

# LEGISLATIVE HISTORY CHECKLIST

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## *LAWS of 1999*

**CHAPTER:** 83

**NJSA:** 18A:20-34

(Child care - public schools - zoning)

**BILL NO:** A1277

**SPONSOR(S):** DeCroce and Murphy

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:**

**ASSEMBLY:** Senior Issues & Community Affairs

**SENATE:** Community and Urban Affairs

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**

**ASSEMBLY:** June 11, 1998

**SENATE:** February 25, 1999

**DATE OF APPROVAL:** April 30, 1999

### THE FOLLOWING ARE ATTACHED IF AVAILABLE:

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**FINAL TEXT OF BILL:** 1<sup>st</sup> Reprint

(Amendments during passage denoted by superscript numbers)

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**A1277**

**SPONSORS STATEMENT:** *Yes*

(Begins on page 3 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *Yes*

**SENATE:** *Yes*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

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## GOVERNOR'S ACTIONS

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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### THE FOLLOWING WERE PRINTED:

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**REPORTS:** *No*

**HEARINGS:** *Yes*

974.90 C536, 1997

New Jersey. Legislature. General Assembly. Advisory Council on Women.

Public hearing before Assembly Advisory Council on Women : discussion of general issues of day care and testimony concerning specific efforts to promote regulatory flexibility [May 6, 1997, Trenton, New Jersey]

[see especially pp. 101-102]

**NEWSPAPER ARTICLES:** *No*

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§2  
C. 40:55D-66.7a  
§3  
C. 18A:20-34.1  
&  
Note To 18A:4-10

P.L. 1999, CHAPTER 83, *approved April 30, 1999*  
Assembly, No. 1277 (*First Reprint*)

1 AN ACT concerning zoning laws and child care in public schools,  
2 amending N.J.S.18A:20-34, and supplementing P.L.1975, c.291  
3 (C.40:55D-1 et seq.) and Title 18A of the New Jersey Statutes.  
4

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

7

8 1. N.J.S.18A:20-34 is amended to read as follows:

9 18A:20-34. The board of education of any district may, pursuant  
10 to rules adopted by it, permit the use of any schoolhouse and rooms  
11 therein, and the grounds and other property of the district, when not  
12 in use for school purposes, for any of the following purposes:

13 a. The assembly of persons for the purpose of giving and receiving  
14 instruction in any branch of education, learning, or the arts, including  
15 the science of agriculture, horticulture, and floriculture;

16 b. Public library purposes or stations of public libraries;

17 c. The holding of such social, civic, and recreational meetings and  
18 entertainments and such other purposes as may be approved by the  
19 board;

20 d. Such meetings, entertainments, and occasions where admission  
21 fees are charged as may be approved by the board;

22 e. Polling places, holding elections, registration of voters, and  
23 holding political meetings;

24 f. Child care services provided by the board of education, or a  
25 board approved sponsor, <sup>1</sup>or a child care program licensed pursuant  
26 to P.L.1983, c.492 (C.30:5B-1 et seq.),<sup>1</sup> before or after regular  
27 school hours, for any school aged child who <sup>1</sup>[resides] attends school<sup>1</sup>  
28 within the school district.

29 (cf: N.J.S.18A:20-34.)  
30

31 2. (New section) Any child care program approved by a local  
32 board of education and operated by the board or by an approved  
33 sponsor in a public school, before or after regular school hours,  
34 pursuant to N.J.S.18A:20-34, shall be deemed a permitted use in all  
35 residential and nonresidential districts of a municipality and shall be  
36 exempt from local zoning restrictions.

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ASC committee amendments adopted March 2, 1998.

1       3. (New section) The State Board of Education shall adopt rules  
2 and regulations pursuant to the "Administrative Procedure Act,"  
3 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the  
4 purposes of this act.

5

6       4. This act shall take effect immediately.

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9

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11       \_\_\_\_\_  
12 Authorizes certain child care programs operated in a public school and  
exempts them from certain zoning regulations.

