

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: Yes

Committee Meeting of Senate Environment and Energy Committee: "The Committee will meet to hear testimony from invited guests on actions the State could take to foster a circular, clean energy economy"; "The Committee will also take testimony, for discussion only, on Senate Bill 426, which requires producers of packaging products sold in New Jersey to adopt and implement packaging product stewardship plans," June 13, 2022
<https://hdl.handle.net/10929/101060>

NEWSPAPER ARTICLES: No

CL/MM

P.L. 2023, CHAPTER 256, *approved January 12, 2024*
Senate, No. 1311 (*Second Reprint*)

1 AN ACT establishing the New Jersey State Parks and ²**[Forests]**
2 Open Space² Foundation, and supplementing Title 13 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in this act:

9 ²**[**“Development” or “develop” means the same as that term is
10 defined in section 3 of P.L.1999, c.152 (C.13:8C-3).**]**

11 “Commissioner” means the Commissioner of Environmental
12 Protection.

13 “County and municipal parks and open space” means parks,
14 forests, historic sites, natural areas, wildlife management areas, and
15 any other lands, waters, and facilities owned or administered by a
16 county or a municipality, or an agency thereof, for recreation and
17 conservation purposes.

18 “Department” means the Department of Environmental
19 Protection.

20 “Foundation” means the New Jersey State Parks and Open Space
21 Foundation established pursuant to section 2 of this act.²

22 “Qualifying tax exempt nonprofit organization” means a
23 nonprofit organization that is exempt from federal taxation pursuant
24 to section 501 (c)(3) of the federal Internal Revenue Code, 26
25 U.S.C. s.501 (c)(3), and which qualifies for a grant pursuant to
26 section 27 P.L.1999, c.152 (C.13:8C-27).

27 ²**[**“Recreation and conservation purposes” means the same as
28 that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).
29

30 “State parks and forests” means the same as that term is defined
31 in section 3 of P.L.1983, c.324 (C.13:1L-3).

32 “Stewardship activity” means the same as that term is defined in
33 section 3 of P.L.2016, c.12 (C.13:8C-45).**]**

34 “State parks and open space” means State parks, forests, historic
35 sites, natural areas, wildlife management areas, and any other lands,
36 waters, and facilities owned or administered by the department for
recreation and conservation purposes.²

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted June 13, 2022.

²Assembly AAP committee amendments adopted December 4, 2023.

1 2. a. There is established ²[in the Department of
2 Environmental Protection]² a nonprofit, educational, and charitable
3 organization to be known as the New Jersey State Parks and
4 ²[Forests] Open Space² Foundation. The foundation shall be
5 devoted to the raising of funds ²[for the support, including
6 maintenance and development, and promotion of New Jersey's
7 State parks and forests] to be used for (1) improvements to natural
8 or artificial assets, including the planning, design, construction,
9 installation, renovation, repair, or restoration thereof, which are
10 designed to expand and enhance the utilization of State parks and
11 open space, and county and municipal parks and open space, for
12 recreation and conservation purposes and the equitable access
13 thereto; and (2) activities, beyond the routine operations of State
14 parks and open space, or county and municipal parks and open
15 space, which are intended to enhance public programming and
16 recreational and educational offerings, restore or maintain public
17 accessibility to the natural resources of the State, or support
18 operation and maintenance activities attendant thereto. Funds
19 raised by the foundation shall be supplementary to State and federal
20 funds received by the department for these purposes² .

21 b. The foundation shall be incorporated as a New Jersey
22 nonprofit corporation pursuant to ²[P.L.1983, c.127 (C.15A:1-1 et
23 seq.)] N.J.S.15A:1-1 et seq.², and shall be organized and operated
24 in such manner as to be eligible under applicable federal law for
25 tax-exempt status and for the receipt of tax-deductible
26 contributions.

27 ²[c. The New Jersey State Parks and Forests Foundation shall be
28 governed by a board of directors, which shall consist of nine
29 members, as follows:

30 (1) one representative from the Governor's office, who shall be
31 appointed by, and shall serve during the term of, the Governor;

32 (2) the Commissioner of Environmental Protection, or the
33 commissioner's designee, who shall serve ex officio;

34 (3) the chairperson of the Garden State Preservation Trust
35 established pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4), or
36 the chairperson's designee, who shall serve ex officio; and

37 (4) six members of the public, appointed by the Governor, with
38 the advice and consent of the Senate, who shall have expertise in
39 open space preservation, natural lands management, or fundraising,
40 and be residents of the State. Of the members appointed pursuant to
41 this paragraph, at least three shall represent nonprofit organizations
42 having open space preservation or environmental education as their
43 corporate purpose.

44 No person holding elective public office shall be eligible to be a
45 member of the board of directors.

46 d. Of the public members first appointed pursuant to paragraph
47 (4) of subsection c. of this section, one shall be appointed to a term

1 of one year, two shall be appointed to a term of two years, two shall
2 be appointed to a term of three years, and one shall be appointed to
3 term of four years. Following the expiration of the original terms,
4 the public members shall serve for a term of four years and are
5 eligible for reappointment. Any vacancy shall be filled in the same
6 manner as the original appointment, for the unexpired term. A
7 public member may continue to serve until their successor is
8 appointed.

9 e. No member of the board of directors shall engage in any
10 business transaction or professional activity for profit with the New
11 Jersey State Parks and Forests Foundation.

12 f. Members of the board of directors shall serve without
13 compensation, but shall be entitled to reimbursement for necessary
14 expenses incurred in the performance of their duties.

15 g. The board of directors of the New Jersey State Parks and
16 Forests Foundation shall be authorized, within the limits of its own
17 funds, to employ an executive director and professional, technical,
18 and administrative personnel. Employees of the foundation shall
19 not be construed to be employees of the State of New Jersey. The
20 board shall also be authorized to contract for such professional and
21 administrative services as it shall deem necessary.

22 h. Upon the incorporation of the New Jersey State Parks and
23 Forests Foundation and the establishment of the first board of
24 directors, the board shall adopt bylaws setting forth the structure,
25 officers, powers, and duties of the foundation.

26 i. The first chairperson of the foundation shall be the public
27 member first appointed by the Governor. At the first meeting of the
28 foundation held in each subsequent year, the members shall elect
29 one of the public members to serve as chairperson. The members
30 shall annually elect one of the public members as vice chairperson,
31 and shall select a secretary and a treasurer, who need not be
32 members of the foundation. The same person may be elected to
33 serve as both secretary and treasurer.

34 j. Five members of the board of directors shall constitute a
35 quorum, and action may be taken and motions and resolutions
36 adopted at any meeting thereof by the affirmative vote of a majority
37 of the full membership of the board of directors. No vacancy in the
38 membership of the trust shall impair the right of a quorum of the
39 members to exercise all the powers and perform all the duties of the
40 trust. The foundation shall meet at the call of the chairperson, or
41 upon the request of any four members of the board of directors.
42 The foundation shall in all respects comply with the provisions of
43 the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

44 k. The Department of Environmental Protection shall provide
45 staff support to the foundation. The foundation shall be entitled to
46 call to its assistance and avail itself of the services of the employees
47 of any State, county, or municipal department, board, bureau,
48 commission, or agency as the foundation may require and as may be

1 available to the foundation for its purposes.】 The foundation shall
2 be a separate and independent entity from the State and any State
3 department, and shall have all of the rights and powers of a
4 corporation organized under N.J.S.15A:1-1 et seq.

5 c. The department may provide financial assistance and the
6 services of employees of the department as may be required to form
7 and incorporate the foundation within the limits of funds
8 appropriated to the department or otherwise made available to the
9 department for these purposes. Once the foundation is
10 incorporated, the foundation may apply for grants-in-aid from any
11 department or instrumentality of the State as may be necessary to
12 supplement other funding raised by or otherwise made available to
13 the foundation.²

14
15 ²3. a. The New Jersey State Parks and Open Space Foundation
16 shall be governed by a board of directors, which shall consist of 12
17 members, as follows:

18 (1) the Commissioner of Environmental Protection, or the
19 commissioner's designee, who shall serve as a nonvoting, ex officio
20 member;

21 (2) the Secretary of State, or the secretary's designee, who shall
22 serve as a nonvoting, ex officio member;

23 (3) the State Treasurer, of the treasurer's designee, who shall
24 serve as a nonvoting, ex officio member;

25 (4) the chairperson of the Garden State Preservation Trust
26 established pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4), or
27 the chairperson's designee, who shall serve ex officio;

28 (5) six members of the public, appointed by the Governor, with
29 the advice and consent of the Senate, who shall have expertise in
30 open space preservation, recreational development, natural lands
31 management, or fundraising. Of the public members appointed
32 pursuant to this paragraph, at least three members shall represent
33 nonprofit organizations having open space preservation or
34 environmental education as their corporate purpose, and two
35 members shall have experience advancing the causes of equity or
36 environmental justice;

37 (6) one member of the public appointed by the President of the
38 Senate; and

39 (7) one member of the public appointed by the Speaker of the
40 General Assembly.

