

40A:12-13.5 to 40A:12-13.8

LEGISLATIVE HISTORY CHECKLIST
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(County property--sale of lease--
tighten requirements)

NJSA: 40A:12-13.5 to 40A:12-13.8

LAWS OF: 1993 CHAPTER: 36

BILL NO: A1275

SPONSOR(S): Lustbader

DATE INTRODUCED: April 30, 1992

COMMITTEE: ASSEMBLY: Local Government
SENATE: Community Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: June 29, 1992
SENATE: January 25, 1993

DATE OF APPROVAL: February 3, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT:

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: Yes ~~No~~

VETO MESSAGE: No

MESSAGE ON SIGNING: No ~~Yes~~

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:
"Counties must defend sales property...", 2-5-93, Star Ledger.
"Fiscal quick fix...", 2-4-93, Star Ledger.

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P.L.1993, CHAPTER 36, approved February 3, 1993
1992 Assembly No. 1275

1 AN ACT concerning the sale, lease, or exchange of real property
2 or capital improvements owned by counties, and supplementing
3 P.L.1971, c.199 (C.40A:12-1 et seq.).
4

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

7 1. a. In addition to any other applicable requirements of law,
8 no county may sell, lease for a term of 20 years or more, or
9 exchange any real property or capital improvement for any
10 purpose unless the county first:

11 (1) Prepares a report identifying the reasons for, and all
12 advantages and disadvantages and benefits and detriments of, the
13 proposed sale, lease, or exchange; assessing the environmental
14 and recreational impact of that proposed sale, lease, or exchange,
15 including, but not limited to, the impact on endangered species
16 and nongame species as defined and regulated pursuant to
17 P.L.1973, c.309 (C.23:2A-1 et seq.), and endangered plant species
18 as defined and regulated pursuant to P.L.1989, c.56
19 (C.13:1B-15.151 et seq.); and assessing the environmental and
20 economic value of the real property or capital improvement
21 proposed to be sold, leased, or exchanged under both its current
22 and proposed use;

23 (2) Makes the report required to be prepared pursuant to
24 paragraph (1) of this subsection available upon request, at no cost
25 or at the cost of reproduction, to the public at least 30 days in
26 advance of the date of the first scheduled public hearing required
27 pursuant to paragraph (3) of this subsection, and at each of the
28 two public hearings; and

29 (3) Conducts two public hearings on the proposed sale, lease,
30 or exchange at least 14 days apart and at least 90 days in advance
31 of the date of the proposed sale, lease, or exchange. Of the two
32 public hearings, one shall be held in the county seat, and the
33 other in the municipality wherein the real property or capital
34 improvement proposed to be sold, leased, or exchanged is located
35 or, if that is not practicable, in a municipality as close thereto as
36 can reasonably be arranged. At each such hearing, the county
37 shall explain the proposed sale, lease, or exchange and indicate
38 the consideration to be received by the county for agreeing to the
39 proposed sale, lease, or exchange.

40 Notwithstanding the provisions of this paragraph to the
41 contrary, in the case of real property or a capital improvement
42 that is proposed to be sold, leased, or exchanged which is located
43 within the municipality that serves as the county seat, only one
44 public hearing need be held.

45 b. The county may assess and collect a reasonable fee from any

1 person to whom real property or a capital improvement may be
2 sold, leased, or exchanged pursuant to this act, which fee shall
3 cover the administrative and any other costs incurred by the
4 county in complying with the provisions and requirements of this
5 act. The fee shall be payable whether or not the real property or
6 capital improvement is in fact eventually sold, leased, or
7 exchanged to such person.

8 2. In addition to any other applicable requirements of law, the
9 county shall provide notice of any public hearing required
10 pursuant to section 1 of this act at least 30 days in advance of
11 the date of the hearing as follows:

12 a. By mailing a copy of the notice to:

13 (1) all parties to the proposed sale, lease, or exchange, if
14 known;

15 (2) the governing body and municipal clerk of every
16 municipality within the county; and

17 (3) any person who requests in writing of the county to
18 receive in advance such notices:

19 b. By serving or mailing a copy of the notice on owners of all
20 real property, as shown on the current tax duplicates, located
21 within the State and within 200 feet in all directions of the real
22 property or capital improvement that is the subject of the public
23 hearing in the manner proscribed pursuant to subsection b. of
24 section 7.1 of P.L. 1975, c. 291 (C. 40:55D-12); and

25 c. By publishing the notice in a daily or weekly newspaper of
26 general circulation in the county and in the municipality in which
27 the real property or capital improvement proposed to be sold,
28 lease, or exchanged is located.

