

New Jersey Constitution, Article V, Section IV, paragraph 6

Legislative History Checklist
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Synopsis: Proposes an amendment to the Constitution to permit the Legislature to review administrative rules and regulations.

Bill No.: SCR31

Identical to: ACR73
Substituted for: ACR73 (June 18, 1992)
Combined with:
Last Session Bill No.:

See Above Bill(s) for Additional History

NJ CONSTITUTION: Article V, Section IV, paragraph 6

Sponsor(s): Dorsey+5

Date Introduced: 02/10/92

Committee Reference:

Statement:

Public Hearing:

Assembly:

State Government

Yes

No

Senate:

State Government

Yes

Yes

Sponsor Statement: Yes

Fiscal Note: No

Dates of Passage:

Assembly:

06/18/92 (54-3)

Senate:

05/07/92 (38-0)

Amended During Passage: Yes

Governor's Action:

Veto: No

Date of Veto:

Date of Approval:

Message on Signing: No

Additional Information:

SCR-31 Sponsors: Dorsey, Corman, LaRossa, Bassano, Cafiero, Kyrillos; Assemblymen Haytaian, Warsh
ACR-73 Sponsors: Haytaian, Warsh, Catania, Hartmann, Kelly, Wright, Penn, Azzolina, Nickles, Derman, Garrett, Kamin, Oros, Arnone, Connors, Geist, Gaffney, Sosa, T. Smith, J. Smith, Farragher, Solomon, Weber, Moran, Singer, LoBiondo, Mikulak, Gibson, Zecker

974.90 L 514, 1992f
Public hearing before
Senate State Government
Committee: Senate committee
substitute for Senate
concurrent resolution
no. 31: proposes an
amendment to the Constitution
to permit the Legislature
to review administrative
rules and regulations.
April 2, 1992.

SENATE CONCURRENT RESOLUTION No. 31

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1992

By Senators DORSEY, CORMAN, LaROSSA and BASSANO

1 A **CONCURRENT RESOLUTION** proposing to amend Article V,
2 Section IV, paragraph 6 of the Constitution of the State of New
3 Jersey.

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

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

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PROPOSED AMENDMENT

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Amend Article V, Section IV, paragraph 6 of the Constitution
13 to read as follows:

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6. No rule or regulation made by any department, officer,
agency or authority of this state, except such as relates to the
organization or internal management of the State government or
a part thereof, shall take effect until it is filed either with the
Secretary of State or in such other manner as may be provided by
law. The Legislature shall provide for the prompt publication of
such rules and regulations. The Legislature may invalidate any
rule or regulation, in whole or part, and may prohibit any
proposed rule or regulation, in whole or part, from taking effect
by a vote of two-thirds of the authorized membership of each
House in favor of a concurrent resolution providing for
invalidation or prohibition, as the case may be, of the rule or
regulation. This vote shall not take place until at least 20
calendar days after the placing on the desks of the members of
each House of the Legislature in open meeting of the transcript
of a public hearing held by either House on the invalidation or
prohibition of the rule or regulation.
(cf: Art.V, Sec.IV, par.6)

2. When this proposed amendment to the Constitution is finally
agreed to, pursuant to Article IX, paragraph 1 of the
Constitution, it shall be submitted to the people at the next
general election occurring more than three months after the final
agreement and shall be published at least once in at least one
newspaper of each county designated by the President of the
Senate, the Speaker of the General Assembly and the Secretary
of State, not less than three months prior to the general election.

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

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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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:

	YES.	<p>LEGISLATIVE VETO OF ADMINISTRATIVE RULES AND REGULATIONS</p> <p>Shall the amendment to Article V, Section IV, paragraph 6 of the State Constitution, agreed to by the Legislature, authorizing the Legislature to invalidate existing administrative rules and regulations and to prohibit proposed administrative rules and regulations from taking effect, be adopted?</p>
	NO.	<p>INTERPRETIVE STATEMENT</p> <p>The Supreme Court of New Jersey has ruled that it is unconstitutional for the Legislature to invalidate administrative rules or regulations, except by adopting legislation which is subject to a gubernatorial veto. This proposed amendment responds to that Supreme Court decision by modifying the New Jersey Constitution to allow the Legislature to invalidate existing rules and regulations and to prohibit proposed rules and regulations from taking effect. To do so, either House must hold a public hearing on the invalidation or prohibition of the rule or regulation and two-thirds of the authorized membership of each House must vote in favor of a concurrent resolution providing for invalidation or prohibition, as the case may be, of the rule or regulation. A concurrent resolution would not be subject to a gubernatorial veto.</p>

STATEMENT

The Supreme Court of New Jersey has ruled that it is unconstitutional for the Legislature to invalidate administrative rules or regulations, except by adopting legislation which is subject to a gubernatorial veto. This proposed amendment responds to that Supreme Court decision by modifying the New Jersey Constitution to allow the Legislature to invalidate existing

SCR31

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1 rules and regulations and to prohibit proposed rules and
2 regulations from taking effect. To do so, either House must hold
3 a public hearing on the invalidation or prohibition of the rule or
4 regulation and two-thirds of the authorized membership of each
5 House must vote in favor of a concurrent resolution providing for
6 invalidation or prohibition, as the case may be, of the rule or
7 regulation. A concurrent resolution would not be subject to a
8 gubernatorial veto.

