

**SENATE CONCURRENT  
RESOLUTION No. 54**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED FEBRUARY 3, 2020

**Sponsored by:**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**SYNOPSIS**

Amends Constitution to allow public funds to be used for historic preservation of places of worship.

**CURRENT VERSION OF TEXT**

As introduced.



1   **A CONCURRENT RESOLUTION** proposing to amend Article I,  
2       paragraph 3 of the New Jersey Constitution.

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

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

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10                               PROPOSED AMENDMENT

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12       Amend Article I, paragraph 3 to read as follows:

13       3. No person shall be deprived of the inestimable privilege of  
14       worshipping Almighty God in a manner agreeable to the dictates of  
15       his own conscience; nor under any pretense whatever be compelled  
16       to attend any place of worship contrary to his faith and judgment;  
17       nor shall any person be obliged to pay tithes, taxes, or other rates  
18       for building or repairing any church or churches, place or places of  
19       worship, or for the maintenance of any minister or ministry,  
20       contrary to what he believes to be right or has deliberately and  
21       voluntarily engaged to perform. Notwithstanding the provisions of  
22       this paragraph, public funds may be used to repair or restore a  
23       church or other place of worship as part of a historic preservation  
24       program.

25       (cf: Art. I, par. 3)

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

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36       3. This proposed amendment to the Constitution shall be  
37       submitted to the people at that election in the following manner and  
38       form:

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

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

43       If you favor the proposition printed below make a cross (X), plus  
44       (+), or check ( ✓ ) in the square opposite the word "Yes." If you are  
45       opposed thereto make a cross (X), plus (+) or check ( ✓ ) in the  
46       square opposite the word "No."

**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       b. In every municipality the following question:  
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|  |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | YES | <p>CONSTITUTIONAL AMENDMENT TO<br/>ALLOW PUBLIC FUNDS TO BE USED<br/>FOR HISTORIC PRESERVATION OF<br/>PLACES OF WORSHIP</p> <p>Do you approve amending the<br/>Constitution to allow public funds to be<br/>used to restore a place of worship that has<br/>historical significance? This would allow<br/>public funds to be used to restore places of<br/>worship as part of a historic preservation<br/>program.</p>                                                                                                                                           |
|  | NO  | <p>INTERPRETIVE STATEMENT</p> <p>This constitutional amendment would<br/>allow public funds to be used to restore a<br/>place of worship as part of a historic<br/>preservation program. A recent court<br/>decision found that a county could not give<br/>grants for the restoration of churches. These<br/>grants were used to repair churches as part<br/>of a historic preservation program.<br/>Approval of this amendment would allow<br/>public funds to be used for the restoration of<br/>places of worship that have historical<br/>significance.</p> |

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STATEMENT

7       This concurrent resolution proposes an amendment to the State  
8 Constitution to allow public funds to be used for the historic  
9 preservation of churches or other places of worship as part of a  
10 historic preservation program.  
11       This concurrent resolution is in response to a recent New Jersey  
12 Supreme Court decision, Freedom From Religion Foundation v.  
13 Morris County Board of Chosen Freeholders, (Docket No. 079277).  
14 This court decision found that the award by Morris County of  
15 taxpayer funds to repair twelve churches, as part of a historic  
16 preservation program, violates Article I, paragraph 3, known as the  
17 “Religious Aid Clause” of the New Jersey Constitution.  
18       Under current law, counties are authorized to establish “County  
19 Open Space, Recreation, Floodplain Protection, and Farmland and  
20 Historic Preservation Trust Funds,” and municipalities are also  
21 authorized to establish similar funds. These funds are often referred  
22 to as “open space trust funds,” and may only be established by a

1 county or municipality with voter approval to annually levy funds  
2 for the acquisition, development, or maintenance of lands for  
3 recreation and conservation purposes, acquisition of farmland for  
4 farmland preservation purposes, historic preservation of historic  
5 properties, and other similar purposes. In 2002, the voters of  
6 Morris County authorized the county to provide historic  
7 preservation funding under a trust fund established by this property  
8 tax levy.

9 The New Jersey Supreme Court found, in Freedom From  
10 Religion Foundation v. Morris County Board of Chosen  
11 Freeholders, that the use of these taxpayer funds for historic  
12 preservation activities at a church or other place of worship violates  
13 the “Religious Aid Clause” of the New Jersey Constitution. This  
14 constitutional amendment, if approved by the voters, would allow  
15 public funds to be used for historic preservation activities at  
16 churches or other places of worship as part of a historic  
17 preservation program.