29 3. The following information shall be included in all notices
30 required pursuant to section 2 of this act:

31 a. A general description and the location of the real property
32 or capital improvement proposed to be sold, leased, or exchanged,
33 including the street address, if any, and the lot and block numbers
34 from the currently applicable municipal tax map. In the case of
35 an exchange, the notice shall also include a general description
36 and the location of the real property or capital improvement
37 proposed to be transferred to the county, including the street
38 address, if any, and the lot and block numbers from the currently
39 applicable municipal tax map;

40 b. The name of the parties to the proposed sale, lease, or
41 exchange, if known;

42 c. A description of the current and proposed use of the real
43 property or capital improvement proposed to be sold, leased, or
44 exchanged;

45 d. The date, time, and place of the public hearing;

46 e. A statement that the public may submit written comments
47 to the county on or before the date of the public hearing;

48 f. A brief description of the comment procedure;

49 g. The name and address of the person in the county
50 designated to receive written comments and to contact for
51 additional information and copies of any reports, analyses,
52 hearing transcripts, or appraisals of value prepared concerning
53 the proposed sale, lease, or exchange; and

54 h. Any additional information considered by the county to be

1 necessary or appropriate.

2 4. A county shall not accept any bid for any real property or
3 capital improvement to be sold, leased for a term of 20 years or
4 more, or exchanged pursuant to P.L. 1971, c. 190 (C. 40A:12-1 et
5 seq.) unless such acceptance is conditioned upon compliance with
6 the requirements of this act. Upon fulfillment of those
7 requirements, a county shall reaffirm its acceptance of, or
8 reject, the bid based upon the report and the testimony taken at
9 the public hearings required pursuant to section 1 of this act.

10 5. This act shall take effect immediately, and shall apply
11 retroactively to any proposed sale, lease for a term of 20 years or
12 more, or exchange of real property or capital improvement by a
13 county for which a contract has not been signed as of the
14 effective date of this act.

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STATEMENT

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19 This bill provides that no county may sell, lease for a term of
20 20 years or more, or exchange any real property or capital
21 improvement for any purpose unless the county first:

22 (1) Prepares a report identifying the reasons for, and all
23 advantages and disadvantages and benefits and detriments of, the
24 proposed sale, lease, or exchange; assessing the environmental
25 and recreational impact of that proposed sale, lease, or exchange,
26 including, but not limited to, the impact on endangered species
27 and nongame species and endangered plants; and assessing the
28 environmental and economic value of the real property or capital
29 improvement proposed to be sold, leased, or exchanged under
30 both its current and proposed use;

31 (2) Makes that report available upon request, at no cost or at
32 the cost of reproduction, to the public at least 30 days in advance
33 of the date of the first scheduled public hearing required by the
34 bill, and at each of the two required public hearings; and

35 (3) Conducts two public hearings on the proposed sale, lease, or
36 exchange at least 14 days apart and at least 90 days in advance of
37 the date of the proposed sale, lease, or exchange. Of the two
38 public hearings, one would be held in the county seat, and the
39 other in the municipality wherein the real property or capital
40 improvement proposed to be sold, leased, or exchanged is located
41 or, if that is not practicable, in a municipality as close thereto as
42 can reasonably be arranged. At each such hearing, the county
43 would be required to explain the proposed sale, lease, or exchange
44 and indicate the consideration to be received by the county for
45 agreeing to the proposed sale, lease, or exchange. In the case of
46 real property or a capital improvement that is proposed to be
47 sold, leased, or exchanged which is located within the
48 municipality that serves as the county seat, only one public
49 hearing need be held.

50 The bill would impose extensive requirements pertaining to the
51 timing and content of the public notices for the public hearings so
52 that the public would be sufficiently informed about proposed
53 sales, leases, and exchanges of county-owned real property or
54 capital improvements.

