



Public Hearing

before

SENATE COMMUNITY AFFAIRS COMMITTEE

SENATE COMMITTEE SUBSTITUTE (1R)

for

SENATE CONCURRENT RESOLUTION Nos. 87, 26 and

ASSEMBLY CONCURRENT RESOLUTION No. 1 and

ASSEMBLY CONCURRENT RESOLUTIONS Nos. 77 and 40 (ACS)

(Proposes constitutional amendment concerning bills,
rules, regulations or orders which provide for new
or expanded programs or services by school boards,
counties or municipalities)

LOCATION: Room 319
State House
Trenton, New Jersey

DATE: May 25, 1995
9:30 a.m.

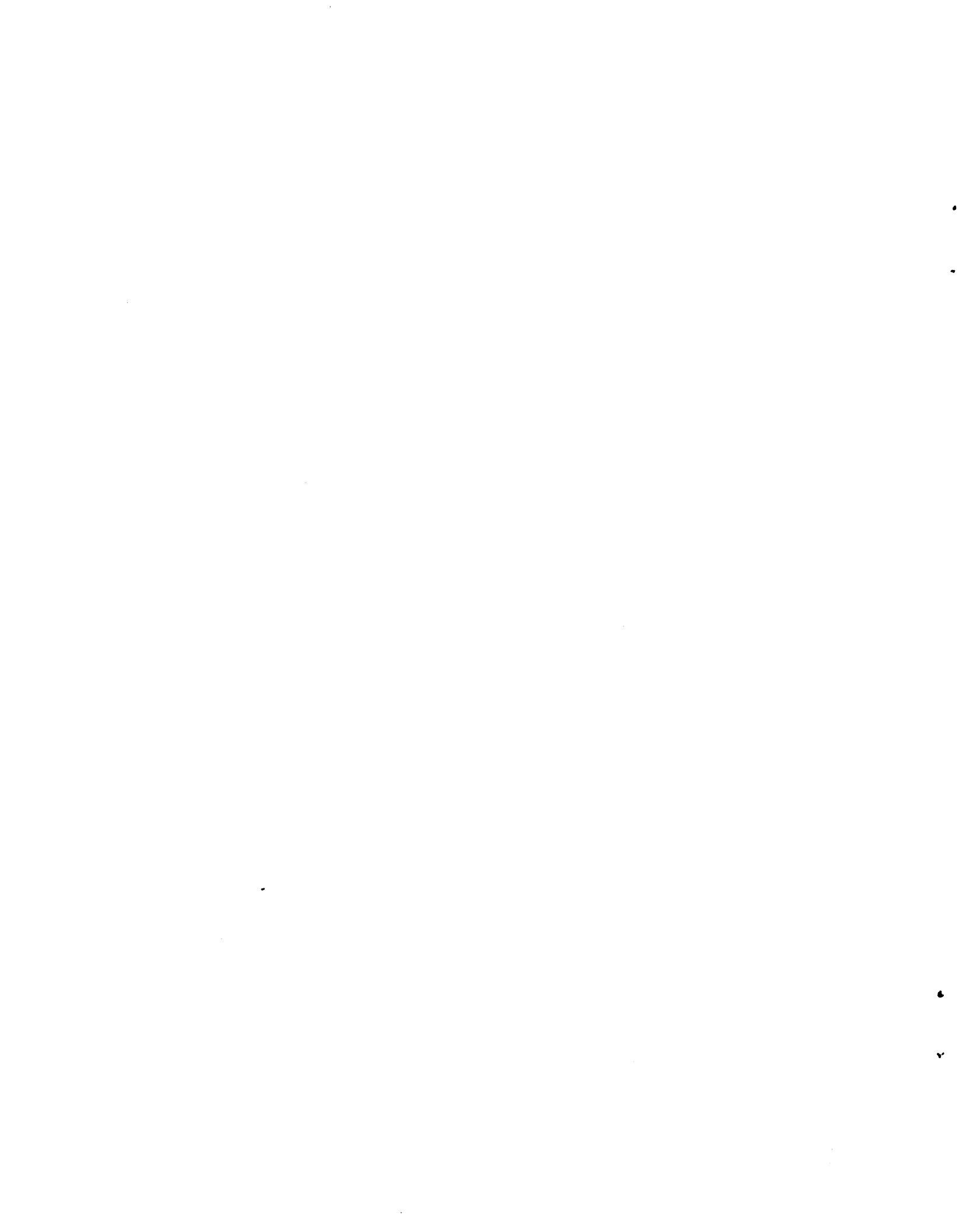
MEMBERS OF COMMITTEE PRESENT:

Senator Leonard T. Connors Jr., Chairman
Senator Joseph A. Palaia, Vice-Chairman
Senator Joseph L. Bubba
Senator John "Jack" Casey

ALSO PRESENT:

Robert C. Rothberg
Office of Legislative Services
Aide, Senate Community Affairs Committee

Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, CN 068, Trenton, New Jersey 08625



SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE CONCURRENT RESOLUTION No. 87

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 1995

The Senate Community Affairs Committee reports favorably Senate Concurrent Resolution No. 87.

This Senate Concurrent Resolution amends Article IV, section IV, paragraph 6 and Article V, section IV, paragraph 6 of the State Constitution which govern the process through which bills and joint resolutions proceed through the legislative process and the filing and publication of executive rules and regulations.

Specifically, these proposed amendments to the State Constitution provide:

(1) that no bill requiring a board of education or the governing body of a county or municipality to provide a new or expanded program or service shall be passed by either House of the Legislature until a public hearing is held and a detailed fiscal analysis is completed and made public;

(2) that the bill, if not in response to a federal government mandate, shall include an appropriation to fund the projected first-year cost as specified in the fiscal analysis;

(3) that bills, rules, regulations or orders imposing local mandates shall expire five years from the date of enactment or adoption;

(4) that no rule, regulation or order that imposes a local mandate shall take effect until at least 60 days after a detailed fiscal analysis of the rule, regulation or order in its final form has been prepared and made available for commentary;

(5) that within 60 days after such a rule, regulation or order takes effect, the State Treasurer shall pay each affected board or governing body from State appropriations for the operation of the agency promulgating the rule, regulation or order the moneys necessary to fund projected first-year costs as specified in the fiscal analysis;

(6) for the Legislature to invalidate rules, regulations and orders imposing local mandates if they have not been written in a manner allowing the program or service to be provided efficiently and with the least cost to taxpayers;

(7) for the establishment of a five-member Council on State Mandates which shall resolve any dispute concerning whether a bill, rule, regulation or order requires a board or governing body to provide a new or expanded program or service; and

(8) that any decision of the council shall be final and binding on all parties and not subject to judicial review.

This constitutional amendment shall take effect on the commencement of the first annual legislative session next following its approval by the voters.

SENATE JUDICIARY COMMITTEE
STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION Nos. 87, 26 and
ASSEMBLY CONCURRENT RESOLUTION No. 1 and
ASSEMBLY CONCURRENT RESOLUTION Nos. 77 and 40 (ACS)
STATE OF NEW JERSEY

DATED: MAY 15, 1995

The Senate Judiciary Committee reports favorably a Senate Committee Substitute for Senate Concurrent Resolution, Nos. 87 and 26 and Assembly Concurrent Resolution, Nos. 1 (1R) and 77/40 (ACS).

The committee substitute would amend the Constitution to prospectively prohibit the Legislature and Executive branches of State government from imposing unfunded mandates on boards of education, municipalities and counties. Any law or rule or regulation which is determined to be an unfunded mandate would cease to be mandatory in its effect and would expire.

Under the proposed amendment, a Council on Local Mandates would be established. This Council would be responsible for determining whether a law or rule or regulation is an unfunded mandate. The Council would consist of nine public members. Four members would be appointed by the Governor on a bipartisan basis. The President of the Senate, the Speaker of the General Assembly, the Senate minority leader, the Assembly minority leader and the Chief Justice of the Supreme Court would appoint the other five members. Decisions of the Council would be deemed political and not judicial determinations.

The proposed amendments would also establish the following six categories of laws, rules and regulations which would not be considered unfunded mandates: (1) those required by federal law; (2) those which are imposed on both government and non-government entities in the same circumstances; (3) those which revise or ease an existing mandate or which reapportion the costs of activities between local governmental entities; (4) those which stem from a failure to comply with previously enacted laws; (5) those which implement the provisions of the Constitution and (6) laws passed by 3/4 affirmative vote of the members of both the Senate and Assembly.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE
STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE CONCURRENT RESOLUTION Nos. 87, 26 and
ASSEMBLY CONCURRENT RESOLUTION No. 1 and
ASSEMBLY CONCURRENT RESOLUTION Nos. 77 and 40 (ACS)**

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 15, 1995

The Senate Budget and Appropriations Committee reports without recommendation Senate Concurrent Resolution Nos. 87 and 26 and Assembly Concurrent Resolution Nos. 1 and 77 (ACS)/40 SCS with amendments.

This concurrent resolution would amend the Constitution to prospectively limit the Legislature and executive branches of State government from imposing unfunded mandates on boards of education, municipalities and counties. Any law or rule or regulation that is determined to be an unfunded mandate would cease to be mandatory in its effect and would expire.

Under the proposed amendment, a Council on Local Mandates would be established. This council would be responsible for determining whether a law, rule or regulation is an unfunded mandate. The council would consist of nine public members. Four members would be appointed by the Governor on a bipartisan basis. The President of the Senate, the Speaker of the General Assembly, the Senate minority leader, the Assembly minority leader and the Chief Justice of the Supreme Court would appoint the other five members. Decisions of the council would not be appealable.

The proposed amendments also establish the following six categories of laws, rules and regulations that would not be considered unfunded mandates: (1) those required by federal law; (2) those imposed on both government and non-government entities in the same circumstances; (3) those that revise or ease an existing mandate or reapportion the costs of activities between local governmental entities; (4) those that stem from a failure to comply with previously enacted laws; (5) those that implement the provisions of the Constitution and (6) laws passed by 3/4 affirmative vote of the members of both the Senate and Assembly.

COMMITTEE AMENDMENTS

The committee amended the concurrent resolution to add to the interpretive statement in section 3 the six categories of laws, rules or regulations that would not be considered unfunded mandates. This interpretive statement will be printed on the ballot at the next general election when voters will have to make a decision to approve or disapprove the constitutional amendment. The committee also made some technical corrections.

FISCAL IMPACT

This concurrent resolution has not been certified as requiring a fiscal note.

[FIRST REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION Nos. 87, 26 and
ASSEMBLY CONCURRENT RESOLUTION No. 1 and
ASSEMBLY CONCURRENT RESOLUTION Nos. 77 and 40 (ACS)

STATE OF NEW JERSEY

ADOPTED MAY 15, 1995

Sponsored by Senator DiFRANCESCO, Assemblyman HAYTAIAN, Senator Connors, Assemblyman Rocco, Senator Gormley, Assemblyman Geist, Senator Cafiero, Assemblyman Solomon, Senator Bassano, Assemblyman Connors, Senator Matheussen, Assemblyman Williams, Senator Palaia, Assemblyman Gibson, Senator Kosco, Assemblyman Zecker, Senator Cardinale, Assemblyman Moran, Senator Martin, Assemblyman Felice, Senator Singer, Assemblywoman Crecco, Senator Haines, Assemblywoman Ogden, Senators Bubba, Lesniak, Assemblywoman Vandervalk, Senator LaRossa, Assemblyman Bateman, Senator Rice, Assemblyman Cottrell, Senator Scott, Assemblyman Collins, Senator McNamara, Assemblyman Malone, Senator Casey, Assemblyman DeCroce, Senator Kyrillos, Assemblyman Kramer, Senator Singer, Assemblyman Mikulak, Senator Girgenti, Assemblyman Azzolina, Senator Ciesla, Assemblywoman Murphy, Senator Littell, Assemblywoman Smith, Senator Inverso, Assemblyman DiGaetano, Senator Zane, Assemblyman Gregg, Senator McGreevey, Assemblywoman Heck, Senator Bennett, Assemblyman Kelly, Senator Adler, Assemblyman Roma, Senators O'Connor, Lipman, and Sacco

1 **A CONCURRENT RESOLUTION** proposing to amend Article VIII,
2 Section II of the Constitution of the State of New Jersey.

3
4 **WHEREAS**, The State Constitution, adopted in 1947, has allowed
5 the Legislative and Executive branches of State government to
6 impose mandates on local governments and boards of education
7 without sufficient regard to the increased burden such
8 mandates place on the property taxpayers of the State; and

9 **WHEREAS**, This practice of requiring local officials to implement
10 new or expanded activities without access to other sources of
11 revenue has resulted in increasingly burdensome property tax
12 levies throughout the State; and

13 **WHEREAS**, In response to the decades-long practice of imposing
14 unfunded mandates from Trenton, local officials have
15 repeatedly petitioned the Legislature for a constitutional
16 mechanism to protect them from the cost of additional
17 mandates and property tax burdens; and

18 **WHEREAS**, The Legislature has determined that the most
19 effective way of curtailing the practice of imposing the costs
20 of new mandates on property taxpayers is to submit a
21 constitutional amendment to the people that places limits on
22 the ability of the Legislative and Executive Branches to impose
23 such mandates on boards of education, and municipal and
24 county governments and that, at the same time, recognizes
25 that in order to govern effectively, the Legislative and
26 Executive branches must reserve the right to determine the

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
Senate SBA committee amendments adopted May 15, 1995.

1 most equitable basis for funding local services in ways that will
2 not impair the ability of the State to act in the public interest;
3 and

4 WHEREAS, The Legislature has determined that the appropriate
5 constitutional remedy is one that prohibits the Legislative and
6 Executive Branches from imposing unfunded mandates,
7 establishes a Council on Local Mandates to determine whether
8 an unfunded mandate has been imposed, nullifies any such
9 mandates determined to be unfunded and makes specific
10 limited exceptions; now, therefore,

11
12 BE IT RESOLVED *by the Senate of the State of New Jersey*
13 *(the General Assembly concurring):*

14 1. The following proposed amendment to the Constitution of
15 the State of New Jersey is agreed to:

16
17 PROPOSED AMENDMENT

18
19 Amend Article VIII, Section II of the Constitution by the
20 addition of the following paragraph:

21 5. (a) With respect to any provision of a law enacted ¹on and¹
22 after January 17, 1996, and with respect to any rule or regulation
23 issued pursuant to a law originally adopted after July 1, 1996, and
24 except as otherwise provided herein, any provision of such law, or
25 of such rule or regulation issued pursuant to a law, which is
26 determined in accordance with this ¹[section] paragraph¹ to be an
27 unfunded mandate upon boards of education, counties, or
28 municipalities because it does not authorize resources, other than
29 the property tax, to offset the additional direct expenditures
30 required for the implementation of the law or rule or regulation,
31 shall, upon such determination cease to be mandatory in its
32 effect and expire. A law or rule or regulation issued pursuant to
33 a law that is determined to be an unfunded mandate shall not be
34 considered to establish a standard of care for the purpose of civil
35 liability.

36 (b) The Legislature shall create by law a Council on Local
37 Mandates. The Council shall resolve any dispute regarding
38 whether a law or rule or regulation issued pursuant to a law
39 constitutes an unfunded mandate. The Council shall consist of
40 nine public members appointed as follows: four members to be
41 appointed by the Governor; one member to be appointed by the
42 President of the Senate; one member to be appointed by the
43 Speaker of the General Assembly; one member to be appointed by
44 the minority leader of the Senate; one member to be appointed by
45 the minority leader of the General Assembly; and one member to
46 be appointed by the Chief Justice of the New Jersey Supreme
47 Court. Of the members appointed by the Governor, at least two
48 shall be appointed from a list of six willing nominees submitted
49 by the chairman of the political party whose candidate for
50 Governor received the second largest number of votes at the
51 most recent gubernatorial general election. The decisions of the
52 Council shall be political and not judicial determinations.

53 (c) Notwithstanding anything in this ¹[section] paragraph¹ to
54 the contrary, the following categories of laws or rules or

1 regulations issued pursuant to a law, shall not be considered
2 unfunded mandates:

3 (1) those which are required to comply with federal laws or
4 rules or to meet eligibility standards for federal entitlements;

5 (2) those which are imposed on both government and
6 non-government entities in the same or substantially similar
7 circumstances;

8 (3) those which repeal, revise or ease an existing requirement
9 or mandate or which reapportion the costs of activities between
10 boards of education, counties, and municipalities;

11 (4) those which stem from failure to comply with previously
12 enacted laws or rules or regulations issued pursuant to a law;

13 (5) those which implement the provisions of this Constitution;
14 and

15 (6) laws which are enacted after a public hearing, held after
16 public notice that unfunded mandates will be considered, for
17 which a fiscal analysis is available at the time of the public
18 hearing and which, in addition to complying with all other
19 constitutional requirements with regard to the enactment of
20 laws, are passed by 3/4 affirmative vote of the members of each
21 House of the Legislature.

22 2. When this proposed amendment to the Constitution is finally
23 agreed to pursuant to Article IX, paragraph 1 of the Constitution,
24 it shall be submitted to the people at the next general election
25 occurring more than three months after the final agreement and
26 shall be published at least once in at least one newspaper of each
27 county designated by the President of the Senate, the Speaker of
28 the General Assembly and the Secretary of State, not less than
29 three months prior to the general election.

30 3. This proposed amendment to the Constitution shall be
31 submitted to the people at that election in the following manner
32 and form:

33 There shall be printed on each official ballot to be used at the
34 general election, the following:

35 a. In every municipality in which voting machines are not used,
36 a legend which shall immediately precede the question, as follows:

37 If you favor the proposition printed below make a cross (X),
38 plus (+) or check (/) in the square opposite the word "Yes." If you
39 are opposed thereto make a cross (X), plus (+) or check (/) in the
40 square opposite the word "No."

41 b. In every municipality the following question:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66

CONSTITUTIONAL AMENDMENT CONCERNING
LAWS, RULES OR REGULATIONS WHICH
PROVIDE FOR NEW OR EXPANDED
PROGRAMS OR SERVICES BY SCHOOL
BOARDS, COUNTIES OR MUNICIPALITIES

YES. Shall the amendment of Article VIII, Section II of the State Constitution, agreed to by the Legislature, which:
(1) prospectively prohibits the Legislative and Executive Branches from imposing unfunded mandates; (2) establishes a Council on Local Mandates to determine whether an unfunded mandate has been imposed; (3) nullifies any such mandates determined to be unfunded; and (4) makes six specific limited exceptions, be approved?

INTERPRETIVE STATEMENT

NO. This amendment is intended to prevent the Legislative and Executive branches of State government from forcing local governments and boards of education to implement many new or expanded programs, unless those programs are accompanied by the means to pay for them. It would do this by providing that laws, rules and regulations would cease to exist if those laws, rules or regulations are determined to be unfunded mandates imposed on boards of education, counties and municipalities. The amendment creates a bipartisan Council on Local Mandates that would determine whether a State law, rule or regulation imposes an unfunded mandate on local governments. Any law, rule or regulation which is declared to be an unfunded mandate by the Council would cease to exist and expire. The decisions of the Council shall be final and not subject to judicial review. The amendment would not apply to ¹[limited categories of laws, rules and regulations] (1) federally required mandates or entitlement eligibility standards, (2) mandates equally imposed on the public and private sector, (3) reducing mandates or shifting of mandates among boards of education, municipalities or counties that were not previously the responsibility of the State government, (4) mandates that address the failure to comply with previously enacted laws, rules or regulations, (5) mandates that implement provisions of the State Constitution, and (6) mandates imposed by laws passed by 3/4 majority vote of both houses of the Legislature after a public hearing at which a fiscal analysis is available¹.

Proposes constitutional amendment concerning laws and rules or regulations which provide for new or expanded programs or services by school boards, counties or municipalities.



LEONARD T. CONNORS, JR.
Chairman

JOSEPH A. PALAIA
Vice-Chairman

JOSEPH L. BUBBA
JOHN "JACK" CASEY
JAMES E. MCGREEVEY

New Jersey State Legislature
SENATE COMMUNITY AFFAIRS COMMITTEE
LEGISLATIVE OFFICE BUILDING, CN-068
TRENTON, NJ 08625-0068
(609) 292-1596

**COMMITTEE NOTICE
AND
PUBLIC HEARING NOTICE**

The Senate Community Affairs Committee will hold a public hearing on the following resolution:

SCR87/26/ ACR1/ ACR77/40 (ACS) (SCS/1R) DiFrancesco/ L.Connors	Proposes constitutional amendment concerning bills, rules, regulations or orders which provide for new or expanded programs or services by school boards, counties or municipalities.
-------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The hearing will be held on **Thursday, May 25, 1995 at 9:30 AM in Room 319, State House, Trenton, New Jersey**. This hearing has been ordered by the Senate under Rule 166 of the Rules of the Senate and in compliance with the requirements of Article IX, paragraph 1 of the State Constitution concerning constitutional amendments.

Following the public hearing the committee will hold a committee meeting to consider:

S-1607 Kyrillos	Authorizes municipality to fund school busing for safety reasons and excludes cost from municipal budget cap.
A-1514 (2R) Azzolina/Wolfe	Authorizes municipality to fund school busing for safety reasons and excludes cost from municipal budget cap.

The public may address comments and questions to Robert Rothberg, Committee Aide, or make bill status and scheduling inquiries to Melinda Friedman, secretary, at (609) 292-1596. Those persons presenting written testimony should provide 10 copies to the committee on the day of the hearing.

Assistive listening devices available upon 24 hours prior notice to the committee aide(s) listed above

Issued 05/19/95

TABLE OF CONTENTS

	<u>Page</u>
William G. Dressel Jr. Assistant Executive Director New Jersey State League of Municipalities	1
Paul Matacera Mayor North Brunswick, New Jersey, and Past President New Jersey State League of Municipalities	1
Lorelei Mottese New Jersey Conference of Mayors Former Mayor Borough of Lincoln Park, New Jersey	7
Edwina M. Lee Assistant Executive Director/Advocacy New Jersey School Boards Association	9
Lynne Strickland Director of Research and Education Policy Analysis Garden State Coalition of Schools	10

APPENDIX:

Statement, attachments, and editorials submitted by William G. Dressel Jr	1x
Statement submitted by Edwina M. Lee	22x
Statement and attachments submitted by Lynne Strickland	24x
Statement submitted by Harriet Derman Commissioner New Jersey Department of Community Affairs	32x
Statement submitted by New Jersey Association of Counties	34x

TABLE OF CONTENTS (continued)

APPENDIX (continued):

	<u>Page</u>
Statement submitted by Robert Reiher Mayor West Caldwell, New Jersey, and President New Jersey State League of Municipalities	35x
Statement and articles submitted by Frederick J. Dressel Mayor Moonachie, New Jersey, and Immediate Past President New Jersey State League of Municipalities	37x
Statement submitted by New Jersey Education Association	62x

hw: 1-15

* * * * *

SENATOR LEONARD T. CONNORS JR. (Chairman): Now we'll swing right into the public hearing on SCR-87/26, ACR-1, ACR-77/40, and Assembly Committee substitute and Senate Committee substitute bill for those bills. That is essentially what we are going to be doing, right?

