

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 4248

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2021

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 4248.

Under Article VIII, Section II, paragraph 5 of the State Constitution, any law, rule, or regulation that is determined to be an unfunded mandate upon boards of education, counties, or municipalities because it does not authorize resources other than the property tax to offset the additional direct expenditures required for its implementation ceases to be mandatory and expires. The Council on Local Mandates, composed of nine public members, is charged with resolving any disputes regarding whether a law, rule, or regulation constitutes an unfunded mandate. Under the State Constitution, specific categories of laws, rules, and regulations are not considered unfunded mandates. Current law also allows any group or individual to file a written request for approval with the council to appear as *amicus curiae* in regard to a complaint.

This bill provides that any new law, rule, or regulation concerning any health care benefits plan or program and coverage under such plan or program provided by local public employers to their public employees and beneficiaries is not an unfunded mandate. As the legislature has been adopting statutes dealing with health care coverage since 1961, such new laws, rules, or regulations are revisions of an existing requirement and are not unfunded mandates. This bill also gives the Legislature's Presiding Officers, namely the President of the Senate and the Speaker of the General Assembly, the right to intervene as parties or to appear before the council as *amicus curiae* in regard to any complaint without the need for council approval. They may do so either jointly or independently.

The bill would take effect immediately.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.