

40A:12-21

LEGISLATIVE HISTORY CHECKLIST

NJSA 40A:12-21 (Municipal land--conveyance to board of fire commissioners)

LAWS OF 1979 CHAPTER 305

Bill No. A1892

Sponsor(s) Muhler

Date Introduced Dec. 11, 1978

Committee: Assembly -----

Senate County and Municipal Government

Amended during passage Yes ~~xx~~ Amendments denoted by asterisks

according to Governor's recommendations
Date of Passage: Assembly Dec. 11, 1978

Re-enacted June 18, 1979

Senate April 23, 1979

Re-enacted Jan. 1979

Date of approval Jan. 17, 1980

Following statements are attached if available:

Sponsor statement Yes ~~xx~~ (Below)

Committee Statement: Assembly Yes ~~xx~~ No

Senate Yes ~~xx~~

Fiscal Note Yes ~~xx~~ No

Veto message Yes ~~xx~~

Message on signing Yes ~~xx~~ No

Following were printed:

Reports Yes ~~xx~~ No

Hearings Yes ~~xx~~ No

Sponsor's statement:

This bill allows municipalities to convey land to boards of fire commissioners in addition to fire companies.

2/1/79

Do Not Remove From Library
DEPOSITORY COPY

1-17-80

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1892

STATE OF NEW JERSEY

INTRODUCED DECEMBER 11, 1978

By Assemblywoman MUHLER

(Without Reference)

AN ACT concerning conveyances by municipalities and amending

[*N. J. S. 40A:14-69 and*] 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 21 of P. L. 1971, c. 199 (C. 40A:12-21) is amended
 2 to read as follows:

3 21. Private sales to certain organizations upon nominal con-
 4 sideration. When the governing body of any county or munici-
 5 pality shall determine that all or any part of a tract of land, with
 6 or without improvements, owned by the county or municipality,
 7 is not then needed for county or municipal purposes, as the case
 8 may be, said governing body, by resolution or ordinance, may
 9 authorize a private sale and conveyance of the same, or any part
 10 thereof without compliance with any other law governing disposal
 11 of lands by counties and municipalities for a consideration, which
 12 may be nominal, and containing a limitation that such lands or
 13 buildings shall be used only for the purposes of such organization
 14 or association, and to render such services or to provide such
 15 facilities as may be agreed upon, and not for commercial business
 16 trade or manufacture, and that if said lands or buildings are not
 17 used in accordance with said limitation, title thereto shall revert
 18 to the county or municipality without any entry or reentry made
 19 thereon on behalf of such county or municipality, to

20 (a) A duly incorporated volunteer fire company *or board of fire*
 21 *commissioners* or first aid and emergency or volunteer ambulance
 22 or rescue squad association of a municipality within the county,
 23 in the case of a county, or of the municipality, in the case of a
 24 municipality, for the construction thereon of a firehouse or fire
 25 school or a first aid and emergency or volunteer ambulance or
 26 rescue squad building or for the use of any existing building for
 27 any or all of said purposes and any such land or building sold to

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

28 any duly incorporated volunteer fire company may be leased by
 29 such fire company to any volunteer firemen's association for the
 30 use thereof for fire school purposes for the benefit of the members
 31 of such association, or

32 (b) Any nationally chartered organization or association of
 33 veterans of any war, in which the United States has or shall have
 34 been engaged, by a conveyance for a consideration, a part of which
 35 may be an agreement by the organization or association to render
 36 service or to provide facilities for the general public of the county
 37 or municipality, of a kind which the county or municipality may
 38 furnish to its citizens and to the general public, or

39 (c) Any duly incorporated nonprofit hospital association for the
 40 construction or maintenance thereon of a general hospital, or

