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IS 6/13/07

P.L. 2005, CHAPTER 108, *approved June 29, 2005*
Senate, No. 1890 (*First Reprint*)

1 AN ACT concerning county and municipal open space trust funds,
2 ¹[and] concerning agreements with certain nonprofit
3 organizations,¹ amending ¹[and supplementing]¹ P.L.1997, c.24 ¹,
4 and supplementing Title 40 of the Revised Statutes¹ .
5

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

9 1. Section 2 of P.L.1997, c.24 (C.40:12-15.2) is amended to read
10 as follows:

11 2. a. (1) The governing body of any county may submit to the
12 voters of the county in a general or special election a proposition
13 authorizing imposition of an annual levy for an amount or at a rate
14 deemed appropriate for any or all of the following purposes, or any
15 combination thereof, as determined by the governing body:

16 (a) acquisition of lands for recreation and conservation purposes;

17 (b) development of lands acquired for recreation and conservation
18 purposes;

19 (c) maintenance of lands acquired for recreation and conservation
20 purposes;

21 (d) acquisition of farmland for farmland preservation purposes;

22 (e) historic preservation of historic properties, structures, facilities,
23 sites, areas, or objects, and the acquisition of such properties,
24 structures, facilities, sites, areas, or objects for historic preservation
25 purposes; or

26 (f) payment of debt service on indebtedness issued or incurred by
27 a county for any of the purposes set forth in subparagraph (a), (b), (d)
28 or (e) of this paragraph.

29 (2) The amount or rate of the annual levy may be subdivided in the
30 proposition to reflect the relative portions thereof to be allocated to
31 any of the respective purposes specified in paragraph (1) of this
32 subsection or may be depicted as a total amount or rate, to be
33 subdivided in a manner determined previously, or to be determined at
34 a later date, by the governing body of the county after conducting at
35 least one public hearing thereon.

36 b. Upon approval of the proposition by a majority of the votes cast
37 by the voters of the county, the governing body of the county may
38 annually raise by taxation a sum not to exceed the amount or rate set
39 forth in the proposition approved by the voters for the purposes
40 specified therein. If the amount or rate set forth in the proposition

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEN committee amendments adopted January 31, 2005.

1 was not subdivided among the various purposes, the governing body
2 of the county may determine the appropriate amount or rate to be
3 allocated to each purpose after conducting at least one public hearing
4 thereon.

5 c. Amounts raised by the levy imposed pursuant to this section
6 shall be deposited into a "County Open Space, Recreation, and
7 Farmland and Historic Preservation Trust Fund" to be created by the
8 county, and shall be used exclusively for the purposes authorized by
9 the voters of the county. Any interest or other income earned on
10 monies deposited into the county trust fund shall be credited to the
11 fund to be used for the same purposes as the principal. Separate
12 accounts may be created within the county trust fund for the deposit
13 of revenue to be expended for each of the purposes specified in the
14 proposition approved by the voters of the county. A county may
15 deposit other funds into the County Open Space, Recreation, and
16 Farmland and Historic Preservation Trust Fund, as it may^{1, 1} from
17 time to time, deem appropriate.

18 d. (1) (a) Selection of lands for acquisition for recreation and
19 conservation purposes shall be in accordance with an open space and
20 recreation plan prepared and adopted by the county.

21 (b) Selection of projects to develop or maintain lands acquired for
22 recreation and conservation purposes shall be in accordance with a
23 open space and recreation development and maintenance plan prepared
24 and adopted by the county.

25 (c) Selection of farmland for acquisition for farmland preservation
26 purposes shall be in accordance with a farmland preservation plan
27 prepared and adopted by the county or pursuant to the provisions of
28 the "Agriculture Retention and Development Act," P.L.1983, c.32
29 (C.4:1C-11 et al.) or any other law enacted for the purpose of
30 preserving farmland, or any rules or regulations adopted pursuant
31 thereto.

32 (d) Selection of historic preservation projects shall be in
33 accordance with a historic preservation plan prepared and adopted by
34 the county.

35 (2) Monies in the county trust fund may be used to pay the cost of
36 preparing and adopting the plans required by this subsection.

37 e. The governing body of a county may submit to the voters of the
38 county in a general or special election a proposition amending or
39 supplementing a proposition previously submitted, approved, and
40 implemented as provided pursuant to this section either (1) changing
41 the amount or rate of the annual levy, or (2) adding or removing
42 purposes authorized pursuant to this section for which the levy may be
43 expended. Upon approval of the amendatory or supplementary
44 proposition by a majority of the votes cast by the voters of the county,
45 the governing body of the county shall implement it in the same
46 manner as set forth in this act for implementation of the original

1 proposition.

