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# *Public Hearing*

before

## THE SENATE ENVIRONMENT AND ENERGY COMMITTEE

*“The Public Hearing will be held in accordance with Rule 24:3 of the New Jersey Senate on Senate Concurrent Resolution 138”*

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**LOCATION:** Committee Room 4  
State House Annex  
Trenton, New Jersey

**DATE:** June 13, 2013  
12:00 p.m.

**MEMBERS OF COMMITTEE PRESENT:**

Senator Bob Smith, Chair  
Senator Linda R. Greenstein, Vice Chair  
Senator Jim Whelan  
Senator Christopher “Kip” Bateman  
Senator Jennifer Beck



**ALSO PRESENT:**

Judith L. Horowitz  
Michael Molimock  
*Office of Legislative Services*  
*Committee Aides*

Kevil Duhon  
*Senate Majority*  
*Committee Aide*

Brian Alpert  
*Senate Republican*  
*Committee Aide*

*Hearing Recorded and Transcribed by*  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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BOB SMITH  
Chairman

LINDA R. GREENSTEIN  
Vice-Chairwoman

JIM WHELAN  
CHRISTOPHER "KIP" BATEMAN  
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**New Jersey State Legislature**  
**SENATE ENVIRONMENT**  
**AND ENERGY COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

**REVISED**  
**PUBLIC HEARING NOTICE**

**The Senate Environment and Energy Committee will hold a public hearing on Thursday, June 13, 2013 at 12:00 PM in \*Committee Room 4, 1st Floor, State House Annex, Trenton, New Jersey.**

*The public may address comments and questions to Judith L. Horowitz or Michael R. Molimock, Committee Aides, or make bill status and scheduling inquiries to Valarie Jackson, Secretary, at (609)847-3855, fax (609)292-0561, or e-mail: OLSAideSEN@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.*

The public hearing will be held in accordance with Rule 24:3 of the New Jersey Senate on the following Senate Concurrent Resolution:

SCR-138 (SCS)  
Smith, B/Bateman/Whelan

Amends Constitution to dedicate, for 30 years, 1/5 of a cent for each dollar subject to sales tax for preservation of open space, including flood prone areas and lands that protect water supplies, farmland, and historic properties.

Issued 6/6/13

\* Revised 6/12/2013 – room changed to Committee Room 4

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For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE CONCURRENT  
RESOLUTION No. 138**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

ADOPTED MAY 20, 2013

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator CHRISTOPHER "KIP" BATEMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Senator JIM WHELAN**

**District 2 (Atlantic)**

**Co-Sponsored by:**

**Senators Gordon, Weinberg and Greenstein**

**SYNOPSIS**

Amends Constitution to dedicate, for 30 years, 1/5 of a cent for each dollar subject to sales tax for preservation of open space, including flood prone areas and lands that protect water supplies, farmland, and historic properties.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Environment and Energy Committee.

(Sponsorship Updated As Of: 6/14/2013)

1 A CONCURRENT RESOLUTION proposing to amend Article VIII,  
2 Section II of the New Jersey Constitution by adding a new  
3 paragraph.  
4

5 BE IT RESOLVED by the Senate of the State of New Jersey (the  
6 General Assembly concurring):  
7

8 1. The following proposed amendment to the Constitution of  
9 the State of New Jersey is agreed to:  
10

11 PROPOSED AMENDMENT  
12

13 Amend Article VIII, Section II, by adding a new paragraph 9 to  
14 read as follows:

15 9. (a) Commencing July 1, 2014, until June 30, 2044, there  
16 shall be annually credited in each State fiscal year, from existing  
17 State revenues held in the General Fund, into a special account in  
18 the General Fund, an amount equal to 0.2% of the total monies  
19 taxable pursuant to the "Sales and Use Tax Act," P.L.1966, c.30  
20 (C.54:32B-1 et seq.), as amended and supplemented, or taxable  
21 pursuant to any other subsequent law of similar effect.

22 The amount credited each State fiscal year pursuant to this  
23 subparagraph shall be dedicated and shall be appropriated from time  
24 to time by the Legislature only to provide funding, including loans  
25 or grants, for: the preservation, including acquisition, development,  
26 and stewardship, of lands for recreation and conservation purposes,  
27 including lands that protect water supplies and lands that have  
28 incurred flood or storm damage or are likely to do so, or that may  
29 buffer or protect other properties from flood or storm damage; the  
30 preservation and stewardship of farmland for agricultural or  
31 horticultural use and production; historic preservation; and  
32 administrative costs associated with each of those efforts.

