

**ASSEMBLY CONCURRENT  
RESOLUTION No. 75**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman BRITNEE N. TIMBERLAKE**

**District 34 (Essex and Passaic)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

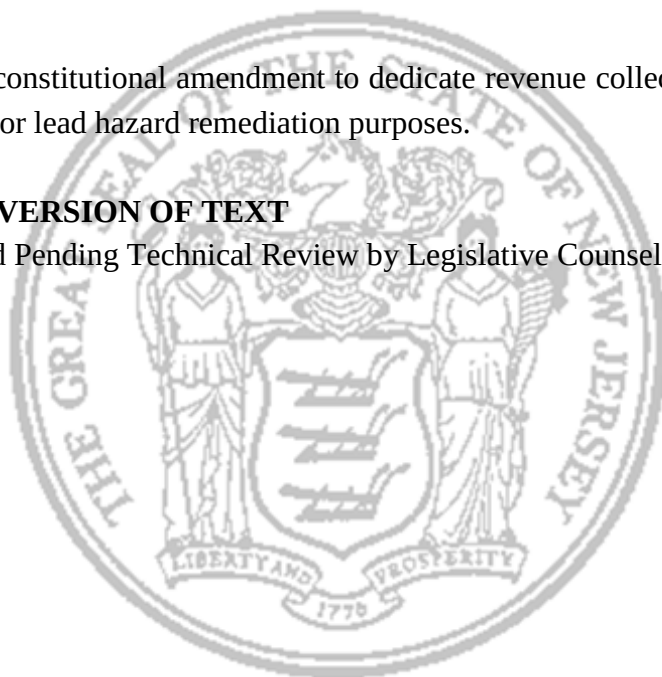
**Assemblyman Giblin, Assemblywoman Tucker, Assemblyman Caputo,  
Assemblywomen Speight, McKnight, Assemblyman Chiaravalloti,  
Assemblywoman Lopez, Assemblyman Calabrese, Assemblywoman Jasey,  
Assemblyman McKeon and Assemblywoman Carter**

**SYNOPSIS**

Proposes constitutional amendment to dedicate revenue collected from sales tax on paint for lead hazard remediation purposes.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **A CONCURRENT RESOLUTION** proposing to amend Article VIII,  
2       Section 1 of the New Jersey Constitution by adding a new  
3       paragraph 8.

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

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

10  
11                                   **PROPOSED AMENDMENT**

12  
13       Amend Article VIII, Section I to include the following new  
14       paragraph:

15       8. There shall be set aside from the State revenue collected from  
16       the State tax imposed under the "Sales and Use Tax Act" pursuant  
17       to P.L.1966, c.30 (C.54:32B-1 et seq.), or any other subsequent law  
18       of similar effect, an amount equal to the lesser of either \$0.50 or the  
19       tax imposed on every retail sale of a container of paint, or other  
20       surface coating material, which shall include any pigmented, liquid  
21       substance to be applied to surfaces by brush, roller, spray or other  
22       means, including but not limited to, white base paint and colorants;  
23       provided, however, that the total amount set aside pursuant to this  
24       section shall be no less than \$7,000,000 and no greater than  
25       \$14,000,000 annually.

26       The amount annually derived from the collection of taxes  
27       pursuant to this paragraph shall be credited annually to a special  
28       account in the general fund, and shall be dedicated, and  
29       appropriated from time to time by the Legislature, only for the  
30       purposes of lead hazard remediation and mitigation projects, and  
31       related efforts, in this State, as provided by law.

32  
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  
36       occurring more than three months after the final agreement and  
37       shall be published at least once in at least one newspaper of each  
38       county designated by the President of the Senate, the Speaker of the  
39       General Assembly and the Secretary of State, not less than three  
40       months prior to the general election.

41  
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 DEDICATE A PORTION OF EXISTING SALES TAX REVENUE FROM THE SALE OF PAINT FOR LEAD HAZARD REMEDIATION PURPOSES</p> <p>Do you approve amending the Constitution to dedicate a portion of the sales tax revenue from the sale of paint to clean up lead hazards?</p> <p>Current law requires a portion of the sales tax revenue collected from the sale of paint to be set aside for lead hazard cleanup. In the past, this money has been used for other purposes through the State budget.</p> <p>This amendment would guarantee that this money may only be used to clean up lead hazards.</p>                      |
|  | NO  | <p>INTERPRETIVE STATEMENT</p> <p>Current law requires that a portion of the sales tax collected from the sale of paint be set aside to pay for lead hazard cleanup activities. However, in the past, this money has been used for things other than lead hazard cleanup through the State budget.</p> <p>This amendment would require the State to dedicate up to \$14 million every year to clean up lead hazards. This money could only be used to clean up lead hazards, and could not be spent for any other purpose through the State budget.</p> <p>This amendment would not change the current sales tax imposed on the sale of paint.</p> |

1 STATEMENT

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3 If approved by the voters of the State, this proposed  
4 constitutional amendment would dedicate a portion of existing sales  
5 tax revenue from paint sales to remediate lead hazards.

6 Current law requires a portion of sales tax collected from the sale  
7 of paint to be set aside to resolve lead hazard issues in the State.  
8 This amendment would codify that funding requirement in the State  
9 Constitution.

10 This sales tax set-aside, required to be not less than \$7 million,  
11 and not more than \$14 million, of the sales tax collected from the  
12 sale of paint, was enacted in the “Lead Hazard Control Assistance  
13 Act,” P.L.2003, c.311 (C.52:27D-437.1 et seq.), and is intended to  
14 pay for lead hazard remediation activities. In the past, this sales tax  
15 revenue have been appropriated, and used through the annual State  
16 budget, for purposes other than the lead hazard remediation  
17 activities required by that law.