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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"New law saves land in Lawrence," 8-29-2000 The Times, pA7

"In Burlco, Whitman signs bill to save land," 8-31-2000 Philadelphia Inquirer, p.B1

"\$500,000 for boardwalk," 9-1-2000 Asbury Park Press, p.B1

"Governor signs \$29M open-space measure," 9-1-2000 Home News, P.B6

"Whitman signs \$1M measure for land," 9-1-1000 Home News, p.B1

"Whitman signs two bills closer to \$61M open-space package," 9-1-2000 Atlantic City Press, p.D8

SENATE, No. 1116

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MARCH 16, 2000

Sponsored by:

Senator HENRY P. MCNAMARA

District 40 (Bergen and Passaic)

Senator JOHN H. ADLER

District 6 (Camden)

Co-Sponsored by:

Senator Bark, Assemblymen Gibson and Chatzidakis

SYNOPSIS

Excludes federal and other public or private financial aid received by NJ for open space or farmland preservation purposes from \$200 million annual appropriations cap for projects approved by Garden State Preservation Trust.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/27/2000)

S1116 MCNAMARA, ADLER

2

1 AN ACT concerning appropriations pursuant to the Garden State
2 Preservation Trust and amending P.L.1999, c.152.

3

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

6

7 1. Section 23 of P.L.1999, c.152 (C.13:8C-23) is amended to read
8 as follows:

9 23. a. (1) At least twice each State fiscal year, the Department of
10 Environmental Protection shall submit to the trust a list of projects
11 that the department recommends to receive funding from: the Garden
12 State Green Acres Preservation Trust Fund, based upon a priority
13 system, ranking criteria, and funding policies established by the
14 department pursuant to this act; or any Green Acres bond act with
15 respect to moneys allocated therein for appropriation for the purpose
16 of acquiring or developing lands for recreation and conservation
17 purposes, based upon a priority system, ranking criteria, and funding
18 policies established by the department pursuant to law and any rules
19 or regulations adopted pursuant thereto.

20 To the extent the department receives a sufficient number of
21 applications from local government units for the funding of projects to
22 acquire or develop, for recreation and conservation purposes, lands
23 located in municipalities eligible to receive State aid pursuant to
24 P.L.1978, c.14 (C.52:27D-178 et seq.), and those projects qualify for
25 funding based upon the priority system, ranking criteria, and funding
26 policies established by the department, in any State fiscal year the
27 percentage of funding from the Garden State Green Acres Preservation
28 Trust Fund for such projects recommended by the department shall be
29 substantially equivalent to or greater than the percentage derived by
30 dividing the total amount allocated pursuant to P.L.1983, c.354,
31 P.L.1987, c.265, P.L.1989, c.183, P.L.1992, c.88, and P.L.1995,
32 c.204, for local government unit projects for recreation and
33 conservation purposes in municipalities eligible to receive State aid
34 pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) by the total amount
35 allocated pursuant to P.L.1983, c.354, P.L.1987, c.265, P.L.1989,
36 c.183, P.L.1992, c.88, and P.L.1995, c.204, for all local government
37 unit projects for recreation and conservation purposes. In any State
38 fiscal year, not less than 20% of the total amount of funding from the
39 Garden State Green Acres Preservation Trust Fund for all State
40 projects to acquire and develop lands for recreation and conservation
41 purposes throughout the State recommended by the department shall
42 be for State projects located in highly populated counties of the State
43 with population densities of at least 1,000 persons per square mile

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 according to the latest federal decennial census.

2 The trust shall review the list and may make such deletions, but not
3 additions, of projects therefrom as it deems appropriate and in
4 accordance with the procedures established for such deletions pursuant
5 to subsection d. of this section, whereupon the trust shall approve the
6 list. At least twice each State fiscal year: (a) the trust shall prepare,
7 and submit to the Governor and to the President of the Senate and the
8 Speaker of the General Assembly for introduction in the Legislature,
9 proposed legislation appropriating moneys from the Garden State
10 Green Acres Preservation Trust Fund, or from any Green Acres bond
11 act with respect to moneys allocated therein for appropriation for the
12 purpose of acquiring or developing lands for recreation and
13 conservation purposes, to fund projects on any such list; and (b) the
14 Legislature may approve one or more appropriation ~~[acts]~~ bills
15 containing a project list or lists submitted by the trust pursuant to this
16 paragraph.

17 (2) Any act appropriating moneys from the Garden State Green
18 Acres Preservation Trust Fund, or from any Green Acres bond act
19 with respect to moneys allocated therein for appropriation for the
20 purpose of acquiring or developing lands for recreation and
21 conservation purposes, shall identify the particular project or projects
22 to be funded by those moneys, and any expenditure for a project for
23 which the location is not identified by county and municipality in the
24 appropriation shall require the approval of the Joint Budget Oversight
25 Committee or its successor.

