



Bill and Sponsors Statement identical to A409

**COMMITTEE STATEMENT:**

**ASSEMBLY:** No

**SENATE:** Yes

Identical to Assembly Statement for A409

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

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# ASSEMBLY, No. 409

## STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblyman LARRY CHATZIDAKIS**  
**District 8 (Atlantic, Burlington and Camden)**  
**Assemblyman FRANCIS L. BODINE**  
**District 8 (Atlantic, Burlington and Camden)**

**Co-Sponsored by:**

**Assemblymen Geist, LeFevre, Holzapfel and Wolfe**

**SYNOPSIS**

Authorizes municipal utilities authorities and school districts to join with municipalities to acquire lands for recreation and conservation purposes.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 5/2/2000)**

1 AN ACT concerning the acquisition of land for recreation and  
2 conservation purposes and supplementing P.L.1957, c.183  
3 (C.40:14B-1 et seq.), chapter 7F of Title 18A of the New Jersey  
4 Statutes and chapter 12 of Title 40A of the New Jersey Statutes.

5

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

8

9 1. A municipal utilities authority may expend any of its funds for  
10 the joint acquisition of land for recreation and conservation purposes  
11 with a municipality, notwithstanding the participation of any other  
12 public entity in the purchase.

13

14 2. A school district may expend any of its surplus funds for the  
15 joint acquisition of land for recreation and conservation purposes with  
16 a municipality, notwithstanding the participation of any other public  
17 entity in the purchase.

18

19 3. A municipality may contract with another municipality, a  
20 municipal utilities authority, or a school district for the purpose of  
21 acquiring land for recreation and conservation purposes. Title to any  
22 land so acquired shall be taken in the manner provided by agreement  
23 between the participating entities. The expense of acquisition and  
24 maintenance of the land shall be divided in such manner as the parties  
25 shall agree upon.

26

27 4. This act shall take effect immediately.

28

29

30

#### STATEMENT

31

32 This bill authorizes municipal utilities authorities and school  
33 districts to join with municipalities to acquire land for recreation and  
34 conservation purposes. Title to such land would be taken in the  
35 manner provided by agreement between the participating entities, and  
36 the expense of acquisition and maintenance of the land would be  
37 divided in such manner as the parties shall agree upon.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 409**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 8, 2000

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 409.

This bill authorizes municipal utilities authorities and school districts to join with municipalities to acquire land for recreation and conservation purposes. Title to such land would be taken in the manner provided by agreement between the participating entities, and the expense of acquisition and maintenance of the land would be divided in such manner as the parties shall agree upon.

The committee amended the bill to provide that any such joint action to acquire land would be authorized only if the transaction does not violate any federal or State law and has a direct nexus to, and substantially furthers the core mission of, the respective municipal utilities authority or school district. The committee also amended the bill to (1) add a definition of "recreation and conservation purposes," (2) provide that nothing in the bill would interfere with or limit the oversight authority of any State agency over a municipal utilities authority or school district, and (3) make technical amendments.

This bill was pre-filed for introduction in the 2000-2001 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

[First Reprint]