41 b. All public members of the board of directors shall be
42 residents of the State and shall be selected to provide diverse
43 geographic representation across the State. No person holding
44 elective public office shall be eligible to be a member of the board
45 of directors.

46 c. Of the public members first appointed pursuant to paragraph
47 (5) of subsection a. of this section, one shall be appointed to a term
48 of one year, two shall be appointed to a term of two years, two shall

1 be appointed to a term of three years, and one shall be appointed to
2 term of four years. The public members appointed pursuant to
3 paragraphs (6) and (7) of subsection a. of this section shall be
4 appointed to terms of three years. Following the expiration of the
5 original terms, the public members shall serve for a term of four
6 years and shall be eligible for reappointment. Any vacancy shall be
7 filled in the same manner as the original appointment, for the
8 unexpired term. A public member may continue to serve until a
9 successor is appointed.

10 d. No member of the board of directors shall engage in any
11 business transaction or professional activity for profit with the
12 foundation or the department.

13 e. Members of the board of directors shall serve without
14 compensation, but shall be entitled to reimbursement for necessary
15 and reasonable expenses incurred in the performance of their duties.

16 f. The board of directors shall be authorized, within the limits
17 of its own funds, to employ an executive director and professional,
18 technical, and administrative personnel. Employees of the
19 foundation shall not be construed to be employees of the State of
20 New Jersey. The board shall also be authorized to contract for such
21 professional and administrative services as it shall deem necessary.

22 g. Upon the incorporation of the foundation and the
23 establishment of the first board of directors, the board shall adopt
24 bylaws setting forth the structure, officers, powers, and duties of the
25 foundation and a code of ethics for the avoidance of conflicts of
26 interest.

27 h. The commissioner shall serve as the chairperson of the
28 board. The members shall annually elect one of the public members
29 as vice chairperson, and shall select a secretary and a treasurer, who
30 need not be members of the foundation. The same person may be
31 elected to serve as both secretary and treasurer.

32 i. Five members of the board of directors shall constitute a
33 quorum, and action may be taken, and motions and resolutions
34 adopted at any meeting thereof by the affirmative vote of a majority
35 of the appointed membership of the board of directors. No vacancy
36 in the membership of the board shall impair the right of a quorum of
37 the members to exercise all the powers and perform all the duties of
38 the board. The board shall meet at the call of the chairperson, but
39 not less than quarterly, or upon the request of any four members of
40 the board of directors. The foundation shall in all respects comply
41 with the provisions of the "Open Public Meetings Act," P.L.1975,
42 c.231 (C.10:4-6 et seq.).

43 j. Members of the board and officers and employees of the
44 foundation shall not be liable in an action for damages to any
45 person for any action taken or recommendation made within the
46 scope of their employment as a member, officer, or employee, if the
47 action or recommendation was taken or made without malice. The
48 members of the board shall be indemnified and their defense of any

1 action provided for in the same manner and to the same extent as
2 employees of the State under the “New Jersey Tort Claims Act,”
3 N.J.S.59:1-1 et seq., with respect to actions or omissions in the
4 scope of their employment.

5 k. The foundation may convene committees to administer the
6 work of the foundation as it may deem appropriate, including for
7 the consideration of specific fundraising strategies. The foundation
8 shall convene committees dedicated to the solicitation and
9 administration of funds for Liberty State Park, Island Beach State
10 Park, and other specific State parks, or to open space, initiatives, or
11 projects deemed appropriate by the board, and may solicit and
12 accept specifically dedicated donations, which shall be subject to
13 separate and distinct accounting.²

14
15 ²**[3.]** 4.² The New Jersey State Parks and ²**[Forests]** Open
16 Space² Foundation shall have the power:

17 a. to sue and be sued in its own name ²**[**, but members of the
18 board of directors shall be held harmless for acts performed in good
19 faith]²;

20 b. to adopt a seal and alter the same at pleasure;

21 c. to adopt bylaws for the regulation of its affairs and the
22 conduct of its business;

23 d. to maintain an office or offices at such a place or places
24 within the State as it may designate;

25 e. to appoint such officers, who need not be members of the
26 foundation, in addition to a secretary and a treasurer, as the
27 foundation deems advisable, and to employ such other employees
28 and agents as may be necessary or desirable in its judgment, to fix
29 their compensation, and to promote and discharge such officers,
30 employees and agents, all without regard to the provisions of Title
31 11, Civil Service, of the Revised Statutes;

32 f. to apply for and accept any grant of money from the federal
33 government, which might be or may become available for programs
34 in furtherance of its statutory goals, to subscribe to and comply with
35 any rule or regulation made by the federal government with respect
36 to the application of such a grant, and to enter into and perform any
37 contract or agreement with respect to the application of such a
38 grant;

39 g. to make, enter into, and perform all contracts and
40 agreements necessary or incidental to the performance of its duties
41 and the execution of its powers under this act;

42 h. to cooperate with and assist, insofar as practicable, any
43 agency of the State or any of its political subdivisions, and any
44 private agency or person in furtherance of the purposes of the
45 foundation; and

46 i. to do all acts and things necessary or convenient to carry out
47 the powers expressly granted in this act.

- 1 ²[4.] 5.² a. The New Jersey State Parks and ²[Forests] Open
2 Space² Foundation shall have the following powers, in particular:
- 3 (1) to solicit and ²[collect] accept² monetary donations ²[and
4 receive] ² gifts, grants, devises, ²[and]² bequests ²[of financial
5 contributions for the development, including stewardship, of State
6 parks and forests;
- 7 (2) to accept gifts, legacies, bequests, and endowments for any
8 purpose within the scope of the foundation] , legacies, endowments,
9 personal property, or services from any public or private sources,²
10 and, unless otherwise specified by the person making such a
11 donation,² gift, ², grant, devise,² legacy, bequest, or endowment
12 ²[of money in furtherance of the foundation]² , to invest ²or
13 reinvest² the same in whole or in part in ²[an interest-bearing trust
14 account or general obligations of the State of New Jersey;]
15 accordance with the provisions of subsection c. of this section; and²
16 ²[(3)] (2)² to apply all moneys, assets, property, or other things
17 of value it may receive incident to its operation or pursuant to the
18 general purposes of the foundation ²;
- 19 (4) in consultation with the Commissioner of Environmental
20 Protection, to develop and oversee opportunities for the
21 construction and operation of renewable energy generation systems
22 at State parks and forests, provided that:
- 23 (a) any renewable energy generation system shall not interfere
24 with the use of the lands for recreation and conservation purposes
25 and shall not violate any development easement, conservation
26 restriction or easement, or other restriction or easement
27 permanently restricting development on the land;
- 28 (b) any electric energy generated shall be used first to reduce the
29 energy needs of the State park or forest in which the renewable
30 energy generation system is located; and
- 31 (c) any income derived from the location and operation of
32 renewable energy generation system pursuant to this paragraph shall
33 be dedicated for the development, including stewardship, of State
34 parks and forests and be invested or held pursuant to subsection c.
35 of this section;
- 36 (5) to advise the Department of Environmental Protection
37 concerning the preparation of master plans and management plans
38 prepared by the department for each State park and forest pursuant
39 to section 5 of P.L.1983, c.324 (C.13:1L-5) in order to enhance
40 outdoor recreational activities and programs within State parks and
41 forests for the benefit of the State's citizens; and
- 42 (6) to enter into partnerships with qualifying tax exempt
43 nonprofit organizations or local government units for the
44 development, including stewardship, of lands preserved for
45 recreation and conservation purposes]² .

1 b. ²(1)² All funds received by the ²【New Jersey State Parks and
2 Forests Foundation】 foundation², other than those necessary to pay
3 for the expenses of the foundation, shall be used exclusively for
4 ²【the development, including stewardship, and promotion of State
5 parks and forests. All expenditures for the development, including
6 stewardship, and promotion of State parks and forests shall be
7 undertaken in consultation with the Division of Parks and Forestry
8 or Division of Fish and Wildlife, as applicable.】 : (a) improvements
9 to natural or artificial assets, including the planning, design,
10 construction, installation, renovation, repair, or restoration thereof,
11 which are designed to expand and enhance the utilization of State
12 parks and open space, and county and municipal parks and open
13 space, for recreation and conservation purposes and the equitable
14 access thereto; and (b) activities, beyond the routine operations of
15 State parks and open space, or county and municipal parks and open
16 space, which are intended to enhance public programming and
17 recreational and educational offerings, restore or maintain public
18 accessibility to the natural resources of the State, or support
19 operation and maintenance activities attendant thereto.

