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P.L. 2005, CHAPTER 281, *approved January 6, 2006*
Assembly, No. 4474

1 **AN ACT** concerning the investment of monies in the Garden State
2 Green Acres Preservation Trust Fund, the Garden State Historic
3 Preservation Trust Fund and the Garden State Farmland
4 Preservation Trust Fund, and amending P.L.1999, c.152.

5

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

8

9 1. Section 3 of P.L.1999, c.152 (C.13:8C-3) is amended to read as
10 follows:

11 3. As used in sections 1 through 42 of this act:

12 "Acquisition" or "acquire" means the obtaining of a fee simple or
13 lesser interest in land, including but not limited to a development
14 easement, a conservation restriction or easement, or any other
15 restriction or easement permanently restricting development, by
16 purchase, installment purchase agreement, gift, donation, eminent
17 domain by the State or a local government unit, or devise; except that
18 any acquisition of lands by the State for recreation and conservation
19 purposes by eminent domain shall be only as authorized pursuant to
20 section 28 of this act;

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

22 "Commissioner" means the Commissioner of Environmental
23 Protection;

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

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

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

37 "Cost" means the expenses incurred in connection with: all things
38 deemed necessary or useful and convenient for the acquisition or
39 development of lands for recreation and conservation purposes, the
40 acquisition of development easements or fee simple titles to farmland,
41 or the preservation of historic properties, as the case may be; the

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

Matter underlined thus is new matter.

1 execution of any agreements or franchises deemed by the Department
2 of Environmental Protection, State Agriculture Development
3 Committee, or New Jersey Historic Trust, as the case may be, to be
4 necessary or useful and convenient in connection with any project
5 funded in whole or in part using constitutionally dedicated moneys; the
6 procurement or provision of appraisal, archaeological, architectural,
7 conservation, design, engineering, financial, geological, historic
8 research, hydrological, inspection, legal, planning, relocation,
9 surveying, or other professional advice, estimates, reports, services, or
10 studies; the purchase of title insurance; the undertaking of feasibility
11 studies; the establishment of a reserve fund or funds for working
12 capital, operating, maintenance, or replacement expenses and for the
13 payment or security of principal or interest on bonds, as the Director
14 of the Division of Budget and Accounting in the Department of the
15 Treasury may determine; and reimbursement to any fund of the State
16 of moneys that may have been transferred or advanced therefrom to
17 any fund established by this act, or any moneys that may have been
18 expended therefrom for, or in connection with, this act;

19 "Department" means the Department of Environmental Protection;

20 "Development" or "develop" means, except as used in the
21 definitions of "acquisition" and "development easement" in this
22 section, any improvement made to a land or water area designed to
23 expand and enhance its utilization for recreation and conservation
24 purposes, and shall include the construction, renovation, or repair of
25 any such improvement, but shall not mean shore protection or beach
26 nourishment or replenishment activities;

27 "Development easement" means an interest in land, less than fee
28 simple title thereto, which interest represents the right to develop that
29 land for all nonagricultural purposes and which interest may be
30 transferred under laws authorizing the transfer of development
31 potential;

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

43 "Farmland preservation," "farmland preservation purposes" or
44 "preservation of farmland" means the permanent preservation of
45 farmland to support agricultural or horticultural production as the first
46 priority use of that land;

1 "Garden State Farmland Preservation Trust Fund" means the
2 Garden State Farmland Preservation Trust Fund established pursuant
3 to section 20 of this act;

4 "Garden State Green Acres Preservation Trust Fund" means the
5 Garden State Green Acres Preservation Trust Fund established
6 pursuant to section 19 of this act;

7 "Garden State Historic Preservation Trust Fund" means the Garden
8 State Historic Preservation Trust Fund established pursuant to section
9 21 of this act;

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

17 "Historic preservation," "historic preservation purposes," or
18 "preservation of historic properties" means any work relating to the
19 conservation, improvement, interpretation, preservation, protection,
20 rehabilitation, renovation, repair, restoration, or stabilization of any
21 historic property, and shall include any work related to providing
22 access thereto for disabled or handicapped persons;

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

27 "Indoor recreation" means active recreation that otherwise is or
28 may be pursued outdoors but, for reasons of extending the season or
29 avoiding inclement weather, is or may be pursued indoors within a
30 fully or partially enclosed building or other structure, and includes
31 basketball, ice skating, racquet sports, roller skating, swimming, and
32 similar recreational activities and sports as determined by the
33 Department of Environmental Protection;

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

38 "Local government unit" means a county, municipality, or other
39 political subdivision of the State, or any agency, authority, or other
40 entity thereof; except, with respect to the acquisition and development
41 of lands for recreation and conservation purposes, "local government
42 unit" means a county, municipality, or other political subdivision of the
43 State, or any agency, authority, or other entity thereof the primary
44 purpose of which is to administer, protect, acquire, develop, or
45 maintain lands for recreation and conservation purposes;

