

# Public Hearing

DJ  
10  
F491  
1994b

before

## ASSEMBLY POLICY AND RULES COMMITTEE

### ASSEMBLY CONCURRENT RESOLUTION No. 1 (1R)

(Proposes constitutional amendment to prohibit State from requiring county or municipality to perform new or expanded program or service without full State funding)

LOCATION: Room 319  
State House  
Trenton, New Jersey

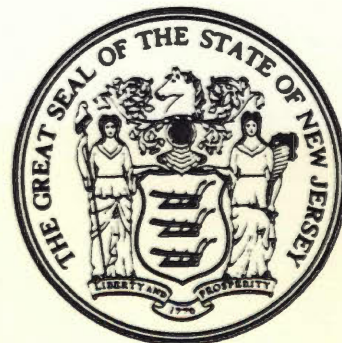
DATE: June 2, 1994  
10:00 a.m.

#### MEMBERS OF COMMITTEE PRESENT:

Assemblyman Paul DiGaetano, Chairman  
Assemblyman George E. Williams

#### ALSO PRESENT:

David L. Sallach  
Office of Legislative Services  
Aide, Assembly Policy and Rules 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



[FIRST REPRINT]  
ASSEMBLY CONCURRENT RESOLUTION No. 1  
STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblymen HAYTAIAN, GEIST, Connors, Gibson,  
Moran, Assemblywoman Crecco, Assemblymen Bagger,  
Bateman, Collins, DeCroce, LoBiondo, Mikulak,  
Assemblywoman Murphy and Assemblyman Zecker

1 A **CONCURRENT RESOLUTION** proposing to amend <sup>1</sup>[Article IV,  
2 Section IV, paragraph 6 and]<sup>1</sup> Article VIII, Section II of the  
3 Constitution of the State of New Jersey.

4  
5 **BE IT RESOLVED by the General Assembly of the State of**  
6 **New Jersey (the Senate concurring):**

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

9  
10 PROPOSED AMENDMENT

11  
12 <sup>1</sup>[a.]<sup>1</sup> Amend Article VIII, Section II of the Constitution by the  
13 addition of the following paragraph:

14 5. Commencing <sup>1</sup>[May 1, 1993] July 1, 1995<sup>1</sup> and except as  
15 otherwise provided herein, the State government shall not require  
16 by law, rule, regulation, or order issued pursuant to law,<sup>1</sup> the  
17 governing body of a county or municipality to <sup>1</sup>[perform] provide<sup>1</sup>  
18 any new or expanded program or service, as may be defined by  
19 law, without full State funding for any net additional costs  
20 directly required for the actual <sup>1</sup>[performance] implementation<sup>1</sup>  
21 of that program or service. Any provision of law, or of a rule,  
22 regulation or order issued pursuant to law, which has the effect  
23 of requiring a new program or service, or an expansion of an  
24 existing program or service beyond that level required by a State  
25 law, rule, regulation or order in effect prior to <sup>1</sup>[May 1, 1993]  
26 July 1, 1995<sup>1</sup>, shall <sup>1</sup>[be inoperative] become operative<sup>1</sup> in its  
27 effect upon a county or municipality <sup>1</sup>[until] only when<sup>1</sup>  
28 sufficient State funds are provided to <sup>1</sup>[the] each<sup>1</sup> affected  
29 county or municipality as may be necessary to pay the net  
30 additional costs directly required for the actual <sup>1</sup>[performance]  
31 implementation<sup>1</sup> of that program or service in compliance with  
32 this paragraph.

33 There may be enacted, in accordance with the provisions of  
34 Article V, Section I, paragraph 14 of this Constitution, a law of  
35 full operation and effect requiring the governing body of a county  
36 or municipality to <sup>1</sup>[perform] implement<sup>1</sup> a new or expanded  
37 program or service, but without the provision of State funding  
38 otherwise required by this paragraph, if <sup>1</sup>that new or expanded  
39 program or service is required by Federal law, rule, regulation or  
40 order, or by any decision, order or ruling by any court of  
41 competent jurisdiction, or if<sup>1</sup> a bill proposing the enactment of

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:  
<sup>1</sup> Assembly APR committee amendments adopted May 2, 1994.

