SENATE STATE GOVERNMENT, WAGERING, TOURISM & HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE CONCURRENT RESOLUTION No. 161

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2021

The Senate State Government, Wagering, Tourism, and Historic Preservation Committee reports favorably Senate Concurrent Resolution No. 161.

Article V of the United States Constitution provides that on the application of the Legislatures of two-thirds of the States, Congress shall call a convention for proposing amendments to the Constitution which will become valid when ratified by the Legislatures of three-fourths of the states or by conventions in three-fourths of the states. Although Congress has never called a convention, it has received hundreds of petitions from state legislatures over two centuries calling for conventions to address various issues.

Research indicates that New Jersey has submitted at least eight such petitions. Unfortunately, legal experts disagree about both the longevity of these petitions and as to whether a convention called for a particular purpose may consider amendments beyond the scope of that purpose. There appears to be some risk, therefore, that past petitions could become part of the basis for calling a convention which addresses issues never contemplated by the legislators voting for such petitions. Accordingly, this resolution would rescind all petitions previously passed by the New Jersey Legislature in order to prevent potential misuse of those petitions.