20 (2) The foundation shall develop an open and transparent process
21 governing the solicitation of funding and the method by which
22 funding shall be made available to the department for the purposes
23 set forth in this act. The process shall ensure that any attribution or
24 recognition for a donation is minimal and equal regardless of the
25 size of a donation. Except as otherwise provided in subsection k. of
26 section 3 of this act, all funding shall be made available to the
27 department for use, consistent with paragraph (1) of this subsection,
28 in the areas of greatest need, as determined by the department in its
29 sole discretion.²

30 c. All monetary donations or other financial contributions
31 received by the foundation shall be invested ²and reinvested by the
32 foundation² in ²such obligations, securities, or other² permitted
33 investments ²【or shall be held in interest-bearing accounts in those
34 depositories selected by the foundation, in conjunction with the
35 State Treasurer, and may be invested and reinvested in permitted
36 investments or as other】 as the board shall deem prudent, to the
37 same extent that² trust funds in the custody of the State Treasurer
38 ²【in the manner provided by】 are invested and reinvested, and in a
39 manner that is consistent with the purposes and provisions of this
40 act and with other State and federal² law. All interest or other
41 income or earnings derived from the investment or reinvestment of
42 moneys by the foundation shall be credited to the foundation to be
43 used ²【for the development, including stewardship, of State parks
44 and forests pursuant to this】 in accordance with the provisions of
45 this² ¹act¹.

1 ²6. The foundation shall not have the authority to accept real
2 property and shall direct all offers of real property to the
3 department.²

4
5 ²7. All expenses incurred by the foundation shall be payable
6 from funds raised by the foundation, and no liability or obligation,
7 in tort or contract, shall be incurred by the State for the operation of
8 the foundation. The foundation shall obtain private counsel, and
9 shall not be represented by the Attorney General or indemnified by
10 the State of New Jersey.²

11
12 ²[5.] 8.² a. The foundation shall cause an audit of its books and
13 accounts to be made at least once in each year by certified public
14 accountants. The cost thereof shall be considered an expense of the
15 foundation, and a copy thereof shall be filed with the Director of the
16 Division of Budget and Accounting in the Department of the
17 Treasury.

18 b. The foundation shall prepare and annually submit a report to
19 the Governor, the ²[Commissioner of Environmental Protection]
20 commissioner², and, pursuant to section 2 of P.L.1991, c.164
21 (C.52:14-19.1), to the Legislature, documenting the foundation's
22 activities during the preceding year, together with any
23 recommendations or requests the foundation deems appropriate to
24 further the purposes of the foundation. The report shall include a
25 complete operating and financial statement covering the operations
26 during the year, a specific short range financing plan for the
27 upcoming year, and a long range financing plan for the next five
28 years.

29 Within 10 days after the report is submitted to the
30 ²[Commissioner of Environmental Protection] commissioner²
31 pursuant to this subsection, the commissioner shall post a copy of
32 the report on the ²department's² Internet website ²[of the
33 Department of Environmental Protection]².

34
35 ²[6.] 9.² This act shall take effect immediately.

36
37
38
39
40 _____

Establishes NJ State Parks and Open Space Foundation.

SENATE, No. 1311

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

SYNOPSIS

Establishes NJ State Parks and Forests Foundation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/13/2022)

1 AN ACT establishing the New Jersey State Parks and Forests
2 Foundation, and supplementing Title 13 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. As used in this act:

8 “Development” or “develop” means the same as that term is
9 defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

10 “Qualifying tax exempt nonprofit organization” means a
11 nonprofit organization that is exempt from federal taxation pursuant
12 to section 501 (c)(3) of the federal Internal Revenue Code, 26
13 U.S.C. s.501 (c)(3), and which qualifies for a grant pursuant to
14 section 27 P.L.1999, c.152 (C.13:8C-27).

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

17 “State parks and forests” means the same as that term is defined
18 in section 3 of P.L.1983, c.324 (C.13:1L-3).

19 “Stewardship activity” means the same as that term is defined in
20 section 3 of P.L.2016, c.12 (C.13:8C-45).

21
22 2. a. There is established in the Department of Environmental
23 Protection a nonprofit, educational, and charitable organization to
24 be known as the New Jersey State Parks and Forests Foundation.
25 The foundation shall be devoted to the raising of funds for the
26 support, including maintenance and development, and promotion of
27 New Jersey’s State parks and forests.

28 b. The foundation shall be incorporated as a New Jersey
29 nonprofit corporation pursuant to P.L.1983, c.127 (C.15A:1-
30 1 et seq.), and shall be organized and operated in such manner as to
31 be eligible under applicable federal law for tax-exempt status and
32 for the receipt of tax-deductible contributions.

33 c. The New Jersey State Parks and Forests Foundation shall be
34 governed by a board of directors, which shall consist of nine
35 members, as follows:

36 (1) one representative from the Governor's office, who shall be
37 appointed by, and shall serve during the term of, the Governor;

38 (2) the Commissioner of Environmental Protection, or the
39 commissioner’s designee, who shall serve ex officio;

40 (3) the chairperson of the Garden State Preservation Trust
41 established pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4), or
42 the chairperson’s designee, who shall serve ex officio; and

43 (4) six members of the public, appointed by the Governor, with
44 the advice and consent of the Senate, who shall have expertise in
45 open space preservation, natural lands management, or fundraising,
46 and be residents of the State. Of the members appointed pursuant to
47 this paragraph, at least three shall represent nonprofit organizations

1 having open space preservation or environmental education as their
2 corporate purpose.

3 No person holding elective public office shall be eligible to be a
4 member of the board of directors.

5 d. Of the public members first appointed pursuant to paragraph
6 (4) of subsection c. of this section, one shall be appointed to a term
7 of one year, two shall be appointed to a term of two years, two shall
8 be appointed to a term of three years, and one shall be appointed to
9 term of four years. Following the expiration of the original terms,
10 the public members shall serve for a term of four years and are
11 eligible for reappointment. Any vacancy shall be filled in the same
12 manner as the original appointment, for the unexpired term. A
13 public member may continue to serve until their successor is
14 appointed.

15 e. No member of the board of directors shall engage in any
16 business transaction or professional activity for profit with the New
17 Jersey State Parks and Forests Foundation.

18 f. Members of the board of directors shall serve without
19 compensation, but shall be entitled to reimbursement for necessary
20 expenses incurred in the performance of their duties.

21 g. The board of directors of the New Jersey State Parks and
22 Forests Foundation shall be authorized, within the limits of its own
23 funds, to employ an executive director and professional, technical,
24 and administrative personnel. Employees of the foundation shall
25 not be construed to be employees of the State of New Jersey. The
26 board shall also be authorized to contract for such professional and
27 administrative services as it shall deem necessary.

28 h. Upon the incorporation of the New Jersey State Parks and
29 Forests Foundation and the establishment of the first board of
30 directors, the board shall adopt bylaws setting forth the structure,
31 officers, powers, and duties of the foundation.

32 i. The first chairperson of the foundation shall be the public
33 member first appointed by the Governor. At the first meeting of the
34 foundation held in each subsequent year, the members shall elect
35 one of the public members to serve as chairperson. The members
36 shall annually elect one of the public members as vice chairperson,
37 and shall select a secretary and a treasurer, who need not be
38 members of the foundation. The same person may be elected to
39 serve as both secretary and treasurer.

40 j. Five members of the board of directors shall constitute a
41 quorum, and action may be taken and motions and resolutions
42 adopted at any meeting thereof by the affirmative vote of a majority
43 of the full membership of the board of directors. No vacancy in the
44 membership of the trust shall impair the right of a quorum of the
45 members to exercise all the powers and perform all the duties of the
46 trust. The foundation shall meet at the call of the chairperson, or
47 upon the request of any four members of the board of directors.

S1311 TURNER, CODEY

4

1 The foundation shall in all respects comply with the provisions of
2 the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

3 k. The Department of Environmental Protection shall provide
4 staff support to the foundation. The foundation shall be entitled to
5 call to its assistance and avail itself of the services of the employees
6 of any State, county, or municipal department, board, bureau,
7 commission, or agency as the foundation may require and as may be
8 available to the foundation for its purposes.