1 that law <sup>1</sup>[shall pass] passes<sup>1</sup> the Legislature by a two-thirds  
2 majority of all the members of each house, and the yeas and nays  
3 of the members voting on final passage are entered on the journal.

4 <sup>1</sup>[b. Amend Article IV, Section IV, paragraph 6 to read as  
5 follows:

6 6. All bills and joint resolutions shall be read three times in  
7 each house before final passage. No bill or joint resolution shall  
8 be read a third time in either house until after the intervention of  
9 one full calendar day following the day of the second reading; but  
10 if either house shall resolve by vote of three-fourths of all its  
11 members, signified by yeas and nays entered on the journal, that  
12 a bill or joint resolution is an emergency measure, it may proceed  
13 forthwith from second to third reading. No bill or joint resolution  
14 shall pass unless there shall be a majority of all the members of  
15 each body personally present and agreeing thereto, except that a  
16 bill requiring a county or municipality to perform a new or  
17 expanded program or service, as may be defined by law, but  
18 without the provision of full State funding otherwise required by  
19 Article VIII, Section II, paragraph 5 of this Constitution, shall not  
20 pass unless there shall be a two-thirds majority of all the  
21 members of each body personally present and agreeing thereto,  
22 and the yeas and nays of the members voting on such final  
23 passage shall be entered on the journal.

24 (cf: Article IV, Section IV, paragraph 6 effective January 1,  
25 1948)]<sup>1</sup>

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

35 3. This proposed amendment to the Constitution shall be  
36 submitted to the people at that election in the following manner  
37 and form:

38 There shall be printed on each official ballot to be used at that  
39 general election, the following:

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

42 If you favor the proposition printed below make a cross (x), plus  
43 (+) or check (✓) in the square opposite the word "Yes." If you are  
44 opposed thereto make a cross (x), plus (+) or check (✓) in the  
45 square opposite the word "No."

46 b. In every municipality the following question:

PROHIBITION ON STATE REQUIREMENTS  
THAT COUNTIES OR MUNICIPALITIES  
PERFORM NEW OR EXPANDED PROGRAMS  
OR SERVICES WITHOUT FULL STATE FUNDING

YES.

Do you approve the amendment to the Constitution prohibiting the State government, on and after <sup>1</sup>[May 1, 1993] July 1, 1995<sup>1</sup>, from requiring by law, rule, regulation or order that a county or municipality <sup>1</sup>[perform] provide<sup>1</sup> any new or expanded program or service, as may be defined by law, unless sufficient State funds are provided to the county or municipality as may be necessary to pay for any net additional costs directly required for the actual <sup>1</sup>[performance] implementation<sup>1</sup> of the program or service, except in cases where a law imposing such requirement without providing for full State funding is enacted <sup>1</sup>to meet the requirements of a federal statute, rule, regulation or order; or any decision, order, or ruling by a court of competent jurisdiction; or<sup>1</sup> after passage by a two-thirds majority of all the members of each house of the Legislature <sup>1</sup>[, and further prohibiting the Legislature from passing a bill proposing such a law without providing for full State funding, except by a two-thirds majority vote of all the members of each house of the Legislature]<sup>1</sup>?

INTERPRETIVE STATEMENT

NO.