MR. ROTHBERG (Committee Aide): That's correct.

SENATOR CONNORS: These bills propose a constitutional amendment concerning bills, rules, regulations, and orders which provide for new or expanded programs or services by school boards, counties, or municipalities. There have been amendments to these various bills. We're going to have a Committee substitute today, if everybody agrees to it after this hearing, and that is what the proposal of the Committee is.

The Budget and Appropriations Committee has passed out the substitute and the amendment, so we are just going to have the hearing on that today.

The first persons who we will take are Mayor Matacera and Bill Dressel, the League of Municipalities.

Mayor, Bill, you have the floor.

WILLIAM G. DRESSEL JR.: Thank you.

MAYOR PAUL MATACERA: Senator, thank you very much.

Good morning, members of the Committee. My name is Paul Matacera, and I am the Mayor of the Township of North Brunswick, and I am a past president of the New Jersey State League of Municipalities.

On behalf of myself today, and on behalf of the 567 mayors of our State and over 4000 elected municipal elected officials

who serve their fellow citizens in our 567 cities, towns, townships, boroughs, and villages, and most importantly, on behalf of our overburdened property taxpayers, thank you for leading the fight for this commonsense initiative.

The League has long been an advocate of an amendment to our State Constitution which would limit the imposition of unfunded State mandates. It is our position that unfunded State mandates separate responsibility from accountability. They allow State level officers to take credit for addressing a problem, real or perceived, without having to even consider the solution's cost. Meanwhile, local officials are forced to implement the State's dictates. The public inevitably holds local officials accountable for any tax increases necessitated by the mandate, as well as for the mandated solution's effectiveness.

Such an amendment would, for the first time, force the State Legislature and the bureaucracy to consider the costs, as well as the envisioned benefits, of a mandate. Not only will property taxes be kept down, but the number of new laws would be reduced, and our taxpaying citizens would know who to hold accountable for, at least, the costs of these mandates.

Now, at long last, and for the first time, the Assembly Speaker, the Governor, and the President of the Senate have gone on record in support of just such a proposal.

Before I continue, I want to take this opportunity to praise and to thank those who worked so hard for so long to keep this issue alive. They have built for it the momentum that has carried us this far. Speaker Haytaian and Assemblyman Geist offered us the best protection that the political climate of the times allowed. Their efforts changed that climate. They have

embraced the SCS for SCR-87, and I want them to know that they have already earned our eternal gratitude and our infinite respect.

We, likewise, thank the Senate President and the Minority Leader for the encouragement that they have given and for the resources that they have expended in this battle.

We also salute the Governor for her articulate advocacy of the constitutional approach to solving the problem of unfunded mandates.

Finally, we want to thank the members and the staff of the Community Affairs Committee. You have worked together to relieve our taxpayers, present and future, of the costs of unfunded mandates. You have put your partisan differences aside, and when the history of this constitutional amendment is written, the names of Casey, Connors, Palaia, McGreevey, and Bubba will forever be linked. Together, you merit our gratitude, and together, you will be given a large share of the credit for the eventual success of this endeavor.

The proposal before you is the product of intensive discussions among the Governor's Office, the Senate President's staff, the School Boards Association, the Association of Counties, and the League of Municipalities. It represents a middle ground between ACR-1, which the Senate had problems with because it did not go far enough to limit future unfunded mandates, and SCR-87, which the administration felt went too far.

Absent this amendment, unfunded mandates will continue to separate responsibility from accountability. Local officials will be forced to implement even more of the State's dictates, and the burden borne by our beleaguered property taxpayers will

grow ever more severe, despite the best efforts of local budget makers to streamline and economize.

Some legislators may object to the creation of the Council on Local Mandates. But the alternative dispute resolution process would be to submit all controversies concerning unfunded mandates to the courts. The long and costly litigation which would inevitably ensue would force two levels of government to waste precious public dollars in adversarial proceedings, when they should instead be doing all that they can to cooperate in serving the citizenry.

And while it is true that the Legislature and the executive branch would be ceding some power to the Council, any change in the status quo, any movement toward a constitutional protection against unfunded mandates, must give the voters the opportunity to transfer the power to define unfunded mandates from those institutions which have historically taken the lead in imposing unfunded mandates.

A State pay for State mandates amendment which does not take some powers, powers which we believe have been abused in the past, from the Legislature and the administration, is not worth the paper it is written on.

The other objection that could be raised relates to exceptions to the general rule, which nullifies unfunded mandates. And on this, we ask you to remember that the SCS for SCR-87 is a compromise.

ACR-1, which was unacceptable to the Senate because it did not provide sufficient protection against unfunded mandates, allowed a two-thirds vote of each House on any bill to overcome the prohibition of unfunded mandates. The original version of

SCR-87, which was unacceptable to the administration because it did not provide sufficient flexibility for an expeditious State response to an unforeseen emergency, would have excepted only Federal mandates from the prohibition.

The SCS for SCR-87, et al. specifies five possible instances when a simple majority vote in each House could impose an unfunded mandate. It gives the administration the right to impose an unfunded mandate in any of those five instances, and, as a last resort, it gives the Legislature yet another route by which to impose an unfunded mandate, that being the three-fourths option.

This is a reasonable compromise. We can see no further reason to delay action on this proposal.

We know that all who truly believe that our property taxpayers need and deserve this protection will do all that they can to get this proposal to the voters on November 7, 1995.

Mr. Chairman, Mr. Dressel and I are here to answer any questions, and I thank you for this opportunity to be before you.

SENATOR CONNORS: Thank you, Mayor.

Mr. Dressel?

MR. DRESSEL: Mr. Chairman, if I may, just a couple of brief comments.

First of all, we cannot overstate the cooperation -- the excellent cooperation we received from your staff and the Senate Majority staff and from the administration in putting this together, along with the yeoman efforts of the New Jersey School Boards Association and the New Jersey Association of Counties. We would not have been able to forge this, what we truly believe to be a reasonable compromise. We think it is workable. We

think, for the first time, we are on the cutting edge of having a question placed before the electorate in November, something that this organization -- the League of Municipalities -- has worked for, for over 30 years. In fact, we have worked for it for so long that the whole principle of State mandate/State pay is part of our legislative bylaws. We will oppose any legislation which mandates or foists a cost onto local government for a new service or for the expansion of an existing program or service.

So we have come a long way, and, Mr. Chairman, at times when we are in a situation where we are working together in a collaborative effort to put together meaningful legislation like this, it's important that we advise our membership. As part of the official record, we're going to submit for the official record and for you today, copies of letters that we have sent to every mayor -- the chief executive officer -- of every municipality in the State, our membership, indicating exactly what that compromise that we struck with the administration and with the Senate on this particular bill -- all the provisions of it -- we explain the differences between ACR-1, between SCR-87. We think it is important, not only for our membership, but for the State and for the public record to have copies of that correspondence, the fact that we are working in a good effort -- well-meaning effort -- to put forth legislation which is good for the elected officials we serve and for the taxpaying public.

So, Mr. Chairman, thank you very much. Again, thank you for allowing us to testify. We will work with you in any way we can to get this on the ballot in November. Thank you.

SENATOR CONNORS: Thank you, Mayor and Mr. Dressel.

Do any members of the Committee have any questions with regard to this issue to the Mayor and Mr. Dressel, from the League. (no response)

MAYOR MATAcera: Senator, gentlemen, thank you very much. We appreciate it.

SENATOR CONNORS: Thank you.

I think we ought to, at least for the record, note that Commissioner Derman has sent a letter -- a note -- to the Committee in support of this bill, and have that introduced into the record. And while we are at it, the New Jersey Association of Counties has given us a position statement which is in favor of the bill. They are unable to testify here this morning. We will incorporate those into the record.

The next person wishing to speak is Lorelei Mottese, from the New Jersey Conference of Mayors.

Ms. Mottese?

L O R E L E I M O T T E S E: Good morning, Mr. Chairman and members of the Committee. My name is Lorelei Mottese, former Mayor of the Borough of Lincoln Park, Morris County -- an hour and forty-five minutes away on a good day -- and past vice president, New Jersey Conference of Mayors. I proudly come before you now as a legislative agent for the New Jersey Conference of Mayors.

Lincoln Park and the New Jersey Conference of Mayors have long been ardent supporters of State mandate/State pay. As a matter of fact, a year ago almost to the day, Mr. Chairman, I was before you as the Mayor of Lincoln Park testifying on behalf of State mandate/State pay.

In fact, my records indicate that I go back further than that. I testified before Chairman Franks' Policy and Rules Committee on February 27, 1992. I know you have been at it longer than that, but I've got at least three years under my belt on it.

But that seems like yesterday. Yesterday was when we needed passage of this crucial legislation.

Our municipalities continually seek to reduce taxes by implementing cost savings measures. Entering interlocal agreements with sister municipalities provides substantial savings. In Lincoln Park's case, it was substantial savings. Cooperative purchasing and working with the local boards of education have provided additional savings. However, State imposed programs have created a drain upon the financial coffers of our municipalities and, indeed, hindered our ability to address specific concerns of our respective communities.

Local government officials and State legislators must continue to work together to assist our taxpayers with relief rather than pointing fingers and placing blame, which seems to be the way our society goes today. This legislation goes a long way to achieve that purpose.

As you know, a major portion of our budgets include State and federally mandated costs, over which we have no control. The public does not want to hear about constraints that are imposed upon our mayors. They demand services provided in the most cost-effective manner and, of course, at the lowest possible tax rate.

We commend you, Mr. Chairman, for your dedication to the needs and concerns of our municipalities. As a longtime mayor,

we know you are sensitive to the dilemma we face every year as we try to do more with less.

The New Jersey Conference of Mayors wishes to go on record once again supporting SCR-87, State mandate/State pay, and urge all members of our Legislature, including the Governor (sic) to vote for swift passage of this important legislation.

Thank you very much.

SENATOR CONNORS: Thank you.

Do any of the Senators have any questions for the former mayor. (no response)

Thank you very much.

The next person wishing to testify is Edwina Lee, from the New Jersey School Boards Association.

EDWINA M. LEE: Good morning, Mr. Chairman and members of the Committee. I'm here just to give visible and vocal evidence of the School Boards Association's support and endorsement of the efforts regarding the State mandate/State pay amendment.

You have before you my testimony. In the interests of time, I won't read it. I thank you for giving us the opportunity to also add our endorsement, and I urge release and passage of SCR Committee Substitute 87.

Thank you. I'll answer any questions, if there are any.

SENATOR CONNORS: Are there any questions? (no response)

Apparently, being no questions, unless someone else wishes to speak-- Is there anyone here who hasn't filed a slip with us and would like to speak? (affirmative response from audience)

Would you fill out a slip at the time you finish your testimony.

L Y N N E S T R I C K L A N D: Sure.

SENATOR CONNORS: Your name, please.

MS. STRICKLAND: I just arrived from the Bergen County area.

My name is Lynne Strickland, and I am Director of Garden State Coalition of Schools. Our group has been up and going for three years, and one of our original priorities was State mandate. We've been supportive of this concept all along. We testified in front of your Committee last fall, as well. So I'm not going to reiterate or take up your time. I'll hand out my testimony.

I did want to point out just one working example of a State mandate situation that gets a little difficult to control. I'm going to take this from our testimony in front of a budget and appropriations committee last week. It's the impact of unfunded mandates. There is a section that I have got that's included, as well, in the little packet you're going to get.

The mandate of special education is a working example of a well-intended State-imposed program becoming overregulated and underfunded. A recent article in The Star-Ledger, just a few weeks ago, states that New Jersey has 16 different special education classifications for school-age children, while the national rate is 10. The article reports that if New Jersey classified at the national rate, "43,175 fewer students would have been classified." We are not saying that these classifications are not necessary or good, by any means, but we do think a few points can be inferred from these statistics. One is that New Jersey may have the highest cost for special education in the country, promulgated in part by State mandates

and regulations. This can be a contributing factor regarding the high cost of educating students in our State.

You should also be aware of the fact that in the I and J districts, the cost for special education that is not funded by the State in State aid is picked up through the local tax levy and/or in reduced programs for other students. Garden State surveys indicate that special education aid to our districts is underfunded by approximately 50 percent to 60 percent. At the same time, Garden State special education student enrollments have grown by approximately 15 percent. Unaided, yet mandated, special education costs are part of the local property tax requirements and result in raising the I and J average costs -- bearing in mind that I and J districts are at the high end of the socioeconomic scale, are generally transition aid districts -- and they fund their own education locally 90 percent to 95 percent, the majority of these districts, thus raising the amount of money necessary to bring special needs districts to parity. It kind of skews the average up, because special education requirements leak into the local levy budget.

That really was the one main point I wanted to make. We urge you to release the Senate substitute and are encouraged that the Senate and the Assembly have struck a consensus, and the Governor, and the public is awaiting the chance to vote on this in November.

Thank you.

SENATOR CONNORS: We thank you, and you'll fill out a slip for us.

MS. STRICKLAND: I'll fill out a slip for you.

SENATOR CONNORS: Is there anyone else wishing to speak on this issue? (no response)

There apparently being no further comments on this, I would just like to make a couple of comments as Chairman of the Committee, and I'm sure that the other Senators may wish to comment also.

It has been a long road. This has been a hell of a pull. Down through the years, State mandate/State pay has always been something that has been talked about. There are some folks who are not particularly pleased with some of the reasons that have been put in here for the legislation; however, having the Governor on board, having the Senate President on board, having the Speaker of the House on board and having the Legislature now in accordance with State mandates and limiting State mandates to a degree, now creates, in my view, the foundation that is going to be the beginning of the end of higher property taxes mandated by the State. I think this is important.

This is certainly not a criticism of past Legislatures that have handed down these mandates, but the plain fact of the matter is, when they come unfunded, it finds its way to the backs of the property taxpayers in municipal and county taxes.

So I look at it as the foundation for the beginning of a reduction in taxes over the years, and legislators will have to be a little more prudent. Unless they are handed down from the Federal government, those mandates are not going to find their way -- and other areas -- they are not going to find their way to the backs of the property taxpayers.

I am very well pleased. I am pleased to be part of the process. I know the Committee feels that way about it, and we are now starting to see a dawn coming, and it looks like everybody is on board and the train is leaving the station. So I certainly want to say that we're very much pleased for the people who have taken their time to come out here this morning and back this bill and move it on its way on its final journey through the Legislature and onto the ballot in November.

Senator Bubba, do you have anything you would like to comment on?

SENATOR BUBBA: I've thought long and hard about this particular version of this bill. There is no question that we need State mandate/State pay. There is the potential, I believe, in this bill or any other bill that deals with State mandates, that there is the possibility for a mistake. In other words, there may be a mandate someday that we want to press for the State of New Jersey for whatever reason, and maybe we don't have the funding for it. Maybe we will have to take up that measure at that time.

Up until now, I think we have made it too easy for the State government to impose its will on municipalities. This bill, I think, puts the brakes on it. If there is any change that has to be made, then we can do that in the future, but I'm prepared to support this bill.

SENATOR CONNORS: Thank you.

Senator Casey, do you have any comments?

SENATOR CASEY: Yes. First of all, I commend the Chairman and my friends on the other side of the aisle. The only question

I do have, the Chairman and myself back in October of last year, did a lot of press releases on the S-7 bill, which is also a mandate bill. We seem to have some problems between the two Houses. Again, I am going to support this bill, but I just hope we can continue as both sides of this aisle to do two things: not only to push this bill, but to bring S-7 back on the table because it got a lot of press coverage, but we are nowhere -- that is existing mandates -- helping local municipalities.

So, again, I hope it's not a lot of gibberish. The people on this Committee, I agree with. But I hope, as the Majority side of the aisle, we can get the other House to bring S-7 up, not only for future mandates but existing mandates.

SENATOR CONNORS: As a sponsor of the bill, along with you--

SENATOR CASEY: Yes.

SENATOR CONNORS: --I'm pushing just as hard as you to get S-7 moved. The rumor has it -- and of course, this is a great big rumor mill here, anyway--

SENATOR CASEY: Well, we only read in the paper.

SENATOR CONNORS: The rumor has it that this bill may finally start to move, that the brakes will come off, and that the special interest groups will not have their way, and the property taxpayers will be given the advantage of having the removal of those mandates.

I am certainly going to move to that end, and I'm hopeful that it will occur in a very short period of time.

SENATOR CASEY: I appreciate that, and my side of the aisle will be moving everything we can to get this thing moving.

So, again, I'm going to support this bill. I like it, and I commend you again, but I think there is a second bill sitting out there that will be just as valuable to municipalities.

SENATOR CONNORS: Boy, this is a regular love in. Both sides of the aisle agreeing, the Governor's Office agreeing with the Legislature, the Legislature agreeing with the Governor--

SENATOR CASEY: Well, I don't want to go too far now. I just said the other side of the aisle.

SENATOR CONNORS: We'll fight over something else, but not this one. We're committed to it.

SENATOR CASEY: Because when it comes on the floor, I cannot vote, but now-- I appreciate it. Thank you, Mr. Chairman.

SENATOR CONNORS: It's great to be part of the system.

That concludes our session here this morning. Thank you, again, for coming.

(HEARING CONCLUDED)

APPENDIX

Legislative Viewpoint



JOHN E. TRAFFORD, Executive Director
WILLIAM G. DRESSEL, JR., Asst. Executive Director
JON R. MORAN, Senior Legislative Analyst
CHRISTOPHER CAREW, Legislative Analyst
HELEN YELDELL, Legislative Analyst

May 18, 1995

Re: SCR-87 on State Pay for
State Mandates

Dear Senator:

The League of Municipalities enthusiastically supports the SCS for SCR-87, et al., which would allow the voters to amend their Constitution to prohibit most future unfunded state mandates.

This proposal is based on the simple premise that each level of government should have the integrity to fund its own programs. As Senate President DiFrancesco has said, "By demanding greater accountability, everyone in State government will be forced to administer, legislate and regulate more carefully and effectively. And as it should be, it will be the taxpayers who will benefit the most."

Absent this amendment, unfunded mandates will continue to separate responsibility from accountability. State level officers will continue to take the credit for addressing a problem (real or perceived), without having to ever consider the solution's cost. Local officials will be forced to implement even more of the State's dictates. And the burden borne by our beleaguered property taxpayers will grow ever more severe, despite the best efforts of local budget makers to streamline and economize.

Some legislators may object to the creation of the Council on Local Mandates. But the alternative dispute resolution process would be to submit all controversies concerning unfunded mandates to the courts. The long and costly litigation which would inevitably ensue would force two levels of government to waste precious public dollars in adversarial proceedings, when they should instead be doing all that they can to cooperate in serving the citizenry.

Any costs associated with the Council's work would be dwarfed by the costs of that alternative.

And, while its true that the Legislature and the Executive Branch would be ceding some power to the Council; any change in the status quo -- any movement toward a Constitutional protection against unfunded mandates -- must give the voters the opportunity to transfer the power to define unfunded mandates from those institutions which have, historically, taken the lead in imposing unfunded mandates.

A "State Pay for State Mandates" amendment which does not take some powers -- powers which we believe have been abused, in the past -- from the Legislature and the Administration is not worth the paper it is written on.

(over) LX

The other objection that could be raised relates to exceptions to the general rule, which nullifies unfunded mandates. And on this, we ask you to remember that the SCS for SCR-87 is a compromise.

ACR-1 (which was unacceptable to the Senate, because it did not provide sufficient protection against unfunded mandates) allowed a two-thirds vote of each House, on any bill, to overcome the prohibition of unfunded mandates. The original version of SCR-87 (which was unacceptable to the Administration, because it did not provide sufficient flexibility for an expeditious state response to an unforeseen emergency) would have excepted only federal mandates from the prohibition.

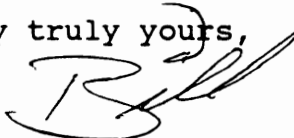
The SCS for SCR-87, et al. specifies five possible instances when a simple majority vote in each House could impose an unfunded mandate. It gives the Administration the right to impose an unfunded mandate in any of those five instances. And, as a last resort, it gives the Legislature yet another route by which to impose an unfunded mandate -- that being, the three-fourths option.

All those sincerely interested in giving our citizens the chance to vote on a "State Pay for State Mandates" question have worked long and hard on this compromise. It is a good deal for the people who we represent. And it is a great deal for the property taxpaying citizens who gave them their public trust.

Please, support the SCS for SCR-87. Let the voters speak their will on this on Tuesday, November 7, 1995.

Thank you.

Very truly yours,



William G. Dressel, Jr.
Assistant Executive Director

WGD:jg
Enc. Trenton Times Editorial

2x



407 WEST STATE STREET, TRENTON, N.J. 08618 :: (609) 695-3481
JOHN E. TRAFFORD, *Executive Director* WILLIAM G. DRESSEL, JR., *Asst. Executive Director*

Memorandum

To: Members of the Community Affairs Committee

From: William G. Dressel, Jr.
Assistant Executive Director

Date: May 25, 1995

Subject: Sampling of State Mandates

In an effort to provide information on state mandates on municipal governments, specifically, the types of mandates and their cost, the League conducted a mandates survey among its members. Attached is a copy of the results.

The League has identified several state mandates that have imposed substantial costs on municipal governments. Our survey was sent to all 567 municipalities with a request for costs incurred in relation to each mandate for the years 1991, 1992, 1993 and 1994. From the sample we received, which includes state-wide data from rural, suburban, and urban municipalities of all sizes, we have extrapolated that state imposed mandates cost New Jersey municipalities a minimum of 145,958,910 (adjusted) a year.