46 "New Jersey Historic Trust" means the entity established pursuant

1 to section 4 of P.L.1967, c.124 (C.13:1B-15.111);
2 "Notes" means the notes issued by the trust pursuant to this act;
3 "Permitted investments" means any of the following securities:
4 (1) Bonds, debentures, notes or other evidences of indebtedness
5 issued by any agency or instrumentality of the United States to the
6 extent such obligations are guaranteed by the United States or by
7 another such agency the obligations (including guarantees) of which
8 are guaranteed by the United States;
9 (2) Bonds, debentures, notes or other evidences of indebtedness
10 issued by any corporation chartered by the United States, including,
11 but not limited to, Governmental National Mortgage Association,
12 Federal Land Banks, Federal Home Loan Mortgage Corporation,
13 Federal National Mortgage Association, Federal Home Loan Banks,
14 Federal Intermediate Credit Banks, Banks for Cooperatives, Tennessee
15 Valley Authority, United States Postal Service, Farmers Home
16 Administration, Resolution Funding Corporation, Export-Import
17 Bank, Federal Financing Bank and Student Loan Marketing
18 Association;
19 (3) Bonds, debentures, notes or commercial paper rated in the highest
20 two rating categories without regard to rating subcategories
21 (derogation) by all nationally recognized investment rating agencies or
22 by a nationally recognized investment rating agency if rated by only
23 one nationally recognized investment rating agency;
24 (4) Repurchase agreements or investment agreements and issued by
25 (i) a commercial bank or trust company or a national banking
26 association, each having a capital stock and surplus of more than
27 \$100,000,000, or (ii) an insurance company with the highest rating
28 provided by a nationally recognized insurance company rating agency,
29 or (iii) a broker/dealer, or (iv) a corporation; provided that the credit
30 of such commercial bank or trust company or national banking
31 association or insurance company or broker/dealer or corporation, as
32 the case may be, is rated (or, in the case of a broker/dealer or
33 corporation, whose obligations thereunder are guaranteed by a
34 commercial bank or trust company or a national banking association
35 or insurance company with the highest rating provided by a nationally
36 recognized insurance company rating agency or corporation whose
37 credit is rated) not lower than the "AA" category without regard to
38 rating subcategories (derogation) of any two nationally recognized
39 investment rating agencies then rating the State; provided that any
40 such agreement shall provide for the investment of funds and shall be
41 collateralized by obligations described in paragraph 1 or paragraph 2
42 or paragraph 3 above at a level of at least one hundred and two (102)
43 percent in principal amount of those obligations;
44 "Pinelands area" means the pinelands area as defined pursuant to
45 section 3 of P.L.1979, c.111 (C.13:18A-3);
46 "Pinelands regional growth area" means a regional growth area

1 established pursuant to the pinelands comprehensive management plan
2 adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.);

3 "Project" means all things deemed necessary or useful and
4 convenient in connection with the acquisition or development of lands
5 for recreation and conservation purposes, the acquisition of
6 development easements or fee simple titles to farmland, or the
7 preservation of historic properties, as the case may be;

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

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

31 "Qualifying tax exempt nonprofit organization" means a nonprofit
32 organization that is exempt from federal taxation pursuant to section
33 501 (c)(3) of the federal Internal Revenue Code, 26 U.S.C. s.501
34 (c)(3), and which qualifies for a grant pursuant to section 27, 39, or
35 41 of this act;

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

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

44 (cf: P.L.1999, c.152, s.3)

45

46 2. Section 19 of P.L.1999, c.152 (13:8C-19) is amended to read as

1 follows:

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

37 (cf: P.L.1999, c.152, s.19)

38

39 3. Section 20 of P.L.1999, c.152 (C.13:8C-20) is amended to read
40 as follows:

41 20. The State Treasurer shall establish a fund to be known as the
42 "Garden State Farmland Preservation Trust Fund." The State
43 Treasurer shall deposit into the fund all moneys transferred from the
44 trust to the State Treasurer for deposit into the fund pursuant to
45 paragraph (2) of subsection a. of section 18 of this act and any other
46 moneys appropriated by law for deposit into the fund. Moneys in the

1 fund shall be invested in permitted investments or shall be held in
2 interest-bearing accounts in those depositories as the State Treasurer
3 may select, and may be invested and reinvested in permitted
4 investments or as other trust funds in the custody of the State
5 Treasurer in the manner provided by law. All interest or other income
6 or earnings derived from the investment or reinvestment of moneys in
7 the fund shall be credited to the fund. Such grants, contributions,
8 donations, and reimbursements from federal aid programs and from
9 other public or private sources as may be used lawfully for the
10 purposes of section 37 of this act shall also be held in the fund, but
11 shall be expended in accordance with any purposes for which the
12 moneys were designated and in compliance with any conditions or
13 requirements attached thereto. The moneys in the fund are specifically
14 dedicated and shall be applied to the cost of the purposes set forth in
15 section 37 of this act. Moneys in the fund shall not be expended
16 except in accordance with appropriations from the fund made by law.
17 Unexpended moneys due to project withdrawals, cancellations, or cost
18 savings shall be returned to the fund, except as otherwise provided
19 pursuant to paragraph (3) of subsection b. of section 23 of this act, to
20 be used for the purposes of the fund.
21 (cf: P.L.1999, c.152, s.20)

22

23 4. Section 21 of P.L.1999, c.152 (C.13:8C-21) is amended to read
24 as follows:

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

1 fund made by law. Unexpended moneys due to project withdrawals,
2 cancellations, or cost savings shall be returned to the fund, except as
3 otherwise provided pursuant to paragraph (3) of subsection c. of
4 section 23 of this act, to be used for the purposes of the fund.

