

LEGISLATIVE HISTORY CHECKLIST

IJSA 52: 95-3 (State property--improved or vacant--owned or leased--annual inventory--submit to Commission or Capital Budget and Planning)  
 LAWS OF 1979 CHAPTER 320

Bill No. S1370

Sponsor(s) Hamilton and others

Date Introduced Oct. 5, 1978

Committee: Assembly State Govt., Federal & Interstate Relations & Veterans Affairs

Senate State Govt., Federal & Interstate Relations & Veterans Affairs

Amended during passage Yes ~~Yes~~ Amendments denoted by asterisks  
 according to Governor's recommendations

Date of Passage: Assembly June 21, 1979 Re-enacted Jan. 7, 1980

Senate Jan. 18, 1979 Re-enacted Jan. 5, 1980

Date of approval Jan. 18, 1980

Following statements are attached if available:

Sponsor statement Yes ~~Yes~~

Committee Statement: Assembly Yes ~~Yes~~

Senate Yes ~~Yes~~

Fiscal Note ~~Yes~~ No

Veto message Yes ~~Yes~~

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

9/1/80

SEP 1 1980

[THIRD OFFICIAL COPY REPRINT]

SENATE, No. 1370

STATE OF NEW JERSEY

INTRODUCED OCTOBER 5, 1978

By Senators HAMILTON, DWYER, WEISS, DUMONT, MERLINO  
J. RUSSO and SCARDINO

Referred to Committee on State Government, Federal and  
Interstate Relations and Veterans Affairs

AN ACT concerning the utilization of ***real and*** physical property  
**[not in use]** ***owned or leased by the State*** and amend-  
ing P. L. 1975, c. 208.

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

1 1. Section 3 of P. L. 1975, c. 208 (C. 52:9S-3) is amended to  
2 read as follows:

3 3. a. The commission shall each year prepare a State Capital  
4 Improvement Plan containing its proposals for State spending for  
5 capital projects. Copies of the plan shall be submitted to the  
6 Governor and the Legislature no later than December 1 of each  
7 year. The plan shall provide

8 (1) A detailed list of all capital projects of the State which the  
9 commission recommends be undertaken or continued by any State  
10 agency in the next 3 fiscal years, together with information as to  
11 the effect of such capital projects on future operating expenses of  
12 the State, and with recommendations as to the priority of such  
13 capital projects and the means of funding them;

14 (2) The forecasts of the commission as to the requirements for  
15 capital projects of State agencies for the 4 fiscal years next follow-  
16 ing such 3 fiscal years and for such additional periods, if any, as  
17 may be necessary or desirable for adequate presentation of partic-  
18 ular capital projects, and a schedule for the planning and imple-  
19 mentation or construction of such capital projects;

20 (3) A schedule for the next fiscal year of recommended appro-  
21 priations of bond funds from issues of bonds previously authorized;

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

22 (4) A review of capital projects which have recently been imple-  
23 mented or completed or are in process of implementation or  
24 completion;

25 (5) Recommendations as to the maintenance of physical prop-  
26 erties and equipment of State agencies;

27 (6) *Recommendations which the commission deems appropriate*  
28 *as to the use of properties reported in subsection b. (6) of this*  
29 *section; and*

30 **[(6)]** (7) Such other information as the commission deems  
31 relevant to the foregoing matters.

32 b. Each State agency shall no later than August 15 of each  
33 year provide the commission with

34 (1) A detailed list of capital projects which each State agency  
35 seeks to undertake or continue for its purposes in the next 3 fiscal  
36 years, together with information as to the effect of such capital  
37 projects on future operating expenses of the State, and with such  
38 relevant supporting data as the commission requests;

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40 agency for the 4 fiscal years next following such 4 fiscal years  
41 and for such additional periods, if any, as may be necessary or  
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48 mented or completed or are in process of implementation or  
49 completion;

50 (5) A report as to the maintenance of its physical properties  
51 and capital equipment;

52 (6) **\*\*\*[A report on]** **\*\*\*** *Such other information as the*  
52A *commission may request.* **\*\*\***

53 **\*[(a) All physical properties not in present use with a general**  
54 *statement of the size, value, condition, and the past use or uses*  
55 *of such property and of other uses for which such property is*  
56 *readily adaptable;]\**