Again, this only represents a selected sampling of state mandates and the information illustrates the need for advocating a state mandate state pay constitutional amendment.

We are hopeful that this information will be helpful in understanding the cost implications of mandate costs on the local property taxpayer.

3x

NEW JERSEY STATE MANDATES

NUMBER	MANDATE	SOURCE	AMOUNT
1	FIREARM QUALIFICATION, SEMIANNUAL	ADMINISTRATIVE DIRECTIVE OF THE ATTORNEY GENERAL	\$2,435,170
2	911	NJSA 52:17C-6	\$4,740,904
3	CONSTRUCTION OF JAIL CELLS	NJAC 10A:34	\$678,400
4	AUDIO-VISUAL MONITORING OF CELLS	NJAC 10A:34	\$1,347,433
5	JUVENILE DETENTION CELLS	NJAC 10A:34	\$126,200
6	24 HOUR PHYSICAL MONITORING OF JUVENILES	NJAC 10A:34	\$56,891
7	PREPARATION OF ACCIDENT REPORTS	NJ STATE POLICE	\$2,498,725
8	UNIFORM CRIME REPORTS	NJSA 52:17B-5.1	\$1,420,240
9	CERTIFICATION OF RADAR	NJ STATE POLICE	\$361,191
10	CERTIFICATION OF BREATHALYZER	NJ STATE POLICE	\$527,179
11	LEGAL DEFENSE FOR POLICE	NJSA 40:14-155	\$1,022,044
12	NEW OFFICER TRAINING	NJSA 52:17B-66	\$2,117,667
13	EFFECT OF BINDING ARBITRATION IN EXCESS OF CAP	NJSA 13A-14	\$9,790,510
14	UNDERGROUND STORAGE TANK REMOVAL & REPLACEMENT	NJSA 58:10A-21 ET SEQ. NJAC 7:14B	\$14,638,927
15	TRAINING & RECORDKEEPING --PUBLIC RIGHT TO KNOW	NJSA 34:5A-1 ET SEQ. NJAC 7:1G NJAC 7:27	\$667,331
16	STREAM ENCROACHMENT PERMITS	NJSA 58:16A-50 ET SEQ. NJAC 7:13	\$2,490,425
17	PEOSHA	NJSA 34:6A-25 NJAC 12:100	\$817,770
18	DEWATERING EQUIPMENT	NJSA 58:10A-1 NJAC 7:9	\$73,000
19	AUTOMOBILE TESTING EQUIPMENT	NJSA 26:2C-1 ET SEQ. NJAC 7:27	\$207,285
20	SLUDGE REMOVAL	NJSA 13:1E-1 ET SEQ. NJAC 7:26	\$8,658,407
21	WATER TESTING	NJSA 58:12A-1 ET SEQ. NJAC 7:10	\$1,799,906
22	HAZARDOUS WASTE CLEAN-UP	NJSA 13:1K-6 ET SEQ. NJAC 26B, 26C, 26E	\$2,283,208
23	INSTALLATION OF VAPOR RECOVERY GAS PUMPS	NJSA 26:2C-1 ET SEQ. NJAC 7:27	\$570,680

	RECOVERY GAS PUMPS	NJSA 28:25-1 ET SEQ. NJAC 7:27	\$370,000
24	UNDERGROUND STORAGE REQUIREMENTS FOR GASOLINE, FUEL OIL, DIESEL OIL, & WASTE OIL	NJSA 58:10A-21 ET SEQ. NJAC 7:14B	\$1,552,434
25	WATER PERMITS	NJSA 58:10A-1 ET SEQ. NJAC 7:14A	\$568,670
26	SEWER PERMITS	NJSA 58:10A-1 ET SEQ. NJAC 7:14A-22	\$513,378
27	DRAINAGE	NJSA 58:16A-50 ET SEQ. NJAC 7:13 NJSA 58:10A-1 ET SEQ. NJAC 7:14A	\$1,887,109
28	ANIMAL CONTROL COSTS	NJSA 23:4-63 ET SEQ. NJAC 7:25	\$4,794,867
29	AFFORDABLE HOUSING ADMINISTRATION	NJSA 52:27D-311	\$4,494,615
30	TRAINING COSTS FOR CERTIFICATION OF MUNICIPAL CLERKS	NJSA 40A:9-133 ET SEQ.	\$112,901
31	TRAINING COSTS FOR CERTIFICATION OF TAX COLLECTORS	NJSA 40A:9-142 ET SEQ.	\$84,647
32	TRAINING COSTS FOR CERTIFICATION OF MUNICIPAL FINANCE OFFICERS	NJSA 40A:9-140.1 ET SEQ.	\$143,310
33	TRAINING COSTS FOR CERTIFICATION OF PUBLIC WORKS MANAGER	NJSA 40A:9-154.5 ET SEQ.	\$212,812
34	BUDGET REPORTING REQUIREMENTS	NJSA 40A:4-1 ET SEQ.	\$1,144,894
35	PROPERTY TAX ASSESSMENT (SEPARATE PROPERTY TAX ASSESSMENT CARD)	NJSA 54:4-23 ET SEQ.	\$1,221,011
36	LANDFILL TIPPING FEES	NJSA 13:1E-1 ET SEQ. NJAC 14	\$75,237,657
	LANDFILL TIPPING FEES, LESS 1994 RECYCLING GRANTS		(\$5,339,646) \$69,898,011
	TOTAL		\$151,298,556
	TOTAL WITH 1994 RECYCLING GRANTS REMOVED: (\$5,339,646)		\$145,958,910
	TOTAL WITH LANDFILL TIPPING FEES REMOVED		\$76,060,399

editorial

The Times

Richard Bilotti/Publisher

Brian S. Malone/Editor

E. J. Baumeister Jr./Managing Editor

Arnold C. Ropeik/Senior Editor

George Amick/Editorial Page Editor

Sandra L. Lehr/Advertising Director

Marfin Stewart/Controller

Edgar W. Hippe/Circulation Director

Robert D. Jarrach/VP/Production

Copyright, The Times, 1995

This idea's time has come

Knock wood, but it looks as if all the necessary participants are now on the same side in the 30-year-long battle to get a state mandate, state pay amendment written into the New Jersey Constitution. But time is getting short, and everyone involved should resolve to keep the momentum going.

This week the Senate Judiciary and Appropriations committees cleared a measure that would let voters decide in November whether the state must pick up the entire cost of any program it imposes on local governments, including school districts. According to State Senate President Donald DiFrancesco, the language of the proposed amendment reflects a compromise by the Legislature, the Whitman administration, the League of Municipalities, the Association of Counties and the New Jersey School Boards Association. That's a formidable group of movers and shakers to bring together on any issue.

The proposal would allow six exceptions to the state-pay requirement: when both houses of the Legislature agree to waive the requirement by a three-fourths vote, or when a mandate meets the terms of a federal law, redresses a failure to comply with prior laws, eases or revises an existing mandate, affects government and business in substantially the same fashion (e.g., worker safety rules) or implements provisions of the state Constitution. The latter provision is intended to get the state off the hook if the Supreme Court demands new programs to meet the constitutional guarantee of a "thorough and efficient education." The job of resolving any disputes pertaining to what constitutes an unfunded mandate will fall to a powerful new agency, the Council on Local Mandates.

Local governments understandably would prefer fewer exceptions, but Mayor Robert Reiher of West Caldwell, president of the League of Municipalities, was right when he told the Senate committees that the amendment gives "New Jersey's beleaguered property taxpayers... something that they have needed for too long. It gives them constitutional protection from the indiscriminate imposition of unfunded state mandates." The resolution will require a 20-day waiting period and a public hearing before the final vote in each house, and Mayor Reiher urged the Legislature to make sure that it completes action before it approves the fiscal 1996 budget and leaves for its summer recess. After three decades of talk, this fair and reasonable principle needs to be written into the Constitution without further delay.

6x

Better than nothing ^{TR}

We were so pleased to hear that the Senate finally has decided to vote on state mandate-state pay legislation that we've decided not to grumble too loudly about bill's more glaring faults. The measure may not be perfect, but it's a lot better than what we don't have now.

If approved in both houses of the Legislature, the constitutional amendment will be placed on November's ballot, where it is expected to receive overwhelming approval.

It's about time.

Republicans who have long controlled state government claim to dislike unfunded state mandates but had delayed legislation that would make the state pony up for programs forced on towns and cities for two reasons: They couldn't agree on what constitutes a state mandate, and they couldn't decide whether the Legislature should have an escape clause.

This ambivalence has found its way into the legislation.

If passed, the bill would set up a panel to decide whether a legislative measure constitutes an unfunded mandate. Furthermore, there would be several exemptions to the ban on unfunded mandates, including any that implement provisions of the state Constitution.

For example, the state could force municipalities to increase school funding to provide what the state determines to be a "thorough and efficient" education.

Such exemptions contradict the point of the state mandate-state pay concept, which is to make lawmakers think carefully before saddling cities and towns with the financial burden of programs that are excessive or unnecessary.

Finally, an unfunded mandate could be passed with 75 percent approval in both houses of the Legislature. To Sen. Joseph Kyrillos Jr., R-Monmouth County, getting three-quarters of the Legislature to agree on something seems "a nearly impossible task," but it's still a potential loophole. If something is important enough to demand the action of the Legislature, it certainly is important enough to receive state funds.

All in all, however, even this watered-down version of state mandate-state pay is better than nothing. New Jersey taxpayers who are used to receiving meager sops from their lawmakers will recognize that this measure could be — should be — a lot stronger, but they'll also recognize that this marks the first time in state history the Legislature has grudgingly acted to curb its spendthrift ways. It may not be perfect, but it should be quickly approved by lawmakers and endorsed by voters in November.

Even this watered-down version of state mandate-state pay is better than nothing.

Deviltry

When it comes to chasing sweet deals, Devils owner John McMullen resembles nothing so much as an alley cat on a midnight debauch.

His perpetual caterwauling for goodies has already resulted in three revisions of his lease with the New Jersey Sports and Exposition Authority, and now he's threatening to move the Devils to Nashville — which needs a team to play in its new \$120 million arena — unless he gets even more.

McMullen's lease with New Jersey doesn't expire until 2002, but he's already come up with a bunch of pathetic excuses to break it. One of them is that the Meadowlands Arena, the Devils' home rink, is just too cold on game nights. (Must be all that ice.)

We hope for the sake of New Jersey hockey fans that McMullen's negotiations with Nashville flop.

There is some small consolation, however, in knowing that if the Devils do move to Nashville, it won't be long before McMullen starts chasing even sweeter deals elsewhere.

MAY 19 1995

7X

8X

MAY 16 1995

Referendum on state mandates gains in Senate

By IVETTE MENDEZ

Two state Senate committees yesterday gave a thumbs-up to a measure that would let voters decide in November whether the state must pick up the entire cost of any program it imposes on counties and municipalities.

If adopted, the proposed "state mandate-state pay" amendment would enshrine in the state constitution an idea the League of Municipalities has been espousing for 30 years. The state should not tell local officials they must provide certain services without providing the funds.

But the proposal contains six exceptions to that principle, and how they are implemented will determine how well it works, according to William G. Dressel Jr., assistant executive director of the league.

He said the league opted not to press for greater clarity in the interests of getting the proposal on the ballot in November.

Much of the implementation of the amendment would be left to a powerful new body, the Council on Local Mandates, which would resolve any disputes pertaining to what constitutes an unfunded mandate.

West Caldwell Mayor Robert Reiber, president of the League of Municipalities, said the proposed constitutional amendment would be a boon to taxpayers.

"It gives those taxpayers something that they have needed for too long," said Reiber during testimony before legislative committees.

"It gives them constitutional protection from the indiscriminate imposition of unfunded state mandates."

The proposal was approved unanimously by the Senate Judiciary Committee and later in the day by the Budget and Appropriations Committee, which voted 4-0 to release it "without



(Photo by Frank DiGiuseppe)

State Community Affairs Commissioner Harriet Derman confers with John Farmer, assistant counsel to Gov. Christie Whitman, as she appears before a Senate committee

recommendation," with three senators abstaining.

Senate President Donald DiFrancesco (R-Union) said the full upper house will vote on the proposal on June 12.

It must pass both houses by three-fifths votes in order to be submitted to the voters.

"The amendment truly restricts the ability of the Legislature and the executive branches to impose unfunded mandates on local governments and school boards," said DiFrancesco in a statement.

"At the same time it enables state

government to fulfill its obligation to enact statutes or regulations that are absolutely necessary or are in the best interest of the state and its citizens."

One of the exceptions would let the state impose an unfunded mandate by a three-quarters vote of both houses of the Legislature.

Sen. Bernard Kenny (D-Hudson) abstained in the Budget Committee because of that, arguing the three-quarters requirement was "excessive." He argued it should be two-thirds.

Other exceptions allowing unfunded mandates are to comply with federal law, to redress a failure to comply with prior laws, to ease or revise an

existing mandate and to implement provisions of the state constitution.

Mandates that affect government and business in substantially the same fashion also would be exempt.

Although the amendment applies to mandates imposed on local school boards, much of that protection could be lost if a wide variety of new programs are needed to meet the state's constitutional guarantee of a "thorough and efficient" education.

"We're concerned about how that's going to be interpreted," said Jon Moran, senior legislative analyst for the League of Municipalities.

Similar resolutions have floated around the Legislature for years, including one approved last June by the Assembly.

The latest version reflects a compromise by the Legislature, the Whitman administration, the League of Municipalities, the Association of Counties and the New Jersey School Boards Association, according to DiFrancesco.

"We have been trying to get a state mandate-state pay amendment on the ballot for ratification since 1988," said Assembly Speaker Garbed (Chuck) Haytaian (R-Warren) in a statement.

"It looks like 1995 will finally be the year."

"The drafters of this proposal ... took great pains not to overstep the authority of the state, not to tie the hands of the courts and not to prevent the Legislature from responding swiftly to emergency situations," testified Community Affairs Commissioner Harriet Derman.

Derman, when asked about an appeal process, said the council is designed to be "the end of the road," but she acknowledged she expected legal challenges.

The revised measures approved yesterday are sponsored by DiFrancesco and Haytaian.

Xb

MAY 16 1995

Mandates bill gains in Senate

By CHARLES YOUNG
Trenton Bureau

TRENTON — In a clear signal lawmakers plan to move swiftly on a bill designed to hold down property taxes, two state Senate committees Monday backed a compromise version of a "state-mandate, state-pay" constitutional amendment.

The revised bill exempts certain mandates and would also create a council to determine which laws are mandates and which are not. Many details of how that council will function were left to be worked out at a later date.

Monday's action — by the Senate Judiciary and Budget and Appropriations committees — marked the first time the proposal has ever moved out of Senate committees. The measure has repeatedly been passed by the Assembly.

A full Senate vote has been slated for June 12 and Assembly leaders say they're supporting the same version. The bill is sponsored by the Senate president and the Assembly speaker. If approved, the proposal will go before voters on November's ballot, where it is expected to pass easily.

"It is a great day for municipalities and the taxpayers as well," declared Peter Verniero, the governor's chief of staff, after the vote. Whitman staff members helped write the compromise bill and the promise of such an amendment was part of Whitman's 1993 gubernatorial campaign.

"I'm confident we have a state mandate-state pay amendment that will do the job it is intended to do," Verniero said, adding that he thinks implementing legislation will also be agreed upon and swiftly enacted by the Legislature.

The compromise bill lays out six exceptions to the general concept that programs will cease to be mandated if the Legislature fails to fund them:

- Mandates passed, after a public hearing, by a three-quarters vote of the Legislature. Some lawmakers said this was too high and should be two-thirds.
- Mandates implementing the provisions of the constitution. This exception was to ensure the state will be able to implement any changes in school funding needed to provide a "thorough and efficient" education of children, as required by the state constitution.

● Mandates required to comply with federal laws. One example would be the Americans with Disabilities Act, which promotes access for the handicapped.

● Mandates imposed on both local governments and private businesses, such as those covering worker safety.

● Mandates which cover the possible reallocation of responsibilities and costs among municipalities, counties, and school boards.

● Mandates which stem from local government's failure to comply with previously enacted laws.

Disagreements over whether legislation would create unfunded mandates are to be resolved by a Council on Local Mandates, composed of nine public members appointed by the governor, the Legislature, and the state Supreme Court.

Decisions of the council would stand, with the courts being the only recourse for losing parties. It was not immediately clear whether council members would be paid, if they would have staff, or under which state agency's budget they would be included. Those issues are yet to be determined.

While some of the exceptions appear

significant and there are some unanswered questions, lobbyists for schools, municipalities, and counties all backed the proposal, saying they would address specific concerns when the Legislature puts together the implementing legislation.

"We can make this work," said William Dressel, assistant executive director of the New Jersey League of Municipalities, the group that has led the charge for such an amendment. Dressel said he was assured by legislators and the governor's staff his group would have a great deal of input into how the law will work.

"If it [the implementing legislation] turns out to be a paper tiger, rest assured we'll make it known it does not address the needs of our towns," he said.

Some legislators had reservations about the power of the council as well as whether the three-quarters vote was set too high.

"Three-quarters seems to me a nearly impossible task," said Sen. Joseph M. Kyrillos Jr., R-Monmouth County. He and Sen. Bernard F. Kenny Jr., D-Hoboken, compared the local council to a third house of the Legislature. "We, who are elected by the people, are giving up power . . . and giving power to an appointed committee on local mandates," Kenny said.

MAY 16 1995

Limits on mandates lead toward ballot

By HERB JACKSON
Statehouse Bureau

5-16-95

Home News

TRENTON — A drive to change the state constitution advanced yesterday as key committees agreed the state should be forced to pay for any new services or programs that it requires local schools, counties and municipalities to provide.

A compromise reached among Republican legislative leaders, affected groups and Gov. Christie Whitman sailed through the Senate Judiciary Committee, then called briefly in the Senate Budget and Appropriations Committee until several members reworked it.

Their changes, approved hours later, would ensure that if the proposed constitutional amendment (SCR-87) is approved by two-thirds of the Senate and Assembly and goes before the voters, those who read their ballots would be able to tell it includes exceptions.

The original ballot language said only the "state mandate-state pay" requirement would exclude limited categories of laws, rules

and regulations."

The new language spells them out. The state won't have to fund mandates passed on from the federal government, such as the Americans with Disabilities Act; mandates that apply equally to the public and private sector, such as workers' compensation and environmental right to know rules; those addressing a failure to comply with previous mandates; mandates shifted between schools, counties or municipalities that were not previously the state's responsibility; and other constitutional mandates. Supporters said that the last exception includes disputed school funding issues before the state Supreme Court.

The proposal would also allow a "super majority" of the Legislature to pass an unfunded mandate that doesn't fit in any of the categories. The provision would require a fiscal assessment be prepared and discussed at a public hearing, then be approved by three-fourths of the members of the Senate and Assembly.

Supporters at the hearings included representatives of municipalities, school boards, and counties.

'State mandate-state pay' plan clears panels

Staff and wire report.
An effort to require the state to pay for mandates it imposes on local governments is on track again.

Two Senate committees yesterday cleared a "state mandate-state pay" compromise plan that has been crafted by the Whitman administration, Republican lawmakers and local government interests.

The compromise would give lawmakers wriggle-room by allowing cases where the state would not have to pay for mandates on local governments. It would also set up a powerful panel that would determine whether or not lawmakers have passed an unfunded mandate.

Supporters of the effort want to place the constitutional amendment before voters this November. Senate President Donald DiFrancesco and Assembly Speaker Garabed Haytaian, both sponsors of the measure, said they will hold votes in their respective houses in time to get it on the ballot this year.

Supporters of state mandate-state pay have said the measure is needed to reduce the stress on local property taxpayers. Local governments and school associations have long complained state-imposed mandates are not accompanied with state dollars.

The compromise plan does allow lawmakers to pass unfunded state mandates by creating several broad exemptions.

For example, the measure says the state would not have to eliminate existing mandates, and could act to shift or reduce those mandates without having to pay for them. The state could also impose federal mandates, or mandates that are needed to qualify for federal funding.

10x

11X.

State advances mandate reform

BY THOMAS MARTELLO
Associated Press *Don't Record*

5-16-95

TRENTON - An effort to require the state to pay for mandates it imposes on local governments is on track again.

Two Senate committees yesterday cleared a "state mandate-state pay" compromise plan that has been crafted by the Whitman administration, Republican lawmakers and local government interests.

The compromise would give lawmakers wriggle room by allowing cases where the state would not have to pay for mandates on local governments. It would also set up a powerful panel that would determine whether or not lawmakers have passed an unfunded mandate.

Supporters of the effort want to place the constitutional amendment before voters this November. Senate President Donald DiFrancesco and Assembly Speaker Garabed "Chuck" Haytaian, both sponsors of the measure, said they will hold votes in their respective houses in time to get it on the ballot this year.

"This is very significant," said William Dressel, assistant executive director of the New Jersey State League of Municipalities. "The league has been pushing for this for 30 years. I look at this as a

Senate panels make loopholes

sincere effort to get the ball rolling now that we are at the 11th hour."

Supporters of state mandate-state pay have said the measure is needed to reduce the stress on local property taxpayers. Local governments and school associations have long complained that state-imposed mandates are not accompanied with state dollars.

The compromise plan does allow lawmakers to pass unfunded state mandates by creating several broad exemptions.

For example, the measure says the state would not have to eliminate existing mandates, and could act to shift or reduce those mandates without having to pay for them. The state could also impose federal mandates, or mandates that are needed to qualify for federal funding.

In addition, any mandate that implements provisions of the state Constitution — most notably the state's assurance of a thorough and efficient education to public school students — would also be exempted. The measure also pardons mandates that are equally imposed on public and private entities, such as worker safety rules.

Lawmakers would be able to pass an unfunded mandate with

75 percent approval in both houses.

Dressel conceded yesterday that local governments would prefer fewer exemptions, but he said the proposal "is considerably better than what we have now. We would now have an opportunity to make our case under constitutionally imposed public hearings. It gives us another bite at the apple."

The measure would set up a powerful council that would determine whether lawmakers had passed an unfunded mandate. DiFrancesco called this Council of Mandates "the backbone" of the compromise, saying it would "provide the general public, local government officials and school

boards with a tangible system ... to seek recourse from the passage of an unfunded mandate."

