



LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER:140

NJSA: 18A:64A-17

"Cost sharing options -- county college joinder"

BILL NO: A2410 (Substituted for S1380)

SPONSOR(S): Gibson and Blee

DATE INTRODUCED: September 14, 1998

COMMITTEE:

ASSEMBLY: Education

SENATE: Education

AMENDED DURING PASSAGE:No

DATE OF PASSAGE:

ASSEMBLY: October 29, 1998

SENATE: December 10, 1998

DATE OF APPROVAL: December 11, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Original

A2410

SPONSORS STATEMENT: *Yes* (Begins on page 6 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY:*Yes*

SENATE:*Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

S1380

SPONSORS STATEMENT: *Yes* (Begins on page 6 of original bill)

(Bill and Sponsors Statement identical to A2410)

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

(Identical to Senate Statement for A2410)

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

ASSEMBLY, No. 2410

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED SEPTEMBER 14, 1998

Sponsored by:

Assemblyman JOHN C. GIBSON

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

Co-Sponsored by:

Assemblymen Asselta, LeFevre, Senators Cafiero and Gormley

SYNOPSIS

Establishes county cost sharing options in the case of county college joinder agreements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/11/1998)

1 AN ACT concerning the apportionment of costs in the case of certain
2 county college joinder agreements and amending various sections
3 of the New Jersey Statutes.

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

7
8 1. N.J.S.18A:64A-17 is amended to read as follows:
9 18A:64A-17. On or before February 1 in each year, the board of
10 trustees of the county college shall prepare and deliver to each member
11 of the board of school estimate an itemized statement of the amount
12 of money estimated to be necessary for the operation and capital
13 outlay expenses for the ensuing year. Said board of trustees shall, at
14 the same time, fix a date, place and time for the holding of a public
15 hearing by the board of school estimate with respect to said itemized
16 statement of the amount of money estimated to be necessary for the
17 operation and capital outlay expenses for the ensuing year and with
18 respect to the various items and purposes for which said money is to
19 be appropriated, which date shall be between February 1 and February
20 15 and which date shall be not less than seven days after the
21 publication of said itemized statement as herein provided and shall
22 cause notice of such public hearing and said statement to be published
23 at least once in at least one newspaper published in the county not less
24 than seven days prior to the date fixed for such public hearing, and
25 said notice shall also set forth that said itemized statement will be on
26 file and open to examination of the public, between reasonable hours
27 to be fixed therein, and, at a place to be named therein, from the date
28 of said publication until the date of the holding of said public hearing
29 and said board of trustees shall cause said itemized statement to be on
30 file and open to the examination of the public accordingly and to be
31 produced at said public hearing for the information of those attending
32 the same.

33 On the date and at the time and place so fixed by the board of
34 trustees for such public hearing, the board of school estimate shall at
35 a public hearing grant the taxpayers and other interested persons an
36 opportunity to present objections and to be heard with respect to said
37 itemized statement of the amount of money estimated to be necessary
38 for the operation and capital outlay expenses for the ensuing year and
39 with respect to the various items and purposes for which said money
40 is to be appropriated and at or after said public hearing but not later
41 than February 15 of each year, the board of school estimate shall fix
42 and determine, by official action taken at a public meeting of the
43 board, the amount of money necessary for the operation and capital

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.

1 outlay expenses of the college for the ensuing year, exclusive of the
2 amount to be received from the State and from other sources.

3 The board of school estimate shall, on or before February 15 of
4 each year, make a certificate of such amount signed by at least a
5 majority of its members. Copies thereof shall be delivered to the board
6 of trustees of the college and to each participating board of chosen
7 freeholders.

8 In the case of a county college established by more than one county,
9 the amount to be raised for the annual operation and capital outlay
10 expenses shall be apportioned among the participating counties upon
11 the basis of [appropriation] apportionment valuations, as defined in
12 R.S.54:4-49. In the case of a county college joinder created pursuant
13 to N.J.S. 8A:64A-24 subsequent to the enactment of P.L. , c.
14 (C.) (now pending before the Legislature as this bill), the amount to
15 be raised for the annual operation and capital outlay expenses may be
16 apportioned among the participating counties upon the basis of
17 apportionment valuations, as defined in R.S.54:4-49; or, upon the
18 basis of unweighted student credit hours; or upon the basis of any
19 combination of apportionment valuations and unweighted student
20 credit hours. [In such case the,] The certificate of the board of school
21 estimate shall certify the proportioned part of the total to be raised by
22 each participating county. In the case of a county college joinder
23 created pursuant to N.J.S.18A:64A-24 subsequent to the enactment of
24 P.L. , c. (C.) (now pending before the Legislature as this bill),
25 operational expenses shall include any facility use fee or other charge
26 which may be agreed upon by the participating counties and the board
27 of trustees upon the approval of a majority of the members of the
28 board of school estimate.

