

40:12-20

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

"Adopt A Park"

NJSA: 40:12-20

LAWS OF: 1996 CHAPTER: 132

BILL NO: S905

SPONSOR(S): Kyrillos and Martin

DATE INTRODUCED: March 7, 1996

COMMITTEE: ASSEMBLY: Environment
SENATE: Natural Resources

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: October 21, 1996
SENATE: May 16, 1996

DATE OF APPROVAL: December 5, 1996

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: No

HEARINGS: No

KBP:pp

P.L. 1996, CHAPTER 132, *approved December 5, 1996*
Senate, No. 905

1 AN ACT concerning county and municipal parks and amending
2 P.L.1992, c.101.

3

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

6

7 1. Section 1 of P.L.1992, c.101 (C.40:12-20) is amended to read
8 as follows:

9 1. The Legislature finds and declares that county and municipal
10 parks in the State are deteriorating due to a lack of proper
11 maintenance ,o peration, or improvement ; that the use and enjoyment
12 of such parks is diminished by their poor condition; that counties and
13 municipalities often do not have the funds to expend for the proper
14 maintenance , operation, or improvement of their parks; that proper
15 maintenance , operation, and improvement helps extend the life of park
16 facilities, thereby reducing the need in some cases for large public
17 capital expenditures for new park facilities and allowing any savings
18 resulting therefrom to be used for other public purposes; that private
19 businesses located near county or municipal parks have a public
20 service interest as well as a private financial incentive in ensuring that
21 such parks are well cared for; that such businesses often have financial
22 and other resources available to them to devote to such a worthy
23 purpose; that many nonprofit organizations would welcome the
24 opportunity for their members and volunteers to assist counties or
25 municipalities in the maintenance , operation, or improvement of
26 county or municipal parks in a spirit of public service; and that,
27 therefore, it is appropriate to authorize counties and municipalities and
28 private businesses or nonprofit organizations to establish mutually
29 beneficial partnerships in the manner prescribed by this act that will
30 result in county and municipal parks that are better maintained ,
31 operated, and improved for the use and enjoyment of the public.
32 (cf: P.L.1992, c.101, s.1)

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 2. Section 2 of P.L.1992, c.101 (C.40:12-21) is amended to read
2 as follows:

3 2. As used in this act:

4 "Improvement" means, but is not necessarily limited to,
5 construction, reconstruction, stabilization, repair, rehabilitation,
6 renovation, or restoration of a park or park facility, building, structure,
7 infrastructure, or feature.

8 "Local government unit" means a county, municipality, or joint
9 meeting, including any commission, utilities or other authority, board,
10 or agency thereof, or a county park commission, county board of park
11 commissioners, county or municipal board of recreation
12 commissioners, municipal recreation commission, or similar entity.

13 "Operation" means, but is not necessarily limited to, the providing
14 of park or recreation services, equipment, materials, supplies, or staff
15 personnel.

16 "Park" means a park, playground, picnic area, square, monument,
17 beach, waterfront, recreation area, conservation area, or similar place
18 or property, or any open space, owned or controlled by a local
19 government unit.

20 "Participating business entity" means a business entity that has
21 entered into a park maintenance , operation, or improvement
22 agreement with a local government unit in accordance with this act.

23 "Participating entity" means a business entity or nonprofit
24 organization that has entered into a park maintenance , operation, or
25 improvement agreement with a local government unit in accordance
26 with this act.

27 (cf: P.L.1992, c.101, s.2)

28

29 3. Section 3 of P.L.1992, c.101 (C.40:12-22) is amended to read
30 as follows:

31 3. Any local government unit may enter into an agreement with a
32 business entity or nonprofit organization located within or near the
33 local government unit to provide for the maintenance , operation, or
34 improvement of a park or any portion thereof located within the local
35 government unit, at no cost to the local government unit except as
36 provided pursuant to section 4 of ~~[this act]~~ P.L.1992, c.101 (C.40:12-
37 23) . No such park maintenance , operation, or improvement
38 agreement may be entered into unless the business entity or nonprofit
39 organization successfully demonstrates to the local government unit
40 that the business entity or nonprofit organization is capable of
41 maintaining , operating, or improving the park according to the agreed
42 upon terms and conditions. A park maintenance , operation, or
43 improvement agreement shall be for such period as may be agreed
44 upon by the local government unit and the business entity or nonprofit
45 organization, and may be terminated by the business entity or
46 nonprofit organization upon at least six months' notice to the local

