

18A:20-4.2

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 18A:20-4.2

(School property
lease)

LAWS OF: 1968

CHAPTER: 175

Bill No: A412

Sponsor(s): McDonough & others

Date Introduced: February 13, 1968

Com mittee: Assembly: Education

Senate: Education

Am ended during passage: No **Com mittee Substitute enacted**

Date of Passage: Assembly: March 14, 1968

Senate: June 20, 1968

Date of Approval: July 19, 1968

Following statements are attached if available:

Sponsor statement: No

Com mittee Statement: Assembly: No

Senate: No

Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

SENATE COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 412

STATE OF NEW JERSEY

ADOPTED JUNE 3, 1968

AN ACT concerning the leasing of buildings for school purposes,
and amending section 18A:20-4.2 of the New Jersey Statutes,
and supplementing chapter 20 of Title 18A of the New Jersey
Statutes.

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

1 1. Section 18A:20-4.2 of the New Jersey Statutes is hereby
2 amended to read as follows:

3 18A:20-4.2. The board of education of any **[type II]** school dis-
4 trict may, for school purposes:

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

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

13 (c) erect, lease *for a term not exceeding 40 years*, enlarge, im-
14 prove, repair or furnish buildings;

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

**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 *for a term exceeding one year until the proposed terms of such*
28 *lease have been reviewed and approved by the Commissioner of*
29 *Education and the Local Finance Board in the Department of*
30 *Community Affairs.*

1 2. Any construction, reconstruction, demolition, alteration or
2 repair work, or maintenance work, including painting and decorat-
3 ing, done under private contract for any person, firm, corporation
4 or association acting under an express agreement or understanding
5 with any board of education that, upon completion of the work
6 contracted for the site, structure or premises upon which such
7 work was done will be leased by said board of education for public
8 school purposes under the provisions of section 18A:20-4.2 of
9 the New Jersey Statutes shall be deemed a "public work" for the
10 purposes of the "New Jersey Prevailing Wage Act" (P. L. 1963,
11 c. 150) and subject to the applicable provisions of that act, except-
12 ing only such provisions as can be applicable only in cases where
13 a public body is a direct party to a contract for a public work.

1 3. Every contract in excess of \$2,000.00 for any public work con-
2 tracted for by a private party acting under an express agreement
3 for subsequent lease by a board of education shall contain a pro-
4 vision stating the prevailing wage rate which can be paid (as
5 determined pursuant to the applicable provisions of the "New
6 Jersey Prevailing Wage Act" (P. L. 1963, c. 150)) to the workmen
7 employed in the performance of the contract, and the contract
8 shall contain a stipulation that such workmen shall be paid not
9 less than such prevailing wage rate. No board of education shall
10 enter into any such agreement or understanding except upon the
11 condition that such provision and stipulation shall be included in the
12 contract; and no such agreement or understanding shall be valid
13 or shall be honored by any board of education if such provision
14 and stipulation are not included in the contract.

1 4. If any public work shall be contracted for by a private party
2 acting under an express agreement or understanding for subsequent
3 lease by a board of education, and if it shall be found prior to
4 execution of a lease pursuant to such understanding or agreement
5 that any workman or workmen employed by the contractor or any
6 subcontractor covered by said contract has been paid a rate of
7 wages less than the prevailing wage required to be paid by such
8 contract, then the board of education involved in any such agree-
9 ment or understanding shall not execute a lease pursuant thereto,
10 nor make any payment in connection therewith, until all wages
11 due and owing to any such workman or workmen in compliance with
12 the stipulated prevailing wage rate have been paid; and such pri-

13 vate party is hereby authorized to withhold from any contractor or
14 subcontractor who shall have failed to pay the prevailing wage any
15 sums due to such contractor or subcontractor to an amount sufficient
16 to pay to any workman or workmen the balance of wages due him
17 or them as a result of the contractor's failure to pay the prevailing
18 wage, and to make such payments directly to such workman or
19 workmen out of the sums thus withheld. For the purposes of this
20 section, the fact and extent of a contractor's or subcontractor's
21 failure to pay the prevailing wage shall be determined in accord-
22 ance with the applicable provisions of the "New Jersey Prevailing
23 Wage Act" (P. L. 1963, c. 150).

1 5. This act shall take effect immediately.

ASSEMBLY, No. 412
—•—
STATE OF NEW JERSEY
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INTRODUCED FEBRUARY 13, 1968

By Assemblymen McDONOUGH, WILENTZ and CAPERS

Referred to Committee on Education

AN ACT concerning education and amending section 18A:20-2 of
the New Jersey Statutes.