[First Reprint]

**ASSEMBLY, No. 1277**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Assemblyman ALEX DECROCE**

**District 26 (Essex, Morris and Passaic)**

**Assemblywoman CAROL J.MURPHY**

**District 26 (Essex, Morris and Passaic)**

**Co-Sponsored by:**

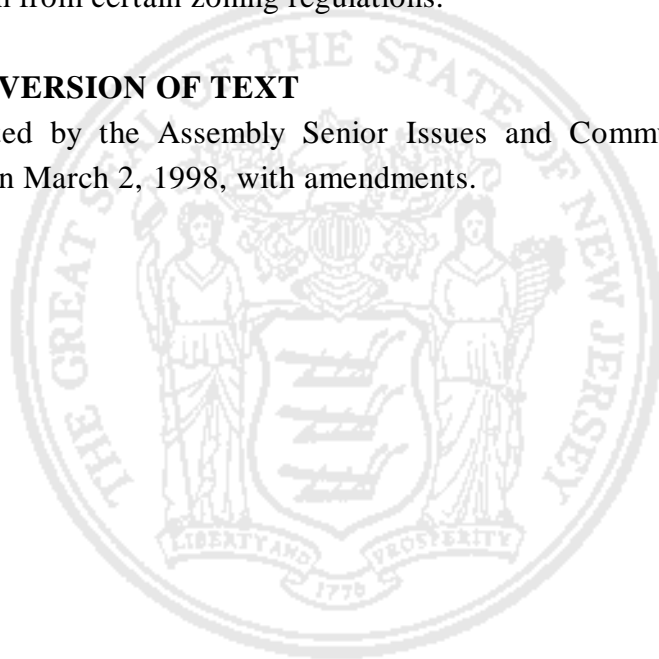
**Assemblyman Luongo**

**SYNOPSIS**

Authorizes certain child care programs operated in a public school and exempts them from certain zoning regulations.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Senior Issues and Community Services Committee on March 2, 1998, with amendments.



**(Sponsorship Updated As Of: 3/17/1998)**

1 AN ACT concerning zoning laws and child care in public schools,  
2 amending N.J.S.18A:20-34, and supplementing P.L.1975, c.291  
3 (C.40:55D-1 et seq.) and Title 18A of the New Jersey Statutes.

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

7  
8 1. N.J.S.18A:20-34 is amended to read as follows:

9 18A:20-34. The board of education of any district may, pursuant  
10 to rules adopted by it, permit the use of any schoolhouse and rooms  
11 therein, and the grounds and other property of the district, when not  
12 in use for school purposes, for any of the following purposes:

13 a. The assembly of persons for the purpose of giving and receiving  
14 instruction in any branch of education, learning, or the arts, including  
15 the science of agriculture, horticulture, and floriculture;

16 b. Public library purposes or stations of public libraries;

17 c. The holding of such social, civic, and recreational meetings and  
18 entertainments and such other purposes as may be approved by the  
19 board;

20 d. Such meetings, entertainments, and occasions where admission  
21 fees are charged as may be approved by the board;

22 e. Polling places, holding elections, registration of voters, and  
23 holding political meetings;

24 f. Child care services provided by the board of education, or a  
25 board approved sponsor, <sup>1</sup>or a child care program licensed pursuant  
26 to P.L.1983, c.492 (C.30:5B-1 et seq.),<sup>1</sup> before or after regular  
27 school hours, for any school aged child who <sup>1</sup>[resides] attends  
28 school<sup>1</sup> within the school district.

29 (cf: N.J.S.18A:20-34.)

30

31 2. (New section) Any child care program approved by a local  
32 board of education and operated by the board or by an approved  
33 sponsor in a public school, before or after regular school hours,  
34 pursuant to N.J.S.18A:20-34, shall be deemed a permitted use in all  
35 residential and nonresidential districts of a municipality and shall be  
36 exempt from local zoning restrictions.

37

38 3. (New section) The State Board of Education shall adopt rules  
39 and regulations pursuant to the "Administrative Procedure Act,"  
40 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the  
41 purposes of this act.

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ASC committee amendments adopted March 2, 1998.

- 1      4. This act shall take effect immediately.

ASSEMBLY SENIOR ISSUES AND COMMUNITY SERVICES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1277**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 2, 1998

The Assembly Senior Issues and Community Services Committee favorably reports Assembly Bill No. 1277.

As amended by committee, this bill provides that a board of education may authorize the use of school facilities for the provision of child care services before or after regular school hours. The child care services would be available to any school aged child who attends school within the school district. The bill provides that the child care services may be provided by the school district, a board-approved sponsor, or a child care program licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

Finally, the bill provides that any approved child care program operated in a public school will be deemed a permitted use in all residential and nonresidential districts and be exempt from local zoning restrictions.

