

40:12-29

LEGISLATIVE HISTORY CHECKLIST
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(Parks--open spaces--
solicit donations)

NJSA: 40:12-29

LAWS OF: 1994 CHAPTER: 111

BILL NO: A813

SPONSOR(S): Farragher

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Environment

SENATE: Natural Resources

AMENDED DURING PASSAGE: Yes Amendments denoted by
First reprint enacted superscript numbers

DATE OF PASSAGE: ASSEMBLY: January 27, 1994

SENATE: March 31, 1994

DATE OF APPROVAL: September 20, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

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[FIRST REPRINT]
ASSEMBLY, No. 813

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblywoman FARRAGHER, Assemblymen HAYTAIAN,
Cottrell, Malone, Azzolina, Kramer and Corodemus

1 AN ACT concerning open space preservation, parks, and
2 recreation areas, and supplementing ¹[Title 13, Title 23, and]¹
3 Title 40 of the Revised Statutes.

4

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

7 ¹[1. Notwithstanding any law, rule, or regulation to the
8 contrary, the State or any entity or agency thereof may solicit
9 and accept donations, by gift, bequest, or devise, of real
10 property, funds, personal property, in-kind items, or services by
11 private persons to the soliciting governmental entity or agency,
12 for the purpose of public open space preservation or the
13 establishment and maintenance of public parks, forests, or
14 recreation areas.

15 Any such donation may be publicly recognized by the State or
16 by the entity or agency thereof receiving the donation.

17 Any solicitation for a donation of \$7,500 or more in value shall
18 be made a matter of public record by publication of notice
19 describing the solicitation in the New Jersey Register.]¹

20 ¹[2. Notwithstanding any law, rule, or regulation to the
21 contrary, the Division of Fish, Game and Wildlife may solicit and
22 accept donations, by gift, bequest, or devise, of real property,
23 funds, personal property, in-kind items, or services by private
24 persons to the division, for the purpose of public open space
25 preservation or the establishment and maintenance of wildlife
26 management areas, preserves, or sanctuaries.

27 Any such donation may be publicly recognized by the division.

28 Any solicitation for a donation of \$7,500 or more in value shall
29 be made a matter of public record by publication of notice
30 describing the solicitation in the New Jersey Register.]¹

31 ¹[3. Notwithstanding any law, rule, or regulation to the
32 contrary,] 1. Subject to all relevant laws, rules or regulations,¹
33 any county or municipality, or any entity or agency thereof, may
34 solicit and accept donations, by gift, bequest, or devise, of real
35 property, funds, personal property, in-kind items, or services by
36 private persons to the soliciting governmental entity or agency,
37 for the purpose of public open space preservation or the
38 establishment and maintenance of public parks, forests,
39 recreation areas, or wildlife management areas, preserves, or
40 sanctuaries.

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 Assembly amendments adopted in accordance with Governor's
recommendations May 16, 1994.

1 Any such donation may be publicly recognized by the county or
2 municipality, or the appropriate entity or agency thereof,
3 receiving the donation.

4 Any solicitation for a donation of \$7,500 or more in value shall
5 be made a matter of public record by the county or municipality,
6 or the appropriate entity or agency thereof, as the case may be,
7 by adoption of a resolution or ordinance authorizing the
8 solicitation.

9 ¹[4.] 2. This act shall take effect immediately.

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14 _____
15 Authorizes local government units to solicit gifts for open space
preservation, parks, recreation areas, and wildlife areas.

1 or the appropriate entity or agency thereof, as the case may be,
2 by adoption of a resolution or ordinance authorizing the
3 solicitation.

4 4. This act shall take effect immediately.

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6

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STATEMENT

8

9 This bill would authorize the State and its entities and
10 agencies, the State Division of Fish, Game and Wildlife, and
11 counties and municipalities, and any agencies thereof, to solicit
12 private donations, by gift, bequest, or devise, of real property,
13 funds, personal property, in-kind items, or services, for the
14 purpose of public open space preservation or the establishment
15 and maintenance of public parks and recreation areas.

16 The bill further provides that any donation may be publicly
17 recognized by the entity receiving the donation. Additionally, a
18 State or local entity that solicits a donation of \$7,500 or more
19 must make that solicitation a public record by, in the case of a
20 State entity, publication of a notice in the New Jersey Register,
21 and in the case of a county or municipal entity, authorization of
22 the solicitation in a resolution or ordinance.

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27 Authorizes State and local government units to solicit gifts for
28 open space preservation, parks, recreation areas, and wildlife
29 areas.