1 government unit, or by the local government unit at any time without
2 prior notice to the business entity or nonprofit organization, for any
3 reason, including, but not limited to, failure of the participating
4 business entity or nonprofit organization to comply with any term or
5 condition of the park maintenance , operation, or improvement
6 agreement.

7 (cf: P.L.1992, c.101, s.3)

8

9 4. Section 4 of P.L.1992, c.101 (C.40:12-23) is amended to read
10 as follows:

11 4. A local government unit may provide at no cost to a
12 participating entity such equipment, materials, supplies, or services
13 that the local government unit deems appropriate to assist the
14 participating entity with its park maintenance , operation, or
15 improvement responsibilities, including, but not limited to, solid waste
16 recycling or disposal services.

17 (cf: P.L.1992, c.101, s.4)

18

19 5. Section 5 of P.L.1992, c.101 (C.40:12-24) is amended to read
20 as follows:

21 5. A local government unit may advertise and promote a park
22 maintenance , operation, or improvement agreement program
23 established by the local government unit pursuant to this act.

24 (cf: P.L.1992, c.101, s.5)

25

26 6. Section 6 of P.L.1992, c.101 (C.40:12-25) is amended to read
27 as follows:

28 6. A local government unit may provide for appropriate public
29 recognition of a participating entity, including, but not limited to:

30 a. issuance of a certificate of recognition; and

31 b. authorization for the participating entity to pay for and erect a
32 sign or signs at the park maintained , operated, or improved by that
33 participating entity indicating (1) the name and address of the
34 participating entity, and (2) that it has assumed all or a portion of the
35 maintenance , operation, or improvement responsibilities for the park
36 as a public service in accordance with this act. The local government
37 unit shall determine the size, color, style, and location of any such sign
38 or signs that may be erected. A local government unit may pay for a
39 sign or signs erected in accordance with this section if the participating
40 entity is a nonprofit organization.

41 (cf: P.L.1992, c.101, s.6)

42

43 7. Section 7 of P.L.1992, c.101 (C.40:12-26) is amended to read
44 as follows:

45 7. a. Except where permitted by the "New Jersey Tort Claims
46 Act," N.J.S.59:1-1 et seq., no local government unit, or any employee

1 or agent thereof, may be held liable in any civil action to any person
2 for any injury or damages that may be caused or sustained by any
3 participating entity, or any employee, agent, contractor, member, or
4 volunteer thereof, during the course, or as a result of, maintaining ,
5 operating, or improving a park.

6 b. As a condition of any park maintenance , operation, or
7 improvement agreement entered into in accordance with this act:

8 (1) a participating entity, and each employee, agent, contractor,
9 member, or volunteer of that participating entity assisting in
10 maintaining , operating, or improving a park, shall sign a waiver
11 releasing the local government unit and its employees and agents from
12 any civil liability for any injury or damages, except those arising from
13 criminal or willful, wanton, or grossly negligent conduct, that may be
14 sustained by the participating entity, or any employee, agent,
15 contractor, member, or volunteer thereof, as the case may be, during
16 the course, or as a result of, maintaining , operating, or improving a
17 park;

18 (2) a participating business entity shall agree to indemnify, and if
19 requested by the local government unit, defend, the local government
20 unit and its employees and agents against all claims made by any
21 person for injuries or damages that may be caused or sustained by the
22 participating business entity, or any employee, agent, contractor,
23 member, or volunteer thereof, during the course, or as a result of,
24 maintaining , operating, or improving a park; and

25 (3) a participating business entity shall obtain and retain insurance
26 in an amount sufficient for the purposes set forth in this section.

