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

4969

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY, HOYT, GALEF -- read once and referred to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to the constitution, in relation to direct petition and response

Section 1. Resolved (if the Senate concur), That article 20 of the constitution be renumbered article 21 and a new article 20 be added to read as follows:

ARTICLE XX

DIRECT PETITION AND RESPONSE

SECTION 1. THE PEOPLE RESERVE TO THEMSELVES THE POWER TO DIRECTLY PETITION THE LEGISLATURE, CALLED THE DIRECT PETITION AND RESPONSE, AND TO REQUIRE THE LEGISLATURE TO PROVIDE A DIRECT AND IMMEDIATE RESPONSE. TO INVOKE THE DIRECT PETITION AND RESPONSE, PETITIONS SIGNED BY A NUMBER OF REGISTERED ELECTORS, NOT LESS THAN TEN PERCENT OF THE TOTAL VOTE CAST FOR ALL CANDIDATES FOR GOVERNOR AT THE LAST PRECEDING GENERAL ELECTION AT WHICH A GOVERNOR WAS ELECTED SHALL BE REQUIRED. ANY LAW OR POLICY PROPOSED BY DIRECT PETITION AND RESPONSE SHALL BE CONSIDERED BY THE LEGISLATURE AND MUST EITHER BE ENACTED OR REJECTED IN WHOLE OR AMENDED BY THE LEGISLATURE WITHIN FORTY SESSION DAYS FROM THE TIME SUCH PETITION IS RECEIVED BY THE LEGISLATURE. IN THE EVENT OF THE FAILURE OF THE LEGISLATURE TO SO ACT WITHIN SAID PERIOD, NEITHER HOUSE OF THE LEGISLATURE SHALL CONSIDER ANY OTHER BILL UNTIL SUCH DIRECT PETITION AND RESPONSE SHALL HAVE BEEN FINALLY ACTED ON BY BOTH HOUSES, NOTWITHSTANDING A MESSAGE FROM THE GOVERNOR CERTIFYING TO THE NECESSITY OF THE IMMEDIATE PASSAGE OF SUCH A BILL. THE LEGISLATURE MAY REJECT ANY MEASURE SO PROPOSED BY DIRECT PETITION AND RESPONSE AND PROPOSE A DIFFERENT MEASURE UPON THE SAME SUBJECT BY A YEA AND NAY VOTE UPON SEPARATE ROLL CALLS. IF THE DIRECT PETITION AND RESPONSE OR A PROPOSED ALTERNATIVE UPON THE SAME SUBJECT RECEIVES THE ASSENT OF A MAJORITY OF THE MEMBERS ELECTED TO EACH BRANCH OF THE LEGISLATURE, SUCH DIRECT PETITION AND RESPONSE OR A

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

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PROPOSED ALTERNATIVE UPON THE SAME SUBJECT SHALL BE PRESENTED TO THE GOVERNOR FOR ACTION.

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