

**ASSEMBLY CONCURRENT
RESOLUTION No. 121**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman BRIAN BERGEN

District 25 (Morris and Somerset)

Co-Sponsored by:

Assemblyman Simonsen

SYNOPSIS

Proposes constitutional amendment to require two-thirds majority vote by Legislature for bills proposing a new or increased State tax, fee, surcharge or civil penalty.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/27/2020)

ACR121 BERGEN

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

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

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

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11 PROPOSED AMENDMENT

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

14 6. All bills and joint resolutions shall be read three times in each
15 house before final passage. No bill or joint resolution shall be read a
16 third time in either house until after the intervention of one full
17 calendar day following the day of the second reading; but if either
18 house shall resolve by vote of three-fourths of all its members,
19 signified by yeas and nays entered on the journal, that a bill or joint
20 resolution is an emergency measure, it may proceed forthwith from
21 second to third reading. No bill or joint resolution shall pass, other
22 than a bill or joint resolution enacting a new or increased State tax,
23 unless there shall be a majority of all the members of each body
24 personally present and agreeing thereto, and the yeas and nays of the
25 members voting on such final passage shall be entered on the journal.

26 No bill or joint resolution proposing a new or increased State tax
27 shall pass, unless there be a two-thirds majority of all the members
28 of each house of the Legislature agreeing thereto. The yeas and nays
29 of the members voting on such final passage shall be entered on the
30 journal.

31 (cf: Art.IV, Sec.IV, par.6)

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

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

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.

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- There shall be printed on each official ballot to be used at the general election, the following:
- a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question as follows:
- If you favor the proposition printed below make a cross (X), plus (+), or check (✓) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (✓) in the square opposite the word "No."
- b. In every municipality the following question:

	YES	<p>CONSTITUTIONAL AMENDMENT TO REQUIRE A TWO-THIRDS MAJORITY VOTE BY THE LEGISLATURE FOR BILLS AND JOINT RESOLUTIONS PROPOSING A NEW OR INCREASED STATE TAX, FEE, SURCHARGE OR CIVIL PENALTY</p> <p>Do you approve the proposed amendment to the Constitution of the State of New Jersey to require that all bills and joint resolutions proposing a new or increased State tax be passed by a two-thirds majority vote of each house of the Legislature?</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>Approval of this constitutional amendment would require that all bills and joint resolutions proposing a new or increased State tax be passed by a two-thirds majority vote of each house of the Legislature, instead of a vote by simple majority as is currently required.</p>

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SCHEDULE

This proposed amendment to the Constitution of the State of New Jersey shall, if approved, be applicable to action upon bills and joint resolutions pending in either house of the Legislature during the legislative sessions constituted on and after approval of this amendment by the voters.

STATEMENT

This concurrent resolution proposes an amendment to the State Constitution requiring all bills or joint resolutions proposing a new or increased State tax, be passed by a two-thirds majority of the authorized membership of each house of the Legislature. The purpose of this measure is to strengthen the procedural standard which must be satisfied before the State embarks upon certain traditional revenue raising methods.

Currently, the Constitution of the State of New Jersey requires only a majority vote of the members in each house of the Legislature to pass a bill. This means that the Legislature could deliver a new or increased tax to the Governor's desk for signature with no more than a simple majority in each house.

This measure would ensure that no bill or joint resolution proposing a new or increased State tax could be enacted without a two-thirds majority vote in each house. This enhanced procedural standard will ensure that the revenue raising methods subject to this proposal must be agreeable to a supermajority of the Legislature before securing enactment.