

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 152

NJSA:13:8C-1 to 13:8C-42
("Garden State Preservation Act")

BILL NO: S9(Substituted for A1000000-2nd reprint)

SPONSOR(S):DiFrancesco and McNamara

DATE INTRODUCED:May 10, 1999

COMMITTEE:

ASSEMBLY: ---

*SENATE:*Environment

AMENDED DURING PASSAGE:Yes

DATES OF PASSAGE:

*ASSEMBLY:*June 24, 1999

*SENATE:*June 21, 1999

DATE OF APPROVAL:June 30, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: *Yes*^{1st} Reprint
(Amendments during passage denoted by superscript numbers)

S9

SPONSORS STATEMENT: *Yes* (Begins on page 56 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

A100000

SPONSORS STATEMENT: *Yes (Begins on page 56 of original bill)*

Bill and Sponsor Statement identical to S9

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

May 20, 1999 (Agriculture and Natural Resources)

June 21, 1999 (Appropriations)

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *Yes*

974.90 P252 1999

New Jersey. Legislature. Senate. Environment Committee and Senate. Economic Growth, agriculture and Tourism Committee.

Public Hearing on Senate Bill No. 9 (The "Garden State Preservation Trust Act,") held 5-27-99. Trenton, 1999.

NEWSPAPER ARTICLES: *Yes*

"Open-space campaign begins," Philadelphia Inquirer, 7-1-99, p.B1.

"Whitman signs sweeping land preservation law," Home News-Tribune, 7-1-99, p.A3.

"Whitman oks \$1B to save open space," Bridgewater Courier News, 7-1-99, p.A3.

Title 13.
Chapter 8C (New)
Garden State
Preservation
Trust
§§1-42
C.13:8C-1
to 13:8C-42
§43
Approp.

P.L. 1999, CHAPTER 152, *approved June 30, 1999*
Senate, No. 9 (*First Reprint*)

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

5

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

8

9 1. (New section) Sections 1 through 41 of this act shall be known,
10 and may be cited, as the "Garden State Preservation Trust Act."

11

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

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

32 The Legislature further finds and declares that there is an urgent
33 need to preserve the State's historic heritage to enable present and

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEN committee amendments adopted June 17, 1999.

1 future generations to experience, understand, and enjoy the landmarks
2 of New Jersey's role in the birth and development of this nation; that
3 the restoration and preservation of properties of historic character and
4 importance in the State is central to meeting this need; and that a
5 significant number of these historic properties are located in urban
6 centers, where their restoration and preservation will advance urban
7 revitalization efforts of the State and local governments.

8 The Legislature further finds and declares that there is growing
9 public recognition that the quality of life, economic prosperity, and
10 environmental quality in New Jersey are served by the protection and
11 timely preservation of open space and farmland and better management
12 of the lands, resources, historic properties, and recreational facilities
13 that are already under public ownership or protection; that the
14 preservation of the existing diversity of animal and plant species is
15 essential to sustaining both the environment and the economy of the
16 Garden State, and the conservation of adequate habitat for
17 endangered, threatened, and other rare species is necessary to preserve
18 this biodiversity; that there is a need to establish a program to serve as
19 the successor to the programs established by the "Green Acres,
20 Farmland and Historic Preservation, and Blue Acres Bond Act of
21 1995," P.L.1995, c.204, nine previous similar bond acts enacted in
22 1961, 1971, 1974, 1978, 1981, 1983, 1987, 1989, and 1992, and
23 various implementing laws; and that any such successor program
24 should support implementation of Statewide policies, goals, and
25 strategies concerned with and emphasizing the importance of
26 preserving open space, sensitive environmental areas, critical wildlife
27 habitat, farmland, and historic resources.

28 The Legislature further finds and declares that the citizens of the
29 State have indicated their very strong support for open space,
30 farmland, and historic preservation efforts not only in the past
31 approval of State Green Acres bond acts and numerous county and
32 municipal dedicated funding sources for those purposes, but most
33 recently in 1998 with the approval of an amendment to the New Jersey
34 Constitution that provides for a stable and dedicated source of funding
35 for those purposes for the next decade and beyond.

36 The Legislature therefore determines that it is in the public interest
37 to preserve as much open space and farmland, and as many historic
38 properties, as possible within the means provided by the 1998
39 constitutional amendment; that, in recognition of the recommendations
40 of the Governor's Council on New Jersey Outdoors, it is a worthy goal
41 to preserve one million more acres of open space and farmland in the
42 Garden State in the next decade to protect the quality of life for New
43 Jersey residents; and that, to accomplish that goal, it is also in the
44 public interest to create the Garden State Preservation Trust and to
45 enable it to raise revenue for those purposes, and to delegate to it such
46 other duties and responsibilities as shall be necessary to further the

1 purposes of the constitutional amendment and to advance the policies
2 and achieve the goals set forth in this preamble.

3
4 3. (New section) As used in sections 1 through ¹~~41~~ ¹42¹ of this
5 act:

6 "Acquisition" or "acquire" means the obtaining of a fee simple or
7 lesser interest in land, including but not limited to a development
8 easement¹, a conservation restriction or easement,¹ or any other
9 ¹restriction or¹ easement permanently restricting development, by
10 purchase, installment purchase agreement, gift, donation, ¹eminent
11 domain by the State or a local government unit, or¹ devise ¹], or
12 eminent domain by the State or a local government unit¹; except that
13 any acquisition of lands by the State for recreation and conservation
14 purposes by eminent domain shall ¹include the process ¹be only as¹
15 authorized pursuant to section 28 of this act;

16 "Bonds" means bonds issued by the trust pursuant to this
17 act;"Commissioner" means the Commissioner of Environmental
18 Protection;

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

21 "Constitutionally dedicated moneys" means any moneys made
22 available pursuant to Article VIII, Section II, paragraph 7 of the State
23 Constitution or through the issuance of bonds, notes or other
24 obligations by the trust, as prescribed by Article VIII, Section II,
25 paragraph 7 of the State Constitution and this act, or any moneys from
26 other sources deposited in the trust funds established pursuant to
27 sections 19, 20, and 21 of this act, and appropriated by law, for any of
28 the purposes set forth in Article VIII, Section II, paragraph 7 of the
29 State Constitution or this act;

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

32 "Cost" means the expenses incurred in connection with: all things
33 deemed necessary or useful and convenient for the acquisition or
34 development of lands for recreation and conservation purposes, the
35 acquisition of development easements or fee simple titles to farmland,
36 or the preservation of historic properties, as the case may be; the
37 execution of any agreements or franchises deemed by the Department
38 of Environmental Protection, State Agriculture Development
39 Committee, or New Jersey Historic Trust, as the case may be, to be
40 necessary or useful and convenient in connection with any project
41 funded in whole or in part using constitutionally dedicated moneys; the
42 procurement or provision of appraisal, archaeological, architectural,
43 conservation, design, engineering, financial, geological, historic
44 research, hydrological, inspection, legal, planning, relocation,
45 surveying, or other professional advice, estimates, reports, services, or
46 studies; the purchase of title insurance; the undertaking of feasibility

1 studies; the establishment of a reserve fund or funds for working
2 capital, operating, maintenance, or replacement expenses and for the
3 payment or security of principal or interest on bonds, as the Director
4 of the Division of Budget and Accounting in the Department of the
5 Treasury may determine; and reimbursement to any fund of the State
6 of moneys that may have been transferred or advanced therefrom to
7 any fund established by this act, or any moneys that may have been
8 expended therefrom for, or in connection with, this act;

9 "Department" means the Department of Environmental Protection;

10 "Development" or "develop" means, except as used in the
11 definitions of "acquisition" and "development easement" in this
12 section, any improvement made to a land or water area designed to
13 expand and enhance its utilization for recreation and conservation
14 purposes, and shall include the construction, renovation, or repair of
15 any such improvement¹, but shall not mean shore protection or beach
16 nourishment or replenishment activities¹ ;

17 "Development easement" means an interest in land, less than fee
18 simple title thereto, which interest represents the right to develop that
19 land for all nonagricultural purposes and which interest may be
20 transferred under laws authorizing the transfer of development
21 potential;

22 "Farmland" means land identified as having prime or unique soils as
23 classified by the Natural Resources Conservation Service in the United
24 States Department of Agriculture, having soils of Statewide
25 importance according to criteria adopted by the State Soil
26 Conservation Committee, established pursuant to R.S.4:24-3, or
27 having soils of local importance as identified by local soil conservation
28 districts, and which land qualifies for differential property taxation
29 pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48
30 (C.54:4-23.1 et seq.), and any other land on the farm that is necessary
31 to accommodate farm practices as determined by the State Agriculture
32 Development Committee;

33 "Farmland preservation," "farmland preservation purposes" or
34 "preservation of farmland" means the permanent preservation of
35 farmland to support agricultural or horticultural production as the first
36 priority use of that land;

37 "Garden State Farmland Preservation Trust Fund" means the
38 Garden State Farmland Preservation Trust Fund established pursuant
39 to section 20 of this act;

40 "Garden State Green Acres Preservation Trust Fund" means the
41 Garden State Green Acres Preservation Trust Fund established
42 pursuant to section 19 of this act;

43 "Garden State Historic Preservation Trust Fund" means the Garden
44 State Historic Preservation Trust Fund established pursuant to section
45 21 of this act;

46 "Green Acres bond act" means: P.L.1961, c.46; P.L.1971, c.165;

1 P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265;
2 P.L.1989, c.183; P.L.1992, c.88; P.L.1995, c.204; and any State
3 general obligation bond act that may be approved after the date of
4 enactment of this act for the purpose of providing funding for the
5 acquisition or development of lands for recreation and conservation
6 purposes;

7 "Historic preservation," "historic preservation purposes," or
8 "preservation of historic properties" means any work relating to the
9 conservation, improvement, interpretation, preservation, protection,
10 rehabilitation, renovation, repair, restoration, or stabilization of any
11 historic property, and shall include any work related to providing
12 access thereto for disabled or handicapped persons;

13 "Historic property" means any area, building, facility, object,
14 property, site, or structure approved for inclusion, or which meets the
15 criteria for inclusion, in the New Jersey Register of Historic Places
16 pursuant to P.L.1970, c.268 (C.13:1B-15.128 et seq.);

17 "Indoor recreation" means active recreation that otherwise is or
18 may be pursued outdoors but, for reasons of extending the season or
19 avoiding inclement weather, is or may be pursued indoors within a
20 fully or partially enclosed building or other structure, and includes
21 basketball, ice skating, racquet sports, roller skating, swimming, and
22 similar recreational activities and sports as determined by the
23 Department of Environmental Protection;

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

28 "Local government unit" means a county, municipality, or other
29 political subdivision of the State, or any agency, authority, or other
30 entity thereof¹; except, with respect to the acquisition and
31 development of lands for recreation and conservation purposes, "local
32 government unit" means a county, municipality, or other political
33 subdivision of the State, or any agency, authority, or other entity
34 thereof the primary purpose of which is to administer, protect, acquire,
35 develop, or maintain lands for recreation and conservation purposes¹;

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

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

39 "Pinelands area" means the pinelands area as defined pursuant to
40 section 3 of P.L.1979, c.111 (C.13:18A-3);

41 "Pinelands regional growth area" means a regional growth area
42 established pursuant to the pinelands comprehensive management plan
43 adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.);

44 "Project" means all things deemed necessary or useful and
45 convenient in connection with the acquisition or development of lands
46 for recreation and conservation purposes, the acquisition of

1 development easements or fee simple titles to farmland, or the
2 preservation of historic properties, as the case may be;

3 "Qualifying open space referendum county" means any county that
4 has: (1) approved and implemented, and is collecting and expending
5 the revenue from, an annual levy authorized pursuant to P.L.1997,
6 c.24 (C.40:12-15.1 et seq.) for an amount or at a rate equivalent to at
7 least one ¹~~quarter~~ half¹ of one cent per \$100 of assessed value of
8 real property, or for an amount or at a rate established by the county
9 and in effect as of April 1, 1999, whichever is greater; or (2) adopted
10 an alternative means of funding for the same or similar purposes as an
11 annual levy, which the Department of Environmental Protection, in
12 consultation with the committee and the New Jersey Historic Trust,
13 approves to be stable and reasonably equivalent in effect to an annual
14 levy;

15 "Qualifying open space referendum municipality" means any
16 municipality that has: (1) approved and implemented, and is collecting
17 and expending the revenue from, an annual levy authorized pursuant
18 to P.L.1997, c.24 (C.40:12-15.1 et seq.) for an amount or at a rate
19 equivalent to at least one ¹~~quarter~~ half¹ of one cent per \$100 of
20 assessed value of real property, or for an amount or at a rate
21 established by the municipality and in effect as of April 1, 1999,
22 whichever is greater; or (2) adopted an alternative means of funding
23 for the same or similar purposes as an annual levy, which the
24 Department of Environmental Protection, in consultation with the
25 committee and the New Jersey Historic Trust, approves to be stable
26 and reasonably equivalent in effect to an annual levy;

27 "Qualifying tax exempt nonprofit organization" means a nonprofit
28 organization that is exempt from federal taxation pursuant to section
29 501 (c)(3) of the federal Internal Revenue Code, 26 U.S.C. s.501
30 (c)(3), and which qualifies for a grant pursuant to sections 27¹, 39,¹
31 or ¹~~40~~ 41¹ of this act;

32 "Recreation and conservation purposes" means the use of lands for
33 beaches, biological or ecological study, boating, camping, fishing,
34 forests, greenways, hunting, natural areas, parks, playgrounds,
35 protecting historic properties, water reserves, watershed protection,
36 wildlife preserves, active sports, or a similar use for either public
37 outdoor recreation or conservation of natural resources, or both; and

38 "Trust" means the Garden State Preservation Trust established
39 pursuant to section 4 of this act.

40

41 4. (New section) a. There is hereby established in but not of the
42 Department of the Treasury a public body corporate and politic, with
43 corporate succession, to be known as the "Garden State Preservation
44 Trust." For the purpose of complying with the provisions of Article
45 V, Section IV, paragraph 1 of the New Jersey Constitution, the trust
46 is hereby allocated within the Department of the Treasury, but

1 notwithstanding that allocation, the trust shall be independent of any
2 supervision or control by that department or by any board or officer
3 thereof. The trust is hereby constituted as an instrumentality of the
4 State, exercising public and essential governmental functions, no part
5 of whose revenues shall accrue to the benefit of any individual, and the
6 exercise by the trust of the powers conferred by this act shall be
7 deemed and held to be an essential governmental function of the State.

8 b. The trust shall consist of nine voting members as follows: the
9 Commissioner of Environmental Protection, the Secretary of
10 Agriculture, the Secretary of State, and the State Treasurer, who shall
11 be members ex officio; and five public members, one of whom shall be
12 appointed by the Governor, two of whom shall be appointed by the
13 President of the Senate and ¹of those two so appointed no more than
14 one¹ shall be from ¹**【different political parties】** the same political
15 party¹, and two of whom shall be appointed by the Speaker of the
16 General Assembly and ¹of those two so appointed no more than one¹
17 shall be from ¹**【different political parties】** the same political party¹.
18 The public member appointed by the Governor shall serve a term of
19 five years. Each public member appointed by the President of the
20 Senate shall serve a term of five years, except of those first appointed,
21 one shall serve a term of three years and the other a term of two years.
22 Each public member appointed by the Speaker of the General
23 Assembly shall serve a term of five years, except of those first
24 appointed, one shall serve a term of three years and the other a term
25 of two years.

26 ¹No person holding elective public office shall be eligible to be a
27 member of the trust.¹

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

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

41 e. The first chairperson of the trust shall be the public member first
42 appointed by the Governor. At the first meeting of the trust held in
43 each subsequent year, the members shall elect one of the public
44 members to serve as chairperson of the trust in a manner that ensures
45 that the chair rotates annually among at least one of the appointees of
46 the President of the Senate, at least one of the appointees of the

1 Speaker of the General Assembly, and the appointee of the Governor.

2 f. The trust shall not be deemed to be constituted and shall not take
3 action or adopt motions or resolutions until all five authorized public
4 members shall have been appointed and qualified in the manner
5 provided in this section. The members shall annually elect one of the
6 public members as vice chairperson. The members shall elect a
7 secretary and a treasurer, who need not be members, and the same
8 person may be elected to serve as both secretary and treasurer. The
9 powers of the trust shall be vested in the members thereof in office
10 from time to time and five members of the trust shall constitute a
11 quorum at any meeting thereof. Action may be taken and motions and
12 resolutions adopted by the trust at any meeting thereof by the
13 affirmative vote of a majority of the full membership of the trust. No
14 vacancy in the membership of the trust shall impair the right of a
15 quorum of the members to exercise all the powers and perform all the
16 duties of the trust. ¹The trust shall in all respects comply with the
17 provisions of the "Open Public Meetings Act," P.L.1975, c.231
18 (C.10:4-6 et seq.).¹

19 g. Each public member of the trust shall receive compensation in
20 the amount of \$150 per day for each day that the public member
21 attends a meeting of the trust, unless otherwise prohibited by law. Ex
22 officio members of the trust shall serve without compensation. All
23 members shall be reimbursed for actual expenses necessarily incurred
24 in the discharge of their duties. Notwithstanding the provisions of any
25 other law, no member shall be deemed to have forfeited nor shall the
26 member forfeit the member's office or employment or any benefits or
27 emoluments thereof by reason of the member's acceptance of the office
28 of ex officio member of the trust or the member's services therein.

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

35 i. A true copy of the minutes of every meeting of the trust shall be
36 delivered forthwith by and under the certification of the secretary
37 thereof to the Governor. No action taken at the meeting by the trust
38 shall have force or effect until 15 days after the copy of the minutes
39 shall have been so delivered, unless during this 15-day period the
40 Governor shall approve in writing the minutes or any part thereof, in
41 which case the action shall become effective upon approval. If, within
42 that 15-day period, the Governor returns a copy of the minutes with
43 the Governor's veto of any action taken by the trust or any member
44 thereof at the meeting, the action shall be null and void and of no
45 effect. Notwithstanding the foregoing, if the last day of the 15-day
46 period shall be a Saturday, Sunday or legal holiday, then the 15-day

1 period shall be deemed extended to the next following business day.
2 The powers conferred in this subsection upon the Governor shall be
3 exercised with due regard for the rights of the holders of bonds, notes
4 or other obligations of the trust at any time outstanding, and nothing
5 in, or done pursuant to, this subsection shall in any way limit, restrict
6 or alter the obligation or powers of the trust or any representative or
7 officer of the trust to carry out and perform in every detail each and
8 every covenant, agreement or contract at any time made or entered
9 into by or on behalf of the trust with respect to its bonds, notes or
10 other obligations or for the benefit, protection or security of the
11 holders thereof.

12 j. The trust shall continue in existence until dissolved by act of the
13 Legislature. However, any dissolution of this trust shall be on
14 condition that the trust has no debts, contractual duties or obligations
15 outstanding, or that provision has been made for the payment,
16 discharge or retirement of these debts, contractual duties or
17 obligations. Upon any dissolution of the trust, all property, rights,
18 funds and assets thereof shall pass to and become vested in the State.
19

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

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

28 b. Perform such other duties and responsibilities as authorized
29 pursuant to this act or any other law.
30

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

33 a. To sue and be sued;

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

35 c. To make and alter bylaws for its organization and internal
36 management and rules and regulations for the conduct of its affairs and
37 business;

38 d. To maintain an office at a place or places within the State as it
39 may determine, and acquire, own, lease as lessee or lessor, hold, use,
40 sell, transfer, or dispose of real or personal property for that purpose;

41 e. To acquire, hold, use and dispose of its income, revenues, funds
42 and moneys;

43 f. To borrow money and to issue its bonds, notes or other
44 obligations and to secure them by its revenues or other funds and
45 otherwise to provide for and secure the payment thereof and to
46 provide for the rights of the holders thereof and to provide for the

- 1 refunding thereof, all as provided in this act;
- 2 g. To issue subordinated indebtedness and to enter into any
3 revolving credit agreement, agreement establishing a line of credit or
4 letter of credit, reimbursement agreement, interest rate exchange
5 agreement, insurance contract, surety bond, commitment to purchase
6 or sell bonds, notes or other obligations, purchase or sale agreement,
7 or commitments or other contracts or agreements, and other security
8 agreements as approved by the trust in connection with the issuance
9 of bonds, notes or other obligations;
- 10 h. Subject to any agreement with the holders of bonds, notes or
11 other obligations, to invest moneys of the trust not required for
12 immediate use, including proceeds from the sale of any bonds, notes
13 or other obligations, in obligations, securities and other investments as
14 the trust shall deem prudent;
- 15 i. Subject to any agreements with holders of bonds, notes or other
16 obligations, to purchase bonds, notes or other obligations of the trust
17 out of any funds or moneys of the trust available therefor, and to hold,
18 cancel or resell the bonds, notes or other obligations;
- 19 j. For its sole purpose as established in section 5 of this act, to
20 appoint and employ an executive director and such additional officers,
21 who need not be members of the trust, and such other personnel and
22 staff as it may require, at an annual expense not to exceed \$150,000,
23 all without regard to the provisions of Title 11A, Civil Service, of the
24 New Jersey Statutes;
- 25 k. To do and perform any acts and things authorized by this act
26 under, through, or by means of its officers, agents or employees or by
27 contract with any person, firm or corporation or any public body;
- 28 l. To procure insurance against any losses in connection with its
29 property, operations, assets or obligations in amounts and from
30 insurers as it deems desirable;
- 31 m. To adopt, pursuant to the "Administrative Procedure Act,"
32 P.L.1968, c.410 (C.52:14B-1 et seq.) such rules and regulations as it
33 deems necessary to effectuate the purposes of Article VIII, Section II,
34 paragraph 7 of the State Constitution and this act;
- 35 n. To make and enter into any and all contracts and agreements
36 which the trust determines are necessary, incidental, convenient or
37 desirable to the performance of its duties and the execution of its
38 powers under this act;
- 39 o. To accept and use any funds appropriated and paid by the State
40 to the trust, including, without limitation, appropriations and payments
41 from the Garden State Preservation Trust Fund Account established
42 pursuant to section 17 of this act, for the purposes for which the
43 appropriations and payments are made;
- 44 p. To apply for, and receive and accept, appropriations or grants
45 of property, money, services, or reimbursements for money previously
46 spent and other assistance offered or made available to it by or from

1 any person, government agency, public authority, or any public or
2 private entity whatever for any lawful corporate purpose of the trust,
3 including, without limitation, grants, appropriations, or
4 reimbursements from the federal government, and to apply and
5 negotiate for these upon such terms and conditions as may be required
6 by any person, government agency, authority, or entity as the trust
7 may determine to be necessary, convenient, or desirable, provided that
8 all such moneys, grants, appropriations, and reimbursements so
9 received and accepted shall be subject to appropriation by law
10 pursuant to the procedures established by this act; and

11 q. To do any and all things necessary, incidental, convenient or
12 desirable to carry out its purposes and exercise the powers given and
13 granted in this act.

14

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

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

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

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

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

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

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

40 g. Bonds, notes and other obligations of the trust issued or
41 incurred under the provisions of this act shall not be in any way a debt
42 or liability of the State or of any political subdivision thereof other
43 than the trust and shall not create or constitute any indebtedness,
44 liability or obligation of the State or of any political subdivision or be
45 or constitute a pledge of the faith and credit of the State or of any
46 political subdivision but all bonds, notes and obligations, unless funded

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

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

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

34 The trust shall not ¹~~【incur debt】~~ issue bonds, notes or other
35 obligations¹ in any State fiscal year in excess of \$200,000,000, except
36 that if that permitted amount of ¹~~【debt】~~ bonds, notes or other
37 obligations¹, or any portion thereof, is not ¹~~【incurred】~~ issued¹ in a
38 State fiscal year it may be ¹~~【incurred】~~ issued¹ in a subsequent State
39 fiscal year. Any increase in this limitation shall only occur if so
40 provided for by law.

41 ¹The limitations specified in this subsection shall apply only to
42 bonds, notes or other obligations of the trust that are payable from, or
43 secured by, amounts on deposit in the Garden State Preservation Trust
44 Fund Account established pursuant to section 17 of this act.¹

45 j. Upon the decision by the trust to issue refunding bonds pursuant
46 to this section, and prior to the sale of those bonds, the trust shall

1 transmit to the Joint Budget Oversight Committee, or its successor, a
2 report that a decision has been made, reciting the basis on which the
3 decision was made, including an estimate of the debt service savings
4 to be achieved and the calculations upon which the trust relied when
5 making the decision to issue refunding bonds. The report shall also
6 disclose the intent of the trust to issue and sell the refunding bonds at
7 public or private sale and the reasons therefor.

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

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

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

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

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

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

42 b. Pledge any agreement, ¹including a grant, agreement or contract
43 with the federal government,¹ the revenues or payments thereunder
44 and the proceeds thereof;

45 c. Covenant against pledging all or any part of its revenues or
46 receipts or its agreements and the revenues derived thereunder or the

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

1 and to limit the rights, duties and powers of that trustee or trustees;

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

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

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

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

20

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

32

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

37

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

42

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

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

16

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

28

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

42

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

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

16

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

25

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

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

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

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

46 c. (1) On the basis of a payment schedule provided annually by the

1 trust to the State Treasurer for State fiscal year 2000 through and
2 including State fiscal year 2009, the State Treasurer shall pay to the
3 trust the amount credited to the Garden State Preservation Trust Fund
4 Account, plus any interest or other income earned on the amount so
5 credited prior to payment pursuant to this subsection, for each such
6 State fiscal year as provided pursuant to paragraph (1) of subsection
7 a. of this section and appropriated pursuant to subsection b. of this
8 section, which the trust shall use for its purposes as set forth in this
9 act. The State Treasurer also shall pay to the trust such other amounts
10 as may be appropriated from time to time for use by the trust for its
11 purposes as set forth in this act.

12 ¹This paragraph shall not apply to such portion of the amount
13 credited to the Garden State Preservation Trust Fund Account in State
14 fiscal year 2000 that is appropriated pursuant to the annual
15 appropriations act for State fiscal year 2000 (now before the
16 Legislature as Senate Bill No. of 1999 or Assembly Bill No. of
17 1999) to pay the cost of projects listed in that act for the purposes set
18 forth in Article VIII, Section II, paragraph 7 of the State
19 Constitution.¹

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

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

37

38 18. (New section) a. In each State fiscal year, from State fiscal
39 year 2000 through and including State fiscal year 2009, the trust shall
40 transfer to the State Treasurer for deposit into:

41 (1) the Garden State Green Acres Preservation Trust Fund,
42 established pursuant to section 19 of this act, 60% of such amounts as
43 are available from:

44 (a) the amount paid to the trust for that State fiscal year pursuant
45 to subsection c. of section 17 of this act, net of the amount necessary
46 to be deposited in the Garden State Historic Preservation Trust Fund

1 pursuant to paragraph (3) of this subsection and net of any amount
2 that shall be retained by the trust to make any necessary payments
3 related to bonds, notes or other obligations, including refunding bonds,
4 issued by the trust; and

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

8 (2) the Garden State Farmland Preservation Trust Fund,
9 established pursuant to section 20 of this act, 40% of such amounts as
10 are available from:

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

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

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

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

39 (2) Notwithstanding the provisions of this subsection to the
40 contrary, any repayments of the principal and interest on loans issued
41 to local government units for the acquisition or development of lands
42 for recreation and conservation purposes pursuant to subsection b. of
43 section 27 of this act, including repayments received after June 30,
44 2009, shall be allocated only for the issuance of additional loans to
45 local government units for the acquisition or development of lands for
46 recreation and conservation purposes pursuant to subsection b. of

1 section 27 of this act.

2 c. (1) Notwithstanding the provisions of this section to the
3 contrary, the trust, after conducting at least one public hearing upon
4 at least 60 days advance public notice thereof, and upon finding that
5 it would further the purposes of Article VIII, Section II, paragraph 7
6 of the State Constitution and this act, may (a) alter for a specific and
7 identified State fiscal year the funding allocation percentages or levels
8 set for or within each of the trust funds as prescribed pursuant to this
9 section for that State fiscal year, or (b) request the State Treasurer to
10 transfer moneys from one trust fund to another trust fund, to respond
11 to the special needs and funding priorities of the State within a specific
12 and identified State fiscal year, respond to exigent circumstances, take
13 advantage of unexpected opportunities, or maximize the impact of
14 financial resources applied to the purposes of any particular funding
15 category. Upon receipt of any such request from the trust, the State
16 Treasurer shall transfer the moneys between the trust funds in the
17 manner prescribed by the trust. Moneys so transferred from a trust
18 fund shall not be required to be repaid to the trust fund from which
19 they were transferred, provided that the moneys so transferred are
20 expended for any of the purposes authorized by Article VIII, Section
21 II, paragraph 7 of the State Constitution or this act.

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

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

43

44 19. (New section) The State Treasurer shall establish a fund to be
45 known as the "Garden State Green Acres Preservation Trust Fund."
46 The State Treasurer shall deposit into the fund all moneys transferred

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

32

33 20. (New section) The State Treasurer shall establish a fund to be
34 known as the "Garden State Farmland Preservation Trust Fund." The
35 State Treasurer shall deposit into the fund all moneys transferred from
36 the trust to the State Treasurer for deposit into the fund pursuant to
37 paragraph (2) of subsection a. of section 18 of this act and any other
38 moneys appropriated by law for deposit into the fund. Moneys in the
39 fund shall be held in interest-bearing accounts in those depositories as
40 the State Treasurer may select, and may be invested and reinvested as
41 other trust funds in the custody of the State Treasurer in the manner
42 provided by law. All interest or other income or earnings derived from
43 the investment or reinvestment of moneys in the fund shall be credited
44 to the fund. Such grants, contributions, donations, and
45 reimbursements from federal aid programs and from other public or
46 private sources as may be used lawfully for the purposes of section 37

1 of this act shall also be held in the fund, but shall be expended in
2 accordance with any purposes for which the moneys were designated
3 and in compliance with any conditions or requirements attached
4 thereto. The moneys in the fund are specifically dedicated and shall be
5 applied to the cost of the purposes set forth in section 37 of this act.
6 Moneys in the fund shall not be expended except in accordance with
7 appropriations from the fund made by law. Unexpended moneys due
8 to project withdrawals, cancellations, or cost savings shall be returned
9 to the fund, except as otherwise provided pursuant to paragraph (3)
10 of subsection b. of section 23 of this act, to be used for the purposes
11 of the fund.

12

13 21. (New section) The State Treasurer shall establish a fund to be
14 known as the "Garden State Historic Preservation Trust Fund." The
15 State Treasurer shall deposit into the fund all moneys transferred from
16 the Garden State Preservation Trust to the State Treasurer for deposit
17 into the fund pursuant to paragraph (3) of subsection a. of section 18
18 of this act and any other moneys appropriated by law for deposit into
19 the fund. Moneys in the fund shall be held in interest-bearing accounts
20 in those depositories as the State Treasurer may select, and may be
21 invested and reinvested as other trust funds in the custody of the State
22 Treasurer in the manner provided by law. All interest or other income
23 or earnings derived from the investment or reinvestment of moneys in
24 the fund shall be credited to the fund. Such grants, contributions,
25 donations, and reimbursements from federal aid programs and from
26 other public or private sources as may be used lawfully for the
27 purposes of section ¹[40] 41¹ of this act shall also be held in the fund,
28 but shall be expended in accordance with any purposes for which the
29 moneys were designated and in compliance with any conditions or
30 requirements attached thereto. The moneys in the fund are specifically
31 dedicated and shall be applied to the cost of the purposes set forth in
32 section ¹[40] 41¹ of this act. Moneys in the fund shall not be
33 expended except in accordance with appropriations from the fund
34 made by law. Unexpended moneys due to project withdrawals,
35 cancellations, or cost savings shall be returned to the fund, except as
36 otherwise provided pursuant to paragraph (3) of subsection c. of
37 section 23 of this act, to be used for the purposes of the fund.

38

39 22. (New section) a. The State Auditor shall conduct audits of the
40 expenditures from the Garden State Green Acres Preservation Trust
41 Fund, the Garden State Farmland Preservation Trust Fund, and the
42 Garden State Historic Preservation Trust Fund as necessary to
43 determine from time to time whether moneys from those funds have
44 been expended for costs consistent with Article VIII, Section II,
45 paragraph 7 of the State Constitution, this act, any appropriations of
46 those moneys made by the Legislature, and any requirements

1 established therefor by the trust. The State Auditor shall transmit the
2 audit to the President of the Senate and the Speaker of the General
3 Assembly, and to the members of the Senate Budget and
4 Appropriations Committee, the Assembly Appropriations Committee,
5 and the Joint Budget Oversight Committee, or their successors. The
6 State Auditor shall also provide copies of the audit to the Governor,
7 the State Treasurer, and the trust.

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

20
21 23. (New section) a. (1) At least twice each State fiscal year, the
22 Department of Environmental Protection shall submit to the trust a list
23 of projects that the department recommends to receive funding from:
24 the Garden State Green Acres Preservation Trust Fund, based upon a
25 priority system, ranking criteria, and funding policies established by
26 the department pursuant to this act; or any Green Acres bond act with
27 respect to moneys allocated therein for appropriation for the purpose
28 of acquiring or developing lands for recreation and conservation
29 purposes, based upon a priority system, ranking criteria, and funding
30 policies established by the department pursuant to law and any rules
31 or regulations adopted pursuant thereto.

32 ¹To the extent the department receives a sufficient number of
33 applications from local government units for the funding of projects to
34 acquire or develop, for recreation and conservation purposes, lands
35 located in municipalities eligible to receive State aid pursuant to
36 P.L.1978, c.14 (C.52:27D-178 et seq.), and those projects qualify for
37 funding based upon the priority system, ranking criteria, and funding
38 policies established by the department, in any State fiscal year the
39 percentage of funding from the Garden State Green Acres Preservation
40 Trust Fund for such projects recommended by the department shall be
41 substantially equivalent to or greater than the percentage derived by
42 dividing the total amount allocated pursuant to P.L.1983, c.354,
43 P.L.1987, c.265, P.L.1989, c.183, P.L.1992, c.88, and P.L.1995,
44 c.204, for local government unit projects for recreation and
45 conservation purposes in municipalities eligible to receive State aid
46 pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) by the total amount

1 allocated pursuant to P.L.1983, c.354, P.L.1987, c.265, P.L.1989,
2 c.183, P.L.1992, c.88, and P.L.1995, c.204, for all local government
3 unit projects for recreation and conservation purposes. In any State
4 fiscal year, not less than 20% of the total amount of funding from the
5 Garden State Green Acres Preservation Trust Fund for all State
6 projects to acquire and develop lands for recreation and conservation
7 purposes throughout the State recommended by the department shall
8 be for State projects located in highly populated counties of the State
9 with population densities of at least 1,000 persons per square mile
10 according to the latest federal decennial census.¹

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

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

34 Moneys may be appropriated to a local government unit that has
35 prepared and adopted an open space acquisition and development plan
36 approved by the department, or to a qualifying tax exempt nonprofit
37 organization that¹ []¹ in cooperation and with the approval of a local
38 government unit¹ []¹ is implementing or assisting in the
39 implementation of an open space acquisition and development plan
40 adopted by the local government unit and approved by the department,
41 without identifying in the act the particular project or projects to be
42 funded, provided that the appropriation will be expended in
43 accordance with that approved plan¹ and, with respect to Green Acres
44 bond act moneys, the appropriation in that form is not inconsistent
45 with the Green Acres bond act¹.

