

18A:13-19; 18A:22-37

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:13-19; 18A:22-37

(School budgets - defeated by voters - change timetable for revision)

LAWS OF: 1983

CHAPTER: 119

Bill No: A872

Sponsor(s): Franks

Date Introduced: Feb. 22, 1983

Committee: Assembly: Municipal Government

Senate: Education

Amended during passage: Yes

// Assembly Committee Substitute (OCR) enacted. Amendments during passage denoted by asterisks

Date of Passage: Assembly: Nov. 15, 1982

Senate: Jan. 31, 1983

Date of Approval: March 31, 1983

Following statements are attached if available:

Sponsor statement: Yes //

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: /// No

Following were printed:

Reports: /// No

Hearings: /// No

LEGISLATIVE HISTORY - ASSEMBLY COPY

[OFFICIAL COPY REPRINT]  
ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, No. 872**

**STATE OF NEW JERSEY**

ADOPTED OCTOBER 18, 1982

AN ACT concerning certain school budgets and amending N. J. S.  
18A:13-19 and N. J. S. 18A:22-37.

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

1 1. N. J. S. 18A:13-19 is amended to read as follows:

2 18A:13-19. If the voters reject any of the items submitted at the  
3 annual election, within two days thereafter the board of education  
4 of the regional district shall certify to the governing body of each  
5 municipality, included within the regional district, the item or items  
6 so rejected, and such governing bodies, after consultation with the  
7 board, and no later than April **[18]** 28 shall determine the amount  
8 or amounts which they deem necessary to provide a thorough and  
9 efficient system of schools in the regional district for the ensuing  
10 school year and cause the same to be certified by the respective  
11 municipal clerks to the board of education of the regional district.

1 2. N. J. S. 18A:22-37 is amended to read as follows:

2 18A:22-37. If the voters reject any of the items submitted at  
3 the annual school election, the board of education shall deliver the  
4 proposed school budget to the governing body of the municipality,  
5 or of each of the municipalities included in the district within two  
6 days thereafter. The governing body of the municipality, or of  
7 each of the municipalities, included in the district shall, after con-  
8 sultation with the board, and by April **[18]** 28, determine the  
9 amount which, in the judgment of said body or bodies, is necessary  
10 to be appropriated, for each item appearing in such budget, to  
11 provide a thorough and efficient system of schools in the district,  
12 and certify to the county board of taxation the totals of the amount  
13 so determined to be necessary for each of the following:

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

**Matter printed in italics *thus* is new matter.**

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

**\*—Senate committee amendment adopted January 24, 1983.**

- 14 a. Current expenses of schools ;  
15 b. Vocational evening schools or classes ;  
16 c. Evening schools or classes for foreign-born residents ;  
17 d. Appropriations to capital reserve fund ; or  
18 e. Any capital project, the cost whereof is to be paid directly  
19 from taxes ; which amounts shall be included in the taxes to be  
20 assessed, levied and collected in such municipality or municipalities  
21 for such purposes.

22 Within \*~~20~~\* \*15\* days after the governing body of the munici-  
23 pality or of each of the municipalities included in the district shall  
24 make such certification to the county board of taxation, the board of  
25 education shall notify such governing body or bodies if it intends  
26 to appeal to the commissioner the amounts which said body or  
27 bodies determined to be necessary to be appropriated for each  
28 item appearing in the proposed school budget.

1 3. This act shall take effect immediately.

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ASSEMBLY, No. 872

**STATE OF NEW JERSEY**

INTRODUCED FEBRUARY 22, 1982

By Assemblyman FRANKS

Referred to Committee on Municipal Government

AN ACT concerning education and amending sections 18A:13-10, 18A:14-2, 18A:22-7, 18A:22-10, 18A:22-14, 18A:22-26, 18A:54-28 and 18A:54-29 of the New Jersey Statutes, P. L. 1971, c. 271 and P. L. 1975, c. 212.

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

1 1. Section 28 of P. L. 1975, c. 212 (C. 18A:7A-28) is amended to  
2 read as follows:

3 28. Annually, on or before **[January 15]** *December 30*, local  
4 boards of education shall submit to the commissioner a copy of  
5 their proposed budgets for the next school year. The commissioner  
6 shall review each item of appropriation within the current expense  
7 and budgeted capital outlay budgets and shall determine the ade-  
8 quacy of the budgets with regard to the annual reports submitted  
9 pursuant to section 11 of this act.

1 2. N. J. S. 18A:13-10 is amended to read as follows:

2 18A:13-10. The board of education of each regional district shall  
3 provide for the holding of an annual school election for the regional  
4 district on the **[first]** *second* Tuesday in **[April]** *March*.

