ASSEMBLY CONCURRENT
RESOLUTION No. 53

STATE OF NEW JERSEY
216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:
Assemblyman BOB ANDRZEJCZAK
District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS
Amends Constitution to require that the State budget be balanced with regularly collected recurring revenue, that surplus revenue and non-recurring revenue only be used for debt service, capital improvements and pension and health benefits liabilities.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel
A CONCURRENT RESOLUTION proposing to amend Article VIII, Section II of the Constitution of the State of New Jersey

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

1. The following proposed amendments to the Constitution of the State of New Jersey are agreed to:

PROPOSED AMENDMENTS

Amend Article VIII, Section II, paragraph 2 to read as follows:

2. a. No money shall be drawn from the State treasury but for appropriations made by law. All moneys for the support of the State government and for all other State purposes as far as can be ascertained or reasonably foreseen, shall be provided for in one general appropriation law covering one and the same fiscal year; except that when a change in the fiscal year is made, necessary provision may be made to effect the transition.

b. No general appropriation law or other law appropriating money for any State purpose shall be enacted if the appropriation contained therein, together with all prior appropriations made for the same fiscal period, shall exceed the total amount of revenue on hand and anticipated which will be available to meet such appropriations during such fiscal period, as certified by the Governor.

c. (1) Provided further, that for each State fiscal year commencing after approval of this amendment by the voters, no annual appropriation law or supplemental appropriation law or other law appropriating money from any source, for any State purpose shall be enacted if the appropriation contained therein, together with all prior appropriations made for the same fiscal period, shall exceed the total amount of revenue anticipated to be collected from State recurring revenue during regular collection cycles attributable to the same fiscal year. This total amount of State recurring revenue shall not include anticipated revenue from a brief and limited collection opportunity, from a special, short-term duration revenue enhancement, or from a non-routine financing or collection effort. The total amount of State revenue anticipated to be collected attributable to the same fiscal year which will be available to meet such appropriations during such fiscal year shall be an amount from such recurring State revenue during regular collection cycles as shall be certified by the Governor.

(2) A general appropriation law or supplemental appropriation law or other law appropriating State revenue certified by the Governor.
Governor to be on hand from the prior fiscal year, or appropriating any State revenue certified by the Governor as anticipated to be collected as nonrecurring revenue, shall only be enacted for purposes of paying (a) debt service on State bonded indebtedness, (b) for State capital improvements and (c) accrued, unfunded liabilities for public employee pensions or retirement allowances or health care benefits provided to active or retired public employees.

(3) Notwithstanding any of the restrictions imposed by subparagraph c. of this paragraph, any State revenue available for appropriation by the Legislature may be appropriated for any purpose permitted by law by the passage by the Legislature of a bill making such an appropriation by the affirmative vote of two-thirds of the authorized membership of each house of the Legislature, notwithstanding the provisions of Article IV, Section IV, paragraph 6 of this constitution to the contrary.

(cf: Art.VIII, Section II, par.2, January 1, 1948)

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

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

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

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

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

b. In every municipality the following question:
<table>
<thead>
<tr>
<th>Requires State Budgets Be Balanced with Regularly Recurring Revenue and Limits Use of Non-Recurring Revenue and Surplus</th>
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<td>Do you approve the proposed amendment to the State Constitution which provides that (1) all State appropriations made for a State fiscal year shall be limited to the amount of State revenue anticipated to be collected from recurring revenue during regular collection cycles and certified by the Governor to be attributable to that State fiscal year, and that this total amount of revenue against which appropriations shall be limited shall not include anticipated revenue from a brief and limited collection opportunity, from a special, short-term revenue enhancement, or from a non-routine financing or collection effort, (2) State revenue certified by the Governor to be on hand from the prior fiscal year or anticipated to be collected as nonrecurring revenue shall only be appropriated for purposes of paying debt service on State bonded indebtedness, State capital improvements and accrued, unfunded liabilities for public employee pensions or retirement allowances or health care benefits provided to active or retired public employees, and (3) any available State revenue may be appropriated for any lawful purpose by the affirmative vote of two-thirds of the authorized membership of each house of the Legislature?</td>
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**YES**
This constitutional amendment requires that the State budget for a fiscal year will be limited and must be balanced only with regularly collected recurring revenue from that fiscal year. A State budget may not use revenue from a brief and limited collection opportunity, from a special, short-term revenue enhancement, or from a non-routine financing or collection effort. Surplus revenue and these non-recurring revenues can only be used to pay debt service, capital improvements and pension and health benefits liabilities. However, any available revenue can be used for any purpose if the appropriations bill is approved by a two-thirds vote of each House of the Legislature.

This Constitutional amendment shall first apply to the annual appropriation act and supplemental appropriations enacted for the fiscal year commencing after approval of this amendment by the voters.

This concurrent resolution amends the State Constitution to require that the State budget be balanced with regularly collected recurring revenue. Surplus revenue and non-recurring revenue may be used only for paying debt service on State bonded indebtedness, capital improvements and public employee pension and health benefits liabilities. The amendment also provides an exception to these limits: any available State revenue may be appropriated for any lawful purpose if the appropriations bill is approved by the affirmative vote of two-thirds of the authorized membership of each house of the Legislature.