The amendments clarify that the child care services may be provided by the board of education, a board approved sponsor, or a child care program licensed pursuant to P.L.1983, c.492. The amendments also clarify that the child care program would be available for any school aged child who attends school within the school district, rather than resides within the school district.

This bill was prefiled for introduction in the 1998-1999 session pending technical review. As reported, the bill includes changes required by technical review which has been performed.



SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 1277**

**STATE OF NEW JERSEY**

DATED: OCTOBER 19, 1998

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 1277 (1R).

This bill would provide that boards of education may authorize the use of school facilities for the provision of child care services before or after regular school hours. The child care services would be available to any school aged child who attends school within the school district. The child care services could be provided by the school district, a board-approved sponsor, or a child care program licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

The bill would provide that an approved child care program operated in a public school would be a permitted use and exempt from local zoning restrictions.

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Gene Herman  
609-777-2600

RELEASE: April 30, 1999

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

**ACS for A-1209**, sponsored by Assembly Members Joseph V. Doria, Jr. (D-Hudson) and Francis J. Blee (R-Atlantic), provides a supplemental appropriation to the Department of Military and Veterans' Affairs (MAVA) in the amount of \$50,000 for a pilot program to transport homebound veterans to and from Veterans Administration (VA) clinic sites and from the clinics to VA hospitals. The clinic sites are in Hackensack, Trenton, Fort Dix, Cape May, Elizabeth and Vineland.

**A-505**, sponsored by Assembly Member Gerald H. Zecker (R- Essex/Passaic), provides for parity among New Jersey depository institutions with respect to lending practices. The State Bank Parity Act of 1981 was intended to permit even competition among New Jersey lending institutions (banks, savings banks, savings and loan associations and credit unions) by permitting each lending institution to charge a rate of interest permitted to any other lending institution. Recent court decisions have construed the act to be limited only to the periodic percentage rate of interest charged on an outstanding balance. The bill provides that parity applies all other fees and charges such as, but not limited to, late charges and collection fees.

**A-1277**, sponsored by Assembly Members Alex DeCroce (R- Essex/Morris/Passaic) and Carol J. Murphy (R- Essex/Morris/Passaic), permits a board of education to use school facilities for child care services that are provided by either the board, a board approved sponsor, or a licensed child care program. The child care programs allowed under the bill will be available before or after regular school hours for any school age child who attends school within the school district. The bill supplements current law which permits school facilities to be used only for education purposes, library purposes, election purposes, the holding of social, recreational or civic meetings that are approved by the board or the holding of meetings or events where admission fees are charged, subject to the approval of the board.

**A-1581**, sponsored by Assembly Members Barbara Wright (R-Mercer/Middlesex), John C. Gibson (R-Cape May/Atlantic/Cumberland) and Joseph V. Doria, Jr. (D-Hudson) and Senators John O. Bennett (R-Monmouth) and Joseph F. Vitale (D-Middlesex), allows advanced practice nurses to order and prescribe controlled dangerous substances under limited circumstances to patients in end-of-life situations or with terminal illnesses. Under previous law, nurse practitioners had no authority to prescribe controlled dangerous

substances.

**A-1396**, sponsored by Assembly Members Steve Corodemus (R-Monmouth) and Tom Smith (R-Monmouth), repeals the \$2 per bushel surcharge on clams harvested through the depuration clam relay program in Monmouth County. Although the bill repeals the surcharge, it does not repeal the Monmouth County Clam Depuration and Relay Program Fund. The last two state budgets have included a \$150,000 appropriation to the fund.

**S-271**, sponsored by Senators Wynona M. Lipman (D-Essex/Union) and Richard J. Codey (D-Essex), and Assembly Members Guy F. Talarico (R-Bergen) and Rose Marie Heck (R-Bergen), changes the legal doctrine of retreat regarding the use of deadly force with respect to domestic violence committed by cohabitant spouses or cohabitant household members in a shared dwelling. The doctrine of retreat is part of the law of self-defense. In New Jersey, a person may use deadly force in self-defense if that force is necessary to protect against death or serious bodily injury. One of the exceptions to this rule is that a person cannot use deadly force if the use of such force can be safely avoided by retreating from the situation. The bill deletes the provision that a person must retreat from a cohabitant in the person's home.