26 Moneys may be appropriated to a local government unit that has
27 prepared and adopted an open space acquisition and development plan
28 approved by the department, or to a qualifying tax exempt nonprofit
29 organization that in cooperation and with the approval of a local
30 government unit is implementing or assisting in the implementation of
31 an open space acquisition and development plan adopted by the local
32 government unit and approved by the department, without identifying
33 in the act the particular project or projects to be funded, provided that
34 the appropriation will be expended in accordance with that approved
35 plan and, with respect to Green Acres bond act moneys, the
36 appropriation in that form is not inconsistent with the Green Acres
37 bond act.

38 (3) Any transfer of moneys appropriated from the Garden State
39 Green Acres Preservation Trust Fund, or from any Green Acres bond
40 act with respect to moneys allocated therein for appropriation for the
41 purpose of acquiring or developing lands for recreation and
42 conservation purposes, or any change in project sponsor, site, or type
43 that has received an appropriation from the fund or from a Green
44 Acres bond act, shall require the approval of the Joint Budget
45 Oversight Committee or its successor but shall not require the
46 approval of the Garden State Preservation Trust.

1 b. (1) At least twice each State fiscal year, the State Agriculture
2 Development Committee shall submit to the trust a list of projects that
3 the committee recommends to receive funding from the Garden State
4 Farmland Preservation Trust Fund, based upon a priority system,
5 ranking criteria, and funding policies established by the committee
6 pursuant to this act and the "Agriculture Retention and Development
7 Act," P.L.1983, c.32 (C.4:1C-11 et seq.), and any rules or regulations
8 adopted pursuant thereto. The trust shall review the list and may
9 make such deletions, but not additions, of projects therefrom as it
10 deems appropriate and in accordance with the procedures established
11 for such deletions pursuant to subsection d. of this section, whereupon
12 the trust shall approve the list. At least twice each State fiscal year:
13 (a) the trust shall prepare, and submit to the Governor and to the
14 President of the Senate and the Speaker of the General Assembly for
15 introduction in the Legislature, proposed legislation appropriating
16 moneys from the Garden State Farmland Preservation Trust Fund to
17 fund projects on any such list; and (b) the Legislature may approve one
18 or more appropriation [acts] bills containing a project list or lists
19 submitted by the trust pursuant to this paragraph.

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

26 Notwithstanding the provisions of this paragraph to the contrary,
27 any appropriation of moneys from the fund to pay the cost of
28 acquisition of a fee simple title to farmland shall not be required to
29 identify the particular project or identify its location by county or
30 municipality, and the expenditure of those moneys shall not require the
31 approval of the Joint Budget Oversight Committee or its successor.

32 (3) Any transfer of moneys appropriated from the Garden State
33 Farmland Preservation Trust Fund, or change in project sponsor, site,
34 or type that has received an appropriation from the fund, shall require
35 the approval of the Joint Budget Oversight Committee or its successor
36 but shall not require the approval of the Garden State Preservation
37 Trust.

38 c. (1) At least once each State fiscal year, or at such other interval
39 as the New Jersey Historic Trust in consultation with the Garden State
40 Preservation Trust deems appropriate, the New Jersey Historic Trust
41 shall submit to the Garden State Preservation Trust a list of projects
42 that the New Jersey Historic Trust recommends to receive funding
43 from the Garden State Historic Preservation Trust Fund, based upon
44 a priority system, ranking criteria, and funding policies established by
45 the New Jersey Historic Trust pursuant to this act and P.L.1967, c.124
46 (C.13:1B-15.111 et al.), and any rules or regulations adopted pursuant

1 thereto. The Garden State Preservation Trust shall review the list and
2 may make such deletions, but not additions, of projects therefrom as
3 it deems appropriate and in accordance with the procedures
4 established for such deletions pursuant to subsection d. of this section,
5 whereupon the Garden State Preservation Trust shall approve the list.
6 At least once each State fiscal year, or at such other interval as the
7 Garden State Preservation Trust in consultation with the New Jersey
8 Historic Trust deems appropriate: (a) the Garden State Preservation
9 Trust shall prepare, and submit to the Governor and to the President
10 of the Senate and the Speaker of the General Assembly for
11 introduction in the Legislature, proposed legislation appropriating
12 moneys from the Garden State Historic Preservation Trust Fund to
13 fund projects on any such list; and (b) the Legislature may approve one
14 or more appropriation [acts] bills containing a project list or lists
15 submitted by the Garden State Preservation Trust pursuant to this
16 paragraph.

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

23 (3) Any transfer of moneys appropriated from the Garden State
24 Historic Preservation Trust Fund, or change in project sponsor, site,
25 or type that has received an appropriation from the fund, shall require
26 the approval of the Joint Budget Oversight Committee or its successor
27 but shall not require the approval of the Garden State Preservation
28 Trust.

