

Article VI, Section VIII New Jersey Constitution

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

New Jersey Constitution: Article VI, Section VII (Provides for the transfer of certain judicial and probation costs from the county to the State by July 1, 1997)

BILL NO: SCR58

SPONSOR: Gormley and DiFrancesco

DATE INTRODUCED: May 21, 1992

COMMITTEE: ASSEMBLY: ---

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: June 29, 1992

SENATE: June 29, 1992

ADDED EFFECTIVE: December 3, 1992

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: Yes

NEWSPAPER ARTICLES: Yes

(continued)

974.90 G191, 1992a [Public hearing before Senate Judiciary Committee: Senate concurrent resolution no. 58 \(1R\), provides for the transfer of certain judicial and probation costs from the county to the state by July 1, 1997; and Senate concurrent resolution no. 50, proposes amendment to the Constitution to permit wagering in person at casino on the results of sports events.](#) By New Jersey. Legislature. Senate. Judiciary Committee.
Trenton, N.J.: Office of Legislative Services, Public Information Office, Hearing Unit, [1992]

July 14, 1992, "Lynch hits 'amendment blitz,'" Trenton Times, p. 1

February 3, 1992, "Court Funding Suit Dismissed in Essex," 130 N.J.L.J. 296, (1 page)

February 10, 1992, "Twixt Pete and Paul: Court Caught in Fiscal Crossfire," 130 N.J.L.J. 372, (2 pages)

February 17, 1992, "Enforcing the inherent power of the courts," 130 N.J.L.J. 489, (2 pages)

April 6, 1992, "New Life for State Court Funding," 130 N.J.L.J. 1136, (1 page)

May 4, 1992, "Abdication of Responsibility," 131 N.J.L.J. 14, (1 page)

June 15, 1992, "Verbatim: Text of Chief Justice's Testimony on State Funding of the Courts," 131 N.J.L.J. 542, (2 pages)

June 22, 1992, "Money Where the Mouth Is (State Constitution amendment to have State assume costs of Superior Court System)," 131 N.J.L.J. 610 (1 page),

August 10, 1992, "Three Constitutional Amendments on Ballot in Fall, Court Costs, Death Penalty Issues Voters Will Decide," 131 N.J.L.J. 1191, (2 pages)

September 28, 1992, "Hands off the Constitution," 132 N.J.L.J. 162, (1 page)

November 2, 1992, "Mandate for Change," 132 N.J.L.J. 534, (1 page)

November 9, 1992, "Voters Say Yes; Now, Call the Laws, Approval of Ballot Questions Sparks Infighting" 132 N.J.L.J. 588, (2 pages)

LAW/RWH

Article VI, Section VIII New Jersey Constitution

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LAW/RWH

[FIRST REPRINT]
SENATE CONCURRENT RESOLUTION No. 58

STATE OF NEW JERSEY

INTRODUCED MAY 21, 1992

By Senators GORMLEY, DiFRANCESCO, Lynch, Bassano,
Kosco, O' Connor, Zane, Girgenti, Cafiero, Brown,
Dimon and Bennett

1 A CONCURRENT RESOLUTION proposing to add a new section
2 VIII to Article VI of the Constitution of the State of New
3 Jersey.

4
5 BE IT ENACTED by the Senate and General Assembly of the
6 State of New Jersey:

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

9
10 PROPOSED AMENDMENT

11 a. Amend Article VI by adding a new section VIII as follows:

12
13 Section VIII

14
15 1. a. On or before July 1, 1997:

16 (1) The State shall be required to pay for certain judicial ¹and
17 probation¹ costs;

18 (2) All judicial employees and probation employees shall be
19 employees of the State; and

20 (3) Any judicial fees and probation fees collected shall be paid
21 to the State Treasury.

22 b. As used in this section:

23 (1) ¹["County judicial employees" means the employees of the
24 surrogate's office and the sheriff's office who perform judicial
25 functions]"Judicial facility costs" means any costs borne by the
26 counties prior to July 1, 1993 with regard to the operation and
27 maintenance of facilities used by the courts or judicial
28 employees¹;

29 (2) ¹["County judicial costs" means any costs incurred by
30 county judicial employees in performing judicial
31 functions]"Probation facility costs" means any costs borne by the
32 counties prior to July 1, 1993 with regard to the operation and
33 maintenance of facilities used by probation employees¹;

34 (3) "Judicial costs" means the costs incurred by the county for
35 funding the judicial system, including but not limited to the
36 following costs: salaries, health benefits and pension payments of
37 all judicial employees, juror fees and library material costs
38 ¹except that judicial costs shall not include costs incurred by
39 employees of the surrogate's office or judicial facility costs¹;

40 (4) "Judicial employees" means any person employed by the
41 county prior to July 1, ¹[1997] ¹1993¹ to perform judicial

42
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.

