

ASSEMBLY CONCURRENT RESOLUTION No. 39

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman FARRAGHER and Assemblyman GREGG

- 1 A CONCURRENT RESOLUTION memorializing the Congress of the United
2 States to propose, and other State legislatures to support, an amendment
3 to Article V of the United States Constitution that will enable three-fourths
4 of the states to amend the Constitution subject to a congressional veto.
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- 6 WHEREAS, All 33 amendments proposed to the United States Constitution
7 since 1788 have been initiated by Congress; and
- 8 WHEREAS, More than 400 petitions from the several states requesting a
9 constitutional convention to propose amendments have been filed with
10 Congress but have never resulted in the calling of a convention or adoption
11 of an amendment; and
- 12 WHEREAS, There should be a proper balance of national and state power in
13 a federal system; the present mechanism for the states to initiate a
14 constitutional convention has proved to be unworkable; and the envisioned
15 and desirable equipoise between national and state powers requires a
16 means for the several states to be able to propose amendments to the
17 Constitution; and
- 18 WHEREAS, An Intergovernmental Partnership Task Force has proposed in its
19 1989 report to the Intergovernmental Affairs Committee of The Council of
20 State Governments an amendment to Article V of the United States
21 Constitution to establish a thoughtful balancing of national and state
22 interests in the constitutional amendment process; and
- 23 WHEREAS, The gist of the task force's proposal is to enable the legislatures of
24 three-fourths of the states to propose amendments to the Constitution
25 subject to the veto of the Congress by a two-thirds vote of both Houses
26 within two years of the states' submission of the amendments; and
- 27 WHEREAS, This proposal embodies a prudent method for constitutional
28 amendments to be initiated by a substantial majority of the several states
29 and yet subject to veto by the Congress; now, therefore,

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

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4 1. The Legislature of this State respectfully memorializes the Congress of
5 the United States to propose an amendment to Article V which in essence
6 provides that:

7 Whenever three-fourths of the Legislatures of the several states deem it
8 necessary, they shall propose amendments to this Constitution. After two
9 years from the date of receipt by the Clerk of the House of Representatives
10 of a certified copy of the proposed amendments from the state which
11 represents three-fourths or more of the several states, the proposed
12 amendments shall be valid to all intents and purposes as part of this
13 Constitution, unless disapproved by two-thirds of both Houses of Congress
14 within that two-year period. Each state shall have the power to rescind its
15 action to propose the amendments only until the beginning of that two-year
16 period.

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18 2. The Legislature of this State urges the legislatures of the several states
19 to similarly apply to Congress for the proposal of the aforesaid amendment to
20 the Constitution of the United States.

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22 3. A duly authenticated copy of this resolution, signed by the President of
23 the Senate and the Speaker of the General Assembly and attested by the
24 Secretary of the Senate and the Clerk of the General Assembly shall be
25 forwarded to the President of the United States Senate and the Speaker of the
26 House of Representatives of the United States, every member of Congress
27 elected from this State and to the legislatures of each of the several states.

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STATEMENT

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32 This concurrent resolution memorializes the Congress of the United States
33 to propose an amendment to the United States Constitution that will enable
34 three-fourths of the states to amend the Constitution subject to a congressional
35 veto. It also urges the legislatures of the several states to support such a
36 proposed constitutional amendment.

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41 Memorializes Congress to propose amendment to U.S. Constitution enabling
42 three-fourths of states to amend Constitution subject to congressional veto;
43 urges other state legislatures to support proposal.