

40A:12-13.3 and 13.4

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:12-13.3 and 40A:12-13.4

(Municipal
lands--certain-
allow sale to county)

LAWS OF: 1983

CHAPTER: 534

Bill No: A3696

Sponsor(s): Schwartz and Pelly

Date Introduced: June 27, 1983

Committee: Assembly: Municipal Government

Senate: -----

Amended during passage:

Yes

Amendments during passage
denoted by asterisks

Date of Passage:

Assembly: January 5, 1984

Senate: January 9, 1984

Date of Approval: January 17, 1984

Following statements are attached if available:

Sponsor statement:

Yes

Committee statement:

Assembly

Yes

Senate

No

Fiscal Note:

No

Veto Message:

No

Message on Signing:

No

Following were printed:

Reports:

No

Hearings:

No

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ASSEMBLY, No. 3696

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1983

By Assemblymen SCHWARTZ and PELLY

[A SUPPLEMENT to the "Local Lands and Buildings Law," approved June 9, 1971 (P. L. 1971, c. 199, C. 40A:12-1 et seq.).] *AN ACT concerning the sale and conveyance of public land to public entities, amending P. L. 1975, c. 75 and supplementing P. L. 1971, c. 199.*

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

1 *1. Section 1 of P. L. 1975, c. 75 (C. 40A:12-13.3) is amended to
2 read as follows:

3 1. Notwithstanding any provisions of law to the contrary, when
4 any [board of chosen freeholders] governing body of a county
5 determines that all or any part of a tract of land, with or without
6 improvements, owned by the county is not then needed for county
7 purposes, [the said board] it may, by resolution or ordinance,
8 as appropriate, authorize a private sale and conveyance of the
9 same, or any part thereof, to a municipality in the county without
10 compliance with any other law governing disposal of lands by
11 counties, for a consideration which may be nominal, and containing
12 a limitation that such lands or buildings shall be used only for
13 public purposes of such municipality [in connection with municipal
14 law-enforcement or similar public safety municipal functions],
15 and that if said lands or buildings are not used in accordance with
16 said limitation, title thereto shall revert to the county without any
17 entry or reentry made thereon on behalf of such county.*

1 * [1.] * 2. (New section)* Notwithstanding any law to the con-
2 trary, when the governing body of a municipality determines that

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted December 8, 1983.

3 all or part of a tract of land, with or without improvements, owned
4 by the municipality is not then needed for municipal purposes, it
5 may*,* by ordinance*,* authorize a private sale and conveyance of
6 the property, or any part thereof, to the county in which it is
7 located, without compliance with any other law governing disposal
8 of lands by municipalities, for a consideration which may be
9 nominal, and containing a limitation that the lands or buildings
10 shall be used only for public purposes of the county ***[in connection**
11 with law enforcement, fire protection, or similar public safety
12 functions]*, and that if the lands or buildings are not used in
13 accordance with the limitation, title **thereto** shall revert to the
14 municipality without any entry or reentry made thereon on behalf
15 of the municipality.

1 ***[2.]*** *3.* This act shall take effect immediately.

ASSEMBLY, No. 3696

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1983

By Assemblymen SCHWARTZ and PELLY

A SUPPLEMENT to the "Local Lands and Buildings Law," approved June 9, 1971 (P. L. 1971, c. 199, C. 40A:12-1 et seq.).

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

1 1. Notwithstanding any law to the contrary, when the governing
2 body of a municipality determines that all or part of a tract of
3 land, with or without improvements, owned by the municipality
4 is not then needed for municipal purposes, it may by ordinance
5 authorize a private sale and conveyance of the property, or any
6 part thereof, to the county in which it is located, without compliance
7 with any other law governing disposal of lands by municipalities,
8 for a consideration which may be nominal, and containing a limita-
9 tion that the lands or buildings shall be used only for public
10 purposes of the county in connection with law enforcement, fire
11 protection, or similar public safety functions, and that if the lands
12 or buildings are not used in accordance with the limitation, title
13 shall revert to the municipality without any entry or reentry made
14 thereon on behalf of the municipality.

1 2. This act shall take effect immediately.

STATEMENT

This bill allows a municipality to sell land to a county for a nominal price, provided this land is to be used by the county for public safety purposes such as law enforcement or fire protection. It is similar to section 1 of P. L. 1975, c. 75 (C. 40A:12-13.3) which gives the same authority to counties.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3696

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1983

Assembly Bill No. 3696, as amended at the request of the sponsor, would permit a municipality to sell land to a county for a nominal price, provided the land is used for the public purposes of the county. Currently, only counties are permitted to sell land to municipalities at a nominal price for public safety purposes pursuant to P. L. 1975, c. 75 (C. 40A:12-13.3).

The committee determined to amend the bill to delete the restriction now contained in P. L. 1975, c. 75 concerning the use of the land sold to municipalities for public safety purposes only, in order to give identical authority to both counties and municipalities in this regard.

Assembly Bill No. 3696, with amendments, is identical to Senate Bill No. 3497 Sca.