1 The bill authorizes a county to assess and collect a reasonable
2 fee from any person to whom real property or a capital
3 improvement may be sold, leased, or exchanged pursuant to the
4 bill, which fee would cover the administrative and any other costs
5 incurred by the county in complying with the provisions and
6 requirements of the bill.

7 Finally, the bill would apply retroactively to any proposed sale,
8 lease for a term of 20 years or more, or exchange of real
9 property or capital improvement by a county for which a contract
10 has not been signed as of the effective date of this act.

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15 Imposes additional requirements on conveyances of real property
16 owned by counties.

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2 4. A county shall not accept any bid for any real property or
3 capital improvement to be sold, leased for a term of 20 years or
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27 and nongame species and endangered plants; and assessing the
28 environmental and economic value of the real property or capital
29 improvement proposed to be sold, leased, or exchanged under
30 both its current and proposed use;

31 (2) Makes that report available upon request, at no cost or at
32 the cost of reproduction, to the public at least 30 days in advance
33 of the date of the first scheduled public hearing required by the
34 bill, and at each of the two required public hearings; and

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46 real property or a capital improvement that is proposed to be
47 sold, leased, or exchanged which is located within the
48 municipality that serves as the county seat, only one public
49 hearing need be held.

50 The bill would impose extensive requirements pertaining to the
51 timing and content of the public notices for the public hearings so
52 that the public would be sufficiently informed about proposed
53 sales, leases, and exchanges of county-owned real property or
54 capital improvements.

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2 fee from any person to whom real property or a capital
3 improvement may be sold, leased, or exchanged pursuant to the
4 bill, which fee would cover the administrative and any other costs
5 incurred by the county in complying with the provisions and
6 requirements of the bill.

7 Finally, the bill would apply retroactively to any proposed sale,
8 lease for a term of 20 years or more, or exchange of real
9 property or capital improvement by a county for which a contract
10 has not been signed as of the effective date of this act.

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15 Imposes additional requirements on conveyances of real property
16 owned by counties.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1275

STATE OF NEW JERSEY

DATED: JUNE 15, 1992

The Assembly Local Government Committee reports favorably Assembly Bill No. 1275.

This bill provides that no county may sell, lease for a term of 20 years or more, or exchange any real property or capital improvement for any purpose unless the county first:

(1) Prepares a report identifying the reasons for, and all advantages and disadvantages and benefits and detriments of, the proposed sale, lease, or exchange; assessing the environmental and recreational impact of that proposed sale, lease, or exchange, including, but not limited to, the impact on endangered species and nongame species and endangered plants; and assessing the environmental and economic value of the real property or capital improvement proposed to be sold, leased, or exchanged under both its current and proposed use;

(2) Makes that report available upon request, at no cost or at the cost of reproduction, to the public at least 30 days in advance of the date of the first scheduled public hearing required by the bill, and at each of the two required public hearings; and

(3) Conducts two public hearings on the proposed sale, lease, or exchange at least 14 days apart and at least 90 days in advance of the date of the proposed sale, lease, or exchange. Of the two public hearings, one would be held in the county seat, and the other in the municipality wherein the real property or capital improvement proposed to be sold, leased, or exchanged is located or, if that is not practicable, in a municipality as close thereto as can reasonably be arranged. At each such hearing, the county would be required to explain the proposed sale, lease, or exchange and indicate the consideration to be received by the county for agreeing to the proposed sale, lease, or exchange. In the case of real property or a capital improvement that is proposed to be sold, leased, or exchanged which is located within the municipality that serves as the county seat, only one public hearing would need to be held.

The bill would impose extensive requirements pertaining to the timing and content of the public notices for the public hearings so that the public would be sufficiently informed about proposed sales, leases, and exchanges of county-owned real property or capital improvements.

The bill authorizes a county to assess and collect a reasonable fee from any person to whom real property or a capital improvement may be sold, leased, or exchanged pursuant to the bill, which fee would cover the administrative and any other costs incurred by the county in complying with the provisions and requirements of the bill.

Finally, the bill would apply retroactively to any proposed sale, lease for a term of 20 years or more, or exchange of real property or capital improvement by a county for which a contract has not been signed as of the effective date of this bill.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1275

STATE OF NEW JERSEY

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DATED: OCTOBER 1, 1992

The Senate Community Affairs Committee favorably reports Assembly Bill No. 1275.