5 (cf: P.L.1999, c.152, s.21)

6
7 5. This act shall take effect immediately.

8
9
10 STATEMENT

11
12 This bill provides that monies in the Garden State Green Acres
13 Preservation Trust Fund, the Garden State Historic Preservation Trust
14 Fund, and the Garden State Farmland Preservation Trust Fund may be
15 invested or reinvested in a broader range of investment vehicles than
16 currently provided for by law.

17 Current law provides that monies in the fund must be held in
18 interest-bearing accounts in those depositories as the State Treasurer
19 may select, and may be invested and reinvested as are other trust funds
20 in the custody of the State Treasurer. Current law also provides that
21 monies appropriated from the Garden State Historic Preservation
22 Trust Fund to the New Jersey Historic Trust for historic preservation
23 purposes must be used by the New Jersey Historic Trust to provide
24 grants to local government units or qualifying tax exempt nonprofit
25 organizations to pay a portion of the cost of preservation of historic
26 properties.

27 This bill would provide that the monies in the funds must be
28 invested in either permitted investments or must be held in interest-
29 bearing accounts in those depositories as the State Treasurer may
30 select. Permitted investments are defined in this bill to include bonds,
31 debentures, notes, repurchase agreements or investment agreements,
32 or other evidences of indebtedness issued by any agency or
33 instrumentality of the United States or by any corporation chartered
34 by the United States.

35
36
37
38
39 _____
40 Increases options for investment of Garden State Preservation Trust
Funds.

ASSEMBLY, No. 4474

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED DECEMBER 5, 2005

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblyman LOUIS D. GREENWALD

District 6 (Camden)

Co-Sponsored by:

Senators Adler and Asselta

SYNOPSIS

Increases options for investment of Garden State Preservation Trust Funds.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2005)

1 AN ACT concerning the investment of monies in the Garden State
2 Green Acres Preservation Trust Fund, the Garden State Historic
3 Preservation Trust Fund and the Garden State Farmland
4 Preservation Trust Fund, and amending P.L.1999, c.152.

5

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

8

9 1. Section 3 of P.L.1999, c.152 (C.13:8C-3) is amended to read as
10 follows:

11 3. As used in sections 1 through 42 of this act:

12 "Acquisition" or "acquire" means the obtaining of a fee simple or
13 lesser interest in land, including but not limited to a development
14 easement, a conservation restriction or easement, or any other
15 restriction or easement permanently restricting development, by
16 purchase, installment purchase agreement, gift, donation, eminent
17 domain by the State or a local government unit, or devise; except that
18 any acquisition of lands by the State for recreation and conservation
19 purposes by eminent domain shall be only as authorized pursuant to
20 section 28 of this act;

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

22 "Commissioner" means the Commissioner of Environmental
23 Protection;

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

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

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

37 "Cost" means the expenses incurred in connection with: all things
38 deemed necessary or useful and convenient for the acquisition or
39 development of lands for recreation and conservation purposes, the
40 acquisition of development easements or fee simple titles to farmland,
41 or the preservation of historic properties, as the case may be; the
42 execution of any agreements or franchises deemed by the Department
43 of Environmental Protection, State Agriculture Development

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

Matter underlined thus is new matter.

1 Committee, or New Jersey Historic Trust, as the case may be, to be
2 necessary or useful and convenient in connection with any project
3 funded in whole or in part using constitutionally dedicated moneys; the
4 procurement or provision of appraisal, archaeological, architectural,
5 conservation, design, engineering, financial, geological, historic
6 research, hydrological, inspection, legal, planning, relocation,
7 surveying, or other professional advice, estimates, reports, services, or
8 studies; the purchase of title insurance; the undertaking of feasibility
9 studies; the establishment of a reserve fund or funds for working
10 capital, operating, maintenance, or replacement expenses and for the
11 payment or security of principal or interest on bonds, as the Director
12 of the Division of Budget and Accounting in the Department of the
13 Treasury may determine; and reimbursement to any fund of the State
14 of moneys that may have been transferred or advanced therefrom to
15 any fund established by this act, or any moneys that may have been
16 expended therefrom for, or in connection with, this act;

17 "Department" means the Department of Environmental Protection;

18 "Development" or "develop" means, except as used in the
19 definitions of "acquisition" and "development easement" in this
20 section, any improvement made to a land or water area designed to
21 expand and enhance its utilization for recreation and conservation
22 purposes, and shall include the construction, renovation, or repair of
23 any such improvement, but shall not mean shore protection or beach
24 nourishment or replenishment activities;

25 "Development easement" means an interest in land, less than fee
26 simple title thereto, which interest represents the right to develop that
27 land for all nonagricultural purposes and which interest may be
28 transferred under laws authorizing the transfer of development
29 potential;

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

41 "Farmland preservation," "farmland preservation purposes" or
42 "preservation of farmland" means the permanent preservation of
43 farmland to support agricultural or horticultural production as the first
44 priority use of that land;

45 "Garden State Farmland Preservation Trust Fund" means the
46 Garden State Farmland Preservation Trust Fund established pursuant

1 to section 20 of this act;

