

24:12-11

**LEGISLATIVE HISTORY CHECKLIST**  
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(Bottled water--annual report)

**NJSA:** 24:12-11  
**LAWS OF:** 1994 **CHAPTER:** 79  
**BILL NO:** S465  
**SPONSOR(S):** Pascrell  
**DATE INTRODUCED:** Pre-filed  
**COMMITTEE:** **ASSEMBLY:** Environment and Energy  
**SENATE:** Health  
**AMENDED DURING PASSAGE:** No  
**DATE OF PASSAGE:** **ASSEMBLY:** April 25,, 1994  
**SENATE:** June 13, 1994  
**DATE OF APPROVAL:** July 26, 1994

**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

See newspaper clipping--attached:  
"Bottle water set for more scrutiny," 7-27-94, Bergen Record.

KBG:pp

P.L.1995, CHAPTER 12, approved January 18, 1995  
1994 Senate No. 465

1 AN ACT concerning private sales of personal property by  
2 counties and municipalities to certain organizations and  
3 amending and supplementing P.L.1971, c.199.

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

7 1. Section 2 of P.L.1971, c.199 (C.40A:12-2) is amended to  
8 read as follows:

9 2. Definitions. The following words shall have the following  
10 meanings, unless the context clearly indicates the contrary:

11 (a) "Acquire" shall include acquisition by gift, devise,  
12 purchase, exchange, grant, lease, condemnation, or installment  
13 purchase agreement unless otherwise indicated.

14 (b) "Buildings" shall include any building or buildings and any  
15 structures, improvements, ingress or egress, grounds or plazas,  
16 necessary and incidental to the purpose of the building and the  
17 safety, comfort and well-being of its occupants.

18 (c) "Capital improvements" shall include, in addition to  
19 buildings, any structures, fixtures, edifices, byways, parking lots,  
20 service facilities, and any other facility necessary and incidental  
21 to the lawful performance of any function of a county or  
22 municipality.

23 (d) "County" means any county of this State of whatever class.

24 (e) "Municipality" means any town, township, borough, village  
25 or city of whatever class heretofore or hereafter created under  
26 general or special charter.

27 (f) "Personal property" shall mean any personal property  
28 necessary and incidental to the furnishing, refurbishing or  
29 refurbishing of a building. "Personal property" shall also include,  
30 but not be limited to, office furniture, office equipment, office  
31 supplies, computers, computer equipment, telephone equipment,  
32 cameras, tractors, lawn mowers, dump trucks, golf carts, modular  
33 office trailers, tools, janitorial supplies and farm animals.

34 (g) "Real property" shall include, in addition to the usual  
35 connotations thereof, development rights or easements, or any  
36 right, interest or estate in the area extending above any real  
37 property, or capital improvement thereon, to such a height or  
38 altitude as any title, interest or estate in real property may  
39 extend, commonly known as "air rights."

40 (h) "Resolution" or "ordinance" when used in connection with  
41 the action of a county or municipality means a resolution or  
42 ordinance adopted by the governing body of the county

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.

1 or municipality. In any case in which a resolution or ordinance  
2 authorizing the expenditure of public moneys is required to be  
3 approved by any other board, body or commission of the State,  
4 county or municipality, "resolution" or "ordinance" shall mean  
5 also adopted or approved by the board, body or commission  
6 authorized to take such action on behalf of the State, county or  
7 municipality.

8 (i) "Sale" shall include the conveyance of any estate, interest,  
9 easement or title to, or the waiver, release, or modification of  
10 any conditions, restrictions or limitations on any real property,  
11 capital improvement or personal property of the county or  
12 municipality, but shall not include any lease or exchange of such  
13 property.

