

SENATE, No. 4053

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 27, 2023

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senators Gopal and Vitale

SYNOPSIS

Appropriates \$87,783,515 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects, and for certain administrative expenses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/30/2023)

1 AN ACT appropriating \$87,783,515 from constitutionally dedicated
2 corporation business tax revenues and various Green Acres funds
3 to assist local government units to acquire or develop lands for
4 recreation and conservation purposes, and for certain
5 administrative expenses.

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

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10 1. As used in this act:

11 “Constitutionally dedicated corporation business tax revenues”
12 means corporation business tax revenues dedicated pursuant to
13 Article VIII, Section II, paragraph 6 of the State Constitution in the
14 “Preserve New Jersey Green Acres Fund” for the acquisition or
15 development of lands by local government units for recreation and
16 conservation purposes in accordance with the provisions of
17 P.L.2016, c.12 (C.13:8C-43 et seq.).

18 “Densely or highly populated municipality” means a
19 municipality with a population density of at least 5,000 persons per
20 square mile, or a population of at least 35,000 persons, according to
21 the latest federal decennial census.

22 “Densely populated county” means a county with a population
23 density of at least 5,000 persons per square mile according to the
24 latest federal decennial census.

25 “Garden State Green Acres Preservation Trust Fund” means the
26 fund established pursuant to section 19 of P.L.1999, c.152
27 (C.13:8C-19).

28 “Green Acres bond act” means P.L.2009, c.117, P.L.2007, c.119,
29 P.L.1995, c.204, P.L.1992, c.88, P.L.1989, c.183, P.L.1987, c.265,
30 and P.L.1983, c.354.

31 “Highly populated county” means a county with a population
32 density of at least 1,000 persons per square mile according to the
33 latest federal decennial census.

34 “Preserve New Jersey Green Acres Fund” means the fund
35 established pursuant to section 6 of the “Preserve New Jersey Act,”
36 P.L.2016, c.12 (C.13:8C-48).

37 “Stewardship activity” means the same as the term is defined in
38 section 3 of the “Preserve New Jersey Act,” P.L.2016, c.12
39 (C.13:8C-45).

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41 2. There is appropriated to the Department of Environmental
42 Protection the following sums for the purpose of providing grants or
43 loans, or both, to assist local government units to acquire lands for
44 recreation and conservation purposes pursuant to section 4 of this
45 act and for the purpose of providing grants or loans, or both, to
46 assist local government units to develop lands for recreation and
47 conservation purposes pursuant to section 5 of this act:

S4053 GREENSTEIN, TURNER

1 a. \$81,361,250 from constitutionally dedicated corporation
2 business tax revenues. Of the amount appropriated pursuant to this
3 subsection, the sum of \$255,000 is available due to interest earnings
4 on the constitutionally dedicated corporation business tax revenues;
5 and

6 b. \$2,153,515 from the “Garden State Green Acres
7 Preservation Trust Fund” and any Green Acres fund established
8 pursuant to a Green Acres bond act, made available due to loan
9 repayments and interest earnings.

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11 3. a. There is appropriated from the General Fund to the
12 “Preserve New Jersey Green Acres Fund” the sum of \$85,630,000
13 to implement the provisions of this act.

14 b. Of the amount appropriated pursuant to subsection a. of this
15 section, the sum of \$4,268,750 is appropriated from the “Preserve
16 New Jersey Green Acres Fund” to the Department of Environmental
17 Protection for the purposes of paying administrative costs
18 associated with administering the applicable provisions of
19 P.L.2016, c.12 (C.13:8C-43 et seq.).