2 "Garden State Green Acres Preservation Trust Fund" means the
3 Garden State Green Acres Preservation Trust Fund established
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10 P.L.1989, c.183; P.L.1992, c.88; P.L.1995, c.204; and any State
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12 enactment of this act for the purpose of providing funding for the
13 acquisition or development of lands for recreation and conservation
14 purposes;

15 "Historic preservation," "historic preservation purposes," or
16 "preservation of historic properties" means any work relating to the
17 conservation, improvement, interpretation, preservation, protection,
18 rehabilitation, renovation, repair, restoration, or stabilization of any
19 historic property, and shall include any work related to providing
20 access thereto for disabled or handicapped persons;

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

25 "Indoor recreation" means active recreation that otherwise is or
26 may be pursued outdoors but, for reasons of extending the season or
27 avoiding inclement weather, is or may be pursued indoors within a
28 fully or partially enclosed building or other structure, and includes
29 basketball, ice skating, racquet sports, roller skating, swimming, and
30 similar recreational activities and sports as determined by the
31 Department of Environmental Protection;

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

36 "Local government unit" means a county, municipality, or other
37 political subdivision of the State, or any agency, authority, or other
38 entity thereof; except, with respect to the acquisition and development
39 of lands for recreation and conservation purposes, "local government
40 unit" means a county, municipality, or other political subdivision of the
41 State, or any agency, authority, or other entity thereof the primary
42 purpose of which is to administer, protect, acquire, develop, or
43 maintain lands for recreation and conservation purposes;

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

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1 "Permitted investments" means any of the following securities:
2 (1) Bonds, debentures, notes or other evidences of indebtedness
3 issued by any agency or instrumentality of the United States to the
4 extent such obligations are guaranteed by the United States or by
5 another such agency the obligations (including guarantees) of which
6 are guaranteed by the United States;
7 (2) Bonds, debentures, notes or other evidences of indebtedness
8 issued by any corporation chartered by the United States, including,
9 but not limited to, Governmental National Mortgage Association,
10 Federal Land Banks, Federal Home Loan Mortgage Corporation,
11 Federal National Mortgage Association, Federal Home Loan Banks,
12 Federal Intermediate Credit Banks, Banks for Cooperatives, Tennessee
13 Valley Authority, United States Postal Service, Farmers Home
14 Administration, Resolution Funding Corporation, Export-Import
15 Bank, Federal Financing Bank and Student Loan Marketing
16 Association;
17 (3) Bonds, debentures, notes or commercial paper rated in the highest
18 two rating categories without regard to rating subcategories
19 (derogation) by all nationally recognized investment rating agencies or
20 by a nationally recognized investment rating agency if rated by only
21 one nationally recognized investment rating agency;
22 (4) Repurchase agreements or investment agreements and issued by
23 (i) a commercial bank or trust company or a national banking
24 association, each having a capital stock and surplus of more than
25 \$100,000,000, or (ii) an insurance company with the highest rating
26 provided by a nationally recognized insurance company rating agency,
27 or (iii) a broker/dealer, or (iv) a corporation; provided that the credit
28 of such commercial bank or trust company or national banking
29 association or insurance company or broker/dealer or corporation, as
30 the case may be, is rated (or, in the case of a broker/dealer or
31 corporation, whose obligations thereunder are guaranteed by a
32 commercial bank or trust company or a national banking association
33 or insurance company with the highest rating provided by a nationally
34 recognized insurance company rating agency or corporation whose
35 credit is rated) not lower than the "AA" category without regard to
36 rating subcategories (derogation) of any two nationally recognized
37 investment rating agencies then rating the State; provided that any
38 such agreement shall provide for the investment of funds and shall be
39 collateralized by obligations described in paragraph 1 or paragraph 2
40 or paragraph 3 above at a level of at least one hundred and two (102)
41 percent in principal amount of those obligations;
42 "Pinelands area" means the pinelands area as defined pursuant to
43 section 3 of P.L.1979, c.111 (C.13:18A-3);
44 "Pinelands regional growth area" means a regional growth area
45 established pursuant to the pinelands comprehensive management plan
46 adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.);

1 "Project" means all things deemed necessary or useful and
2 convenient in connection with the acquisition or development of lands
3 for recreation and conservation purposes, the acquisition of
4 development easements or fee simple titles to farmland, or the
5 preservation of historic properties, as the case may be;

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

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

29 "Qualifying tax exempt nonprofit organization" means a nonprofit
30 organization that is exempt from federal taxation pursuant to section
31 501 (c)(3) of the federal Internal Revenue Code, 26 U.S.C. s.501
32 (c)(3), and which qualifies for a grant pursuant to section 27, 39, or
33 41 of this act;

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

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

42 (cf: P.L.1999, c.152, s.3)

43

44 2. Section 19 of P.L.1999, c.152 (13:8C-19) is amended to read as
45 follows:

46 19. The State Treasurer shall establish a fund to be known as the

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

35 (cf: P.L.1999, c.152, s.19)

36

37 3. Section 20 of P.L.1999, c.152 (C.13:8C-20) is amended to read
38 as follows:

39 20. The State Treasurer shall establish a fund to be known as the
40 "Garden State Farmland Preservation Trust Fund." The State
41 Treasurer shall deposit into the fund all moneys transferred from the
42 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 invested in permitted investments or shall be held in
46 interest-bearing accounts in those depositories as the State Treasurer

