ASSEMBLY, No. 2104

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:
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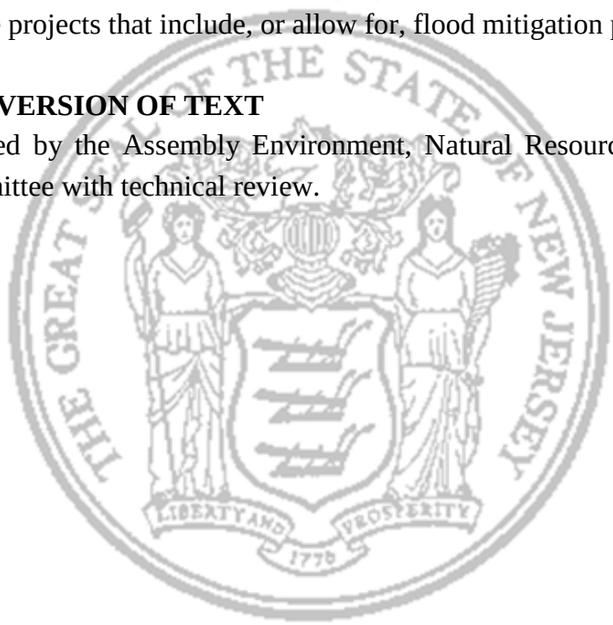
Co-Sponsored by:
Assemblymen Verrelli, Karabinchak, Stanley, Freiman, Tully, Assemblywomen Swain, Reynolds-Jackson, Carter, Hall, Drulis, Speight, Donlon and Peterpaul

SYNOPSIS

Requires DEP to prioritize funding for certain projects for acquisition of lands for recreation and conservation purposes and certain environmental infrastructure projects that include, or allow for, flood mitigation projects.

CURRENT VERSION OF TEXT

As reported by the Assembly Environment, Natural Resources, and Solid Waste Committee with technical review.



(Sponsorship Updated As Of: 12/19/2024)

AN ACT concerning funding for certain recreation and conservation projects and certain environmental infrastructure projects that include, or allow for, flood mitigation projects and amending P.L.1999, c.152, P.L.1985, c.334, and P.L.1997, c.224.

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

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

24. a. (1) There is established in the Department of Environmental Protection the Office of Green Acres. The commissioner may appoint an administrator or director who shall supervise the office, and the department may employ such other personnel and staff as may be required to carry out the duties and responsibilities of the department and the office pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-43 et seq.), all without regard to the provisions of Title 11A, Civil Service, of the New Jersey Statutes. Persons appointed or employed as provided pursuant to this subsection shall be compensated in a manner similar to other employees in the Executive Branch, and their compensation shall be determined by the Civil Service Commission.

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

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

(1) Administer all provisions of P.L.1999, c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-43 et seq.) pertaining to funding the acquisition and development of lands for recreation and conservation purposes as authorized pursuant to Article VIII, Section II, paragraph 6 and paragraph 7 of the State Constitution;

(2) Continue to administer all grant and loan programs for the acquisition and development of lands for recreation and conservation purposes, including the Green Trust, established or funded for those purposes pursuant to: P.L.1961, c.45 (C.13:8A-1

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 <u>thus</u> is new matter.

et seq.); P.L.1971, c.419 (C.13:8A-19 et seq.); P.L.1975, c.155 (C.13:8A-35 et seq.); or any Green Acres bond act;

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

(a) establishing application procedures for grants and loans for the acquisition and development of lands for recreation and conservation purposes, criteria and policies for the evaluation and priority ranking of projects for eligibility to receive funding for recreation and conservation purposes using constitutionally dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.), any conditions that may be placed on the award of a grant or loan for recreation and conservation purposes pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or P.L.2016, c.12 (C.13:8C-43 et al.), and any restrictions that may be placed on the use of lands acquired or developed with a grant or loan for recreation and conservation purposes pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or P.L.2016, c.12 (C.13:8C-43 et seq.). The criteria and policies established pursuant to this subparagraph for the evaluation and priority ranking of projects for eligibility to receive funding for recreation and conservation purposes using constitutionally dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.) may be based upon, but need not be limited to, such factors as: protection of the environment, natural resources, water resources, watersheds, aquifers, wetlands, floodplains and flood-prone areas, stream corridors, beaches and coastal resources, forests and grasslands, scenic views, biodiversity, habitat for wildlife, rare, threatened, or endangered species, and plants; vernal habitat; degree of likelihood of development; promotion of greenways; provision for recreational access and use; protection of geologic, historic, archaeological, and cultural resources; relative cost; parcel size; and degree of public support;

