee, and the Joint Budget Oversight
12 Committee, or their successors. The State Auditor shall also provide
13 copies of the audit to the Governor, the State Treasurer, and the trust.

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

26
27 23. (New section) a. (1) At least twice each State fiscal year, the
28 Department of Environmental Protection shall submit to the trust a list
29 of projects that the department recommends to receive funding from:
30 the Garden State Green Acres Preservation Trust Fund, based upon a
31 priority system, ranking criteria, and funding policies established by
32 the department pursuant to this act; or any Green Acres bond act with
33 respect to moneys allocated therein for appropriation for the purpose
34 of acquiring or developing lands for recreation and conservation
35 purposes, based upon a priority system, ranking criteria, and funding
36 policies established by the department pursuant to law and any rules
37 or regulations adopted pursuant thereto. The trust shall review the list
38 and may make such deletions, but not additions, of projects therefrom
39 as it deems appropriate and in accordance with the procedures
40 established for such deletions pursuant to subsection d. of this section,
41 whereupon the trust shall approve the list. At least twice each State
42 fiscal year: (a) the trust shall prepare, and submit to the Governor and
43 to the President of the Senate, the Speaker of the General Assembly,
44 the Minority Leader of the Senate, and the Minority Leader of the
45 General Assembly for introduction in the Legislature, proposed
46 legislation appropriating moneys from the Garden State Green Acres

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

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

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

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

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

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

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

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

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

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

1 Trust Fund to fund projects on any such list; and (b) the Legislature
2 may approve one or more appropriation acts containing a project list
3 or lists submitted by the Garden State Preservation Trust pursuant to
4 this paragraph.

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

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

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

42 e. The Garden State Preservation Trust may at any time suggest
43 projects to be considered or rejected for consideration by the
44 department, the committee, or the New Jersey Historic Trust in the
45 preparation of recommended project funding lists pursuant to this
46 section.

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

5 g. For the purposes of efficiency and convenience, nothing in this
6 section shall prohibit the Garden State Preservation Trust from
7 combining the project lists, in whole or in part, of the department,
8 committee, and New Jersey Historic Trust into one proposed
9 appropriation bill or bills to be submitted to the Governor and
10 Legislature for consideration and enactment into law as otherwise
11 prescribed pursuant to this section.

12
13 24. (New section) a. There is established in the Department of
14 Environmental Protection the Office of Green Acres. The
15 commissioner may appoint an administrator or director who shall
16 supervise the office, and the department may employ such other
17 personnel and staff as may be required to carry out the duties and
18 responsibilities of the department and the office pursuant to this act.
19 Persons appointed or employed as provided pursuant to this subsection
20 shall be compensated in a manner similar to other employees in the
21 Executive Branch, and their compensation shall be determined by the
22 Commissioner of Personnel.

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

24 (1) Administer all provisions of this act pertaining to funding the
25 acquisition and development of lands for recreation and conservation
26 purposes as authorized pursuant to Article VIII, Section II, paragraph
27 7 of the State Constitution;

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

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

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

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

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

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

30

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

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

46 b. Tabulate, both for the reporting period and cumulatively, the

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

8 c. Tabulate, both for the reporting period and cumulatively, the
9 total acreage for the entire State, and the acreage in each county and
10 municipality, of any donations of land that have been applied toward
11 meeting the goals and objectives of Article VIII, Section II, paragraph
12 7 of the State Constitution and this act with respect to the acquisition
13 of lands for recreation and conservation purposes and the preservation
14 of farmland;

15 d. (1) List, both for the reporting period and cumulatively, and by
16 project name or seller's name, project acreage, project type, project
17 cost, and project location by county and municipality, all lands
18 acquired for recreation and conservation purposes and all farmland
19 preserved for farmland preservation purposes using constitutionally
20 dedicated moneys; and

21 (2) List, both for the reporting period and cumulatively, and by
22 project name, project sponsor, project type, project cost, and project
23 location by county and municipality, all historic preservation projects
24 funded with constitutionally dedicated moneys;

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

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

43 g. List, for the reporting period, all projects for which applications
44 for funding under the Green Acres, farmland preservation, and historic
45 preservation programs were received but not funded with
46 constitutionally dedicated moneys during the reporting period, and the

1 reason or reasons why those projects were not funded.

2

3 26. (New section) a. Moneys appropriated from the Garden State
4 Green Acres Preservation Trust Fund to the Department of
5 Environmental 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 pay
9 the cost of acquisition and development of lands for recreation and
10 conservation purposes; and

11 (3) Provide grants to assist qualifying tax exempt nonprofit
12 organizations to pay the cost of acquisition and development of lands
13 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. No pinelands development credit allocated to a parcel of land
19 pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands
20 comprehensive management plan adopted pursuant thereto that is
21 acquired or obtained in connection with the acquisition of the parcel
22 for recreation and conservation purposes by the State, a local
23 government unit, or a qualifying tax exempt nonprofit organization
24 using constitutionally dedicated moneys in whole or in part may be
25 conveyed in any manner. All such pinelands development credits shall
26 be retired permanently.

27 d. Moneys appropriated from the fund may be used to match
28 grants, contributions, donations, or reimbursements from federal aid
29 programs or from other public or private sources established for the
30 same or similar purposes as the fund.