14 (cf: P.L.1992, c.157, s.4)

15 2. (New section) When the governing body of any county or  
16 municipality shall determine that any form of personal property  
17 as defined in subsection (f) of section 2 of P.L.1971, c.199  
18 (C.40A:12-2) and as amended in section 1 of P.L. , c. (C. )  
19 (pending before the Legislature as this bill), owned by the county  
20 or municipality, is no longer needed for county or municipal  
21 purposes, as the case may be, that governing body, by resolution  
22 or ordinance, may authorize a private sale of the personal  
23 property without compliance with any other law governing  
24 disposal of personal property by counties and municipalities, for a  
25 consideration, which may be nominal to any organization or  
26 association listed in section 21 of P.L.1971, c.199 (C.40A:12-21).  
27 The private sale of the personal property shall contain a  
28 limitation that the personal property shall be used only for the  
29 purposes of that organization or association, and to render those  
30 services or to provide those facilities as may be agreed upon, and  
31 not for commercial business, trade or manufacture, and that if  
32 the personal property is not used in accordance with that  
33 limitation, ownership thereto shall revert to the county or  
34 municipality.

35 3. This act shall take effect immediately.

#### 36 37 38 STATEMENT 39

40 This bill permits the governing body of any county or  
41 municipality, by ordinance or resolution, to authorize the private  
42 sale of personal property, as defined in subsection (f) of section 2  
43 of P.L.1971, c.199 (C.40A:12-2) and as amended by section 1 of  
44 this bill, for nominal consideration to certain organizations. The  
45 personal property is to be used only for the purposes of those  
46 organizations. If the property is not used in accordance with this  
47 limitation, the ownership of the personal property shall revert to  
48 the county or municipality. Currently, only land, with or without  
49 improvements, can be conveyed in a private sale by the governing  
50 body of a county or municipality for nominal consideration to  
51 certain organizations when the governing body determines that  
52 the land or buildings are no longer needed for a county or  
53 municipal purpose. This section of law provides that the land,  
54 with or without improvements, must be used only for the purposes

1 of these organizations, which include volunteer fire companies,  
2 volunteer rescue squads, veterans' organizations, nonprofit  
3 hospital associations, historical societies, or county or municipal  
4 sewerage authorities. Under the current law, if the land or  
5 buildings are not used within the limitations of the organization's  
6 purposes, the title of that land or building will revert to the  
7 county or municipality.

8 Under the current law, "personal property" is defined in  
9 subsection (f) of section 2 of P.L.1971, c.199 (C.40A:12-2), as  
10 "any personal property necessary and incidental to the furnishing,  
11 refurbishing or refurbishing of a building." Section 1 of this bill  
12 amends this section of law by expanding the items which are  
13 categorized as personal property to include the following: office  
14 furniture; office equipment; office supplies; computers;  
15 computer equipment; telephone equipment; cameras; tractors;  
16 lawn mowers; dump trucks; golf carts; modular office trailers;  
17 tools; janitorial supplies and farm animals.

18 Currently, under the provisions of section 13 of P.L.1971, c.199  
19 (C.40A:12-13), personal property may be sold by the county or  
20 municipality if certain conditions, such as bidding requirements  
21 are met. Under current law, personal property may only be  
22 leased to nonprofit corporations or associations for a public  
23 purpose for nominal consideration pursuant to subsection (c) of  
24 section 14 of P.L.1971, c.199 (C.40A:12-14). This bill permits a  
25 county or municipality to sell personal property in the same  
26 manner land or buildings are currently conveyed by a private sale  
27 for nominal consideration.

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32 Permits private sales of personal property by counties and  
33 municipalities to certain organizations for nominal consideration.

