

52:31-1.3

LEGISLATIVE HISTORY CHECKLIST

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(State owned property--increase value)

NJSA: 52:31-1.3

LAWS OF: 1997 CHAPTER: 135

BILL NO: A2532

SPONSOR(S): Lance

DATE INTRODUCED: December 5, 1996

COMMITTEE: ASSEMBLY: State Government; Appropriations

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: June 26, 1997

SENATE: June 26, 1997

DATE OF APPROVAL: June 27, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement adopted 6-26-97

COMMITTEE STATEMENT: ASSEMBLY: Yes 1-23-97 & 2-3-97

SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBP:pp

52:31-1.3
LEGISLATIVE HISTORY
STATE OF NEW JERSEY
COMMISSION ON LEGISLATION

[Second Reprint]
ASSEMBLY, No. 2532

STATE OF NEW JERSEY

INTRODUCED DECEMBER 5, 1996

By Assemblyman LANCE, Assemblywoman MURPHY
and Senator LaRossa

1 AN ACT concerning the sale of real property by the State and
2 ²concerning the State House Commission,² amending ²and
3 supplementing² P.L.1962, c.220 ²[and], amending² R.S.52:20-1
4 ²and R.S.52:20-4, and supplementing chapter 20 of Title 52 of the
5 Revised Statutes² .
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:
9

10 1. Section 3 of P.L.1962, c.220 (C.52:31-1.3) is amended to read
11 as follows:

12 3. (a) The provisions of this act shall apply to real property or
13 interests therein that have a value of **[\$100,000.00]** ¹**[\$5,000,000.00]**
14 ²**[\$3,000,000¹]** \$500,000 ² or less and to easements that have a value
15 of ²**[\$10,000.00]** \$100,000 ² or less. ²[Commencing March 1,
16 1998 and each year thereafter, the State Treasurer shall adjust the
17 amount of the maximum value of real property or interests
18 hereinbefore set forth in direct proportion to the rise or fall of the
19 composite average for the New York City and the Philadelphia areas,
20 as that average is determined by the Treasurer, in the Housing
21 component of the Consumer Price Index for all Urban Consumers as
22 reported by the United States Department of Labor. The State
23 Treasurer shall, no later than June 1 of each year, notify the President
24 of the Senate, the Speaker of the General Assembly, and the State
25 House Commission of the adjustment. The adjustment shall become
26 effective on July 1 of each year.¹²

27 (b) The provisions of this act shall be deemed to be additional and
28 supplemental to any existing authority to sell property of the State and
29 shall not be deemed to be in derogation of such existing authority.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASG committee amendments adopted January 23, 1997.

²Senate floor amendments adopted June 26, 1997.

1 ¹Nothing in this act, P.L.1962, c.220 (C.52:31-1.1 et seq.), as
2 amended and supplemented, shall be construed to affect, amend, alter
3 or repeal any provision of any other law relating to the disposition of
4 public lands for recreation and conservation, farmland preservation, or
5 any other public purpose.¹
6 (cf: P.L.1962, c.220, s.3)

7
8 2. R.S.52:20-1 is amended to read as follows:

9 52:20-1. The State House Commission shall consist of the
10 Governor, who shall be the presiding officer, the State Treasurer, and
11 the **[Comptroller of the Treasury]** Director of the Division of Budget
12 and Accounting or their designees, or the persons upon whom shall
13 devolve by law the powers, duties and emoluments of said offices
14 respectively, for the time being, and 2 members of the Senate
15 appointed by the President thereof and 2 members of the General
16 Assembly appointed by the Speaker thereof, no more than one of
17 either group of 2 being of the same political party ²or their alternates.
18 Each alternate for an appointed member shall also be a member of the
19 Senate or General Assembly appointed by the President or Speaker, as
20 appropriate, and shall have full voting powers when required to attend
21 commission meetings². The members of the commission shall serve
22 without pay in connection with all such duties as are prescribed in this
23 chapter. The appointed members of the commission shall serve as
24 members thereof for terms co-extensive with their respective terms as
25 members of the Houses of the Legislature from which they were
26 appointed.
27 (cf: P.L.1963, c.180, s.1)

