

40:37-95.42 to 40:37-95.49

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:37-95.42
to 40:37-95.49

(County parks--assumption
of control by county
governing body)

LAWS OF: 1986

CHAPTER 90

BILL NO: A868

Sponsor(s): Bubba

Date Introduced: Pre-filed

Committee: Assembly: County Government

Senate: -----

Amended during passage: Yes

Substituted for S110 (not attached since
identical to A868). Amendments during
passage denoted by asterisks

Date of Passage: Assembly: June 30, 1986

Senate: July 31, 1986

Date of Approval: Aug. 14, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 868

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman ZECKER

AN ACT concerning **certain** county parks and recreation places
and supplementing chapter 37 of Title 40 of the Revised Statutes.

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

1 1. It is lawful for the governing body of any county **of the*
2 *second class having a population in excess of 425,000, but less than*
3 *450,000, according to the most recent federal decennial census,**
4 to assume and thereafter to exercise the administration, regula-
5 tion and control of the county parks and recreation places within
6 that county whenever the governing body decides, by resolution
7 adopted by the affirmative votes of a majority of all its members
8 to do so***[, and files]*** *. *The governing body shall hold a public*
9 *hearing on the resolution prior to voting thereon and shall, in at*
10 *least one newspaper circulating in the county, publish notice of*
11 *the date, time and place of the public hearing at least two weeks*
12 *prior to the hearing. Upon approval of the resolution, the gov-*
13 *erning body shall file** a certificate of that decision attested to by
14 the clerk in the office of the Secretary of State. When the certificate
15 is filed, the administration, regulation and control of the county
16 parks and recreation places of that county shall no longer be with
17 the county park commission but with the governing body of the
18 county. **The governing body shall not consider or approve a*
19 *resolution altering the assumption of the administration, regula-*
20 *tion and control of the county parks and recreation places until*
21 *three years have passed from the date of the filing of the*
22 *certificate.**

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly amendments adopted February 10, 1986.

1 2. The governing body of any county acting pursuant to section 1
2 of this act, may appoint a county park advisory commission **to*
3 *be** composed of ***[five]*** **the same number of** persons ***[to]***
4 **as the number of county park commissioners formerly required*
5 *to be appointed by law. The advisory commission shall** advise
6 ***[it]*** **the governing body** in matters concerning the adminis-
7 tration, regulation and control of the county parks and recreation
8 places within the county. The advisory commissioners first ap-
9 pointed in any county shall hold office as follows: **a. In the case*
10 *of an advisory commission having five members,** two for terms
11 of one year, two for terms of two years and one for a term of
12 three years, respectively, as indicated and fixed in their orders of
13 appointment*; *b. In the case of an advisory commission having*
14 *seven members, three for terms of one year, two for terms of two*
15 *years and two for terms of three years, respectively, as indicated*
16 *and fixed in their orders of appointment; and c. In the case of an*
17 *advisory commission having nine members, four for terms of one*
18 *year, three for terms of two years and two for terms of three*
19 *years, respectively, as indicated and fixed in their orders of ap-*
20 *pointment**. Thereafter all advisory commissioners shall hold
21 office for the full term of three years and vacancies shall be filled
22 in the manner generally provided by law. The members shall
23 serve without compensation but their necessary expenses shall
24 be allowed and paid.

1 3. It is the intent of this act that members of any former county
2 park commission in office in the county on the date the certificate
3 is filed with the Secretary of State pursuant to section 1 of this
4 act shall continue in office as advisory commissioners pursuant to
5 this act, and, therefore, that each former county park commissioner
6 is appointed as an initial member of the advisory commission for a
7 term which most nearly corresponds to the time remaining of the
8 term for which he was originally appointed as a county park com-
9 missioner. In any case where it is not practicable to appoint each
10 former county park commissioner to an initial term as advisory
11 commissioner nearly corresponding to the time remaining in the
12 original term, the former commissioners shall determine by lot the
13 initial term for which each is appointed.

1 4. Whenever the county governing body acts pursuant to section
2 1 of this act, all moneys, files, books, papers, records, equipment and
3 other property real or personal owned, controlled or possessed
4 by any former county park commission shall be transferred to the
5 governing body of the county.

1 5. Whenever the county governing body acts pursuant to section 1
2 of this act, all employees employed by or on behalf of any former
3 county park commission shall continue under the direction, super-
4 vision and control of the county governing body and nothing in
5 this act shall deprive any employee of any tenure rights or any
6 right or protection provided by any employment status, pension law
7 or retirement system.

1 6. Whenever the county governing body acts pursuant to section 1
2 of this act, it shall succeed to all the rights, powers, duties and
3 obligations of any former county park commission.

1 7. Whenever the county governing body acts pursuant to section
2 1 of this act, it shall prescribe rules and regulations for the admin-
3 istration, regulation and control of the county parks and recreation
4 places within the county.