If this proposed amendment to the Constitution is approved, the State government would be prohibited, on and after <sup>1</sup>[May 1, 1993] July 1, 1995<sup>1</sup>, from requiring, through a State law, rule, regulation or order, that a county or municipality perform any new or expanded program or service unless the State provides the funds necessary to enable the county or municipality to comply with the requirement. An exception is authorized only when a State law requiring a new or expanded local program or service but without full State funding is enacted <sup>1</sup>to meet the requirements of a federal law, rule, regulation or order; or any decision, order or ruling by a court of competent jurisdiction; or<sup>1</sup> after passage by a two-thirds majority of the members of both houses of the Legislature. <sup>1</sup>[The amendment also prohibits the Legislature from passing a bill proposing such a law without full State funding, except by a two-thirds majority vote of the members of both houses of the Legislature.]<sup>1</sup>

---

Proposes constitutional amendment to prohibit State from requiring county or municipality to perform new or expanded program or service without full State funding.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY CONCURRENT RESOLUTION, No. 1

STATE OF NEW JERSEY

DATED: MAY 11, 1994

The Assembly Appropriations Committee reports favorably Assembly Concurrent Resolution No. 1 (1R).

Assembly Concurrent Resolution No. 1 (1R) proposes a constitutional amendment to prohibit the State from requiring the governing body of a county or a municipality to provide any new or expanded program or service without full State funding.

The resolution specifically proposes to amend Article VIII, Section II of the State Constitution by adding a new paragraph which:

(1) would prohibit, as of July 1, 1995, the State government from mandating the governing body of any county or municipality to provide any new program or service, or to expand any existing program or service, unless the State provides full funding for the net additional cost directly required for the actual implementation of that program or service; but

(2) would permit the enactment of a law that mandates the governing body of a county or municipality to provide a new or expanded program or service for which the State does not provide the required full funding for the net additional costs directly required for the actual implementation of that program or service if that new or expanded program or service is:

(a) required by Federal law, rule, regulation or order;

(b) required by any decision, order or ruling by any court of competent jurisdiction; or

(c) is enacted with the approval of two-thirds of the members of each house of the Legislature.

FISCAL IMPACT:

It is not possible to estimate the fiscal impact, if any, of this concurrent resolution because such impact would result from future decisions about State mandates.

ASSEMBLY POLICY AND RULES COMMITTEE

STATEMENT TO

[CORRECTED COPY]

ASSEMBLY CONCURRENT RESOLUTION, No. 1

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 2, 1994

The Assembly Policy and Rules Committee favorably reports Assembly Concurrent Resolution No. 1 (CC) with committee amendments.

Assembly Concurrent Resolution No. 1 proposes a constitutional amendment to prohibit the State from requiring the governing body of a county or a municipality to provide any new or expanded program or service without full State funding.

The resolution, as amended by the committee, specifically proposes to amend Article VIII, Section II of the State Constitution by adding a new paragraph which:

(1) would prohibit, as of July 1, 1995, the State government from mandating the governing body of any county or municipality to provide any new program or service, or to expand any existing program or service, unless the State provides full funding for the net additional cost directly required for the actual implementation of that program or service; but

(2) would permit the enactment of a law that mandates the governing body of a county or municipality to provide a new or expanded program or service for which the State does not provide the required full funding for the net additional costs directly required for the actual implementation of that program or service if that new or expanded program or service is:

(a) required by Federal law, rule, regulation or order;

(b) required by any decision, order or ruling by any court of competent jurisdiction; or

(c) is enacted with the approval of two-thirds of the members of each house of the Legislature.

The committee amended the resolution to remove the proposed amendment to Article IV, Section IV, paragraph 6 of the Constitution. It was the committee's belief that the clarifying language added to the proposed amendment to Article VIII, Section II made the amending of Article IV, Section IV, paragraph 6 unnecessary.

This resolution was prefiled for introduction in the 1994 session pending technical review. As reported, the resolution includes the changes required by technical review which has been performed.





