

40A:12-21

LEGISLATIVE HISTORY CHECKLIST
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(County & municipal land & building sales)

NJSA: 40A:12-21

LAWS OF: 1995 **CHAPTER:** 88

BILL NO: S652

SPONSOR(S): Bassano

DATE INTRODUCED: February 24, 1994

COMMITTEE: ASSEMBLY: Local Government

SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: February 6, 1995

SENATE: October 20, 1994

DATE OF APPROVAL: April 13, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

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LEGISLATIVE COUNCIL

[FIRST REPRINT]

SENATE, No. 652

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 24, 1994

By Senator BASSANO

1 AN ACT concerning private sales of ¹[land or buildings] ¹county
2 or municipal lands¹ to certain ¹nonprofit¹ organizations ¹[for
3 nominal consideration] or associations¹ and amending P.L.1971,
4 c.199.
5

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

8 1. Section 21 of P.L.1971, c.199 (C.40A:12-21) is amended to
9 read as follows:

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

28 (a) A duly incorporated volunteer fire company or board of fire
29 commissioners or first aid and emergency or volunteer ambulance
30 or rescue squad association of a municipality within the county,
31 in the case of a county, or of the municipality, in the case of a
32 municipality, for the construction thereon of a firehouse or fire
33 school or a first aid and emergency or volunteer ambulance or
34 rescue squad building or for the use of any existing building for
35 any or all of said purposes and any such land or building sold to
36 any duly incorporated volunteer fire company may be leased by
37 such fire company to any volunteer firemen's association for the
38 use thereof for fire school purposes for the benefit of the
39 members of such association, or

40 (b) Any nationally chartered organization or association of
41 veterans of any war, in which the United States has or shall have
42 been engaged, by a conveyance for consideration, a part of which
43 may be an agreement by the organization or association to render
44 service or to provide facilities for the general public of the

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:

¹ Assembly ALG committee amendments adopted December 12, 1994.

1 county or municipality, of a kind which the county or
2 municipality may furnish to its citizens and to the general public,
3 or

4 (c) A duly incorporated nonprofit hospital association for the
5 construction or maintenance thereon of a general hospital, or

6 (d) Any paraplegic veteran, that is to say, any officer, soldier,
7 sailor, marine, nurse or other person, regularly enlisted or
8 inducted, who was or shall have been in the active military or
9 naval forces of the United States in any war in which the United
10 States was engaged, including any member of the American
11 Merchant Marine during World War II who is declared by the
12 United States Department of Defense to be eligible for federal
13 veterans' benefits, and who, at the time he was commissioned,
14 enlisted, inducted, appointed or mustered into such military or
15 naval service, was a resident of and who continues to reside in
16 this State, who is suffering from paraplegia and has permanent
17 paralysis of both legs or the lower parts of the body resulting
18 from injuries sustained through enemy action or accident while in
19 such active military or naval service, for the construction of a
20 home to domicile him, or to any organization or association of
21 veterans, for the construction of a home or homes to domicile
22 paraplegic veterans, with powers to convey said lands and
23 premises to the paraplegic veteran or veterans on whose behalf
24 said organization or association shall acquire title to said land, or

25 (e) Any duly incorporated nonprofit association or any regional
26 commission or authority composed of one or more municipalities
27 or one or more counties for the construction or maintenance
28 thereon of an animal shelter, or

29 (f) Any duly incorporated nonprofit historical society for the
30 acquisition of publicly owned historic sites for their restoration,
31 preservation, improvement and utilization for the benefit of the
32 general public, or

33 (g) Any duly incorporated nonprofit cemetery organization or
34 association serving the residents of the municipality or county, or

35 (h) Any duly incorporated nonprofit organization for the
36 principal purpose of the education or treatment of persons
37 afflicted with developmental disabilities including cerebral palsy,
38 or

39 (i) Any county or municipal sewerage authority serving the
40 residents of the county or municipality, for the use thereof for
41 sewerage authority purposes, or

42 (j) Any duly incorporated nonprofit organization for the
43 purpose of building or rehabilitating residential property for
44 resale. Any profits from the resale of the property shall be
45 applied by the nonprofit organization to the costs of acquiring
46 and rehabilitating other residential property in need of
47 rehabilitation owned by the county or municipality, or

48 (k) Any duly incorporated nonprofit organization or
49 association, other than a political, partisan, sectarian,
50 denominational or religious organization or association, which
51 ¹[was established exclusively for the purpose of providing the
52 youth of the county or municipality with] includes among its
53 principal purposes the provision of¹ educational, recreational,
54 medical or social services ¹to the general public, including
55 residents of the county or municipality¹, or

1 (l) Any duly incorporated nonprofit housing corporation or any
2 limited-dividend housing corporation or housing association
3 organized pursuant to P.L.1949, c.184 (C.55:16-1 et seq.) for the
4 purpose of constructing housing for low or moderate income
5 persons or families or handicapped persons, or

6 (m) Any duly incorporated non-profit hospice organization
7 whose principal purpose is to provide hospice services to the
8 terminally ill.

