

CHAPTER 31
(CORRECTED COPY)

AN ACT concerning State parks and forests, amending various parts of the statutory law, and supplementing P.L.1992, c.148 (C.13:19-16.1 et al.).

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

1. Section 1 of P.L.1992, c.148 (C.13:19-16.1) is amended to read as follows:

C.13:19-16.1 "Shore Protection Fund" created.

1. a. There is created in the Department of the Treasury a special non-lapsing fund to be known as the "Shore Protection Fund." The monies in the fund are dedicated and shall only be used to carry out the purposes enumerated in subsection b. of this section. The fund shall be credited with all revenues collected and deposited in the fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8), all interest received from the investment of monies in the fund, and any monies which, from time to time, may otherwise become available for the purposes of the fund. Pending the use thereof pursuant to the provisions of subsection b. of this section, the monies deposited in the fund shall be held in interest-bearing accounts in public depositories, as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in such securities as are approved by the State Treasurer. Interest or other income earned on monies deposited into the fund shall be credited to the fund for use as set forth in this act for other monies in the fund.

b. (1) Monies deposited in the "Shore Protection Fund" shall be used, in accordance with the priority list approved by the Legislature pursuant to section 1 of P.L.1997, c.384 (C.13:19-16.2), for shore protection projects associated with the protection, stabilization, restoration or maintenance of the shore, including monitoring studies and land acquisition, consistent with the current New Jersey Shore Protection Master Plan prepared pursuant to section 5 of P.L.1978, c.157, and may include the nonfederal share of any State-federal project. The requirements of subsection c. of section 1 of P.L.1997, c.384 (C.13:19-16.2) notwithstanding, the Commissioner of Environmental Protection may, pursuant to appropriations made by law, allocate monies deposited in the fund for shore protection projects of an emergency nature, in the event of storm, stress of weather or similar act of God. Two percent of the monies annually deposited in the fund shall be allocated and annually appropriated for the purposes of funding the Coastal Protection Technical Assistance Service established pursuant to section 1 of P.L.1993, c.176 (C.18A:64L-1), of which amount up to \$100,000 annually may be utilized for funding coastal engineering research and development to be conducted by Stevens Institute of Technology in response to requests therefor made by State or local governmental entities.

(2) (a) Notwithstanding the provisions of paragraph (1) of this subsection, in State Fiscal Year 2009 up to \$9,000,000 of the monies deposited in the Shore Protection Fund may be used to help defray the cost of operation and maintenance of State parks and forests as defined in subsection e. of section 3 of P.L.1983, c.324 (C.13:1L-3).

(b) (i) If the unobligated balance of the monies in the Shore Protection Fund on June 30, 2009 is less than \$20,000,000, as certified by the State Treasurer, the sum of \$9,000,000 shall be appropriated and credited to the Shore Protection Fund, to be used solely for the purposes prescribed in paragraph (1) of this subsection, from the proceeds of the State portion of the basic fee, collected pursuant to P.L.1968, c.49 (C.46:15-5 et seq.) and paid to the State Treasurer pursuant to paragraph (2) of subsection b. of section 4 of P.L.1968, c.49 (C.46:15-8), excluding any amounts from those proceeds credited to the Shore Protection

Fund pursuant to paragraph (1) of subsection c. of section 4 of P.L.1968, c.49 (C.46:15-8), or from such other unappropriated revenues as the State Treasurer may determine that are not otherwise dedicated by law.

(ii) If the requirements of subsubparagraph (i) of this subparagraph are not met for any reason, or any portion of the sum of \$9,000,000 transferred and credited to the Shore Protection Fund pursuant to that subsubparagraph is used for any purpose other than the purposes prescribed in paragraph (1) of this subsection, the Director of the Division of Budget and Accounting in the Department of the Treasury shall, not later than five days thereafter, certify to the Director of the Division of Taxation that these requirements have not been met.

2. Section 3 of P.L.1968, c.49 (C.46:15-7) is amended to read as follows:

C.46:15-7 Realty transfer fees.

3. a. In addition to the recording fees imposed by section 2 of P.L.1965, c.123 (C.22A:4-4.1), a grantor shall pay to the county recording officer at the time the deed is offered for recording the following fees:

(1) A basic fee, which basic fee shall consist of (a) a State portion at the rate of \$1.25 for each \$500.00 of consideration or fractional part thereof recited in the deed, and (b) a county portion at the rate of \$0.50 for each \$500.00 of consideration or fractional part thereof so recited; provided however, that on and after the tenth day following a certification by the Director of the Division of Budget and Accounting in the Department of the Treasury pursuant to subsection b. of section 2 of P.L.1992, c.148 (C.46:15-10.2) or subsubparagraph (ii) of subparagraph (b) of paragraph (2) of subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1), the State portion of the basic fee shall not be imposed;

(2) An additional fee at the rate of \$0.75 for each \$500.00 of consideration or fractional part thereof recited in the deed in excess of \$150,000.00; provided however, that on and after the tenth day following a certification by the Director of the Division of Budget and Accounting in the Department of the Treasury pursuant to subsection b. of section 2 of P.L.1992, c.148 (C.46:15-10.2) or subsubparagraph (ii) of subparagraph (b) of paragraph (2) of subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1), the additional fee shall not be imposed; and

