

**SENATE CONCURRENT
RESOLUTION No. 16**

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator RONALD L. RICE

District 28 (Essex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senators Weinberg, Greenstein and Cunningham

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.



(Sponsorship Updated As Of: 2/10/2020)

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 Senate of the State of New Jersey (the*
6 *General Assembly 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 I to include the following new
14 paragraph:

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

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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
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.

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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:

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

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

1 If you favor the proposition printed below make a cross (X), plus
2 (+), or check (✓) in the square opposite the word "Yes." If you are
3 opposed thereto make a cross (X), plus (+) or check (✓) in the
4 square opposite the word "No."
5 b. In every municipality the following question:
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	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>

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STATEMENT

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

SCR16 RICE, TURNER

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

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