ASSEMBLY ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 813

STATE OF NEW JERSEY

DATED: JANUARY 20, 1994

The Assembly Environment and Energy Committee favorably reports Assembly Bill No. 813.

This bill would authorize the State and its entities and agencies, and counties and municipalities and entities or agencies thereof, to solicit and accept private donations, by gift, bequest, or devise, of real property, funds, personal property, in-kind items, or services, for the purpose of public open space preservation or the establishment and maintenance of public parks, forests, recreation areas, etc.

The bill would further provide that any donation may be publicly recognized by the entity receiving the donation. Additionally, a State or local entity that solicits a donation of \$7,500 or more in value would be required to make that solicitation a public record by, in the case of a State entity, publication of a notice in the New Jersey Register, and in the case of a county or municipal entity, adoption of a resolution or ordinance authorizing the solicitation.

This bill was pre-filed for introduction in the 1994-95 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE NATURAL RESOURCES, TRADE
AND ECONOMIC DEVELOPMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 813

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 1994

The Senate Natural Resources, Trade and Economic Development Committee favorably reports Assembly Bill No. 813.

This bill would authorize the State and its entities and agencies, and counties and municipalities and entities or agencies thereof, to solicit and accept private donations, by gift, bequest, or devise, of real property, funds, personal property, in-kind items, or services, for the purpose of public open space preservation or the establishment and maintenance of public parks, forests, recreation areas, etc.

The bill would further provide that any donation may be publicly recognized by the entity receiving the donation. Additionally, a State or local entity that solicits a donation of \$7,500 or more in value would be required to make that solicitation a public record by, in the case of a State entity, publication of a notice in the New Jersey Register, and in the case of a county or municipal entity, adoption of a resolution or ordinance authorizing the solicitation.

May 16, 1994

ASSEMBLY BILL NO. 813

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14, of the New Jersey Constitution, I am returning Assembly Bill No. 813 with my recommendations for reconsideration.

A. Summary of Bill

This bill authorizes the State, counties and municipalities to solicit and accept certain donations of real property or personal property or services by private persons for the purposes of public open space preservation or the establishment and maintenance of public parks, forests or recreation areas. The bill also specifically authorizes the Division of Fish, Game and Wildlife, within the Department of Environmental Protection and Energy (DEPE), to solicit and receive private contributions for open space preservation, establishment and maintenance. The bill provides that any such donation may be publicly recognized by the governmental entity receiving the donation. Finally, any solicitation for a donation of \$7,500 or more in value is to be made a matter of public record.

B. Recommended Action

The goals of this bill are laudable, and I commend the Legislature and the bill's sponsors for their efforts. One of the defining features of New Jersey is open space, including parks, forests and recreation areas. The preservation, creation and maintenance of these precious areas are essential to perpetuating the character of New Jersey.

While the goals are meritorious, I am advised that the State itself already has the inherent authority, subject to applicable laws, rules and procedures, to seek and receive private contributions to be used for public purposes. In addition, various

departments and agencies of State government, including the DEPE (of which the Division of Fish, Game and Wildlife is a part), have been granted express authority by the Legislature to act on behalf of the State to seek and receive private contributions for public purposes, subject to procedures set forth in those statutes and other applicable laws. In particular, I note that N.J.S.A. 13:1D-9r already provides that with gubernatorial approval the DEPE may, among other things, apply for, receive and expend funds from public or private sources for any of the objects of the Department's enabling legislation. Also, N.J.S.A. 13:1B-63 presently authorizes the DEPE, with the approval of the DEPE Commissioner and Governor, to accept land, money and other property in the name of the State for the public purposes of that Department subject to certain prescribed notice and hearing procedures and other applicable laws.

Hence, the provisions of this bill that attempt to confer upon the State or the DEPE the authority to seek and obtain donations of parkland or other assets for parkland purposes are unnecessary. Accordingly, I recommend that these provisions be deleted from the bill. To the extent that county and municipal entities require authorization to solicit and receive private contributions for the establishment and maintenance of open space, I support such authorization subject to relevant laws, rules or regulations.

For these reasons, I herewith return Assembly Bill No. 813 and recommend that it be amended as follows:

Page 1, Title, Line 2: After "supplementing" delete remainder of line.

Page 1, Sections 1-3,

Lines 7-31:

After "1." delete in entirety.

Page 1, Section 3, Line 32: Delete "contrary," and insert "Subject to all relevant laws, rules or regulations,"

Page 2, Statement, Line 9: Delete "State and"

Respectfully,

Christine Todd Whitman
GOVERNOR

Attest:

Peter Verniero
Chief Counsel to the Governor