

STATE OF NEW YORK

8935

2025-2026 Regular Sessions

IN ASSEMBLY

July 16, 2025

Introduced by M. of A. MILLER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to establishing a legislative commission on article V conventions of the states

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The legislative law is amended by adding a new section 83-o
2 to read as follows:

3 § 83-o. Legislative commission on article V conventions of the states.

4 1. Definitions. For the purposes of this section, the following terms
5 shall have the following meanings:

6 (a) "Article V convention" means a convention of the states held
7 pursuant to article V of the United States constitution.

8 (b) "Commission" means the commission on article V conventions of the
9 states created pursuant to this section.

10 (c) "Commissioner" means a commissioner appointed pursuant to subdivi-
11 sion four of this section.

12 2. Applicability. This section shall apply to conventions for propos-
13 ing amendments held under article V of the United States constitution.

14 3. Establishment. A legislative commission on article V conventions of
15 the states is hereby established for the purpose of representing the
16 state of New York at article V conventions.

17 4. Commissioners; appointment and qualifications. (a) The commission
18 shall consist of nine commissioners who shall be appointed upon the
19 occurrence of an article V convention, as follows: two members shall be
20 appointed by the temporary president of the senate; two members shall be
21 appointed by the speaker of the assembly; two members shall be appointed
22 by the minority leader of the senate; and two members shall be appointed
23 by the minority leader of the assembly; and one member shall be
24 appointed by consensus of the temporary president of the senate, the
25 speaker of the assembly, the minority leader of the senate, and the

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

LBD07320-01-5

1 minority leader of the assembly. From among the members so appointed, a
2 chair and a vice chair shall be designated by the joint action of the
3 temporary president of the senate and the speaker of the assembly. Any
4 vacancy that occurs in the commission or in the chairship or vice chair-
5 ship shall be filled in the same manner in which the original appoint-
6 ment or designation was made. No member, officer, or employee of the
7 commission shall be disqualified from holding any other public office or
8 employment, nor shall such member forfeit any such office or employment
9 by reason of such member's appointment hereunder, notwithstanding the
10 provisions of any general, special, or local law, ordinance, or city
11 charter. A commissioner may be recalled and/or removed at any time for
12 any reason by the body responsible for appointing such commissioner.

13 (b) A commissioner appointed pursuant to this subdivision, at a mini-
14 mum, shall:

15 (i) be registered to vote in this state;
16 (ii) have been a citizen of the United States for at least five years;
17 (iii) be at least twenty-five years of age;
18 (iv) not be or have been registered or required to be registered as a
19 federal lobbyist at any time within the prior five years;
20 (v) not be or have been a federal employee, or a contractor of the
21 federal government, at any time in the prior ten years, provided, howev-
22 er, that such commissioner may be a member of the armed forces of the
23 United States;

24 (vi) not have held a federal elected or appointed office at any time
25 in the prior ten years;

26 (vii) not have had any felony convictions for crimes involving moral
27 turpitude in any jurisdiction at any time, nor any felony convictions
28 for any crime in any jurisdiction in the prior ten years; and

29 (viii) not hold a statewide office while performing the duties of
30 commissioner.

31 5. Commission duties and prohibitions. (a) Upon the occurrence of an
32 article V convention, the duties of the commissioners with respect to
33 such article V convention shall be specifically designated by the state
34 legislature by resolution.

35 (b) A commissioner shall not vote for or otherwise promote any change
36 to the traditional convention rule of decision on the floor and in the
37 committee of the whole, to wit, that each state has one vote. The state
38 legislature may provide additional instructions by subsequent resol-
39 ution.

40 (c) A commissioner shall not vote in favor of any proposed amendment
41 that would alter the text of the specific guarantees of individual
42 liberty established by the United States constitution, including the
43 original constitution, the bill of rights, and the following amendments:
44 thirteenth, fourteenth, fifteenth, nineteenth, twenty-third, twenty-
45 fourth, and twenty-sixth.

46 (d) The commission may employ and at pleasure remove such personnel as
47 it may deem necessary for the performance of the commission's functions
48 and fix their compensation within the amounts made available therefor.

49 6. Oath. Each commissioner shall, before exercising any function of
50 the position, execute the following oath in writing: "I do solemnly
51 swear (or affirm) that I accept and will act according to the limits of
52 authority specified in my commission and any present or subsequent
53 instructions. I understand that violating this oath may subject me to
54 penalties provided by law. I understand that I may be recalled or
55 suspended from my duties by the New York state legislature."

1 7. Compensation and expenses. A commissioner shall receive the same
2 compensation as a member of the assembly of this state, prorated for
3 length of time served.

4 8. Gift prohibition. A commissioner shall not accept, during such
5 commissioner's time of service, any gifts or benefits with a combined
6 value of more than two hundred dollars, other than from a member of such
7 commissioner's family and of the kind customarily granted by a member of
8 one's family. An employer's decision to continue paying a commissioner's
9 current salary shall not be construed to be a gift.

10 9. Criminal penalties. (a) A commissioner shall not exceed the scope
11 of such commissioner's authority when acting as a commissioner. A
12 commissioner exceeds the scope of such commissioner's authority by
13 voting or otherwise acting beyond the authority granted in such commis-
14 sioner's commission, as altered by any duly-issued subsequent
15 instructions provided before the vote or other action. A commissioner
16 who exceeds the scope of such commissioner's authority shall be subject
17 to a fine of five thousand dollars per violation.

18 (b) Any individual who, while not being privileged by law, knowingly
19 bribes, threatens, intimidates or obstructs a commissioner, or a person
20 representing another state in the capacity of a commissioner or interim
21 commissioner at an article V convention in the performance of such
22 commissioner's or interim commissioner's duties, or attempts to do so,
23 shall be subject to a fine of five thousand dollars.

24 § 2. This act shall take effect immediately; provided, however, that
25 the amendments to article 5-A of the legislative law made by section one
26 of this act shall not affect the repeal of such article and shall be
27 deemed repealed therewith.