

**ASSEMBLY CONCURRENT
RESOLUTION No. 39**

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)

SYNOPSIS

Amends State Constitution to dedicate portion of revenue from motor vehicle fees and surcharges to transportation system.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **A CONCURRENT RESOLUTION** proposing to amend Article VIII,
2 Section II, paragraph 4 of the New Jersey Constitution.

3
4 **BE IT RESOLVED** *by the General Assembly of the State of New*
5 *Jersey (the Senate concurring):*

6
7 1. The following proposed amendment to the Constitution of
8 the State of New Jersey is agreed to:

9
10 PROPOSED AMENDMENT

11
12 Amend Article VIII, Section II, paragraph 4 to read as follows:

13 4. There shall be credited to a special account in the General
14 Fund:

15 (a) for each State fiscal year commencing on and after July 1,
16 2007 through the State fiscal year commencing on July 1, 2015 an
17 amount equivalent to the revenue derived from \$0.105 per gallon
18 from the tax imposed on the sale of motor fuels pursuant to chapter
19 39 of Title 54 of the Revised Statutes, and for each State fiscal year
20 thereafter, an amount equivalent to all revenue derived from the
21 collection of the tax imposed on the sale of motor fuels pursuant to
22 chapter 39 of Title 54 of the Revised Statutes or any other
23 subsequent law of similar effect;

24 (b) for the State fiscal year 2001 an amount not less than
25 \$100,000,000 derived from the State revenues collected from the
26 tax on the gross receipts of the sale of petroleum products imposed
27 pursuant to P.L.1990, c.42 (C.54:15B-1 et seq.) as amended and
28 supplemented, or any other subsequent law of similar effect, for
29 each State fiscal year from State fiscal year 2002 through State
30 fiscal year 2016 an amount not less than \$200,000,000 derived from
31 those revenues, and for each State fiscal year thereafter, an amount
32 equivalent to all revenue derived from the collection of the tax on
33 the gross receipts of the sale of petroleum products imposed
34 pursuant to P.L.1990, c.42 (C.54:15B-1 et seq.) as amended and
35 supplemented, or any other subsequent law of similar effect; **【and】**

36 (c) for the State fiscal year 2002 an amount not less than
37 \$80,000,000 from the State revenue collected from the State tax
38 imposed under the "Sales and Use Tax Act," pursuant to P.L.1966,
39 c.30 (C.54:32B-1 et seq.), as amended and supplemented, or any
40 other subsequent law of similar effect, for the State fiscal year
41 2003 an amount not less than \$140,000,000 from those revenues,
42 and for each State fiscal year thereafter an amount not less than
43 \$200,000,000 from those revenues; provided, however, the
44 dedication and use of such revenues as provided in this paragraph
45 shall be subject and subordinate to (a) all appropriations of revenues

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.

1 from such taxes made by laws enacted on or before December 7,
 2 2006 in accordance with Article VIII, Section II, paragraph 3 of the
 3 State Constitution in order to provide the ways and means to pay
 4 the principal and interest on bonds of the State presently
 5 outstanding or authorized to be issued under such laws or (b) any
 6 other use of those revenues enacted into law on or before December
 7 7, 2006. These amounts shall be appropriated from time to time by
 8 the Legislature, only for the purposes of paying or financing the
 9 cost of planning, acquisition, engineering, construction,
 10 reconstruction, repair and rehabilitation of the transportation system
 11 in this State and it shall not be competent for the Legislature to
 12 borrow, appropriate or use these amounts or any part thereof for any
 13 other purpose, under any pretense whatever; and

14 (d) for each State fiscal year commencing on and after July 1,
 15 2018 an amount not less than \$509,000,000 derived from State
 16 revenues from motor vehicle fees and surcharges collected pursuant
 17 to the provisions of Title 39 of the Revised Statutes.
 18 (cf: Art. VIII, Sec. II, par.4; amended effective December 8, 2016)
 19

20 2. When this proposed amendment to the Constitution is finally
 21 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
 22 shall be submitted to the people at the next general election
 23 occurring more than three months after the final agreement and
 24 shall be published at least once in at least one newspaper of each
 25 county designated by the President of the Senate, the Speaker of the
 26 General Assembly and the Secretary of State, not less than three
 27 months prior to the general election.
 28

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

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

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

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

40 b. In every municipality the following question:

	YES	<p>CONSTITUTIONAL AMENDMENT TO DEDICATE ADDITIONAL REVENUE TO THE STATE TRANSPORTATION SYSTEM</p> <p>Do you approve amending the Constitution to dedicate \$509 million from motor vehicle fees and surcharges to the Transportation Trust Fund? Currently, motor vehicle fees and surcharges are split between the Motor Vehicle Commission and the General Fund. Amounts deposited into the TTF can only be used for transportation purposes.</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>This amendment dedicates not less than \$509 million from motor vehicle fees and surcharges to the Transportation Trust Fund (TTF). Motor vehicle fees and surcharges are currently divided between the Motor Vehicle Commission and the General Fund. The fees and surcharges that go to the commission are used for its operations. The fees and surcharges deposited into the General Fund have no restrictions and can be used for any State purpose. Amounts deposited into the TTF can only be used for transportation purposes. The \$509 million to be deposited into the TTF is approximately the amount from motor vehicle fees and surcharges that is deposited into the General Fund each year.</p>

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STATEMENT

This constitutional amendment dedicates \$509 million from motor vehicle fees and surcharges to the Transportation Trust Fund (TTF). This amount reflects the approximate amount of revenue from motor vehicle fees and surcharges that was deposited into the State’s General Fund by the New Jersey Motor Vehicle Commission (MVC) in fiscal year 2016. Money in the General Fund may be used for any purpose as determined through the State budget process. Money in the TTF is required to be used for the State’s transportation system.