33 (b) All moneys derived from repayments of any loan issued  
34 from the amounts dedicated pursuant to subparagraph (a) of this  
35 paragraph, and all income derived from the investment of moneys  
36 in the special account established pursuant to this paragraph, shall  
37 be credited to that special account, and shall be dedicated and shall  
38 be appropriated from time to time by the Legislature only for the  
39 purposes authorized pursuant to subparagraph (a) of this paragraph.  
40 Notwithstanding any provision of this paragraph to the contrary, the  
41 dedication of moneys derived from loan repayments and  
42 investments shall not expire.

43 (c) It shall not be competent for the Legislature, under any  
44 pretense whatever, to borrow, appropriate, or use the amounts  
45 credited to the special account established pursuant to this  
46 paragraph, or any portion thereof, for (1) any purpose or in any  
47 manner other than as enumerated in this paragraph, or (2) making  
48 payments relating to any bonds, notes, or other obligations.

1 2. When this proposed amendment to the Constitution is finally  
 2 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it  
 3 shall be submitted to the people at the next general election  
 4 occurring more than three months after the final agreement and  
 5 shall be published at least once in at least one newspaper of each  
 6 county designated by the President of the Senate, the Speaker of the  
 7 General Assembly and the Attorney General, not less than three  
 8 months prior to the general election.

9  
 10 3. This proposed amendment to the Constitution shall be  
 11 submitted to the people at that election in the following manner and  
 12 form:

13 There shall be printed on each official ballot to be used at the  
 14 general election, the following:

15 a. In every municipality in which voting machines are not used,  
 16 a legend which shall immediately precede the question as follows:

17 If you favor the proposition printed below make a cross (X), plus  
 18 (+), or check (✓) in the square opposite the word "Yes." If you are  
 19 opposed thereto make a cross (X), plus (+) or check (✓) in the  
 20 square opposite the word "No."

21 b. In every municipality the following question:  
 22

	YES	<p style="text-align: center;">CONSTITUTIONAL AMENDMENT                  DEDICATING STATE FUNDS FOR OPEN                  SPACE, FARMLAND, AND HISTORIC                  PRESERVATION</p> <p>Do you approve amending the Constitution to dedicate a specified amount of annual State revenues, for the next 30 years, to the preservation of open space, farmland, and historic properties? The dedicated amount would be taken from existing State revenues and would equal 0.2% of the total monies taxable under the State sales tax. This amount would equal 1/5 of a cent out of the seven cents currently collected for each dollar subject to the sales tax. The preservation of open space would include lands that protect water supplies and lands that are prone to flooding.</p>
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	<p>NO</p>	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>This constitutional amendment would provide a stable source of funding for the next 30 years for Green Acres and "Blue Acres" projects, and for the preservation of farmland and historic properties. The amendment would require that a certain amount of existing State revenue be used only for those purposes. The amount would equal 1/5 of a cent for each dollar subject to the State sales tax. The State sales tax is currently seven cents per dollar. Based on amounts projected to be subject to the sales tax in 2014, the amount dedicated for the first year would be approximately \$246 million.</p> <p>The Green Acres program acquires land that protects water supplies and preserves open space, including parks, fish and wildlife habitat, and flood prone or affected areas. It also funds park improvements and facilities.</p> <p>"Blue Acres" refers to properties that have been damaged by storms or storm-related flooding, that appear likely to incur such damage, or that may buffer or protect other lands from such damage. Structures on properties purchased from willing sellers are demolished, the debris is removed, and the land is preserved as open space.</p>
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**SENATOR BOB SMITH (Chair):** Okay. SCR-138, by Senator Smith, Senator Bateman, and Senator Whelan, amends the Constitution to dedicate, for 30 years, one-fifth of a cent for each dollar subject to sales tax for the preservation of open space, including flood-prone properties and lands that protect water supplies, farmland, and historic properties.

By way of introduction, this is a very historic piece of legislation. If we can get it passed in both houses it's going to go on the ballot this November.

Just to make the meeting official, let's call the roll.

MS. HOROWITZ (Committee Aide): Senator Smith.

SENATOR SMITH: Present.

