

ASSEMBLY ENVIRONMENT, SCIENCE AND TECHNOLOGY  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 1976 and 1935**

**STATE OF NEW JERSEY**

DATED: JUNE 10, 1996

The Assembly Environment, Science and Technology Committee reports favorably the Assembly Committee Substitute for Assembly Bill No.1976 and Assembly Bill No.1935.

This committee substitute would repeal two laws concerned with submitting propositions to voters of counties or municipalities to seek voter approval of the imposition of an annual levy for raising revenue to acquire, develop and maintain parks and open space and preserve farmland, and would replace the laws with a new law that would authorize counties and municipalities to propose such revenue raising ballot questions for an expanded number of purposes. One of the current laws (C.40:12-16 et seq.) authorizes counties only to submit a proposition to the voters for an annual levy raising revenue for the acquisition only of lands for conservation as open space or as farmland. The other law (R.S.40:12-10 et seq.) authorizes both counties and municipalities to submit a proposition to the voters for an annual levy to raise revenue for the establishment, maintenance, and improvement of a public recreation system.

The substitute would authorize a county or municipality to submit to the voters a proposition authorizing imposition of an annual levy for an amount or at a rate deemed appropriate for any or all of the following purposes, or any combination thereof, as determined by the governing body of the county or municipality, as the case may be:

- (1) acquisition of lands for recreation and conservation purposes;
- (2) development (for recreation and conservation purposes) of lands acquired for recreation and conservation purposes;
- (3) maintenance of lands acquired for recreation and conservation purposes;
- (4) acquisition of farmland for farmland preservation purposes;
- (5) historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes; or

(6) payment of debt service on indebtedness issued or incurred by a county or municipality for the purposes set forth above, with the exception of maintenance purposes described in (3), above.

The substitute also provides that any county or municipality whose voters, prior to the effective date of the substitute, approved a proposition authorizing the acquisition of lands for conservation as open space or farmland or the establishment, maintenance, and improvement of a public recreation system (i.e., pursuant to either of the two current laws) shall be deemed to have approved a proposition for any or all of the purposes set forth in the substitute (i.e., prospective law). The substitute also dissolves any county open space and farmland preservation trust fund created for the purposes of P.L.1989, c.30 (C.40:12-16 et seq.) and any county or municipal fund created pursuant to R.S.40:12-10 et seq., and directs that any remaining monies be deposited into a new "Open Space, Recreation, and Farmland and Historic Preservation Trust Fund" authorized by the substitute. Monies in the new fund could be used for any of the purposes established pursuant to the substitute without voter approval of a new proposition amending the prior approved proposition, but only after at least one public hearing has been held thereon.

The definition of recreation and conservation purposes in the substitute includes both public outdoor recreation and public indoor recreation, in addition to various conservation purposes.

The substitute includes a provision allowing voters to petition their governing bodies at the county or municipal level to place on the ballot a proposition like that authorized by the substitute. At least 15% of the voters must sign such a petition to require the governing body to place the proposition on the ballot.

The substitute also authorizes a county to distribute revenue it has raised from the annual levy to municipalities and qualifying charitable conservancies for the purposes set forth in the substitute.

As adopted by the committee, the substitute is identical to the Senate Committee Substitute for Senate Bill Nos. 1110 and 1158 as adopted by the Senate Natural Resources and Economic Development Committee on June 6, 1996.