(b) addressing any other matters deemed necessary to implement and carry out the goals and objectives of Article VIII, Section II, paragraph 6 and paragraph 7 of the State Constitution and P.L.1999, c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-43 et seq.) with respect to the acquisition and development of lands for recreation and conservation purposes, including the acquisition of lands for recreation and conservation purposes that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage; and

(c) establishing application requirements and a fee schedule for the review by the department of applications to convey, dispose of, or divert to a use other than recreation and conservation purposes

lands acquired or developed by a local government unit or a qualifying tax exempt nonprofit organization for recreation and conservation purposes using funds from any Green Acres bond act, constitutionally dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.), or constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.), or lands held by the local government unit for recreation and conservation purposes at the time of receipt of such funds. The fees established pursuant to this subparagraph shall reflect the costs of the Office of Green Acres incurred in processing and reviewing applications to convey, dispose of, or divert lands acquired, developed, or held for recreation and conservation purposes to a use other than recreation and conservation purposes. All fees collected pursuant to the fee schedule adopted pursuant to this subparagraph shall be used to offset the administrative costs of the Office of Green Acres associated with such reviews pursuant to the provisions of section 13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-35), and section 11 of P.L.2016, c.12 (C.13:8C-53), as appropriate, and any other applicable law; and

(4) Establishing criteria and policies for the evaluation and priority ranking of State projects to acquire and develop lands for recreation and conservation purposes using constitutionally dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.), which criteria and policies may be based upon, but need not be limited to, such factors as: protection of the environment, natural resources, water resources, watersheds, aquifers, wetlands, floodplains and flood-prone areas, stream corridors, beaches and coastal resources, forests and grasslands, scenic views, biodiversity, habitat for wildlife, rare, threatened, or endangered species, and plants; vernal habitat; degree of likelihood of development; promotion of greenways; provision for recreational access and use; protection of geologic, historic, archaeological, and cultural resources; relative cost; parcel size; and degree of public support.

c. In addition to the criteria and policies established pursuant to subsection b. of this section, when evaluating and ranking projects for eligibility to receive constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et al.), the office shall consider and provide priority, to the extent consistent with State and federal law, to Blue Acres projects, as defined in section 3 of P.L.2016, c.12 (C.13:8C-45), that include, or allow for, a flood mitigation project to occur onsite.

(cf: P.L.2019, c.136, s.7)

2. Section 20 of P.L.1985, c.334 (C.58:11B-20) is amended to read as follows:

20. a. (1) The Commissioner of Environmental Protection shall for each fiscal year develop a priority system for wastewater treatment systems and shall establish the ranking criteria and funding policies for the clean water projects to be financed by the New Jersey Environmental Infrastructure Financing Program. The commissioner shall set forth an Interim Clean Water Financing Program Project Priority List, hereinafter referred to as the "clean water project priority list," for funding by the trust for each fiscal year and shall include the aggregate amount of funds of the trust to be authorized for these purposes. The clean water project priority list may include any stormwater management or combined sewer overflow abatement project identified in the stormwater management and combined sewer overflow abatement project priority list adopted by the commissioner pursuant to section 28 of P.L.1989, c.181.

The clean water project priority list, which shall include for each wastewater treatment system the date each project is scheduled to be certified as ready for funding, shall be in conformance with applicable provisions of the "Federal Water Pollution Control Act Amendments of 1972," Pub.L.92-500 (33 U.S.C. s.1251 et al.), and any amendatory or supplementary acts thereto, and State law, or in the case of a wastewater treatment system project for the reduction of lead in a publicly owned facility, conformance with requirements established by the Department of Environmental Protection for those projects or, in the case of a wastewater treatment system project financed through another source of funds, conformance with the requirements established by the department and the other source of funds for that project. The clean water project priority list shall include a description of each project and its purpose, impact, cost, and construction schedule, and an explanation of the manner in which priorities were established.

The department shall, to the extent consistent with federal law, assign additional priority points to: (a) project applicants with an established program to employ at the project facility, or at related offices or facilities, persons who reside in the municipality in which the project is located, the service area of the project, or in surrounding municipalities that meet the criteria for State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.); and (b) projects that include, or allow for, a flood mitigation project to occur onsite.

The priority system and clean water project priority list for the ensuing fiscal year shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Incremental revisions or supplements to the clean water project priority list may be

submitted to the Legislature as provided in subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9).