31

32 27. (New section) a. (1) Any grant awarded by the State to a
33 local government unit to acquire lands for recreation and conservation
34 purposes shall be for 25% of the cost of acquisition, except that the
35 trust may authorize an increase in the State's share of the cost to a
36 maximum of 50% upon a demonstration of special need or exceptional
37 circumstances.

38 (2) Notwithstanding the provisions of paragraph (1) of this
39 subsection to the contrary:

40 (a) a grant by the State for lands acquired for recreation and
41 conservation purposes by a qualifying open space referendum county
42 or a qualifying open space referendum municipality shall be for 50%
43 of the cost of acquisition of the lands by that county or municipality,
44 except that the trust may authorize an increase in the State's share of
45 the cost to a maximum of 75% upon a demonstration of special need
46 or exceptional circumstances;

1 (b) a grant by the State for lands acquired or developed for
2 recreation and conservation purposes by a local government unit in an
3 urban or suburban area shall be for 50% of the cost of acquisition or
4 development of the lands by the local government unit, except that the
5 trust may authorize an increase in the State's share of the cost to a
6 maximum of 75% upon a demonstration of special need or exceptional
7 circumstances; and

8 (c) a grant by the State for the development of lands for recreation
9 and conservation purposes undertaken by a local government unit due
10 to a State or federal requirement or mandate may include up to 100%
11 of the cost of development of the lands by the local government unit.

12 b. A loan by the State for lands to be acquired or developed by a
13 local government unit for recreation and conservation purposes may
14 include up to 100% of the cost of acquisition or development of the
15 lands by the local government unit, shall bear interest of not more than
16 2% per year, and shall be for a term of not more than 30 years for an
17 acquisition project and not more than 20 years for a development
18 project.

19 c. (1) A grant by the State for lands to be acquired or developed
20 by a qualifying tax exempt nonprofit organization for recreation and
21 conservation purposes may include up to 50% of the cost of
22 acquisition or development of the lands by the qualifying tax exempt
23 nonprofit organization; except that a grant by the State for the
24 development of lands for recreation and conservation purposes
25 undertaken by a qualifying tax exempt nonprofit organization due to
26 a State or federal requirement or mandate may include up to 100% of
27 the cost of development of the lands by the qualifying tax exempt
28 nonprofit organization.

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

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

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

44 (b) demonstrate that the organization has the resources to match
45 the grant requested;

46 (c) agree to make and keep the lands accessible to the public,

1 unless the commissioner determines that public accessibility would be
2 detrimental to the lands or any natural resources associated therewith;

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

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

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

21
22 28. (New section) The State shall not use the power of eminent
23 domain in any manner for the acquisition of lands by the State for
24 recreation and conservation purposes using constitutionally dedicated
25 moneys in whole or in part unless a concurrent resolution approving
26 that use is approved by both Houses of the Legislature; except that,
27 without the need for such a concurrent resolution, the State may use
28 the power of eminent domain to the extent necessary to establish a
29 value for lands to be acquired from a willing seller by the State for
30 recreation and conservation purposes using constitutionally dedicated
31 moneys in whole or in part.

32
33 29. (New section) a. (1) (a) To the end that municipalities may
34 not suffer a loss of taxes by reason of the acquisition and ownership
35 by the State of lands in fee simple for recreation and conservation
36 purposes or in fee simple for farmland preservation purposes, or the
37 acquisition and ownership by qualifying tax exempt nonprofit
38 organizations of lands in fee simple for recreation and conservation
39 purposes that become certified exempt from property taxes pursuant
40 to P.L.1974, c.167 (C.54:4-3.63 et seq.) or similar laws, or in fee
41 simple for farmland preservation purposes, using constitutionally
42 dedicated moneys in whole or in part, the State shall pay annually on
43 October 1 to each municipality in which lands are so acquired and
44 owned, for a period of 13 years following an acquisition the following
45 amounts: in the first year a sum of money equal to the tax last
46 assessed and last paid by the taxpayer upon this land and the

1 improvements thereon for the taxable year immediately prior to the
2 time of its acquisition and thereafter the following percentages of the
3 amount paid in the first year: second year, 92%; third year, 84%;
4 fourth year, 76%; fifth year, 68%; sixth year, 60%; seventh year, 52%;
5 eighth year, 44%; ninth year, 36%; 10th year, 28%; 11th year, 20%;
6 12th year, 12%; 13th year, 4%.

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

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

34 b. In the event that land acquired by the State, a local government
35 unit, or a qualifying tax exempt nonprofit organization for recreation
36 and conservation purposes or farmland preservation purposes was
37 assessed at an agricultural and horticultural use valuation in
38 accordance with provisions of the "Farmland Assessment Act of
39 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.) at the time of its
40 acquisition by the State, local government unit, or qualifying tax
41 exempt nonprofit organization, no roll-back tax pursuant to section 8
42 of P.L.1964, c.48 (C.54:4-23.8) shall be imposed as to this land nor
43 shall this roll-back tax be applicable in determining the annual
44 payments to be made pursuant to subsection a. of this section by the
45 State to the municipality in which this land is located.

46 c. Any payments made by the State pursuant to this section shall

1 be paid from the General Fund but not from constitutionally dedicated
2 moneys.