**ASSEMBLY, No. 409**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblyman LARRY CHATZIDAKIS**

**District 8 (Atlantic, Burlington and Camden)**

**Assemblyman FRANCIS L. BODINE**

**District 8 (Atlantic, Burlington and Camden)**

**Co-Sponsored by:**

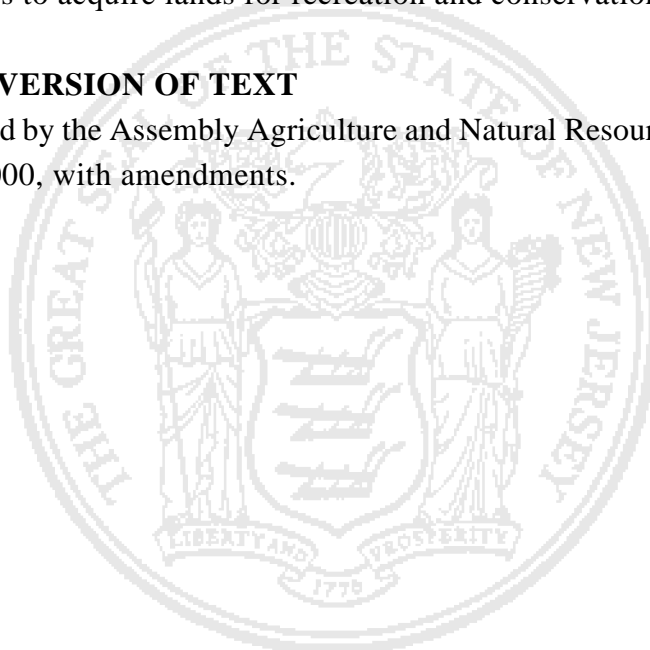
**Assemblymen Geist, LeFevre, Holzapfel, Wolfe, Assemblywoman  
Farragher, Senators Ciesla and Allen**

**SYNOPSIS**

Authorizes municipal utilities authorities and school districts to join with municipalities to acquire lands for recreation and conservation purposes.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Agriculture and Natural Resources Committee on May 8, 2000, with amendments.



**(Sponsorship Updated As Of: 12/18/2001)**

1 AN ACT concerning the acquisition of land for recreation and  
2 conservation purposes and supplementing P.L.1957, c.183  
3 (C.40:14B-1 et seq.), <sup>1</sup>[chapter 7F of]<sup>1</sup> Title 18A of the New  
4 Jersey Statutes <sup>1</sup>,<sup>1</sup> and chapter 12 of Title 40A of the New Jersey  
5 Statutes.

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

9  
10 1. <sup>1</sup>a.<sup>1</sup> A municipal utilities authority may expend any of its funds  
11 for the joint acquisition of land for recreation and conservation  
12 purposes with a municipality, notwithstanding the participation of any  
13 other public entity in the purchase <sup>1</sup>, provided that the transaction does  
14 not violate any federal or State law and has a direct nexus to, and  
15 substantially furthers the core mission of, the municipal utilities  
16 authority.

17 b. Nothing in this section shall interfere with or limit the oversight  
18 authority of any State agency over a municipal utilities authority.

19 c. For the purposes of this section, "recreation and conservation  
20 purposes" means the use of lands for beaches, biological or ecological  
21 study, boating, camping, fishing, forests, greenways, hunting, natural  
22 areas, parks, playgrounds, protecting historic properties, water  
23 reserves, watershed protection, wildlife preserves, active sports, or a  
24 similar use for either public outdoor recreation or conservation of  
25 natural resources, or both<sup>1</sup>.

26  
27 2. <sup>1</sup>a.<sup>1</sup> A school district may expend any of its surplus funds for  
28 the joint acquisition of land for recreation and conservation purposes  
29 with a municipality, notwithstanding the participation of any other  
30 public entity in the purchase <sup>1</sup>, provided that the transaction does not  
31 violate any federal or State law and has a direct nexus to, and  
32 substantially furthers the core mission of, the school district.

33 b. Nothing in this section shall interfere with or limit the oversight  
34 authority of any State agency over a school district.

35 c. For the purposes of this section, "recreation and conservation  
36 purposes" means the use of lands for beaches, biological or ecological  
37 study, boating, camping, fishing, forests, greenways, hunting, natural  
38 areas, parks, playgrounds, protecting historic properties, water  
39 reserves, watershed protection, wildlife preserves, active sports, or a  
40 similar use for either public outdoor recreation or conservation of  
41 natural resources, or both<sup>1</sup>.

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AAN committee amendments adopted May 8, 2000.