9
10 3. The New Jersey State Parks and Forests Foundation shall
11 have the power:

12 a. to sue and be sued in its own name, but members of the
13 board of directors shall be held harmless for acts performed in good
14 faith;

15 b. to adopt a seal and alter the same at pleasure;

16 c. to adopt bylaws for the regulation of its affairs and the
17 conduct of its business;

18 d. to maintain an office or offices at such a place or places
19 within the State as it may designate;

20 e. to appoint such officers, who need not be members of the
21 foundation, in addition to a secretary and a treasurer, as the
22 foundation deems advisable, and to employ such other employees
23 and agents as may be necessary or desirable in its judgment, to fix
24 their compensation, and to promote and discharge such officers,
25 employees and agents, all without regard to the provisions of Title
26 11, Civil Service, of the Revised Statutes;

27 f. to apply for and accept any grant of money from the federal
28 government, which might be or may become available for programs
29 in furtherance of its statutory goals, to subscribe to and comply with
30 any rule or regulation made by the federal government with respect
31 to the application of such a grant, and to enter into and perform any
32 contract or agreement with respect to the application of such a
33 grant;

34 g. to make, enter into, and perform all contracts and
35 agreements necessary or incidental to the performance of its duties
36 and the execution of its powers under this act;

37 h. to cooperate with and assist, insofar as practicable, any
38 agency of the State or any of its political subdivisions, and any
39 private agency or person in furtherance of the purposes of the
40 foundation; and

41 i. to do all acts and things necessary or convenient to carry out
42 the powers expressly granted in this act.

43

44 4. a. The New Jersey State Parks and Forests Foundation shall
45 have the following powers, in particular:

46 (1) to solicit and collect monetary donations and receive gifts,
47 grants, devises, and bequests of financial contributions for the
48 development, including stewardship, of State parks and forests;

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1 (2) to accept gifts, legacies, bequests, and endowments for any
2 purpose within the scope of the foundation and, unless otherwise
3 specified by the person making such a gift, legacy, bequest, or
4 endowment of money in furtherance of the foundation, to invest the
5 same in whole or in part in an interest-bearing trust account or
6 general obligations of the State of New Jersey;

7 (3) to apply all moneys, assets, property, or other things of value
8 it may receive incident to its operation or pursuant to the general
9 purposes of the foundation;

10 (4) in consultation with the Commissioner of Environmental
11 Protection, to develop and oversee opportunities for the
12 construction and operation of renewable energy generation systems
13 at State parks and forests, provided that:

14 (a) any renewable energy generation system shall not interfere
15 with the use of the lands for recreation and conservation purposes
16 and shall not violate any development easement, conservation
17 restriction or easement, or other restriction or easement
18 permanently restricting development on the land;

19 (b) any electric energy generated shall be used first to reduce the
20 energy needs of the State park or forest in which the renewable
21 energy generation system is located; and

22 (c) any income derived from the location and operation of
23 renewable energy generation system pursuant to this paragraph shall
24 be dedicated for the development, including stewardship, of State
25 parks and forests and be invested or held pursuant to subsection c.
26 of this section;

27 (5) to advise the Department of Environmental Protection
28 concerning the preparation of master plans and management plans
29 prepared by the department for each State park and forest pursuant
30 to section 5 of P.L.1983, c.324 (C.13:1L-5) in order to enhance
31 outdoor recreational activities and programs within State parks and
32 forests for the benefit of the State's citizens; and

33 (6) to enter into partnerships with qualifying tax exempt
34 nonprofit organizations or local government units for the
35 development, including stewardship, of lands preserved for
36 recreation and conservation purposes.

37 b. All funds received by the New Jersey State Parks and
38 Forests Foundation, other than those necessary to pay for the
39 expenses of the foundation, shall be used exclusively for the
40 development, including stewardship, and promotion of State parks
41 and forests. All expenditures for the development, including
42 stewardship, and promotion of State parks and forests shall be
43 undertaken in consultation with the Division of Parks and Forestry
44 or Division of Fish and Wildlife, as applicable.

45 c. All monetary donations or other financial contributions
46 received by the foundation shall be invested in permitted
47 investments or shall be held in interest-bearing accounts in those
48 depositories selected by the foundation, in conjunction with the

1 State Treasurer, and may be invested and reinvested in permitted
2 investments or as other trust funds in the custody of the State
3 Treasurer in the manner provided by law. All interest or other
4 income or earnings derived from the investment or reinvestment of
5 moneys by the foundation shall be credited to the foundation to be
6 used for the development, including stewardship, of State parks and
7 forests pursuant to this.

8
9 5. a. The foundation shall cause an audit of its books and
10 accounts to be made at least once in each year by certified public
11 accountants. The cost thereof shall be considered an expense of the
12 foundation, and a copy thereof shall be filed with the Director of the
13 Division of Budget and Accounting in the Department of the
14 Treasury.

15 b. The foundation shall prepare and annually submit a report to
16 the Governor, the Commissioner of Environmental Protection, and,
17 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
18 Legislature, documenting the foundation's activities during the
19 preceding year, together with any recommendations or requests the
20 foundation deems appropriate to further the purposes of the
21 foundation. The report shall include a complete operating and
22 financial statement covering the operations during the year, a
23 specific short range financing plan for the upcoming year, and a
24 long range financing plan for the next five years.

25 Within 10 days after the report is submitted to the Commissioner
26 of Environmental Protection pursuant to this subsection, the
27 commissioner shall post a copy of the report on the Internet website
28 of the Department of Environmental Protection.

29
30 6. This act shall take effect immediately.

31
32
33 STATEMENT

34
35 This bill establishes a New Jersey State Parks and Forests
36 Foundation in the Department of Environmental Protection (DEP).
37 The foundation would be devoted to the raising of funds for the
38 support, including maintenance and development, and promotion of
39 New Jersey's State parks and forests. The foundation would be
40 incorporated as a New Jersey nonprofit corporation pursuant to
41 P.L.1983, c.127 (C.15A:1-1 et seq.), and be organized and operated
42 so that it would be eligible, under applicable federal law, for tax-
43 exempt status and for the receipt of tax-deductible contributions.

44 The New Jersey State Parks and Forests Foundation would be
45 governed by a board of directors, consisting of nine members, as
46 follows: one representative from the Governor's office, who would
47 serve during the term of the Governor; the Commissioner of
48 Environmental Protection, or the commissioner's designee; the

1 chairperson of the Garden State Preservation Trust established
2 pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4), or the
3 chairperson's designee; and six members of the public, to be
4 appointed by the Governor, with the advice and consent of the
5 Senate. The public members are to have expertise in open space
6 preservation, natural lands management, or fundraising, be residents
7 of the State, and at least three are to represent nonprofit
8 organizations having open space preservation or environmental
9 education as their corporate purpose.

10 The foundation would have the power to: solicit and collect
11 monetary donations and receive gifts, grants, devises, and bequests
12 of financial contributions for the development, including
13 stewardship, of lands preserved for recreation and conservation
14 purposes; in consultation with the DEP Commissioner develop and
15 oversee opportunities for the construction and operation of
16 renewable energy generation systems at State parks and forests;
17 advise the DEP concerning the preparation of master plans and
18 management plans prepared by the department for each State park
19 and forest pursuant to section 5 of P.L.1983, c.324 (C.13:1L-5) in
20 order to enhance outdoor recreational activities and programs
21 within State parks and forests for the benefit of the State's citizens;
22 and enter into partnerships with qualifying tax exempt nonprofit
23 organizations or local government units for the development,
24 including stewardship, of lands preserved for recreation and
25 conservation purposes.

26 The bill provides that, for the construction and operation of a
27 renewable energy generation system at a State park or forest, the
28 renewable energy generation system is not to interfere with the use
29 of the lands for recreation and conservation purposes and is not to
30 violate any development easement, conservation restriction or
31 easement, or other restriction or easement permanently restricting
32 development on the land. In addition, any electric energy generated
33 by the system would also need to be used, first, to reduce the energy
34 needs of the State park or forest in which the renewable energy
35 generation system is located; and any income derived from the
36 location and operation of a renewable energy generation system is
37 to be dedicated to the development, including stewardship, of State
38 parks and forests.

39 Under the bill, all funds received by the New Jersey State Parks
40 and Forests Foundation, other than those necessary to pay for the
41 expenses of the foundation, would be used exclusively for the
42 development, including stewardship, and promotion of State parks
43 and forests, and all expenditures by the foundation would be
44 undertaken in consultation with the Division of Parks and Forestry
45 or Division of Fish and Wildlife, as applicable.

46 New Jersey has a long history of providing State funding for
47 open space preservation programs, including a constitutional
48 dedication of a portion of the Corporation Business Tax (CBT)

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8

1 revenue for certain environmental purposes, a constitutional
2 dedication of a portion of the revenue from the State's sales and use
3 tax in 1998, and the approval of general obligation bond acts by the
4 voters of the State from 1961 through 2009, generally referred to as
5 "Green Acres bond acts." State-owned parks and forests,
6 encompassing over 800,000 acres, are administered by the
7 Department of Environmental Protection's Division of Parks and
8 Forestry and Division of Fish and Wildlife. Caring for lands and
9 resources after they are put into public ownership is a critical
10 element of the State's open space preservation effort. This bill will
11 help the State to confront the challenge of properly maintaining and
12 stewarding the State's parks and forests, in light of increased public
13 usage, the increase in public land acreage to be managed, and the
14 limited amount of fiscal resources currently available, in order to
15 improve and enhance the visitor experience and enhance the
16 stewardship of the State's outdoor recreation resources.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1311

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Senate Bill No. 1311 (1R).