The nine-member council would include four appointments by the governor, one chosen by Democratic and Republican leaders of each house, and one chosen by the chief Justice of the state Supreme Court. The measure seeks to free the council from appeals to the courts, but Department of Community Affairs Commissioner Harriet Derman said she expects some to seek legal redress.

The idea of the council, however, may prove a difficult sell to some lawmakers. Senators from both political parties openly wondered if the measure would shift too much power from the Legislature to the appointed council.

MAY 16 1995

Panels OK bill to kill unfunded mandates

Under the bill, a proposed Council on Local Mandates would determine what laws are unfunded mandates and have the power to block them.

by JOHN FROONJIAN
Statehouse Bureau

TRENTON — The Legislature took another crack at eliminating unfunded state mandates on local government Monday, as a proposed constitutional amendment began making its way through the Senate.

The compromise version of a state mandate pay bill is ready for full Senate consideration after being approved by the Senate Judiciary and Budget committees.

The bill, the third version of the proposal to be considered by the Legislature in the past year, has the backing of the Whitman administration.

Last June, the Assembly approved a ballot question asking voters to end unfunded state mandates on county and municipal governments.

In February, the Senate Community Affairs Committee approved a version that also prohibited mandates on school boards.

The version approved Monday is a new one that gives a proposed Council on Local Mandates the power to determine what fits the definition of an unfunded mandate and the power to kill such a mandate.

The nine-member council would decide whether laws enacted after Jan. 17, 1996, or regulations adopted after July 1, 1996, constitute an unfunded mandate. Any mandate found to be unfunded would be stricken.

However, the Legislature could still impose an unfunded requirement on local governments by holding a public hearing on the proposal, releasing a fiscal analysis and approving it with a three-

See Senate, Page C2

MAY 16 1995

Senate: Bill would cut unfunded mandates

(Continued from Page C1)

ACF 5.16.95
fourths "super-majority" vote of each house.

In addition, five specific types of mandates would be exempted from the constitutional amendment.

Even with all the caveats, county, municipal and school board representatives enthusiastically supported the proposal as protection against directives from Trenton that drive up local property taxes.

"Because of unfunded mandates, county and municipal governing bodies are forced to either increase taxes or decrease services that we feel are important," said Michael Vrancik of the N.J. Association of Counties.

"Obviously, the public does not want higher taxes," he said. "When mandates are foisted on us, we are the ones who have to make the tough choices."

Among the bill's sponsors are Senate President Donald DiFrancesco, R-Union, and Sen. Leonard Connors, R-Ocean, Burlington, Atlantic, now goes before the full Senate.

Department of Community Affairs Commissioner Harriet Derman told the Senate committees that Gov. Christie Whitman's staff, DCA officials and the Attorney General's Office helped negotiate the new bill language with Senate Republicans and local government representatives.

Assembly Republicans are aware of the changes and are expected to support the bill.

The legislation would go on the November ballot if the Senate approves it when the bill comes up June 12 and the Assembly votes in agreement with the Senate amendments.

Despite approval by two Senate committees, several lawmak-

ers questioned the amendment's wording and vagueness.

The Senate Budget and Appropriations Committee approved an amended version, 4-0 with three abstentions, after initially postponing a vote on the bill.

The approval was made without the customary recommendation that the full Senate approve the bill.

In the committee's morning session, the proposal was held up amid complaints from committee members that requiring a three-quarters vote of the Legislature to allow an unfunded mandate was too stringent.

Sen. Richard LaRossa, R-Mercer, said such a super-majority requirement was "inconsistent with anything we currently have."

A simple majority is required to pass bills, and a two-thirds majority is needed to override a gubernatorial veto.

"A two-thirds vote is hard enough to reach," said Sen. Joseph Kyrillos, R-Monmouth, Middlesex. "A three-quarters vote seems very near impossible."

But William Dressel of the N.J. State League of Municipalities said the three-quarters vote is "not unreasonable."

"The Legislature is held to a higher standard," said Dressel. "The public will be watching the policy decisions of the Legislature."

The committee amended the bill to require a list of exceptions to appear in an explanatory statement on the ballot.

Rules or laws that would not be considered unfunded mandates include:

- Those required by federal law;

- Mandates imposed on both public and private entities;

- Changes to an existing mandate or a reapportionment of costs of mandates between government entities;

- Costs resulting from a failure to comply with the law; and

- Implementations of the state constitution.

The Senate Judiciary Committee passed the bill unanimously.

12X

Wording changed in bill on mandates

By HERB JACKSON
PRESS STATEHOUSE BUREAU

A.P. Press

TRENTON — A drive to change the constitution advanced toward the November ballot yesterday as key committees agreed the state should be forced to pay for any new services or programs that it requires local schools, counties and municipalities to provide.

A compromise reached among Republican legislative leaders, affected groups and Gov. Whitman sailed through the Senate Judiciary Committee, then stalled briefly in the Senate Budget and Appropriations Committee until several members reworked it.

Their changes, approved hours later, would ensure that if the proposed constitutional amendment (SCR-87) is approved by two-thirds of the Senate and Assembly and goes before the voters, those who read their ballots would be able to tell it includes exceptions.

The original ballot language said only the "state mandate, state pay" requirement would exclude "limited categories of laws, rules and regulations."

The new language spells them out. The state won't have to fund: mandates passed on from the federal government, such as the Americans with Disabilities Act; mandates that apply equally to the public and private sector, such as workers' compensation

Please see **Mandate**, page A5

MAY 16 1995

Mandate

From page A1

and environmental right-to-know rules; those addressing a failure to comply with previous mandates; mandates shifted between schools, counties or municipalities that were not previously the state's responsibility; and other constitutional mandates. Supporters said the last exception includes disputed school funding issues before the state Supreme Court.

The proposal would allow a "super majority" of the Legislature to pass an unfunded mandate that doesn't fit in any of the categories. The provision would require a fiscal assessment be prepared and discussed at a public hearing, then be approved by three-fourths of each house.

A Council on Local Mandates would be created to decide if statutes passed after next Jan. 17 or regulations adopted after July 1, 1996, were unfunded mandates. If they are, they would be invalidated.

Whitman has pushed for the amendment as a key to battling property tax growth. Mayors for years have complained that local levies were driven in part by jobs the state gave them to do, such as developing an emergency 911 telephone network, without the funding.

A review of school mandates coordinated by The Associated Press and published last month by newspapers around the state found that mandates severely restrict local officials' ability to make sound decisions and force them to spend millions of dollars satisfying rules that often make no sense. One school in Morris County

was forced to stop using a room for music instruction because the ceiling was 4 inches too low.

"We have been trying to get a 'state mandate, state pay' amendment on the ballot for ratification since 1988," said Assembly Speaker Garabed "Chuck" Haytaian, R-Warren, a co-sponsor of the measure with Senate President Donald T. DiFrancesco, R-Union.

"If the Legislature believes a new program is necessary to protect the health, safety and welfare of our state or its citizens, then it should be willing to provide the resources to fund it," Haytaian said.

DiFrancesco said the compromise restricts the power of the Legislature and governor while retaining the ability to pass rules "that are absolutely necessary or are in the best interest of the state and its citizens."

Supporters at the hearings included representatives of municipalities, school boards, and counties. A lobbyist for the New Jersey Education Association, the largest organization of public school teachers, said the NJEA was studying the measure but had no immediate objections.

Community Affairs Commissioner Harriet Derman, whose department oversees municipal management, told senators the framework in the amendment would not address every possible question.

Questions such as whether members of the mandates council would be paid and how big a staff they'd have would be answered in more detailed implementing legislation to be passed if the amendment is approved by voters, Derman said.

13X

MAY 16 1995

THE COURIER-NEWS

STATE SENATE

5.16.95

Mandate proposal is back on track

TRENTON (AP) — An effort to require the state to pay for mandates it imposes on local governments is on track again.

Two Senate committees on Monday cleared a "state mandate-state pay" compromise plan that has been crafted by the Whitman administration. Republican lawmakers and local government interests.

The compromise would give lawmakers wriggle room by allowing cases where the state would not have to pay for mandates on local governments. It would also set up a powerful panel that would determine whether or not lawmakers have passed an unfunded mandate.

Supporters of the effort want to place the constitutional amendment before voters this November. Senate President Donald DiFrancesco and Assembly Speaker Garabed Haytaian, both sponsors of the measure, said they will hold votes in their respective houses in time to get it on the ballot this year.

"This is very significant," said William Dressel, assistant executive director of the New Jersey State League of Municipalities. "The league has been pushing for this for 30 years. I look at this as a sincere effort to get the ball rolling now that we are at the 11th hour."

Supporters of state mandate-state pay have said the measure is needed to reduce the stress on local property taxpayers. Local governments and school associations have long complained that state-imposed mandates are not accompanied with state dollars.

The compromise plan does allow

lawmakers to pass unfunded state mandates by creating several broad exemptions.

Several exemptions

For example, the measure says the state would not have to eliminate existing mandates, and could act to shift or reduce those mandates without having to pay for them. The state could also impose federal mandates, or mandates that are needed to qualify for federal funding.

In addition, any mandate that implements provisions of the state Constitution — most notably the state's assurance of a thorough and efficient education to public school students — would also be exempted. The measure also pardons mandates that are equally imposed on public and private entities, such as worker safety rules.

Lawmakers would be able to pass an unfunded mandate with 75 percent approval in both houses.

Dressel conceded Monday that local governments would prefer fewer exemptions, but he said the proposal "is considerably better than what we have now. We would now have an opportunity to make our case under constitutionally imposed public hearings. It gives us another bite at the apple."

The measure would set up a nine-member council that would include four appointments by the governor, one chosen by Democratic and Republican leaders of each house, and one chosen by the chief Justice of the state Supreme Court. The measure seeks to free the council from appeals to the courts, but Department of Community Affairs Commissioner Harriet Derman said she expects some to seek legal redress.

14X

Compromise plan on track for state mandates funding

TRENTON (AP) — An effort to require the state to pay for mandates it imposes on local governments is on track again.

Two Senate committees yesterday cleared a "state mandate state pay" compromise plan that has been crafted by the Whitman administration, Republican lawmakers and local government interests.

The compromise would give lawmakers wriggle room by allowing cases where the state would not have to pay for mandates on local governments. It would also set up a powerful panel that would determine whether or not lawmakers have passed an unfunded mandate.

Supporters of the effort want to place the constitutional amendment before voters this November. Senate President Donald DiFrancesco and Assembly Speaker Carabed Haytaian, both sponsors of the measure, said they will hold votes in their respective houses in time to get it on the ballot this year.

"This is very significant," said William Dressel, assistant executive director of the New Jersey State League of Municipalities. "The league has been pushing for this for 30 years. I look at this as a sincere effort to get the ball rolling now that we are at the 11th hour."

Supporters of state mandate-state pay have said the measure is needed to reduce the stress on local property taxpayers. Local governments and school associations have long complained that state imposed mandates are not accompanied with

state dollars.

The compromise plan does allow lawmakers to pass unfunded state mandates by creating several broad exemptions.

For example, the measure says the state would not have to eliminate existing mandates, and could act to shift or reduce those mandates without having to pay for them. The state could also impose federal mandates, or mandates that are needed to qualify for federal funding.

In addition, any mandate that implements provisions of the state Constitution — most notably the state's assurance of a thorough and

efficient education to public school students — would also be exempted. The measure also pardons mandate that are equally imposed on public and private entities, such as worker safety rules.

Lawmakers would be able to pass an unfunded mandate with 75 per cent approval in both houses.

Dressel conceded yesterday that local governments would prefer fewer exemptions, but he said the proposal "is considerably better than what we have now. We would now have an opportunity to make our case under constitutionally imposed public hearings. It gives us another bite at the apple."

MAY 16 1995

15X



JOHN E. TRAFFORD, Executive Director
WILLIAM G. DRESSEL, JR., Asst. Executive Director
JON R. MORAN, Senior Legislative Analyst
CHRISTOPHER CAREW, Legislative Analyst
HELEN YELDELL, Legislative Analyst

May 16, 1995

ALERT: MANDATES AMENDMENT ADVANCES

Dear Mayor:

On May 15 a compromise version of the "State Pay for State Mandates" proposed Constitutional Amendment cleared the Senate Judiciary Committee by a vote of 8 to 0. The Senate Budget and Appropriations Committee subsequently concurred on a vote of 4-0, with three abstentions.

Objections to the carefully crafted provisions of the compromise came from Senators Bernard Kenny, Richard LaRossa, Joseph Kyrillos and Peter Inverso.

The current proposal is the Senate Committee Substitute for SCR-87 and 26 and ACR-1 and 77 (ACS)/40. (For brevity's sake it will be referred to as the SCS for SCR-87, et al..) This version is the result of intensive discussions among the Governor's office, the Senate President's staff, the School Boards Association, the Association of Counties and the League.

It represents a middle ground between ACR-1 (which the Senate had problems with, because it did not go far enough to limit future unfunded mandates) and SCR-87 (which the Administration felt went too far). The SCS for SCR-87, et al., would do the following:

- 1) No law enacted after January 17, 1996, and no rule or regulation adopted after July 1, 1996, could impose an unfunded mandate on municipalities, counties or boards of education, except under any one of the following cases.
- 2)
 - a. The law or regulation is required by Federal action or to meet eligibility requirements for Federal entitlements;
 - b. The law or regulation imposes similar requirements on both public sector and private sector entities;
 - c. The law or regulation reduces or eliminates the costs of current mandates or reapportions those costs between local jurisdictions;
 - d. The law or regulation requires compliance with a pre-existing mandate;
 - e. The law or regulation implements a Constitutional requirement; or
 - f. The law is passed with 3/4 majorities in each House, after a noticed public hearing, at which, a fiscal analysis is available.

16x

- 3) The Legislature must create a bi-partisan Council on Local Mandates, which will be empowered to resolve any disputes regarding the imposition of unfunded mandates. (The details of the Council's powers and procedures would be dealt with in the enabling legislation.)

Senators LaRossa, Kyrillos, Kenny and Inverso wanted the requisite vote for a super-majority exception (2 f. in our outline of features) reduced from 3/4 to 2/3. Senators Kenny and Inverso also wanted the six exceptions spelled out in the interpretive statement, which would be annexed to the ballot question. The interpretive statement was changed, but the 3/4 requirement remains.

The proposal has been placed on the desks of all members of each House. At least 20 days must pass prior to a vote on the proposal. Before the vote, a public hearing must be held. Any amendment from this point on pushes us back to square one.

As those of you who have long sought this relief for your beleaguered property taxpayers know, there is no end to the objections that can be raised to this proposal. Urge your State Senator to give the people of this State a chance to let all of us know how they feel about this issue. Give the prerogative back to the people.

Urge your Senator to vote "yes" on the SCS for SCR-87, et al., in its current form.

Thank you.

Very truly yours,



John E. Trafford
Executive Director

JET:es

cc: Managers, Clerks, Administrators

17X

May 19, 1995

LEGISLATIVE DEVELOPMENTS

- I. STATE PAY FOR STATE MANDATES**
- II. ARBITRATION REFORM UPDATE**
- III. WASTEWATER TREATMENT PUBLIC-PRIVATE CONTRACTING ACT**

Dear Mayor:

I. STATE PAY FOR STATE MANDATES

Urge your State Legislators to support the SCS for SCR-87, et al., which would allow the voters to amend their Constitution to prohibit most future unfunded state mandates. (See attached Trenton Times Editorial).

Absent this amendment, unfunded mandates will continue to separate responsibility from accountability. State level officers will continue to take the credit for addressing a problem (real or perceived), without having to ever consider the solution's cost. Local officials will be forced to implement even more of the State's dictates. And the burden borne by our beleaguered property taxpayers will grow ever more severe, despite the best efforts of local budget makers to streamline and economize.

Some legislators may object to the creation of the Council on Local Mandates. But the alternative dispute resolution process would be to submit all controversies concerning unfunded mandates to the courts. The long and costly litigation which would inevitably ensue would force two levels of government to waste precious public dollars in adversarial proceedings, when they should instead be doing all that they can to cooperate in serving the citizenry.

Any costs associated with the Council's work would be dwarfed by the costs of that alternative.

And, while its true that the Legislature and the Executive Branch would be ceding some power to the Council; any change in the status quo -- any movement toward a Constitutional protection against unfunded mandates -- must give the voters the opportunity to transfer the power to define unfunded mandates from those institutions which have, historically, taken the lead in imposing unfunded mandates.

A "State Pay for State Mandates" amendment which does not take some powers -- powers which we believe have been abused, in the past -- from the Legislature and the Administration is not worth the paper it is written on.

(over)

18X

The other objection that could be raised relates to exceptions to the general rule, which nullifies unfunded mandates. And on this, we ask you to remember that the SCS for SCR-87 is a compromise.

ACR-1 (which was unacceptable to the Senate, because it did not provide sufficient protection against unfunded mandates) allowed a two-thirds vote of each House, on any bill, to overcome the prohibition of unfunded mandates. The original version of SCR-87 (which was unacceptable to the Administration, because it did not provide sufficient flexibility for an expeditious state response to an unforeseen emergency) would have excepted only federal mandates from the prohibition.

The SCS for SCR-87, et al. specifies five possible instances when a simple majority vote in each House could impose an unfunded mandate. It gives the Administration the right to impose an unfunded mandate in any of those five instances. And, as a last resort, it gives the Legislature yet another route by which to impose an unfunded mandate -- that being, the three-fourths option.

On Thursday, May 25, the Senate Community Affairs Committee will conduct a public hearing on this proposal. The Senate vote could come as early as June 12.

Please, urge your Legislators to support the SCS for SCR-87. Let the voters speak their will on this on Tuesday, November 7, 1995.

II. GOVERNOR SUPPORTS TRUE ARBITRATION REFORM.

We were delighted to read the enclosed, May 16, 1995 Trenton Times Editorial, Arbitration reform awaits. Earlier this week the Governor told the Trenton Times that she believes that arbitration reform will become law this year, in a form acceptable to the League of Municipalities -- which would mean without the winner-takes-all provisions. This is indeed good news but we can't let up on our efforts. For further details on our on-going efforts to achieve true arbitration reform contact the League office.

III. NEW JERSEY WASTEWATER TREATMENT PUBLIC-PRIVATE CONTRACTING ACT ADVANCES.

Two bills, S-1888 and A-2601, which would facilitate service contracts for the management of municipal-owned wastewater treatment facilities, recently received approval in both the Assembly and Senate. The League testified in support of these bills, both of which will now be assigned to the respective appropriations committees of the two houses.

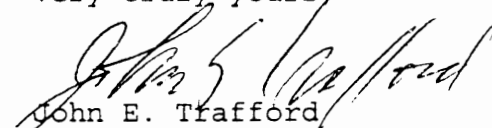
S-1888 was released without amendment by the Senate Natural Resources, Trade & Economic Development Committee on May 11. A-2601 received approval in the Assembly Solid & Hazardous Waste Committee on May 15, but only after it was amended to address certain concerns by the Department of Community Affairs and the Association of Environmental Authorities.

19x

The objective of this legislation is to enable municipal officials to utilize the acknowledged expertise, experience and technical resources of an outside agency to provide the most cost-efficient, effective, wastewater treatment operation possible. In the spirit of this admirable intent, the League endorsed the aforementioned amendments, which included a provision to allow public authorities to compete for a contract when a municipality solicits bids to operate its wastewater treatment facility. We think it make sound policy to allow public authorities to enter the competition, because it gives mayor and governing bodies another option in providing this service. The lobbyist from the New Jersey Conference of Mayors, who introduced himself as a representative of both the Conference and a private water company, opposed this amendment without articulating a reason why mayors and governing bodies should not have the opportunity to evaluate an authority's bid. Fortunately, supporters of this amendment prevailed.

We will keep you abreast of further developments. For further information contact Chris Carew at the League office.

Very truly yours,


John E. Trafford
Executive Director

JET:jg

cc: Clerks, Managers, Administrators

20x

editorial

The Times

Richard Bilotti/Publisher

Brian S. Malone/Editor

E.J. Baumeister Jr./Managing Editor

Arnold C. Ropeik/Senior Editor

George Amick/Editorial Page Editor

Sandra L. Lehr/Advertising Director

Martin Stewart/Controller

Edgar W. Hippo/Circulation Director

Robert D. Jarrach/VP/Production

Copyright, The Times, 1995

Arbitration reform awaits

For a year and a half, Gov. Christine Todd Whitman has been sending this clear and strong message to local governments: Tighten your belts. Cut costs. Find ways to deliver services more cheaply and efficiently.

The municipalities of New Jersey would very much like to be able to follow these instructions in at least one major area of expenditure, but they find themselves frustrated by a system over which they have only limited control. That area is police and fire salaries and benefits. In New Jersey, all bargaining over contracts with public-safety unions is heavily influenced by the knowledge that (1) the union has the option of taking the dispute to binding arbitration and (2) experience has shown the arbitration system to be weighted in favor of the unions and against the towns and their taxpayers.

For years the League of Municipalities has worked for a reform of arbitration that would level the playing field. This year a bill that would do the trick, sponsored by Sen. Peter Inverso, R-Hamilton, won Gov. Whitman's support and passed the Senate. But in the Assembly it was waylaid by a committee which removed a key provision at the behest of the powerful Policemen's Benevolent Association. That provision would have allowed an arbitrator to put together a compromise economic package made up of elements from both sides' proposals, instead of having to choose one side's financial package intact, as now is required. The winner-take-all requirement, for various reasons, has turned out to favor the unions, and they want to see it left in the law.

The amended bill has been sitting in the Senate for more than two months. Yesterday Gov. Whitman told The Times that discussions were in progress over the next step, but that she believes that arbitration reform will become law this year, in a form acceptable to the League of Municipalities — which would mean without the winner-take-all provision the PBA loves. We hope so, and we hope she is using some muscle to bring about that result. If getting this bill into acceptable form requires that Gov. Whitman use her conditional veto — a weapon she has wielded with great effectiveness lately — then she should do it. Nothing would give more credibility to her message to local governments to cut costs.

