

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Governor cuts a deal on open space," Hunterdon County Democrat, June 30, 2016

"Christie signs 6 measures, vetoes 7," NorthJersey.com, July 1, 2016

"Lawmakers, advocates hail passage of preservation law," Burlington County Times, August 31, 2016

OTHER: Yes

Committee meeting of Senate Environment and Energy Committee : the Committee will hear testimony from invited guests and the public on electronic waste recycling; also, a draft bill allocating funding for open space, farmland, and historic preservation will be distributed and committee members will have a policy discussion on that issue; the following bill will be considered: Senate bill 2424 [February 9, 2015, Trenton, New Jersey] / meeting recorded and transcribed by the Office of Legislative Services, Public Information Office, Hearing Unit.
[974.90 N284, 2015](#)

Public hearing before Senate Environment and Energy Committee : the Committee will hear testimony from the public on the status of constitutionally dedicated open space funding and on the development of standards governing public access to the waterfront, the public access stakeholder group will also report on their proposals for changes to the public access requirements [April 21, 2016, Trenton, New Jersey] / hearing recorded and transcribed by the Office of Legislative Services, Public Information Office, Hearing Unit.
[974.90 N284, 2016](#)

RWH/JA.

§§1-15 -
C.13:8C-43 to
13:8C-57 &
Notes to 4:1C-4 &
13:1B-15.111
§17 - Note

P.L.2016, CHAPTER 12, *approved June 30, 2016*
Senate, No. 2456

1 **AN ACT** concerning the constitutional dedication of corporation
2 business tax revenues for certain environmental purposes,
3 supplementing Title 13 of the Revised Statutes, and amending
4 P.L.1999, c.152.

5

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

8

9 1. (New section) This act shall be known, and may be cited, as
10 the “Preserve New Jersey Act.”

11

12 2. (New section) The Legislature finds and declares that:

13 a. Enhancing the quality of life of the citizens of New Jersey is
14 a paramount policy of the State, and the acquisition, preservation,
15 and stewardship of open space, farmland, and historic properties in
16 New Jersey protect and enhance the character and beauty of the
17 State and provide its citizens with greater opportunities for
18 recreation, relaxation, and education;

19 b. The lands and resources now dedicated to these purposes
20 will not be adequate to meet the needs of an expanding population
21 in years to come, and the open space and farmland that is available
22 and appropriate for these purposes will gradually disappear as the
23 costs of preserving them correspondingly increase;

24 c. The Delaware River, the Passaic River, and the Raritan
25 River, and their respective tributaries, and many other areas
26 throughout the State have been subject to serious flooding over the
27 years, causing on some occasions loss of life and significant
28 property damage;

29 d. Beginning on October 28, 2012, the post-tropical storm
30 commonly referred to as “Hurricane Sandy” struck New Jersey,
31 producing unprecedented severe weather conditions, including
32 enormous storm surges, devastating wind, and widespread flooding,
33 crippling entire communities across New Jersey, and inflicting
34 incalculable harm to the economy of the State;

35 e. The acquisition of properties damaged by Hurricane Sandy
36 and of other damaged and flood-prone properties throughout the

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

Matter underlined thus is new matter.

- 1 State is in the best interests of the State to prevent future losses of
2 life and property;
- 3 f. “Blue Acres” is the term used to refer to the acquisition, for
4 recreation and conservation purposes, of lands that have been
5 damaged by, or may be prone to incurring damage caused by,
6 storms or storm-related flooding, or that may buffer or protect other
7 lands from such damage;
- 8 g. Under the Blue Acres Program, structures on acquired
9 property are demolished, the debris is removed, and the property is
10 preserved for recreation and conservation purposes;
- 11 h. Agriculture plays an integral role in the prosperity and well-
12 being of the State as well as providing a fresh and abundant supply
13 of food for its citizens;
- 14 i. Much of the farmland in the State faces an imminent threat
15 of permanent conversion to non-farm uses, and retention and
16 development of an economically viable agricultural industry is of
17 high public priority;
- 18 j. There is an urgent need to preserve the State's historic
19 heritage to enable present and future generations to experience,
20 understand, and enjoy the landmarks of New Jersey's role in the
21 birth and development of this nation;
- 22 k. The restoration and preservation of properties of historic
23 character and importance in the State are central to meeting this
24 need, and a significant number of these historic properties are
25 located in urban centers, where their restoration and preservation
26 will advance urban revitalization efforts of the State and local
27 governments;
- 28 l. There is growing public recognition that the quality of life,
29 economic prosperity, and environmental quality in New Jersey are
30 served by the protection and timely preservation of open space and
31 farmland and better management of the lands, resources, historic
32 properties, and recreational facilities that are already under public
33 ownership or protection;
- 34 m. The protection and preservation of New Jersey's water
35 resources, including the quality and quantity of the State's limited
36 water supply, are essential to the quality of life and the economic
37 health of the citizens of the State;
- 38 n. The preservation of the existing diversity of animal and plant
39 species is essential to sustaining both the environment and the
40 economy of the Garden State, and the conservation of adequate
41 habitat for endangered, threatened, and other rare species is
42 necessary to preserve this biodiversity;
- 43 o. As recognized by the voters of the State when they, on
44 November 4, 2014, approved an amendment to the State
45 Constitution to dedicate a portion of corporation business tax
46 revenues specifically for the purposes of open space, farmland, and
47 historic preservation, there is a need to continue the State open
48 space, farmland, and historic preservation programs previously

1 funded by the “Green Acres, Water Supply and Floodplain
2 Protection, and Farmland and Historic Preservation Bond Act of
3 2009” (P.L.2009, c.117), the “Green Acres, Farmland, Blue Acres,
4 and Historic Preservation Bond Act of 2007” (P.L.2007, c.119),
5 Article VIII, Section II, paragraph 7 of the State Constitution, the
6 “Green Acres, Farmland and Historic Preservation, and Blue Acres
7 Bond Act of 1995” (P.L.1995, c.204), and the nine previous similar
8 bond acts enacted in 1961, 1971, 1974, 1978, 1981, 1983, 1987,
9 1989, and 1992, and various implementing laws; and

10 p. It is therefore in the public interest to preserve and protect as
11 much land for recreation and conservation purposes, including lands
12 that protect water supplies and flood-prone lands, and for farmland
13 preservation purposes, and as many historic properties, as possible
14 within the means provided by Article VIII, Section II, paragraph 6
15 of the State Constitution.

16

17 3. (New section) As used in this act:

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

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

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

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

3 “Commissioner” means the Commissioner of Environmental
4 Protection.

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

8 “Constitutionally dedicated CBT moneys” means any moneys
9 made available pursuant to Article VIII, Section II, paragraph 6 of
10 the State Constitution deposited in the funds established pursuant to
11 sections 6, 7, 8, and 9 of this act, and appropriated by law, for
12 recreation and conservation, farmland preservation, or historic
13 preservation purposes set forth in Article VIII, Section II, paragraph
14 6 of the State Constitution or this act.

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

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

42 “Department” means the Department of Environmental
43 Protection.

44 “Development” or “develop” means, except as used in the
45 definitions of “acquisition” and “development easement” in this
46 section, any improvement, including a stewardship activity, made to
47 a land or water area designed to expand and enhance its utilization
48 for recreation and conservation purposes, and shall include the

1 construction, renovation, or repair of any such improvement, but
2 shall not mean shore protection or beach nourishment or
3 replenishment activities.

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

6 “Emergency intervention” means an immediate assessment or
7 capital improvement necessary to protect or stabilize the structural
8 integrity of a historic property.

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

11 “Farmland preservation,” “farmland preservation purposes,” or
12 “preservation of farmland” means the same as those terms are
13 defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

14 “Garden State Preservation Trust” or “trust” means the Garden
15 State Preservation Trust established pursuant to section 4 of
16 P.L.1999, c.152 (C.13:8C-4).

17 “Green Acres bond act” means: P.L.1961, c.46; P.L.1971, c.165;
18 P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265;
19 P.L.1989, c.183; P.L.1992, c.88; P.L.1995, c.204; P.L.2007, c.119;
20 P.L.2009, c.117; and any State general obligation bond act that may
21 be approved after the date of enactment of this act for the purpose
22 of providing funding for the acquisition or development of lands for
23 recreation and conservation purposes or for farmland preservation
24 purposes.

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

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

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

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

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

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

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

46 “Preserve New Jersey Blue Acres Fund” means the Preserve
47 New Jersey Blue Acres Fund established pursuant to section 7 of
48 this act.

1 “Preserve New Jersey Farmland Preservation Fund” means the
2 Preserve New Jersey Farmland Preservation Fund established
3 pursuant to section 8 of this act.

4 “Preserve New Jersey Green Acres Fund” means the Preserve
5 New Jersey Green Acres Fund established pursuant to section 6 of
6 this act.

7 “Preserve New Jersey Historic Preservation Fund” means the
8 Preserve New Jersey Historic Preservation Fund established
9 pursuant to section 9 of this act.

10 “Preserve New Jersey Fund Account” means the Preserve New
11 Jersey Fund Account established pursuant to section 4 of this act.

12 “Project” means all things deemed necessary or useful and
13 convenient in connection with the acquisition or development of
14 lands for recreation and conservation purposes, the acquisition of
15 development easements or fee simple titles to farmland, or the
16 preservation of historic properties, as the case may be.

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

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

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

34

35 4. (New section) There is established in the General Fund a
36 special account to be known as the “Preserve New Jersey Fund
37 Account.”

38 a. The State Treasurer shall credit to this account:

39 (1) (a) (i) For State fiscal year 2016, an amount equal to 71
40 percent of the four percent of the revenue annually derived from the
41 tax imposed pursuant to the “Corporation Business Tax Act
42 (1945),” P.L.1945, c.162 (C.54:10A-1 et seq.), as amended and
43 supplemented, or any other State law of similar effect, dedicated for
44 recreation and conservation, farmland preservation, and historic
45 preservation purposes pursuant to subparagraph (a) of Article VIII,
46 Section II, paragraph 6 of the State Constitution, less \$19,972,000
47 already appropriated and expended for parks management in
48 P.L.2015, c.63; and

1 (ii) in each State fiscal year 2017 through and including State
2 fiscal year 2019 an amount equal to 71 percent of the four percent
3 of the revenue annually derived from the tax imposed pursuant to
4 the “Corporation Business Tax Act (1945),” P.L.1945, c.162
5 (C.54:10A-1 et seq.), as amended and supplemented, or any other
6 State law of similar effect, dedicated to recreation and conservation,
7 farmland preservation, and historic preservation purposes pursuant
8 to subparagraph (a) of Article VIII, Section II, paragraph 6 of the
9 State Constitution; and

10 (b) in each State fiscal year commencing in State fiscal year
11 2020 and annually thereafter, an amount equal to 78 percent of the
12 six percent of the revenue annually derived from the tax imposed
13 pursuant to the “Corporation Business Tax Act (1945),” P.L.1945,
14 c.162 (C.54:10A-1 et seq.), as amended and supplemented, or any
15 other State law of similar effect, dedicated to recreation and
16 conservation, farmland preservation, and historic preservation
17 purposes pursuant to subparagraph (a) of Article VIII, Section II,
18 paragraph 6 of the State Constitution; and

19 (2) in each State fiscal year, an amount equal to the amount
20 dedicated pursuant to subparagraph (b) of Article VIII, Section II,
21 paragraph 6 of the State Constitution.

22 b. In each State fiscal year, the amount credited to the Preserve
23 New Jersey Fund Account shall be appropriated from time to time
24 by the Legislature only for the applicable purposes set forth in
25 Article VIII, Section II, paragraph 6 of the State Constitution and
26 this act for:

27 (1) providing funding, including loans or grants, for the
28 preservation, including acquisition, development, and stewardship,
29 of lands for recreation and conservation purposes, including lands
30 that protect water supplies and lands that have incurred flood or
31 storm damage or are likely to do so, or that may buffer or protect
32 other properties from flood or storm damage;

33 (2) providing funding, including loans or grants, for the
34 preservation and stewardship of land for agricultural or horticultural
35 use and production;

36 (3) providing funding, including loans or grants, for historic
37 preservation; and

38 (4) paying administrative costs associated with (1) through (3)
39 of this subsection.

40 c. Nothing in this act shall authorize any State entity to use
41 constitutionally dedicated CBT moneys for the purpose of making
42 any payments relating to any bonds, notes, or other debt
43 obligations, other than those relating to obligations arising from
44 land purchase agreements made with landowners.

45

46 5. (New section) a. In State fiscal year 2017 through and
47 including State fiscal year 2019, of the amount credited by the State

1 Treasurer to the Preserve New Jersey Fund Account pursuant to
2 paragraph (1) of subsection a. of section 4 of this act:

3 (1) 60 percent shall be deposited into the Preserve New Jersey
4 Green Acres Fund established pursuant to section 6 of this act;

5 (2) 4 percent shall be deposited into the Preserve New Jersey Blue
6 Acres Fund established pursuant to section 7 of this act;

7 (3) 31 percent shall be deposited into the Preserve New Jersey
8 Farmland Preservation Fund established pursuant to section 8 of this
9 act; and

10 (4) 5 percent shall be deposited into the Preserve New Jersey
11 Historic Preservation Fund established pursuant to section 9 of this act.

12 b. In State fiscal year 2017 through and including State fiscal
13 year 2019, of the amount credited by the State Treasurer to the
14 Preserve New Jersey Fund Account pursuant to paragraph (2) of
15 subsection a. of section 4 of this act, each State park, forest, or
16 wildlife management area shall receive an amount equal to the
17 amount of revenue annually derived from leases or conveyances of
18 lands at that State park, forest, or wildlife management area, as
19 appropriate, to be used for recreation and conservation purposes at
20 that State park, forest, or wildlife management area.

21
22 6. (New section) a. The State Treasurer shall establish a fund
23 to be known as the "Preserve New Jersey Green Acres Fund" and
24 shall deposit into the fund all moneys received pursuant to
25 paragraph (1) of subsection a. of section 5 of this act and any other
26 moneys appropriated by law for deposit into the fund.

27 Moneys in the fund shall be invested in permitted investments or
28 shall be held in interest-bearing accounts in those depositories as
29 the State Treasurer may select, and may be invested and reinvested
30 in permitted investments or as other trust funds in the custody of the
31 State Treasurer in the manner provided by law. All interest or other
32 income or earnings derived from the investment or reinvestment of
33 moneys in the fund shall be credited to the fund. Moneys derived
34 from the payment of principal and interest on the loans to local
35 government units authorized by this act shall also be held in the
36 fund.

37 b. Of the amount deposited each State fiscal year into the
38 Preserve New Jersey Green Acres Fund pursuant to paragraph (1) of
39 subsection a. of section 5 of this act:

40 (1) 55 percent shall be allocated for the purpose of paying the
41 cost of acquisition and development of lands by the State for
42 recreation and conservation purposes, and the amount provided
43 pursuant to this paragraph shall be allocated as follows:

44 (a) 50 percent shall be allocated for the purpose of paying the
45 cost of acquisition of lands by the State for recreation and
46 conservation purposes; and

47 (b) 50 percent shall be allocated for the purpose of paying the
48 cost of development of lands by the State for recreation and

1 conservation purposes, and of the amount provided pursuant to this
2 subparagraph:

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

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

9 (2) 38 percent shall be allocated for the purposes of providing
10 grants and loans to assist local government units to pay the cost of
11 acquisition and development of lands for recreation and
12 conservation purposes, and of this amount, up to 2 percent shall be
13 allocated for stewardship activities undertaken by local government
14 units; and

15 (3) 7 percent shall be allocated for the purposes of providing
16 grants to assist qualifying tax exempt nonprofit organizations to pay
17 the cost of acquisition and development of lands for recreation and
18 conservation purposes, and of this amount, 11 percent shall be
19 allocated for stewardship activities undertaken by qualifying tax
20 exempt nonprofit organizations.

21 c. Any repayments of the principal and interest on loans issued
22 to local government units for the acquisition or development of
23 lands for recreation and conservation purposes using
24 constitutionally dedicated CBT moneys shall be deposited into the
25 Preserve New Jersey Green Acres Fund, and shall be specifically
26 dedicated for the issuance of additional loans in the same manner as
27 provided in subsection b. of section 27 of P.L.1999, c.152
28 (C.13:8C-27).

29 d. (1) The moneys in the fund are specifically dedicated and
30 shall be used for the same purposes and according to the same
31 criteria and provisions as those set forth in section 26 of P.L.1999,
32 c.152 (C.13:8C-26), and as provided pursuant to this act.

33 (2) Grants and loans issued to local government units and grants
34 issued to qualifying tax exempt nonprofit organizations using
35 constitutionally dedicated CBT moneys for the acquisition and
36 development of lands for recreation and conservation purposes shall
37 be subject to the same provisions as those prescribed in section 27
38 of P.L.1999, c.152 (C.13:8C-27), except as otherwise provided in
39 section 10 of this act.

40 e. Moneys in the fund shall not be expended except in
41 accordance with appropriations from the fund made by law. Any
42 act appropriating moneys from the Preserve New Jersey Green
43 Acres Fund shall identify any particular project or projects to be
44 funded by the moneys, and any expenditure for a project for which
45 the location is not identified by municipality and county in the
46 appropriation shall require the approval of the Joint Budget
47 Oversight Committee, or its successor, except as permitted
48 otherwise in accordance with the same exceptions as those specified

1 in paragraph (2) of subsection a. of section 23 of P.L.1999, c.152
2 (C.13:8C-23).

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

5 g. Of the amount authorized pursuant to this section, not more
6 than five percent shall be utilized for organizational, administrative
7 and other work and services, including salaries, equipment and
8 materials necessary to administer the applicable provisions of this
9 act.

10 h. To the end that municipalities may not suffer a loss of taxes
11 by reason of the acquisition and ownership by the State of lands in
12 fee simple for recreation and conservation purposes, or the
13 acquisition and ownership by qualifying tax exempt nonprofit
14 organizations of lands in fee simple for recreation and conservation
15 purposes that become certified as exempt from property taxes
16 pursuant to P.L.1974, c.167 (C.54:4-3.63 et seq.) or similar laws,
17 the State shall make payments annually in the same manner as
18 payments are made pursuant to section 29 of P.L.1999, c.152
19 (C.13:8C-29).

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

30

31 7. (New section) a. The State Treasurer shall establish a fund
32 to be known as the "Preserve New Jersey Blue Acres Fund" and
33 shall deposit into the fund all moneys received pursuant to
34 paragraph (2) of subsection a. of section 5 of this act and any other
35 moneys appropriated by law for deposit into the fund.

36 Moneys in the fund shall be invested in permitted investments or
37 shall be held in interest-bearing accounts in those depositories as
38 the State Treasurer may select, and may be invested and reinvested
39 in permitted investments or as other trust funds in the custody of the
40 State Treasurer in the manner provided by law. All interest or other
41 income or earnings derived from the investment or reinvestment of
42 moneys in the fund shall be credited to the fund.

43 b. The moneys in the Preserve New Jersey Blue Acres Fund are
44 specifically dedicated and shall be applied for the purposes of
45 providing moneys to:

46 (1) meet the Blue Acres costs to the State for the acquisition of
47 lands for a Blue Acres project; or

1 (2) provide grants, pursuant to the provisions of subsection c. of
2 this section, to assist a qualifying tax exempt nonprofit organization
3 in meeting the Blue Acres costs for the acquisition of lands for a
4 Blue Acres project.

