

**ASSEMBLY CONCURRENT
RESOLUTION No. 38**

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN DIMAIO

District 23 (Hunterdon, Somerset and Warren)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman ERIK PETERSON

District 23 (Hunterdon, Somerset and Warren)

Co-Sponsored by:

Assemblyman Wirths

SYNOPSIS

Proposes constitutional amendment to eliminate judicial review of arbitration rulings in disputes between Judiciary and county concerning court facilities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **A CONCURRENT RESOLUTION** proposing to add a new Section IX
2 to Article VI of the Constitution of the State of New Jersey.

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

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

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10 PROPOSED AMENDMENT

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12 Amend Article VI by adding a new Section IX to read as
13 follows:

14 When a dispute arises between the Judiciary and a county
15 regarding budgetary costs relating to court facilities and the matter
16 is referred to arbitration, the decision of the arbitrators shall be
17 final, binding, and not subject to review by the Supreme Court.

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19 2. When this proposed amendment to the Constitution is finally
20 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
21 shall be submitted to the people at the next general election
22 occurring more than three months after the final agreement and
23 shall be published at least once in at least one newspaper of each
24 county designated by the President of the Senate, the Speaker of the
25 General Assembly and the Secretary of State, not less than three
26 months prior to the general election.

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28 3. This proposed amendment to the Constitution shall be
29 submitted to the people at that election in the following manner and
30 form:

31 There shall be printed on each official ballot to be used at the
32 general election, the following:

33 a. In every municipality in which voting machines are not used,
34 a legend which shall immediately precede the question as follows:

35 If you favor the proposition printed below make a cross (X), plus
36 (+), or check (✓) in the square opposite the word "Yes." If you are
37 opposed thereto make a cross (X), plus (+) or check (✓) in the
38 square opposite the word "No."

39 b. In every municipality the following question:

	YES	<p>CONSTITUTIONAL AMENDMENT TO ELIMINATE JUDICIAL REVIEW OF ARBITRATION RULINGS IN DISPUTES BETWEEN JUDICIARY AND COUNTY CONCERNING COURT FACILITIES</p> <p>Do you approve amending the Constitution to eliminate Supreme Court review of an arbitrators’ ruling in disputes between the court and a county about the cost of court facilities?</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>Current law provides that counties are responsible for the cost of court facilities. In the event of a dispute between a county and the courts concerning court facilities, the dispute may be referred to arbitration. Currently, the decision of the arbitrators is not binding and can be changed by the Supreme Court. This amendment removes the ability of the Supreme Court to change the arbitrators’ ruling. The arbitrators’ decision would be final.</p> <p>A “yes” vote would amend the Constitution to prevent the Supreme Court from changing an arbitration decision.</p> <p>A “no” vote would leave the Constitution unchanged. The Supreme Court would be able to change the arbitrators’ decision.</p>

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STATEMENT

This constitutional amendment would eliminate the authority of the New Jersey Supreme Court to review and change arbitrators’ decisions in cases involving courthouse facility disputes between the Judiciary and county governing bodies.

Under current law, the counties are responsible for the costs of construction and renovation of courthouse facilities. In some instances, disputes arise between the counties and the Judiciary concerning factors such as the design or construction of specific facilities. The Rules of Court provide that a dispute between the county governing body and the Judiciary can be submitted to arbitration, at the request of either party. According to the Rules of Court, the decision of the arbitrator is subject to review by the Supreme Court and can be vacated, modified or corrected if the court determines that “the decision fails to balance the needs and

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1 interest of the county and the Judiciary in a fair manner.”
2 Effectively, this means that the Judiciary can overturn a decision in
3 which the Judiciary is a party based upon the Constitutional
4 authority of the Supreme Court over “practice and procedure” in the
5 State courts. Adoption of this amendment would end the Supreme
6 Court’s ability to overturn the arbitrators’ decision.