21X



New Jersey School Boards Association

Headquarters: 413 West State Street, P.O. Box 909, Trenton, New Jersey 08605
Telephone (609) 695-7600 Fax 609-695-0413

**TESTIMONY BEFORE THE SENATE COMMUNITY AFFAIRS COMMITTEE
ON STATE MANDATE/STATE PAY
SCR-87, ACR-77, ACR-40, AND ACR-1**

*by Edwina M. Lee, Assistant Executive Director/Advocacy
May 25, 1995*

GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE SENATE
COMMUNITY AFFAIRS COMMITTEE. THANK YOU FOR GIVING ME AN
OPPORTUNITY TO ADD THE SUPPORT OF THE NEW JERSEY SCHOOL BOARDS
ASSOCIATION TO THE LEGISLATURE'S EFFORTS TO DEAL WITH STATE
MANDATES. SINCE APRIL OF 1994, THE NEW JERSEY SCHOOL BOARDS
ASSOCIATION HAS BEEN ACTIVELY LOBBYING AND TESTIFYING BEFORE
VARIOUS ASSEMBLY AND SENATE COMMITTEES IN AN ATTEMPT TO MOVE
THE ISSUE OF STATE MANDATE/ STATE PAY FORWARD FOR FINAL ACTION BY
THE PUBLIC. I COMMEND THE SENATE, AND THE GOVERNOR'S OFFICE,
ALONG WITH THE LEAGUE OF MUNICIPALITIES AND NEW JERSEY
ASSOCIATION OF COUNTIES FOR THEIR ONGOING DELIBERATIONS AND
STEADFAST EFFORTS TO RESOLVE THIS ISSUE.

LOCAL DISTRICTS WILL DELIGHT IN THE ACTIONS THAT YOU TAKE TODAY.
THE ISSUE OF UNFUNDED MANDATES HAS BEEN AN ONGOING LEGISLATIVE
GOAL OF THIS ASSOCIATION FOR MORE THAN 10 YEARS. BOARDS AND
PARENTS, AS WELL AS THE PUBLIC, ARE ANXIOUSLY AWAITING AN
OPPORTUNITY TO SPEAK TO THIS ISSUE IN NOVEMBER.

AFTER THE VOTERS APPROVE THE QUESTION, THE NEW JERSEY SCHOOL BOARDS ASSOCIATION STANDS READY TO WORK WITH THE GOVERNOR'S OFFICE, AND WITH BOTH HOUSES OF THE LEGISLATURE, ON THE DETAILS OF THE ENABLING LEGISLATION. WE ARE HOPEFUL THAT LOCAL GOVERNMENT INVOLVEMENT WILL BE VISIBLE, CONSISTENT, AND PREVALENT THROUGHOUT THE LEGISLATIVE PROCESS. WE STAND READY AND WILLING TO WORK ACTIVELY IN SUPPORT OF THIS INITIATIVE.

EML/kb

govrel/testmon/sm-sp

GARDEN STATE COALITION OF SCHOOLS/GSCS

Lawrence S. Feinsod, Ed.D.
President 201-593-3100

Lynne Strickland
Director, 201-569-1992

**TESTIMONY: IN SUPPORT OF SCR, Nos. 87 and 26
and ACR, Nos. 1(r) & 77/40(ACS)**

**BEFORE: THE SENATE COMMUNITY AFFAIRS COMMITTEE,
MAY 24, 1995**

My name is Lynne Strickland and I am the Director of the Garden State Coalition of Schools (GSCS). GSCS is a grass roots organization of 110 school districts, primarily suburban, composed of board of education members and school superintendents. All member efforts, with the exception of the director position, are voluntary in nature. GSCS is committed to the combined goals of equity and excellence. The achievement of excellence without equity, and vice versa, could not result in a fair or valued system of education.

Currently, the Garden State Coalition of Schools represents nearly 220,000 public school children through its member districts. The Coalition is a statewide association, with member districts spanning New Jersey from Absecon in Atlantic County to Wyckoff in Bergen County.

State mandate/state pay and mandate relief have been goals of the Garden State Coalition since GSCS formally organized 3 years ago. We are encouraged that the Senate and Assembly have struck a consensus that should result in a constitutional amendment that could move our state to a next logical step. Implementation of this proposed constitutional amendment could achieve a much-needed end, namely; incorporating a responsible and effective check and balance tool with the legislative process itself.

This concurrent resolution is inclusive - it recognizes that towns and school districts and counties do not simply coexist, but rather that they are an integral part of one another. We are all part of the same community. When one community member is destabilized, all the others will be impacted.

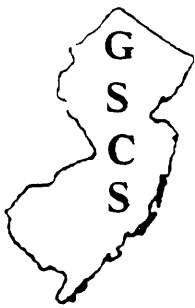
24 X

This legislation is tightly written to avoid pitfalls, such as litigation, while at the same time it enables up-front and responsible need analysis that, by design, would be tempered by equally responsible fiscal analysis. Evaluation and sound planning will be required before the fact.

An example of the need for such analysis is the mandate of special education. We do not mean to imply that special education is anything but necessary and is the right thing to do for our vulnerable children. We do find that the means to achieve the desired results sometimes get skewed by the vagaries of economy and politics. For instance, for a number of years the special education mandate has been increasingly underfunded. At the same time the costs of this legislated mandate have spiraled out of control. The combination of the special education mandate and rapidly increasing growth in special education enrollments, budget CAP's, plus 'flat' funding (actually less, by the way, to transition aid districts) has forced districts throughout the state to cut majority student programs and often increase property taxes.

Senators, the Garden State Coalition stands ready to assist you with any further questions you may have. We urge you to release this senate substitute so that together our communities - schools, counties and municipalities alike - will be given the constitutional option they have been seeking. And that the Governor and the legislature have been promising.

Thank you.



Garden State Coalition of Schools

Dr. Lawrence S. Feinsod
President
Superintendent, Madison School District
359 Woodland Road
Madison, NJ 07940
Phone: (201) 593-3100 Fax: (201) 301-2170

Lynne Strickland
GSCS Director of Research and
Education Policy Analysis
85 Windsor Road
Tenafly, NJ 07670
Phone: (201) 569-1992 Fax: (201) 569-2825

TRUSTEE DISTRICT

- Absecon
- Chatham
- Cherry Hill
- Cranford
- Hackensack
- Haddonfield
- Hopewell Valley Regional
- Livingston
- Madison
- Millburn Township
- Monroe Township
- Montgomery Township
- Mountain Lakes
- Paramus
- Parsippany/Troy Hills
- Ridgewood Township
- Scotch Plains/Fanwood
- Summit
- Union Township
- Westfield
- Woodcliff Lake

TESTIMONY:

Dr. Lawrence S. Feinsod, President, Garden State Coalition (GSCS) and Superintendent of Madison School District, Morris County

BEFORE:

The Senate Budget Appropriations and Assembly Appropriations Joint Committee Hearings on FY'96 Budget

My name is Larry Feinsod and I am President of the Garden State Coalition of Schools (GSCS), as well as Superintendent of the Madison school district in Morris County. With me today is GSCS Director, Lynne Strickland.

The Garden State Coalition of Schools is a statewide, grass roots organization of 110 suburban school districts, committed to the combined goals of excellence and equity in public education. We believe that wise public policy includes a permanent commitment to both quality and equity. We further believe that equity should be achieved by improving education and not be diminishing quality and eliminating school programs which have led to high student achievement.

GSCS reflects the concern of schools and communities together, and as such, is unique in that its membership is composed of school board members and superintendents working at the same table. All member efforts, with the exception of the director's position, are voluntary. Combined, GSCS active member school districts represent approximately 220,000 public school children in New Jersey. Today we would like to impress upon the Joint Committee, Garden States' concern that our schools are truly on the brink of real leveling down. Clearly, the legislature must believe in the need to maintain a viable and excellent system of education in New Jersey.

The Leveling Down Concern

It is important to understand that GSCS districts have recognized economic realities for a number of years now. In my 27 years experience as an educator in New Jersey, I can truly say that the degree of fiscal paring down that we are seeing is at a peak level. Garden State Coalition school districts have responded to fiscal constraints by real and continued belt-tightening. Indeed, it is not stretching reality to say that GSCS districts are in much more metaphorical need now of finding a sturdy piece of twine with which to hold up their blue jeans... GSCS districts have demonstrated a trend in continued reductions to the point where large class sizes for many districts are no longer a threat, but a reality.

26x

EXECUTIVE BOARD MEMBERS

- Lawrence S. Feinsod
President
Superintendent
Madison
- Jane M. Kershner
Vice President
Board President
Haddonfield
- Susan Pepper
Vice President
Board President
Westfield
- Robert Kish
Treasurer
Superintendent
Livingston
- Mark C. Smith
Past President
Superintendent
Westfield

In 1992, Ridgewood, a Garden State Coalition founding trustee district, was one of the first school systems in the state to privatize custodial services. This year Ridgewood, even after reducing its staff by thirteen teaching positions, again instituted another first by assessing user fees across the board for secondary school students for co-curricular programs. Only students who qualify for the free lunch program will be exempt from this flat fee assessment.

The Effects of Enrollment Increases and Decreasing State Aid

The overwhelming majority of our districts support their education programs from local property taxes. State and federal support of our districts only amounts generally to 5 - 10%. The rest of the support has to come from the local taxpayer. This year's budget vote for GSCS districts demonstrated the voter's recognition of our districts' attempts to hold costs down while at the same time trying to maintain high-achieving schools for our children. In Bergen County, 80% of the school budgets were approved. Thirty-three of the thirty-five GSCS districts from Bergen passed their budgets - an overwhelming 94.3%. The *Record's* editorial noted that "Many school districts say they have cut just about as much as they can. In Wayne, the school board cut \$2.3 million from its \$62.7 million budget, laying off several dozen full-time employees, including twenty-five teachers, the school doctor, and six administrators...In Teaneck, the budget was approved despite the fact that it will mean a school tax increase of \$194 for the average home owner. The district did not increase spending, but it is losing a large amount of state aid."

Teaneck, like all GSCS districts, will be losing one-third of its remaining transition aid, and is slated to lose additional categorical aid as a result of the poorly-designed administrative penalty, and is also going to lose all of its remaining de-segregation aid. (By the way, GSCS districts such as Union Township, Teaneck, Hackensack, Montclair, and Edison all have demonstrated real need and appropriate use of their de-segregation aid in the past. It makes no sense to cut this aid when it serves such a lofty goal).

It's appropriate to note that suburban districts have demonstrated the greatest increase in student enrollment. The Fall GSCS district survey shows a 10% increase in general student population. The state's proposed budget for education does attempt to address increasing student population, but it does so through foundation aid only. It is necessary to clarify that enrollment adjustment aid will be restricted to those districts that receive foundation aid in some form. While all Garden State districts are designated 'transition' aid districts, some GSCS members also are classified to receive foundation aid as well. These combined aid districts are thus entitled to receive some adjustment for enrollment growth in the proposed '95-'96 school year. *Nonetheless, the great majority of our districts are not slated for enrollment adjustment aid.* This is because the Department of Education's mechanism for funding enrollment adjustments is restricted to the venue of foundation aid. Close to 200 districts in the state are classified as pure transition aid and will not receive any monetary adjustment. The growing student population, coupled with decreasing state aid and tight caps continue to thin the GSCS school district dollar. This is no longer a short term situation. The compound effect cannot help but eventuate in eroding student programs and adding to the local tax burden.

The Impact of Underfunded Mandates

The mandate of Special Education is a working example of a well-intended state-imposed program becoming over regulated and underfunded. A recent article in the *Star-Ledger* states that New Jersey has sixteen different special education classifications for school-age children, while the national rate is ten. The article reports that if New Jersey classified at the national rate "...43,175 fewer students would have been classified." We are not saying classifications are not necessary, but we do think a few points can be inferred from these statistics. One is that New Jersey may have the highest cost for special education in the country, promulgated by state mandate and regulations. This is a contributing factor regarding the high cost of educating students in our state.

You should also be aware of the fact that in the I & J districts, the cost for special education that is not funded by state aid is picked up through the local tax levy and/or in reduced programs for other students. GSCS surveys indicate that special education aid to our districts is underfunded by approximately 60%. At the same time GSCS special education student enrollments have grown approximately 15%. Unaided, yet mandated, special education costs are part of the local property tax requirements and result in raising the I & J average costs, thus raising the amount of money necessary to bring the special needs districts to parity.

The Administrative Penalty

The Garden State Coalition of Schools has strongly opposed this initiative since it was initially proposed. The GSCS sponsored an emergency meeting in Livingston on February 1 to discuss this program - with only four working days notice - nearly 800 people attended. School board members, PTA's, and school personnel were represented from across the state - from Absecon to Princeton, to Wyckoff. Six legislators from the senate and the assembly were also in attendance.

You have shown a wisdom in your understanding of the unfairness in timing as well as in the inadequate design of the penalty where librarians, guidance counselors, and child study teams are included as 'administrators.' Twenty-two GSCS districts fall into this ill-conceived penalty basket. However, all Garden State districts have demonstrated active concern as to the negative message and impact this poor design holds for the future of our children. We appreciate the legislature's unity in opposing the imposition of the penalty in this proposed budget and stand ready to work with you on this matter.

Thank you for your time.



Dr. Lawrence S. Feinsod
President, Garden State
Coalition of Schools
Superintendent of Schools
Madison, New Jersey

May 16, 1995

28 X



Garden State Coalition of Schools

Dr. Lawrence S. Feinsod
President
Superintendent, Madison School District
359 Woodland Road
Madison, NJ 07940
Phone: (201) 593-3100 Fax: (201) 301-2170

Lynne Strickland
GSCS Director of Research and
Education Policy Analysis
85 Windsor Road
Tenafly, NJ 07670
Phone: (201) 569-1992 Fax: (201) 569-2825

TRUSTEE DISTRICT

Absecon

The Garden State Coalition of Schools supports efforts towards more equitable education opportunities for all school children. Wise public policy includes a permanent commitment of both quality and equity.

Chatham

Cherry Hill

The purpose of the Garden State Coalition is to promote educational practices, reasonable state regulations and state laws which further high academic achievement for all children. Its primary focus is on the interrelated issues of excellence and equity in academic achievement, educational practices and school finance. The Garden State Coalition of Schools believes that equity should be achieved by improving education and not by diminishing quality and eliminating school programs which have led to high student achievement.

Cranford

Hackensack

GSCS is:

Haddonfield

composed of 110 public school districts, primarily suburban. GSCS has nearly quadrupled in membership since formally organizing in June of 1992.

Hopewell Valley Regional

statewide in representation. Member districts span New Jersey, from Absecon in Atlantic county to Wyckoff in Bergen County.

Livingston

Madison

presently representing over 225,000 public schoolchildren through its member districts.

Millburn Township

unique, in that its participating individual members are a combination of education and lay leadership, specifically board of education members and superintendents.

Monroe Township

reflective of a broader perspective since its membership input stems from school and community concerns combined. The decision to join GSCS must be made at the board of education table with passage of a formal board resolution.

Montgomery Township

Mountain Lakes

truly grass roots in its decision-making process. GSCS is directed by a 21 district board of trustees that meets monthly. Thus, about 1 in 5 member districts has direct input to the direction of GSCS on an on-going basis. Both school board members and superintendents attend and participate regularly at these meetings.

Paramus

Parsippany/Troy Hills

led by a highly motivated membership. All member efforts are voluntary in nature. GSCS is supported by only one paid staff person.

Ridgewood Township

tightly organized and therefore able to facilitate information-gathering, analysis and/or recommended action in a short time frame.

Scotch Plains/Fanwood

Summit

visible. GSCS, particularly since 1993-1994, has received considerable statewide, and national (NY TIMES, BALTIMORE SUN), media attention. In addition, GSCS member school districts reside in approximately 25 legislative districts; approximately 35 member districts are from Bergen County.

Union Township

Westfield

Recognized as a force at the state level, GSCS is a valuable resource of information and innovative thinking for New Jersey leadership.

Woodcliff Lake

29 X

EXECUTIVE BOARD MEMBERS

Lawrence S. Feinsod
President
Superintendent
Madison

Jane M. Kershner
Vice President
Board President
Haddonfield

Susan Pepper
Vice President
Board President
Westfield

Robert Kish
Treasurer
Superintendent
Livingston

Mark C. Smith
Past President
Superintendent
Westfield

GARDEN STATE COALITION OF SCHOOLS/GSCS

MEMBERSHIP LIST 1994-1995

Absecon	Kenilworth
Allendale	Kinnelon
Bergen County Special Services	Lafayette/Augusta
Berkeley Heights	Lawrenceville (Lawrence Twsp)
Bernards Twsp	Livingston
Bernardsville	Lincoln Park
Boonton Twsp	Little Falls
Cedar Grove	Long Hill Twsp
Chatham	Madison
Cherry Hill	Maywood
Chester Twsp	Medford Lakes
Clark	Mendham Borough
Clinton Twsp	Millburn Twsp
Closter	Mine Hill
Colts Neck Twsp	Monroe Twsp
Cranbury Twsp	Montclair
Cranford	Montgomery Twsp
Cresskill	Montville Twsp
East Hanover	Moorestown Twsp
Edison	Morris
Elmwood Park	Mount Laurel
Emerson	Mountain Lakes
Englewood Cliffs	Mountainside
Fair Lawn	New Milford
Florham Park	North Brunswick (7/95?)
Fort Lee	North Caldwell
Franklin Lakes	North Haledon
Glen Ridge	Northern Highlands
Green Brook Twsp	Northern Valley Reg'l/Demarest
Hackensack	Old Tappan
Haddon Twsp	Oradell
Haddonfield	Paramus
Hanover Park Reg'l	Park Ridge
Hanover Twsp	Parsippany/Troy Hills
Harding Twsp	Pascack Valley Reg'l
Haworth	Point Pleasant Beach
Hillsdale	Princeton
Ho-Ho-Kus Borough	Ramapo/Indian Hills
Holmdel	Ramsey
Hopewell Valley Reg'l	Ridgefield Park

Ridgewood Twsp
Riverdell Twsp
River Edge
Rochelle Park
Rumson
Saddle Brook
Saddle River
Scotch Plains/Fanwood
Shrewsbury Borough
Somerville
South Orange/Maplewood
South Brunswick Twsp
Summit
Teaneck
Tenafly
Upper Saddle River
Union County Reg'l High School
Union Twsp
Voorhees Twsp
Watchung Hills Reg'l High School
Wayne
West Essex Reg'l
West Windsor/Plainsboro
Westfield
Westwood Reg'l
Woodcliff Lake
Wood-Ridge
Wyckoff

COMMISSIONER HARRIET DERMAN SUBMITTED THE FOLLOWING REMARKS IN FAVOR OF A STATE MANDATE/STATE PAY CONSTITUTIONAL AMENDMENT TO THE NEW JERSEY SENATE COMMUNITY AFFAIRS COMMITTEE.

Mr. Chairman, members of the Senate Community Affairs Committee.

When I appeared before another legislative committee a few weeks ago, I gave my word that this administration would move quickly to help develop a consensus on a State Mandate/State Pay Constitutional Amendment. Thanks to the efforts and cooperation of Senate President Donald DiFrancesco, I can declare success and tell you that the Whitman Administration and a host of important organizations support SCR 87.

Governor Whitman's staff, the Senate President's representatives and Senate Majority staff, DCA personnel, and the Attorney General's office, worked together with professionals from the New Jersey League of Municipalities, the Association of Counties, and the New Jersey School Boards Association to craft the language before you.

We should not lose sight of the significance of this cooperative effort. After decades of trying, major players have agreed on the exact wording of a constitutional amendment that will end forever the practice of passing on unfunded State mandates to our cities, towns, and villages.

Governor Whitman and Senator DiFrancesco have been calling for a constitutional amendment for some time. The fact that we now have a consensus is a tribute to their commitment and their resolve to help the property tax payers of this state.

This proposal is a constitutional amendment and, therefore, a guide. The language is not designed to answer every question right now. It establishes realistic and solid boundaries. And that's exactly what good, well-written constitutional amendments do -- give us the ability and flexibility to enact implementing legislation and work within the established parameters for years to come.

This bill has as its cornerstone Senator DiFrancesco's initiative to establish a Council on Local Mandates, which will resolve disputes on whether a law or rule is an unfunded mandate. I want to point out that the Council will be comprised of appointees from both the legislative and executive branches and must be bi-partisan. Very bi-partisan and fair.

The drafters of this proposal also took great pains not to overstep the authority of the State, not to tie the hands of the courts, and not to prevent the Legislature from responding swiftly to emergency situations.

32x

The language in this amendment exempts Federal laws and rules, such as the Americans With Disabilities Act and other civil rights legislation, and protects mandates that apply to both the public and private sectors, such as Workers' Compensation and Right to Know.

Furthermore, it safeguards the State treasury by not imposing unrealistic expectations on State government. For example, if the Legislature wishes to ease or repeal an existing mandate, or reapportion costs between local entities, this bill preserves the latitude you currently enjoy and gives you the ability to do so.

As I mentioned already, we have made it clear that the integrity and the independence of the courts will not be compromised. We have maintained the prerogative of the judiciary. And, most importantly, we give the Legislature adequate power to act in case of an emergency.

I am very excited about the prospects for the adoption of this proposal and am grateful for the efforts of Governor Whitman, Senate President DiFrancesco, the DCA, the Attorney General, the League, the Counties, the School Boards and other interested parties. Working as a team, we are finally at the point when we can see the light at the end of the tunnel and know that it is not an oncoming train. I believe we will have a State Mandate/State Pay Constitutional Amendment on the ballot this year.

On behalf of Governor Whitman and the members of the cabinet, I urge your favorable consideration of this legislation.



New Jersey Association of Counties

Samuel J. Plumeri, Jr.
President
Mercer County Sheriff

Celeste Carpiano
Executive Director

NJAC Position Statement

SCR-87 - STATE MANDATE/STATE PAY

The New Jersey Association of Counties (NJAC) has a vital interest in addressing State mandated programs for which no state funding is provided. NJAC strongly supports the amended version of SCR-87 sponsored by Senate President DiFrancesco and Assembly Speaker Haytaian.

NJAC staff worked in conjunction with members of the Governor's staff, representatives of the Legislature, along with the League of Municipalities and the New Jersey School Boards Association to develop a constitutional amendment that provides a great deal of flexibility in dealing with the issue of unfunded government mandates.

There are a multitude of areas in which unfunded mandates impact county government: county colleges which receive roughly 14% of their support from the State, notwithstanding the statutory formula requiring a 41% state share; county jails must comply with a variety of state requirements but these must be paid for by county taxpayers; state law requires that each county have a Weights & Measures Office, a Medical Examiner's office, and support the County Cooperative Extension Service. In the Human Services area there are a number of mandated programs including the County Mental Health Administration Units, the Intoxicated Driver Resource Centers, County Offices on Aging, the Offices of Youth Services, and the County Human Service Advisory Councils.