1       3. <sup>1</sup>a.<sup>1</sup> A municipality may contract with another municipality, a  
2 municipal utilities authority, or a school district for the purpose of  
3 acquiring land for recreation and conservation purposes <sup>1</sup>, provided  
4 that the transaction does not violate any federal or State law and has  
5 a direct nexus to, and substantially furthers the core mission of, the  
6 respective municipal utilities authority or school district<sup>1</sup>. Title to any  
7 land so acquired shall be taken in the manner provided by agreement  
8 between the participating entities. The expense of acquisition and  
9 maintenance of the land shall be divided in such manner as the parties  
10 shall agree upon.

11       <sup>1</sup>b. Nothing in this section shall interfere with or limit the oversight  
12 authority of any State agency over a municipal utilities authority or  
13 school district.

14       c. For the purposes of this section, "recreation and conservation  
15 purposes" means the use of lands for beaches, biological or ecological  
16 study, boating, camping, fishing, forests, greenways, hunting, natural  
17 areas, parks, playgrounds, protecting historic properties, water  
18 reserves, watershed protection, wildlife preserves, active sports, or a  
19 similar use for either public outdoor recreation or conservation of  
20 natural resources, or both.<sup>1</sup>

21

22       4. This act shall take effect immediately.



SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 409**

**STATE OF NEW JERSEY**

DATED: DECEMBER 13, 2001

The Senate Environment Committee reports favorably Assembly Bill No. 409 (1R).

This bill authorizes municipal utilities authorities and school districts to join with municipalities to acquire land for recreation and conservation purposes. Title to such land would be taken in the manner provided by agreement between the participating entities, and the expense of acquisition and maintenance of the land would be divided in such manner as the parties shall agree upon.

The bill also provides that any such joint action to acquire land would be authorized only if the transaction does not violate any federal or State law and has a direct nexus to, and substantially furthers the core mission of, the respective municipal utilities authority or school district. Finally, the bill provides that nothing in the bill would interfere with or limit the oversight authority of any State agency over a municipal utilities authority or school district.

This bill is identical to Senate Bill No. 1268 as amended by the committee.

# SENATE, No. 1268

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 11, 2000

**Sponsored by:**

**Senator ANDREW R. CIESLA**  
**District 10 (Monmouth and Ocean)**  
**Senator DIANE ALLEN**  
**District 7 (Burlington and Camden)**

**SYNOPSIS**

Authorizes municipal utilities authorities and school districts to join with municipalities to acquire lands for recreation and conservation purposes.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/18/2001)

1 AN ACT concerning the acquisition of land for recreation and  
2 conservation purposes and supplementing P.L.1957, c.183  
3 (C.40:14B-1 et seq.), chapter 7F of Title 18A of the New Jersey  
4 Statutes and chapter 12 of Title 40A of the New Jersey Statutes.

5  
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*

8  
9 1. A municipal utilities authority may expend any of its funds for  
10 the joint acquisition of land for recreation and conservation purposes  
11 with a municipality, notwithstanding the participation of any other  
12 public entity in the purchase.

13  
14 2. A school district may expend any of its surplus funds for the  
15 joint acquisition of land for recreation and conservation purposes with  
16 a municipality, notwithstanding the participation of any other public  
17 entity in the purchase.

18  
19 3. A municipality may contract with another municipality, a  
20 municipal utilities authority, or a school district for the purpose of  
21 acquiring land for recreation and conservation purposes. Title to any  
22 land so acquired shall be taken in the manner provided by agreement  
23 between the participating entities. The expense of acquisition and  
24 maintenance of the land shall be divided in such manner as the parties  
25 shall agree upon.

26  
27 4. This act shall take effect immediately.

28  
29

30 STATEMENT

31  
32 This bill authorizes municipal utilities authorities and school  
33 districts to join with municipalities to acquire land for recreation and  
34 conservation purposes. Title to such land would be taken in the  
35 manner provided by agreement between the participating entities, and  
36 the expense of acquisition and maintenance of the land would be  
37 divided in such manner as the parties shall agree upon.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 1268**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 13, 2001

The Senate Environment Committee reports favorably and with committee amendments Senate Bill No. 1268.