5 c. (1) A grant by the State for lands to be acquired by a
6 qualifying tax exempt nonprofit organization for a Blue Acres
7 project may include up to 50 percent of the Blue Acres cost of
8 acquisition of the lands by the qualifying tax exempt nonprofit
9 organization.

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

15 (3) To qualify to receive a grant from the Preserve New Jersey
16 Blue Acres Fund, the board of directors or governing body of the
17 applying tax exempt nonprofit organization shall:

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

21 (b) demonstrate that the organization has the resources to match
22 the grant requested;

23 (c) agree to make and keep the lands accessible to the public,
24 unless the commissioner determines that public accessibility would
25 be detrimental to the lands or any natural resources associated
26 therewith;

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

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

34 d. The State shall not use the power of eminent domain in any
35 manner for the acquisition of lands by the State for Blue Acres
36 projects using constitutionally dedicated CBT moneys in whole or
37 in part unless a concurrent resolution approving that use is approved
38 by both Houses of the Legislature; except that, without the need for
39 such a concurrent resolution, the State may use the power of
40 eminent domain to the extent necessary to establish a value for
41 lands to be acquired from a willing seller by the State for recreation
42 and conservation purposes, as part of a Blue Acres project, using
43 constitutionally dedicated CBT moneys in whole or in part.

44 e. Moneys in the fund shall not be expended except in
45 accordance with appropriations from the fund made by law. Any
46 act appropriating moneys from the Preserve New Jersey Blue Acres
47 Fund shall identify the particular project or projects to be funded by
48 the moneys, and any expenditure for a project for which the

1 location is not identified by municipality and county in the
2 appropriation shall require the approval of the Joint Budget
3 Oversight Committee, or its successor.

4 f. Unexpended moneys due to project withdrawals,
5 cancellations, or cost savings shall be returned to the fund to be
6 used for the purposes of the fund.

7 g. Of the amount authorized pursuant to this section, not more
8 than five percent shall be utilized for organizational, administrative
9 and other work and services, including salaries, equipment and
10 materials necessary to administer the applicable provisions of this
11 act.

12

13 8. (New section) a. The State Treasurer shall establish a fund
14 to be known as the "Preserve New Jersey Farmland Preservation
15 Fund" and shall deposit all moneys received pursuant to paragraph
16 (3) of subsection a. of section 5 of this act and any other moneys
17 appropriated by law for deposit into the fund.

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

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

29 (2) Of the moneys deposited into the Preserve New Jersey
30 Farmland Preservation Fund each year, up to 3 percent shall be
31 allocated by the committee on an annual basis for stewardship
32 activities.

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

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

46

47 9. (New section) a. The State Treasurer shall establish a fund
48 to be known as the "Preserve New Jersey Historic Preservation

1 Fund” and shall deposit all moneys received pursuant to paragraph
2 (4) of subsection a. of section 5 of this act and any other moneys
3 appropriated by law for deposit into the fund.

4 Moneys in the fund shall be invested in permitted investments or
5 shall be held in interest-bearing accounts in those depositories as
6 the State Treasurer may select, and may be invested and reinvested
7 in permitted investments or as other trust funds in the custody of the
8 State Treasurer in the manner provided by law. All interest or other
9 income or earnings derived from the investment or reinvestment of
10 moneys in the fund shall be credited to the fund.

11 b. The moneys in the fund are specifically dedicated and shall
12 be used for the same purposes as those set forth in section 41 of
13 P.L.1999, c.152 (C.13:8C-41), and for emergency intervention and
14 the acquisition of historic preservation easements.

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

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

25
26 10. (New section) a. Notwithstanding the provisions of
27 subparagraph (b) of paragraph (2) of subsection a. of section 27 of
28 P.L.1999, c.152 (C.13:8C-27) to the contrary, a grant by the State
29 for lands acquired or developed for recreation and conservation
30 purposes by a local government unit in a municipality eligible to
31 receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.)
32 shall be for 75 percent of the cost of acquisition or development of
33 the lands by the local government unit, except that the department
34 may authorize an increase in the State's share of the cost up to 100
35 percent of the allowable funding cap established by the department
36 upon a demonstration of special need or exceptional circumstances.

37 b. A local government unit or a qualifying tax exempt
38 nonprofit organization may use a grant or loan received pursuant to
39 this act for recreation and conservation purposes for the
40 construction of a community garden, provided that public access to
41 the lands acquired for recreation and conservation purposes is not
42 limited by the community garden.

43
44 11. (New section) Lands acquired or developed by the State, a
45 local government unit, or a qualifying tax exempt nonprofit
46 organization for recreation and conservation purposes using
47 constitutionally dedicated CBT moneys shall not be conveyed,
48 disposed of, or diverted to a use for other than recreation and

1 conservation purposes without complying with the provisions of
2 sections 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through
3 C.13:8C-35), as appropriate, and any other applicable law.

4
5 12. (New section) A local government unit that receives a grant
6 or loan for recreation and conservation purposes pursuant to this act
7 shall satisfactorily operate and maintain the lands acquired or
8 developed pursuant to the conditions of the agreement between the
9 local government unit and the department when the grant or loan is
10 made. In the event that the local government unit cannot or will not
11 correct deficiencies in the operation and maintenance within a
12 reasonable time period, the commissioner may require the
13 repayment of all or a portion of the grant or loan amount received
14 by the local government unit.

15
16 13. (New section) a. At least once every two years, the
17 Department of Environmental Protection, the State Agriculture
18 Development Committee, and the New Jersey Historic Trust shall
19 each submit to the Garden State Preservation Trust a list of projects
20 recommended to receive funding pursuant to this act. Except as
21 otherwise provided by this act, such funding recommendations shall
22 be based upon the same respective priority systems, ranking
23 criteria, and funding policies as those established pursuant to
24 sections 23, 24, 26, 27, and 37 through 42 of P.L.1999, c.152
25 (C.13:8C-23, C.13:8C-24, C.13:8C-26, C.13:8C-27, and C.13:8C-
26 37 through C.13:8C-42), section 7 of P.L.2005, c.178 (C.13:8C-
27 38.1), and sections 1 and 2 of P.L.2001, c.405 (C.13:8C-40.1 and
28 C.13:8C-40.2), and any rules or regulations adopted pursuant to
29 thereto.

30 b. The Garden State Preservation Trust shall review the project
31 lists submitted pursuant to subsection a. of this section, and prepare,
32 and submit to the Governor and to the President of the Senate and
33 the Speaker of the General Assembly for introduction in the
34 Legislature, proposed legislation appropriating moneys pursuant to
35 this act to fund projects on any such list. The Legislature may
36 approve one or more appropriation bills containing a project list or
37 lists submitted by the Garden State Preservation Trust pursuant to
38 this subsection.

39
40 14. (New section) Within one year after the date of enactment of
41 this act, and biennially thereafter, the Garden State Preservation
42 Trust, after consultation with Department of Environmental
43 Protection, the State Agriculture Development Committee, and the
44 New Jersey Historic Trust shall submit to the Governor and the
45 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
46 19.1), a written report, which shall:

47 a. Describe the progress being made with respect to the
48 acquisition and development of lands for recreation and

1 conservation purposes, including lands that have incurred flood or
2 storm damage or are likely to do so, or that may buffer or protect
3 other properties from flood or storm damage, the preservation of
4 farmland, and the preservation of historic properties, and provide
5 recommendations with respect to any legislative, administrative, or
6 local action that may be required to enable the Department of
7 Environmental Protection, the State Agriculture Development
8 Committee, and the New Jersey Historic Trust to meet their goals
9 and objectives;

10 b. Tabulate, both for the reporting period and cumulatively, the
11 total acreage for the entire State, and the acreage in each county and
12 municipality, of lands acquired for recreation and conservation
13 purposes, including lands that protect water supplies and lands that
14 have incurred flood or storm damage or are likely to do so, or that
15 may buffer or protect other properties from flood or storm damage,
16 using (1) funding provided by this act, and (2) any other funding
17 provided for such purposes;

18 c. Tabulate, both for the reporting period and cumulatively, the
19 total acreage for the entire State, and the acreage in each county and
20 municipality, of farmland preserved for farmland preservation
21 purposes using (1) funding provided by this act, and (2) any other
22 funding provided for such purposes;

23 d. Tabulate, both for the reporting period and cumulatively, the
24 total acreage for the entire State, and the acreage in each county and
25 municipality, of any donations of land for recreation and
26 conservation purposes or farmland preservation purposes;

27 e. List, both for the reporting period and cumulatively, and by
28 location by county and municipality, all stewardship activities
29 funded pursuant to subsection b. of section 6 of this act and
30 paragraph (2) of subsection b. of section 8 of this act;

31 f. List, both for the reporting period and cumulatively, and by
32 project name, project sponsor, and location by county and
33 municipality, all historic preservation projects, including emergency
34 intervention and the acquisition of historic preservation easements,
35 funded with constitutionally dedicated CBT moneys in whole or in
36 part;

37 g. Indicate those areas of the State where, as designated by the
38 Department of Environmental Protection in the Open Space Master
39 Plan prepared pursuant to section 5 of P.L.2002, c.76 (C.13:8C-
40 25.1), the acquisition and development of lands by the State for
41 recreation and conservation purposes, including lands that have
42 incurred flood or storm damage or are likely to do so, or that may
43 buffer or protect other properties from flood or storm damage, is
44 planned or is most likely to occur, and those areas of the State
45 where there is a need to protect water resources, including the
46 identification of lands where protection is needed to assure
47 adequate quality and quantity of drinking water supplies in times of
48 drought, indicate those areas of the State where the allocation of

1 constitutionally dedicated CBT moneys for farmland preservation
2 purposes is planned or is most likely to occur, and provide a
3 proposed schedule and expenditure plan for those acquisitions,
4 developments, and allocations, for the next reporting period, which
5 shall include an explanation of how those acquisitions,
6 developments, and allocations will be distributed throughout all
7 geographic regions of the State to the maximum extent practicable
8 and feasible;

9 h. List any surplus real property owned by the State or an
10 independent authority of the State that may be utilizable for
11 recreation and conservation purposes or farmland preservation
12 purposes, and indicate what action has been or must be taken to
13 effect a conveyance of those lands to the department, the
14 committee, local government units, qualifying tax exempt nonprofit
15 organizations, or other entities or persons so that the lands may be
16 preserved and used for those purposes;

17 i. List, for the reporting period, all projects for which
18 applications for funding under the Green Acres, Blue Acres,
19 farmland preservation, and historic preservation programs were
20 received but not funded with constitutionally dedicated CBT
21 moneys or other funds during the reporting period, and the reason
22 or reasons why those projects were not funded;

23 j. Tabulate, both for the reporting period and cumulatively, the
24 total acreage for the entire State, and the acreage in each county and
25 municipality, of lands acquired for recreation and conservation
26 purposes that protect water resources and that have incurred flood
27 or storm damage or are likely to do so, or that may buffer or protect
28 other properties from flood or storm damage; and

29 k. Describe any other information or statistics necessary to
30 document the expenditure of funds pursuant to this act in
31 conjunction with the expenditure of funds pursuant to P.L.1999,
32 c.152 (C.13:8C-1 et al.) and any Green Acres bond act.

33

34 15. (New section) a. The Department of Environmental
35 Protection, the State Agriculture Development Committee, the New
36 Jersey Historic Trust, and the Department of the Treasury shall each
37 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
38 c.410 (C.52:14B-1 et seq.), such rules and regulations as may be
39 necessary to implement and carry out the goals and objectives of
40 this act.

41 b. Notwithstanding the provisions of any law to the contrary,
42 any rules and regulations of the Department of Environmental
43 Protection, the State Agriculture Development Committee, the New
44 Jersey Historic Trust, and the Department of the Treasury that have
45 been adopted pursuant to the "Administrative Procedure Act" and
46 are in effect as of the date of enactment of this act, that are not
47 inconsistent with the provisions of this act, and that pertain to the
48 Green Acres, Blue Acres, farmland preservation, and historic

1 preservation programs continued pursuant to this act, shall continue
2 in effect until amended or supplemented and readopted as necessary
3 to reflect the provisions and requirements of this act.

4
5 16. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to
6 read as follows:

7 24. a. (1) There is established in the Department of
8 Environmental Protection the Office of Green Acres. The
9 commissioner may appoint an administrator or director who shall
10 supervise the office, and the department may employ such other
11 personnel and staff as may be required to carry out the duties and
12 responsibilities of the department and the office pursuant to **[this**
13 **act]** P.L.1999, c.152 (C.13:8C-1 et al.) and P.L. , c. (C.)
14 (pending before the Legislature as this bill), all without regard to
15 the provisions of Title 11A, Civil Service, of the New Jersey
16 Statutes. Persons appointed or employed as provided pursuant to
17 this subsection shall be compensated in a manner similar to other
18 employees in the Executive Branch, and their compensation shall be
19 determined by the Civil Service Commission.

20 (2) The Green Acres Program in the Department of
21 Environmental Protection, together with all of its functions, powers
22 and duties, are continued and transferred to and constituted as the
23 Office of Green Acres in the Department of Environmental
24 Protection. Whenever, in any law, rule, regulation, order, contract,
25 document, judicial or administrative proceeding or otherwise,
26 reference is made to the Green Acres Program, the same shall mean
27 and refer to the Office of Green Acres in the Department of
28 Environmental Protection. This transfer shall be subject to the
29 provisions of the "State Agency Transfer Act," P.L.1971,
30 c.375 (C.52:14D-1 et seq.).

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

33 (1) Administer all provisions of **[this act]** P.L.1999,
34 c.152 (C.13:8C-1 et al.) and P.L. , c. (C.) (pending before
35 the Legislature as this bill) pertaining to funding the acquisition and
36 development of lands for recreation and conservation purposes as
37 authorized pursuant to Article VIII, Section II, paragraph 6 and
38 paragraph 7 of the State Constitution;

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

45 (3) Adopt, with the approval of the commissioner and pursuant
46 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
47 1 et seq.), rules and regulations:

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

33 (b) addressing any other matters deemed necessary to implement
34 and carry out the goals and objectives of Article VIII, Section II,
35 paragraph 6 and paragraph 7 of the State Constitution and [this act]
36 P.L.1999, c.152 (C.13:8C-1 et al.) and P.L. ,
37 c. (C.) (pending before the Legislature as this bill) with
38 respect to the acquisition and development of lands for recreation
39 and conservation purposes , including the acquisition of lands for
40 recreation and conservation purposes that have been damaged by, or
41 may be prone to incurring damage caused by, storms or storm-
42 related flooding, or that may buffer or protect other lands from such
43 damage ; and

44 (4) Establishing criteria and policies for the evaluation and
45 priority ranking of State projects to acquire and develop lands for
46 recreation and conservation purposes using constitutionally
47 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
48 constitutionally dedicated CBT moneys pursuant to

1 P.L. , c. (C.) (pending before the Legislature as this bill) ,
2 which criteria and policies may be based upon, but need not be
3 limited to, such factors as: protection of the environment, natural
4 resources, water resources, watersheds, aquifers, wetlands,
5 floodplains and flood-prone areas, stream corridors, beaches and
6 coastal resources, forests and grasslands, scenic views, biodiversity,
7 habitat for wildlife, rare, threatened, or endangered species, and
8 plants; vernal habitat; degree of likelihood of development;
9 promotion of greenways; provision for recreational access and use;
10 protection of geologic, historic, archaeological, and cultural
11 resources; relative cost; parcel size; and degree of public support.
12 (cf: P.L.2008, c.29, s.114)

13

14 17. This act shall take effect on July 1, 2016.

15

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17

STATEMENT

18

19 This bill would implement, for State fiscal year 2017 through
20 State fiscal year 2019, the constitutional dedication of Corporation
21 Business Tax (CBT) revenues for open space, farmland, and
22 historic preservation. Senate Concurrent Resolution No. 84 (SCS)
23 of 2014, or “Ballot Question No. 2,” presented to, and approved by,
24 the voters of the State on November 4, 2014, amended the New
25 Jersey Constitution to dedicate four percent of CBT revenues for
26 open space, farmland, and historic preservation, water programs,
27 public and private site remediation, and underground storage tank
28 programs for fiscal years 2016 through 2019, and further increased
29 the annual dedication for certain environmental programs from four
30 percent to six percent commencing in fiscal year 2020 and
31 thereafter.

32

33 Specifically with regard to open space, farmland, and historic
34 preservation, through fiscal year 2019, of the four percent CBT
35 dedication, the State Constitution dedicates annually 71 percent for:
36 (1) providing funding, including loans or grants, for the
37 preservation, including acquisition, development, and stewardship,
38 of lands for recreation and conservation purposes, including lands
39 that protect water supplies and lands that have incurred flood or
40 storm damage or are likely to do so, or that may buffer or protect
41 other properties from flood or storm damage (i.e., Green Acres and
42 Blue Acres); (2) providing funding, including loans or grants, for
43 the preservation and stewardship of land for agricultural or
44 horticultural use and production (i.e., farmland preservation); (3)
45 providing funding, including loans or grants, for historic
46 preservation; and (4) paying administrative costs associated with
47 each of those efforts. Commencing July 1, 2019 (i.e., for State
48 fiscal year 2020 and thereafter), of the six percent of the CBT
49 revenue to be dedicated annually for certain environmental

1 programs, 78 percent would be dedicated for the above-listed four
2 purposes.

3 The Constitution also dedicates money received from leases and
4 conveyances of State open space lands. Under this bill, each State
5 park, forest, or wildlife management area would receive an amount
6 equal to the amount of revenue annually derived from leases or
7 conveyances of lands at that State park, forest, or wildlife
8 management area, as appropriate, to be used for recreation and
9 conservation purposes at that State park, forest, or wildlife
10 management area.

11 For fiscal year 2016 through and including fiscal year 2019, the
12 above-described CBT dedicated revenues would be allocated as
13 follows:

14 (1) 60 percent would be used for acquiring and developing lands
15 for public recreation and conservation purposes, including lands
16 that protect water supplies, under the Green Acres program;

17 (2) 4 percent would be used for the “Blue Acres” program;

18 (3) 31 percent would be used for farmland preservation
19 purposes; and

20 (4) 5 percent would be used for historic preservation purposes.

21 A maximum of 5 percent each year would be permitted to be
22 used for administrative costs associated with implementing the
23 Green Acres program.

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

40 Of the 60 percent allocated each year for the Green Acres
41 program: 55 percent would be used for State open space acquisition
42 and development projects; 38 percent would be used for grants and
43 loans to fund local government open space acquisition and
44 development projects; and 7 percent would be used for grants to
45 fund open space acquisition and development projects undertaken
46 by qualifying tax exempt nonprofit organizations. Of the funding
47 for State open space acquisition and development projects: 50
48 percent would be used for acquisition projects and 50 percent would

1 be used for development projects. Further, of the funding for State
2 open space development projects, up to 22 percent would be used
3 for stewardship activities undertaken on lands administered by the
4 Division of Fish and Wildlife and up to 22 percent would be used
5 for stewardship activities undertaken on lands administered by the
6 Division of Parks and Forestry. Of the funding allocated for local
7 open space acquisition and development projects, up to 2 percent
8 would be used to fund stewardship activities. Of the allocated
9 funding for open space acquisition and development projects by
10 qualifying tax exempt nonprofit organizations, 11 percent would be
11 used to fund stewardship activities.