This bill, as amended by the committee, establishes a nonprofit, educational, and charitable organization to be known as the “New Jersey State Parks and Open Space Foundation” (foundation). The foundation would be devoted to the raising of funds for: (1) improvements to natural or artificial assets, including the planning, design, construction, installation, renovation, repair, or restoration thereof, which are designed to expand and enhance the utilization of State, county, and municipal parks and open space for recreation and conservation purposes and the equitable access thereto; and (2) activities, beyond the routine operations of State, county, or municipal parks and open space, which are intended to enhance public programming and recreational and educational offerings, restore or maintain public accessibility to the natural resources of the State, or support operation and maintenance activities attendant thereto.

The foundation would be incorporated as a New Jersey nonprofit corporation pursuant to N.J.S.15A:1-1 et seq. and would be organized and operated so that it would be eligible, under applicable federal law, for tax-exempt status and for the receipt of tax-deductible contributions.

The New Jersey State Parks and Open Space Foundation would be governed by a board of directors, consisting of 12 members, as follows: the Commissioner of the Department of Environmental Protection (DEP), the Secretary of State, and State Treasurer, or their designees, who would serve as nonvoting, ex officio members; the chairperson of the Garden State Preservation Trust established pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4), or the chairperson’s designee, who would serve as an ex officio member; one member of the public appointed by the President of the Senate; one member of the public appointed by the Speaker of the General Assembly; and six members of the public, to be appointed by the Governor, with the advice and consent of the Senate. The public members are to have expertise in open space preservation, recreational

development, natural lands management, or fundraising. Of the public members, at least three members would represent nonprofit organizations having open space preservation or environmental education as their corporate purpose, and two members would have experience advancing the causes of equity or environmental justice. The DEP Commissioner would serve as the chairperson of the board of directors.

The foundation would have the power to solicit and collect monetary donations and receive gifts, grants, devises, bequests, legacies, endowments, personal property, or services from and public or private sources to be used for the purposes of the foundation.

Under the bill, all funds received by the foundation, other than those necessary to pay for the expenses of the foundation, would be used exclusively for: (1) improvements to natural or artificial assets, including the planning, design, construction, installation, renovation, repair, or restoration thereof, which are designed to expand and enhance the utilization of State, county, and municipal parks and open space for recreation and conservation purposes and the equitable access thereto; and (2) activities, beyond the routine operations of State, county, or municipal parks and open space, which are intended to enhance public programming and recreational and educational offerings, restore or maintain public accessibility to the natural resources of the State, or support operation and maintenance activities attendant thereto.

As amended and reported by the committee, Senate Bill No. 1311 (1R) is identical to Assembly Bill No. 594 (1R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

1) change the name of the foundation from New Jersey State Parks and Forests Foundation to New Jersey State Parks and Open Space Foundation;

2) amend the definition section, and add definitions for the terms “State parks and open space” and “county and municipal parks and open space”;

3) provide that county and municipal parks and open space would be eligible to receive funds from the foundation;

4) specify that funds raised by the foundation are to be used for: (a) improvements to natural or artificial assets, including the planning, design, construction, installation, renovation, repair, or restoration thereof, which are designed to expand and enhance the utilization of State, county, and municipal parks and open space for recreation and conservation purposes and the equitable access thereto; and (b) activities, beyond the routine operations of State, county, or municipal parks and open space, which are intended to enhance public programming and recreational and educational offerings, restore or

maintain public accessibility to the natural resources of the State, or support operation and maintenance activities attendant thereto;

5) provide that the foundation would be a separate and independent entity from the State and any State department;

6) revise the membership of the board of directors, and move the provisions regarding the board's membership to a new section 3 of bill;

7) revise the powers of the foundation, as previously set forth in the bill's First Reprint, including by deleting the provisions that would have authorized the foundation to oversee opportunities for the construction or operation of renewable energy generation systems and provisions that would have authorized the foundation to advise the DEP concerning the preparation of master plans and management plans for State parks and forests;

8) add a new section specifying that the foundation shall not have the authority to accept real property and shall direct all offers of real property to the DEP;

9) add a new section specifying that all expenses incurred by the foundation are payable from funds raised by the foundation; that no liability or obligation, in tort or contract, will be incurred by the State for the operation of the foundation; and that the foundation will be required to obtain private counsel in such a case, and will not be entitled to representation by the Attorney General or indemnification by the State; and

10) make technical and clarifying corrections.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 1311

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 2022

The Senate Environment and Energy Committee favorably reports Senate Bill No. 1311, with committee amendments.

This bill, as amended by the committee, establishes a New Jersey State Parks and Forests Foundation in the Department of Environmental Protection (DEP). The foundation would be devoted to the raising of funds for the support, including maintenance and development, and promotion of New Jersey's State parks and forests. The foundation would be incorporated as a New Jersey nonprofit corporation pursuant to P.L.1983, c.127 (C.15A:1-1 et seq.), and be organized and operated so that it would be eligible, under applicable federal law, for tax-exempt status and for the receipt of tax-deductible contributions.

The New Jersey State Parks and Forests Foundation would be governed by a board of directors, consisting of nine members, as follows: one representative from the Governor's office, who would serve during the term of the Governor; the Commissioner of Environmental Protection, or the commissioner's designee; the chairperson of the Garden State Preservation Trust established pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4), or the chairperson's designee; and six members of the public, to be appointed by the Governor, with the advice and consent of the Senate. The public members are to have expertise in open space preservation, natural lands management, or fundraising, be residents of the State, and at least three are to represent nonprofit organizations having open space preservation or environmental education as their corporate purpose.

The foundation would have the power to: solicit and collect monetary donations and receive gifts, grants, devises, and bequests of financial contributions for the development, including stewardship, of lands preserved for recreation and conservation purposes; in consultation with the DEP Commissioner develop and oversee opportunities for the construction and operation of renewable energy generation systems at State parks and forests; advise the DEP concerning the preparation of master plans and management plans prepared by the department for each State park and forest pursuant to section 5 of P.L.1983, c.324 (C.13:1L-5) in order to enhance outdoor

recreational activities and programs within State parks and forests for the benefit of the State's citizens; and enter into partnerships with qualifying tax exempt nonprofit organizations or local government units for the development, including stewardship, of lands preserved for recreation and conservation purposes.

The bill provides that, for the construction and operation of a renewable energy generation system at a State park or forest, the renewable energy generation system is not to interfere with the use of the lands for recreation and conservation purposes and is not to violate any development easement, conservation restriction or easement, or other restriction or easement permanently restricting development on the land. In addition, any electric energy generated by the system would also need to be used, first, to reduce the energy needs of the State park or forest in which the renewable energy generation system is located; and any income derived from the location and operation of a renewable energy generation system is to be dedicated to the development, including stewardship, of State parks and forests.

Under the bill, all funds received by the New Jersey State Parks and Forests Foundation, other than those necessary to pay for the expenses of the foundation, would be used exclusively for the development, including stewardship, and promotion of State parks and forests, and all expenditures by the foundation would be undertaken in consultation with the Division of Parks and Forestry or Division of Fish and Wildlife, as applicable.

The committee amendments make a technical change to the bill.

ASSEMBLY, No. 594

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblywoman SHAMA A. HAIDER

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Sauickie

SYNOPSIS

Establishes NJ State Parks and Forests Foundation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 9/29/2022)

1 AN ACT establishing the New Jersey State Parks and Forests
2 Foundation, and supplementing Title 13 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 “Development” or “develop” means the same as that term is
9 defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

10 “Qualifying tax exempt nonprofit organization” means a
11 nonprofit organization that is exempt from federal taxation pursuant
12 to section 501 (c)(3) of the federal Internal Revenue Code, 26
13 U.S.C. s.501 (c)(3), and which qualifies for a grant pursuant to
14 section 27 P.L.1999, c.152 (C.13:8C-27).

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

17 “State parks and forests” means the same as that term is defined
18 in section 3 of P.L.1983, c.324 (C.13:1L-3).

19 “Stewardship activity” means the same as that term is defined in
20 section 3 of P.L.2016, c.12 (C.13:8C-45).

21

22 2. a. There is established in the Department of Environmental
23 Protection a nonprofit, educational, and charitable organization to
24 be known as the New Jersey State Parks and Forests Foundation.
25 The foundation shall be devoted to the raising of funds for the
26 support, including maintenance and development, and promotion of
27 New Jersey’s State parks and forests.