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21 4. a. The following planning incentive acquisition projects to
22 acquire lands for recreation and conservation purposes are eligible
23 for funding with the moneys appropriated pursuant to section 2 of
24 this act:

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LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Oakland Boro	Bergen	Boro of Oakland Open Space & Recreation Plan	\$700,000
River Vale Twp	Bergen	Watershed Property Acquisition	66,650
Burlington County	Burlington	Planning Incentive	1,000,000
Evesham Twp	Burlington	Planning Incentive	1,000,000
Camden County	Camden	Open Space Plan	1,500,000
Livingston Twp	Essex	Open Space Acquisition	700,000
Verona Twp	Essex	Verona Open Space Acquisition	700,000
Gloucester County	Gloucester	Open Space Plan	1,400,000
Washington Twp	Gloucester	Open Space & Recreation Project	270,000
Bethlehem Twp	Hunterdon	Open Space Plan Implementation	400,000
Lebanon Twp	Hunterdon	Lebanon Twp Preservation Priorities	350,000
Raritan Twp	Hunterdon	Land Acquisition Plan	700,000
Union Twp	Hunterdon	Union Twp Open Space Plan	700,000

S4053 GREENSTEIN, TURNER

Hamilton Twp	Mercer	Hamilton Township Open Space Acquisition	1,050,000
Hopewell Twp	Mercer	Hopewell Open Space Acquisition	500,000
Lawrence Twp	Mercer	Open Space Plan Acquisition	272,167
Pennington Boro	Mercer	Pennington Greenbelt Planning Incentive	300,000
Princeton Boro	Mercer	Princeton Open Space Acquisition	700,000
Robbinsville Twp	Mercer	Green Links Program	700,000
West Windsor Twp	Mercer	West Windsor Planning Incentive	700,000
Middlesex County	Middlesex	Middlesex County Open Space Acquisition	1,280,000
North Brunswick Twp	Middlesex	North Brunswick Plan	1,050,000
Monmouth County	Monmouth	Planning Incentive Acquisition	1,750,000
Millstone Twp	Monmouth	Millstone Planning Incentive-Project Evergreen	700,000
Madison Boro	Morris	Madison Boro Open Space Acquisition	500,000
Ocean County	Ocean	Planning Incentive Grant	1,400,000
Brick Twp	Ocean	Open Space & Recreation Plan	1,200,000
Manchester Twp	Ocean	Planning Incentive	1,050,000
Passaic County	Passaic	Open Space Plan Acquisitions	1,750,000
Somerset County	Somerset	County Open Space Acquisition	1,400,000
TOTAL			\$25,788,817

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b. The following standard acquisition projects to acquire lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Wood-Ridge Boro	Bergen	Wood-Ridge Recreation Complex Acquisition	\$750,000
TOTAL			\$750,000

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c. The following site-specific incentive acquisition projects to acquire lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

S4053 GREENSTEIN, TURNER

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LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Mansfield Twp	Burlington	Land Acquisition	\$700,000
TOTAL			\$700,000
GRAND TOTAL			\$27,238,817

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2 5. a. The following projects to develop lands for recreation and
3 conservation purposes, located in municipalities eligible to receive
4 State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) either
5 as of June 30, 2021 or the effective date of this act, or sponsored by
6 densely populated counties, are eligible for funding with the
7 moneys appropriated pursuant to section 2 of this act:

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LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Pleasantville City	Atlantic	Bayview Avenue Waterfront Park	\$1,190,000
Bergenfield Boro	Bergen	PAL Field Lighting Improvement Project	455,000
Cliffside Park Boro	Bergen	Honor Park Redevelopment Project	621,460
Garfield City	Bergen	Columbus Park Improvements	1,260,000
Hackensack City	Bergen	Columbus & Carver Park Improvements	843,416
Mount Holly Twp	Burlington	Iron Works Park Improvements	900,000
Gloucester City	Camden	Johnson Park Improvements	830,000
Gloucester Twp	Camden	Playground Improvements	586,521
Pennsauken Twp	Camden	Pennsauken Pool Complex	654,000
Vineland City	Cumberland	Romano Complex Improvements	1,400,000
Essex County	Essex	Weequahic Park Improvements	1,807,550
Bloomfield Twp	Essex	Clarks Pond South & Vassar Field Improvements	396,381
Irvington Twp	Essex	Center Playground Civic Square Park Improvements	276,310
Newark City	Essex	Broadway Park	1,400,000
Nutley Twp	Essex	Monsignor Owens Park Improvements	528,755
Orange City Twp	Essex	Metcalf Park Improvements	481,590
Woodbury City	Gloucester	Francis Avenue Park Improvements	597,200
Hudson County	Hudson	Laurel Hill Park Phase IV	1,500,000

