

40:37- 146.3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:37 - 146.3

(County parks--  
concessions-allow 5 year  
leases)

LAWS OF: 1984

CHAPTER: 174

Bill No: A1926

Sponsor(s): McEnroe and Pankok

Date Introduced: May 7, 1984

Committee: Assembly: County Government and Regional Authorities

Senate: County and Municipal Government

Amended during passage: Yes A mend ments denoted by asterisks  
according to Governor's  
recom mendations

Date of Passage: Assembly: May 21, 1984 Re-enacted 10-11-84

Senate: June 28, 1984 Re-enacted 10-22-84

Date of Approval: October 31, 1984

Following state ments are attached if available:

Sponsor state ments: Yes

Com mittee state ment: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 1926

STATE OF NEW JERSEY

INTRODUCED MAY 7, 1984

By Assemblymen McENROE and PANKOK

AN ACT concerning bidding procedures for certain county park lands and concessions 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. a. Notwithstanding the provisions of any law to the contrary,  
2 a county park commission established pursuant to R. S. 40:37-96  
3 et seq. may lease park lands or concessions therein to the highest  
4 responsible bidder for the purposes of providing services and facili-  
5 ties required for or incidental to the operation of public parks,  
6 playgrounds or recreation places; provided that:

7 (1) The governing body of the county shall approve the lease,  
8 by resolution or ordinance, as appropriate;

9 (2) Advertisement of the acceptance of bids for the lease is  
10 published in a newspaper of general circulation in the county not  
11 less than 10 days prior to the award of the lease; and

12 (3) The period of the lease shall not exceed five years. In award-  
13 ing the lease, the county park commission may receive a lease price  
14 in excess of the amount of any necessarily related administrative  
15 expenses.

16 b. Notwithstanding the provisions of any law to the contrary,  
17 if the responsibilities of, and ownership and occupation of lands  
18 by, a county park commission established pursuant to R. S. 40:37-96  
19 et seq. have been transferred to a division, department, agency or  
20 instrumentality of a county, the governing body of the county may,  
21 by ordinance or resolution, as appropriate, lease park lands or

Matter printed in italics thus is new matter.

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

\*—Assembly amendment adopted in accordance with Governor's recommenda-  
tions September 20, 1984.

22 concessions therein to the highest responsible bidder for the pur-  
23 pose of providing services and facilities required for or incidental  
24 to the operation of public parks, playgrounds or recreation places;  
25 provided that:

26 (1) Advertisement of the acceptance of bids for the lease is  
27 published in a newspaper of general circulation in the county not  
28 less than 10 days prior to the award of the lease; and

29 (2) The period of the lease shall not exceed five years. In award-  
30 ing the lease, the governing body of a county may receive a lease  
31 price in excess of the amount of any necessarily related adminis-  
32 trative expenses.

33 *\*c. Any such lease or concession which shall be conditioned upon*  
34 *the construction or provision of any building, structure or improve-*  
35 *ment by the lessee or concessionaire may, notwithstanding the pro-*  
36 *visions of subsection a. and b. above, be for such period of years*  
37 *as shall be agreed upon.\**

1 2. This act shall take effect immediately.

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ASSEMBLY, No. 1926

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AN ACT concerning bidding procedures for certain county park lands and concessions 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:*

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2 a county park commission established pursuant to R. S. 40:37-96  
3 et seq. may lease park lands or concessions therein to the highest  
4 responsible bidder for the purposes of providing services and facili-  
5 ties required for or incidental to the operation of public parks,  
6 playgrounds or recreation places; provided that:

7 (1) The governing body of the county shall approve the lease,  
8 by resolution or ordinance, as appropriate;

9 (2) Advertisement of the acceptance of bids for the lease is  
10 published in a newspaper of general circulation in the county not  
11 less than 10 days prior to the award of the lease; and

12 (3) The period of the lease shall not exceed five years. In award-  
13 ing the lease, the county park commission may receive a lease price  
14 in excess of the amount of any necessarily related administrative  
15 expenses.