2 f. Upon petition to the governing body of a county signed by the
3 voters of the county equal in number to at least 15% of the votes cast
4 therein at the last preceding general election, filed with the governing
5 body at least 90 days before a general or special election, the
6 governing body of the county shall submit to the voters of the county
7 in the general or special election the proposition otherwise authorized
8 pursuant to subsection a. or subsection e. of this section, as the case
9 may be.

10 (cf: P.L.1997, c.24, s.2)

11

12 2. Section 7 of P.L.1997, c.24 (C.40:12-15.7) is amended to read
13 as follows:

14 7. a. (1) The governing body of any municipality may submit to
15 the voters of the municipality in a general or special election a
16 proposition authorizing imposition of an annual levy for an amount or
17 at a rate deemed appropriate for any or all of the following purposes,
18 or any combination thereof, as determined by the governing body:

19 (a) acquisition of lands for recreation and conservation purposes;

20 (b) development of lands acquired for recreation and conservation
21 purposes;

22 (c) maintenance of lands acquired for recreation and conservation
23 purposes;

24 (d) acquisition of farmland for farmland preservation purposes;

25 (e) historic preservation of historic properties, structures, facilities,
26 sites, areas, or objects, and the acquisition of such properties,
27 structures, facilities, sites, areas, or objects for historic preservation
28 purposes; or

29 (f) payment of debt service on indebtedness issued or incurred by
30 a municipality for any of the purposes set forth in subparagraph (a),
31 (b), (d) or (e) of this paragraph.

32 (2) The amount or rate of the annual levy may be subdivided in the
33 proposition to reflect the relative portions thereof to be allocated to
34 any of the respective purposes specified in paragraph (1) of this
35 subsection or may be depicted as a total amount or rate, to be
36 subdivided in a manner determined previously, or to be determined at
37 a later date, by the governing body of the municipality after
38 conducting at least one public hearing thereon.

39 b. Upon approval of the proposition by a majority of the votes cast
40 by the voters of the municipality, the governing body of the
41 municipality may annually raise by taxation a sum not to exceed the
42 amount or rate set forth in the proposition approved by the voters for
43 the purposes specified therein. If the amount or rate set forth in the
44 proposition was not subdivided among the various purposes, the
45 governing body of the municipality may determine the appropriate
46 amount or rate to be allocated to each purpose after conducting at

1 least one public hearing thereon.

2 c. Amounts raised by the levy imposed pursuant to this section
3 shall be deposited into a "Municipal Open Space, Recreation, and
4 Farmland and Historic Preservation Trust Fund" to be created by the
5 municipality, and shall be used exclusively for the purposes authorized
6 by the voters of the municipality. Any interest or other income earned
7 on monies deposited into the municipal trust fund shall be credited to
8 the fund to be used for the same purposes as the principal. Separate
9 accounts may be created within the municipal trust fund for the deposit
10 of revenue to be expended for each of the purposes specified in the
11 proposition approved by the voters of the municipality. A municipality
12 may deposit other funds into the Municipal Open Space, Recreation,
13 and Farmland and Historic Preservation Trust Fund, as it may^{1,1} from
14 time to time, deem appropriate.

15 d. The governing body of a municipality may submit to the voters
16 of the municipality in a general or special election a proposition
17 amending or supplementing a proposition previously submitted,
18 approved, and implemented as provided pursuant to this section either
19 (1) changing the amount or rate of the annual levy, or (2) adding or
20 removing purposes authorized pursuant to this section for which the
21 levy may be expended. Upon approval of the amendatory or
22 supplementary proposition by a majority of the votes cast by the voters
23 of the municipality, the governing body of the municipality shall
24 implement it in the same manner as set forth in this act for
25 implementation of the original proposition.

26 e. Upon petition to the governing body of a municipality signed by
27 the voters of the municipality equal in number to at least 15% of the
28 votes cast therein at the last preceding general election, filed with the
29 governing body at least 90 days before a general or special election,
30 the governing body of the municipality shall submit to the voters of the
31 municipality in the general or special election the proposition
32 otherwise authorized pursuant to subsection a. or subsection d. of this
33 section, as the case may be.

