

SENATE BILL NO. 1364
(Second Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Senate Bill No. 1364 (Second Reprint) without my approval.

This bill would require appropriations of \$4 million per year for the next 14 fiscal years to the Greater Wildwoods Tourism Improvement and Development Authority for boardwalk improvements. The bill also provides an appropriation of \$4 million to the authority in Fiscal Year 2019, which ended June 30, 2019 at midnight.

The Appropriations Clause of the New Jersey Constitution mandates that the Legislature provide for annual appropriations "in one general appropriation law covering one and the same fiscal year." See N.J. Const. Article VIII, Section 2, paragraph 2. The Debt Limitation Clause of the New Jersey Constitution similarly prohibits the Legislature from creating liabilities in future fiscal years without voter approval. See N.J. Const. Article VIII, Section 2, Paragraph 3. In combination, the Appropriations Clause and Debt Limitation Clause of the New Jersey Constitution interdict the Legislature from creating a debt or liability, in any manner, that binds the State to appropriate funds in future fiscal years. The mandates upon future appropriations contained in this bill are therefore unconstitutional and unenforceable.

In addition to these constitutional defects, the Legislature failed to include \$4 million in the Fiscal Year 2020 budget for boardwalk improvements despite the alleged mandate of Senate Bill No. 1364 to do so. This bill passed the Assembly on the same day that the Legislature passed Senate Bill No. 2020, the appropriations act for Fiscal Year 2020. However, the legislative budget only appropriates money to the Greater Wildwoods Tourism

Improvement and Development Authority for boardwalk improvements in the event that proceeds received from the sale of surplus State-owned real property exceed the amount anticipated. There is, of course, no guarantee that the actual revenue derived from the sale of surplus property will exceed the anticipated revenue for such sales by \$4 million. I am, therefore, left with the option of approving a law that will be violated immediately upon its enactment or returning this bill without my approval. I am forced to choose the only acceptable option.

Accordingly, I herewith return Senate Bill No. 1364 (Second Reprint) without my approval.

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor