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December 14, 2021

Municipal Clerks: Please forward to your Mayor, Governing Body, and Department Heads.

Fast-Tracked Legislation Seeks to Expand Allowable Unfunded Mandates

Legislation has been fast-tracked that would allow lawmakers in Trenton to adopt a broad category of laws, rules, and regulations as unfunded mandates on local governments. The League joins the New Jersey School Boards Association and New Jersey Association of Counties in strongly opposing [A-6217/S-4284](#) and urges our members to reach out to their [legislative representatives](#) asking that these bills advance no further.

Currently, as provided by New Jersey 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 same constitutional provision also clearly and exclusively details the extent of any exemptions to the constitutional prohibition on unfunded mandates.

These constitutionally provided for exemptions have been codified in P.L.1996, c.24, which [A-6217/S-4284](#) now seeks to amend to include an exemption not provided for in the New Jersey Constitution. The legislation would now exempt as unfunded mandates, “any new law, rule, or regulation concerning any health care benefits plan or program and coverage under such plan or program provided by public employers to their employees and beneficiaries.”

Unfunded mandates come at a cost to local property taxpayers and local governments are continuously tasked with doing more with less. Unfunded state mandates on local governments come at a cost to our residents both in terms of the provision of local services and on their property tax bills. The constitutional amendment prohibiting unfunded mandates, approved by voters nearly three decades ago, became a strong tool

in helping to ease the burdens on local property taxpayers for decisions made in Trenton. The weakening or neutering of this constitutional provision and its corresponding exemptions cannot be done without the approval of these same voters.

A-6217 was approved by the Assembly Appropriations Committee on Monday, December 13, and S-4284 is scheduled for review in the Senate Budget and Appropriations Committee on Thursday, December 16. These bills could be voted on in both houses as early as Monday, December 20, so please reach out to your representatives as soon as possible.

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