



General Assembly

**Senate Joint
Resolution No. 35**

February Session, 2018

LCO No. 2332



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

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

Resolved by this Assembly:

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

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

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

14 transfer or disposition of real property or interest in real property is
15 limited in subject matter to provisions concerning such sale, transfer or
16 disposition.

17 (b) In the case of real property or an interest in real property that is
18 under the custody or control of the Department of Agriculture or the
19 Department of Energy and Environmental Protection, or a successor
20 agency of either department, in addition to complying with the
21 requirements of subsection (a) of this section, any act requiring the
22 sale, transfer or disposition of such property or interest shall pass upon
23 roll call by a yea vote of at least two-thirds of the total membership of
24 each house.

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