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

10

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

38 b. In the event payments in lieu of taxes are due and payable from
39 the State on those lands pursuant to another law, and those payments,
40 if made by the State, would exceed those that would be paid pursuant
41 to this section, the payments shall be made in accordance with the
42 other law. In no case shall payments be made to a municipality in
43 compliance with both this section and any other applicable law.

44 c. Any payments made by the State pursuant to this section shall
45 be paid from the General Fund but not from constitutionally dedicated
46 moneys.

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

8
9 31. (New section) Lands acquired or developed by the State for
10 recreation and conservation purposes using constitutionally dedicated
11 moneys in whole or in part shall not be conveyed, disposed of, or
12 diverted to use for other than recreation and conservation purposes
13 without the approval of the State House Commission established
14 pursuant to R.S.52:20-1 et seq. Approval shall not be given unless the
15 commissioner shall agree to pay an amount equal to or greater than the
16 fair market value of the land at the time of the proposed conveyance,
17 disposal, or diversion, as determined by the State House Commission,
18 into the Garden State Green Acres Preservation Trust Fund. Moneys
19 so returned to that fund shall be deemed wholly a part of the portion
20 of that fund available for the acquisition by the State of lands for
21 recreation and conservation purposes as provided pursuant to this act.

22
23 32. (New section) a. Lands acquired or developed by a local
24 government unit or a qualifying tax exempt nonprofit organization for
25 recreation and conservation purposes using constitutionally dedicated
26 moneys in whole or in part shall not be conveyed, disposed of, or
27 diverted to a use for other than recreation and conservation purposes
28 without the approval of the commissioner and the State House
29 Commission and following a public hearing held at least one month
30 prior to those approvals. Approval of the commissioner and the State
31 House Commission shall not be given unless the local government unit
32 or qualifying tax exempt nonprofit organization agrees to (1) replace
33 the lands with lands of equal or greater fair market value and of
34 reasonably equivalent size, quality, location, and usefulness for
35 recreation and conservation purposes, as approved by the
36 commissioner, or (2) pay an amount equal to or greater than the fair
37 market value of the lands, as determined by the commission, into the
38 Garden State Green Acres Preservation Trust Fund. Moneys so
39 returned to that fund shall be deemed wholly a part of the portion of
40 that fund available for grants or loans to local government units or
41 grants to qualifying tax exempt nonprofit organizations for the
42 acquisition of lands for recreation and conservation purposes as
43 provided pursuant to this act.

44 b. A local government unit that receives a grant or loan for
45 recreation and conservation purposes pursuant to this act shall not
46 convey, dispose of, or divert to a use for other than recreation and

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

17 c. For the purposes of this section, "fair market value" shall mean
18 the fair market value at the time of the proposed conveyance, disposal,
19 or diversion.

20

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

37 b. The local government unit shall provide to the commissioner (1)
38 at least 30 days advance written notice of any public hearing to be held
39 on any such change in purpose or use, (2) within 90 days after final
40 approval of the change in purpose or use by the local government unit,
41 written proof that any such public hearing was held, and (3) written
42 notice of the change in purpose or use within 90 days after it has been
43 effected.

44

45 34. (New section) a. A local government unit may convey lands
46 held by the local government unit for recreation and conservation

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

9 b. The local government unit shall provide to the commissioner (1)
10 at least 30 days advance written notice of any public hearing to be held
11 on any such conveyance, (2) within 90 days after final approval of the
12 conveyance by the local government unit, written proof that any such
13 public hearing was held, and (3) written notice of the conveyance
14 within 90 days after it has been executed.

15
16 35. (New section) a. No lands acquired or developed by the State
17 for recreation and conservation purposes using constitutionally
18 dedicated moneys in whole or in part may be conveyed except in
19 accordance with the provisions of this act, P.L.1993, c.38 (C.13:1D-
20 51 et seq.), and any other applicable law.

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

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

31
32 36. (New section) a. A local government unit that receives a grant
33 or loan for recreation and conservation purposes pursuant to this act
34 shall satisfactorily operate and maintain the lands acquired or
35 developed pursuant to the conditions of the agreement between the
36 local government unit and the department when the grant or loan is
37 made. In the event that the local government unit cannot or will not
38 correct deficiencies in the operation and maintenance within a
39 reasonable time period, the commissioner may require the repayment
40 of all or a portion of the grant or loan amount received by the local
41 government unit.

42 b. A local government unit that receives a grant or loan for
43 recreation and conservation purposes pursuant to this act shall agree
44 to make the lands so acquired or developed by the local government
45 unit for those purposes open for use by all residents of the State. Any
46 fee that may be charged for such use shall not be so excessive as to

discourage reasonable public access, as determined by the department, and shall be the same for both residents and non-residents of the local government unit.