This bill authorizes municipal utilities authorities and school districts to join with municipalities to acquire land for recreation and conservation purposes. Title to such land would be taken in the manner provided by agreement between the participating entities, and the expense of acquisition and maintenance of the land would be divided in such manner as the parties shall agree upon.

The committee amendments would provide that any such joint action to acquire land would be authorized only if the transaction does not violate any federal or State law and has a direct nexus to, and substantially furthers the core mission of, the respective municipal utilities authority or school district. The committee also amended the bill to (1) add a definition of "recreation and conservation purposes," (2) provide that nothing in the bill would interfere with or limit the oversight authority of any State agency over a municipal utilities authority or school district, and (3) make technical amendments.

As amended, this bill identical to Assembly Bill No 409 (1R) which was also released by the committee.

[First Reprint]

**SENATE, No. 1268**

**STATE OF NEW JERSEY**

**209th LEGISLATURE**

INTRODUCED MAY 11, 2000

**Sponsored by:**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**SYNOPSIS**

Authorizes municipal utilities authorities and school districts to join with municipalities to acquire lands for recreation and conservation purposes.

**CURRENT VERSION OF TEXT**

As reported by the Senate Environment Committee on December 13, 2001, with amendments.



**(Sponsorship Updated As Of: 12/18/2001)**

1 AN ACT concerning the acquisition of land for recreation and  
2 conservation purposes and supplementing P.L.1957, c.183  
3 (C.40:14B-1 et seq.), <sup>1</sup>[chapter 7F of]<sup>1</sup> Title 18A of the New Jersey  
4 Statutes <sup>1</sup>,<sup>1</sup> and chapter 12 of Title 40A of the New Jersey Statutes.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. <sup>1</sup>a.<sup>1</sup> A municipal utilities authority may expend any of its funds  
10 for the joint acquisition of land for recreation and conservation  
11 purposes with a municipality, notwithstanding the participation of any  
12 other public entity in the purchase <sup>1</sup>, provided that the transaction does  
13 not violate any federal or State law and has a direct nexus to, and  
14 substantially furthers the core mission of, the municipal utilities  
15 authority.

16 b. Nothing in this section shall interfere with or limit the oversight  
17 authority of any State agency over a municipal utilities authority.

18 c. For the purposes of this section, "recreation and conservation  
19 purposes" means the use of lands for beaches, biological or ecological  
20 study, boating, camping, fishing, forests, greenways, hunting, natural  
21 areas, parks, playgrounds, protecting historic properties, water  
22 reserves, watershed protection, wildlife preserves, active sports, or a  
23 similar use for either public outdoor recreation or conservation of  
24 natural resources, or both<sup>1</sup>.

25  
26 2. <sup>1</sup>a.<sup>1</sup> A school district may expend any of its surplus funds for  
27 the joint acquisition of land for recreation and conservation purposes  
28 with a municipality, notwithstanding the participation of any other  
29 public entity in the purchase <sup>1</sup>, provided that the transaction does not  
30 violate any federal or State law and has a direct nexus to, and  
31 substantially furthers the core mission of, the school district.

32 b. Nothing in this section shall interfere with or limit the oversight  
33 authority of any State agency over a school district.

34 c. For the purposes of this section, "recreation and conservation  
35 purposes" means the use of lands for beaches, biological or ecological  
36 study, boating, camping, fishing, forests, greenways, hunting, natural  
37 areas, parks, playgrounds, protecting historic properties, water  
38 reserves, watershed protection, wildlife preserves, active sports, or a  
39 similar use for either public outdoor recreation or conservation of  
40 natural resources, or both<sup>1</sup>.

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SEN committee amendments adopted December 13, 2001.

1       3. <sup>1</sup>a.<sup>1</sup> A municipality may contract with another municipality, a  
2 municipal utilities authority, or a school district for the purpose of  
3 acquiring land for recreation and conservation purposes <sup>1</sup>, provided  
4 that the transaction does not violate any federal or State law and has  
5 a direct nexus to, and substantially furthers the core mission of, the  
6 respective municipal utilities authority or school district<sup>1</sup>. Title to any  
7 land so acquired shall be taken in the manner provided by agreement  
8 between the participating entities. The expense of acquisition and  
9 maintenance of the land shall be divided in such manner as the parties  
10 shall agree upon.

