

SENATE, No. 321

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator LITTELL

1 AN ACT concerning the sale or lease of certain county property and  
2 amending P.L.1993, c.36.

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

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7 1. Section 1 of P.L.1993, c.36 (C.40A:12-13.5) is amended to read  
8 as follows:

9 1. a. In addition to any other applicable requirements of law, no  
10 county may sell, lease for a term of 20 years or more, or exchange any  
11 real property or capital improvement that is greater than one acre in  
12 size and valued at more than \$50,000. for any purpose unless the  
13 county first:

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

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

31 (3) Conducts two public hearings on the proposed sale, lease, or  
32 exchange at least 14 days apart and at least 90 days in advance of the

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

**Matter underlined thus is new matter.**

1 date of the proposed sale, lease, or exchange. Of the two public  
2 hearings, one shall be held in the county seat, and the other in the  
3 municipality wherein the real property or capital improvement  
4 proposed to be sold, leased, or exchanged is located or, if that is not  
5 practicable, in a municipality as close thereto as can reasonably be  
6 arranged. At each such hearing, the county shall explain the proposed  
7 sale, lease, or exchange and indicate the consideration to be received  
8 by the county for agreeing to the proposed sale, lease, or exchange.

9 Notwithstanding the provisions of this paragraph to the contrary,  
10 in the case of real property or a capital improvement that is proposed  
11 to be sold, leased, or exchanged which is located within the  
12 municipality that serves as the county seat, only one public hearing  
13 need be held.

14 b. The county may assess and collect a reasonable fee from any  
15 person to whom real property or a capital improvement may be sold,  
16 leased, or exchanged pursuant to this act, which fee shall cover the  
17 administrative and any other costs incurred by the county in complying  
18 with the provisions and requirements of this act. The fee shall be  
19 payable whether or not the real property or capital improvement is in  
20 fact eventually sold, leased, or exchanged to such person.  
21 (cf: P.L.1993, c.36, s.1)

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23 2. This act shall take effect immediately and shall be retroactive to  
24 February 3, 1993.

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## STATEMENT

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29 This bill limits applicability of the requirements established under  
30 P.L.1993, c.36 (C.40A:12-13.5 et seq.), which sets forth procedural  
31 safeguards a county must comply with prior to the sale, long term  
32 lease or exchange of county-owned real property and capital  
33 improvements greater than one acre in size and valued at more than  
34 \$50,000.

35 P.L.1993, c.36 requires a county to provide an environmental and  
36 recreational impact report and hold hearings before it may lease for 20  
37 years or more, sell or exchange any real property or capital  
38 improvement. This bill would relieve a county from complying with  
39 these requirements for transactions involving any real property or  
40 capital improvement one acre or less in size or valued at \$50,000 or  
41 less.

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3 Exempts certain sales and leases of county property from requirement  
4 of environmental and recreation reports and public hearings.