34 (cf: P.L.1997, c.24, s.7)

35

36 3. (New Section) ¹a.¹ A ¹[county or municipality] local
37 government unit¹ may enter into an agreement with a ¹[tax-exempt
38 non-profit organization for the purpose of acquiring, holding, and
39 conveying real and personal property including items of antiquity on
40 behalf of the county or municipality for the benefit of the public]
41 charitable conservancy or other tax exempt nonprofit organization to
42 acquire and hold, on behalf of the local government unit, real property,
43 or any interest therein, for recreation and conservation purposes,
44 farmland preservation purposes, or historic preservation purposes, for
45 possible eventual conveyance to the local government unit or another
46 entity approved by the local government unit.

1 b. A local government unit may enter into an agreement with a
2 charitable conservancy or other tax exempt nonprofit organization to
3 acquire and hold, on behalf of the local government unit, items of
4 antiquity, historic artifacts or documents, or other items of an historic
5 character or nature, for possible eventual conveyance to the local
6 government unit or another entity approved by the local government
7 unit.

8 c. Any agreement entered into in accordance with this section shall
9 not be subject to the requirements and provisions of the "Local Public
10 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

11 d. For the purposes of this section, "local government unit" means
12 a county or municipality, or any agency, authority, or other entity
13 thereof¹.

14

15 4. This act shall take effect immediately.

16

17

18

19

20 Allows county or municipality to deposit funds from any source into
21 open space trust funds and to enter agreements with certain nonprofit
22 organizations for land and historic preservation purposes.

SENATE, No. 1890

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED OCTOBER 4, 2004

Sponsored by:

Senator ELLEN KARCHER

District 12 (Mercer and Monmouth)

SYNOPSIS

Allows county or municipality to deposit funds from any source into open space trust funds and enter agreements with non-profit land trusts.

CURRENT VERSION OF TEXT

As introduced.



S1890 KARCHER

2

1 AN ACT concerning county and municipal open space trust funds, and
2 amending and supplementing P.L.1997, c.24.

3

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

6

7 1. Section 2 of P.L.1997, c.24 (C.40:12-15.2) is amended to read
8 as follows:

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10 voters of the county in a general or special election a proposition
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13 combination thereof, as determined by the governing body:

14 (a) acquisition of lands for recreation and conservation purposes;

15 (b) development of lands acquired for recreation and conservation
16 purposes;

17 (c) maintenance of lands acquired for recreation and conservation
18 purposes;

19 (d) acquisition of farmland for farmland preservation purposes;

20 (e) historic preservation of historic properties, structures, facilities,
21 sites, areas, or objects, and the acquisition of such properties,
22 structures, facilities, sites, areas, or objects for historic preservation
23 purposes; or

24 (f) payment of debt service on indebtedness issued or incurred by
25 a county for any of the purposes set forth in subparagraph (a), (b), (d)
26 or (e) of this paragraph.

27 (2) The amount or rate of the annual levy may be subdivided in the
28 proposition to reflect the relative portions thereof to be allocated to
29 any of the respective purposes specified in paragraph (1) of this
30 subsection or may be depicted as a total amount or rate, to be
31 subdivided in a manner determined previously, or to be determined at
32 a later date, by the governing body of the county after conducting at
33 least one public hearing thereon.

34 b. Upon approval of the proposition by a majority of the votes cast
35 by the voters of the county, the governing body of the county may
36 annually raise by taxation a sum not to exceed the amount or rate set
37 forth in the proposition approved by the voters for the purposes
38 specified therein. If the amount or rate set forth in the proposition
39 was not subdivided among the various purposes, the governing body
40 of the county may determine the appropriate amount or rate to be
41 allocated to each purpose after conducting at least one public hearing
42 thereon.

43 c. Amounts raised by the levy imposed pursuant to this section

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 underlined thus is new matter.

1 shall be deposited into a "County Open Space, Recreation, and
2 Farmland and Historic Preservation Trust Fund" to be created by the
3 county, and shall be used exclusively for the purposes authorized by
4 the voters of the county. Any interest or other income earned on
5 monies deposited into the county trust fund shall be credited to the
6 fund to be used for the same purposes as the principal. Separate
7 accounts may be created within the county trust fund for the deposit
8 of revenue to be expended for each of the purposes specified in the
9 proposition approved by the voters of the county. A county may
10 deposit other funds into the County Open Space, Recreation, and
11 Farmland and Historic Preservation Trust Fund, as it may from time
12 to time, deem appropriate.