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

(1) Provide grants to local government units to pay up to 80% of the cost of acquisition of development easements on farmland, and to qualifying tax exempt nonprofit organizations to pay up to 50% of the cost of acquisition of development easements on farmland as provided in section 39 of this act, provided that any funds received for the transfer of a development easement shall be dedicated to the future purchase of development easements on farmland and the State's pro rata share of any such funds shall be deposited in the Garden State Farmland Preservation Trust Fund to be used for the purposes of that fund;

(2) Provide grants to local government units to pay up to 80% of the cost of acquisition of fee simple titles to farmland from willing sellers only, and to qualifying tax exempt nonprofit organizations to pay up to 50% of the cost of acquisition of fee simple titles to farmland from willing sellers only as provided in section 39 of this act, which shall be offered for resale or lease with agricultural deed restrictions, as determined by the committee, and any proceeds received from a resale shall be dedicated for farmland preservation purposes and the State's pro rata share of any such proceeds shall be deposited in the Garden State Farmland Preservation Trust Fund to be used for the purposes of that fund;

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

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

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

38. (New section) a. All acquisitions or grants made pursuant to

1 section 37 of this act shall be made with respect to farmland devoted
2 to farmland preservation under programs established by law.

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

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

11 d. The committee shall adopt the same or a substantially similar
12 method for determining, for the purposes of this act, the committee's
13 share of the cost of a development easement on farmland to be
14 acquired by a local government as that which is being used by the
15 committee on the date of enactment of this act for prior farmland
16 preservation funding programs.

17 e. No pinelands development credit allocated to a parcel of land
18 pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands
19 comprehensive management plan adopted pursuant thereto that is
20 acquired or obtained in connection with the acquisition of a
21 development easement on farmland or fee simple title to farmland by
22 the State, a local government unit, or a qualifying tax exempt
23 nonprofit organization using constitutionally dedicated moneys in
24 whole or in part may be conveyed in any manner. All such pinelands
25 development credits shall be retired permanently.

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

33 39. (New section) a. The committee may provide a grant to a
34 qualifying tax exempt nonprofit organization for up to 50% of the cost
35 of acquisition of (1) a development easement on farmland, or (2) fee
36 simple title to farmland, which shall be offered for resale or lease with
37 an agricultural deed restriction, as determined by the committee, and
38 any proceeds received from a resale shall be dedicated for farmland
39 preservation purposes and the State's pro rata share of any such
40 proceeds shall be deposited in the Garden State Farmland Preservation
41 Trust Fund to be used for the purposes of that fund.

42 b. The value of a development easement or fee simple title shall be
43 established by two appraisals conducted on each parcel and certified
44 by the committee. The appraisals shall be conducted by independent
45 professional appraisers selected by the qualifying tax exempt nonprofit
46 organization and approved by the committee from among members of

1 recognized organizations of real estate appraisers.

2 c. The appraisals shall determine the fair market value of the fee
3 simple title to the parcel, as well as the fair market value of the parcel
4 for agricultural purposes. The difference between the two values shall
5 represent an appraisal of the value of the parcel for nonagricultural
6 purposes, which shall be the value of the development easement.

7 d. Any grant provided to a qualifying tax exempt nonprofit
8 organization pursuant to this section shall not exceed 50% of the
9 appraised value of the development easement, or of the fee simple title
10 in the case of fee simple acquisitions, plus up to 50% of any costs
11 incurred including but not limited to the costs of surveys, appraisals,
12 and title insurance.

13 e. The appraisals conducted pursuant to this section or the fair
14 market value of land restricted to agricultural use shall not be used to
15 increase the assessment and taxation of agricultural land pursuant to
16 the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1
17 et seq.).

18 f. To qualify to receive a grant pursuant to this section, the
19 applicant shall:

20 (1) demonstrate that it has the resources to match the grant
21 requested; and

22 (2) in the case of the acquisition of a development easement, agree
23 not to convey the development easement except to the federal
24 government, the State, a local government unit, or another qualifying
25 tax exempt nonprofit organization, for farmland preservation purposes.
26

27 40. (New section) a. The committee may acquire and permanently
28 retire development easements on farmland.

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

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

38 d. Any development easement acquired by the committee shall be
39 held of record in the name of the committee.
40

41 41. (New section) a. Moneys appropriated from the Garden State
42 Historic Preservation Trust Fund to the New Jersey Historic Trust for
43 historic preservation purposes shall be used by the New Jersey Historic
44 Trust to provide grants to local government units or qualifying tax
45 exempt nonprofit organizations to pay a portion of the cost of
46 preservation of historic properties. Grants shall be awarded on a

1 competitive basis based upon the following criteria:

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

5 (2) demonstration by the applicant of administrative capabilities to
6 carry out the preservation plans required pursuant to paragraph (1) of
7 this subsection;

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

10 (4) evidence that the historic property is and shall remain
11 accessible to the public, or if it is not accessible to the public at the
12 time of application, that it shall be made, and shall remain, accessible
13 to the public.

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

16 (1) if not in ownership in fee simple of the property, obtain a valid
17 lease of a term acceptable to the New Jersey Historic Trust within 18
18 months after the date of the appropriation by law of the moneys for the
19 grant, or the grant for the project shall lapse into the Garden State
20 Historic Preservation Trust Fund;

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

25 (3) demonstrate that it has the resources to match the grant
26 requested;

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

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

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

40 d. No grant awarded pursuant to this section may exceed
41 \$750,000.

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

44 f. Any local government unit or qualifying tax exempt nonprofit
45 organization awarded a grant pursuant to this section shall execute a
46 contract between that entity and the New Jersey Historic Trust within

1 18 months after the date of the appropriation by law of the moneys for
2 the grant, or the grant for the project shall lapse into the Garden State
3 Historic Preservation Trust Fund.

