

SENATE: Yes

Identical to Senate Statement to A890

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

ASSEMBLY, No. 890

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblyman ANTHONY IMPREVEDUTO

District 32 (Bergen and Hudson)

Co-Sponsored by:

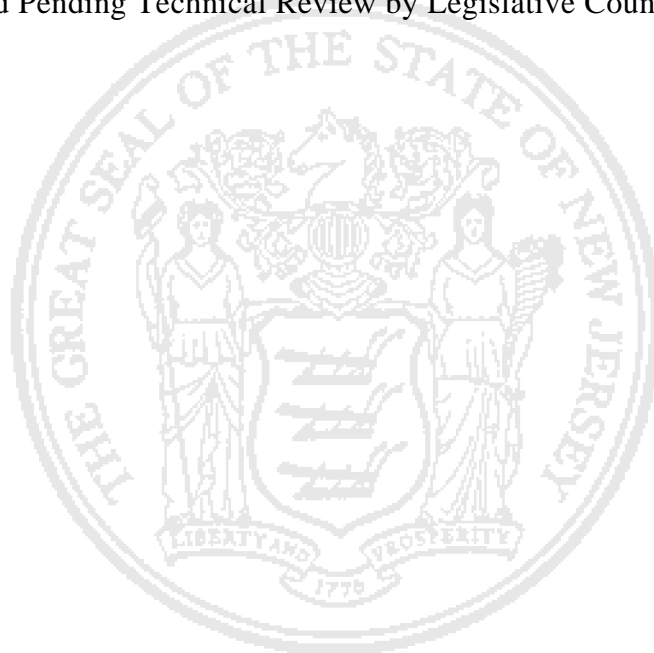
Assemblywoman Quigley

SYNOPSIS

Replaces specific limited expenses that holder of tax title is entitled to reclaim and permits such holder to reclaim an expanded list of fees and expenses incurred.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A890 BATEMAN, IMPREVEDUTO

2

1 AN ACT concerning prerequisites to collecting fees or expenses by
2 holder of tax title and amending R.S.54:5-61 and 54:5-62.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.54:5-61 is amended to read as follows:

8 54:5-61. The holder of the tax title **[**, upon compliance with the
9 provisions of R.S.54:5-62,**]** shall be entitled **[for his expenses,]** to
10 **[such sums as he may have actually paid out for recording fees, fees**
11 **for services of notices necessarily and actually served, and]** fees and
12 expenses in ascertaining the persons interested in the premises sold,
13 but such fees and expenses shall not exceed in all the sum of twelve
14 dollars, **[besides the fees]**and the holder shall also be entitled for his
15 expenses, to such sums as he may have actually paid for recording the
16 certificate **[and fees]**. In addition, and upon compliance with the
17 provisions of R.S.54:5-62 the holder shall also be entitled for his
18 expenses, to such sums as he may have actually paid for necessary
19 advertising in a newspaper under this chapter and fees for services of
20 notices necessarily and actually served. Such fees and expenses shall
21 be separate, apart from and in addition to those fees permitted under
22 section 7 of P.L.1965, c.187 (C.54:5-97.1) and R.S.54:5-98. Upon
23 redemption in accordance with R.S.54:5-58, R.S.54:5-59 and
24 R.S.54:5-60 the holder of the tax title shall be entitled to collect from
25 the owner or other persons having a right of redemption pursuant to
26 R.S.54:5-54, additional sums in accordance with the following
27 schedule: When the tax title certificate amount shall exceed the sum
28 of two hundred dollars, the holder, upon redemption of the tax title
29 shall be entitled to collect from the owner or other person having an
30 interest in the lands an additional sum equal to two per cent of the
31 amount so paid for the tax title certificate.

32 When the tax title certificate amount shall exceed the sum of
33 \$5,000, such additional sum shall be equal to 4% of such amount paid;
34 and when the tax title certificate amount exceeds \$10,000, such
35 additional sum shall be equal to 6% of such amount paid. This section
36 shall also apply to all existing tax title certificates held by
37 municipalities on the effective date of P.L.1991, c.75.

