

SENATE, No. 1634

STATE OF NEW JERSEY

INTRODUCED OCTOBER 28, 1996

By Senator MacINNES

1 AN ACT concerning the payment for certain construction permit fees
2 and amending P.L.1985, c.409 and repealing P.L.1948, c.413.

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

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7 1. Section 1 of P.L.1985, c.409 (C.52:27D-126c) is amended to
8 read as follows:

9 1. [No county, municipality, or any agency or instrumentality
10 thereof shall be required to pay any municipal fee or charge in order
11 to secure a construction permit for the erection or alteration of any
12 public building or part thereof from the municipality wherein the
13 building may be located.] No erection or alteration of any public
14 building or part thereof by a county, municipality, school board, or any
15 agency or instrumentality thereof shall be subject to any fee, including
16 any surcharge or training fee, imposed by any department or agency of
17 State government pursuant to any law, or rule or regulation, except
18 that nothing contained in this section shall be interpreted as preventing
19 the imposition of a fee upon a board of education by either the
20 Department of Education for plan review or by a municipality for the
21 review of plans submitted to it pursuant to the provisions of section 12
22 of P.L.1975, c.217 (C.52:27D-130).
23 (cf: P.L.1990, c.23, s.4)

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25 2. P.L.1948, c.413 (C.40:23-6.20) is hereby repealed.

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27 3. This act shall take effect immediately.

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STATEMENT

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32 This bill removes the exemption of counties, municipalities and
33 their agencies and instrumentalities from the payment of municipal
34 fees or charges for construction permits for the erection or alteration

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.

1 of public building. The bill also repeals P.L.1948, c.413 (C.40:23-
2 6.20), which provides that no county having a population in excess of
3 400,000 inhabitants (other than a county of the first class), or the
4 board of chosen freeholders or any of its contractors, shall be required
5 to pay any municipal fee or charge for a construction permit for the
6 erection or alteration of a public building to the municipality in which
7 the building is to be located.

8 This statutory exemption from the payment of construction permit
9 fees has placed a financial burden on municipalities in which county-
10 owned buildings are being constructed, because these municipalities
11 must absorb the costs of plan review and inspection of the
12 construction without being able to be reimbursed by the county for the
13 expenses incurred during the inspection process, especially if a private
14 inspection agency is used by the municipality and charges fixed rates
15 for its services. In such a case, the municipality would have to pay a
16 cost that could not be reimbursed to it by the county, thus placing an
17 undue burden on municipal taxpayers.

18 The effect of this bill will, in the case of a county construction
19 project, spread the cost of the project to all county taxpayers, and not
20 simply the taxpayers of the municipality in which the project is located.

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25 Removes prohibition on payment for construction permits by counties
26 and municipalities.

WITHDRAWN