

SENATE, No. 1094

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Senator BENNETT

1 AN ACT to provide for the submission to the voters of the State of
2 New Jersey of a nonbinding referendum to ascertain their sentiment
3 as to whether this State should urge Congress to propose an
4 Amendment to the United States Constitution under which
5 legislation having the net effect of raising federal revenues by
6 levying a new federal tax or proposing to increase an existing
7 federal tax shall require the affirmative vote of 2/3 of the members
8 of each House, and making an appropriation.

9
10 **BE IT ENACTED** *by the Senate and General Assembly of the State*
11 *of New Jersey:*

- 12
13 1. The Legislature finds and declares that:
- 14 a. The imposition of excessive and unfair taxes was one of the
15 motivating factors behind American Independence.
- 16 b. Taxation has remained a sensitive issue during the more than
17 200 years of our nation's history.
- 18 c. The need of the federal government to raise revenue to offset the
19 legitimate expenses of government must be balanced against the right
20 of the people to pursue their livelihoods free of unnecessary tax
21 burdens.
- 22 d. An inappropriate level of taxation has the potential to stifle
23 individual initiative and negatively affect economic opportunity.
- 24 e. Any increase in an existing tax or imposition of a new tax
25 should, therefore, receive careful consideration and be supported by
26 a broad consensus.
- 27 f. It has been suggested that the best means of ensuring that tax
28 increases receive due deliberation and enjoy the requisite support is to
29 amend the United States Constitution to provide that any legislation
30 having the net effect of raising federal revenues by levying a new
31 federal tax or proposing to increase an existing federal tax shall require
32 the affirmative vote of 2/3 of the members of each House of Congress.
- 33 g. The significance of such a proposal makes this a matter about
34 which the sentiment of the people should be ascertained.
- 35 h. This issue is especially important to New Jersey which, when
36 compared to other states, has traditionally ranked among the lowest
37 in federal per capita expenditures and among the highest in federal per

1 capita tax burden.

2 i. For all of these reasons, it is appropriate to submit a nonbinding
3 referendum to the voters of this State as to whether New Jersey should
4 urge Congress to propose a federal constitutional amendment under
5 which any legislation having the net effect of raising federal revenues
6 by levying a new federal tax or proposing to increase an existing
7 federal tax shall require the affirmative vote of 2/3 of the members of
8 each House of Congress.

9

10 2. In order to ascertain the sentiment of the people of New Jersey
11 as to whether this State should urge Congress to propose an
12 Amendment to the United States Constitution under which any
13 legislation having the net effect of raising federal revenues by levying
14 a new federal tax or proposing to increase an existing federal tax shall
15 require the affirmative vote of 2/3 of the members of each House
16 legislation, the following public question shall be submitted to the
17 people at the general election to be held in November, 1996, in the
18 manner provided by this act and by Title 19 of the Revised Statutes for
19 the submission to the people of public questions to be voted upon by
20 the voters of the entire State, and it shall be the duty of the Secretary
21 of State to arrange for the submission of the public question in
22 accordance with the provisions of this act and of Title 19 of the
23 Revised Statutes, of which submission the same notice shall be given,
24 if possible, as is required by law of that election and the people of the
25 State may at that election vote for or against the question in the
26 following manner.

27

28 3. There shall be included on each sample and official ballot the
29 instructions set forth below on voting on the nonbinding referendum:

30 If you approve of the question printed below, make a cross (x), plus
31 (+), or check (T) mark in the square opposite the word "Yes."

32 If you disapprove of the question printed below, make a cross (x),
33 plus (+), or check (T) mark in the square opposite the word "No."

34 If voting machines are used, a vote of "Yes" or "No" shall be the
35 equivalent to the markings, respectively.

1		URGES CONGRESS TO PROPOSE AN
2		AMENDMENT TO THE UNITED STATES
3		CONSTITUTION UNDER WHICH
4		LEGISLATION IMPOSING A NEW
5		FEDERAL TAX OR INCREASING AN
6	YES.	EXISTING FEDERAL TAX SHALL
7		REQUIRE A 2/3 VOTE IN EACH HOUSE.
8		
9		Shall this State urge Congress to propose an
10		Amendment to the United States Constitution
11		under which legislation having the net effect of
12		raising federal revenues by levying a new
13		federal tax or proposing to increase an existing
14		federal tax shall require the affirmative vote of
15		2/3 of the members of each House of Congress?
16		INTERPRETIVE STATEMENT
17		
18		This nonbinding referendum question asks the
19	NO.	voters whether this State should urge Congress
20		to propose an Amendment to the United States
21		Constitution to require that legislation which
22		raises federal revenues by creating a new
23		federal tax or increasing an existing federal tax
24		must have the affirmative vote of 2/3 of the
25		members of each House of Congress. A
26		constitutional amendment would ensure that
27		new taxes or increased taxes could not be
28		imposed by a simple majority of the members of
29		each House.

30

31 4. The votes "Yes" and "No," by ballot or voting machine, shall be
 32 counted and the result thereof returned by the election officer, and a
 33 canvass of the election had in the same manner now as is provided for
 34 by law in the case of the election of a Governor, and the approval or
 35 disapproval of this question so determined shall be declared in the
 36 same manner as the result of an election for a Governor.

37

38 5. There is appropriated the sum of \$5,000 to the Department of
 39 State for expenses in connection with the publication of notice
 40 pursuant to section 1 of this act.

41

42 6. This act shall take effect immediately.

1 STATEMENT

2

3 This bill provides for the submission to the voters of this State at
4 the November 1996 general election of a nonbinding referendum to
5 ascertain their sentiment as to whether this State should urge Congress
6 to propose an Amendment to the United States Constitution under
7 which legislation having the net effect of raising federal revenues by
8 levying a new federal tax or proposing to increase an existing federal
9 tax shall require the affirmative vote of 2/3 of the members of each
10 House of Congress. The bill also appropriates \$5,000 to the
11 Department of State for expenses related to publishing notice of the
12 public question.

13

14

15

16

17 Provides for Statewide nonbinding referendum as to whether State
18 should urge Congress to propose federal constitutional amendment
19 providing certain new or increased federal taxes shall require 2/3 vote
20 in each House; appropriates \$5,000.