29 d. Whenever the Garden State Preservation Trust deletes a project
30 from a list of projects that has been submitted to the Garden State
31 Preservation Trust pursuant to subsection a., b., or c. of this section,
32 the Garden State Preservation Trust shall, in consultation with the
33 applicant and the department, the committee, or the New Jersey
34 Historic Trust, as the case may be, review and reevaluate the merits
35 and validity of the project. After completion of this review and
36 reevaluation, if the department, committee, or New Jersey Historic
37 Trust, as the case may be, continues to recommend funding of the
38 project, it shall transmit its reasons therefor in writing to the Garden
39 State Preservation Trust and place the project on the next or a
40 subsequent list of projects submitted to the Garden State Preservation
41 Trust pursuant to subsection a., b., or c. of this section. The Garden
42 State Preservation Trust shall include the project in the next proposed
43 legislation appropriating moneys from the Garden State Green Acres
44 Preservation Trust Fund, Green Acres bond act, Garden State
45 Farmland Preservation Trust Fund, or Garden State Historic
46 Preservation Trust Fund, as the case may be, that is submitted to the

1 Governor, President of the Senate, and Speaker of the General
2 Assembly pursuant to subsection a., b., or c. of this section, together
3 with a written report setting forth the rationale of the Garden State
4 Preservation Trust in recommending deletion of the project from the
5 proposed legislation and the rationale of the department, committee,
6 or New Jersey Historic Trust, as the case may be, in recommending
7 retention of the project in the proposed legislation.

8 e. The Garden State Preservation Trust may at any time suggest
9 projects to be considered or rejected for consideration by the
10 department, the committee, or the New Jersey Historic Trust in the
11 preparation of recommended project funding lists pursuant to this
12 section.

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

17 g. For the purposes of efficiency and convenience, nothing in this
18 section shall prohibit the Garden State Preservation Trust from
19 combining the project lists, in whole or in part, of the department,
20 committee, and New Jersey Historic Trust into one proposed
21 appropriation bill or bills to be submitted to the Governor and
22 Legislature for consideration and enactment into law as otherwise
23 prescribed pursuant to this section.

24 h. The total amount appropriated in any State fiscal year for
25 proposed projects pursuant to subsections a. and b. of this section [in
26 any State fiscal year] shall not exceed \$200,000,000 , excluding
27 grants, contributions, donations, and reimbursements from federal aid
28 programs, including but not limited to funding received by the State
29 from the federal Land and Water Conservation Fund, 16 U.S.C.
30 s.4601-4 et al., and from other public or private sources as may be
31 used lawfully for such projects .

32 (cf: P.L.1999, c.152, s.23)

33
34 2. This act shall take effect immediately.
35
36

37 STATEMENT
38

39 This bill would amend the "Garden State Preservation Trust Act"
40 to provide that federal aid and other financial assistance from other
41 public or private sources received by the State for open space or
42 farmland preservation purposes would not count toward the \$200
43 million total annual appropriations cap for open space and farmland
44 preservation projects approved by the Garden State Preservation
45 Trust.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1116

STATE OF NEW JERSEY

DATED: MAY 4, 2000

The Senate Environment Committee reports favorably Senate Bill No. 1116.

This bill would amend the "Garden State Preservation Trust Act" to provide that federal aid and other financial assistance from other public or private sources received by the State for open space or farmland preservation purposes would not count toward the \$200 million total annual appropriations cap for open space and farmland preservation projects approved by the Garden State Preservation Trust.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1116

STATE OF NEW JERSEY

DATED: JUNE 19, 2000

The Assembly Appropriations Committee reports favorably Senate Bill No. 1116.

Senate Bill No. 1116 amends the "Garden State Preservation Trust Act" so that federal aid and other financial assistance received by the State from public or private sources for open space or farmland preservation purposes will not count toward the \$200 million total annual appropriations cap on open space and farmland preservation projects approved by the Garden State Preservation Trust (GPST).

As reported, this bill is identical to Assembly Bill No. 2201, as also reported by the committee.

FISCAL IMPACT:

In 1998 the voters amended the New Jersey Constitution to dedicate, for the funding of open space, farmland and historic preservation, up to \$98 million of sales and use tax revenue each year for 30 years. In the 10 State fiscal years between July 1, 1999 and June 30, 2009, \$98 million per year may be used to provide funding, including grants and loans, or to service debt issued for those purposes. In the 20 State fiscal years between July 1, 2009 and June 30, 2029, up to \$98 million per year can service debt issued for those purposes, up to a limit of \$1 billion of debt.

The "Garden State Preservation Trust Act," established the statutory framework to implement the constitutional amendment and created the GSPT as the entity responsible for issuing those bonds. The act provides that the GSPT shall not issue debt in any State fiscal year in excess of \$200 million, except that if that permitted amount of debt, or any portion thereof, is not issued in a State fiscal year it may be issued in a subsequent State fiscal year. The act provides further that the total amount that may be appropriated for Green Acres and farmland preservation projects in any State fiscal year shall not exceed \$200 million.

This bill provides that, to the extent that funds are available from federal aid, or other from public or private "non-State" sources, the expenditure of those "non-State" funds will not be counted when determining expenditures under the \$200 million cap on annual State-funded appropriations for projects.

