

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 64

NJSA:27:12-1.1 to 27:12-1.3

(Excess lands owned by DOT -- sale to contiguous property owners)

BILL NO: S500(Substituted for A2390)

SPONSOR(S):Ciesla

DATE INTRODUCED:February 23, 1998

COMMITTEE:

ASSEMBLY: Transportation

SENATE:Transportation

AMENDED DURING PASSAGE:Yes

DATES OF PASSAGE:

ASSEMBLY:March 29, 1999

SENATE:July 30, 1998

DATE OF APPROVAL:April 16, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: *Yes*1st Reprint

(Amendments during passage denoted by superscript numbers)

S500

SPONSORS STATEMENT: *Yes* (Begins on page 2 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

A2390

SPONSORS STATEMENT: *Yes (Begins on page 2 of original bill)*

Bill and Sponsor's Statement identical to S500

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

Identical to Assembly Statement for S500

SENATE:*No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

SENATE, No. 500

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 23, 1998

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

SYNOPSIS

Requires DOT commissioner to offer certain excess lands to contiguous property owners at private sale.

CURRENT VERSION OF TEXT

As introduced.



S500 CIESLA

2

1 **AN ACT** concerning the sale of certain lands and supplementing
2 chapter 12 of Title 27 of the Revised Statutes.

3

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

6

7 1. Notwithstanding the provisions of R.S. 27:12-1 or any other law
8 to the contrary, if the Commissioner of Transportation determines,
9 pursuant to R.S. 27:12-1, that real property acquired for the use of the
10 State in the improvement, betterment, reconstruction or maintenance
11 of a State highway is no longer required for such use, the
12 commissioner shall first offer to sell such property or any right or
13 interest therein at private sale to the owner of the real property
14 contiguous to the real property being sold; provided that the property
15 being sold is less than the minimum size required for development
16 under the municipal zoning ordinance of the municipality in which the
17 property is located and is without any capital improvement thereon;
18 except that when there is more than one owner with real property
19 contiguous thereto, the property shall be sold to the highest bidder
20 from among all such owners. Any such sale shall be for not less than
21 the fair market value of the real property.

22

23 2. The sale of real property permitted by section 1 of this act may
24 only occur after the owners of record of the property at the time of
25 acquisition have been notified and provided the right to repurchase
26 their interest pursuant to section 1 of P.L.1985, c.201 (C.52:31-1.4).

27

28 3. The provisions of this act shall not affect the right of the
29 commissioner to sell at private sale to a municipal corporation or to
30 any public board or commission any real estate or any right or interest
31 therein as provided in subsection a. of R.S. 27:12-1.

32

33 4. This act shall take effect immediately.

34

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STATEMENT

37

38 The bill provides that the Commissioner of Transportation shall first
39 offer to sell at private sale to contiguous property owners remainder
40 parcels no longer required for highway purposes, provided there is no
41 capital improvement on the parcel. Any such sale shall be for not less
42 than the fair market value of the remainder parcel.

43

44 This change in current law is modeled on the provisions of N.J.S.A.
45 40A:12-13(b)(5) in which counties or municipalities are permitted to
46 sell remainder parcels at private sale to contiguous owners. The
provisions of this bill do not affect the right of first refusal for

S500 CIESLA

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- 1 previous owners of the property contained in N.J.S.A. 52:31-1.4 or
- 2 the ability of the commissioner to sell the lands at private sale to public
- 3 entities.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 500

STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 1998

The Assembly Transportation Committee reports favorably Senate Bill No. 500(1R).

This bill provides that the Commissioner of Transportation shall first offer to sell at private sale remainder parcels no longer required for highway purposes to the owner of the real property whose frontage is contiguous to the remainder parcel being sold, provided there is no capital improvement on the parcel. Any such sale shall be for not less than the fair market value of the remainder parcel.

This change in current law is modeled on the provisions of N.J.S.A.40A:12-13(b)(5) in which counties or municipalities are permitted to sell remainder parcels at private sale to contiguous owners. The provisions of this bill do not affect the right of first refusal for previous owners of the property contained in N.J.S.A.52:31-1.4 or the ability of the commissioner to sell the lands at private sale to public entities.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 500

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 21, 1998

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 500.

The amended bill provides that the Commissioner of Transportation shall first offer to sell at private sale remainder parcels no longer required for highway purposes to the owner of the real property whose frontage is contiguous to the remainder parcel being sold, provided there is no capital improvement on the parcel. Any such sale shall be for not less than the fair market value of the remainder parcel.

