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

4866

2011-2012 Regular Sessions

I N S E N A T E

April 27, 2011

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 1 of the constitution, in relation to establishing a procedure for a people's veto of laws enacted by the legislature

Section 1. Resolved (if the Assembly concur), That article 1 of the constitution be amended by adding a new section 19 to read as follows:

S 19. PEOPLE'S VETO. 1. PETITION PROCEDURE; PETITION FOR PEOPLE'S VETO. NOTWITHSTANDING ANY OTHER SECTION OF THIS CONSTITUTION TO THE CONTRARY, UPON A WRITTEN PETITION OF THE ELECTORS OF THE STATE, THE NUMBER OF WHICH SHALL NOT BE LESS THAN 5 PERCENT OF THE TOTAL VOTE FOR GOVERNOR CAST IN THE LAST GUBERNATORIAL ELECTION PRECEDING THE FILING OF SUCH PETITION, FILED IN THE OFFICE OF THE SECRETARY OF STATE, ON OR BEFORE THE NINETIETH DAY AFTER A BILL SHALL HAVE BECOME LAW PURSUANT TO ARTICLE 4, SECTION 7 OF THIS CONSTITUTION, WHICH INCREASES, EXTENDS, IMPOSES, OR REVIVES ANY TAX, FEE, ASSESSMENT, SURCHARGE OR ANY OTHER SUCH LEVY OR COLLECTION, REQUESTING THAT SUCH LAW OR PART OR PARTS THEREOF, BE REFERRED TO THE PEOPLE, SUCH LAW OR PART OR PARTS THEREOF AS ARE SPECIFIED IN SUCH PETITION SHALL NOT TAKE EFFECT UNTIL 30 DAYS AFTER THE GOVERNOR SHALL HAVE ANNOUNCED BY PUBLIC PROCLAMATION THAT THE SAME HAVE BEEN RATIFIED BY A MAJORITY OF THE ELECTORS VOTING THEREON AT A GENERAL ELECTION. AT LEAST ONE-HALF OF THE SIGNATURES SHALL BE FROM ELECTORS RESIDING OUTSIDE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE.

2. EFFECT OF REFERENDUM. THE EFFECT OF ANY LAW OR PART OR PARTS THEREOF AS ARE SPECIFIED IN SUCH PETITION SHALL BE SUSPENDED UPON THE FILING OF SUCH PETITION. IF IT IS LATER FINALLY DETERMINED, IN ACCORDANCE WITH ANY PROCEDURE ENACTED BY THE LEGISLATURE, PURSUANT TO THE CONSTITUTION, THAT SUCH PETITION WAS INVALID, SUCH LAW OR PART OR PARTS THEREOF SHALL THEN TAKE EFFECT UPON THE DAY FOLLOWING SUCH FINAL DETERMINATION.

3. REFERRAL TO ELECTORS; PROCLAMATION BY GOVERNOR. AS SOON AS IT APPEARS THAT THE EFFECT OF ANY LAW OR PART OR PARTS THEREOF HAS BEEN

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

LBD89048-01-1

SUSPENDED BY PETITION IN MANNER AFORESAID, THE GOVERNOR BY PUBLIC PROCLAMATION SHALL GIVE NOTICE THEREOF AND OF THE TIME WHEN SUCH MEASURE IS TO BE VOTED ON BY THE PEOPLE, WHICH SHALL BE AT THE NEXT GENERAL ELECTION, NOT LESS THAN 60 DAYS AFTER SUCH PROCLAMATION.

S 2. Resolved (if the Assembly 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.