

18A:18A-16

12/7/87

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:18A-16

(School buildings-- construction
or alteration-- planning board
objections-- hearing)

CHAPTER 160

Laws Of: 1987

Bill No: S339

Sponsor(s): Ewing

Date Introduced: Pre-filed

Committee: **Assembly:** Education

Senate: Education

Amended during passage: Yes

Amendments during passage
denoted by asterisks.

Date of Passage: **Assembly:**

June 11, 1987

Senate:

June 30, 1986

Date of Approval: July 7, 1987

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

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SENATE, No. 339

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator EWING

AN ACT concerning school buildings and amending
N. J. S. 18A:18A-16.

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

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

2 18A:18A-16. Preparation and approval of plans and specifica-
3 tions for public schoolhouses. All plans and specifications for the
4 erection, alteration, improvement or repair of public schoolhouses
5 shall be drawn by or under the supervision of an appropriate officer
6 employed by the board to whom such power shall have been dele-
7 gated by the board of education.

8 No contract for the erection of any building or any part thereof
9 by any board of education of any school district shall be entered
10 into until the plans and specifications therefor have been submitted
11 to, and approved by, the State board and no change in any such
12 plans or specifications, so approved, shall be made unless the same
13 shall have been submitted to, and approved by, the State board.
14 A copy of all plans and specifications, and all changes therein, so
15 approved, shall be filed forthwith with the State board.

16 *Should a municipal planning board, acting pursuant to the pro-*
17 *visions of section 22 of P. L. 1975, c. 291 (C. 40:55D-31), recommend*
18 *against the approval of plans and specifications for the erection of*
19 *a school building or any part thereof and file notice of that recom-*
20 *mendation *within 10 days* with the ***[State board, the]*** Bureau*
21 *of Facility Planning Services of the Department of Education*
22 ****[shall conduct a public hearing on those plans and specifications]****

**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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted May 19, 1986.**

23 **for consideration during the plan review process*. The State*
24 *board shall not approve the plans and specifications until ***[**the*
25 *completion of the public hearing]* *the objections of the municipal*
26 *planning board have been considered*.*

1 2. This act shall take effect immediately.

EDUCATION — GENERAL

Requires the State Board of Education to consider municipal objections before approving school building plans.

SENATE, No. 339

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator EWING

SENATE, No. 1741

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1984

By Senator EWING

Referred to Committee on Education

AN ACT concerning school buildings and amending
N. J. S. 18A:18A-16.

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

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

2 18A:18A-16. Preparation and approval of plans and specifica-
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4 erection, alteration, improvement or repair of public schoolhouses
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6 employed by the board to whom such power shall have been dele-
7 gated by the board of education.

8 No contract for the erection of any building or any part thereof
9 by any board of education of any school district shall be entered
10 into until the plans and specifications therefor have been submitted
11 to, and approved by, the State board and no change in any such
12 plans or specifications, so approved, shall be made unless the same
13 shall have been submitted to, and approved by, the State board.
14 A copy of all plans and specifications, and all changes therein, so
15 approved, shall be filed forthwith with the State board.

16 *Should a municipal planning board, acting pursuant to the pro-*
17 *visions of section 22 of P. L. 1975, c. 291 (C. 40:55D-31), recommend*
18 *against the approval of plans and specifications for the erection of*
19 *a school building or any part thereof and file notice of that recom-*

Matter printed in italics thus is new matter.

20 *mendation with the State board, the Bureau of Facility Planning*
21 *Services of the Department of Education shall conduct a public*
22 *hearing on those plans and specifications. The State board shall*
23 *not approve the plans and specifications until the completion of the*
24 *public hearing.*

1 2. This act shall take effect immediately.

STATEMENT

This bill requires that when a municipal planning board objects to a proposal to build or alter a public school building located in the municipality, the Bureau of Facility Planning Services of the Department of Education shall conduct a public hearing on the matter before the State Board of Education may approve the proposal.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 339

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STATE OF NEW JERSEY

DATED: JUNE 4, 1987

The Assembly Education Committee favorably reports Senate Bill No. 339 (OCR).

This bill requires that when a municipal planning board objects to a proposal to build or alter a public school building located in the municipality, it must file its objections with the Bureau of Facility Planning Services of the Department of Education within 10 days. The State Board of Education would be required to hear and consider the objections of the municipality prior to approving the plans and specifications.

At present any capital project proposed by a school board must be submitted to the local planning board. The planning board is permitted 45 days to make recommendations regarding the project (C. 40:55D-31). However, neither approval of plans and specifications nor a building permit from the municipality is required (N. J. S. 18A:18A-49). Authority for approving capital projects of school districts is vested in the State Board of Education (N. J. S. 18A:18A-16), and delegated to the Bureau of Facility Planning Services within the Department of Education (N. J. A. C. 6:22-1.1).

Before the Department of Education will consider a proposed land acquisition by a board of education it requires recommendations from the planning board of the municipality in which the site is located and the planning board of the adjacent municipality if the site is along that municipality's boundary line (N. J. A. C. 6:22-1.11(f)2). However, these recommendations are not binding.

Also, final plans are filed with the construction enforcing agency of the municipality in which the school is located. This municipal agency may inspect the work and advise the local board of education or the Department of Education of any violations of the school code "or any practices which are detrimental to the health and safety of the community." Such advice is binding on the local board, but may be appealed to the department (N. J. A. C. 6:22-1.14(b)). The Bureau of Facility Planning Services also inspects the work and issues the certificate of use and occupancy (N. J. A. C. 6:22-1.22).

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 339

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 1986

The Senate Education Committee favorably reports Senate Bill No. 339 with Senate committee amendments.

As amended, this bill requires that when a municipal planning board objects to a proposal to build or alter a public school building located in the municipality, it must file its objections with the Bureau of Facility Planning Services of the Department of Education within 10 days. The State Board of Education would be required to hear and consider the objections of the municipality prior to approving the plans and specifications.

BACKGROUND:

At present any capital project proposed by a school board must be submitted to the local planning board. The planning board is permitted 45 days to make recommendations regarding the project (P. L. 1975, c. 291; C. 40:55D-31). However, neither approval of plans and specifications nor a building permit from the municipality is required (N. J. S. A. 18A:18A-49). Authority for approving capital projects of school districts is vested in the State Board of Education (N. J. S. A. 18A:18A-16), and delegated to the Bureau of Facility Planning Services within the Department of Education (N. J. A. C. 6:22-1.1).

Before the Department of Education will consider a proposed land acquisition by a board of education it requires recommendations from the planning board of the municipality in which the site is located and the planning board of the adjacent municipality if the site is along that municipality's boundary line (N. J. A. C. 6:22-1.11 (f) 2). However, these recommendations are not binding.

Also, final plans are filed with the construction enforcing agency of the municipality in which the school is located. This municipal agency may inspect the work and advise the local board of education or the Department of Education of any violations of the school code "or any practices which are detrimental to the health and safety of the community." Such advice is binding on the local board, but may be appealed to the department (N. J. A. C. 6:22-1.14 (b)). The Bureau of

Facility Planning Services also inspects the work and issues the certificate of use and occupancy (N. J. A. C. 6:22-1.22).

The committee amendments eliminate the requirement for a public hearing, and provide that the State Board of Education must consider the objections of a municipality prior to approving school plans.

This bill was pre-filed for introduction in the 1986 session pending technical review. As amended, the bill includes the changes required by technical review which has been performed.