MS. HOROWITZ: Senator Greenstein.

SENATOR GREENSTEIN: Present.

MS. HOROWITZ: Senator Whelan.

SENATOR WHELAN: Here.

MS. HOROWITZ: Senator Bateman.

SENATOR BATEMAN: Here.

MS. HOROWITZ: Senator Beck.

SENATOR BECK: Here.

SENATOR SMITH: Okay. Back to comments.

We have traditionally funded open space by bonding. The last open space bond, four years ago, we did \$400 million. The voters approved it; they approved it by a larger margin than the successful gubernatorial candidate. Open space is near and dear to the people of New Jersey. It's

one of the things that makes our state one of the most beautiful states in the country. We have to do more of it.

And the \$400 million is gone; there's no more money left. If we want our quality of life to be tip top, we really need to invest in it. Now, the advantage of this particular method of financing -- while I thought there was at least one other better way to do it, but I won't even mention it (laughter) -- the advantage is that this is pay as you go. We're not bonding, we're not increasing the indebtedness of the State of New Jersey. And the good news is that this solves the issues for 30 years. And by then, none of us are going to be here, and 30 years from now the citizens will figure out the new way to do open space.

Our needs have increased by a factor of 50 times because of Sandy and what Sandy represents -- which is that this state, as a coastal state, is very vulnerable to hurricanes, storms, etc. We had plenty of flood-prone property before -- what I believe to be the incidents caused by global climate change -- but we are now really in it. We need to deal with the question of the abolition of flood-prone property, as well as the normal open space and the agricultural and historic preservation.

So this is critically important to our state, and hopefully we're going to get it on the ballot.

That being said, this is a public hearing. We're going to have people speak. Let me give you Shakespeare's admonition: Brevity is the soul of wit.

And on that note, let's ask Tom Gilbert from Keep It Green to come up. And Tom, surprisingly, is in favor. (laughter)

**THOMAS GILBERT:** Thank you very much.

On behalf of the more than 180 member groups of the New Jersey Keep It Green coalition, we want to thank you, Chairman Smith, Senator Bateman, and Senator Whelan, for sponsoring this truly landmark legislation -- for your bipartisan leadership -- to move the issue forward through this hearing today.

As you noted, Senator, with the last of the 2009 bond funds now fully allocated, this legislation will literally prevent decades of successful preservation efforts in this State from grinding to a halt and finally put a sustainable source of funding in place over the next three decades -- before it's too late. This is the window of opportunity that we have in the State. And the needs are enormous: preserving hundreds of thousands of acres of land that protect drinking water supplies and natural areas, preserving an additional 350,000 acres of farmland to maintain a viable ag industry, preserving flood-prone lands, and ensuring that present and future generations can have access to well-maintained parks and historic sites.

The support for this initiative is tremendous. There have been 15 counties that have passed resolutions supporting a sustainable funding source, and the New Jersey Highlands Council, the League of Municipalities, and over 50 municipalities as well.

There was recent polling that shows there continues to be overwhelming public and bipartisan support for this as well. An April survey of 600 likely voters found that 75 percent of voters support specifically dedicating one-fifth of one cent of sales tax revenues each year. And as you noted, Senator, this is the fiscally responsible, pay-as-you-go approach.

The dedication would not begin until FY 2015, so there's no impact on the budget next year. Sales tax revenues have been growing; they're projected to grow by more than \$200 million each year -- especially with Amazon.com sales coming under the sales tax as of this July. And with the change to a percentage basis in the event that revenues decline, the amount to the program would adjust downward automatically.

So in closing, we want to thank you for your continued bipartisan leadership to make sure that the tradition of open space, farmland, and historic preservation in New Jersey can continue. And we hope the voters will have the opportunity to decide this November.

Thank you very much.

SENATOR SMITH: Thank you, Tom.

Let me ask-- There are many, many slips, so that we now come up in panels. How about Jennifer Coffey from the Stony Brook-Millstone Watershed Association; Stephanie Cherry, from Preservation New Jersey; and Cate Litvack, Advocates for New Jersey History -- to come forward.

Are you here, Kate?

UNIDENTIFIED MEMBER OF AUDIENCE: She was here earlier; she might have left.

SENATOR SMITH: All right then -- and is this Jennifer or Stephanie?

JENNIFER COFFEY: This is Jennifer.