38 (cf: P.L.1994, c.32, s.9)

39

40 2. R.S.54:5-62 is amended to read as follows:

41 54:5-62. No such fees or expenses incurred **[as aforesaid]**pursuant
42 to R.S.54:5-61, shall be collectible, unless such redemption is made by

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 payment to the collecting officer and unless the holder of the tax title
2 shall have made and filed with such collecting officer affidavits
3 showing the amount or amounts of such expenses actually disbursed
4 or incurred, affidavits of service, including copies of the notices
5 served, and certificates of the searches made in the form of an abstract
6 of title covering a period of not less than twenty years.
7 (cf: P.L.1941, c.84, s.1)

8

9 3. This act shall take effect immediately .

10

11

12

STATEMENT

13

14 This bill replaces specific limited expenses that a holder of a tax
15 title is entitled to reclaim and permits such a holder to reclaim an
16 expanded list of fees and expenses incurred.

17 Specifically, under this bill the holder of a tax title is entitled to all
18 fees and expenses incurred in ascertaining the persons interested in the
19 premises sold and is not limited to sums actually paid out for recording
20 fees, and fees for services of notices necessarily and actually served.
21 Rather, under this bill, the holder would be entitled to all fees without
22 those limitations. Also such holders would be entitled to such
23 expenses as the holder may have actually paid for recording the
24 certificate and fees for services of notices necessarily and actually
25 served.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 890

STATE OF NEW JERSEY

DATED: JUNE 1, 2000

The Assembly Local Government Committee reports favorably Assembly Bill No. 890.

This bill amends R.S.54:5-61 and R.S.54:5-62 to remove the requirement that the holder of a tax title conduct a 20-year title search in order to be entitled to claim expenses, limited to \$12, for ascertaining the persons interested in the property subject to the tax lien being foreclosed.

This bill was prefiled for introduction in the 2000 session pending technical review. As reported, the bill includes changes required by technical review, which has been performed.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 890

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2001

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 890.

This bill would amend R.S.54:5-61 and R.S.54:5-62 to remove the requirement that the holder of a tax title conduct a 20-year title search in order to be entitled to claim expenses, limited to \$12, for ascertaining the persons interested in the property subject to the tax lien being foreclosed.

ASSEMBLY, No. 890

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblyman ANTHONY IMPREVEDUTO

District 32 (Bergen and Hudson)

Co-Sponsored by:

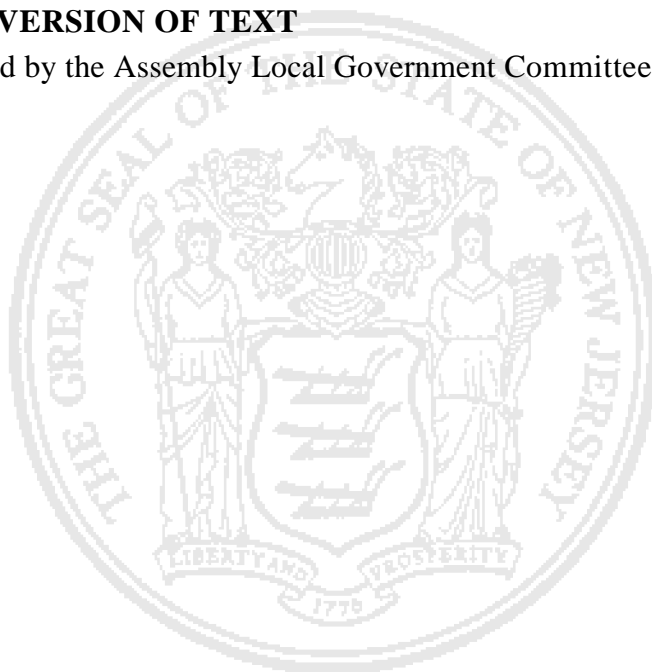
Assemblywoman Quigley and Senator Kavanaugh

SYNOPSIS

Removes 20-year title search as prerequisite for tax title holder's claim for \$12 party search expense.

CURRENT VERSION OF TEXT

As reported by the Assembly Local Government Committee with technical review.



