

40:12-10

**LEGISLATIVE HISTORY CHECKLIST**  
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(Playgrounds--expand use of  
referendum for dedicated tax)

**NJSA:** 40:12-10  
**LAWS OF:** 1993 **CHAPTER:** 37  
**BILL NO:** A1425  
**SPONSOR(S)** Ogden  
**DATE INTRODUCED:** May 14, 1992  
**COMMITTEE:** **ASSEMBLY:** Environment  
**SENATE:** Community Affairs  
**AMENDED DURING PASSAGE:** No  
**DATE OF PASSAGE:** **ASSEMBLY:** June 11, 1992  
**SENATE:** January 25, 1993  
**DATE OF APPROVAL:** February 3, 1993

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes  
**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes  
**FISCAL NOTE:** No  
**VETO MESSAGE:** No  
**MESSAGE ON SIGNING:** No  
**FOLLOWING WERE PRINTED:**  
**REPORTS:** Yes  
**HEARINGS:** No

Report mentioned in statements:  
974.90 Governor's Council on New Jersey Outdoors.  
0941 Annual report...1991. Trenton 1991.

KBG:pp

P.L.1993, CHAPTER 37, approved February 3, 1993  
1992 Assembly No. 1425

1 AN ACT concerning county and municipal parks, open space, and  
2 playgrounds, and amending R.S.40:12-10, R.S.40:12-12, and  
3 R.S.40:12-14.  
4

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

7 1. R.S.40:12-10 is amended to read as follows:  
8 40:12-10. a. The governing body of every municipality or  
9 county, in which the voters have adopted or shall adopt a  
10 proposition for the establishment [and] , maintenance , and  
11 improvement of a system of public recreation as hereinafter  
12 provided, shall establish [and] , maintain, and improve, or  
13 maintain and improve if already established, a system of public  
14 recreation including parks, open space, and playgrounds, and shall  
15 annually levy and appropriate for the establishment,  
16 maintenance, and improvement thereof an amount [not less than  
17 the minimum nor more than the maximum amount] in accordance  
18 with the sum or rate specified in the petition and on the ballot, or  
19 in the resolution and on the ballot, as hereinafter provided.

20 b. The amount levied and appropriated pursuant to  
21 R.S.40:12-10 through R.S.40:12-14 may be in addition to any  
22 other revenue or moneys otherwise required or authorized to be  
23 raised and appropriated pursuant to law for such purposes,  
24 notwithstanding any law, rule, or regulation to the contrary.

25 c. For the purposes of R.S.40:12-10 through R.S.40:12-14:  
26 "Open space" means land or water areas to be retained in a  
27 largely natural or undeveloped state, for purposes of, among  
28 other things, providing parkland or green spaces, protecting  
29 ecologically sensitive areas, preserving flora and wildlife, or  
30 protecting or preserving areas of scenic, historic and cultural  
31 value, while at the same time affording, whenever practicable,  
32 public outdoor recreational opportunities for the residents of a  
33 county or municipality, and may include a recreational area such  
34 as a golf course.

35 (cf: R.S.40:12-10)

36 2. R.S.40:12-12 is amended to read as follows:  
37 40:12-12. The proposition shall be in substantially the  
38 following form:  
39

40 "Shall the municipality or county of .....

41 [ ] YES establish a system of public recreation including  
42 parks, open space, and playgrounds, and annually  
43 levy [and appropriate for the maintenance thereof  
44 the sum of

45 [ ] NO not less than ..... dollars nor more than  
46 ..... dollars] the sum of ....., or at a rate  
47 of ....., so as to raise revenue for the  
48 establishment, maintenance, and improvement of  
49 the public recreation system, and annually  
50 appropriate that revenue for that purpose?"

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 If a majority of the votes cast on such proposition be in favor  
2 thereof, it shall be adopted. In municipalities or counties where  
3 such a public recreation system including parks, open space, or  
4 playgrounds is already established, whether in accordance with  
5 R.S.40:12-10 through R.S.40:12-14 or as otherwise authorized  
6 pursuant to law, the question solely of maintenance and  
7 improvements may be submitted and reference to establishment  
8 may be omitted.

9 (cf: R.S.40:12-12)

10 3. R.S.40:12-14 is amended to read as follows:

11 40:12-14. Any two or more municipalities may jointly establish  
12 [and], maintain, and improve, or maintain and improve if already  
13 established, a public recreation system including parks, open  
14 space, and playgrounds, as provided in [sections 40:12-10 to  
15 40:12-13 of this title] R.S.40:12-10 through R.S.40:12-13.

16 (cf: R.S.40:12-14)

17 4. This act shall take effect immediately.