P.L. 2000, CHAPTER 91, *approved August 29, 2000*

Senate, No. 1116

1 **AN ACT** concerning appropriations pursuant to the Garden State
2 Preservation Trust and amending P.L.1999, c.152.

3

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

6

7 1. Section 23 of P.L.1999, c.152 (C.13:8C-23) is amended to read
8 as follows:

9 23. a. (1) At least twice each State fiscal year, the Department of
10 Environmental Protection shall submit to the trust a list of projects
11 that the department recommends to receive funding from: the Garden
12 State Green Acres Preservation Trust Fund, based upon a priority
13 system, ranking criteria, and funding policies established by the
14 department pursuant to this act; or any Green Acres bond act with
15 respect to moneys allocated therein for appropriation for the purpose
16 of acquiring or developing lands for recreation and conservation
17 purposes, based upon a priority system, ranking criteria, and funding
18 policies established by the department pursuant to law and any rules
19 or regulations adopted pursuant thereto.

20 To the extent the department receives a sufficient number of
21 applications from local government units for the funding of projects to
22 acquire or develop, for recreation and conservation purposes, lands
23 located in municipalities eligible to receive State aid pursuant to
24 P.L.1978, c.14 (C.52:27D-178 et seq.), and those projects qualify for
25 funding based upon the priority system, ranking criteria, and funding
26 policies established by the department, in any State fiscal year the
27 percentage of funding from the Garden State Green Acres Preservation
28 Trust Fund for such projects recommended by the department shall be
29 substantially equivalent to or greater than the percentage derived by
30 dividing the total amount allocated pursuant to P.L.1983, c.354,
31 P.L.1987, c.265, P.L.1989, c.183, P.L.1992, c.88, and P.L.1995,
32 c.204, for local government unit projects for recreation and
33 conservation purposes in municipalities eligible to receive State aid
34 pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) by the total amount
35 allocated pursuant to P.L.1983, c.354, P.L.1987, c.265, P.L.1989,
36 c.183, P.L.1992, c.88, and P.L.1995, c.204, for all local government
37 unit projects for recreation and conservation purposes. In any State
38 fiscal year, not less than 20% of the total amount of funding from the
39 Garden State Green Acres Preservation Trust Fund for all State
40 projects to acquire and develop lands for recreation and conservation
41 purposes throughout the State recommended by the department shall

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 be for State projects located in highly populated counties of the State
2 with population densities of at least 1,000 persons per square mile
3 according to the latest federal decennial census.

4 The trust shall review the list and may make such deletions, but not
5 additions, of projects therefrom as it deems appropriate and in
6 accordance with the procedures established for such deletions pursuant
7 to subsection d. of this section, whereupon the trust shall approve the
8 list. At least twice each State fiscal year: (a) the trust shall prepare,
9 and submit to the Governor and to the President of the Senate and the
10 Speaker of the General Assembly for introduction in the Legislature,
11 proposed legislation appropriating moneys from the Garden State
12 Green Acres Preservation Trust Fund, or from any Green Acres bond
13 act with respect to moneys allocated therein for appropriation for the
14 purpose of acquiring or developing lands for recreation and
15 conservation purposes, to fund projects on any such list; and (b) the
16 Legislature may approve one or more appropriation ~~[acts]~~ bills
17 containing a project list or lists submitted by the trust pursuant to this
18 paragraph.

19 (2) Any act appropriating moneys from the Garden State Green
20 Acres Preservation Trust Fund, or from any Green Acres bond act
21 with respect to moneys allocated therein for appropriation for the
22 purpose of acquiring or developing lands for recreation and
23 conservation purposes, shall identify the particular project or projects
24 to be funded by those moneys, and any expenditure for a project for
25 which the location is not identified by county and municipality in the
26 appropriation shall require the approval of the Joint Budget Oversight
27 Committee or its successor.

28 Moneys may be appropriated to a local government unit that has
29 prepared and adopted an open space acquisition and development plan
30 approved by the department, or to a qualifying tax exempt nonprofit
31 organization that in cooperation and with the approval of a local
32 government unit is implementing or assisting in the implementation of
33 an open space acquisition and development plan adopted by the local
34 government unit and approved by the department, without identifying
35 in the act the particular project or projects to be funded, provided that
36 the appropriation will be expended in accordance with that approved
37 plan and, with respect to Green Acres bond act moneys, the
38 appropriation in that form is not inconsistent with the Green Acres
39 bond act.