13 d. (1) (a) Selection of lands for acquisition for recreation and
14 conservation purposes shall be in accordance with an open space and
15 recreation plan prepared and adopted by the county.

16 (b) Selection of projects to develop or maintain lands acquired for
17 recreation and conservation purposes shall be in accordance with a
18 open space and recreation development and maintenance plan prepared
19 and adopted by the county.

20 (c) Selection of farmland for acquisition for farmland preservation
21 purposes shall be in accordance with a farmland preservation plan
22 prepared and adopted by the county or pursuant to the provisions of
23 the "Agriculture Retention and Development Act," P.L.1983, c.32
24 (C.4:1C-11 et al.) or any other law enacted for the purpose of
25 preserving farmland, or any rules or regulations adopted pursuant
26 thereto.

27 (d) Selection of historic preservation projects shall be in
28 accordance with a historic preservation plan prepared and adopted by
29 the county.

30 (2) Monies in the county trust fund may be used to pay the cost of
31 preparing and adopting the plans required by this subsection.

32 e. The governing body of a county may submit to the voters of the
33 county in a general or special election a proposition amending or
34 supplementing a proposition previously submitted, approved, and
35 implemented as provided pursuant to this section either (1) changing
36 the amount or rate of the annual levy, or (2) adding or removing
37 purposes authorized pursuant to this section for which the levy may be
38 expended. Upon approval of the amendatory or supplementary
39 proposition by a majority of the votes cast by the voters of the county,
40 the governing body of the county shall implement it in the same
41 manner as set forth in this act for implementation of the original
42 proposition.

43 f. Upon petition to the governing body of a county signed by the
44 voters of the county equal in number to at least 15% of the votes cast
45 therein at the last preceding general election, filed with the governing
46 body at least 90 days before a general or special election, the

S1890 KARCHER

1 governing body of the county shall submit to the voters of the county
2 in the general or special election the proposition otherwise authorized
3 pursuant to subsection a. or subsection e. of this section, as the case
4 may be.

5 (cf: P.L.1997, c.24, s.2)

6

7 2. Section 7 of P.L.1997, c.24 (C.40:12-15.7) is amended to read
8 as follows:

9 7. a. (1) The governing body of any municipality may submit to
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15 (b) development of lands acquired for recreation and conservation
16 purposes;

17 (c) maintenance of lands acquired for recreation and conservation
18 purposes;

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20 (e) historic preservation of historic properties, structures, facilities,
21 sites, areas, or objects, and the acquisition of such properties,
22 structures, facilities, sites, areas, or objects for historic preservation
23 purposes; or

24 (f) payment of debt service on indebtedness issued or incurred by
25 a municipality for any of the purposes set forth in subparagraph (a),
26 (b), (d) or (e) of this paragraph.

27 (2) The amount or rate of the annual levy may be subdivided in the
28 proposition to reflect the relative portions thereof to be allocated to
29 any of the respective purposes specified in paragraph (1) of this
30 subsection or may be depicted as a total amount or rate, to be
31 subdivided in a manner determined previously, or to be determined at
32 a later date, by the governing body of the municipality after
33 conducting at least one public hearing thereon.

34 b. Upon approval of the proposition by a majority of the votes cast
35 by the voters of the municipality, the governing body of the
36 municipality may annually raise by taxation a sum not to exceed the
37 amount or rate set forth in the proposition approved by the voters for
38 the purposes specified therein. If the amount or rate set forth in the
39 proposition was not subdivided among the various purposes, the
40 governing body of the municipality may determine the appropriate
41 amount or rate to be allocated to each purpose after conducting at
42 least one public hearing thereon.

43 c. Amounts raised by the levy imposed pursuant to this section
44 shall be deposited into a "Municipal Open Space, Recreation, and
45 Farmland and Historic Preservation Trust Fund" to be created by the
46 municipality, and shall be used exclusively for the purposes authorized

1 by the voters of the municipality. Any interest or other income earned
2 on monies deposited into the municipal trust fund shall be credited to
3 the fund to be used for the same purposes as the principal. Separate
4 accounts may be created within the municipal trust fund for the deposit
5 of revenue to be expended for each of the purposes specified in the
6 proposition approved by the voters of the municipality. A municipality
7 may deposit other funds into the Municipal Open Space, Recreation,
8 and Farmland and Historic Preservation Trust Fund, as it may from
9 time to time, deem appropriate.

