



New York State Bar Association

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ENVIRONMENTAL & ENERGY LAW SECTION

2017-2018 Officers

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TO: Sharon Stern Gerstman, Esq., President

FROM: Kevin M. Bernstein, Esq., Chair, NYSBA Environmental and Energy Law Section

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RE: **Report and Recommendations Concerning WHETHER NEW YORKERS SHOULD APPROVE THE 2017 BALLOT QUESTION CALLING FOR A CONSTITUTIONAL CONVENTION**, adopted by the NYSBA Committee on the New York State Constitution ("Committee"), April 20, 2017

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As you may know, the members of the Environmental and Energy Law Section have been very involved in the debate as to whether there should be a Constitutional Convention, a question which will be put to the voters of this state on November 7, 2017. Indeed, Section member Professor Nicholas Robinson is a member of the Committee and also has been very involved in the report issued by the Committee in August 2016 regarding the Forest Preserve article in the New York State Constitution, Article XIV.

In the Section's memo submitted to the House of Delegates in October, 2016, my predecessor, Lawrence Schnapf, submitted the views of the Section regarding the Report of the Committee on Article XIV in advance of the meeting held on November 5, 2016, based on discussion and debate of the Section's Executive Committee at our Fall meeting on October 16, 2016, in Cooperstown, New York.

On April 20, 2017, the Committee issued another thorough and well thought-out Report and Recommendation, this time to address whether there should be a Constitutional Convention at all. The Report was circulated to the Executive Committee of the Section and there was debate about the Report and its recommendation at the Section's Executive Committee meeting on May 3, 2017. In addition, the Section utilized "Communities" to elicit views and encourage debate about this issue, one whose conclusion was clearly not even clear cut to the Committee.

After the above-mentioned debate, and the polling of the members of the Section's Executive Committee, it is the majority view of the Section's Executive Committee that the Report should NOT be approved. Stated a different way, a majority of those providing us their view (and there was more than a quorum of the Executive Committee) believe that there should NOT be a Constitutional Convention.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kevin Bernstein". The signature is written in black ink and is positioned above the typed name.

Kevin M. Bernstein, Esq.
Chair, Environmental and Energy Law Section