28 b. The foundation shall be incorporated as a New Jersey
29 nonprofit corporation pursuant to P.L.1983, c.127 (C.15A:1-1 et
30 seq.), and shall be organized and operated in such manner as to be
31 eligible under applicable federal law for tax-exempt status and for
32 the receipt of tax-deductible contributions.

33 c. The New Jersey State Parks and Forests Foundation shall be
34 governed by a board of directors, which shall consist of nine
35 members, as follows:

36 (1) one representative from the Governor's office, who shall be
37 appointed by, and shall serve during the term of, the Governor;

38 (2) the Commissioner of Environmental Protection, or the
39 commissioner’s designee, who shall serve ex officio;

40 (3) the chairperson of the Garden State Preservation Trust
41 established pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4), or
42 the chairperson’s designee, who shall serve ex officio; and

43 (4) six members of the public, appointed by the Governor, with
44 the advice and consent of the Senate, who shall have expertise in
45 open space preservation, natural lands management, or fundraising,
46 and be residents of the State. Of the members appointed pursuant to
47 this paragraph, at least three shall represent nonprofit organizations

1 having open space preservation or environmental education as their
2 corporate purpose.

3 No person holding elective public office shall be eligible to be a
4 member of the board of directors.

5 d. Of the public members first appointed pursuant to paragraph
6 (4) of subsection c. of this section, one shall be appointed to a term
7 of one year, two shall be appointed to a term of two years, two shall
8 be appointed to a term of three years, and one shall be appointed to
9 term of four years. Following the expiration of the original terms,
10 the public members shall serve for a term of four years and are
11 eligible for reappointment. Any vacancy shall be filled in the same
12 manner as the original appointment, for the unexpired term. A
13 public member may continue to serve until their successor is
14 appointed.

15 e. No member of the board of directors shall engage in any
16 business transaction or professional activity for profit with the New
17 Jersey State Parks and Forests Foundation.

18 f. Members of the board of directors shall serve without
19 compensation, but shall be entitled to reimbursement for necessary
20 expenses incurred in the performance of their duties.

21 g. The board of directors of the New Jersey State Parks and
22 Forests Foundation shall be authorized, within the limits of its own
23 funds, to employ an executive director and professional, technical,
24 and administrative personnel. Employees of the foundation shall
25 not be construed to be employees of the State of New Jersey. The
26 board shall also be authorized to contract for such professional and
27 administrative services as it shall deem necessary.

28 h. Upon the incorporation of the New Jersey State Parks and
29 Forests Foundation and the establishment of the first board of
30 directors, the board shall adopt bylaws setting forth the structure,
31 officers, powers, and duties of the foundation.

32 i. The first chairperson of the foundation shall be the public
33 member first appointed by the Governor. At the first meeting of the
34 foundation held in each subsequent year, the members shall elect
35 one of the public members to serve as chairperson. The members
36 shall annually elect one of the public members as vice chairperson,
37 and shall select a secretary and a treasurer, who need not be
38 members of the foundation. The same person may be elected to
39 serve as both secretary and treasurer.

40 j. Five members of the board of directors shall constitute a
41 quorum, and action may be taken and motions and resolutions
42 adopted at any meeting thereof by the affirmative vote of a majority
43 of the full membership of the board of directors. No vacancy in the
44 membership of the trust shall impair the right of a quorum of the
45 members to exercise all the powers and perform all the duties of the
46 trust. The foundation shall meet at the call of the chairperson, or
47 upon the request of any four members of the board of directors.

1 The foundation shall in all respects comply with the provisions of
2 the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

3 k. The Department of Environmental Protection shall provide
4 staff support to the foundation. The foundation shall be entitled to
5 call to its assistance and avail itself of the services of the employees
6 of any State, county, or municipal department, board, bureau,
7 commission, or agency as the foundation may require and as may be
8 available to the foundation for its purposes.

9
10 3. The New Jersey State Parks and Forests Foundation shall
11 have the power:

12 a. to sue and be sued in its own name, but members of the
13 board of directors shall be held harmless for acts performed in good
14 faith;

15 b. to adopt a seal and alter the same at pleasure;

16 c. to adopt bylaws for the regulation of its affairs and the
17 conduct of its business;

18 d. to maintain an office or offices at such a place or places
19 within the State as it may designate;

20 e. to appoint such officers, who need not be members of the
21 foundation, in addition to a secretary and a treasurer, as the
22 foundation deems advisable, and to employ such other employees
23 and agents as may be necessary or desirable in its judgment, to fix
24 their compensation, and to promote and discharge such officers,
25 employees and agents, all without regard to the provisions of Title
26 11, Civil Service, of the Revised Statutes;

27 f. to apply for and accept any grant of money from the federal
28 government, which might be or may become available for programs
29 in furtherance of its statutory goals, to subscribe to and comply with
30 any rule or regulation made by the federal government with respect
31 to the application of such a grant, and to enter into and perform any
32 contract or agreement with respect to the application of such a
33 grant;

34 g. to make, enter into, and perform all contracts and
35 agreements necessary or incidental to the performance of its duties
36 and the execution of its powers under this act;

37 h. to cooperate with and assist, insofar as practicable, any
38 agency of the State or any of its political subdivisions, and any
39 private agency or person in furtherance of the purposes of the
40 foundation; and

41 i. to do all acts and things necessary or convenient to carry out
42 the powers expressly granted in this act.

43

44 4. a. The New Jersey State Parks and Forests Foundation shall
45 have the following powers, in particular:

46 (1) to solicit and collect monetary donations and receive gifts,
47 grants, devises, and bequests of financial contributions for the
48 development, including stewardship, of State parks and forests;

- 1 (2) to accept gifts, legacies, bequests, and endowments for any
2 purpose within the scope of the foundation and, unless otherwise
3 specified by the person making such a gift, legacy, bequest, or
4 endowment of money in furtherance of the foundation, to invest the
5 same in whole or in part in an interest-bearing trust account or
6 general obligations of the State of New Jersey;
- 7 (3) to apply all moneys, assets, property, or other things of value
8 it may receive incident to its operation or pursuant to the general
9 purposes of the foundation;
- 10 (4) in consultation with the Commissioner of Environmental
11 Protection, to develop and oversee opportunities for the
12 construction and operation of renewable energy generation systems
13 at State parks and forests, provided that:
- 14 (a) any renewable energy generation system shall not interfere
15 with the use of the lands for recreation and conservation purposes
16 and shall not violate any development easement, conservation
17 restriction or easement, or other restriction or easement
18 permanently restricting development on the land;
- 19 (b) any electric energy generated shall be used first to reduce the
20 energy needs of the State park or forest in which the renewable
21 energy generation system is located; and
- 22 (c) any income derived from the location and operation of
23 renewable energy generation system pursuant to this paragraph shall
24 be dedicated for the development, including stewardship, of State
25 parks and forests and be invested or held pursuant to subsection c.
26 of this section;
- 27 (5) to advise the Department of Environmental Protection
28 concerning the preparation of master plans and management plans
29 prepared by the department for each State park and forest pursuant
30 to section 5 of P.L.1983, c.324 (C.13:1L-5) in order to enhance
31 outdoor recreational activities and programs within State parks and
32 forests for the benefit of the State's citizens; and
- 33 (6) to enter into partnerships with qualifying tax exempt
34 nonprofit organizations or local government units for the
35 development, including stewardship, of lands preserved for
36 recreation and conservation purposes.
- 37 b. All funds received by the New Jersey State Parks and
38 Forests Foundation, other than those necessary to pay for the
39 expenses of the foundation, shall be used exclusively for the
40 development, including stewardship, and promotion of State parks
41 and forests. All expenditures for the development, including
42 stewardship, and promotion of State parks and forests shall be
43 undertaken in consultation with the Division of Parks and Forestry
44 or Division of Fish and Wildlife, as applicable.
- 45 c. All monetary donations or other financial contributions
46 received by the foundation shall be invested in permitted
47 investments or shall be held in interest-bearing accounts in those
48 depositories selected by the foundation, in conjunction with the

1 State Treasurer, and may be invested and reinvested in permitted
2 investments or as other trust funds in the custody of the State
3 Treasurer in the manner provided by law. All interest or other
4 income or earnings derived from the investment or reinvestment of
5 moneys by the foundation shall be credited to the foundation to be
6 used for the development, including stewardship, of State parks and
7 forests pursuant to this.

8
9 5. a. The foundation shall cause an audit of its books and
10 accounts to be made at least once in each year by certified public
11 accountants. The cost thereof shall be considered an expense of the
12 foundation, and a copy thereof shall be filed with the Director of the
13 Division of Budget and Accounting in the Department of the
14 Treasury.