12 “Blue Acres” is the term used to refer to properties that have
13 been damaged by storms or storm-related flooding, that appear
14 likely to incur such damage, or that may buffer or protect other
15 lands from such damage. Structures on a purchased property are
16 demolished, the debris is removed, and the land is preserved as
17 open space. The Blue Acres program is administered by the DEP’s
18 Green Acres program. Under the bill, funding for the Blue Acres
19 program would be used for (1) acquisition by the State of Blue
20 Acres properties, or (2) State grants to assist qualifying tax exempt
21 nonprofits in the acquisition of Blue Acres properties. The State
22 would be prohibited from using eminent domain to acquire land for
23 Blue Acres projects, except with the approval of the Legislature by
24 adoption of a concurrent resolution to that effect. However, if
25 needed, eminent domain proceedings could be employed by the
26 State for the purpose only of establishing value.

27 This bill continues the State’s existing open space, farmland, and
28 historic preservation programs. It is based on the provisions of the
29 “Garden State Preservation Trust Act” (GSPTA), as well as the
30 “Green Acres, Water Supply and Floodplain Protection, and
31 Farmland and Historic Preservation Bond Act of 2009” (P.L.2009,
32 c.117) and the “Green Acres, Farmland, Blue Acres, and Historic
33 Preservation Bond Act of 2007” (P.L.2007, c.119) and, generally,
34 defines relevant terms in the same manner as the GSPTA and
35 continues the respective priority systems, ranking criteria, and
36 funding policies set forth in the GSPTA, except as otherwise
37 specified in the bill.

38 For the Green Acres program, the bill provides that an urban aid
39 municipality may receive a grant by the State for the acquisition or
40 development of lands for recreation and conservation purposes for
41 75 percent of the cost of acquisition or development of the lands by
42 the local government unit, and this amount may be increased by the
43 DEP up to 100 percent of the allowable funding cap upon a
44 demonstration of special need or exceptional circumstances. Under
45 current law, an urban aid municipality may receive a grant for 50
46 percent of the cost of the project, with the possibility of this amount
47 being increased to a maximum of 75 percent (up to the allowable
48 cap). In addition, the bill provides that a local government unit or a

1 qualifying tax exempt nonprofit organization may use a grant or
2 loan for recreation and conservation purposes for the construction
3 of a community garden.

4 For the historic preservation program, the bill provides that
5 historic preservation funds may also be used for emergency
6 intervention and the acquisition of historic property easements. The
7 bill defines “emergency intervention” to mean an immediate
8 assessment or capital improvement necessary to protect or stabilize
9 the structural integrity of a historic property.

10 Lastly, the bill provides that the DEP, the State Agriculture
11 Development Committee, and the New Jersey Historic Trust would
12 each, at least once every two years, submit to the Garden State
13 Preservation Trust projects recommended to receive funding under
14 the bill. The Garden State Preservation Trust would then submit the
15 list of projects to the Legislature for funding in the form of
16 appropriation bills.

17

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20

21 Revises State’s open space, farmland, and historic preservation
22 programs; implements 2014 constitutional dedication of CBT
23 revenues for certain environmental purposes.

SENATE, No. 2456

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 27, 2016

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman L. GRACE SPENCER

District 29 (Essex)

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Assemblyman RONALD S. DANCER

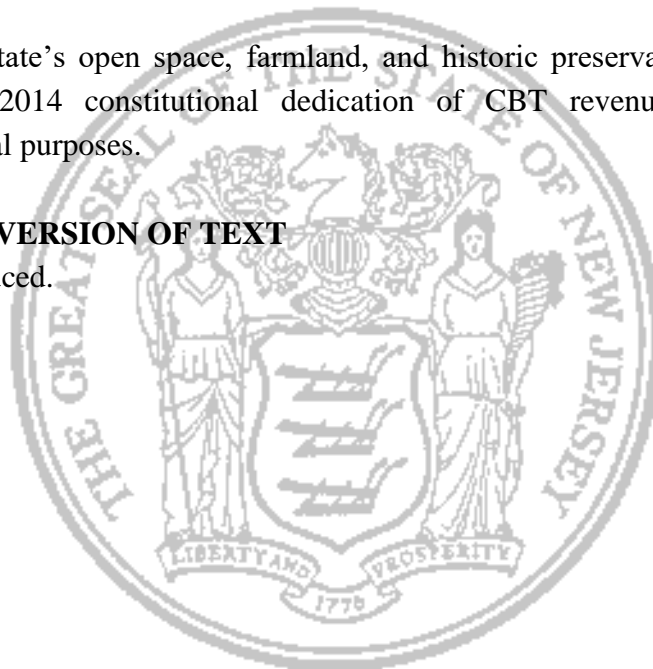
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Revises State's open space, farmland, and historic preservation programs; implements 2014 constitutional dedication of CBT revenues for certain environmental purposes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/28/2016)

1 AN ACT concerning the constitutional dedication of corporation
2 business tax revenues for certain environmental purposes,
3 supplementing Title 13 of the Revised Statutes, and amending
4 P.L.1999, c.152.

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

8
9 1. (New section) This act shall be known, and may be cited, as
10 the “Preserve New Jersey Act.”

11
12 2. (New section) The Legislature finds and declares that:

13 a. Enhancing the quality of life of the citizens of New Jersey is
14 a paramount policy of the State, and the acquisition, preservation,
15 and stewardship of open space, farmland, and historic properties in
16 New Jersey protect and enhance the character and beauty of the
17 State and provide its citizens with greater opportunities for
18 recreation, relaxation, and education;

19 b. The lands and resources now dedicated to these purposes
20 will not be adequate to meet the needs of an expanding population
21 in years to come, and the open space and farmland that is available
22 and appropriate for these purposes will gradually disappear as the
23 costs of preserving them correspondingly increase;

24 c. The Delaware River, the Passaic River, and the Raritan
25 River, and their respective tributaries, and many other areas
26 throughout the State have been subject to serious flooding over the
27 years, causing on some occasions loss of life and significant
28 property damage;

29 d. Beginning on October 28, 2012, the post-tropical storm
30 commonly referred to as “Hurricane Sandy” struck New Jersey,
31 producing unprecedented severe weather conditions, including
32 enormous storm surges, devastating wind, and widespread flooding,
33 crippling entire communities across New Jersey, and inflicting
34 incalculable harm to the economy of the State;

35 e. The acquisition of properties damaged by Hurricane Sandy
36 and of other damaged and flood-prone properties throughout the
37 State is in the best interests of the State to prevent future losses of
38 life and property;

39 f. “Blue Acres” is the term used to refer to the acquisition, for
40 recreation and conservation purposes, of lands that have been
41 damaged by, or may be prone to incurring damage caused by,
42 storms or storm-related flooding, or that may buffer or protect other
43 lands from such damage;

44 g. Under the Blue Acres Program, structures on acquired
45 property are demolished, the debris is removed, and the property is
46 preserved for recreation and conservation purposes;

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 h. Agriculture plays an integral role in the prosperity and well-
2 being of the State as well as providing a fresh and abundant supply
3 of food for its citizens;
- 4 i. Much of the farmland in the State faces an imminent threat
5 of permanent conversion to non-farm uses, and retention and
6 development of an economically viable agricultural industry is of
7 high public priority;
- 8 j. There is an urgent need to preserve the State's historic
9 heritage to enable present and future generations to experience,
10 understand, and enjoy the landmarks of New Jersey's role in the
11 birth and development of this nation;
- 12 k. The restoration and preservation of properties of historic
13 character and importance in the State are central to meeting this
14 need, and a significant number of these historic properties are
15 located in urban centers, where their restoration and preservation
16 will advance urban revitalization efforts of the State and local
17 governments;
- 18 l. There is growing public recognition that the quality of life,
19 economic prosperity, and environmental quality in New Jersey are
20 served by the protection and timely preservation of open space and
21 farmland and better management of the lands, resources, historic
22 properties, and recreational facilities that are already under public
23 ownership or protection;
- 24 m. The protection and preservation of New Jersey's water
25 resources, including the quality and quantity of the State's limited
26 water supply, are essential to the quality of life and the economic
27 health of the citizens of the State;
- 28 n. The preservation of the existing diversity of animal and plant
29 species is essential to sustaining both the environment and the
30 economy of the Garden State, and the conservation of adequate
31 habitat for endangered, threatened, and other rare species is
32 necessary to preserve this biodiversity;
- 33 o. As recognized by the voters of the State when they, on
34 November 4, 2014, approved an amendment to the State
35 Constitution to dedicate a portion of corporation business tax
36 revenues specifically for the purposes of open space, farmland, and
37 historic preservation, there is a need to continue the State open
38 space, farmland, and historic preservation programs previously
39 funded by the "Green Acres, Water Supply and Floodplain
40 Protection, and Farmland and Historic Preservation Bond Act of
41 2009" (P.L.2009, c.117), the "Green Acres, Farmland, Blue Acres,
42 and Historic Preservation Bond Act of 2007" (P.L.2007, c.119),
43 Article VIII, Section II, paragraph 7 of the State Constitution, the
44 "Green Acres, Farmland and Historic Preservation, and Blue Acres
45 Bond Act of 1995" (P.L.1995, c.204), and the nine previous similar
46 bond acts enacted in 1961, 1971, 1974, 1978, 1981, 1983, 1987,
47 1989, and 1992, and various implementing laws; and

1 p. It is therefore in the public interest to preserve and protect as
2 much land for recreation and conservation purposes, including lands
3 that protect water supplies and flood-prone lands, and for farmland
4 preservation purposes, and as many historic properties, as possible
5 within the means provided by Article VIII, Section II, paragraph 6
6 of the State Constitution.

7
8 3. (New section) As used in this act:

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

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

36 “Blue Acres project” means any project of the State or a
37 qualifying tax exempt nonprofit organization to acquire, for
38 recreation and conservation purposes, lands that have been damaged
39 by, or may be prone to incurring damage caused by, storms or
40 storm-related flooding, or that may buffer or protect other lands
41 from such damage.

42 “Commissioner” means the Commissioner of Environmental
43 Protection.

44 “Committee” means the State Agriculture Development
45 Committee established pursuant to section 4 of P.L.1983, c.31
46 (C.4:1C-4).

47 “Constitutionally dedicated CBT moneys” means any moneys
48 made available pursuant to Article VIII, Section II, paragraph 6 of

1 the State Constitution deposited in the funds established pursuant to
2 sections 6, 7, 8, and 9 of this act, and appropriated by law, for
3 recreation and conservation, farmland preservation, or historic
4 preservation purposes set forth in Article VIII, Section II, paragraph
5 6 of the State Constitution or this act.

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

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

33 “Department” means the Department of Environmental
34 Protection.

35 “Development” or “develop” means, except as used in the
36 definitions of “acquisition” and “development easement” in this
37 section, any improvement, including a stewardship activity, made to
38 a land or water area designed to expand and enhance its utilization
39 for recreation and conservation purposes, and shall include the
40 construction, renovation, or repair of any such improvement, but
41 shall not mean shore protection or beach nourishment or
42 replenishment activities.

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

45 “Emergency intervention” means an immediate assessment or
46 capital improvement necessary to protect or stabilize the structural
47 integrity of a historic property.

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

3 “Farmland preservation,” “farmland preservation purposes,” or
4 “preservation of farmland” means the same as those terms are
5 defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

6 “Garden State Preservation Trust” or “trust” means the Garden
7 State Preservation Trust established pursuant to section 4 of
8 P.L.1999, c.152 (C.13:8C-4).

9 “Green Acres bond act” means: P.L.1961, c.46; P.L.1971, c.165;
10 P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265;
11 P.L.1989, c.183; P.L.1992, c.88; P.L.1995, c.204; P.L.2007, c.119;
12 P.L.2009, c.117; and any State general obligation bond act that may
13 be approved after the date of enactment of this act for the purpose
14 of providing funding for the acquisition or development of lands for
15 recreation and conservation purposes or for farmland preservation
16 purposes.

17 “Historic preservation,” “historic preservation purposes,” or
18 “preservation of historic properties” means the same as those terms
19 are defined in section 3 of P.L.1999, c.152 (C.13:8C-3) and shall
20 also include emergency intervention and the acquisition of a
21 historic preservation easement.

22 “Historic preservation easement” means an interest in land, less
23 than fee simple title thereto, that is purchased from a private or
24 governmental property owner to permanently protect a historic
25 property, and that is granted by the property owner to the New
26 Jersey Historic Trust, a local government unit, or a qualifying tax
27 exempt nonprofit organization.

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

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

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

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

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

38 “Preserve New Jersey Blue Acres Fund” means the Preserve
39 New Jersey Blue Acres Fund established pursuant to section 7 of
40 this act.

41 “Preserve New Jersey Farmland Preservation Fund” means the
42 Preserve New Jersey Farmland Preservation Fund established
43 pursuant to section 8 of this act.

44 “Preserve New Jersey Green Acres Fund” means the Preserve
45 New Jersey Green Acres Fund established pursuant to section 6 of
46 this act.

1 “Preserve New Jersey Historic Preservation Fund” means the
2 Preserve New Jersey Historic Preservation Fund established
3 pursuant to section 9 of this act.

4 “Preserve New Jersey Fund Account” means the Preserve New
5 Jersey Fund Account established pursuant to section 4 of this act.

6 “Project” means all things deemed necessary or useful and
7 convenient in connection with the acquisition or development of
8 lands for recreation and conservation purposes, the acquisition of
9 development easements or fee simple titles to farmland, or the
10 preservation of historic properties, as the case may be.

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

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

15 “Stewardship activity” means an activity, which is beyond
16 routine operations and maintenance, undertaken by the State, a local
17 government unit, or a qualifying tax exempt nonprofit organization
18 to repair, or restore lands acquired or developed for recreation and
19 conservation purposes for the purpose of enhancing or protecting
20 those lands for recreation and conservation purposes. For the
21 purposes of the farmland preservation program, “stewardship
22 activity” means an activity, which is beyond routine operation and
23 maintenance, undertaken by the landowner, or a farmer operator as
24 an agent of the landowner, to repair, restore, or improve lands
25 preserved for farmland preservation purposes, including but not
26 limited to soil and water conservation projects approved pursuant to
27 section 17 of P.L.1983, c.32 (C.4:1C-24).

28

29 4. (New section) There is established in the General Fund a
30 special account to be known as the “Preserve New Jersey Fund
31 Account.”

32 a. The State Treasurer shall credit to this account:

33 (1) (a) (i) For State fiscal year 2016, an amount equal to 71
34 percent of the four percent of the revenue annually derived from the
35 tax imposed pursuant to the “Corporation Business Tax Act
36 (1945),” P.L.1945, c.162 (C.54:10A-1 et seq.), as amended and
37 supplemented, or any other State law of similar effect, dedicated for
38 recreation and conservation, farmland preservation, and historic
39 preservation purposes pursuant to subparagraph (a) of Article VIII,
40 Section II, paragraph 6 of the State Constitution, less \$19,972,000
41 already appropriated and expended for parks management in
42 P.L.2015, c.63; and

43 (ii) in each State fiscal year 2017 through and including State
44 fiscal year 2019 an amount equal to 71 percent of the four percent
45 of the revenue annually derived from the tax imposed pursuant to
46 the “Corporation Business Tax Act (1945),” P.L.1945, c.162
47 (C.54:10A-1 et seq.), as amended and supplemented, or any other
48 State law of similar effect, dedicated to recreation and conservation,

1 farmland preservation, and historic preservation purposes pursuant
2 to subparagraph (a) of Article VIII, Section II, paragraph 6 of the
3 State Constitution; and

4 (b) in each State fiscal year commencing in State fiscal year
5 2020 and annually thereafter, an amount equal to 78 percent of the
6 six percent of the revenue annually derived from the tax imposed
7 pursuant to the "Corporation Business Tax Act (1945)," P.L.1945,
8 c.162 (C.54:10A-1 et seq.), as amended and supplemented, or any
9 other State law of similar effect, dedicated to recreation and
10 conservation, farmland preservation, and historic preservation
11 purposes pursuant to subparagraph (a) of Article VIII, Section II,
12 paragraph 6 of the State Constitution; and

13 (2) in each State fiscal year, an amount equal to the amount
14 dedicated pursuant to subparagraph (b) of Article VIII, Section II,
15 paragraph 6 of the State Constitution.

16 b. In each State fiscal year, the amount credited to the Preserve
17 New Jersey Fund Account shall be appropriated from time to time
18 by the Legislature only for the applicable purposes set forth in
19 Article VIII, Section II, paragraph 6 of the State Constitution and
20 this act for:

21 (1) providing funding, including loans or grants, for the
22 preservation, including acquisition, development, and stewardship,
23 of lands for recreation and conservation purposes, including lands
24 that protect water supplies and lands that have incurred flood or
25 storm damage or are likely to do so, or that may buffer or protect
26 other properties from flood or storm damage;

27 (2) providing funding, including loans or grants, for the
28 preservation and stewardship of land for agricultural or horticultural
29 use and production;

30 (3) providing funding, including loans or grants, for historic
31 preservation; and

32 (4) paying administrative costs associated with (1) through (3)
33 of this subsection.

34 c. Nothing in this act shall authorize any State entity to use
35 constitutionally dedicated CBT moneys for the purpose of making
36 any payments relating to any bonds, notes, or other debt
37 obligations, other than those relating to obligations arising from
38 land purchase agreements made with landowners.

39

40 5. (New section) a. In State fiscal year 2017 through and
41 including State fiscal year 2019, of the amount credited by the State
42 Treasurer to the Preserve New Jersey Fund Account pursuant to
43 paragraph (1) of subsection a. of section 4 of this act:

44 (1) 60 percent shall be deposited into the Preserve New Jersey
45 Green Acres Fund established pursuant to section 6 of this act;

46 (2) 4 percent shall be deposited into the Preserve New Jersey Blue
47 Acres Fund established pursuant to section 7 of this act;

1 (3) 31 percent shall be deposited into the Preserve New Jersey
2 Farmland Preservation Fund established pursuant to section 8 of this
3 act; and

4 (4) 5 percent shall be deposited into the Preserve New Jersey
5 Historic Preservation Fund established pursuant to section 9 of this act.

6 b. In State fiscal year 2017 through and including State fiscal
7 year 2019, of the amount credited by the State Treasurer to the
8 Preserve New Jersey Fund Account pursuant to paragraph (2) of
9 subsection a. of section 4 of this act, each State park, forest, or
10 wildlife management area shall receive an amount equal to the
11 amount of revenue annually derived from leases or conveyances of
12 lands at that State park, forest, or wildlife management area, as
13 appropriate, to be used for recreation and conservation purposes at
14 that State park, forest, or wildlife management area.

15

16 6. (New section) a. The State Treasurer shall establish a fund
17 to be known as the "Preserve New Jersey Green Acres Fund" and
18 shall deposit into the fund all moneys received pursuant to
19 paragraph (1) of subsection a. of section 5 of this act and any other
20 moneys appropriated by law for deposit into the fund.

21 Moneys in the fund shall be invested in permitted investments or
22 shall be held in interest-bearing accounts in those depositories as
23 the State Treasurer may select, and may be invested and reinvested
24 in permitted investments or as other trust funds in the custody of the
25 State Treasurer in the manner provided by law. All interest or other
26 income or earnings derived from the investment or reinvestment of
27 moneys in the fund shall be credited to the fund. Moneys derived
28 from the payment of principal and interest on the loans to local
29 government units authorized by this act shall also be held in the
30 fund.