56A **\*\*\*[(a) All real and physical property \*\*\*whether\*\*\* owned or**  
56B *leased \*\*\*including with respect to leased property,\*\*\* \*\*\*[which is*  
56C *to include]* **\*\*\*** *the name and address of the lessors and the name*  
56D *and address of the lessees, \*\*\*and containing\*\*\* the description of*  
56E *such property, \*\*\*[including]* **\*\*\*** *\*\*\*specifying\*\*\* its size, value,*  
56F *condition, \*\*\*and\*\*\* the \*\*\*present and\*\*\* past use or uses of such*  
56G *property and an estimate\*\*\*,\*\*\* in percentage terms\*\*\*,\*\*\* of*

56H *the degree to which such property is utilized \*\*\*and a statement of*  
56I *other uses for which such property is readily adaptable\*\*\*;\**

57 (b) *Whether or not any such property will be needed in the*  
58 *future, specifying when such need will probably arise;*

59 (c) *Whether or not any such property can be made available*  
60 *to another State agency or to a county or municipality or to an*  
61 *agency thereof, on a temporary or permanent basis; and*

62 (d) *Such other information as the agency deems appropriate;*  
63 *and*

64 **[(6)]** (7) *Such other information as the commission may*  
65 *request.】\*\*\**

66 \*\*\*c. *Each State agency shall, when requested, provide the com-*  
67 *mission with supplemental information in addition to that to be*  
68 *available to the commission under the computerized record keeping*  
69 *of the Department of the Treasury, Bureau of Real Property*  
70 *Management, concerning any real property owned or leased by the*  
71 *agency including its current or future availability for other State*  
72 *uses.\*\*\**

73 \*\*\***[c.]**\*\*\* \*\*\*d.\*\*\* *A copy of the plan shall also be forwarded*  
74 *to the Division of Budget and Accounting each year upon its*  
75 *completion, and the portion of the plan relating to the first fiscal*  
76 *year thereof shall, to the extent it treats of capital appropriations*  
77 *in the annual budget, constitute the recommendations of the com-*  
78 *mission with respect to such capital appropriations in the budget*  
79 *for the next fiscal year.*

1 2. *This act shall take effect January 1 next following enactment.*

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[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1370

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65 c. A copy of the plan shall also be forwarded to the Division of  
66 Budget and Accounting each year upon its completion, and the  
67 portion of the plan relating to the first fiscal year thereof shall, to  
68 the extent it treats of capital appropriations in the annual budget,  
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70 such capital appropriations in the budget for the next fiscal year.

1 2. This act shall take effect January 1 next following enactment.

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SENATE, No. 1370

STATE OF NEW JERSEY

INTRODUCED OCTOBER 5, 1978

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STATEMENT

This bill would require each Executive Department to submit to the Commission on Capital Budgeting and Planning, as a part of the Department's annual report to the commission, a list of physical facilities and vacant lands which are no longer being used by the department.

The Commission on Capital Budgeting and Planning was created in order to provide the State with a systematic and concentrated focus on the investment of New Jersey's capital resources. This responsibility includes efficient utilization of the State's limited capital investment dollars. Efficient utilization requires concern with the use of State owned vacant facilities and undeveloped lands as alternatives to new construction and acquisition of new land.

An annual inventory of excess properties by each department would provide the commission with a valuable resource and tool, which would aid the commission to fulfill its responsibility to evaluate new capital spending proposals and help to make better use of the State's limited financial resources.

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[OFFICIAL COPY REPRINT]  
SENATE, No. 1370

STATE OF NEW JERSEY

INTRODUCED OCTOBER 5, 1978

By Senators HAMILTON, DWYER, WEISS, DUMONT, MERLINO  
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55 *of such property and of other uses for which such property is*  
56 *readily adaptable;]\**

56A *\*(a) All real and physical property owned or leased which is to*  
56B *include the name and address of the lessors and the name and*  
56C *address of the lessees, the description of such property, including*  
56D *its size, value, condition, the past use or uses of such property and*  
56E *an estimate in percentage terms of the degree to which such prop-*  
56F *erty is utilized;\**

57 (b) *Whether or not any such property will be needed in the*  
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61 *agency thereof, on a temporary or permanent basis; and*

62     *(d) Such other information as the agency deems appropriate;*  
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65     c. A copy of the plan shall also be forwarded to the Division of  
66     Budget and Accounting each year upon its completion, and the  
67     portion of the plan relating to the first fiscal year thereof shall, to  
68     the extent it treats of capital appropriations in the annual budget,  
69     constitute the recommendations of the commission with respect to  
70     such capital appropriations in the budget for the next fiscal year.

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ASSEMBLY COMMITTEE AMENDMENTS TO

**SENATE, No. 1370**

[OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

ADOPTED JUNE 14, 1979

Amend page 1, title, line 1, after "of", insert "real and".

Amend page 1, title, line 1, omit "not in use", insert "owned or leased by the State".