11       <sup>1</sup>b. Nothing in this section shall interfere with or limit the oversight  
12 authority of any State agency over a municipal utilities authority or  
13 school district.

14       c. For the purposes of this section, "recreation and conservation  
15 purposes" means the use of lands for beaches, biological or ecological  
16 study, boating, camping, fishing, forests, greenways, hunting, natural  
17 areas, parks, playgrounds, protecting historic properties, water  
18 reserves, watershed protection, wildlife preserves, active sports, or a  
19 similar use for either public outdoor recreation or conservation of  
20 natural resources, or both.<sup>1</sup>

21

22       4. This act shall take effect immediately.

P.L. 2001, CHAPTER 283, *approved December 27, 2001*  
Assembly, No. 409 (*First Reprint*)

1 **AN ACT** concerning the acquisition of land for recreation and  
2 conservation purposes and supplementing P.L.1957, c.183  
3 (C.40:14B-1 et seq.), <sup>1</sup>[chapter 7F of]<sup>1</sup> Title 18A of the New  
4 Jersey Statutes <sup>1</sup>,<sup>1</sup> and chapter 12 of Title 40A of the New Jersey  
5 Statutes.

6

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

9

10 1. <sup>1</sup>a.<sup>1</sup> A municipal utilities authority may expend any of its funds  
11 for the joint acquisition of land for recreation and conservation  
12 purposes with a municipality, notwithstanding the participation of any  
13 other public entity in the purchase <sup>1</sup>, provided that the transaction does  
14 not violate any federal or State law and has a direct nexus to, and  
15 substantially furthers the core mission of, the municipal utilities  
16 authority.

17 b. Nothing in this section shall interfere with or limit the oversight  
18 authority of any State agency over a municipal utilities authority.

19 c. For the purposes of this section, "recreation and conservation  
20 purposes" means the use of lands for beaches, biological or ecological  
21 study, boating, camping, fishing, forests, greenways, hunting, natural  
22 areas, parks, playgrounds, protecting historic properties, water  
23 reserves, watershed protection, wildlife preserves, active sports, or a  
24 similar use for either public outdoor recreation or conservation of  
25 natural resources, or both<sup>1</sup>.

26

27 2. <sup>1</sup>a.<sup>1</sup> A school district may expend any of its surplus funds for  
28 the joint acquisition of land for recreation and conservation purposes  
29 with a municipality, notwithstanding the participation of any other  
30 public entity in the purchase <sup>1</sup>, provided that the transaction does not  
31 violate any federal or State law and has a direct nexus to, and  
32 substantially furthers the core mission of, the school district.

33 b. Nothing in this section shall interfere with or limit the oversight  
34 authority of any State agency over a school district.

35 c. For the purposes of this section, "recreation and conservation  
36 purposes" means the use of lands for beaches, biological or ecological  
37 study, boating, camping, fishing, forests, greenways, hunting, natural  
38 areas, parks, playgrounds, protecting historic properties, water

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AAN committee amendments adopted May 8, 2000.



1 reserves, watershed protection, wildlife preserves, active sports, or a  
2 similar use for either public outdoor recreation or conservation of  
3 natural resources, or both<sup>1</sup>.

4  
5 3. <sup>1</sup>a.<sup>1</sup> A municipality may contract with another municipality, a  
6 municipal utilities authority, or a school district for the purpose of  
7 acquiring land for recreation and conservation purposes <sup>1</sup>, provided  
8 that the transaction does not violate any federal or State law and has  
9 a direct nexus to, and substantially furthers the core mission of, the  
10 respective municipal utilities authority or school district<sup>1</sup>. Title to any  
11 land so acquired shall be taken in the manner provided by agreement  
12 between the participating entities. The expense of acquisition and  
13 maintenance of the land shall be divided in such manner as the parties  
14 shall agree upon.

