

**SENATE CONCURRENT  
RESOLUTION No. 57**

**STATE OF NEW JERSEY  
215th LEGISLATURE**

INTRODUCED JANUARY 23, 2012

**Sponsored by:**

**Senator DIANE B. ALLEN**

**District 7 (Burlington)**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**SYNOPSIS**

Proposes constitutional amendment to prohibit State courts from requiring that State government spend money.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/14/2012)**

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

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

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

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11 **PROPOSED AMENDMENT**

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13 Amend Article VI, Section I of the Constitution by the addition  
14 of the following paragraph:

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16 2. As the power of the purse is solely that of the Legislature, no  
17 court shall issue any decision, whether under this Constitution or  
18 otherwise, which shall have the effect of compelling the State to  
19 expend any money for the operation of any State government  
20 function. This prohibition shall not impair the power of a court to  
21 issue a judgment for the payment of money in an appropriate action  
22 or proceeding for a liability that arises from an act or omission  
23 under duties that are imposed on both government and non-  
24 government entities in the same or substantially similar  
25 circumstances.

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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 Attorney General, not less than three  
34 months prior to the general election.

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

47 b. In every municipality the following question:

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	<p>YES</p>	<p><b>PROHIBITS STATE COURTS FROM REQUIRING STATE SPENDING</b></p> <p>Do you approve the proposed amendment to the New Jersey Constitution, agreed to by the Legislature, prohibiting any State court from issuing any decision, whether under this Constitution or otherwise, which shall have the effect of compelling the State to expend any money for the operation of any State government function, which prohibition shall not impair the power of a court to issue a judgment for the payment of money in an appropriate action or proceeding for a liability that arises from an act or omission under duties that are imposed on both government and non-government entities in the same or substantially similar circumstances?</p>
	<p>NO</p>	<p><b>INTERPRETIVE STATEMENT</b></p> <p>This proposed constitutional amendment prohibits the State courts from making decisions requiring that the State government spend money for the operation of any State government function. It does not prohibit court judgments for damages against the State in cases of negligence and in other civil actions that also apply in private, non-governmental affairs.</p>

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STATEMENT

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This proposed constitutional amendment prohibits the State courts from making decisions requiring that the State government spend money for the operation of any State government function. It does not impair the power of the courts to issue judgments for damages against the State typically applicable in cases of negligence and in other civil actions that also apply in private, non-governmental affairs.

However, in matters concerning purely State government responsibilities, such as in the school funding cases, the courts have commandeered the uniquely legislative authority to determine what to spend and where to spend it. The people have never delegated this authority to an unelected judiciary. This amendment ensures that the courts are deprived of any jurisdiction to seize the authority of the Legislature to spend for government functions as it sees fit.