This change in current law is modeled on the provisions of N.J.S.A. 40A:12-13(b)(5) in which counties or municipalities are permitted to sell remainder parcels at private sale to contiguous owners. The provisions of this bill do not affect the right of first refusal for previous owners of the property contained in N.J.S.A. 52:31-1.4 or the ability of the commissioner to sell the lands at private sale to public entities.

The committee amended the bill to provide that the remainder parcel shall first be offered to the owner of the real property whose frontage is contiguous to the remainder parcel.

ASSEMBLY, No. 2390

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED SEPTEMBER 14, 1998

Sponsored by:

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Assemblyman DAVID W. WOLFE

District 10 (Monmouth and Ocean)

SYNOPSIS

Requires DOT commissioner to offer certain excess lands to contiguous property owners at private sale.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the sale of certain lands and supplementing
2 chapter 12 of Title 27 of the Revised Statutes.

3

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

6

7 1. Notwithstanding the provisions of R.S. 27:12-1 or any other law
8 to the contrary, if the Commissioner of Transportation determines,
9 pursuant to R.S. 27:12-1, that real property acquired for the use of the
10 State in the improvement, betterment, reconstruction or maintenance
11 of a State highway is no longer required for such use, the
12 commissioner shall first offer to sell such property or any right or
13 interest therein at private sale to the owner of the real property whose
14 frontage is contiguous to the real property being sold; provided that
15 the property being sold is less than the minimum size required for
16 development under the municipal zoning ordinance of the municipality
17 in which the property is located and is without any capital
18 improvement thereon; except that when there is more than one owner
19 with real property whose frontage is contiguous thereto, the property
20 shall be sold to the highest bidder from among all such owners. Any
21 such sale shall be for not less than the fair market value of the real
22 property.

23

24 2. The sale of real property permitted by section 1 of this act may
25 only occur after the owners of record of the property at the time of
26 acquisition have been notified and provided the right to repurchase
27 their interest pursuant to section 1 of P.L.1985, c.201 (C.52:31-1.4).

28

29 3. The provisions of this act shall not affect the right of the
30 commissioner to sell at private sale to a municipal corporation or to
31 any public board or commission any real estate or any right or interest
32 therein as provided in subsection a. of R.S. 27:12-1.

33

34 4. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 The bill provides that the Commissioner of Transportation shall first
40 offer to sell at private sale remainder parcels no longer required for
41 highway purposes to the owner of the real property whose frontage is
42 contiguous to the remainder parcel being sold, provided there is no
43 capital improvement on the parcel. Any such sale shall be for not less
44 than the fair market value of the remainder parcel.

45

46 This change in current law is modeled on the provisions of N.J.S.
40A:12-13(b)(5) in which counties or municipalities are permitted to

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1 sell remainder parcels at private sale to contiguous owners. The
2 provisions of this bill do not affect the right of first refusal for
3 previous owners of the property contained in N.J.S.A. 52:31-1.4 or
4 the ability of the commissioner to sell the lands at private sale to public
5 entities.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2390

STATE OF NEW JERSEY

DATED: OCTOBER 5, 1998

The Assembly Transportation Committee reports favorably Assembly Bill No. 2390.

The bill provides that the Commissioner of Transportation shall first offer to sell at private sale remainder parcels no longer required for highway purposes to the owner of the real property whose frontage is contiguous to the remainder parcel being sold, provided there is no capital improvement on the parcel. Any such sale shall be for not less than the fair market value of the remainder parcel.

This change in current law is modeled on the provisions of N.J.S.40A:12-13(b)(5) in which counties or municipalities are permitted to sell remainder parcels at private sale to contiguous owners. The provisions of this bill do not affect the right of first refusal for previous owners of the property contained in N.J.S.A.52:31-1.4 or the ability of the commissioner to sell the lands at private sale to public entities.

This bill is identical to Senate Bill No. 500(1R).

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
609-777-2600

RELEASE: April 16, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

A-2915/S-1717, sponsored by Assembly Speaker Jack Collins (R-Salem/Cumberland/Gloucester) and Assemblywoman Arline M. Friscia (D-Middlesex) and Senator Leonard T. Connors, Jr. (R-Atlantic/Burlington/Ocean) and Senate President Donald DiFrancesco (R-Middlesex/ Morris/ Somerset/Union), extends the filing deadline for applications for the homestead property tax reimbursement, under the senior citizen property tax freeze law. The bill extends the deadline for tax year 1998 from December 31, 1998 to April 15, 1999. This extension is only for the 1998 tax year and the deadline will return to December 31 in subsequent years.