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

19 (cf: P.L.1999, c.152, s.20)

20

21 4. Section 21 of P.L.1999, c.152 (C.13:8C-21) is amended to read
22 as follows:

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

1 otherwise provided pursuant to paragraph (3) of subsection c. of
2 section 23 of this act, to be used for the purposes of the fund.
3 (cf: P.L.1999, c.152, s.21)

4

5 5. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill provides that monies in the Garden State Green Acres
11 Preservation Trust Fund, the Garden State Historic Preservation Trust
12 Fund, and the Garden State Farmland Preservation Trust Fund may be
13 invested or reinvested in a broader range of investment vehicles than
14 currently provided for by law.

15 Current law provides that monies in the fund must be held in
16 interest-bearing accounts in those depositories as the State Treasurer
17 may select, and may be invested and reinvested as are other trust funds
18 in the custody of the State Treasurer. Current law also provides that
19 monies appropriated from the Garden State Historic Preservation
20 Trust Fund to the New Jersey Historic Trust for historic preservation
21 purposes must be used by the New Jersey Historic Trust to provide
22 grants to local government units or qualifying tax exempt nonprofit
23 organizations to pay a portion of the cost of preservation of historic
24 properties.

25 This bill would provide that the monies in the funds must be
26 invested in either permitted investments or must be held in interest-
27 bearing accounts in those depositories as the State Treasurer may
28 select. Permitted investments are defined in this bill to include bonds,
29 debentures, notes, repurchase agreements or investment agreements,
30 or other evidences of indebtedness issued by any agency or
31 instrumentality of the United States or by any corporation chartered
32 by the United States.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4474

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2005

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4474.

Assembly Bill No. 4474 provides that monies in the Garden State Green Acres Preservation Trust Fund, the Garden State Historic Preservation Trust Fund, and the Garden State Farmland Preservation Trust Fund may be invested or reinvested in a broader range of investment vehicles than currently provided for by law.

Current law provides that monies in the fund must be held in interest-bearing accounts in those depositories as the State Treasurer may select, and may be invested and reinvested as are other trust funds in the custody of the State Treasurer. Current law also provides that monies appropriated from the Garden State Historic Preservation Trust Fund to the New Jersey Historic Trust for historic preservation purposes must be used by the New Jersey Historic Trust to provide grants to local government units or qualifying tax exempt nonprofit organizations to pay a portion of the cost of preservation of historic properties.

This bill would provide that the monies in the funds must be invested in either permitted investments or must be held in interest-bearing accounts in those depositories as the State Treasurer may select. Permitted investments are defined in this bill to include bonds, debentures, notes, repurchase agreements or investment agreements, or other evidences of indebtedness issued by any agency or instrumentality of the United States or by any corporation chartered by the United States.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

SENATE, No. 1370

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 22, 2004

Sponsored by:

Senator JOHN H. ADLER

District 6 (Camden)

Senator NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Increases options for investment of Garden State Preservation Trust Funds;
authorizes historic preservation grants to DEP.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/17/2005)

S1370 ADLER, ASSELTA

2

1 AN ACT concerning the investment of monies in the Garden State
2 Green Acres Preservation Trust Fund, the Garden State Historic
3 Preservation Trust Fund, and the Garden State Farmland
4 Preservation Trust Fund, authorizing historic preservation grants
5 to the Department of Environmental Protection, and amending P.L.
6 1999, c.152.

7

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

10

11 1. Section 3 of P.L.1999, c.152 (C.13:8C-3) is amended to read as
12 follows:

13

3. As used in sections 1 through 42 of this act:

14

"Acquisition" or "acquire" means the obtaining of a fee simple or
15 lesser interest in land, including but not limited to a development
16 easement, a conservation restriction or easement, or any other
17 restriction or easement permanently restricting development, by
18 purchase, installment purchase agreement, gift, donation, eminent
19 domain by the State or a local government unit, or devise; except that
20 any acquisition of lands by the State for recreation and conservation
21 purposes by eminent domain shall be only as authorized pursuant to
22 section 28 of this act;

23

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

24

"Commissioner" means the Commissioner of Environmental
25 Protection;

26

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

28

"Constitutionally dedicated moneys" means any moneys made
29 available pursuant to Article VIII, Section II, paragraph 7 of the State
30 Constitution or through the issuance of bonds, notes or other
31 obligations by the trust, as prescribed by Article VIII, Section II,
32 paragraph 7 of the State Constitution and this act, or any moneys from
33 other sources deposited in the trust funds established pursuant to
34 sections 19, 20, and 21 of this act, and appropriated by law, for any of
35 the purposes set forth in Article VIII, Section II, paragraph 7 of the
36 State Constitution or this act;

37

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

39

"Cost" means the expenses incurred in connection with: all things
40 deemed necessary or useful and convenient for the acquisition or
41 development of lands for recreation and conservation purposes, the
42 acquisition of development easements or fee simple titles to farmland,
43 or the preservation of historic properties, as the case may be; the

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

Matter underlined thus is new matter.