(Sponsorship Updated As Of: 3/27/2001)

A890 BATEMAN, IMPREVEDUTO

2

1 AN ACT concerning prerequisites to collecting fees or expenses by
2 holder of tax title and amending R.S.54:5-61 and 54:5-62.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. R.S.54:5-61 is amended to read as follows:

8 54:5-61. The holder of the tax title **[**, upon compliance with the
9 provisions of R.S.54:5-62,**]** shall be entitled **[for his expenses,]** to
10 **[such sums as he may have actually paid out for recording fees, fees**
11 **for services of notices necessarily and actually served, and]** fees and
12 expenses in ascertaining the persons interested in the premises sold,
13 but such fees and expenses shall not exceed in all the sum of twelve
14 dollars, **[besides the fees]** and the holder shall also be entitled for his
15 expenses, to such sums as he may have actually paid for recording the
16 certificate **[and fees]**. In addition, and upon compliance with the
17 provisions of R.S.54:5-62 the holder shall also be entitled for his
18 expenses, to such sums as he may have actually paid for necessary
19 advertising in a newspaper under this chapter and fees for services of
20 notices necessarily and actually served. Such fees and expenses shall
21 be separate, apart from and in addition to those fees permitted under
22 section 7 of P.L.1965, c.187 (C.54:5-97.1) and R.S.54:5-98. Upon
23 redemption in accordance with R.S.54:5-58, R.S.54:5-59 and
24 R.S.54:5-60 the holder of the tax title shall be entitled to collect from
25 the owner or other persons having a right of redemption pursuant to
26 R.S.54:5-54, additional sums in accordance with the following
27 schedule: When the tax title certificate amount shall exceed the sum
28 of two hundred dollars, the holder, upon redemption of the tax title
29 shall be entitled to collect from the owner or other person having an
30 interest in the lands an additional sum equal to two per cent of the
31 amount so paid for the tax title certificate.

32 When the tax title certificate amount shall exceed the sum of
33 \$5,000, such additional sum shall be equal to 4% of such amount paid;
34 and when the tax title certificate amount exceeds \$10,000, such
35 additional sum shall be equal to 6% of such amount paid. This section
36 shall also apply to all existing tax title certificates held by
37 municipalities on the effective date of P.L.1991, c.75.

38 (cf: P.L.1994, c.32, s.9)

39

40 2. R.S.54:5-62 is amended to read as follows:

41 54:5-62. No such fees or expenses incurred **[as aforesaid]** pursuant
42 to R.S.54:5-61, shall be collectible, unless such redemption is made by

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

A890 BATEMAN, IMPREVEDUTO

3

1 payment to the collecting officer and unless the holder of the tax title
2 shall have made and filed with such collecting officer affidavits
3 showing the amount or amounts of such expenses actually disbursed
4 or incurred, affidavits of service, including copies of the notices
5 served, and certificates of the searches made in the form of an abstract
6 of title covering a period of not less than twenty years.
7 (cf: P.L.1941, c.84, s.1)

8

9 3. This act shall take effect immediately.

SENATE, No. 1862

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED NOVEMBER 9, 2000

Sponsored by:

Senator WALTER J. KAVANAUGH

District 16 (Morris and Somerset)

SYNOPSIS

Removes 20-year title search as prerequisite for tax title holder's claim for \$12 party search expense.

CURRENT VERSION OF TEXT

As introduced.



S1862 KAVANAUGH

2

1 AN ACT concerning prerequisites to collecting fees or expenses by
2 holder of tax title and amending R.S.54:5-61 and 54:5-62.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.54:5-61 is amended to read as follows:

