



N.J. millionaires tax: Don't use constitution as an end-run (Opinion)

1 CHARTER GORDON YEPELLO

This photo shows the New Jersey Constitution Convention held at Rutgers University in August 1947. The state constitution has been amended some 50 times since the convention was held. (Special Collection and University Archives, Rutgers University Libraries)

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Establishing tax rates by way of the Constitution is the camel poking its nose into the tent.

By Carl Golden

The frustrations of the Democratic legislative leadership are understandable. Despite holding majorities in both houses, their major initiatives have been thwarted by a governor who relishes wielding his veto power and a Republican minority united in sustaining him.

Their alternative, though — bypassing the executive by amending the state constitution to enact their policies — is misguided.

The constitution spells out the powers and authority of the branches of government, maintains their separation and establishes limits on what each is permitted to do.

It was never intended to be a backdoor mechanism to write laws. It establishes the process by which the branches function; it doesn't dictate what that process ultimately produces.

At the same time, to avoid frivolous amendments, they provided a fairly arduous process for constitutional changes.

A three-fifths vote of the Legislature is required to place a proposal on the ballot and, if that number isn't reached, it's necessary to approve the amendment in two consecutive legislative years.

The drafters understood amendments should not be taken lightly and safeguards should exist to avoid using the process for political ends.

Should the Democratic leadership put the tax surcharge to referendum, the earliest it could appear on the

It is, though, preferable to utilizing the constitution as a substitute for it.

Carl Golden is a senior contributing analyst with the William J. Hughes Center for Public Policy at the Richard Stockton College of New Jersey. An earlier version of this essay appeared on NJ Spotlight.

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