29 (cf: P.L.1994, c.48, s.130)

30

31 2. N.J.S.18A:64A-19 is amended to read as follows:

32 18A:64A-19. (1) Whenever the board of trustees of a county
33 college shall decide that it is necessary to raise money for the purpose
34 of acquiring or improving lands or buildings for use by the college or
35 erecting, enlarging, improving, altering, reconstructing, furnishing or
36 equipping buildings or other structures for use by the college, it may,
37 in lieu of proceeding in accordance with N.J.S.18A:64A-16 and
38 18A:64A-17, at any time prepare and deliver to each member of the
39 board of school estimate a statement of the estimated cost of such
40 purpose and of the amount of money estimated by the board of
41 trustees to be then needed for such purpose. If the amount of money
42 so estimated shall include any funds expected to be received for said
43 purpose as State or federal aid, such statement shall specify the
44 amount and source of said funds and may include an agreement by the
45 board of trustees to repay the county, out of the said funds when
46 received, for any amounts appropriated by any county for the county

1 college in anticipation of said funds. After receipt of such statement,
2 the board of school estimate shall fix and determine the sum of money
3 then needed for the purpose specified in said statement and the amount
4 thereof to be raised by the participating county or counties which shall,
5 if there be two or more such counties, be apportioned among them
6 upon the basis of apportionment valuations as defined in R.S.54:4-49
7 and which may include amounts expected to be repaid as aforesaid by
8 the board of trustees. In the case of a county college joinder created
9 pursuant to N.J.S.18A:64A-24 subsequent to the enactment of
10 P.L. , c. (C.) (now pending before the Legislature as this bill),
11 the amount to be raised may be apportioned among the participating
12 counties upon the basis of apportionment valuations as defined in
13 R.S.54:4-49; or, upon the basis of unweighted student credit hours; or
14 upon the basis of any combination of apportionment valuations and
15 unweighted student credit hours; or in proportion to the percentage of
16 bonds to be issued by each county for the project as may be agreed
17 upon by the participating counties and the board of trustees. The
18 board of school estimate shall thereupon make a certificate of such
19 sum and amount or amounts signed by at least a majority of its
20 members, and copies thereof and of the statement received from the
21 board of trustees shall be delivered to the board of trustees and to the
22 board of chosen freeholders of each participating county.

23 (2) The board of chosen freeholders of a participating county upon
24 receipt of any such certificate shall appropriate the amount certified
25 therein for the purpose therein specified, or upon receipt of a
26 certificate as provided in N.J.S.18A:64A-17 shall appropriate the
27 amount of the capital outlay expenses certified therein, either:

28 (a) By the method provided for in N.J.S.18A:64A-18; or

29 (b) By a bond ordinance authorizing the issuance of bonds or notes
30 of the county to finance such appropriation and purpose adopted in
31 accordance with the limitations and any exceptions thereto, and in the
32 manner or mode of procedure, prescribed by the local bond law, and
33 the sale and issuance of said bonds or notes pursuant to the local bond
34 law; provided, however, that no down payment shall be required and
35 the provisions of N.J.S.40A:2-11 of the local bond law shall not be
36 applicable to such bond ordinance and that the purpose for which the
37 bonds or notes are to be issued may be stated and identified as and
38 shall be the purpose specified in said certificate notwithstanding that
39 the appropriation therefor may be sufficient only for planning or other
40 preliminary or initial expenses in connection therewith or may be made
41 in anticipation of State or federal aid expected to be received for said
42 purpose and applied to repayment to the county.

43 (3) The proceeds of the sale of such bonds or notes shall be paid
44 to the treasurer of the county college and shall be paid out by him only
45 on the warrants or orders of the board of trustees of the county
46 college. The treasurer shall in no event disburse such proceeds, except

1 to pay and retire any such notes and pay the expenses of issuing and
2 selling such bonds or notes and for the purpose or purposes for which
3 such bonds or notes were issued. If for any reason any part of such
4 proceeds are not applied to or necessary for such purpose or purposes,
5 the board of trustees of the county college may transfer the balance
6 remaining unapplied to the capital outlay account of the county
7 college.

8 (4) Except with the concurrence and consent of the board of
9 chosen freeholders of the county expressed by resolution, no amount
10 shall be appropriated under this section which, if added to the amount
11 of bonds or notes of the county for county college purposes
12 outstanding or authorized but unissued at the date of such
13 appropriation, shall exceed an amount equal to one half of one per
14 cent of the equalized valuation basis of said county as shown on the
15 annual debt statement of the county last filed pursuant to the local
16 bond law.