15 b. The foundation shall prepare and annually submit a report to
16 the Governor, the Commissioner of Environmental Protection, and,
17 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
18 Legislature, documenting the foundation's activities during the
19 preceding year, together with any recommendations or requests the
20 foundation deems appropriate to further the purposes of the
21 foundation. The report shall include a complete operating and
22 financial statement covering the operations during the year, a
23 specific short range financing plan for the upcoming year, and a
24 long range financing plan for the next five years.

25 Within 10 days after the report is submitted to the Commissioner
26 of Environmental Protection pursuant to this subsection, the
27 commissioner shall post a copy of the report on the Internet website
28 of the Department of Environmental Protection.

29
30 6. This act shall take effect immediately.

31
32
33 STATEMENT

34
35 This bill establishes a New Jersey State Parks and Forests
36 Foundation in the Department of Environmental Protection (DEP).
37 The foundation would be devoted to the raising of funds for the
38 support, including maintenance and development, and promotion of
39 New Jersey's State parks and forests. The foundation would be
40 incorporated as a New Jersey nonprofit corporation pursuant to
41 P.L.1983, c.127 (C.15A:1-1 et seq.), and be organized and operated
42 so that it would be eligible, under applicable federal law, for tax-
43 exempt status and for the receipt of tax-deductible contributions.

44 The New Jersey State Parks and Forests Foundation would be
45 governed by a board of directors, consisting of nine members, as
46 follows: one representative from the Governor's office, who would
47 serve during the term of the Governor; the Commissioner of
48 Environmental Protection, or the commissioner's designee; the

1 chairperson of the Garden State Preservation Trust established
2 pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4), or the
3 chairperson's designee; and six members of the public, to be
4 appointed by the Governor, with the advice and consent of the
5 Senate. The public members are to have expertise in open space
6 preservation, natural lands management, or fundraising, be residents
7 of the State, and at least three are to represent nonprofit
8 organizations having open space preservation or environmental
9 education as their corporate purpose.

10 The foundation would have the power to: solicit and collect
11 monetary donations and receive gifts, grants, devises, and bequests
12 of financial contributions for the development, including
13 stewardship, of lands preserved for recreation and conservation
14 purposes; in consultation with the DEP Commissioner develop and
15 oversee opportunities for the construction and operation of
16 renewable energy generation systems at State parks and forests;
17 advise the DEP concerning the preparation of master plans and
18 management plans prepared by the department for each State park
19 and forest pursuant to section 5 of P.L.1983, c.324 (C.13:1L-5) in
20 order to enhance outdoor recreational activities and programs
21 within State parks and forests for the benefit of the State's citizens;
22 and enter into partnerships with qualifying tax exempt nonprofit
23 organizations or local government units for the development,
24 including stewardship, of lands preserved for recreation and
25 conservation purposes.

26 The bill provides that, for the construction and operation of a
27 renewable energy generation system at a State park or forest, the
28 renewable energy generation system is not to interfere with the use
29 of the lands for recreation and conservation purposes and is not to
30 violate any development easement, conservation restriction or
31 easement, or other restriction or easement permanently restricting
32 development on the land. In addition, any electric energy generated
33 by the system would also need to be used, first, to reduce the energy
34 needs of the State park or forest in which the renewable energy
35 generation system is located; and any income derived from the
36 location and operation of a renewable energy generation system is
37 to be dedicated to the development, including stewardship, of State
38 parks and forests.

39 Under the bill, all funds received by the New Jersey State Parks
40 and Forests Foundation, other than those necessary to pay for the
41 expenses of the foundation, would be used exclusively for the
42 development, including stewardship, and promotion of State parks
43 and forests, and all expenditures by the foundation would be
44 undertaken in consultation with the Division of Parks and Forestry
45 or Division of Fish and Wildlife, as applicable.

46 New Jersey has a long history of providing State funding for
47 open space preservation programs, including a constitutional
48 dedication of a portion of the Corporation Business Tax (CBT)

A594 SPEARMAN, HAIDER

8

1 revenue for certain environmental purposes, a constitutional
2 dedication of a portion of the revenue from the State's sales and use
3 tax in 1998, and the approval of general obligation bond acts by the
4 voters of the State from 1961 through 2009, generally referred to as
5 "Green Acres bond acts." State-owned parks and forests,
6 encompassing over 800,000 acres, are administered by the
7 Department of Environmental Protection's Division of Parks and
8 Forestry and Division of Fish and Wildlife. Caring for lands and
9 resources after they are put into public ownership is a critical
10 element of the State's open space preservation effort. This bill will
11 help the State to confront the challenge of properly maintaining and
12 stewarding the State's parks and forests, in light of increased public
13 usage, the increase in public land acreage to be managed, and the
14 limited amount of fiscal resources currently available, in order to
15 improve and enhance the visitor experience and enhance the
16 stewardship of the State's outdoor recreation resources.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 594

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 594 (1R).

This bill, as amended by the committee, establishes a nonprofit, educational, and charitable organization to be known as the "New Jersey State Parks and Open Space Foundation" (foundation). The foundation would be devoted to the raising of funds for: (1) improvements to natural or artificial assets, including the planning, design, construction, installation, renovation, repair, or restoration thereof, which are designed to expand and enhance the utilization of State, county, and municipal parks and open space for recreation and conservation purposes and the equitable access thereto; and (2) activities, beyond the routine operations of State, county, or municipal parks and open space, which are intended to enhance public programming and recreational and educational offerings, restore or maintain public accessibility to the natural resources of the State, or support operation and maintenance activities attendant thereto.

The foundation would be incorporated as a New Jersey nonprofit corporation pursuant to N.J.S.15A:1-1 et seq. and would be organized and operated so that it would be eligible, under applicable federal law, for tax-exempt status and for the receipt of tax-deductible contributions.

The New Jersey State Parks and Open Space Foundation would be governed by a board of directors, consisting of 12 members, as follows: the Commissioner of the Department of Environmental Protection (DEP), the Secretary of State, and State Treasurer, or their designees, who would serve as nonvoting, ex officio members; the chairperson of the Garden State Preservation Trust established pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4), or the chairperson's designee, who would serve as an ex officio member; one member of the public appointed by the President of the Senate; one member of the public appointed by the Speaker of the General Assembly; and six members of the public, to be appointed by the Governor, with the advice and consent of the Senate. The public members are to have expertise in open space preservation, recreational

development, natural lands management, or fundraising. Of the public members, at least three members would represent nonprofit organizations having open space preservation or environmental education as their corporate purpose, and two members would have experience advancing the causes of equity or environmental justice. The DEP Commissioner would serve as the chairperson of the board of directors.

The foundation would have the power to solicit and collect monetary donations and receive gifts, grants, devises, bequests, legacies, endowments, personal property, or services from and public or private sources to be used for the purposes of the foundation.

Under the bill, all funds received by the foundation, other than those necessary to pay for the expenses of the foundation, would be used exclusively for: (1) improvements to natural or artificial assets, including the planning, design, construction, installation, renovation, repair, or restoration thereof, which are designed to expand and enhance the utilization of State, county, and municipal parks and open space for recreation and conservation purposes and the equitable access thereto; and (2) activities, beyond the routine operations of State, county, or municipal parks and open space, which are intended to enhance public programming and recreational and educational offerings, restore or maintain public accessibility to the natural resources of the State, or support operation and maintenance activities attendant thereto.

As amended and reported by the committee, Assembly Bill No. 594 (1R) is identical to Senate Bill No. 1311 (1R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments to the bill would:

- 1) add a definition of "county and municipal parks and open space";
- 2) provide that county and municipal parks and open space would be eligible to receive funds from the foundation, and
- 3) make minor technical corrections to the bill.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 594

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 2022

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 594.

This bill, as amended by the committee, establishes a nonprofit, educational, and charitable organization to be known as the “New Jersey State Parks and Open Space Foundation” (foundation). The foundation would be devoted to the raising of funds for: (1) improvements to natural or artificial assets, including the planning, design, construction, installation, renovation, repair, or restoration thereof, which are designed to expand and enhance the utilization of State parks and open space for recreation and conservation purposes and the equitable access thereto; and (2) activities, beyond the routine operations of State parks and open space, which are intended to enhance public programming and recreational and educational offerings, restore or maintain public accessibility to the natural resources of the State, or support operation and maintenance activities attendant thereto. The bill defines “State parks and open space” as State parks, forests, historic sites, natural areas, wildlife management areas, and any other lands, waters, and facilities owned or administered by the Department of Environmental Protection (DEP) for recreation and conservation purposes.