SENATOR SMITH: All right, we have Jennifer. Is Stephanie Cherry, Preservation New Jersey--

UNIDENTIFIED MEMBER OF COMMITTEE:  
(Indiscernible)

SENATOR SMITH: All right. Mike Calafati, American Institute of Architects, in favor, no need to testify; Drew Kapp, NJCF Conservation Foundation, in favor, no need to testify; Tyler Friedberg, New Jersey Conservation Foundation, in favor, no need to testify; Kelly Mooij, New Jersey Audubon, in favor, no need to testify; Bill Kibler, Raritan Headwaters Association, in favor, no need to testify; Elliott Ruga, New Jersey Highlands Coalition, in favor, no need to testify; John Watson, Delaware and Raritan Greenway Land Trust, in favor, no need to testify; David Epstein, Land Conservancy of New Jersey and Keep It Green, in favor, no need to testify; David Peifer, ANJEC -- the New Jersey Association of Environmental Commissions -- strongly in favor, no need to testify; Jaclyn Rhoads, Pinelands Preservation Alliance, in favor, no need to testify; Ed Wengryn, New Jersey Farm Bureau, in favor, no need to testify; Enid Torok, New Jersey Recreation and Park Association, in favor, no need to testify.

And I guess, Jennifer, you're the last in favor -- and then we have three opponents.

So Jennifer -- if you would.

MS. COFFEY: Absolutely. Thank you, Chairman and Senators.

On behalf of the Stony Brook-Millstone Watershed Association and our approximately 3,000 members and volunteers, I'm here to support SCR-138.

The Stony Brook-Millstone Watershed Association is preparing to celebrate our 65th anniversary next year of protecting and restoring clean

water and healthy habitats. And we are a proud member of the New Jersey Keep It Green coalition.

Thank you for holding this hearing this morning. It's a pleasure to be here to support SCR-138, which would place a public question on the November ballot that would give New Jersey voters the choice to renew funding for Green Acres, Blue Acres, farm land, and preservation programs.

Through renewed funding to the Blue Acres programs, New Jersey would have stable and sustainable funding to support the acquisition of properties from willing sellers to preserve flood-prone areas along our rivers and our coastline to alleviate costly and destructive flood damage. It's no secret that New Jersey is the most densely populated state in the nation and that this dense population has exasperated New Jersey's natural flood patterns and increased our flood plains, increasing the number of homes and businesses that are in harm's way. With Blue Acres funding we will have the resources to secure floodplain properties for public good and to reduce human and environmental impact.

With renewed funding for the Green Acres program, New Jersey will also be in a strong position to continue to preserve lands that can help to keep flooding impact from getting worse, by preserving our open spaces that function to allow rains to percolate and to recharge our aquifers rather than to flood our rivers and adjacent structures.

Through the implementation of the funding for stewardship in this question, we can better care for our preserved lands by maintaining natural flood buffers and improving absorption through restoration of our wetlands and their floodplains.

So in summary and in the name of brevity, thank you, in advance, for holding this hearing and for continuing the bipartisan leadership on this measure. These programs are incredibly important to New Jersey's environment, economy, public health and safety, and our clean water supplies.

So thank you.

SENATOR SMITH: Thank you.

A panel of opponents: Jeff Tittel, Sierra Club; David Pringle, New Jersey Environmental Federation; and Barbara Sachau -- did I say it right, Barbara?

**BARBARA SACHAU:** Sachau (indicating pronunciation).

SENATOR SMITH: If the three of you would come up I'd appreciate it.

Is Mr. Pringle in the room?

**JEFF TITTEL:** (off mike) I don't know -- I texted him. He said to text him when he was called, but who knows with Dave?

I'll be brief, and I know you've heard some of our concerns before. And, again, we strongly support open space.

SENATOR SMITH: Jeff, just for the record, state your name because it has to be recorded.

**MR. TITTEL:** Sure. Jeff Tittel, Director, New Jersey Sierra Club -- the nation's oldest and largest conservation organization. And we strongly believe in funding for open space.

