

# 18A:22-23

## LEGISLATIVE HISTORY CHECK

Compiled by the NJ State Law Library

**LAWS OF:** 1999 **CHAPTER:** 346

**NJSA:** 18A:22-23 (Re-certification of special district tax)

**BILL NO:** A3298 (Substituted for S2046)

**SPONSOR(S):** Wisniewski

**DATE INTRODUCED:** June 17, 1999

**COMMITTEE:** **ASSEMBLY:** Education

**SENATE:** Education

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** June 24, 1999

**SENATE:** December 13, 1999

**DATE OF APPROVAL:** January 10, 2000

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL:** 1<sup>st</sup> Reprint enacted  
(Amendments during passage denoted by superscript numbers)

### A3298

**SPONSORS STATEMENT:** (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

### S2046

**SPONSORS STATEMENT:** (Begins on page 3 of original bill) [Yes](#)  
Bill and Sponsor Statement identical to A3298

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** [Yes](#)

Identical to Assembly Statement for A3298

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or [refdesk@njstatelib.org](mailto:refdesk@njstatelib.org)

**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 1999, CHAPTER 346, *approved January 10, 2000*  
Assembly, No. 3298 (*First Reprint*)

1 AN ACT concerning the certification of the school tax levy and  
2 amending N.J.S.18A:22-33.

3

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

6

7 1. N.J.S.18A:22-33 is amended to read as follows:

8 18A:22-33. The board of education of each type II district not  
9 having a board of school estimate shall at each annual school election,  
10 submit to the voters of the district, the amount of money fixed and  
11 determined in its budget pursuant to section 5 of P.L.1996, c.138  
12 (C.18A:7F-5), excluding therefrom the sum or sums stated therein to  
13 be used for interest and debt redemption charges, in the manner  
14 provided by law, to be voted upon for the use of the public schools of  
15 the district for the ensuing school year, which amount shall be stated  
16 in the notice of the election, and the legal voters of the district shall  
17 determine at the election, by a majority vote of those voting upon the  
18 proposition, the sum or sums, not exceeding those stated in the notice  
19 of the election, to be raised by special district tax for said purposes, in  
20 the district during the ensuing school year and the secretary of the  
21 board of education shall certify the amount so determined upon, if any,  
22 and the sums so stated for interest and debt redemption charges, to the  
23 county board of taxation of the county within two days following the  
24 certification of the election results and the amount or amounts so  
25 certified shall be included in the taxes assessed, levied and collected in  
26 the municipality or municipalities comprising the district for such  
27 purposes; except that, in the case of a district which, following the  
28 school election and the approval by the voters of the sum to be raised  
29 by special district tax for the schools of the district, determines that it  
30 has a greater surplus account available for the school year than  
31 estimated when the sum to be raised by special district tax was  
32 presented to the voters, the secretary of the board of education<sup>1</sup>, with  
33 the approval of the commissioner,<sup>1</sup> may <sup>1</sup>between the date of the  
34 school election and the delivery of tax bills pursuant to R.S.54:4-64<sup>1</sup>  
35 re-certify to the county board of taxation the sum or sums to be raised  
36 by special district tax in the district during the ensuing school year, if  
37 the sum is lower than that approved by the voters in the school  
38 election, and if the reduction is equivalent to the additional amount  
39 available in the surplus account to be applied towards the  
40 district's budget. The amount re-certified shall be included in the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AED committee amendments adopted June 21, 1999.

1 taxes assessed, levied and collected in the municipality or  
2 municipalities comprising the district.

3 (cf: P.L.1996, c.138, s.58)

4

5 2. This act shall take effect immediately and shall first apply to the  
6 2000-2001 school year.

7

8

9

10

11 \_\_\_\_\_  
12 Allows re-certification of the special district tax for school districts if  
13 surplus account is higher than estimated at the school election in  
certain circumstances.

[First Reprint]

**ASSEMBLY, No. 3298**

---

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

---

INTRODUCED JUNE 17, 1999

**Sponsored by:**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**SYNOPSIS**

Allows re-certification of the special district tax for school districts if surplus account is higher than estimated at the school election in certain circumstances.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Education Committee on June 21, 1999, with amendments.



