

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 18A:18A-16

(School
construction
plans--approved
by local code
official-limit
Department of
Education review)

LAWS OF: 1990

CHAPTER: 23

Bill No: A2918

Sponsor(s): Mecca

Date Introduced: February 5, 1990

Committee: Assembly: Education

Senate: -----

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: March 22, 1990

Senate: April 5, 1990

Date of Approval: May 15, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: No

Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

(over)

See newspaper clippings--attached:

"Red tape cut..." 5-16-90 Star Ledger

KBG/SLJ



1 AN ACT concerning school facility plan review and amending
2 N.J.S. 18A:18A-16, N.J.S.18A:18A-49, P.L.1975, c.217 and
3 P.L.1985, c.409.
4

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

7 1. N.J.S.18A:18A-16 is amended to read as follows:

8 18A:18A-16. All plans and specifications for the erection,
9 alteration, improvement or repair of public [schoolhouses] school
10 buildings shall be drawn by or under the supervision of an
11 appropriate officer employed by the board to whom such power
12 shall have been delegated by the board of education.

13 No contract for the erection of any building or any part thereof
14 by any board of education of any school district shall be entered
15 into ~~until the final~~ plans and specifications therefor have been
16 submitted to, and approved by, [the State board] either the
17 Bureau of Facility Planning Services in the Department of
18 Education or an appropriately licensed code official¹[in the]
19 employed by any¹ municipality in¹[which the building is located]
20 the State, with the written consent of that municipality¹. [and
21 no] No change in any such plans or specifications, so approved,
22 shall be made unless the same shall have been submitted to, and
23 approved by, [the State board] the Bureau of Facility Planning
24 Services in the Department of Education or an appropriately
25 licensed¹municipal¹ code official¹[in the municipality in which
26 the building is located]¹, whichever entity originally approved
27 the plans. [A copy of all plans and specifications, and all changes
28 therein, so approved, shall be filed forthwith with the State
29 board.]

30 Should a municipal planning board, acting pursuant to the
31 provisions of section 22 of P.L.1975, c.291 (C.40:55D-31),
32 recommend against the approval of plans and specifications for
33 the erection of a school building or any part thereof and file
34 notice of that recommendation within 10 days with the Bureau of
35 Facility Planning Services of the Department of Education for
36 consideration during the plan review process [The State board],
37 the Bureau of Facility Planning Services shall not approve the
38 preliminary plans and specifications for educational adequacy

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.

Matter enclosed in superscript numerals has been adopted as follows:
Assembly AED committee amendments adopted March 19, 1990.

1 until the objections of the municipal planning board have been
2 considered.

3 (cf: P.L.1987, c.160, s.1)

4 2. N.J.S.18A:18A-49 is amended to read as follows:

5 18A:18A-49. [No] The board of education of [any] a school
6 district shall be required to secure the approval of its final plans
7 and specifications as required by the State Uniform Construction
8 Code for the erection or alteration of any school building or
9 vocational school building or any part thereof by the Bureau of
10 Facility Planning Services in the Department of Education or an
11 appropriately licensed ¹municipal¹ code official ¹[in the
12 municipality in which the building is located]¹ [; nor shall any
13 board of education or any board of education of a county
14 vocational school or any contractor doing work in connection with
15 school buildings or county vocational school buildings be required
16 to secure a building permit from the municipality].

17 (cf: N.J.S.18A:18A-49)

18 3. Section 12 of P.L.1975, c.217 (C.52:27D-130) is amended to
19 read as follows:

20 12. Except as otherwise provided by this act or in the code,
21 before construction or alteration of any building or structure, the
22 owner, or his agent, engineer or architect, shall submit an
23 application in writing, including signed and sealed drawings and
24 specifications, to the enforcing agency as defined in this act.
25 The application shall be in accordance with regulations
26 established by the commissioner and on a form prescribed by the
27 commissioner and shall be accompanied by payment of the fee to
28 be established by the municipal governing body by ordinance in
29 accordance with standards established by the commissioner. The
30 application for a construction permit shall be filed with the
31 enforcing agency and shall be a public record; and no application
32 for a construction permit shall be removed from the custody of
33 the enforcing agency after a construction permit has been
34 issued. Nothing contained in this paragraph shall be interpreted
35 as preventing the imposition of requirements in the code, for
36 additional permits for particular kinds of work, including but not
37 limited to plumbing, electrical, elevator, fire prevention
38 equipment or boiler installation or repair work, or in other
39 defined situations.