ASSEMBLY AMENDMENTS TO

**SENATE, No. 1370**

[OFFICIAL COPY REPRINT]

[ASSEMBLY REPRINT]

**STATE OF NEW JERSEY**

ADOPTED JUNE 18, 1979

Amend page 2, section 1, line 56A, after "property", insert "whether"; after "leased", insert "including with respect to leased property,"; omit "which is to".

Amend page 2, section 1, line 56B, omit "include".

Amend page 2, section 1, line 56C, after "lessees," insert "and containing"; omit "including", insert "specifying".

Amend page 2, section 1, line 56D, after "condition," insert "and"; after "the", insert "present and".

Amend page 2, section 1, line 56E, after "estimate", insert comma; after "terms", insert comma.

Amend page 2, section 1, line 56F, after "utilized", insert "and a statement of other uses for which such property is readily adaptable".

ASSEMBLY STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS  
AFFAIRS COMMITTEE

STATEMENT TO  
**SENATE, No. 1370**

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 28, 1979

SUMMARY OF THE BILL AS AMENDED

The purpose of this bill is to increase the access of the Commission on Capital Budget and Planning to information on State property and the degree to which it is being utilized.

The commission was created in order to provide the State with a systematic and concentrated focus on the investment of New Jersey's capital resources. The analysis of efficient utilization of the State's investment dollars requires knowledge of the property, facilities and undeveloped lands owned or leased by State agencies. This bill is aimed at helping the commission attain this knowledge.

The bill requires that State agencies provide a report on *all* property owned or leased by the State. This report is to include the name and address of any lessors or lessees of the property, a description of the property, an estimate of the degree to which the property is utilized, the possible future need for the property, and its possible use by other agencies.

COMMITTEE AMENDMENTS

The committee amended the title to reflect the amendments of the bill made by the Senate committee.



[ASSEMBLY REPRINT]  
**SENATE, No. 1370**  
[OFFICIAL COPY REPRINT]

with Assembly committee amendments adopted June 14, 1979

**STATE OF NEW JERSEY**

INTRODUCED OCTOBER 5, 1978

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55 *of such property and of other uses for which such property is*  
56 *readily adaptable;]\**

56A **\*(a) All real and physical property owned or leased which is to**  
56B *include the name and address of the lessors and the name and*  
56C *address of the lessees, the description of such property, including*  
56D *its size, value, condition, the past use or uses of such property and*  
56E *an estimate in percentage terms of the degree to which such prop-*  
56F *erty is utilized;\**

57 (b) *Whether or not any such property will be needed in the*  
58 *future, specifying when such need will probably arise;*

59 (c) *Whether or not any such property can be made available*  
60 *to another State agency or to a county or municipality or to an*  
61 *agency thereof, on a temporary or permanent basis; and*

62 (d) *Such other information as the agency deems appropriate;*  
63 and

64 **[(6)]** (7) *Such other information as the commission may request.*

65 c. A copy of the plan shall also be forwarded to the Division of  
66 Budget and Accounting each year upon its completion, and the  
67 portion of the plan relating to the first fiscal year thereof shall, to  
68 the extent it treats of capital appropriations in the annual budget,  
69 constitute the recommendations of the commission with respect to  
70 such capital appropriations in the budget for the next fiscal year.

1 2. This act shall take effect January 1 next following enactment.

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[SECOND ASSEMBLY REPRINT]

## SENATE, No. 1370

[OFFICIAL COPY REPRINT]

with Assembly committee amendments adopted June 14, 1979  
and Assembly amendments adopted June 18, 1979

# STATE OF NEW JERSEY

INTRODUCED OCTOBER 5, 1978

By Senators HAMILTON, DWYER, WEISS, DUMONT, MERLINO  
J. RUSSO and SCARDINO

Referred to Committee on State Government, Federal and  
Interstate Relations and Veterans Affairs

AN ACT concerning the utilization of *\*\*real and\*\** physical property  
*\*\*[not in use]\*\** *\*\*owned or leased by the State\*\** and amend-  
ing P. L. 1975, c. 208.