4 g. The New Jersey Historic Trust shall establish an advisory
5 committee composed of trustees of the New Jersey Historic Trust and
6 other individuals with the requisite professional expertise to evaluate
7 the grant applications submitted pursuant to this section and to advise
8 the New Jersey Historic Trust on the merits of each application
9 received.

10 h. Moneys appropriated from the fund may be used to match
11 grants, contributions, donations, or reimbursements from federal aid
12 programs or from other public or private sources established for the
13 same or similar purposes as the fund.

14
15 42. (New section) a. The Department of Environmental
16 Protection, the State Agriculture Development Committee, the New
17 Jersey Historic Trust, and the Department of the Treasury shall adopt,
18 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-1 et seq.), such rules and regulations as may be necessary
20 to implement and carry out the goals and objectives of Article VIII,
21 Section II, paragraph 7 of the State Constitution and this act.

22 b. Notwithstanding the provisions of any law to the contrary, any
23 rules and regulations of the Department of Environmental Protection,
24 the State Agriculture Development Committee, the New Jersey
25 Historic Trust, and the Department of the Treasury that have been
26 adopted pursuant to the "Administrative Procedure Act" and are in
27 effect as of the date of enactment of this act, that are not inconsistent
28 with the provisions of this act, and that pertain to the Green Acres,
29 farmland preservation, and historic preservation programs continued
30 pursuant to this act, shall continue in effect until amended or
31 supplemented and readopted as necessary to reflect the provisions and
32 requirements of Article VIII, Section II, paragraph 7 of the State
33 Constitution and this act.

34 c. In order to implement the funding provisions provided for in this
35 act, the State Treasurer, the Department of Environmental Protection,
36 the State Agriculture Development Committee, the New Jersey
37 Historic Trust, and the Garden State Preservation Trust are hereby
38 authorized to enter into one or more contracts. The contracts shall
39 commence in the State fiscal year beginning July 1, 1999, and provide
40 for the credit to the Garden State Preservation Trust Fund Account in
41 the amounts provided for in section 17 of this act and for the payment
42 to the Garden State Preservation Trust of the amounts credited to the
43 Garden State Preservation Trust Fund Account in accordance with the
44 provisions of section 17 of this act. The contracts shall also provide
45 for the payment by the Garden State Preservation Trust of the amounts
46 provided for in section 18 of this act and for expenditures from the

1 Garden State Green Acres Preservation Trust Fund, the Garden State
2 Farmland Preservation Trust Fund, and the Garden State Historic
3 Preservation Trust Fund, as provided in section 18 of this act. The
4 contract or contracts shall be on terms and conditions as determined
5 by the parties and may contain terms and conditions necessary and
6 desirable to secure the bonds, notes and other obligations of the
7 Garden State Preservation Trust, provided, however, that the
8 incurrence of any obligation by the State under the contract or
9 contracts, including any payments to be made thereunder from the
10 Garden State Preservation Trust Fund Account, the Garden State
11 Green Acres Preservation Trust Fund, the Garden State Farmland
12 Preservation Trust Fund, or the Garden State Historic Preservation
13 Trust Fund, as provided in sections 17, 19, 20, and 21 of this act, shall
14 be subject to and dependent upon appropriations being made from time
15 to time by the Legislature for the purposes of this act.

16

17 43. (New section) a. To the extent moneys are or may become
18 available as a result of project withdrawals, cancellations, or costs
19 savings, there is reappropriated to the New Jersey Historic Trust the
20 unexpended balances of the amounts appropriated or reappropriated
21 pursuant to P.L.1990, c.91, P.L.1991, c.468, P.L.1993, c.203,
22 P.L.1993, c.270, P.L.1993, c.271, P.L.1993, c.272, P.L.1995, c.420,
23 P.L.1995, c.421, P.L.1997, c.106, P.L.1997, c.107, P.L.1998, c.64,
24 and P.L.1998, c.65, for the purpose of providing additional funding if
25 appropriate, subject to the approval of the Joint Budget Oversight
26 Committee or its successor and in a sequence consistent with the
27 priority system established by the New Jersey Historic Trust, in the
28 form of grants for the projects listed in P.L.1990, c.91, P.L.1991,
29 c.468, P.L.1993, c.203, P.L.1993, c.270, P.L.1993, c.271, P.L.1993,
30 c.272, P.L.1995, c.420, P.L.1995, c.421, P.L.1997, c.106, P.L.1997,
31 c.107, P.L.1998, c.64, and P.L.1998, c.65, and for the purpose of
32 administrative costs of the New Jersey Historic Trust associated with
33 any such projects.

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

37

38 44. Section 4 of P.L.1983, c.31 (C.4:1C-1) is amended to read as
39 follows:

40 4. a. In order that the State's regulatory action with respect to
41 agricultural activities may be undertaken with a more complete
42 understanding of the needs and difficulties of agriculture, there is
43 established in the Executive Branch of the State Government a public
44 body corporate and politic, with corporate succession, to be known as
45 the State Agriculture Development Committee. For the purpose of
46 complying with the provisions of Article V, Section IV, paragraph 1

1 of the New Jersey Constitution, the committee is allocated within the
2 Department of Agriculture, but, notwithstanding that allocation, the
3 committee shall be independent of any supervision or control by the
4 State Board of Agriculture, by the department or by the secretary or
5 any officer or employee thereof, except as otherwise expressly
6 provided in this act. The committee shall constitute an instrumentality
7 of the State, exercising public and essential governmental functions,
8 and the exercise by the committee of the powers conferred by this or
9 any other act shall be held to be an essential governmental function of
10 the State.