PAUL DIGAETANO  
Chairman

RICHARD H. BAGGER  
Vice-Chairman

CHRISTOPHER "KIP" BATEMAN  
ALEX DECROCE  
GEORGE F. GEIST  
ROSE MARIE HECK  
MAUREEN OGDEN  
LEE A. SOLOMON  
WAYNE R. BRYANT, ESQ.  
WILLIAM J. PASCRELL, JR.  
ROBERT G. SMITH



**New Jersey State Legislature**  
ASSEMBLY POLICY AND RULES COMMITTEE  
LEGISLATIVE OFFICE BUILDING, CN-068  
TRENTON, NJ 08625-0068

**NOTICE OF PUBLIC HEARING**

The Assembly Policy and Rules Committee will hold a public hearing on the following legislation:

<b>ACR-1 (1R)</b> <b>Haytaian/Geist</b>	Proposes constitutional amendment to prohibit State from requiring county or municipality to perform new or expanded program or service without full State funding.
--	---

The hearing will be held on Thursday, June 2, 1994 at 10:00 AM in Room 319 of the State House, Trenton, New Jersey.

This public hearing has been ordered by the General Assembly under Rule 143 of the Rules of the General Assembly in compliance with the requirements of Article IX, paragraph 1 of the State Constitution, concerning proposed constitutional amendments.

*The public may address comments and questions to David L. Sallach, Committee Aide, or make bill status and scheduling inquiries to Alice Murphy, secretary, at (609) 984-0231.*

**Issued 05/23/94**

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



## TABLE OF CONTENTS

	<u>Page</u>
William G. Dressel, Jr. Assistant Executive Director New Jersey State League of Municipalities	2
Celeste Carpiano Executive Director New Jersey Association of Counties	2

### APPENDIX:

Statement plus attachments submitted by William G. Dressel, Jr.	1x
Statement submitted by Celeste Carpiano	8x

\* \* \* \* \*

hw: 1-3



**ASSEMBLYMAN PAUL DiGAETANO (Chairman):** Good morning, ladies and gentlemen. I'd like to call this meeting to order. This is the Assembly Policy and Rules Committee. I think everyone knows who I am, and I'm joined today by Assemblyman Williams.

We're meeting today pursuant to Rule No. 143 of the Rules of the General Assembly, in compliance with the requirements of Article 9, Paragraph 1 of the State Constitution, which requires that a public hearing be held on any concurrent resolution proposing an amendment to the State Constitution prior to the resolution going to third reading.

The subject of this constitutionally required public hearing today is ACR-1, sponsored by Speaker Chuck Haytaian and Assemblyman George Geist, which proposes a State mandate/State pay amendment to the State Constitution.

Briefly recapped, we released ACR-1 unanimously on May 2, and it was referred to the Assembly Appropriations Committee, where it also passed without opposition, on May 11. It was given second reading and laid on the desks in both Houses on May 12.

If passed by both Houses and approved by the voters of New Jersey, ACR-1 will finally put to an end the practice of the State passing unfunded mandates on to local and county governments, and forcing them to pick up the tab. Generally, this practice allows the State to take credit for a program, but puts local and county governments in the bind of either raising property taxes or reducing services to finance this program.

We are in an era of frugal government. The time has come to stop passing the buck and force all levels of government to assume full fiscal responsibility for their actions.

Before calling our first witness, I'll ask Assemblyman Williams if he has opening comments.

ASSEMBLYMAN WILLIAMS: I would just as soon move it along, Mr. Chairman. Obviously, I agree with this, so--

ASSEMBLYMAN DiGAETANO: Sure, okay. Thank you.

We have first, Bill Dressel, from the League of Municipalities.

Good morning, Bill.

W I L L I A M G. D R E S S E L, JR.: Good morning, Mr. Chairman, Assemblyman Williams. Thank you very much for the opportunity to be here. The League of Municipalities wholeheartedly supports ACR-1. The League supports the passage of this, which would require the State to pay for mandated programs and services. The League has been on record for several decades supporting this constitutional amendment. We have previously appeared before your Committee giving testimony.

Copies of my printed remarks for today and previous testimony have been submitted to you and your staff. We have also submitted to your staff the results of a survey that we recently conducted regarding the impact of State-imposed mandates on local governments -- kind of a snapshot of what mandates would be.

Again, we've come a long way. I view this meeting today as a capstone of the previous discussions that have taken place, applaud you for moving it, and thank you for the opportunity to continue to have the League involved in this worthwhile effort. Thank you.

