

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 594**

with committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 29, 2022

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 594.

This bill, as amended by the committee, establishes a nonprofit, educational, and charitable organization to be known as the “New Jersey State Parks and Open Space Foundation” (foundation). The foundation would be devoted to the raising of funds for: (1) improvements to natural or artificial assets, including the planning, design, construction, installation, renovation, repair, or restoration thereof, which are designed to expand and enhance the utilization of State parks and open space for recreation and conservation purposes and the equitable access thereto; and (2) activities, beyond the routine operations of State parks and open space, which are intended to enhance public programming and recreational and educational offerings, restore or maintain public accessibility to the natural resources of the State, or support operation and maintenance activities attendant thereto. The bill defines “State parks and open space” as State parks, forests, historic sites, natural areas, wildlife management areas, and any other lands, waters, and facilities owned or administered by the Department of Environmental Protection (DEP) for recreation and conservation purposes.

The foundation would be incorporated as a New Jersey nonprofit corporation pursuant to N.J.S.15A:1-1 et seq. and would be organized and operated so that it would be eligible, under applicable federal law, for tax-exempt status and for the receipt of tax-deductible contributions.

The New Jersey State Parks and Open Space Foundation would be governed by a board of directors, consisting of 12 members, as follows: the DEP Commissioner, the Secretary of State, and State Treasurer, or their designees, who would serve as nonvoting, ex officio members; the chairperson of the Garden State Preservation Trust established pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4), or the chairperson’s designee, ex officio; one member of the public appointed by the President of the Senate; one member of the public appointed by the Speaker of the General Assembly; and six members

of the public, to be appointed by the Governor, with the advice and consent of the Senate. The public members are to have expertise in open space preservation, recreational development, natural lands management, or fundraising. Of the public members, at least three members would represent nonprofit organizations having open space preservation or environmental education as their corporate purpose, and two members would have experience advancing the causes of equity or environmental justice. The DEP Commissioner would serve as the chairperson of the board of directors.

The foundation would have the power to solicit and collect monetary donations and receive gifts, grants, devises, bequests, legacies, endowments, personal property, or services from and public or private sources to be used for the purposes of the foundation.

Under the bill, all funds received by the foundation, other than those necessary to pay for the expenses of the foundation, would be used exclusively for: (1) improvements to natural or artificial assets, including the planning, design, construction, installation, renovation, repair, or restoration thereof, which are designed to expand and enhance the utilization of State parks and open space for recreation and conservation purposes and the equitable access thereto; and (2) activities, beyond the routine operations of State parks and open space, which are intended to enhance public programming and recreational and educational offerings, restore or maintain public accessibility to the natural resources of the State, or support operation and maintenance activities attendant thereto.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

#### COMMITTEE AMENDMENTS

The committee amendments to the bill:

1) change the name of the foundation from New Jersey State Parks and Forests Foundation to New Jersey State Parks and Open Space Foundation;

2) amend the definition section, and add a definition for the term “State parks and open space”;

3) specify that funds raised by the foundation are to be used for: (a) improvements to natural or artificial assets, including the planning, design, construction, installation, renovation, repair, or restoration thereof, which are designed to expand and enhance the utilization of State parks and open space for recreation and conservation purposes and the equitable access thereto; and (b) activities, beyond the routine operations of State parks and open space, which are intended to enhance public programming and recreational and educational offerings, restore or maintain public accessibility to the natural resources of the State, or support operation and maintenance activities attendant thereto;

4) provide that the foundation would be a separate and independent entity from the State and any State department;

5) revise the membership of the board of directors, now set forth in section 3 of bill;

6) revise the powers of the foundation in sections 4 and 5 of the bill, including deleting the provisions concerning opportunities for renewable energy generation systems and advising the DEP concerning the preparation of master plans and management plans for State parks and forests;

7) add a new section 6 to specify that the foundation shall not have the authority to accept real property and shall direct all offers of real property to the department;

8) add a new section 7 to specify that: (a) all expenses incurred by the foundation are payable from funds raised by the foundation, and no liability or obligation, in tort or contract, will be incurred by the State for the operation of the foundation; and (b) the foundation would be required to obtain private counsel, and would not be represented by the Attorney General or indemnified by the State; and

9) make technical and clarifying amendments.