

SENATE, No. 1311

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

SYNOPSIS

Establishes NJ State Parks and Forests Foundation.

CURRENT VERSION OF TEXT

As introduced.



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

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

3

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

6

7 1. As used in this act:

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

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

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

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

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

21

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29
30 6. This act shall take effect immediately.

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STATEMENT

34

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

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

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

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

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

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

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

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