S4053 GREENSTEIN, TURNER

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Harrison Town	Hudson	Cape May Street Waterfront Park	1,400,000
Hoboken City	Hudson	Southwest Park Development	1,400,000
Jersey City	Hudson	Leonard Gordon Park Improvement Project	600,000
Weehawken Twp	Hudson	Weehawken Recreation Pier & Bridge Project	997,988
Trenton City	Mercer	Assunpink Greenway Park Development	1,400,000
Carteret Boro	Middlesex	Arthur Kill River Walk North	1,400,000
Old Bridge Twp	Middlesex	Cottrell Farm Park Development	1,400,000
Perth Amboy City	Middlesex	Raritan Riverfront Park	1,300,000
Woodbridge Twp	Middlesex	Dog Park & Marina Improvements	1,285,113
Clifton City	Passaic	Nash Park Improvements	1,400,000
Passaic City	Passaic	Third Ward Veterans Memorial Park Improvements	1,400,000
Paterson City	Passaic	Westside Park Improvements	1,400,000
Salem City	Salem	Salem City Pool Recreational Area	46,203
Plainfield City	Union	Rushmore Ave. Rec. Complex – Phase II	1,400,000
Roselle Boro	Union	Warren Street Park Development	1,011,408
TOTAL			\$33,568,895

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b. The following projects to develop lands for recreation and conservation purposes, located in densely or highly populated municipalities or sponsored by highly populated counties, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Egg Harbor Twp	Atlantic	Tony Canale Park Improvements	\$1,050,000
Bergen County	Bergen	Riverside County Park South	1,750,000
Edgewater Boro	Bergen	Edgewater Dog Park Improvements	172,068
Elmwood Park Boro	Bergen	Elmwood Drive Park Improvement Project	269,619
Englewood City	Bergen	Mackay Park Revitalization Project	364,300
Fairview Boro	Bergen	Columbus Park Improvements Project	330,000

S4053 GREENSTEIN, TURNER

Fort Lee Boro	Bergen	Inwood Terrace Park Improvements Project	475,000
North Arlington Boro	Bergen	Allan Park Improvements	222,813
Teaneck Twp	Bergen	Herrick Park Improvements Project	750,000
Riverside Twp	Burlington	Spring Garden Park Upgrade	340,500
Mercer County	Mercer	Fields and Lighting at Mercer County Park	1,750,000
Freehold Boro	Monmouth	Musgrave Park Improvements Project	115,883
Keyport Boro	Monmouth	Fireman's Park Improvements	900,000
Prospect Park Boro	Passaic	Hofstra Park Playground Improvements	754,250
Union Twp	Union	Bill Kilb Park Improvements	297,280
TOTAL			\$9,541,713

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2 c. The following standard park development projects are
3 eligible for funding with the moneys appropriated pursuant to
4 section 2 of this act:

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LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Hamilton Twp	Atlantic	Liepe Recreation Complex Expansion	\$700,000
Burlington Twp	Burlington	Improvements at Green Acres II Park	700,000
Morris Twp	Morris	Collinsville Playground Tucker Field	562,000
TOTAL			\$1,962,000

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7 d. The following projects for stewardship activities are eligible
8 for funding with the moneys appropriated pursuant to section 2 of
9 this act:

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LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Oradell Boro	Bergen	Lotus Woods Nature Walk Improvements	\$80,213
Saddle River Boro	Bergen	Rindlaub Park Trail & Streambank Restoration	291,964
Evesham Twp	Burlington	Passive Park Improvements	71,252
Belleville Twp	Essex	Rifle Range Preserve Project	141,750
Harrison Town	Hudson	Cape May Street Waterfront Park	1,400,000