46 (3) Any transfer of moneys appropriated from the Garden State

1 Green Acres Preservation Trust Fund, or from any Green Acres bond
2 act with respect to moneys allocated therein for appropriation for the
3 purpose of acquiring or developing lands for recreation and
4 conservation purposes, or any change in project sponsor, site, or type
5 that has received an appropriation from the fund or from a Green
6 Acres bond act, shall require the approval of the Joint Budget
7 Oversight Committee or its successor ¹but shall not require the
8 approval of the Garden State Preservation Trust¹.

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

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

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

40 (3) Any transfer of moneys appropriated from the Garden State
41 Farmland Preservation Trust Fund, or change in project sponsor, site,
42 or type that has received an appropriation from the fund, shall require
43 the approval of the Joint Budget Oversight Committee or its successor
44 ¹but shall not require the approval of the Garden State Preservation
45 Trust¹.

46 c. (1) At least once each State fiscal year, or at such other interval

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

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

30 (3) Any transfer of moneys appropriated from the Garden State
31 Historic Preservation Trust Fund, or change in project sponsor, site,
32 or type that has received an appropriation from the fund, shall require
33 the approval of the Joint Budget Oversight Committee or its successor
34 ¹but shall not require the approval of the Garden State Preservation
35 Trust¹.

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

1 subsequent list of projects submitted to the Garden State Preservation
2 Trust pursuant to subsection a., b., or c. of this section. The Garden
3 State Preservation Trust shall include the project in the next proposed
4 legislation appropriating moneys from the Garden State Green Acres
5 Preservation Trust Fund, Green Acres bond act, Garden State
6 Farmland Preservation Trust Fund, or Garden State Historic
7 Preservation Trust Fund, as the case may be, that is submitted to the
8 Governor, President of the Senate, and Speaker of the General
9 Assembly pursuant to subsection a., b., or c. of this section, together
10 with a written report setting forth the rationale of the Garden State
11 Preservation Trust in recommending deletion of the project from the
12 proposed legislation and the rationale of the department, committee,
13 or New Jersey Historic Trust, as the case may be, in recommending
14 retention of the project in the proposed legislation.

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

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

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

31 h. The total amount appropriated for proposed projects pursuant
32 to subsections a. and b. of this section in any State fiscal year shall not
33 exceed \$200,000,000.

34

35 24. (New section) a. ¹(1)¹ There is established in the Department
36 of Environmental Protection the Office of Green Acres. The
37 commissioner may appoint an administrator or director who shall
38 supervise the office, and the department may employ such other
39 personnel and staff as may be required to carry out the duties and
40 responsibilities of the department and the office pursuant to this act,
41 all without regard to the provisions of Title 11A, Civil Service, of the
42 New Jersey Statutes. Persons appointed or employed as provided
43 pursuant to this subsection shall be compensated in a manner similar
44 to other employees in the Executive Branch, and their compensation
45 shall be determined by the Commissioner of Personnel.

46 ¹(2) The Green Acres Program in the Department of Environmental

1 Protection, together with all of its functions, powers and duties, are
2 continued and transferred to and constituted as the Office of Green
3 Acres in the Department of Environmental Protection. Whenever, in
4 any law, rule, regulation, order, contract, document, judicial or
5 administrative proceeding or otherwise, reference is made to the Green
6 Acres Program, the same shall mean and refer to the Office of Green
7 Acres in the Department of Environmental Protection. This transfer
8 shall be subject to the provisions of the "State Agency Transfer Act,"
9 P.L.1971, c.375 (C.52:14D-1 et seq.).¹

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

11 (1) Administer all provisions of this act pertaining to funding the
12 acquisition and development of lands for recreation and conservation
13 purposes as authorized pursuant to Article VIII, Section II, paragraph
14 7 of the State Constitution;

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

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

24 (a) establishing application procedures for grants and loans for the
25 acquisition and development of lands for recreation and conservation
26 purposes, criteria and policies for the evaluation and priority ranking
27 of projects for eligibility to receive funding for recreation and
28 conservation purposes using constitutionally dedicated moneys, any
29 conditions that may be placed on the award of a grant or loan for
30 recreation and conservation purposes pursuant to this act, and any
31 restrictions that may be placed on the use of lands acquired or
32 developed with a grant or loan for recreation and conservation
33 purposes pursuant to this act. The criteria and policies established
34 pursuant to this subparagraph for the evaluation and priority ranking
35 of projects for eligibility to receive funding for recreation and
36 conservation purposes using constitutionally dedicated moneys may be
37 based upon, but need not be limited to, such factors as: protection of
38 the environment, natural resources, water resources, watersheds,
39 wetlands, floodplains, beaches and coastal resources, forests and
40 grasslands, scenic views, biodiversity, habitat for wildlife, rare,
41 threatened, or endangered species, and plants; degree of likelihood of
42 development; promotion of greenways; provision for recreational
43 access and use; protection of geologic, historic, archaeological, and
44 cultural resources; relative cost; parcel size; and degree of public
45 support; and

46 (b) addressing any other matters deemed necessary to implement

1 and carry out the goals and objectives of Article VIII, Section II,
2 paragraph 7 of the State Constitution and this act with respect to the
3 acquisition and development of lands for recreation and conservation
4 purposes; and

5 (4) Establishing criteria and policies for the evaluation and priority
6 ranking of State projects to acquire and develop lands for recreation
7 and conservation purposes using constitutionally dedicated moneys,
8 which criteria and policies may be based upon, but need not be limited
9 to, such factors as: protection of the environment, natural resources,
10 water resources, watersheds, wetlands, floodplains, beaches and
11 coastal resources, forests and grasslands, scenic views, biodiversity,
12 habitat for wildlife, rare, threatened, or endangered species, and plants;
13 degree of likelihood of development; promotion of greenways;
14 provision for recreational access and use; protection of geologic,
15 historic, archaeological, and cultural resources; relative cost; parcel
16 size; and degree of public support.

17

18 25. (New section) Within one year after the date of enactment of
19 this act, and biennially thereafter until and including 2008, the Garden
20 State Preservation Trust, after consultation with the Department of
21 Environmental Protection, the State Agriculture Development
22 Committee and the New Jersey Historic Trust, shall prepare and
23 submit to the Governor and the Legislature a written report, which
24 shall:

25 a. Describe the progress being made on achieving the goals and
26 objectives of Article VIII, Section II, paragraph 7 of the State
27 Constitution and this act with respect to the acquisition and
28 development of lands for recreation and conservation purposes, the
29 preservation of farmland, and the preservation of historic properties,
30 and provide recommendations with respect to any legislative,
31 administrative, or local action that may be required to ensure that
32 those goals and objectives may be met in the future;

33 b. Tabulate, both for the reporting period and cumulatively, the
34 total acreage for the entire State, and the acreage in each county and
35 municipality, of lands acquired for recreation and conservation
36 purposes and of farmland preserved for farmland preservation
37 purposes that have been applied toward meeting the goals and
38 objectives of Article VIII, Section II, paragraph 7 of the State
39 Constitution and this act with respect to the acquisition of lands for
40 recreation and conservation purposes and the preservation of farmland;

41 c. Tabulate, both for the reporting period and cumulatively, the
42 total acreage for the entire State, and the acreage in each county and
43 municipality, of any donations of land that have been applied toward
44 meeting the goals and objectives of Article VIII, Section II, paragraph
45 7 of the State Constitution and this act with respect to the acquisition
46 of lands for recreation and conservation purposes and the preservation

1 of farmland;

2 d. List, both for the reporting period and cumulatively, and by
3 project name, project sponsor, and location by county and
4 municipality, all historic preservation projects funded with
5 constitutionally dedicated moneys ¹in whole or in part¹;

6 e. Indicate those areas of the State where the acquisition and
7 development of lands by the State for recreation and conservation
8 purposes, and the allocation of constitutionally dedicated moneys for
9 farmland preservation purposes, are planned or are most likely to
10 occur, and a proposed schedule and expenditure plan for those
11 acquisitions, developments, and allocations, for the next reporting
12 period, which shall include an explanation of how those acquisitions,
13 developments, and allocations will be distributed throughout all
14 geographic regions of the State to the maximum extent practicable and
15 feasible;

16 f. List any surplus real property owned by the State or an
17 independent authority of the State that may be utilizable for recreation
18 and conservation purposes or farmland preservation purposes, and
19 indicate what action has been or must be taken to effect a conveyance
20 of those lands to the department, the committee, local government
21 units, qualifying tax exempt nonprofit organizations, or other entities
22 or persons so that the lands may be preserved and used for those
23 purposes; ¹**[and]**¹

24 g. List, for the reporting period, all projects for which applications
25 for funding under the Green Acres, farmland preservation, and historic
26 preservation programs were received but not funded with
27 constitutionally dedicated moneys during the reporting period, and the
28 reason or reasons why those projects were not funded¹; and

29 h. Provide, for the reporting period, a comparison of the amount
30 of constitutionally dedicated moneys annually appropriated for local
31 government unit projects for recreation and conservation purposes in
32 municipalities eligible to receive State aid pursuant to P.L.1978, c.14
33 (C.52:27D-178 et seq.) to the average amount of Green Acres bond
34 act moneys annually appropriated for such projects in the years 1984
35 through 1998¹.

36

37 26. (New section) a. Moneys appropriated from the Garden State
38 Green Acres Preservation Trust Fund to the Department of
39 Environmental Protection shall be used by the department to:

40 (1) Pay the cost of acquisition and development of lands by the
41 State for recreation and conservation purposes;

42 (2) Provide grants and loans to assist local government units to pay
43 the cost of acquisition and development of lands for recreation and
44 conservation purposes; and

45 (3) Provide grants to assist qualifying tax exempt nonprofit
46 organizations to pay the cost of acquisition and development of lands

1 for recreation and conservation purposes.

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

6 c. (1) Notwithstanding the provisions of section 5 of P.L.1985,
7 c.310 (C.13:18A-34) or this act, or any rule or regulation adopted
8 pursuant thereto, to the contrary, the value of a pinelands development
9 credit, allocated to a parcel pursuant to P.L.1979, c.111 (C.13:18A-1
10 et seq.) and the pinelands comprehensive management plan adopted
11 pursuant thereto, shall be made utilizing a value to be determined by
12 either appraisal, regional averaging based upon appraisal data, or a
13 formula supported by appraisal data. The appraisal and appraisal data
14 shall consider as appropriate: land values in the pinelands regional
15 growth areas; land values in counties, municipalities, and other areas
16 reasonably contiguous to, but outside of, the pinelands area; and other
17 relevant factors as may be necessary to maintain the environmental,
18 ecological, and agricultural qualities of the pinelands area.

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

28 d. ¹【In determining the value of lands under consideration for
29 acquisition for recreation and conservation purposes to be paid for
30 using constitutionally dedicated moneys in whole or in part, any
31 appraisal of that value conducted by or for the department, a local
32 government unit, or a qualifying tax exempt nonprofit organization
33 shall be made using the land use zoning of the lands in effect on
34 November 3, 1998. This subsection shall not apply to appraisals
35 conducted for the purposes of subsection c. of this section.】

36 (1) For State fiscal years 2000 through 2004 only, when the
37 department, a local government unit, or a qualifying tax exempt
38 nonprofit organization seeks to acquire lands for recreation and
39 conservation purposes using constitutionally dedicated moneys in
40 whole or in part, it shall conduct or cause to be conducted an appraisal
41 or appraisals of the value of the lands that shall be made using the land
42 use zoning of the lands (a) in effect at the time of proposed
43 acquisition, and (b) in effect on November 3, 1998 as if that land use
44 zoning is still in effect at the time of proposed acquisition. The higher
45 of those two values shall be utilized by the department, a local
46 government unit, or a qualifying tax exempt nonprofit organization as

1 the basis for negotiation with the landowner with respect to the
2 acquisition price for the lands. The landowner shall be provided with
3 both values determined pursuant to this paragraph. A landowner may
4 waive any of the requirements of this paragraph and may agree to sell
5 the lands for less than the values determined pursuant to this
6 paragraph.

7 (2) The requirements of this subsection shall be in addition to any
8 other requirements of law, rule, or regulation not inconsistent
9 therewith.

10 (3) This subsection shall not:

11 (a) apply if the land use zoning of the lands at the time of proposed
12 acquisition has not changed since November 3, 1998;

13 (b) apply in the case of lands to be acquired with federal moneys
14 in whole or in part;

15 (c) apply in the case of lands to be acquired in accordance with
16 subsection c. of this section;

17 (d) apply to projects funded using constitutionally dedicated
18 moneys appropriated pursuant to the annual appropriations act for
19 State fiscal year 2000 (now before the Legislature as Senate
20 Bill No. ____ of 1999 or Assembly Bill No. ____ of 1999); or

21 (e) alter any requirements to disclose information to a landowner
22 pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361
23 (C.20:3-1 et seq.).¹

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

28 ¹f. Moneys appropriated from the fund shall not be used by local
29 government units or qualifying tax exempt nonprofit organizations to
30 acquire lands that are already permanently preserved for recreation and
31 conservation purposes, as determined by the department.

32 g. Whenever lands are donated to the State by a public utility, as
33 defined pursuant to Title 48 of the Revised Statutes, for recreation and
34 conservation purposes, the commissioner may make and keep the lands
35 accessible to the public, unless the commissioner determines that
36 public accessibility would be detrimental to the lands or any natural
37 resources associated therewith.

38 h. Whenever the State acquires land for recreation and
39 conservation purposes, the agency in the Department of Environmental
40 Protection responsible for administering the land shall, within six
41 months after the date of acquisition, inspect the land for the presence
42 of any buildings or structures thereon which are or may be historic
43 properties and, within 60 days after completion of the inspection,
44 provide to the New Jersey Historic Preservation Office in the
45 department (1) a written notice of its findings, and (2) for any
46 buildings or structures which are or may be historic properties

1 discovered on the land, a request for determination of potential
2 eligibility for inclusion of the historic building or structure in the New
3 Jersey Register of Historic Places. Whenever such a building or
4 structure is discovered, a copy of the written notice provided to the
5 New Jersey Historic Preservation Office shall also be sent to the New
6 Jersey Historic Trust and to the county historical commission or
7 advisory committee, the county historical society, the local historic
8 preservation commission or advisory committee, and the local
9 historical society if any of those entities exist in the county or
10 municipality wherein the land is located.¹

11

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

18 (2) Notwithstanding the provisions of paragraph (1) of this
19 subsection to the contrary:

20 (a) a grant by the State for lands acquired for recreation and
21 conservation purposes by a qualifying open space referendum county
22 or a qualifying open space referendum municipality shall be for 50%
23 of the cost of acquisition of the lands by that county or municipality,
24 except that the trust may authorize an increase in the State's share of
25 the cost to a maximum of 75% upon a demonstration of special need
26 or exceptional circumstances; and

27 (b) a grant by the State for lands acquired or developed for
28 recreation and conservation purposes by a local government unit in a
29 municipality eligible to receive State aid pursuant to P.L.1978, c.14
30 (C.52:27D-178 et seq.) shall be for 50% of the cost of acquisition or
31 development of the lands by the local government unit, except that the
32 trust may authorize an increase in the State's share of the cost to a
33 maximum of 75% upon a demonstration of special need or exceptional
34 circumstances.

35 b. A loan by the State for lands to be acquired or developed by a
36 local government unit for recreation and conservation purposes may
37 include up to 100% of the cost of acquisition or development of the
38 lands by the local government unit, shall bear interest of not more than
39 2% per year, and shall be for a term of not more than 30 years for an
40 acquisition project and not more than 20 years for a development
41 project.

42 c. (1) A grant by the State for lands to be acquired or developed
43 by a qualifying tax exempt nonprofit organization for recreation and
44 conservation purposes may include up to 50% of the cost of
45 acquisition or development of the lands by the qualifying tax exempt
46 nonprofit organization.

1 (2) ¹(a)¹ No grant shall be made to a qualifying tax exempt
2 nonprofit organization for a development project for recreation and
3 conservation purposes on lands owned by a local government unit
4 unless the local government unit is a co-applicant with the qualifying
5 tax exempt nonprofit organization or has otherwise indicated its
6 approval in writing of the proposed development project.

7 ¹【The match provided by the】 (b) A¹ qualifying tax exempt
8 nonprofit organization ¹【for any such development project grant shall
9 not be met with any moneys obtained through a State grant】 shall not
10 use as its matching share of the cost of acquisition or development of
11 lands for recreation and conservation purposes any constitutionally
12 dedicated grant moneys or any grant moneys obtained from a Green
13 Acres bond act¹.

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

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

20 ¹【(2)】 (b)¹ demonstrate that the organization has the resources to
21 match the grant requested;

22 ¹【(3)】 (c)¹ agree to make and keep the lands accessible to the
23 public, unless the commissioner determines that public accessibility
24 would be detrimental to the lands or any natural resources associated
25 therewith;

26 ¹【(4)】 (d)¹ agree not to convey the lands except to the federal
27 government, the State, a local government unit, or another qualifying
28 tax exempt nonprofit organization, for recreation and conservation
29 purposes; and

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

33 d. The local government unit or qualifying tax exempt nonprofit
34 organization share of the cost of an acquisition of lands, if any, may be
35 reduced (1) by the fair market value, as determined by the
36 commissioner, of any portion of the lands to be acquired that have
37 been donated to, or otherwise received without cost by, the local
38 government unit or qualifying tax exempt nonprofit organization; or
39 (2) in the case of a conveyance of the lands, or any portion thereof, to
40 the local government unit or qualifying tax exempt nonprofit
41 organization at less than fair market value, by the difference between
42 the fair market value at the time of the conveyance and the conveyance
43 price to the local government unit or qualifying tax exempt nonprofit
44 organization.

45 ¹e. Whenever a local government unit or qualifying tax exempt
46 nonprofit organization acquires land for recreation and conservation

1 purposes using constitutionally dedicated moneys in whole or in part,
2 the local government unit or qualifying tax exempt nonprofit
3 organization, shall, within six months after the date of acquisition,
4 inspect the land for the presence of any buildings or structures thereon
5 which are or may be historic properties and, within 60 days after
6 completion of the inspection, provide to the New Jersey Historic
7 Preservation Office in the Department of Environmental Protection (1)
8 a written notice of its findings, and (2) for any buildings or structures
9 which are or may be historic properties discovered on the land, a
10 request for determination of potential eligibility for inclusion of the
11 historic building or structure in the New Jersey Register of Historic
12 Places. Whenever such a building or structure is discovered, a copy
13 of the written notice provided to the New Jersey Historic Preservation
14 Office shall also be sent to the New Jersey Historic Trust and to the
15 county historical commission or advisory committee, the county
16 historical society, the local historic preservation commission or
17 advisory committee, and the local historical society if any of those
18 entities exist in the county or municipality wherein the land is located.¹

19

20 28. (New section) The State shall not use the power of eminent
21 domain in any manner for the acquisition of lands by the State for
22 recreation and conservation purposes using constitutionally dedicated
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 dedicated
29 moneys in whole or in part.

30

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

1 amount paid in the first year: second year, 92%; third year, 84%;
2 fourth year, 76%; fifth year, 68%; sixth year, 60%; seventh year, 52%;
3 eighth year, 44%; ninth year, 36%; 10th year, 28%; 11th year, 20%;
4 12th year, 12%; 13th year, 4%.

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

9 (2) After the 13th year, or sooner as provided pursuant to
10 subparagraph (b) of paragraph (1) of this subsection, the State shall
11 pay annually on October 1 to each municipality in which lands are so
12 acquired and owned the following amounts: \$2 per acre of lands so
13 acquired and owned for any municipality for which all lands owned in
14 fee simple by the State or by a qualifying tax exempt nonprofit
15 organization for recreation and conservation purposes ¹【or farmland
16 preservation purposes】¹ constitute less than 20% of the total land area
17 of the municipality; \$5 per acre of lands so acquired and owned for
18 any municipality for which all lands owned in fee simple by the State
19 or by a qualifying tax exempt nonprofit organization for recreation and
20 conservation purposes ¹【or farmland preservation purposes】¹
21 constitute at least 20% but less than ¹【50%】40%¹ of the total land
22 area of the municipality; \$10 per acre of lands so acquired and owned
23 for any municipality for which all lands owned in fee simple by the
24 State or by a qualifying tax exempt nonprofit organization for
25 recreation and conservation purposes ¹【or farmland preservation
26 purposes】¹ constitute at least ¹【50%】40%¹ but less than 60% of the
27 total land area of the municipality; and \$20 per acre of lands so
28 acquired and owned for any municipality for which all lands owned in
29 fee simple by the State or by a qualifying tax exempt nonprofit
30 organization for recreation and conservation purposes ¹【or farmland
31 preservation purposes】¹ constitute at least 60% of the total land area
32 of the municipality.

33 b. In the event that land acquired by the State, a local government
34 unit, or a qualifying tax exempt nonprofit organization for recreation
35 and conservation purposes ¹【or farmland preservation purposes】¹ was
36 assessed at an agricultural and horticultural use valuation in
37 accordance with provisions of the "Farmland Assessment Act of
38 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.) at the time of its
39 acquisition by the State, local government unit, or qualifying tax
40 exempt nonprofit organization, no roll-back tax pursuant to section 8
41 of P.L.1964, c.48 (C.54:4-23.8) shall be imposed as to this land nor
42 shall this roll-back tax be applicable in determining the annual
43 payments to be made pursuant to subsection a. of this section by the
44 State to the municipality in which this land is located.

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

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

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

10 ¹e. For the purposes of this section, lands owned in fee simple by
11 the State for recreation and conservation purposes shall mean State
12 parks and forests, as defined pursuant to section 3 of P.L.1983, c.324
13 (C.13:1L-3), State wildlife management areas, and any other lands
14 owned in fee simple by the State and administered by the Department
15 of Environmental Protection for recreation and conservation
16 purposes.¹

17
18 30. (New section) a. With respect to lands acquired using any
19 funding source other than constitutionally dedicated moneys, whether
20 prior to the date of enactment of this act or thereafter, and owned in
21 fee simple by the State or by a qualifying tax exempt nonprofit
22 organization, and which lands are permanently preserved for
23 recreation and conservation purposes ¹~~or for farmland preservation~~
24 ~~purposes~~¹, the State shall pay annually on October 1 to each
25 municipality in which those lands are located the following amounts:
26 \$2 per acre of lands so acquired and owned for any municipality for
27 which all lands owned in fee simple by the State or by a qualifying tax
28 exempt nonprofit organization for recreation and conservation
29 purposes ¹~~or farmland preservation purposes~~¹ constitute less than
30 20% of the total land area of the municipality; \$5 per acre of lands
31 acquired and owned for any municipality for which all lands owned in
32 fee simple by the State or by a qualifying tax exempt nonprofit
33 organization for recreation and conservation purposes ¹~~or farmland~~
34 ~~preservation purposes~~¹ constitute at least 20% but less than ¹~~50%~~
35 ~~40%~~¹ of the total land area of the municipality; \$10 per acre of lands
36 so acquired and owned for any municipality for which all lands owned
37 in fee simple by the State or by a qualifying tax exempt nonprofit
38 organization for recreation and conservation purposes ¹~~or farmland~~
39 ~~preservation purposes~~¹ constitute at least ¹~~50%~~ ~~40%~~¹ but less than
40 60% of the total land area of the municipality, and \$20 per acre of
41 lands so acquired and owned for any municipality for which all lands
42 owned in fee simple by the State or by a qualifying tax exempt
43 nonprofit organization for recreation and conservation purposes ¹~~or~~
44 ~~farmland preservation purposes~~¹ constitute at least 60% of the total
45 land area of the municipality.

1 b. In the event payments in lieu of taxes are due and payable from
2 the State on those lands pursuant to another law, and those payments,
3 if made by the State, would exceed those that would be paid pursuant
4 to this section, the payments shall be made in accordance with the
5 other law. In no case shall payments be made to a municipality in
6 compliance with both this section and any other applicable law.

7 c. Any payments made by the State pursuant to this section shall
8 be paid from the General Fund but not from constitutionally dedicated
9 moneys.

10 d. All sums of money received by the respective municipalities as
11 compensation for loss of tax revenue pursuant to this section shall be
12 applied to the same purposes as is the tax revenue from the assessment
13 and collection of taxes on real property of these municipalities, and to
14 accomplish this end the sums shall be apportioned in the same manner
15 as the general tax rate of the municipality for the tax year preceding
16 the year of receipt.

17 ¹e. For the purposes of this section, lands owned in fee simple by
18 the State for recreation and conservation purposes shall mean State
19 parks and forests, as defined pursuant to section 3 of P.L.1983, c.324
20 (C.13:1L-3), State wildlife management areas, and any other lands
21 owned in fee simple by the State and administered by the Department
22 of Environmental Protection for recreation and conservation
23 purposes.¹

24
25 31. (New section) Lands acquired or developed by the State for
26 recreation and conservation purposes using constitutionally dedicated
27 moneys in whole or in part shall not be conveyed, disposed of, or
28 diverted to use for other than recreation and conservation purposes
29 without the approval of the ¹commissioner and the¹ State House
30 Commission established pursuant to R.S.52:20-1 et seq. Approval
31 shall not be given unless the commissioner shall agree to pay an
32 amount equal to or greater than the fair market value of the land at the
33 time of the proposed conveyance, disposal, or diversion, as determined
34 by the State House Commission, into the Garden State Green Acres
35 Preservation Trust Fund¹; and the amount to be paid shall be
36 determined also in accordance with the requirements of P.L.1993, c.38
37 (C.13:1D-51 et seq.)¹. Moneys so returned to that fund shall be
38 deemed wholly a part of the portion of that fund available for the
39 acquisition by the State of lands for recreation and conservation
40 purposes as provided pursuant to this act.

41
42 32. (New section) a. Lands acquired or developed by a local
43 government unit or a qualifying tax exempt nonprofit organization for
44 recreation and conservation purposes using constitutionally dedicated
45 moneys in whole or in part shall not be conveyed, disposed of, or
46 diverted to a use for other than recreation and conservation purposes

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

17 b. A local government unit that receives a grant or loan for
18 recreation and conservation purposes pursuant to this act shall not
19 convey, dispose of, or divert to a use for other than recreation and
20 conservation purposes any lands held by the local government unit for
21 those purposes at the time of receipt of the grant or loan without the
22 approval of the commissioner and the State House Commission and
23 following a public hearing held by the local government unit at least
24 one month prior to those approvals. Approval of the commissioner
25 and the State House Commission shall not be given unless the local
26 government unit agrees to (a) replace the lands with lands of equal or
27 greater fair market value and of reasonably equivalent size, quality,
28 location, and usefulness for recreation and conservation purposes, as
29 approved by the commissioner, or (b) pay an amount equal to or
30 greater than the fair market value of the lands, as determined by the
31 commission, into the Garden State Green Acres Preservation Trust
32 Fund. Moneys so returned to that fund shall be deemed wholly a part
33 of the portion of that fund available for grants or loans to local
34 government units for the acquisition of lands for recreation and
35 conservation purposes as provided pursuant to this act.

36 c. For the purposes of this section, "fair market value" shall mean
37 the fair market value at the time of the proposed conveyance, disposal,
38 or diversion.

39

40 33. (New section) a. For lands held by a local government unit for
41 recreation and conservation purposes that were neither acquired nor
42 developed for any of those purposes with any financial assistance from
43 the State, and which have been included in an inventory of lands
44 prepared for the purposes of complying with section 32 of this act, the
45 local government unit may (1) change the recreation and conservation
46 purpose for which the lands are being used to another recreation and

1 conservation purpose, including but not limited to developing the lands
2 for public outdoor recreation, or (2) construct a building or other
3 structure on the lands for public indoor recreation, provided that the
4 local government unit has held at least one public hearing on the
5 proposed change in purpose or use at least 90 days prior to final
6 approval thereof by the local government unit. Any action taken by a
7 local government unit pursuant to this section shall not be deemed to
8 be a conveyance, disposal, or diversion for the purposes of subsection
9 b. of section 32 of this act.

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

17
18 34. (New section) a. A local government unit may convey lands
19 held by the local government unit for recreation and conservation
20 purposes to the federal government, the State, another local
21 government unit, or a qualifying tax exempt nonprofit organization,
22 provided that (1) the lands will continue to be preserved and used for
23 recreation and conservation purposes, (2) any restrictions on the lands
24 when they were held by the local government unit are maintained by
25 the new owner, and (3) at least one public hearing on the proposed
26 conveyance is held by the local government unit at least 90 days prior
27 to final approval thereof by the local government unit.

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

34
35 35. (New section) a. No lands acquired or developed by the State
36 for recreation and conservation purposes using constitutionally
37 dedicated moneys in whole or in part may be conveyed except in
38 accordance with the provisions of this act, P.L.1993, c.38 (C.13:1D-
39 51 et seq.), and any other applicable law.

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

45 c. No lands acquired or developed by a local government unit,
46 other than a county, for recreation and conservation purposes using

1 constitutionally dedicated moneys in whole or in part may be conveyed
2 except in accordance with the provisions of this act and any other
3 applicable law.

4
5 36. (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 repayment
13 of all or a portion of the grant or loan amount received by the local
14 government unit.

15
16 37. (New section) a. Moneys appropriated from the Garden State
17 Farmland Preservation Trust Fund to the State Agriculture
18 Development Committee for farmland preservation purposes shall be
19 used by the committee to:

20 (1) Provide grants to local government units to pay up to 80% of
21 the cost of acquisition of development easements on farmland, ¹and to
22 qualifying tax exempt nonprofit organizations to pay up to 50% of the
23 cost of acquisition of development easements on farmland as provided
24 in section 39 of this act,¹ provided that any funds received for the
25 transfer of a development easement shall be dedicated to the future
26 purchase of development easements on farmland and the State's pro
27 rata share of any such funds shall be deposited in the Garden State
28 Farmland Preservation Trust Fund to be used for the purposes of that
29 fund ¹and provided that the terms of any such development easement
30 to be acquired by a qualifying tax exempt nonprofit organization shall
31 be approved by the committee¹;

32 (2) Provide grants to local government units to pay up to 80% of
33 the cost of acquisition of fee simple titles to farmland from willing
34 sellers only, ¹and to qualifying tax exempt nonprofit organizations to
35 pay up to 50% of the cost of acquisition of fee simple titles to
36 farmland from willing sellers only as provided in section 39 of this
37 act,¹ which shall be offered for resale or lease with agricultural deed
38 restrictions, as determined by the committee, and any proceeds
39 received from a resale shall be dedicated for farmland preservation
40 purposes and the State's pro rata share of any such proceeds shall be
41 deposited in the Garden State Farmland Preservation Trust Fund to be
42 used for the purposes of that fund;

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

1 of that fund; and

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

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

12

13 38. (New section) a. All acquisitions or grants made pursuant to
14 section 37 of this act shall be made with respect to farmland devoted
15 to farmland preservation under programs established by law.

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

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

24 d. The committee shall adopt the same or a substantially similar
25 method for determining, for the purposes of this act, the committee's
26 share of the cost of a development easement on farmland to be
27 acquired by a local government as that which is being used by the
28 committee on the date of enactment of this act for prior farmland
29 preservation funding programs.

30 e. Notwithstanding the provisions of section 24 of P.L.1983, c.32
31 (C.4:1C-31) or this act, or any rule or regulation adopted pursuant
32 thereto, to the contrary, whenever the value of a development
33 easement on farmland to be acquired using constitutionally dedicated
34 moneys in whole or in part is determined based upon the value of any
35 pinelands development credits allocated to the parcel pursuant
36 P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive
37 management plan adopted pursuant thereto, the committee shall
38 determine the value of the development easement by:

39 (1) conducting a sufficient number of fair market value appraisals
40 as it deems appropriate to determine the value for farmland
41 preservation purposes of the pinelands development credits;

42 (2) considering development easement values in counties,
43 municipalities, and other areas (a) reasonably contiguous to, but
44 outside of, the pinelands area, which in the sole opinion of the
45 committee constitute reasonable development easement values in the
46 pinelands area for the purposes of this subsection, and (b) in the

1 pinelands area where pinelands development credits are or may be
2 utilized, which in the sole opinion of the committee constitute
3 reasonable development easement values in the pinelands area for the
4 purposes of this subsection;

5 (3) considering land values in the pinelands regional growth areas;

6 (4) considering the importance of preserving agricultural lands in
7 the pinelands area; and

8 (5) considering such other relevant factors as may be necessary to
9 increase participation in the farmland preservation program by owners
10 of agricultural lands located in the pinelands area.

11 f. No pinelands development credit that is acquired or obtained in
12 connection with the acquisition of a development easement on
13 farmland or fee simple title to farmland by the State ¹~~or~~,¹ a local
14 government unit¹, or a qualifying tax exempt nonprofit organization¹
15 using constitutionally dedicated moneys in whole or in part may be
16 conveyed in any manner. All such pinelands development credits shall
17 be retired permanently.

18 g. ¹~~In determining the value of a development easement on~~
19 ~~farmland or the fee simple title to farmland under consideration for~~
20 ~~acquisition for farmland preservation purposes to be paid for using~~
21 ~~constitutionally dedicated moneys in whole or in part, any appraisal of~~
22 ~~that value conducted by or for the committee or a local government~~
23 ~~unit shall be made using the land use zoning of the farmland in effect~~
24 ~~on November 3, 1998. This subsection shall not apply to appraisals~~
25 ~~conducted for the purposes of subsection e. of this section.]~~

26 (1) For State fiscal years 2000 through 2004 only, when the
27 department, a local government unit, or a qualifying tax exempt
28 nonprofit organization seeks to acquire a development easement on
29 farmland or the fee simple title to farmland for farmland preservation
30 purposes using constitutionally dedicated moneys in whole or in part,
31 it shall conduct or cause to be conducted an appraisal or appraisals of
32 the value of the lands that shall be made using the land use zoning of
33 the lands (a) in effect at the time of proposed acquisition, and (b) in
34 effect on November 3, 1998 as if that land use zoning is still in effect
35 at the time of proposed acquisition. The higher of those two values
36 shall be utilized by the department, a local government unit, or a
37 qualifying tax exempt nonprofit organization as the basis for
38 negotiation with the landowner with respect to the acquisition price
39 for the lands. The landowner shall be provided with both values
40 determined pursuant to this paragraph. A landowner may waive any
41 of the requirements of this paragraph and may agree to sell the lands
42 for less than the values determined pursuant to this paragraph.