Matter enclosed in superscript numerals has been adopted as follows:
¹ Senate SJU committee amendments adopted June 8, 1992.

1 functions, including but not limited to employees working for the
2 courts, and the law library ¹and employees of the sheriff's office
3 who act as court aides¹, except that ¹[county judicial employees]
4 employees of the surrogate's office¹ and probation employees
5 shall not be construed to be judicial employees;

6 (5) "Judicial fees" means any fees or fines collected by the
7 judiciary but shall not include sheriff's or surrogate's fees or
8 municipal court fees or fines;

9 (6) "Judicial functions" means any duties and responsibilities
10 performed in providing any services and direct support necessary
11 for the effective operation of the judicial system;

12 (7) "Probation costs" means any costs incurred by the county
13 for the operation of the county probation department, including
14 but not limited to the costs of salaries, health benefits, and
15 pension payments of probation employees ¹but shall not include
16 probation facility costs¹;

17 (8) "Probation employees" means ¹[the officers and employees
18 of a county's probation department] any person employed by a
19 county probation department prior to July 1, 1993¹;

20 (9) "Probation fees" means any fees or fines collected in
21 connection with the probation of any persons.

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

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

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

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

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

41 b. In every municipality the following question:

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	YES.	<p>CONSTITUTIONAL AMENDMENT TO REQUIRE STATE FUNDING OF THE JUDICIAL SYSTEM</p> <p>Shall the amendment to Article VI, agreed to by the Legislature requiring the State to assume by July 1, 1997 certain costs now borne by the counties ¹through the county property tax levy¹ in connection with the judicial system, be adopted?</p>
	NO.	<p>INTERPRETIVE STATEMENT</p> <p>Adoption of this amendment would require the State to assume by July 1, 1997 certain costs now borne by county taxpayers in connection with the judicial system. County employees employed by the court system and all employees of county probation departments would become State employees by that date. The State would be responsible for their salaries, health benefits and pension payments. As of that date, all judicial fees and probation fees would be paid to the State Treasury.</p>

Provides for the transfer of certain judicial and probation costs from the county to the State by July 1, 1997.

SENATE CONCURRENT RESOLUTION No. 58

STATE OF NEW JERSEY

INTRODUCED MAY 21, 1992

By Senators GORMLEY, DiFRANCESCO, Lynch, Bassano,
Kosco, O'Connor, Zane, Girgenti, Cafiero, Brown,
Dimon and Bennett

1 A CONCURRENT RESOLUTION proposing to add a new section
2 VIII to Article VI of the Constitution of the State of New
3 Jersey.

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5 BE IT ENACTED by the Senate and General Assembly of the
6 State of New Jersey:

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

9
10 PROPOSED AMENDMENT

11
12 a. Amend Article VI by adding a new section VIII as follows:

13
14 Section VIII

15
16 1. a. On or before July 1, 1997:

17 (1) The State shall be required to pay for certain judicial costs;

18 (2) All judicial employees and probation employees shall be
19 employees of the State; and

20 (3) Any judicial fees and probation fees collected shall be paid
21 to the State Treasury.

22 b. As used in this section:

23 (1) "County judicial employees" means the employees of the
24 surrogate's office and the sheriff's office who perform judicial
25 functions;

26 (2) "County judicial costs" means any costs incurred by county
27 judicial employees in performing judicial functions;

28 (3) "Judicial costs" means the costs incurred by the county for
29 funding the judicial system, including but not limited to the
30 following costs: salaries, health benefits and pension payments of
31 all judicial employees, juror fees and library material costs;

32 (4) "Judicial employees" means any person employed by the
33 county prior to July 1, 1997 to perform judicial functions,
34 including but not limited to employees working for the courts,
35 and the law library, except that county judicial employees and
36 probation employees shall not be construed to be judicial
37 employees;

38 (5) "Judicial fees" means any fees or fines collected by the
39 judiciary but shall not include sheriff's or surrogate's fees or
40 municipal court fees or fines;

41 (6) "Judicial functions" means any duties and responsibilities
42 performed in providing any services and direct support necessary
43 for the effective operation of the judicial system;

44 (7) "Probation costs" means any costs incurred by the county
45 for the operation of the county probation department, including

1 but not limited to the costs of salaries, health benefits, and
 2 pension payments of probation employees;

3 (8) "Probation employees" means the officers and employees
 4 of a county's probation department;

5 (9) "Probation fees" means any fees or fines collected in
 6 connection with the probation of any persons.