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13 Proposes an amendment to the Constitution to permit the
14 Legislature to veto administrative rules and regulations.

SENATE STATE GOVERNMENT COMMITTEE
STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION No. 31
STATE OF NEW JERSEY

DATED: MARCH 9, 1992

The Senate State Government Committee reports favorably a Senate Committee Substitute for Senate Concurrent Resolution No. 31.

This proposed amendment modifies the New Jersey Constitution to allow the Legislature to review existing and proposed administrative rules and regulations and to invalidate them or prohibit them from taking effect when those rules and regulations have been found to be contrary to legislative intent. To do so, either House must hold a public hearing on the invalidation or prohibition of the rule or regulation and a majority of the authorized membership of each House must vote in favor of a concurrent resolution providing for invalidation or prohibition, as the case may be, of the rule or regulation. A concurrent resolution would not be subject to a gubernatorial veto.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION, No. 31

ADOPTED
MAR 9 1992

STATE OF NEW JERSEY

By Senator DORSEY

A *CONCURRENT RESOLUTION* proposing to amend Article V, Section IV, paragraph 6 of the Constitution of the State of New Jersey.

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

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

PROPOSED AMENDMENT

Amend Article V, Section IV, paragraph 6 to read as follows:

6. No rule or regulation made by any department, officer, agency or authority of this state, except such as relates to the organization or internal management of the State government or a part thereof, shall take effect until it is filed either with the Secretary of State or in such other manner as may be provided by law. The Legislature shall provide for the prompt publication of such rules and regulations. The Legislature may review any rule or regulation to determine if the rule or regulation is consistent with the intent of the Legislature as expressed in the language of the statute which the rule or regulation is intended to implement. Upon a finding that an existing or proposed rule or regulation is not consistent with legislative intent, the Legislature shall transmit this finding in the form of a concurrent resolution to the Governor and the head of the Executive Branch agency which promulgated, or plans to promulgate, the rule or regulation. The agency shall have 30 days to amend or withdraw the existing or proposed rule or regulation. If the agency does not amend or withdraw the existing or proposed rule or regulation, the Legislature may invalidate that rule or regulation, in whole or in part, or may prohibit that proposed rule or regulation, in whole or in part, from taking effect by a vote of a majority of the authorized membership of each House in favor of a concurrent resolution providing for invalidation or prohibition, as the case may be, of the rule or regulation. This vote shall not take place until at least 20 calendar days after the placing on the desks of the members of each House of the Legislature in open meeting of the transcript of a public hearing held by either House on the invalidation or prohibition of the rule or regulation.

(cf: Art.V, Sec.IV, par.6)

2. When this proposed amendment to the Constitution is finally agreed to, pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper each county designated by the President of the Senate, the Speaker of the General Assembly and the Secretary of State, not less than three months prior to the general election.

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:

LEGISLATIVE REVIEW OF ADMINISTRATIVE RULES AND REGULATIONS

YES. Shall the amendment to Article V, Section IV, paragraph 6 of the State Constitution, agreed to by the Legislature, authorizing the Legislature to review existing and proposed administrative rules and regulations and to invalidate them or prohibit them from taking effect when those rules and regulations have been found to be contrary to legislative intent, be adopted?

INTERPRETIVE STATEMENT

NO. This proposed amendment modifies the New Jersey Constitution to allow the Legislature to review existing and proposed administrative rules and regulations and to invalidate them or prohibit them from taking effect when those rules and regulations have been found to be contrary to legislative intent. To do so, either House must hold a public hearing on the invalidation or prohibition of the rule or regulation and a majority of the authorized membership of each House must vote in favor of a concurrent resolution providing for invalidation or prohibition, as the case may be, of the rule or regulation. A concurrent resolution would not be subject to a gubernatorial veto.

Proposes an amendment to the Constitution to permit the Legislature to review administrative rules and regulations.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION No. 31

STATE OF NEW JERSEY

ADOPTED MARCH 9, 1992

Sponsored by Senator DORSEY

1 A CONCURRENT RESOLUTION proposing to amend Article V,
2 Section IV, paragraph 6 of the Constitution of the State of New
3 Jersey.

