

**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.

CURRENT VERSION OF TEXT

As introduced.



(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.

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

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

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11 PROPOSED AMENDMENT

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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
35 provisions of the New Jersey "Civil Defense and Disaster Control
36 Act," P.L.1942, c.251 (C.App.A:9-33 et seq.), or a successor State
37 statute.

38 (cf: Art. V. Sec. I, par. 10, amended effective January 17, 2006)

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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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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:

		<p>CONSTITUTIONAL AMENDMENT TO LIMIT THE EFFECTIVE PERIOD OF CERTAIN EMERGENCY ORDERS, RULES OR REGULATIONS ISSUED BY THE GOVERNOR</p> <p>Do you approve amending the Constitution to limit to 14 days certain orders issued by the Governor for an emergency?</p> <p>The amendment would also apply to certain rules and regulations issued for an emergency.</p> <p>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.</p> <p>The Legislature may approve a longer period of time that emergency orders, rules, or regulations be in effect.</p>
	YES	

		<p>INTERPRETIVE STATEMENT</p> <p>This constitutional amendment would limit to 14 days certain orders, rules, or regulations issued by the Governor for an emergency.</p> <p>Currently, State law allows the Governor to issue orders, rules, or regulations in response to an emergency. There is no time limit on such orders, rules, or regulations.</p> <p>This amendment would require certain emergency orders, rules, or regulations issued by the Governor to end after 14 days.</p> <p>Emergency orders, rules, or regulations that apply only to the executive branch, are required by federal law, or are issued under the Governor’s power as head of the New Jersey National Guard are not subject to a time limit.</p> <p>The Legislature may approve a longer period of time that emergency orders, rules, or regulations be in effect.</p> <p>A “yes” vote would change the Constitution to limit to 14 days certain emergency orders, rules, or regulations issued by the Governor.</p> <p>A “no” vote would leave the Constitution unchanged. The Governor would continue to decide how long an emergency order, rule, or regulation will last when State law does not provide a limit.</p>
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STATEMENT

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

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

- 1 (1) rescinding an order, rule, or regulation issued pursuant to the
- 2 “Civil Defense and Disaster Control Act,” or a successor State
- 3 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;
- 8 (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.