1 execution of any agreements or franchises deemed by the Department
2 of Environmental Protection, State Agriculture Development
3 Committee, or New Jersey Historic Trust, as the case may be, to be
4 necessary or useful and convenient in connection with any project
5 funded in whole or in part using constitutionally dedicated moneys; the
6 procurement or provision of appraisal, archaeological, architectural,
7 conservation, design, engineering, financial, geological, historic
8 research, hydrological, inspection, legal, planning, relocation,
9 surveying, or other professional advice, estimates, reports, services, or
10 studies; the purchase of title insurance; the undertaking of feasibility
11 studies; the establishment of a reserve fund or funds for working
12 capital, operating, maintenance, or replacement expenses and for the
13 payment or security of principal or interest on bonds, as the Director
14 of the Division of Budget and Accounting in the Department of the
15 Treasury may determine; and reimbursement to any fund of the State
16 of moneys that may have been transferred or advanced therefrom to
17 any fund established by this act, or any moneys that may have been
18 expended therefrom for, or in connection with, this act;

19 "Department" means the Department of Environmental Protection;

20 "Development" or "develop" means, except as used in the
21 definitions of "acquisition" and "development easement" in this
22 section, any improvement made to a land or water area designed to
23 expand and enhance its utilization for recreation and conservation
24 purposes, and shall include the construction, renovation, or repair of
25 any such improvement, but shall not mean shore protection or beach
26 nourishment or replenishment activities;

27 "Development easement" means an interest in land, less than fee
28 simple title thereto, which interest represents the right to develop that
29 land for all nonagricultural purposes and which interest may be
30 transferred under laws authorizing the transfer of development
31 potential;

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

43 "Farmland preservation," "farmland preservation purposes" or
44 "preservation of farmland" means the permanent preservation of
45 farmland to support agricultural or horticultural production as the first
46 priority use of that land;

1 "Garden State Farmland Preservation Trust Fund" means the
2 Garden State Farmland Preservation Trust Fund established pursuant
3 to section 20 of this act;

4 "Garden State Green Acres Preservation Trust Fund" means the
5 Garden State Green Acres Preservation Trust Fund established
6 pursuant to section 19 of this act;

7 "Garden State Historic Preservation Trust Fund" means the Garden
8 State Historic Preservation Trust Fund established pursuant to section
9 21 of this act;

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

17 "Historic preservation," "historic preservation purposes," or
18 "preservation of historic properties" means any work relating to the
19 conservation, improvement, interpretation, preservation, protection,
20 rehabilitation, renovation, repair, restoration, or stabilization of any
21 historic property, and shall include any work related to providing
22 access thereto for disabled or handicapped persons;

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

27 "Indoor recreation" means active recreation that otherwise is or
28 may be pursued outdoors but, for reasons of extending the season or
29 avoiding inclement weather, is or may be pursued indoors within a
30 fully or partially enclosed building or other structure, and includes
31 basketball, ice skating, racquet sports, roller skating, swimming, and
32 similar recreational activities and sports as determined by the
33 Department of Environmental Protection;

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

38 "Local government unit" means a county, municipality, or other
39 political subdivision of the State, or any agency, authority, or other
40 entity thereof; except, with respect to the acquisition and development
41 of lands for recreation and conservation purposes, "local government
42 unit" means a county, municipality, or other political subdivision of the
43 State, or any agency, authority, or other entity thereof the primary
44 purpose of which is to administer, protect, acquire, develop, or
45 maintain lands for recreation and conservation purposes;

46 "New Jersey Historic Trust" means the entity established pursuant

1 to section 4 of P.L.1967, c.124 (C.13:1B-15.111);
2 "Notes" means the notes issued by the trust pursuant to this act;
3 "Permitted investments" means any of the following securities:
4 (1) Bonds, debentures, notes or other evidences of indebtedness
5 issued by any agency or instrumentality of the United States to the
6 extent such obligations are guaranteed by the United States or by
7 another such agency the obligations (including guarantees) of which
8 are guaranteed by the United States;
9 (2) Bonds, debentures, notes or other evidences of indebtedness
10 issued by any corporation chartered by the United States, including,
11 but not limited to, Governmental National Mortgage Association,
12 Federal Land Banks, Federal Home Loan Mortgage Corporation,
13 Federal National Mortgage Association, Federal Home Loan Banks,
14 Federal Intermediate Credit Banks, Banks for Cooperatives, Tennessee
15 Valley Authority, United States Postal Service, Farmers Home
16 Administration, Resolution Funding Corporation, Export-Import
17 Bank, Federal Financing Bank and Student Loan Marketing
18 Association;
19 (3) Bonds, debentures, notes or commercial paper rated in the highest
20 two rating categories without regard to rating subcategories
21 (derogation) by all nationally recognized investment rating agencies or
22 by a nationally recognized investment rating agency if rated by only
23 one nationally recognized investment rating agency;
24 (4) Repurchase agreements or investment agreements and issued by
25 (i) a commercial bank or trust company or a national banking
26 association, each having a capital stock and surplus of more than
27 \$100,000,000, or (ii) an insurance company with the highest rating
28 provided by a nationally recognized insurance company rating agency,
29 or (iii) a broker/dealer, or (iv) a corporation; provided that the credit
30 of such commercial bank or trust company or national banking
31 association or insurance company or broker/dealer or corporation, as
32 the case may be, is rated (or, in the case of a broker/dealer or
33 corporation, whose obligations thereunder are guaranteed by a
34 commercial bank or trust company or a national banking association
35 or insurance company with the highest rating provided by a nationally
36 recognized insurance company rating agency or corporation whose
37 credit is rated) not lower than the "AA" category without regard to
38 rating subcategories (derogation) of any two nationally recognized
39 investment rating agencies then rating the State; provided that any
40 such agreement shall provide for the investment of funds and shall be
41 collateralized by obligations described in paragraph 1 or paragraph 2
42 or paragraph 3 above at a level of at least one hundred and two (102)
43 percent in principal amount of those obligations;
44 "Pinelands area" means the pinelands area as defined pursuant to
45 section 3 of P.L.1979, c.111 (C.13:18A-3);
46 "Pinelands regional growth area" means a regional growth area