17 (cf: P.L.1994, c.48, s.131)

18

19 3. N.J.S.18A:64A-20 is amended to read as follows:

20 18A:64A-20. If the board of trustees shall determine that it is
21 necessary in any school year to raise money in addition to the amount
22 in its annual budget for such year for:

23 (1) current expenses for the operation and maintenance of the
24 college when the amount necessary therefor was underestimated in the
25 budget;

26 (2) repair or utilization of property destroyed or made unsuitable
27 by accident or other unforeseen cause; or

28 (3) meeting emergencies arising since the preparation of such
29 budget;

30 the board shall prepare and deliver to each member of the board of
31 school estimate a statement of the amount of money determined to be
32 necessary therefor.

33 The board of school estimate shall meet within a reasonable time
34 after the delivery of the statement and fix and determine the amount
35 necessary for such purpose or purposes. In the case of a county
36 college established by more than one county, the board shall apportion
37 upon the basis of the apportionment valuations as defined in
38 R.S.54:4-49 [of the Revised Statutes], such amount among the
39 participating counties. In the case of a county college joinder created
40 pursuant to N.J.S.18A:64A-24 subsequent to the enactment of
41 P.L. , c. (C.) (now pending before the Legislature as this bill), the
42 amount to be raised may be apportioned among the participating
43 counties upon the basis of apportionment valuations, as defined in R.
44 S. 54:4-49; or, upon the basis of unweighted student credit hours; or
45 upon the basis of any combination of apportionment valuations and
46 unweighted student credit hours as determined by the board of school

1 estimate. The board shall then certify the amount so determined and
2 apportioned to the board of trustees of the college and to each
3 participating board of chosen freeholders.

4 The board of chosen freeholders, upon receipt of such certificate,
5 shall appropriate the amount certified therein and shall raise such
6 amount in the manner provided for by N.J.S.18A:64A-18 and
7 18A:64A-19.

8 (cf: P.L.1994, c.48, s.132)

9

10 4. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill provides that in the case of any county college joinder
16 established following the bill's enactment, the participating counties
17 have the option to apportion the cost for the operation and capital
18 outlay expenses of the college on the basis of apportionment
19 valuations as in current practice, or on the basis of unweighted student
20 credit hours, or on the basis of any combination of apportionment
21 valuations and unweighted student credit hours. The bill provides the
22 same options for the provision of emergency funding. The bill also
23 provides the same three options for the funding of capital projects of
24 the joinder as well as a fourth option. Under the

25 fourth option, the projects would be funded by the participating
26 counties in proportion to the percentage of bonds to be issued by the
27 county for that project pursuant to the agreement of the joinder
28 members.

29 The bill also specifies that based on the agreement of the
30 participating counties, the board of trustees, and the approval of the
31 board of school estimate, the operational expenses of a county college
32 joinder shall include a facility use fee or other charge.

ASSEMBLY, No. 2410

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14 the same time, fix a date, place and time for the holding of a public
15 hearing by the board of school estimate with respect to said itemized
16 statement of the amount of money estimated to be necessary for the
17 operation and capital outlay expenses for the ensuing year and with
18 respect to the various items and purposes for which said money is to
19 be appropriated, which date shall be between February 1 and February
20 15 and which date shall be not less than seven days after the
21 publication of said itemized statement as herein provided and shall
22 cause notice of such public hearing and said statement to be published
23 at least once in at least one newspaper published in the county not less
24 than seven days prior to the date fixed for such public hearing, and
25 said notice shall also set forth that said itemized statement will be on
26 file and open to examination of the public, between reasonable hours
27 to be fixed therein, and, at a place to be named therein, from the date
28 of said publication until the date of the holding of said public hearing
29 and said board of trustees shall cause said itemized statement to be on
30 file and open to the examination of the public accordingly and to be
31 produced at said public hearing for the information of those attending
32 the same.

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34 trustees for such public hearing, the board of school estimate shall at
35 a public hearing grant the taxpayers and other interested persons an
36 opportunity to present objections and to be heard with respect to said
37 itemized statement of the amount of money estimated to be necessary
38 for the operation and capital outlay expenses for the ensuing year and
39 with respect to the various items and purposes for which said money
40 is to be appropriated and at or after said public hearing but not later
41 than February 15 of each year, the board of school estimate shall fix
42 and determine, by official action taken at a public meeting of the
43 board, the amount of money necessary for the operation and capital

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.

1 outlay expenses of the college for the ensuing year, exclusive of the
2 amount to be received from the State and from other sources.

3 The board of school estimate shall, on or before February 15 of
4 each year, make a certificate of such amount signed by at least a
5 majority of its members. Copies thereof shall be delivered to the board
6 of trustees of the college and to each participating board of chosen
7 freeholders.