10 d. The governing body of a municipality may submit to the voters
11 of the municipality in a general or special election a proposition
12 amending or supplementing a proposition previously submitted,
13 approved, and implemented as provided pursuant to this section either
14 (1) changing the amount or rate of the annual levy, or (2) adding or
15 removing purposes authorized pursuant to this section for which the
16 levy may be expended. Upon approval of the amendatory or
17 supplementary proposition by a majority of the votes cast by the voters
18 of the municipality, the governing body of the municipality shall
19 implement it in the same manner as set forth in this act for
20 implementation of the original proposition.

21 e. Upon petition to the governing body of a municipality signed by
22 the voters of the municipality equal in number to at least 15% of the
23 votes cast therein at the last preceding general election, filed with the
24 governing body at least 90 days before a general or special election,
25 the governing body of the municipality shall submit to the voters of the
26 municipality in the general or special election the proposition
27 otherwise authorized pursuant to subsection a. or subsection d. of this
28 section, as the case may be.

29 (cf: P.L.1997, c.24, s.7)

30

31 3. (New Section) A county or municipality may enter into an
32 agreement with a tax-exempt non-profit organization for the purpose
33 of acquiring, holding, and conveying real and personal property
34 including items of antiquity on behalf of the county or municipality for
35 the benefit of the public.

36

37 4. This act shall take effect immediately.

38

39

40

STATEMENT

41

42 This bill provides that a county or municipality may deposit other
43 funds from any source into the County Open Space, Recreation, and
44 Farmland and Historic Preservation Trust Fund or Municipal Open
45 Space, Recreation, and Farmland and Historic Preservation Trust
46 Fund, as it may deem appropriate. Current law provides that only

S1890 KARCHER

6

1 funds derived from the county or municipal open space levy may be
2 deposited in the funds. In addition, this bill provides that a county or
3 municipality may enter into an agreement with a non-profit
4 organization for the purpose of acquiring and conveying open space
5 lands and items of antiquity to a county or municipality.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1890

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 31, 2005

The Senate Environment Committee favorably reports Senate Bill No. 1890 with committee amendments.

This bill, as amended, provides that a county or municipality may deposit other funds from any source into its County Open Space, Recreation, and Farmland and Historic Preservation Trust Fund or Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund, respectively, as the county or municipality may, from time to time, deem appropriate. Current law does not expressly state whether or not funds from other sources may be deposited into those trust funds.

In addition, this bill, as amended, provides that a local government unit may enter into an agreement with a charitable conservancy or other tax exempt nonprofit organization to acquire and hold, on behalf of the local government unit: (1) real property, or any interest therein, for recreation and conservation purposes, farmland preservation purposes, or historic preservation purposes, for possible eventual conveyance to the local government unit or another entity approved by the local government unit; or (2) items of antiquity, historic artifacts or documents, or other items of an historic character or nature, for possible eventual conveyance to the local government unit or another entity approved by the local government unit. The bill, as amended, also exempts these agreements from the requirements and provisions of the "Local Public Contracts Law." The committee amendments generally clarify that the local government agreements with charitable conservancies or other tax exempt nonprofit organizations authorized in the bill apply only to efforts to preserve land or historic items for recreation and conservation purposes, farmland preservation purposes, or historic preservation purposes, and exempt these agreements from the "Local Public Contracts Law." The committee amendments also clarify terminology used in section 3 of the bill and make several technical changes.

This bill, as amended, would be identical to Assembly Bill No. 3337 (1R).

ASSEMBLY, No. 3337

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED OCTOBER 4, 2004

Sponsored by:

Assemblyman MICHAEL PANTER

District 12 (Mercer and Monmouth)

Assemblyman ROBERT MORGAN

District 12 (Mercer and Monmouth)

SYNOPSIS

Allows county or municipality to deposit funds from any source into open space trust funds and enter agreements with non-profit land trusts.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning county and municipal open space trust funds, and
2 amending and supplementing P.L.1997, c.24.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 2 of P.L.1997, c.24 (C.40:12-15.2) is amended to read
8 as follows:

9 2. a. (1) The governing body of any county may submit to the
10 voters of the county in a general or special election a proposition
11 authorizing imposition of an annual levy for an amount or at a rate
12 deemed appropriate for any or all of the following purposes, or any
13 combination thereof, as determined by the governing body:

14 (a) acquisition of lands for recreation and conservation purposes;

15 (b) development of lands acquired for recreation and conservation
16 purposes;

17 (c) maintenance of lands acquired for recreation and conservation
18 purposes;

19 (d) acquisition of farmland for farmland preservation purposes;

20 (e) historic preservation of historic properties, structures, facilities,
21 sites, areas, or objects, and the acquisition of such properties,
22 structures, facilities, sites, areas, or objects for historic preservation
23 purposes; or

24 (f) payment of debt service on indebtedness issued or incurred by
25 a county for any of the purposes set forth in subparagraph (a), (b), (d)
26 or (e) of this paragraph.