11 b. The committee shall consist of ~~11~~ 15 members ~~as follows:~~
12 five ~~of whom~~ ex officio members who shall be the Secretary of
13 Agriculture, who shall serve as chairman, the Commissioner of
14 Environmental Protection, the Commissioner of Community Affairs,
15 the State Treasurer and the Dean of Cook College, Rutgers University,
16 or their designees~~,~~ who shall serve ex officio, and~~;~~ six citizens of the
17 State, to be appointed by the Governor with the advice and consent
18 of the Senate, four of whom shall be actively engaged in farming, the
19 majority of whom shall own a portion of the land that they farm, and
20 two of whom shall represent the general public; and four citizens of
21 the State, one of whom shall be appointed by the President of the
22 Senate, one of whom shall be appointed by the Speaker of the General
23 Assembly, one of whom shall be appointed by the Minority Leader of
24 the Senate, and one of whom shall be appointed by the Minority
25 Leader of the General Assembly. With respect to the members
26 actively engaged in farming, the State Board of Agriculture shall
27 recommend to the Governor a list of potential candidates and their
28 alternates to be considered for each appointment.

29 c. Of the six members first to be appointed by the Governor with
30 the advice and consent of the Senate, two shall be appointed for terms
31 of ~~2~~ two years, two for terms of ~~3~~ three years and two for terms
32 of ~~4~~ four years. Thereafter, all appointments shall be made for
33 terms of ~~4~~ four years. Each member appointed by the President of
34 the Senate, the Speaker of the General Assembly, the Minority Leader
35 of the Senate, and the Minority Leader of the General Assembly shall
36 serve a term of four years. Each ~~of these members~~ member shall
37 hold office for the term of the appointment and until a successor shall
38 have been appointed and qualified. A member shall be eligible for
39 reappointment for no more than two consecutive terms. Any vacancy
40 in the membership occurring other than by expiration of term shall be
41 filled in the same manner as the original appointment but for the
42 unexpired term only.

43 d. Members of the committee shall receive no compensation but
44 the appointed members may, subject to the limits of funds
45 appropriated or otherwise made available for these purposes, be
46 reimbursed for expenses actually incurred in attending meetings of the

1 committee and in performance of their duties as members thereof.

2 e. The committee shall meet at the call of the chairman as soon as
3 may be practicable following appointment of its members and shall
4 establish procedures for the conduct of regular and special meetings,
5 including procedures for the notification of departments of State
6 regulating the activities of commercial agriculture, provided that all
7 meetings are conducted in accordance with the provisions of the
8 "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

9 f. A true copy of the minutes of every meeting of the committee
10 shall be prepared and forthwith delivered to the Governor. No action
11 taken at such meeting by the commission shall have force or effect
12 until 15 days, exclusive of Saturdays, Sundays and public holidays,
13 after such copy of the minutes shall have been so delivered. If, in said
14 15-day period, the Governor returns such copy of the minutes with a
15 veto of any action taken by the commission at such meeting, such
16 action shall be null and void and of no force and effect.

17 g. The department shall provide any personnel that may be required
18 as staff for the committee.

19 (cf: P.L.1983, c.31, s.4)

20

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

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

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

32

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

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

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

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

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

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

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

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

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

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

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

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

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

1 trust;

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

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

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

11

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

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

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

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

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

37

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

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

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

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

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

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

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

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

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

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

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

37 (cf: P.L.1989, c.347, s.1)
38

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 department of the municipality.

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

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

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

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

28

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

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

32 **【"Commissioner" means the Commissioner of Environmental**
33 **Protection;】**

34 "Department" means the Department of **【Environmental**
35 **Protection】** State ;

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

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

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

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

1 related to New Jersey history **【.】**; and
2 "Secretary" means the Secretary of State.
3 (cf: P.L.1995, c.368, s.1)
4

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

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

33 b. **【Monies】** Moneys deposited in the fund shall be held in
34 interest-bearing accounts in public depositories as defined pursuant to
35 section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or
36 reinvested in such securities as are approved by the State Treasurer.
37 Interest or other income earned on **【monies】** moneys deposited in the
38 fund, and any **【monies】** moneys which may be appropriated or
39 otherwise become available for the purposes of the fund, shall be
40 credited to and deposited in the fund for use as set forth in **【this act】**
41 P.L.1995, c.368 (C.39:3-27.72 et seq.).
42 (cf: P.L.1995, c.368, s.4)
43

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

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

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

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

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

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

23 (cf: P.L.1995, c.368, s.5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 determined under (b) hereof; and

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

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

7

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

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

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

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

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

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

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

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

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

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

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

19

20 60. This act shall take effect immediately.