**S-534**, sponsored by Senator Jack Sinagra (R-Middlesex) and Assembly Member Barbara Wright (R-Mercer/Middlesex), permanently designates the first Sunday in May as "Loyal Heart Award Day" in New Jersey in order to honor and provide public recognition to caregivers of persons with disabilities. The Loyal Heart Award was initiated in 1994 by Elayne Hyman Risley, chairwoman of the Middlesex County Chapter Coalition on Women and Disabilities, to recognize the contributions made by caregivers for persons with disabilities.

**S-993**, sponsored by Senators Robert E. Littell (R- Sussex/Hunterdon/Morris) and Peter A. Inverso (R-Mercer/Middlesex) and Assembly Members Leonard Lance (R-Warren/Hunterdon/Mercer) and Francis J. Blee (R-Atlantic), appropriates \$4,532,000 from the Jobs, Education and Competitiveness Fund to the Commission on Higher Education for construction projects at various county colleges. The bill allocates \$226,000 to Essex County College for the reconfiguration of instructional space of the gymnasium and appropriates \$306,000 to Essex County College for the improvement of the Martin Luther King Library. It also appropriates \$2 million to Hudson County College for the acquisition and renovation of the Culinary Arts Institute and \$1 million to Passaic County Community College for an addition to the academic facility.

**S-1064**, sponsored by Senators Andrew R. Ciesla (R-Monmouth/Ocean) and Diane B. Allen (R-Burlington/Camden) and Assembly Members Gerald H. Zecker (R-Essex/Passaic) and James W. Holzapfel (R- Monmouth/Ocean), exempts real estate licensees from the consumer fraud law under certain

circumstances. Under the bill, if a real estate licensee communicates any false, misleading or deceptive information provided to him by or on behalf of the seller of the real estate, but the real estate licensee had no actual knowledge and made a reasonable and diligent inquiry to determine the accuracy of the information, the exemption will apply. The real estate licensee can still be held liable for compensatory damages under the act and is not exempt for fraudulent actions made with an intent to deceive.

**S-1369**, sponsored by Senators John O. Bennett (R-Monmouth) and Joseph A. Palaia (R-Monmouth) and Assembly members Tom Smith (R- Monmouth), Steve Corodemus (R-Monmouth), John S. Wisniewski (D- Middlidesex) and James W. Holzapfel (R-Monmouth/Ocean), establishes the use of a firearm or imitation firearm against a law enforcement officer as a crime of the third degree. A third- degree crime is punishable by a three-to-five year term of imprisonment or a \$15,000 fine or both.

**S-1372**, sponsored by Senator James S. Cafiero (R-Cape May/Atlantic/Cumberland) and Assembly Members Nicholas Asselta (R- Cape May/Atlantic/Cumberland) and John C. Gibson (R-Cape May/Atlantic/Cumberland), authorizes the New Jersey Real Estate Commission to promulgate rules concerning the forms of monies that real estate brokers and their agents may hold as escrow agents or as temporary custodians of the funds in real estate transactions. Under previous law, real estate brokers could only accept monies in the form of cash or negotiable instruments, such as checks and money orders.

**S-1461**, sponsored by Senator Robert W. Singer (R-Burlington/Monmouth/Ocean) and Assembly Members Joseph R. Malone (R-Burlington/Monmouth/Ocean) and Melvin Cottrell (R-Burlington/Monmouth/Ocean), appropriates \$250,000 from the General Fund to the Department of Military and Veterans' Affairs for the Korean Veterans' Memorial Fund. The Fund was created in July, 1996 by legislation that also created the Korean Veterans' Memorial Committee. The Fund will be used to pay for the construction and maintenance of the memorial, which will be built in Atlantic City. It is anticipated that \$2 million will be needed to build and maintain the memorial.

**S-1467**, sponsored by Senator Raymond J. Zane (R-Cumberland/Gloucester/Salem) and Assembly Members Charles "Ken" Zisa (D-Bergen) and Michael Patrick Carroll (R-Morris), provides that writs of execution issued by the Special Civil Part of the Superior Court be valid for two years. Under previous law, writs of execution against personal property issued by the Special Civil Part of the Superior Court were valid for only one year.