

ASSEMBLY, No. 3386

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 1, 2024

Sponsored by:

Assemblyman JAY WEBBER

District 26 (Morris and Passaic)

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

As introduced.



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2

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

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

7
8 1. (New section) The Department of Environmental Protection
9 shall provide written notification to the governing body of a
10 municipality whenever the department receives an application from
11 (1) a local government unit that is not the municipality, or (2) a
12 qualifying tax exempt nonprofit organization, for a grant or loan to
13 acquire or develop lands for recreation and conservation purposes
14 using constitutionally dedicated moneys in whole or in part or
15 Green Acres bond act moneys in whole or in part within the
16 boundaries of that municipality. Within 30 days after receipt of
17 notification from the department, the governing body of the
18 municipality may evaluate the application to determine if the
19 governing body of the municipality finds that the land is appropriate
20 for acquisition or development for recreation and conservation
21 purposes, and submit the results of this evaluation in writing to the
22 department. Upon receipt, the department shall review and consider
23 this evaluation as part of its evaluation and priority ranking process
24 pursuant to section 26 of P.L.1999, c.152 (C.13:8C-26), and shall
25 notify the municipality of its intention to approve or deny the
26 application. If the department does not receive an evaluation from
27 the governing body of the municipality within 30 days after
28 providing the notification required pursuant to this section, then the
29 department may proceed with its decision on the application
30 without further notification to the governing body of the
31 municipality.

32
33 2. Section 6 of P.L.1997, c.24 (C.40:12-15.6) is amended to
34 read as follows:

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

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.

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1 conservancy receiving such monies has presented a plan to the
2 county documenting the proposed use of the monies.

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

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

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

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

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

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

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

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

37 e. The governing body of the county shall provide written
38 notification to the governing body of the municipality whenever the
39 governing body of the county receives an application from a
40 charitable conservancy for monies pursuant to subsection d. of this
41 section. Within 30 days after receipt of notification from the
42 county, the governing body of the municipality may evaluate the
43 application to determine if the governing body of the municipality
44 finds that the land is appropriate for acquisition or development for
45 recreation and conservation purposes, and submit the results of this
46 evaluation in writing to the governing body of the county. Upon
47 receipt, the governing body of the county shall review and consider
48 this evaluation when making its decision on the application and

1 shall notify the municipality of its intention to approve or deny the
2 application. If the governing body of the county does not receive
3 an evaluation from the governing body of the municipality within
4 30 days after providing the notification required pursuant to this
5 subsection, then the governing body of the county may proceed
6 with its decision on the application without further notification to
7 the governing body of the municipality.

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

9
10 3. This act shall take effect immediately.

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13 STATEMENT

14
15 This bill would establish a procedure for notification to
16 municipalities concerning certain grant and loan awards for the
17 acquisition or development of lands for recreation and conservation
18 purposes. The bill would require the State, and the governing body of
19 a county, to provide written notification to the governing body of a
20 municipality of any grant or loan application seeking monies for the
21 acquisition or development of lands for recreation and conservation
22 purposes, which application is submitted to the State or the county, as
23 applicable, within that municipality. Within 30 days after receipt of
24 this notification, the governing body of the municipality may evaluate
25 the application to determine if the governing body finds that the land is
26 appropriate for acquisition or development for recreation and
27 conservation purposes, and submit the results of this evaluation in
28 writing to the State or the county, as applicable. The State or county,
29 as applicable, would then review and consider the municipality's
30 evaluation when making its decision on the application and would
31 notify the municipality of its intention to approve or deny the
32 application. If the State or the county, as applicable, does not receive
33 an evaluation from the governing body of the municipality within 30
34 days after providing the notification required by the bill, then the State
35 or the county, as applicable, would be able to proceed with its decision
36 on the application without further notification to the municipality.

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