21

22

23

STATEMENT

24

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

45 The GSPT would be composed of 13 members including nine
46 voting members and four nonvoting, advisory members. The nine

1 voting members would be as follows: (1) the Commissioner of
2 Environmental Protection, the Secretary of Agriculture, the Secretary
3 of State, and the State Treasurer, all of whom would serve ex officio;
4 and (2) one appointee by the Governor, one appointee by the President
5 of the Senate, one appointee by the Speaker of the General Assembly,
6 one appointee by the Minority Leader of the Senate, and one appointee
7 by the Minority Leader of the General Assembly. The appointees of
8 the Senate President, the Assembly Speaker, and the two Minority
9 Leaders would be made in compliance with the constitutional
10 amendment's provision authorizing appointments to the GSPT by the
11 Legislature. The terms of the appointees would be five years. The
12 chairperson would be elected annually and the chair would rotate
13 annually among the appointees. The quorum needed for the trust to
14 take any action would be six voting members.

15 The four nonvoting, advisory members of the trust would be as
16 follows: two members of the Senate appointed by the President of the
17 Senate, no more than one of whom shall be from the same political
18 party, and one of whom shall be appointed from a list of members of
19 the Senate recommended by the Minority Leader of the Senate; and
20 two members of the General Assembly appointed by the Speaker of the
21 General Assembly, no more than one of whom shall be from the same
22 political party, and one of whom shall be appointed from a list of
23 members of the General Assembly recommended by the Minority
24 Leader of the General Assembly. Legislator members of the trust shall
25 serve only for the length of their legislative term, but may be
26 reappointed to successive terms. A legislator member of the trust may
27 appoint a designee to represent the member at meetings of the trust.
28 All members of the trust would be subject to conflict of interest
29 provisions and standards established by law or code.

30 The bill would provide that the GSPT shall not incur debt in any
31 State fiscal year in excess of \$50 million, except that if that permitted
32 amount of debt, or any portion thereof, is not incurred in a State fiscal
33 year it may be incurred in a subsequent State fiscal year. This
34 limitation could not be increased except by law. The constitutional
35 amendment provides that the constitutionally dedicated moneys shall
36 not be used to make payments related to bonds, notes or other
37 obligations which in aggregate principal amount exceed \$1 billion plus
38 costs of issuance. The bill includes a \$500 million limit (plus costs of
39 issuance) on the aggregate principal amount of bonds, notes or other
40 obligations, including subordinated indebtedness, that may be issued
41 by the GSPT.

42 Generally, the bill would provide that in each State fiscal year over
43 the next decade, the GSPT, after retaining sufficient funds to pay any
44 debt service on its bonds and notes, would transfer \$6 million to the
45 NJHT for historic preservation projects, and then divide the remaining
46 proceeds as follows: 70% for the Green Acres program and 30% for

1 the farmland preservation program. All projects to be funded would
2 have to be located in New Jersey and Green Acres projects could be
3 for the purposes of conservation of natural resources, public outdoor
4 recreation, or the new purpose of public indoor recreation as defined
5 in the bill. All administrative costs and expenses, including but not
6 limited to salaries, fringe and other benefits, equipment, materials,
7 direct and indirect costs, and non-salaried administrative costs, of the
8 DEP, SADC, NJHT, and any other State entity incurred in connection
9 with the implementation or administration of the constitutional
10 amendment or the bill would be paid from the State General Fund, not
11 from constitutionally dedicated moneys. The bill also provides that for
12 State fiscal years 2010 through and including 2029, the State would
13 appropriate each year from the General Fund (and not from the
14 constitutionally dedicated moneys) an amount equal to the difference
15 between the amount necessary to cover the debt service of the bonds,
16 notes, or other obligations issued by the GSPT and \$98 million, which
17 moneys would provide further funding in those outlying years, on a
18 "pay as you go" basis, for the open space, farmland, and historic
19 preservation programs prescribed in the bill.

20 Of the moneys set aside each year for the Green Acres program,
21 50% would be allocated for open space acquisition and park
22 development by the State, 40% for grants and low-interest (up to 2%)
23 loans to local government units for open space acquisition and park
24 development, and 10% for grants to nonprofit organizations for open
25 space acquisition and park development. Loan repayments are
26 specifically dedicated for future loans to local government units for
27 open space acquisition or park development.

28 Also, of the moneys set aside each year for the Green Acres
29 program: at least 50% thereof or \$50 million, whichever is greater, in
30 State fiscal year 2000 through and including State fiscal year 2009,
31 and at least 50% in State fiscal year 2010 through and including State
32 fiscal year 2029, would be allocated for projects located in urban or
33 suburban areas as defined in the bill; and at least 40% thereof would
34 be allocated for public outdoor recreation projects or public indoor
35 recreation projects.

36 The GSPT would have the authority from year to year to alter the
37 presumed funding allocation percentages and levels among and within
38 the three programs as established in the bill and to transfer moneys
39 between the programs for the purposes of responding to special needs
40 or circumstances, but only after conducting at least one public hearing
41 with at least 60 days advance public notice thereof. Moneys so
42 transferred eventually would have to be repaid to the programs from
43 which they were temporarily borrowed.