Obviously, the public does not want higher taxes. When mandated costs are passed onto county governments we are the ones who have to make the tough choices. We are a level of government that operates close to the people because of the number of face to face interactions the general public has with county employees. Many current legislators, themselves former freeholders and/or county officials, know the difficulty involved in formulating a budget while addressing state mandated costs.

NJAC strongly supports the Governor's efforts to streamline state government and balance the state budget. We share a common bond - your taxpayers are our taxpayers. We have a responsibility to do the best we can to provide necessary services for the best possible price. Let's work together and share our common responsibility. We believe that if there is no state money available for state mandated programs, the implementation of these programs by counties should be optional.

34X



407 WEST STATE STREET, TRENTON, N.J. 08618 :: (609) 695-3481

JOHN E. TRAFFORD, *Executive Director* WILLIAM G. DRESSEL, JR., *Asst. Executive Director*

STATEMENT BY ROBERT REIHER,
MAYOR, WEST CALDWELL,
PRESIDENT,
NEW JERSEY STATE LEAGUE OF MUNICIPALITIES,
IN FAVOR OF SCR-87, A PROPOSAL TO
AMEND OUR STATE CONSTITUTION TO NULLIFY MOST FUTURE
UNFUNDED STATE MANDATES, GIVEN BEFORE
THE SENATE JUDICIARY COMMITTEE AND THE
SENATE BUDGET AND APPROPRIATIONS COMMITTEE
COMMITTEE ROOMS 4 AND 6
FIRST FLOOR
STATE HOUSE ANNEX
TRENTON
MONDAY, MAY 15, 1995
10:00 A.M.

THANK YOU, MISTER CHAIRMAN. IT IS A PLEASURE TO COME BEFORE YOU, TO DELIVER THIS PLEA FOR SWIFT AND FAVORABLE ACTION ON SCR-87. I ASK THAT YOUR ACTION BE SWIFT BECAUSE THE CONSTITUTIONAL TIME-BOMB IS TICKING. A PROPOSED AMENDMENT NEEDS TO BE PLACED ON THE DESKS OF EVERY MEMBER OF EACH HOUSE AT LEAST TWENTY DAYS BEFORE A VOTE ON THAT PROPOSAL CAN OCCUR IN ITS HOUSE OF ORIGIN. AFTER PLACEMENT ON THE DESKS, A PUBLIC HEARING MUST BE HELD ON THE PROPOSAL BEFORE THE VOTE IS TAKEN. IF THE PROPOSAL IS TO APPEAR ON THE BALLOT THIS NOVEMBER, IT NEEDS 24 AFFIRMATIVE VOTES IN ITS ULTIMATE SENATE POSTING. IT THEN MUST GO TO THE OTHER HOUSE, WHERE IT ULTIMATELY WILL NEED 48 AFFIRMATIVE VOTES. ALL OF THIS NEED TO HAPPEN BEFORE THE LEGISLATURE LEAVES TRENTON FOR ITS SUMMER RECESS.

THIS PROPOSAL WAS LAST BEFORE YOU ON MARCH 2. AT THAT TIME, IT SEEMED TO HAVE A LOT OF MOMENTUM BEHIND IT. THAT MOMENTUM WAS BROKEN WHEN DCA COMMISSIONER DERMAN ASKED YOU TO HOLD SCR-87 "... FOR JUST A LITTLE WHILE LONGER" FROM AN ASTRONOMICAL, OR EVEN A GEOLOGICAL, PERSPECTIVE, 74 DAYS MAY SEEM AN INSIGNIFICANT SNAP OF THE FINGERS.

— SERVING MUNICIPAL GOVERNMENT IN NEW JERSEY FOR MORE THAN 75 YEARS —

35X

BUT, FROM A CONSTITUTIONAL PERSPECTIVE, 74 DAYS IS A LONG TIME. THUS, I HOPE YOU WILL UNDERSTAND AND RESPOND TO MY RESPECTFUL PLEA FOR SPEED.

MY PLEA FOR YOUR FAVORABLE ACTION RESTS ENTIRELY ON THE MERITS OF THE PROPOSAL, ITSELF.

THE SENATE PRESIDENT IS, ONCE AGAIN, TO BE COMMENDED. HE HAS RESPONDED -- AND RESPONDED POSITIVELY -- TO THE CONCERNS WHICH MOTIVATED COMMISSIONER DERMAN'S REQUEST FOR DELAY. HE HAS SHOWN THE FLEXIBILITY TO BEND, YET THE STRENGTH TO REMAIN UNBROKEN. THE ADMINISTRATION HAS SIMILARLY DEMONSTRATED A WILLINGNESS TO COMPROMISE ON THEIR OBJECTIONS, WITHOUT COMPROMISING THEIR PRINCIPLES. AND, THROUGHOUT THIS DISCUSSION -- AS THROUGHOUT HIS TENURE AS SPEAKER -- ASSEMBLYMAN HAYTAIAN HAS KEPT OUR FOCUS ON THE OBJECTIVE OF THIS PROPOSAL.

WITH THESE EXAMPLES OF MUTUAL GOOD-WILL AND ENLIGHTENMENT BEFORE US, (AND WITH LONG AND FRUITFUL DISCUSSIONS BEHIND US) WE ENTHUSIASTICALLY EMBRACE THE VERSION OF THE PROPOSED AMENDMENT WHICH YOU CONSIDER, TODAY.

FRANKLY, THIS PROPOSAL POSTPONES THE DEBATE ON SEVERAL ISSUES THAT WILL BE IMPORTANT TO NEW JERSEY'S BELEAGUERED PROPERTY TAXPAYERS. BUT IT GIVES THOSE TAXPAYERS SOMETHING THAT THEY HAVE NEEDED FOR TOO LONG. IT GIVES THEM CONSTITUTIONAL PROTECTION FROM THE INDISCRIMINATE IMPOSITION OF UNFUNDED STATE MANDATES.

WE ARE PROUD AND HAPPY TO JOIN WITH ALL WHO HAVE WORKED SO HARD FOR SO LONG ON THIS COMPROMISE. WE URGE YOU ALL TO VOTE "YES."

36x



NEW JERSEY

STATE LEAGUE OF MUNICIPALITIES

Phone: (609) 695-3481
Fax: (609) 695-0151

407 WEST STATE STREET

::

TRENTON, N.J. 08618

JOHN E. TRAFFORD, *Executive Director*

WILLIAM G. DRESSEL, JR., *Asst. Executive Director*

STATEMENT BY THE HONORABLE MAYOR FREDERICK J. DRESSEL OF MOONACHIE,
PRESIDENT, NEW JERSEY STATE LEAGUE OF MUNICIPALITIES,
IN SUPPORT OF SCR-87,
WHICH WOULD REQUIRE STATE FUNDING FOR NEW STATE MANDATES,
DELIVERED TO A JOINT MEETING OF
THE SENATE BUDGET AND APPROPRIATIONS COMMITTEE
AND THE SENATE JUDICIARY COMMITTEE, HELD ON
THURSDAY, MARCH 2, 1995
10:00 A.M.
STATE HOUSE
TRENTON, NJ

THANK YOU, RESPECTED CHAIRMEN AND MEMBERS OF THE COMMITTEES. FOR OVER THREE (3) DECADES, THE LEAGUE OF MUNICIPALITIES HAS BEEN FIGHTING UNFUNDED MANDATES. FOR THE PAST EIGHT YEARS, WE HAVE STRUGGLED TO GET, BEFORE THE VOTERS, A PROPOSAL TO AMEND OUR STATE'S CONSTITUTION TO PREVENT THE IMPOSITION OF FUTURE UNFUNDED MANDATES.

NOW, AT LONG LAST, AND FOR THE FIRST TIME, THE ASSEMBLY SPEAKER, THE GOVERNOR AND THE PRESIDENT OF THE SENATE HAVE GONE ON RECORD IN SUPPORT OF JUST SUCH A PROPOSAL.

BEFORE I CONTINUE, I WANT TO TAKE THIS OPPORTUNITY TO PRAISE AND TO THANK THOSE WHO WORKED SO HARD FOR SO LONG TO KEEP THIS ISSUE ALIVE. THEY HAVE BUILT, FOR IT, THE MOMENTUM THAT HAS CARRIED US THIS FAR. SPEAKER HAYTAIAN AND ASSEMBLYMAN GEIST OFFERED US THE BEST PROTECTION THAT THE POLITICAL CLIMATE OF THE TIMES ALLOWED. THEIR EFFORTS CHANGED THAT CLIMATE. WE ALL KNOW THAT THEY WILL GET BEHIND SCR-87. AND I WANT THEM TO KNOW THAT THEY HAVE ALREADY EARNED OUR ETERNAL GRATITUDE AND OUR INFINITE RESPECT.

37X

WE, LIKEWISE, THANK THE SENATE PRESIDENT AND THE MINORITY LEADER FOR THE ENCOURAGEMENT THAT THEY HAVE GIVEN, AND FOR THE RESOURCES THAT THEY HAVE EXPENDED IN THIS BATTLE.

WE SALUTE THE GOVERNOR FOR HER ARTICULATE ADVOCACY OF THE CONSTITUTIONAL APPROACH TO SOLVING THE PROBLEM OF UNFUNDED MANDATES.

FINALLY, WE THANK YOU, CHAIRMAN LITTELL, AND YOU, CHAIRMAN GORMLEY. CHAIRMAN LITTELL, YOU HAVE ALWAYS AND CONSISTENTLY WORKED TO PROTECT OUR PROPERTY TAXPAYERS FROM UNFUNDED MANDATES. AND CHAIRMAN GORMLEY, IT WAS YOUR RESERVATIONS TO THE EARLIER PROPOSAL WHICH HELPED TO GET US THIS VIRTUALLY AIRTIGHT VERSION OF STATE PAY FOR STATE MANDATES.

SENATOR DI FRANCESCO HAS PUT BEFORE YOU THE STRONGEST--THE TOUGHEST--THE BEST PROTECTION AGAINST UNFUNDED MANDATES THAT WE HAVE EVER SEEN ANYWHERE. HIS APPROACH IS VIRTUALLY "BULLET-PROOF."

IF APPROVED BY BOTH HOUSES IN ACCORDANCE WITH THE CONSTITUTIONAL REQUIREMENTS, THE CONCURRENT RESOLUTION BEFORE YOU WILL BE RATIFIED BY THE PEOPLE OF THIS STATE. IT WILL BE RATIFIED FOR ONE SIMPLE REASON. IT MAKES SENSE.

IT MAKES SENSE TO IMPOSE LIMITS ON FUTURE PROPERTY TAX INCREASES. EVEN THE OPPONENTS OF STATE PAY FOR STATE MANDATES ADMIT THAT THIS WOULD OCCUR. IN FACT, THE DOLLAR VALUE OF THIS BENEFIT OF THE PROPOSAL IS LITERALLY INCALCULABLE. THE PEOPLE KNOW THIS. AND IT IS THE SINGLE BIGGEST BENEFIT OF SCR-87.

38x

IT MAKES SENSE TO FORCE THE PROPONENTS OF NEW PROGRAMS AND SERVICES TO ANALYZE THE COSTS, AS WELL AS THE BENEFITS, OF THEIR INITIATIVES. THERE IS A TENDENCY TO MORE CAREFULLY EVALUATE THE RESTAURANT MENU, WHEN IT IS OUR TURN TO PICK UP THE TAB. THIS BENEFIT WILL PROMOTE BETTER GOVERNMENT BY PREVENTING UNNECESSARY "REFORMS" AND BY STREAM-LINING THOSE NEW PROGRAMS AND SERVICES THAT ARE NEEDED. SCR-87 IS BUILT AROUND SUCH JUDGEMENTS.

IT MAKES SENSE TO PERIODICALLY RE-EVALUATE THE COSTS AND THE BENEFITS OF PROGRAMS AND SERVICES. WE MUST BE CERTAIN THAT THE PUBLIC IS INVESTING ENOUGH, BUT NOT TOO MUCH. AND WE MUST BE ASSURED THAT THEY ARE GETTING ALL THAT THEY ARE PAYING FOR. SCR-87 REQUIRES SUCH RE-EVALUATIONS.

IT MAKES SENSE TO ISOLATE FUNDING FOR MANDATES FROM OTHER BUDGETARY CONSIDERATIONS. OTHERWISE, THE PROPERTY TAX RELIEF ASPECT OF THIS PROCESS WOULD BE COMPROMISED. A BUREAUCRAT MIGHT BE TEMPTED TO PERPETRATE A FISCAL SHELL GAME TO CIRCUMVENT THE CLEAR INTENT OF THIS AMENDMENT. SCR-87 PRECLUDES THAT POSSIBILITY.

IT MAKES SENSE TO MAKE THOSE WHO DECIDE TO EXPEND PUBLIC DOLLARS RESPONSIBLE FOR FINDING THOSE DOLLARS AND ACCOUNTABLE FOR EXPLAINING TO THE PUBLIC THEIR REASONS FOR INCURRING THE EXPENSES--AS WELL AS THEIR REASONS FOR CHOOSING THIS OR THAT SOURCE OF FUNDING. SCR-87 WILL REUNITE RESPONSIBILITY WITH ACCOUNTABILITY AND PROMOTE GREATER PUBLIC CONFIDENCE IN PUBLIC SERVANTS AT ALL LEVELS OF GOVERNMENT.

THIS PROPOSAL WILL FORCE FUTURE LEGISLATORS AND BUREAUCRATS TO SOMETIMES

39X

SAY "NO" TO THE SPECIAL INTERESTS. IT WILL FORCE THEM TO ACCEPT RESPONSIBILITY FOR THEIR ACTIONS. THEREFORE, IT WILL TAKE A LOT OF COURAGE AND A LOT OF MATURITY TO VOTE "YES" ON SCR-87. IT WILL ALSO DEMONSTRATE A LEGISLATOR'S WILLINGNESS TO RESPECT ELECTED MUNICIPAL, COUNTY AND SCHOOL DISTRICT OFFICIALS, AND TO WORK WITH THEM AS PARTNERS IN THE PUBLIC'S SERVICE.

WE URGE YOU TO KEEP THIS PROPOSAL MOVING ALONG. IT SHOULD BE ON THE BALLOT THIS NOVEMBER. WITH YOUR HELP IT WILL BE.

THANK YOU ALL FOR THE TIME YOU HAVE GIVEN ME, AND FOR YOUR KIND ATTENTION.

40 X

Editorials

POLICE SALARIES

Free towns from mandated raises

Police put their lives on the line every day for the sake of regular citizens. For this, they deserve respect and gratitude. They also deserve to be well-compensated for the important role they play.

Their salaries, however, have spiraled way above the inflation rate, and way beyond what towns and taxpayers can afford.

Police salaries have been on the upswing for years. In East Brunswick, for example, salaries for entry-level officers have risen from \$22,620 in 1983 to \$33,439, a 51 percent increase.

The state's current binding-arbitration system unfairly tilts toward PBA demands, but a bitterly fought bill, which apparently has Gov. Christie Whitman's support, would change that.

Under the existing law, when police unions and towns can't reach agreement, a state arbitrator must accept one side's entire proposal. In most cases, arbitrators choose the union's package.

The state's current binding-arbitration system unfairly tilts toward PBA demands, but a bitterly fought bill, which apparently has Gov. Christie Whitman's support, would change that.

10 • THE HOME NEWS • SUNDAY, FEBRUARY 19, 1995

The state Senate passed a bill designed to rectify this situation by giving the arbitrator the ability to pick and choose between proposals of both sides to create a package that the Arbitrator would then refer to the Governor. Gov. Whitman has indicated she will conditionally veto the bill, giving it back the strength of the Senate version. She must do this, and the Legislature must then approve the Senate version.

Police salaries represent the largest portion of the municipal budget by far, but local officials have little say in contract awards under this existing law. In South Brunswick, for example, police make up 80 percent of the salary budget, and police salaries and benefits combined represent 40 percent of the entire municipal budget. Mandated settlements in that big a chunk of the budget tie local officials' hands, forcing them too often to cut services, jobs or raise taxes.

The other issue the state is about to address is chiefs' salaries. Under an existing state mandate, police chiefs must be paid at least 5 percent more than the next highest officer. No other mandates exist for salaries for any other public employees.

A state survey of 567 mayors rated chiefs' salaries as the top mandate they'd like to eliminate. And a bill by Sen. Leonard Connor, R-Union, which has passed the Legislature, would give towns back the right to set their own chiefs' salaries.

These are not easy times for police. In many towns, as budgets are slashed, police jobs are not being filled and the work piles up for those who remain. Local governments, however, are facing changes in funding from the state and federal governments and the increasing challenge of balancing their budgets without crippling the taxpayers.

The essential need for police, and recognition of the crucial job police do, should never be forgotten. But forcing local governments to pay ludicrously high salaries cannot continue.

Seeing is believing

The League of Municipalities for years has advocated a "state mandate, state pay" amendment to the New Jersey Constitution that would require state government to foot the bill for any new expenses that it imposes on the towns and counties. Any local taxpayer who has thought about the issue for half a second has been in favor of it, too. And for years politicians at the State House have given lip service to such an amendment — but have done nothing about it.

Will things be different this year? Will the voters finally get a chance to vote on state mandate, state pay?

It would seem likely. Gov. Whitman says she wants the amendment. The Assembly has approved two versions of it. Senate President Donald T. DiFrancesco has sponsored his own carefully-crafted version, which is scheduled for a committee hearing March 2. And Assembly Speaker Chuck Haytaian says if the Senate passes the DiFrancesco bill, he'll post it for an Assembly vote and "you'll see it pass."

Sounds good. But politicians don't always deliver on their promises (see police arbitration reform). There's a reason why state mandate, state pay hasn't been done before. The Legislature dearly loves to enact beneficial-sounding laws and fob off onto local government the job of raising the taxes to pay for them. It's a deeply-rooted instinct. The voters would be well advised to watch this issue, and this Legislature, closely. Until they actually see a strong state mandate, state pay amendment such as Sen. DiFrancesco's on the November ballot, they had better not spend any of their tax savings.

The Times

113th Year — 127th Edition

Our Customer Service Department is open from 8:30 a.m. to 5:00 p.m. Monday through Friday and 7:30 a.m. to 11:30 a.m. Saturday and Sunday. For guaranteed home delivery, call by 9:00 a.m. Monday through Friday and 10:30 a.m. Saturday and Sunday.

Trenton area	989-5500
Burlington	267-9383
Bucks	946-6500
Princeton	924-3311
Hightstown	448-9054

HOME DELIVERY RATES

7 DAYS A WEEK

Carrier	\$1.60/week
Motor route	\$1.80/week

MONDAY THRU SATURDAY

Carrier	\$1.20/week
Motor route	\$1.35/week

SATURDAY & SUNDAY ONLY

Carrier	\$.80/week
Motor route	\$.90/week

To correct advertising proofs on Saturday, call 396-3277, 9 a.m. - 4 p.m.
Call 989-5454, Monday through Friday 8:30 a.m. - 5:30 p.m.

If you have a news tip for The Times, call our city desk at the numbers below.

Trenton area	989-5454
Burlington	267-9383
Bucks	946-6502
Princeton	924-3681

Hunten and others call collect

Postal information

Second-class postage paid at Trenton, N.J. The Times mail subscriptions \$182.00 per year anywhere in the continental U.S. Other rates available upon request. The Times (ISSN 8750-9083), is published Monday through Sunday, at 500 Penn. St., Trenton, N.J. 08610.

POSTMASTER: Send address changes to The Times, P.O. Box 847, Trenton, N.J. 08605.

FEB 14 1986

42X

A new proposal on mandates

Senate President Donald DiFrancesco proposed the amendment. The state would have to pay upfront.

By Barbara Fitzgerald
ASSOCIATED PRESS

TRENTON — Senate President Donald T. DiFrancesco wants to amend the state constitution to require lawmakers to pay cash upfront for any new laws or regulations they enact.

DiFrancesco (R., Union) presented the plan as an alternative to a constitutional amendment backed by the Assembly that is stalled in a Senate committee.

"In essence, this amendment has the potential to dramatically alter the way state government thinks about mandates and most importantly, acts upon mandates," he said.

DiFrancesco's plan is more ambitious than the Assembly version. It would require lawmakers to figure the cost and pay for any new regulations or rules imposed on local governments or school boards.

It also provides no escape clause. By contrast, the Assembly version allows lawmakers to exempt themselves from paying for new mandates with a two-thirds majority vote.

"If we are going to help mayors hold the line on property taxes, then we need to give them an amendment that works from the start," DiFrancesco said. "This amendment includes mandates imposed on school boards and applies to all bills, joint resolutions, rules, regulations and orders."

Democratic lawmakers criticized Republican leaders for putting forth two conflicting amendments.

"This declaration of Republican gridlock over state mandate-state pay does not bode well at all for property taxpayers in New Jersey," said Sen. John Lynch (D., Middlesex). "By sending different proposals to each other, the Republican majorities will

achieve nothing toward solving the people's property tax problems."

Under DiFrancesco's plan, the state would have to provide the funds upfront for mandates, it could not meet the obligation by using existing state funds.

Left unclear in his plan is the exact definition of a mandate.

Disputes on such definitions could be resolved by a five-member State Mandate Review Council, the plan says. The council would be composed of individuals appointed by legislative leaders and the chief justice of the state Supreme Court.

The plan also would require the Office of Legislative Services to provide a five-year fiscal projection of the costs of imposing a mandate on each town, county or school board in New Jersey. A 60-day consideration period would be required.

The League of Municipalities, the New Jersey Association of Counties and the New Jersey School Boards Association are endorsing the plan.



Associated Press / CHARLES REX ARBOGAST

Donald T. DiFrancesco, state Senate president, talks to reporters in Trenton after proposing an alternative funded-mandates amendment.

43X

NEW JERSEY

Senate leader's plan would make state pay up front for new laws

Associated Press

TRENTON — Senate President Donald DiFrancesco wants to amend the state constitution to require lawmakers to pay cash up front for any new laws or regulations they enact.

DiFrancesco, R-Trenton, presented the plan as an alternative to a constitutional amendment backed by the Assembly that is stalled in a Senate committee.



