

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

July 2, 2012

ASSEMBLY BILL NO. 3202

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3202 without my approval. This bill would make a supplemental Fiscal Year 2013 appropriation of nearly \$800 million to be funded with the proceeds of a proposed gross income tax increase, which I conditionally vetoed today with the recommendation that the bill, Assembly Bill No. 3201, be amended to implement a responsible, compromise income tax cut plan. For the third year in a row, there will be no tax increases in New Jersey. Accordingly, this legislative proposal to redistribute the revenues from new taxes must be vetoed.

It is clear that the sponsors and proponents of this bill anticipated my vetoes. Unlike the ordinary fruits of the professional bill drafting process, Assembly Bill No. 3202 reads like a majority office press release. The bill's synopsis, for example, transcends statutory norms by employing terms, such as "beleaguered," typically reserved for political usage. Other parts of the accompanying bill statement are likewise replete with adverbs and adjectives that appear to have been borrowed from the partisan press offices. According to the statement, proceeds from the proposed tax increase would be provided to "beleaguered homeowners and tenants who creak under" the weight of property taxes. Among the prose, however, there is no mention of any legislative activity designed to lower property taxes, such as the toolkit reforms proposed by my Administration and presently languishing in the Legislature. Taxpayers will remain "beleaguered" and continue to "creak" until real solutions, not more short-sighted tax increases, are adopted.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

Looking beyond the political games and the legislative majority's obsession with endlessly taxing the people of our State, there are serious legal and constitutional problems with the cynical approach embodied in this bill. Presented as a "supplement" to the Fiscal Year 2013 budget, this politically packaged spending proposal obviously should have been included within the Fiscal Year 2013 budget itself. It was introduced before the 2013 budget was drafted, refers to and is conditioned upon the enactment of the budget, and was considered contemporaneously with the budget bill, but the spending it proposes was not included in the budget along with all other foreseeable expenditures. As noted last year in vetoing a similarly unlawful political gambit -- Assembly Bill No. 4203 (2011) -- Article VIII, Section II, Paragraph 2 of the State Constitution unambiguously requires the Legislature to appropriate annually all moneys for the support of State government and for all other State purposes as far as can be ascertained and reasonably foreseen in a single annual appropriation law covering the entire fiscal year. Not only was the spending proposed in this bill ascertainable and foreseeable at the time the budget was prepared, it was in fact ascertained and foreseen. No legitimate reason suggests itself to explain why the items of appropriation contained in this bill were not presented as part of the Fiscal Year 2013 budget document.

The New Jersey Constitution wisely establishes clear roles for the Legislature and the Governor in conducting the State's fiscal affairs. While the power to appropriate moneys and to pass revenue-raising measures lies solely with the Legislature, that power is constrained by other clearly articulated constitutional principles. For the second consecutive year the

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

3

legislative majority has brazenly ignored one such principle, the requirement that there be a single general appropriation law, for perceived political gain. Because this bill is a poorly executed attempt to implement a fundamentally flawed tax policy, I am returning it without my signature.

Respectfully,

/s/ Chris Christie
Governor

[seal]

Attest:

/s/ Charles B. McKenna
Chief Counsel to the Governor