

40:55D-8

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:55D-8 (Boards of Education-- exempt from building and construction fees)

LAWS OF: 1989 **CHAPTER:** 43

BILL NO: A3570

SPONSOR(S): Bryant and Roberts

Date Introduced: July 2, 1988

Committee: **Assembly:** Education
Senate: Education

Amended during passage: No

Date of Passage: **Assembly:** December 19, 1988
Senate: February 9, 1989

Date of Approval: March 9, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

RDV

P.L. 1989, CHAPTER 43, approved March 9, 1989
1988 Assembly No. 3570

1 **AN ACT** exempting boards of education from payment of fees for
municipal development and construction permits and amending
3 P.L.1975, c.291 and P.L.1985, c.409.

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

7 1. Section 4 of P.L.1975, c.291 (C.40:55D-8) is amended to
read as follows:

9 4. a. Every municipal agency shall adopt and may amend
reasonable rules and regulations, not inconsistent with this act or
11 with any applicable ordinance, for the administration of its
functions, powers and duties, and shall furnish a copy thereof to
13 any person upon request and may charge a reasonable fee for such
copy. Copies of all such rules and regulations and amendments
15 thereto shall be maintained in the office of the administrative
officer.

17 b. Fees to be charged (1) an applicant for review of an
application for development by a municipal agency, and (2) an
19 appellant pursuant to section 8 of this act shall be reasonable and
shall be established by ordinance.

21 c. A municipality may by ordinance exempt, according to
uniform standards, charitable, philanthropic, fraternal and
23 religious nonprofit organizations holding a tax exempt status
under the Federal Internal Revenue Code of 1954
25 (26 U.S.C. § 501(c) or (d)) from the payment of any fee charged
under this act.

27 d. A municipality shall exempt a board of education from the
payment of any fee charged under this act.

29 (cf: P.L.1983, c.322, s.1)

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

33 1. No county, municipality, or any agency or instrumentality
thereof shall be required to pay any municipal fee or charge in
order to secure a construction permit for the erection or

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.

1 alteration of any public building or part thereof from the
municipality wherein the building may be located. No erection or
3 alteration of any public building or part thereof by a county,
municipality, school board, or any agency or instrumentality
5 thereof shall be subject to any fee, including any surcharge or
training fee, imposed by any department or agency of State
7 government pursuant to any law, or rule or regulation, except
that nothing contained in this section shall be interpreted as
9 preventing the imposition of a fee upon a board of education by
the Department of Education for plan review.

11 (cf: P.L.1985, c.409, s.1)

3. This act shall take effect immediately.

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STATEMENT

17 This bill is intended to exempt boards of education from the
payment of any development fees permitted to be charged under
19 the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et
seq.).

21 Additionally, this bill would exempt school boards from the
payment of construction fees and surcharges under the "State
23 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119
et seq.), but would allow for the imposition of a fee upon a board
25 of education by the Department of Education for plan review.

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EDUCATION

29

Building and Construction

31 Exempts boards of education from payment of certain
development and construction fees.

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ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3570

STATE OF NEW JERSEY

DATED: NOVEMBER 3, 1988

The Assembly Education Committee favorably reports Assembly Bill No. 3570.

This bill would exempt boards of education from the payment of any development fees permitted to be charged under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

Additionally, this bill would exempt school boards from the payment of construction fees and surcharges under the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), but would allow for the imposition of a fee upon a board of education by the Department of Education for plan review.

Under N.J.S.18A:18A-49, boards of education are not required to secure municipal approval or municipal building permits for the erection or alteration of any school building or county vocational school building. This statute was enacted in 1977 (P.L.1977, c.114).

In 1985, legislation was enacted to waive, for any county or municipality, any State, county or municipal fees for a construction permit for the erection or alteration of a public building (P.L.1985, c.409; C:52:27D-126c). That statute applied to local governmental units, but did not include specific mention of local boards of education. This bill brings Title 40 and also Title 52 into conformity with the provisions of Title 18A.

This bill is identical to Senate Bill No. 2426 (1R) of 1988.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3570

STATE OF NEW JERSEY

DATED: JANUARY 26, 1989

The Senate Education Committee favorably reports this bill without committee amendments.

This bill would exempt boards of education from the payment of any development fees permitted to be charged under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

Additionally, this bill would exempt school boards from the payment of construction fees and surcharges under the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), but would allow for the imposition of a fee upon a board of education by the Department of Education for plan review.

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This bill is identical to Senate Bill No. 2426 (1R) of 1988. This bill was released by the Senate Education committee on September 29, 1988 and is now on second reading in the Senate.