41 (d) Any paraplegic veteran, that is to say, any officer, soldier,
 42 sailor, marine, nurse or other person, regularly enlisted or inducted,
 43 who was or shall have been in the active military or naval forces
 44 of the United States in any war in which the United States was
 45 engaged, and who, at the time he was commissioned, enlisted, in-
 46 ducted, appointed or mustered into such military or naval service,
 47 was a resident of and who continues to reside in this State, who
 48 is suffering from paraplegia and has permanent paralysis of both
 49 legs or the lower parts of the body resulting from injuries sus-
 50 tained through enemy action or accident while in such active mili-
 51 tary or naval service, for the construction of a home to domicile
 52 him, or to any organization or association of veterans, for the
 53 construction of a home or homes to domicile paraplegic veterans,
 54 with powers to convey said lands and premises to the paraplegic
 55 veterans or veterans on whose behalf said organization or associa-
 56 tion shall acquire title to said land, or

57 (e) Any duly incorporated nonprofit association or any regional
 58 commission or authority composed of one or more municipalities
 59 or one or more counties for the construction or maintenance
 60 thereon of an animal shelter, or

61 (f) Any duly incorporated nonprofit historical society for the
 62 acquisition of public owned historic sites for their restoration,
 63 preservation, improvement and utilization for the benefit of the
 64 general public, or

65 (g) Any duly incorporated nonprofit cemetery organization or
 66 association serving the residents of the municipality or county, or
 67 both, for the use thereof for cemetery purposes.

1 **[2. N. J. S. 40A:14-69 is amended to read as follows:

2 40A:14-69. The governing body of any municipality, not having
 3 a paid or part-paid fire department and force, by ordinance, may

4 provide for the conveyance of land or lands, for a nominal con-
5 sideration, to a duly incorporated fire company *or board of fire*
6 *commissioners* in such municipality, organized for the purpose of
7 protecting life and property from fire therein. The land or lands
8 so conveyed shall be limited to use for a fire house.】**

1 **【3.】** **2.** This act shall take effect immediately.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1892

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 1979

Assembly Bill No. 1892 would amend sections 40A:12-21 and 40A:14-69 of the New Jersey Statutes to permit a county or municipality to convey to a board of fire commissioners at private sale for a nominal consideration real property not needed for county or municipal purposes.

Currently, such sales are authorized in the case of volunteer fire companies, first aid and emergency or volunteer ambulance or rescue squad associations, certain veteran's associations, nonprofit hospital associations, paraplegic veterans, animal shelters, historical societies and cemetery organizations.

Under the statutes cited, real property so conveyed to a board of fire commissioners could be used only for a fire house.

The Senate committee amendment is purely technical, and would simply conform the title of the legislation to its contents.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

June 11, 1979

ASSEMBLY BILL NO. 1892 (OCR)

To the Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I return Assembly Bill No. 1892 (OCR), with my objections, for reconsideration.

This bill would amend N.J.S. 40A:12-21 and 40A:14-69 to permit a county or municipality to convey to a board of fire commissioners at private sale for a nominal consideration real property not needed for county or municipal purposes. Currently, such sales are authorized in the case of volunteer fire companies, first aid and emergency or volunteer ambulance or rescue squad associations, certain veteran's associations, nonprofit hospital associations, paraplegic veterans, animal shelters, historical societies and cemetery organizations.

While I support the concept of this legislation, I believe several technical amendments are needed. N.J.S. 40A:14-69 was repealed by section 16 of P.L. 1979, c. 86, enacted on May 15, 1979. The repealed section of law appeared unnecessary and duplicative in that its subject matter seemed adequately covered by N.J.S. 40A:12-21.

Accordingly, I respectfully recommend the following changes in Assembly Bill No. 1892 (OCR):

Page 1, Title, line 2: Delete "N.J.S. 40A:14-69 and"

Pages 2 and 3, Section 2, lines 1 to 8: Delete in their entirety.

Page 3, Section 3, line 1: Delete "3." insert "2."

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Robert E. Mulcahy, III

CHIEF OF STAFF, SECRETARY