8 In the case of a county college established by more than one county,
9 the amount to be raised for the annual operation and capital outlay
10 expenses shall be apportioned among the participating counties upon
11 the basis of [appropriation] apportionment valuations, as defined in
12 R.S.54:4-49. In the case of a county college joinder created pursuant
13 to N.J.S. 8A:64A-24 subsequent to the enactment of P.L. , c.
14 (C.) (now pending before the Legislature as this bill), the amount to
15 be raised for the annual operation and capital outlay expenses may be
16 apportioned among the participating counties upon the basis of
17 apportionment valuations, as defined in R.S.54:4-49; or, upon the
18 basis of unweighted student credit hours; or upon the basis of any
19 combination of apportionment valuations and unweighted student
20 credit hours. [In such case the,] The certificate of the board of school
21 estimate shall certify the proportioned part of the total to be raised by
22 each participating county. In the case of a county college joinder
23 created pursuant to N.J.S.18A:64A-24 subsequent to the enactment of
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25 operational expenses shall include any facility use fee or other charge
26 which may be agreed upon by the participating counties and the board
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28 board of school estimate.

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36 equipping buildings or other structures for use by the college, it may,
37 in lieu of proceeding in accordance with N.J.S.18A:64A-16 and
38 18A:64A-17, at any time prepare and deliver to each member of the
39 board of school estimate a statement of the estimated cost of such
40 purpose and of the amount of money estimated by the board of
41 trustees to be then needed for such purpose. If the amount of money
42 so estimated shall include any funds expected to be received for said
43 purpose as State or federal aid, such statement shall specify the
44 amount and source of said funds and may include an agreement by the
45 board of trustees to repay the county, out of the said funds when
46 received, for any amounts appropriated by any county for the county

1 college in anticipation of said funds. After receipt of such statement,
2 the board of school estimate shall fix and determine the sum of money
3 then needed for the purpose specified in said statement and the amount
4 thereof to be raised by the participating county or counties which shall,
5 if there be two or more such counties, be apportioned among them
6 upon the basis of apportionment valuations as defined in R.S.54:4-49
7 and which may include amounts expected to be repaid as aforesaid by
8 the board of trustees. In the case of a county college joinder created
9 pursuant to N.J.S.18A:64A-24 subsequent to the enactment of
10 P.L. , c. (C.) (now pending before the Legislature as this bill),
11 the amount to be raised may be apportioned among the participating
12 counties upon the basis of apportionment valuations as defined in
13 R.S.54:4-49; or, upon the basis of unweighted student credit hours; or
14 upon the basis of any combination of apportionment valuations and
15 unweighted student credit hours; or in proportion to the percentage of
16 bonds to be issued by each county for the project as may be agreed
17 upon by the participating counties and the board of trustees. The
18 board of school estimate shall thereupon make a certificate of such
19 sum and amount or amounts signed by at least a majority of its
20 members, and copies thereof and of the statement received from the
21 board of trustees shall be delivered to the board of trustees and to the
22 board of chosen freeholders of each participating county.

23 (2) The board of chosen freeholders of a participating county upon
24 receipt of any such certificate shall appropriate the amount certified
25 therein for the purpose therein specified, or upon receipt of a
26 certificate as provided in N.J.S.18A:64A-17 shall appropriate the
27 amount of the capital outlay expenses certified therein, either:

28 (a) By the method provided for in N.J.S.18A:64A-18; or

29 (b) By a bond ordinance authorizing the issuance of bonds or notes
30 of the county to finance such appropriation and purpose adopted in
31 accordance with the limitations and any exceptions thereto, and in the
32 manner or mode of procedure, prescribed by the local bond law, and
33 the sale and issuance of said bonds or notes pursuant to the local bond
34 law; provided, however, that no down payment shall be required and
35 the provisions of N.J.S.40A:2-11 of the local bond law shall not be
36 applicable to such bond ordinance and that the purpose for which the
37 bonds or notes are to be issued may be stated and identified as and
38 shall be the purpose specified in said certificate notwithstanding that
39 the appropriation therefor may be sufficient only for planning or other
40 preliminary or initial expenses in connection therewith or may be made
41 in anticipation of State or federal aid expected to be received for said
42 purpose and applied to repayment to the county.

43 (3) The proceeds of the sale of such bonds or notes shall be paid
44 to the treasurer of the county college and shall be paid out by him only
45 on the warrants or orders of the board of trustees of the county
46 college. The treasurer shall in no event disburse such proceeds, except

1 to pay and retire any such notes and pay the expenses of issuing and
2 selling such bonds or notes and for the purpose or purposes for which
3 such bonds or notes were issued. If for any reason any part of such
4 proceeds are not applied to or necessary for such purpose or purposes,
5 the board of trustees of the county college may transfer the balance
6 remaining unapplied to the capital outlay account of the county
7 college.