8 54:5-61. The holder of the tax title[, upon compliance with the
9 provisions of R.S.54:5-62,] shall be entitled [for his expenses,] to
10 [such sums as he may have actually paid out for recording fees, fees
11 for services of notices necessarily and actually served, and] fees and
12 expenses in ascertaining the persons interested in the premises sold,
13 but such fees and expenses shall not exceed in all the sum of twelve
14 dollars, [besides the fees]and the holder shall also be entitled for his
15 expenses, to such sums as he may have actually paid for recording the
16 certificate[and fees]. In addition, and upon compliance with the
17 provisions of R.S.54:5-62 the holder shall also be entitled for his
18 expenses, to such sums as he may have actually paid for necessary
19 advertising in a newspaper under this chapter and fees for services of
20 notices necessarily and actually served. Such fees and expenses shall
21 be separate, apart from and in addition to those fees permitted under
22 section 7 of P.L.1965, c.187 (C.54:5-97.1) and R.S.54:5-98. Upon
23 redemption in accordance with R.S.54:5-58, R.S.54:5-59 and
24 R.S.54:5-60 the holder of the tax title shall be entitled to collect from
25 the owner or other persons having a right of redemption pursuant to
26 R.S.54:5-54, additional sums in accordance with the following
27 schedule: When the tax title certificate amount shall exceed the sum
28 of two hundred dollars, the holder, upon redemption of the tax title
29 shall be entitled to collect from the owner or other person having an
30 interest in the lands an additional sum equal to two per cent of the
31 amount so paid for the tax title certificate.

32 When the tax title certificate amount shall exceed the sum of
33 \$5,000, such additional sum shall be equal to 4% of such amount paid;
34 and when the tax title certificate amount exceeds \$10,000, such
35 additional sum shall be equal to 6% of such amount paid. This section
36 shall also apply to all existing tax title certificates held by
37 municipalities on the effective date of P.L.1991, c.75.

38 (cf: P.L.1994, c.32, s.9)

39

40 2. R.S.54:5-62 is amended to read as follows:

41 54:5-62. No such fees or expenses incurred [as aforesaid]pursuant
42 to R.S.54:5-61, shall be collectible, unless such redemption is made by

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

S1862 KAVANAUGH

3

1 payment to the collecting officer and unless the holder of the tax title
2 shall have made and filed with such collecting officer affidavits
3 showing the amount or amounts of such expenses actually disbursed
4 or incurred, affidavits of service, including copies of the notices
5 served, and certificates of the searches made in the form of an abstract
6 of title covering a period of not less than twenty years.
7 (cf: P.L.1941, c.84, s.1)

8

9 3. This act shall take effect immediately.

10

11

12

STATEMENT

13

14 This bill amends R.S.54:5-61 and R.S.54:5-62 to remove the
15 requirement that the holder of a tax title conduct a 20-year title search
16 in order to be entitled to claim expenses, limited to \$12, for
17 ascertaining the persons interested in the property subject to the tax
18 lien being foreclosed.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1862

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2001

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1862.

This bill would amend R.S.54:5-61 and R.S.54:5-62 to remove the requirement that the holder of a tax title conduct a 20-year title search in order to be entitled to claim expenses, limited to \$12, for ascertaining the persons interested in the property subject to the tax lien being foreclosed.

P.L. 2001, CHAPTER 72, *approved April 20, 2001*

Assembly, No. 890

1 AN ACT concerning prerequisites to collecting fees or expenses by
2 holder of tax title and amending R.S.54:5-61 and 54:5-62.

3

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

6

7 1. R.S.54:5-61 is amended to read as follows:

8 54:5-61. The holder of the tax title[, upon compliance with the
9 provisions of R.S.54:5-62,] shall be entitled [for his expenses,] to
10 [such sums as he may have actually paid out for recording fees, fees
11 for services of notices necessarily and actually served, and] fees and
12 expenses in ascertaining the persons interested in the premises sold,
13 but such fees and expenses shall not exceed in all the sum of twelve
14 dollars, [besides the fees]and the holder shall also be entitled for his
15 expenses, to such sums as he may have actually paid for recording the
16 certificate[and fees]. In addition, and upon compliance with the
17 provisions of R.S.54:5-62 the holder shall also be entitled for his
18 expenses, to such sums as he may have actually paid for necessary
19 advertising in a newspaper under this chapter and fees for services of
20 notices necessarily and actually served. Such fees and expenses shall
21 be separate, apart from and in addition to those fees permitted under
22 section 7 of P.L.1965, c.187 (C.54:5-97.1) and R.S.54:5-98. Upon
23 redemption in accordance with R.S.54:5-58, R.S.54:5-59 and
24 R.S.54:5-60 the holder of the tax title shall be entitled to collect from
25 the owner or other persons having a right of redemption pursuant to
26 R.S.54:5-54, additional sums in accordance with the following
27 schedule: When the tax title certificate amount shall exceed the sum
28 of two hundred dollars, the holder, upon redemption of the tax title
29 shall be entitled to collect from the owner or other person having an
30 interest in the lands an additional sum equal to two per cent of the
31 amount so paid for the tax title certificate.