ASSEMBLYMAN DiGAETANO: Thank you, Bill.

George, do you have any questions?

ASSEMBLYMAN WILLIAMS: None.

ASSEMBLYMAN DiGAETANO: None. Thank you.

Celeste Carpiano, from the New Jersey Association of Counties.

We thank you, also, for your written testimony.

C E L E S T E C A R P I A N O: Thank you, Mr. Chairman, Assemblyman Williams.

The New Jersey Association of Counties also has testified before you in strong support of ACR-1. I have distributed to your staff copies of the testimony.

We believe that unfunded mandates are nothing more than taxation without representation. We have for many years, also, been in strong support that would eliminate unfunded mandates. We believe that in the interest of good government, responsibility and accountability for programs should be assigned to the same level of government.

We have polled all our counties, and have over 100 unfunded mandates, which I will be distributing to you.

We appreciate this opportunity, and we urge you to please release the bill.

ASSEMBLYMAN DiGAETANO: Thank you very much.

Assemblyman, any questions of Celeste?

ASSEMBLYMAN WILLIAMS: None.

ASSEMBLYMAN DiGAETANO: Thank you, Celeste.

Is there anyone else here who wishes to testify on ACR-1, for or against, but who has not yet signed up? (no response)

Seeing none, unless you have any closing comments, I'll bring the meeting to a close.

ASSEMBLYMAN WILLIAMS: I think we're all in support of this measure, and I think we're going to move it along as quickly as possible.

ASSEMBLYMAN DiGAETANO: Thank you.

This hearing is now adjourned.

**(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

June 2, 1994

Re: ACR-1, as amended  
STATE MANDATE/STATE PAY

Dear Members of Assembly Policy & Rules Committee:

The League of Municipalities wholeheartedly supports passage of ACR-1, as amended, which will require the State to pay for mandated programs/services.

For several decades, the League has called for the enactment of a constitutional amendment which would prohibit the State from requiring local governments (by law or regulation) to perform any new or expanded program or service without full State funding.

We applaud the sponsors for initiating this proposal to address this issue of such paramount importance. Our State needs a Constitutional amendment that requires State government to pay for its programs out of its own general fund. Municipal officials have already waited too long for such a provision.

This initiative will put in place a permanent solution to a consistently mounting municipal problem. That problem is the costliness and proliferation of statutorily mandated programs and services. These mandates force municipalities to address a "laundry list" of State priorities before -- and sometimes at the expense of -- priorities determined by responsive and locally elected governing bodies.

The Legislature, through mandates, has found a way to pass the costs of these programs onto the local jurisdiction, which in turn, is forced to pass the economic cost onto the local property taxpayer. In other words, local officials are forced to raise revenues to finance State mandated programs and services. Ultimately, the taxpayer will still foot the bill.

Under this proposed amendment the necessary funds must be provided by the same level of government which orders the expenditure. And it will, for the first time, be obvious to the taxpayer which level of government is the cause of each increase in governmental spending.

(over)

/x

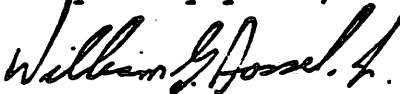
This is an honest and responsible initiative, which is long overdue. ACR-1 will force the Legislature and the governor to consider the costs as well as the benefits, of every proposed mandate. Local officials should never again be forced to choose between increased taxes or cuts in other services, in order to find the resources to pay for State mandates.

Here ACR-1 will re-unite responsibility and accountability. And that union is the cornerstone of a truly just and effective representative democracy.

Again, the issue of legislative mandates and their impact on the local real estate property taxpayer has been a major concern to the League for decades. This issue, has remained unaddressed until recently, and we hope its time has come.

Thus, the League support this measure and urges you to vote for its passage in the Legislature.

Very truly yours,



William G. Dressel, Jr.  
Assistant Executive Director

WGD:jg



407 WEST STATE STREET, TRENTON, N.J. 08618

::

(609) 695-3481

JOHN E. TRAFFORD, *Executive Director*

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

June 2, 1994

Members of the Assembly Policy and Rules Committee

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 mandated costs on the local property taxpayer.

