

ASSEMBLY, No. 1188

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman DALTON

1 AN ACT to provide for the submission to the voters of the State of a
2 nonbinding referendum to ascertain their sentiment with respect to
3 revising New Jersey's system of funding public education and
4 making an appropriation.
5

6 WHEREAS, In the 1994-95 school year, it is estimated that
7 approximately 59% of the funding for elementary and secondary
8 public school education in New Jersey will come from local
9 property taxes; and

10 WHEREAS, The New Jersey Supreme Court, in its July 12, 1994
11 Abbott v. Burke ruling, found this State's current system of public
12 school funding to be unconstitutional and has ordered the State to
13 achieve per pupil regular education spending parity for students in
14 the special needs districts by the 1997-98 school year; and

15 WHEREAS, The Supreme Court also recognized in its ruling that the
16 responsibility for ensuring that the education which is provided to
17 all students within school districts is "thorough and efficient" is a
18 State responsibility and cannot be left to the taxing discretion of
19 local officials; and

20 WHEREAS, Currently, New Jersey has the second highest per-capita
21 property tax in the nation, ranking only behind New Hampshire, a
22 State which has no sales tax or income tax; and

23 WHEREAS, The property tax is widely recognized as the most
24 regressive tax in the State with its burden falling disproportionately
25 on middle and lower income families; and

26 WHEREAS, Rather than the State assuming an increasing share of total
27 educational expenditures in order to alleviate the property tax
28 burden shouldered by its citizens, the State share of educational
29 expenditures has in fact been declining relative to the share of those
30 expenditures financed on the local level; and

31 WHEREAS, In view of the present crisis in educational funding, it is
32 both timely and appropriate that the State present to its citizens
33 alternatives to the existing public school funding mechanism which
34 has proven itself to be unpopular and problematic; now, therefore,

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

3
 4 1. In order to ascertain the sentiment of the people of the State as
 5 to whether the Legislature should revise the system for funding public
 6 school education to decrease that system's reliance upon the local
 7 property tax the following public question shall be submitted to the
 8 people at the general election to be held in November, 1995, in the
 9 manner provided by this act and by Title 19 of the Revised Statutes for
 10 submission to the people of public questions to be voted upon by the
 11 voters of the entire State, and it shall be the duty of the Secretary of
 12 State to arrange for the submission of the public question in
 13 accordance with the provisions of this act and of Title 19 of the
 14 Revised Statutes, of which submission the same notice shall be given,
 15 if possible, as is required by law of that election and the people of the
 16 State may at that election vote for or against the question in the
 17 following manner.

18
 19 2. There shall be included on each sample and official ballot the
 20 instructions set forth below on voting on the nonbinding referendum:

21 If you favor the question printed below make a cross (X), plus (+)
 22 or check (T) in the square opposite the word "Yes." If you are
 23 opposed thereto make a cross (X), plus (+) or check (T) in the square
 24 opposite the word "No."

25 If voting machines are used, a vote of "Yes" or "No" shall be the
 26 equivalent to the markings, respectively.

27

	YES	<p>28 REVISION OF NEW JERSEY'S SYSTEM 29 OF FUNDING PUBLIC SCHOOLS</p> <p>30 Shall the Legislature revise the State's current 31 system for funding public school education to 32 decrease that system's reliance on the local 33 property tax?</p>
	NO	<p>34 INTERPRETIVE STATEMENT</p> <p>35 This nonbinding public question asks the 36 voters of this State to express their opinion on 37 whether the Legislature should revise the 38 current system for funding public school 39 education to decrease that system's reliance 40 upon the local property tax.</p>

41
 42 3. The votes "Yes" and "No," by ballot or voting machine, shall be
 43 counted and the result thereof returned by the election officer, and a
 44 canvass of the election had in the same manner now as is provided for
 45 by law in the case of the election of a Governor, and the approval or

1 disapproval of this question so determined shall be declared in the
2 same manner as the result of an election for a Governor.

3

4 4. There is appropriated the sum of \$5,000 to the Department of
5 State for expenses in connection with the publication of notice
6 pursuant to section 1 of this act.

7

8 5. This act shall take effect immediately.

9

10

11

STATEMENT

12

13 This bill provides for a nonbinding referendum to ascertain the
14 sentiment of the voters of this State with regard to the funding of
15 public school education. Specifically, the public question which would
16 be submitted to the voters at the November, 1995 general election,
17 would ask the voters if they feel the Legislature should revise the
18 current system of public school funding to decrease that system's
19 reliance upon the local property tax.

20 In light of the fact that the New Jersey Supreme Court held in its
21 July, 1994 Abbott v. Burke decision that New Jersey's current system
22 for funding public education is unconstitutional and has ordered that
23 the system be revised by the 1997-98 school year, as well as the fact
24 that the public has repeatedly expressed its dissatisfaction with the
25 property tax increases which have been necessary to fund educational
26 expenses as the State share of such expenses has declined, it would
27 appear to be not only appropriate but critical that the State solicit the
28 view of its voters on the most equitable mechanism for funding the
29 public schools.

30

31

32

33

34 Provides for a nonbinding referendum on revising the State's system
35 of funding public education; appropriates \$5,000.