

**ASSEMBLY CONCURRENT
RESOLUTION No. 200**

**STATE OF NEW JERSEY
214th LEGISLATURE**

INTRODUCED JUNE 20, 2011

Sponsored by:

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Urges Congress to enact H.J.Res. 46, proposing constitutional amendment permitting repeal of any federal law or regulation by two-thirds vote of state legislatures.

CURRENT VERSION OF TEXT

As introduced.



1 **A CONCURRENT RESOLUTION** urging the Congress of the United
2 States to enact H.J.Res. 46, proposes constitutional amendment
3 permitting the repeal of any federal law or regulation by a two-
4 thirds vote of the state legislatures.

5
6 **WHEREAS**, Article I of the United States Constitution begins “All
7 legislative powers herein granted shall be vested in a Congress”;
8 and

9 **WHEREAS**, The Congress has exceeded the legislative powers granted
10 in the Constitution, thereby encroaching on the powers that are
11 “reserved to the States respectively, or to the people” as the Tenth
12 Amendment affirms and the rights “retained by the people” to
13 which the Ninth Amendment refers; and

14 **WHEREAS**, This encroachment includes the accumulation of federal
15 debt, which combined with interest represents a future tax, and is of
16 such great proportion that responsibility for its payment will be
17 passed to future, unborn generations of Americans to assume
18 without their consent, thereby disparaging their rights; and

19 **WHEREAS**, This encroachment also includes compelling state and
20 local governments to comply with federal laws and regulations
21 without accompanying funding for such mandates; and

22 **WHEREAS**, H.J.Res. 46 proposes an amendment to the Constitution to
23 permit the repeal of any federal law or regulation by a vote of two-
24 thirds of the state legislatures; and

25 **WHEREAS**, An Article V Constitutional Convention, as opposed to
26 Congress passing H.J.Res. 46, could subject the United States
27 Constitution to radical revisions; and

28 **WHEREAS**, The Constitution should be amended in order to halt
29 federal encroachment and restore a proper balance between the
30 powers of Congress and those of the several states, and to prevent
31 the denial or disparagement of the rights retained by the people;
32 now, therefore,

33

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

36

37 1. The State of New Jersey calls upon the Congress to pass
38 H.J.Res. 46 which permits the repeal of any federal law or
39 regulation by a vote of two-thirds of the state legislatures.

40

41 2. The passage of this resolution is not to be construed as
42 encouraging or calling for a Constitutional Convention.

43

44 3. Duly authenticated copies of this resolution, signed by the
45 Speaker of the General Assembly and the President of the Senate
46 and attested to by the Clerk of the General Assembly and the
47 Secretary of the Senate, shall be transmitted to the Speaker and
48 Minority Leader of the United States House of Representatives, the

1 Majority and Minority Leaders of the United States Senate, and the
2 members of the New Jersey Congressional Delegation.

3

4

5

STATEMENT

6

7 This concurrent resolution urges the Congress to pass H.J.Res.
8 46 which proposes a constitutional amendment to permit the repeal
9 of any federal law or regulation by a vote of two-thirds of the state
10 legislatures. The passage of the resolution is not to be construed as
11 encouraging or calling for a Constitutional Convention

12 The framers of the United States Constitution intended
13 federalism, as protected by the 10th Amendment of the United
14 States Constitution, to serve as a check on the power of the federal
15 government. Any substantial or potentially substantial alteration of
16 federalism is a constitutional issue of national significance, not an
17 issue internal to the federal government, to be addressed by one or
18 more branches of the federal government only. Congress has a duty
19 to the American people to uphold the United States Constitution,
20 and to preserve the balance between the appropriate role of the
21 federal government and the rights of the states and the people.