S4053 GREENSTEIN, TURNER

Hamilton Twp	Mercer	Sayen Gardens Restoration Project	310,364
Morristown Town	Morris	Burnham Park Lower Pond Restoration	900,000
Passaic County	Passaic	Lambert Castle Landscape Restoration	500,000
Fanwood Boro	Union	Fanwood Nature Center Rescue Initiative	82,672
TOTAL			\$3,778,215

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e. The following projects for completely inclusive playgrounds, pursuant to section 4 of P.L.2018, c.104 (C.13:8C-27.1), are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

COUNTY	PROJECT	APPROVED AMOUNT
Bergen County	Riverside County Park South Inclusive Playground	\$1,000,000
Burlington County	Nature Playground	1,000,000
Camden County	Jake's Place at New Brooklyn Park	1,000,000
Cumberland County	Completely Inclusive Playground at County Library	1,000,000
Hudson County	Inclusive Playground at JJ Braddock	1,000,000
Middlesex County	Inclusive Playground at David B. Crabiel Park	750,000
Ocean County	Eno's Pond County Park Inclusive Playground	771,750
Passaic County	Camp Hope Inclusive Playground	903,375
TOTAL		\$7,425,125
GRAND TOTAL		\$56,275,948

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6. a. Any transfer of funds, or change in project sponsor, site, or type, listed in section 4 or 5 of this act shall require the approval of the Joint Budget Oversight Committee or its successor.

b. To the extent that moneys remain available after the projects listed in section 4 or 5 of this act are offered funding pursuant thereto, any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, or that receives funding approved pursuant to this act, shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

1 7. a. There is reappropriated to the Department of
2 Environmental Protection the unexpended balances, due to project
3 withdrawals, cancellations, or cost savings, of the amounts
4 appropriated or reappropriated from any Green Acres bond act, any
5 annual appropriations act, or the Garden State Green Acres
6 Preservation Trust Fund to assist local government units to acquire
7 or develop lands for recreation and conservation purposes, for the
8 purposes of providing:

9 (1) grants or loans, or both, to assist local government units to
10 acquire or develop lands for recreation and conservation purposes,
11 for projects approved as eligible for such funding pursuant to this
12 act; and

13 (2) additional funding, as determined by the Department of
14 Environmental Protection, to any project of a local government unit
15 that previously received funding appropriated or reappropriated
16 from any Green Acres bond act, any annual appropriations act, or
17 the Garden State Green Acres Preservation Trust Fund for
18 recreation and conservation purposes or that receives funding
19 approved pursuant to this act, subject to the approval of the Joint
20 Budget Oversight Committee or its successor. Any such additional
21 funding provided from a Green Acres bond act may include
22 administrative costs.

23 b. There is appropriated to the Department of Environmental
24 Protection such sums as may be, or may become, available on or
25 before June 30, 2023, due to interest earnings or loan repayments in
26 any "Green Trust Fund" established pursuant to a Green Acres bond
27 act or in the "Garden State Green Acres Preservation Trust Fund,"
28 for the purpose of providing:

29 (1) grants or loans, or both, to assist local government units to
30 acquire or develop lands for recreation and conservation purposes,
31 for projects approved as eligible for such funding pursuant to this
32 act; and

33 (2) additional funding, as determined by the Department of
34 Environmental Protection, to any project of a local government unit
35 that previously received funding appropriated or reappropriated
36 from any Green Acres bond act, any annual appropriations act, or
37 the Garden State Green Acres Preservation Trust Fund for
38 recreation and conservation purposes or that receives funding
39 approved pursuant to this act, subject to the approval of the Joint
40 Budget Oversight Committee or its successor. Any such additional
41 funding provided from a Green Acres bond act may include
42 administrative costs.

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44 8. This act shall take effect immediately.

STATEMENT

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This bill appropriates \$87,783,515 from constitutionally dedicated corporation business tax (CBT) revenues and various Green Acres funds to the Department of Environmental Protection (DEP). Of the total amount appropriated by the bill, \$83,514,765 would be used by the DEP to provide grants or loans, or both, to assist local government units in the State to acquire or develop lands for recreation and conservation purposes, and \$4,268,750 would be used for the DEP's associated administrative costs.

