ASSEMBLY, No. 484

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman JAY WEBBER
District 26 (Essex, Morris and Passaic)
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District 20 (Union)

SYNOPSIS

Establishes procedure for notification to, and review by, municipalities of certain grant and loan applications for acquisition or development of lands for recreation and conservation purposes.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning certain lands acquired or developed for recreation and conservation purposes, supplementing P.L.1999, c.152 (C.13:8C-1 et seq.) and amending P.L.1997, c.24.

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

1. (New section) The Department of Environmental Protection shall provide written notification to the governing body of a municipality whenever the department receives an application from (1) a local government unit that is not the municipality, or (2) a qualifying tax exempt nonprofit organization, for a grant or loan to acquire or develop lands for recreation and conservation purposes using constitutionally dedicated moneys in whole or in part or Green Acres bond act moneys in whole or in part within the boundaries of that municipality. Within 30 days after receipt of notification from the department, the governing body of the municipality may evaluate the application to determine if the governing body of the municipality finds that the land is appropriate for acquisition or development for recreation and conservation purposes, and submit the results of this evaluation in writing to the department. Upon receipt, the department shall review and consider this evaluation as part of its evaluation and priority ranking process pursuant to section 26 of P.L.1999, c.152 (C.13:8C-26), and shall notify the municipality of its intention to approve or deny the application. If the department does not receive an evaluation from the governing body of the municipality within 30 days after providing the notification required pursuant to this section, then the department may proceed with its decision on the application without further notification to the governing body of the municipality.

2. Section 6 of P.L.1997, c.24 (C.40:12-15.6) is amended to read as follows:

6. a. The governing body of any county in which the voters of the county have approved a proposition in accordance with P.L.1997, c.24 (C.40:12-15.1 et seq.) may adopt a resolution authorizing the distribution of monies deposited into the "County Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" created pursuant to subsection c. of section 2 of P.L.1997, c.24 (C.40:12-15.2), in such portions as deemed appropriate, to municipalities within the county or to charitable conservancies, to be used in the county by those municipalities or charitable conservancies for the purposes of P.L.1997, c.24 in accordance with the provisions, conditions, and

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 <u>thus</u> is new matter.

requirements thereof, provided that any municipality or charitable conservancy receiving such monies has presented a plan to the county documenting the proposed use of the monies.

b. Lands acquired by a municipality pursuant to this section shall be held in trust and shall be used exclusively for the purposes authorized by P.L.1997, c.24.

c. The governing body of a municipality acquiring lands using monies received pursuant to this section shall have full control of the lands and may adopt an ordinance providing for (1) suitable rules, regulations, and bylaws for use of the lands, (2) the enforcement of those rules, regulations and bylaws, and (3) when appropriate, the charging and collection of reasonable fees for use of the lands or for activities conducted thereon.

d. In order to qualify to receive monies from a county trust fund pursuant to this section, the board of directors, board of trustees, or other governing body, as appropriate, of an applying charitable conservancy shall:

(1) demonstrate to the governing body of the county that it qualifies as a charitable conservancy;

(2) agree to use the monies only in connection with lands located in the county and for the purposes authorized by P.L.1997, c.24;

(3) agree to make and keep the lands accessible to the public, unless the governing body of the county determines that public accessibility would be detrimental to the lands or to any natural or historic resources associated therewith;

(4) agree not to sell, lease, exchange, transfer, or donate the lands for which the monies received were allocated for use pursuant to this section, except upon approval of the governing body of the county under such conditions as the governing body may establish; and

(5) agree to execute and donate to the county at no charge (a) a conservation restriction or historic preservation restriction, as the case may be, pursuant to P.L.1979, c.378 (C.13:8B-1 et seq.), or (b) a development easement, as defined pursuant to section 3 of P.L.1983, c.32 (C.4:1C-13), as appropriate, on the lands for which the monies received were allocated for use pursuant to this section.

e. The governing body of the county shall provide written notification to the governing body of the municipality whenever the governing body of the county receives an application from a charitable conservancy for monies pursuant to subsection d. of this section. Within 30 days after receipt of notification from the county, the governing body of the municipality may evaluate the application to determine if the governing body of the municipality finds that the land is appropriate for acquisition or development for recreation and conservation purposes, and submit the results of this evaluation in writing to the governing body of the county. Upon receipt, the governing body of the county shall review and consider

this evaluation when making its decision on the application and shall notify the municipality of its intention to approve or deny the application. If the governing body of the county does not receive an evaluation from the governing body of the municipality within 30 days after providing the notification required pursuant to this subsection, then the governing body of the county may proceed with its decision on the application without further notification to the governing body of the municipality.

(cf: P.L.2011, c.173, s.6)

3. This act shall take effect immediately.

STATEMENT

This bill would establish a procedure for notification to municipalities concerning certain grant and loan awards for the acquisition or development of lands for recreation and conservation purposes. The bill would require the State, and the governing body of a county, to provide written notification to the governing body of a municipality of any grant or loan application for monies for the acquisition or development of lands for recreation and conservation purposes submitted to the State or the county, as applicable, within that municipality. Within 30 days after receipt of this notification, the governing body of the municipality may evaluate the application to determine if the governing body finds that the land is appropriate for acquisition or development for recreation and conservation purposes, and submit the results of this evaluation in writing to the State or the county, as applicable. The State or county, as applicable, would then review and consider the municipality's evaluation when making its decision on the application and notify the municipality of its intention to approve or deny the application. If the State or the county, as applicable, does not receive an evaluation from the governing body of the municipality within 30 days after providing the notification required by the bill, then the State or the county, as applicable, would be able to proceed with its decision on the application without further notification to the municipality.

This bill would provide the opportunity for the governing body of a municipality to provide input to the State, or county, as applicable, on grant or loan applications for monies for the acquisition or development of lands for recreation and conservation purposes within that municipality. The State, or county, as applicable, would then take this input into consideration when making a decision on the grant or loan application.