DIFRANCESCO

"In essence, this amendment has the potential to dramatically alter the way state government thinks about mandates and, most importantly, acts upon mandates," he said.

DiFrancesco's plan is much more ambitious than the Assembly version. It would require lawmakers to figure out the cost of and pay for any new regulations or rules imposed on local governments or school boards.

It also provides to escape clause.

By contrast, the Assembly version allows lawmakers to exempt themselves from paying for new mandates with a two-thirds majority vote.

"If we are going to help mayors hold the line on property taxes, then we need to give them an

amendment that works from the start," DiFrancesco said.

"This amendment includes mandates imposed on school boards and applies to all bills, joint resolutions, rules, regulations and orders.

But Democrats criticized Republican leaders for putting forth conflicting amendments.

"This discussion of Republican gridlock over state mandate-state pay does not bode well at all for property taxpayers in New Jersey," said Sen. John Lynch, D-Middlesex.

"By sending different proposals to each other, the Republican majorities will achieve nothing toward solving the people's property tax problems."

Under DiFrancesco's plan, the state would have to provide the funds up front for mandates; it could not meet the obligation by using existing state funds.

Left unclear in his plan is the legal definition of a mandate.

Disputes on such definitions would be resolved by a five-member State Mandate Review Council, the plan says. The council would be composed of individuals appointed by legislative leaders and the chief justice of the state Supreme Court.

The plan also would require the Office of Legislative Services to provide a five-year fiscal projection of the costs of imposing a mandate on each town, county or school board in New Jersey. A 60-day consideration period would

also be required before the mandate could be enacted.

"In essence this amendment establishes a process by which the legislative and regulatory procedures would be slowed down long enough so that an accurate portrait of a mandate's cost and impact could be realized," DiFrancesco said. "I expect we will see fewer mandates introduced and passed."

44X

N.J. CONSTITUTION

Senator pushing mandate clause

■ Senate president says proposal would allow no exceptions to "state mandate, state pay" rule.

By PAT POLITANO
Courier-News Staff Writer

TRENTON — The state would impose no new programs or requirements on local governments, counties and schools unless the state pays the bill, if a constitutional amendment proposed Wednesday by Senate President Donald DiFrancesco, is adopted.

DiFrancesco said his proposal would allow no exceptions to "state mandate, state pay" rule and would require state officials to calculate how much any law, rule or regulation would cost.

"If we are going to help mayors hold the line on property taxes then we need to give them an amendment that works from the start," the Scotch Plains Republican said.

DiFrancesco's proposal differs from one offered by Assembly Speaker Chuck Haytaian earlier this year that would also restrict Trenton's ability to tell local governments what they must do.

DiFrancesco's proposal covers schools, while Haytaian's extended to only local and county governments. DiFrancesco's plan also does not allow for exceptions. The proposal offered in the lower house would have allowed the state to impose programs without picking up the cost by a two-thirds vote of the Legislature.

The Senate proposal also would not allow Trenton to simply redistribute aid it already gives to communities and say that is payment for a new program.

DiFrancesco's plan would require the state Office of Legislative Ser-

□ See MANDATE on Page A-11

MANDATE: Senator proposes amendment

□ Continued from Page A-1

ices, the non-political research arm of the Legislature, to determine the cost of any new or expanded program to local governments for five years. The bill would not be permitted to be released from a legislative committee until the money to implement the program for one year was included and future budgets would have to include a specific line-item for the cost.

DiFrancesco said the process would be somewhat arduous, but was designed that way on purpose.

"In essence, this amendment establishes a process by which the Legislative and regulatory procedures would be slowed down long enough so that an accurate portrait of a mandate's cost and impact could be realized," DiFrancesco said.

"I expect you'll see fewer mandates introduced and passed."

Mayor Janet Whitman of Summit, an executive board member of the New Jersey State League of Municipalities, said she hoped with both legislative leaders sponsoring measures to restrict Trenton's ability to impose

its will on local government, a measure will finally be adopted. The League has lobbied for such a law.

"Both agree that we can no longer afford to continue business as usual," Whitman said. "Both agree that the people who pay the bills — the voters of the State of New Jersey — must be given the chance to amend their Constitution to control the state's appetite for the imposition of unfunded mandates."

DiFrancesco said he'll introduce his measure in the Senate Dec. 15. He hasn't decided which committee will hold hearings on it.

Senate leader wants state to foot the bill for its bills

THE ASSOCIATED PRESS

Al Rio

TRENTON — Senate President Donald T. DiFrancesco wants to amend the state Constitution to require lawmakers to pay cash up front for any new laws or regulations they enact.

DiFrancesco, R-Union, presented the plan as an alternative to a constitutional amendment, backed by the Assembly, that is stalled in a Senate committee.

"In essence, this amendment has the potential to dramatically alter the way state government thinks about mandates and most importantly, acts upon mandates," he said.

DiFrancesco's plan is much more ambitious than the Assembly version. It would require lawmakers to cost out and pay for any new regulations or rules imposed on local governments or school boards.

It also provides no escape clause.

By contrast, the Assembly version allows lawmakers to exempt themselves from paying for new mandates with a two-thirds majority vote.

"If we are going to help mayors hold the line on property taxes, then we need to give them an amendment that works from the start," DiFrancesco said. "This amendment includes mandates imposed on school boards and applies to all bills, joint resolutions, rules, regulations and orders."

But Democratic lawmakers criticized Republican leaders for putting forth two conflicting amendments.

"This declaration of Republican gridlock over state mandate-state pay does not bode well at all for property taxpayers in New Jersey," said Sen.

John Lynch, D-Middlesex. "By sending different proposals to each other, the Republican majorities will achieve nothing toward solving the people's property tax problems."

Under DiFrancesco's plan, the state would have to provide the funds up front for mandates; it could not meet the obligation by using existing state funds.

Left unclear in his plan is the legal definition of a mandate.

Disputes on such definitions would be resolved by a five-member State Mandate Review Council, the plan says. The council would be composed of individuals appointed by legislative leaders and the chief justice of the state Supreme Court.

The plan also would require the Office of Legislative Services to provide a five-year fiscal projection of the costs of imposing a mandate on each town, county or school board in New Jersey. A 60-day consideration period would also be required before the mandate could be enacted.

"In essence, this amendment establishes a process by which the legislative and regulatory procedures would be slowed down long enough so that an accurate portrait of a mandate's cost and impact could be realized," DiFrancesco said. "I expect we will see fewer mandates introduced and passed."

All mandates would expire after five years under the proposed amendment, so the Legislature can review a mandate's effectiveness.

The League of Municipalities, the New Jersey Association of Counties and the New Jersey School Boards Association are endorsing the plan.

46X

Footing the bill on state mandates

TRENTON (AP) — Senate President Donald DiFrancesco wants to amend the state constitution to require lawmakers to pay cash up front for any new laws or regulations they enact.

DiFrancesco, R-Westfield, presented the plan as an alternative to a constitutional amendment backed by the Assembly that is stalled in a Senate committee.

"In essence, this amendment has the potential to dramatically alter the way state government thinks about mandates and, most importantly, acts upon mandates," he said.

DiFrancesco's plan is much more ambitious than the Assembly version. It would require lawmakers to cost out and pay for any new regulations or rules imposed on local governments or school boards.

It also provides no escape clause.

Senate leader calls for 'COD' plan

By contrast, the Assembly version allows lawmakers to exempt themselves from paying for new mandates with a two-thirds majority vote.

"If we are going to help mayors hold the line on property taxes, then we need to give them an amendment that works from the start," DiFrancesco said. "This amendment includes mandates imposed on school boards and applies to all bills, joint resolutions, rules, regulations and orders."

But Democratic lawmakers criticized Republican leaders for putting forth two conflicting amendments.

"This declaration of Republican gridlock over state mandate-state

pay does not bode well at all for property taxpayers in New Jersey," said Sen. John Lynch, D-New Brunswick. "By sending different proposals to each other, the Republican majorities will achieve nothing toward solving the people's property tax problems."

UNDER DiFRANCESCO'S plan, the state would have to provide the funds up front for mandates; it could not meet the obligation by using existing state funds.

Left unclear in his plan is the legal definition of a mandate.

Disputes on such definitions would be resolved by a five-member State Mandate Review Council, the

plan says. The council would be composed of individuals appointed by legislative leaders and the Chief Justice of the state Supreme Court.

The plan also would require the Office of Legislative Services to provide a five-year fiscal analysis of the costs of imposing a mandate on each town, county or school district in New Jersey. A 60-day cooling-off period would also be required before the mandate could be enacted.

"In essence this amendment establishes a process by which the legislative and regulatory procedures would be slowed down long enough so that an accurate portrait of a mandate's cost and impact could be realized," DiFrancesco said. "I expect we will see fewer mandates introduced and passed."

47x

DEC 08 1994

Senate chief: State should pay for new mandates

TRENTON (AP) — Senate President Donald DiFrancesco wants to amend the state constitution to require lawmakers to pay cash up front for any new laws or regulations they enact.

DiFrancesco, R-Union, presented the plan as an alternative to a constitutional amendment backed by the Assembly that is stalled in a Senate committee.

"In essence, this amendment has the potential to dramatically alter the way state government thinks about mandates and most importantly, acts upon mandates," he said.

DiFrancesco's plan is much more ambitious than the Assembly version. It would require lawmakers to cost out and pay for any new regulations or rules imposed on

local governments or school boards.

It also provides no escape clause.

By contrast, the Assembly version allows lawmakers to exempt themselves from paying for new mandates with a two-thirds majority vote.

"If we are going to help mayors hold the line on property taxes, then we need to give them an

amendment that works from the start," DiFrancesco said. "This amendment includes mandates imposed on school boards and applies to all bills, joint resolutions, rules, regulations and orders."

But Democratic lawmakers criticized Republican leaders for putting forth two conflicting amendments.

48X

Three for the taxpayer

Trenton Times 9.25

Gov. Christine Todd Whitman says local governments should practice economy, as she has done at the state level, in order to keep a lid on property taxes.

The time is at hand for Gov. Whitman to establish real credibility on this issue. She can do it by pushing strongly for three important measures that are hanging fire in the Legislature — three measures that would return to municipalities and counties some of the power they once had, but have lost, to make their own decisions about how to spend tax money.

...

(1) **Reform of the police-fire arbitration law.** S-1144 would level the table on which towns and police-fire unions now work out contract settlements. That table is now tilted heavily in favor of the unions, for reasons that have been described many times in this column. The bill is in a Senate committee headed by Sen. Peter Inverso, R-14th District. Even after it emerges, its passage by the full Senate is far from a sure thing; the Police-men's Benevolent Association has promised to "absolutely go to the wall" to defend the status quo, and the PBA wields a powerful influence over senators of both parties. Over in the Assembly, where Speaker Chuck Haytaian is running for the U.S. Senate and is understandably less than eager to offend the PBA (at least until after the election), S-1144 faces equally rough going. A strong public commitment by Gov. Whitman to the bill — something, say, on the order of magnitude of her commitment to income-tax reduction — might strengthen the resolve of legislative leaders and rank and file to do what's right rather than merely what the PBA wants.

(2) **Relief from selected state spending mandates.** Last spring, with much fanfare, the Senate introduced S-7, a bipartisan bill that would eliminate or restructure 14 spending requirements that the state has imposed on local governments. The annual saving to local property taxpayers was estimated at \$28.5 million; not a fabulous amount, but, to paraphrase the late Sen. Everett Dirksen, a million here, a million there, and eventually you're talking about real money. A funny thing happened to this bill on the way to enactment, however. The police chiefs' union descended on Trenton to protest elimination of a mandate that chiefs get salaries at least 5 percent above the highest salary of the ranking officer next in command. The next thing the state's mayors and councilpersons knew, the bill had been pulled off the voting board so senators could consider deleting the repeal of the chiefs'-salary provision. There's no justification for keeping this mandate on the books: The state doesn't require such a pay differential for any other local-government supervisor. But with or without amendments, S-7 represents an effort to give the local taxpayer relief, and it deserves the governor's support.

(3) **A state-mandate, state-pay constitutional amendment.** Of all the "taxpayer liberation" legislation now pending, this amendment is by far the most significant over the long haul. The Assembly approved it in time for it to go on the November ballot, but Senate President Donald DiFrancesco held it up, citing some (plausible) concerns about its specifics. The Senate president said he had asked Judiciary Committee Chairman William Gormley to "thoroughly review" the amendment "and address these issues." That was July; it's now nearing October. Sen. Gormley and his committee have had plenty of time to fine-tune the measure so, in Sen. DiFrancesco's words, it "achieves the goal intended." If it is approved by simple majorities in both houses this year, it will need only simple majorities in both houses again next year in order to qualify for the ballot in November 1995, rather than the three-fifths majorities it would need if the process was completed in a single year.

Gubernatorial jawboning of local officials is fine as far as it goes. The enactment of these measures, however, would do far more than exhortation to ease the tax burden on property owners.

49 X

Editorial

A good beginning

DEC 12 1994

In the credit-where-credit-is-due department, we now call for a brief round of applause for state Sen. President Donald DiFrancesco.

For a long while there we thought the Republican from Scotch Plains would never get around to doing anything about state mandate-state pay legislation, but last Wednesday he finally did. It's a solid measure to boot.

If approved, the constitutional amendment DiFrancesco has proposed would put an end to the practice of lawmakers requiring municipalities, counties and school districts to do thus-and-so or this-and-that, but never supplying any money.

The importance of such a change cannot be overstated. New Jersey's towns and cities for decade upon decade have suffered under onerous mandates thought up by the Legislature. From forcing every municipality to hire a chief fiscal officer to prescribing what kind of ammunition shall be used at police target ranges, lawmakers frequently have indulged their penchant for meddling. Seldom, however, have they put a check in the mail.

Not only would DiFrancesco's measure change that, it would require the Office of Legislative Services to do a five-year projection of the effect of any mandate upon each town and city in the state. No longer would senators and Assembly members be able to claim that they didn't know how expensive their latest brainstorm would turn out to be. Furthermore, all state mandates would automatically cease after five years unless re-enacted.

All in all, this is a good, tough measure. It is exactly the kind of medicine state government has long needed.

The million-dollar question, however, is whether DiFrancesco can get it passed by the Senate. In that sense, this proposed constitutional change is a referendum on his ability as a legislative leader, and the outcome is far from certain.

Although DiFrancesco in theory wields tremendous power as Senate president, in the past he has had difficulty using that power effectively. Thus does New Jersey still have former Gov. Florio's ban on so-called assault weapons, which are in fact no such thing. And who can forget the waffle job DiFrancesco did earlier this year when Gov. Whitman wanted to end a 2 percent pension subsidy in order to plug a hole in the state budget? He was for it, he was against it, he was for it.

Now, belatedly, DiFrancesco finally seems poised to assert himself on a critical issue. For the sake of beleaguered taxpayers and local officials across the state, here's hoping that for once he succeeds.

Mandate funding proposal approved

■ Under the proposed amendment, any new state mandates on municipal and county governments and school boards would have to be accompanied by state funding.

By JOHN FROONJIAN
Statehouse Bureau

TRENTON — A state Senate committee approved a proposed constitutional amendment Monday prohibiting the state from mandating new programs for towns, counties and school boards without paying for them.

If both legislative houses approve the proposal by early August, the state mandate-state pay question would go before the voters on Nov. 7.

The proposed amendment (S.C.R.-87) is likely to be approved in the full Senate; 32 of 40 senators have signed on as cosponsors. Constitutional amendments must be passed by three-fifths of each house — 24 in the Senate, 48 in the Assembly — to be placed on the ballot.

Sen. Leonard Connors, R-Ocean, Burlington, Atlantic, a main sponsor, said he believes a version identical to the Senate proposal will make its way through the Assembly.

The lower house already approved a state mandate-state pay proposal last June. The Senate version is stronger in that it covers state education mandates as well as those on local and county

See Funds, Page A4

Funds: Mandated funding plan advances

(Continued from Page A1)

governments.

"I think it stands a very, very good chance of passage," Connors said.

"It is loophole-free and will bring an abrupt end to the 40-year habit of the state ratcheting up local property taxes through the imposition of unfunded programs," Connors said.

"By demanding greater accountability, everyone in state government will be forced to administer, legislate and regulate more carefully and effectively," said Senate President Donald DiFrancesco, R-Union, also a main sponsor.

The Senate Community Affairs Committee approved the proposal 5-0. It now goes to the Senate Budget and Appropriations Committee for consideration.

Under the legislation, all new

state mandates would expire in five years, after which the Legislature and governor would have to reauthorize the mandate if it is to continue.

No bill creating a new state mandate or expanding an existing one could be passed until detailed five-year cost projections for affected government boards were made public.

Local funding for the first year of the new program would have to be contained in the same bill creating the mandate, under the proposal.

The Legislature would have to come up with the average cost to local governments or school boards for each of the following four years of the mandate.

If the mandate goes unfunded, it would no longer be in effect, Connors said.

"I think the public understands there is a need for taxes," Connors said. "But the public sees many of these mandates that come down from Trenton have no sense or are done for political reasons.

"And these mandates are hitting them in the pockets. I think people are saying they've had enough of mandates," he said.

The legislation would not provide funding for existing state

mandates.

Other provisions of the proposed constitutional amendment provide for the following:

— New local mandates could not be approved by the Legislature until 20 days after a public hearing on the proposal is held.

— Federal mandates are not covered by the state funding requirement. Congress is considering mandate-funding legislation at the federal level.

— Any rule, regulation or order imposing a local mandate would not take effect until at least 60 days after a detailed fiscal analysis of the mandate's cost is made public.

— Within 60 days of a mandate taking effect, the state treasurer would have to pay all affected board or governing bodies the estimated cost for the first year of operation as contained in the fiscal analysis.

— So, a five-member Council on State Mandates would be established to resolve any dispute over whether a rule or law requires local government to provide new service.

The council would be bipartisan. Its decisions would be final and not subject to review by the courts.

FEB 07 1995

Mandate pay measure clears without debate

S. Loger

By MATTHEW REILLY

A bill to relieve local governments and school boards of unfunded state mandates was released without debate yesterday by the Senate Community Affairs Committee.

Sponsored by Senate President Donald DiFrancesco (R-Union), the resolution would require the state to pay for all new or expanded programs or services for municipalities, counties and boards of education that the state ordered implemented. It would ask voters to amend the New Jersey Constitution to provide for "state mandate/state pay."

"Several other states have already taken steps toward restricting mandates without reimbursement to local governments," DiFrancesco said. "As of 1992, at least 15 states had a constitutional statutory requirement that mandates be reimbursed. It's time we added New Jersey to that list."

Sen. Leonard Connors (R-Monmouth), chairman of the committee and also a sponsor of the resolution (SCR-87), said this version of state mandate/state pay is more comprehensive than similar measures that were considered previously.

"It is loophole-free and will bring an abrupt end to the 40-year habit of the state to pick up local property taxes through the imposition of unfunded programs on our schools, municipalities and counties," he said.

DiFrancesco said the measure is stronger than other state mandate/state pay bills. He said it requires a five-year projection of the costs associated with any mandate.

For the first time, the Legislature and the public would be able to see exactly what legislative, administrative or regulatory action is going to cost each town, county or each board of education in New Jersey," he said.

The proposal also would provide that all mandates "sunset" after five years, requiring a reauthorization and re-funding by the Legislature. DiFrancesco said he thinks the proposal will result in fewer mandates being introduced.

"We are not just looking to change the system," he said. "We are looking to change the very way in which we govern."

The bill was released 5-0 and now moves to the full Senate for consideration.

Bill voted to reverse ruling on 'drive-by' medical costs

By IVETTE MENDEZ

Legislation advanced yesterday to reverse a state Supreme Court ruling that required an auto insurance company pay the medical bills of a victim of a drive-by shooting.

Sen. Gerald Cardinale (R-Bergen), the sponsor and chairman of the Senate Commerce Committee, which unanimously approved the measure, said there is something wrong with a court system that allows a drive-by shooting to be classified as an auto accident for insurance purposes.

Cardinale said the "social costs" associated with crime should not be borne by the insurance industry.

"If we were to let it stand, we would see a dramatic increase in similar claims and a monumental increase in car insurance premiums throughout the state," the senator maintained.

The measure (S-1737) provides that a pedestrian is eligible for personal

injury protection (PIP) benefits if he is struck by an object propelled unintentionally or accidentally by or from a car. A committee amendment added "negligently" to the bill language.

In December, the state's highest court ordered Hanover Insurance Co. to pay the medical bills of Kurt Lindstrom, 24, of Eatontown. In April 1989, Lindstrom, then a 19-year-old sophomore at the University of North Carolina, was attending an outside party on campus when a shot was fired from a passing car into the crowd. It struck Lindstrom behind the ear and pierced his spinal column. Since the shooting he has been paralyzed from the neck down.

The court ruled that Lindstrom was covered under his father's automobile insurance policy because of a provision in the law covering pedestrians injured by anything propelled from a car.

FEB 07 1995

52X

Towns, counties and schools detail fiscal burden of unfunded mandates

By MATTHEW REILLY

Towns, counties and schools agree they are burdened by programs thought up by the state and enacted into law but not paid for, legislators were told yesterday.

A parade of local government and school officials told the Senate Community Affairs Committee the state should provide the money to pay for

"Several other states have already taken steps toward restricting mandates without reimbursement to local governments," DiFrancesco said. "In fact, as of 1992, at least 15 states had a constitutional or statutory requirement that mandates be reimbursed: California, Florida, Michigan and Massachusetts, to name a few. It is time for New Jersey to join that list."

DiFrancesco said his proposal is stronger and more far-reaching than previous "state mandate/state pay" bills. It applies to schools as well as local governments. It applies to resolutions, rules, regulations and orders as well as legislation. It also "sunsets" all mandates after five years, requiring that they undergo review to determine whether they should be reauthorized.

"Such a sunset provision is consistent with a 1994 report by the National Conference of State Legislators that points out that the sunset of mandates focuses legislative attention to the cumulative costs of unnecessary mandates," DiFrancesco said.

Dorothy Alling, a member of the Ringwood School District Board of Education, said even worthwhile mandates from the state are a problem when they fail to include funding.