43 (2) The requirements of this subsection shall be in addition to any
44 other requirements of law, rule, or regulation not inconsistent
45 therewith.

46 (3) This subsection shall not:

- 1 (a) apply if the land use zoning of the lands at the time of proposed
2 acquisition has not changed since November 3, 1998;
- 3 (b) apply in the case of lands to be acquired with federal moneys
4 in whole or in part;
- 5 (c) apply in the case of lands to be acquired in accordance with
6 subsection e. of this section;
- 7 (d) apply to projects funded using constitutionally dedicated
8 moneys appropriated pursuant to the annual appropriations act for
9 State fiscal year 2000 (now before the Legislature as Senate Bill
10 No. of 1999 or Assembly Bill No. of 1999); or
- 11 (e) alter any requirements to disclose information to a landowner
12 pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361
13 (C.20:3-1 et seq.).¹
- 14 h. Any farmland for which a development easement or fee simple
15 title has been acquired pursuant to section 37 of this act shall be
16 entitled to the benefits conferred by the "Right to Farm Act,"
17 P.L.1983, c.31 (C.4:1C-1 et al.) and the "Agriculture Retention and
18 Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) P.L.1983, c.32
19 (C.4:1C-11 et al.).
- 20
- 21 ¹39. (New section) a. The committee may provide a grant to a
22 qualifying tax exempt nonprofit organization for up to 50% of the cost
23 of acquisition of (1) a development easement on farmland, provided
24 that the terms of any such development easement shall be approved by
25 the committee, or (2) fee simple title to farmland, which shall be
26 offered for resale or lease with an agricultural deed restriction, as
27 determined by the committee, and any proceeds received from a resale
28 shall be dedicated for farmland preservation purposes and the State's
29 pro rata share of any such proceeds shall be deposited in the Garden
30 State Farmland Preservation Trust Fund to be used for the purposes
31 of that fund.
- 32 b. The value of a development easement or fee simple title shall be
33 established by two appraisals conducted on each parcel and certified
34 by the committee. The appraisals shall be conducted by independent
35 professional appraisers selected by the qualifying tax exempt nonprofit
36 organization and approved by the committee from among members of
37 recognized organizations of real estate appraisers.
- 38 c. The appraisals shall determine the fair market value of the fee
39 simple title to the parcel, as well as the fair market value of the parcel
40 for agricultural purposes. The difference between the two values shall
41 represent an appraisal of the value of the parcel for nonagricultural
42 purposes, which shall be the value of the development easement.
- 43 d. Any grant provided to a qualifying tax exempt nonprofit
44 organization pursuant to this section shall not exceed 50% of the
45 appraised value of the development easement, or of the fee simple title
46 in the case of fee simple acquisitions, plus up to 50% of any costs

1 incurred including but not limited to the costs of surveys, appraisals,
2 and title insurance.

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

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

10 (1) demonstrate that it has the resources to match the grant
11 requested; and

12 (2) in the case of the acquisition of a development easement, agree
13 not to convey the development easement except to the federal
14 government, the State, a local government unit, or another qualifying
15 tax exempt nonprofit organization, for farmland preservation
16 purposes.¹

17
18 ¹[39.] 40.¹ (New section) a. The committee may acquire and
19 permanently retire development easements on farmland.

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

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

29 d. Any development easement acquired by the committee shall be
30 held of record in the name of the committee.

31
32 ¹[40.] 41.¹ (New section) a. Moneys appropriated from the
33 Garden State Historic Preservation Trust Fund to the New Jersey
34 Historic Trust for historic preservation purposes shall be used by the
35 New Jersey Historic Trust to provide grants to local government units
36 or qualifying tax exempt nonprofit organizations to pay a portion of
37 the cost of preservation of historic properties. Grants shall be
38 awarded on a competitive basis based upon the following criteria:

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

42 (2) demonstration by the applicant of administrative capabilities to
43 carry out the preservation plans required pursuant to paragraph (1) of
44 this subsection;

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

1 (4) evidence that the historic property is and shall remain
2 accessible to the public, or if it is not accessible to the public at the
3 time of application, that it shall be made, and shall remain, accessible
4 to the public.

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

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

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

16 (3) demonstrate that it has the resources to match the grant
17 requested;

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

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

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

31 d. No grant awarded pursuant to this section may exceed
32 \$750,000.

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

35 f. Any local government unit or qualifying tax exempt nonprofit
36 organization awarded a grant pursuant to this section shall execute a
37 contract between that entity and the New Jersey Historic Trust within
38 18 months after the date of the appropriation by law of the moneys for
39 the grant, or the grant for the project shall lapse into the Garden State
40 Historic Preservation Trust Fund.

41 g. The New Jersey Historic Trust shall establish an advisory
42 committee composed of trustees of the New Jersey Historic Trust and
43 other individuals with the requisite professional expertise to evaluate
44 the grant applications submitted pursuant to this section and to advise
45 the New Jersey Historic Trust on the merits of each application
46 received.

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

5
6 ¹~~41.~~ ^{42.} (New section) a. The Department of Environmental
7 Protection, the State Agriculture Development Committee, the New
8 Jersey Historic Trust, and the Department of the Treasury shall ¹each¹
9 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
10 c.410 (C.52:14B-1 et seq.), such rules and regulations as may be
11 necessary to implement and carry out the goals and objectives of
12 Article VIII, Section II, paragraph 7 of the State Constitution and this
13 act.

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

26 c. In order to implement the funding provisions provided for in this
27 act, the State Treasurer, the Department of Environmental Protection,
28 the State Agriculture Development Committee, the New Jersey
29 Historic Trust, and the Garden State Preservation Trust are hereby
30 authorized to enter into one or more contracts. The contracts shall
31 commence in the State fiscal year beginning July 1, 1999, and provide
32 for the credit to the Garden State Preservation Trust Fund Account in
33 the amounts provided for in section 17 of this act and for the payment
34 to the Garden State Preservation Trust of the amounts credited to the
35 Garden State Preservation Trust Fund Account in accordance with the
36 provisions of section 17 of this act. The contracts shall also provide
37 for the payment by the Garden State Preservation Trust of the amounts
38 provided for in section 18 of this act and for expenditures from the
39 Garden State Green Acres Preservation Trust Fund, the Garden State
40 Farmland Preservation Trust Fund, and the Garden State Historic
41 Preservation Trust Fund, as provided in section 18 of this act. The
42 contract or contracts shall be on terms and conditions as determined
43 by the parties and may contain terms and conditions necessary and
44 desirable to secure the bonds, notes and other obligations of the
45 Garden State Preservation Trust, provided, however, that the
46 incurrence of any obligation by the State under the contract or

1 contracts, including any payments to be made thereunder from the
2 Garden State Preservation Trust Fund Account, the Garden State
3 Green Acres Preservation Trust Fund, the Garden State Farmland
4 Preservation Trust Fund, or the Garden State Historic Preservation
5 Trust Fund, as provided in sections 17, 19, 20, and 21 of this act, shall
6 be subject to and dependent upon appropriations being made from time
7 to time by the Legislature for the purposes of this act.

8 ¹d. Within one year after the date of enactment of this act, the
9 Department of Environmental Protection, the State Agriculture
10 Development Committee, and the State House Commission established
11 pursuant to R.S.52:20-1 et seq. shall conduct a study of the process
12 by which easements are granted to public utilities, as defined in Title
13 48 of the Revised Statutes, on lands acquired for recreation and
14 conservation purposes or for farmland preservation purposes, and
15 prepare and submit to the Legislature a written report of the study
16 findings together with any recommendations for legislative or
17 administrative action that would improve that process. The agencies
18 shall jointly hold at least one public hearing to receive testimony on
19 the issue prior to preparation of the report.¹

20
21 ¹~~42.~~ 43.¹ (New section) a. To the extent moneys are or may
22 become available as a result of project withdrawals, cancellations, or
23 costs savings, there is reappropriated to the New Jersey Historic Trust
24 the unexpended balances of the amounts appropriated or
25 reappropriated pursuant to P.L.1990, c.91, P.L.1991, c.468, P.L.1993,
26 c.203, P.L.1993, c.270, P.L.1993, c.271, P.L.1993, c.272, P.L.1995,
27 c.420, P.L.1995, c.421, P.L.1997, c.106, P.L.1997, c.107, P.L.1998,
28 c.64, and P.L.1998, c.65, for the purpose of providing additional
29 funding if appropriate, subject to the approval of the Joint Budget
30 Oversight Committee or its successor and in a sequence consistent
31 with the priority system established by the New Jersey Historic Trust,
32 in the form of grants for the projects listed in P.L.1990, c.91,
33 P.L.1991, c.468, P.L.1993, c.203, P.L.1993, c.270, P.L.1993, c.271,
34 P.L.1993, c.272, P.L.1995, c.420, P.L.1995, c.421, P.L.1997, c.106,
35 P.L.1997, c.107, P.L.1998, c.64, and P.L.1998, c.65, and for the
36 purpose of administrative costs of the New Jersey Historic Trust
37 associated with any such projects.

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

41
42 ¹~~43.~~ 44.¹ Section 4 of P.L.1967, c.124 (C.13:1B-15.111) is
43 amended to read as follows:

44 4. There is hereby created and established in but not of the
45 Department of ~~Environmental Protection~~ State , a body corporate
46 and politic with corporate succession, to be known as the New Jersey

1 Historic Trust. The trust is hereby constituted an instrumentality
2 exercising public and essential governmental functions, and the
3 exercise by the trust of the powers conferred by **[this act]** P.L.1967,
4 c.124 (C.13:1B-15.111 et al.) shall be deemed and held to be an
5 essential governmental function of the State.

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

7

8 ¹**[44.] 45.**¹ Section 3 of P.L.1983, c.562 (C.13:1B-15.112a) is
9 amended to read as follows:

10 3. a. The powers and duties of the New Jersey Historic Trust shall
11 vest in and be exercised by a board of 15 trustees, of whom three shall
12 be the **[Commissioner]** Administrator of the New Jersey Historic
13 Preservation Office in the Department of Environmental Protection or
14 such other representative of that department as may be designated by
15 the Commissioner of Environmental Protection , the State Treasurer,
16 and the Executive Director of the New Jersey Historical Commission
17 in the Department of State or such other representative of that
18 department as may be designated by the Secretary of State. or their
19 respective designees, who shall serve ex officio, and 12 shall be
20 citizens of the State, representing the several geographic regions of the
21 State, to be appointed by the Governor with the advice and consent of
22 the Senate. Citizen trustees shall possess a minimum of five years
23 experience in historic preservation, except this requirement shall not
24 apply to any citizen trustee serving on the board on the date of
25 enactment of P.L.1995, c.217 (C.13:1B-15.115f et al.) for the
26 remainder of the unexpired term of that trustee.

27 b. Citizen trustees shall serve for three year terms provided,
28 however, that the terms of the four new trustees appointed pursuant
29 to P.L.1995, c.217 (C.13:1B-15.115f et al.) shall begin in the same
30 calendar year as the effective date of that act, and that two of those
31 trustees first appointed shall be appointed for a two-year term and two
32 shall be appointed for a one-year term. Each citizen trustee shall hold
33 office for the term of the appointment and until a successor shall have
34 been appointed and qualified. No citizen trustee may serve more than
35 three consecutive terms, except this restriction shall not apply to terms
36 either completed or commenced prior to the effective date of
37 P.L.1995, c.217 (C.13:1B-15.115f et al.).

38 c. The trustees shall elect a chairman , vice-chairman, treasurer,
39 and assistant secretary .

40 d. Eight trustees shall constitute a quorum, and the concurrence of
41 a majority of the **[trustees]** quorum shall be necessary to validate all
42 acts of the board.

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

44

45 ¹**[45.] 46.**¹ Section 8 of P.L.1967, c.124 (C.13:1B-15.115) is
46 amended to read as follows:

- 1 8. The trust shall have power in particular to:
- 2 a. **【to】** solicit and accept gifts, legacies, bequests and endowments
3 for any purpose which falls within that of the trust, and to maintain
4 interest-bearing trust accounts for those purposes; and, unless
5 otherwise specified by the person making such gift, legacy, bequest or
6 endowment, the trustees may expend both principal and income of any
7 such gift, bequest, legacy, or endowment in furtherance of the trust or
8 invest it in whole or in part in securities which are legal for trust funds
9 in the State of New Jersey;
- 10 b. **【to】** acquire and hold real and personal property of historic,
11 aesthetic or cultural significance, by gift, purchase, devise, bequest, or
12 by any other means, and to preserve and administer such properties;
13 and in the acquisition of such properties, to acquire property adjacent
14 thereto deemed necessary for the proper use and administration of
15 historic, aesthetic or cultural property;
- 16 c. **【to】** apply all moneys, assets, property or other things of value
17 it may receive as an incident to its operation to the general purpose of
18 the trust;
- 19 d. **【to co-operate】** cooperate with and assist, insofar as
20 practicable, any agency of the State or any of its political subdivisions,
21 and any private agency or person in furtherance of the purpose of the
22 trust;
- 23 e. **【to】** give any moneys or property held by the trust to the
24 Secretary of State or the Commissioner of Environmental Protection
25 on behalf of the State for purpose of administering, operating or
26 maintaining the historic sites programs of the State of New Jersey; and
- 27 f. **【to】** report annually to the Governor and the Legislature of the
28 State of New Jersey its activities during the preceding year together
29 with any recommendations or requests it deems appropriate to further
30 the purpose of the trust.

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

32

33 ¹**【46.】** 47.¹ Section 2 of P.L.1991, c.41 (C.13:1B-15.115b) is
34 amended to read as follows:

35 2. a. There is appropriated to the "Historic Preservation Revolving
36 Loan Fund" from the "Cultural Centers and Historic Preservation
37 Fund" created pursuant to section 20 of P.L.1987, c.265 the sum of
38 \$3,000,000 for the purpose of making low-interest loans, to the extent
39 sufficient funds are available, to units of county or municipal
40 government, or to tax-exempt nonprofit organizations, to finance the
41 historic preservation costs of acquiring, restoring, repairing, or
42 rehabilitating historic structures.

43 b. Prior to awarding any loans under this section, the New Jersey
44 Historic Trust shall submit to the Legislature for its approval **【**, which
45 approval shall be in the form of the passage of a concurrent

1 resolution,**】** a list of projects that are to receive loans and the amount
2 of each loan , which approval may given in the form of (1) a
3 declaration of approval included in any act appropriating moneys for
4 historic preservation projects pursuant to P.L. , c. (C.) (now
5 before the Legislature as this bill), (2) the passage of a concurrent
6 resolution, or (3) a declaration of approval by the Joint Budget
7 Oversight Committee or its successor .

8 c. Loans issued from the "Historic Preservation Revolving Loan
9 Fund" shall be for a term not to exceed 20 years and at an interest rate
10 not to exceed 4 percent per year. The terms of any loan agreements
11 shall be approved by the State Treasurer.
12 (cf: P.L.1991, c.41, s.2)

13

14 ¹**【47.】** 48.¹ Section 9 of P.L.1967, c.124 (C.13:1B-15.116) is
15 amended to read as follows:

16 9. The trust may not acquire, hold, receive or accept any moneys
17 or other property, real or personal, tangible or intangible, which will
18 result in the incurrence of any financial obligations on the part of the
19 State of New Jersey which cannot be supported entirely from funds
20 available in the trust without the express approval of the
21 **【Commissioner of Environmental Protection】** Secretary of State or the
22 Legislature.

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

24

25 ¹**【48.】** 49.¹ Section 7 of P.L.1983, c.324 (C.13:1L-7) is amended
26 to read as follows:

27 7. a. For the purposes of acquiring, holding, managing or
28 developing lands or other properties for a State park or forest, the
29 department shall have the power to enter, inspect, survey, investigate
30 ownership and take title to, in fee or otherwise, by purchase, gift,
31 devise ¹ exchange,¹ or eminent domain, any appropriate lands of the
32 State that would be useful as a State park or forest.

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

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

39 d. Whenever the department wishes to acquire, by eminent domain,
40 title to unoccupied lands and it appears that such title may be defective
41 in any manner, the department may, with the consent of the Attorney
42 General, acquire the best available title, notwithstanding that such title
43 is defective or incomplete.

44 e. For purposes of **【this amendatory and supplementary act】**
45 P.L.1983, c.324 (C.13:1L-1 et seq.) , the department may acquire by
46 gift, grant or by payment of tax lien any municipal lands that have been

1 acquired by the municipality through the foreclosure of a tax lien
2 pursuant to chapter 5 of Title 54 (Taxation).

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

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

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

16

17 ¹~~【49.】~~ 50.¹ R.S.34:15-10 is amended to read as follows:

18 34:15-10. In the employment of minors, this article shall be
19 presumed to apply unless the notice be given by or to the parent or
20 guardian of the minor. If the injured employee at the time of the
21 accident or compensable occupational disease is a minor under 14
22 years of age employed in violation of the labor law or a minor between
23 14 and 18 years of age employed, permitted or suffered to work
24 without an employment certificate or special permit if required by law
25 or at an occupation prohibited at the minor's age by law, a
26 compensation or death benefit shall be payable to the employee or his
27 dependents which shall be double the amount payable under the
28 schedules provided in R.S.34:15-12 and R.S.34:15-13.

29 The possession of such duly issued employment certificate shall be
30 conclusive evidence for an employer that the minor has reached the
31 age certified to therein and no extra compensation shall be payable to
32 any minor engaged in an employment allowed by the law for the age
33 and sex certified to in such certificate. If the certificate presented by
34 the employee as one issued to that person shall have been really issued
35 to another child and the real age of the employee shall be such that
36 employment in any capacity or in the particular capacity the employee
37 was employed by the employer was prohibited and if the employer
38 shall show to the satisfaction of the Division of Workers'
39 Compensation that the employer accepted the certificate in good faith
40 as having been issued to the employee and could not have, despite
41 reasonable diligence, discovered the fraud, in such event no extra
42 compensation shall be paid to the employee illegally employed.

43 The employer alone and not the insurance carrier shall be liable for
44 the extra compensation or death benefit which is over and above the
45 amount of the compensation or death benefit provided under
46 R.S.34:15-12 or R.S.34:15-13. Any provision in an insurance policy

1 undertaking to relieve an employer from the liability for the extra
2 compensation or extra death benefit shall be void.

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

7 Nothing in this section regarding the payment of a compensation or
8 death benefit in double the amount payable under the schedules
9 provided in R.S.34:15-12 and R.S.34:15-13 shall apply to: members
10 of a junior firemen's auxiliary established pursuant to N.J.S.40A:14-95;
11 employees, of the age of 18 years or under, employed in summer
12 camps operated by the Boy Scouts of America, the Girl Scouts of
13 America, the Knights of Columbus, the Young Men's Christian
14 Association, the Young Women's Christian Association, the Young
15 Men's Hebrew Association, or any domestic corporation organized
16 solely for religious or charitable purposes; student-learners employed
17 in a cooperative vocational education program approved by the State
18 Board of Education; persons, 18 years of age or younger,
19 participating, under the supervision of the Palisades Interstate Park
20 Commission, in volunteer programs in that part of the Palisades
21 Interstate Park located in New Jersey; or persons, 18 years of age or
22 younger, doing volunteer work for the Division of Parks and Forestry,
23 the Division of Fish, Game and Wildlife, or the New Jersey Natural
24 Lands Trust [or the New Jersey Historic Trust] , as authorized by the
25 Commissioner of Environmental Protection , or for the New Jersey
26 Historic Trust .

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

28

29 ¹**[50.]** 51.¹ R.S.34:15-43 is amended to read as follows:

30 34:15-43. Every officer, appointed or elected, and every employee
31 of the State, county, municipality or any board or commission, or any
32 other governing body, including boards of education, and governing
33 bodies of service districts, individuals who are under the general
34 supervision of the Palisades Interstate Park Commission and who work
35 in that part of the Palisades Interstate Park which is located in this
36 State, and also each and every member of a volunteer fire company
37 doing public fire duty and also each and every active volunteer, first
38 aid or rescue squad worker, including each and every authorized
39 worker who is not a member of the volunteer fire company within
40 which the first aid or rescue squad may have been created, doing
41 public first aid or rescue duty under the control or supervision of any
42 commission, council, or any other governing body of any municipality,
43 any board of fire commissioners of such municipality or of any fire
44 district within the State, or of the board of managers of any State
45 institution, every county fire marshal and assistant county fire marshal,
46 every special, reserve or auxiliary policeman doing volunteer public

1 police duty under the control or supervision of any commission,
2 council or any other governing body of any municipality, every
3 emergency management volunteer doing emergency management
4 service for the State and any person doing volunteer work for the
5 Division of Parks and Forestry, the Division of Fish, Game and
6 Wildlife, or the New Jersey Natural Lands Trust **【or the New Jersey**
7 **Historic Trust】**, as authorized by the Commissioner of Environmental
8 Protection, or for the New Jersey Historic Trust, who may be injured
9 in line of duty shall be compensated under and by virtue of the
10 provisions of this article and article 2 of this chapter (R.S.34:15-7 et
11 seq.). No former employee who has been retired on pension by reason
12 of injury or disability shall be entitled under this section to
13 compensation for such injury or disability; provided, however, that
14 such employee, despite retirement, shall, nevertheless, be entitled to
15 the medical, surgical and other treatment and hospital services as set
16 forth in R.S.34:15-15.

17 Benefits available under this section to emergency management
18 volunteers and volunteers participating in activities of the Division of
19 Parks and Forestry, the Division of Fish, Game and Wildlife, the New
20 Jersey Natural Lands Trust or the New Jersey Historic Trust, shall not
21 be paid to any claimant who has another single source of injury or
22 death benefits that provides the claimant with an amount of
23 compensation that exceeds the compensation available to the claimant
24 under R.S.34:15-1 et seq.

25 As used in this section, the terms "doing public fire duty" and "who
26 may be injured in line of duty," as applied to members of volunteer fire
27 companies, county fire marshals or assistant county fire marshals, and
28 the term "doing public first aid or rescue duty," as applied to active
29 volunteer first aid or rescue squad workers, shall be deemed to include
30 participation in any authorized construction, installation, alteration,
31 maintenance or repair work upon the premises, apparatus or other
32 equipment owned or used by the fire company or the first aid or rescue
33 squad, participation in any authorized public drill, showing, exhibition,
34 fund raising activity or parade, and to include also the rendering of
35 assistance in case of fire and, when authorized, in connection with
36 other events affecting the public health or safety, in any political
37 subdivision or territory of another state of the United States or on
38 property ceded to the federal government while such assistance is
39 being rendered and while going to and returning from the place in
40 which it is rendered.

41 Also, as used in this section, "doing public police duty" and "who
42 may be injured in line of duty" as applied to special, reserve or
43 auxiliary policemen, shall be deemed to include participation in any
44 authorized public drill, showing, exhibition or parade, and to include
45 also the rendering of assistance in connection with other events
46 affecting the public health or safety in the municipality, and also, when

1 authorized, in connection with any such events in any political
2 subdivision or territory of this or any other state of the United States
3 or on property ceded to the federal government while such assistance
4 is being rendered and while going to and returning from the place in
5 which it is rendered.

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

14 Every member of a volunteer fire company shall be deemed to be
15 doing public fire duty under the control or supervision of any such
16 commission, council, governing body, board of fire commissioners or
17 fire district or board of managers of any State institution within the
18 meaning of this section, if such control or supervision is provided for
19 by statute or by rule or regulation of the board of managers or the
20 superintendent of such State institution, or if the fire company of
21 which he is a member receives contributions from, or a substantial part
22 of its expenses or equipment are paid for by, the municipality, or board
23 of fire commissioners of the fire district or if such fire company has
24 been or hereafter shall be designated by ordinance as the fire
25 department of the municipality.

26 Every active volunteer, first aid or rescue squad worker, including
27 every authorized worker who is not a member of the volunteer fire
28 company within which the first aid or rescue squad may have been
29 created, shall be deemed to be doing public first aid or rescue duty
30 under the control or supervision of any such commission, council,
31 governing body, board of fire commissioners or fire district within the
32 meaning of this section if such control or supervision is provided for
33 by statute, or if the first aid or rescue squad of which he is a member
34 or authorized worker receives or is eligible to receive contributions
35 from, or a substantial part of its expenses or equipment are paid for by,
36 the municipality, or board of fire commissioners of the fire district, or
37 if such first aid or rescue squad has been or hereafter shall be
38 designated by ordinance as the first aid or rescue squad of the
39 municipality.

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

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

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

6

7 ¹**[51.] 52.**¹ Section 1 of P.L.1995, c.368 (C.39:3-27.72) is
8 amended to read as follows:

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

10 **["Commissioner" means the Commissioner of Environmental**
11 **Protection;]**

12 "Department" means the Department of **[Environmental**
13 **Protection]** State ;

14 "Director" means the Director of the Division of Motor Vehicles in
15 the Department of Transportation;

16 "Division" means the Division of Motor Vehicles in the Department
17 of Transportation;

18 "Fund" means the "Historic Preservation License Plate Fund"
19 created pursuant to section 4 of **[this act.]** P.L.1995, c.368 (C.39:3-
20 27.75);

21 "Historic resources" means the historic resources in New Jersey,
22 and shall include, but need not necessarily be limited to, buildings,
23 sites, and structures listed in or eligible for listing in the New Jersey
24 Register of Historic Places, and museums and library collections
25 related to New Jersey history **[.]** ; and

26 "Secretary" means the Secretary of State.

27 (cf: P.L.1995, c.368, s.1)

28

29 ¹**[52.] 53.**¹ Section 4 of P.L.1995, c.368 (C.39:3-27.75) is
30 amended to read as follows:

31 4. a. There is created in the Department of **[Environmental**
32 **Protection]** State a special non-lapsing fund to be known as the
33 "Historic Preservation License Plate Fund." The fund shall be
34 administered by the New Jersey Historic Trust. There shall be
35 deposited in the fund the amount collected from all license plate fees
36 collected pursuant to section 3 of **[this act]** P.L.1995, c.368 (C.39:3-
37 27.74), less the amounts necessary to reimburse the division for
38 administrative costs pursuant to section 5 of **[this act]** P.L.1995,
39 c.368 (C.39:3-27.76) . **[Monies]** Moneys deposited in the fund shall
40 be dedicated for use in the awarding of grants to State agencies, local
41 government units, and qualifying tax-exempt nonprofit organizations
42 to meet costs related to the physical preservation of, development of
43 interpretive and educational programming for, or operation of New
44 Jersey's historic resources. Approval of any grants shall be made by
45 the "Historic Preservation License Plate Advisory Committee," which

1 shall be established in the Department of **【Environmental Protection】**
2 State and shall comprise the following: the Chairman of the Board of
3 Trustees of the New Jersey Historic Trust, and two other trustees
4 thereof, one of whom shall be the Executive Director of the New
5 Jersey Historical Commission; a representative of Preservation New
6 Jersey; a representative of the New Jersey Association of Museums;
7 a representative of the League of Historical Societies of New Jersey;
8 a representative of the New Jersey Council for the Social Studies; a
9 representative of the New Jersey Council on the Humanities; and the
10 Administrator of the Historic Preservation Office in the Department of
11 Environmental Protection.

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

21 (cf: P.L.1995, c.368, s.4)

22

23 ¹**【53.】** 54.¹ Section 5 of P.L.1995, c.368 (C.39:3-27.76) is
24 amended to read as follows:

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

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

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

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

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

1 issuance of historic preservation license plates.

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

3

4 ¹**[54.] 55.**¹ Section 6 of P.L.1995, c.368 (C.39:3-27.77) is
5 amended to read as follows:

6 6. The director shall notify eligible motorists of the opportunity to
7 obtain historic preservation license plates by including a notice with all
8 motor vehicle registration renewals, and by posting appropriate
9 posters or signs in all division facilities and offices, as may be provided
10 by the department. The notices, posters, and signs shall be designed
11 by the Historic Preservation License Plate Advisory Committee with
12 the approval of the **[commissioner]** secretary . The designs shall be
13 subject to the approval of the director, and the **[commissioner]**
14 secretary shall supply the division with the notices, posters, and signs
15 to be circulated or posted by that division.

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

17

18 ¹**[55.] 56.**¹ Section 7 of P.L.1995, c.368 (C.39:3-27.78) is
19 amended to read as follows:

20 7. The **[commissioner]** secretary , the New Jersey Historic Trust,
21 the Historic Preservation License Plate Advisory Committee, the
22 director, and the State Treasurer shall develop and enter into an
23 interagency memorandum of agreement setting forth the procedures
24 to be followed by the departments, the New Jersey Historic Trust, the
25 Historic Preservation License Plate Advisory Committee, and the
26 division in carrying out their respective responsibilities under **[this**
27 **act]** P.L.1995, c.368 (C.39:3-27.72 et seq.) .

28 (cf: P.L.1995, c.368, s.7)

29

30 ¹**[56.] 57.**¹ Section 8 of P.L.1964, c.48 (C.54:4-23.8) is amended
31 to read as follows:

32 8. When land which is in agricultural or horticultural use and is
33 being valued, assessed and taxed under the provisions of **[this act]**
34 P.L.1964, c.48 (C.54:4-23.1 et seq.) , is applied to a use other than
35 agricultural or horticultural, it shall be subject to additional taxes,
36 hereinafter referred to as roll-back taxes, in an amount equal to the
37 difference, if any, between the taxes paid or payable on the basis of the
38 valuation and the assessment authorized hereunder and the taxes that
39 would have been paid or payable had the land been valued, assessed
40 and taxed as other land in the taxing district, in the current tax year
41 (the year of change in use) and in such of the 2 tax years immediately
42 preceding, in which the land was valued, assessed and taxed as herein
43 provided.

44 If the tax year in which a change in use of the land occurs, the land
45 was not valued, assessed and taxed under **[this act]** P.L.1964, c.48

1 (C.54:4-23.1 et seq.) , then such land shall be subject to roll-back
 2 taxes for such of the 2 tax years, immediately preceding, in which the
 3 land was valued, assessed and taxed hereunder.

4 Notwithstanding the provisions of any law, rule, or regulation to
 5 the contrary, land which is valued, assessed and taxed under the
 6 provisions of P.L.1964, c.48 (C.54:4-23.1 et seq.) and is acquired by
 7 the State, a local government unit, or a qualifying tax exempt
 8 nonprofit organization for recreation and conservation purposes ¹ [or
 9 farmland preservation purposes] ¹ shall not be subject to roll-back
 10 taxes. As used in this section, "acquired," ¹["farmland preservation
 11 purposes,"] ¹ "local government unit," "qualifying tax exempt
 12 nonprofit organization," and "recreation and conservation purposes"
 13 mean the same as those terms are defined pursuant to section 3 of
 14 P.L. , c. (C.) (now before the Legislature as this bill).

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

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

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

24 (c) The amount of the additional assessment on the land for the
 25 particular tax year by deducting the amount of the actual assessment
 26 on the land for that year from the amount of the land assessment
 27 determined under (b) hereof; and

28 (d) The amount of the roll-back tax for that tax year by multiplying
 29 the amount of the additional assessment determined under (c) hereof
 30 by the general property tax rate of the taxing district applicable for
 31 that tax year.

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

33

34 ¹**[57.] 58.** ¹ N.J.S.59:1-3 is amended to read as follows:

35 59:1-3. Definitions. As used in this subtitle:

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

40 "Employment" includes office; position; employment; or service,
 41 under the supervision of the Palisades Interstate Park Commission, in
 42 a volunteer program in that part of the Palisades Interstate Park
 43 located in New Jersey, as an emergency management volunteer or as
 44 a volunteer doing work for the Division of Parks and Forestry, the
 45 Division of Fish, Game and Wildlife, or the New Jersey Natural Lands
 46 Trust **[or the New Jersey Historic Trust]** , as authorized by the

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

3 "Enactment" includes a constitutional provision, statute, executive
4 order, ordinance, resolution or regulation.

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

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

11 "Public employee" means an employee of a public entity, and
12 includes: a person participating, under the supervision of the Palisades
13 Interstate Park Commission, in a volunteer program in that part of the
14 Palisades Interstate Park located in New Jersey; a volunteer doing
15 work for the Division of Parks and Forestry, the Division of Fish,
16 Game and Wildlife, or the New Jersey Natural Lands Trust **[or the**
17 **New Jersey Historic Trust]**, as authorized by the Commissioner of
18 Environmental Protection; a volunteer doing work for the New Jersey
19 Historic Trust; and any person retained by the public defender to serve
20 as an arbitrator, mediator, or in such similar capacity. "Public
21 employee" does not include any independent contractors or other
22 individuals, agencies, or entities not established in or employed by the
23 Office of the Public Defender designated to provide protection and
24 advocacy services to indigent mental hospital admittees or persons
25 with a developmental disability as the term is defined in section 3 of
26 P.L.1977, c.82 (C.30:6D-3).

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

36 "State" shall mean the State and any office, department, division,
37 bureau, board, commission or agency of the State, but shall not
38 include any such entity which is statutorily authorized to sue and be
39 sued. "State" also means the Palisades Interstate Park Commission,
40 but only with respect to employees, property and activities within the
41 State of New Jersey.

42 "Statute" means an act adopted by the Legislature of this State or
43 by the Congress of the United States.

44 (cf: P.L.1997, c.199, s.4)

45

46 ¹**[58.] 59.**¹ This act shall take effect immediately.

- 1 _____
- 2
- 3 The "Garden State Preservation Trust Act."

SENATE, No. 9

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MAY 10, 1999

Sponsored by:

Senator DONALD T. DIFRANCESCO

District 22 (Middlesex, Morris, Somerset and Union)

Senator HENRY P. MCNAMARA

District 40 (Bergen and Passaic)

Co-Sponsored by:

**Senators Bark, Allen, Ciesla, Kavanaugh, Bassano, Connors, Robertson,
Cafiero, Kyrillos, Littell, Singer, Sinagra, Kosco, Inverso, Schluter,
Matheussen, Martin, Cardinale, Bennett, Adler, Vitale and Bucco**

SYNOPSIS

The "Garden State Preservation Trust Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/21/1999)

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

5

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

8

9 1. (New section) Sections 1 through 41 of this act shall be
10 known, and may be cited, as the "Garden State Preservation Trust
11 Act."

