

ASSEMBLY CONCURRENT RESOLUTION No. 110

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1997

By Assemblyman BAGGER

1 A CONCURRENT RESOLUTION concerning legislative review of proposed
2 State Board of Education regulations pursuant to Article V, Section IV,
3 paragraph 6 of the Constitution of the State of New Jersey.

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5 BE IT RESOLVED by the General Assembly of the State of New Jersey
6 (the Senate concurring):

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8 1. Pursuant to Article V, Section IV, paragraph 6 of the Constitution of the
9 State of New Jersey, the Legislature may review any rule or regulation of an
10 administrative agency to determine if the rule or regulation is consistent with
11 the intent of the Legislature.

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13 2. The State Board of Education has proposed regulations to be codified
14 in a new chapter 19 of Title 6 of the New Jersey Administrative Code in
15 order to implement the provisions of the "Comprehensive Educational
16 Improvement and Financing Act of 1996," P.L.1996, c.138 (C.18A:7F-1 et
17 seq.). In subchapter 2 of chapter 19, the proposed regulations require a
18 district board of education which applies to the Commissioner of Education
19 for an adjustment to the spending growth limitation to designate in the
20 proposed base budget all unreserved general fund balance in excess of three
21 percent of the general fund base budget for the budget year and any general
22 fund balances reserved by law or regulation for designation.

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24 3. The Legislature finds that the above regulations, as proposed, are not
25 consistent with the legislative intent because section 7 of P.L.1996, c.138
26 (C.18A:7F-7) permits a school district to maintain an undesignated general
27 fund balance of at least six percent.

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29 4. The Secretary of the Senate and the Clerk of the General Assembly
30 shall transmit a duly authenticated copy of this concurrent resolution to the
31 Governor, the State Board of Education, and the Commissioner of Education.

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33 5. The State Board of Education, pursuant to Article V, Section IV,
34 paragraph 6 of the Constitution of the State of New Jersey, shall have 30 days
35 following transmittal of this resolution to amend or withdraw the proposed

1 regulations or the Legislature may, by passage of another concurrent
2 resolution, exercise its authority under the Constitution to invalidate the
3 regulations.

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6 STATEMENT

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8 This concurrent resolution specifies that regulations concerning general fund
9 balances which have been proposed by the State Board of Education to
10 implement the "Comprehensive Educational Improvement and Financing Act
11 of 1996," P.L.1996, c.138 (C.18A:7F-1 et seq.) are not consistent with the
12 legislative intent of the act. The regulations impose a maximum unreserved
13 general fund balance of three percent when a school district applies to the
14 Commissioner of Education for an adjustment to the spending growth
15 limitation, and the statute permits a school district to maintain an undesignated
16 general fund balance of at least six percent.

17 The State Board of Education will have 30 days following transmittal of this
18 resolution to amend or withdraw the proposed regulations or the Legislature
19 may, by passage of another concurrent resolution, exercise its authority under
20 the Constitution to invalidate the regulations.

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25 Determines that proposed State Board of Education regulations regarding
26 unreserved general fund balances are not consistent with legislative intent.