S T A T E O F N E W Y O R K

3458

2011-2012 Regular Sessions

I N S E N A T E

February 23, 2011

Introduced by Sens. GRIFFO, GRISANTI, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to provide for the submission to the people of a proposition or question to convene a constitutional convention; and to amend the public officers law, in relation to requirements for delegates to a constitutional convention

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Pursuant to the provisions of section 2 of article XIX of the New York state constitution, the question "Shall there be a convention to revise the constitution and amend the same for the sole and limited purposes of providing for reform of the state budget process, creating a real property tax cap, providing state mandate and regulatory relief, limiting state debt and expenditures, authorizing statewide initiative and referendum, and establishing term limits, recall, and rules of succession for all state elected officers?" shall be submitted to and decided by the people of the state at the general election to be held in the next succeeding November after the effective date of this act.

S 2. If the question stated in section one of this act is answered in the affirmative by a majority of all votes cast for and against it, decided in favor of a convention for such sole and limited purposes, the procedures and provisions of section 2 of article XIX of the New York state constitution shall apply and be implemented, except that such convention shall only consider and submit amendments to the constitution for the sole and limited purposes of providing for reform of the state budget process, creating a real property tax cap, providing state mandate and regulatory relief, limiting state debt and expenditures, authorizing statewide initiative and referendum, and establishing term limits, recall, and rules of succession for all state elected officers.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 3. The public officers law is amended by adding a new section 73-c to read as follows:

S 73-C. DELEGATES TO STATE CONSTITUTIONAL CONVENTION. ALL PERSONS SEEKING ELECTION AS A DELEGATE TO A STATE CONSTITUTIONAL CONVENTION, PURSUANT TO SECTION TWO OF ARTICLE NINETEEN OF THE NEW YORK STATE CONSTITUTION SHALL, UPON THE FILING OF THEIR PETITIONS SEEKING SUCH OFFICE, FILE THE SAME FINANCIAL DISCLOSURE FORM AS REQUIRED BY A MEMBER OF THE LEGISLATURE. ANY PERSON SEEKING ELECTION AS A DELEGATE TO A STATE CONSTITUTIONAL CONVENTION SHALL HAVE BEEN A RESIDENT OF THE STATE FOR NOT LESS THAN FIVE CONSECUTIVE YEARS, AND A RESIDENT OF THE SENATE DISTRICT FOR NOT LESS THAN ONE YEAR. ALL PERSONS ELECTED TO THE OFFICE OF DELEGATE TO A STATE CONSTITUTIONAL CONVENTION, SHALL, WITHIN THIRTY DAYS OF THEIR ELECTION, FILE WITH THE SECRETARY OF STATE, AN OATH OF OFFICE, IN A FORM PRESCRIBED BY THE SECRETARY OF STATE, WHICH SWEARS THAT SUCH DELEGATE WILL IMPARTIALLY SERVE THE PEOPLE OF THE STATE OF NEW YORK, IN THE DISCHARGE OF THE DUTIES OF THEIR OFFICE, WITHOUT CONFLICT OR UNDUE INFLUENCE. NO PERSON SHALL BE ELIGIBLE TO FILE SUCH OATH OF OFFICE AS A DELEGATE TO A STATE CONSTITUTIONAL CONVENTION, WHO, WITHIN FIVE YEARS OF THE TIME OF THEIR SERVICE AS DELEGATE, HAS HELD ANY ELECTED PUBLIC OFFICE, OR HAS BEEN EMPLOYED AS A LOBBYIST, AS DEFINED BY SECTION ONE-C OF THE LEGISLATIVE LAW, OR HAS BEEN EMPLOYED AS AN OFFICER OR EXECUTIVE DIRECTOR OF A LABOR UNION, EMPLOYEE ASSOCIATION, OR NOT-FOR-PROFIT CORPORATION.

S 4. This act shall take effect immediately; provided that the provisions of section two of this act shall not take effect unless and until the question proposed in section one of this act shall have been submitted to the people at the general election to be held in the next succeeding November after the effective date of this act, and shall have received a majority of all votes cast for and against it at such election. Upon approval by the people, section two of this act shall take effect immediately. The ballots to be furnished for the use of the voters upon the submission of section one of this act shall be in the form prescribed by the election law, and the proposition or question to be submitted shall be printed in the following form: "Shall there be a convention to revise the constitution and amend the same for the sole and limited purposes of providing for reform of the state budget process, creating a real property tax cap, providing state mandate and regulatory relief, limiting state debt and expenditures, authorizing statewide initiative and referendum, and establishing term limits, recall, and rules of succession for all state elected officers?".