

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. KAVANAGH, SCHROEDER -- read once and referred to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 2 of article 19 of the constitution, in relation to authorizing a limited constitutional convention

1 Section 1. Resolved (if the Senate concur), That section 2 of article
2 19 of the constitution be amended to read as follows:
3 S 2. At the general election to be held in the year nineteen hundred
4 fifty-seven, and every twentieth year thereafter, and also at such times
5 as the legislature may by law provide, the question "Shall there be a
6 convention to revise the constitution and amend the same?" shall be
7 submitted to and decided by the electors of the state; and in case a
8 majority of the electors voting thereon shall decide in favor of a
9 convention for such purpose, the electors of every senate district of
10 the state, as then organized, shall elect three delegates at the next
11 ensuing general election, and the electors of the state voting at the
12 same election shall elect fifteen delegates-at-large. The delegates so
13 elected shall convene at the capitol on the first Tuesday of April next
14 ensuing after their election, and shall continue their session until the
15 business of such convention shall have been completed. Every delegate
16 shall receive for his or her services the same compensation as shall
17 then be annually payable to the members of the assembly and be reim-
18 bursed for actual traveling expenses, while the convention is in
19 session, to the extent that a member of the assembly would then be enti-
20 tled thereto in the case of a session of the legislature. A majority of
21 the convention shall constitute a quorum for the transaction of busi-
22 ness, and no amendment to the constitution shall be submitted for
23 approval to the electors as hereinafter provided, unless by the assent
24 of a majority of all the delegates elected to the convention, the ayes
25 and noes being entered on the journal to be kept. The convention shall
26 have the power to appoint such officers, employees and assistants as it

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

1 may deem necessary, and fix their compensation and to provide for the
2 printing of its documents, journal, proceedings and other expenses of
3 said convention. The convention shall determine the rules of its own
4 proceedings, choose its own officers, and be the judge of the election,
5 returns and qualifications of its members. In case of a vacancy, by
6 death, resignation or other cause, of any district delegate elected to
7 the convention, such vacancy shall be filled by a vote of the remaining
8 delegates representing the district in which such vacancy occurs. If
9 such vacancy occurs in the office of a delegate-at-large, such vacancy
10 shall be filled by a vote of the remaining delegates-at-large. Any
11 proposed constitution or constitutional amendment which shall have been
12 adopted by such convention, shall be submitted to a vote of the electors
13 of the state at the time and in the manner provided by such convention,
14 at an election which shall be held not less than six weeks after the
15 adjournment of such convention. Upon the approval of such constitution
16 or constitutional amendments, in the manner provided in the last preced-
17 ing section, such constitution or constitutional amendment, shall go
18 into effect on the first day of January next after such approval.

19 AT SUCH TIMES AS THE LEGISLATURE MAY PROVIDE BY LAW, THE QUESTION
20 "SHALL THERE BE A CONVENTION TO REVISE ARTICLE III OF THE CONSTITUTION,
21 CONCERNING THE LEGISLATURE, AND AMEND THE SAME?" SHALL BE SUBMITTED TO
22 AND DECIDED BY THE ELECTORS OF THE STATE; AND IN CASE A MAJORITY OF THE
23 ELECTORS VOTING THEREON SHALL DECIDE IN FAVOR OF A CONVENTION FOR SUCH
24 PURPOSE, A CONVENTION SHALL BE HELD WHICH SHALL OPERATE IN THE MANNER
25 PRESCRIBED IN THIS SECTION, EXCEPT THAT SUCH CONVENTION SHALL ONLY
26 CONSIDER AND SUBMIT AMENDMENTS TO ARTICLE III OF THIS CONSTITUTION.

27 S 2. Resolved (if the Senate concur), That the foregoing amendment be
28 referred to the first regular legislative session convening after the
29 next succeeding general election of members of the assembly, and, in
30 conformity with section 1 of article 19 of the constitution, be
31 published for 3 months previous to the time of such election.