5 At such election there shall be elected for terms of 3 years, begin-  
6 ning on any day of the first week following such election, the  
7 members of the regional boards of education to succeed those mem-  
8 bers of the board whose terms shall expire in that year, except as  
9 is in this chapter provided for the election of the first elected  
10 members of the board.

1 3. N. J. S. 18A:14-2 is amended to read as follows:

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

2 18A:14-2. An annual school election shall be held in each type II  
 3 local district, on the **first** *second* Tuesday in **April** *March*.  
 4 Whenever such date falls on a legal holiday the election shall be  
 5 held on the following day.

1 4. N. J. S. 18A:22-7 is amended to read as follows:

2 18A:22-7. The board of education of every school district having  
 3 a board of school estimate shall prepare and deliver to each mem-  
 4 ber of the board of school estimate, on or before the **first** *second*  
 5 Tuesday in **March** *February* in each year, and the board of  
 6 education of every other school district shall prepare a budget for  
 7 the school district for the ensuing year, on or before the **first**  
 8 *second* Tuesday in **March** *February*.

1 5. N. J. S. 18A:22-10 is amended to read as follows:

2 18A:22-10. Upon the preparation of its budget, each board of  
 3 education shall fix a date, place and time for the holding of a public  
 4 hearing upon said budget and the amounts of money necessary  
 5 to be appropriated for the use of the public schools for the ensuing  
 6 school year and the various items and purposes for which the same  
 7 are to be appropriated, which hearing, in districts having a board  
 8 of school estimate, shall be held before said board of school esti-  
 9 mate between the **first** *second* Tuesday in **March** *February*  
 10 and **March 18** *February 25* and in districts having no board of  
 11 school estimate shall be held before the board of education between  
 12 the **first** *second* Tuesday in **March** *February* and **March 18**  
 13 *February 25*.

1 6. N. J. S. 18A:22-14 is amended to read as follows:

2 18A:22-14. At or after said public hearing but not later than on  
 3 **March 18** *February 25*, the board of school estimate of a type I  
 4 district shall fix and determine by official action taken at a public  
 5 meeting of the board the amount of money necessary to be appro-  
 6 priated for the use of the public schools in the district for the  
 7 ensuing school year, exclusive of the amount which shall have been  
 8 apportioned to it by the commissioner, and shall make two certifi-  
 9 cates of such amount signed by at least three members of the board,  
 10 one of which shall be delivered to the board of education and the  
 11 other to the governing body of the district.

12 Within 20 days after receiving such certificate the board of  
 13 education shall notify the board of school estimate and governing  
 14 body of the district if it intends to appeal to the commissioner the  
 15 board of school estimate's determination as to the amount of money  
 16 necessary to be appropriated for the use of the public schools of the  
 17 district for the ensuing school year.

1 7. N. J. S. 18A:22-26 is amended to read as follows:

2 18A :22-26. At or after said public hearing but not later than on  
 3 **[March 18]** *February 25*, the board of school estimate of a type II  
 4 district having a board of school estimate shall fix and determine  
 5 by a recorded roll call majority vote of its full membership the  
 6 amount of money necessary to be appropriated for the use of the  
 7 public schools in such district for the ensuing school year, exclusive  
 8 of the amount which shall be apportioned to it by the commissioner  
 9 for said year and shall make a certificate of such amount signed by  
 10 at least a majority of all members of such board, which shall be  
 11 delivered to the board of education and a copy thereof, certified  
 12 under oath to be correct and true by the secretary of the board of  
 13 school estimate, shall be delivered to the county board of taxation  
 14 on or before March **[25]** 4 in each year and a duplicate of such  
 15 certificate shall be delivered to the board or governing body of each  
 16 of the municipalities within the territorial limits of the district  
 17 having the power to make appropriations of money raised by  
 18 taxation in the municipalities or political subdivisions and to the  
 19 county superintendent of schools and such amount shall be assessed,  
 20 levied and raised under the procedure and in the manner provided  
 21 by law for the levying and raising of special school taxes voted to  
 22 be raised at an annual or special election of the legal voters in  
 23 type II districts and shall be paid to the custodian of school moneys  
 24 of the district for such purposes.

25 Within 20 days after receiving such certificate the board of edu-  
 26 cation shall notify the board of school estimate and governing body  
 27 of each municipality within the territorial limits of the school  
 28 district if it intends to appeal to the commissioner the board of  
 29 school estimate's determination as to the amount of money neces-  
 30 sary to be appropriated for the use of the public schools of the  
 31 district for the ensuing school year.

