

# SENATE, No. 291

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator JOSEPH PENNACCHIO**

**District 26 (Essex, Morris and Passaic)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**SYNOPSIS**

Allocates 10 percent of Green Acres funding to local government units for development of completely inclusive playgrounds.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning development by local government units of  
2 completely inclusive playgrounds for recreation and conservation  
3 purposes, and amending P.L.2016, c.12.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Section 6 of P.L.2016, c.12 (C.13:8C-48) is amended to  
9 read:

10 6. a. The State Treasurer shall establish a fund to be known as  
11 the "Preserve New Jersey Green Acres Fund" and shall deposit into  
12 the fund all moneys received pursuant to paragraph (1) of  
13 subsection a. of section 5 of this act and any other moneys  
14 appropriated by law for deposit into the fund.

15 Moneys in the fund shall be invested in permitted investments or  
16 shall be held in interest-bearing accounts in those depositories as  
17 the State Treasurer may select, and may be invested and reinvested  
18 in permitted investments or as other trust funds in the custody of the  
19 State Treasurer in the manner provided by law. All interest or other  
20 income or earnings derived from the investment or reinvestment of  
21 moneys in the fund shall be credited to the fund. Moneys derived  
22 from the payment of principal and interest on the loans to local  
23 government units authorized by this act shall also be held in the  
24 fund.

25 b. Of the amount deposited each State fiscal year into the  
26 Preserve New Jersey Green Acres Fund pursuant to paragraph (1) of  
27 subsection a. of section 5 of this act:

28 (1) 55 percent shall be allocated for the purpose of paying the  
29 cost of acquisition and development of lands by the State for  
30 recreation and conservation purposes, and the amount provided  
31 pursuant to this paragraph shall be allocated as follows:

32 (a) 50 percent shall be allocated for the purpose of paying the  
33 cost of acquisition of lands by the State for recreation and  
34 conservation purposes; and

35 (b) 50 percent shall be allocated for the purpose of paying the  
36 cost of development of lands by the State for recreation and  
37 conservation purposes, and of the amount provided pursuant to this  
38 subparagraph:

39 (i) up to 22 percent shall be allocated for the purpose of paying  
40 the cost for stewardship activities undertaken on lands administered  
41 by the Division of Fish and Wildlife in the department; and

42 (ii) up to 22 percent shall be allocated for the purpose of paying  
43 the cost for stewardship activities undertaken on lands administered  
44 by the Division of Parks and Forestry in the department;

**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) 38 percent shall be allocated for the purposes of providing  
2 grants and loans to assist local government units to pay the cost of  
3 acquisition and development of lands for recreation and  
4 conservation purposes, and of this amount, up to 2 percent shall be  
5 allocated for stewardship activities undertaken by local government  
6 units , and 10 percent shall be allocated for the development of  
7 completely inclusive playgrounds, including the retrofit of existing  
8 playgrounds as completely inclusive playgrounds, by local  
9 government units ; and

10       (3) 7 percent shall be allocated for the purposes of providing  
11 grants to assist qualifying tax exempt nonprofit organizations to pay  
12 the cost of acquisition and development of lands for recreation and  
13 conservation purposes, and of this amount, 11 percent shall be  
14 allocated for stewardship activities undertaken by qualifying tax  
15 exempt nonprofit organizations.

16       c. Any repayments of the principal and interest on loans issued  
17 to local government units for the acquisition or development of  
18 lands for recreation and conservation purposes using  
19 constitutionally dedicated CBT moneys shall be deposited into the  
20 Preserve New Jersey Green Acres Fund, and shall be specifically  
21 dedicated for the issuance of additional loans in the same manner as  
22 provided in subsection b. of section 27 of P.L.1999, c.152  
23 (C.13:8C-27).

24       d. (1) The moneys in the fund are specifically dedicated and  
25 shall be used for the same purposes and according to the same  
26 criteria and provisions as those set forth in section 26 of P.L.1999,  
27 c.152 (C.13:8C-26), and as provided pursuant to this act.

28       (2) Grants and loans issued to local government units and grants  
29 issued to qualifying tax exempt nonprofit organizations using  
30 constitutionally dedicated CBT moneys for the acquisition and  
31 development of lands for recreation and conservation purposes shall  
32 be subject to the same provisions as those prescribed in section 27  
33 of P.L.1999, c.152 (C.13:8C-27), except as otherwise provided in  
34 section 10 of this act.

35       e. Moneys in the fund shall not be expended except in  
36 accordance with appropriations from the fund made by law. Any  
37 act appropriating moneys from the Preserve New Jersey Green  
38 Acres Fund shall identify any particular project or projects to be  
39 funded by the moneys, and any expenditure for a project for which  
40 the location is not identified by municipality and county in the  
41 appropriation shall require the approval of the Joint Budget  
42 Oversight Committee, or its successor, except as permitted  
43 otherwise in accordance with the same exceptions as those specified  
44 in paragraph (2) of subsection a. of section 23 of P.L.1999, c.152  
45 (C.13:8C-23).

46       f. Unexpended moneys due to project withdrawals,  
47 cancellations, or cost savings shall be returned to the fund.

1       g. Of the amount authorized pursuant to this section, not more  
2 than five percent shall be utilized for organizational, administrative  
3 and other work and services, including salaries, equipment and  
4 materials necessary to administer the applicable provisions of this  
5 act.