40 (3) Any transfer of moneys appropriated from the Garden State
41 Green Acres Preservation Trust Fund, or from any Green Acres bond
42 act with respect to moneys allocated therein for appropriation for the
43 purpose of acquiring or developing lands for recreation and
44 conservation purposes, or any change in project sponsor, site, or type
45 that has received an appropriation from the fund or from a Green
46 Acres bond act, shall require the approval of the Joint Budget

1 Oversight Committee or its successor but shall not require the
2 approval of the Garden State Preservation Trust.

3 b. (1) At least twice each State fiscal year, the State Agriculture
4 Development Committee shall submit to the trust a list of projects that
5 the committee recommends to receive funding from the Garden State
6 Farmland Preservation Trust Fund, based upon a priority system,
7 ranking criteria, and funding policies established by the committee
8 pursuant to this act and the "Agriculture Retention and Development
9 Act," P.L.1983, c.32 (C.4:1C-11 et seq.), and any rules or regulations
10 adopted pursuant thereto. The trust shall review the list and may
11 make such deletions, but not additions, of projects therefrom as it
12 deems appropriate and in accordance with the procedures established
13 for such deletions pursuant to subsection d. of this section, whereupon
14 the trust shall approve the list. At least twice each State fiscal year:
15 (a) the trust shall prepare, and submit to the Governor and to the
16 President of the Senate and the Speaker of the General Assembly for
17 introduction in the Legislature, proposed legislation appropriating
18 moneys from the Garden State Farmland Preservation Trust Fund to
19 fund projects on any such list; and (b) the Legislature may approve one
20 or more appropriation [acts] bills containing a project list or lists
21 submitted by the trust pursuant to this paragraph.

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

28 Notwithstanding the provisions of this paragraph to the contrary,
29 any appropriation of moneys from the fund to pay the cost of
30 acquisition of a fee simple title to farmland shall not be required to
31 identify the particular project or identify its location by county or
32 municipality, and the expenditure of those moneys shall not require the
33 approval of the Joint Budget Oversight Committee or its successor.

34 (3) Any transfer of moneys appropriated from the Garden State
35 Farmland Preservation Trust Fund, or change in project sponsor, site,
36 or type that has received an appropriation from the fund, shall require
37 the approval of the Joint Budget Oversight Committee or its successor
38 but shall not require the approval of the Garden State Preservation
39 Trust.

40 c. (1) At least once each State fiscal year, or at such other interval
41 as the New Jersey Historic Trust in consultation with the Garden State
42 Preservation Trust deems appropriate, the New Jersey Historic Trust
43 shall submit to the Garden State Preservation Trust a list of projects
44 that the New Jersey Historic Trust recommends to receive funding
45 from the Garden State Historic Preservation Trust Fund, based upon
46 a priority system, ranking criteria, and funding policies established by

1 the New Jersey Historic Trust pursuant to this act and P.L.1967, c.124
2 (C.13:1B-15.111 et al.), and any rules or regulations adopted pursuant
3 thereto. The Garden State Preservation Trust shall review the list and
4 may make such deletions, but not additions, of projects therefrom as
5 it deems appropriate and in accordance with the procedures
6 established for such deletions pursuant to subsection d. of this section,
7 whereupon the Garden State Preservation Trust shall approve the list.
8 At least once each State fiscal year, or at such other interval as the
9 Garden State Preservation Trust in consultation with the New Jersey
10 Historic Trust deems appropriate: (a) the Garden State Preservation
11 Trust shall prepare, and submit to the Governor and to the President
12 of the Senate and the Speaker of the General Assembly for
13 introduction in the Legislature, proposed legislation appropriating
14 moneys from the Garden State Historic Preservation Trust Fund to
15 fund projects on any such list; and (b) the Legislature may approve one
16 or more appropriation [acts] bills containing a project list or lists
17 submitted by the Garden State Preservation Trust pursuant to this
18 paragraph.

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

25 (3) Any transfer of moneys appropriated from the Garden State
26 Historic Preservation Trust Fund, or change in project sponsor, site,
27 or type that has received an appropriation from the fund, shall require
28 the approval of the Joint Budget Oversight Committee or its successor
29 but shall not require the approval of the Garden State Preservation
30 Trust.

31 d. Whenever the Garden State Preservation Trust deletes a project
32 from a list of projects that has been submitted to the Garden State
33 Preservation Trust pursuant to subsection a., b., or c. of this section,
34 the Garden State Preservation Trust shall, in consultation with the
35 applicant and the department, the committee, or the New Jersey
36 Historic Trust, as the case may be, review and reevaluate the merits
37 and validity of the project. After completion of this review and
38 reevaluation, if the department, committee, or New Jersey Historic
39 Trust, as the case may be, continues to recommend funding of the
40 project, it shall transmit its reasons therefor in writing to the Garden
41 State Preservation Trust and place the project on the next or a
42 subsequent list of projects submitted to the Garden State Preservation
43 Trust pursuant to subsection a., b., or c. of this section. The Garden
44 State Preservation Trust shall include the project in the next proposed
45 legislation appropriating moneys from the Garden State Green Acres
46 Preservation Trust Fund, Green Acres bond act, Garden State

1 Farmland Preservation Trust Fund, or Garden State Historic
2 Preservation Trust Fund, as the case may be, that is submitted to the
3 Governor, President of the Senate, and Speaker of the General
4 Assembly pursuant to subsection a., b., or c. of this section, together
5 with a written report setting forth the rationale of the Garden State
6 Preservation Trust in recommending deletion of the project from the
7 proposed legislation and the rationale of the department, committee,
8 or New Jersey Historic Trust, as the case may be, in recommending
9 retention of the project in the proposed legislation.