27 (2) The amount or rate of the annual levy may be subdivided in the
28 proposition to reflect the relative portions thereof to be allocated to
29 any of the respective purposes specified in paragraph (1) of this
30 subsection or may be depicted as a total amount or rate, to be
31 subdivided in a manner determined previously, or to be determined at
32 a later date, by the governing body of the county after conducting at
33 least one public hearing thereon.

34 b. Upon approval of the proposition by a majority of the votes cast
35 by the voters of the county, the governing body of the county may
36 annually raise by taxation a sum not to exceed the amount or rate set
37 forth in the proposition approved by the voters for the purposes
38 specified therein. If the amount or rate set forth in the proposition
39 was not subdivided among the various purposes, the governing body
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3 county, and shall be used exclusively for the purposes authorized by
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8 of revenue to be expended for each of the purposes specified in the
9 proposition approved by the voters of the county. A county may
10 deposit other funds into the County Open Space, Recreation, and
11 Farmland and Historic Preservation Trust Fund, as it may from time
12 to time, deem appropriate.

13 d. (1) (a) Selection of lands for acquisition for recreation and
14 conservation purposes shall be in accordance with an open space and
15 recreation plan prepared and adopted by the county.

16 (b) Selection of projects to develop or maintain lands acquired for
17 recreation and conservation purposes shall be in accordance with a
18 open space and recreation development and maintenance plan prepared
19 and adopted by the county.

20 (c) Selection of farmland for acquisition for farmland preservation
21 purposes shall be in accordance with a farmland preservation plan
22 prepared and adopted by the county or pursuant to the provisions of
23 the "Agriculture Retention and Development Act," P.L.1983, c.32
24 (C.4:1C-11 et al.) or any other law enacted for the purpose of
25 preserving farmland, or any rules or regulations adopted pursuant
26 thereto.

27 (d) Selection of historic preservation projects shall be in
28 accordance with a historic preservation plan prepared and adopted by
29 the county.

30 (2) Monies in the county trust fund may be used to pay the cost of
31 preparing and adopting the plans required by this subsection.

32 e. The governing body of a county may submit to the voters of the
33 county in a general or special election a proposition amending or
34 supplementing a proposition previously submitted, approved, and
35 implemented as provided pursuant to this section either (1) changing
36 the amount or rate of the annual levy, or (2) adding or removing
37 purposes authorized pursuant to this section for which the levy may be
38 expended. Upon approval of the amendatory or supplementary
39 proposition by a majority of the votes cast by the voters of the county,
40 the governing body of the county shall implement it in the same
41 manner as set forth in this act for implementation of the original
42 proposition.

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45 therein at the last preceding general election, filed with the governing
46 body at least 90 days before a general or special election, the

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5 (cf: P.L.1997, c.24, s.2)

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16 purposes;

17 (c) maintenance of lands acquired for recreation and conservation
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19 (d) acquisition of farmland for farmland preservation purposes;

20 (e) historic preservation of historic properties, structures, facilities,
21 sites, areas, or objects, and the acquisition of such properties,
22 structures, facilities, sites, areas, or objects for historic preservation
23 purposes; or

24 (f) payment of debt service on indebtedness issued or incurred by
25 a municipality for any of the purposes set forth in subparagraph (a),
26 (b), (d) or (e) of this paragraph.

27 (2) The amount or rate of the annual levy may be subdivided in the
28 proposition to reflect the relative portions thereof to be allocated to
29 any of the respective purposes specified in paragraph (1) of this
30 subsection or may be depicted as a total amount or rate, to be
31 subdivided in a manner determined previously, or to be determined at
32 a later date, by the governing body of the municipality after
33 conducting at least one public hearing thereon.