A-507/S-1028, sponsored by Assembly Members Gerald H. Zecker (R-Essex/Passaic) and Kenneth C. LeFevre(R-Atlantic) and Senator Norman M. Robertson (R-Essex/Passaic), establishes a chronic fatigue syndrome program in the Department of Health and Senior Services and designates \$95,000 for the program.

The legislation requires the Commissioner to establish a statewide network of resources to provide training and education to doctors and patients and create a public awareness campaign regarding chronic fatigue syndrome (CFS).

The Commissioner must also prepare and make available, to all health care providers in the state who request it, a manual with information about the clinical significance, diagnosis, and treatment of CFS. The Commissioner will consult with the New Jersey Chronic Fatigue Syndrome Association, Inc., the Academy of Medicine of New Jersey and the University of Medicine and Dentistry of New Jersey. The manual will contain information that the Commissioner deems necessary and can be revised when new information is made available about CFS. The Department must publicize and make the manual as accessible as possible.

CFS is a scientifically recognized disease which manifests itself through various symptoms. Symptoms range from fatigue to wheelchair confinement. CFS is often characterized by both physical symptoms -joint pain, muscle weakness, headaches, insomnia, and exhaustion-and cognitive symptoms -memory loss, inability to concentrate and mental "fog." To date, no cure has been found for the estimated one million sufferers of CFS in the United States. The federal Centers for Disease Control and Prevention recently raised CFS to a "Priority 1" in the new re- emerging drug-resistant infectious disease category. Other diseases in this category include cholera, malaria, hepatitis C and tuberculosis.

S-500/A-2390, sponsored by Senator Andrew R. Ciesla (R-Monmouth/Ocean)and Assemblymen James Holzapfel(R-Monmouth/Ocean) and David W. Wolfe (R-Monmouth/Ocean), permits the Commissioner of Transportation to privately sell certain excess lands to contiguous property owners.

The legislation provides that the Commissioner must first offer to sell, at a private sale, remainder parcels of land no longer required for highway purposes to the owner of the real property whose frontage is contiguous to the parcel being sold. This applies only if there are no capital improvements on the parcel being sold and the parcel being sold is less than the minimum size required for development under the municipal zoning ordinance. The law currently requires such land to be sold at public auction to the highest bidder.

In addition, the legislation requires that any such sale must not be for less than the fair market value of the remainder parcel. In the instance where there is more than one owner with real property whose frontage is contiguous to the State land, the bill says the parcel must be sold to the highest bidder among such owners.

The bill does not affect the right of first refusal for previous owners of the property and the bill does not affect the ability of the Commissioner of Transportation to sell the lands at a private sale to public entities.

S-1584/A-2742, Sponsored by Senators Leonard T. Connors, Jr.(R-Atlantic/Burlington/Ocean) and Ronald L. Rice (D-Essex) and Assemblyman Jeffrey W. Moran (R-Atlantic/ Burlington/ Ocean),clarifies the status of employees of the Council on Local Mandates and revises certain restrictions applicable to council members.

The bill will provide the Council with more flexibility in hiring its staff and will modify current law regarding Council members' ability to hold other State or local public offices.

In order to give the Council more hiring flexibility, the bill:

- Eliminates the provision of the law which places clerical and secretarial personnel in the career service of the civil service law;
- Allows the Council to employ operational and administrative personnel; and
- clarifies that the Council may employ an administrator and coordinator who would serve at the pleasure of the Council for no more than two years without reappointment.

Current law prohibits Council members, while serving on the Council and for two years thereafter, from holding any other state or local public office. The legislation modifies these restrictions in the following manner:

- while serving on the Council, a member would be prohibited from holding any other State or local public office;
- while serving on the Council and for two years thereafter, a member would be prohibited from holding elective State or local public office;
- for a period of two years after serving on the Council, a member would be prohibited from being employed with a county, municipality, or school district which filed a complaint with the Council while the member served on the Council;
- for a period of two years after serving on the Council, a member would be prohibited from employment with a State agency that promulgated a rule or regulation which was the subject of a complaint during the member's service on the Council; and
- members would be allowed to serve on a study commission or similar advisory body for which no compensation is paid, other than reimbursement of expenses.