1 established pursuant to the pinelands comprehensive management plan
2 adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.);

3 "Project" means all things deemed necessary or useful and
4 convenient in connection with the acquisition or development of lands
5 for recreation and conservation purposes, the acquisition of
6 development easements or fee simple titles to farmland, or the
7 preservation of historic properties, as the case may be;

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

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

31 "Qualifying tax exempt nonprofit organization" means a nonprofit
32 organization that is exempt from federal taxation pursuant to section
33 501 (c)(3) of the federal Internal Revenue Code, 26 U.S.C. s.501
34 (c)(3), and which qualifies for a grant pursuant to section 27, 39, or
35 41 of this act;

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

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

44 (cf: P.L.1999, c.152, s.3)

45

46 2. Section 19 of P.L.1999, c.152 (13:8C-19) is amended to read as

1 follows:

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

37 (cf: P.L.1999, c.152, s.19)

38

39 3. Section 20 of P.L.1999, c.152 (C.13:8C-20) is amended to read
40 as follows:

41 20. The State Treasurer shall establish a fund to be known as the
42 "Garden State Farmland Preservation Trust Fund." The State
43 Treasurer shall deposit into the fund all moneys transferred from the
44 trust to the State Treasurer for deposit into the fund pursuant to
45 paragraph (2) of subsection a. of section 18 of this act and any other
46 moneys appropriated by law for deposit into the fund. Moneys in the

1 fund shall be invested in permitted investments or shall be held in
2 interest-bearing accounts in those depositories as the State Treasurer
3 may select, and may be invested and reinvested in permitted
4 investments or as other trust funds in the custody of the State
5 Treasurer in the manner provided by law. All interest or other income
6 or earnings derived from the investment or reinvestment of moneys in
7 the fund shall be credited to the fund. Such grants, contributions,
8 donations, and reimbursements from federal aid programs and from
9 other public or private sources as may be used lawfully for the
10 purposes of section 37 of this act shall also be held in the fund, but
11 shall be expended in accordance with any purposes for which the
12 moneys were designated and in compliance with any conditions or
13 requirements attached thereto. The moneys in the fund are specifically
14 dedicated and shall be applied to the cost of the purposes set forth in
15 section 37 of this act. Moneys in the fund shall not be expended
16 except in accordance with appropriations from the fund made by law.
17 Unexpended moneys due to project withdrawals, cancellations, or cost
18 savings shall be returned to the fund, except as otherwise provided
19 pursuant to paragraph (3) of subsection b. of section 23 of this act, to
20 be used for the purposes of the fund.
21 (cf: P.L.1999, c.152, s.20)

22

23 4. Section 21 of P.L.1999, c.152 (C.13:8C-21) is amended to read
24 as follows:

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

1 fund made by law. Unexpended moneys due to project withdrawals,
2 cancellations, or cost savings shall be returned to the fund, except as
3 otherwise provided pursuant to paragraph (3) of subsection c. of
4 section 23 of this act, to be used for the purposes of the fund.

5 (cf: P.L.1999, c.152, s.21)

6

7 5. Section 41 of P.L.1999, c.152 (C.13:8C-41) is amended to read
8 as follows;

9 41. a. Moneys appropriated from the Garden State Historic
10 Preservation Trust Fund to the New Jersey Historic Trust for historic
11 preservation purposes shall be used by the New Jersey Historic Trust
12 to provide grants to the Department, to local government units or
13 qualifying tax exempt nonprofit organizations to pay a portion of the
14 cost of preservation of historic properties. Grants shall be awarded on
15 a competitive basis based upon the following criteria:

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

19 (2) demonstration by the applicant of administrative capabilities to
20 carry out the preservation plans required pursuant to paragraph (1) of
21 this subsection;

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

24 (4) evidence that the historic property is and shall remain accessible
25 to the public, or if it is not accessible to the public at the time of
26 application, that it shall be made, and shall remain, accessible to the
27 public.

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

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

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

39 (3) demonstrate that it has the resources to match the grant
40 requested;

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

46 (5) in the case of a qualifying tax exempt nonprofit organization,

1 agree not to convey the historic property to any person or organization
2 that does not have tax exempt nonprofit or governmental status
3 without the approval of the New Jersey Historic Trust.

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

8 d. No grant awarded pursuant to this section may exceed
9 \$750,000.