32 When the tax title certificate amount shall exceed the sum of
33 \$5,000, such additional sum shall be equal to 4% of such amount paid;
34 and when the tax title certificate amount exceeds \$10,000, such
35 additional sum shall be equal to 6% of such amount paid. This section
36 shall also apply to all existing tax title certificates held by
37 municipalities on the effective date of P.L.1991, c.75.

38 (cf: P.L.1994, c.32, s.9)

39

40 2. R.S.54:5-62 is amended to read as follows:

41 54:5-62. No such fees or expenses incurred [as aforesaid]pursuant

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 to R.S.54:5-61, shall be collectible, unless such redemption is made by
2 payment to the collecting officer and unless the holder of the tax title
3 shall have made and filed with such collecting officer affidavits
4 showing the amount or amounts of such expenses actually disbursed
5 or incurred, affidavits of service, including copies of the notices
6 served, and certificates of the searches made in the form of an abstract
7 of title covering a period of not less than twenty years.

8 (cf: P.L.1941, c.84, s.1)

9

10 3. This act shall take effect immediately.

11

12

13

14

15 Removes 20-year title search as prerequisite for tax title holder's claim
16 for \$12 party search expense.

CHAPTER 72

AN ACT concerning prerequisites to collecting fees or expenses by holder of tax title and amending R.S.54:5-61 and 54:5-62.

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

1. R.S.54:5-61 is amended to read as follows:

Holder of tax title entitled to expenses; limitation.

54:5-61. The holder of the tax title to fees and expenses in ascertaining the persons interested in the premises sold, but such fees and expenses shall not exceed in all the sum of twelve dollars, and the holder shall also be entitled for his expenses, to such sums as he may have actually paid for recording the certificate. In addition, and upon compliance with the provisions of R.S.54:5-62 the holder shall also be entitled for his expenses, to such sums as he may have actually paid for necessary advertising in a newspaper under this chapter and fees for services of notices necessarily and actually served. Such fees and expenses shall be separate, apart from and in addition to those fees permitted under section 7 of P.L.1965, c.187 (C.54:5-97.1) and R.S.54:5-98. Upon redemption in accordance with R.S.54:5-58, R.S.54:5-59 and R.S.54:5-60 the holder of the tax title shall be entitled to collect from the owner or other persons having a right of redemption pursuant to R.S.54:5-54, additional sums in accordance with the following schedule: When the tax title certificate amount shall exceed the sum of two hundred dollars, the holder, upon redemption of the tax title shall be entitled to collect from the owner or other person having an interest in the lands an additional sum equal to two per cent of the amount so paid for the tax title certificate.

When the tax title certificate amount shall exceed the sum of \$5,000, such additional sum shall be equal to 4% of such amount paid; and when the tax title certificate amount exceeds \$10,000, such additional sum shall be equal to 6% of such amount paid. This section shall also apply to all existing tax title certificates held by municipalities on the effective date of P.L.1991, c.75.

2. R.S.54:5-62 is amended to read as follows:

Conditions for collection of fees, expenses.

54:5-62. No such fees or expenses incurred pursuant to R.S.54:5-61, shall be collectible, unless such redemption is made by payment to the collecting officer and unless the holder of the tax title shall have made and filed with such collecting officer affidavits showing the amount or amounts of such expenses actually disbursed or incurred, affidavits of service, including copies of the notices served, and certificates of the searches made in the form of an abstract of title covering a period of not less than twenty years.