16 b. Notwithstanding the provisions of any law to the contrary,  
17 if the responsibilities of, and ownership and occupation of lands  
18 by, a county park commission established pursuant to R. S. 40:37-96  
19 et seq. have been transferred to a division, department, agency or  
20 instrumentality of a county, the governing body of the county may,  
21 by ordinance or resolution, as appropriate, lease park lands or  
22 concessions therein to the highest responsible bidder for the pur-

23 pose of providing services and facilities required for or incidental  
 24 to the operation of public parks, playgrounds or recreation places;  
 25 provided that:

26 (1) Advertisement of the acceptance of bids for the lease is  
 27 published in a newspaper of general circulation in the county not  
 28 less than 10 days prior to the award of the lease; and

29 (2) The period of the lease shall not exceed five years. In award-  
 30 ing the lease, the governing body of a county may receive a lease  
 31 price in excess of the amount of any necessarily related adminis-  
 32 trative expenses.

1 2. This act shall take effect immediately.

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#### STATEMENT

This bill permits certain county park commissions to lease to the highest bidder park lands or concessions therein for a period of five years. Currently, county park commissions established pursuant to P. L. 1946, c. 276 (C. 40:37-95.1 et seq.) have the power to award such leases. This bill extends the same power to park commissions established pursuant to R. S. 40:37-96 et seq.

In addition, the bill provides that if the responsibilities and lands of the county park commission established pursuant to R. S. 40:37-96 et seq. are transferred to a division, department, agency or instrumentality of a county, the governing body of a county may award such leases, by resolution or ordinance, as appropriate.

A1926 (1984)

ASSEMBLY COUNTY GOVERNMENT AND  
REGIONAL AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1926

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STATE OF NEW JERSEY

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DATED: MAY 14, 1984

Assembly Bill No. 1926 would permit certain county park commissions to lease to the highest responsible bidder lands or concessions for a period of five years. Currently, county park commissions established pursuant to P. L. 1946, c. 276 (C. 40:37-95.1 et seq.) have the power to award such leases. This bill extends the same power to park commissions established pursuant to R. S. 40:37-96 et seq.

In addition, the bill provides that if the responsibilities and lands of the county park commission established pursuant to R. S. 40:37-96 et seq. are transferred to a division, department, agency or instrumentality of a county, the governing body of a county may award such leases, by resolution or ordinance, as appropriate.

SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1926**

**STATE OF NEW JERSEY**

DATED: JUNE 18, 1984

Assembly Bill No. 1926 would authorize certain county park commissions to lease park lands or concessions therein to the highest responsible bidder for a period of five years or less. Currently, county park commissions established pursuant to P. L. 1946, c. 276 (C. 40:37-95.1 et seq.) have the authority to award such leases. The bill would extend the authority to award such leases to county park commissions established pursuant to R. S. 40:37-96 et seq. In addition, the bill would provide that, if the responsibilities and lands of a county park commission of the latter type are transferred to a division, department, agency or instrumentality of the county, the county governing body may award such leases.

## ASSEMBLY BILL NO. 1926

To the Assembly:

Pursuant to Article V, Section I, paragraph 14 of the Constitution, I herewith return Assembly Bill No. 1926 with my recommendations for reconsideration.

This bill would permit county park commissions established pursuant to a 1895 statute, N.J.S.A. 40:37-96, et seq., to lease lands or concessions to the highest bidder for a period of up to five years. This power is already provided to county park commissions established pursuant to a 1946 statute, N.J.S.A. 40:37-95.1 et seq.

I believe that all county park commissions in the State of New Jersey should have the same statutory authority to lease lands or concessions. Unfortunately, Assembly Bill No. 1926 would not provide county park commissions established under the 1895 act with the same powers to lease lands or concessions as is provided to county park commissions established under the 1946 act. Although Assembly Bill No. 1926 reduces the disparities between these similarly situated governmental bodies, it fails to equalize their leasing and concession powers.

Therefore, I feel that county park commissions established pursuant to N.J.S.A. 40:37-96 et seq. should be provided with the same discretion as commissions established pursuant to N.J.S.A. 40:37-95.1 et seq. to award leases and concessions to the highest bidder for a period of greater than five years when the lessee or concessionaire is required to make capital improvements.

Accordingly, I herewith return Assembly Bill No. 1926 and recommend that it be amended as follows:



Page 2, Section 1, after line 32:

Insert subsection as follows: "c. Any such lease or concession which shall be conditioned upon the construction or provision of any building, structure or improvement by the lessee or concessionaire may, notwithstanding the provisions of paragraphs (a) and (b) above, be for such period of years as shall be agreed upon."

Respectfully,

/s/ Thomas H. Kean  
GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards

\_\_\_\_\_  
Chief Counsel