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

12 f. Any local government unit or qualifying tax exempt nonprofit
13 organization awarded a grant pursuant to this section shall execute a
14 contract between that entity and the New Jersey Historic Trust within
15 18 months after the date of the appropriation by law of the moneys for
16 the grant, or the grant for the project shall lapse into the Garden State
17 Historic Preservation Trust Fund.

18 g. The New Jersey Historic Trust shall establish an advisory
19 committee composed of trustees of the New Jersey Historic Trust and
20 other individuals with the requisite professional expertise to evaluate
21 the grant applications submitted pursuant to this section and to advise
22 the New Jersey Historic Trust on the merits of each application
23 received.

24 h. 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 (cf: P.L.1999, c.152, s.41)

29
30 6. This act shall take effect immediately.

31
32
33 STATEMENT

34
35 This bill provides that monies in the Garden State Green Acres
36 Preservation Trust Fund, the Garden State Historic Preservation Trust
37 Fund, and the Garden State Farmland Preservation Trust Fund may be
38 invested or reinvested in a broader range of investment vehicles than
39 currently provided for by law. This bill also provides that monies
40 appropriated from the Garden State Historic Preservation Trust Fund
41 to the New Jersey Historic Trust for historic preservation purposes
42 may be used by the New Jersey Historic Trust to provide grants to the
43 Department of Environmental Protection.

44 Current law provides that monies in the fund shall be held in
45 interest-bearing accounts in those depositories as the State Treasurer
46 may select, and may be invested and reinvested as are other trust funds

1 in the custody of the State Treasurer. Current law also provides that
2 monies appropriated from the Garden State Historic Preservation
3 Trust Fund to the New Jersey Historic Trust for historic preservation
4 purposes shall be used by the New Jersey Historic Trust to provide
5 grants to local government units or qualifying tax exempt nonprofit
6 organizations to pay a portion of the cost of preservation of historic
7 properties. This bill would provide that the monies in the funds shall
8 be invested in either permitted investments or shall be held in interest-
9 bearing accounts in those depositories as the State Treasurer may
10 select. Monies shall be invested or reinvested in either permitted
11 investments or other trust funds in the custody of the State Treasurer.
12 In addition, this bill also provides that monies appropriated from the
13 Garden State Historic Preservation Trust Fund to the New Jersey
14 Historic Trust for historic preservation purposes may be used by the
15 New Jersey Historic Trust to provide grants to the Department of
16 Environmental Protection. Permitted investments are defined in this
17 bill to include bonds, debentures, notes, repurchase agreements or
18 investment agreements, or other evidences of indebtedness issued by
19 any agency or instrumentality of the United States or by any
20 corporation chartered by the United States.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1370

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 2005

The Senate State Government Committee reports favorably and with committee amendments Senate, No. 1370.

This bill provides that monies in the Garden State Green Acres Preservation Trust Fund, the Garden State Historic Preservation Trust Fund, and the Garden State Farmland Preservation Trust Fund may be invested or reinvested in a broader range of investment vehicles than currently provided for by law.

Current law provides that monies in the fund must be held in interest-bearing accounts in those depositories as the State Treasurer may select, and may be invested and reinvested as are other trust funds in the custody of the State Treasurer. Current law also provides that monies appropriated from the Garden State Historic Preservation Trust Fund to the New Jersey Historic Trust for historic preservation purposes must be used by the New Jersey Historic Trust to provide grants to local government units or qualifying tax exempt nonprofit organizations to pay a portion of the cost of preservation of historic properties.

This bill would provide that the monies in the funds must be invested in either permitted investments or must be held in interest-bearing accounts in those depositories as the State Treasurer may select. Permitted investments are defined in this bill to include bonds, debentures, notes, repurchase agreements or investment agreements, or other evidences of indebtedness issued by any agency or instrumentality of the United States or by any corporation chartered by the United States.

The committee amended the bill to delete the provision that monies appropriated from the Garden State Historic Preservation Trust Fund to the New Jersey Historic Trust for historic preservation purposes may be used by the New Jersey Historic Trust to provide grants to the Department of Environmental Protection.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1370

STATE OF NEW JERSEY

DATED: JUNE 23, 2005

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1370 (1R).

This bill provides that monies in the Garden State Green Acres Preservation Trust Fund, the Garden State Historic Preservation Trust Fund, and the Garden State Farmland Preservation Trust Fund may be invested or reinvested in a broader range of investment vehicles than currently provided for by law.

Current law provides that monies in the fund must be held in interest-bearing accounts in those depositories as the State Treasurer may select, and may be invested and reinvested as are other trust funds in the custody of the State Treasurer. Current law also provides that monies appropriated from the Garden State Historic Preservation Trust Fund to the New Jersey Historic Trust for historic preservation purposes must be used by the New Jersey Historic Trust to provide grants to local government units or qualifying tax exempt nonprofit organizations to pay a portion of the cost of preservation of historic properties.

This bill would provide that the monies in the funds must be invested in either permitted investments or must be held in interest-bearing accounts in those depositories as the State Treasurer may select. Permitted investments are defined in this bill to include bonds, debentures, notes, repurchase agreements or investment agreements, or other evidences of indebtedness issued by any agency or instrumentality of the United States or by any corporation chartered by the United States.

FISCAL IMPACT:

This bill is not certified for a Fiscal Note.