7 2. When this proposed amendment to the Constitution is finally
 8 agreed to pursuant to Article IX, paragraph 1 of the Constitution,
 9 it shall be submitted to the people at the next general election
 10 occurring more than three months after the final agreement and
 11 shall be published at least once in at least one newspaper of each
 12 county designated by the President of the Senate, the Speaker of
 13 the General Assembly and the Secretary of State, not less than
 14 three months prior to the general election.

15 3. This proposed amendment to the Constitution shall be
 16 submitted to the people at that election in the following manner
 17 and form:

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

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

22 If you favor the proposition printed below make a cross (x), plus
 23 (+) or check (v) in the square opposite the word "Yes." If you are
 24 opposed thereto make a cross (x), plus (+) or check (v) in the
 25 square opposite the word "No."

26 b. In every municipality the following question:

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YES.	<p>CONSTITUTIONAL AMENDMENT TO REQUIRE STATE FUNDING OF THE JUDICIAL SYSTEM</p> <p>Shall the amendment to Article VI, agreed to by the Legislature requiring the State to assume by July 1, 1997 certain costs now borne by the counties in connection with the judicial system, be adopted?</p>
NO.	<p>INTERPRETIVE STATEMENT</p> <p>Adoption of this amendment would require the State to assume by July 1, 1997 certain costs now borne by county taxpayers in connection with the judicial system. County employees employed by the court system and all employees of county probation departments would become State employees by that date. The State would be responsible for their salaries, health benefits and pension payments. As of that date, all judicial fees and probation fees would be paid to the State Treasury.</p>

STATEMENT

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This resolution would require the transfer of certain court-related costs presently borne by the counties to be transferred to the State by July 1, 1997. After transfer, all judicial employees and probation employees would be employees of the State; any judicial or probation costs would be paid by the State, and judicial and probation fees collected shall be paid to the State.

Provides for the transfer of certain judicial and probation costs from the county to the State by July 1, 1997.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE CONCURRENT RESOLUTION No. 58

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 8, 1992

The Senate Judiciary Committee reports favorably and with committee amendments Senate Concurrent Resolution No. 58.

SCR58 proposes to add an amendment to the New Jersey's Constitution requiring the State to assume by July 1, 1997 certain costs now borne by county taxpayers in connection with the judicial system. County employees engaged in judicial duties and all employees of county probation departments would be mandated to become State employees by that date.

The amendments adopted by the committee clarify that costs presently borne by the counties with regard to the operation and maintenance of facilities used by the courts and probation departments would not be assumed by the State. The amendments also add a phrase to the ballot question to clarify that the costs which the State will assume are costs presently paid through the county property tax levy. In addition, these amendments would also include employees of sheriffs' offices who act as court aides among those county employees who would be transferred to the State.

SENATE JUDICIARY COMMITTEE

ADOPTED

AMENDMENTS

JUN 8 1992

to

SCR, No. 58

(Sponsored by Senators Gormley/DiFrancesco)

REPLACE SECTION 1 TO READ:

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

PROPOSED AMENDMENT

a. Amend Article VI by adding a new section VIII as follows:

Section VIII

1. a. On or before July 1, 1997:

(1) The State shall be required to pay for certain judicial ¹and probation¹ costs;

(2) All judicial employees and probation employees shall be employees of the State; and

(3) Any judicial fees and probation fees collected shall be paid to the State Treasury.

b. As used in this section:

(1) ¹["County judicial employees" means the employees of the surrogate's office and the sheriff's office who perform judicial functions]; judicial facility costs" means any costs borne by the counties prior to July 1, 1993 with regard to the operation and maintenance of facilities used by the courts or judicial employees¹;

(2) ¹["County judicial costs" means any costs incurred by county judicial employees in performing judicial functions]; Probation facility costs" means any costs borne by the counties prior to July 1, 1993 with regard to the operation and maintenance of facilities used by probation employees¹;