31 b. Of the amount deposited each State fiscal year into the
32 Preserve New Jersey Green Acres Fund pursuant to paragraph (1) of
33 subsection a. of section 5 of this act:

34 (1) 55 percent shall be allocated for the purpose of paying the
35 cost of acquisition and development of lands by the State for
36 recreation and conservation purposes, and the amount provided
37 pursuant to this paragraph shall be allocated as follows:

38 (a) 50 percent shall be allocated for the purpose of paying the
39 cost of acquisition of lands by the State for recreation and
40 conservation purposes; and

41 (b) 50 percent shall be allocated for the purpose of paying the
42 cost of development of lands by the State for recreation and
43 conservation purposes, and of the amount provided pursuant to this
44 subparagraph:

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

- 1 (ii) up to 22 percent shall be allocated for the purpose of paying
2 the cost for stewardship activities undertaken on lands administered
3 by the Division of Parks and Forestry in the department;
- 4 (2) 38 percent shall be allocated for the purposes of providing
5 grants and loans to assist local government units to pay the cost of
6 acquisition and development of lands for recreation and
7 conservation purposes, and of this amount, up to 2 percent shall be
8 allocated for stewardship activities undertaken by local government
9 units; and
- 10 (3) 7 percent shall be allocated for the purposes of providing
11 grants to assist qualifying tax exempt nonprofit organizations to pay
12 the cost of acquisition and development of lands for recreation and
13 conservation purposes, and of this amount, 11 percent shall be
14 allocated for stewardship activities undertaken by qualifying tax
15 exempt nonprofit organizations.
- 16 c. Any repayments of the principal and interest on loans issued
17 to local government units for the acquisition or development of
18 lands for recreation and conservation purposes using
19 constitutionally dedicated CBT moneys shall be deposited into the
20 Preserve New Jersey Green Acres Fund, and shall be specifically
21 dedicated for the issuance of additional loans in the same manner as
22 provided in subsection b. of section 27 of P.L.1999, c.152
23 (C.13:8C-27).
- 24 d. (1) The moneys in the fund are specifically dedicated and
25 shall be used for the same purposes and according to the same
26 criteria and provisions as those set forth in section 26 of P.L.1999,
27 c.152 (C.13:8C-26), and as provided pursuant to this act.
- 28 (2) Grants and loans issued to local government units and grants
29 issued to qualifying tax exempt nonprofit organizations using
30 constitutionally dedicated CBT moneys for the acquisition and
31 development of lands for recreation and conservation purposes shall
32 be subject to the same provisions as those prescribed in section 27
33 of P.L.1999, c.152 (C.13:8C-27), except as otherwise provided in
34 section 10 of this act.
- 35 e. Moneys in the fund shall not be expended except in
36 accordance with appropriations from the fund made by law. Any
37 act appropriating moneys from the Preserve New Jersey Green
38 Acres Fund shall identify any particular project or projects to be
39 funded by the moneys, and any expenditure for a project for which
40 the location is not identified by municipality and county in the
41 appropriation shall require the approval of the Joint Budget
42 Oversight Committee, or its successor, except as permitted
43 otherwise in accordance with the same exceptions as those specified
44 in paragraph (2) of subsection a. of section 23 of P.L.1999, c.152
45 (C.13:8C-23).
- 46 f. Unexpended moneys due to project withdrawals,
47 cancellations, or cost savings shall be returned to the fund.

1 g. Of the amount authorized pursuant to this section, not more
2 than five percent shall be utilized for organizational, administrative
3 and other work and services, including salaries, equipment and
4 materials necessary to administer the applicable provisions of this
5 act.

6 h. To the end that municipalities may not suffer a loss of taxes
7 by reason of the acquisition and ownership by the State of lands in
8 fee simple for recreation and conservation purposes, or the
9 acquisition and ownership by qualifying tax exempt nonprofit
10 organizations of lands in fee simple for recreation and conservation
11 purposes that become certified as exempt from property taxes
12 pursuant to P.L.1974, c.167 (C.54:4-3.63 et seq.) or similar laws,
13 the State shall make payments annually in the same manner as
14 payments are made pursuant to section 29 of P.L.1999, c.152
15 (C.13:8C-29).

16 i. The State shall not use the power of eminent domain in any
17 manner for the acquisition of lands by the State for recreation and
18 conservation purposes using constitutionally dedicated CBT
19 moneys in whole or in part unless a concurrent resolution approving
20 that use is approved by both Houses of the Legislature; except that,
21 without the need for such a concurrent resolution, the State may use
22 the power of eminent domain to the extent necessary to establish a
23 value for lands to be acquired from a willing seller by the State for
24 recreation and conservation purposes using constitutionally
25 dedicated CBT moneys in whole or in part.

26

27 7. (New section) a. The State Treasurer shall establish a fund
28 to be known as the "Preserve New Jersey Blue Acres Fund" and
29 shall deposit into the fund all moneys received pursuant to
30 paragraph (2) of subsection a. of section 5 of this act and any other
31 moneys appropriated by law for deposit into the fund.

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

39 b. The moneys in the Preserve New Jersey Blue Acres Fund are
40 specifically dedicated and shall be applied for the purposes of
41 providing moneys to:

42 (1) meet the Blue Acres costs to the State for the acquisition of
43 lands for a Blue Acres project; or

44 (2) provide grants, pursuant to the provisions of subsection c. of
45 this section, to assist a qualifying tax exempt nonprofit organization
46 in meeting the Blue Acres costs for the acquisition of lands for a
47 Blue Acres project.

- 1 c. (1) A grant by the State for lands to be acquired by a
2 qualifying tax exempt nonprofit organization for a Blue Acres
3 project may include up to 50 percent of the Blue Acres cost of
4 acquisition of the lands by the qualifying tax exempt nonprofit
5 organization.
- 6 (2) A qualifying tax exempt nonprofit organization shall not use
7 as its matching share of the Blue Acres cost of acquisition of lands
8 for a Blue Acres project any constitutionally dedicated moneys, as
9 defined pursuant to section 3 of P.L.1999, c.152 (C.13:8C-3), or
10 any grant moneys obtained from a Green Acres bond act.
- 11 (3) To qualify to receive a grant from the Preserve New Jersey
12 Blue Acres Fund, the board of directors or governing body of the
13 applying tax exempt nonprofit organization shall:
- 14 (a) demonstrate to the commissioner that the organization
15 qualifies as a charitable conservancy for the purposes of P.L.1979,
16 c.378 (C.13:8B-1 et seq.);
- 17 (b) demonstrate that the organization has the resources to match
18 the grant requested;
- 19 (c) agree to make and keep the lands accessible to the public,
20 unless the commissioner determines that public accessibility would
21 be detrimental to the lands or any natural resources associated
22 therewith;
- 23 (d) agree not to convey the lands except to the federal
24 government, the State, a local government unit, or another
25 qualifying tax exempt nonprofit organization, for recreation and
26 conservation purposes; and
- 27 (e) agree to execute and donate to the State at no charge a
28 conservation restriction pursuant to P.L.1979, c.378 (C.13:8B-1 et
29 seq.) on the lands to be acquired with the grant.
- 30 d. The State shall not use the power of eminent domain in any
31 manner for the acquisition of lands by the State for Blue Acres
32 projects using constitutionally dedicated CBT moneys in whole or
33 in part unless a concurrent resolution approving that use is approved
34 by both Houses of the Legislature; except that, without the need for
35 such a concurrent resolution, the State may use the power of
36 eminent domain to the extent necessary to establish a value for
37 lands to be acquired from a willing seller by the State for recreation
38 and conservation purposes, as part of a Blue Acres project, using
39 constitutionally dedicated CBT moneys in whole or in part.
- 40 e. Moneys in the fund shall not be expended except in
41 accordance with appropriations from the fund made by law. Any
42 act appropriating moneys from the Preserve New Jersey Blue Acres
43 Fund shall identify the particular project or projects to be funded by
44 the moneys, and any expenditure for a project for which the
45 location is not identified by municipality and county in the
46 appropriation shall require the approval of the Joint Budget
47 Oversight Committee, or its successor.

1 f. Unexpended moneys due to project withdrawals,
2 cancellations, or cost savings shall be returned to the fund to be
3 used for the purposes of the fund.

4 g. Of the amount authorized pursuant to this section, not more
5 than five percent shall be utilized for organizational, administrative
6 and other work and services, including salaries, equipment and
7 materials necessary to administer the applicable provisions of this
8 act.

9
10 8. (New section) a. The State Treasurer shall establish a fund
11 to be known as the "Preserve New Jersey Farmland Preservation
12 Fund" and shall deposit all moneys received pursuant to paragraph
13 (3) of subsection a. of section 5 of this act and any other moneys
14 appropriated by law for deposit into the fund.

15 Moneys in the fund shall be invested in permitted investments or
16 shall be held in interest-bearing accounts in those depositories as
17 the State Treasurer may select, and may be invested and reinvested
18 in permitted investments or as other trust funds in the custody of the
19 State Treasurer in the manner provided by law. All interest or other
20 income or earnings derived from the investment or reinvestment of
21 moneys in the fund shall be credited to the fund.

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

26 (2) Of the moneys deposited into the Preserve New Jersey
27 Farmland Preservation Fund each year, up to 3 percent shall be
28 allocated by the committee on an annual basis for stewardship
29 activities.

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

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

43
44 9. (New section) a. The State Treasurer shall establish a fund
45 to be known as the "Preserve New Jersey Historic Preservation
46 Fund" and shall deposit all moneys received pursuant to paragraph
47 (4) of subsection a. of section 5 of this act and any other moneys
48 appropriated by law for deposit into the fund.

1 Moneys in the fund shall be invested in permitted investments or
2 shall be held in interest-bearing accounts in those depositories as
3 the State Treasurer may select, and may be invested and reinvested
4 in permitted investments or as other trust funds in the custody of the
5 State Treasurer in the manner provided by law. All interest or other
6 income or earnings derived from the investment or reinvestment of
7 moneys in the fund shall be credited to the fund.

8 b. The moneys in the fund are specifically dedicated and shall
9 be used for the same purposes as those set forth in section 41 of
10 P.L.1999, c.152 (C.13:8C-41), and for emergency intervention and
11 the acquisition of historic preservation easements.

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

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

22

23 10. (New section) a. Notwithstanding the provisions of
24 subparagraph (b) of paragraph (2) of subsection a. of section 27 of
25 P.L.1999, c.152 (C.13:8C-27) to the contrary, a grant by the State
26 for lands acquired or developed for recreation and conservation
27 purposes by a local government unit in a municipality eligible to
28 receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.)
29 shall be for 75 percent of the cost of acquisition or development of
30 the lands by the local government unit, except that the department
31 may authorize an increase in the State's share of the cost up to 100
32 percent of the allowable funding cap established by the department
33 upon a demonstration of special need or exceptional circumstances.

34 b. A local government unit or a qualifying tax exempt
35 nonprofit organization may use a grant or loan received pursuant to
36 this act for recreation and conservation purposes for the
37 construction of a community garden, provided that public access to
38 the lands acquired for recreation and conservation purposes is not
39 limited by the community garden.

40

41 11. (New section) Lands acquired or developed by the State, a
42 local government unit, or a qualifying tax exempt nonprofit
43 organization for recreation and conservation purposes using
44 constitutionally dedicated CBT moneys shall not be conveyed,
45 disposed of, or diverted to a use for other than recreation and
46 conservation purposes without complying with the provisions of
47 sections 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through
48 C.13:8C-35), as appropriate, and any other applicable law.

1 12. (New section) A local government unit that receives a grant
2 or loan for recreation and conservation purposes pursuant to this act
3 shall satisfactorily operate and maintain the lands acquired or
4 developed pursuant to the conditions of the agreement between the
5 local government unit and the department when the grant or loan is
6 made. In the event that the local government unit cannot or will not
7 correct deficiencies in the operation and maintenance within a
8 reasonable time period, the commissioner may require the
9 repayment of all or a portion of the grant or loan amount received
10 by the local government unit.

11

12 13. (New section) a. At least once every two years, the
13 Department of Environmental Protection, the State Agriculture
14 Development Committee, and the New Jersey Historic Trust shall
15 each submit to the Garden State Preservation Trust a list of projects
16 recommended to receive funding pursuant to this act. Except as
17 otherwise provided by this act, such funding recommendations shall
18 be based upon the same respective priority systems, ranking
19 criteria, and funding policies as those established pursuant to
20 sections 23, 24, 26, 27, and 37 through 42 of P.L.1999, c.152
21 (C.13:8C-23, C.13:8C-24, C.13:8C-26, C.13:8C-27, and C.13:8C-
22 37 through C.13:8C-42), section 7 of P.L.2005, c.178 (C.13:8C-
23 38.1), and sections 1 and 2 of P.L.2001, c.405 (C.13:8C-40.1 and
24 C.13:8C-40.2), and any rules or regulations adopted pursuant to
25 thereto.

26 b. The Garden State Preservation Trust shall review the project
27 lists submitted pursuant to subsection a. of this section, and prepare,
28 and submit to the Governor and to the President of the Senate and
29 the Speaker of the General Assembly for introduction in the
30 Legislature, proposed legislation appropriating moneys pursuant to
31 this act to fund projects on any such list. The Legislature may
32 approve one or more appropriation bills containing a project list or
33 lists submitted by the Garden State Preservation Trust pursuant to
34 this subsection.

35

36 14. (New section) Within one year after the date of enactment
37 of this act, and biennially thereafter, the Garden State Preservation
38 Trust, after consultation with Department of Environmental
39 Protection, the State Agriculture Development Committee, and the
40 New Jersey Historic Trust shall submit to the Governor and the
41 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
42 19.1), a written report, which shall:

43 a. Describe the progress being made with respect to the
44 acquisition and development of lands for recreation and
45 conservation purposes, including lands that have incurred flood or
46 storm damage or are likely to do so, or that may buffer or protect
47 other properties from flood or storm damage, the preservation of
48 farmland, and the preservation of historic properties, and provide

1 recommendations with respect to any legislative, administrative, or
2 local action that may be required to enable the Department of
3 Environmental Protection, the State Agriculture Development
4 Committee, and the New Jersey Historic Trust to meet their goals
5 and objectives;

6 b. Tabulate, both for the reporting period and cumulatively, the
7 total acreage for the entire State, and the acreage in each county and
8 municipality, of lands acquired for recreation and conservation
9 purposes, including lands that protect water supplies and lands that
10 have incurred flood or storm damage or are likely to do so, or that
11 may buffer or protect other properties from flood or storm damage,
12 using (1) funding provided by this act, and (2) any other funding
13 provided for such purposes;

14 c. Tabulate, both for the reporting period and cumulatively, the
15 total acreage for the entire State, and the acreage in each county and
16 municipality, of farmland preserved for farmland preservation
17 purposes using (1) funding provided by this act, and (2) any other
18 funding provided for such purposes;

19 d. Tabulate, both for the reporting period and cumulatively, the
20 total acreage for the entire State, and the acreage in each county and
21 municipality, of any donations of land for recreation and
22 conservation purposes or farmland preservation purposes;

23 e. List, both for the reporting period and cumulatively, and by
24 location by county and municipality, all stewardship activities
25 funded pursuant to subsection b. of section 6 of this act and
26 paragraph (2) of subsection b. of section 8 of this act;

27 f. List, both for the reporting period and cumulatively, and by
28 project name, project sponsor, and location by county and
29 municipality, all historic preservation projects, including emergency
30 intervention and the acquisition of historic preservation easements,
31 funded with constitutionally dedicated CBT moneys in whole or in
32 part;

33 g. Indicate those areas of the State where, as designated by the
34 Department of Environmental Protection in the Open Space Master
35 Plan prepared pursuant to section 5 of P.L.2002, c.76 (C.13:8C-
36 25.1), the acquisition and development of lands by the State for
37 recreation and conservation purposes, including lands that have
38 incurred flood or storm damage or are likely to do so, or that may
39 buffer or protect other properties from flood or storm damage, is
40 planned or is most likely to occur, and those areas of the State
41 where there is a need to protect water resources, including the
42 identification of lands where protection is needed to assure
43 adequate quality and quantity of drinking water supplies in times of
44 drought, indicate those areas of the State where the allocation of
45 constitutionally dedicated CBT moneys for farmland preservation
46 purposes is planned or is most likely to occur, and provide a
47 proposed schedule and expenditure plan for those acquisitions,
48 developments, and allocations, for the next reporting period, which

1 shall include an explanation of how those acquisitions,
2 developments, and allocations will be distributed throughout all
3 geographic regions of the State to the maximum extent practicable
4 and feasible;

5 h. List any surplus real property owned by the State or an
6 independent authority of the State that may be utilizable for
7 recreation and conservation purposes or farmland preservation
8 purposes, and indicate what action has been or must be taken to
9 effect a conveyance of those lands to the department, the
10 committee, local government units, qualifying tax exempt nonprofit
11 organizations, or other entities or persons so that the lands may be
12 preserved and used for those purposes;

13 i. List, for the reporting period, all projects for which
14 applications for funding under the Green Acres, Blue Acres,
15 farmland preservation, and historic preservation programs were
16 received but not funded with constitutionally dedicated CBT
17 moneys or other funds during the reporting period, and the reason
18 or reasons why those projects were not funded;

19 j. Tabulate, both for the reporting period and cumulatively, the
20 total acreage for the entire State, and the acreage in each county and
21 municipality, of lands acquired for recreation and conservation
22 purposes that protect water resources and that have incurred flood
23 or storm damage or are likely to do so, or that may buffer or protect
24 other properties from flood or storm damage; and

25 k. Describe any other information or statistics necessary to
26 document the expenditure of funds pursuant to this act in
27 conjunction with the expenditure of funds pursuant to P.L.1999,
28 c.152 (C.13:8C-1 et al.) and any Green Acres bond act.

29

30 15. (New section) a. The Department of Environmental
31 Protection, the State Agriculture Development Committee, the New
32 Jersey Historic Trust, and the Department of the Treasury shall each
33 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
34 c.410 (C.52:14B-1 et seq.), such rules and regulations as may be
35 necessary to implement and carry out the goals and objectives of
36 this act.

37 b. Notwithstanding the provisions of any law to the contrary,
38 any rules and regulations of the Department of Environmental
39 Protection, the State Agriculture Development Committee, the New
40 Jersey Historic Trust, and the Department of the Treasury that have
41 been adopted pursuant to the "Administrative Procedure Act" and
42 are in effect as of the date of enactment of this act, that are not
43 inconsistent with the provisions of this act, and that pertain to the
44 Green Acres, Blue Acres, farmland preservation, and historic
45 preservation programs continued pursuant to this act, shall continue
46 in effect until amended or supplemented and readopted as necessary
47 to reflect the provisions and requirements of this act.

1 16. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to
2 read as follows:

3 24. a. (1) There is established in the Department of
4 Environmental Protection the Office of Green Acres. The
5 commissioner may appoint an administrator or director who shall
6 supervise the office, and the department may employ such other
7 personnel and staff as may be required to carry out the duties and
8 responsibilities of the department and the office pursuant to **【this**
9 **act】** P.L.1999, c.152 (C.13:8C-1 et al.) and P.L. , c. (C.)
10 (pending before the Legislature as this bill), all without regard to
11 the provisions of Title 11A, Civil Service, of the New Jersey
12 Statutes. Persons appointed or employed as provided pursuant to
13 this subsection shall be compensated in a manner similar to other
14 employees in the Executive Branch, and their compensation shall be
15 determined by the Civil Service Commission.