And I think we would even support this dedication if we really knew what the consequences would or would not be. The problem that we have is that this body -- meaning this Legislature and this Governor and

previous governors -- keep kicking more and more things down the road and dumping more and more things on to existing sources of revenues. And we've put ourselves into the point where right now there is a hole in this year's budget, there's a hole in next year's budget. With the recent court case on trying to take the affordable housing funds it's going to get bigger. We see \$200 million per year -- or over \$800 million -- being taken out of Clean Energy, which could do a lot to help New Jersey's environment and lower our greenhouse gas footprint. And so I guess for us it's that we keep telling the public that there is a free lunch out there -- we can just keep taking more and more of existing revenue and keep spending it for more and more purposes without consequences. Well, Fenimore Landfill was one of those consequences because that \$10 million a year that used to go for landfill closures has been diverted.

We see a DEP that barely has enough staff to function in certain areas, and in other areas it doesn't. And we're seeing it across the board. DEP's total operational budget used to be \$320 million; it's down to \$216 million. And the \$320 million was over 20 years ago when -- if we were talking in current dollars, it would be almost -- it should be about \$500 million.

The point is we don't have enough funding to deal with the \$46 billion in infrastructure needs we need in clean water alone -- sewers and water supply. We're talking about another \$10 billion in infrastructure just for energy. We're broke and we keep putting more and more burdens on the same sources of revenue. And I want to just say that I strongly agree with the opening statement of the Chair when you said there's another source of funding that you did not mention. I think we need to look to

mention other sources of funding, because what we're doing is going to mean more cuts in programs that we care about. And, yes -- open space is vital and we need to do it. But we should also find ways to fund it.

Thank you.

SENATOR SMITH: Thank you.

Barbara Sachau.

MS. SACHAU: I'm an ordinary citizen of New Jersey and I don't always appreciate when I see people, who profit from taking government sides, come in and lobby for things. And I don't appreciate meetings where the public is not invited to sit in -- for example, when Senator Smith had his stakeholders' meeting. The public isn't considered a stakeholder? Of course the public is a stakeholder in setting up our laws that go on here.

And I think sometimes we have some environmental groups that are looped around the government and into government money and into taxpayer money so that we're getting them not necessarily making the best decisions for the State of New Jersey.

I've lived here all my life and I've been around a good part of New Jersey. And I do appreciate saving land and protecting land. But when we save it and when we're taxed to save it, it should be protected. And right now there is a bill, that just went out of the Assembly, to log this land that was supposedly protected. And I have a lot of concerns about getting logging into our State forests. I have read many of the documents in relation to this -- like on Weldon Brook -- and they talk about favored desirable species. Well, the fact of the matter is, every species has a purpose; every species has a purpose, and that doesn't mean we need to

turn our forests into stands of oak to then log the oak, to send it to China for woodchips.

Protection is very important -- I agree with you. But I'm concerned about the way we have our money and our lands that we paid to save turned into something else. That's wrong -- that's not the way. And I also think that, perhaps, we should be having separate funds for each of these issues. For example, maybe a separate fund for the farms, and a separate fund for the Blue Acres, and a separate fund for the forests -- instead of having one that attempts to do so many things. And then see what the public thinks about that -- and include the public in the decisions on this from the beginning instead of excluding them. The public should always be invited in to have their concerns taken and not just lobbyists and profiteers who hope to make money from our laws.

I think it's very vital. I mean, a lot of us here don't get a penny from being here. We pay to come here and testify, and sometimes what we have to say is not given proper consideration because it is the viewpoint of somebody who's not trying to get money out of this. That's very important -- what prompts you to speak on these issues.

To come here and say that 15 counties are in support of this issue -- well, those counties didn't go out and ask the people necessarily what they thought. They just talked to the lobbyist who came in to do that. And we need much more public involvement in this, and I don't think this bill is the way to go.

Thank you.

SENATOR SMITH: Thank you for your comments.

Mr. Pringle.

**DAVID PRINGLE:** Thank you, Mr. Chairman.

My name is David Pringle. I'm the Campaign Director for the New Jersey Environmental Federation. We have 150,000 individual members and an additional 100 member groups across the state.

I am in a difficult position today. As an environmental group, of course we want land being bought and preserved. It's much better to protect our water in the first place than to have to treat it after the fact -- both from a public health perspective and as a cost perspective; as well as for all the many other reasons that I think everyone well knows why we want to be buying and preserving open space.

That said, there are better and worse ways to go about it. And as important as buying of open space is, so is enforcement, so is the DEP solid waste program, so is every other program within the State. And unfortunately we're in a tough economy and we're broke. And we oppose this legislation -- or this constitutional amendment in its current form, because it doesn't explain how it's going to be paid for. And we are very convinced that that will lead to significant negative consequences as a result.