Very truly yours,

William G. Dressel, Jr.  
Assistant Executive Director

WGD/mle

3x

# NEW JERSEY STATE MANDATES

NUMBER	MANDATE	SOURCE	AMOUNT
1	FIREARM QUALIFICATION, SEMI-ANNUAL	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	\$1,347,430
5	JUVENILE DETENTION CELLS	NJAC 10A:34	\$126.20
6	24 HOUR PHYSICAL MONITORING OF JUVENILES	NJAC 10A:34	\$56,89
7	PREPARATION OF ACCIDENT REPORTS	NJ STATE POLICE	\$2,496.72
8	UNIFORM CRIME REPORTS	NJSA 52:17B-5.1	\$1,420.24
9	CERTIFICATION OF RADAR	NJ STATE POLICE	\$361.19
10	CERTIFICATION OF BREATHALYZER	NJ STATE POLICE	\$327.17
11	LEGAL DEFENSE FOR POLICE	NJSA 40:14-155	\$1,002.5
12	NEW OFFICER TRAINING	NJSA 52:17B-66	\$2,117.6
13	EFFECT OF BINDING ARBITRATION IN EXCESS OF CAP	NJSA 13A-14	\$9,790.5
14	UNDERGROUND STORAGE TANK REMOVAL & REPLACEMENT	NJSA 58:10A-21 ET SEQ. NJAC 7:14B	\$14,838.9
15	TRAINING & RECORDKEEPING - PUBLIC RIGHT TO KNOW	NJSA 34:5A-1 ET SEQ. NJAC 7:1G NJAC 7:27	\$667.3
16	STREAM ENCROACHMENT PERMITS	NJSA 58:13A-50 ET SEQ. NJAC 7:13	\$2,480.

4x

18 DEWATERING EQUIPMENT	NJAC 12:100 NJSA 58:10A-1 NJAC 7:9	\$73,000
19 AUTOMOBILE TESTING EQUIPMENT	NJSA 23:20-1 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	\$1,799,966
22 HAZARDOUS WASTE CLEAN-UP	NJSA 13:1K-6 ET SEQ. NJAC 26B, 26C, 26E	\$2,283,268
23 INSTALLATION OF VAPOR RECOVERY GAS PUMPS	NJSA 26:2C-1 ET SEQ. NJAC 7:27	\$570,680
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	\$1,857,109
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.	\$84,547
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

5x

15 DEWATERING EQUIPMENT

NJSA 58:10A-1  
NJAC 7:9

\$73,000

19 AUTOMOBILE TESTING  
EQUIPMENT

NJSA 26:2C-1 ET SEQ  
NJAC 7:17

\$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

\$1,799,966

22 HAZARDOUS WASTE  
CLEAN-UP

NJSA 13:1K-6 ET SEQ.  
NJAC 26B, 26C, 26E

\$2,283,268

23 INSTALLATION OF VAPOR  
RECOVERY GAS PUMPS

NJSA 26:2C-1 ET SEQ  
NJAC 7:27

\$570,680

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

\$1,857,109

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.

\$24,647

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

6x



34 BUDGET REPORTING  
REQUIREMENTS

NJSA 40A 4-1 ET SEQ

\$1,221,011

35 PROPERTY TAX ASSESSMENT NJSA 54 4-20 ET SEQ  
SEPARATE PROPERTY TAX  
ASSESSMENT CARD

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

\$151,298,550

TOTAL WITH 1994 RECYCLING GRANTS REMOVED: (\$5,339,646)

\$145,958,910

7X

CELESTE CARPIANO  
EXECUTIVE DIRECTOR  
NEW JERSEY ASSOCIATION OF COUNTIES

Testimony in Support of ACR-1 (Haytaian/Geist)  
June 1, 1994

Mr. Chairman and members of the Assembly Policy and Rules Committee, I would like to thank you for this opportunity to speak for the New Jersey Association of Counties on a topic that is of vital interest and importance to us: State Mandated programs for which no state funding is provided.