8 (4) Except with the concurrence and consent of the board of
9 chosen freeholders of the county expressed by resolution, no amount
10 shall be appropriated under this section which, if added to the amount
11 of bonds or notes of the county for county college purposes
12 outstanding or authorized but unissued at the date of such
13 appropriation, shall exceed an amount equal to one half of one per
14 cent of the equalized valuation basis of said county as shown on the
15 annual debt statement of the county last filed pursuant to the local
16 bond law.

17 (cf: P.L.1994, c.48, s.131)

18

19 3. N.J.S.18A:64A-20 is amended to read as follows:

20 18A:64A-20. If the board of trustees shall determine that it is
21 necessary in any school year to raise money in addition to the amount
22 in its annual budget for such year for:

23 (1) current expenses for the operation and maintenance of the
24 college when the amount necessary therefor was underestimated in the
25 budget;

26 (2) repair or utilization of property destroyed or made unsuitable
27 by accident or other unforeseen cause; or

28 (3) meeting emergencies arising since the preparation of such
29 budget;

30 the board shall prepare and deliver to each member of the board of
31 school estimate a statement of the amount of money determined to be
32 necessary therefor.

33 The board of school estimate shall meet within a reasonable time
34 after the delivery of the statement and fix and determine the amount
35 necessary for such purpose or purposes. In the case of a county
36 college established by more than one county, the board shall apportion
37 upon the basis of the apportionment valuations as defined in
38 R.S.54:4-49 [of the Revised Statutes], such amount among the
39 participating counties. In the case of a county college joinder created
40 pursuant to N.J.S.18A:64A-24 subsequent to the enactment of
41 P.L. , c. (C.) (now pending before the Legislature as this bill), the
42 amount to be raised may be apportioned among the participating
43 counties upon the basis of apportionment valuations, as defined in R.
44 S. 54:4-49; or, upon the basis of unweighted student credit hours; or
45 upon the basis of any combination of apportionment valuations and
46 unweighted student credit hours as determined by the board of school

1 estimate. The board shall then certify the amount so determined and
2 apportioned to the board of trustees of the college and to each
3 participating board of chosen freeholders.

4 The board of chosen freeholders, upon receipt of such certificate,
5 shall appropriate the amount certified therein and shall raise such
6 amount in the manner provided for by N.J.S.18A:64A-18 and
7 18A:64A-19.

8 (cf: P.L.1994, c.48, s.132)

9

10 4. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill provides that in the case of any county college joinder
16 established following the bill's enactment, the participating counties
17 have the option to apportion the cost for the operation and capital
18 outlay expenses of the college on the basis of apportionment
19 valuations as in current practice, or on the basis of unweighted student
20 credit hours, or on the basis of any combination of apportionment
21 valuations and unweighted student credit hours. The bill provides the
22 same options for the provision of emergency funding. The bill also
23 provides the same three options for the funding of capital projects of
24 the joinder as well as a fourth option. Under the

25 fourth option, the projects would be funded by the participating
26 counties in proportion to the percentage of bonds to be issued by the
27 county for that project pursuant to the agreement of the joinder
28 members.

29 The bill also specifies that based on the agreement of the
30 participating counties, the board of trustees, and the approval of the
31 board of school estimate, the operational expenses of a county college
32 joinder shall include a facility use fee or other charge.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2410

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 1998

The Assembly Education Committee favorably reports Assembly Bill No. 2410.

Current law found at N.J.S. 18A:64A-24 authorizes the board of trustees of a county college to allow one or more counties to join in the operation of the college if the trustee board determines it to be in the best interests of the county and if the board of chosen freeholders of the county then operating the college approves of such a joinder arrangement. This bill provides that in the case of a county college joinder established subsequent to the bill's effective date, the participating counties will have the option to apportion the cost for the operation and capital outlay expenses of the college on the basis of property apportionment valuations as is the current practice, or on the basis of unweighted student credit hours, or on the basis of any combination of apportionment valuations and unweighted student credit hours. The bill provides the same three options if the need arises for emergency funding during the course of a budget year. In the case of the funding of capital projects, the bill provides the same three options as well as a fourth option which allows capital projects to be funded by the participating counties in proportion to the percentage of bonds issued by each county for that project.

The bill also provides that based on the agreement of the participating counties and the college board of trustees and upon the approval of a majority of the members of the board of school estimate, the operational expenses of a county college joinder shall include any facility use fee or other charge.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2410

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 1998

The Senate Education Committee reports favorably Assembly Bill No. 2410.

Current law found at N.J.S.18A:64A-24 authorizes the board of trustees of a county college to allow one or more counties to join in the operation of the college if the trustee board determines it to be in the best interests of the county and if the board of chosen freeholders of the county then operating the college approves of such a joinder arrangement.

