ASSEMBLY CONCURRENT RESOLUTION No. 181

STATE OF NEW JERSEY 219th LEGISLATURE

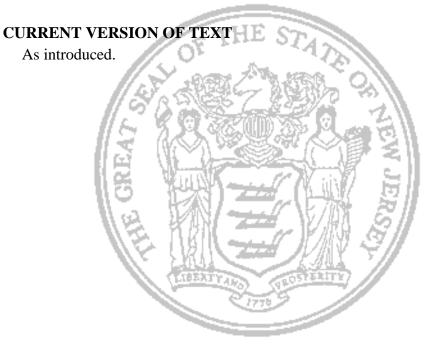
INTRODUCED JUNE 18, 2020

Sponsored by: Assemblyman GREGORY P. MCGUCKIN District 10 (Ocean) Assemblyman JOHN CATALANO District 10 (Ocean) Assemblyman HAROLD "HAL" J. WIRTHS District 24 (Morris, Sussex and Warren)

Co-Sponsored by: Assemblymen Space, DiMaio and S.Kean

SYNOPSIS

Proposes constitutional amendment to limit effective period of certain emergency orders, rules, or regulations issued by Governor to 14 days.



(Sponsorship Updated As Of: 11/8/2021)

1 A CONCURRENT RESOLUTION proposing to amend Article V, 2 Section I of the New Jersey Constitution by adding a new 3 paragraph. 4 5 BE IT RESOLVED by the General Assembly of the State of New 6 Jersey (the Senate concurring): 7 8 1. The following proposed amendment to the Constitution of the 9 State of New Jersey is hereby agreed to: 10 11 PROPOSED AMENDMENT 12 13 Amend Article V, Section I, by adding a new paragraph 16 to read 14 as follows: 15 16. Any emergency order, rule, or regulation issued by the 16 Governor during a period of a state of emergency shall terminate on 17 the 15th day following the date of issuance, unless approved for a 18 greater period by the Legislature pursuant to a concurrent resolution. 19 The Governor shall not issue, for the same emergency, an order, rule, 20 or regulation to the same or substantially the same effect as the one 21 terminated pursuant to this paragraph. This paragraph shall not apply 22 to any order, rule, or regulation: (a) rescinding an order, rule, or 23 regulation issued pursuant to the New Jersey "Civil Defense and 24 Disaster Control Act," P.L.1942, c.251 (C.App.A:9-33 et seq.), or a 25 successor State statute; (b) issued pursuant to direction by or 26 agreement with the federal government, in compliance with federal 27 law, or such that application of this paragraph would jeopardize the 28 receipt of federal funds by this State; (c) applying exclusively to any 29 or all of the executive and administrative offices, departments, and 30 instrumentalities of the State government; (d) issued under the 31 authority of the Governor as the Commander-in-Chief of all the 32 military and naval forces of the State; or (e) issued pursuant to any 33 other provision of law providing for a greater period, notwithstanding 34 that such order, rule, or regulation invokes any authority under the provisions of the New Jersey "Civil Defense and Disaster Control 35 Act," P.L.1942, c.251 (C.App.A:9-33 et seq.), or a successor State 36 37 statute. 38 (cf: Art. V. Sec. I, par. 10, amended effective January 17, 2006) 39 40 2. When this proposed amendment to the Constitution is finally 41 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it 42 shall be submitted to the people at the next general election occurring 43 more than three months after the final agreement and shall be 44 published at least once in at least one newspaper of each county 45 designated by the President of the Senate, the Speaker of the General 46 Assembly and the Secretary of State, not less than three months prior 47 to the general election.

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1 3. This proposed amendment to the Constitution shall be 2 submitted to the people at that election in the following manner and 3 form:

4 There shall be printed on each official ballot to be used at the 5 general election, the following:

6 a. In every municipality in which voting machines are not used,

7 a legend which shall immediately precede the question as follows:

8 If you favor the proposition printed below make a cross (X), plus

- 9 (+), or check (\checkmark) 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."

12 b. In every municipality the following question:

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	CONSTITUTIONAL AMENDMENT TO
	LIMIT THE EFFECTIVE PERIOD OF
	CERTAIN EMERGENCY ORDERS,
	RULES OR REGULATIONS ISSUED BY
	THE GOVERNOR
	Do you approve amending the
	Constitution to limit to 14 days certain orders
	issued by the Governor for an emergency?
	The amendment would also apply to
	certain rules and regulations issued for an
YES	emergency.
	Certain emergency orders issued pursuant
	to federal law or those that only apply to the
	executive branch of State government would
	not be limited to 14 days. The Governor
	could also issue orders concerning the New
	Jersey National Guard without a time limit.
	The Legislature may approve a longer
	period of time that emergency orders, rules,
	or regulations be in effect.

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STATEMENT

5 This constitutional amendment provides that certain emergency 6 orders, rules, or regulations issued by the Governor during a period 7 of a state of emergency will terminate on the 15th day following the 8 date of issuance, unless the Legislature approves a greater period of 9 time by way of a concurrent resolution. The constitutional 10 amendment prohibits the Governor from issuing an order, rule, or regulation to the same or substantially the same effect as the one 11 12 terminated pursuant to the amendment for the same emergency.

13 The constitutional amendment does not apply to orders, rules, or 14 regulations:

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(1) rescinding an order, rule, or regulation issued pursuant to the
 "Civil Defense and Disaster Control Act," or a successor State
 statute;

4 (2) issued pursuant to direction by or agreement with the federal
5 government, in compliance with federal law, or to the extent that
6 application of the bill would jeopardize the receipt of federal funds
7 by the State;

(3) applying exclusively to the executive branch;

9 (4) issued under the Governor's authority as the Commander-in-10 Chief of the military and naval forces of the State; or

11 (5) issued pursuant to a provision of law providing for a greater

- 12 period, notwithstanding that the order, rule, or regulation may also
- 13 cite to an authority provided under the "Civil Defense and Disaster

14 Control Act," or a successor State statute.

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