She said school districts applauded the bill, sitting on Gov. Christie Whitman's desk, mandating removal and expulsion of any student who brings a gun to school or is convicted of a firearms offense away from school. The bill



(Photo by Frank DiGiacomo)

Senate President Donald DiFrancesco (R-Union), left, confers with Sens. Leonard Connors (R-Ocean), center, and Joseph Palaia (R-Monmouth) on legislation that would require the state to pay for mandates

also requires that such students be placed in an alternative education program. However, who pays for this increased cost of education for these students? Alling asked, answering herself "The local school district."

Jane Whitman, mayor of Summit and a member of the New Jersey State

League of Municipalities, predicted voters would support a state mandate/state pay amendment to the Constitution.

"If approved by both houses in accordance with the constitutional requirements, the concurrent resolution before you will be ratified by the people of this state," Whitman said. "It will be ratified for one simple reason: It makes sense."

Lynn Strickland, director of research for the Garden State Coalition of Schools, a group of 100 mostly suburban school districts, said the state's special education mandate, coupled with rising enrollments and costs in special education programs and flat funding, have caused property tax increases.

"In the past three years in the community of Haddonfield, Camden County, special education enrollment has grown by 25 percent while the special education costs in that district have increased by 50 percent," Strickland said. "Because regular enrollments were growing at the same time, the mandated special education costs had to be paid by raising property taxes." Robert Prunetti, the Republican Mercer County executive, said GOP governors across the nation are asking Congress for relief from federal mandates. He said the Legislature should do the same for local governments. "The financial burdens imposed by state mandates are handicapping

the ability of local governing bodies to balance our budgets and keep taxes down," Prunetti said. "Although counties such as Mercer have streamlined administrative operations, privatized services, cut personnel from payroll, slashed our transportation fleet, negotiated employee health insurance con-

'If approved by both houses . . . the concurrent resolution before you will be ratified by the people of this state. It will be ratified for one simple reason: It makes sense.'

— Jane Whitman, Summit mayor

tributions and implemented inmate co-payments for medical care, the cost of state and federal mandates on county taxpayers continues to escalate."

The committee, by prior arrangement, did not act on the bill yesterday, but is expected to release it to the Senate soon.

As of 1992, at least 15 states had a constitutional or statutory requirement that mandates be reimbursed.

Donald DiFrancesco
Senate President

any new program it foists on them, whether by law, regulation or rule.

Senate President Donald DiFrancesco (R-Union) is sponsoring a resolution (SCR-87) that would ask voters to amend the New Jersey Constitution to require state government to pay for any programs it imposes on counties, municipalities and school boards.

Many back plan to curb mandates

By **DUNSTAN McNICHOL**
Trenton Bureau

B. R. C.

TRENTON — With bears, wild dogs, and homelessness, Ringwood residents have enough to worry about without state laws that drive up the cost of their schools and local government, a township official told state senators on Monday.

"Twenty-two percent of our households earn more than \$100,000," said Ringwood school board member Dorothy Alling. "The rest of us are limping by."

Alling was among a parade of school, municipal, and county officials who appeared before the Senate Community Affairs Committee to support a measure that would prohibit the state from passing any new laws that increase local government costs without

providing the money to cover those costs.

The measure also would make every new state mandate expire after five years, requiring action by the Legislature to have the program continue.

"We are not just looking to change the system; we are looking to change the very way in which we govern," said Senate President Donald T. DiFrancesco, R-Union, sponsor of the bill, which has 30 co-sponsors.

Senators held Monday's hearing only to solicit testimony on the bill; they are not scheduled to vote on it until Monday. The legislation proposes an amendment to the state constitution and would require approval by the voters.

Governor Whitman has voiced support for a constitutional amendment as a way to control lo-

cal property taxes. She is expected to sign such a bill.

Among the organizations appearing at the hearing to support the measure were the New Jersey Conference of Mayors, the New Jersey State League of Municipalities, the New Jersey State School Boards Association, the Garden State Schools Association, and the New Jersey Association of Counties. All said unfunded state mandates are contributing to rising property taxes.

Participants at the hearing targeted a handful of unfunded state mandates — including school busing requirements, tenure for public officials such as the municipal health officer and chief financial officer, and requirements that schools report violent acts on school property to the state.

"Our senior citizens have to

leave because they can't afford to live here," said Margaret Nordstrom, the mayor of Washington Township in Morris County. "I had one lady burst into tears in front of me when she explained she had to move away from her family, her children, her friends ..."

Oakland Mayor Peter Kendall said his community of 14,000 is considering laying off police officers in order to avoid raising property taxes. He said the town's average annual property tax bill is \$5,000, and he blamed it on rising school taxes.

For example, he said, the state Department of Environmental Protection required more than \$200,000 in containment costs when Oakland closed a one-acre leaf dump. "How can they justify that?" he asked.

54X

JAN 31 1995

Mandate bill gathers support

By CARLA ANDERSON
Staff Writer

T. Times

TRENTON — This might really be the year that voters get to have their say about whether state government should pay the costs incurred by whatever rules it says municipalities must follow.

While efforts to add the "state mandate, state pay" clause to New Jersey's constitution have failed twice before, this year is different. Gov. Christie Whitman has said she wants it. New momentum is also coming from Washington, where Newt Gingrich, speaker of the House, has orchestrated the passage of similar proposals in Congress as part of his "Contract With America."

Legislation that would require the state to pay for its own mandates is now pending in the Senate, and similar legislation has already passed the Assembly. The Senate version of the bill, sponsored by Senate President Donald T. DiFrancesco, has survived the first round of committee hearings and is now heading to the Judiciary

■ While efforts to add the 'state mandate, state pay' clause to New Jersey's constitution have failed twice before, this year is different. Gov. Christie Whitman has said she wants it, and new momentum is also coming from Washington.

Committee — which has traditionally been a graveyard for constitutional amendments. It is also the place where two other attempts to force this kind of funding reform have been killed off.

This year, however, Senate Judiciary Committee chairman William L. Gormley, R-Atlantic City, said the bill has an "excellent" chance of getting through his committee. It is scheduled for a joint hearing with the Senate Appropriations Committee on March 2.

IF THE bill passes in the Senate this summer, and the Assembly agrees to support it, the question will be put to voters this November.

Gormley said he now supports the bill

because the Senate version is much tougher than either of the Assembly bills passed last year.

"It's not just lip service," said Gormley. "If you're going to change the constitution and do nothing, why change it? (DiFrancesco) has put a far more substantive piece of legislation together. Prior to that time, quite frankly, there wasn't a level of substance."

Two versions of the proposed constitutional amendment passed the Assembly in June. The first, ACR-1, requires the state to pay for its own mandates unless two-thirds of the Legislature votes otherwise. The sec-

• see MANDATES, A5

55X

FEB 13 1995

Mandates

• continued from A1

ond, ACR-87, extends the requirement to include school districts as well as counties and towns.

The Senate bill, S-87, is significantly tougher. It would require the state to calculate a five-year projection of the cost of new mandates,

and force the Legislature to set aside that amount of money without tapping into funds already earmarked for municipalities. It would also cause all mandates to expire automatically after five years, unless the Legislature votes to re-instate them.

ASSEMBLY SPEAKER Chuck "Garabed" Haytaian, who has pushed for state mandate-state pay legislation since 1992, said he's willing to take whatever the Senate comes up with.

"Listen — if they didn't like the bill they could have amended it and sent it back to me," he said. "I don't know what's changed, but I think it's delightful that it has. If the Senate passes their version and sends it

back to us, you'll see it pass in the Assembly. I'll post it. I have no problem with it."

Local government officials think either bill would be better than nothing, said Bill Dressel, spokesman for the New Jersey League of Municipalities. According to his research, local governments are now having to raise \$145 million in order to cover the cost of various state mandates. New mandates are expected to cost another \$28 million, he said.

State mandates — however necessary they may be — often come with a price tag that towns and counties say they are ill-prepared to pay, said Dressel.

Cracking down on drunken drivers may be a good idea, for instance, but New Jersey's towns are now forced to come up with \$327,000 a year to certify officers in the use of breathalyzer equipment. Jail cells are safer when they're equipped with cameras — at a cost of \$1.3 million. Mandatory training for town clerks is adding up to \$113,000 a year.

"I can't think of anything that causes more nightmares for a politician than having to raise taxes," Lawrence Township Committee-woman Gretel Gatterdam said at a

recent committee hearing on the bill. "To avoid confronting the fearful retribution from raising taxes, the state Legislature has gotten into the all-too-comfortable practice of ... burdening local governments."

Ultimately, it comes down to a question of whether state programs should be paid for by the state, which raises money through income taxes, or by local governments, which rely on property taxes. Local officials, who have been pushing for this kind of reform for years, say the current system allows state government to avoid the tax increases incurred by its mandates by pushing financial responsibility on to counties and towns.

This time, however, for the first time in years, Dressel said he's hopeful that the question will actually make it on the ballot.

"I think the climate has changed over the past several years, now with what is being said in Washington," said Dressel. "(Whitman) seems to have made it a high priority of hers, the Assembly has made it a very high priority, and now, for the first time, we have the Senate president saying he embraces it too.

"To have all three legislative power brokers all on the same sheet of music is something."

56X

FEB 13 1995

FEB 15 1995

Editorials

STATE MANDATES

Home News

Future and past, they need to go

Asking the state to pay for what it mandates is an idea that's been kicked around for years. Twice, the Legislature attempted the reform and twice, the proposal died in the Senate.

Now the latest version of state mandate/state pay is coming before the Senate and this time the proposal has teeth and high-powered support. It should be approved by both houses of the Legislature and signed by Gov. Christie Whitman as soon as possible.

This version, sponsored by Senate President Donald T. DiFrancesco, would force the state to set aside the estimated cost of new mandates for five years. All mandates would automatically expire after five years unless the Legislature decided to re-fund them. School districts as well as towns would benefit.

Forcing the state to put its money behind its good intentions is long overdue. DiFrancesco's bill also has no escape clauses and no methods, short of repealing the law, for future state lawmakers to circumvent the intent.

State mandates are often good ideas, like making municipalities join the 911 network or setting up programs to cut down on drunk drivers. But the locals have to come up with the money, often by raising taxes or doing without something else.

DiFrancesco's bill only addresses new mandates. A companion bill, sponsored by Sen. Leonard T. Connors, R-Ocean, which has passed the Senate, has identified 14 existing mandates that should go and Connors promises more to come.

The state asked all 567 New Jersey mayors to name the most onerous mandates and then selected the 14 most frequently mentioned. The changes requested by the mayors range from the controversial — allowing towns to set their own salary schedules for police chiefs — to the practical — letting towns offer stipends to employees who don't want health insurance because they have other coverage, and collectively they would save towns \$28.5 million. Connors' first round of mandates cuts did not include school districts, but the next one should.

The state can't get rid of every unfunded mandate on the books, but Connors' bill is a good start and DiFrancesco's bill would correctly end the practice, once and for all.

57X

The Courier-News

Henry F. ... Publisher
 Carl ... Editor
 Laura C. ... Managing Editor
 Barbra Bateman, ... Editorial Page Editor
 Philip S. Snowell, ... Editorial Writer

EDITORIALS

DEC. 9, 1994 A-13

Better late than never

Senator would block unfunded mandates

Our praise for Senate President Donald DiFrancesco's "state mandate/state pay" amendment to the Constitution would have been more enthusiastic had his proposal been made before the Assembly acted on this crucial issue.

It is very nearly everything the Assembly's eye-wash proposal is not. And the shame is that DiFrancesco's clearly superior amendment must now compete with Assembly Speaker Chuck Haytaian's loop-boled version, bulldozed through the lower house on June 16, when he was running for the U.S. Senate.

Given its glaring deficiencies, the 74-1 approval of Haytaian's proposed amendment was a bipartisan nose-thumbing to New Jerseyans sorely pressed by decades of the Legislature's shifting of responsibilities and tax burdens from the state to the local level. The speaker's resolution allowed the Legislature an escape hatch. With a two-thirds vote in each house, it could get around the requirement to pay for any new mandates imposed on municipalities. Mandates on school districts, by far the heaviest burden on property taxes, were not covered at all. And a committee amendment, anticipating later inclusion of school mandates, exempted state requirements imposed to meet federal or judicial mandates.

Not exactly a declaration of independence from crushing property taxes.

BY CONTRAST, DIFRANCESCO'S AMENDMENT COVERS counties, municipalities and school districts and allows no exemptions whatever.

All proposed new mandates would require full funding — after development of fiscal projections by the non-partisan Office of Legislative Services, public hearings and a 20-day delay before being posted for a vote. Once approved and funded, each mandate would then be subject to "sunset" hearings after five years — to determine whether it was still needed. Bingo.

One other provision might improve the Senate president's proposal: provision for a joint oversight committee of the Legislature to annually recommend sunset hearings for dubious locally financed requirements already in effect.

Otherwise, DiFrancesco's proposal would effectively put an end to unfunded mandates, add a strong measure of the fiscal responsibility so lacking in Trenton and slow the escalation of property taxes that has middle-class New Jerseyans backed to the wall.

Critics like John Lynch, the Senate minority leader, consider this a logjam that will produce no more action on "state mandate/state pay" than Republicans have managed since 1992 on initiative and referendum.

The prospects for compromising differences between the Assembly and proposed Senate versions are not rosy. It simply doesn't seem to be in the cards that DiFrancesco would be able to talk Speaker Haytaian into rounding up enough Assembly votes to approve DiFrancesco's far superior version.

But the Senate president's amendment is worth that effort — and taxpayers should pray it will succeed

THE ISSUE

Senate President Donald DiFrancesco is proposing a constitutional amendment to block state imposition of unfunded mandates that is vastly superior to the Assembly version approved in June.

ACTION NEEDED

DiFrancesco should at least try to get Assembly Speaker Chuck Haytaian to round up support in the lower house for the Senate version.

58X

THE STAR-LEDGER, Thursday, December 8, 1994

DiFrancesco offers new, stronger state mandate-state pay amendment

By MATTHEW REILLY

A proposed constitutional amendment to require state government to pay for all new and expanded programs it requires of towns, counties and school districts was unveiled yesterday by Senate President Donald DiFrancesco.

The Union County Republican said his proposal (SCR-87) would close loopholes he believes weaken an Assembly "state mandate/state pay" proposal (ACR-1) that was approved by the lower house earlier this year.

"This amendment is different from ACR-1 and from any other proposal that has been on the table in the past," DiFrancesco said. "It is tougher than previous efforts and provides for the fewest exemptions. This amendment includes mandates imposed on school boards and applies to all bills, joint resolutions, rules, regulations and orders."

DiFrancesco's resolution would ask voters to approve an amendment to the New Jersey Constitution requiring the state to pay for all statutory and regulatory mandates on local and county governments and school boards.

All mandates would "sunset" after five years, requiring the Legislature to reauthorize and re-fund those programs deemed worth continuing.

The proposal would require a five-year, town-by-town fiscal analysis on all mandate bills, a public hearing and a 20-day period of consideration before legislative floor action on a mandate bill. The bill would have to include an appropriation to cover the cost of the mandate.

Similarly, there would have to be a town-by-town analysis of mandate regulations, a 60-day period of consideration and cash payments to cover the cost of mandates created by regulation.

"The mayors and the citizens who have called for a state mandate/state pay amendment hope that this amendment will help provide towns with the relief that they have sought from costly state mandates," DiFrancesco said.

Under the proposed amendment, a bill that requires towns, counties or school boards to provide new or expanded programs or services would be identified as a state mandate by the Office of Legislative Services (OLS), the Legislature's non-partisan research arm.

Once the bill is referred to a Senate or Assembly committee for review, OLS will provide the five-year fiscal analysis. The bill would have to be written to include the necessary funds needed to implement the mandate in the first year. For the next four years,

the state budget would have to include a line item to pay for the mandate.

Any disputes over the identification of a mandate would be resolved by a five-member state mandate review council, comprised of four people appointed by the Senate president and minority leader and the Assembly speaker and minority leader, and one person appointed by the chief justice of New Jersey.

"In essence, this amendment establishes a process by which the legislative and regulatory procedures would be slowed down long enough so that an accurate portrait of a mandate's cost and impact could be realized," DiFrancesco said.

DiFrancesco said his resolution is better than the Assembly state mandate/state pay resolution because it includes school boards as well as counties and municipalities; it does not allow the Legislature to override the requirement by a two-thirds vote, as the Assembly version does, and it sunsets all mandates after five years.

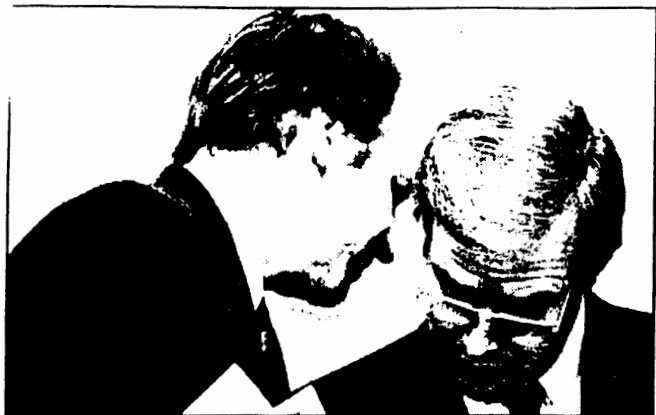
Mayor Janet Whitman of Summit, a member of the executive board of the New Jersey State League of Municipalities, said she was pleased by DiFrancesco's announcement.

"For the first time we see the speaker of the General Assembly and the president of the Senate united," she said. "Both agree that we can no longer afford to continue business as usual. Both agree that the people who pay the bills, the voters of the State of New Jersey, must be given the chance to amend their Constitution to control the state's appetite for the imposition of unfunded mandates."

Senate Minority Leader John Lynch (D-Middlesex) viewed DiFrancesco's announcement completely dif-

continued

59X



(Left) William Dressel, left, assistant executive director for the New Jersey State League of Municipalities, confers with Victor McDonaugh, executive director for the Senate majority, prior to a news conference led by Senate President Donald DiFrancesco (R-Union), who has proposed a constitutional amendment that would force the state to pay for mandates it imposes on towns, counties and school districts.

ferently, saying the Republicans are deadlocked on the issue of state mandate/state pay.

"By sending different proposals to each other, the Republican majorities will achieve nothing toward solving the

people's property tax problems," Lynch said. "State mandate/state pay is a piece of the larger, systemic prob-

lem of how to rein in runaway spending on the state and local levels by making real reductions in the structures of government."

Frank Belluscio, a spokesman for the New Jersey School Boards Association (NJSBA), said the association was generally happy with the proposal.

"The proposal has some components we're very happy to see," Belluscio said. "First, the cost assessment, which would give a clear indication of the impact of the mandate on local districts. We also like the guaranteed funding aspect. We think this proposal would make any legislator think twice about mandating a program on a discretionary basis. The Assembly and Senate will have to be very careful about what they do. We can't have a mandate on the books in 1995."

DiFrancesco said he would introduce the amendment to appear on the November ballot. It would have to be approved by three-fifths of the members of both houses of the Legislature by early August.

box

Senate chief gets tough on funds for mandates

By **DUNSTAN McNICHOL**
Trenton Bureau

TRENTON — Before state officials lay down the law, they would have to lay out the funds to pay for their orders, under a sweeping proposal unveiled Wednesday by Senate President Donald T. DiFrancesco to cut down on unfunded state mandates.

"What the citizens want us to do is to be responsible for our mandates," DiFrancesco, R-Union County, said at a news conference. "I'm trying to build a state mandate-state pay amendment that has as much integrity as possible."

DiFrancesco's proposal appears to be the most aggressive effort so far to address concerns that unfunded directives from Trenton are driving up property taxes by forcing costs onto mayors and school boards.

Essentially, it would make the state pay for every paper clip, police officer, or policy change that state lawmakers force onto their counterparts in local government and the schools.

In fact, the proposal is so aggressive that the Senate Democratic leader, Sen. John A. Lynch, D-Middlesex County, accused DiFrancesco of proposing his bill just to derail milder state mandate-state pay legislation that has already passed the Assembly.

"By sending different proposals to each other, the Republican majorities will achieve nothing toward solving the people's property tax problems," Lynch said in a written statement.

But Assembly Speaker Chuck Haytaian, R-Warren County, and Governor Whitman, supporters of legislation to require the state to cover the costs of its mandated programs, embraced DiFrancesco's proposal.

"I'm glad, though, that we now have two pieces of legislation, both of which deal with state mandate-state pay," said Whitman. "I think between the two we can come to a good and logical resolution because we've got to start backing off the dollar impositions we're handing down to counties, municipalities, and school districts."

DiFrancesco's bill would require a town-by-town and school district-by-school district cost analy-

sis of any proposed mandate, and would require that lawmakers cover the first year's cost of the program with an appropriation at the time they adopt the mandate.

The next four years' costs would have to be covered by explicit appropriations in the next four state budgets, and every new mandate would expire after five years. A commission would be established to mediate disputes over what is and is not a mandate.

A comparable bill that passed the Assembly this year would have allowed lawmakers to adopt unfunded mandates if they received a two-thirds majority in both legislative chambers.

Both bills would place the issue on November's ballot as proposed amendments to the state constitution.

DiFrancesco said his legislation would not be retroactive, so existing mandates that mayors say cost

them a total of \$145 million annually would not be affected.

Nevertheless, representatives of the New Jersey State League of Municipalities and the New Jersey School Boards Association endorsed DiFrancesco's initiative.

"From what we've heard so far, we're very happy," said Frank Beluscio, spokesman for the school boards association. "We commend the Senate president for addressing the concern."

61X

103 159



Position Statement

New Jersey Education Association

180 West State Street, P.O. Box 1211, Trenton, NJ 08607-1211 (609) 599-4561 FAX: (609) 394-3355

POSITION STATEMENT

A-1514/S-1607

The New Jersey Education Association has long-standing policy supporting the concepts in A-1514/S-1607. Support of this legislation will allow for the safe transportation of pupils to and from school along routes which are deemed to be hazardous.

While the measure is permissive, the bill's intention would authorize a municipal governing body to contract with any school district in its jurisdiction for pupil transportation when the safety of pupils is at risk.

As New Jersey's landscape continues to grow, due to rapid development, additional safety precautions must be taken to ensure that no student is placed at risk, both going to and returning home from school.

NJEA supports A-1514/S-1607 as a reasonable first step in protecting and securing the safety of our school children who currently fall below the state-mandated pupil transportation guidelines.

We urge a "yes" vote on A-1514/S-1607.

05/25/95

DTC:WD:lp

62X



