

[First Reprint]

**SENATE CONCURRENT  
RESOLUTION No. 60**

**STATE OF NEW JERSEY  
213th LEGISLATURE**

INTRODUCED JANUARY 28, 2008

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Essex, Morris, Somerset and Union)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman NELSON T. ALBANO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman ALEX DECROCE**

**District 26 (Morris and Passaic)**

**Assemblyman PETER J. BIONDI**

**District 16 (Morris and Somerset)**

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**SYNOPSIS**

Proposes constitutional amendment requiring contributions collected from assessments on wages to be used for employee benefits and prohibiting use of the contributions for any other purpose.

**CURRENT VERSION OF TEXT**

As reported by the Senate Labor Committee on May 15, 2008, with amendments.

(Sponsorship Updated As Of: 12/8/2009)

1 A **CONCURRENT RESOLUTION** proposing to amend Article VIII,  
 2 Section II of the Constitution of the State of New Jersey by  
 3 adding a new paragraph thereto.

4  
 5 **BE IT RESOLVED** *by the Senate of the State of New Jersey (the*  
 6 *General Assembly concurring):*

7  
 8 1. Amend Article VIII, Section II of the State Constitution by  
 9 adding thereto a new paragraph to read as follows:

10  
 11 PROPOSED AMENDMENT

12  
 13 8. No contributions from employers, other than the State, or  
 14 from employees of those employers, collected by the State entirely  
 15 by means of an assessment exclusively on, or exclusively measured  
 16 by, the wages or salaries <sup>1</sup>**[of]** paid by the employers to<sup>1</sup> the  
 17 employees, and no interest or income derived from any investment  
 18 of those contributions, shall be used for any purpose other than  
 19 providing <sup>1</sup>and administering<sup>1</sup> benefits to employees and their  
 20 families or dependents. No contributions collected by the State  
 21 entirely by means of an assessment exclusively on, or exclusively  
 22 measured by, the wages or salaries <sup>1</sup>**[of]** paid by the State to<sup>1</sup> the  
 23 employees of the State, and no interest or income derived from any  
 24 investment of those contributions, shall be used for any purpose  
 25 other than providing <sup>1</sup>and administering<sup>1</sup> benefits to employees and  
 26 their families or dependents, for payments to parties other than the  
 27 State authorized by employees or through collective bargaining  
 28 agreements or required by federal law, or for the collection of  
 29 amounts owed by employees made pursuant to law. All  
 30 contributions collected by the State from any employer or employee  
 31 for the unemployment compensation fund or any successor fund or  
 32 program established to provide for unemployment compensation  
 33 benefits, and all interest and income derived from any investment of  
 34 those contributions, shall be dedicated solely to the purpose of  
 35 providing <sup>1</sup>and administering<sup>1</sup> unemployment compensation  
 36 benefits. All contributions collected by the State from any  
 37 employer or employee for the State disability benefits fund or any  
 38 successor fund or program established to provide temporary  
 39 disability benefits, and all interest and income derived from any  
 40 investment of those contributions, shall be dedicated solely to the  
 41 purpose of providing <sup>1</sup>and administering<sup>1</sup> temporary disability  
 42 benefits. All contributions collected by the State from any  
 43 employer or insurer for the Second Injury Fund or any successor  
 44 fund or program established to provide workers' compensation

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLA committee amendments adopted May 15, 2008.

1 benefits, and all interest and income derived from any investment of  
2 those contributions, shall be dedicated solely to the purpose of  
3 providing 'and administering' workers' compensation benefits. All  
4 contributions collected by the State from any employer, employee  
5 or insurer for any other fund or program established to provide any  
6 other benefits for employees 'and their families or dependents',  
7 including 'training and employment-related services for employees  
8 and' prospective employees '[in the case of training and  
9 employment programs, and their families or dependents]', and all  
10 interest and income derived from any investment of those  
11 contributions, shall be dedicated solely to the purpose of '[the]'  
12 providing 'and administering' those benefits. No part of the  
13 contributions, interest or income shall be directly or indirectly  
14 transferred, borrowed, appropriated or used for any purpose other  
15 than providing 'and administering' benefits pursuant to this  
16 paragraph. The requirements and limitations of this paragraph shall  
17 not apply to 'any tax collected by the United States or by the State  
18 on the behalf of the United States; any fees, fines, penalties or  
19 assessments levied by the State in the enforcement of any State law;  
20 or' any tax which is levied 'by the State' on personal incomes of  
21 individuals, estates and trusts for which, pursuant to the provisions  
22 of Article VIII, Section I, paragraph 7 of the Constitution, the entire  
23 net receipts therefrom are annually appropriated exclusively for the  
24 purpose of reducing or offsetting property taxes.

25

26 2. When this proposed amendment to the Constitution is finally  
27 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it  
28 shall be submitted to the people at the next general election  
29 occurring more than three months after the final agreement and  
30 shall be published at least once in at least one newspaper of each  
31 county designated by the President of the Senate, the Speaker of the  
32 General Assembly and the Secretary of State, not less than three  
33 months prior to the general election.

34

35 3. This proposed amendment to the Constitution shall be  
36 submitted to the people at that election in the following manner and  
37 form:

38 There shall be printed on each official ballot to be used at the  
39 general election, the following:

40 a. In every municipality in which voting machines are not used,  
41 a legend which shall immediately precede the question, as follows:

42 If you favor the proposition printed below make a cross (X), plus  
43 (+), or check (✓) in the square opposite the word "Yes." If you are  
44 opposed thereto make a cross (X), plus (+) or check (✓) in the  
45 square opposite the word "No."

46 b. In every municipality the following question:

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		<p>CONSTITUTIONAL AMENDMENT TO DEDICATE ASSESSMENTS ON WAGES BY THE STATE TO THE PAYMENT OF EMPLOYEE BENEFITS</p>
	<p>YES</p>	<p>Shall the amendment to Article VIII, Section II of the State Constitution, agreed to by the Legislature, which: prohibits collection by the State of assessments based solely on employee wages and salaries for any purpose other than providing employee benefits; dedicates all employer and employee contributions collected for any employee benefit fund, and all returns on investments of those contributions, to the purpose of that fund; and prohibits any transferring, borrowing, appropriating or using of those contributions or returns for any other purpose, be approved?</p>
		<p>INTERPRETIVE STATEMENT</p>
	<p>NO</p>	<p>This proposed constitutional amendment prohibits the collection by the State of assessments based on employee wages and salaries for any purpose except paying employee benefits (or making other employee-authorized or federally required payments, in the case of the State's own employees), dedicates all contributions made to the unemployment compensation fund, the State disability benefits fund, or any other employee benefit fund, and all returns on investments of those contributions, to the purpose of that fund, and prohibits the use of those contributions or returns for any other purpose. The requirements of this proposed amendment do not apply to the gross income tax, which is exclusively dedicated by the Constitution to the purpose of reducing or offsetting local property taxes.</p>

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SCHEDULE

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This constitutional amendment shall take effect on January 1 of

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the first calendar year following its adoption by the voters.