40 No permit shall be issued for a public school facility [which
41 requires the approval of the Department of Education] unless the
42 final plans and specifications have been first approved by the
43 Bureau of Facility Planning Services in the Department of
44 Education or a ¹municipal¹ code official ¹[in the municipality in
45 which the building is located]¹ who is appropriately licensed by
46 the Commissioner of the Department of Community Affairs for
47 the type and level of plans being reviewed. Approval by the
48 Bureau of Facility Planning Services in the Department of

1 Education shall only be required when a review for educational
2 adequacy is necessary. Requirements determining when a review
3 for educational adequacy is necessary shall be established jointly
4 by the Department of Community Affairs and the Department of
5 Education [within 180 days of the effective date of this act]. The
6 standards shall thereafter be adopted as part of the Uniform
7 Construction Code regulations by the Department of Community
8 Affairs. After the final plans and specifications have been
9 approved for educational adequacy by the Bureau of Facility
10 Planning Services in the Department of Education, a local board
11 of education may submit the final plans and specifications for
12 code approval to either the Bureau of Facility Planning Services
13 in the Department of Education or a ¹municipal¹ code official
14 ¹[in the municipality in which the building is located]¹ who is
15 appropriately licensed by the Commissioner of the Department of
16 Community Affairs for the type and level of plans being
17 reviewed. The Bureau of Facility Planning Services in the
18 Department of Education when approving final plans and
19 specifications shall be responsible for insuring that the final plans
20 and specifications conform to the requirements of the code as
21 well as for insuring that they provide for an educationally
22 adequate facility. In carrying out its responsibility pursuant to
23 the provisions of this section the Department of Education shall
24 employ persons licensed by the Commissioner of the Department
25 of Community Affairs for the type and level of plans being
26 reviewed.

27 (cf: P.L.1983, c.496, s.4)

28 4. Section 1 of P.L.1985, c.409 (C.52:27D-126c) is amended to
29 read as follows:

30 1. No county, municipality, or any agency or instrumentality
31 thereof shall be required to pay any municipal fee or charge in
32 order to secure a construction permit for the erection or
33 alteration of any public building or part thereof from the
34 municipality wherein the building may be located. No erection or
35 alteration of any public building or part thereof by a county,
36 municipality, school board, or any agency or instrumentality
37 thereof shall be subject to any fee, including any surcharge or
38 training fee, imposed by any department or agency of State
39 government pursuant to any law, or rule or regulation, except
40 that nothing contained in this section shall be interpreted as
41 preventing the imposition of a fee upon a board of education by
42 either the Department of Education for plan review or by a
43 municipality for the review of plans submitted to it pursuant to
44 the provisions of section 12 of P.L.1975, c.217 (C.52:27D-130).

45 (cf: P.L.1989, c.43, s.2)

46 5. This act shall take effect immediately.

EDUCATION

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Permits approval of school facility construction plans by
municipal code officials.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2918

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 19, 1990

The Assembly Education Committee favorably reports Assembly Bill No. 2918 as amended.

As amended, this bill permits a board of education to secure code compliance approval of its building plans for school facilities from a municipal code official or the Department of Education.

Currently, authority for the approval of capital projects of school districts is vested in the State Board of Education by N.J.S.A.18A:18A-16 and N.J.S.A.52:27D-130 and delegated to the Bureau of Facility Planning Services within the Department of Education by N.J.A.C.6:22-1.1. The Bureau of Facility Planning Services reviews the plans for both code compliance and educational adequacy.

