

ASSEMBLY, No. 2104

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman JAMES J. KENNEDY
District 22 (Somerset and Union)
Assemblyman WILLIAM W. SPEARMAN
District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblymen Verrelli, Karabinchak, Stanley, Freiman, Tully,
Assemblywomen Swain, Reynolds-Jackson, Carter and Hall

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

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 12/9/2024)

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

5

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

8

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

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

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

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

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

42 (2) Continue to administer all grant and loan programs for the
43 acquisition and development of lands for recreation and
44 conservation purposes, including the Green Trust, established or
45 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 thus is new matter.

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

3 (3) Adopt, with the approval of the commissioner and pursuant
4 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
5 1 et seq.), rules and regulations:

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

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

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

1 lands acquired or developed by a local government unit or a
2 qualifying tax exempt nonprofit organization for recreation and
3 conservation purposes using funds from any Green Acres bond act,
4 constitutionally dedicated moneys pursuant to P.L.1999, c.152
5 (C.13:8C-1 et al.), or constitutionally dedicated CBT moneys
6 pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.), or lands held by
7 the local government unit for recreation and conservation purposes
8 at the time of receipt of such funds. The fees established pursuant
9 to this subparagraph shall reflect the costs of the Office of Green
10 Acres incurred in processing and reviewing applications to convey,
11 dispose of, or divert lands acquired, developed, or held for
12 recreation and conservation purposes to a use other than recreation
13 and conservation purposes. All fees collected pursuant to the fee
14 schedule adopted pursuant to this subparagraph shall be used to
15 offset the administrative costs of the Office of Green Acres
16 associated with such reviews pursuant to the provisions of section
17 13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419
18 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections
19 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-
20 35), and section 11 of P.L.2016, c.12 (C.13:8C-53), as appropriate,
21 and any other applicable law; and

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

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

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

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

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

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

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

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

1 submitted to the Legislature as provided in subsection d. of section
2 9 of P.L.1985, c.334 (C.58:11B-9).

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

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

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

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

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

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

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

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

35 The priority system and drinking water project priority list for
36 the ensuing fiscal year shall be submitted to the Secretary of the
37 Senate and the Clerk of the General Assembly on or before January
38 15 of each year. The Secretary and the Clerk shall cause the date of
39 submission to be entered upon the Senate Journal and the Minutes
40 of the General Assembly, respectively. Incremental revisions or
41 supplements to the drinking water project priority list may be
42 submitted to the Legislature as provided in subsection d. of section
43 9 of P.L.1985, c.334 (C.58:11B-9).

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

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

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

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

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

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

41

42 4. This act shall take effect immediately.

43

44

45 STATEMENT

46

47 This bill would direct the Department of Environmental
48 Protection (DEP) to provide additional priority points to certain

1 applicants that seek funding, for Blue Acres projects and for
2 wastewater and drinking water infrastructure projects.

3 Specifically, under the bill, projects that include, or allow for, a
4 flood mitigation project to occur onsite would receive additional
5 priority points in the ranking for funding pursuant to the respective
6 program. The DEP would factor these additional points into its
7 calculations when establishing: (1) the list of projects eligible to
8 receive “Blue Acres funding”; (2) the “clean water project priority
9 list,” pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20); and
10 (3) the “drinking water project priority list,” pursuant to section 24
11 of P.L.1997, c.224 (C.58:11B-20.1).

12 As used in the bill, “Blue Acres project” means any project of
13 the State or a qualifying tax exempt nonprofit organization to
14 acquire, for recreation and conservation purposes, lands that have
15 been damaged by, or may be prone to incurring damage caused by,
16 storms or storm-related flooding, or that may buffer or protect other
17 lands from such damage.