This bill provides that in the case of a county college joinder established subsequent to the bill's effective date, the participating counties will have the option to apportion the cost for the operation and capital outlay expenses of the college on the basis of property apportionment valuations as is the current practice, or on the basis of unweighted student credit hours, or on the basis of any combination of apportionment valuations and unweighted student credit hours. The bill provides the same three options if the need arises for emergency funding during the course of a budget year. In the case of the funding of capital projects, the bill provides the same three options as well as a fourth option which allows capital projects to be funded by the participating counties in proportion to the percentage of bonds issued by each county for that project.

The bill also provides that based on the agreement of the participating counties and the college board of trustees and upon the approval of a majority of the members of the board of school estimate, the operational expenses of a county college joinder shall include any facility use fee or other charge.

As reported, this bill is identical to Senate, No. 1380.

SENATE, No. 1380

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED SEPTEMBER 28, 1998

Sponsored by:

Senator JAMES S. CAFIERO

District 1 (Cape May, Atlantic and Cumberland)

Senator WILLIAM L. GORMLEY

District 2 (Atlantic)

SYNOPSIS

Establishes county cost sharing options in the case of county college joinder agreements.

CURRENT VERSION OF TEXT

As introduced.



S1380 CAFIERO, GORMLEY

2

1 AN ACT concerning the apportionment of costs in the case of certain
2 county college joinder agreements and amending various sections
3 of the New Jersey Statutes.

4

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

7

8 1. N.J.S.18A:64A-17 is amended to read as follows:

9 18A:64A-17. On or before February 1 in each year, the board of
10 trustees of the county college shall prepare and deliver to each member
11 of the board of school estimate an itemized statement of the amount
12 of money estimated to be necessary for the operation and capital
13 outlay expenses for the ensuing year. Said board of trustees shall, at
14 the same time, fix a date, place and time for the holding of a public
15 hearing by the board of school estimate with respect to said itemized
16 statement of the amount of money estimated to be necessary for the
17 operation and capital outlay expenses for the ensuing year and with
18 respect to the various items and purposes for which said money is to
19 be appropriated, which date shall be between February 1 and February
20 15 and which date shall be not less than seven days after the
21 publication of said itemized statement as herein provided and shall
22 cause notice of such public hearing and said statement to be published
23 at least once in at least one newspaper published in the county not less
24 than seven days prior to the date fixed for such public hearing, and
25 said notice shall also set forth that said itemized statement will be on
26 file and open to examination of the public, between reasonable hours
27 to be fixed therein, and, at a place to be named therein, from the date
28 of said publication until the date of the holding of said public hearing
29 and said board of trustees shall cause said itemized statement to be on
30 file and open to the examination of the public accordingly and to be
31 produced at said public hearing for the information of those attending
32 the same.

33 On the date and at the time and place so fixed by the board of
34 trustees for such public hearing, the board of school estimate shall at
35 a public hearing grant the taxpayers and other interested persons an
36 opportunity to present objections and to be heard with respect to said
37 itemized statement of the amount of money estimated to be necessary
38 for the operation and capital outlay expenses for the ensuing year and
39 with respect to the various items and purposes for which said money
40 is to be appropriated and at or after said public hearing but not later
41 than February 15 of each year, the board of school estimate shall fix
42 and determine, by official action taken at a public meeting of the
43 board, the amount of money necessary for the operation and capital

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.

1 outlay expenses of the college for the ensuing year, exclusive of the
2 amount to be received from the State and from other sources.

3 The board of school estimate shall, on or before February 15 of
4 each year, make a certificate of such amount signed by at least a
5 majority of its members. Copies thereof shall be delivered to the board
6 of trustees of the college and to each participating board of chosen
7 freeholders.

8 In the case of a county college established by more than one county,
9 the amount to be raised for the annual operation and capital outlay
10 expenses shall be apportioned among the participating counties upon
11 the basis of **[appropriation]** apportionment valuations, as defined in
12 R.S.54:4-49. In the case of a county college joinder created pursuant
13 to N.J.S. 18A:64A-24 subsequent to the enactment of P.L. , c.
14 (C.) (now pending before the Legislature as this bill), the amount to
15 be raised for the annual operation and capital outlay expenses may be
16 apportioned among the participating counties upon the basis of
17 apportionment valuations, as defined in R. S. 54:4-49; or, upon the
18 basis of unweighted student credit hours; or upon the basis of any
19 combination of apportionment valuations and unweighted student
20 credit hours. [In such case the,] The certificate of the board of school
21 estimate shall certify the proportioned part of the total to be raised by
22 each participating county. In the case of a county college joinder
23 created pursuant to N.J.S. 18A:64A-24 subsequent to the enactment
24 of P.L. , c. (C.) (now pending before the Legislature as this
25 bill), operational expenses shall include any facility use fee or other
26 charge which may be agreed upon by the participating counties and the
27 board of trustees upon the approval of a majority of the members of
28 the board of school estimate.