1 AN ACT concerning the certification of the school tax levy and  
2 amending N.J.S.18A:22-33.

3

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

6

7 1. N.J.S.18A:22-33 is amended to read as follows:

8 18A:22-33. The board of education of each type II district not  
9 having a board of school estimate shall at each annual school election,  
10 submit to the voters of the district, the amount of money fixed and  
11 determined in its budget pursuant to section 5 of P.L.1996, c.138  
12 (C.18A:7F-5), excluding therefrom the sum or sums stated therein to  
13 be used for interest and debt redemption charges, in the manner  
14 provided by law, to be voted upon for the use of the public schools of  
15 the district for the ensuing school year, which amount shall be stated  
16 in the notice of the election, and the legal voters of the district shall  
17 determine at the election, by a majority vote of those voting upon the  
18 proposition, the sum or sums, not exceeding those stated in the notice  
19 of the election, to be raised by special district tax for said purposes, in  
20 the district during the ensuing school year and the secretary of the  
21 board of education shall certify the amount so determined upon, if any,  
22 and the sums so stated for interest and debt redemption charges, to the  
23 county board of taxation of the county within two days following the  
24 certification of the election results and the amount or amounts so  
25 certified shall be included in the taxes assessed, levied and collected in  
26 the municipality or municipalities comprising the district for such  
27 purposes; except that, in the case of a district which, following the  
28 school election and the approval by the voters of the sum to be raised  
29 by special district tax for the schools of the district, determines that it  
30 has a greater surplus account available for the school year than  
31 estimated when the sum to be raised by special district tax was  
32 presented to the voters, the secretary of the board of education<sup>1</sup>, with  
33 the approval of the commissioner,<sup>1</sup> may <sup>1</sup>between the date of the  
34 school election and the delivery of tax bills pursuant to R.S.54:4-64<sup>1</sup>  
35 re-certify to the county board of taxation the sum or sums to be raised  
36 by special district tax in the district during the ensuing school year, if  
37 the sum is lower than that approved by the voters in the school  
38 election, and if the reduction is equivalent to the additional amount  
39 available in the surplus account to be applied towards the  
40 district's budget. The amount re-certified shall be included in the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AED committee amendments adopted June 21, 1999.

1 taxes assessed, levied and collected in the municipality or  
2 municipalities comprising the district.

3 (cf: P.L.1996, c.138, s.58)

4

5 2. This act shall take effect immediately and shall first apply to the  
6 2000-2001 school year.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3298**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 21, 1999

The Assembly Education Committee favorably reports Assembly Bill No. 3298 with committee amendments.

As amended by committee, this bill provides that if following the school election and the approval of a school district's budget by the voters, the board of education of a type II district determines that it has more surplus funds available to fund its budget than it had estimated at the time of the budget's submission to the voters, then the secretary of the board of education, with the approval of the Commissioner of Education, may re-certify to the county board of taxation the amount that needs to be raised by taxation for the ensuing school year's budget. The amount may only be re-certified if the re-certified sum is lower than that approved by the voters and if the reduction is equivalent to the additional amount available to the district in surplus. Such re-certification would only be authorized during the period between the school election and the delivery of tax bills which occurs not later than June 14th following the school election.

The committee amended the bill to require the approval of the Commissioner of Education for the tax levy re-certification and to specify the period of time during which such a re-certification could occur.



SENATE EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 3298**

**STATE OF NEW JERSEY**

DATED: DECEMBER 6, 1999

The Senate Education Committee reports favorably Assembly Bill No. 3298 (1R).

This bill provides that if following the school election and the approval of a school district's budget by the voters, the board of education of a type II district determines that it has more surplus funds available to fund its budget than it had estimated at the time of the budget's submission to the voters, then the secretary of the board of education, with the approval of the Commissioner of Education, may re-certify to the county board of taxation the amount that needs to be raised by taxation for the ensuing school year's budget. The amount may only be re-certified if the re-certified sum is lower than that approved by the voters and if the reduction is equivalent to the additional amount available to the district in surplus. The re-certification would only be authorized during the period between the school election and the delivery of tax bills, which occurs not later than June 14th following the school election

As reported, this bill is identical to S-2046.