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

1 1. Section 3 of P. L. 1975, c. 208 (C. 52:9S-3) is amended to  
2 read as follows:

3 3. a. The commission shall each year prepare a State Capital  
4 Improvement Plan containing its proposals for State spending for  
5 capital projects. Copies of the plan shall be submitted to the  
6 Governor and the Legislature no later than December 1 of each  
7 year. The plan shall provide

8 (1) A detailed list of all capital projects of the State which the  
9 commission recommends be undertaken or continued by any State  
10 agency in the next 3 fiscal years, together with information as to  
11 the effect of such capital projects on future operating expenses of  
12 the State, and with recommendations as to the priority of such  
13 capital projects and the means of funding them;

14 (2) The forecasts of the commission as to the requirements for  
15 capital projects of State agencies for the 4 fiscal years next follow-  
16 ing such 3 fiscal years and for such additional periods, if any, as  
17 may be necessary or desirable for adequate presentation of partic-  
18 ular capital projects, and a schedule for the planning and imple-  
19 mentation or construction of such capital projects;

20 (3) A schedule for the next fiscal year of recommended appro-  
21 priations of bond funds from issues of bonds previously authorized;

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

22 (4) A review of capital projects which have recently been imple-  
23 mented or completed or are in process of implementation or  
24 completion;

25 (5) Recommendations as to the maintenance of physical prop-  
26 erties and equipment of State agencies;

27 (6) *Recommendations which the commission deems appropriate*  
28 *as to the use of properties reported in subsection b. (6) of this*  
29 *section; and*

30 **[(6)]** (7) Such other information as the commission deems  
31 relevant to the foregoing matters.

32 b. Each State agency shall no later than August 15 of each  
33 year provide the commission with

34 (1) A detailed list of capital projects which each State agency  
35 seeks to undertake or continue for its purposes in the next 3 fiscal  
36 years, together with information as to the effect of such capital  
37 projects on future operating expenses of the State, and with such  
38 relevant supporting data as the commission requests;

39 (2) Forecasts as to the requirements for capital projects of such  
40 agency for the 4 fiscal years next following such 4 fiscal years  
41 and for such additional periods, if any, as may be necessary or  
42 desirable for adequate presentation of particular capital projects,  
43 and a schedule for the planning and implementation or construction  
44 of such capital projects;

45 (3) A schedule for the next fiscal year of requested appropria-  
46 tions of bond funds from issues of bonds previously authorized;

47 (4) A report on capital projects which have recently been imple-  
48 mented or completed or are in process of implementation or  
49 completion;

50 (5) A report as to the maintenance of its physical properties  
51 and capital equipment;

52 (6) *A report on*

53 **\*[(a) All physical properties not in present use with a general**  
54 *statement of the size, value, condition, and the past use or uses*  
55 *of such property and of other uses for which such property is*  
56 *readily adaptable;]\**

56A *\*(a) All real and physical property \*\*\*whether\*\*\* owned or*  
56B *leased \*\*\*including with respect to leased property,\*\*\* \*\*\*[which is*  
56C *to include]\*\*\* the name and address of the lessors and the name*  
56D *and address of the lessees, \*\*\*and containing\*\*\* the description of*  
56E *such property, \*\*\*[including]\*\*\* \*\*\*specifying\*\*\* its size, value,*  
56F *condition, \*\*\*and\*\*\* the \*\*\*present and\*\*\* past use or uses of such*  
56G *property and an estimate\*\*\*,\*\*\* in percentage terms\*\*\*,\*\*\* of*  
56H *the degree to which such property is utilized \*\*\*and a statement of*  
56I *other uses for which such property is readily adaptable\*\*\*;\**

57 (b) *Whether or not any such property will be needed in the*  
58 *future, specifying when such need will probably arise;*

59 (c) *Whether or not any such property can be made available*  
60 *to another State agency or to a county or municipality or to an*  
61 *agency thereof, on a temporary or permanent basis; and*

62 (d) *Such other information as the agency deems appropriate;*  
63 and

64 **[(6)]** (7) Such other information as the commission may request.

65 c. A copy of the plan shall also be forwarded to the Division of  
66 Budget and Accounting each year upon its completion, and the  
67 portion of the plan relating to the first fiscal year thereof shall, to  
68 the extent it treats of capital appropriations in the annual budget,  
69 constitute the recommendations of the commission with respect to  
70 such capital appropriations in the budget for the next fiscal year.

1 2. This act shall take effect January 1 next following enactment.

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SENATE STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO

**SENATE, No. 1370**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: NOVEMBER 20, 1978

The purpose of this bill is to increase the access of the Commission on Capital Budget and Planning to information on State property and the degree to which it is being utilized.

The commission was created in order to provide the State with a systematic and concentrated focus on the investment of New Jersey's capital resources. The analysis of efficient utilization of the State's investment dollars requires knowledge of the property, facilities and undeveloped lands owned or leased by State agencies. This bill is aimed at helping the commission attain this knowledge.