10 e. The Garden State Preservation Trust may at any time suggest
11 projects to be considered or rejected for consideration by the
12 department, the committee, or the New Jersey Historic Trust in the
13 preparation of recommended project funding lists pursuant to this
14 section.

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

19 g. For the purposes of efficiency and convenience, nothing in this
20 section shall prohibit the Garden State Preservation Trust from
21 combining the project lists, in whole or in part, of the department,
22 committee, and New Jersey Historic Trust into one proposed
23 appropriation bill or bills to be submitted to the Governor and
24 Legislature for consideration and enactment into law as otherwise
25 prescribed pursuant to this section.

26 h. The total amount appropriated in any State fiscal year for
27 proposed projects pursuant to subsections a. and b. of this section [in
28 any State fiscal year] shall not exceed \$200,000,000 , excluding
29 grants, contributions, donations, and reimbursements from federal aid
30 programs, including but not limited to funding received by the State
31 from the federal Land and Water Conservation Fund, 16 U.S.C.
32 s.4601-4 et al., and from other public or private sources as may be
33 used lawfully for such projects .

34 (cf: P.L.1999, c.152, s.23)

35
36 2. This act shall take effect immediately.

37 38 39 STATEMENT

40
41 This bill would amend the "Garden State Preservation Trust Act"
42 to provide that federal aid and other financial assistance from other
43 public or private sources received by the State for open space or
44 farmland preservation purposes would not count toward the \$200
45 million total annual appropriations cap for open space and farmland
46 preservation projects approved by the Garden State Preservation
47 Trust.

1

2

3 Excludes federal and other public or private financial aid received by
4 NJ for open space or farmland preservation purposes from \$200
5 million annual appropriations cap for projects approved by Garden
6 State Preservation Trust.

CHAPTER 91

AN ACT concerning appropriations pursuant to the Garden State Preservation Trust and amending P.L.1999, c.152.

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

1. Section 23 of P.L.1999, c.152 (C.13:8C-23) is amended to read as follows:

C.13:8C-23 Submission of lists of projects.

23. a. (1) At least twice each State fiscal year, the Department of Environmental Protection shall submit to the trust a list of projects that the department recommends to receive funding from: the Garden State Green Acres Preservation Trust Fund, based upon a priority system, ranking criteria, and funding policies established by the department pursuant to this act; or any Green Acres bond act with respect to moneys allocated therein for appropriation for the purpose of acquiring or developing lands for recreation and conservation purposes, based upon a priority system, ranking criteria, and funding policies established by the department pursuant to law and any rules or regulations adopted pursuant thereto.

To the extent the department receives a sufficient number of applications from local government units for the funding of projects to acquire or develop, for recreation and conservation purposes, lands located in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), and those projects qualify for funding based upon the priority system, ranking criteria, and funding policies established by the department, in any State fiscal year the percentage of funding from the Garden State Green Acres Preservation Trust Fund for such projects recommended by the department shall be substantially equivalent to or greater than the percentage derived by dividing the total amount allocated pursuant to P.L.1983, c.354, P.L.1987, c.265, P.L.1989, c.183, P.L.1992, c.88, and P.L.1995, c.204, for local government unit projects for recreation and conservation purposes in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) by the total amount allocated pursuant to P.L.1983, c.354, P.L.1987, c.265, P.L.1989, c.183, P.L.1992, c.88, and P.L.1995, c.204, for all local government unit projects for recreation and conservation purposes. In any State fiscal year, not less than 20% of the total amount of funding from the Garden State Green Acres Preservation Trust Fund for all State projects to acquire and develop lands for recreation and conservation purposes throughout the State recommended by the department shall be for State projects located in highly populated counties of the State with population densities of at least 1,000 persons per square mile according to the latest federal decennial census.

The trust shall review the list and may make such deletions, but not additions, of projects therefrom as it deems appropriate and in accordance with the procedures established for such deletions pursuant to subsection d. of this section, whereupon the trust shall approve the list. At least twice each State fiscal year: (a) the trust shall prepare, and submit to the Governor and to the President of the Senate and the Speaker of the General Assembly for introduction in the Legislature, proposed legislation appropriating moneys from the Garden State Green Acres Preservation Trust Fund, or from any Green Acres bond act with respect to moneys allocated therein for appropriation for the purpose of acquiring or developing lands for recreation and conservation purposes, to fund projects on any such list; and (b) the Legislature may approve one or more appropriation bills containing a project list or lists submitted by the trust pursuant to this paragraph.

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

Moneys may be appropriated to a local government unit that has prepared and adopted an open space acquisition and development plan approved by the department, or to a qualifying tax exempt nonprofit organization that in cooperation and with the approval of a local government unit is implementing or assisting in the implementation of an open space acquisition and development plan adopted by the local government unit and approved by the department,

without identifying in the act the particular project or projects to be funded, provided that the appropriation will be expended in accordance with that approved plan and, with respect to Green Acres bond act moneys, the appropriation in that form is not inconsistent with the Green Acres bond act.