29 (cf: P.L. 1994, c. 48, s. 130)

30

31 2. N.J.S.18A:64A-19 is amended to read as follows:

32 18A:64A-19. (1) Whenever the board of trustees of a county
33 college shall decide that it is necessary to raise money for the purpose
34 of acquiring or improving lands or buildings for use by the college or
35 erecting, enlarging, improving, altering, reconstructing, furnishing or
36 equipping buildings or other structures for use by the college, it may,
37 in lieu of proceeding in accordance with N.J.S.18A:64A-16 and
38 18A:64A-17, at any time prepare and deliver to each member of the
39 board of school estimate a statement of the estimated cost of such
40 purpose and of the amount of money estimated by the board of
41 trustees to be then needed for such purpose. If the amount of money
42 so estimated shall include any funds expected to be received for said
43 purpose as State or federal aid, such statement shall specify the
44 amount and source of said funds and may include an agreement by the
45 board of trustees to repay the county, out of the said funds when
46 received, for any amounts appropriated by any county for the county

1 college in anticipation of said funds. After receipt of such statement,
2 the board of school estimate shall fix and determine the sum of money
3 then needed for the purpose specified in said statement and the amount
4 thereof to be raised by the participating county or counties which shall,
5 if there be two or more such counties, be apportioned among them
6 upon the basis of apportionment valuations as defined in R.S.54:4-49
7 and which may include amounts expected to be repaid as aforesaid by
8 the board of trustees. In the case of a county college joinder created
9 pursuant to N.J.S.18A:64A-24 subsequent to the enactment of
10 P.L. , c. (C.) (now pending before the Legislature as this bill),
11 the amount to be raised may be apportioned among the participating
12 counties upon the basis of apportionment valuations as defined in
13 R.S.54:4-49; or, upon the basis of unweighted student credit hours; or
14 upon the basis of any combination of apportionment valuations and
15 unweighted student credit hours; or in proportion to the percentage of
16 bonds to be issued by each county for the project as may be agreed
17 upon by the participating counties and the board of trustees. The
18 board of school estimate shall thereupon make a certificate of such
19 sum and amount or amounts signed by at least a majority of its
20 members, and copies thereof and of the statement received from the
21 board of trustees shall be delivered to the board of trustees and to the
22 board of chosen freeholders of each participating county.

23 (2) The board of chosen freeholders of a participating county upon
24 receipt of any such certificate shall appropriate the amount certified
25 therein for the purpose therein specified, or upon receipt of a
26 certificate as provided in N.J.S.18A:64A-17 shall appropriate the
27 amount of the capital outlay expenses certified therein, either:

28 (a) By the method provided for in N.J.S.18A:64A-18; or

29 (b) By a bond ordinance authorizing the issuance of bonds or notes
30 of the county to finance such appropriation and purpose adopted in
31 accordance with the limitations and any exceptions thereto, and in the
32 manner or mode of procedure, prescribed by the local bond law, and
33 the sale and issuance of said bonds or notes pursuant to the local bond
34 law; provided, however, that no down payment shall be required and
35 the provisions of N.J.S.40A:2-11 of the local bond law shall not be
36 applicable to such bond ordinance and that the purpose for which the
37 bonds or notes are to be issued may be stated and identified as and
38 shall be the purpose specified in said certificate notwithstanding that
39 the appropriation therefor may be sufficient only for planning or other
40 preliminary or initial expenses in connection therewith or may be made
41 in anticipation of State or federal aid expected to be received for said
42 purpose and applied to repayment to the county.

43 (3) The proceeds of the sale of such bonds or notes shall be paid
44 to the treasurer of the county college and shall be paid out by him only
45 on the warrants or orders of the board of trustees of the county
46 college. The treasurer shall in no event disburse such proceeds, except

1 to pay and retire any such notes and pay the expenses of issuing and
2 selling such bonds or notes and for the purpose or purposes for which
3 such bonds or notes were issued. If for any reason any part of such
4 proceeds are not applied to or necessary for such purpose or purposes,
5 the board of trustees of the county college may transfer the balance
6 remaining unapplied to the capital outlay account of the county
7 college.

8 (4) Except with the concurrence and consent of the board of
9 chosen freeholders of the county expressed by resolution, no amount
10 shall be appropriated under this section which, if added to the amount
11 of bonds or notes of the county for county college purposes
12 outstanding or authorized but unissued at the date of such
13 appropriation, shall exceed an amount equal to one half of one per
14 cent of the equalized valuation basis of said county as shown on the
15 annual debt statement of the county last filed pursuant to the local
16 bond law.

