

ASSEMBLY CONCURRENT RESOLUTION No. 112

STATE OF NEW JERSEY

INTRODUCED MARCH 24, 1997

By Assemblymen WEINGARTEN and O'TOOLE

1 A CONCURRENT RESOLUTION proposing to amend Section IV, paragraph 6
2 of Article IV of the Constitution of the State of New Jersey.

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

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7 1. The following proposed amendment to the Constitution is agreed to:

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PROPOSED AMENDMENT

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11 Amend Article IV, Section IV, paragraph 6 to read as follows:

12 6. a. All bills and joint resolutions shall be read three times in each House
13 before final passage. No bill or joint resolution shall be read a third time in
14 either House until after the intervention of one full calendar day following the
15 day of the second reading; but if either House shall resolve by vote of
16 three-fourths of all its members, signified by yeas and nays entered on the
17 journal, that a bill or joint resolution is an emergency measure, it may proceed
18 forthwith from second to third reading. [No] Except as herein provided, no
19 bill or joint resolution shall pass, unless there shall be a majority of all members
20 of each body personally present and agreeing thereto, and the yeas and nays
21 of the members voting on such final passage shall be entered on the journal.

22 No bill or joint resolution levying a State tax or providing for an increase
23 in a State tax shall pass on or after noon on January 11 1998, unless there be
24 three-fourths of all the members of each body personally present and agreeing
25 thereto, and the yeas and nays of the members voting on such final passage
26 shall be entered on the journal.

27 No bill or joint resolution imposing a State fee or providing for an increase
28 in a State fee shall pass on or after noon on January 11 1998, unless there be
29 three-fifths of all the members of each body personally present and agreeing
30 thereto, and the yeas and nays of the members voting on such final passage
31 shall be entered on the journal.

32 b. For the purposes of this paragraph:

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

Matter underlined thus is new matter.

1 a State tax is a charge, impost or excise that raises money for a public
2 purpose and is not a fee, an assessment or a fine;

3 a fee is a charge made to defray the cost of a product or service, or the
4 cost of regulation, administration monitoring or control; which charge is
5 reasonably related to the cost; and which charge is not made primarily for the
6 purpose of raising money for a public purpose other than to defray such cost;

7 an assessment is a charge imposed to finance a specific objective, imposed
8 on those that will use or benefit from that objective, and that confers a benefit
9 to those on whom it is imposed; and

10 a fine is a charge imposed as a penalty or restitution for a violation of a
11 statute or regulation.

12 (cf: Art.IV, Sect.IV, par.6)

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

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

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

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

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

32 b. In every municipality the following question:

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p>	<p>YES</p>	<p>CONSTITUTIONAL AMENDMENT</p> <p>SUPER-MAJORITIES OF LEGISLATURE</p> <p>REQUIRED TO PASS STATE TAX AND</p> <p>FEE BILLS</p> <p>Do you approve amending Article IV, Section IV, paragraph 6 to require that bills and joint resolutions levying a State tax or providing for an increase in a State tax be passed by a vote of three-fourths of the members of each House of the Legislature and that bills and joint resolutions imposing a State fee or providing for an increase in a State fee be passed by a vote of three-fifths of the members of each House of the Legislature</p>
<p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p>	<p>NO</p>	<p>INTERPRETIVE STATEMENT</p> <p>This constitutional amendment requires that any State law that imposes a new State tax or increases an existing State tax be passed by by a three-fourths majority vote of the members of each House of the Legislature, and that any State law that imposes a new State fee or increases an existing State fee be passed by a three-fifths majority vote of the members of each House of the Legislature, instead of by a simple majority vote as with other State laws. These new requirements will begin with the next two-year session of the Legislature.</p>

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STATEMENT

31 This concurrent resolution proposes an amendment to the State

32 Constitution to require that any bill or joint resolution levying a new State tax

33 or proposing to increase an existing State tax shall be passed by the

34 Legislature only by a three-fourths majority vote of the members of each

35 House of the Legislature and that any bill or joint resolution levying a new

36 State fee or increasing an existing State fee shall be passed by the Legislature

37 only by a three-fifths majority vote of the members of each House of the

38 Legislature, instead of by a majority vote as with other bills or resolutions.

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3 Amends Constitution to require that State tax bills pass both Houses of

4 Legislature by three-fourths majority vote and State fee bills by three-fifths

5 majority vote.