



Senate Joint Resolution No. 35

Resolution Act No. 18-1

RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO PROTECT REAL PROPERTY HELD OR CONTROLLED BY THE STATE.

Resolved by this Assembly:

Section 1. That the following be proposed as an amendment to the Constitution of the State, which, when approved and adopted in the manner provided by the Constitution, shall, to all intents and purposes, become a part thereof:

Article third of the Constitution is amended by adding section 19 as follows:

Sec. 19. (a) The general assembly shall not enact any legislation requiring a state agency to sell, transfer or otherwise dispose of any real property or interest in real property that is under the custody or control of such agency to any person or entity other than another state agency unless a committee of the general assembly has held a public hearing regarding such sale, transfer or disposition of such property or interest and the act of the general assembly requiring such sale, transfer or disposition of real property or interest in real property is limited in subject matter to provisions concerning such sale, transfer or disposition.

(b) In the case of real property or an interest in real property that is

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under the custody or control of the Department of Agriculture or the Department of Energy and Environmental Protection, or a successor agency of either department, in addition to complying with the requirements of subsection (a) of this section, any act requiring the sale, transfer or disposition of such property or interest shall pass upon roll call by a yea vote of at least two-thirds of the total membership of each house.

RESOLVED: That the foregoing proposed amendment to the Constitution be continued to the next session of the General Assembly elected at the general election to be held on November 6, 2018, and published with the laws passed at the present session, or be presented to the electors at the general election to be held on November 6, 2018, whichever the case may be, according to article sixth of the amendments to the Constitution. The designation of said proposed amendment to be used on the ballots at such election shall be "Shall the Constitution of the State be amended to require (1) a public hearing and the enactment of legislation limited in subject matter to the transfer, sale or disposition of state-owned or state-controlled real property or interests in real property in order for the General Assembly to require a state agency to sell, transfer or dispose of any real property or interest in real property that is under the custody or control of the agency, and (2) if such property is under the custody or control of the Department of Agriculture or the Department of Energy and Environmental Protection, that such enactment of legislation be passed by a two-thirds vote of the total membership of each house of the General Assembly?"