6       h. To the end that municipalities may not suffer a loss of taxes  
7 by reason of the acquisition and ownership by the State of lands in  
8 fee simple for recreation and conservation purposes, or the  
9 acquisition and ownership by qualifying tax exempt nonprofit  
10 organizations of lands in fee simple for recreation and conservation  
11 purposes that become certified as exempt from property taxes  
12 pursuant to P.L.1974, c.167 (C.54:4-3.63 et seq.) or similar laws,  
13 the State shall make payments annually in the same manner as  
14 payments are made pursuant to section 29 of P.L.1999, c.152  
15 (C.13:8C-29).

16       i. The State shall not use the power of eminent domain in any  
17 manner for the acquisition of lands by the State for recreation and  
18 conservation purposes using constitutionally dedicated CBT  
19 moneys in whole or in part unless a concurrent resolution approving  
20 that use is approved by both Houses of the Legislature; except that,  
21 without the need for such a concurrent resolution, the State may use  
22 the power of eminent domain to the extent necessary to establish a  
23 value for lands to be acquired from a willing seller by the State for  
24 recreation and conservation purposes using constitutionally  
25 dedicated CBT moneys in whole or in part.  
26 (cf: P.L.2016, c.12, s.6)

27

28       2. Section 10 of P.L.2016, c.12 (C.13:8C-52) is amended to  
29 read:

30       10. a. Notwithstanding the provisions of subparagraph (b) of  
31 paragraph (2) of subsection a. of section 27 of P.L.1999, c.152  
32 (C.13:8C-27) to the contrary, a grant by the State for lands acquired  
33 or developed for recreation and conservation purposes by a local  
34 government unit in a municipality eligible to receive State aid  
35 pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) shall be for 75  
36 percent of the cost of acquisition or development of the lands by the  
37 local government unit, except that the department may authorize an  
38 increase in the State's share of the cost up to 100 percent of the  
39 allowable funding cap established by the department upon a  
40 demonstration of special need or exceptional circumstances.

41       b. A local government unit or a qualifying tax exempt  
42 nonprofit organization may use a grant or loan received pursuant to  
43 this act for recreation and conservation purposes for the  
44 construction of a community garden, provided that public access to  
45 the lands acquired for recreation and conservation purposes is not  
46 limited by the community garden.

1       c. A grant by the State to a local government unit that is not a  
2 municipality eligible to receive State aid pursuant to P.L.1978, c.14  
3 (C.52:27D-178 et seq.) for development of a completely inclusive  
4 playground, including the retrofit of an existing playground as a  
5 completely inclusive playground, by the local government unit shall  
6 be for 50 percent of the cost of development of the playground.  
7 (cf: P.L.2016, c.12, s.10)

8  
9       3. This act shall take effect immediately.

10  
11  
12                                       STATEMENT

13  
14       This bill provides that 10 percent of the Green Acres funding  
15 provided for grants and loans to fund local government open space  
16 acquisition and development projects would be allocated as grants  
17 for the development of completely inclusive playgrounds by local  
18 government units.

19       The “Preserve New Jersey Act” implements the constitutional  
20 dedication of corporation business tax (CBT) revenues for open  
21 space, farmland, and historic preservation. For State fiscal years  
22 2017 through 2019, the act provides that of the 60 percent of  
23 dedicated CBT revenues allocated each year for the Green Acres  
24 program: 55 percent shall be used for State open space acquisition  
25 and development projects; 38 percent shall be used for grants and  
26 loans to fund local government open space acquisition and  
27 development projects; and 7 percent shall be used for grants to fund  
28 open space acquisition and development projects undertaken by  
29 qualifying tax exempt nonprofit organizations. Currently, the  
30 Green Acres program requires all development projects to comply  
31 with all applicable federal and State requirements of the  
32 “Americans with Disabilities Act of 1990” and “barrier free” codes.

33       This bill would provide that of the funding for local government  
34 open space acquisition and development projects, 10 percent would  
35 be allocated as grants for the development of completely inclusive  
36 playgrounds, including the retrofitting of existing playgrounds, by  
37 local government units. The bill further provides that a grant by the  
38 State for development of a completely inclusive playground by a  
39 local government unit that is not an urban aid municipality would  
40 be for 50 percent of the cost of development of the playground.

41       This bill is essentially tied to Assembly Bill No. 2187 (1R)  
42 (currently awaiting action by the Governor), to be known as “Jake’s  
43 Law,” which would require the Department of Community Affairs,  
44 in consultation with the Department of Education, to adopt rules  
45 and regulations for the design, installation, inspection and  
46 maintenance of completely inclusive playgrounds. A2187 (1R)  
47 defines “completely inclusive playground” as a playground  
48 designated for public use for children two to five years of age or

1 five to twelve years of age, that meet certain accessibility  
2 requirements. A2187 (1R) also would require the Commissioner of  
3 Environmental Protection to prioritize any application submitted by  
4 a county seeking to acquire or develop lands for recreational and  
5 conservation purposes using Green Acres funds, provided that the  
6 Green Acres funds requested by the county are to be used for the  
7 design and construction of an inclusive playground.  
8 This bill would provide that a portion of Green Acres funds be  
9 specifically allocated for the development of completely inclusive  
10 playgrounds by counties and municipalities.