The foundation would be incorporated as a New Jersey nonprofit corporation pursuant to N.J.S.15A:1-1 et seq. and would be organized and operated so that it would be eligible, under applicable federal law, for tax-exempt status and for the receipt of tax-deductible contributions.

The New Jersey State Parks and Open Space Foundation would be governed by a board of directors, consisting of 12 members, as follows: the DEP Commissioner, the Secretary of State, and State Treasurer, or their designees, who would serve as nonvoting, ex officio members; the chairperson of the Garden State Preservation Trust established pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4), or the chairperson’s designee, ex officio; one member of the public appointed by the President of the Senate; one member of the public appointed by the Speaker of the General Assembly; and six members

of the public, to be appointed by the Governor, with the advice and consent of the Senate. The public members are to have expertise in open space preservation, recreational development, natural lands management, or fundraising. Of the public members, at least three members would represent nonprofit organizations having open space preservation or environmental education as their corporate purpose, and two members would have experience advancing the causes of equity or environmental justice. The DEP Commissioner would serve as the chairperson of the board of directors.

The foundation would have the power to solicit and collect monetary donations and receive gifts, grants, devises, bequests, legacies, endowments, personal property, or services from and public or private sources to be used for the purposes of the foundation.

Under the bill, all funds received by the foundation, other than those necessary to pay for the expenses of the foundation, would be used exclusively for: (1) improvements to natural or artificial assets, including the planning, design, construction, installation, renovation, repair, or restoration thereof, which are designed to expand and enhance the utilization of State parks and open space for recreation and conservation purposes and the equitable access thereto; and (2) activities, beyond the routine operations of State parks and open space, which are intended to enhance public programming and recreational and educational offerings, restore or maintain public accessibility to the natural resources of the State, or support operation and maintenance activities attendant thereto.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

1) change the name of the foundation from New Jersey State Parks and Forests Foundation to New Jersey State Parks and Open Space Foundation;

2) amend the definition section, and add a definition for the term “State parks and open space”;

3) specify that funds raised by the foundation are to be used for: (a) improvements to natural or artificial assets, including the planning, design, construction, installation, renovation, repair, or restoration thereof, which are designed to expand and enhance the utilization of State parks and open space for recreation and conservation purposes and the equitable access thereto; and (b) activities, beyond the routine operations of State parks and open space, which are intended to enhance public programming and recreational and educational offerings, restore or maintain public accessibility to the natural resources of the State, or support operation and maintenance activities attendant thereto;

4) provide that the foundation would be a separate and independent entity from the State and any State department;

5) revise the membership of the board of directors, now set forth in section 3 of bill;

6) revise the powers of the foundation in sections 4 and 5 of the bill, including deleting the provisions concerning opportunities for renewable energy generation systems and advising the DEP concerning the preparation of master plans and management plans for State parks and forests;

7) add a new section 6 to specify that the foundation shall not have the authority to accept real property and shall direct all offers of real property to the department;

8) add a new section 7 to specify that: (a) all expenses incurred by the foundation are payable from funds raised by the foundation, and no liability or obligation, in tort or contract, will be incurred by the State for the operation of the foundation; and (b) the foundation would be required to obtain private counsel, and would not be represented by the Attorney General or indemnified by the State; and

9) make technical and clarifying amendments.

Governor Murphy Signs Legislation to Establish NJ State Parks and Open Space Foundation

01/12/2024

TRENTON – Governor Phil Murphy today signed S1311/A594, which establishes the NJ State Parks and Open Space Foundation within the Department of Environmental Protection. The foundation will be incorporated as a nonprofit corporation and will be responsible for raising funds for the maintenance and development of New Jersey's state parks and forests as well as county and municipal parks and open spaces.

"Thanks to this monumental legislation, our state's natural treasures will only become more invaluable as we continue to invest in their preservation, resilience, and accessibility," said **Governor Murphy**. "From Liberty State Park to Island Beach State Park, our state parks and forests will continue to attract visitors to the Garden State while providing physical and mental health benefits for countless New Jersey families."

"This is a game-changing moment for parks and open space in New Jersey," said **Commissioner of Environmental Protection Shawn M. LaTourette, who oversees New Jersey's vast system of State Parks, Forests & Historic Sites**. "By establishing this Foundation, Governor Murphy and our Legislature have created the avenue for passionate outdoor enthusiasts to champion improvements in the parks and open spaces they love and the greater environment we share. With this new tool, we will create a lasting conservation and outdoor recreation legacy that brings people and communities together to enjoy our natural treasures."

"The establishment of a foundation for the continued maintenance of our public parks and open spaces will help ensure access to state, county, and municipal parks for future generations," said **former Governor Richard J. Codey**. "For years, many of our public places have been in dire need of additional funding to provide for both maintenance and the creation of additional recreational opportunities. This new law is a key part of addressing that need and providing the resources that are needed for our public places to best serve the public."

"New Jersey is fortunate to have beautiful parks all over the state, thanks to our prioritization of preserving open space and providing opportunities for families to spend time outdoors. Still, maintaining these parks can be costly," said **Senator Shirley K. Turner**. "Through the NJ State Parks and Open Space Foundation we will be able to raise funds to not only maintain our parks but also invest in outdoor recreational equipment to get our kids moving for generations to come."

"As the Garden State, it is our responsibility to take the lead in nurturing our environment and open spaces," said **Assemblyman William Spearman**. "The enactment of this bill sends a clear message to New Jerseyans about the importance of preserving the innate beauty that characterizes our great state."

"The establishment of the New Jersey State Parks and Open Space Foundation is a pivotal step towards long-term sustainability of our state's natural allure," said **Assemblywoman Shama Haider**. "The Foundation is a testament of our commitment to our state with pristine, well-maintained parks and open spaces, fostering a healthier and more vibrant community."

"One of the many things that makes our State the Greatest in the Country is the remarkable variety that exists in New Jersey's many landscapes," said **Assemblyman Sterley Stanley**. "From cities to suburbs and from foundries to forests one of our state's greatest assets is not only the incredible diversity of landscapes that exist here but the proximity of those landscapes to one another. By creating the New Jersey State Parks and Open Space Foundation, we are recognizing our responsibility as lawmakers to take proactive steps to preserve this reality by protecting our state's natural wonders both small and large so they can continue to help define the place we are so proud to call home."

"New Jersey state, county and town parks and forests are beloved by millions – they are the place we escape for vacations, hikes, picnics or just an afternoon away. But they need more funding to handle their existing crowds – to say nothing of making them better. Whether it's Liberty State Park or the park down the street, this bill will help all of us by allowing private dollars to chip in to make our parks and wild areas even better and more accessible. We thank Sen. Shirley Turner and Asm. Bill Spearman for getting this bill done on the first day of session and Gov. Murphy for his support," said **Doug O'Malley, Director of Environment New Jersey**.

"New Jersey has one of the best state park systems in the country. This legislation underscores New Jersey's commitment to environmental stewardship and ensuring public access to our natural wonders," said **Barbara Brummer, The Nature Conservancy's New Jersey State Director**. "We are grateful to Governor Murphy and the dedicated members of the New Jersey Legislature for their joint efforts in enacting this transformative legislation."

"Newark is proud to host the Greenway, one of our newest State parks, and I'm grateful to the Murphy Administration and the Legislature for giving communities across New Jersey an innovative new tool to ensure our parks have the funding they need to thrive through widening the tent of genuine stakeholders," said **Evan Weiss, President and CEO of the New Jersey Alliance**.

"Parks and open spaces are critical assets for the people and wildlife of the Garden State. We know that these assets need increased attention and resources," said **Alex Ireland, Jersey Audubon President & CEO**. "We are supportive of actions that will make our parks, safer, more welcoming, and more resilient in the years ahead."

"Having an accessible, safe, and well maintained park in your neighborhood has proven benefits to the health of our bodies, our minds, and our communities. This new foundation will help ensure parks are well kept for New Jerseyans to enjoy walking, hiking, birding, cycling, picnicking, and just getting outdoors," said **Ed Potosnak, Executive Director, New Jersey LCV**. "We applaud Governor Murphy and the Legislature for their commitment to green spaces throughout the state. While this bill will not supplant taxpayer support of open space parks, it is important because funding through this new foundation will be both an environmental and economic boon for residents – especially for urban communities of color that have less access to green spaces for recreation."

"Parks and open space support our health and well-being and provide essential connections in our communities. As such, it is critical that the state's public land is well-maintained, accessible, and welcoming to all. This new law will ensure that New Jersey's parks and forests have the resources to benefit from robust investment and community engagement," said **Kim Elliman, President and CEO of the Open Space Institute**. "The Open Space Institute strongly supports this measure and applauds Governor Murphy, and leaders in the Senate and Assembly for their efforts to provide much-needed outdoor recreational resources for people throughout the state now and for future generations."