**SENATE, No. 2046**

---

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

---

INTRODUCED JUNE 21, 1999

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Allows re-certification of the special district tax for school districts if surplus account is higher than estimated at the school election in certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



S2046 VITALE, SACCO

2

1 AN ACT concerning the certification of the school tax levy and  
2 amending N.J.S.18A:22-33.

3

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

6

7 1. N.J.S.18A:22-33 is amended to read as follows:

8 18A:22-33. The board of education of each type II district not  
9 having a board of school estimate shall at each annual school election,  
10 submit to the voters of the district, the amount of money fixed and  
11 determined in its budget pursuant to section 5 of P.L.1996, c.138  
12 (C.18A:7F-5), excluding therefrom the sum or sums stated therein to  
13 be used for interest and debt redemption charges, in the manner  
14 provided by law, to be voted upon for the use of the public schools of  
15 the district for the ensuing school year, which amount shall be stated  
16 in the notice of the election, and the legal voters of the district shall  
17 determine at the election, by a majority vote of those voting upon the  
18 proposition, the sum or sums, not exceeding those stated in the notice  
19 of the election, to be raised by special district tax for said purposes, in  
20 the district during the ensuing school year and the secretary of the  
21 board of education shall certify the amount so determined upon, if any,  
22 and the sums so stated for interest and debt redemption charges, to the  
23 county board of taxation of the county within two days following the  
24 certification of the election results and the amount or amounts so  
25 certified shall be included in the taxes assessed, levied and collected in  
26 the municipality or municipalities comprising the district for such  
27 purposes; except that, in the case of a district which, following the  
28 school election and the approval by the voters of the sum to be raised  
29 by special district tax for the schools of the district, determines that it  
30 has a greater surplus account available for the school year than  
31 estimated when the sum to be raised by special district tax was  
32 presented to the voters, the secretary of the board of education, with  
33 the approval of the commissioner, may between the date of the school  
34 election and the delivery of tax bills pursuant to R.S.54:4-64 re-certify  
35 to the county board of taxation the sum or sums to be raised by  
36 special district tax in the district during the ensuing school year, if the  
37 sum is lower than that approved by the voters in the school election,  
38 and if the reduction is equivalent to the additional amount available in  
39 the surplus account to be applied towards the district's budget. The  
40 amount re-certified shall be included in the taxes assessed, levied and  
41 collected in the municipality or municipalities comprising the district.  
42 (cf: P.L.1996, c.138, s.58)

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

**Matter underlined thus is new matter.**

1       2. This act shall take effect immediately and shall first apply to the  
2 2000-2001 school year.

3

4

5

STATEMENT

6

7       This bill provides that if a type II school district, after a school  
8 election in which its budget is approved by the voters, recognizes that  
9 it has more money in surplus than it estimated when it presented its  
10 budget to the voters, it may, with the approval of the commissioner  
11 and before the delivery of tax bills, modify its budget to lower the  
12 amount that must be raised through local property taxes. The amount  
13 by which taxes are to be lowered can not exceed the amount of  
14 additional surplus available. The "re-certified" amount must be lower  
15 than the amount that was originally to be raised through taxes.

16       This bill will benefit taxpayers in districts which recognize that they  
17 have a higher surplus than anticipated at the school election. Under  
18 this bill, the additional surplus could be applied to lower the property  
19 tax burden on these taxpayers.

SENATE EDUCATION COMMITTEE

STATEMENT TO

**SENATE, No. 2046**

**STATE OF NEW JERSEY**

DATED: DECEMBER 6, 1999

The Senate Education Committee reports favorably Senate Bill No. 2046.