16 (2) The Green Acres Program in the Department of
17 Environmental Protection, together with all of its functions, powers
18 and duties, are continued and transferred to and constituted as the
19 Office of Green Acres in the Department of Environmental
20 Protection. Whenever, in any law, rule, regulation, order, contract,
21 document, judicial or administrative proceeding or otherwise,
22 reference is made to the Green Acres Program, the same shall mean
23 and refer to the Office of Green Acres in the Department of
24 Environmental Protection. This transfer shall be subject to the
25 provisions of the "State Agency Transfer Act," P.L.1971,
26 c.375 (C.52:14D-1 et seq.).

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

29 (1) Administer all provisions of **【this act】** P.L.1999,
30 c.152 (C.13:8C-1 et al.) and P.L. , c. (C.) (pending before
31 the Legislature as this bill) pertaining to funding the acquisition and
32 development of lands for recreation and conservation purposes as
33 authorized pursuant to Article VIII, Section II, paragraph 6 and
34 paragraph 7 of the State Constitution;

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

41 (3) Adopt, with the approval of the commissioner and pursuant
42 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
43 1 et seq.), rules and regulations:

44 (a) establishing application procedures for grants and loans for
45 the acquisition and development of lands for recreation and
46 conservation purposes, criteria and policies for the evaluation and
47 priority ranking of projects for eligibility to receive funding for
48 recreation and conservation purposes using constitutionally

1 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
 2 constitutionally dedicated CBT moneys pursuant to
 3 P.L. , c. (C.) (pending before the Legislature as this bill),
 4 any conditions that may be placed on the award of a grant or loan
 5 for recreation and conservation purposes pursuant to **【this act】**
 6 P.L.1999, c.152 (C.13:8C-1 et al.) or P.L. _____,
 7 c. (C. .) (pending before the Legislature as this bill), and any
 8 restrictions that may be placed on the use of lands acquired or
 9 developed with a grant or loan for recreation and conservation
 10 purposes pursuant to **【this act】** P.L.1999, c.152 or P.L. _____,
 11 c. (C. _____) (pending before the Legislature as this bill) . The
 12 criteria and policies established pursuant to this subparagraph for
 13 the evaluation and priority ranking of projects for eligibility to
 14 receive funding for recreation and conservation purposes using
 15 constitutionally dedicated moneys pursuant to P.L.1999,
 16 c.152 (C.13:8C-1 et al.) or constitutionally dedicated CBT moneys
 17 pursuant to P.L. _____, c. (C. _____) (pending before the Legislature as
 18 this bill) may be based upon, but need not be limited to, such
 19 factors as: protection of the environment, natural resources, water
 20 resources, watersheds, aquifers, wetlands, floodplains and flood-
 21 prone areas, stream corridors, beaches and coastal resources, forests
 22 and grasslands, scenic views, biodiversity, habitat for wildlife, rare,
 23 threatened, or endangered species, and plants; vernal habitat; degree
 24 of likelihood of development; promotion of greenways; provision
 25 for recreational access and use; protection of geologic, historic,
 26 archaeological, and cultural resources; relative cost; parcel size; and
 27 degree of public support; and

28 (b) addressing any other matters deemed necessary to implement
 29 and carry out the goals and objectives of Article VIII, Section II,
 30 paragraph 6 and paragraph 7 of the State Constitution and 【this act】
 31 P.L.1999, c.152 (C.13:8C-1 et al.) and P.L. _____,
 32 c. (C. _____) (pending before the Legislature as this bill) with
 33 respect to the acquisition and development of lands for recreation
 34 and conservation purposes , including the acquisition of lands for
 35 recreation and conservation purposes that have been damaged by, or
 36 may be prone to incurring damage caused by, storms or storm-
 37 related flooding, or that may buffer or protect other lands from such
 38 damage ; and

39 (4) Establishing criteria and policies for the evaluation and
 40 priority ranking of State projects to acquire and develop lands for
 41 recreation and conservation purposes using constitutionally
 42 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
 43 constitutionally dedicated CBT moneys pursuant to
 44 P.L. _____, c. (C. _____) (pending before the Legislature as this bill) ,
 45 which criteria and policies may be based upon, but need not be
 46 limited to, such factors as: protection of the environment, natural
 47 resources, water resources, watersheds, aquifers, wetlands,
 48 floodplains and flood-prone areas, stream corridors, beaches and

1 coastal resources, forests and grasslands, scenic views, biodiversity,
2 habitat for wildlife, rare, threatened, or endangered species, and
3 plants; vernal habitat; degree of likelihood of development;
4 promotion of greenways; provision for recreational access and use;
5 protection of geologic, historic, archaeological, and cultural
6 resources; relative cost; parcel size; and degree of public support.
7 (cf: P.L.2008, c.29, s.114)

8
9 17. This act shall take effect on July 1, 2016.

10
11
12 STATEMENT

13
14 This bill would implement, for State fiscal year 2017 through
15 State fiscal year 2019, the constitutional dedication of Corporation
16 Business Tax (CBT) revenues for open space, farmland, and
17 historic preservation. Senate Concurrent Resolution No. 84 (SCS)
18 of 2014, or "Ballot Question No. 2," presented to, and approved by,
19 the voters of the State on November 4, 2014, amended the New
20 Jersey Constitution to dedicate four percent of CBT revenues for
21 open space, farmland, and historic preservation, water programs,
22 public and private site remediation, and underground storage tank
23 programs for fiscal years 2016 through 2019, and further increased
24 the annual dedication for certain environmental programs from four
25 percent to six percent commencing in fiscal year 2020 and
26 thereafter.

27 Specifically with regard to open space, farmland, and historic
28 preservation, through fiscal year 2019, of the four percent CBT
29 dedication, the State Constitution dedicates annually 71 percent for:
30 (1) providing funding, including loans or grants, for the
31 preservation, including acquisition, development, and stewardship,
32 of lands for recreation and conservation purposes, including lands
33 that protect water supplies and lands that have incurred flood or
34 storm damage or are likely to do so, or that may buffer or protect
35 other properties from flood or storm damage (i.e., Green Acres and
36 Blue Acres); (2) providing funding, including loans or grants, for
37 the preservation and stewardship of land for agricultural or
38 horticultural use and production (i.e., farmland preservation); (3)
39 providing funding, including loans or grants, for historic
40 preservation; and (4) paying administrative costs associated with
41 each of those efforts. Commencing July 1, 2019 (i.e., for State
42 fiscal year 2020 and thereafter), of the six percent of the CBT
43 revenue to be dedicated annually for certain environmental
44 programs, 78 percent would be dedicated for the above-listed four
45 purposes.

46 The Constitution also dedicates money received from leases and
47 conveyances of State open space lands. Under this bill, each State
48 park, forest, or wildlife management area would receive an amount

1 equal to the amount of revenue annually derived from leases or
2 conveyances of lands at that State park, forest, or wildlife
3 management area, as appropriate, to be used for recreation and
4 conservation purposes at that State park, forest, or wildlife
5 management area.

6 For fiscal year 2016 through and including fiscal year 2019, the
7 above-described CBT dedicated revenues would be allocated as
8 follows:

9 (1) 60 percent would be used for acquiring and developing lands
10 for public recreation and conservation purposes, including lands
11 that protect water supplies, under the Green Acres program;

12 (2) 4 percent would be used for the “Blue Acres” program;

13 (3) 31 percent would be used for farmland preservation
14 purposes; and

15 (4) 5 percent would be used for historic preservation purposes.

16 A maximum of 5 percent each year would be permitted to be
17 used for administrative costs associated with implementing the
18 Green Acres program.

19 Of the monies allocated for the Green Acres program and the
20 farmland preservation program, the bill also allocates funding for
21 stewardship activities. The bill defines “stewardship activity” to
22 mean “activity, which is beyond routine operations and
23 maintenance, undertaken by the State, a local government unit, or a
24 qualifying tax exempt nonprofit organization to repair or restore
25 lands acquired or developed for recreation and conservation
26 purposes for the purpose of enhancing or protecting those lands for
27 recreation and conservation purposes. For the purposes of the
28 farmland preservation program, “stewardship activity” means an
29 activity, which is beyond routine operation and maintenance,
30 undertaken by the landowner, or a farmer operator as an agent of
31 the landowner, to repair, restore, or improve lands preserved for
32 farmland preservation purposes, including but not limited to soil
33 and water conservation projects approved pursuant to section 17 of
34 P.L.1983, c.32 (C.4:1C-24).

35 Of the 60 percent allocated each year for the Green Acres
36 program: 55 percent would be used for State open space acquisition
37 and development projects; 38 percent would be used for grants and
38 loans to fund local government open space acquisition and
39 development projects; and 7 percent would be used for grants to
40 fund open space acquisition and development projects undertaken
41 by qualifying tax exempt nonprofit organizations. Of the funding
42 for State open space acquisition and development projects: 50
43 percent would be used for acquisition projects and 50 percent would
44 be used for development projects. Further, of the funding for State
45 open space development projects, up to 22 percent would be used
46 for stewardship activities undertaken on lands administered by the
47 Division of Fish and Wildlife and up to 22 percent would be used
48 for stewardship activities undertaken on lands administered by the

1 Division of Parks and Forestry. Of the funding allocated for local
2 open space acquisition and development projects, up to 2 percent
3 would be used to fund stewardship activities. Of the allocated
4 funding for open space acquisition and development projects by
5 qualifying tax exempt nonprofit organizations, 11 percent would be
6 used to fund stewardship activities.

7 “Blue Acres” is the term used to refer to properties that have
8 been damaged by storms or storm-related flooding, that appear
9 likely to incur such damage, or that may buffer or protect other
10 lands from such damage. Structures on a purchased property are
11 demolished, the debris is removed, and the land is preserved as
12 open space. The Blue Acres program is administered by the DEP’s
13 Green Acres program. Under the bill, funding for the Blue Acres
14 program would be used for (1) acquisition by the State of Blue
15 Acres properties, or (2) State grants to assist qualifying tax exempt
16 nonprofits in the acquisition of Blue Acres properties. The State
17 would be prohibited from using eminent domain to acquire land for
18 Blue Acres projects, except with the approval of the Legislature by
19 adoption of a concurrent resolution to that effect. However, if
20 needed, eminent domain proceedings could be employed by the
21 State for the purpose only of establishing value.

22 This bill continues the State’s existing open space, farmland, and
23 historic preservation programs. It is based on the provisions of the
24 “Garden State Preservation Trust Act” (GSPTA), as well as the
25 “Green Acres, Water Supply and Floodplain Protection, and
26 Farmland and Historic Preservation Bond Act of 2009” (P.L.2009,
27 c.117) and the “Green Acres, Farmland, Blue Acres, and Historic
28 Preservation Bond Act of 2007” (P.L.2007, c.119) and, generally,
29 defines relevant terms in the same manner as the GSPTA and
30 continues the respective priority systems, ranking criteria, and
31 funding policies set forth in the GSPTA, except as otherwise
32 specified in the bill.

33 For the Green Acres program, the bill provides that an urban aid
34 municipality may receive a grant by the State for the acquisition or
35 development of lands for recreation and conservation purposes for
36 75 percent of the cost of acquisition or development of the lands by
37 the local government unit, and this amount may be increased by the
38 DEP up to 100 percent of the allowable funding cap upon a
39 demonstration of special need or exceptional circumstances. Under
40 current law, an urban aid municipality may receive a grant for 50
41 percent of the cost of the project, with the possibility of this amount
42 being increased to a maximum of 75 percent (up to the allowable
43 cap). In addition, the bill provides that a local government unit or a
44 qualifying tax exempt nonprofit organization may use a grant or
45 loan for recreation and conservation purposes for the construction
46 of a community garden.

47 For the historic preservation program, the bill provides that
48 historic preservation funds may also be used for emergency

1 intervention and the acquisition of historic property easements. The
2 bill defines “emergency intervention” to mean an immediate
3 assessment or capital improvement necessary to protect or stabilize
4 the structural integrity of a historic property.

5 Lastly, the bill provides that the DEP, the State Agriculture
6 Development Committee, and the New Jersey Historic Trust would
7 each, at least once every two years, submit to the Garden State
8 Preservation Trust projects recommended to receive funding under
9 the bill. The Garden State Preservation Trust would then submit the
10 list of projects to the Legislature for funding in the form of
11 appropriation bills.

ASSEMBLY, No. 4017

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 27, 2016

Sponsored by:

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman L. GRACE SPENCER

District 29 (Essex)

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Revises State's open space, farmland, and historic preservation programs; implements 2014 constitutional dedication of CBT revenues for certain environmental purposes.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the constitutional dedication of corporation
2 business tax revenues for certain environmental purposes,
3 supplementing Title 13 of the Revised Statutes, and amending
4 P.L.1999, c.152.

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

8
9 1. (New section) This act shall be known, and may be cited, as
10 the “Preserve New Jersey Act.”

11
12 2. (New section) The Legislature finds and declares that:

13 a. Enhancing the quality of life of the citizens of New Jersey is
14 a paramount policy of the State, and the acquisition, preservation,
15 and stewardship of open space, farmland, and historic properties in
16 New Jersey protect and enhance the character and beauty of the
17 State and provide its citizens with greater opportunities for
18 recreation, relaxation, and education;

19 b. The lands and resources now dedicated to these purposes
20 will not be adequate to meet the needs of an expanding population
21 in years to come, and the open space and farmland that is available
22 and appropriate for these purposes will gradually disappear as the
23 costs of preserving them correspondingly increase;

24 c. The Delaware River, the Passaic River, and the Raritan
25 River, and their respective tributaries, and many other areas
26 throughout the State have been subject to serious flooding over the
27 years, causing on some occasions loss of life and significant
28 property damage;

29 d. Beginning on October 28, 2012, the post-tropical storm
30 commonly referred to as “Hurricane Sandy” struck New Jersey,
31 producing unprecedented severe weather conditions, including
32 enormous storm surges, devastating wind, and widespread flooding,
33 crippling entire communities across New Jersey, and inflicting
34 incalculable harm to the economy of the State;

35 e. The acquisition of properties damaged by Hurricane Sandy
36 and of other damaged and flood-prone properties throughout the
37 State is in the best interests of the State to prevent future losses of
38 life and property;

39 f. “Blue Acres” is the term used to refer to the acquisition, for
40 recreation and conservation purposes, of lands that have been
41 damaged by, or may be prone to incurring damage caused by,
42 storms or storm-related flooding, or that may buffer or protect other
43 lands from such damage;

44 g. Under the Blue Acres Program, structures on acquired
45 property are demolished, the debris is removed, and the property is
46 preserved for recreation and conservation purposes;

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 h. Agriculture plays an integral role in the prosperity and well-
2 being of the State as well as providing a fresh and abundant supply
3 of food for its citizens;
- 4 i. Much of the farmland in the State faces an imminent threat
5 of permanent conversion to non-farm uses, and retention and
6 development of an economically viable agricultural industry is of
7 high public priority;
- 8 j. There is an urgent need to preserve the State's historic
9 heritage to enable present and future generations to experience,
10 understand, and enjoy the landmarks of New Jersey's role in the
11 birth and development of this nation;
- 12 k. The restoration and preservation of properties of historic
13 character and importance in the State are central to meeting this
14 need, and a significant number of these historic properties are
15 located in urban centers, where their restoration and preservation
16 will advance urban revitalization efforts of the State and local
17 governments;
- 18 l. There is growing public recognition that the quality of life,
19 economic prosperity, and environmental quality in New Jersey are
20 served by the protection and timely preservation of open space and
21 farmland and better management of the lands, resources, historic
22 properties, and recreational facilities that are already under public
23 ownership or protection;
- 24 m. The protection and preservation of New Jersey's water
25 resources, including the quality and quantity of the State's limited
26 water supply, are essential to the quality of life and the economic
27 health of the citizens of the State;
- 28 n. The preservation of the existing diversity of animal and plant
29 species is essential to sustaining both the environment and the
30 economy of the Garden State, and the conservation of adequate
31 habitat for endangered, threatened, and other rare species is
32 necessary to preserve this biodiversity;
- 33 o. As recognized by the voters of the State when they, on
34 November 4, 2014, approved an amendment to the State
35 Constitution to dedicate a portion of corporation business tax
36 revenues specifically for the purposes of open space, farmland, and
37 historic preservation, there is a need to continue the State open
38 space, farmland, and historic preservation programs previously
39 funded by the "Green Acres, Water Supply and Floodplain
40 Protection, and Farmland and Historic Preservation Bond Act of
41 2009" (P.L.2009, c.117), the "Green Acres, Farmland, Blue Acres,
42 and Historic Preservation Bond Act of 2007" (P.L.2007, c.119),
43 Article VIII, Section II, paragraph 7 of the State Constitution, the
44 "Green Acres, Farmland and Historic Preservation, and Blue Acres
45 Bond Act of 1995" (P.L.1995, c.204), and the nine previous similar
46 bond acts enacted in 1961, 1971, 1974, 1978, 1981, 1983, 1987,
47 1989, and 1992, and various implementing laws; and

1 p. It is therefore in the public interest to preserve and protect as
2 much land for recreation and conservation purposes, including lands
3 that protect water supplies and flood-prone lands, and for farmland
4 preservation purposes, and as many historic properties, as possible
5 within the means provided by Article VIII, Section II, paragraph 6
6 of the State Constitution.

7

8 3. (New section) As used in this act:

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

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

36 “Blue Acres project” means any project of the State or a
37 qualifying tax exempt nonprofit organization to acquire, for
38 recreation and conservation purposes, lands that have been damaged
39 by, or may be prone to incurring damage caused by, storms or
40 storm-related flooding, or that may buffer or protect other lands
41 from such damage.

42 “Commissioner” means the Commissioner of Environmental
43 Protection.

44 “Committee” means the State Agriculture Development
45 Committee established pursuant to section 4 of P.L.1983, c.31
46 (C.4:1C-4).

47 “Constitutionally dedicated CBT moneys” means any moneys
48 made available pursuant to Article VIII, Section II, paragraph 6 of

1 the State Constitution deposited in the funds established pursuant to
2 sections 6, 7, 8, and 9 of this act, and appropriated by law, for
3 recreation and conservation, farmland preservation, or historic
4 preservation purposes set forth in Article VIII, Section II, paragraph
5 6 of the State Constitution or this act.

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

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

33 “Department” means the Department of Environmental
34 Protection.

35 “Development” or “develop” means, except as used in the
36 definitions of “acquisition” and “development easement” in this
37 section, any improvement, including a stewardship activity, made to
38 a land or water area designed to expand and enhance its utilization
39 for recreation and conservation purposes, and shall include the
40 construction, renovation, or repair of any such improvement, but
41 shall not mean shore protection or beach nourishment or
42 replenishment activities.

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

45 “Emergency intervention” means an immediate assessment or
46 capital improvement necessary to protect or stabilize the structural
47 integrity of a historic property.

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

3 “Farmland preservation,” “farmland preservation purposes,” or
4 “preservation of farmland” means the same as those terms are
5 defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

6 “Garden State Preservation Trust” or “trust” means the Garden
7 State Preservation Trust established pursuant to section 4 of
8 P.L.1999, c.152 (C.13:8C-4).

9 “Green Acres bond act” means: P.L.1961, c.46; P.L.1971, c.165;
10 P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265;
11 P.L.1989, c.183; P.L.1992, c.88; P.L.1995, c.204; P.L.2007, c.119;
12 P.L.2009, c.117; and any State general obligation bond act that may
13 be approved after the date of enactment of this act for the purpose
14 of providing funding for the acquisition or development of lands for
15 recreation and conservation purposes or for farmland preservation
16 purposes.