As originally drafted, the bill required that the State agencies provide a report on all physical properties "not in present use." Since, according to this language, the definition of the word "use" was left to the agencies making the report and since the only property to be inventoried was that not in use, the bill left too much room for misinterpretation and would not be useful in providing information.

The committee, with the sponsor's approval amended the bill to provide more precise information. The proposed amendments would require a report of *all* property not only owned, but also leased by State agencies. The report would require the name and address of both the lessors and the lessees of such property. In the information provided pursuant to this amendment, the agency is to give an estimate in percentage terms as to the degree to which such property is utilized.

SENATE COMMITTEE AMENDMENTS TO  
**SENATE, No. 1370**

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**STATE OF NEW JERSEY**

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ADOPTED NOVEMBER 20, 1978

Amend page 2, section 1, lines 53-56, omit in their entirety.

Amend page 2, section 1, after line 56, insert "(a) All real and physical property owned or leased which is to include the name and address of the lessors and the name and address of the lessees, the description of such property, including its size, value, condition, the past use or uses of such property and an estimate in percentage terms of the degree to which such property is utilized;"



SENATE AMENDMENTS TO  
**SENATE, No. 1370**  
[SECOND OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

ADOPTED JANUARY 5, 1980

Amend page 2, section 1, line 52, delete "A report on" and insert "Such other information as the commission may request."

Amend pages 2-3, section 1, lines 56A to 64, delete in its entirety and after line 64, insert

"c. Each State agency shall, when requested, provide the commission with supplemental information in addition to that to be available to the commission under the computerized record keeping of the Department of the Treasury, Bureau of Real Property Management, concerning any real property owned or leased by the agency including its current or future availability for other State uses."

Amend page 3, section 1, line 65, delete "c." and insert "d."

January 5, 1980

SENATE BILL NO. 1370 (2nd OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 1370 (2nd OCR), with my objections, for re-consideration.

This bill would require each State agency to submit an annual report to the Commission on Capital Budgeting and Planning on all real property owned or leased by the agency specifying its size, value, and condition, as well as its past, present and planned uses and its availability to other governmental agencies.

The purpose of the bill is to assist the Commission in its task of efficiently utilizing the State's capital resources but amendment is necessary, I believe, to accomplish this goal.

The Bureau of Real Property Management in the Department of the Treasury is now compiling such information for land and has the computerized capacity for constant updating rather than the annual report mandated by the bill which would not remain accurate for any great length of time. The preferable procedure is for the Bureau of Real Property Management to accumulate building information on a problem by problem basis, thus saving the agencies the staff time which would be necessary for the required annual review under the bill.

I am therefore returning Senate Bill No. 1370 (2nd OCR) and recommend that it be amended as follows:

Page 2, Section 1, Line 52: Delete "A report on" and insert "Such other information as the commission may request."

Page 2, Section 1, Lines 53 to 56I: Delete in its entirety and insert

"c. Each State agency shall, when requested, provide the commission with supplemental information in addition to that to be available to the commission under the computerized record keeping of the Department of the Treasury, Bureau of Real Property Management, concerning any real property owned or leased by the agency including its current or future availability for other State uses."

Page 3, Section 1, Line 65: Delete "c" and insert "d".

Respectfully,

/s/

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

Chief of Staff, Secretary

JANUARY 18, 1980

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S-1370, sponsored by Senator William J. Hamilton, Jr. (D-Middlesex), which requires a list of real estate, physical facilities and vacant lands owned or leased by the State to be accumulated by the Commission on Capital Budget and Planning.

S-1398, sponsored by Senator Frank J. Dodd (D-Essex), which replaces outmoded penalties concerning condemned shellfish and shellfish beds with modern penalties.

S-1410, sponsored by Senator Joseph P. Merlino, (D-Mercer), which would permit New Jersey licensed real estate brokers to pay referral fees or commissions to licensed brokers in other states.

S-1427, sponsored by Senator Francis E. Rodgers (D-Hudson), which repeals certain statutes pertaining to county supervisors, an office abolished with the charter changes in Essex and Hudson counties.

S-3043, sponsored by Senator Merlino, which increases the payment of funeral expenses paid by county welfare agencies for persons receiving old age assistance.

S-3370, sponsored by Senator Laurence S. Weiss (D-Middlesex), which clarifies the authority of a fire district to hold, sell, lease or otherwise convey real or personal property. The bill requires that any sale of such property be made in accordance with the pertinent provisions of the "Local Lands and Buildings Law," which would require that such property be no longer needed for the purposes of the fire district.

S-3409, sponsored by Senator John T. Gregorio (D-Union), which repeals 79 statutes concerning fire and police officers which have been repealed or superseded by later laws.

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