ASSEMBLY, No. 465  
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel  
PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblyman PASCRELL

1 AN ACT concerning bottled water, and amending P.L.1987, c.227.

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

5 1. Section 4 of P.L.1987, c.227 (C.24:12-11) is amended to  
6 read as follows:

7 4. Any plant owner or operator shall forward to the  
8 Department of Health a copy of all results of tests required to be  
9 conducted pursuant to this act. The certified laboratory  
10 conducting the potability tests may, upon written approval by the  
11 department, submit the test results on behalf of the plant owner  
12 or operator. The department is authorized to conduct or cause to  
13 be conducted spot checks to assure compliance with this act and  
14 the accuracy and integrity of the reported results. The  
15 department shall submit to the Senate Environmental Quality  
16 Committee, or its successor, and to the Assembly Energy and  
17 Environment Committee, or its successor, an annual report  
18 summarizing the test results submitted to the department and the  
19 spot checks conducted by the department during the preceding  
20 year, together with any recommendations for administrative or  
21 legislative action. This report shall be made available to any  
22 interested person at a cost not to exceed the cost of reproduction  
23 and distribution.

24 (cf: P.L.1987, c.227, s.4)

25 2. This act shall take effect immediately.

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STATEMENT

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30 This bill requires the Department of Health to prepare an  
31 annual report summarizing test results concerning bottled water  
32 and the results of the department's compliance checks thereon.

33 In 1987 the Legislature enacted P.L.1987, c.227 (C.24:12-8  
34 et al.), which required manufacturers and bottlers of bottled  
35 water to perform periodic tests of the water they sold. The tests  
36 are those required for purveyors of potable water pursuant to the  
37 "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.),  
38 as amended by P.L.1983, c.443. The 1987 law also permitted the  
39 department to conduct spot checks on the manufacturing and  
40 bottling operations to ensure compliance.

41 This bill requires the Department of Health to annually submit  
42 to the Senate Environment Committee and the Assembly  
43 Environment Committee a report summarizing those test results

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.

1 and any findings from the spot checks conducted by the  
2 department. The report is to contain any recommendations for  
3 administrative or legislative action that the department deems  
4 appropriate. The report is to be made available to the public by  
5 the department at the cost of reproduction and distribution.

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10 Requires DOH to prepare an annual report on bottled water  
11 testing.

ASSEMBLY ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 465

STATE OF NEW JERSEY

DATED: MARCH 15, 1994

The Assembly Environment and Energy Committee favorably reports Assembly Bill No. 465.

This bill requires the Department of Health to prepare an annual report summarizing test results concerning bottled water and the results of the department's compliance checks thereon.

In 1987 the Legislature enacted P.L.1987, c.227 (C.24:12-8 et al.), which required manufacturers and bottlers of bottled water to perform periodic tests of the water they sold. The tests are those required for purveyors of potable water pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), as amended by P.L.1983, c.443. The 1987 law also permitted the department to conduct spot checks on the manufacturing and bottling operations to ensure compliance.

This bill requires the Department of Health to annually submit to the Senate Environment Committee and the Assembly Environment and Energy Committee a report summarizing those test results and any findings from the spot checks conducted by the department. The report is to contain any recommendations for administrative or legislative action that the department deems appropriate. The report is to be made available to the public by the department at the cost of reproduction and distribution.

This bill was pre-filed for introduction in the 1994-95 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 465

STATE OF NEW JERSEY

DATED: MAY 19, 1994

The Senate Health Committee favorably reports Assembly Bill No. 465.

This bill requires the Department of Health to prepare an annual report summarizing test results concerning bottled water and the results of the department's compliance checks thereon.

In 1987 the Legislature enacted P.L.1987, c.227 (C.24:12-8 et al.), which required manufacturers and bottlers of bottled water to perform periodic tests of the water they sold. The tests are those required for purveyors of potable water pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.). The 1987 law also permitted the department to conduct spot checks on the manufacturing and bottling operations to ensure compliance.

This bill requires the Department of Health to annually submit to the Senate Environment Committee and the Assembly Environment and Energy Committee a report summarizing those test results and any findings from the spot checks conducted by the department. The report is to contain any recommendations for administrative or legislative action that the department deems appropriate. The report is to be made available to the public by the department at the cost of reproduction and distribution.

This bill is identical to Senate Bill No. 591 (Sinagra), which the committee also reported favorably on this date.