

**ASSEMBLY CONCURRENT  
RESOLUTION No. 137**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED FEBRUARY 25, 2020

**Sponsored by:**

**Assemblyman ERIK PETERSON**

**District 23 (Hunterdon, Somerset and Warren)**

**SYNOPSIS**

Proposes constitutional amendment requiring State revenue estimates for purposes of a balanced State budget be determined by Governor in accordance with State Revenue Forecasting Integrity Commission.

**CURRENT VERSION OF TEXT**

As introduced.



1 **A CONCURRENT RESOLUTION** proposing to amend paragraph 2 of  
2 Article VIII, Section II, 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  
9 the State of New Jersey is agreed to:

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11 PROPOSED AMENDMENT

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13 Amend Article VIII, Section II, paragraph 2 to read as follows:

14 2. No money shall be drawn from the State treasury but for  
15 appropriations made by law. All moneys for the support of the  
16 State government and for all other State purposes as far as can be  
17 ascertained or reasonably foreseen, shall be provided for in one  
18 general appropriation law covering one and the same fiscal year;  
19 except that when a change in the fiscal year is made, necessary  
20 provision may be made to effect the transition. No general  
21 appropriation law or other law appropriating money for any State  
22 purpose shall be enacted if the appropriation contained therein,  
23 together with all prior appropriations made for the same fiscal  
24 period, shall exceed the total amount of revenue on hand and the  
25 total amount of anticipated revenue which will be available to meet  
26 such appropriations during such fiscal period, as shall be certified  
27 by the Governor. The Governor's certification shall be in  
28 accordance with a published estimate of such amounts by the State  
29 Revenue Forecasting Integrity Commission, as shall be established  
30 by law, except that the Governor's certification may include any  
31 reasonable change in the total amount of revenue on hand, and any  
32 reasonable change in anticipated revenue, provided that the change  
33 in anticipated revenue is based only upon a change in law that  
34 affects such anticipated revenue amount, which law is enacted after  
35 the published estimate of the commission.

36 (cf: Article VIII, Section II, paragraph 2, effective January 1, 1948)

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

**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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3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:
- 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 (T) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (T) in the square opposite the word "No."
- b. In every municipality the following question:

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|--|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |     | MAKES STATE REVENUE<br>FORECASTING INTEGRITY<br>COMMISSION ESTIMATE BINDING FOR<br>BALANCED STATE BUDGET                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|  | YES | Do you approve of the amendment to paragraph 2 of Article VIII, Section II of the State Constitution agreed to by the Legislature, providing that the total amount of State revenue on hand, and revenue anticipated during a fiscal year, which will be available to meet annual and supplemental appropriations during that fiscal year, shall be certified by the Governor in accordance with the published estimate of such amounts by a State Revenue Forecasting Integrity Commission, as shall be established by law, instead of solely at the discretion of the Governor, except for any reasonable changes that the Governor may certify in the amount of revenue on hand and in the amount of anticipated revenue provided that any change in the amount of anticipated revenue is based on changes in law enacted after the published estimate of the commission? |

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|  |    | INTERPRETIVE STATEMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|  | NO | The State Constitution's balanced budget provision forbids the enactment of State appropriations that exceed the State revenue on hand and anticipated to be collected during a fiscal year. Currently the Constitution provides that the Governor has the sole responsibility to certify whether there will be enough revenue to meet appropriations. This constitutional amendment requires the Governor's certification to conform with the published estimate made by a State Revenue Forecasting Integrity Commission, to be established by law, except for any reasonable changes in the revenue on hand, and in the anticipated revenue to be collected, if changes to anticipated revenue to be collected are based only on changes in law enacted after the published estimate of the commission. |

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SCHEDULE

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This Constitutional amendment shall first apply to the annual appropriation act and supplemental appropriations enacted for the fiscal year commencing after approval of this amendment by the voters.

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STATEMENT

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This concurrent resolution proposes a constitutional amendment that requires that the determination of the total amount of State revenue on hand and anticipated to meet an annual balanced State budget and supplemental State appropriations during a fiscal year be made pursuant to the Governor's certification which shall be in accord with the published estimate of such amount by the State Revenue Forecasting Integrity Commission instead of the current method of annual certification of revenues solely in the Governor's discretion. The Governor's certification may include any reasonable change in the total amount of revenue on hand, and any reasonable change in anticipated revenue, provided that the change in anticipated revenue is based only upon a change in law that affects such anticipated revenue amount, which law is enacted after the publication of the estimate of the commission.

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Under a companion bill that implements this constitutional

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1 amendment, the commission will publish on June 1 annually an  
2 estimate of State revenues on hand and anticipated to support a  
3 balanced State budget and supplemental appropriations during the  
4 next commencing fiscal year. The six member commission will  
5 draw upon the expertise and experience of the current professional  
6 and political participants in the State revenue estimating process,  
7 including the State Treasurer, the Legislative Budget and Finance  
8 Officer and the chairpersons and ranking minority party members of  
9 the budget committees of the Senate and General Assembly.  
10 Pursuant to the companion bill, any changes from the commission's  
11 published estimate shall be explained by the Governor in a  
12 published written report provided on or before July 15 of that fiscal  
13 year containing the specific, detailed reasons for difference in the  
14 amount of revenues on hand and in each item of revenue that is  
15 certified by the Governor in an amount that is different from the  
16 commission's published estimate. Through this constitutional  
17 amendment and the companion bill, the process of revenue  
18 estimating will be a shared responsibility of both professional and  
19 political members of the two branches of government that have  
20 traditionally shared a cooperative responsibility for the spending  
21 side of the "balanced budget" process.