This bill provides that a local district may eliminate the need for Department of Education review of their plans for code compliance by having the final plans approved by a municipal code official who is licensed by the Department of Community Affairs for the type and level of plans being reviewed. The Department of Education would still review the plans for educational adequacy.

Also, the bill provides that a municipality may charge a fee for the review of plans submitted to it by a local board of education for code compliance approval.

Under current facilities review procedures, many local districts have experienced delays in the plan approval process. By having the plans approved by the municipal code official a local school district will be able to reduce the length of the plan review process while insuring that their plans meet building code standards.

Representatives of the Department of Education, New Jersey School Boards Association, New Jersey Association of School Business Officials, and the New Jersey Education Association testified in favor of the bill. A Communications Workers of America member, employed by the Department of Education, testified against the bill.

The committee amended the bill to eliminate the restriction that a school district could only use a code official from the municipality in which the school building is located. Instead, a school district could use any appropriately licensed municipal code official in the State, with the written approval of the employing municipality.

As amended, this bill is identical to S2286 (1R) of 1990.

ASSEMBLY AED COMMITTEE

AMENDMENTS

ADOPTED

to

MAR 19 1990

ASSEMBLY, No. 2918

(Sponsored by Assemblyman Mecca)

REPLACE SECTION 1 TO READ:

1. N.J.S.18A:18A-16 is amended to read as follows:

18A:18A-16. All plans and specifications for the erection, alteration, improvement or repair of public [schoolhouses] school buildings shall be drawn by or under the supervision of an appropriate officer employed by the board to whom such power shall have been delegated by the board of education.

No contract for the erection of any building or any part thereof by any board of education of any school district shall be entered into until the final plans and specifications therefor have been submitted to, and approved by, [the State board] either the Bureau of Facility Planning Services in the Department of Education or an appropriately licensed code official ¹[in the] employed by any¹ municipality in ¹[which the building is located] the State, with the written consent of that municipality¹ ; [and no] No change in any such plans or specifications, so approved, shall be made unless the same shall have been submitted to, and approved by, [the State board] the Bureau of Facility Planning Services in the Department of Education or an appropriately licensed ¹municipal¹ code official ¹[in the municipality in which the building is located]¹ , whichever entity originally approved the plans. [A copy of all plans and specifications, and all changes therein, so approved, shall be filed forthwith with the State board.]

Should a municipal planning board, acting pursuant to the provisions of section 22 of P.L.1976, c.291 (C.40:55D-31), recommend against the approval of plans and specifications for the erection of a school building or any part thereof and file notice of that recommendation within 10 days with the Bureau of Facility Planning Services of the Department of Education for consideration during the plan review process [The State board], the Bureau of Facility Planning Services shall not approve the preliminary plans and specifications for educational adequacy until the objections of the municipal planning board have been considered

(cf: P.L.1987, c.100, s.1)

REPLACE SECTION 2 TO READ:

2. N.J.S.18A:18A-49 is amended to read as follows:

18A:18A-49. [No] The board of education of [any] a school district shall be required to secure the approval of its final plans and specifications as required by the State Uniform Construction Code for the erection or alteration of any school building or vocational school building or any part thereof by the Bureau of Facility Planning Services in the Department of Education or an appropriately licensed ¹municipal¹ code official ¹[in the municipality in which the building is located]¹ [; nor shall any board of education or any board of education of a county vocational school or any contractor doing work in connection with school buildings or county vocational school buildings be required to secure a building permit from the municipality].