1 8. Section 12 of P. L. 1971, c. 271 (C. 18A :46-40) is amended to  
 2 read as follows:

3 12. On or before March **[25]** 1 in each year the board of educa-  
 4 tion of a county special services school district shall prepare and  
 5 deliver to each member of the board of school estimate an itemized  
 6 statement of the amount of money estimated to be necessary for the  
 7 current expenses of and for repairing and furnishing schools or  
 8 building of the county special services school district for the  
 9 ensuing school year.

1 9. Section 13 of P. L. 1971, c. 271 (C. 18A :46-41) is amended to  
 2 read as follows:

3 13. a. Between March **[25]** 1 and **[April 8]** *March 15* in each  
 4 year the board of school estimate shall fix and determine by official  
 5 action taken at a public meeting of the board the amount of money

6 necessary to be appropriated for the use of the county special  
 7 services school district for the ensuing school year exclusive of the  
 8 amount to be received from the State as provided in section 16 of  
 9 **[this act]** *P. L. 1971, c. 271 (C.18A:46-14)*.

10 b. The board of school estimate shall, on or before the last named  
 11 date, make two certificates of the amount, signed by at least three of  
 12 its members, one of which certificate shall be delivered to the  
 13 board of education of the county special services school district  
 14 and the other to the board of chosen freeholders of the county.

15 c. The board of chosen freeholders shall, upon receipt of the  
 16 certificate, appropriate, in the same manner as other appropria-  
 17 tions are made by it, the amount so certified, and the amount shall  
 18 be assessed, levied, and collected in the same manner as moneys  
 19 appropriated for other purposes in the county are assessed, levied,  
 20 and collected, unless such amount is to be raised as otherwise  
 21 hereinafter provided in this act.

1 10. N. J. S. 18A:54-28 is amended to read as follows:

2 18A:54-28. On or before March **[25]** *1* in each year the board of  
 3 education of a county vocational school district shall prepare and  
 4 deliver to each member of the board of school estimate an itemized  
 5 statement of the amount of money estimated to be necessary for  
 6 the current expenses of and for repairing and furnishing schools  
 7 or buildings of the county vocational school district for the ensuing  
 8 school year.

1 11. N. J. S. 18A:54-29 is amended to read as follows:

2 18A:54-29. Between March **[25]** *1* and **[April 8]** *March 15* in  
 3 each year the board of school estimate shall fix and determine by  
 4 action taken at a public meeting of the board the amount of money  
 5 necessary to be appropriated for the use of the county vocational  
 6 school district for the ensuing school year exclusive of the amount  
 7 to be received from the State as provided in **[section]** *N. J. S.*  
 8 *18A:54-32*.

1 12. This act shall take effect immediately.

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#### STATEMENT

This bill gives the governing body of a municipality additional time to consult with the school board and revise the school budget after it is defeated at the annual election. The governing body still has until April 18th to negotiate with the school board and revise the defeated school budget, but by moving the annual school election from the first Tuesday in April back to the second Tuesday in March, additional needed time for negotiation and revision is obtained.

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ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE TO

**ASSEMBLY, No. 872**

**STATE OF NEW JERSEY**

DATED: OCTOBER 18, 1982

The committee reported a Committee Substitute for Assembly Bill No. 872.

The Committee Substitute for Assembly Bill No. 872 amends N. J. S. 18A:13-19 and N. J. S. 18A:22-37 in order to allow municipalities an additional 10 days to review a defeated school budget.

Under current law, municipalities have until April 18th to review a defeated school budget and determine the amount which should be appropriated for school purposes. The Committee Substitute changes that final date to April 28th.



SENATE EDUCATION COMMITTEE  
STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 872**  
with Senate committee amendment

**STATE OF NEW JERSEY**

DATED: JANUARY 24, 1983

The Senate Education Committee favorably reports this bill and endorses the Assembly Municipal Government Committee's statement which reads as follows:

"The committee reported a Committee Substitute for Assembly Bill No. 872.

The Committee Substitute for Assembly Bill No. 872 amends N. J. S. 18A:13-19 and N. J. S. 18A:22-37 in order to allow municipalities an additional 10 days to review a defeated school budget.

Under current law, municipalities have until April 18th to review a defeated school budget and determine the amount which should be appropriated for school purposes. The Committee Substitute changes that final date to April 28th."

SENATE COMMITTEE AMENDMENTS

The Senate Education Committee has amended this bill to reduce from 20 to 15 days the time a school board has to indicate its intention to appeal a determination by the municipal governing body. This is in order to insure that there is sufficient time for the certification of tax assessments by the county board of taxation as provided pursuant to R. S. 54:4-55.