NJAC firmly supports ACR-1 sponsored by Speaker Haytaian and Assemblyman Geist, which would eliminate this unfair burden on our county taxpayers.

Unfunded mandates on both the state and national levels are nothing more than taxation without representation. Counties are told to implement new programs and services but are not given sufficient funding with which to work. We feel strongly that, in the interest of good government, responsibility and accountability for programs should be assigned to the same level of government.

Because of unfunded mandates, county and municipal governing bodies are forced to either increase taxes or decrease services that we feel are important to our constituency.

8x

Obviously, the public does not want higher taxes. When mandates are foisted on us, we are the ones who have to make the tough choices. We are the level of government that is closest to the people, in that we provide a great deal of face-to-face services that our residents need.

Also, county officials know just how unfunded mandates can impact county finances. I am sure that many of you here today can relate to this difficulty, too, as members and former members of county or municipal governing bodies.

After polling all 21 counties for the unfunded state mandates that effect their budgets, I would like to bring to your attention several examples that they have documented.

#### COMMUNITY COLLEGES

One of the best -- or worst -- examples of an unfunded state mandate is the community college system.

Please don't misunderstand. We believe that our community colleges are invaluable institutions. But legislation that was passed in 1964 - 30 years ago - called for the equitable funding of community colleges by the state, county and tuition. However, New Jersey is paying only 14% toward its community colleges, instead of the 41% that is required by law. This is unfair, and has put an unduly large tax burden on local citizens in the counties where these schools are located.

9x

### COLLEGES & VOCATIONAL SCHOOLS

For both community colleges and county vocational schools, a Board of Estimate each year certifies to the Board of Freeholders the amount of funds necessary; by state statute, we are required to provide that level of funding.

For example, in 1994 in Somerset County, the freeholders issued a directive for a 9% reduction in funding for all agencies. The Raritan Valley College Board of School Estimate chose not to comply.

We do not believe that this is appropriate. The state is supposed to be a partner in these institutions; however, they retain the right to determine their contribution yet do not allow the freeholders the same right. The statutes for county colleges and vocational schools should be reviewed.

### COURT SYSTEM

The Superior Court system has long been another prime example of a state mandate that has been funded by counties. We greatly appreciate the state's recent efforts to take over most of the day-to-day expenses of the courts starting next year. However, since this changeover will occur gradually, the counties will continue to fund many court expenses.

Again, we certainly do not dispute the need for an efficient, effective court system. But when the state tells counties it must have certain levels of funding each year for the court system, that's taxation without representation.

### JAIL

Often counties are required by the state to build new jails. Yes, we sorely need them but the cost of the projects are inflated by state mandated requirements such as recreation and dining areas for inmates.

### HUMAN SERVICES

There are numerous examples of state mandated human services programs that must be financed by county taxpayers' money. They include:

- the establishment and operation of the Adjuster's Office, an Intoxicated Drivers Resource Center, a Mental Health Administration Unit, alcohol and drug abuse services and a Human Services Advisory County;
- the provision of a Personal Attendant Services Program;
- the functions of the Office of Youth Services and Office on Aging.

On a yearly basis, these services can cost a county approximately \$1 million or more to provide.

### OTHER EXAMPLES

We are also required by state law to have a Department of Weights and Measures to provide 1/3 of the funding for the Cooperative Extension Services, to partially fund a Soil Conservation Services, to provide a County Medical Examiner's Office and to certify investigators in the Consumer Affairs Office.

In conclusion, I would like to emphasize NJAC's support of Governor Whitman's efforts to streamline state government and balance the state budget. The intergovernmental system works best when each level of government works together. Your pressures are no different than ours. 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 that responsibility. If there is no state money available for programs initiated by the Legislature, then the implementation of these programs by counties or municipalities should be optional - not mandatory.

Thank you for the opportunity to address the Committee. We urge you to favorably release ACR-1 from committee today.