15 <sup>1</sup>b. Nothing in this section shall interfere with or limit the oversight  
16 authority of any State agency over a municipal utilities authority or  
17 school district.

18 c. For the purposes of this section, "recreation and conservation  
19 purposes" means the use of lands for beaches, biological or ecological  
20 study, boating, camping, fishing, forests, greenways, hunting, natural  
21 areas, parks, playgrounds, protecting historic properties, water  
22 reserves, watershed protection, wildlife preserves, active sports, or a  
23 similar use for either public outdoor recreation or conservation of  
24 natural resources, or both.<sup>1</sup>

25  
26 4. This act shall take effect immediately.

27  
28  
29 \_\_\_\_\_  
30  
31 Authorizes municipal utilities authorities and school districts to join  
32 with municipalities to acquire lands for recreation and conservation  
33 purposes.

## CHAPTER 283

**AN ACT** concerning the acquisition of land for recreation and conservation purposes and supplementing P.L.1957, c.183 (C.40:14B-1 et seq.), Title 18A of the New Jersey Statutes , and chapter 12 of Title 40A of the New Jersey Statutes.

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

C.40:14B-20.3 Use of municipal utility authority funds for joint acquisition of land for recreation, conservation purposes.

1. a. A municipal utilities authority may expend any of its funds for the joint acquisition of land for recreation and conservation purposes with a municipality, notwithstanding the participation of any other public entity in the purchase , provided that the transaction does not violate any federal or State law and has a direct nexus to, and substantially furthers the core mission of, the municipal utilities authority.

b. Nothing in this section shall interfere with or limit the oversight authority of any State agency over a municipal utilities authority.

c. For the purposes of this section, "recreation and conservation purposes" means the use of lands for beaches, biological or ecological study, boating, camping, fishing, forests, greenways, hunting, natural areas, parks, playgrounds, protecting historic properties, water reserves, watershed protection, wildlife preserves, active sports, or a similar use for either public outdoor recreation or conservation of natural resources, or both.

C.18A:20-2.2 Use of school district surplus funds for joint acquisition of land for recreation, conservation purposes.

2. a. A school district may expend any of its surplus funds for the joint acquisition of land for recreation and conservation purposes with a municipality, notwithstanding the participation of any other public entity in the purchase , provided that the transaction does not violate any federal or State law and has a direct nexus to, and substantially furthers the core mission of, the school district.

b. Nothing in this section shall interfere with or limit the oversight authority of any State agency over a school district.

c. For the purposes of this section, "recreation and conservation purposes" means the use of lands for beaches, biological or ecological study, boating, camping, fishing, forests, greenways, hunting, natural areas, parks, playgrounds, protecting historic properties, water reserves, watershed protection, wildlife preserves, active sports, or a similar use for either public outdoor recreation or conservation of natural resources, or both.

C.40A:12-10.1 Contracts for joint acquisition of land for recreation, conservation purposes.

3. a. A municipality may contract with another municipality, a municipal utilities authority, or a school district for the purpose of acquiring land for recreation and conservation purposes , provided that the transaction does not violate any federal or State law and has a direct nexus to, and substantially furthers the core mission of, the respective municipal utilities authority or school district. Title to any land so acquired shall be taken in the manner provided by agreement between the participating entities. The expense of acquisition and maintenance of the land shall be divided in such manner as the parties shall agree upon.

b. Nothing in this section shall interfere with or limit the oversight authority of any State agency over a municipal utilities authority or school district.

c. For the purposes of this section, "recreation and conservation purposes" means the use of lands for beaches, biological or ecological study, boating, camping, fishing, forests, greenways, hunting, natural areas, parks, playgrounds, protecting historic properties, water reserves, watershed protection, wildlife preserves, active sports, or a similar use for either public outdoor recreation or conservation of natural resources, or both.

4. This act shall take effect immediately.

Approved December 27, 2001.