

**ASSEMBLY CONCURRENT
RESOLUTION No. 235**

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED JUNE 6, 2019

Sponsored by:

Assemblyman ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Co-Sponsored by:

Assemblyman Rooney

SYNOPSIS

Amends Constitution to allow public funds to be used for historic preservation of places of worship.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/26/2019)

1 **A CONCURRENT RESOLUTION** proposing to amend Article I,
2 paragraph 3 of the New Jersey Constitution.

3
4 **BE IT RESOLVED** *by the General Assembly of the State of New*
5 *Jersey (the Senate concurring):*

6
7 1. The following proposed amendment to the Constitution to
8 the State of New Jersey is agreed to:

9
10 **PROPOSED AMENDMENT**

11
12 Amend Article I, paragraph 3 to read as follows:

13 3. No person shall be deprived of the inestimable privilege of
14 worshipping Almighty God in a manner agreeable to the dictates of
15 his own conscience; nor under any pretense whatever be compelled
16 to attend any place of worship contrary to his faith and judgment;
17 nor shall any person be obliged to pay tithes, taxes, or other rates
18 for building or repairing any church or churches, place or places of
19 worship, or for the maintenance of any minister or ministry,
20 contrary to what he believes to be right or has deliberately and
21 voluntarily engaged to perform. Notwithstanding the provisions of
22 this paragraph, public funds may be used to repair or restore a
23 church or other place of worship as part of a historic preservation
24 program.

25 (cf: Art. I, par. 3)

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

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

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

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

43 If you favor the proposition printed below make a cross (X), plus
44 (+), or check (✓) in the square opposite the word "Yes." If you are

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.

1 opposed thereto make a cross (X), plus (+) or check (✓) in the
2 square opposite the word "No."

3 b. In every municipality the following question:
4

	YES	<p>CONSTITUTIONAL AMENDMENT TO ALLOW PUBLIC FUNDS TO BE USED FOR HISTORIC PRESERVATION OF PLACES OF WORSHIP</p> <p>Do you approve amending the Constitution to allow public funds to be used to restore a place of worship that has historical significance? This would allow public funds to be used to restore places of worship as part of a historic preservation program.</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>This constitutional amendment would allow public funds to be used to restore a place of worship as part of a historic preservation program. A recent court decision found that a county could not give grants for the restoration of churches. These grants were used to repair churches as part of a historic preservation program. Approval of this amendment would allow public funds to be used for the restoration of places of worship that have historical significance.</p>

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STATEMENT

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9 This concurrent resolution proposes an amendment to the State
10 Constitution to allow public funds to be used for the historic
11 preservation of churches or other places of worship as part of a
12 historic preservation program.

13 This concurrent resolution is in response to a recent New Jersey
14 Supreme Court decision, Freedom From Religion Foundation v.
15 Morris County Board of Chosen Freeholders, (Docket No. 079277).
16 This court decision found that the award by Morris County of
17 taxpayer funds to repair twelve churches, as part of a historic
18 preservation program, violates Article I, paragraph 3, known as the
19 “Religious Aid Clause” of the New Jersey Constitution.

20 Under current law, counties are authorized to establish “County
21 Open Space, Recreation, Floodplain Protection, and Farmland and
22 Historic Preservation Trust Funds,” and municipalities are also

1 authorized to establish similar funds. These funds are often referred
2 to as “open space trust funds,” and may only be established by a
3 county or municipality with voter approval to annually levy funds
4 for the acquisition, development, or maintenance of lands for
5 recreation and conservation purposes, acquisition of farmland for
6 farmland preservation purposes, historic preservation of historic
7 properties, and other similar purposes. In 2002, the voters of Morris
8 County authorized the county to provide historic preservation
9 funding under a trust fund established by this property tax levy.

10 The New Jersey Supreme Court recently found, in Freedom
11 From Religion Foundation v. Morris County Board of Chosen
12 Freeholders, that the use of these taxpayer funds for historic
13 preservation activities at a church or other place of worship violates
14 the “Religious Aid Clause” of the New Jersey Constitution. This
15 constitutional amendment, if approved by the voters, would allow
16 public funds to be used for historic preservation activities at
17 churches or other places of worship as part of a historic
18 preservation program.