17 “Historic preservation,” “historic preservation purposes,” or
18 “preservation of historic properties” means the same as those terms
19 are defined in section 3 of P.L.1999, c.152 (C.13:8C-3) and shall
20 also include emergency intervention and the acquisition of a
21 historic preservation easement.

22 “Historic preservation easement” means an interest in land, less
23 than fee simple title thereto, that is purchased from a private or
24 governmental property owner to permanently protect a historic
25 property, and that is granted by the property owner to the New
26 Jersey Historic Trust, a local government unit, or a qualifying tax
27 exempt nonprofit organization.

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

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

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

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

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

38 “Preserve New Jersey Blue Acres Fund” means the Preserve
39 New Jersey Blue Acres Fund established pursuant to section 7 of
40 this act.

41 “Preserve New Jersey Farmland Preservation Fund” means the
42 Preserve New Jersey Farmland Preservation Fund established
43 pursuant to section 8 of this act.

44 “Preserve New Jersey Green Acres Fund” means the Preserve
45 New Jersey Green Acres Fund established pursuant to section 6 of
46 this act.

1 “Preserve New Jersey Historic Preservation Fund” means the
2 Preserve New Jersey Historic Preservation Fund established
3 pursuant to section 9 of this act.

4 “Preserve New Jersey Fund Account” means the Preserve New
5 Jersey Fund Account established pursuant to section 4 of this act.

6 “Project” means all things deemed necessary or useful and
7 convenient in connection with the acquisition or development of
8 lands for recreation and conservation purposes, the acquisition of
9 development easements or fee simple titles to farmland, or the
10 preservation of historic properties, as the case may be.

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

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

15 “Stewardship activity” means an activity, which is beyond
16 routine operations and maintenance, undertaken by the State, a local
17 government unit, or a qualifying tax exempt nonprofit organization
18 to repair, or restore lands acquired or developed for recreation and
19 conservation purposes for the purpose of enhancing or protecting
20 those lands for recreation and conservation purposes. For the
21 purposes of the farmland preservation program, “stewardship
22 activity” means an activity, which is beyond routine operation and
23 maintenance, undertaken by the landowner, or a farmer operator as
24 an agent of the landowner, to repair, restore, or improve lands
25 preserved for farmland preservation purposes, including but not
26 limited to soil and water conservation projects approved pursuant to
27 section 17 of P.L.1983, c.32 (C.4:1C-24).

28

29 4. (New section) There is established in the General Fund a
30 special account to be known as the “Preserve New Jersey Fund
31 Account.”

32 a. The State Treasurer shall credit to this account:

33 (1) (a) (i) For State fiscal year 2016, an amount equal to 71
34 percent of the four percent of the revenue annually derived from the
35 tax imposed pursuant to the “Corporation Business Tax Act
36 (1945),” P.L.1945, c.162 (C.54:10A-1 et seq.), as amended and
37 supplemented, or any other State law of similar effect, dedicated for
38 recreation and conservation, farmland preservation, and historic
39 preservation purposes pursuant to subparagraph (a) of Article VIII,
40 Section II, paragraph 6 of the State Constitution, less \$19,972,000
41 already appropriated and expended for parks management in
42 P.L.2015, c.63; and

43 (ii) in each State fiscal year through and including State fiscal
44 year 2019 an amount equal to 71 percent of the four percent of the
45 revenue annually derived from the tax imposed pursuant to the
46 “Corporation Business Tax Act (1945),” P.L.1945, c.162
47 (C.54:10A-1 et seq.), as amended and supplemented, or any other
48 State law of similar effect, dedicated to recreation and conservation,

1 farmland preservation, and historic preservation purposes pursuant
2 to subparagraph (a) of Article VIII, Section II, paragraph 6 of the
3 State Constitution; and

4 (b) in each State fiscal year commencing in State fiscal year
5 2020 and annually thereafter, an amount equal to 78 percent of the
6 six percent of the revenue annually derived from the tax imposed
7 pursuant to the "Corporation Business Tax Act (1945)," P.L.1945,
8 c.162 (C.54:10A-1 et seq.), as amended and supplemented, or any
9 other State law of similar effect, dedicated to recreation and
10 conservation, farmland preservation, and historic preservation
11 purposes pursuant to subparagraph (a) of Article VIII, Section II,
12 paragraph 6 of the State Constitution; and

13 (2) in each State fiscal year, an amount equal to the amount
14 dedicated pursuant to subparagraph (b) of Article VIII, Section II,
15 paragraph 6 of the State Constitution.

16 b. In each State fiscal year, the amount credited to the Preserve
17 New Jersey Fund Account shall be appropriated from time to time
18 by the Legislature only for the applicable purposes set forth in
19 Article VIII, Section II, paragraph 6 of the State Constitution and
20 this act for:

21 (1) providing funding, including loans or grants, for the
22 preservation, including acquisition, development, and stewardship,
23 of lands for recreation and conservation purposes, including lands
24 that protect water supplies and lands that have incurred flood or
25 storm damage or are likely to do so, or that may buffer or protect
26 other properties from flood or storm damage;

27 (2) providing funding, including loans or grants, for the
28 preservation and stewardship of land for agricultural or horticultural
29 use and production;

30 (3) providing funding, including loans or grants, for historic
31 preservation; and

32 (4) paying administrative costs associated with (1) through (3)
33 of this subsection.

34 c. Nothing in this act shall authorize any State entity to use
35 constitutionally dedicated CBT moneys for the purpose of making
36 any payments relating to any bonds, notes, or other debt
37 obligations, other than those relating to obligations arising from
38 land purchase agreements made with landowners.

39

40 5. (New section) a. In State fiscal year 2017 through and
41 including State fiscal year 2019, of the amount credited by the State
42 Treasurer to the Preserve New Jersey Fund Account pursuant to
43 paragraph (1) of subsection a. of section 4 of this act:

44 (1) 60 percent shall be deposited into the Preserve New Jersey
45 Green Acres Fund established pursuant to section 6 of this act;

46 (2) 4 percent shall be deposited into the Preserve New Jersey Blue
47 Acres Fund established pursuant to section 7 of this act;

1 (3) 31 percent shall be deposited into the Preserve New Jersey
2 Farmland Preservation Fund established pursuant to section 8 of this
3 act; and

4 (4) 5 percent shall be deposited into the Preserve New Jersey
5 Historic Preservation Fund established pursuant to section 9 of this act.

6 b. In State fiscal year 2017 through and including State fiscal
7 year 2019, of the amount credited by the State Treasurer to the
8 Preserve New Jersey Fund Account pursuant to paragraph (2) of
9 subsection a. of section 4 of this act, each State park, forest, or
10 wildlife management area shall receive an amount equal to the
11 amount of revenue annually derived from leases or conveyances of
12 lands at that State park, forest, or wildlife management area, as
13 appropriate, to be used for recreation and conservation purposes at
14 that State park, forest, or wildlife management area.

15

16 6. (New section) a. The State Treasurer shall establish a fund
17 to be known as the "Preserve New Jersey Green Acres Fund" and
18 shall deposit into the fund all moneys received pursuant to
19 paragraph (1) of subsection a. of section 5 of this act and any other
20 moneys appropriated by law for deposit into the fund.

21 Moneys in the fund shall be invested in permitted investments or
22 shall be held in interest-bearing accounts in those depositories as
23 the State Treasurer may select, and may be invested and reinvested
24 in permitted investments or as other trust funds in the custody of the
25 State Treasurer in the manner provided by law. All interest or other
26 income or earnings derived from the investment or reinvestment of
27 moneys in the fund shall be credited to the fund. Moneys derived
28 from the payment of principal and interest on the loans to local
29 government units authorized by this act shall also be held in the
30 fund.

31 b. Of the amount deposited each State fiscal year into the
32 Preserve New Jersey Green Acres Fund pursuant to paragraph (1) of
33 subsection a. of section 5 of this act:

34 (1) 55 percent shall be allocated for the purpose of paying the
35 cost of acquisition and development of lands by the State for
36 recreation and conservation purposes, and the amount provided
37 pursuant to this paragraph shall be allocated as follows:

38 (a) 50 percent shall be allocated for the purpose of paying the
39 cost of acquisition of lands by the State for recreation and
40 conservation purposes; and

41 (b) 50 percent shall be allocated for the purpose of paying the
42 cost of development of lands by the State for recreation and
43 conservation purposes, and of the amount provided pursuant to this
44 subparagraph:

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

- 1 (ii) up to 22 percent shall be allocated for the purpose of paying
2 the cost for stewardship activities undertaken on lands administered
3 by the Division of Parks and Forestry in the department;
- 4 (2) 38 percent shall be allocated for the purposes of providing
5 grants and loans to assist local government units to pay the cost of
6 acquisition and development of lands for recreation and
7 conservation purposes, and of this amount, up to 2 percent shall be
8 allocated for stewardship activities undertaken by local government
9 units; and
- 10 (3) 7 percent shall be allocated for the purposes of providing
11 grants to assist qualifying tax exempt nonprofit organizations to pay
12 the cost of acquisition and development of lands for recreation and
13 conservation purposes, and of this amount, 11 percent shall be
14 allocated for stewardship activities undertaken by qualifying tax
15 exempt nonprofit organizations.
- 16 c. Any repayments of the principal and interest on loans issued
17 to local government units for the acquisition or development of
18 lands for recreation and conservation purposes using
19 constitutionally dedicated CBT moneys shall be deposited into the
20 Preserve New Jersey Green Acres Fund, and shall be specifically
21 dedicated for the issuance of additional loans in the same manner as
22 provided in subsection b. of section 27 of P.L.1999, c.152
23 (C.13:8C-27).
- 24 d. (1) The moneys in the fund are specifically dedicated and
25 shall be used for the same purposes and according to the same
26 criteria and provisions as those set forth in section 26 of P.L.1999,
27 c.152 (C.13:8C-26), and as provided pursuant to this act.
- 28 (2) Grants and loans issued to local government units and grants
29 issued to qualifying tax exempt nonprofit organizations using
30 constitutionally dedicated CBT moneys for the acquisition and
31 development of lands for recreation and conservation purposes shall
32 be subject to the same provisions as those prescribed in section 27
33 of P.L.1999, c.152 (C.13:8C-27), except as otherwise provided in
34 section 10 of this act.
- 35 e. Moneys in the fund shall not be expended except in
36 accordance with appropriations from the fund made by law. Any
37 act appropriating moneys from the Preserve New Jersey Green
38 Acres Fund shall identify any particular project or projects to be
39 funded by the moneys, and any expenditure for a project for which
40 the location is not identified by municipality and county in the
41 appropriation shall require the approval of the Joint Budget
42 Oversight Committee, or its successor, except as permitted
43 otherwise in accordance with the same exceptions as those specified
44 in paragraph (2) of subsection a. of section 23 of P.L.1999, c.152
45 (C.13:8C-23).
- 46 f. Unexpended moneys due to project withdrawals,
47 cancellations, or cost savings shall be returned to the fund.

1 g. Of the amount authorized pursuant to this section, not more
2 than five percent shall be utilized for organizational, administrative
3 and other work and services, including salaries, equipment and
4 materials necessary to administer the applicable provisions of this
5 act.

6 h. To the end that municipalities may not suffer a loss of taxes
7 by reason of the acquisition and ownership by the State of lands in
8 fee simple for recreation and conservation purposes, or the
9 acquisition and ownership by qualifying tax exempt nonprofit
10 organizations of lands in fee simple for recreation and conservation
11 purposes that become certified as exempt from property taxes
12 pursuant to P.L.1974, c.167 (C.54:4-3.63 et seq.) or similar laws,
13 the State shall make payments annually in the same manner as
14 payments are made pursuant to section 29 of P.L.1999, c.152
15 (C.13:8C-29).

16 i. The State shall not use the power of eminent domain in any
17 manner for the acquisition of lands by the State for recreation and
18 conservation purposes using constitutionally dedicated CBT
19 moneys in whole or in part unless a concurrent resolution approving
20 that use is approved by both Houses of the Legislature; except that,
21 without the need for such a concurrent resolution, the State may use
22 the power of eminent domain to the extent necessary to establish a
23 value for lands to be acquired from a willing seller by the State for
24 recreation and conservation purposes using constitutionally
25 dedicated CBT moneys in whole or in part.

26

27 7. (New section) a. The State Treasurer shall establish a fund
28 to be known as the "Preserve New Jersey Blue Acres Fund" and
29 shall deposit into the fund all moneys received pursuant to
30 paragraph (2) of subsection a. of section 5 of this act and any other
31 moneys appropriated by law for deposit into the fund.

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

39 b. The moneys in the Preserve New Jersey Blue Acres Fund are
40 specifically dedicated and shall be applied for the purposes of
41 providing moneys to:

42 (1) meet the Blue Acres costs to the State for the acquisition of
43 lands for a Blue Acres project; or

44 (2) provide grants, pursuant to the provisions of subsection c. of
45 this section, to assist a qualifying tax exempt nonprofit organization
46 in meeting the Blue Acres costs for the acquisition of lands for a
47 Blue Acres project.

- 1 c. (1) A grant by the State for lands to be acquired by a
2 qualifying tax exempt nonprofit organization for a Blue Acres
3 project may include up to 50 percent of the Blue Acres cost of
4 acquisition of the lands by the qualifying tax exempt nonprofit
5 organization.
- 6 (2) A qualifying tax exempt nonprofit organization shall not use
7 as its matching share of the Blue Acres cost of acquisition of lands
8 for a Blue Acres project any constitutionally dedicated moneys, as
9 defined pursuant to section 3 of P.L.1999, c.152 (C.13:8C-3), or
10 any grant moneys obtained from a Green Acres bond act.
- 11 (3) To qualify to receive a grant from the Preserve New Jersey
12 Blue Acres Fund, the board of directors or governing body of the
13 applying tax exempt nonprofit organization shall:
- 14 (a) demonstrate to the commissioner that the organization
15 qualifies as a charitable conservancy for the purposes of P.L.1979,
16 c.378 (C.13:8B-1 et seq.);
- 17 (b) demonstrate that the organization has the resources to match
18 the grant requested;
- 19 (c) agree to make and keep the lands accessible to the public,
20 unless the commissioner determines that public accessibility would
21 be detrimental to the lands or any natural resources associated
22 therewith;
- 23 (d) agree not to convey the lands except to the federal
24 government, the State, a local government unit, or another
25 qualifying tax exempt nonprofit organization, for recreation and
26 conservation purposes; and
- 27 (e) agree to execute and donate to the State at no charge a
28 conservation restriction pursuant to P.L.1979, c.378 (C.13:8B-1 et
29 seq.) on the lands to be acquired with the grant.
- 30 d. The State shall not use the power of eminent domain in any
31 manner for the acquisition of lands by the State for Blue Acres
32 projects using constitutionally dedicated CBT moneys in whole or
33 in part unless a concurrent resolution approving that use is approved
34 by both Houses of the Legislature; except that, without the need for
35 such a concurrent resolution, the State may use the power of
36 eminent domain to the extent necessary to establish a value for
37 lands to be acquired from a willing seller by the State for recreation
38 and conservation purposes, as part of a Blue Acres project, using
39 constitutionally dedicated CBT moneys in whole or in part.
- 40 e. Moneys in the fund shall not be expended except in
41 accordance with appropriations from the fund made by law. Any
42 act appropriating moneys from the Preserve New Jersey Blue Acres
43 Fund shall identify the particular project or projects to be funded by
44 the moneys, and any expenditure for a project for which the
45 location is not identified by municipality and county in the
46 appropriation shall require the approval of the Joint Budget
47 Oversight Committee, or its successor.

1 f. Unexpended moneys due to project withdrawals,
2 cancellations, or cost savings shall be returned to the fund to be
3 used for the purposes of the fund.

4 g. Of the amount authorized pursuant to this section, not more
5 than five percent shall be utilized for organizational, administrative
6 and other work and services, including salaries, equipment and
7 materials necessary to administer the applicable provisions of this
8 act.

9
10 8. (New section) a. The State Treasurer shall establish a fund
11 to be known as the "Preserve New Jersey Farmland Preservation
12 Fund" and shall deposit all moneys received pursuant to paragraph
13 (3) of subsection a. of section 5 of this act and any other moneys
14 appropriated by law for deposit into the fund.

15 Moneys in the fund shall be invested in permitted investments or
16 shall be held in interest-bearing accounts in those depositories as
17 the State Treasurer may select, and may be invested and reinvested
18 in permitted investments or as other trust funds in the custody of the
19 State Treasurer in the manner provided by law. All interest or other
20 income or earnings derived from the investment or reinvestment of
21 moneys in the fund shall be credited to the fund.

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

26 (2) Of the moneys deposited into the Preserve New Jersey
27 Farmland Preservation Fund each year, up to 3 percent shall be
28 allocated by the committee on an annual basis for stewardship
29 activities.

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

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

43
44 9. (New section) a. The State Treasurer shall establish a fund
45 to be known as the "Preserve New Jersey Historic Preservation
46 Fund" and shall deposit all moneys received pursuant to paragraph
47 (4) of subsection a. of section 5 of this act and any other moneys
48 appropriated by law for deposit into the fund.

1 Moneys in the fund shall be invested in permitted investments or
2 shall be held in interest-bearing accounts in those depositories as
3 the State Treasurer may select, and may be invested and reinvested
4 in permitted investments or as other trust funds in the custody of the
5 State Treasurer in the manner provided by law. All interest or other
6 income or earnings derived from the investment or reinvestment of
7 moneys in the fund shall be credited to the fund.

8 b. The moneys in the fund are specifically dedicated and shall
9 be used for the same purposes as those set forth in section 41 of
10 P.L.1999, c.152 (C.13:8C-41), and for emergency intervention and
11 the acquisition of historic preservation easements.

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

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

22

23 10. (New section) a. Notwithstanding the provisions of
24 subparagraph (b) of paragraph (2) of subsection a. of section 27 of
25 P.L.1999, c.152 (C.13:8C-27) to the contrary, a grant by the State
26 for lands acquired or developed for recreation and conservation
27 purposes by a local government unit in a municipality eligible to
28 receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.)
29 shall be for 75 percent of the cost of acquisition or development of
30 the lands by the local government unit, except that the department
31 may authorize an increase in the State's share of the cost up to 100
32 percent of the allowable funding cap established by the department
33 upon a demonstration of special need or exceptional circumstances.

34 b. A local government unit or a qualifying tax exempt
35 nonprofit organization may use a grant or loan received pursuant to
36 this act for recreation and conservation purposes for the
37 construction of a community garden, provided that public access to
38 the lands acquired for recreation and conservation purposes is not
39 limited by the community garden.

40

41 11. (New section) Lands acquired or developed by the State, a
42 local government unit, or a qualifying tax exempt nonprofit
43 organization for recreation and conservation purposes using
44 constitutionally dedicated CBT moneys shall not be conveyed,
45 disposed of, or diverted to a use for other than recreation and
46 conservation purposes without complying with the provisions of
47 sections 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through
48 C.13:8C-35), as appropriate, and any other applicable law.

1 12. (New section) A local government unit that receives a grant
2 or loan for recreation and conservation purposes pursuant to this act
3 shall satisfactorily operate and maintain the lands acquired or
4 developed pursuant to the conditions of the agreement between the
5 local government unit and the department when the grant or loan is
6 made. In the event that the local government unit cannot or will not
7 correct deficiencies in the operation and maintenance within a
8 reasonable time period, the commissioner may require the
9 repayment of all or a portion of the grant or loan amount received
10 by the local government unit.