(3) Any transfer of moneys appropriated from the Garden State Green Acres Preservation Trust Fund, or from any Green Acres bond act with respect to moneys allocated therein for appropriation for the purpose of acquiring or developing lands for recreation and conservation purposes, or any change in project sponsor, site, or type that has received an appropriation from the fund or from a Green Acres bond act, shall require the approval of the Joint Budget Oversight Committee or its successor but shall not require the approval of the Garden State Preservation Trust.

b. (1) At least twice each State fiscal year, the State Agriculture Development Committee shall submit to the trust a list of projects that the committee recommends to receive funding from the Garden State Farmland Preservation Trust Fund, based upon a priority system, ranking criteria, and funding policies established by the committee pursuant to this act and the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.), and any rules or regulations adopted pursuant thereto. The trust shall review the list and may make such deletions, but not additions, of projects therefrom as it deems appropriate and in accordance with the procedures established for such deletions pursuant to subsection d. of this section, whereupon the trust shall approve the list. At least twice each State fiscal year: (a) the trust shall prepare, and submit to the Governor and to the President of the Senate and the Speaker of the General Assembly for introduction in the Legislature, proposed legislation appropriating moneys from the Garden State Farmland Preservation Trust Fund to fund projects on any such list; and (b) the Legislature may approve one or more appropriation bills containing a project list or lists submitted by the trust pursuant to this paragraph.

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

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

(3) Any transfer of moneys appropriated from the Garden State Farmland Preservation Trust Fund, or change in project sponsor, site, or type that has received an appropriation from the fund, shall require the approval of the Joint Budget Oversight Committee or its successor but shall not require the approval of the Garden State Preservation Trust.

c. (1) At least once each State fiscal year, or at such other interval as the New Jersey Historic Trust in consultation with the Garden State Preservation Trust deems appropriate, the New Jersey Historic Trust shall submit to the Garden State Preservation Trust a list of projects that the New Jersey Historic Trust recommends to receive funding from the Garden State Historic Preservation Trust Fund, based upon a priority system, ranking criteria, and funding policies established by the New Jersey Historic Trust pursuant to this act and P.L.1967, c.124 (C.13:1B-15.111 et al.), and any rules or regulations adopted pursuant thereto. The Garden State Preservation Trust shall review the list and may make such deletions, but not additions, of projects therefrom as it deems appropriate and in accordance with the procedures established for such deletions pursuant to subsection d. of this section, whereupon the Garden State Preservation Trust shall approve the list. At least once each State fiscal year, or at such other interval as the Garden State Preservation Trust in consultation with the New Jersey Historic Trust deems appropriate: (a) the Garden State Preservation Trust shall prepare, and submit to the Governor and to the President of the Senate and the Speaker of the General Assembly for introduction in the Legislature, proposed legislation appropriating moneys from the Garden State Historic Preservation Trust Fund to fund projects on any such list; and (b) the Legislature may

approve one or more appropriation bills containing a project list or lists submitted by the Garden State Preservation Trust pursuant to this paragraph.

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

(3) Any transfer of moneys appropriated from the Garden State Historic Preservation Trust Fund, or change in project sponsor, site, or type that has received an appropriation from the fund, shall require the approval of the Joint Budget Oversight Committee or its successor but shall not require the approval of the Garden State Preservation Trust.

d. Whenever the Garden State Preservation Trust deletes a project from a list of projects that has been submitted to the Garden State Preservation Trust pursuant to subsection a., b., or c. of this section, the Garden State Preservation Trust shall, in consultation with the applicant and the department, the committee, or the New Jersey Historic Trust, as the case may be, review and reevaluate the merits and validity of the project. After completion of this review and reevaluation, if the department, committee, or New Jersey Historic Trust, as the case may be, continues to recommend funding of the project, it shall transmit its reasons therefor in writing to the Garden State Preservation Trust and place the project on the next or a subsequent list of projects submitted to the Garden State Preservation Trust pursuant to subsection a., b., or c. of this section. The Garden State Preservation Trust shall include the project in the next proposed legislation appropriating moneys from the Garden State Green Acres Preservation Trust Fund, Green Acres bond act, Garden State Farmland Preservation Trust Fund, or Garden State Historic Preservation Trust Fund, as the case may be, that is submitted to the Governor, President of the Senate, and Speaker of the General Assembly pursuant to subsection a., b., or c. of this section, together with a written report setting forth the rationale of the Garden State Preservation Trust in recommending deletion of the project from the proposed legislation and the rationale of the department, committee, or New Jersey Historic Trust, as the case may be, in recommending retention of the project in the proposed legislation.

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

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

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

h. The total amount appropriated in any State fiscal year from the Garden State Green Acres Preservation Trust Fund and the Garden State Farmland Preservation Trust Fund for proposed projects pursuant to subsections a. and b. of this section shall not exceed \$200,000,000, excluding grants, contributions, donations, and reimbursements from federal aid programs, including but not limited to funding received by the State from the federal Land and Water Conservation Fund, 16 U.S.C. s.4601-4 et al., and from other public or private sources as may be used lawfully for such projects.