12

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

40

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

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

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

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

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

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

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

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

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

43 "Department" means the Department of Environmental Protection;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 "Pinelands area" means the pinelands area as defined pursuant to
22 section 3 of P.L.1979, c.111 (C.13:18A-3);

23 "Pinelands regional growth area" means a regional growth area
24 established pursuant to the pinelands comprehensive management plan
25 adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.);

26 "Project" means all things deemed necessary or useful and
27 convenient in connection with the acquisition or development of lands
28 for recreation and conservation purposes, the acquisition of
29 development easements or fee simple titles to farmland, or the
30 preservation of historic properties, as the case may be;

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

43 "Qualifying open space referendum municipality" means any
44 municipality that has: (1) approved and implemented, and is collecting
45 and expending the revenue from, an annual levy authorized pursuant
46 to P.L.1997, c.24 (C.40:12-15.1 et seq.) for an amount or at a rate

1 equivalent to at least one quarter of one cent per \$100 of assessed
2 value of real property, or for an amount or at a rate established by the
3 municipality and in effect as of April 1, 1999, whichever is greater; or
4 (2) adopted an alternative means of funding for the same or similar
5 purposes as an annual levy, which the Department of Environmental
6 Protection, in consultation with the committee and the New Jersey
7 Historic Trust, approves to be stable and reasonably equivalent in
8 effect to an annual levy;

9 "Qualifying tax exempt nonprofit organization" means a nonprofit
10 organization that is exempt from federal taxation pursuant to section
11 501 (c)(3) of the federal Internal Revenue Code, 26 U.S.C. s.501
12 (c)(3), and which qualifies for a grant pursuant to sections 27 or 40 of
13 this act;

14 "Recreation and conservation purposes" means the use of lands for
15 beaches, biological or ecological study, boating, camping, fishing,
16 forests, greenways, hunting, natural areas, parks, playgrounds,
17 protecting historic properties, water reserves, watershed protection,
18 wildlife preserves, active sports, or a similar use for either public
19 outdoor recreation or conservation of natural resources, or both; and

20 "Trust" means the Garden State Preservation Trust established
21 pursuant to section 4 of this act.

22

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

36 b. The trust shall consist of nine voting members as follows: the
37 Commissioner of Environmental Protection, the Secretary of
38 Agriculture, the Secretary of State, and the State Treasurer, who shall
39 be members ex officio; and five public members, one of whom shall be
40 appointed by the Governor, two of whom shall be appointed by the
41 President of the Senate and shall be from different political parties, and
42 two of whom shall be appointed by the Speaker of the General
43 Assembly and shall be from different political parties. The public
44 member appointed by the Governor shall serve a term of five years.
45 Each public member appointed by the President of the Senate shall
46 serve a term of five years, except of those first appointed, one shall

1 serve a term of three years and the other a term of two years. Each
2 public member appointed by the Speaker of the General Assembly shall
3 serve a term of five years, except of those first appointed, one shall
4 serve a term of three years and the other a term of two years.

5 c. Each public member shall hold office for the term of the
6 member's appointment and until the member's successor shall have
7 been appointed and qualified. A public member shall be eligible for
8 reappointment. Any vacancy in a public membership occurring other
9 than by expiration of term shall be filled in the same manner as the
10 original appointment but for the unexpired term only.

11 d. Any public member may be removed from office by the
12 appointing authority, for cause, after a public hearing, and may be
13 suspended by the appointing authority pending the completion of the
14 hearing. All members before entering upon their duties shall take and
15 subscribe an oath to perform the duties of their office faithfully,
16 impartially and justly to the best of their ability. A record of each oath
17 shall be filed in the Office of the Secretary of State.

18 e. The first chairperson of the trust shall be the public member
19 first appointed by the Governor. At the first meeting of the trust held
20 in each subsequent year, the members shall elect one of the public
21 members to serve as chairperson of the trust in a manner that ensures
22 that the chair rotates annually among at least one of the appointees of
23 the President of the Senate, at least one of the appointees of the
24 Speaker of the General Assembly, and the appointee of the Governor.

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

40 g. Each public member of the trust shall receive compensation in
41 the amount of \$150 per day for each day that the public member
42 attends a meeting of the trust, unless otherwise prohibited by law. Ex
43 officio members of the trust shall serve without compensation. All
44 members shall be reimbursed for actual expenses necessarily incurred
45 in the discharge of their duties. Notwithstanding the provisions of any
46 other law, no member shall be deemed to have forfeited nor shall the

1 member forfeit the member's office or employment or any benefits or
2 emoluments thereof by reason of the member's acceptance of the office
3 of ex officio member of the trust or the member's services therein.

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

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

33 j. The trust shall continue in existence until dissolved by act of
34 the Legislature. However, any dissolution of this trust shall be on
35 condition that the trust has no debts, contractual duties or obligations
36 outstanding, or that provision has been made for the payment,
37 discharge or retirement of these debts, contractual duties or
38 obligations. Upon any dissolution of the trust, all property, rights,
39 funds and assets thereof shall pass to and become vested in the State.

40
41 5. (New section) It shall be the sole purpose of the trust
42 established pursuant to this act to:

43 a. Provide funding to the Department of Environmental
44 Protection, the State Agriculture Development Committee, and the
45 New Jersey Historic Trust for all or a portion of the cost of projects
46 undertaken by those entities or by grant or loan recipients in

1 accordance with the purposes and procedures established by Article
2 VIII, Section II, paragraph 7 of the State Constitution and this act;
3 and
4 b. Perform such other duties and responsibilities as authorized
5 pursuant to this act or any other law.
6
7 6. (New section) In addition to all other powers granted to the
8 trust in this act, the trust shall have power:
9 a. To sue and be sued;
10 b. To have an official seal and alter it at the trust's pleasure;
11 c. To make and alter bylaws for its organization and internal
12 management and rules and regulations for the conduct of its affairs and
13 business;
14 d. To maintain an office at a place or places within the State as it
15 may determine, and acquire, own, lease as lessee or lessor, hold, use,
16 sell, transfer, or dispose of real or personal property for that purpose;
17 e. To acquire, hold, use and dispose of its income, revenues,
18 funds and moneys;
19 f. To borrow money and to issue its bonds, notes or other
20 obligations and to secure them by its revenues or other funds and
21 otherwise to provide for and secure the payment thereof and to
22 provide for the rights of the holders thereof and to provide for the
23 refunding thereof, all as provided in this act;
24 g. To issue subordinated indebtedness and to enter into any
25 revolving credit agreement, agreement establishing a line of credit or
26 letter of credit, reimbursement agreement, interest rate exchange
27 agreement, insurance contract, surety bond, commitment to purchase
28 or sell bonds, notes or other obligations, purchase or sale agreement,
29 or commitments or other contracts or agreements, and other security
30 agreements as approved by the trust in connection with the issuance
31 of bonds, notes or other obligations;
32 h. Subject to any agreement with the holders of bonds, notes or
33 other obligations, to invest moneys of the trust not required for
34 immediate use, including proceeds from the sale of any bonds, notes
35 or other obligations, in obligations, securities and other investments as
36 the trust shall deem prudent;
37 i. Subject to any agreements with holders of bonds, notes or
38 other obligations, to purchase bonds, notes or other obligations of the
39 trust out of any funds or moneys of the trust available therefor, and to
40 hold, cancel or resell the bonds, notes or other obligations;
41 j. For its sole purpose as established in section 5 of this act, to
42 appoint and employ an executive director and such additional officers,
43 who need not be members of the trust, and such other personnel and
44 staff as it may require, at an annual expense not to exceed \$150,000,
45 all without regard to the provisions of Title 11A, Civil Service, of the
46 New Jersey Statutes;

- 1 k. To do and perform any acts and things authorized by this act
2 under, through, or by means of its officers, agents or employees or by
3 contract with any person, firm or corporation or any public body;
- 4 l. To procure insurance against any losses in connection with its
5 property, operations, assets or obligations in amounts and from
6 insurers as it deems desirable;
- 7 m. To adopt, pursuant to the "Administrative Procedure Act,"
8 P.L.1968, c.410 (C.52:14B-1 et seq.) such rules and regulations as it
9 deems necessary to effectuate the purposes of Article VIII, Section II,
10 paragraph 7 of the State Constitution and this act;
- 11 n. To make and enter into any and all contracts and agreements
12 which the trust determines are necessary, incidental, convenient or
13 desirable to the performance of its duties and the execution of its
14 powers under this act;
- 15 o. To accept and use any funds appropriated and paid by the State
16 to the trust, including, without limitation, appropriations and payments
17 from the Garden State Preservation Trust Fund Account established
18 pursuant to section 17 of this act, for the purposes for which the
19 appropriations and payments are made;
- 20 p. To apply for, and receive and accept, appropriations or grants
21 of property, money, services, or reimbursements for money previously
22 spent and other assistance offered or made available to it by or from
23 any person, government agency, public authority, or any public or
24 private entity whatever for any lawful corporate purpose of the trust,
25 including, without limitation, grants, appropriations, or
26 reimbursements from the federal government, and to apply and
27 negotiate for these upon such terms and conditions as may be required
28 by any person, government agency, authority, or entity as the trust
29 may determine to be necessary, convenient, or desirable, provided that
30 all such moneys, grants, appropriations, and reimbursements so
31 received and accepted shall be subject to appropriation by law
32 pursuant to the procedures established by this act; and
- 33 q. To do any and all things necessary, incidental, convenient or
34 desirable to carry out its purposes and exercise the powers given and
35 granted in this act.
- 36
- 37 7. (New section) a. The trust shall have the power and is hereby
38 authorized to issue its bonds, notes or other obligations in principal
39 amounts as determined by the trust to be necessary to provide for any
40 of its corporate purposes, including the payment, funding or refunding
41 of the principal of, or interest on, or redemption premiums, if any, on
42 bonds, notes or other obligations issued by it, whether the bonds,
43 notes, obligations or interest to be funded or refunded have or have
44 not become due; and to provide for the security thereof and for the
45 establishment or increase of reserves to secure or to pay the bonds,
46 notes or other obligations or interest thereon and all other reserves and

1 all costs or expenses of the trust incident to and necessary or
2 convenient to carry out its corporate purposes and powers; and in
3 addition to its bonds, notes and other obligations, the trust shall have
4 the power to issue subordinated indebtedness, which shall be
5 subordinate in lien to the lien of any or all of its bonds, notes or other
6 obligations as the trust may determine. No resolution or other action
7 of the trust providing for the issuance of bonds, refunding bonds, notes
8 or other obligations shall be adopted or otherwise made effective by
9 the trust without the prior approval in writing of the Governor and the
10 State Treasurer.

11 b. Except as may be otherwise expressly provided in this act or by
12 the trust, every issue of bonds, notes or other obligations shall be
13 general obligations payable out of any revenues or funds of the trust,
14 subject only to any agreements with the holders of particular bonds,
15 notes or other obligations pledging any particular revenues or funds.
16 The trust may provide the security and payment provisions for its
17 bonds, notes or other obligations as it may determine, including,
18 without limiting the generality of the foregoing, bonds, notes or other
19 obligations as to which the principal and interest are payable from and
20 secured by all or any portion of the revenues of and payments to the
21 trust, and other moneys or funds as the trust shall determine. The
22 trust may also enter into bank loan agreements, lines of credit and
23 other security agreements as authorized pursuant to subsection g. of
24 section 6 of this act and obtain for or on its behalf letters of credit in
25 each case for the purpose of securing its bonds, notes or other
26 obligations or to provide direct payment of any costs which the trust
27 is authorized to pay by this act and to secure repayment of any
28 borrowings under the loan agreement, line of credit, letter of credit or
29 other security agreement by its bonds, notes or other obligations or the
30 proceeds thereof or by any or all of the revenues of and payments to
31 the trust or by any appropriation, grant or reimbursement to be
32 received by the trust and other moneys or funds as the trust shall
33 determine.

34 c. Whether or not the bonds and notes are of the form and
35 character as to be negotiable instruments under the terms of Title 12A,
36 Commercial Transactions, of the New Jersey Statutes, the bonds and
37 notes are hereby made negotiable instruments within the meaning of
38 and for all the purposes of Title 12A.

39 d. Bonds or notes of the trust shall be authorized by a resolution
40 or resolutions of the trust and may be issued in one or more series and
41 shall bear the date, or dates, mature at the time or times, bear interest
42 at the rate or rates of interest per annum, be in the denomination or
43 denominations, be in the form, carry the conversion or registration
44 privileges, have the rank or priority, be executed in the manner, be
45 payable from the sources, in the medium of payment, at the place or
46 places within or outside of the State, and be subject to the terms of

1 redemption, with or without premium, as the resolution or resolutions
2 may provide. Bonds or notes may be further secured by a trust
3 indenture between the trust and a corporate trustee within or outside
4 of the State. All other obligations of the trust shall be authorized by
5 resolution containing terms and conditions as the trust shall determine.

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

9 f. Bonds or notes may be issued and other obligations incurred
10 under the provisions of this act without obtaining the consent of any
11 department, division, commission, board, bureau or agency of the
12 State, other than the approval as required by subsection a. of this
13 section, and without any other proceedings or the happening of any
14 other conditions or other things than those proceedings, conditions or
15 things which are specifically required by this act.

16 g. Bonds, notes and other obligations of the trust issued or
17 incurred under the provisions of this act shall not be in any way a debt
18 or liability of the State or of any political subdivision thereof other
19 than the trust and shall not create or constitute any indebtedness,
20 liability or obligation of the State or of any political subdivision or be
21 or constitute a pledge of the faith and credit of the State or of any
22 political subdivision but all bonds, notes and obligations, unless funded
23 or refunded by bonds, notes or other obligations of the trust, shall be
24 payable solely from revenues or funds pledged or available for their
25 payment as authorized in this act. Each bond, note or other obligation
26 shall contain on its face a statement to the effect that the trust is
27 obligated to pay the principal thereof, redemption premium, if any, or
28 the interest thereon only from revenues or funds of the trust and that
29 neither the State nor any political subdivision thereof is obligated to
30 pay the principal thereof, redemption premium, if any, or interest
31 thereon and that neither the faith and credit nor the taxing power of
32 the State or any political subdivision thereof is pledged to the payment
33 of the principal of, redemption premium, if any, or the interest on the
34 bonds, notes or other obligations. For the purposes of this subsection,
35 political subdivision does not include the trust.

36 h. All expenses incurred in carrying out the provisions of this act
37 shall be payable solely from the revenues or funds provided or to be
38 provided under or pursuant to the provisions of this act and nothing
39 in this act shall be construed to authorize the trust to incur any
40 indebtedness or liability on behalf of or payable by the State or any
41 political subdivision thereof.

42 i. Prior to July 1, 2009, the aggregate principal amount of bonds,
43 notes or other obligations, including subordinated indebtedness, of the
44 trust shall not exceed \$1,000,000,000; except that this limitation shall
45 not include any bonds, notes or other obligations, including
46 subordinated indebtedness, of the trust issued for refunding purposes

1 in accordance with the provisions of this section, and any bonds, notes
2 or other obligations of the trust issued to fund the costs of issuance of
3 its bonds, notes or other obligations. After June 30, 2009, the trust
4 may issue only refunding bonds in any amount subject to subsections
5 j. through n. of this section. The limitations specified in this
6 subsection shall apply only to bonds, notes or other obligations of the
7 trust that are payable from, or secured by, amounts on deposit in the
8 Garden State Preservation Trust Fund Account established pursuant
9 to section 17 of this act.

10 The trust shall not incur debt in any State fiscal year in excess of
11 \$200,000,000, except that if that permitted amount of debt, or any
12 portion thereof, is not incurred in a State fiscal year it may be incurred
13 in a subsequent State fiscal year. Any increase in this limitation shall
14 only occur if so provided for by law.

15 j. Upon the decision by the trust to issue refunding bonds
16 pursuant to this section, and prior to the sale of those bonds, the trust
17 shall transmit to the Joint Budget Oversight Committee, or its
18 successor, a report that a decision has been made, reciting the basis on
19 which the decision was made, including an estimate of the debt service
20 savings to be achieved and the calculations upon which the trust relied
21 when making the decision to issue refunding bonds. The report shall
22 also disclose the intent of the trust to issue and sell the refunding
23 bonds at public or private sale and the reasons therefor.

24 k. The Joint Budget Oversight Committee, or its successor, shall
25 have authority to approve or disapprove the sale of refunding bonds
26 as included in each report submitted in accordance with subsection j.
27 of this section. The Joint Budget Oversight Committee, or its
28 successor, shall approve or disapprove the sale of refunding bonds
29 within 10 business days after physical receipt of the report. The Joint
30 Budget Oversight Committee, or its successor, shall notify the trust in
31 writing of the approval or disapproval as expeditiously as possible.

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

35 m. Within 30 days after the sale of the refunding bonds, the trust
36 shall notify the Joint Budget Oversight Committee, or its successor, of
37 the result of that sale, including the prices and terms, conditions and
38 regulations concerning the refunding bonds, and the actual amount of
39 debt service savings to be realized as a result of the sale of refunding
40 bonds.

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

- 1 8. (New section) In any resolution of the trust authorizing or
2 relating to the issuance of any bonds, notes or other obligations or in
3 any indenture securing the bonds, notes or other obligations, the trust,
4 in order to secure the payment of the bonds, notes or other obligations
5 and in addition to its other powers, shall have the power by provisions
6 therein, which shall constitute covenants by the trust and contracts
7 with the holders of the bonds, notes or other obligations, to:
- 8 a. Pledge all or any part of its revenues or receipts to which its
9 right then exists or may thereafter come into existence and other
10 moneys or funds as the trust shall determine and the moneys derived
11 therefrom, and the proceeds of any bonds, notes or other obligations;
- 12 b. Pledge any agreement, the revenues or payments thereunder
13 and the proceeds thereof;
- 14 c. Covenant against pledging all or any part of its revenues or
15 receipts or its agreements and the revenues derived thereunder or the
16 proceeds thereof and other moneys or funds as the trust shall
17 determine and the moneys derived therefrom or against permitting or
18 suffering any lien on any of the foregoing;
- 19 d. Covenant with respect to limitations on any right to sell, lease
20 or otherwise dispose of any property of any kind;
- 21 e. Covenant as to any bonds, notes and other obligations to be
22 issued and the limitations thereof and the terms and conditions thereof
23 and as to the custody, application, investment, and disposition of the
24 proceeds thereof;
- 25 f. Covenant as to the issuance of additional bonds, notes or other
26 obligations or as to limitations on the issuance of additional bonds,
27 notes or other obligations and on the incurring of other debts by it;
- 28 g. Covenant as to the payment of the principal of or interest on
29 the bonds, notes or other obligations, as to the sources and methods
30 of payment, as to the rank or priority of any bonds, notes or
31 obligations with respect to any lien or security or as to the acceleration
32 of the maturity of any bonds, notes or obligations;
- 33 h. Provide for the replacement of lost, stolen, destroyed or
34 mutilated bonds, notes or other obligations;
- 35 i. Covenant against extending the time for the payment of bonds,
36 notes or other obligations or interest thereon;
- 37 j. Covenant as to the redemption of bonds, notes or other
38 obligations and privileges of exchange thereof for other bonds, notes
39 or other obligations of the trust;
- 40 k. Covenant to create or authorize the creation of special funds or
41 moneys to be held in pledge or otherwise for payment or redemption
42 of bonds, notes or other obligations, reserves or other purposes and as
43 to the use, investment, and disposition of the moneys held in the
44 funds;
- 45 l. Establish the procedure, if any, by which the terms of any
46 contract or covenant with or for the benefit of the holders of bonds,

1 notes or other obligations may be amended or abrogated, the amount
2 of bonds, notes or other obligations the holders of which must consent
3 thereto, and the manner in which the consent may be given;

4 m. Provide for the release of property, agreements, or revenues
5 and receipts from any pledge and to reserve rights and powers in, or
6 the right to dispose of, property which is subject to a pledge;

7 n. Provide for the rights and liabilities, powers and duties arising
8 upon the breach of any covenant, condition or obligation and to
9 prescribe the events of default and the terms and conditions upon
10 which any or all of the bonds, notes or other obligations of the trust
11 shall become or may be declared due and payable before maturity and
12 the terms and conditions upon which any declaration and its
13 consequences may be waived;

14 o. Vest in a trustee or trustees within or outside of the State such
15 property, rights, powers and duties in trust as the trust may determine,
16 and to limit the rights, duties and powers of that trustee or trustees;

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

20 q. Pay the costs or expenses incident to the enforcement of the
21 bonds, notes or other obligations or of the provisions of the resolution
22 or of any covenant or agreement of the trust with the holders of its
23 bonds, notes or other obligations;

24 r. Limit the rights of the holders of any bonds, notes or other
25 obligations to enforce any pledge or covenant securing the bonds,
26 notes or other obligations; and

27 s. Make covenants, in addition to the covenants herein expressly
28 authorized, of like or different character, and to make covenants to do
29 or refrain from doing acts and things as may be necessary, or
30 convenient and desirable, in order to better secure bonds, notes or
31 other obligations or which in the absolute discretion of the trust will
32 tend to make bonds, notes or other obligations more marketable,
33 notwithstanding that the covenants, acts or things may not be
34 enumerated herein.

35

36 9. (New section) Any pledge of revenues, moneys, funds or other
37 property made by the trust shall be valid and binding from the time
38 when the pledge is made; the revenues, moneys, funds or other
39 property so pledged and thereafter received by the trust shall
40 immediately be subject to the lien of the pledge without any physical
41 delivery thereof or further act, and the lien of any pledge shall be valid
42 and binding as against all parties having claims of any kind in tort,
43 contract or otherwise against the trust, irrespective of whether the
44 parties have notice thereof. Neither the resolution nor any other
45 instrument by which a pledge of revenues, moneys or funds is created
46 need be filed or recorded, except in the records of the trust.

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

5
6 11. (New section) The trust may establish reserves, funds or
7 accounts as may be, in its discretion, necessary or desirable to further
8 the accomplishment of the purposes of the trust or to comply with the
9 provisions of any agreement made by or any resolution of the trust.

10
11 12. (New section) The State does hereby pledge to and covenant
12 and agree with the holders of any bonds, notes or other obligations
13 issued or incurred pursuant to the authorization of this act that the
14 State will not limit or alter the rights or powers hereby vested in the
15 trust in any way that would jeopardize the interest of the holders of the
16 bonds, notes or other obligations or inhibit or prevent performance or
17 fulfillment by the trust of the terms of any agreement made with the
18 holders of the bonds, notes or other obligations, or prevent the trust
19 from obtaining sufficient revenues which, together with other available
20 funds, shall be sufficient to meet all expenses of the trust and fulfill the
21 terms of any agreement made with the holders of the bonds, notes or
22 other obligations, together with interest thereon, with interest on any
23 unpaid installments of interest, and all costs and expenses in
24 connection with any action or proceedings by or on behalf of the
25 holders, as provided in any agreement provided for in this act, until the
26 bonds, notes or other obligations, together with interest thereon, are
27 fully met and discharged or provided for. The failure of the State to
28 appropriate moneys for any purpose of this act shall not be deemed or
29 construed to be a violation of this section.

30
31 13. (New section) The State and all public officers, governmental
32 units and agencies thereof, all banks, trust companies, savings banks
33 and institutions, building and loan associations, savings and loan
34 associations, investment companies, and other persons carrying on a
35 banking business, all insurance companies, insurance associations and
36 other persons carrying on an insurance business, and all executors,
37 administrators, guardians, trustees and other fiduciaries may legally
38 invest any sinking funds, moneys or other funds belonging to them or
39 within their control in any bonds, notes or other obligations issued
40 pursuant to this act, and the bonds, notes or other obligations shall be
41 authorized security for any and all public deposits.

42
43 14. (New section) All property of the trust is declared to be public
44 property devoted to an essential public and governmental function and
45 purpose and shall be exempt from all taxes and special assessments of
46 the State or any political subdivision thereof. All bonds, notes or

1 other obligations issued pursuant to this act are hereby declared to be
2 issued by a body corporate and politic of the State and for an essential
3 public and governmental purpose and the bonds, notes and other
4 obligations, and the interest thereon and the income therefrom, and all
5 funds, revenues, income and other moneys received or to be received
6 by the trust and pledged or available to pay or secure the payment of
7 the bonds, notes and other obligations, or interest thereon, shall at all
8 times be exempt from taxation, except for transfer inheritance and
9 estate taxes.

10
11 15. (New section) On or before the first day of September in each
12 year, commencing with the calendar year after the date of enactment
13 of this act, the trust shall make an annual report of its activities for the
14 preceding State fiscal year to the Governor and to the Legislature, in
15 addition to responding to other requests made by the Legislature from
16 time to time. The report shall set forth a complete operating and
17 financial statement covering its operations during the year, a long
18 range financing plan for the next five years and a more specific short
19 range financing plan for the next year with respect to providing the
20 funding necessary to achieve the goals and objectives of this act, and
21 a summary of the progress made to date on achieving those goals and
22 objectives. The trust shall cause an audit of its books and accounts to
23 be made at least once in each year by certified public accountants and
24 the cost thereof shall be considered an expense of the trust and a copy
25 thereof shall be filed with the Director of the Division of Budget and
26 Accounting and the Comptroller of the Treasury. Notwithstanding the
27 provisions of any law to the contrary, the State Auditor, or the State
28 Auditor's legally authorized representative, may examine the accounts
29 and books of the trust.

30
31 16. (New section) All officers, departments, boards, agencies,
32 divisions, and commissions of the State are hereby authorized and
33 empowered to render any and all services to the trust as may be within
34 the area of their respective governmental functions as fixed or
35 established by law, and as may be requested by the trust. Insofar as
36 possible, the cost and expense of any services shall be met and
37 provided for by those officers, departments, boards, agencies, divisions
38 and commissions.

39
40 17. (New section) a. There is established in the General Fund a
41 special account to be known as the "Garden State Preservation Trust
42 Fund Account." The State Treasurer shall credit to this account:

43 (1) In each State fiscal year from State fiscal year 2000 through
44 and including State fiscal year 2009, an amount from the State revenue
45 annually collected from the State tax imposed under the "Sales and
46 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and

1 supplemented, equal to \$98,000,000; and

2 (2) In each State fiscal year from State fiscal year 2010 through
3 and including State fiscal year 2029, an amount from the State revenue
4 annually collected from the State tax imposed under the "Sales and
5 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and
6 supplemented, necessary to satisfy any payments relating to bonds,
7 notes or other obligations, including refunding bonds, of the trust, but
8 such amount shall not exceed \$98,000,000 in any such State fiscal
9 year.

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

14 c. (1) On the basis of a payment schedule provided annually by
15 the trust to the State Treasurer for State fiscal year 2000 through and
16 including State fiscal year 2009, the State Treasurer shall pay to the
17 trust the amount credited to the Garden State Preservation Trust Fund
18 Account, plus any interest or other income earned on the amount so
19 credited prior to payment pursuant to this subsection, for each such
20 State fiscal year as provided pursuant to paragraph (1) of subsection
21 a. of this section and appropriated pursuant to subsection b. of this
22 section, which the trust shall use for its purposes as set forth in this
23 act. The State Treasurer also shall pay to the trust such other amounts
24 as may be appropriated from time to time for use by the trust for its
25 purposes as set forth in this act.

26 (2) In each State fiscal year from State fiscal year 2010 through and
27 including State fiscal year 2029, the State Treasurer shall pay to the
28 trust the amount credited to the Garden State Preservation Trust Fund
29 Account for that State fiscal year as provided pursuant to paragraph
30 (2) of subsection a. of this section and appropriated pursuant to
31 subsection b. of this section, which the trust shall use for its purposes
32 as set forth in this act. The State Treasurer also shall pay to the trust
33 such other amounts as may be appropriated from time to time for use
34 by the trust for its purposes as set forth in this act.

35 d. Any repayments of the principal and interest on loans issued to
36 local government units for the acquisition or development of lands for
37 recreation and conservation purposes pursuant to subsection b. of
38 section 27 of this act credited to the Garden State Preservation Trust
39 Fund Account as provided pursuant to Article VIII, Section II,
40 paragraph 7 of the State Constitution shall be deposited in the Garden
41 State Green Acres Preservation Trust Fund established pursuant to
42 section 19 of this act.

43

44 18. (New section) a. In each State fiscal year, from State fiscal
45 year 2000 through and including State fiscal year 2009, the trust shall
46 transfer to the State Treasurer for deposit into:

1 (1) the Garden State Green Acres Preservation Trust Fund,
2 established pursuant to section 19 of this act, 60% of such amounts as
3 are available from:

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

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

14 (2) the Garden State Farmland Preservation Trust Fund, established
15 pursuant to section 20 of this act, 40% of such amounts as are
16 available from:

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

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

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

31 b. (1) Of the amount deposited each State fiscal year into the
32 Garden State Green Acres Preservation Trust Fund pursuant to
33 paragraph (1) of subsection a. of this section, or received into the fund
34 each State fiscal year from other sources: 50% thereof shall be
35 allocated for the purposes of paying the cost of acquisition and
36 development of lands by the State for recreation and conservation
37 purposes; 40% thereof shall be allocated for the purposes of providing
38 grants and loans to assist local government units to pay the cost of
39 acquisition and development of lands for recreation and conservation
40 purposes; and 10% thereof shall be allocated for the purposes of
41 providing grants to assist qualifying tax exempt nonprofit
42 organizations to pay the cost of acquisition and development of lands
43 for recreation and conservation purposes, all as provided pursuant to
44 this act.

45 (2) Notwithstanding the provisions of this subsection to the
46 contrary, any repayments of the principal and interest on loans issued

1 to local government units for the acquisition or development of lands
2 for recreation and conservation purposes pursuant to subsection b. of
3 section 27 of this act, including repayments received after June 30,
4 2009, shall be allocated only for the issuance of additional loans to
5 local government units for the acquisition or development of lands for
6 recreation and conservation purposes pursuant to subsection b. of
7 section 27 of this act.

8 c. (1) Notwithstanding the provisions of this section to the
9 contrary, the trust, after conducting at least one public hearing upon
10 at least 60 days advance public notice thereof, and upon finding that
11 it would further the purposes of Article VIII, Section II, paragraph 7
12 of the State Constitution and this act, may (a) alter for a specific and
13 identified State fiscal year the funding allocation percentages or levels
14 set for or within each of the trust funds as prescribed pursuant to this
15 section for that State fiscal year, or (b) request the State Treasurer to
16 transfer moneys from one trust fund to another trust fund, to respond
17 to the special needs and funding priorities of the State within a specific
18 and identified State fiscal year, respond to exigent circumstances, take
19 advantage of unexpected opportunities, or maximize the impact of
20 financial resources applied to the purposes of any particular funding
21 category. Upon receipt of any such request from the trust, the State
22 Treasurer shall transfer the moneys between the trust funds in the
23 manner prescribed by the trust. Moneys so transferred from a trust
24 fund shall not be required to be repaid to the trust fund from which
25 they were transferred, provided that the moneys so transferred are
26 expended for any of the purposes authorized by Article VIII, Section
27 II, paragraph 7 of the State Constitution or this act.

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

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

1 Constitution or this act shall be paid from the General Fund and not
2 from constitutionally dedicated moneys.

3

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

38

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

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

18

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

44

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

1 Fund, the Garden State Farmland Preservation Trust Fund, and the
2 Garden State Historic Preservation Trust Fund as necessary to
3 determine from time to time whether moneys from those funds have
4 been expended for costs consistent with Article VIII, Section II,
5 paragraph 7 of the State Constitution, this act, any appropriations of
6 those moneys made by the Legislature, and any requirements
7 established therefor by the trust. The State Auditor shall transmit the
8 audit to the President of the Senate and the Speaker of the General
9 Assembly, and to the members of the Senate Budget and
10 Appropriations Committee, the Assembly Appropriations Committee,
11 and the Joint Budget Oversight Committee, or their successors. The
12 State Auditor shall also provide copies of the audit to the Governor,
13 the State Treasurer, and the trust.

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

26

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 g. For the purposes of efficiency and convenience, nothing in this

1 section shall prohibit the Garden State Preservation Trust from
2 combining the project lists, in whole or in part, of the department,
3 committee, and New Jersey Historic Trust into one proposed
4 appropriation bill or bills to be submitted to the Governor and
5 Legislature for consideration and enactment into law as otherwise
6 prescribed pursuant to this section.

7 h. The total amount appropriated for proposed projects pursuant
8 to subsections a. and b. of this section in any State fiscal year shall not
9 exceed \$200,000,000.

10

11 24. (New section) a. There is established in the Department of
12 Environmental Protection the Office of Green Acres. The
13 commissioner may appoint an administrator or director who shall
14 supervise the office, and the department may employ such other
15 personnel and staff as may be required to carry out the duties and
16 responsibilities of the department and the office pursuant to this act,
17 all without regard to the provisions of Title 11A, Civil Service, of the
18 New Jersey Statutes. Persons appointed or employed as provided
19 pursuant to this subsection shall be compensated in a manner similar
20 to other employees in the Executive Branch, and their compensation
21 shall be determined by the Commissioner of Personnel.

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

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

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

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

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

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

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

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

29

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

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

45 b. Tabulate, both for the reporting period and cumulatively, the
46 total acreage for the entire State, and the acreage in each county and

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

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

14 d. List, both for the reporting period and cumulatively, and by
15 project name, project sponsor, and location by county and
16 municipality, all historic preservation projects funded with
17 constitutionally dedicated moneys;

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

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

36 g. List, for the reporting period, all projects for which
37 applications for funding under the Green Acres, farmland preservation,
38 and historic preservation programs were received but not funded with
39 constitutionally dedicated moneys during the reporting period, and the
40 reason or reasons why those projects were not funded.

41

42 26. (New section) a. Moneys appropriated from the Garden State
43 Green Acres Preservation Trust Fund to the Department of
44 Environmental Protection shall be used by the department to:

45 (1) Pay the cost of acquisition and development of lands by the
46 State for recreation and conservation purposes;

1 (2) Provide grants and loans to assist local government units to pay
2 the cost of acquisition and development of lands for recreation and
3 conservation purposes; and

4 (3) Provide grants to assist qualifying tax exempt nonprofit
5 organizations to pay the cost of acquisition and development of lands
6 for recreation and conservation purposes.

7 b. The expenditure and allocation of constitutionally dedicated
8 moneys for recreation and conservation purposes shall reflect the
9 geographic diversity of the State to the maximum extent practicable
10 and feasible.

