

# STATE OF NEW YORK

10115

## IN ASSEMBLY

May 6, 2024

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  
26 minority leader of the assembly. From among the members so appointed, a  
27 chair and a vice chair shall be designated by the joint action of the  
28 temporary president of the senate and the speaker of the assembly. Any

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

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1 vacancy that occurs in the commission or in the chairship or vice chair-  
2 ship shall be filled in the same manner in which the original appoint-  
3 ment or designation was made. No member, officer, or employee of the  
4 commission shall be disqualified from holding any other public office or  
5 employment, nor shall such member forfeit any such office or employment  
6 by reason of such member's appointment hereunder, notwithstanding the  
7 provisions of any general, special, or local law, ordinance, or city  
8 charter. A commissioner may be recalled and/or removed at any time for  
9 any reason by the body responsible for appointing such commissioner.

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

12 (i) be registered to vote in this state;

13 (ii) have been a citizen of the United States for at least five years;

14 (iii) be at least twenty-five years of age;

15 (iv) not be or have been registered or required to be registered as a  
16 federal lobbyist at any time within the prior five years;

17 (v) not be or have been a federal employee, or a contractor of the  
18 federal government, at any time in the prior ten years, provided, howev-  
19 er, that such commissioner may be a member of the armed forces of the  
20 United States;

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

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

26 (viii) not hold a statewide office while performing the duties of  
27 commissioner.

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

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

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

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

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

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

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

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

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

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