

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 4209

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 4, 2024

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 4209 (1R).

As amended, this bill eliminates the required vote on school budgets for Type II school districts in April elections, except for separate proposals to spend above cap.

Under current law, a Type II school district may determine to hold its annual school election on either the third Tuesday in April or during the general election in November. Current law provides that any district that holds its school election in April is required to obtain voter approval of its base budget, which is a budget with a proposed tax levy that does not exceed its tax levy cap. Under the bill, a Type II school district that opts to hold its annual school election in April will no longer be required to obtain voter approval for its base budget. As is provided under current law, any proposal for additional funds above the school district's tax levy cap will continue to be required to be presented to the voters for approval in the case of elections held in April and elections held in November.

The bill provides that the annual reorganization meeting for a type II district with an April school election will be on a day from May 1 through May 7, inclusive. The annual reorganization meeting for a type II district with a November school election will be on a day from January 1 through January 7, inclusive. Member terms are set to begin for type II districts with April school elections on May 1st and end on April 30th. Member terms are set to begin for type II districts with November school elections on January 1st and end on December 31st. In the event that a district opts to move its annual election date from November to April, member terms are to be shortened accordingly.

The amended bill repeals sections of law pertaining to the submission of budgets under cap to the voters of districts with an April school election.

COMMITTEE AMENDMENTS:

The committee amended the bill to do the following:

- Remove a provision that would have permitted a school district that holds its annual school election in November to submit to the voters at the April school election a proposal for additional funds;
- Include language to ensure that in a type II school district, the school board may not conduct a meeting, other than for the organization meeting, between January 1 and the organization date in districts with a November school election and May 1 and the organization date for districts with an April school election. An exception is provided if a meeting is needed in order to deal with a matter of urgency and importance as set forth in the Open Public Meetings Act, and if all newly-elected members present are sworn into office prior to conducting business;
- Clarify that in the case of a type II school district with a board of school estimate and with an annual school election in April, the public hearing on the budget is to be held before the board of education rather than the board of school estimate. This is the current procedure for a type II school district with a board of school estimate and with an annual school election in November; and
- Make a technical amendment to retain the dates provided under current law by which a type II school district with a board of school estimate is to certify the required school budget tax levy to the county board of taxation in the case of either an April or November school election.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.