11 c. (1) Notwithstanding the provisions of section 5 of P.L.1985,
12 c.310 (C.13:18A-34) or this act, or any rule or regulation adopted
13 pursuant thereto, to the contrary, the value of a pinelands development
14 credit, allocated to a parcel pursuant to P.L.1979, c.111 (C.13:18A-1
15 et seq.) and the pinelands comprehensive management plan adopted
16 pursuant thereto, shall be made utilizing a value to be determined by
17 either appraisal, regional averaging based upon appraisal data, or a
18 formula supported by appraisal data. The appraisal and appraisal data
19 shall consider as appropriate: land values in the pinelands regional
20 growth areas; land values in counties, municipalities, and other areas
21 reasonably contiguous to, but outside of, the pinelands area; and other
22 relevant factors as may be necessary to maintain the environmental,
23 ecological, and agricultural qualities of the pinelands area.

24 (2) No pinelands development credit allocated to a parcel of land
25 pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands
26 comprehensive management plan adopted pursuant thereto that is
27 acquired or obtained in connection with the acquisition of the parcel
28 for recreation and conservation purposes by the State, a local
29 government unit, or a qualifying tax exempt nonprofit organization
30 using constitutionally dedicated moneys in whole or in part may be
31 conveyed in any manner. All such pinelands development credits shall
32 be retired permanently.

33 d. In determining the value of lands under consideration for
34 acquisition for recreation and conservation purposes to be paid for
35 using constitutionally dedicated moneys in whole or in part, any
36 appraisal of that value conducted by or for the department, a local
37 government unit, or a qualifying tax exempt nonprofit organization
38 shall be made using the land use zoning of the lands in effect on
39 November 3, 1998. This subsection shall not apply to appraisals
40 conducted for the purposes of subsection c. of this section.

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

45
46 27. (New section) a. (1) Any grant awarded by the State to a local

1 government unit to acquire lands for recreation and conservation
2 purposes shall be for 25% of the cost of acquisition, except that the
3 trust may authorize an increase in the State's share of the cost to a
4 maximum of 50% upon a demonstration of special need or exceptional
5 circumstances.

6 (2) Notwithstanding the provisions of paragraph (1) of this
7 subsection to the contrary:

8 (a) a grant by the State for lands acquired for recreation and
9 conservation purposes by a qualifying open space referendum county
10 or a qualifying open space referendum municipality shall be for 50%
11 of the cost of acquisition of the lands by that county or municipality,
12 except that the trust may authorize an increase in the State's share of
13 the cost to a maximum of 75% upon a demonstration of special need
14 or exceptional circumstances; and

15 (b) a grant by the State for lands acquired or developed for
16 recreation and conservation purposes by a local government unit in a
17 municipality eligible to receive State aid pursuant to P.L.1978, c.14
18 (C.52:27D-178 et seq.) shall be for 50% of the cost of acquisition or
19 development of the lands by the local government unit, except that the
20 trust may authorize an increase in the State's share of the cost to a
21 maximum of 75% upon a demonstration of special need or exceptional
22 circumstances.

23 b. A loan by the State for lands to be acquired or developed by a
24 local government unit for recreation and conservation purposes may
25 include up to 100% of the cost of acquisition or development of the
26 lands by the local government unit, shall bear interest of not more than
27 2% per year, and shall be for a term of not more than 30 years for an
28 acquisition project and not more than 20 years for a development
29 project.

30 c. (1) A grant by the State for lands to be acquired or developed
31 by a qualifying tax exempt nonprofit organization for recreation and
32 conservation purposes may include up to 50% of the cost of
33 acquisition or development of the lands by the qualifying tax exempt
34 nonprofit organization.

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

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

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

4 (2) demonstrate that the organization has the resources to match
5 the grant requested;

6 (3) agree to make and keep the lands accessible to the public,
7 unless the commissioner determines that public accessibility would be
8 detrimental to the lands or any natural resources associated therewith;

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

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

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

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

38
39 29. (New section) a. (1) (a) To the end that municipalities may
40 not suffer a loss of taxes by reason of the acquisition and ownership
41 by the State of lands in fee simple for recreation and conservation
42 purposes or in fee simple for farmland preservation purposes, or the
43 acquisition and ownership by qualifying tax exempt nonprofit
44 organizations of lands in fee simple for recreation and conservation
45 purposes that become certified exempt from property taxes pursuant
46 to P.L.1974, c.167 (C.54:4-3.63 et seq.) or similar laws, or in fee

1 simple for farmland preservation purposes, using constitutionally
2 dedicated moneys in whole or in part, the State shall pay annually on
3 October 1 to each municipality in which lands are so acquired and
4 owned, for a period of 13 years following an acquisition the following
5 amounts: in the first year a sum of money equal to the tax last
6 assessed and last paid by the taxpayer upon this land and the
7 improvements thereon for the taxable year immediately prior to the
8 time of its acquisition and thereafter the following percentages of the
9 amount paid in the first year: second year, 92%; third year, 84%;
10 fourth year, 76%; fifth year, 68%; sixth year, 60%; seventh year, 52%;
11 eighth year, 44%; ninth year, 36%; 10th year, 28%; 11th year, 20%;
12 12th year, 12%; 13th year, 4%.

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

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

40 b. In the event that land acquired by the State, a local government
41 unit, or a qualifying tax exempt nonprofit organization for recreation
42 and conservation purposes or farmland preservation purposes was
43 assessed at an agricultural and horticultural use valuation in
44 accordance with provisions of the "Farmland Assessment Act of
45 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.) at the time of its
46 acquisition by the State, local government unit, or qualifying tax

1 exempt nonprofit organization, no roll-back tax pursuant to section 8
2 of P.L.1964, c.48 (C.54:4-23.8) shall be imposed as to this land nor
3 shall this roll-back tax be applicable in determining the annual
4 payments to be made pursuant to subsection a. of this section by the
5 State to the municipality in which this land is located.

6 c. Any payments made by the State pursuant to this section shall
7 be paid from the General Fund but not from constitutionally dedicated
8 moneys.

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

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

44 b. In the event payments in lieu of taxes are due and payable from
45 the State on those lands pursuant to another law, and those payments,
46 if made by the State, would exceed those that would be paid pursuant

1 to this section, the payments shall be made in accordance with the
2 other law. In no case shall payments be made to a municipality in
3 compliance with both this section and any other applicable law.

4 c. Any payments made by the State pursuant to this section shall
5 be paid from the General Fund but not from constitutionally dedicated
6 moneys.

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

14

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

28

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

1 grants to qualifying tax exempt nonprofit organizations for the
2 acquisition of lands for recreation and conservation purposes as
3 provided pursuant to this act.

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

23 c. For the purposes of this section, "fair market value" shall mean
24 the fair market value at the time of the proposed conveyance, disposal,
25 or diversion.

26

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

43 b. The local government unit shall provide to the commissioner
44 (1) at least 30 days advance written notice of any public hearing to be
45 held on any such change in purpose or use, (2) within 90 days after
46 final approval of the change in purpose or use by the local government

1 unit, written proof that any such public hearing was held, and (3)
2 written notice of the change in purpose or use within 90 days after it
3 has been effected.

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

15 b. The local government unit shall provide to the commissioner
16 (1) at least 30 days advance written notice of any public hearing to be
17 held on any such conveyance, (2) within 90 days after final approval
18 of the conveyance by the local government unit, written proof that any
19 such public hearing was held, and (3) written notice of the conveyance
20 within 90 days after it has been executed.

21
22 35. (New section) a. No lands acquired or developed by the State
23 for recreation and conservation purposes using constitutionally
24 dedicated moneys in whole or in part may be conveyed except in
25 accordance with the provisions of this act, P.L.1993, c.38 (C.13:1D-
26 51 et seq.), and any other applicable law.

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

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

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

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

5 (1) Provide grants to local government units to pay up to 80% of
6 the cost of acquisition of development easements on farmland,
7 provided that any funds received for the transfer of a development
8 easement shall be dedicated to the future purchase of development
9 easements on farmland and the State's pro rata share of any such funds
10 shall be deposited in the Garden State Farmland Preservation Trust
11 Fund to be used for the purposes of that fund;

12 (2) Provide grants to local government units to pay up to 80% of
13 the cost of acquisition of fee simple titles to farmland from willing
14 sellers only, which shall be offered for resale or lease with agricultural
15 deed restrictions, as determined by the committee, and any proceeds
16 received from a resale shall be dedicated for farmland preservation
17 purposes and the State's pro rata share of any such proceeds shall be
18 deposited in the Garden State Farmland Preservation Trust Fund to be
19 used for the purposes of that fund;

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

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

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

35

36 38. (New section) a. All acquisitions or grants made pursuant to
37 section 37 of this act shall be made with respect to farmland devoted
38 to farmland preservation under programs established by law.

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

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

1 d. The committee shall adopt the same or a substantially similar
2 method for determining, for the purposes of this act, the committee's
3 share of the cost of a development easement on farmland to be
4 acquired by a local government as that which is being used by the
5 committee on the date of enactment of this act for prior farmland
6 preservation funding programs.

7 e. Notwithstanding the provisions of section 24 of P.L.1983, c.32
8 (C.4:1C-31) or this act, or any rule or regulation adopted pursuant
9 thereto, to the contrary, whenever the value of a development
10 easement on farmland to be acquired using constitutionally dedicated
11 moneys in whole or in part is determined based upon the value of any
12 pinelands development credits allocated to the parcel pursuant
13 P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive
14 management plan adopted pursuant thereto, the committee shall
15 determine the value of the development easement by:

16 (1) conducting a sufficient number of fair market value appraisals
17 as it deems appropriate to determine the value for farmland
18 preservation purposes of the pinelands development credits;

19 (2) considering development easement values in counties,
20 municipalities, and other areas (a) reasonably contiguous to, but
21 outside of, the pinelands area, which in the sole opinion of the
22 committee constitute reasonable development easement values in the
23 pinelands area for the purposes of this subsection, and (b) in the
24 pinelands area where pinelands development credits are or may be
25 utilized, which in the sole opinion of the committee constitute
26 reasonable development easement values in the pinelands area for the
27 purposes of this subsection;

28 (3) considering land values in the pinelands regional growth areas;

29 (4) considering the importance of preserving agricultural lands in
30 the pinelands area; and

31 (5) considering such other relevant factors as may be necessary to
32 increase participation in the farmland preservation program by owners
33 of agricultural lands located in the pinelands area.

34 f. No pinelands development credit that is acquired or obtained
35 in connection with the acquisition of a development easement on
36 farmland or fee simple title to farmland by the State or a local
37 government unit using constitutionally dedicated moneys in whole or
38 in part may be conveyed in any manner. All such pinelands
39 development credits shall be retired permanently.

40 g. In determining the value of a development easement on
41 farmland or the fee simple title to farmland under consideration for
42 acquisition for farmland preservation purposes to be paid for using
43 constitutionally dedicated moneys in whole or in part, any appraisal of
44 that value conducted by or for the committee or a local government
45 unit shall be made using the land use zoning of the farmland in effect
46 on November 3, 1998. This subsection shall not apply to appraisals

1 conducted for the purposes of subsection e. of this section.

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

8

9 39. (New section) a. The committee may acquire and permanently
10 retire development easements on farmland.

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

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

20 d. Any development easement acquired by the committee shall be
21 held of record in the name of the committee.

22

23 40. (New section) a. Moneys appropriated from the Garden State
24 Historic Preservation Trust Fund to the New Jersey Historic Trust for
25 historic preservation purposes shall be used by the New Jersey Historic
26 Trust to provide grants to local government units or qualifying tax
27 exempt nonprofit organizations to pay a portion of the cost of
28 preservation of historic properties. Grants shall be awarded on a
29 competitive basis based upon the following criteria:

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

33 (2) demonstration by the applicant of administrative capabilities to
34 carry out the preservation plans required pursuant to paragraph (1) of
35 this subsection;

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

38 (4) evidence that the historic property is and shall remain
39 accessible to the public, or if it is not accessible to the public at the
40 time of application, that it shall be made, and shall remain, accessible
41 to the public.

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

44 (1) if not in ownership in fee simple of the property, obtain a valid
45 lease of a term acceptable to the New Jersey Historic Trust within 18
46 months after the date of the appropriation by law of the moneys for the

1 grant, or the grant for the project shall lapse into the Garden State
2 Historic Preservation Trust Fund;

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

7 (3) demonstrate that it has the resources to match the grant
8 requested;

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

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

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

22 d. No grant awarded pursuant to this section may exceed
23 \$750,000.

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

26 f. Any local government unit or qualifying tax exempt nonprofit
27 organization awarded a grant pursuant to this section shall execute a
28 contract between that entity and the New Jersey Historic Trust within
29 18 months after the date of the appropriation by law of the moneys for
30 the grant, or the grant for the project shall lapse into the Garden State
31 Historic Preservation Trust Fund.

32 g. The New Jersey Historic Trust shall establish an advisory
33 committee composed of trustees of the New Jersey Historic Trust and
34 other individuals with the requisite professional expertise to evaluate
35 the grant applications submitted pursuant to this section and to advise
36 the New Jersey Historic Trust on the merits of each application
37 received.

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

42

43 41. (New section) a. The Department of Environmental
44 Protection, the State Agriculture Development Committee, the New
45 Jersey Historic Trust, and the Department of the Treasury shall adopt,
46 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), such rules and regulations as may be necessary
2 to implement and carry out the goals and objectives of Article VIII,
3 Section II, paragraph 7 of the State Constitution and this act.

4 b. Notwithstanding the provisions of any law to the contrary, any
5 rules and regulations of the Department of Environmental Protection,
6 the State Agriculture Development Committee, the New Jersey
7 Historic Trust, and the Department of the Treasury that have been
8 adopted pursuant to the "Administrative Procedure Act" and are in
9 effect as of the date of enactment of this act, that are not inconsistent
10 with the provisions of this act, and that pertain to the Green Acres,
11 farmland preservation, and historic preservation programs continued
12 pursuant to this act, shall continue in effect until amended or
13 supplemented and readopted as necessary to reflect the provisions and
14 requirements of Article VIII, Section II, paragraph 7 of the State
15 Constitution and this act.

16 c. In order to implement the funding provisions provided for in
17 this act, the State Treasurer, the Department of Environmental
18 Protection, the State Agriculture Development Committee, the New
19 Jersey Historic Trust, and the Garden State Preservation Trust are
20 hereby authorized to enter into one or more contracts. The contracts
21 shall commence in the State fiscal year beginning July 1, 1999, and
22 provide for the credit to the Garden State Preservation Trust Fund
23 Account in the amounts provided for in section 17 of this act and for
24 the payment to the Garden State Preservation Trust of the amounts
25 credited to the Garden State Preservation Trust Fund Account in
26 accordance with the provisions of section 17 of this act. The contracts
27 shall also provide for the payment by the Garden State Preservation
28 Trust of the amounts provided for in section 18 of this act and for
29 expenditures from the Garden State Green Acres Preservation Trust
30 Fund, the Garden State Farmland Preservation Trust Fund, and the
31 Garden State Historic Preservation Trust Fund, as provided in section
32 18 of this act. The contract or contracts shall be on terms and
33 conditions as determined by the parties and may contain terms and
34 conditions necessary and desirable to secure the bonds, notes and
35 other obligations of the Garden State Preservation Trust, provided,
36 however, that the incurrence of any obligation by the State under the
37 contract or contracts, including any payments to be made thereunder
38 from the Garden State Preservation Trust Fund Account, the Garden
39 State Green Acres Preservation Trust Fund, the Garden State
40 Farmland Preservation Trust Fund, or the Garden State Historic
41 Preservation Trust Fund, as provided in sections 17, 19, 20, and 21 of
42 this act, shall be subject to and dependent upon appropriations being
43 made from time to time by the Legislature for the purposes of this act.

44
45 42. (New section) a. To the extent moneys are or may become
46 available as a result of project withdrawals, cancellations, or costs

1 savings, there is reappropriated to the New Jersey Historic Trust the
2 unexpended balances of the amounts appropriated or reappropriated
3 pursuant to P.L.1990, c.91, P.L.1991, c.468, P.L.1993, c.203,
4 P.L.1993, c.270, P.L.1993, c.271, P.L.1993, c.272, P.L.1995, c.420,
5 P.L.1995, c.421, P.L.1997, c.106, P.L.1997, c.107, P.L.1998, c.64,
6 and P.L.1998, c.65, for the purpose of providing additional funding if
7 appropriate, subject to the approval of the Joint Budget Oversight
8 Committee or its successor and in a sequence consistent with the
9 priority system established by the New Jersey Historic Trust, in the
10 form of grants for the projects listed in P.L.1990, c.91, P.L.1991,
11 c.468, P.L.1993, c.203, P.L.1993, c.270, P.L.1993, c.271, P.L.1993,
12 c.272, P.L.1995, c.420, P.L.1995, c.421, P.L.1997, c.106, P.L.1997,
13 c.107, P.L.1998, c.64, and P.L.1998, c.65, and for the purpose of
14 administrative costs of the New Jersey Historic Trust associated with
15 any such projects.

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

19

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

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

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

31

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

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

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

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

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

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

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

22

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

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

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

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

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

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

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

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

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

10
11 46. Section 2 of P.L.1991, c.41 (C.13:1B-15.115b) is amended to
12 read as follows:

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

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

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

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

36
37 47. Section 9 of P.L.1967, c.124 (C.13:1B-15.116) is amended to
38 read as follows:

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

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

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

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

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

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

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

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

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

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

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

38

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

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

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

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

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

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

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

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

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

4

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

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

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

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

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

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

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

1 department of the municipality.

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

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

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

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

28

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

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

32 **["Commissioner" means the Commissioner of Environmental**
33 **Protection;]**

34 "Department" means the Department of **[Environmental**
35 **Protection]** State ;

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

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

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

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

1 related to New Jersey history **[.]** ; and

2 "Secretary" means the Secretary of State.

3 (cf: P.L.1995, c.368, s.1)

4

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

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

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

42 (cf: P.L.1995, c.368, s.4)

43

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 determined under (b) hereof; and

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

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

7

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

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

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

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

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

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

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

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

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

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

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

19

20 58. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill, to be known as the "Garden State Preservation Trust
26 Act," sets forth a comprehensive statutory framework that will enable
27 the State to address its open space preservation, farmland
28 preservation, recreation and park development, and historic
29 preservation funding needs for at least the next decade. In November
30 1998, the voters of the State approved a constitutional amendment
31 dedicating \$98 million per year to those purposes and authorizing the
32 issuance of up to \$1 billion in revenue bonds based upon the
33 constitutionally dedicated funds. This bill would establish the "Garden
34 State Preservation Trust" (GSPT) as the entity responsible for issuing
35 those bonds, and prescribe procedures and funding allocations to guide
36 the GSPT, the Department of Environmental Protection (DEP), the
37 State Agricultural Development Committee (SADC), and the New
38 Jersey Historic Trust (NJHT) in meeting those funding needs. This
39 bill, in conjunction with the 1998 constitutional amendment, will give
40 the State, local governments, and nonprofit organizations the financial
41 wherewithal to fulfill their proper roles as stewards of the State's open
42 spaces, farmland, and historic sites, and, in so doing, ensure that these
43 priceless resources are preserved and protected for the use and
44 enjoyment of both the current and future generations.

45 The GSPT would be composed of nine voting members, as follows:
46 (1) the Commissioner of Environmental Protection, the Secretary of

1 Agriculture, the Secretary of State, and the State Treasurer, all of
2 whom would serve ex officio; and (2) one appointee by the Governor,
3 two appointees (from different political parties) by the President of the
4 Senate, and two appointees (from different political parties) by the
5 Speaker of the General Assembly. The appointees of the Senate
6 President and the Assembly Speaker would be made in compliance
7 with the constitutional amendment's provision authorizing
8 appointments to the GSPT by the Legislature. The terms of the
9 appointees would be five years, except for the staggered terms of
10 those first appointed. The chairperson would be elected annually and
11 the chair would rotate annually among the three classes of appointees.
12 The Governor's appointee would be the first chairperson of the trust.

13 The bill would provide that the GSPT shall not incur debt in any
14 State fiscal year in excess of \$200 million, except that if that permitted
15 amount of debt, or any portion thereof, is not incurred in a State fiscal
16 year it may be incurred in a subsequent State fiscal year. This
17 limitation could not be increased except by law. The constitutional
18 amendment provides that the constitutionally dedicated moneys shall
19 not be used to make payments related to bonds, notes or other
20 obligations which in aggregate principal amount exceed \$1 billion plus
21 costs of issuance. The bill includes a \$1 billion limit (plus costs of
22 issuance) on the aggregate principal amount of bonds, notes or other
23 obligations, including subordinated indebtedness, that may be issued
24 by the GSPT.

25 Generally, the bill would provide that in each State fiscal year over
26 the next decade, the GSPT, after retaining sufficient funds to pay any
27 debt service on its bonds and notes, would transfer \$6 million to the
28 NJHT for historic preservation projects, and then divide the remaining
29 proceeds as follows: 60% for the Green Acres program and 40% for
30 the farmland preservation program. All administrative costs and
31 expenses, including but not limited to salaries, fringe and other
32 benefits, equipment, materials, direct and indirect costs, and non-
33 salaried administrative costs, of the DEP, SADC, NJHT, and any other
34 State entity incurred in connection with the implementation or
35 administration of the constitutional amendment or the bill would be
36 paid from the State General Fund, not from constitutionally dedicated
37 moneys.

38 Of the moneys set aside each year for the Green Acres program,
39 50% would be allocated for open space acquisition and park
40 development by the State, 40% for grants and low-interest (up to 2%)
41 loans to local government units for open space acquisition and park
42 development, and 10% for grants to nonprofit organizations for open
43 space acquisition and park development. Loan repayments are
44 specifically dedicated for future loans to local government units for
45 open space acquisition or park development.

46 The GSPT would have the authority from year to year to alter the

1 presumed funding allocation percentages and levels among and within
2 the three programs as established in the bill and to transfer moneys
3 between the programs for the purposes of responding to special needs
4 or circumstances, but only after conducting at least one public hearing
5 with at least 60 days advance public notice thereof.

6 Under the bill, proposed project funding lists would be submitted
7 by the DEP and the SADC at least twice per year to the GSPT for its
8 approval, and by the NJHT to the GSPT for its approval whenever
9 deemed appropriate but most likely at least once per year. Once
10 approved, these lists would be forwarded to the Governor and the
11 Legislature for approval in the form of appropriation bills. The GSPT
12 could not add projects to these lists, but it could delete projects. A
13 project deletion by the GSPT would trigger a review process by the
14 GSPT involving the affected parties. Upon completion of that review,
15 if the DEP, SADC, or NJHT, as the case may be, decided that the
16 project still warranted funding, the project would be placed again on
17 a list to be considered by the Legislature for appropriation, and once
18 on that list the project could not be deleted again by the GSPT. The
19 opinions of the GSPT and the State agency concerning the merits and
20 validity of any project subjected to this review process would be
21 forwarded to the Legislature. The Legislature would retain its
22 inherent power in all cases to accept or reject a project by choosing to
23 include it in, or exclude it from, an appropriation bill. The bill
24 provides that the total amount that may be appropriated for Green
25 Acres and farmland preservation projects in any State fiscal year shall
26 not exceed \$200 million.

27 The bill would create the Office of Green Acres in the DEP.
28 Heretofore, that office, out of necessity, has been functioning but
29 without fully expressed statutory authority. In addition to its other
30 duties and responsibilities under the bill, the office would be
31 responsible for establishing criteria for evaluating and ranking open
32 space preservation projects for funding based upon guidelines in the
33 bill, and would continue to administer the existing Green Acres bond
34 act program and especially the existing Green Trust program for local
35 government units. Projects funded with Green Trust moneys would
36 also proceed through the GSPT approval process outlined above.

37 Under the bill, the GSPT would have certain reporting
38 responsibilities with respect to financing plans, acquisition and
39 development plans and progress, available surplus State property, and
40 unfunded projects.

41 Generally, with respect to the Green Acres program, the standard
42 grant, if awarded, to a local government unit would be for 25% of
43 open space acquisition costs, except the GSPT could raise that amount
44 to 50% upon a showing of special need or exceptional circumstances.
45 However, if a local government unit has enacted a dedicated local
46 open space tax or similar stable source of local funding for open space

1 preservation, the grant, if awarded, would be for 50% of acquisition
2 costs, and the GSPT could raise that amount to 75% upon a special
3 showing. A grant to a county or municipality for a project in an urban
4 aid municipality would be for 50% of open space acquisition or park
5 development costs, except that the GSPT could raise that amount to
6 75% upon a special showing. Finally, a grant to a nonprofit
7 organization would be for up to 50% of open space acquisition or park
8 development costs. Park development projects by a nonprofit
9 organization on lands owned by a local government unit would require
10 co-application or approval by the local government unit.

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

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

39 The bill generally follows the laws and regulations for the existing
40 Green Acres bond act program with respect to diversions of land
41 acquired for open space preservation purposes to other uses, with
42 certain exceptions.

43 With respect to farmland preservation, the SADC would pay for up
44 to 80% of the cost of acquisition by a local government unit of a
45 development easement on farmland. The bill also would provide for
46 payment by the SADC of up to 80% of the cost of acquisition by a

1 local government unit of the fee simple title to farmland, which would
2 be resold with an agricultural deed restriction placed upon the land.
3 The current sliding scale formula for calculating the actual SADC
4 share of the cost of an acquisition, as set forth in SADC regulations,
5 would continue.

6 Under the bill, the SADC as well could acquire farmland
7 development easements or fee simple titles to farmland.

8 The bill would authorize a special flexible approach to be used
9 when appraising farmland to be preserved in the pinelands area under
10 the farmland preservation program. It is expected that this appraisal
11 process will help preserve more farmland in the pinelands area. The
12 bill also provides for a similar flexible approach to be used when
13 appraising lands in the pinelands area to be acquired for open space
14 preservation purposes. In addition, the bill would require the
15 permanent retirement of any pinelands development credits acquired
16 in connection with either the open space or farmland preservation
17 programs.

18 The bill provides that in determining the value of lands under
19 consideration for acquisition for open space or farmland preservation
20 purposes, any appraisal of that value conducted by or for the DEP, the
21 SADC, a local government unit, or a nonprofit organization must be
22 made using the land use zoning of the lands in effect on November 3,
23 1998; except that this provision would not apply to appraisals
24 conducted for open space or farmland preservation purposes in the
25 pinelands area as described above.

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

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 9

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 17, 1999

The Senate Environment Committee reports favorably and with committee amendments Senate Bill No. 9.

As amended by the committee, this bill, to be known as the "Garden State Preservation Trust Act," would establish a statutory framework for open space preservation, farmland preservation, recreation and park development, and historic preservation efforts in the State for at least the next decade. In November 1998, the voters of the State approved a constitutional amendment dedicating \$98 million per year to those purposes and authorizing the issuance of up to \$1 billion in revenue bonds based upon the constitutionally dedicated funds. This bill would establish the "Garden State Preservation Trust" (GSPT) as the entity responsible for issuing those bonds, and prescribe procedures and funding allocations to guide the GSPT, the Department of Environmental Protection (DEP), the State Agricultural Development Committee (SADC), and the New Jersey Historic Trust (NJHT) in meeting those funding needs.

The GSPT would be composed of nine voting members, as follows: (1) the Commissioner of Environmental Protection, the Secretary of Agriculture, the Secretary of State, and the State Treasurer, all of whom would serve ex officio; and (2) one appointee by the Governor, two appointees (no more than one of whom could be from the same political party) by the President of the Senate, and two appointees (no more than one of whom could be from the same political party) by the Speaker of the General Assembly. The appointees of the Senate President and the Assembly Speaker would be made in compliance with the constitutional amendment's provision authorizing appointments to the GSPT by the Legislature. The terms of the appointees would be five years, except for the staggered terms of those first appointed. The chairperson would be elected annually and the chair would rotate annually among the three classes of appointees. The Governor's appointee would be the first chairperson of the trust. No person holding elective public office would be eligible to be a member of the trust.

The bill would provide that the GSPT shall not issue debt in any

State fiscal year in excess of \$200 million, except that if that permitted amount of debt, or any portion thereof, is not issued in a State fiscal year it may be issued in a subsequent State fiscal year. This limitation could not be increased except by law. The constitutional amendment provides that the constitutionally dedicated moneys shall not be used to make payments related to bonds, notes or other obligations which in aggregate principal amount exceed \$1 billion plus costs of issuance. The bill includes a \$1 billion limit (plus costs of issuance) on the aggregate principal amount of bonds, notes or other obligations, including subordinated indebtedness, that may be issued by the GSPT.

Generally, the bill would provide that in each State fiscal year over the next decade, the GSPT, after retaining sufficient funds to pay any debt service on its bonds and notes, would transfer \$6 million to the NJHT for historic preservation projects, and then divide the remaining proceeds as follows: 60% for the Green Acres program and 40% for the farmland preservation program. All administrative costs and expenses, including but not limited to salaries, fringe and other benefits, equipment, materials, direct and indirect costs, and non-salaried administrative costs, of the DEP, SADC, NJHT, and any other State entity incurred in connection with the implementation or administration of the constitutional amendment or the bill would be paid from the State General Fund, not from constitutionally dedicated moneys.

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

The GSPT would have the authority from year to year to alter the presumed funding allocation percentages and levels among and within the three programs as established in the bill and to transfer moneys between the programs for the purposes of responding to special needs or circumstances, but only after conducting at least one public hearing with at least 60 days advance public notice thereof.

Under the bill, proposed project funding lists would be submitted by the DEP and the SADC at least twice per year to the GSPT for its approval, and by the NJHT to the GSPT for its approval at least once per year or whenever deemed appropriate. Once approved, these lists would be forwarded to the Governor and the Legislature for approval in the form of appropriation bills. The GSPT could not add projects to these lists, but it could delete projects. A project deletion by the GSPT would trigger a review process by the GSPT involving the affected parties. Upon completion of that review, if the DEP, SADC, or NJHT, as the case may be, decided that the project still warranted

funding, the project would be placed again on a list to be considered by the Legislature for appropriation, and once on that list the project could not be deleted again by the GSPT. The opinions of the GSPT and the State agency concerning the merits and validity of any project subjected to this review process would be forwarded to the Legislature. The Legislature would retain its inherent power in all cases to accept or reject a project by choosing to include it in, or exclude it from, an appropriation bill. The bill provides that the total amount that may be appropriated for Green Acres and farmland preservation projects in any State fiscal year shall not exceed \$200 million.

For State fiscal year 2000 only, however, the bill allows also for the approval of projects and the appropriation of moneys therefor through the annual appropriations act for that year.

The bill, as amended, provides that to the extent the DEP receives a sufficient number of applications from local government units for the funding of qualified projects to acquire or develop, for recreation and conservation purposes, lands located in urban aid municipalities, in any State fiscal year the percentage of funding from the Garden State Green Acres Preservation Trust Fund for such projects recommended by the DEP shall be substantially equivalent to or greater than the percentage derived by dividing the total amount allocated pursuant to the last five Green Acres bond acts for local government unit projects for recreation and conservation purposes in urban aid municipalities by the total amount allocated pursuant to the last five Green Acres bond acts for all local government unit projects for recreation and conservation purposes. Also, in any State fiscal year, not less than 20% of the total amount of funding from the Garden State Green Acres Preservation Trust Fund for all State projects to acquire and develop lands for recreation and conservation purposes throughout the State recommended by the department shall be for State projects located in highly populated counties of the State with population densities of at least 1,000 persons per square mile according to the latest federal decennial census.

The bill would create the Office of Green Acres in the DEP. In addition to its other duties and responsibilities under the bill, the office would be responsible for establishing criteria for evaluating and ranking open space preservation projects for funding based upon guidelines in the bill, and would continue to administer the existing Green Acres bond act program and especially the existing Green Trust program for local government units. Projects funded with Green Trust moneys would also proceed through the GSPT approval process outlined above.

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

Generally, with respect to the Green Acres program, the standard grant, if awarded, to a local government unit would be for 25% of open space acquisition costs, except the GSPT could raise that amount to 50% upon a showing of special need or exceptional circumstances. However, if a local government unit has enacted a dedicated local open space tax or similar stable source of local funding for open space preservation, the grant, if awarded, would be for 50% of acquisition costs, and the GSPT could raise that amount to 75% upon a special showing. A grant to a county or municipality for a project in an urban aid municipality would be for 50% of open space acquisition or park development costs, except that the GSPT could raise that amount to 75% upon a special showing. Finally, a grant to a nonprofit organization would be for up to 50% of open space acquisition or park development costs. Park development projects by a nonprofit organization on lands owned by a local government unit would require co-application or approval by the local government unit.

The bill would establish a sliding scale formula for payments in lieu of property taxes by the State for open space acquired and owned in fee simple by the State or nonprofit organizations. Initially, for such acquisitions pursuant to the bill, there would be a 13-year declining payment schedule similar to that used in past Green Acres bond acts. Thereafter, and for open space acquired prior to or after implementation of the bill using other funding sources and owned in fee simple by the State or nonprofit organizations, the payments in lieu of property taxes would be based upon the total amount of open space owned in fee simple by the State or nonprofit organizations in the municipality, using a sliding scale, as follows: \$2 per acre when the percentage of the total acreage in a municipality that is owned in fee simple by the State or nonprofit organizations for open space preservation purposes is less than 20%; \$5 per acre for 20% to less than 40% ownership; \$10 per acre for 40% to less than 60% ownership; and \$20 per acre for 60% or more ownership. These payments would be made from the State General Fund, not from constitutionally dedicated moneys.

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

The bill generally follows the laws and regulations for the existing Green Acres bond act program with respect to diversions of land acquired for open space preservation purposes to other uses, with certain exceptions.

With respect to farmland preservation, the SADC would pay for up to 80% of the cost of acquisition by a local government unit of a development easement on farmland. The bill also would provide for payment by the SADC of up to 80% of the cost of acquisition by a local government unit of the fee simple title to farmland, which would be resold with an agricultural deed restriction placed upon the land. As amended by the committee, the SADC would provide grants for up to 50% of the cost of acquisition by a nonprofit organization of a development easement on farmland or the fee simple title to farmland, which would be resold or leased with an agricultural deed restriction as determined by the SADC. The current sliding scale formula for calculating the actual SADC share of the cost of an acquisition, as set forth in SADC regulations, would continue.

Under the bill, the SADC as well could acquire farmland development easements or fee simple titles to farmland.

The bill would authorize a special flexible approach to be used when appraising farmland to be preserved in the pinelands area under the farmland preservation program. The bill also provides for a similar flexible approach to be used when appraising lands in the pinelands area to be acquired for open space preservation purposes. In addition, the bill would require the permanent retirement of any pinelands development credits acquired in connection with either the open space or farmland preservation programs.