3. This act shall take effect immediately.

Approved April 20, 2001.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Rae Hutton
609-777-2600

RELEASE: April 20 , 2001

Acting Governor Donald T. DiFrancesco signed the following legislation today:

S-1339, sponsored by Senators Andrew Ciesla(R-Monmouth/Ocean) and Diane Allen (R-Burlington/Camden) and Assembly members David Wolfe (R-Monmouth/Ocean) and Steve Corodemus (R-Monmouth), provides for grants to clean up contamination discovered subsequent to underground storage tank removal or closure.

Under the bill, a grant may be issued for up to 50 percent of the remediation costs except that no grant to any person may exceed \$1,000,000.

A-890, sponsored by Assembly members Kip Bateman (R-Morris/Somerset) and Anthony Impreveduto (D-Bergen/Hudson) and Senator Walter Kavanaugh (R-Morris/Somerset), removes the 20-year title search as prerequisite for tax title holder's claim for \$12 party search expense for ascertaining the persons interested in the property subject to the tax lien being foreclosed.

A-653, sponsored by Assembly members John Gibson (R-Cape May/Atlantic/Cumberland) and Nicholas Asselta (R-Cape May/Atlantic/Cumberland), revises conditions under which a municipality may require bond or other security from landlords of seasonal rental properties in Monmouth, Atlantic, Ocean and Cape May counties.

This bill changes the current "one-year" time frame, which could be construed as a calendar year, to a 12-month-period, and changes the number of substantiated complaints necessary for the municipality to institute the administrative proceeding from three to two.

SJR-7, sponsored by Senator Garry Furnari (D-Bergen/Essex/Passaic), designates the North Service Road portion of State Highway Route 3 in Rutherford Borough, Bergen County, as the "Thomas E. Dunn Memorial Highway."

SJR-8, sponsored by Senator Garry Furnari (D-Bergen/Essex/Passaic), designates South Service Road portion of State Highway Route 3 in Rutherford Borough, Bergen County, as the "Edwin L. Ward, Sr. Memorial Highway."

Acting Governor Donald T. DiFrancesco conditionally vetoed the following legislation today. A copy of the CV message is attached.

S-249, sponsored by Senator John Bennett (R-Monmouth) and Assembly members Nicholas Felice (R-Bergen/Passaic) and Anthony Impreveduto (D-Bergen/Hudson), requires a board of education to give the municipal clerk or clerks, the county board of elections no less than 60 days notice, in writing, of its intention to hold a special election, replaces the provisions in current law regarding when a special school election may be held in a type II district and eliminates the provisions of

existing law which authorizes legal voters of the district to petition the school board to hold a special election.

April 20, 2001

SENATE BILL NO. 249
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 249 (First Reprint) with my recommendations for reconsideration.

A. Summary of Bill

This bill makes three changes to existing law governing special school elections in Type II school districts. Specifically, the bill: (1) requires a board of education to give the municipal clerk or clerks, as the case may be, and the county board of elections no less than 60 days' notice, in writing, of its intention to hold a special election; (2) replaces the provisions in current law regarding when a special school election may be held in a type II district to provide that such an election may be held only on the following days: the fourth Tuesday in January, the second Tuesday in March, the last Tuesday in September, or the second Tuesday in December; and (3) eliminates the provisions of existing law which authorizes legal voters of the district to petition the school board to hold a special election.

B. Recommended Action

While I commend the sponsors of this bill for their efforts to streamline the school election process and increase voter participation and awareness, I have been advised that the bill contains a technical error which could lead to confusion as to the intent of this legislation. As a result, I recommend a Conditional Veto to clarify that this legislation intended to eliminate special elections by petition.

For this reason, I am returning Senate Bill No. 249 (First Reprint) and recommend that it be amended as follows:

Page 2, Line 31: After "was called" insert "." delete "and in the notices of any special election, called upon".

Page 2, Lines 32-34: Delete in entirety.

Respectfully,

/s/ Donald T. DiFrancesco

Acting Governor

[seal]

Attest:

/s/ James A. Harkness

Chief Counsel to the Governor