(cf: N.J.S.18A:18A-49)

REPLACE SECTION 3 TO READ:

3. Section 12 of P.L.1975, c.217 (C.52:27D-130) is amended to read as follows:

12. Except as otherwise provided by this act or in the code, before construction or alteration of any building or structure, the owner, or his agent, engineer or architect, shall submit an application in writing, including signed and sealed drawings and specifications, to the enforcing agency as defined in this act. The application shall be in accordance with regulations established by the commissioner and on a form prescribed by the commissioner and shall be accompanied by payment of the fee to be established by the municipal governing body by ordinance in accordance with standards established by the commissioner. The application for a construction permit shall be filed with the enforcing agency and shall be a public record; and no application for a construction permit shall be removed from the custody of the enforcing agency after a construction permit has been issued. Nothing contained in this paragraph shall be interpreted as preventing the imposition of requirements in the code, for additional permits for particular kinds of work, including but not limited to plumbing, electrical, elevator, fire prevention equipment or boiler installation or repair work, or in other defined situations.

No permit shall be issued for a public school facility [which requires the approval of the Department of Education] unless the final plans and specifications have been first approved by the Bureau of Facility Planning Services in the Department of Education or a ¹municipal¹ code official ¹[in the municipality in which the building is located]¹ who is appropriately licensed by the Commissioner of the Department of Community Affairs for the type and level of plans being reviewed. Approval by the Bureau of Facility Planning Services in the Department of Education shall only be required when a review for educational adequacy is necessary. Requirements determining when a review for educational adequacy is necessary shall be established jointly by the Department of Community Affairs and the Department of Education [within 180 days of the effective date of this act]. The standards shall thereafter be adopted as part of the Uniform Construction Code regulations by the Department of Community Affairs. After the final plans and specifications have been approved for educational adequacy by the Bureau of Facility Planning Services in the Department of Education, a local board of education may submit the final plans and specifications for code approval to either the Bureau of Facility Planning Services in the Department of Education or a ¹municipal¹ code official ¹[in the municipality in which the building is located]¹ who is appropriately licensed by the Commissioner of the Department of Community Affairs for the type and level of plans being reviewed. The Bureau of Facility Planning Services in the Department of Education when approving final plans and specifications shall be responsible for insuring that the final plans and specifications conform to the requirements of the code as well as for insuring that they provide for an educationally adequate facility. In carrying out its responsibility pursuant to the provisions of this section the Department of Education shall employ persons licensed by the Commissioner of the Department of Community Affairs for the type and level of plans being reviewed.

(cf: P.L.1983, c.486, s.4)

ASSEMBLY, No. 2918
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1990

By Assemblyman MECCA

1 AN ACT concerning school facility plan review and amending
2 N.J.S. 18A:18A-16, N.J.S.18A:18A-49, P.L.1975, c.217 and
3 P.L.1985, c.409.
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5 BE IT ENACTED by the Senate and General Assembly of the
6 State of New Jersey:

7 1. N.J.S.18A:18A-16 is amended to read as follows:

8 18A:18A-16. All plans and specifications for the erection,
9 alteration, improvement or repair of public [schoolhouses] school
10 buildings shall be drawn by or under the supervision of an
11 appropriate officer employed by the board to whom such power
12 shall have been delegated by the board of education.

13 No contract for the erection of any building or any part thereof
14 by any board of education of any school district shall be entered
15 into until the final plans and specifications therefor have been
16 submitted to, and approved by, [the State board] either the
17 Bureau of Facility Planning Services in the Department of
18 Education or an appropriately licensed code official in the
19 municipality in which the building is located. [and no] No change
20 in any such plans or specifications, so approved, shall be made
21 unless the same shall have been submitted to, and approved by,
22 [the State board] the Bureau of Facility Planning Services in the
23 Department of Education or an appropriately licensed code
24 official in the municipality in which the building is located,
25 whichever entity originally approved the plans. [A copy of all
26 plans and specifications, and all changes therein, so approved,
27 shall be filed forthwith with the State board.]