The bill provides that for State fiscal years 2000 through 2004 only, when the department, a local government unit, or a qualifying tax exempt nonprofit organization seeks to acquire lands for open space or farmland preservation purposes using constitutionally dedicated moneys, it shall conduct or cause to be conducted an appraisal or appraisals of the value of the lands that shall be made using the land use zoning of the lands (1) in effect at the time of proposed acquisition, and (2) in effect on November 3, 1998 as if that land use zoning is still in effect at the time of proposed acquisition. The higher of those two values would be utilized by the department, a local government unit, or a qualifying tax exempt nonprofit organization as the basis for negotiation with the landowner with respect to the acquisition price for the lands. The landowner would be provided with both values determined pursuant to this provision. A landowner would be able to waive any of the requirements of this provision and may agree to sell the lands for less than the values so determined. Also, the bill provides for certain exceptions to the requirements of this provision.

The bill would allocate \$6 million annually for historic preservation matching grants to local government units and nonprofit organizations, with a maximum grant amount of \$750,000 for any individual project. Also, unexpended historic preservation funds from past historic preservation grant awards due to project withdrawals, cancellations, or cost savings would be reallocated to historic preservation projects

previously approved under the prior funding program. In addition, the bill would authorize two new alternatives (in addition to by concurrent resolution of the Legislature) for legislative approval of historic preservation loans issued pursuant to a 1987 bond act program: (1) by legislative act in connection with appropriations made pursuant to this bill; or (2) by approval of the Joint Budget Oversight Committee (JBOC). Finally, the bill would formalize by legislation the transfer, which was accomplished in 1998 by an executive reorganization plan, of the NJHT from in but not of the DEP to in but not of the Department of State, and make certain changes to the membership, powers, and operating procedures of the NJHT.

The committee amended the bill to include the Assembly committee amendments previously made to Assembly Bill No. 1000000 (the Assembly counterpart to this bill). Those amendments would: (1) amend the definition of "development" to specifically exclude shore protection and beach nourishment or replenishment activities; (2) clarify the definition of "local government unit"; (3) clarify the appointment process for the GSPT; (4) subject the GSPT to the provisions of the "Open Public Meetings Act"; (5) specify that certain transfers of appropriated moneys for approved projects would require the approval only of JBOC, and not the GSPT; (6) provide that a nonprofit organization could not use as its matching share of the cost of an acquisition or development project any constitutionally dedicated grant moneys or Green Acres bond act grant moneys; (7) add that the conveyance, disposition, or diversion of State-owned open space requires the approval of the Commissioner of Environmental Protection in addition to the approval of the State House Commission; (8) add that the SADC may provide grants to nonprofit organizations of up to 50% of the cost of acquisition of a development easement or the fee simple title to farmland; (9) remove "farmland preservation purposes" from the sections providing for payments in lieu of taxes and providing for an exemption from farmland assessment roll-back taxes, for reasons of either minimal applicability or simplification; and (10) make various technical and clarifying changes.

The committee also made the following amendments, which would: (1) clarify the definition of "acquisition or acquire"; (2) change the minimum rate that a county or municipality must meet for its dedicated open space tax or similar stable source of local funding for open space preservation to qualify the county or municipality for special funding considerations under the bill from 1/4 cent per \$100 of assessed value of real property to 1/2 cent per \$100 of assessed value of real property; (3) prohibit persons who hold elective public office from being members of the GSPT; (4) require that certain inspections be conducted and notices issued with respect to the possible existence of historic buildings or structures on certain lands acquired for recreation and conservation purposes; (5) authorize public access on lands donated by public utilities to the State for recreation and conservation

purposes, unless the DEP determines such access would be detrimental to the lands or any natural resources associated therewith; (6) direct a study of the process by which easements are granted to public utilities on preserved lands and how that process might be improved; (7) clarify that the State-owned recreation and conservation lands for which payments in lieu of taxes are made are only those recreation and conservation lands administered by the DEP; (8) reduce the qualifying percentage, with respect to lands owned in a municipality by the State or a nonprofit organization for recreation and conservation purposes, for certain levels of payments in lieu of taxes made to municipalities from 50% to 40%; (9) clarify that the current law and practice by which compensation is calculated when State recreation and conservation lands are diverted to other uses would continue to apply; (10) change certain language in the bill concerning the "incurring" of debt to the "issuing" of debt; (11) allow also, for State fiscal year 2000 only, the approval of certain projects and the appropriation of moneys therefor through the annual appropriations act for that year; (12) prohibit local government units and nonprofit organizations from using constitutionally dedicated moneys to acquire lands that are already permanently preserved for recreation and conservation purposes; (13) establish annual funding levels for local projects in urban aid municipalities and for State projects in highly populated counties for recreation and conservation purposes; (14) require a biennial study comparing actual appropriations for open space projects in urban aid municipalities in future years to historical averages for such projects in the years 1984 through 1998; (15) modify and clarify provisions in the bill pertaining to the valuation of lands under consideration for acquisition with regard to the current and previous land use zoning of those lands; and (16) make various clarifying and technical amendments.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 9

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: AUGUST 13, 1999

Senate Bill No. 9 (1R) of 1999, the "Garden State Preservation Trust Act," establishes the statutory framework to implement the constitutional amendment approved by the State's voters in November, 1998 that provides a stable funding source for the Governor's Open Space Preservation Initiative. The constitutional amendment establishes this funding source from State sales tax revenues by authorizing the dedication of \$98 million annually for ten years (through FY2009); authorizing the sale of up to \$1 billion in revenue bonds; and dedicating up to \$98 million annually (from FY2010 through FY2029) to pay the debt service on such bonds. This bill creates the Garden State Preservation Trust (GSPT) as the entity responsible for issuing those bonds, and prescribes procedures and funding allocations to guide the GSPT, the Department of Environmental Protection (DEP), the State Agricultural Development Committee (SADC), and the New Jersey Historic Trust (NJHT) in meeting those funding needs. The GSPT is designated as an independent State agency located "in, but not of" the Department of the Treasury.

Among the bill's provisions that directly affect the State Budget, the bill directs that all administrative costs and expenses incurred by the GSPT, DEP, SADC, NJHT, or any other State entity in connection with the implementation or administration of the constitutional amendment or the bill will be paid from the General Fund. Such funding support for the existing Green Acres, Farmland Preservation, and Historic Preservation programs has traditionally been paid from the bond issues that financed these activities.

Under the bill, the GSPT would have certain reporting responsibilities with respect to financing plans, acquisition and development plans and progress, available surplus State property, and unfunded projects. It would be allowed to hire an executive director and staff with administrative expenses (derived from the General Fund) not exceeding \$150,000 annually. The GSPT would also be required to pay its five public board appointees \$150 per diem.

The last major provision affecting State funds concerns changes to the formula for State Aid support to municipalities for payment in lieu of taxes (PILOT) by the State for open space acquired and owned in fee simple by the State or nonprofit organizations. Initially, for such acquisitions pursuant to the bill, there would be a 13-year declining payment schedule similar to that used in past Green Acres bond acts. Thereafter, and for open space acquired prior to or after implementation of the bill using other funding sources and owned in fee simple by the State or nonprofit organizations, the payments in lieu of property taxes would be based upon the total amount of open space owned in fee simple by the State or nonprofit organizations in the municipality, using a sliding scale.

In addition, such payments (after the 13-year period) will be based on holdings controlled by both the Division of Parks and Forestry and the Division of Fish, Game and Wildlife. At present, only lands controlled by the Division of Parks and Forestry (after the 13-year period) are subject to PILOT payments. Under the bill, all such payments would continue to be made from the General Fund, as is the current practice.

The Office of Legislative Services (OLS) estimates that the State's administrative costs to implement the constitutional amendment under the bill in FY2000 would be approximately \$8,142,000, as follows:

<u>Agency</u>	<u>Costs</u>
Green Acres (DEP)	\$5,934,000
SADC (DOA)	1,370,000
Historic Trust (State)	688,000
GSPT (Treasury)	<u>150,000</u>
	\$8,142,000

With the exception of the GSPT, these estimates are based on the amounts contained in the Governor's FY2000 Budget Recommendation. While these recommended amounts, as currently proposed, would be supported by existing bond fund balances, it is uncertain exactly when these activities will actually become partially or totally supported by State funds under the bill. Future administrative costs are likely to rise as funding availability and acquisition activity under the Open Space initiative increases over the next ten years.

The OLS estimates that State Aid for PILOT payments under the bill will be approximately \$4,520,000 in FY2000. This figure, which is \$2,200,000 higher than this account's current appropriation, is also included in the FY2000 Budget Recommendation and is largely based on the amended formula as contained in this bill. This amount could change, however, if a different funding level is incorporated into the final version of the Appropriations Act. Other factors that may affect future PILOT spending levels include the amount of land purchased

for State and non-profit ownership, the location and value of acquired property, the municipal tax rate, and whether such property was previously under farmland assessment.

Finally, the actual debt service costs for bonds issued under the Open Space initiative will depend on market factors when the bonds are issued, or later if refinancing becomes an option. As such, if economic conditions are favorable or if other factors limit the amount of bonds issued, the level of annual debt service payments will fluctuate accordingly.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 100000

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MAY 3, 1999

Sponsored by:

Assemblyman JACK COLLINS

District 3 (Salem, Cumberland and Gloucester)

Assemblyman STEVE CORODEMUS

District 11 (Monmouth)

SYNOPSIS

The "Garden State Preservation Trust Act."

CURRENT VERSION OF TEXT

As introduced.



A1000000 COLLINS, CORODEMUS

2

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

5

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

8

9 1. (New section) Sections 1 through 41 of this act shall be
10 known, and may be cited, as the "Garden State Preservation Trust
11 Act."

12

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

40

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

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

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

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

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

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

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

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

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

43 "Department" means the Department of Environmental Protection;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 "Pinelands area" means the pinelands area as defined pursuant to
22 section 3 of P.L.1979, c.111 (C.13:18A-3);

23 "Pinelands regional growth area" means a regional growth area
24 established pursuant to the pinelands comprehensive management plan
25 adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.);

26 "Project" means all things deemed necessary or useful and
27 convenient in connection with the acquisition or development of lands
28 for recreation and conservation purposes, the acquisition of
29 development easements or fee simple titles to farmland, or the
30 preservation of historic properties, as the case may be;

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

43 "Qualifying open space referendum municipality" means any
44 municipality that has: (1) approved and implemented, and is collecting
45 and expending the revenue from, an annual levy authorized pursuant
46 to P.L.1997, c.24 (C.40:12-15.1 et seq.) for an amount or at a rate

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1 equivalent to at least one quarter of one cent per \$100 of assessed
2 value of real property, or for an amount or at a rate established by the
3 municipality and in effect as of April 1, 1999, whichever is greater; or
4 (2) adopted an alternative means of funding for the same or similar
5 purposes as an annual levy, which the Department of Environmental
6 Protection, in consultation with the committee and the New Jersey
7 Historic Trust, approves to be stable and reasonably equivalent in
8 effect to an annual levy;

9 "Qualifying tax exempt nonprofit organization" means a nonprofit
10 organization that is exempt from federal taxation pursuant to section
11 501 (c)(3) of the federal Internal Revenue Code, 26 U.S.C. s.501
12 (c)(3), and which qualifies for a grant pursuant to sections 27 or 40 of
13 this act;

14 "Recreation and conservation purposes" means the use of lands for
15 beaches, biological or ecological study, boating, camping, fishing,
16 forests, greenways, hunting, natural areas, parks, playgrounds,
17 protecting historic properties, water reserves, watershed protection,
18 wildlife preserves, active sports, or a similar use for either public
19 outdoor recreation or conservation of natural resources, or both; and

20 "Trust" means the Garden State Preservation Trust established
21 pursuant to section 4 of this act.

22

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

36 b. The trust shall consist of nine voting members as follows: the
37 Commissioner of Environmental Protection, the Secretary of
38 Agriculture, the Secretary of State, and the State Treasurer, who shall
39 be members ex officio; and five public members, one of whom shall be
40 appointed by the Governor, two of whom shall be appointed by the
41 President of the Senate and shall be from different political parties, and
42 two of whom shall be appointed by the Speaker of the General
43 Assembly and shall be from different political parties. The public
44 member appointed by the Governor shall serve a term of five years.
45 Each public member appointed by the President of the Senate shall
46 serve a term of five years, except of those first appointed, one shall

1 serve a term of three years and the other a term of two years. Each
2 public member appointed by the Speaker of the General Assembly shall
3 serve a term of five years, except of those first appointed, one shall
4 serve a term of three years and the other a term of two years.

5 c. Each public member shall hold office for the term of the
6 member's appointment and until the member's successor shall have
7 been appointed and qualified. A public member shall be eligible for
8 reappointment. Any vacancy in a public membership occurring other
9 than by expiration of term shall be filled in the same manner as the
10 original appointment but for the unexpired term only.

11 d. Any public member may be removed from office by the
12 appointing authority, for cause, after a public hearing, and may be
13 suspended by the appointing authority pending the completion of the
14 hearing. All members before entering upon their duties shall take and
15 subscribe an oath to perform the duties of their office faithfully,
16 impartially and justly to the best of their ability. A record of each oath
17 shall be filed in the Office of the Secretary of State.

18 e. The first chairperson of the trust shall be the public member
19 first appointed by the Governor. At the first meeting of the trust held
20 in each subsequent year, the members shall elect one of the public
21 members to serve as chairperson of the trust in a manner that ensures
22 that the chair rotates annually among at least one of the appointees of
23 the President of the Senate, at least one of the appointees of the
24 Speaker of the General Assembly, and the appointee of the Governor.

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

40 g. Each public member of the trust shall receive compensation in
41 the amount of \$150 per day for each day that the public member
42 attends a meeting of the trust, unless otherwise prohibited by law. Ex
43 officio members of the trust shall serve without compensation. All
44 members shall be reimbursed for actual expenses necessarily incurred
45 in the discharge of their duties. Notwithstanding the provisions of any
46 other law, no member shall be deemed to have forfeited nor shall the

1 member forfeit the member's office or employment or any benefits or
2 emoluments thereof by reason of the member's acceptance of the office
3 of ex officio member of the trust or the member's services therein.

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

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

33 j. The trust shall continue in existence until dissolved by act of
34 the Legislature. However, any dissolution of this trust shall be on
35 condition that the trust has no debts, contractual duties or obligations
36 outstanding, or that provision has been made for the payment,
37 discharge or retirement of these debts, contractual duties or
38 obligations. Upon any dissolution of the trust, all property, rights,
39 funds and assets thereof shall pass to and become vested in the State.

40
41 5. (New section) It shall be the sole purpose of the trust
42 established pursuant to this act to:

43 a. Provide funding to the Department of Environmental
44 Protection, the State Agriculture Development Committee, and the
45 New Jersey Historic Trust for all or a portion of the cost of projects
46 undertaken by those entities or by grant or loan recipients in

1 accordance with the purposes and procedures established by Article
2 VIII, Section II, paragraph 7 of the State Constitution and this act;
3 and

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

6

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

9 a. To sue and be sued;

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

11 c. To make and alter bylaws for its organization and internal
12 management and rules and regulations for the conduct of its affairs and
13 business;

14 d. To maintain an office at a place or places within the State as it
15 may determine, and acquire, own, lease as lessee or lessor, hold, use,
16 sell, transfer, or dispose of real or personal property for that purpose;

17 e. To acquire, hold, use and dispose of its income, revenues,
18 funds and moneys;

19 f. To borrow money and to issue its bonds, notes or other
20 obligations and to secure them by its revenues or other funds and
21 otherwise to provide for and secure the payment thereof and to
22 provide for the rights of the holders thereof and to provide for the
23 refunding thereof, all as provided in this act;

24 g. To issue subordinated indebtedness and to enter into any
25 revolving credit agreement, agreement establishing a line of credit or
26 letter of credit, reimbursement agreement, interest rate exchange
27 agreement, insurance contract, surety bond, commitment to purchase
28 or sell bonds, notes or other obligations, purchase or sale agreement,
29 or commitments or other contracts or agreements, and other security
30 agreements as approved by the trust in connection with the issuance
31 of bonds, notes or other obligations;

32 h. Subject to any agreement with the holders of bonds, notes or
33 other obligations, to invest moneys of the trust not required for
34 immediate use, including proceeds from the sale of any bonds, notes
35 or other obligations, in obligations, securities and other investments as
36 the trust shall deem prudent;

37 i. Subject to any agreements with holders of bonds, notes or
38 other obligations, to purchase bonds, notes or other obligations of the
39 trust out of any funds or moneys of the trust available therefor, and to
40 hold, cancel or resell the bonds, notes or other obligations;

41 j. For its sole purpose as established in section 5 of this act, to
42 appoint and employ an executive director and such additional officers,
43 who need not be members of the trust, and such other personnel and
44 staff as it may require, at an annual expense not to exceed \$150,000,
45 all without regard to the provisions of Title 11A, Civil Service, of the
46 New Jersey Statutes;

- 1 k. To do and perform any acts and things authorized by this act
2 under, through, or by means of its officers, agents or employees or by
3 contract with any person, firm or corporation or any public body;
- 4 l. To procure insurance against any losses in connection with its
5 property, operations, assets or obligations in amounts and from
6 insurers as it deems desirable;
- 7 m. To adopt, pursuant to the "Administrative Procedure Act,"
8 P.L.1968, c.410 (C.52:14B-1 et seq.) such rules and regulations as it
9 deems necessary to effectuate the purposes of Article VIII, Section II,
10 paragraph 7 of the State Constitution and this act;
- 11 n. To make and enter into any and all contracts and agreements
12 which the trust determines are necessary, incidental, convenient or
13 desirable to the performance of its duties and the execution of its
14 powers under this act;
- 15 o. To accept and use any funds appropriated and paid by the State
16 to the trust, including, without limitation, appropriations and payments
17 from the Garden State Preservation Trust Fund Account established
18 pursuant to section 17 of this act, for the purposes for which the
19 appropriations and payments are made;
- 20 p. To apply for, and receive and accept, appropriations or grants
21 of property, money, services, or reimbursements for money previously
22 spent and other assistance offered or made available to it by or from
23 any person, government agency, public authority, or any public or
24 private entity whatever for any lawful corporate purpose of the trust,
25 including, without limitation, grants, appropriations, or
26 reimbursements from the federal government, and to apply and
27 negotiate for these upon such terms and conditions as may be required
28 by any person, government agency, authority, or entity as the trust
29 may determine to be necessary, convenient, or desirable, provided that
30 all such moneys, grants, appropriations, and reimbursements so
31 received and accepted shall be subject to appropriation by law
32 pursuant to the procedures established by this act; and
- 33 q. To do any and all things necessary, incidental, convenient or
34 desirable to carry out its purposes and exercise the powers given and
35 granted in this act.
- 36
- 37 7. (New section) a. The trust shall have the power and is hereby
38 authorized to issue its bonds, notes or other obligations in principal
39 amounts as determined by the trust to be necessary to provide for any
40 of its corporate purposes, including the payment, funding or refunding
41 of the principal of, or interest on, or redemption premiums, if any, on
42 bonds, notes or other obligations issued by it, whether the bonds,
43 notes, obligations or interest to be funded or refunded have or have
44 not become due; and to provide for the security thereof and for the
45 establishment or increase of reserves to secure or to pay the bonds,
46 notes or other obligations or interest thereon and all other reserves and

1 all costs or expenses of the trust incident to and necessary or
2 convenient to carry out its corporate purposes and powers; and in
3 addition to its bonds, notes and other obligations, the trust shall have
4 the power to issue subordinated indebtedness, which shall be
5 subordinate in lien to the lien of any or all of its bonds, notes or other
6 obligations as the trust may determine. No resolution or other action
7 of the trust providing for the issuance of bonds, refunding bonds, notes
8 or other obligations shall be adopted or otherwise made effective by
9 the trust without the prior approval in writing of the Governor and the
10 State Treasurer.

11 b. Except as may be otherwise expressly provided in this act or by
12 the trust, every issue of bonds, notes or other obligations shall be
13 general obligations payable out of any revenues or funds of the trust,
14 subject only to any agreements with the holders of particular bonds,
15 notes or other obligations pledging any particular revenues or funds.
16 The trust may provide the security and payment provisions for its
17 bonds, notes or other obligations as it may determine, including,
18 without limiting the generality of the foregoing, bonds, notes or other
19 obligations as to which the principal and interest are payable from and
20 secured by all or any portion of the revenues of and payments to the
21 trust, and other moneys or funds as the trust shall determine. The
22 trust may also enter into bank loan agreements, lines of credit and
23 other security agreements as authorized pursuant to subsection g. of
24 section 6 of this act and obtain for or on its behalf letters of credit in
25 each case for the purpose of securing its bonds, notes or other
26 obligations or to provide direct payment of any costs which the trust
27 is authorized to pay by this act and to secure repayment of any
28 borrowings under the loan agreement, line of credit, letter of credit or
29 other security agreement by its bonds, notes or other obligations or the
30 proceeds thereof or by any or all of the revenues of and payments to
31 the trust or by any appropriation, grant or reimbursement to be
32 received by the trust and other moneys or funds as the trust shall
33 determine.

34 c. Whether or not the bonds and notes are of the form and
35 character as to be negotiable instruments under the terms of Title 12A,
36 Commercial Transactions, of the New Jersey Statutes, the bonds and
37 notes are hereby made negotiable instruments within the meaning of
38 and for all the purposes of Title 12A.

39 d. Bonds or notes of the trust shall be authorized by a resolution
40 or resolutions of the trust and may be issued in one or more series and
41 shall bear the date, or dates, mature at the time or times, bear interest
42 at the rate or rates of interest per annum, be in the denomination or
43 denominations, be in the form, carry the conversion or registration
44 privileges, have the rank or priority, be executed in the manner, be
45 payable from the sources, in the medium of payment, at the place or
46 places within or outside of the State, and be subject to the terms of

1 redemption, with or without premium, as the resolution or resolutions
2 may provide. Bonds or notes may be further secured by a trust
3 indenture between the trust and a corporate trustee within or outside
4 of the State. All other obligations of the trust shall be authorized by
5 resolution containing terms and conditions as the trust shall determine.

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

9 f. Bonds or notes may be issued and other obligations incurred
10 under the provisions of this act without obtaining the consent of any
11 department, division, commission, board, bureau or agency of the
12 State, other than the approval as required by subsection a. of this
13 section, and without any other proceedings or the happening of any
14 other conditions or other things than those proceedings, conditions or
15 things which are specifically required by this act.

16 g. Bonds, notes and other obligations of the trust issued or
17 incurred under the provisions of this act shall not be in any way a debt
18 or liability of the State or of any political subdivision thereof other
19 than the trust and shall not create or constitute any indebtedness,
20 liability or obligation of the State or of any political subdivision or be
21 or constitute a pledge of the faith and credit of the State or of any
22 political subdivision but all bonds, notes and obligations, unless funded
23 or refunded by bonds, notes or other obligations of the trust, shall be
24 payable solely from revenues or funds pledged or available for their
25 payment as authorized in this act. Each bond, note or other obligation
26 shall contain on its face a statement to the effect that the trust is
27 obligated to pay the principal thereof, redemption premium, if any, or
28 the interest thereon only from revenues or funds of the trust and that
29 neither the State nor any political subdivision thereof is obligated to
30 pay the principal thereof, redemption premium, if any, or interest
31 thereon and that neither the faith and credit nor the taxing power of
32 the State or any political subdivision thereof is pledged to the payment
33 of the principal of, redemption premium, if any, or the interest on the
34 bonds, notes or other obligations. For the purposes of this subsection,
35 political subdivision does not include the trust.

36 h. All expenses incurred in carrying out the provisions of this act
37 shall be payable solely from the revenues or funds provided or to be
38 provided under or pursuant to the provisions of this act and nothing
39 in this act shall be construed to authorize the trust to incur any
40 indebtedness or liability on behalf of or payable by the State or any
41 political subdivision thereof.

42 i. Prior to July 1, 2009, the aggregate principal amount of bonds,
43 notes or other obligations, including subordinated indebtedness, of the
44 trust shall not exceed \$1,000,000,000; except that this limitation shall
45 not include any bonds, notes or other obligations, including
46 subordinated indebtedness, of the trust issued for refunding purposes

1 in accordance with the provisions of this section, and any bonds, notes
2 or other obligations of the trust issued to fund the costs of issuance of
3 its bonds, notes or other obligations. After June 30, 2009, the trust
4 may issue only refunding bonds in any amount subject to subsections
5 j. through n. of this section. The limitations specified in this
6 subsection shall apply only to bonds, notes or other obligations of the
7 trust that are payable from, or secured by, amounts on deposit in the
8 Garden State Preservation Trust Fund Account established pursuant
9 to section 17 of this act.

10 The trust shall not incur debt in any State fiscal year in excess of
11 \$200,000,000, except that if that permitted amount of debt, or any
12 portion thereof, is not incurred in a State fiscal year it may be incurred
13 in a subsequent State fiscal year. Any increase in this limitation shall
14 only occur if so provided for by law.

15 j. Upon the decision by the trust to issue refunding bonds
16 pursuant to this section, and prior to the sale of those bonds, the trust
17 shall transmit to the Joint Budget Oversight Committee, or its
18 successor, a report that a decision has been made, reciting the basis on
19 which the decision was made, including an estimate of the debt service
20 savings to be achieved and the calculations upon which the trust relied
21 when making the decision to issue refunding bonds. The report shall
22 also disclose the intent of the trust to issue and sell the refunding
23 bonds at public or private sale and the reasons therefor.

24 k. The Joint Budget Oversight Committee, or its successor, shall
25 have authority to approve or disapprove the sale of refunding bonds
26 as included in each report submitted in accordance with subsection j.
27 of this section. The Joint Budget Oversight Committee, or its
28 successor, shall approve or disapprove the sale of refunding bonds
29 within 10 business days after physical receipt of the report. The Joint
30 Budget Oversight Committee, or its successor, shall notify the trust in
31 writing of the approval or disapproval as expeditiously as possible.

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

35 m. Within 30 days after the sale of the refunding bonds, the trust
36 shall notify the Joint Budget Oversight Committee, or its successor, of
37 the result of that sale, including the prices and terms, conditions and
38 regulations concerning the refunding bonds, and the actual amount of
39 debt service savings to be realized as a result of the sale of refunding
40 bonds.

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

- 1 8. (New section) In any resolution of the trust authorizing or
2 relating to the issuance of any bonds, notes or other obligations or in
3 any indenture securing the bonds, notes or other obligations, the trust,
4 in order to secure the payment of the bonds, notes or other obligations
5 and in addition to its other powers, shall have the power by provisions
6 therein, which shall constitute covenants by the trust and contracts
7 with the holders of the bonds, notes or other obligations, to:
- 8 a. Pledge all or any part of its revenues or receipts to which its
9 right then exists or may thereafter come into existence and other
10 moneys or funds as the trust shall determine and the moneys derived
11 therefrom, and the proceeds of any bonds, notes or other obligations;
- 12 b. Pledge any agreement, the revenues or payments thereunder
13 and the proceeds thereof;
- 14 c. Covenant against pledging all or any part of its revenues or
15 receipts or its agreements and the revenues derived thereunder or the
16 proceeds thereof and other moneys or funds as the trust shall
17 determine and the moneys derived therefrom or against permitting or
18 suffering any lien on any of the foregoing;
- 19 d. Covenant with respect to limitations on any right to sell, lease
20 or otherwise dispose of any property of any kind;
- 21 e. Covenant as to any bonds, notes and other obligations to be
22 issued and the limitations thereof and the terms and conditions thereof
23 and as to the custody, application, investment, and disposition of the
24 proceeds thereof;
- 25 f. Covenant as to the issuance of additional bonds, notes or other
26 obligations or as to limitations on the issuance of additional bonds,
27 notes or other obligations and on the incurring of other debts by it;
- 28 g. Covenant as to the payment of the principal of or interest on
29 the bonds, notes or other obligations, as to the sources and methods
30 of payment, as to the rank or priority of any bonds, notes or
31 obligations with respect to any lien or security or as to the acceleration
32 of the maturity of any bonds, notes or obligations;
- 33 h. Provide for the replacement of lost, stolen, destroyed or
34 mutilated bonds, notes or other obligations;
- 35 i. Covenant against extending the time for the payment of bonds,
36 notes or other obligations or interest thereon;
- 37 j. Covenant as to the redemption of bonds, notes or other
38 obligations and privileges of exchange thereof for other bonds, notes
39 or other obligations of the trust;
- 40 k. Covenant to create or authorize the creation of special funds or
41 moneys to be held in pledge or otherwise for payment or redemption
42 of bonds, notes or other obligations, reserves or other purposes and as
43 to the use, investment, and disposition of the moneys held in the
44 funds;
- 45 l. Establish the procedure, if any, by which the terms of any
46 contract or covenant with or for the benefit of the holders of bonds,

1 notes or other obligations may be amended or abrogated, the amount
2 of bonds, notes or other obligations the holders of which must consent
3 thereto, and the manner in which the consent may be given;

4 m. Provide for the release of property, agreements, or revenues
5 and receipts from any pledge and to reserve rights and powers in, or
6 the right to dispose of, property which is subject to a pledge;

7 n. Provide for the rights and liabilities, powers and duties arising
8 upon the breach of any covenant, condition or obligation and to
9 prescribe the events of default and the terms and conditions upon
10 which any or all of the bonds, notes or other obligations of the trust
11 shall become or may be declared due and payable before maturity and
12 the terms and conditions upon which any declaration and its
13 consequences may be waived;

14 o. Vest in a trustee or trustees within or outside of the State such
15 property, rights, powers and duties in trust as the trust may determine,
16 and to limit the rights, duties and powers of that trustee or trustees;

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

20 q. Pay the costs or expenses incident to the enforcement of the
21 bonds, notes or other obligations or of the provisions of the resolution
22 or of any covenant or agreement of the trust with the holders of its
23 bonds, notes or other obligations;

24 r. Limit the rights of the holders of any bonds, notes or other
25 obligations to enforce any pledge or covenant securing the bonds,
26 notes or other obligations; and

27 s. Make covenants, in addition to the covenants herein expressly
28 authorized, of like or different character, and to make covenants to do
29 or refrain from doing acts and things as may be necessary, or
30 convenient and desirable, in order to better secure bonds, notes or
31 other obligations or which in the absolute discretion of the trust will
32 tend to make bonds, notes or other obligations more marketable,
33 notwithstanding that the covenants, acts or things may not be
34 enumerated herein.

35

36 9. (New section) Any pledge of revenues, moneys, funds or other
37 property made by the trust shall be valid and binding from the time
38 when the pledge is made; the revenues, moneys, funds or other
39 property so pledged and thereafter received by the trust shall
40 immediately be subject to the lien of the pledge without any physical
41 delivery thereof or further act, and the lien of any pledge shall be valid
42 and binding as against all parties having claims of any kind in tort,
43 contract or otherwise against the trust, irrespective of whether the
44 parties have notice thereof. Neither the resolution nor any other
45 instrument by which a pledge of revenues, moneys or funds is created
46 need be filed or recorded, except in the records of the trust.

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

5
6 11. (New section) The trust may establish reserves, funds or
7 accounts as may be, in its discretion, necessary or desirable to further
8 the accomplishment of the purposes of the trust or to comply with the
9 provisions of any agreement made by or any resolution of the trust.

10
11 12. (New section) The State does hereby pledge to and covenant
12 and agree with the holders of any bonds, notes or other obligations
13 issued or incurred pursuant to the authorization of this act that the
14 State will not limit or alter the rights or powers hereby vested in the
15 trust in any way that would jeopardize the interest of the holders of the
16 bonds, notes or other obligations or inhibit or prevent performance or
17 fulfillment by the trust of the terms of any agreement made with the
18 holders of the bonds, notes or other obligations, or prevent the trust
19 from obtaining sufficient revenues which, together with other available
20 funds, shall be sufficient to meet all expenses of the trust and fulfill the
21 terms of any agreement made with the holders of the bonds, notes or
22 other obligations, together with interest thereon, with interest on any
23 unpaid installments of interest, and all costs and expenses in
24 connection with any action or proceedings by or on behalf of the
25 holders, as provided in any agreement provided for in this act, until the
26 bonds, notes or other obligations, together with interest thereon, are
27 fully met and discharged or provided for. The failure of the State to
28 appropriate moneys for any purpose of this act shall not be deemed or
29 construed to be a violation of this section.

30
31 13. (New section) The State and all public officers, governmental
32 units and agencies thereof, all banks, trust companies, savings banks
33 and institutions, building and loan associations, savings and loan
34 associations, investment companies, and other persons carrying on a
35 banking business, all insurance companies, insurance associations and
36 other persons carrying on an insurance business, and all executors,
37 administrators, guardians, trustees and other fiduciaries may legally
38 invest any sinking funds, moneys or other funds belonging to them or
39 within their control in any bonds, notes or other obligations issued
40 pursuant to this act, and the bonds, notes or other obligations shall be
41 authorized security for any and all public deposits.

42
43 14. (New section) All property of the trust is declared to be public
44 property devoted to an essential public and governmental function and
45 purpose and shall be exempt from all taxes and special assessments of
46 the State or any political subdivision thereof. All bonds, notes or

1 other obligations issued pursuant to this act are hereby declared to be
2 issued by a body corporate and politic of the State and for an essential
3 public and governmental purpose and the bonds, notes and other
4 obligations, and the interest thereon and the income therefrom, and all
5 funds, revenues, income and other moneys received or to be received
6 by the trust and pledged or available to pay or secure the payment of
7 the bonds, notes and other obligations, or interest thereon, shall at all
8 times be exempt from taxation, except for transfer inheritance and
9 estate taxes.

10
11 15. (New section) On or before the first day of September in each
12 year, commencing with the calendar year after the date of enactment
13 of this act, the trust shall make an annual report of its activities for the
14 preceding State fiscal year to the Governor and to the Legislature, in
15 addition to responding to other requests made by the Legislature from
16 time to time. The report shall set forth a complete operating and
17 financial statement covering its operations during the year, a long
18 range financing plan for the next five years and a more specific short
19 range financing plan for the next year with respect to providing the
20 funding necessary to achieve the goals and objectives of this act, and
21 a summary of the progress made to date on achieving those goals and
22 objectives. The trust shall cause an audit of its books and accounts to
23 be made at least once in each year by certified public accountants and
24 the cost thereof shall be considered an expense of the trust and a copy
25 thereof shall be filed with the Director of the Division of Budget and
26 Accounting and the Comptroller of the Treasury. Notwithstanding the
27 provisions of any law to the contrary, the State Auditor, or the State
28 Auditor's legally authorized representative, may examine the accounts
29 and books of the trust.