11

12 13. (New section) a. At least once every two years, the
13 Department of Environmental Protection, the State Agriculture
14 Development Committee, and the New Jersey Historic Trust shall
15 each submit to the Garden State Preservation Trust a list of projects
16 recommended to receive funding pursuant to this act. Except as
17 otherwise provided by this act, such funding recommendations shall
18 be based upon the same respective priority systems, ranking
19 criteria, and funding policies as those established pursuant to
20 sections 23, 24, 26, 27, and 37 through 42 of P.L.1999, c.152
21 (C.13:8C-23, C.13:8C-24, C.13:8C-26, C.13:8C-27, and C.13:8C-
22 37 through C.13:8C-42), section 7 of P.L.2005, c.178 (C.13:8C-
23 38.1), and sections 1 and 2 of P.L.2001, c.405 (C.13:8C-40.1 and
24 C.13:8C-40.2), and any rules or regulations adopted pursuant to
25 thereto.

26 b. The Garden State Preservation Trust shall review the project
27 lists submitted pursuant to subsection a. of this section, and prepare,
28 and submit to the Governor and to the President of the Senate and
29 the Speaker of the General Assembly for introduction in the
30 Legislature, proposed legislation appropriating moneys pursuant to
31 this act to fund projects on any such list. The Legislature may
32 approve one or more appropriation bills containing a project list or
33 lists submitted by the Garden State Preservation Trust pursuant to
34 this subsection.

35

36 14. (New section) Within one year after the date of enactment
37 of this act, and biennially thereafter, the Garden State Preservation
38 Trust, after consultation with Department of Environmental
39 Protection, the State Agriculture Development Committee, and the
40 New Jersey Historic Trust shall submit to the Governor and the
41 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
42 19.1), a written report, which shall:

43 a. Describe the progress being made with respect to the
44 acquisition and development of lands for recreation and
45 conservation purposes, including lands that have incurred flood or
46 storm damage or are likely to do so, or that may buffer or protect
47 other properties from flood or storm damage, the preservation of
48 farmland, and the preservation of historic properties, and provide

1 recommendations with respect to any legislative, administrative, or
2 local action that may be required to enable the Department of
3 Environmental Protection, the State Agriculture Development
4 Committee, and the New Jersey Historic Trust to meet their goals
5 and objectives;

6 b. Tabulate, both for the reporting period and cumulatively, the
7 total acreage for the entire State, and the acreage in each county and
8 municipality, of lands acquired for recreation and conservation
9 purposes, including lands that protect water supplies and lands that
10 have incurred flood or storm damage or are likely to do so, or that
11 may buffer or protect other properties from flood or storm damage,
12 using (1) funding provided by this act, and (2) any other funding
13 provided for such purposes;

14 c. Tabulate, both for the reporting period and cumulatively, the
15 total acreage for the entire State, and the acreage in each county and
16 municipality, of farmland preserved for farmland preservation
17 purposes using (1) funding provided by this act, and (2) any other
18 funding provided for such purposes;

19 d. Tabulate, both for the reporting period and cumulatively, the
20 total acreage for the entire State, and the acreage in each county and
21 municipality, of any donations of land for recreation and
22 conservation purposes or farmland preservation purposes;

23 e. List, both for the reporting period and cumulatively, and by
24 location by county and municipality, all stewardship activities
25 funded pursuant to subsection b. of section 6 of this act and
26 paragraph (2) of subsection b. of section 8 of this act;

27 f. List, both for the reporting period and cumulatively, and by
28 project name, project sponsor, and location by county and
29 municipality, all historic preservation projects, including emergency
30 intervention and the acquisition of historic preservation easements,
31 funded with constitutionally dedicated CBT moneys in whole or in
32 part;

33 g. Indicate those areas of the State where, as designated by the
34 Department of Environmental Protection in the Open Space Master
35 Plan prepared pursuant to section 5 of P.L.2002, c.76 (C.13:8C-
36 25.1), the acquisition and development of lands by the State for
37 recreation and conservation purposes, including lands that have
38 incurred flood or storm damage or are likely to do so, or that may
39 buffer or protect other properties from flood or storm damage, is
40 planned or is most likely to occur, and those areas of the State
41 where there is a need to protect water resources, including the
42 identification of lands where protection is needed to assure
43 adequate quality and quantity of drinking water supplies in times of
44 drought, indicate those areas of the State where the allocation of
45 constitutionally dedicated CBT moneys for farmland preservation
46 purposes is planned or is most likely to occur, and provide a
47 proposed schedule and expenditure plan for those acquisitions,
48 developments, and allocations, for the next reporting period, which

1 shall include an explanation of how those acquisitions,
2 developments, and allocations will be distributed throughout all
3 geographic regions of the State to the maximum extent practicable
4 and feasible;

5 h. List any surplus real property owned by the State or an
6 independent authority of the State that may be utilizable for
7 recreation and conservation purposes or farmland preservation
8 purposes, and indicate what action has been or must be taken to
9 effect a conveyance of those lands to the department, the
10 committee, local government units, qualifying tax exempt nonprofit
11 organizations, or other entities or persons so that the lands may be
12 preserved and used for those purposes;

13 i. List, for the reporting period, all projects for which
14 applications for funding under the Green Acres, Blue Acres,
15 farmland preservation, and historic preservation programs were
16 received but not funded with constitutionally dedicated CBT
17 moneys or other funds during the reporting period, and the reason
18 or reasons why those projects were not funded;

19 j. Tabulate, both for the reporting period and cumulatively, the
20 total acreage for the entire State, and the acreage in each county and
21 municipality, of lands acquired for recreation and conservation
22 purposes that protect water resources and that have incurred flood
23 or storm damage or are likely to do so, or that may buffer or protect
24 other properties from flood or storm damage; and

25 k. Describe any other information or statistics necessary to
26 document the expenditure of funds pursuant to this act in
27 conjunction with the expenditure of funds pursuant to P.L.1999,
28 c.152 (C.13:8C-1 et al.) and any Green Acres bond act.

29

30 15. (New section) a. The Department of Environmental
31 Protection, the State Agriculture Development Committee, the New
32 Jersey Historic Trust, and the Department of the Treasury shall each
33 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
34 c.410 (C.52:14B-1 et seq.), such rules and regulations as may be
35 necessary to implement and carry out the goals and objectives of
36 this act.

37 b. Notwithstanding the provisions of any law to the contrary,
38 any rules and regulations of the Department of Environmental
39 Protection, the State Agriculture Development Committee, the New
40 Jersey Historic Trust, and the Department of the Treasury that have
41 been adopted pursuant to the "Administrative Procedure Act" and
42 are in effect as of the date of enactment of this act, that are not
43 inconsistent with the provisions of this act, and that pertain to the
44 Green Acres, Blue Acres, farmland preservation, and historic
45 preservation programs continued pursuant to this act, shall continue
46 in effect until amended or supplemented and readopted as necessary
47 to reflect the provisions and requirements of this act.

1 16. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to
2 read as follows:

3 24. a. (1) There is established in the Department of
4 Environmental Protection the Office of Green Acres. The
5 commissioner may appoint an administrator or director who shall
6 supervise the office, and the department may employ such other
7 personnel and staff as may be required to carry out the duties and
8 responsibilities of the department and the office pursuant to **【this**
9 **act】** P.L.1999, c.152 (C.13:8C-1 et al.) and P.L. , c. (C.)
10 (pending before the Legislature as this bill), all without regard to
11 the provisions of Title 11A, Civil Service, of the New Jersey
12 Statutes. Persons appointed or employed as provided pursuant to
13 this subsection shall be compensated in a manner similar to other
14 employees in the Executive Branch, and their compensation shall be
15 determined by the Civil Service Commission.

16 (2) The Green Acres Program in the Department of
17 Environmental Protection, together with all of its functions, powers
18 and duties, are continued and transferred to and constituted as the
19 Office of Green Acres in the Department of Environmental
20 Protection. Whenever, in any law, rule, regulation, order, contract,
21 document, judicial or administrative proceeding or otherwise,
22 reference is made to the Green Acres Program, the same shall mean
23 and refer to the Office of Green Acres in the Department of
24 Environmental Protection. This transfer shall be subject to the
25 provisions of the "State Agency Transfer Act," P.L.1971,
26 c.375 (C.52:14D-1 et seq.).

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

29 (1) Administer all provisions of **【this act】** P.L.1999,
30 c.152 (C.13:8C-1 et al.) and P.L. , c. (C.) (pending before
31 the Legislature as this bill) pertaining to funding the acquisition and
32 development of lands for recreation and conservation purposes as
33 authorized pursuant to Article VIII, Section II, paragraph 6 and
34 paragraph 7 of the State Constitution;

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

41 (3) Adopt, with the approval of the commissioner and pursuant
42 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
43 1 et seq.), rules and regulations:

44 (a) establishing application procedures for grants and loans for
45 the acquisition and development of lands for recreation and
46 conservation purposes, criteria and policies for the evaluation and
47 priority ranking of projects for eligibility to receive funding for
48 recreation and conservation purposes using constitutionally

1 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
2 constitutionally dedicated CBT moneys pursuant to
3 P.L. , c. (C.) (pending before the Legislature as this bill),
4 any conditions that may be placed on the award of a grant or loan
5 for recreation and conservation purposes pursuant to **【this act】**
6 P.L.1999, c.152 (C.13:8C-1 et al.) or P.L. ,
7 c. (C.) (pending before the Legislature as this bill), and any
8 restrictions that may be placed on the use of lands acquired or
9 developed with a grant or loan for recreation and conservation
10 purposes pursuant to **【this act】** P.L.1999, c.152 or P.L. ,
11 c. (C.) (pending before the Legislature as this bill) . The
12 criteria and policies established pursuant to this subparagraph for
13 the evaluation and priority ranking of projects for eligibility to
14 receive funding for recreation and conservation purposes using
15 constitutionally dedicated moneys pursuant to P.L.1999,
16 c.152 (C.13:8C-1 et al.) or constitutionally dedicated CBT moneys
17 pursuant to P.L. , c. (C.) (pending before the Legislature as
18 this bill) may be based upon, but need not be limited to, such
19 factors as: protection of the environment, natural resources, water
20 resources, watersheds, aquifers, wetlands, floodplains and flood-
21 prone areas, stream corridors, beaches and coastal resources, forests
22 and grasslands, scenic views, biodiversity, habitat for wildlife, rare,
23 threatened, or endangered species, and plants; vernal habitat; degree
24 of likelihood of development; promotion of greenways; provision
25 for recreational access and use; protection of geologic, historic,
26 archaeological, and cultural resources; relative cost; parcel size; and
27 degree of public support; and

28 (b) addressing any other matters deemed necessary to implement
29 and carry out the goals and objectives of Article VIII, Section II,
30 paragraph 6 and paragraph 7 of the State Constitution and 【this act】
31 P.L.1999, c.152 (C.13:8C-1 et al.) and P.L. ,
32 c. (C.) (pending before the Legislature as this bill) with
33 respect to the acquisition and development of lands for recreation
34 and conservation purposes , including the acquisition of lands for
35 recreation and conservation purposes that have been damaged by, or
36 may be prone to incurring damage caused by, storms or storm-
37 related flooding, or that may buffer or protect other lands from such
38 damage ; and

39 (4) Establishing criteria and policies for the evaluation and
40 priority ranking of State projects to acquire and develop lands for
41 recreation and conservation purposes using constitutionally
42 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or
43 constitutionally dedicated CBT moneys pursuant to
44 P.L. , c. (C.) (pending before the Legislature as this bill) ,
45 which criteria and policies may be based upon, but need not be
46 limited to, such factors as: protection of the environment, natural
47 resources, water resources, watersheds, aquifers, wetlands,
48 floodplains and flood-prone areas, stream corridors, beaches and

1 coastal resources, forests and grasslands, scenic views, biodiversity,
2 habitat for wildlife, rare, threatened, or endangered species, and
3 plants; vernal habitat; degree of likelihood of development;
4 promotion of greenways; provision for recreational access and use;
5 protection of geologic, historic, archaeological, and cultural
6 resources; relative cost; parcel size; and degree of public support.
7 (cf: P.L.2008, c.29, s.114)

8
9 17. This act shall take effect on July 1, 2016.

10
11
12 STATEMENT

13
14 This bill would implement, for State fiscal year 2017 through
15 State fiscal year 2019, the constitutional dedication of Corporation
16 Business Tax (CBT) revenues for open space, farmland, and
17 historic preservation. Senate Concurrent Resolution No. 84 (SCS)
18 of 2014, or “Ballot Question No. 2,” presented to, and approved by,
19 the voters of the State on November 4, 2014, amended the New
20 Jersey Constitution to dedicate four percent of CBT revenues for
21 open space, farmland, and historic preservation, water programs,
22 public and private site remediation, and underground storage tank
23 programs for fiscal years 2016 through 2019, and further increased
24 the annual dedication for certain environmental programs from four
25 percent to six percent commencing in fiscal year 2020 and
26 thereafter.

27 Specifically with regard to open space, farmland, and historic
28 preservation, through fiscal year 2019, of the four percent CBT
29 dedication, the State Constitution dedicates annually 71 percent for:
30 (1) providing funding, including loans or grants, for the
31 preservation, including acquisition, development, and stewardship,
32 of lands for recreation and conservation purposes, including lands
33 that protect water supplies and lands that have incurred flood or
34 storm damage or are likely to do so, or that may buffer or protect
35 other properties from flood or storm damage (i.e., Green Acres and
36 Blue Acres); (2) providing funding, including loans or grants, for
37 the preservation and stewardship of land for agricultural or
38 horticultural use and production (i.e., farmland preservation); (3)
39 providing funding, including loans or grants, for historic
40 preservation; and (4) paying administrative costs associated with
41 each of those efforts. Commencing July 1, 2019 (i.e., for State
42 fiscal year 2020 and thereafter), of the six percent of the CBT
43 revenue to be dedicated annually for certain environmental
44 programs, 78 percent would be dedicated for the above-listed four
45 purposes.

46 The Constitution also dedicates money received from leases and
47 conveyances of State open space lands. Under this bill, each State
48 park, forest, or wildlife management area would receive an amount

1 equal to the amount of revenue annually derived from leases or
2 conveyances of lands at that State park, forest, or wildlife
3 management area, as appropriate, to be used for recreation and
4 conservation purposes at that State park, forest, or wildlife
5 management area.

6 For fiscal year 2016 through and including fiscal year 2019, the
7 above-described CBT dedicated revenues would be allocated as
8 follows:

9 (1) 60 percent would be used for acquiring and developing lands
10 for public recreation and conservation purposes, including lands
11 that protect water supplies, under the Green Acres program;

12 (2) 4 percent would be used for the “Blue Acres” program;

13 (3) 31 percent would be used for farmland preservation
14 purposes; and

15 (4) 5 percent would be used for historic preservation purposes.

16 A maximum of 5 percent each year would be permitted to be
17 used for administrative costs associated with implementing the
18 Green Acres program.

19 Of the monies allocated for the Green Acres program and the
20 farmland preservation program, the bill also allocates funding for
21 stewardship activities. The bill defines “stewardship activity” to
22 mean “activity, which is beyond routine operations and
23 maintenance, undertaken by the State, a local government unit, or a
24 qualifying tax exempt nonprofit organization to repair or restore
25 lands acquired or developed for recreation and conservation
26 purposes for the purpose of enhancing or protecting those lands for
27 recreation and conservation purposes. For the purposes of the
28 farmland preservation program, “stewardship activity” means an
29 activity, which is beyond routine operation and maintenance,
30 undertaken by the landowner, or a farmer operator as an agent of
31 the landowner, to repair, restore, or improve lands preserved for
32 farmland preservation purposes, including but not limited to soil
33 and water conservation projects approved pursuant to section 17 of
34 P.L.1983, c.32 (C.4:1C-24).

35 Of the 60 percent allocated each year for the Green Acres
36 program: 55 percent would be used for State open space acquisition
37 and development projects; 38 percent would be used for grants and
38 loans to fund local government open space acquisition and
39 development projects; and 7 percent would be used for grants to
40 fund open space acquisition and development projects undertaken
41 by qualifying tax exempt nonprofit organizations. Of the funding
42 for State open space acquisition and development projects: 50
43 percent would be used for acquisition projects and 50 percent would
44 be used for development projects. Further, of the funding for State
45 open space development projects, up to 22 percent would be used
46 for stewardship activities undertaken on lands administered by the
47 Division of Fish and Wildlife and up to 22 percent would be used
48 for stewardship activities undertaken on lands administered by the

1 Division of Parks and Forestry. Of the funding allocated for local
2 open space acquisition and development projects, up to 2 percent
3 would be used to fund stewardship activities. Of the allocated
4 funding for open space acquisition and development projects by
5 qualifying tax exempt nonprofit organizations, 11 percent would be
6 used to fund stewardship activities.

7 “Blue Acres” is the term used to refer to properties that have
8 been damaged by storms or storm-related flooding, that appear
9 likely to incur such damage, or that may buffer or protect other
10 lands from such damage. Structures on a purchased property are
11 demolished, the debris is removed, and the land is preserved as
12 open space. The Blue Acres program is administered by the DEP’s
13 Green Acres program. Under the bill, funding for the Blue Acres
14 program would be used for (1) acquisition by the State of Blue
15 Acres properties, or (2) State grants to assist qualifying tax exempt
16 nonprofits in the acquisition of Blue Acres properties. The State
17 would be prohibited from using eminent domain to acquire land for
18 Blue Acres projects, except with the approval of the Legislature by
19 adoption of a concurrent resolution to that effect. However, if
20 needed, eminent domain proceedings could be employed by the
21 State for the purpose only of establishing value.

22 This bill continues the State’s existing open space, farmland, and
23 historic preservation programs. It is based on the provisions of the
24 “Garden State Preservation Trust Act” (GSPTA), as well as the
25 “Green Acres, Water Supply and Floodplain Protection, and
26 Farmland and Historic Preservation Bond Act of 2009” (P.L.2009,
27 c.117) and the “Green Acres, Farmland, Blue Acres, and Historic
28 Preservation Bond Act of 2007” (P.L.2007, c.119) and, generally,
29 defines relevant terms in the same manner as the GSPTA and
30 continues the respective priority systems, ranking criteria, and
31 funding policies set forth in the GSPTA, except as otherwise
32 specified in the bill.

33 For the Green Acres program, the bill provides that an urban aid
34 municipality may receive a grant by the State for the acquisition or
35 development of lands for recreation and conservation purposes for
36 75 percent of the cost of acquisition or development of the lands by
37 the local government unit, and this amount may be increased by the
38 DEP up to 100 percent of the allowable funding cap upon a
39 demonstration of special need or exceptional circumstances. Under
40 current law, an urban aid municipality may receive a grant for 50
41 percent of the cost of the project, with the possibility of this amount
42 being increased to a maximum of 75 percent (up to the allowable
43 cap). In addition, the bill provides that a local government unit or a
44 qualifying tax exempt nonprofit organization may use a grant or
45 loan for recreation and conservation purposes for the construction
46 of a community garden.

47 For the historic preservation program, the bill provides that
48 historic preservation funds may also be used for emergency

1 intervention and the acquisition of historic property easements. The
2 bill defines “emergency intervention” to mean an immediate
3 assessment or capital improvement necessary to protect or stabilize
4 the structural integrity of a historic property.