Assembly Bill No. 1275 provides that no county may sell, lease for a term of 20 years or more, or exchange any real property or capital improvement for any purpose unless the county first:

(1) Prepares a report identifying the reasons for, and all advantages and disadvantages and benefits and detriments of, the proposed sale, lease, or exchange; assessing the environmental and recreational impact of that proposed sale, lease, or exchange, including, but not limited to, the impact on endangered species and nongame species and endangered plants; and assessing the environmental and economic value of the real property or capital improvement proposed to be sold, leased, or exchanged under both its current and proposed use;

(2) Makes that report available upon request, at no cost or at the cost of reproduction, to the public at least 30 days in advance of the date of the first scheduled public hearing required by the bill, and at each of the two required public hearings; and

(3) Conducts two public hearings on the proposed sale, lease, or exchange at least 14 days apart and at least 90 days in advance of the date of the proposed sale, lease, or exchange. Of the two public hearings, one would be held in the county seat, and the other in the municipality wherein the real property or capital improvement proposed to be sold, leased, or exchanged is located or, if that is not practicable, in a municipality as close thereto as can reasonably be arranged. At each such hearing, the county would be required to explain the proposed sale, lease, or exchange and indicate the consideration to be received by the county for agreeing to the proposed sale, lease, or exchange. In the case of real property or a capital improvement that is proposed to be sold, leased, or exchanged which is located within the municipality that serves as the county seat, only one public hearing would need to be held.

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The bill authorizes a county to assess and collect a reasonable fee from any person to whom real property or a capital improvement may be sold, leased, or exchanged pursuant to the bill, which fee would cover the administrative and any other costs incurred by the county in complying with the provisions and requirements of the bill.

Finally, the bill would apply retroactively to any proposed sale, lease for a term of 20 years or more, or exchange of real property or capital improvement by a county for which a contract has not been signed as of the effective date of this bill.

LEGISLATIVE FISCAL ESTIMATE TO
ASSEMBLY, No. 1275

STATE OF NEW JERSEY

DATED: August 10, 1992

Assembly Bill No. 1275 of 1992 provides that no county may sell, lease for a term of 20 years or more, or exchange any real property or capital improvement for any purpose unless the county first:

(1) Prepares a report identifying the reasons for, and all advantages and disadvantages and benefits and detriments of, the proposed sale, lease, or exchange; assessing the environmental and recreational impact of that proposed sale, lease, or exchange, including, but not limited to, the impact on endangered species and nongame species and endangered plants; and assessing the environmental and economic value of the real property or capital improvement proposed to be sold, leased, or exchanged under both its current and proposed use;

(2) Makes that report available upon request, at no cost or at the cost of reproduction, to the public at least 30 days in advance of the date of the first scheduled public hearing required by the bill, and at each of the two required public hearings; and

(3) Conducts two public hearings on the proposed sale, lease, or exchange at least 14 days apart and at least 90 days in advance of the date of the proposed sale, lease, or exchange. Of the two public hearings, one would be held in the county seat, and the other in the municipality wherein the real property or capital improvement proposed to be sold, leased, or exchanged is located or, if that is not practicable, in a municipality as close thereto as can reasonably be arranged. At each such hearing, the county would be required to explain the proposed sale, lease, or exchange and indicate the consideration to be received by the county for agreeing to the proposed sale, lease, or exchange. In the case of real property or a capital improvement that is proposed to be sold, leased, or exchanged which is located within the municipality that serves as the county seat, only one public hearing would need to be held.

The bill would impose extensive requirements pertaining to the timing and content of the public notices for the public hearings so that the public would be sufficiently informed about proposed sales, leases, and exchanges of county-owned real property or capital improvements.

The bill authorizes a county to assess and collect a reasonable fee from any person to whom real property or a capital improvement may be sold, leased, or exchanged pursuant to the bill, whether or not the transaction is completed, which fee would cover the administrative and any other costs incurred by the county in complying with the provisions and requirements of the bill.

Finally, the bill would apply retroactively to any proposed sale, lease for a term of 20 years or more, or exchange of real property or capital improvement by a county for which a contract has not been signed as of the effective date of this bill.

The Office of Legislative Services (OLS) states that this bill has no State cost. No data are available from which to assess the additional costs that may be incurred by county governments under this bill.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.