28 Should a municipal planning board, acting pursuant to the
29 provisions of section 22 of P.L.1975, c.291 (C.40:55D-31),
30 recommend against the approval of plans and specifications for
31 the erection of a school building or any part thereof and file
32 notice of that recommendation within 10 days with the Bureau of
33 Facility Planning Services of the Department of Education for
34 consideration during the plan review process [The State board],
35 the Bureau of Facility Planning Services shall not approve the
36 preliminary plans and specifications for educational adequacy
37 until the objections of the municipal planning board have been
38 considered.

39 (cf. P.L.1987, c.160, s.1)

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

Matter underlined thus is new matter.

1 2. N.J.S.18A:18A-49 is amended to read as follows:

2 (cf: N.J.S.18A:18A-49. [No] The board of education of [any] a
3 school district shall be required to secure the approval of its final
4 plans and specifications as required by the State Uniform
5 Construction Code for the erection or alteration of any school
6 building or vocational school building or any part thereof by the
7 Bureau of Facility Planning Services in the Department of
8 Education or an appropriately licensed code official in the
9 municipality in which the building is located [; nor shall any board
10 of education or any board of education of a county vocational
11 school or any contractor doing work in connection with school
12 buildings or county vocational school buildings be required to
13 secure a building permit from the municipality].

14 (N.J.S.18A:18A-49)

15 3. Section 12 of P.L.1975, c.217 (C.52:27D-130) is amended to
16 read as follows:

17 12. Except as otherwise provided by this act or in the code,
18 before construction or alteration of any building or structure, the
19 owner, or his agent, engineer or architect, shall submit an
20 application in writing, including signed and sealed drawings and
21 specifications, to the enforcing agency as defined in this act.
22 The application shall be in accordance with regulations
23 established by the commissioner and on a form prescribed by the
24 commissioner and shall be accompanied by payment of the fee to
25 be established by the municipal governing body by ordinance in
26 accordance with standards established by the commissioner. The
27 application for a construction permit shall be filed with the
28 enforcing agency and shall be a public record; and no application
29 for a construction permit shall be removed from the custody of
30 the enforcing agency after a construction permit has been
31 issued. Nothing contained in this paragraph shall be interpreted
32 as preventing the imposition of requirements in the code, for
33 additional permits for particular kinds of work, including but not
34 limited to plumbing, electrical, elevator, fire prevention
35 equipment or boiler installation or repair work, or in other
36 defined situations.

37 No permit shall be issued for a public school facility [which
38 requires the approval of the Department of Education] unless the
39 final plans and specifications have been first approved by the
40 Bureau of Facility Planning Services in the Department of
41 Education or a code official in the municipality in which the
42 building is located who is appropriately licensed by the
43 Commissioner of the Department of Community Affairs for the
44 type and level of plans being reviewed. Approval by the Bureau
45 of Facility Planning Services in the Department of Education
46 shall only be required when a review for educational adequacy is
47 necessary. Requirements determining when a review for
48 educational adequacy is necessary shall be established jointly by
49 the Department of Community Affairs and the Department of

1 Education [within 180 days of the effective date of this act]. The
2 standards shall thereafter be adopted as part of the Uniform
3 Construction Code regulations by the Department of Community
4 Affairs. After the final plans and specifications have been
5 approved for educational adequacy by the Bureau of Facility
6 Planning Services in the Department of Education, a local board
7 of education may submit the final plans and specifications for
8 code approval to either the Bureau of Facility Planning Services
9 in the Department of Education or a code official in the
10 municipality in which the building is located who is appropriately
11 licensed by the Commissioner of the Department of Community
12 Affairs for the type and level of plans being reviewed. The
13 Bureau of Facility Planning Services in the Department of
14 Education when approving final plans and specifications shall be
15 responsible for insuring that the final plans and specifications
16 conform to the requirements of the code as well as for insuring
17 that they provide for an educationally adequate facility. In
18 carrying out its responsibility pursuant to the provisions of this
19 section the Department of Education shall employ persons
20 licensed by the Commissioner of the Department of Community
21 Affairs for the type and level of plans being reviewed.

