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:

Section 1. The legislative law is amended by adding a new section 83-o to read as follows:

§ 83-o. Legislative commission on article V conventions of the states. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Article V convention" means a convention of the states held pursuant to article V of the United States constitution.

(b) "Commission" means the commission on article V conventions of the states created pursuant to this section.

(c) "Commissioner" means a commissioner appointed pursuant to subdivision four of this section.

2. Applicability. This section shall apply to conventions for proposing amendments held under article V of the United States constitution.

3. Establishment. A legislative commission on article V conventions of the states is hereby established for the purpose of representing the state of New York at article V conventions.

4. Commissioners; appointment and qualifications. (a) The commission shall consist of nine commissioners who shall be appointed upon the occurrence of an article V convention, as follows: two members shall be appointed by the temporary president of the senate; two members shall be appointed by the speaker of the assembly; two members shall be appointed by the minority leader of the senate; and two members shall be appointed by the minority leader of the assembly; and one member shall be appointed by consensus of the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, and the minority leader of the assembly. From among the members so appointed, a chair and a vice chair shall be designated by the joint action of the 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.

LBD15109-02-4

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

(b) A commissioner appointed pursuant to this subdivision, at a minimum, shall:

(i) be registered to vote in this state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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