

18A:20-8.2

LEGISLATIVE HISTORY CHECKLIST

(School buildings and land -- unoccupied -- allow lease to any municipal board, body, or commission)

NJSA 18A:20-8.2

LAWS OF 1979

CHAPTER 47

Bill No. S3001

Sponsor(s) A. Russo and Gregorio

Date Introduced January 9, 1979

Committee: Assembly Education

Senate Education

Amended during passage

Yes

Senate Committee substitute (OCR) enacted. Amendments during passage denoted by asterisks.

Date of Passage: Assembly January 26, 1979

Senate January 18, 1979

Date of approval March 21, 1979

Following statements are attached if available:

Sponsor statement

Yes

Committee Statement: Assembly

Yes

Senate

Yes

Fiscal Note

No

Veto message

No

Message on signing

Yes

Following were printed:

Reports

No

Hearings

No

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9/1/78

1978

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SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3001

STATE OF NEW JERSEY

ADOPTED JANUARY 16, 1979

AN ACT to amend "An act concerning education and supplementing Title 18A of the New Jersey Statutes," approved July 27, 1978 (P. L. 1978, c. 91).

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

1 1. Section 1 of P. L. 1978, c. 91 (C. 18A:20-8.2) is amended to
2 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*
4A *not, or part or all of a school building,** is not necessary for school
5 purposes, but which it does not desire to dispose of for reason that
6 the property may, at some future time, again be required for school
7 purposes, it may authorize the lease thereof***[**, whether there is a
8 building thereon or not,**]*** for a term extending beyond the official
9 life of the board and said lease shall be binding upon successor
10 board as follows:

11 (1) **[a.]** After advertisement of the request for bids to lease to
12 the highest bidder in a newspaper published in the school district,
13 or, if none is published therein, then in a newspaper circulating in
14 the district in which the same is situate, at least once a week for 2
15 weeks prior to the date fixed for the receipt and opening of bids,
16 unless:

17 (2) **[b.]** The same is leased to the State, **[or]** a political sub-
18 division thereof, **another school district,* or any board, body or*
19 *commission of a municipality within the school district,* in which
20 case the same may be leased by private agreement for a nominal
21 fee without advertisement for bids.

22 *b.* Any lease in excess of 5 years shall be approved by the Com-
23 missioner of Education.

1 2. This act shall take effect immediately.

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

SENATE, No. 3001

STATE OF NEW JERSEY

INTRODUCED JANUARY 9, 1979

By Senators A. RUSSO and GREGORIO

(Without Reference)

AN ACT providing for the lease of school buildings by boards of education in certain cases and supplementing 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. Whenever any board of education of a district consisting
2 of one municipality shall by resolution determine that any school
3 building or part thereof is no longer desirable or necessary for
4 school purposes it may authorize the leasing thereof for a term
5 not to exceed 25 years for a nominal consideration, to the munici-
6 pality or any board, body or commission thereof. The president
7 and secretary of the board shall be authorized to execute and
8 deliver a lease for the same in the name and under the seal of the
9 board, which leasing may, in the discretion of the board, be made
10 subject to a condition or limitation that the premises shall be
11 used by such municipality, board, body or commission thereof for
12 public purposes, and in such case should the premises cease to be
13 used for such purposes, said lease shall thereupon be void and of
14 no effect.

1 2. This act shall take effect immediately.

STATEMENT

This bill would permit a board of education to lease, for a term not to exceed 25 years, a school building which is not needed for school purposes.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 3001

With Assembly committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 22, 1979

PROVISIONS:

Senate Committee Substitute for Senate Bill No. 3001 as amended by the Assembly Education Committee permits a board of education to lease an unused school building or part of an unused school building to a municipal governing body, another school district, or one of several other public bodies specified in the bill.

BACKGROUND:

In the wake of decreasing school enrollments many school buildings are currently underutilized and a large number have been closed. Current statutory limitations do not permit such buildings to be leased by other governmental agencies.

Many municipalities who sponsor programs for senior citizens frequently find themselves having to use substandard buildings that do not have the necessary facilities for their programs. On the other hand, many schools are currently underutilized and have such facilities as cafeterias, auditoriums, and different types of work rooms that are needed to offer quality programming for senior citizens. For example, in Union, New Jersey there is currently a Junior High School that once held 2,000 students but now is used for the instruction of approximately 900 students. The municipality would like to lease a 10,000 square foot wing of the 165,000 square foot school building from the school board to house their Senior Center. Currently, the Senior Center operates in the basement of a municipal building that is not "barrier-free," and that has neither the cafeteria facilities nor an auditorium that exists in the school facility. In instances where there are Federal funds available for renovation there needs to be a long-term lease available to make the use of such funds fiscally sound. Senate Bill No. 3001 would permit the use of such long-term leases by authorizing the Commissioner of Education to approve any lease in excess of five years.

The Assembly Education Committee strongly supports permitting school districts to lease their unused facilities to other public bodies.

SENATE EDUCATION COMMITTEE
STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3001

STATE OF NEW JERSEY

DATED: JANUARY 16, 1979

SPONSORS: Senators A. Russo and Gregorio

PROVISIONS:

The proposed legislation permits a board of education to lease a school building which is not needed for school purposes to the State, or political subdivision, or any board or body or commission of a municipality within the school district for a nominal fee.

COMMITTEE POSITION:

The Senate Education Committee favorably reports Senate Committee Substitute for Senate Bill No. 3001 which provides for a procedure for leasing school buildings which are not needed for school purposes. The committee substitute includes approval by the Commissioner of Education for any lease in excess of 5 years.

The bill also authorizes the public officer to seek a summary judgement for demolition in cases where a fire damaged or otherwise unsafe building poses an actual and immediate danger to life. In addition, the bill removes from the statutes certain outdated provisions concerning municipal ordinances relating to dangerous structures, in order to avoid any confusion or conflict.

S-1144, sponsored by Senator Eugene J. Bedell (D-Monmouth), known as "The Dental Auxiliaries Act," modernizes the laws governing licensed dental hygienists and their practice, and provides for the registration of qualified dental assistants.

This bill repeals N.J.S.A. 45:6-33 to N.J.S.A. 45:6-47, the statutes enacted in 1948, providing for the regulation of the practice of dental hygiene and the licensing of dental hygienists.

S-3001, sponsored by Senator Anthony E. Russo (D-Union), permits a board of education to lease all or part of a school building, not currently needed for school purposes, for nominal consideration and without advertisement for bids to the State, any political subdivision or school district or any board, body or commission of a municipality within the school district. Any lease in excess of five years must be approved by the Commissioner of Education.

The bill reflects the growing desire on the part of school districts experiencing enrollment declines to lease currently unneeded school property for extended terms to a greater variety of governmental entities.

A-1452, sponsored by Assemblyman Willie B. Brown (D-Essex), exempts from taxation to real and personal property of non-profit educational radio associations. Currently law exempts only education television facilities.

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