

STATE OF NEW YORK

9200

IN SENATE

May 3, 2024

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government 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

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

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

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

13 (i) be registered to vote in this state;
14 (ii) have been a citizen of the United States for at least five years;
15 (iii) be at least twenty-five years of age;
16 (iv) not be or have been registered or required to be registered as a
17 federal lobbyist at any time within the prior five years;

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

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

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

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

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

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

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

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

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

54 7. Compensation and expenses. A commissioner shall receive the same
55 compensation as a member of the assembly of this state, prorated for
56 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.