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

9184

2009-2010 Regular Sessions

I N A S S E M B L Y

October 13, 2009

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

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 1 of article 19 of the constitution, in relation to ratifying constitutional amendments

Section 1. Resolved (if the Senate concur), That section 1 of article 19 of the constitution be amended to read as follows:

Section 1. Any amendment or amendments to this constitution may be proposed in the senate and assembly whereupon such amendment or amendments shall be referred to the attorney-general whose duty it shall be within twenty days thereafter to render an opinion in writing to the senate and assembly as to the effect of such amendment or amendments upon other provisions of the constitution. Upon receiving such opinion, if the amendment or amendments as proposed or as amended shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the ayes and noes taken thereon, and IF SUCH AMENDMENT IS PASSED BY A SIMPLE MAJORITY OF ALL OF THE MEMBERS ELECTED TO EACH HOUSE THEN SUCH AMENDMENT SHALL BE referred to the next regular legislative session convening after the succeeding general election of members of the assembly, and shall be published for three months previous to the time of making such choice; [and] HOWEVER IF SUCH AMENDMENT SHALL BE AGREED TO BY A TWO-THIRDS MAJORITY OF ALL OF THE MEMBERS ELECTED TO EACH HOUSE IN A LEGISLATIVE SESSION OR if in such SECOND legislative session, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit each proposed amendment or amendments to the people for approval in such manner and at such times as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the constitution on the first day of January next after such approval. Neither the failure of

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

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the attorney-general to render an opinion concerning such a proposed amendment nor his or her failure to do so timely shall affect [th] THE validity of such proposed amendment or legislative action thereon.

S 2. Resolved (if the Senate concur), That the foregoing 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.