Of the total amount appropriated, \$85,630,000 is from constitutionally dedicated CBT revenues, including \$255,000 made available due to interest earnings, and \$2,153,515 is made available due to loan repayments and interest earnings from the "Garden State Green Acres Preservation Trust Fund" and various Green Acres funds established pursuant to a Green Acres bond act.

The CBT revenues appropriated in this bill are provided from constitutionally dedicated CBT revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution. The "Preserve New Jersey Act" implements the constitutional dedication of CBT revenues for open space, farmland, and historic preservation. The "Preserve New Jersey Green Acres Fund" was established by section 6 of the "Preserve New Jersey Act." The act provides that a certain amount of the portion of dedicated CBT revenues allocated each year for the Green Acres program is to be used for: the acquisition of lands for open space, including Blue Acres projects, and development projects on State lands administered by the DEP's Division of Fish and Wildlife and Division of Parks and Forestry; grants and loans to fund local government open space acquisition and development projects; and grants to nonprofit entities to acquire or develop lands for recreation and conservation purposes.

This bill appropriates funds to be used for grants and loans to fund local government open space acquisition and development projects. Further, of the funding allocated for local open space acquisition and development projects, a certain percentage may be used to fund stewardship activities undertaken by local governments. "Stewardship activity" is defined in the act as an activity, which is beyond routine operations and maintenance, undertaken to repair or restore lands acquired or developed for recreation and conservation purposes for the purpose of enhancing or protecting those lands for recreation and conservation purposes.

The total amount of funding allocated for local government projects listed in this bill is \$83,514,765. Of this amount, \$27,238,817 is for projects to acquire lands for recreation and conservation purposes identified in section 4 of the bill, and \$56,275,948 is for projects to develop lands for recreation and conservation purposes identified in section 5 of the bill.

1 Of the sum for projects to acquire lands for recreation and
2 conservation purposes: \$25,788,817 is allocated for planning
3 incentive open space acquisition projects (i.e., projects located in
4 municipalities and counties that have an open space tax and an
5 approved open space plan); \$750,000 is allocated for standard open
6 space acquisition projects (i.e., projects located in municipalities
7 that do not have an open space tax); and \$700,000 is allocated for
8 site-specific incentive acquisition projects (i.e., projects located in
9 municipalities that have an open space tax, but do not have an open
10 space plan).

11 Of the sum for projects to develop lands for recreation and
12 conservation purposes: \$33,568,895 is allocated for local park
13 development projects in urban aid municipalities or sponsored by
14 densely populated counties; \$9,541,713 is allocated for local park
15 development projects in densely or highly populated municipalities
16 or sponsored by highly populated counties; \$1,962,000 is allocated
17 for standard local park development projects (i.e., projects located
18 in municipalities that do not meet the criteria of the prior two
19 categories); \$3,778,215 is allocated for stewardship activity
20 projects; and \$7,425,125 is allocated for completely inclusive
21 playground projects, pursuant to section 4 of P.L.2018, c.104
22 (C.13:8C-27.1), otherwise known as “Jake’s Law.”

23 The projects listed in the bill have been approved by the DEP
24 and the Garden State Preservation Trust (GSPT).

25 The projects approved by the bill include projects in “urban aid”
26 and densely or highly populated municipalities and counties. The
27 bill defines a “densely or highly populated municipality” as a
28 municipality with a population density of at least 5,000 persons per
29 square mile or a population of at least 35,000 persons; a “densely
30 populated county” as a county with a population density of at least
31 5,000 persons per square mile; and a “highly populated county” as a
32 county with a population density of at least 1,000 persons per
33 square mile.

34 To the extent that there are funds remaining after the local
35 government unit projects listed in this bill are offered funding, the
36 bill also authorizes the DEP, with the approval of the Joint Budget
37 Oversight Committee (JBOC), to use those funds to provide
38 additional funding for local government unit projects listed in this
39 bill as well as for local government unit projects previously
40 approved for funding pursuant to various other laws.