17 (cf: P.L. 1994, c. 48, s. 131)

18

19 3. N.J.S.18A:64A-20 is amended to read as follows:

20 18A:64A-20. If the board of trustees shall determine that it is
21 necessary in any school year to raise money in addition to the amount
22 in its annual budget for such year for:

23 (1) current expenses for the operation and maintenance of the
24 college when the amount necessary therefor was underestimated in the
25 budget;

26 (2) repair or utilization of property destroyed or made unsuitable
27 by accident or other unforeseen cause; or

28 (3) meeting emergencies arising since the preparation of such
29 budget;

30 the board shall prepare and deliver to each member of the board of
31 school estimate a statement of the amount of money determined to be
32 necessary therefor.

33 The board of school estimate shall meet within a reasonable time
34 after the delivery of the statement and fix and determine the amount
35 necessary for such purpose or purposes. In the case of a county
36 college established by more than one county, the board shall apportion
37 upon the basis of the apportionment valuations as defined in
38 R.S.54:4-49 [of the Revised Statutes], such amount among the
39 participating counties. In the case of a county college joinder created
40 pursuant to N.J.S. 18A:64A-24 subsequent to the enactment of
41 P.L. , c. (C.) (now pending before the Legislature as this bill), the
42 amount to be raised may be apportioned among the participating
43 counties upon the basis of apportionment valuations, as defined in R.
44 S. 54:4-49; or, upon the basis of unweighted student credit hours; or
45 upon the basis of any combination of apportionment valuations and
46 unweighted student credit hours as determined by the board of school

1 estimate. The board shall then certify the amount so determined and
2 apportioned to the board of trustees of the college and to each
3 participating board of chosen freeholders.

4 The board of chosen freeholders, upon receipt of such certificate,
5 shall appropriate the amount certified therein and shall raise such
6 amount in the manner provided for by N.J.S.18A:64A-18 and
7 18A:64A-19.

8 (cf: P.L. 1994, c. 48, s. 132)

9

10 4. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill provides that in the case of any county college joinder
16 established following the bill's enactment, the participating counties
17 have the option to apportion the cost for the operation and capital
18 outlay expenses of the college on the basis of apportionment
19 valuations as in current practice, or on the basis of unweighted student
20 credit hours, or on the basis of any combination of apportionment
21 valuations and unweighted student credit hours. The bill provides the
22 same options for the provision of emergency funding. The bill also
23 provides the same three options for the funding of capital projects of
24 the joinder as well as a fourth option. Under the

25 fourth option, the projects would be funded by the participating
26 counties in proportion to the percentage of bonds to be issued by the
27 county for that project pursuant to the agreement of the joinder
28 members.

29 The bill also specifies that based on the agreement of the
30 participating counties, the board of trustees, and the approval of the
31 board of school estimate, the operational expenses of a county college
32 joinder shall include a facility use fee or other charge.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1380

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 1998

The Senate Education Committee reports favorably Senate Bill No. 1380.

Current law found at N.J.S.18A:64A-24 authorizes the board of trustees of a county college to allow one or more counties to join in the operation of the college if the trustee board determines it to be in the best interests of the county and if the board of chosen freeholders of the county then operating the college approves of such a joinder arrangement.

This bill provides that in the case of a county college joinder established subsequent to the bill's effective date, the participating counties will have the option to apportion the cost for the operation and capital outlay expenses of the college on the basis of property apportionment valuations as is the current practice, or on the basis of unweighted student credit hours, or on the basis of any combination of apportionment valuations and unweighted student credit hours. The bill provides the same three options if the need arises for emergency funding during the course of a budget year. In the case of the funding of capital projects, the bill provides the same three options as well as a fourth option which allows capital projects to be funded by the participating counties in proportion to the percentage of bonds issued by each county for that project.

The bill also provides that based on the agreement of the participating counties and the college board of trustees and upon the approval of a majority of the members of the board of school estimate, the operational expenses of a county college joinder shall include any facility use fee or other charge.

As reported, this bill is identical to Assembly, No. 2410.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
Gene Herman
609-777-2600

RELEASE: December 11, 1998

Gov. Christie Whitman today signed legislation, which provides for cost-sharing for the joinder of Cape May and Atlantic Counties to form a joint community college. The joinder was approved by the Commission on Higher Education in September. The bill represents the agreement of both counties as to how the costs of the joint community college will be shared.

The bill, **A-2410**, was sponsored by Assembly Members John C. Gibson (R-Cape May/Atlantic/Cumberland) and Francis J. Blee (R-Atlantic) and Senator James S. Cafiero (R-Cape May/Atlantic/Cumberland) and Senator William L Gormley (R-Atlantic).