28
29 ² 3. (New section) When a determination is made by the head or
30 principal executive of any State department to sell and convey all or
31 any part of the State's interest in any real property held by the
32 department and the improvements thereon or to grant an easement in
33 or across such property, without regard to the value of the property
34 or easement, upon a finding that the department does not require such
35 property or interest for any public purpose and that such sale is in the
36 best interests of the State or that a grant of such easement is in the
37 best interests of the State, the department shall notify in writing the
38 governing body of each municipality in which the property is located
39 that the determination has been made by the department for the sale or
40 conveyance of the State's interest or the grant of an easement. The
41 notice shall be made regardless of the value of the property and also
42 shall state whether approval by the State House Commission is
43 required prior to the sale or conveyance or grant. The notice shall be
44 sent at least 14 days prior to any further action taken by the
45 department after the determination in order to permit a municipal
46 review and formulation of a response, if any. This notification shall

1 apply to all property to be sold or conveyed or for which an easement
2 is to be granted pursuant to the authorization granted by P.L.1962,
3 c.220 (C.52:31-1.1 et seq.) or pursuant to any other statute or
4 authority.²

5
6 ²4. (New section) Notwithstanding any other provision of law to
7 the contrary, the sale or conveyance by the head or principal
8 executive of any State department of all or part of the State's interest
9 in any real property and the improvements thereon or the grant of an
10 easement in or across such property shall require the approval of the
11 State House Commission without regard to the value of the property
12 or easement or to the means by which the property was acquired by
13 the State, unless the sale or conveyance or grant is a disposition of
14 public lands for recreation and conservation, farmland preservation, or
15 any other public purpose.²

16
17 ²5. R.S.52:20-4 is amended to read as follows:

18 R.S.52:20-4. All meetings of the commission shall be open to the
19 public and all the business of the commission shall be transacted at
20 public meetings held in the state house at such time and place as the
21 commission shall prescribe. The commission shall meet at least once
22 every three calendar months, but may meet more frequently at such
23 times as determined by the chairperson of the commission

24 The secretary shall transmit to each member of the commission a
25 copy of the minutes of each meeting within twenty-four hours after
26 the adjournment thereof. The minutes of the commission shall be
27 open to inspection by any citizen of the state at all times during
28 business hours.²

29 (cf: R.S.52:20-4)

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31 ²[3.] 6.² This act shall take effect immediately.

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36 _____
37 Makes various changes concerning the sale of State lands and the
State House Commission.

1 *Sponsors'* STATEMENT

2

3 Under existing law, the head or principal executive of any State
4 department, with the written approval of the Governor, is authorized
5 to sell and convey the State's interest in any real property and the
6 improvements thereon held by the department, provided that: (1) a
7 finding is made that the department does not require such property for
8 any public interest and that the sale is in the best interests of the State,
9 and (2) that the value of the property is less than \$100,000.00. The
10 sale of the property is upon such terms and conditions as the State
11 House Commission determines to be in the best interests of the State
12 and is by public auction to the highest bidder unless the commission
13 shall otherwise direct. This bill would increase the maximum value of
14 the property subject to the law from \$100,000.00 to \$5,000,000.00.

15 This bill also amends existing law regarding the membership of the
16 commission. The current statute provides that the Comptroller of the
17 Treasury shall be a member of the commission. The duties of the
18 Comptroller are now performed by the Director of the Division of
19 Budget and Accounting. The bill amends the law to reflect this fact
20 and to authorize the Executive Branch members of the commission
21 (the Governor, the State Treasurer, and the Director of the Division
22 of Budget and Accounting) to name designees to serve on the
23 commission in their stead.