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

1 1. Section 18A:20-2 of the New Jersey Statutes is amended to
2 read as follows:

3 18A:20-2. Purchase and sale of property in general. The board
4 of education of any district may, in and by its corporate name,
5 acquire, by purchase or lease, receive, hold, hold in trust and sell
6 and lease real estate and personal property and may take and con-
7 demn lands and other property for school purposes in the manner
8 provided by law relating to the taking and condemnation of prop-
9 erty for public purposes, subject to the restrictions provided in
10 this title.

11 *With previous approval of the board of school estimate, the*
12 *Commissioner of Education and the local finance board, the board*
13 *of education may lease property for school purposes for a term not*
14 *exceeding 40 years.*

1 2. This act shall take effect immediately.

Statement by Governor Richard J. Hughes on signing 8 education bills.

Governor Richard J. Hughes at a public ceremony today signed into law eight bills relating to education at the elementary, secondary, or college level. The bills are S-421, S-749, A-412, A-658, A-686, A-792, A-797, and A-941. Three of these were part of his emergency urban program -- S-421, providing State funds for the school lunch program; S-749, the Emergency School Building Aid Bill; and A-941, creating a series of Neighborhood Education Centers.

After the signing ceremony, the Governor released the following statement:

"The eight education bills which I have signed into law this morning will all contribute toward further improving the education available to present and future generations of students in New Jersey.

"I am particularly pleased that some of these bills will assist us in meeting the crisis which confronts us in urban education. As you well know, I am not satisfied that we as a State have met our responsibility to provide adequate and effective education for the young citizens in our urban areas. It is these young people from disadvantaged communities who have the greatest need for good schooling, and in these areas our local resources are least able to meet the need. Unless we can break the poverty cycle by upgrading the quality of education provided to these disadvantaged young people, our entire society will be seriously short-changed.

"I am hopeful that the spirit of cooperation -- which has resulted in enactment of these bills and in the submission of bond issues for vote in November -- may yet enable us to resolve our differences so that the State will respond with adequate assistance to meet the crisis in our urban schools.

"Assembly Bill No. 696 will aid in making the most effective use of all our county colleges and county-assisted colleges by providing for students from other New Jersey counties to attend these colleges under appropriate circumstances. The home county of the student will contribute to the costs of his education in the college of the other county.

"Assembly Bill No. 792 also adds to the flexibility of our county college system. This permits the formation of a county co-ordinating agency for higher education which will be able to co-ordinate county-assisted colleges and other institutions, such as technical institutions which, together, can serve the role of a county college. The co-ordinating agency will be eligible for the same financial assistance as a county college.

"Assembly Bill No. 797 extends the alternate benefits programs already available to faculty members at state institutions of higher education to faculty members at county colleges. By providing "portable pensions," this bill will aid in the recruitment of well qualified faculty members for our county colleges.

"Assembly Bill No. 951 provides a very encouraging approach to the educational needs of school drop-outs through the establishment of Neighborhood Education Centers or street academies. The basis of this exciting program is an educational strategy designed to penetrate adolescent life and to create an educational bridge leading from the streets to the school and possibly college. This program will seek to rescue the lives of the 100,000 drop-outs each year.

"I wish to commend the Legislators, the educators, the State Administrators, and all the others who contributed to the formulation and passage of these bills."

"Senate Bill No. 421 will more than double the scope of the present school lunch program in New Jersey. Last year federal aid, on the basis of four cents per lunch, made it possible to provide nutritious lunches for 64,000 New Jersey school children in 363 school districts. This bill provides state aid to bring the total State and Federal participation to nine cents per lunch. This will make it possible for additional districts to join the program, to reduce prices for those children who can afford to pay for lunch, to make more free lunches available to those children who cannot afford to pay, to improve the quality of lunches, and to obtain additional federal funds and commodities for the program in New Jersey.

"The Emergency School Building Aid Bill, Senate Bill No. 742, is one of the most important bills considered by this Legislature. Although this compromise version provides a program only half the size I had proposed, it will nevertheless contribute substantially to overcoming the shortage of school facilities in financially hand-pressed school districts. Through compromise and cooperation, the bill was passed in a final form which provides a workable approach and which will assist those districts where the need is greatest. This bill will make possible \$90 million worth of emergency school construction in districts which would be unable to finance this work themselves.

"Assembly Bill No. 111 will open the door to new methods of providing school facilities by permitting leases of space for school purposes to continue up to 40 years. It will now be feasible for builders to include school facilities within high-rise apartment or office buildings.

"Assembly Bill No. 112 will increase the availability of private loans for college students by making such loan agreements or notes signed by the student binding upon him even though he is under age. This bill extends to other loans for college students the legal effectiveness presently given to such agreements made by the State or Federal governments.