30
31 16. (New section) All officers, departments, boards, agencies,
32 divisions, and commissions of the State are hereby authorized and
33 empowered to render any and all services to the trust as may be within
34 the area of their respective governmental functions as fixed or
35 established by law, and as may be requested by the trust. Insofar as
36 possible, the cost and expense of any services shall be met and
37 provided for by those officers, departments, boards, agencies, divisions
38 and commissions.

39
40 17. (New section) a. There is established in the General Fund a
41 special account to be known as the "Garden State Preservation Trust
42 Fund Account." The State Treasurer shall credit to this account:

43 (1) In each State fiscal year from State fiscal year 2000 through
44 and including State fiscal year 2009, an amount from the State revenue
45 annually collected from the State tax imposed under the "Sales and
46 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and

1 supplemented, equal to \$98,000,000; and

2 (2) In each State fiscal year from State fiscal year 2010 through
3 and including State fiscal year 2029, an amount from the State revenue
4 annually collected from the State tax imposed under the "Sales and
5 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and
6 supplemented, necessary to satisfy any payments relating to bonds,
7 notes or other obligations, including refunding bonds, of the trust, but
8 such amount shall not exceed \$98,000,000 in any such State fiscal
9 year.

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

14 c. (1) On the basis of a payment schedule provided annually by
15 the trust to the State Treasurer for State fiscal year 2000 through and
16 including State fiscal year 2009, the State Treasurer shall pay to the
17 trust the amount credited to the Garden State Preservation Trust Fund
18 Account, plus any interest or other income earned on the amount so
19 credited prior to payment pursuant to this subsection, for each such
20 State fiscal year as provided pursuant to paragraph (1) of subsection
21 a. of this section and appropriated pursuant to subsection b. of this
22 section, which the trust shall use for its purposes as set forth in this
23 act. The State Treasurer also shall pay to the trust such other amounts
24 as may be appropriated from time to time for use by the trust for its
25 purposes as set forth in this act.

26 (2) In each State fiscal year from State fiscal year 2010 through and
27 including State fiscal year 2029, the State Treasurer shall pay to the
28 trust the amount credited to the Garden State Preservation Trust Fund
29 Account for that State fiscal year as provided pursuant to paragraph
30 (2) of subsection a. of this section and appropriated pursuant to
31 subsection b. of this section, which the trust shall use for its purposes
32 as set forth in this act. The State Treasurer also shall pay to the trust
33 such other amounts as may be appropriated from time to time for use
34 by the trust for its purposes as set forth in this act.

35 d. Any repayments of the principal and interest on loans issued to
36 local government units for the acquisition or development of lands for
37 recreation and conservation purposes pursuant to subsection b. of
38 section 27 of this act credited to the Garden State Preservation Trust
39 Fund Account as provided pursuant to Article VIII, Section II,
40 paragraph 7 of the State Constitution shall be deposited in the Garden
41 State Green Acres Preservation Trust Fund established pursuant to
42 section 19 of this act.

43

44 18. (New section) a. In each State fiscal year, from State fiscal
45 year 2000 through and including State fiscal year 2009, the trust shall
46 transfer to the State Treasurer for deposit into:

1 (1) the Garden State Green Acres Preservation Trust Fund,
2 established pursuant to section 19 of this act, 60% of such amounts as
3 are available from:

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

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

14 (2) the Garden State Farmland Preservation Trust Fund, established
15 pursuant to section 20 of this act, 40% of such amounts as are
16 available from:

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

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

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

31 b. (1) Of the amount deposited each State fiscal year into the
32 Garden State Green Acres Preservation Trust Fund pursuant to
33 paragraph (1) of subsection a. of this section, or received into the fund
34 each State fiscal year from other sources: 50% thereof shall be
35 allocated for the purposes of paying the cost of acquisition and
36 development of lands by the State for recreation and conservation
37 purposes; 40% thereof shall be allocated for the purposes of providing
38 grants and loans to assist local government units to pay the cost of
39 acquisition and development of lands for recreation and conservation
40 purposes; and 10% thereof shall be allocated for the purposes of
41 providing grants to assist qualifying tax exempt nonprofit
42 organizations to pay the cost of acquisition and development of lands
43 for recreation and conservation purposes, all as provided pursuant to
44 this act.

45 (2) Notwithstanding the provisions of this subsection to the
46 contrary, any repayments of the principal and interest on loans issued

1 to local government units for the acquisition or development of lands
2 for recreation and conservation purposes pursuant to subsection b. of
3 section 27 of this act, including repayments received after June 30,
4 2009, shall be allocated only for the issuance of additional loans to
5 local government units for the acquisition or development of lands for
6 recreation and conservation purposes pursuant to subsection b. of
7 section 27 of this act.

8 c. (1) Notwithstanding the provisions of this section to the
9 contrary, the trust, after conducting at least one public hearing upon
10 at least 60 days advance public notice thereof, and upon finding that
11 it would further the purposes of Article VIII, Section II, paragraph 7
12 of the State Constitution and this act, may (a) alter for a specific and
13 identified State fiscal year the funding allocation percentages or levels
14 set for or within each of the trust funds as prescribed pursuant to this
15 section for that State fiscal year, or (b) request the State Treasurer to
16 transfer moneys from one trust fund to another trust fund, to respond
17 to the special needs and funding priorities of the State within a specific
18 and identified State fiscal year, respond to exigent circumstances, take
19 advantage of unexpected opportunities, or maximize the impact of
20 financial resources applied to the purposes of any particular funding
21 category. Upon receipt of any such request from the trust, the State
22 Treasurer shall transfer the moneys between the trust funds in the
23 manner prescribed by the trust. Moneys so transferred from a trust
24 fund shall not be required to be repaid to the trust fund from which
25 they were transferred, provided that the moneys so transferred are
26 expended for any of the purposes authorized by Article VIII, Section
27 II, paragraph 7 of the State Constitution or this act.

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

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

1 Constitution or this act shall be paid from the General Fund and not
2 from constitutionally dedicated moneys.

3

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

38

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

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

18

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

44

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

1 Fund, the Garden State Farmland Preservation Trust Fund, and the
2 Garden State Historic Preservation Trust Fund as necessary to
3 determine from time to time whether moneys from those funds have
4 been expended for costs consistent with Article VIII, Section II,
5 paragraph 7 of the State Constitution, this act, any appropriations of
6 those moneys made by the Legislature, and any requirements
7 established therefor by the trust. The State Auditor shall transmit the
8 audit to the President of the Senate and the Speaker of the General
9 Assembly, and to the members of the Senate Budget and
10 Appropriations Committee, the Assembly Appropriations Committee,
11 and the Joint Budget Oversight Committee, or their successors. The
12 State Auditor shall also provide copies of the audit to the Governor,
13 the State Treasurer, and the trust.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 g. For the purposes of efficiency and convenience, nothing in this

1 section shall prohibit the Garden State Preservation Trust from
2 combining the project lists, in whole or in part, of the department,
3 committee, and New Jersey Historic Trust into one proposed
4 appropriation bill or bills to be submitted to the Governor and
5 Legislature for consideration and enactment into law as otherwise
6 prescribed pursuant to this section.

7 h. The total amount appropriated for proposed projects pursuant
8 to subsections a. and b. of this section in any State fiscal year shall not
9 exceed \$200,000,000.

10

11 24. (New section) a. There is established in the Department of
12 Environmental Protection the Office of Green Acres. The
13 commissioner may appoint an administrator or director who shall
14 supervise the office, and the department may employ such other
15 personnel and staff as may be required to carry out the duties and
16 responsibilities of the department and the office pursuant to this act,
17 all without regard to the provisions of Title 11A, Civil Service, of the
18 New Jersey Statutes. Persons appointed or employed as provided
19 pursuant to this subsection shall be compensated in a manner similar
20 to other employees in the Executive Branch, and their compensation
21 shall be determined by the Commissioner of Personnel.

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

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

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

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

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

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

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

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

29

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

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

45 b. Tabulate, both for the reporting period and cumulatively, the
46 total acreage for the entire State, and the acreage in each county and

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

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

14 d. List, both for the reporting period and cumulatively, and by
15 project name, project sponsor, and location by county and
16 municipality, all historic preservation projects funded with
17 constitutionally dedicated moneys;

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

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

36 g. List, for the reporting period, all projects for which
37 applications for funding under the Green Acres, farmland preservation,
38 and historic preservation programs were received but not funded with
39 constitutionally dedicated moneys during the reporting period, and the
40 reason or reasons why those projects were not funded.

41

42 26. (New section) a. Moneys appropriated from the Garden State
43 Green Acres Preservation Trust Fund to the Department of
44 Environmental Protection shall be used by the department to:

45 (1) Pay the cost of acquisition and development of lands by the
46 State for recreation and conservation purposes;

1 (2) Provide grants and loans to assist local government units to pay
2 the cost of acquisition and development of lands for recreation and
3 conservation purposes; and

4 (3) Provide grants to assist qualifying tax exempt nonprofit
5 organizations to pay the cost of acquisition and development of lands
6 for recreation and conservation purposes.

7 b. The expenditure and allocation of constitutionally dedicated
8 moneys for recreation and conservation purposes shall reflect the
9 geographic diversity of the State to the maximum extent practicable
10 and feasible.

11 c. (1) Notwithstanding the provisions of section 5 of P.L.1985,
12 c.310 (C.13:18A-34) or this act, or any rule or regulation adopted
13 pursuant thereto, to the contrary, the value of a pinelands development
14 credit, allocated to a parcel pursuant to P.L.1979, c.111 (C.13:18A-1
15 et seq.) and the pinelands comprehensive management plan adopted
16 pursuant thereto, shall be made utilizing a value to be determined by
17 either appraisal, regional averaging based upon appraisal data, or a
18 formula supported by appraisal data. The appraisal and appraisal data
19 shall consider as appropriate: land values in the pinelands regional
20 growth areas; land values in counties, municipalities, and other areas
21 reasonably contiguous to, but outside of, the pinelands area; and other
22 relevant factors as may be necessary to maintain the environmental,
23 ecological, and agricultural qualities of the pinelands area.

24 (2) No pinelands development credit allocated to a parcel of land
25 pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands
26 comprehensive management plan adopted pursuant thereto that is
27 acquired or obtained in connection with the acquisition of the parcel
28 for recreation and conservation purposes by the State, a local
29 government unit, or a qualifying tax exempt nonprofit organization
30 using constitutionally dedicated moneys in whole or in part may be
31 conveyed in any manner. All such pinelands development credits shall
32 be retired permanently.

33 d. In determining the value of lands under consideration for
34 acquisition for recreation and conservation purposes to be paid for
35 using constitutionally dedicated moneys in whole or in part, any
36 appraisal of that value conducted by or for the department, a local
37 government unit, or a qualifying tax exempt nonprofit organization
38 shall be made using the land use zoning of the lands in effect on
39 November 3, 1998. This subsection shall not apply to appraisals
40 conducted for the purposes of subsection c. of this section.

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

45
46 27. (New section) a. (1) Any grant awarded by the State to a local

1 government unit to acquire lands for recreation and conservation
2 purposes shall be for 25% of the cost of acquisition, except that the
3 trust may authorize an increase in the State's share of the cost to a
4 maximum of 50% upon a demonstration of special need or exceptional
5 circumstances.

6 (2) Notwithstanding the provisions of paragraph (1) of this
7 subsection to the contrary:

8 (a) a grant by the State for lands acquired for recreation and
9 conservation purposes by a qualifying open space referendum county
10 or a qualifying open space referendum municipality shall be for 50%
11 of the cost of acquisition of the lands by that county or municipality,
12 except that the trust may authorize an increase in the State's share of
13 the cost to a maximum of 75% upon a demonstration of special need
14 or exceptional circumstances; and

15 (b) a grant by the State for lands acquired or developed for
16 recreation and conservation purposes by a local government unit in a
17 municipality eligible to receive State aid pursuant to P.L.1978, c.14
18 (C.52:27D-178 et seq.) shall be for 50% of the cost of acquisition or
19 development of the lands by the local government unit, except that the
20 trust may authorize an increase in the State's share of the cost to a
21 maximum of 75% upon a demonstration of special need or exceptional
22 circumstances.

23 b. A loan by the State for lands to be acquired or developed by a
24 local government unit for recreation and conservation purposes may
25 include up to 100% of the cost of acquisition or development of the
26 lands by the local government unit, shall bear interest of not more than
27 2% per year, and shall be for a term of not more than 30 years for an
28 acquisition project and not more than 20 years for a development
29 project.

30 c. (1) A grant by the State for lands to be acquired or developed
31 by a qualifying tax exempt nonprofit organization for recreation and
32 conservation purposes may include up to 50% of the cost of
33 acquisition or development of the lands by the qualifying tax exempt
34 nonprofit organization.

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

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

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

4 (2) demonstrate that the organization has the resources to match
5 the grant requested;

6 (3) agree to make and keep the lands accessible to the public,
7 unless the commissioner determines that public accessibility would be
8 detrimental to the lands or any natural resources associated therewith;

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

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

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

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

38
39 29. (New section) a. (1) (a) To the end that municipalities may
40 not suffer a loss of taxes by reason of the acquisition and ownership
41 by the State of lands in fee simple for recreation and conservation
42 purposes or in fee simple for farmland preservation purposes, or the
43 acquisition and ownership by qualifying tax exempt nonprofit
44 organizations of lands in fee simple for recreation and conservation
45 purposes that become certified exempt from property taxes pursuant
46 to P.L.1974, c.167 (C.54:4-3.63 et seq.) or similar laws, or in fee

1 simple for farmland preservation purposes, using constitutionally
2 dedicated moneys in whole or in part, the State shall pay annually on
3 October 1 to each municipality in which lands are so acquired and
4 owned, for a period of 13 years following an acquisition the following
5 amounts: in the first year a sum of money equal to the tax last
6 assessed and last paid by the taxpayer upon this land and the
7 improvements thereon for the taxable year immediately prior to the
8 time of its acquisition and thereafter the following percentages of the
9 amount paid in the first year: second year, 92%; third year, 84%;
10 fourth year, 76%; fifth year, 68%; sixth year, 60%; seventh year, 52%;
11 eighth year, 44%; ninth year, 36%; 10th year, 28%; 11th year, 20%;
12 12th year, 12%; 13th year, 4%.

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

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

40 b. In the event that land acquired by the State, a local government
41 unit, or a qualifying tax exempt nonprofit organization for recreation
42 and conservation purposes or farmland preservation purposes was
43 assessed at an agricultural and horticultural use valuation in
44 accordance with provisions of the "Farmland Assessment Act of
45 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.) at the time of its
46 acquisition by the State, local government unit, or qualifying tax

1 exempt nonprofit organization, no roll-back tax pursuant to section 8
2 of P.L.1964, c.48 (C.54:4-23.8) shall be imposed as to this land nor
3 shall this roll-back tax be applicable in determining the annual
4 payments to be made pursuant to subsection a. of this section by the
5 State to the municipality in which this land is located.

6 c. Any payments made by the State pursuant to this section shall
7 be paid from the General Fund but not from constitutionally dedicated
8 moneys.

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

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

44 b. In the event payments in lieu of taxes are due and payable from
45 the State on those lands pursuant to another law, and those payments,
46 if made by the State, would exceed those that would be paid pursuant

1 to this section, the payments shall be made in accordance with the
2 other law. In no case shall payments be made to a municipality in
3 compliance with both this section and any other applicable law.

4 c. Any payments made by the State pursuant to this section shall
5 be paid from the General Fund but not from constitutionally dedicated
6 moneys.

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

14

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

28

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

1 grants to qualifying tax exempt nonprofit organizations for the
2 acquisition of lands for recreation and conservation purposes as
3 provided pursuant to this act.

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

23 c. For the purposes of this section, "fair market value" shall mean
24 the fair market value at the time of the proposed conveyance, disposal,
25 or diversion.

26

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

43 b. The local government unit shall provide to the commissioner
44 (1) at least 30 days advance written notice of any public hearing to be
45 held on any such change in purpose or use, (2) within 90 days after
46 final approval of the change in purpose or use by the local government

1 unit, written proof that any such public hearing was held, and (3)
2 written notice of the change in purpose or use within 90 days after it
3 has been effected.

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

15 b. The local government unit shall provide to the commissioner
16 (1) at least 30 days advance written notice of any public hearing to be
17 held on any such conveyance, (2) within 90 days after final approval
18 of the conveyance by the local government unit, written proof that any
19 such public hearing was held, and (3) written notice of the conveyance
20 within 90 days after it has been executed.

21
22 35. (New section) a. No lands acquired or developed by the State
23 for recreation and conservation purposes using constitutionally
24 dedicated moneys in whole or in part may be conveyed except in
25 accordance with the provisions of this act, P.L.1993, c.38 (C.13:1D-
26 51 et seq.), and any other applicable law.

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

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

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

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

5 (1) Provide grants to local government units to pay up to 80% of
6 the cost of acquisition of development easements on farmland,
7 provided that any funds received for the transfer of a development
8 easement shall be dedicated to the future purchase of development
9 easements on farmland and the State's pro rata share of any such funds
10 shall be deposited in the Garden State Farmland Preservation Trust
11 Fund to be used for the purposes of that fund;

12 (2) Provide grants to local government units to pay up to 80% of
13 the cost of acquisition of fee simple titles to farmland from willing
14 sellers only, which shall be offered for resale or lease with agricultural
15 deed restrictions, as determined by the committee, and any proceeds
16 received from a resale shall be dedicated for farmland preservation
17 purposes and the State's pro rata share of any such proceeds shall be
18 deposited in the Garden State Farmland Preservation Trust Fund to be
19 used for the purposes of that fund;

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

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

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

35

36 38. (New section) a. All acquisitions or grants made pursuant to
37 section 37 of this act shall be made with respect to farmland devoted
38 to farmland preservation under programs established by law.

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

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

1 d. The committee shall adopt the same or a substantially similar
2 method for determining, for the purposes of this act, the committee's
3 share of the cost of a development easement on farmland to be
4 acquired by a local government as that which is being used by the
5 committee on the date of enactment of this act for prior farmland
6 preservation funding programs.

7 e. Notwithstanding the provisions of section 24 of P.L.1983, c.32
8 (C.4:1C-31) or this act, or any rule or regulation adopted pursuant
9 thereto, to the contrary, whenever the value of a development
10 easement on farmland to be acquired using constitutionally dedicated
11 moneys in whole or in part is determined based upon the value of any
12 pinelands development credits allocated to the parcel pursuant
13 P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive
14 management plan adopted pursuant thereto, the committee shall
15 determine the value of the development easement by:

16 (1) conducting a sufficient number of fair market value appraisals
17 as it deems appropriate to determine the value for farmland
18 preservation purposes of the pinelands development credits;

19 (2) considering development easement values in counties,
20 municipalities, and other areas (a) reasonably contiguous to, but
21 outside of, the pinelands area, which in the sole opinion of the
22 committee constitute reasonable development easement values in the
23 pinelands area for the purposes of this subsection, and (b) in the
24 pinelands area where pinelands development credits are or may be
25 utilized, which in the sole opinion of the committee constitute
26 reasonable development easement values in the pinelands area for the
27 purposes of this subsection;

28 (3) considering land values in the pinelands regional growth areas;

29 (4) considering the importance of preserving agricultural lands in
30 the pinelands area; and

31 (5) considering such other relevant factors as may be necessary to
32 increase participation in the farmland preservation program by owners
33 of agricultural lands located in the pinelands area.

34 f. No pinelands development credit that is acquired or obtained
35 in connection with the acquisition of a development easement on
36 farmland or fee simple title to farmland by the State or a local
37 government unit using constitutionally dedicated moneys in whole or
38 in part may be conveyed in any manner. All such pinelands
39 development credits shall be retired permanently.

40 g. In determining the value of a development easement on
41 farmland or the fee simple title to farmland under consideration for
42 acquisition for farmland preservation purposes to be paid for using
43 constitutionally dedicated moneys in whole or in part, any appraisal of
44 that value conducted by or for the committee or a local government
45 unit shall be made using the land use zoning of the farmland in effect
46 on November 3, 1998. This subsection shall not apply to appraisals

1 conducted for the purposes of subsection e. of this section.

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

8

9 39. (New section) a. The committee may acquire and permanently
10 retire development easements on farmland.

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

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

20 d. Any development easement acquired by the committee shall be
21 held of record in the name of the committee.

22

23 40. (New section) a. Moneys appropriated from the Garden State
24 Historic Preservation Trust Fund to the New Jersey Historic Trust for
25 historic preservation purposes shall be used by the New Jersey Historic
26 Trust to provide grants to local government units or qualifying tax
27 exempt nonprofit organizations to pay a portion of the cost of
28 preservation of historic properties. Grants shall be awarded on a
29 competitive basis based upon the following criteria:

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

33 (2) demonstration by the applicant of administrative capabilities to
34 carry out the preservation plans required pursuant to paragraph (1) of
35 this subsection;

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

38 (4) evidence that the historic property is and shall remain
39 accessible to the public, or if it is not accessible to the public at the
40 time of application, that it shall be made, and shall remain, accessible
41 to the public.

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

44 (1) if not in ownership in fee simple of the property, obtain a valid
45 lease of a term acceptable to the New Jersey Historic Trust within 18
46 months after the date of the appropriation by law of the moneys for the

1 grant, or the grant for the project shall lapse into the Garden State
2 Historic Preservation Trust Fund;

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

7 (3) demonstrate that it has the resources to match the grant
8 requested;

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

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

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

22 d. No grant awarded pursuant to this section may exceed
23 \$750,000.

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

26 f. Any local government unit or qualifying tax exempt nonprofit
27 organization awarded a grant pursuant to this section shall execute a
28 contract between that entity and the New Jersey Historic Trust within
29 18 months after the date of the appropriation by law of the moneys for
30 the grant, or the grant for the project shall lapse into the Garden State
31 Historic Preservation Trust Fund.

32 g. The New Jersey Historic Trust shall establish an advisory
33 committee composed of trustees of the New Jersey Historic Trust and
34 other individuals with the requisite professional expertise to evaluate
35 the grant applications submitted pursuant to this section and to advise
36 the New Jersey Historic Trust on the merits of each application
37 received.

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

42

43 41. (New section) a. The Department of Environmental
44 Protection, the State Agriculture Development Committee, the New
45 Jersey Historic Trust, and the Department of the Treasury shall adopt,
46 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), such rules and regulations as may be necessary
2 to implement and carry out the goals and objectives of Article VIII,
3 Section II, paragraph 7 of the State Constitution and this act.

4 b. Notwithstanding the provisions of any law to the contrary, any
5 rules and regulations of the Department of Environmental Protection,
6 the State Agriculture Development Committee, the New Jersey
7 Historic Trust, and the Department of the Treasury that have been
8 adopted pursuant to the "Administrative Procedure Act" and are in
9 effect as of the date of enactment of this act, that are not inconsistent
10 with the provisions of this act, and that pertain to the Green Acres,
11 farmland preservation, and historic preservation programs continued
12 pursuant to this act, shall continue in effect until amended or
13 supplemented and readopted as necessary to reflect the provisions and
14 requirements of Article VIII, Section II, paragraph 7 of the State
15 Constitution and this act.

16 c. In order to implement the funding provisions provided for in
17 this act, the State Treasurer, the Department of Environmental
18 Protection, the State Agriculture Development Committee, the New
19 Jersey Historic Trust, and the Garden State Preservation Trust are
20 hereby authorized to enter into one or more contracts. The contracts
21 shall commence in the State fiscal year beginning July 1, 1999, and
22 provide for the credit to the Garden State Preservation Trust Fund
23 Account in the amounts provided for in section 17 of this act and for
24 the payment to the Garden State Preservation Trust of the amounts
25 credited to the Garden State Preservation Trust Fund Account in
26 accordance with the provisions of section 17 of this act. The contracts
27 shall also provide for the payment by the Garden State Preservation
28 Trust of the amounts provided for in section 18 of this act and for
29 expenditures from the Garden State Green Acres Preservation Trust
30 Fund, the Garden State Farmland Preservation Trust Fund, and the
31 Garden State Historic Preservation Trust Fund, as provided in section
32 18 of this act. The contract or contracts shall be on terms and
33 conditions as determined by the parties and may contain terms and
34 conditions necessary and desirable to secure the bonds, notes and
35 other obligations of the Garden State Preservation Trust, provided,
36 however, that the incurrence of any obligation by the State under the
37 contract or contracts, including any payments to be made thereunder
38 from the Garden State Preservation Trust Fund Account, the Garden
39 State Green Acres Preservation Trust Fund, the Garden State
40 Farmland Preservation Trust Fund, or the Garden State Historic
41 Preservation Trust Fund, as provided in sections 17, 19, 20, and 21 of
42 this act, shall be subject to and dependent upon appropriations being
43 made from time to time by the Legislature for the purposes of this act.

44
45 42. (New section) a. To the extent moneys are or may become
46 available as a result of project withdrawals, cancellations, or costs

1 savings, there is reappropriated to the New Jersey Historic Trust the
2 unexpended balances of the amounts appropriated or reappropriated
3 pursuant to P.L.1990, c.91, P.L.1991, c.468, P.L.1993, c.203,
4 P.L.1993, c.270, P.L.1993, c.271, P.L.1993, c.272, P.L.1995, c.420,
5 P.L.1995, c.421, P.L.1997, c.106, P.L.1997, c.107, P.L.1998, c.64,
6 and P.L.1998, c.65, for the purpose of providing additional funding if
7 appropriate, subject to the approval of the Joint Budget Oversight
8 Committee or its successor and in a sequence consistent with the
9 priority system established by the New Jersey Historic Trust, in the
10 form of grants for the projects listed in P.L.1990, c.91, P.L.1991,
11 c.468, P.L.1993, c.203, P.L.1993, c.270, P.L.1993, c.271, P.L.1993,
12 c.272, P.L.1995, c.420, P.L.1995, c.421, P.L.1997, c.106, P.L.1997,
13 c.107, P.L.1998, c.64, and P.L.1998, c.65, and for the purpose of
14 administrative costs of the New Jersey Historic Trust associated with
15 any such projects.

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

19
20 43. Section 4 of P.L.1967, c.124 (C.13:1B-15.111) is amended to
21 read as follows:

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

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

31
32 44. Section 3 of P.L.1983, c.562 (C.13:1B-15.112a) is amended to
33 read as follows:

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

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

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

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

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

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

22

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

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

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

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

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

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

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

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

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

10
11 46. Section 2 of P.L.1991, c.41 (C.13:1B-15.115b) is amended to
12 read as follows:

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

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

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

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

36
37 47. Section 9 of P.L.1967, c.124 (C.13:1B-15.116) is amended to
38 read as follows:

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

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

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

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

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

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

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

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

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

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

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

38

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

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

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

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

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

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

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

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

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

4

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

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

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

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

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

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

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

1 department of the municipality.

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

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

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

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

28

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

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

32 **["Commissioner" means the Commissioner of Environmental**
33 **Protection;]**

34 "Department" means the Department of **[Environmental**
35 **Protection]** State ;

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

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

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

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

1 related to New Jersey history **【.】** ; and

2 "Secretary" means the Secretary of State.

3 (cf: P.L.1995, c.368, s.1)

4

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

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

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

42 (cf: P.L.1995, c.368, s.4)

43

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

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

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

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

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

17 c. In the event that the average cost per license plate as certified
18 by the director and approved by the Joint Budget Oversight
19 Committee, or its successor, is greater than the \$50 application fee
20 established in subsection a. of section 3 of **【this act】** P.L.1995, c.368
21 (C.39:3-27.74) in two consecutive fiscal years, the director may
22 discontinue the issuance of historic preservation license plates.
23 (cf: P.L.1995, c.368, s.5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 determined under (b) hereof; and

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

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

7

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

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

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

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

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

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

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

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

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

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

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

19

20 58. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill, to be known as the "Garden State Preservation Trust
26 Act," sets forth a comprehensive statutory framework that will enable
27 the State to address its open space preservation, farmland
28 preservation, recreation and park development, and historic
29 preservation funding needs for at least the next decade. In November
30 1998, the voters of the State approved a constitutional amendment
31 dedicating \$98 million per year to those purposes and authorizing the
32 issuance of up to \$1 billion in revenue bonds based upon the
33 constitutionally dedicated funds. This bill would establish the "Garden
34 State Preservation Trust" (GSPT) as the entity responsible for issuing
35 those bonds, and prescribe procedures and funding allocations to guide
36 the GSPT, the Department of Environmental Protection (DEP), the
37 State Agricultural Development Committee (SADC), and the New
38 Jersey Historic Trust (NJHT) in meeting those funding needs. This
39 bill, in conjunction with the 1998 constitutional amendment, will give
40 the State, local governments, and nonprofit organizations the financial
41 wherewithal to fulfill their proper roles as stewards of the State's open
42 spaces, farmland, and historic sites, and, in so doing, ensure that these
43 priceless resources are preserved and protected for the use and
44 enjoyment of both the current and future generations.

45 The GSPT would be composed of nine voting members, as follows:

46 (1) the Commissioner of Environmental Protection, the Secretary of

1 Agriculture, the Secretary of State, and the State Treasurer, all of
2 whom would serve ex officio; and (2) one appointee by the Governor,
3 two appointees (from different political parties) by the President of the
4 Senate, and two appointees (from different political parties) by the
5 Speaker of the General Assembly. The appointees of the Senate
6 President and the Assembly Speaker would be made in compliance
7 with the constitutional amendment's provision authorizing
8 appointments to the GSPT by the Legislature. The terms of the
9 appointees would be five years, except for the staggered terms of
10 those first appointed. The chairperson would be elected annually and
11 the chair would rotate annually among the three classes of appointees.
12 The Governor's appointee would be the first chairperson of the trust.

13 The bill would provide that the GSPT shall not incur debt in any
14 State fiscal year in excess of \$200 million, except that if that permitted
15 amount of debt, or any portion thereof, is not incurred in a State fiscal
16 year it may be incurred in a subsequent State fiscal year. This
17 limitation could not be increased except by law. The constitutional
18 amendment provides that the constitutionally dedicated moneys shall
19 not be used to make payments related to bonds, notes or other
20 obligations which in aggregate principal amount exceed \$1 billion plus
21 costs of issuance. The bill includes a \$1 billion limit (plus costs of
22 issuance) on the aggregate principal amount of bonds, notes or other
23 obligations, including subordinated indebtedness, that may be issued
24 by the GSPT.

25 Generally, the bill would provide that in each State fiscal year over
26 the next decade, the GSPT, after retaining sufficient funds to pay any
27 debt service on its bonds and notes, would transfer \$6 million to the
28 NJHT for historic preservation projects, and then divide the remaining
29 proceeds as follows: 60% for the Green Acres program and 40% for
30 the farmland preservation program. All administrative costs and
31 expenses, including but not limited to salaries, fringe and other
32 benefits, equipment, materials, direct and indirect costs, and non-
33 salaried administrative costs, of the DEP, SADC, NJHT, and any other
34 State entity incurred in connection with the implementation or
35 administration of the constitutional amendment or the bill would be
36 paid from the State General Fund, not from constitutionally dedicated
37 moneys.

38 Of the moneys set aside each year for the Green Acres program,
39 50% would be allocated for open space acquisition and park
40 development by the State, 40% for grants and low-interest (up to 2%)
41 loans to local government units for open space acquisition and park
42 development, and 10% for grants to nonprofit organizations for open
43 space acquisition and park development. Loan repayments are
44 specifically dedicated for future loans to local government units for
45 open space acquisition or park development.

46 The GSPT would have the authority from year to year to alter the

1 presumed funding allocation percentages and levels among and within
2 the three programs as established in the bill and to transfer moneys
3 between the programs for the purposes of responding to special needs
4 or circumstances, but only after conducting at least one public hearing
5 with at least 60 days advance public notice thereof.

6 Under the bill, proposed project funding lists would be submitted
7 by the DEP and the SADC at least twice per year to the GSPT for its
8 approval, and by the NJHT to the GSPT for its approval whenever
9 deemed appropriate but most likely at least once per year. Once
10 approved, these lists would be forwarded to the Governor and the
11 Legislature for approval in the form of appropriation bills. The GSPT
12 could not add projects to these lists, but it could delete projects. A
13 project deletion by the GSPT would trigger a review process by the
14 GSPT involving the affected parties. Upon completion of that review,
15 if the DEP, SADC, or NJHT, as the case may be, decided that the
16 project still warranted funding, the project would be placed again on
17 a list to be considered by the Legislature for appropriation, and once
18 on that list the project could not be deleted again by the GSPT. The
19 opinions of the GSPT and the State agency concerning the merits and
20 validity of any project subjected to this review process would be
21 forwarded to the Legislature. The Legislature would retain its
22 inherent power in all cases to accept or reject a project by choosing to
23 include it in, or exclude it from, an appropriation bill. The bill
24 provides that the total amount that may be appropriated for Green
25 Acres and farmland preservation projects in any State fiscal year shall
26 not exceed \$200 million.

27 The bill would create the Office of Green Acres in the DEP.
28 Heretofore, that office, out of necessity, has been functioning but
29 without fully expressed statutory authority. In addition to its other
30 duties and responsibilities under the bill, the office would be
31 responsible for establishing criteria for evaluating and ranking open
32 space preservation projects for funding based upon guidelines in the
33 bill, and would continue to administer the existing Green Acres bond
34 act program and especially the existing Green Trust program for local
35 government units. Projects funded with Green Trust moneys would
36 also proceed through the GSPT approval process outlined above.

37 Under the bill, the GSPT would have certain reporting
38 responsibilities with respect to financing plans, acquisition and
39 development plans and progress, available surplus State property, and
40 unfunded projects.

41 Generally, with respect to the Green Acres program, the standard
42 grant, if awarded, to a local government unit would be for 25% of
43 open space acquisition costs, except the GSPT could raise that amount
44 to 50% upon a showing of special need or exceptional circumstances.
45 However, if a local government unit has enacted a dedicated local
46 open space tax or similar stable source of local funding for open space

1 preservation, the grant, if awarded, would be for 50% of acquisition
2 costs, and the GSPT could raise that amount to 75% upon a special
3 showing. A grant to a county or municipality for a project in an urban
4 aid municipality would be for 50% of open space acquisition or park
5 development costs, except that the GSPT could raise that amount to
6 75% upon a special showing. Finally, a grant to a nonprofit
7 organization would be for up to 50% of open space acquisition or park
8 development costs. Park development projects by a nonprofit
9 organization on lands owned by a local government unit would require
10 co-application or approval by the local government unit.

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

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

39 The bill generally follows the laws and regulations for the existing
40 Green Acres bond act program with respect to diversions of land
41 acquired for open space preservation purposes to other uses, with
42 certain exceptions.

