

18A:20-4.2; 18A:20-8.2

LEGISLATIVE HISTORY CHECKLIST

NJSA 18A:20-4.2, 18A:20-8.2 (School facilities--permits joint ownership)

LAWS 1981 CHAPTER 410

Bill No. S3433

Sponsor(s) Feldman and others

Date Introduced November 16, 1981

Committee: Assembly -----

Senate Education

Amended during passage Yes No Substituted for A3694 (not attached since identical to S3433)

Date of Passage: Assembly January 4, 1982

Senate December 14, 1981

Date of approval January 7, 1982

Following statements are attached if available:

Sponsor statement	Yes	No
Committee Statement: Assembly	Yes	No
Senate	Yes	No
Fiscal Note	Yes	No
Veto Message	Yes	No
Message on signing	Yes	No

Following were printed:

Reports	Yes	No
Hearings	Yes	No

cbc

6/22/81

CHAPTER 410 NOVEMBER 1981
APPROVED 1-7-82

SENATE, No. 3433
STATE OF NEW JERSEY

INTRODUCED NOVEMBER 16, 1981

By Senators FELDMAN, DODD, WEISS, DUMONT and EWING

Referred to Committee on Education

AN ACT concerning the use of school property and amending
N. J. S. 18A:20-4.2 and P. L. 1978, c. 91.

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

1 1. N. J. S. 18A:20-4.2 is amended to read as follows:

2 18A:20-4.2 The board of education of any school district may,
3 for school purposes:

4 (a) Purchase, take and condemn lands within the district and
5 lands not exceeding 50 acres in extent without the district but
6 situate in a municipality or municipalities adjoining the district,
7 but no more than 25 acres may be so acquired in any one such
8 municipality, without the district, except with the consent, by
9 ordinance, of such municipality;

10 (b) Grade, drain and landscape lands owned or to be acquired
11 by it and improve the same in like manner;

12 (c) Erect, lease for a term not exceeding 50 years, enlarge,
13 improve, repair or furnish buildings;

14 (d) Borrow money therefor, with or without mortgage; in the
15 case of a type II district without a board of school estimate, when
16 authorized so to do at any annual or special school election and in
17 the case of a type II district having a board of school estimate,
18 when the amount necessary to be provided therefor shall have been
19 fixed, determined and certified by the board of school estimate,
20 and in the case of a type I district when an ordinance authorizing
21 expenditures for such purpose is finally adopted by the governing
22 body of a municipality comprised within the district; provided,
23 however, that no such election shall be held nor shall any such
24 resolution of a school estimate board or ordinance of a municipal
25 governing body be introduced to authorize any lease of any build-
26 ing for a term exceeding 1 year until the proposed terms of such

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

27 lease have been reviewed and approved by the Commissioner of
28 Education and the Local Finance Board in the Department of
29 Community Affairs[.];

30 (e) Construct, purchase, lease or otherwise acquire a building
31 with the Federal Government, the State, a political subdivision
32 thereof or any other individual or entity properly authorized to do
33 business in the State provided that: (1) the noneducational uses
34 of the building are compatible with the establishment and operation
35 of a school as determined by the Commissioner of Education; (2)
36 the portion of the building to be used as a school meets regulations
37 of the Department of Education; (3) the board of education has
38 complied with the provisions of law and regulations relating to
39 the selection and approval of sites, and (4) in the case of a lease,
40 that any lease in excess of 5 years shall be approved by the Com-
41 missioner of Education and the Local Finance Board in the De-
42 partment of Community Affairs.

43 (f) Acquire by lease purchase agreement a site and school build-
44 ing provided that the site and building meet guidelines and regu-
45 lations of the Department of Education and that any lease purchase
46 agreement in excess of 5 years shall be approved by the Commis-
47 sioner of Education and the Local Finance Board in the Department
48 of Community Affairs. As used herein, a "lease purchase agree-
49 ment" refers to any agreement which gives the board of education
50 as lessee the option of purchasing the leased premises during or
51 upon termination of the lease with credit toward the purchase price
52 of all or part of rental payments which have been made by the
53 board of education in accordance with the lease;

54 (g) Establish with an individual or entity authorized to do busi-
55 ness in the State a tenancy in common, condominium, horizontal
56 property regime or other joint ownership arrangement on a site
57 contributed by the school district provided the following conditions
58 are met:

59 (1) the individual or entity agrees to construct on the site,
60 or provide for the construction thereon a building or buildings
61 for use of the board of education separately or jointly with
62 the individual or entity which shall be subject to the joint own-
63 ership arrangement;

64 (2) the provision of the building shall be at no cost or at a
65 reduced cost to the board of education;

66 (3) the school district shall not make any payment for use
67 of the building other than its pro rata share of costs of mainte-
68 nance and improvements;