9 (cf: P.L.1991, c.389, s.25)

10 2. This act shall take effect immediately.

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15 Authorizes private sales of county or municipal lands to certain
16 nonprofit organizations for nominal consideration.

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2 purpose of constructing housing for low or moderate income
3 persons or families or handicapped persons, or

4 (m) Any duly incorporated non-profit hospice organization
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6 terminally ill.

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STATEMENT

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13 This bill amends section 21 of P.L.1971, c.199 (C.40A:12-21) to
14 include an incorporated non-profit hospice organization whose
15 principal purpose is to provide hospice services to the terminally
16 ill on the list of organizations to which a county or municipality
17 can convey land or buildings for nominal consideration.

18 Currently, this section of law provides that land, with or
19 without improvements, can be conveyed in a private sale by the
20 governing body of a county or municipality for nominal
21 consideration to certain organizations when the governing body
22 determines that the land or buildings are no longer needed for a
23 county or municipal purpose. The current law further provides
24 that the land, with or without improvements, must be used only
25 for the purposes of these organizations, which include volunteer
26 fire companies, volunteer rescue squads, veterans' organizations,
27 nonprofit hospital associations, historical societies, or county or
28 municipal sewerage authorities. This bill adds certain
29 incorporated non-profit hospice organizations to the current list
30 of organizations.

31 Under the current law, if the land or buildings are not used
32 within the limitations of the organization's purposes, the title of
33 the land or building will revert to the county or municipality.

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37

38 Permits private sales of land or buildings by counties or
39 municipalities to certain non-profit hospice organizations for
40 nominal consideration.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 652

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 12, 1994

The Assembly Local Government Committee reports favorably Senate Bill No. 652, with committee amendments.

Senate Bill No. 652, as amended by the committee, amends section 21 of P.L.1971, c.199 (C.40A:12-21) to include an incorporated non-profit organization whose principal purpose is to provide hospice services to the terminally ill on the list of organizations to which a county or municipality can convey land or buildings for nominal consideration and to amend subsection (k) of that statute, concerning youth-oriented organizations or associations, to provide that surplus county or municipal lands could be transferred by private sale for nominal consideration to certain nonprofit organizations or associations that include among their principal purposes the provision of educational, recreational, medical or social services to the general public, including residents of the county or municipality.

Currently, section 21 of P.L.1971, c.199 (C.40A:12-21) provides that land, with or without improvements, can be conveyed in a private sale by the governing body of a county or municipality for nominal consideration to certain organizations when the governing body determines that the land or buildings are no longer needed for a county or municipal purpose. The current law further provides that the land, with or without improvements, must be used only for the purposes of these organizations, which include volunteer fire companies, volunteer rescue squads, veterans' organizations, nonprofit hospital associations, historical societies, or county or municipal sewerage authorities. This bill, as amended, adds certain incorporated non-profit hospice organizations to the current list of organizations and would amend subsection (k) of the statute, concerning youth-oriented organizations or associations, to provide instead that surplus county or municipal lands could be transferred by private sale for nominal consideration to certain nonprofit organizations or associations that include among their principal purposes the provision of educational, recreational, medical or social services to the general public, including residents of the county or municipality. Thus, the bill, as amended, would remove the exclusive purpose restriction and the language limiting the organization or association's purposes to those that relate only to young people.

Under the current law, if the land or buildings are not used within the limitations of the organization's purposes, the title of the land or building will revert to the county or municipality.

As amended, this bill is identical to Assembly Bill No. 618 (1R).

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 652

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 1994

The Senate Community Affairs Committee reports favorably Senate Bill No. 652.

This bill would amend section 21 of P.L.1971, c.199 (C.40A:12-21) to include an incorporated non-profit hospice organization whose principal purpose is to provide hospice services to the terminally ill on the list of organizations to which a county or municipality can convey land or buildings for nominal consideration.

Currently, this section of law provides that land, with or without improvements, can be conveyed in a private sale by the governing body of a county or municipality for nominal consideration to certain organizations when the governing body determines that the land or buildings are no longer needed for a county or municipal purpose. The current law further provides that the land, with or without improvements, must be used only for the purposes of these organizations, which include volunteer fire companies, volunteer rescue squads, veterans' organizations, nonprofit hospital associations, historical societies, or county or municipal sewerage authorities. If the land or buildings are not used within the limitations of the organization's purposes, the title of the land or building will revert to the county or municipality.