The way the budget works, this will appear as if it's a DEP program and that DEP is drastically getting increased funding. And there is no way that there won't be, politically and substantively, significant DEP budget cuts as a result of this amendment. DEP is a shell of its former self, even with all the wonderful efficiencies that the current Administration claims. And it is struggling. And there will be-- We cannot support robbing Peter to pay Paul on the environment -- and that's what will happen with this bill. And while we are an environmental group and we

focus on environmental issues, we recognize that the environment is also only a part of what the State does. And there you will be taking a \$225 million slice out of the General Fund without saying what's going to get cut, what's not going to get funded. And I think it needs to be-- And that's an annual budget process, so there is nothing you can do in this legislation to say what won't get funded because this is going to get funded.

So we would propose-- There are several solutions to this that we would suggest. One would be, at a minimum, to amend the legislation so that if the revenue -- and I'm not sure what the exact amount was -- but if the sales tax wasn't growing by close to \$1 billion a year -- (indiscernible) \$600 million, \$700 million, \$800 million, or a percentage or whatever. If it was growing \$1 billion a year, we can afford the \$225 million. If it's growing at \$100 million or \$200 million a year or it's not growing, we can't. So if you're going to go the sales tax revenue, I think you need to do it recognizing that it only kicks in in years where it increases enough that you can afford it. That's what we did in 1998, and that's why we supported it in 1998.

If you're unable or unwilling to do that, the legislation shouldn't move and folks need to bite the bullet and find new revenue. There are lots of different ways to do it; I know it's a dirty word and it's politically difficult. But I know every single one of you, if you were allowed to do -- and there weren't political costs or you were willing to pay the political costs -- there are some things, we could all agree, there should be new revenue for -- Transportation Trust, Garden State Preservation Trust, and so many other things. And we need leadership from Democrats, from Republicans. I know this is crazy, but maybe you don't get reelected

because you did the right thing. All of you are talented and smart and wonderful people. And I'm very confident that there will be life for you if you weren't reelected.

SENATOR SMITH: Thank you for you comments. (laughter)

SENATOR BECK: Wow. And on that note-- (laughter)

SENATOR SMITH: Our last speaker is Eileen Swan from the New Jersey Conservation Foundation and the Keep It Green coalition.  
Eileen.

**EILEEN SWAN:** Thank you very much.

Thank you. I hope you all keep your jobs. (laughter)

On behalf of New Jersey Conservation Foundation, and as a member of the Keep It Green coalition, I'd like to thank you for the opportunity to speak before you today on this incredibly important issue. And I'd also especially like to thank Chairman Smith, Senator Bateman, and Senator Whelan for cosponsoring this critical and timely legislation; and for your bipartisan leadership today.

We are all aware that preservation of the Garden State's critical natural resources, agricultural lands, and cultural and historic properties will not continue if we do not have sustainable funding. The last of the funds have been allocated and yet so much more needs to be done. What you are considering today has long been the goal of all of us who support preservation programs -- a source of sustainable funding. You have examined the alternatives and it is clear that this is the funding mechanism that meets the needs of the preservation programs of New Jersey.

We've just heard some concerns about what programs get funded in these tough economic times. But when it comes to clean water

we don't have a choice. And residents of New Jersey have made it clear: protecting water is our priority.

I'd also like to emphasize the fact that no sales tax monies go directly to environmental programs, and neither is there any relationship to the DEP's budget.

Economic growth and conservation are mutually reinforcing goals. If New Jersey is to remain a vibrant economic state, then we need to continue our successful preservation programs upon which our quality of life depends. Studies prove that the less forest cover, the more expensive the water treatment. Every \$1 invested in State land preservation programs returns \$10 in economic value through nature services such as flood control and filtering air and water pollutants.

Parks contribute up to 20 percent of the value of homes in urban areas, and access to parks leads to a 25 percent increase in people exercising three or more times per week.

Companies consider quality of life when relocating their businesses. One thousand, nine hundred and thirty-one farms generated \$30 million in income from sales of edible farm products in 2007. Preservation projects, including historic preservation, contributes to the tourist industry.