(3) A general purpose fee at the rate of:

(a) \$0.90 for each \$500.00 of consideration or fractional part thereof recited in the deed that is not in excess of \$550,000.00, except that in the case of a conveyance or transfer of property for which the total consideration recited in the deed does not exceed \$350,000.00, no general purpose fee shall be imposed;

(b) \$1.40 for each \$500.00 of consideration or fractional part thereof in excess of \$550,000.00 but not in excess of \$850,000.00 recited in the deed;

(c) \$1.90 for each \$500.00 of consideration or fractional part thereof in excess of \$850,000.00 but not in excess of \$1,000,000.00 recited in the deed; and

(d) \$2.15 for each \$500.00 of consideration or fractional part thereof in excess of \$1,000,000.00 recited in the deed.

b. A deed subject to any of the fees established by this section, which is in fact recorded, shall be deemed to have been entitled to recording, notwithstanding that the amount of the consideration shall have been incorrectly stated or that the correct amount of such fee shall not have been paid. No such defect shall in any way affect or impair the validity of the title conveyed or render the same unmarketable; but the person or persons required to pay said

additional fee at the time of recording shall be and remain liable to the county recording officer for the payment of the proper amount thereof.

3. Section 4 of P.L.1975, c.176 (C.46:15-10.1) is amended to read as follows:

C.46:15-10.1 Partial fee exemptions.

4. a. The following transfers of title to real property shall be exempt from payment of the State portion of the basic fee:

(1) The sale of any one- or two-family residential premises which are owned and occupied by a senior citizen, blind person or disabled person who is the seller in such transaction; provided, however, that except in the instance of a husband and wife no exemption shall be allowed if the property being sold is jointly owned and one or more of the owners is not a senior citizen, blind person or disabled person.

(2) The sale of low and moderate income housing.

b. Transfers of title to real property upon which there is new construction shall be exempt from payment, with respect to all consideration therefor up to \$150,000.00, of 80% of the State portion of the basic fee.

c. (1) The director shall promulgate rules, regulations and forms of certification otherwise necessary to carry out the provisions of this section.

(2) No transfer shall be eligible for more than one exemption under this section.

d. The balance of the State portion of the basic fee and the additional fee collected on transfers subject to exemption under subsection b. of this section shall be remitted to the State Treasurer and shall be credited to the Neighborhood Preservation Nonlapsing Revolving Fund established pursuant to P.L.1985, c.222 (C.52:27D-301 et al.), to be spent in the manner established under section 20 thereof (C.52:27D-320).

e. Subsections a. through d. of this section shall be without effect on and after the tenth day following a certification by the Director of the Division of Budget and Accounting in the Department of the Treasury pursuant to subsection b. of section 2 of P.L.1992, c.148 (C.46:15-10.2) or subsubparagraph (ii) of subparagraph (b) of paragraph (2) of subsection b. of section 1 of P.L.1992, c.148 (C.13:19-16.1).

4. a. The Department of Environmental Protection shall conduct, within six months after the effective date of this act, a study of the facilities, services, resources, activities, and amenities provided, or which reasonably could be provided, at each State park or forest as defined in subsection e. of section 3 of P.L.1983, c.324 (C.13:1L-3). As part of the study, the department shall:

(1) examine opportunities for increasing revenue realized from State parks and forests through (a) concessions, (b) marketing of products with State park or forest, New Jersey history, or other New Jerseyana or Garden State themes, (c) marketing of other products such as camping and outdoor recreational supplies and equipment, and (d) leases and rentals for events and other one-time or short-term uses;

(2) conduct a re-appraisal of the rents and fees charged for all residences and other buildings and structures, and for utility easements and right-of-ways, located on State park or forest lands to ensure they reflect current fair market values and will continue to do so;

(3) research fee structure strategies such as per person pricing compared to per vehicle charges and non-uniform pricing based upon intensity or frequency of use, location of the State park or forest, season, time of day, age of the visitor, and other similar factors;

(4) determine whether the fees it charges or will charge at State parks and forests are competitively priced when compared to similar facilities, services, resources, activities, and amenities offered in the private sector or by other states; and

(5) determine whether the fees it charges or will charge are causing or will cause any significant decrease in visitation to State parks and forests or a decrease in the use of certain facilities, services, resources, or amenities or in participation in certain activities.

b. The department, within 60 days after completion of the study required pursuant to subsection a. of this section, shall submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature and to the State Treasurer a report of its findings and conclusions from the study.

c. Based upon the results of the study, the department shall, by July 1, 2009, (1) modify the fees it charges for facilities, services, resources, activities, and amenities at State parks and forests to ensure as much as practicable that the fee structure established properly reflects the availability of those facilities, services, resources, activities, and amenities and that the fee revenues realized therefrom are making an appropriate and reasonable contribution toward defraying the cost of operating and maintaining State parks and forests, and (2) implement other measures deemed in the study to be appropriate and beneficial with respect to increasing revenues realized from State parks and forests.

5. This act shall take effect July 1, 2008.

Approved June 30, 2008.