34 b. Upon approval of the proposition by a majority of the votes cast
35 by the voters of the municipality, the governing body of the
36 municipality may annually raise by taxation a sum not to exceed the
37 amount or rate set forth in the proposition approved by the voters for
38 the purposes specified therein. If the amount or rate set forth in the
39 proposition was not subdivided among the various purposes, the
40 governing body of the municipality may determine the appropriate
41 amount or rate to be allocated to each purpose after conducting at
42 least one public hearing thereon.

43 c. Amounts raised by the levy imposed pursuant to this section
44 shall be deposited into a "Municipal Open Space, Recreation, and
45 Farmland and Historic Preservation Trust Fund" to be created by the
46 municipality, and shall be used exclusively for the purposes authorized

1 by the voters of the municipality. Any interest or other income earned
2 on monies deposited into the municipal trust fund shall be credited to
3 the fund to be used for the same purposes as the principal. Separate
4 accounts may be created within the municipal trust fund for the deposit
5 of revenue to be expended for each of the purposes specified in the
6 proposition approved by the voters of the municipality. A municipality
7 may deposit other funds into the Municipal Open Space, Recreation,
8 and Farmland and Historic Preservation Trust Fund, as it may from
9 time to time, deem appropriate.

10 d. The governing body of a municipality may submit to the voters
11 of the municipality in a general or special election a proposition
12 amending or supplementing a proposition previously submitted,
13 approved, and implemented as provided pursuant to this section either
14 (1) changing the amount or rate of the annual levy, or (2) adding or
15 removing purposes authorized pursuant to this section for which the
16 levy may be expended. Upon approval of the amendatory or
17 supplementary proposition by a majority of the votes cast by the voters
18 of the municipality, the governing body of the municipality shall
19 implement it in the same manner as set forth in this act for
20 implementation of the original proposition.

21 e. Upon petition to the governing body of a municipality signed by
22 the voters of the municipality equal in number to at least 15% of the
23 votes cast therein at the last preceding general election, filed with the
24 governing body at least 90 days before a general or special election,
25 the governing body of the municipality shall submit to the voters of the
26 municipality in the general or special election the proposition
27 otherwise authorized pursuant to subsection a. or subsection d. of this
28 section, as the case may be.

29 (cf: P.L.1997, c.24, s.7)

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31 3. (New Section) A county or municipality may enter into an
32 agreement with a tax-exempt non-profit organization for the purpose
33 of acquiring, holding, and conveying real and personal property
34 including items of antiquity on behalf of the county or municipality for
35 the benefit of the public.

36

37 4. This act shall take effect immediately.

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STATEMENT

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42 This bill provides that a county or municipality may deposit other
43 funds from any source into the County Open Space, Recreation, and
44 Farmland and Historic Preservation Trust Fund or Municipal Open
45 Space, Recreation, and Farmland and Historic Preservation Trust
46 Fund, as it may deem appropriate. Current law provides that only

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1 funds derived from the county or municipal open space levy may be
2 deposited in the funds. In addition, this bill provides that a county or
3 municipality may enter into an agreement with a non-profit
4 organization for the purpose of acquiring and conveying open space
5 lands and items of antiquity to a county or municipality.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3337

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 13, 2005

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 3337.

This bill, as amended by the committee, provides that a county or municipality may deposit other funds from any source into its County Open Space, Recreation, and Farmland and Historic Preservation Trust Fund or Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund, respectively, as the county or municipality may, from time to time, deem appropriate. Current law does not expressly state whether or not funds from other sources may be deposited into those trust funds.

In addition, this bill, as amended by the committee, provides that a local government unit may enter into an agreement with a charitable conservancy or other tax exempt nonprofit organization to acquire and hold, on behalf of the local government unit: (1) real property, or any interest therein, for recreation and conservation purposes, farmland preservation purposes, or historic preservation purposes, for possible eventual conveyance to the local government unit or another entity approved by the local government unit; or (2) items of antiquity, historic artifacts or documents, or other items of an historic character or nature, for possible eventual conveyance to the local government unit or another entity approved by the local government unit. The bill, as amended by the committee, also exempts these agreements from the requirements and provisions of the "Local Public Contracts Law."

COMMITTEE AMENDMENTS:

The committee amendments generally clarify that the local government agreements with charitable conservancies or other tax exempt nonprofit organizations authorized in the bill apply only to efforts to preserve land or historic items for recreation and conservation purposes, farmland preservation purposes, or historic preservation purposes, and exempt these agreements from the "Local Public Contracts Law." The committee amendments also clarify terminology used in section 3 of the bill and make several technical changes.