This measure is particularly critical in the Highlands where, absent State funding, the equity provisions of the Highlands Act will not be available for the first time since the Act was implemented. The dual appraisal method of valuation expires June 30, 2014, unless extended. You are not making a choice between which programs get funded. Analysis shows that this dedication will be covered by the annual increase in

revenues. The fact is that we are asking you to let the people decide. Thirteen consecutive times since 1961 voters have approved ballot questions to fund the Garden State's preservation programs. Why not trust them to make the right decision again? The future of preservation programs in the Garden State depend on this. Please let the people decide.

Thank you.

SENATOR SMITH: Thank you, Eileen.

Senators, any comments?

Senator Bateman.

SENATOR BATEMAN: Mr. Chairman, thank you very much. And I appreciate you allowing me to co-prime this legislation. I think that in New Jersey we're at a critical crossroads. And there's nothing more important, I think, than, obviously, open space and a clean environment. I think there's never any harm in letting the voters decide an important issue such as this. And I know this legislation is gaining momentum. I know a number of my colleagues now in the Senate Republican Caucus have signed on or have indicated support of it. Because I think we have a responsibility, obviously, not only for our children and our grandchildren, but as the testimony we've heard here this morning-- There are incredible positive ramifications of open space. And I think that this is the way to go with it. I know that there have been different options out there. But this is one I think that the voters will choose. I'm optimistic, and I thank you for letting me be part of it.

SENATOR SMITH: Thank you.

Any other Senators with comments? (no response)

SENATOR WHELAN: So moved.

SENATOR SMITH: Well, just before-- One last comment, which is, the \$300 million that we're talking about for the acquisition for flood-prone properties under the Sandy Relief Bill is a scratch -- just a scratch on the surface. And Jersey's problems with the 130 miles of coastline are enormous. And if we don't have a dedicated source of money to deal not only with open space and farmland, but the acquisition of flood-prone property, we're going to see this misery continue. So I think Sandy put things in great perspective. It's a very good bill.

I don't know that we have to move it -- it's a public hearing. So you know what? We're going to call an adjournment to the most interesting Committee in the Legislature. (laughter)

**(HEARING CONCLUDED)**

**APPENDIX**



Your water. Your environment. Your voice.

**Senate Environment and Energy Committee Public Hearing  
Written Testimony Regarding SCR138  
June 13, 2013**

**Submitted by Jennifer Coffey, Policy Director, Stony Brook-Millstone Watershed Association**

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On behalf of the Stony Brook-Millstone Watershed Association and our approximately 3,000 members and volunteers, I am here to support SCR 138. The Stony Brook-Millstone Watershed Association is preparing to celebrate 65 years in 2014 of protecting and restoring central New Jersey's clean water and healthy habitats. We are a proud member of the New Jersey Keep It Green Coalition.

Thank you for holding this hearing this morning. It is a pleasure to be here to support legislation that would place a public question on the November ballot that would give New Jersey voters the opportunity to choose to renew funding for the Green Acres, Blue Acres, Farmland, and Historic Preservation programs.

Through renewed funds to the Blue Acres program, New Jersey will have stable and sustainable funding to support the acquisition of properties from willing sellers to preserve flood prone areas along rivers and our coastline to alleviate costly and destructive flood damage. It is no secret that New Jersey is the most densely populated State in our Nation. This dense population has exasperated New Jersey's natural flood patterns and increased our floodplains – increasing the number of homes of businesses in harm's way. With Blue Acres funding renewal, we will have the resources to secure floodplain properties for the public good and reduce the human and environmental damage occurring in our floodplains.

With renewed funding for the Green Acres program, New Jersey will also be in a strong position to continue to preserve lands that can help to keep flooding impacts from getting worse by preserving our open spaces that function to allow rain to percolate and recharge our underground aquifers rather than flood our rivers and adjacent facilities. Through the implementation of funding for stewardship, we can better care for our preserved lands by maintaining natural flood buffers and improving absorption through restoration of our wetlands and flood areas.

In summary, thank you for continuing the bipartisan leadership on open space, farmland and historic preservation in New Jersey. These programs are important to the security of our clean water supply, addressing public health and safety issues related to flooding, protecting our natural habitats, supporting the viability of agriculture in the Garden State, and preserving our state's and, therefore, national historic treasures. I respectfully urge the Legislature to move this bill forward and give voters the opportunity to decide on this important issue.

Thank you.