This bill provides that if following the school election and the approval of a school district's budget by the voters, the board of education of a type II district determines that it has more surplus funds available to fund its budget than it had estimated at the time of the budget's submission to the voters, then the secretary of the board of education, with the approval of the Commissioner of Education, may re-certify to the county board of taxation the amount that needs to be raised by taxation for the ensuing school year's budget. The amount may only be re-certified if the re-certified sum is lower than that approved by the voters and if the reduction is equivalent to the additional amount available to the district in surplus. The re-certification would only be authorized during the period between the school election and the delivery of tax bills, which occurs not later than June 14th following the school election

As reported, this bill is identical to A-3298 (1R).

*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Gene Herman  
609-777-2600

RELEASE: January 10, 2000

Gov. Christie Whitman today signed the following pieces of legislation:

**S-436**, sponsored by Senators C. Louis Bassano (R-Essex/Union) and Diane B. Allen (R-Burlington/Camden), requires the Department of Health and Senior Services (DHSS) to prepare an informational pamphlet on the nature and causes of osteoporosis and methods used to treat and prevent osteoporosis. The bill appropriates \$25,000 from the General Fund to DHSS to fund the printing and distribution of the pamphlets.

**S-1735**, sponsored by Senators William L. Gormley (R-Atlantic) and John A. Girgenti (D-Passaic) and Assembly Members Kenneth C. LeFevre (R-Atlantic) and Francis J. Blee (R-Atlantic), amends the reckless endangerment statute to clarify that adulteration of a drink or other substance constitutes the fourth degree offense of reckless endangerment. Specifically, the bill clarifies that this offense is committed when a person purposely or knowingly gives another person a drink or other substance that is intoxicating, tranquilizing or disorienting, when that other person does not know the identity and effect of the drink or substance.

**A-2775**, sponsored by Assembly Members John V. Kelly (R-Bergen/Essex/Passaic) and Paul DiGaetano (R-Bergen/Essex/Passaic) and Senator Garry J. Furnari (D-Bergen/Essex/Passaic), provides a grant of \$75,000 to create a study skills program in the East Rutherford Boro School District to address the needs of at-risk pupils. Pupils who are at-risk will be determined by using multiple indicators, including test scores, writing portfolios, teacher recommendations, and parental input. Funding will be utilized for staffing, teaching materials and other supplies. The bill makes a supplemental appropriation to the Fiscal Year 2000 budget.

**A-1019**, sponsored by Assembly Members Charles Zisa (D-Bergen) and Alan M. Augustine (R-Middlesex/Morris/Somerset/Union), and Senator Joseph A. Palaia (R-Monmouth), provides that commencing on September 1, 2002, any buildings and grounds supervisor employed by a school district must be a certified educational facilities manager. The bill directs the State Board of Education to issue rules and regulations to administer the program. The bill provides that a certified educational facilities manager must meet specific requirements, including having two years of experience in the field of buildings and grounds supervision and graduate as a certified educational facilities manager from the New Jersey Educational Facility Management Program at Rutgers University, or an equivalent program at an accredited institution of higher learning.

**A-2993**, sponsored by Assembly Members Gerald J. Luongo (R-Camden/Gloucester) and Senator Robert E. Littell (R-Sussex/Hunterdon/Morris), excludes bonds supported by open space, recreation, farmland or historic preservation taxes from calculation of gross debt of a county or municipality. Gross debt is a measure used under the Local Bond Law to derive the net debt of a county or municipality for purposes of establishing a county or municipal debt limit.

**A-1445**, sponsored by Assembly Members Jack Collins (R- Salem/Cumberland/Gloucester) and Marion Crecco (R-Essex/Passaic) and Senators Norman Robertson (R-Essex/Passaic) and Anthony R. Bucco (R- Morris), permits a police officer enrolled in the Police and Firemen's Retirement System to purchase up to three years of service credit based on inactive time between a point of no-fault layoff and the point of rehiring the employee.

**A-2133**, sponsored by Assembly Members John V. Kelly (R- Bergen/Essex/Passaic) and Joseph V. Doria, Jr. (D-Hudson), requires health insurers, including hospital service corporations, medical service corporations, health service corporations, commercial insurers and health maintenance organizations to provide health benefits coverage for annual mammograms for women aged 40 and over. Previous law provided for annual mammogram coverage for women 50 and over; women who are at least 40, but less than 50, were provided coverage for biannual examinations.

