

December 16, 1996

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 1110 AND 1158 (Second Reprint)**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Committee Substitute for Senate Bill Nos. 1110 and 1158 (Second Reprint) with my recommendations for reconsideration.

A. Summary of the Bill

This bill repeals, consolidates and expands portions of two existing laws concerned with the raising of revenues by counties and municipalities for the acquisition, development and maintenance of parks and open space and farmland preservation. In consolidating these laws, the bill authorizes the governing body of a county or municipality to submit to voters a proposition authorizing imposition of an annual levy for six enumerated purposes, including the acquisition of lands for recreation and conservation purposes; the development or maintenance of these lands; the acquisition of farmland for farmland preservation purposes; the acquisition and preservation of certain historic properties and sites; and the payment of debt service on indebtedness related to these purposes. The bill dissolves existing county or municipal open space and farmland preservation trust funds created for the purposes of the repealed laws and directs that any remaining monies be deposited into the newly established "Open Space, Recreation, and Farmland and Historic Preservation Trust Fund" created at the county and municipal levels. The bill permits monies in the funds to be used for any of the above enumerated purposes, subject to certain requirements.

The bill applies retroactively, except that it excludes expenditures by a county for maintenance purposes if the proposition was approved two or more years before the effective date of the bill.

B. Recommended Action

I commend the sponsors of this bill for their efforts to assist municipalities and counties by providing them flexibility to better

manage and allocate valuable resources for their open space acquisition, farmland preservation and park development programs. The bill reposes the discretion to make such important local spending decisions at the most appropriate level: local government.

I am concerned, however, that the local decision be informed by the views of all interested parties. To ensure a high degree of public participation in this process, therefore, I today recommend that the bill be amended to augment the public notice and hearing requirements for certain expenditures of monies collected by counties prior to the effective date of the bill for open space acquisition and farmland preservation purposes. These enhanced requirements would apply to any project or use requiring an expenditure by a county in excess of \$100,000 in the aggregate, if such project or use relates to the development or maintenance of lands for recreation and conservation purposes or the payment of debt service. If a county government wishes to use monies collected prior to the effective date of the bill for these purposes, it must adopt a resolution or ordinance authorizing the project or use. I recommend that the bill be amended to require the governing body to hold an additional public hearing at least 45 days in advance of the adoption of the resolution or ordinance and to comply with specific notice requirements; I further recommend that this notice provide certain information, including a project or use description, estimated cost and proposed timetable for the commencement and completion of the project or use.

Lastly, I recommend technical changes to amend citations included in the repealer section of the bill.

Therefore, I herewith return Senate Committee Substitute for Senate Bill Nos. 1110 and 1158 (Second Reprint) and recommend that it be amended as follows:

Page 4, Section 3, Line 38:

After "thereon" insert "and subject to the requirements of subsections b., c. and d. of this section"

Page 4, Section 3, After Line 45: Add new subsections as follows:

"b. A county shall not expend more than \$100,000 for any proposed project or use to be undertaken pursuant to a resolution or ordinance adopted pursuant to subsection a. of this section authorizing a purpose specified in subparagraphs (b), (c), or (f) of paragraph (1) of subsection a. of section 2 of this act, unless the governing body of the county first conducts a public hearing on the proposed project or use and adopts a resolution or ordinance, as appropriate, authorizing the expenditure. Any public hearing required pursuant to this subsection shall be held at least 45 days before the governing body of the county takes action to adopt the resolution or ordinance authorizing the expenditure.

c. In addition to any other applicable requirements of law, rule or regulation, the governing body of the county shall provide notice of the public hearing required pursuant to subsection b. of this section at least 30 days before the date of the hearing as follows:

(1) By mailing or otherwise providing a copy of the notice to: (a) the county clerk and to the municipal clerk of every municipality in which the land or lands affected by the proposed project or use are located; and (b) any person who requests in writing of the governing body to receive in advance such notices; and

(2) By publishing the notice in a daily or weekly newspaper of general circulation in the county and each municipality in which the land or lands to be affected by the proposed project or use are located.

d. The governing body of the county shall include the following information in all notices required pursuant to subsection c. of this section: (1) a general description of the proposed project or use and the location of the land or lands to be affected; (2) the aggregate amount of monies to be utilized for the proposed project or use; (3) a schedule setting forth the anticipated commencement and completion date for the proposed project or use; (4) the date, time, and place of the public hearing; (5) a statement that the public may submit written comments to the governing body of the county on or before the date of the public hearing; and (6) the name and address of the person designated by the governing body of the county to receive the written comments and to contact for additional information."

Page 4, Section 3, Line 46:

Delete "b" and insert "e"

Page 10, Section 12, Line 1:

Delete "sections 1, 2, 3, and 4 of"

Page 10, Section 12, Line 2:

After "c.30" delete line and insert "(C.40:12-16 et seq.), and"

Respectfully,

/s/ Christine Todd Whitman

Governor

[seal]

Attest:

/s/ Michael P. Torpey

Chief Counsel to the Governor