69 (4) *the noneducational uses of the building are compatible*
 70 *with the establishment and operation of a school as determined*
 71 *by the Commissioner of Education;*

72 (5) *the portion of the building to be used as a school, and*
 73 *the site meet regulations of the Department of Education; and*

74 (6) *any such agreement shall be approved by the Commis-*
 75 *sioner of Education and the Local Finance Board in the De-*
 76 *partment of Community Affairs.*

1 2. Section 1 of P. L. 1978, c. 91 (C. 18A:20-8.2) is amended
 2 to read as follows:

3 1. a. Whenever any board of education shall by resolution deter-
 4 mine that any tract of land, whether there is a building thereon or
 5 not, or part or all of a school building, is not necessary for school
 6 purposes, but which it does not desire to dispose of for reason that
 7 the property may, at some future time, again be required for school
 8 purposes, it may authorize the lease thereof for a term extending
 9 beyond the official life of the board [and said] *providing that the*
 10 *noneducational uses of such building or tract of land are compati-*
 11 *ble with the establishment and operation of a school, as determined*
 12 *by the Commissioner of Education, if joint occupancy of such site*
 13 *is considered. The lease shall be binding upon the successor board*
 14 *as follows:*

15 (1) After advertisement of the request for bids to lease to
 16 the highest bidder in a newspaper published in the school dis-
 17 trict, or, if none is published therein, then in a newspaper
 18 circulating in the district in which the same is situate, at least
 19 once a week for 2 weeks prior to the date fixed for the receipt
 20 and opening of bids, unless:

21 (2) The same is leased to the *Federal Government*, State,
 22 a political subdivision thereof, another school district, or any
 23 board, body or commission of a municipality within the school
 24 district, in which case the same may be leased by private agree-
 25 ment for a nominal fee without advertisement for bids.

26 b. Any lease in excess of 5 years shall be approved by the Com-
 27 missioner of Education.

1 3. This act shall take effect immediately.

STATEMENT

This bill will give school districts additional flexibility in obtaining school facilities. It will permit a school district to construct or acquire a building with any governmental entity, individual or entity authorized to do business in the State provided certain con-

ditions are met. School districts will also be able to acquire facilities by lease purchase agreements. In addition, the bill permits school districts to enter into joint ownership arrangements with other entities on a site contributed by the school board, subject to certain conditions. Amendments are also proposed for existing law to require that when a school district leases an unneeded portion of its facilities, the noneducational use of the facility must be compatible with operation of the school.

SENATE EDUCATION COMMITTEE
STATEMENT TO
SENATE, No. 3433
STATE OF NEW JERSEY

DATED: DECEMBER 7, 1981

PROVISIONS:

This bill will give school districts additional flexibility in obtaining school facilities in the following manner:

1. It will permit joint occupancy of a building acquired through purchase, lease or construction (subsection (e));
2. Acquire a site and school building by lease-purchase (subsection (f)); and
3. Provide a site for the construction of a facility provided that developer of the site agrees to build a school facility on the site at reduced cost to the school district (subsection (g)).

In all instances the non-educational usage of the facility must be approved by the Commissioner of Education; the portion of the building to be used as a school must meet all Department of Education regulations; and, any lease or lease-purchase agreement over five years or any joint ownership arrangement must be approved by the Commissioner of Education and the Local Finance Board in the Department of Community Affairs.

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 8, 1982

DAVID DE MAIO

Governor Brendan Byrne signed the following bills late yesterday afternoon:

S-3333, sponsored by Senator John P. Caufield (D-Essex) permitting municipalities to establish, by ordinance, arson investigation units within its fire department. The unit would be comprised of paid members only and would conduct investigations of arson, suspicious fires or explosions within the community.

Members of the arson units would have full police powers and authority while engaged in their investigations, including the right to carry a handgun provided the municipality specifically authorizes them to do so.

Under the bill, any member assigned to an arson unit must first complete a basic police training course and an arson investigation training course approved by the Department of Law and Public Safety. The act takes effect immediately.

S-3433, sponsored by Senator Matthew Feldman (D-Bergen) giving school districts more flexibility in renting excess property and constructing new facilities in cooperation with other entities.

The bill permits any local school board to construct or acquire a building in cooperation with any government agency, individual or company authorized to do business in New Jersey, provided the following conditions are met:

- The Commissioner of Education determines and concurs that the non-education uses of a building are compatible with other school operations;
- The portion of any building serving as a school must meet the regulations of the Department of Education; and
- The school district must comply with the laws and regulations governing the selection of cooperative building sites.

The bill also allows school districts to acquire facilities through lease-purchase agreements, to enter into a joint-ownership arrangement under certain conditions, and to lease unneeded or unused portions of their facilities to outside entities.