**S-1503**, sponsored by Senator Richard J. Codey (D-Essex) and Assembly Members John V. Kelly (R-Bergen/Essex/Passaic) and Paul DiGaetano (R-Bergen/Essex/Passaic), revises pension benefits and employee contribution rates for members of certain board of education pension funds.

**A-2943**, sponsored by Assembly Members Jack Collins (R-Cumberland/Gloucester/Salem) and Christopher Bateman (R-Morris/Somerset) and Senators Robert W. Singer (R-Burlington/Monmouth/Ocean) and Diane B. Allen (R-Burlington/Camden), requires the return of unearned premiums on a pro rata basis for canceled automobile insurance policies. Previous law only required an insurer to return unpaid premiums on a short rate basis, which is an amount less than the pro rata basis because a percentage of administrative costs are charged to the insured.

**A-1706**, sponsored by Assembly Member John V. Kelly (R-Bergen/Essex/Passaic) and Senators Robert W. Singer (R-Burlington/Monmouth/Ocean) and Louis F. Kosco (R-Bergen), establishes a procedure to be followed by landlords of commercial or residential property when disposing of tangible property left behind in premises that had been vacated by a tenant.

**S-1062**, sponsored by Senators William L. Gormley (R-Atlantic) and Edward T. O'Connor, Jr. (D-Hudson) and Assembly Members Richard A. Merkt (R-Morris) and Michael Patrick Carroll (R-Morris), establishes a procedure for dealing with lost or abandoned property.

**A-3298**, sponsored by Assembly Members John S. Wisniewski (D-Middlesex) and Gerald J. Luongo (R-Camden/Gloucester) and Senators Joseph F. Vitale (D-Middlesex) and Nicholas J. Sacco (D-Bergen/Hudson), allows for re-certification of the special district tax for school districts if the school district's surplus account is higher than estimated at the school election in certain circumstances.

**S-1697**, sponsored by Senators William L. Gormley (R-Atlantic) and Wayne R. Bryant (D-Camden/Gloucester) and Assembly Members James W. Holzapfel (R- Monmouth/Ocean) and Kenneth C. LeFevre (R-Atlantic), authorizes a court to issue a restraining order prohibiting a person charged with, convicted of or adjudicated delinquent for any drug distribution offense or any offense involving the use or possession of an assault weapon from returning to the place where the offense occurred.

**A-960**, sponsored by Assembly Member Alan M. Augustine (R- Middlesex/Morris/Somerset /Union), requires pet shops to refund the purchase price, reimburse any veterinary fees, or provide replacement for sick cats or dogs under certain circumstances.

**S-1273**, sponsored by Senators Robert W. Singer (R- Burlington/Monmouth/Ocean) and Robert W. Littell (R-Sussex/Hunterdon/Morris) and Assembly Members Charlotte Vandervalk (R- Bergen) and Nicholas R. Felice (R-Bergen/Passaic), permits HMO enrollees residing in certain retirement communities with nursing homes to continue to receive care at that nursing facility under certain circumstances.

**A-1653**, sponsored by Assembly Members John V. Kelly (R- Bergen/Essex/Passaic) and Neil M. Cohen (D-Union) and Senator Gerald Cardinale (R-Bergen), requires health insurers, including hospital service corporations, medical service corporation, health service corporations, commercial insurers and health maintenance organizations to provide insurance coverage benefits for health wellness examinations and counseling. The bill appropriates \$95,000 to the Department of Health and Senior Services for allocation to the Health Wellness Promotion Advisory Board to evaluate implementation of the provisions of the bill and to ensure awareness and utilization of the health promotion program by covered persons and health care providers.

**A-2461**, sponsored by Assembly Member Gary W. Stuhltrager (R-Salem/Cumberland/ Gloucester), extends the cap on tax liability on transfers of hazardous substances to certain successors in interest.