5 Lastly, the bill provides that the DEP, the State Agriculture
6 Development Committee, and the New Jersey Historic Trust would
7 each, at least once every two years, submit to the Garden State
8 Preservation Trust projects recommended to receive funding under
9 the bill. The Garden State Preservation Trust would then submit the
10 list of projects to the Legislature for funding in the form of
11 appropriation bills.

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Governor Christie Signs 7th Consecutive Budget Without Raising Taxes On New Jersey Families

Thursday, June 30, 2016

Tags: [Budget and Spending](#)

Continues Commitment To Fiscal Responsibility

Through the use of his veto pen, Governor Christie today signed a seventh consecutive balanced budget that protects taxpayers and critical services through the responsible management of state resources while making the difficult choices to prioritize and fund the essential services on which New Jersey's residents rely.

For Fiscal Year 2017, Assembly and Senate Democrats once again presented an irresponsible spending plan that favors increasing expenditures for select programs without any meaningful and intellectual consideration for how the state will fund their proposals. But this year they have become uniquely reckless and deceptive, relying on phantom finances, irresponsible gimmicks and unrealistic assumptions to fund hundreds of millions of dollars of new spending.

- Their plan is based on impractical expectations that the State will collect **\$129 million** in additional revenues than projected in the Governor's revised May budget recommendations and **\$301 million** more than the May revenue projections prepared by their own Office of Legislative Services.

Additionally, the legislative majority wants to thoughtlessly spend down the State's surplus by \$160 million. Worse, however, is their shameless inclusion of a **\$250 million** savings in public employee and retiree health care costs which the Governor called for in February, but which the Legislature did absolutely nothing to embrace, negotiate or achieve. As it stands, the savings is penciled in on paper, but completely nonexistent.

Rather than enact responsible policies to continue New Jersey's economic recovery, Democrat leaders remain committed to an unsustainable path designed to protect special interests instead of hardworking New Jerseyans. The taxpayers of this State cannot afford it. Real leadership requires confronting problems and making difficult decisions. It is time to focus on the real issues, like school funding reform and providing real property tax relief. It is time to adopt a transportation spending plan that protects our infrastructure without continuing to overburden our overtaxed residents. It is time for politicians to work for their citizens and not special interest groups.

Governor Christie's Fiscal Year 2017 Budget:

Governor Christie's budget includes **\$34.5 billion** in State appropriations, a **2.1%** increase over the fiscal year 2016 budget. This will accommodate the reasonable spending necessary to provide stability for New Jersey's economy while meeting the state's fiscal obligations.

- Contains **\$2.3 billion less in discretionary spending** than the fiscal year 2008 budget and no new taxes or tax increases.
- Includes the largest pension payment in New Jersey history with a **\$1.9 billion** contribution to the State's defined benefit funds.
 - o This will bring total contributions by the Christie Administration to **\$6.3 billion**.
 - o That will be nearly double the total contributions of every other governor combined since 1995.

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- Includes a sixth consecutive year of the highest amount of School Aid supporting Pre-K - 12 education in New Jersey history. The fiscal year 2017 budget proposes spending more than **\$13.3 billion** on education, an increase of **\$526 million** from fiscal year 2016.
- Continues the Governor's commitment to higher education in New Jersey. Overall, higher education funding is maintained at a total of **\$2.2 billion** in fiscal year 2017.

Providing Tax Relief For Our Citizens. Governor Christie has fought for and won tax relief that is making New Jersey more competitive as a place to live and work.

- **Over \$3 Billion in Business Tax Cuts and Reforms** – Beginning with the fiscal 2012 budget, Governor Christie tackled New Jersey's business tax climate with tax cuts and reforms that had stalled in Trenton for years. Among the tax reforms included were: long-awaited changes to a single sales factor formula that incentivizes businesses to invest in New Jersey; income/loss netting and loss carry-forward reform; a 25% reduction in the minimum tax on S-corporations, which is how many small businesses file their taxes; research and development incentives; and elimination of the Transitional Energy Facility Assessment.
- The Governor's Fiscal Year 2017 Budget continues to provide this essential tax relief for New Jersey businesses of all sizes, fully phased in and unchanged.
- **Increase in the Earned Income Tax Credit** – In the summer of 2015, Governor Christie proposed and enacted into law an increase in the Earned Income Tax Credit from 20% to 30% of the federal benefit. Approximately 500,000 Garden State households will benefit from this tax relief, with the credit for an average working family rising by 50% from approximately \$420 to \$630. The Governor's Fiscal Year 2017 Budget continues this critical tax relief for working families at this expanded level.

Historic Higher Education Funding. Maintains the Governor's commitment to higher education in New Jersey. Overall, higher education funding is maintained at a total of **\$2.2 billion** in fiscal year 2017. Among Governor Christie's highest priorities has been strengthening New Jersey's higher education community.

- **Tuition Assistance Grant Program (TAG)** – To ensure an affordable in-state college education is available to all, TAG grants are available at 56 public and private institutions across New Jersey. Since taking office, Governor Christie has increased State funding for the TAG program by over 60%, to a total of \$403.6 million in fiscal year 2017. Approximately 68,000 students, or one-third of all full-time undergraduate students attending school in New Jersey, will receive support from TAG.
- **Governor's Urban Scholarship** – The Governor's Urban Scholarship program will add a fifth class, and will now support an estimated 635 scholars in targeted school districts.
- **College Readiness Now** – Funded at \$1 million in fiscal year 2017, this program will help students prepare for college level course work before they graduate high school. Funding will fully support partnerships between the county colleges and at least 60 high schools throughout the state, with at least one in each county.

Preserving Vital Programs For Our Most Needy And Vulnerable Populations. Advances the Governor's efforts to take a smarter and more effective approach to how the State supports individuals with mental health and substance use disorders. Governor Christie has consistently advocated for the need to change the way society views drug addiction and the misconceptions about who it impacts, how it affects lives, and how we deal with it. In the fiscal year 2017 budget, Governor Christie continues to provide unprecedented leadership on this issue by taking concrete actions to build on this commitment by providing an additional \$6 million for statewide post-incarceration services through reentry and recidivism programs.

- **\$127 Million Investment In Substance Use & Mental Health Treatment** – The Governor is making a historic financial commitment to raise reimbursement rates and increase access to substance use and mental health treatment. A combined State and federal investment in fiscal year 2017 of more than **\$127 million**, will expand access to high quality health care providers for individuals with substance use and behavioral health needs.
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community includes funds to develop additional community placements and services that divert admissions to developmental centers.

- The fiscal year 2017 budget provides **\$48.8 million** of new State and federal funding to create community placements and services, including Olmstead.
- Further, included in the fiscal year 2017 budget is a one-time community provider increase for a combined State and federal investment of **\$10 million**. These funds will allow providers that serve individuals with developmental disabilities to make the infrastructure improvements necessary to transition to fee-for-service.

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Thursday, June 30, 2016

Tags: [Budget and Spending](#)

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"Once again, for Fiscal Year 2017, the legislative majority has presented me with an irresponsible spending plan. Their unrealistic budget makes no hard choices, relying instead on gimmicks and assumptions to fund hundreds of millions of dollars in new spending while confirming beyond all doubt that they are untrustworthy stewards of the State's finances," said Governor Christie. "It anticipates \$129 million more in additional State revenue collections than my revised May budget recommendations and \$301 million more than the May revenue projections prepared by their own Office of Legislative Services. Because the Legislature's proposal is unsound, I must again object."

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"In contrast to the legislative majority's fiscal irresponsibility, my budget framework provides stability for New Jersey's economy. It accommodates reasonable spending, while responsibly meeting the State's fiscal obligations. The Fiscal Year 2017 pension contribution is the largest in State history and continues the strong foundation for the State moving forward. Moreover, my budget ensures funding for our students, protects the public safety, provides property tax relief for our citizens, and preserves vital programs for our most needy and vulnerable populations," added Governor Christie.

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- Includes the largest pension payment in New Jersey history with a \$1.9 billion contribution to the State's defined benefit funds.
- This will bring total contributions by the Christie Administration to \$6.3 billion, nearly doubling the total contributions of every other governor combined since 1995.
- Maintains the Governor's commitment to higher education in New Jersey to the tune of \$2.2 billion in fiscal year 2017.
- Continues a sixth consecutive year of record-high funding for Pre-K through 12 public education. The fiscal year 2017 budget will spend more than \$13.3 billion on education, an increase of \$526 million from fiscal year 2016.
- Advances the Governor's smarter and more effective approach to how the State supports individuals with mental health and substance use disorders.

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Governor Christie Signs 7th Consecutive Budget Without Raising Taxes On New Jersey Families

Thursday, June 30, 2016

Tags: [Budget and Spending](#)

Continues Commitment To Fiscal Responsibility

Through the use of his veto pen, Governor Christie today signed a seventh consecutive balanced budget that protects taxpayers and critical services through the responsible management of state resources while making the difficult choices to prioritize and fund the essential services on which New Jersey's residents rely.

For Fiscal Year 2017, Assembly and Senate Democrats once again presented an irresponsible spending plan that favors increasing expenditures for select programs without any meaningful and intellectual consideration for how the state will fund their proposals. But this year they have become uniquely reckless and deceptive, relying on phantom finances, irresponsible gimmicks and unrealistic assumptions to fund hundreds of millions of dollars of new spending.

- Their plan is based on impractical expectations that the State will collect **\$129 million** in additional revenues than projected in the Governor's revised May budget recommendations and **\$301 million** more than the May revenue projections prepared by their own Office of Legislative Services.

Additionally, the legislative majority wants to thoughtlessly spend down the State's surplus by \$160 million. Worse, however, is their shameless inclusion of a **\$250 million** savings in public employee and retiree health care costs which the Governor called for in February, but which the Legislature did absolutely nothing to embrace, negotiate or achieve. As it stands, the savings is penciled in on paper, but completely nonexistent.

Rather than enact responsible policies to continue New Jersey's economic recovery, Democrat leaders remain committed to an unsustainable path designed to protect special interests instead of hardworking New Jerseyans. The taxpayers of this State cannot afford it. Real leadership requires confronting problems and making difficult decisions. It is time to focus on the real issues, like school funding reform and providing real property tax relief. It is time to adopt a transportation spending plan that protects our infrastructure without continuing to overburden our overtaxed residents. It is time for politicians to work for their citizens and not special interest groups.

Governor Christie's Fiscal Year 2017 Budget:

Governor Christie's budget includes **\$34.5 billion** in State appropriations, a **2.1%** increase over the fiscal year 2016 budget. This will accommodate the reasonable spending necessary to provide stability for New Jersey's economy while meeting the state's fiscal obligations.

- Contains **\$2.3 billion less in discretionary spending** than the fiscal year 2008 budget and no new taxes or tax increases.
- Includes the largest pension payment in New Jersey history with a **\$1.9 billion** contribution to the State's defined benefit funds.
 - o This will bring total contributions by the Christie Administration to **\$6.3 billion**.
 - o That will be nearly double the total contributions of every other governor combined since 1995.

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- Includes a sixth consecutive year of the highest amount of School Aid supporting Pre-K - 12 education in New Jersey history. The fiscal year 2017 budget proposes spending more than **\$13.3 billion** on education, an increase of **\$526 million** from fiscal year 2016.
- Continues the Governor's commitment to higher education in New Jersey. Overall, higher education funding is maintained at a total of **\$2.2 billion** in fiscal year 2017.

Providing Tax Relief For Our Citizens. Governor Christie has fought for and won tax relief that is making New Jersey more competitive as a place to live and work.

- **Over \$3 Billion in Business Tax Cuts and Reforms** – Beginning with the fiscal 2012 budget, Governor Christie tackled New Jersey's business tax climate with tax cuts and reforms that had stalled in Trenton for years. Among the tax reforms included were: long-awaited changes to a single sales factor formula that incentivizes businesses to invest in New Jersey; income/loss netting and loss carry-forward reform; a 25% reduction in the minimum tax on S-corporations, which is how many small businesses file their taxes; research and development incentives; and elimination of the Transitional Energy Facility Assessment.
- The Governor's Fiscal Year 2017 Budget continues to provide this essential tax relief for New Jersey businesses of all sizes, fully phased in and unchanged.
- **Increase in the Earned Income Tax Credit** – In the summer of 2015, Governor Christie proposed and enacted into law an increase in the Earned Income Tax Credit from 20% to 30% of the federal benefit. Approximately 500,000 Garden State households will benefit from this tax relief, with the credit for an average working family rising by 50% from approximately \$420 to \$630. The Governor's Fiscal Year 2017 Budget continues this critical tax relief for working families at this expanded level.

Historic Higher Education Funding. Maintains the Governor's commitment to higher education in New Jersey. Overall, higher education funding is maintained at a total of **\$2.2 billion** in fiscal year 2017. Among Governor Christie's highest priorities has been strengthening New Jersey's higher education community.

- **Tuition Assistance Grant Program (TAG)** – To ensure an affordable in-state college education is available to all, TAG grants are available at 56 public and private institutions across New Jersey. Since taking office, Governor Christie has increased State funding for the TAG program by over 60%, to a total of \$403.6 million in fiscal year 2017. Approximately 68,000 students, or one-third of all full-time undergraduate students attending school in New Jersey, will receive support from TAG.
- **Governor's Urban Scholarship** – The Governor's Urban Scholarship program will add a fifth class, and will now support an estimated 635 scholars in targeted school districts.
- **College Readiness Now** – Funded at \$1 million in fiscal year 2017, this program will help students prepare for college level course work before they graduate high school. Funding will fully support partnerships between the county colleges and at least 60 high schools throughout the state, with at least one in each county.

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Thursday, June 30, 2016

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Trenton, NJ - Governor Chris Christie today signed into law his seventh balanced budget that provides stability for the New Jersey economy and meets the State's fiscal obligations. The Governor's Fiscal Year 2017 State Budget is also his seventh consecutive with no new taxes or tax increases and includes \$2.3 billion less in discretionary spending than the fiscal year 2008 budget. This \$34.5 billion budget continues for a sixth consecutive year the highest amount of aid for public schools and includes the largest pension payment in New Jersey history.

"Once again, for Fiscal Year 2017, the legislative majority has presented me with an irresponsible spending plan. Their unrealistic budget makes no hard choices, relying instead on gimmicks and assumptions to fund hundreds of millions of dollars in new spending while confirming beyond all doubt that they are untrustworthy stewards of the State's finances," said Governor Christie. "It anticipates \$129 million more in additional State revenue collections than my revised May budget recommendations and \$301 million more than the May revenue projections prepared by their own Office of Legislative Services. Because the Legislature's proposal is unsound, I must again object."

The budget recommendations submitted by Governor Christie to the Legislature in February, and updated in May, included a surplus as well as a modest assumption for health benefit reforms that called for \$250 million in savings to offset anticipated growth. This represents a small down payment on the \$2 billion in reforms recommended by the bipartisan New Jersey Pension and Health Benefit Study Commission. However, the Fiscal Year 2017 budget passed by the Legislature fails either to budget responsibly for the projected health benefits growth or to provide any assurance of actual, substantive reforms.

"In contrast to the legislative majority's fiscal irresponsibility, my budget framework provides stability for New Jersey's economy. It accommodates reasonable spending, while responsibly meeting the State's fiscal obligations. The Fiscal Year 2017 pension contribution is the largest in State history and continues the strong foundation for the State moving forward. Moreover, my budget ensures funding for our students, protects the public safety, provides property tax relief for our citizens, and preserves vital programs for our most needy and vulnerable populations," added Governor Christie.

Key Priorities Delivered by Governor Christie's Fiscal Year 2017 Budget:

- Includes the largest pension payment in New Jersey history with a \$1.9 billion contribution to the State's defined benefit funds.
- This will bring total contributions by the Christie Administration to \$6.3 billion, nearly doubling the total contributions of every other governor combined since 1995.
- Maintains the Governor's commitment to higher education in New Jersey to the tune of \$2.2 billion in fiscal year 2017.
- Continues a sixth consecutive year of record-high funding for Pre-K through 12 public education. The fiscal year 2017 budget will spend more than \$13.3 billion on education, an increase of \$526 million from fiscal year 2016.
- Advances the Governor's smarter and more effective approach to how the State supports individuals with mental health and substance use disorders.

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To address the legislature's disturbing spending plan, the Governor issued an executive order placing millions of dollars in budget appropriations in fiscal reserve. Additionally, Governor Christie again protected taxpayers today by vetoing millions of dollars in reckless spending bills passed by legislative Democrats outside of the state budget. Among the bills vetoed were two supplemental spending bills that would have cost over \$17 million:

S-2413/A-4003 (Ruiz, Rice/Pinto Marin, Muoio, Mukherji) – ABSOLUTE - Makes supplemental appropriations totaling \$9,563,415 to DOH for grants of \$7,765,325 to Newark Beth Israel Hospital and \$1,798,090 to St. Francis Medical Center to implement improved health outcomes and sustainable transformation of healthcare delivery

A-3492/S-2277 (Mazzeo, Mosquera, Lampitt, Vainieri Huttie, Jones, Jimenez, Downey/Weinberg, Sweeney) – ABSOLUTE - Makes FY 2017 supplemental appropriation of \$7,453,000 to DOH for family planning services

The Governor also acted today on other pending legislation:

BILLS SIGNED:

S-993wGR/A-2777 (Vitale, Pou, Gordon/Wimberly, Vainieri Huttie, Sumter, Oliver) – Permits DHS to request waiver of time limits for certain Supplemental Nutrition Assistance Program recipients under certain circumstances

S-2377/A-4001 (Sarlo/Schaer) - Makes fiscal year 2016 State supplemental appropriations and amends language provisions

S-2456/A-4017 (Smith, Bateman/Andrzejczak, McKeon, Spencer, Pintor Marin, Dancer) - Revises State's open space, farmland, and historic preservation programs; implements 2014 constitutional dedication of CBT revenues for certain environmental purposes

A-3417wGR/S-1462 (Pintor Marin/Ruiz) - Designates portion of State Highway Route No. 21 as "Roberto Clemente Memorial Highway"

A-3617/S-2390 (Green, Rible, Mukherji, Houghtaling Mazzeo/Sarlo, Kyrillos) - Extends expiration date of certain permits for one year in Superstorm Sandy-impacted counties

A-4002 (Schaer) – Revises priority schedule for issuance of converted tax credits under Business Employment Incentive Program

BILLS VETOED:

S-17/A-4000 (Sarlo/Schaer) – LINE ITEM - Appropriates \$34,800,995,000 in State funds and \$15,706,712,000 in federal funds for the State budget for fiscal year 2016-2017

S-1017/A-1963 (Weinberg, Greenstein/Pintor Marin, Lagana, Jasey, Mukherji, Downey) – ABSOLUTE - Provides Medicaid coverage for family planning services to individuals with incomes up to 200 percent of the federal poverty level

A-30/S-1829 (Prieto, Muoio, Oliver, Schaer, Holley, Mukherji, Quijano/Vitale, Whelan) – ABSOLUTE - Increases amount of benefits under Work First New Jersey program

A-1657/S-2168 (Schaer, Vainieri Huttie, Lampitt, Mosquera, Sumter, Wimberly/ Cruz-Perez, Turner) – ABSOLUTE - Establishes "breakfast after the bell" incentive fund

A-3410/S-1854 (Muoio, Vainieri Huttie, Mukherji, Oliver, Gusciora/Vitale, Rice) – ABSOLUTE - Repeals family cap in Work First New Jersey program

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