43 With respect to farmland preservation, the SADC would pay for up
44 to 80% of the cost of acquisition by a local government unit of a
45 development easement on farmland. The bill also would provide for
46 payment by the SADC of up to 80% of the cost of acquisition by a

1 local government unit of the fee simple title to farmland, which would
2 be resold with an agricultural deed restriction placed upon the land.
3 The current sliding scale formula for calculating the actual SADC
4 share of the cost of an acquisition, as set forth in SADC regulations,
5 would continue.

6 Under the bill, the SADC as well could acquire farmland
7 development easements or fee simple titles to farmland.

8 The bill would authorize a special flexible approach to be used
9 when appraising farmland to be preserved in the pinelands area under
10 the farmland preservation program. It is expected that this appraisal
11 process will help preserve more farmland in the pinelands area. The
12 bill also provides for a similar flexible approach to be used when
13 appraising lands in the pinelands area to be acquired for open space
14 preservation purposes. In addition, the bill would require the
15 permanent retirement of any pinelands development credits acquired
16 in connection with either the open space or farmland preservation
17 programs.

18 The bill provides that in determining the value of lands under
19 consideration for acquisition for open space or farmland preservation
20 purposes, any appraisal of that value conducted by or for the DEP, the
21 SADC, a local government unit, or a nonprofit organization must be
22 made using the land use zoning of the lands in effect on November 3,
23 1998; except that this provision would not apply to appraisals
24 conducted for open space or farmland preservation purposes in the
25 pinelands area as described above.

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

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1000000

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 20, 1999

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 1000000.

As amended by the committee, this bill, to be known as the "Garden State Preservation Trust Act," would establish a statutory framework for open space preservation, farmland preservation, recreation and park development, and historic preservation efforts in the State for at least the next decade. In November 1998, the voters of the State approved a constitutional amendment dedicating \$98 million per year to those purposes and authorizing the issuance of up to \$1 billion in revenue bonds based upon the constitutionally dedicated funds. This bill would establish the "Garden State Preservation Trust" (GSPT) as the entity responsible for issuing those bonds, and prescribe procedures and funding allocations to guide the GSPT, the Department of Environmental Protection (DEP), the State Agricultural Development Committee (SADC), and the New Jersey Historic Trust (NJHT) in meeting those funding needs.

The GSPT would be composed of nine voting members, as follows: (1) the Commissioner of Environmental Protection, the Secretary of Agriculture, the Secretary of State, and the State Treasurer, all of whom would serve ex officio; and (2) one appointee by the Governor, two appointees (no more than one of whom could be from the same political party) by the President of the Senate, and two appointees (no more than one of whom could be from the same political party) by the Speaker of the General Assembly. The appointees of the Senate President and the Assembly Speaker would be made in compliance with the constitutional amendment's provision authorizing appointments to the GSPT by the Legislature. The terms of the appointees would be five years, except for the staggered terms of those first appointed. The chairperson would be elected annually and the chair would rotate annually among the three classes of appointees. The Governor's appointee would be the first chairperson of the trust.

The bill would provide that the GSPT shall not incur debt in any

State fiscal year in excess of \$200 million, except that if that permitted amount of debt, or any portion thereof, is not incurred in a State fiscal year it may be incurred in a subsequent State fiscal year. This limitation could not be increased except by law. The constitutional amendment provides that the constitutionally dedicated moneys shall not be used to make payments related to bonds, notes or other obligations which in aggregate principal amount exceed \$1 billion plus costs of issuance. The bill includes a \$1 billion limit (plus costs of issuance) on the aggregate principal amount of bonds, notes or other obligations, including subordinated indebtedness, that may be issued by the GSPT.

Generally, the bill would provide that in each State fiscal year over the next decade, the GSPT, after retaining sufficient funds to pay any debt service on its bonds and notes, would transfer \$6 million to the NJHT for historic preservation projects, and then divide the remaining proceeds as follows: 60% for the Green Acres program and 40% for the farmland preservation program. All administrative costs and expenses, including but not limited to salaries, fringe and other benefits, equipment, materials, direct and indirect costs, and non-salaried administrative costs, of the DEP, SADC, NJHT, and any other State entity incurred in connection with the implementation or administration of the constitutional amendment or the bill would be paid from the State General Fund, not from constitutionally dedicated moneys.

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

The GSPT would have the authority from year to year to alter the presumed funding allocation percentages and levels among and within the three programs as established in the bill and to transfer moneys between the programs for the purposes of responding to special needs or circumstances, but only after conducting at least one public hearing with at least 60 days advance public notice thereof.

Under the bill, proposed project funding lists would be submitted by the DEP and the SADC at least twice per year to the GSPT for its approval, and by the NJHT to the GSPT for its approval whenever deemed appropriate but most likely at least once per year. Once approved, these lists would be forwarded to the Governor and the Legislature for approval in the form of appropriation bills. The GSPT could not add projects to these lists, but it could delete projects. A project deletion by the GSPT would trigger a review process by the GSPT involving the affected parties. Upon completion of that review, if the DEP, SADC, or NJHT, as the case may be, decided that the

project still warranted funding, the project would be placed again on a list to be considered by the Legislature for appropriation, and once on that list the project could not be deleted again by the GSPT. The opinions of the GSPT and the State agency concerning the merits and validity of any project subjected to this review process would be forwarded to the Legislature. The Legislature would retain its inherent power in all cases to accept or reject a project by choosing to include it in, or exclude it from, an appropriation bill. The bill provides that the total amount that may be appropriated for Green Acres and farmland preservation projects in any State fiscal year shall not exceed \$200 million.

The bill would create the Office of Green Acres in the DEP. In addition to its other duties and responsibilities under the bill, the office would be responsible for establishing criteria for evaluating and ranking open space preservation projects for funding based upon guidelines in the bill, and would continue to administer the existing Green Acres bond act program and especially the existing Green Trust program for local government units. Projects funded with Green Trust moneys would also proceed through the GSPT approval process outlined above.

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

Generally, with respect to the Green Acres program, the standard grant, if awarded, to a local government unit would be for 25% of open space acquisition costs, except the GSPT could raise that amount to 50% upon a showing of special need or exceptional circumstances. However, if a local government unit has enacted a dedicated local open space tax or similar stable source of local funding for open space preservation, the grant, if awarded, would be for 50% of acquisition costs, and the GSPT could raise that amount to 75% upon a special showing. A grant to a county or municipality for a project in an urban aid municipality would be for 50% of open space acquisition or park development costs, except that the GSPT could raise that amount to 75% upon a special showing. Finally, a grant to a nonprofit organization would be for up to 50% of open space acquisition or park development costs. Park development projects by a nonprofit organization on lands owned by a local government unit would require co-application or approval by the local government unit.

The bill would establish a sliding scale formula for payments in lieu of property taxes by the State for open space acquired and owned in fee simple by the State or nonprofit organizations. Initially, for such acquisitions pursuant to the bill, there would be a 13-year declining payment schedule similar to that used in past Green Acres bond acts. Thereafter, and for open space acquired prior to or after implementation of the bill using other funding sources and owned in fee simple by the State or nonprofit organizations, the payments in lieu

of property taxes would be based upon the total amount of open space owned in fee simple by the State or nonprofit organizations in the municipality, using a sliding scale, as follows: \$2 per acre when the percentage of the total acreage in a municipality that is owned in fee simple by the State or nonprofit organizations for open space preservation purposes is less than 20%; \$5 per acre for 20% to less than 50% ownership; \$10 per acre for 50% to less than 60% ownership; and \$20 per acre for 60% or more ownership. These payments would be made from the State General Fund, not from constitutionally dedicated moneys.

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

The bill generally follows the laws and regulations for the existing Green Acres bond act program with respect to diversions of land acquired for open space preservation purposes to other uses, with certain exceptions.

With respect to farmland preservation, the SADC would pay for up to 80% of the cost of acquisition by a local government unit of a development easement on farmland. The bill also would provide for payment by the SADC of up to 80% of the cost of acquisition by a local government unit of the fee simple title to farmland, which would be resold with an agricultural deed restriction placed upon the land. As amended by the committee, the SADC would provide grants for up to 50% of the cost of acquisition by a nonprofit organization of a development easement on farmland or the fee simple title to farmland, which would be resold or leased with an agricultural deed restriction as determined by the SADC. The current sliding scale formula for calculating the actual SADC share of the cost of an acquisition, as set forth in SADC regulations, would continue.

Under the bill, the SADC as well could acquire farmland development easements or fee simple titles to farmland.

The bill would authorize a special flexible approach to be used when appraising farmland to be preserved in the pinelands area under the farmland preservation program. The bill also provides for a similar flexible approach to be used when appraising lands in the pinelands area to be acquired for open space preservation purposes. In addition, the bill would require the permanent retirement of any pinelands development credits acquired in connection with either the open space or farmland preservation programs.

The bill provides that in determining the value of lands under consideration for acquisition for open space or farmland preservation

purposes, any appraisal of that value conducted by or for the DEP, the SADC, a local government unit, or a nonprofit organization must be made using the land use zoning of the lands in effect on November 3, 1998; except that this provision would not apply to appraisals conducted for open space or farmland preservation purposes in the pinelands area as described above.

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

The committee amended the bill to: (1) amend the definition of "development" to specifically exclude shore protection and beach nourishment or replenishment activities; (2) clarify the definition of "local government unit"; (3) clarify the appointment process for the GSPT; (4) subject the GSPT to the provisions of the "Open Public Meetings Act"; (5) specify that certain transfers of appropriated moneys for approved projects would require the approval only of JBOC, and not the GSPT; (6) provide that a nonprofit organization could not use as its matching share of the cost of an acquisition or development project any constitutionally dedicated grant moneys or Green Acres bond act grant moneys; (7) add that the conveyance, disposition, or diversion of State-owned open space requires the approval of the Commissioner of Environmental Protection in addition to the approval of the State House Commission; (8) add that the SADC may provide grants to nonprofit organizations of up to 50% of the cost of acquisition of a development easement or the fee simple title to farmland; (9) remove "farmland preservation purposes" from the sections providing for payments in lieu of taxes and providing for an exemption from farmland assessment roll-back taxes, for reasons of either minimal applicability or simplification; and (10) make various technical and clarifying changes.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1000000

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 21, 1999

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1000000 (1R), with committee amendments.

Assembly Bill No. 1000000 (1R), as amended, establishes the "Garden State Preservation Trust Act," to provide a statutory framework for open space preservation, farmland preservation, recreation and park development, and historic preservation efforts in the State for at least the next decade.

In November 1998, the voters of the State approved a constitutional amendment dedicating \$98 million per year to those purposes and authorizing the issuance of up to \$1 billion in revenue bonds based upon the constitutionally dedicated funds. This bill establishes the "Garden State Preservation Trust" (GSPT) as the entity responsible for issuing those bonds, and prescribes procedures and funding allocations to guide the GSPT, the Department of Environmental Protection (DEP), the State Agricultural Development Committee (SADC), and the New Jersey Historic Trust (NJHT) in meeting those funding needs.

The GSPT will be composed of nine voting members, as follows: (1) the Commissioner of Environmental Protection, the Secretary of Agriculture, the Secretary of State, and the State Treasurer, all of whom would serve ex officio; and (2) one appointee by the Governor, two appointees (no more than one of whom could be from the same political party) by the President of the Senate, and two appointees (no more than one of whom could be from the same political party) by the Speaker of the General Assembly. The appointments of the Senate President and the Assembly Speaker will be made in compliance with the constitutional amendment's provision authorizing appointments to the GSPT by the Legislature. The terms of the appointees will be five years, except for the staggered terms of those first appointed. The chairperson will be elected annually and the chair will rotate annually among the three classes of appointees. The Governor's appointee will be the first chairperson of the trust. No person holding elective public

office will be eligible to be a member of the trust.

The bill provides that the GSPT shall not issue debt in any State fiscal year in excess of \$200 million, except that if that permitted amount of debt, or any portion thereof, is not issued in a State fiscal year it may be issued in a subsequent State fiscal year. This limitation can not be increased except by law. The constitutional amendment provides that the constitutionally dedicated moneys shall not be used to make payments related to bonds, notes or other obligations which in aggregate principal amount exceed \$1 billion plus costs of issuance. The bill includes a \$1 billion limit (plus costs of issuance) on the aggregate principal amount of bonds, notes or other obligations, including subordinated indebtedness, that may be issued by the GSPT.

Generally, the bill provides that in each State fiscal year over the next decade, the GSPT, after retaining sufficient funds to pay any debt service on its bonds and notes, will transfer \$6 million to the NJHT for historic preservation projects, and then divide the remaining proceeds as follows: 60% for the Green Acres program and 40% for the farmland preservation program. All administrative costs and expenses, including but not limited to salaries, fringe and other benefits, equipment, materials, direct and indirect costs, and non-salaried administrative costs, of the DEP, SADC, NJHT, and any other State entity incurred in connection with the implementation or administration of the constitutional amendment or the bill will be paid from the State General Fund, not from constitutionally dedicated moneys.

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

The GSPT will have the authority from year to year to alter the presumed funding allocation percentages and levels among and within the three programs as established in the bill and to transfer moneys between the programs for the purposes of responding to special needs or circumstances, but only after conducting at least one public hearing with at least 60 days advance public notice thereof.

Under the bill, proposed project funding lists will be submitted by the DEP and the SADC at least twice per year to the GSPT for its approval, and by the NJHT to the GSPT for its approval at least once per year or whenever deemed appropriate. Once approved, these lists will be forwarded to the Governor and the Legislature for approval in the form of appropriation bills. The GSPT could not add projects to these lists, but it could delete projects. A project deletion by the GSPT will trigger a review process by the GSPT involving the affected

parties. Upon completion of that review, if the DEP, SADC, or NJHT, as the case may be, decided that the project still warranted funding, the project will be placed again on a list to be considered by the Legislature for appropriation, and once on that list the project could not be deleted again by the GSPT. The opinions of the GSPT and the State agency concerning the merits and validity of any project subjected to this review process will be forwarded to the Legislature. The Legislature will retain its inherent power in all cases to accept or reject a project by choosing to include it in, or exclude it from, an appropriation bill. The bill provides that the total amount that may be appropriated for Green Acres and farmland preservation projects in any State fiscal year shall not exceed \$200 million.

For State fiscal year 2000 only, however, the bill allows for the approval of projects and the appropriation of moneys therefor through the annual appropriations act for that year.

The bill provides that to the extent the DEP receives a sufficient number of applications from local government units for the funding of qualified projects to acquire or develop, for recreation and conservation purposes, lands located in urban aid municipalities, in any State fiscal year the percentage of funding from the Garden State Green Acres Preservation Trust Fund for such projects recommended by the DEP shall be substantially equivalent to or greater than the percentage derived by dividing the total amount allocated pursuant to the last five Green Acres bond acts for local government unit projects for recreation and conservation purposes in urban aid municipalities by the total amount allocated pursuant to the last five Green Acres bond acts for all local government unit projects for recreation and conservation purposes. Also, in any State fiscal year, not less than 20% of the total amount of funding from the Garden State Green Acres Preservation Trust Fund for all State projects to acquire and develop lands for recreation and conservation purposes throughout the State recommended by the department shall be for State projects located in highly populated counties of the State with population densities of at least 1,000 persons per square mile according to the latest federal decennial census.

The bill creates the Office of Green Acres in the DEP. In addition to its other duties and responsibilities under the bill, the office will be responsible for establishing criteria for evaluating and ranking open space preservation projects for funding based upon guidelines in the bill, and will continue to administer the existing Green Acres bond act program and especially the existing Green Trust program for local government units. Projects funded with Green Trust moneys will also proceed through the GSPT approval process outlined above.

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

Generally, with respect to the Green Acres program, the standard

grant, if awarded, to a local government unit will be for 25% of open space acquisition costs, except the GSPT could raise that amount to 50% upon a showing of special need or exceptional circumstances. However, if a local government unit has enacted a dedicated local open space tax or similar stable source of local funding for open space preservation, the grant, if awarded, will be for 50% of acquisition costs, and the GSPT could raise that amount to 75% upon a special showing. A grant to a county or municipality for a project in an urban aid municipality will be for 50% of open space acquisition or park development costs, except that the GSPT could raise that amount to 75% upon a special showing. Finally, a grant to a nonprofit organization will be for up to 50% of open space acquisition or park development costs. Park development projects by a nonprofit organization on lands owned by a local government unit will require co-application or approval by the local government unit.

The bill will establish a sliding scale formula for payments in lieu of property taxes by the State for open space acquired and owned in fee simple by the State or nonprofit organizations. Initially, for such acquisitions pursuant to the bill, there will be a 13-year declining payment schedule similar to that used in past Green Acres bond acts. Thereafter, and for open space acquired prior to or after implementation of the bill using other funding sources and owned in fee simple by the State or nonprofit organizations, the payments in lieu of property taxes will be based upon the total amount of open space owned in fee simple by the State or nonprofit organizations in the municipality, using a sliding scale, as follows: \$2 per acre when the percentage of the total acreage in a municipality that is owned in fee simple by the State or nonprofit organizations for open space preservation purposes is less than 20%; \$5 per acre for 20% to less than 40% ownership; \$10 per acre for 40% to less than 60% ownership; and \$20 per acre for 60% or more ownership. These payments will be made from the State General Fund, not from constitutionally dedicated moneys.

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

The bill generally follows the laws and regulations for the existing Green Acres bond act program with respect to diversions of land acquired for open space preservation purposes to other uses, with certain exceptions.

With respect to farmland preservation, the SADC will pay for up

to 80% of the cost of acquisition by a local government unit of a development easement on farmland. The bill also will provide for payment by the SADC of up to 80% of the cost of acquisition by a local government unit of the fee simple title to farmland, which will be resold with an agricultural deed restriction placed upon the land. The SADC will provide grants for up to 50% of the cost of acquisition by a nonprofit organization of a development easement on farmland or the fee simple title to farmland, which will be resold or leased with an agricultural deed restriction as determined by the SADC. The current sliding scale formula for calculating the actual SADC share of the cost of an acquisition, as set forth in SADC regulations, will continue.

Under the bill, the SADC as well could acquire farmland development easements or fee simple titles to farmland.

The bill authorizes a special flexible approach to be used when appraising farmland to be preserved in the pinelands area under the farmland preservation program. The bill also provides for a similar flexible approach to be used when appraising lands in the pinelands area to be acquired for open space preservation purposes. In addition, the bill will require the permanent retirement of any pinelands development credits acquired in connection with either the open space or farmland preservation programs.

The bill provides that for State fiscal years 2000 through 2004 only, when the department, a local government unit, or a qualifying tax exempt nonprofit organization seeks to acquire lands for open space or farmland preservation purposes using constitutionally dedicated moneys, it shall conduct or cause to be conducted an appraisal or appraisals of the value of the lands that shall be made using the land use zoning of the lands (1) in effect at the time of proposed acquisition, and (2) in effect on November 3, 1998 as if that land use zoning is still in effect at the time of proposed acquisition. The higher of those two values will be utilized by the department, a local government unit, or a qualifying tax exempt nonprofit organization as the basis for negotiation with the landowner with respect to the acquisition price for the lands. The landowner will be provided with both values determined pursuant to this provision. A landowner will be able to waive any of the requirements of this provision and may agree to sell the lands for less than the values so determined. Also, the bill provides for certain exceptions to the requirements of this provision.

The bill allocates \$6 million annually for historic preservation matching grants to local government units and nonprofit organizations, with a maximum grant amount of \$750,000 for any individual project. Also, unexpended historic preservation funds from past historic preservation grant awards due to project withdrawals, cancellations, or cost savings will be reallocated to historic preservation projects previously approved under the prior funding program. In addition, the bill authorizes two new alternatives (in addition to approval by

concurrent resolution of the Legislature) for legislative approval of historic preservation loans issued pursuant to a 1987 bond act program: (1) by legislative act in connection with appropriations made pursuant to this bill; or (2) by approval of the Joint Budget Oversight Committee. Finally, the bill will formalize by legislation the transfer, which was accomplished in 1998 by an executive reorganization plan, of the NJHT from in but not of the DEP to in but not of the Department of State, and make certain changes to the membership, powers, and operating procedures of the NJHT.

As amended and reported by this committee, this bill is identical to Senate Bill No. 9 (1R) of 1999.

FISCAL IMPACT:

The constitutional amendment establishes this funding source from State sales tax revenues by authorizing the dedication of \$98 million annually for ten years (through FY 2009); authorizing the sale of up to \$1 billion in revenue bonds; and dedicating up to \$98 million annually (from FY 2010 through FY 2029) to pay the debt service on such bonds. This bill creates the Garden State Preservation Trust (GSPT) as the entity responsible for issuing those bonds, and prescribes procedures and funding allocations to guide the GSPT, the Department of Environmental Protection (DEP), the State Agricultural Development Committee (SADC), and the New Jersey Historic Trust (NJHT) in meeting those funding needs. The GSPT is designated as an independent State agency located "in, but not of" the Department of the Treasury.

The bill provides that all administrative costs and expenses incurred by the GSPT, DEP, SADC, NJHT, or any other State entity in connection with the implementation or administration of the constitutional amendment or the bill will be paid from the General Fund. Under the bill, the GSPT would have certain reporting responsibilities with respect to financing plans, acquisition and development plans and progress, available surplus State property, and unfunded projects. It would be allowed to hire an executive director and staff with administrative expenses not exceeding \$150,000 annually. The GSPT would also be required to pay its five public board appointees \$150 per diem.

Initially under the bill State Aid support to municipalities for payment in lieu of taxes (PILOT) for open space acquired and owned in fee simple by the State or nonprofit organizations would be accomplished by a 13-year declining payment schedule similar to that used in past Green Acres bond acts. Thereafter, and for open space acquired prior to or after implementation of the bill using other funding sources and owned in fee simple by the State or nonprofit organizations, the payments in lieu of property taxes will be based upon the total amount of open space owned in fee simple by the State or nonprofit organizations in the municipality, using a sliding scale.

After the 13-year period payments will be based on holdings controlled by both the Division of Parks and Forestry and the Division of Fish, Game and Wildlife.

The Office of Legislative Services (OLS) has estimated that the State's administrative costs to implement the constitutional amendment under the bill in FY 2000 would be approximately \$8,142,000, based on the amounts contained in the Governor's FY 2000 Budget Recommendation. Future administrative costs are likely to rise as funding availability and acquisition activity under the Open Space initiative increases over the next ten years.

The OLS estimates that State Aid for PILOT payments under the bill will be \$4,520,000 in FY 2000, \$2,200,000 more than the current appropriation for this program, which is also included in the FY 2000 Budget Recommendation

The actual debt service costs for bonds issued will depend on market factors when the bonds are issued, or later if refinancing becomes an option.

COMMITTEE AMENDMENTS:

The amendments:

- (1) clarify the definition of "acquisition or acquire";
- (2) change the minimum rate that a county or municipality must meet for its dedicated open space tax or similar stable source of local funding for open space preservation to qualify the county or municipality for special funding considerations under the bill from 1/4 cent per \$100 of assessed value of real property to 1/2 cent per \$100 of assessed value of real property;
- (3) prohibit persons who hold elective public office from being members of the GSPT;
- (4) require that certain inspections be conducted and notices issued with respect to the possible existence of historic buildings or structures on certain lands acquired for recreation and conservation purposes;
- (5) authorize public access on lands donated by public utilities to the State for recreation and conservation purposes, unless the DEP determines such access would be detrimental to the lands or any natural resources associated therewith;
- (6) direct a study of the process by which easements are granted to public utilities on preserved lands and how that process might be improved;
- (7) clarify that the State-owned recreation and conservation lands for which payments in lieu of taxes are made are only those recreation and conservation lands administered by the DEP;
- (8) reduce the qualifying percentage, with respect to lands owned in a municipality by the State or a nonprofit organization for recreation and conservation purposes, for certain levels of payments in lieu of taxes made to municipalities from 50% to 40%;

(9) clarify that the current law and practice by which compensation is calculated when State recreation and conservation lands are diverted to other uses will continue to apply;

(10) change certain language in the bill concerning the "incurring" of debt to the "issuing" of debt;

(11) allow also, for State fiscal year 2000 only, the approval of certain projects and the appropriation of moneys therefor through the annual appropriations act for that year;

(12) prohibit local government units and nonprofit organizations from using constitutionally dedicated moneys to acquire lands that are already permanently preserved for recreation and conservation purposes (i.e., permanently preserved through ownership for such purposes by other local governmental units or nonprofit organizations);

(13) establish annual funding levels for local projects in urban aid municipalities and for State projects in highly populated counties for recreation and conservation purposes;

(14) require a biennial study comparing actual appropriations for open space projects in urban aid municipalities in future years to historical averages for such projects in the years 1984 through 1998;

(15) modify and clarify provisions in the bill pertaining to the valuation of lands under consideration for acquisition with regard to the current and previous land use zoning of those lands; and (16) make various clarifying and technical amendments.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 1000000

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JUNE 30, 1999

Assembly Bill No. 1000000 (1R) of 1999, the "Garden State Preservation Trust Act," establishes the statutory framework to implement the constitutional amendment approved by the State's voters in November, 1998 that provides a stable funding source for the Governor's Open Space Preservation Initiative. The constitutional amendment establishes this funding source from State sales tax revenues by authorizing the dedication of \$98 million annually for ten years (through FY 2009); authorizing the sale of up to \$1 billion in revenue bonds; and dedicating up to \$98 million annually (from FY 2010 through FY 2029) to pay the debt service on such bonds. This bill creates the Garden State Preservation Trust (GSPT) as the entity responsible for issuing those bonds, and prescribes procedures and funding allocations to guide the GSPT, the Department of Environmental Protection (DEP), the State Agricultural Development Committee (SADC), and the New Jersey Historic Trust (NJHT) in meeting those funding needs. The GSPT is designated as an independent State agency located "in, but not of" the Department of the Treasury.

Among the bill's provisions that directly affect the State Budget, the bill directs that all administrative costs and expenses incurred by the GSPT, DEP, SADC, NJHT, or any other State entity in connection with the implementation or administration of the constitutional amendment or the bill will be paid from the General Fund. Such funding support for the existing Green Acres, Farmland Preservation, and Historic Preservation programs has traditionally been paid from the bond issues that financed these activities.

Under the bill, the GSPT would have certain reporting responsibilities with respect to financing plans, acquisition and development plans and progress, available surplus State property, and unfunded projects. It would be allowed to hire an executive director and staff with administrative expenses (derived from the General Fund) not exceeding \$150,000 annually. The GSPT would also be required to pay its five public board appointees \$150 per diem.

The last major provision affecting State funds concerns changes to the formula for State Aid support to municipalities for payment in lieu of taxes (PILOT) by the State for open space acquired and owned in fee simple by the State or nonprofit organizations. Initially, for such acquisitions pursuant to the bill, there would be a 13-year declining payment schedule similar to that used in past Green Acres bond acts. Thereafter, and for open space acquired prior to or after implementation of the bill using other funding sources and owned in fee simple by the State or nonprofit organizations, the payments in lieu of property taxes would be based upon the total amount of open space owned in fee simple by the State or nonprofit organizations in the municipality, using a sliding scale.

In addition, such payments (after the 13-year period) will be based on holdings controlled by both the Division of Parks and Forestry and the Division of Fish, Game and Wildlife. At present, only lands controlled by the Division of Parks and Forestry (after the 13-year period) are subject to PILOT payments. Under the bill, all such payments would continue to be made from the General Fund, as is the current practice.

The Office of Legislative Services (OLS) estimates that the State's administrative costs to implement the constitutional amendment under the bill in FY 2000 would be approximately \$8,142,000, as follows:

<u>Agency</u>	<u>Salary Costs</u>	<u>Non-Salary Costs</u>
Green Acres (DEP)	\$4,054,000	\$1,880,000
SADC (DOA)	815,000	555,000
Historic Trust (State)	443,000	245,000
GSPT (Treasury)	<u>130,000</u>	<u>20,000</u>
	\$5,442,000	\$2,700,000

With the exception of the GSPT, these estimates are based on the amounts contained in the Governor's FY2000 Budget Recommendation. While these recommended amounts, as currently proposed, would be supported by existing bond fund balances, it is uncertain exactly when these activities will actually become partially or totally supported by State funds under the bill. Future administrative costs are likely to rise as funding availability and acquisition activity under the Open Space initiative increases over the next ten years.

The OLS estimates that State Aid for PILOT payments under the bill will be \$4,520,000 in FY2000. This figure, which is \$2,200,000 more than the current appropriation for this program, is also included in the FY 2000 Budget Recommendation and is based on the amended formula as contained in this bill. Some of the factors that may affect future PILOT spending levels include the amount of land purchased for State and non-profit ownership, the location and value of acquired

property, the municipal tax rate, and whether such property was previously under farmland assessment.

Finally, the actual debt service costs for bonds issued under the Open Space initiative will depend on market factors when the bonds are issued, or later if refinancing becomes an option. As such, if economic conditions are favorable or if other factors limit the amount of bonds issued, the level of annual debt service payments will fluctuate accordingly.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

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Office of the Governor
NEWS RELEASE

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RELEASE: June 30, 1999

Governor Signs Historic Open Space Preservation Bill; Applauds Overwhelming Support For Landmark Program

Leading the nation and providing a model for other states to follow, Gov. Christie Whitman today signed into law the Garden State Preservation Trust Act, which will allow New Jersey to preserve 1 million acres over the next ten years. The bill establishes, for the first time in history, a stable source of funding for preservation efforts.

"With this legislation, we assure a legacy of pristine streams and lakes, beautiful parks, and unspoiled landscapes to future generations," said Gov. Whitman. "What's more, New Jersey's preservation effort is the most ambitious program of its kind in the entire country. What began nearly 40 years ago with funding for the Green Acres program, has evolved into a national model for open space protection."

The Governor thanked members of the Coalition to Preserve Natural Resources, the Council on the Outdoors, former Assemblywoman Maureen Ogden and open space advocate Helen Fenske and bill sponsors for their tireless effort and support in promoting preservation efforts through this historic plan.

"I also want to express my appreciation to all the citizens who voted to preserve an additional 1 million acres of open space," the Governor said. "Your overwhelming support of the preservation initiative not only established New Jersey as a national leader in environmental policy, but also helped preserve the character of our Garden State."

According to the Governor, nearly 40 percent of the State's land will be preserved once the one million acre goal is reached.

S-9, sponsored by Senate President Donald DiFrancesco (R-Middlesex/ Morris/Somerset /Union) and Senator Henry P. McNamara (R-Bergen/Passaic) and Assembly Speaker Jack Collins (R-Salem/Cumberland/Gloucester) and Assemblyman Steve Corodemus (R-Monmouth), establishes the statutory framework necessary to implement the landmark preservation plan approved by a 2-1 margin of New Jerseyans last November. The 1998 vote amended the New Jersey constitution to provide a stable source of funding to acquire and preserve open space, farmland and historic sites around the state. The amendment dedicates \$98 million annually for ten years dedicated to preservation efforts and authorizes the issuance of up to \$1 billion in revenue bonds.

The legislation signed today by the Governor establishes the Garden State Preservation Trust (GSPT), a nine member board that will receive and approve projects submitted by the Department of Environmental Protection (DEP) and the State Agriculture Development Committee (SADC), at least twice a year. The GSPT will submit at least two appropriation bills each year to fund projects.

The Act also establishes the Garden State Preservation Trust Fund Account (Trust Fund) which will receive \$98 million annually for ten years. From FY 2010 through and including FY 2029, debt service on the bonds shall be satisfied by funds deposited into the trust fund from the general fund. These funds will not exceed \$98 million during a Fiscal Year.

The bill will allow projects funded under the Trust Fund to begin immediately by allowing \$90 million to be appropriated through the appropriations act for FY 2000. This will appropriate money for eligible projects prior to the establishment of the GSPT which is expected to be operational in the Fall of this year.

Attached are specific provisions of the legislation.

Keeping the Garden in the Garden State The Garden State Preservation Trust Act

Historic Preservation Trust Fund

- Will receive \$6 million annually for ten years to fund historic preservation projects including matching grant awards.

Garden State Green Acres Preservation

- DEP will continue its current duties and responsibilities for the Green Acres and Green Trust programs.
- Sixty percent of the remaining annual funds after the \$6 million is deposited with the Historic Trust will be used for Green Acres and Green Trust projects.
- Half of this funding will be used for state acquisition and development projects with 20 percent of that half being designated for highly populated counties. Highly populated counties will be those which qualify under the 1995 Green Acres Bond Act, more specifically based on a 1,000 person per mile standard. Currently, those counties include Bergen, Hudson, Essex, Passaic, Union, Middlesex, Monmouth, Mercer and Camden.
- Forty percent of these funds will be allocated for local acquisition and development projects and 10 percent will be allocated for nonprofit

acquisition. Also, funds will be set aside for local urban acquisition and development based on a percentage that will be equal to the total allocated for urban aid municipalities over the last five Green Acres Bond Acts since 1983 divided by the total allocated to all local government units in those bond acts.

- Establishes a process to determine the value of a Pinelands Development Credit for the purposes of preserving open space and farmland in the Pinelands.
- Local governments and qualifying nonprofit organizations cannot use Green Acres funds for lands that are already permanently preserved for recreation or conservation purposes.
- The NJ Historic Preservation Office must be notified of any potentially historic buildings or structures which exist on property purchased under the Green Acres program.

Garden State Farmland Preservation Trust Program

- The State Agriculture Development Committee (SADC) will continue its responsibilities for the Farmland Preservation Program.
- Money appropriated to the Farmland Preservation Trust will be used to
 - Provide grants for local government units to pay up to 80 percent of costs of acquisition and development easements or fee simple titles.
 - Pay 100 percent of the cost of acquisition by the state of development easements or fee simple titles.
- Sets up a process to determine the value of a development easement on farmland in the Pinelands by considering:
 - The results of a sufficient number of fair market appraisals;
 - The value of development easements in counties, municipalities and other areas reasonably contiguous to, but outside of the Pinelands;
 - The importance of preserving agricultural lands in the Pinelands; and
 - Other factors as may be necessary to increase participation in the farmland preservation program.

Payment in Lieu of Taxes (PILOT)

- So municipalities do not suffer a loss of taxes due to state acquisition of lands, this bill extends payment in lieu of taxes to municipalities in which lands are purchased by the DEP for recreational or conservation purposes by this constitutionally- dedicated money. This does not include farmland

preservation lands. Payments will be made from the general fund.

- The legislation includes a 13-year declining percentage schedule and thereafter includes a \$2, \$5, \$10, or \$20 per acre payment depending on the acreage of land in the municipality owned in fee simple for recreational and conservation purposes by the state or qualified nonprofit organizations.