



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?"

**GAE**      *Joint Favorable*