1 8. The provisions of this act shall not apply to any county
2 governed by the provisions of the "Optional County Charter Law,"
3 P. L. 1972, c. 154 (C. 40:41A-1 et seq.), but a county so governed,
4 which assumes the exercise of the administration, regulation and
5 control of county parks and recreation places within the county,
6 shall do so pursuant to the reorganization powers granted under
7 section 30 of P. L. 1972, c. 154 (C. 40:41A-30).

1 9. This act shall take effect immediately.

COUNTY GOVERNMENT

Permits certain county governing bodies to assume control over
the county parks and recreation areas.

STATEMENT

This bill permits any county governing body to assume the administration, regulation and control of the county parks and recreation places within the county upon an affirmative vote of a majority of all its members to do so. All the powers, duties, rights and obligations of the former county park commission would be assumed by the county governing body.

The bill also allows the governing body to appoint a five member advisory board to assist it. Members of any former county park commission would remain in office in an advisory capacity to assist the governing body until the expiration of their terms.

Additionally the bill:

1. Reconciles the vacancy provisions of the bill with those of the general law applying to vacancies in appointive local offices (P. L. 1979, c. 302; C. 40A:9-12.1);
2. Reconciles the provisions of section 2 of the bill concerning staggered terms for initial appointments to the advisory council, with the provisions of section 3 of the bill concerning the continuance of former county park commissioners as advisory commissioners for the remainder of the original terms; and
3. Assures that counties governed by the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A-1 et seq.) shall proceed with respect to a county park commission pursuant to the reorganization powers granted under section 30 of that law (C. 40:41A-30).

A868(1986)

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 868

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1986

Assembly Bill No. 868 Aca supplements chapter 37 of Title 40 of the Revised Statutes to permit the governing body of any county, other than a county which has adopted a form of government authorized under the provisions of the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A-1 et seq.), to assume, by resolution approved by a majority of the full membership of the board of chosen freeholders, control of the county's parks and recreation places. Under the provisions of the bill, any governing body which assumed control of the county's parks and recreation places would be permitted to establish a county park advisory commission to advise the governing body in matters concerning the administration, regulation, and control of those parks and recreation places. The advisory commission members would be appointed by the governing body and serve, on a staggered basis, three year terms. The bill also provides that all the employees of any commission which administered, regulated and controlled a county's parks and recreation places prior to the assumption of those responsibilities by the governing body of the county shall become employees of the governing body and shall retain any tenure rights or any other rights or protection afforded those employees by virtue of their former employment status, pension law or participation in a retirement system.

Under current law, except in those counties which have adopted a form of government authorized under the provisions of the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A-1 et seq.), the administration, regulation and control of county parks and recreation places are the responsibility of a county park commission. The members of a county park commission are appointed by the board of chosen freeholders and serve, on a staggered basis, five year terms. Depending upon the enabling statute, park commissions may have five, seven or nine members.

The committee amended the bill to require that the governing body of a county give public notice and conduct a public hearing before adopting a resolution to assume control of the county's parks and recreation

places. The committee also amended the bill to specify that if a governing body does adopt a resolution to assume responsibility for the administration, regulation and control of the county's parks and recreation places, it may not adopt a resolution transferring or relinquishing that control to any other body for at least three years. In addition, the committee amended the bill to specify that any county park advisory commission established pursuant to the provisions of this bill shall have the same number of members as the county park commission which formerly exercised control over the county's parks and recreation places. Finally, the committee amended the bill to provide that its provisions apply only to counties of the second class having a population in excess of 425,000, but less than 450,000, according to the most recent federal decennial census.

The bill, as amended, was reported favorably by the committee.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported and amended, the bill includes the changes required by technical review which has been performed.



SEP 4 1986

OFFICE OF THE GOVERNOR

NEWS RELEASE

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CN-001

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TRENTON, N.J. 08625

Release: FRI., AUG. 15, 1986

Governor Thomas H. Kean today signed the following legislation:

A-1898, sponsored by Assemblyman Willie B. Brown, D-Essex, and Senator Wynona Lipman, D-Essex, permits the extension of the period of tax abatement for urban renewal projects for an additional term of fifteen years from the date of the termination of the original abatement period. The legislation is effective immediately.

A-520/S-1135, sponsored by Assemblyman Thomas J. Shusted, R-Camden, and Senator Raymond Lesniak, D-Union, extends the right to submit a victim impact statement to all victims of defendants for whom a presentence report is prepared and to persons who are victimized by juveniles. The legislation is effective immediately.

A-1428/S-1882, sponsored by Assemblywoman Marion Crecco, R-Essex, and Senator Carmen A. Orechio, D-Essex, makes a supplemental appropriation of \$150,000 to the Department of Labor for the expansion of the West Essex Rehabilitation Center in Montclair. The legislation is effective immediately, and is retroactive to July 1, 1985.

A-868, sponsored by Assemblyman Gerald H. Zecker, R-Passaic, permits the freeholders in Passaic County to take control of their county parks. The legislation is effective immediately.

A-412, sponsored by Assemblyman John Paul Doyle, D-Ocean, permits courts to appoint receivers for animal pounds and shelters if the owner or operator of the pound is arrested for cruelty to animals.

The legislation is effective immediately.