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19  
20 STATEMENT

21  
22 This bill would clarify and expand the authority that a county  
23 or municipality currently has to place before the voters within its  
24 jurisdiction a referendum on the issue of whether or not to  
25 annually levy and appropriate the resulting revenue therefrom  
26 specifically for the establishment and maintenance of public  
27 recreation systems, including playgrounds, within the county or  
28 municipality.

29 The bill would provide that:

30 (1) The levy would be a set sum or rate, and not a range in  
31 dollar amount as is currently the case, and that it may be in  
32 addition to any other sources of revenue authorized pursuant to  
33 law;

34 (2) A referendum concerning a levy for the maintenance and  
35 improvement of a public recreation system may be conducted  
36 regardless of how that public recreation system was established  
37 pursuant to law; and

38 (3) The revenue raised could also be used for improvements.

39 The bill would also clarify that the revenue raised would be  
40 used for the establishment and maintenance of, and  
41 improvements to, county or municipal parks and "open space," in  
42 addition to playgrounds and other recreational areas.

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47 Clarifies and expands authority of counties and municipalities to  
48 raise revenue for park establishment, maintenance, and  
49 improvements.

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2  YES establish a system of public recreation including

3 parks, open space, and playgrounds, and annually

4 levy [and appropriate for the maintenance thereof

5 the sum of

6  NO not less than ..... dollars nor more than

7 ..... dollars] the sum of ....., or at a rate

8 of ....., so as to raise revenue for the

9 establishment, maintenance, and improvement of

10 the public recreation system, and annually

11 appropriate that revenue for that purpose?"

12

13 If a majority of the votes cast on such proposition be in favor

14 thereof, it shall be adopted. In municipalities or counties where

15 such a public recreation system including parks, open space, or

16 playgrounds is already established, whether in accordance with

17 R.S.40:12-10 through R.S.40:12-14 or as otherwise authorized

18 pursuant to law, the question solely of maintenance and

19 improvements may be submitted and reference to establishment

20 may be omitted.

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32 STATEMENT

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This bill would clarify and expand the authority that a county or municipality currently has to place before the voters within its jurisdiction a referendum on the issue of whether or not to annually levy and appropriate the resulting revenue therefrom specifically for the establishment and maintenance of public recreation systems, including playgrounds, within the county or municipality.

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- 43 dollar amount as is currently the case, and that it may be in
- 44 addition to any other sources of revenue authorized pursuant to
- 45 law;
- 46 (2) A referendum concerning a levy for the maintenance and
- 47 improvement of a public recreation system may be conducted
- 48 regardless of how that public recreation system was established
- 49 pursuant to law; and
- 50 (3) The revenue raised could also be used for improvements.

51 The bill would also clarify that the revenue raised would be

52 used for the establishment and maintenance of, and

53 improvements to, county or municipal parks and "open space," in

54 addition to playgrounds and other recreational areas.

ASSEMBLY ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1425

STATE OF NEW JERSEY

DATED: JUNE 1, 1992

The Assembly Environment Committee favorably reports Assembly No. 1425.

This bill would clarify and expand the authority that a county or municipality currently has to place before the voters within its jurisdiction a referendum on the issue of whether or not to annually levy and appropriate the resulting revenue therefrom specifically for the establishment and maintenance of public recreation systems, including playgrounds, within the county or municipality.

The bill would provide that:

(1) The levy would be a set sum or rate, and not a range in dollar amount as is currently the case, and that it may be in addition to any other sources of revenue authorized pursuant to law;

(2) A referendum concerning a levy for the maintenance and improvement of a public recreation system may be conducted regardless of how that public recreation system was established pursuant to law; and

(3) The revenue raised could also be used for improvements.

The bill would also clarify that the revenue raised would be used for the establishment and maintenance of, and improvements to, county or municipal parks and "open space," in addition to playgrounds and other recreational areas.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1425

STATE OF NEW JERSEY

DATED: DECEMBER 10, 1992

FOR THE SENATE COPY  
TO THE SENATE

The Senate Community Affairs Committee favorably reports Assembly Bill No. 1425.

Assembly Bill No. 1425 would clarify and expand the authority that a county or municipality currently has to place before the voters within its jurisdiction a referendum on the issue of whether or not to annually levy and appropriate the resulting revenue therefrom specifically for the establishment and maintenance of public recreation systems, including playgrounds, within the county or municipality.

The bill would provide that:

(1) The levy would be a set sum or rate, and not a range in dollar amount as is currently the case, and that it may be in addition to any other sources of revenue authorized pursuant to law;

(2) A referendum concerning a levy for the maintenance and improvement of a public recreation system may be conducted regardless of how that public recreation system was established pursuant to law; and

(3) The revenue raised could also be used for improvements.

The bill would also clarify that the revenue raised would be used for the establishment and maintenance of, and improvements to, county or municipal parks and "open space," in addition to playgrounds and other recreational areas.

This bill implements one of the recommendations of the Governor's Council on New Jersey Outdoors in its 1991 Annual Report.