44 Under the bill, proposed project funding lists would be submitted
45 by the DEP and the SADC at least twice per year to the GSPT for its
46 approval, and by the NJHT to the GSPT for its approval whenever

1 deemed appropriate but most likely at least once per year. Once
2 approved, these lists would be forwarded to the Governor and the
3 Legislature for approval in the form of appropriation bills. The GSPT
4 could not add projects to these lists, but it could delete projects. A
5 project deletion by the GSPT would trigger a review process by the
6 GSPT involving the affected parties. Upon completion of that review,
7 if the DEP, SADC, or NJHT, as the case may be, decided that the
8 project still warranted funding, the project would be placed again on
9 a list to be considered by the Legislature for appropriation, and once
10 on that list the project could not be deleted again by the GSPT. The
11 opinions of the GSPT and the State agency concerning the merits and
12 validity of any project subjected to this review process would be
13 forwarded to the Legislature. The Legislature would retain its
14 inherent power in all cases to accept or reject a project by choosing to
15 include it in, or exclude it from, an appropriation bill.

16 The bill would create the Office of Green Acres in the DEP.
17 Heretofore, that office, out of necessity, has been functioning but
18 without fully expressed statutory authority. In addition to its other
19 duties and responsibilities under the bill, the office would be
20 responsible for establishing criteria for evaluating and ranking open
21 space preservation projects for funding based upon guidelines in the
22 bill, and would continue to administer the existing Green Acres bond
23 act program and especially the existing Green Trust program for local
24 government units. Projects funded with Green Trust moneys would
25 also proceed through the GSPT approval process outlined above.

26 Under the bill, the GSPT would have certain reporting
27 responsibilities with respect to financing plans, acquisition and
28 development plans and progress, available surplus State property, and
29 unfunded projects.

30 Generally, with respect to the Green Acres program, the standard
31 grant, if awarded, to a local government unit would be for 25% of
32 open space acquisition costs, except the GSPT could raise that amount
33 to 50% upon a showing of special need or exceptional circumstances.
34 However, if a local government unit has enacted a dedicated local
35 open space tax or similar stable source of local funding for open space
36 preservation, the grant, if awarded, would be for 50% of acquisition
37 costs, and the GSPT could raise that amount to 75% upon a special
38 showing. A grant to a county or municipality for a project in an urban
39 or suburban area, as defined in the bill, would be for 50% of open
40 space acquisition or park development costs, except that the GSPT
41 could raise that amount to 75% upon a special showing. A grant to a
42 nonprofit organization would be for up to 50% of open space
43 acquisition or park development costs. Park development projects by
44 a local government unit or a nonprofit organization could receive a
45 grant of up to 100% of the cost if the project was the result of a
46 federal or State mandate or requirement. Park development projects

1 by a nonprofit organization on lands owned by a local government unit
2 would require co-application or approval by the local government unit.

3 The bill would establish a sliding scale formula for payments in lieu
4 of property taxes by the State for open space and farmland acquired
5 and owned in fee simple by the State or nonprofit organizations.
6 Initially, for such acquisitions pursuant to the bill, there would be a
7 13-year declining payment schedule similar to that used in past Green
8 Acres bond acts. Thereafter, and for open space and farmland
9 acquired prior to or after implementation of the bill using other
10 funding sources and owned in fee simple by the State or nonprofit
11 organizations, the payments in lieu of property taxes would be based
12 upon the total amount of open space and farmland owned in fee simple
13 by the State or nonprofit organizations in the municipality, using a
14 sliding scale, as follows: \$2 per acre when the percentage of the total
15 acreage in a municipality that is owned in fee simple by the State or
16 nonprofit organizations for open space or farmland preservation
17 purposes is less than 20%; \$5 per acre for 20% to less than 50%
18 ownership; \$10 per acre for 50% to less than 60% ownership; and \$20
19 per acre for 60% or more ownership. These payments would be made
20 from the State General Fund, not from constitutionally dedicated
21 moneys.

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

31 The bill generally follows the laws and regulations for the existing
32 Green Acres bond act program with respect to diversions of land
33 acquired for open space preservation purposes to other uses, with
34 certain exceptions. The bill also includes a provision requiring any
35 local government unit that receives a grant or loan for open space
36 preservation purposes to provide equal access (and to charge equal
37 and reasonable fees, if any are charged) to both residents and non-
38 residents alike.

39 With respect to farmland preservation, the SADC would pay for up
40 to 80% of the cost of acquisition by a local government unit, and up
41 to 50% of the cost of acquisition by a nonprofit organization, of a
42 development easement on farmland. The bill also would provide for
43 payment by the SADC of up to 80% of the cost of acquisition by a
44 local government unit, and up to 50% of the cost of acquisition by a
45 nonprofit organization, of the fee simple title to farmland, which would
46 be resold with an agricultural deed restriction placed upon the land.

1 The current sliding scale formula for calculating the actual SADC
2 share of the cost of an acquisition, as set forth in SADC regulations,
3 would continue.

4 Under the bill, the SADC as well could acquire farmland
5 development easements or fee simple titles to farmland. The
6 membership of the SADC would be increased from 11 to 15 persons
7 with the inclusion of appointees by the Senate President, Assembly
8 Speaker, the Senate Minority Leader, and the Assembly Minority
9 Leader.

10 The bill would require the permanent retirement of any pinelands
11 development credits acquired in connection with either the open space
12 or farmland preservation programs.

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