2. This act shall take effect immediately.

Approved August 29, 2000.

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Office of the Governor
NEWS RELEASE

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RELEASE: August 29, 2000

Governor Christie Whitman today signed the following pieces of legislation:

A-1292, sponsored by Assemblyman Guy F. Talarico (R-Bergen) and Senator Anthony R. Bucco (R-Morris), confers specific authority upon the State courts to establish special needs trusts to assist disabled individuals and ensures that Medicaid eligibility is not affected by assets in the trust. The bill does not prevent the establishment of such trusts outside the courts. The bill also insures that upon the disabled person's death, funds remaining in the trust are repaid to the State in an amount equal to the medical assistance that was paid on behalf of the disabled person.

This bill was drafted in response to changes in federal law regarding special needs trusts, which are established to assist disabled individuals by paying for health-related items or services after Medicaid benefits have been exhausted.

A-2550, sponsored by Assembly Members Anthony Impreveduto (D-Bergen/Hudson) and Nicholas R. Felice (R-Bergen/ Passaic), amends the law governing criminal history record background checks for individuals working with the developmentally disabled in community agencies by adding a rehabilitation provision. The Governor had signed the law on January 14, 2000.

The bill provides that an individual, otherwise disqualified from employment because of a conviction disclosed by a background check, can qualify for employment if the individual affirmatively demonstrates to the agency director that he or she was rehabilitated. If the individual with the conviction were the agency director, then the agency's board would make the determination.

Also, the bill requires a criminal history record background check to be conducted at least once every two years for agency directors and their employees (as is required for State institutions and facilities for the mentally ill and developmentally disabled).

A-2578, sponsored by Assembly Members Charlotte Vandervalk (R-Bergen) and Francis J. Blee (R-Atlantic) and Senators Jack Sinagra (R-Middlesex) and Robert W. Singer (R-Burlington/Monmouth/Ocean), enables the New Jersey Health Care Facilities Financing Authority (HCFFA) to refinance outstanding bond indebtedness of hospitals that cease acute care operations or transition to alternative services. The Appropriations Act for the current 2001 Budget set aside up to \$8 million for this purpose.

This bill was drafted in response to recommendations made by the New Jersey Hospital Advisory Commission at the end of 1999 which found that the State's hospital industry faced a serious financial crisis because of an excessive number of underutilized beds.

S-904, sponsored by Senators Diane B. Allen (R-Burlington/Camden) and Joseph A. Palaia (R-Monmouth) and Assembly Members James W. Holzapfel (R-Monmouth/Ocean) and Joel M. Weingarten (R-Essex/Union) clarifies procedures with regard to the payment of filing fees by inmates in connection with appeals from administrative determinations. This bill clarifies legislative intent regarding the payment of partial filing fees by indigent inmates by requiring inmates to pay a partial filing fee to appeal administrative rulings.

S-1116, sponsored by Senators Henry P. McNamara (R-Bergen/Passaic) and John H. Adler (D-Camden) and Assembly Members John C. Gibson (R-Cape May/Atlantic/Cumberland) and Larry Chatzidakis (R-Atlantic/Burlington/Camden), excludes federal and other public or private financial aid received by New Jersey for open space or farmland preservation purposes from the \$200 million annual appropriations cap for projects approved by the Garden State Preservation Trust. This bill amends the Garden State Preservation Trust Act.

S-1320, sponsored by Senators Joseph A. Palaia (R-Monmouth) and Robert W. Sinagra (R-Middlesex) Assembly Members Clare M. Farragher (R-Monmouth) and Joseph R. Malone, III (R-Burlington/Monmouth/Ocean), appropriates funds to the Department of Environmental Protection for environmental infrastructure projects. Specifically, the bill appropriates federal Clean Water Funds to the DEP for zero-interest loans to local governments and privately owned water companies for up to 50 percent of the eligible project costs for the approved projects. The bill also authorizes DEP to issue a federal hardship grant to Swedesboro Borough in the amount of \$415,000 for a clean water project. The bill, along with S-1321, comprises the annual New Jersey Environmental Infrastructure Financing Program for Fiscal Year 2001.

S-1321, sponsored by Senators Henry P. McNamara (R-Bergen/Passaic) and Norman M. Robertson (R-Essex/Passaic) and Assembly Members Tom Smith (R-Monmouth) and Joseph V. Doria, Jr. (D-Hudson), authorizes the New Jersey Environmental Infrastructure Trust to make up to \$100 million in loans for environmental infrastructure projects. In addition, the bill authorizes the Trust to use unspent balances (in excess of \$44 million) from previously approved projects to finance loans for projects on the FY2001 Priority Project List. The bill, along with S-1320, comprises the annual New Jersey Environmental Infrastructure Financing Program for Fiscal Year 2001.