(2) The commissioner shall set forth a clean water project eligibility list for long-term funding by the trust and shall include the aggregate amount of funds to be authorized for these purposes. The clean water project eligibility list shall consist of clean water project priority list projects certified by the department that have commenced construction and demonstrated a high likelihood of construction completion on or before the end of the ensuing fiscal year. On or before May 15 of each year, the trust shall submit the clean water project eligibility list for the ensuing fiscal year, including any revision thereof or supplement thereto, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration. On or before October 15 of each year the trust may submit an additional clean water project eligibility list, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration.

b. The Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee shall, either individually or jointly, consider the legislation containing the clean water project eligibility list, and shall report the legislation, together with any modifications, out of committee for consideration by each House of the Legislature. On or before July 1 of each year, the Legislature shall approve an appropriations act containing the clean water project eligibility list, including any amendatory or supplementary provisions thereto, which act shall include the authorization of an aggregate amount of funds of the trust to be expended for long-term loans and guarantees for the specific projects, including the individual amounts therefor, on the list.

c. The trust shall not expend any money for a long-term loan or guarantee during a fiscal year for any wastewater treatment system project unless the expenditure is authorized pursuant to an appropriations act as provided in the provisions of this section, or as otherwise set forth in an appropriations act.

d. The trust shall submit to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year a report which shall identify the wastewater treatment system projects financed during the prior fiscal year, including a project description, the amount of the loan provided for each project, and the duration of each loan.

(cf: P.L.2022, c.14, s.1)

3. Section 24 of P.L.1997, c.224 (C.58:11B-20.1) is amended to read as follows:

24. a. (1) The Commissioner of Environmental Protection shall for each fiscal year develop a priority system for water supply projects and shall establish the ranking criteria and funding policies for the water supply projects to be financed by the New Jersey Environmental Infrastructure Financing Program. The commissioner shall set forth an Interim Drinking Water Financing Program Project Priority List, hereinafter referred to as the "drinking water project priority list," for funding by the trust for each fiscal year and shall include the aggregate amount of funds of the trust to be authorized for these purposes. The commissioner may include a water supply project on the drinking water project priority list if it is eligible for funding under the "Water Supply Bond Act of 1981," P.L.1981, c.261, as amended, meets the eligibility requirements for funding pursuant to the federal "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, or, in the case of a water supply project for the reduction of lead in a publicly owned facility, the project meets the eligibility requirements established by the Department of Environmental Protection for those projects or, in the case of a water supply project financed through another source of funds, conformance with the requirements established by the department and the other source of funds for that project. The drinking water project priority list shall include a description of each project and an explanation of the manner in which priorities were established.

The department shall, to the extent consistent with federal law, assign additional priority points to: (a) project applicants with an established program to employ at the project facility, or at related offices or facilities, persons who reside in the municipality in which the project is located, the service area of the project, or in surrounding municipalities that meet the criteria for State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.); and (b) projects that include, or allow for, a flood mitigation project to occur onsite.

The priority system and drinking water project priority list for the ensuing fiscal year shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Incremental revisions or supplements to the drinking water project priority list may be submitted to the Legislature as provided in subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9).

(2) The commissioner shall set forth a drinking water project eligibility list for long-term funding by the trust and shall include the aggregate amount of funds to be authorized for these purposes. The drinking water project eligibility list shall consist of drinking water project priority list projects certified by the department that

have commenced construction and demonstrated a high likelihood of construction completion on or before the end of the ensuing fiscal year. On or before May 15 of each year, the trust shall submit the drinking water project eligibility list for the ensuing fiscal year, including any revision thereof or supplement thereto, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration. On or before October 15 of each year the trust may submit an additional drinking water project eligibility list, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration.

b. The Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee shall, either individually or jointly, consider the legislation containing the drinking water project eligibility list, and shall report the legislation, together with any modifications, out of committee for consideration by each House of the Legislature. On or before July 1 of each year, the Legislature shall approve an appropriations act containing the drinking water project eligibility list, including any amendatory or supplementary provisions thereto, which act shall include the authorization of an aggregate amount of funds of the trust to be expended for long-term loans and guarantees for the specific water supply projects, including the individual amounts therefor, on the list.

c. The trust shall not expend any money for a long-term loan or guarantee during a fiscal year for any water supply project unless the expenditure is authorized pursuant to an appropriations act as provided in the provisions of this section, or as otherwise set forth in an appropriations act.

d. The trust shall submit to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year a report which shall identify the water supply projects financed during the prior fiscal year, including a project description, the amount of the loan provided for each project, and the duration of each loan.

(cf: P.L.2022, c.14, s.2)

4. This act shall take effect immediately.