(3) "Judicial costs" means the costs incurred by the county for funding the judicial system, including but not limited to the following costs: salaries, health benefits and pension payments of all judicial employees, juror fees and library material costs ¹, except that judicial costs shall not include costs incurred by employees of the surrogate's office or judicial facility costs¹;

(4) "Judicial employees" means any person employed by the county prior to July 1, ¹[1997] ¹1993¹ to perform judicial functions, including but not limited to employees working for the courts, ¹and the law library ¹and employees of the sheriff's office who act as court aides¹, except that ¹[county judicial employees] employees of the surrogate's office¹ and probation employees shall not be construed to be judicial employees;

(5) "Judicial fees" means any fees or fines collected by the judiciary but shall not include sheriff's or surrogate's fees or municipal court fees or fines;

- (6) "Judicial functions" means any duties and responsibilities performed in providing any services and direct support necessary for the effective operation of the judicial system;
- (7) "Probation costs" means any costs incurred by the county for the operation of the county probation department, including but not limited to the costs of salaries, health benefits, and pension payments of probation employees but shall not include probation facility costs;
- (8) "Probation employees" means [the officers and employees of a county's probation department] any person employed by a county probation department prior to July 1, 1993;
- (9) "Probation fees" means any fees or fines collected in connection with the probation of any persons.

REPLACE SECTION 3 TO READ:

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

CONSTITUTIONAL AMENDMENT TO REQUIRE
STATE FUNDING OF THE JUDICIAL SYSTEM

- YES. Shall the amendment to Article VI, agreed to by the Legislature, requiring the State to assume by July 1, 1997 certain costs now borne by the counties through the county property tax levy in connection with the judicial system, be adopted?

INTERPRETIVE STATEMENT

- NO. Adoption of this amendment would require the State to assume by July 1, 1997 certain costs now borne by county taxpayers in connection with the judicial system. County employees employed by the court system and all employees of county probation departments would become State employees by that date. The State would be responsible for their salaries, health benefits and pension payments. As of that date, all judicial fees and probation fees would be paid to the State Treasury.

LEGISLATIVE FISCAL ESTIMATE TO
[FIRST REPRINT]
SENATE CONCURRENT RESOLUTION No. 58
STATE OF NEW JERSEY

DATED: July 16, 1992

Senate Concurrent Resolution No. 58 [1R] of 1992 would require the State to assume certain county judicial and probation costs on or before July 1, 1997. The resolution would require the State to assume any costs incurred by counties for funding the judicial system, including but not limited to the salaries and fringe benefit costs of all county judicial and probation employees. The State would be specifically exempted from assuming costs associated with the county surrogate's office or related to the ongoing operation and maintenance of facilities used by judicial or probation employees prior to July 1, 1993. The operational and maintenance costs of such facilities created after July 1, 1993 would be a State fiscal responsibility.

Under the resolution, all judicial and probation fees and revenues currently paid to the counties, with the exception of surrogate's fees and municipal court fees or fines, would be paid to the State Treasury on or before July 1, 1997.

The Office of Legislative Services (OLS) has obtained fiscal information from the Administrative Office of the Courts (AOC). According to this information, the State would be required to assume at least \$239.9 million in annual county judicial and probation net costs by July 1, 1997. These costs include the estimated annual salaries and fringe benefit costs of all county judicial and probation employees (\$277.5 million) as well as estimated administrative overhead costs (printing, mail courier, postage, vehicle maintenance, janitorial services, telephones) of \$19.9 million. These costs would be offset by estimated annual judicial and probation revenues of \$57.5 million to be collected by the State Treasury. The estimated costs and revenues are reportedly based on calendar year 1991 county appropriations and revenue data adjusted by the AOC for inflation through FY 1993.

Due to a lack of sufficient background material, the OLS is not able to determine whether the AOC's net cost estimate is reasonable. The AOC has stated that these net costs do not include additional centralized management and administrative services and equipment required for state assumption of county judicial and probation functions. The AOC estimates that such services could increase the cost of takeover by up to \$10.0 million annually.

The OLS suggests that although such centralized services are probably required, it may be possible to achieve their funding through the more efficient deployment of personnel that could result from a centralized court system. Thus, since efficiencies could be achieved through state takeover of county courts, it may be premature to estimate additional costs to those that would be directly assumed by the State.

This fiscal estimate has been prepared pursuant to P.L. 1980, c. 67.