22 (cf: P.L.1983, c.496, s.4)

23 4. Section 1 of P.L.1985, c.409 (C.52:27D-126c) is amended to
24 read as follows:

25 1. No county, municipality, or any agency or instrumentality
26 thereof shall be required to pay any municipal fee or charge in
27 order to secure a construction permit for the erection or
28 alteration of any public building or part thereof from the
29 municipality wherein the building may be located. No erection or
30 alteration of any public building or part thereof by a county,
31 municipality, school board, or any agency or instrumentality
32 thereof shall be subject to any fee, including any surcharge or
33 training fee, imposed by any department or agency of State
34 government pursuant to any law, or rule or regulation, except
35 that nothing contained in this section shall be interpreted as
36 preventing the imposition of a fee upon a board of education by
37 either the Department of Education for plan review or by a
38 municipality for the review of plans submitted to it pursuant to
39 the provisions of section 12 of P.L.1975, c.217 (C.52:27D-130).

40 (cf: P.L.1989, c.43, s.2)

41 5. This act shall take effect immediately.

42

43

44 *Sponson's* STATEMENT

45

46 This bill permits a board of education to secure code
47 compliance approval of its building plans for school facilities
48 from a municipal code official or the Department of Education.

49 Currently, authority for the approval of capital projects of

1 school districts is vested in the State Board of Education by
2 N.J.S.A.18A:18A-16 and N.J.S.A. 52:27D-130 and delegated to
3 the Bureau of Facility Planning Services within the Department
4 of Education by N.J.A.C.6:22-1.1. The Bureau of Facility
5 Planning Services currently reviews the plans for both code
6 compliance and educational adequacy. However, many local
7 districts have experienced delays in the current plan approval
8 process. By eliminating the requirement of Department of
9 Education review for code compliance the review time may be
10 greatly reduced in many instances.

11 This bill provides that a local district may eliminate the need
12 for Department of Education review of their plans for code
13 compliance by having the final plans approved by a code official
14 in the municipality where the building is located who is licensed
15 by the Department of Community Affairs for the type and level
16 of plans being reviewed. By having the plans approved by the
17 municipal code official a local school district will be able to
18 reduce the length of the plan review process while insuring that
19 their plans meet building code standards. The Department of
20 Education would still review the plans for educational adequacy.

21 Finally, the act provides that a municipality may charge a fee
22 for the review of plans submitted to it by a local board of
23 education for code compliance approval.

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EDUCATION

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28 Permits approval of school facility construction plans by
29 municipal code officials.



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001
Contact:

Emma Byrne
609/292-8956

TRENTON, N.J. 08625

Release: Tuesday
May 15, 1990

FLORIO SIGNS BILL TO HELP SCHOOLS CUT RED TAPE

Governor Jim Florio today signed a bill to cut red tape for local school districts by helping to alleviate increased construction costs and delays.

The bill, sponsored by Assemblymen Joe Mecca and Frank Pelly, and Senator Matthew Feldman, gives local school districts the option of having all final school construction plans reviewed by municipal code officials rather than the state Department of Education's Bureau of Facility Planning.

"This legislation is an important step in helping school districts become more self-reliant and to be able to plan in a more predictable and cost-effective manner. That means devoting more time and effort to the important job of teaching children," Florio said. "Municipal code officials can perform the same function as the Bureau of Facility Planning and will go a long way in cutting the red tape that schools are now caught up in."

Current law requires the Bureau to sign off on all school capital projects to ensure that the plans conform to the Uniform Construction Code. However, this review process has led to a heavy backlog, in some cases, of more than a year. Schools caught up in the backlog face increased construction costs of up to 1/2 of a percent per month. Since January, the Bureau, with help from Department of Community Affairs code officials, has cut the backlog down to 190 projects from about 300.

"Particularly in these tough financial times, school districts need to count their dollars wisely and can't afford to be burdened with unexpected costs," Florio said.

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