4
5 BE IT RESOLVED by the Senate of the State of New Jersey
6 (the General Assembly concurring):

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

9

10 PROPOSED AMENDMENT

11

12 Amend Article V, Section IV, paragraph 6 to read as follows:

13 6. No rule or regulation made by any department, officer,
14 agency or authority of this state, except such as relates to the
15 organization or internal management of the State government or
16 a part thereof, shall take effect until it is filed either with the
17 Secretary of State or in such other manner as may be provided by
18 law. The Legislature shall provide for the prompt publication of
19 such rules and regulations. The Legislature may review any rule
20 or regulation to determine if the rule or regulation is consistent
21 with the intent of the Legislature as expressed in the language of
22 the statute which the rule or regulation is intended to
23 implement. Upon a finding that an existing or proposed rule or
24 regulation is not consistent with legislative intent, the
25 Legislature shall transmit this finding in the form of a concurrent
26 resolution to the Governor and the head of the Executive Branch
27 agency which promulgated, or plans to promulgate, the rule or
28 regulation. The agency shall have 30 days to amend or withdraw
29 the existing or proposed rule or regulation. If the agency does
30 not amend or withdraw the existing or proposed rule or
31 regulation, the Legislature may invalidate that rule or regulation,
32 in whole or in part, or may prohibit that proposed rule or
33 regulation, in whole or in part, from taking effect by a vote of a
34 majority of the authorized membership of each House in favor of
35 a concurrent resolution providing for invalidation or prohibition,
36 as the case may be, of the rule or regulation. This vote shall not
37 take place until at least 20 calendar days after the placing on the
38 desks of the members of each House of the Legislature in open
39 meeting of the transcript of a public hearing held by either House
40 on the invalidation or prohibition of the rule or regulation.
41 (cf: Art.V, Sec.IV, par.6)

42 2. When this proposed amendment to the Constitution is finally
43 agreed to, pursuant to Article IX, paragraph 1 of the

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Constitution, it shall be submitted to the people at the next
 2 general election occurring more than three months after the final
 3 agreement and shall be published at least once in at least one
 4 newspaper of each county designated by the President of the
 5 Senate, the Speaker of the General Assembly and the Secretary
 6 of State, not less than three months prior to the general election.

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

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

12 a. In every municipality in which voting machines are not used,
 13 a legend which shall immediately precede the question, as follows:

14 If you favor the proposition printed below make a cross (X),
 15 plus (+) or check (✓) in the square opposite the word "Yes." If you
 16 are opposed thereto make a cross (X), plus (+) or check (✓) in the
 17 square opposite the word "No."

18 b. In every municipality the following question:

<p>19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34</p>	<p>LEGISLATIVE REVIEW OF ADMINISTRATIVE RULES AND REGULATIONS</p> <p>YES. Shall the amendment to Article V, Section IV, paragraph 6 of the State Constitution, agreed to by the Legislature, authorizing the Legislature to review existing and proposed administrative rules and regulations and to invalidate them or prohibit them from taking effect when those rules and regulations have been found to be contrary to legislative intent, be adopted?</p>
<p>35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54</p>	<p>INTERPRETIVE STATEMENT</p> <p>NO. This proposed amendment modifies the New Jersey Constitution to allow the Legislature to review existing and proposed administrative rules and regulations and to invalidate them or prohibit them from taking effect when those rules and regulations have been found to be contrary to legislative intent. To do so, either House must hold a public hearing on the invalidation or prohibition of the rule or regulation and a majority of the authorized membership of each House must vote in favor of a concurrent resolution providing for invalidation or prohibition, as the case may be, of the rule or regulation. A concurrent resolution would not be subject to a gubernatorial veto.</p>

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59 Proposes an amendment to the Constitution to permit the
60 Legislature to review administrative rules and regulations.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION No. 31**

STATE OF NEW JERSEY

DATED: JUNE 15, 1992

The Assembly State Government Committee reports without recommendation Senate Committee Substitute for Senate Concurrent Resolution No. 31.

This proposed amendment modifies the New Jersey Constitution to allow the Legislature to review existing and proposed administrative rules and regulations and to invalidate them or prohibit them from taking effect when those rules and regulations have been found to be contrary to legislative intent. To do so, either House must hold a public hearing on the invalidation or prohibition of the rule or regulation and a majority of the authorized membership of each House must vote in favor of a concurrent resolution providing for invalidation or prohibition, as the case may be, of the rule or regulation. A concurrent resolution would not be subject to a gubernatorial veto.