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28 _____
29 Increases from \$100,000 to \$5,000,000 value of surplus real property
30 a State department may sell without specific legislative authorization;
31 authorizes Executive Branch members of State House Commission to
name designees.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2532

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 23, 1997

The Assembly State Government Committee reports favorably and with committee amendments Assembly, No. 2532.

This bill increases the maximum value of State land that may be sold without specific legislative authorization.

Under the existing general law governing the sale of State lands, the head or principal executive of any State department, with the written approval of the Governor, is authorized to sell and convey the State's interest in any real property and the improvements thereon held by the department, provided that: (1) a finding is made that the department does not require such property for any public interest and that the sale is in the best interests of the State, and (2) that the value of the property is \$100,000 or less. The sale of the property is upon such terms and conditions as the State House Commission determines to be in the best interests of the State and is by public auction to the highest bidder unless the commission shall otherwise direct. This bill would increase the maximum value of the property subject to the law from \$100,000 to \$3,000,000 and provide that this maximum value would be subject to annual adjustment for inflation. In addition, the bill includes language clarifying that this maximum value does not affect provisions in other statutes, such as the Green Acres and Farmlands Preservation statutes, concerning the disposition of public lands.

The bill also amends existing law regarding the membership of the commission. The current statute provides that the Comptroller of the Treasury shall be a member of the commission. The duties of the Comptroller are now performed by the Director of the Division of Budget and Accounting. The bill amends the law to reflect this fact and to authorize the Executive Branch members of the commission (the Governor, the State Treasurer, and the Director of the Division of Budget and Accounting) to name designees to serve on the commission in their stead.

COMMITTEE AMENDMENTS

The committee adopted amendments to the bill to (1) reduce the

increase in the amount of the maximum value of State land subject to sale without specific legislative authorization to \$3,000,000 from \$5,000,000 under the bill as introduced, (2) provide for the annual adjustment for inflation of this maximum value amount, and (3) clarify that the general statute governing the sale of State lands should not be construed to revise other statutes governing the disposition of publicly owned real property.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2532

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 1997

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2532 (1R).

Assembly Bill No. 2532 (1R) increases the maximum value of State land that may be sold without specific legislative authorization.

Under existing law, the head or principal executive of any State department, with the written approval of the Governor, is authorized to sell and convey the State's interest in any real property and the improvements thereon held by the department, provided that: (1) the department does not require the property for public interest and the sale is in the best interests of the State, and (2) that the value of the property is \$100,000 or less. The sale of the property is based on terms and conditions as the State House Commission determines to be in the best interests of the State and is by public auction to the highest bidder unless the commission shall otherwise direct. This bill increases the maximum value of the property subject to the law from \$100,000 to \$3,000,000 and provides that this maximum value would be subject to annual adjustment for inflation. In addition, the bill includes language clarifying that this maximum value does not affect provisions in other statutes, such as the Green Acres and Farmlands Preservation statutes, concerning the disposition of public lands.

The current statute provides that the Comptroller of the Treasury be a member of the commission. The duties of the Comptroller are performed by the Director of the Division of Budget and Accounting. The bill reflects this change and authorizes the Executive Branch members (the Governor, the State Treasurer, and the Director of the Division of Budget and Accounting) to name designees to serve.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2532

with Senate Floor Amendments
(Proposed By Senator LaROSSA)

ADOPTED: JUNE 26, 1997

This amendment makes this bill identical to Senate Bill No. 2159 (2R) (LaRossa).

Specifically, the amendment: decreases the maximum value from \$3,000,000 to \$500,000 for the sale of property without legislative authorization; increases the maximum value from \$10,000 to \$100,000 for easements that may be granted without legislative authorization; deletes the provision that would have allowed for the annual adjustment, based on the CPI, of the maximum value of surplus property that the State could sell without legislative authorization; requires the State House Commission to meet at least quarterly; provides for the appointment of alternates for the legislative appointments to the State House Commission; requires notification of municipalities in which are located properties the State has determined to sell or grant an easement to; and requires the approval of the State House Commission prior to the sale of all State lands or the granting of easements with certain exceptions.