27 (cf: P.L.1992, c.101, s.7)

28

29 8. Section 8 of P.L.1992, c.101 (C.40:12-27) is amended to read
30 as follows:

31 8. While performing park maintenance , operation, or improvement
32 responsibilities pursuant to a park maintenance , operation, or
33 improvement agreement entered into in accordance with this act, a
34 participating entity and its employees, agents, contractors, members,
35 and volunteers shall not be considered to be "public employees" or
36 "State employees" for the purposes of the "New Jersey Tort Claims
37 Act," or otherwise be accorded any of the protections set forth therein.

38 (cf: P.L.1992, c.101, s.8)

39

40 9. Section 9 of P.L.1992, c.101 (C.40:12-28) is amended to read
41 as follows:

42 9. a. Nothing in this act may be construed to supersede the
43 provisions of R.S.40:12-1 et seq., R.S.40:61-1 et seq., chapters 32 and
44 37 of Title 40 of the Revised Statutes, or any rule or regulation
45 established by a local government unit applicable to the maintenance,

1 operation , or improvement of its parks for the benefit of all park
2 users.

3 b. Any agreement entered into in accordance with this act shall not
4 be subject to the requirements and provisions of the "Local Public
5 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).
6 (cf: P.L.1992, c.101, s.9)

7

8 10. This act shall take effect immediately.

9

10

11

STATEMENT

12

13 This bill would expand the county and municipal "adopt a park" law
14 regarding the establishment of park maintenance agreements with
15 business entities or nonprofit organizations to include park operations
16 and improvements.

17 This bill would provide public park and recreation agencies with the
18 ability to provide for and expand public park and recreation services
19 and facilities with the assistance of a business entity or a nonprofit
20 organization. This option is especially useful at this time of fiscal
21 austerity in government.

22

23

24

25

26 Expands county and municipal "adopt a park" law regarding park
27 maintenance to include park operations and improvements.

1 operation , or improvement of its parks for the benefit of all park
2 users.

3 b. Any agreement entered into in accordance with this act shall not
4 be subject to the requirements and provisions of the "Local Public
5 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).
6 (cf: P.L.1992, c.101, s.9)

7

8 10. This act shall take effect immediately.

9

10

11

STATEMENT

12

13 This bill would expand the county and municipal "adopt a park" law
14 regarding the establishment of park maintenance agreements with
15 business entities or nonprofit organizations to include park operations
16 and improvements.

17 This bill would provide public park and recreation agencies with the
18 ability to provide for and expand public park and recreation services
19 and facilities with the assistance of a business entity or a nonprofit
20 organization. This option is especially useful at this time of fiscal
21 austerity in government.

22

23

24

25

26 Expands county and municipal "adopt a park" law regarding park
27 maintenance to include park operations and improvements.

ASSEMBLY ENVIRONMENT, SCIENCE AND TECHNOLOGY
COMMITTEE

STATEMENT TO

SENATE, No. 905

STATE OF NEW JERSEY

DATED: JUNE 10, 1996

The Assembly Environment, Science and Technology Committee reports favorably Senate Bill No. 905.

This bill would expand the county and municipal "adopt a park" law regarding the establishment of park maintenance agreements with business entities or nonprofit organizations to include park operations and improvements.

This bill would provide public park and recreation agencies with the ability to provide for and expand public park and recreation services and facilities with the assistance of a business entity or a nonprofit organization.

As reported by the committee, this bill is identical to Assembly Bill No. 1953 of 1996 as also reported by the committee.

SENATE NATURAL RESOURCES AND ECONOMIC
DEVELOPMENT COMMITTEE

STATEMENT TO

SENATE, No. 905

STATE OF NEW JERSEY

DATED: MARCH 14, 1996

The Senate Natural Resources and Economic Development Committee favorably reports Senate Bill No. 905.

This bill would expand the county and municipal "adopt a park" law regarding the establishment of park maintenance agreements with business entities or nonprofit organizations to include park operations and improvements.

The bill would provide public park and recreation agencies with the ability to provide for and expand public park and recreation services and facilities with the assistance of a business entity or a nonprofit organization. This option is especially useful at this time of fiscal austerity in government.