S T A T E O F N E W Y O R K

21

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 2 of article 3 of the constitution, in relation to increasing the terms of office of members of the legislature to four years and limiting the terms of office as a member of the legislature any person may serve; proposing an amendment to section 1 of article 4 of the constitution, in relation to limiting the terms of office as governor or lieutenant governor any person may serve; and proposing an amendment to section 1 of article 5 of the constitution, in relation to limiting the terms of office as comptroller or attorney-general any person may serve

Section 1. Resolved (if the Assembly concur), That section 2 of article 3 of the constitution be amended to read as follows:

S 2. The senate shall consist of fifty members, except as hereinafter provided. The senators [elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors] shall be [chosen] ELECTED for TERMS OF two years; PROVIDED, THAT SENATORS ELECTED IN THE YEAR TWO THOUSAND TEN AND IN SUBSEQUENT YEARS SHALL HOLD THEIR OFFICES FOR FOUR YEARS. The assembly shall consist of one hundred and fifty members. The assembly members [elected in the year one thousand nine hundred and thirty-eight, and their successors,] shall be [chosen] ELECTED for TERMS OF two years; PROVIDED, THAT ASSEMBLY MEMBERS ELECTED IN THE YEAR TWO THOUSAND TEN AND IN SUBSEQUENT YEARS SHALL HOLD THEIR OFFICES FOR FOUR YEARS.

NO PERSON SHALL SERVE AS A MEMBER OF THE LEGISLATURE FOR MORE THAN THREE CONSECUTIVE FOUR YEAR TERMS, WHETHER SUCH SERVICE IS AS A SENATOR, ASSEMBLY MEMBER, OR CONSECUTIVE TERMS AS A SENATOR AND AN ASSEMBLY MEMBER; PROVIDED THAT ANY PARTIAL TERM OF OFFICE HELD AS A MEMBER OF THE LEGISLATURE PRIOR TO THE ELECTION TO A CONSECUTIVE FOUR YEAR TERM SHALL

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

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NOT BE USED TO CALCULATE ANY TERM LIMITATION IMPOSED PURSUANT TO THIS PARAGRAPH.

S 2. Resolved (if the Assembly concur), That section 1 of article 4 of the constitution be amended to read as follows:

Section 1. The executive power shall be vested in the governor, who shall hold office for four years; the lieutenant-governor shall be chosen at the same time, and for the same term. The governor and lieutenant-governor shall be chosen at the general election held in the year nineteen hundred thirty-eight, and each fourth year thereafter. They shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices, and the legislature by law shall provide for making such choice in such manner. The respective persons having the highest number of votes cast jointly for them for governor and lieutenant-governor respectively shall be elected. NO PERSON SHALL HOLD THE OFFICE OF GOVERNOR OR LIEUTENANT-GOVERNOR FOR MORE THAN THREE CONSECUTIVE FOUR YEAR TERMS; PROVIDED THAT ANY PARTIAL TERM OF OFFICE SERVED IN EITHER SUCH OFFICE PRIOR TO THE ELECTION TO A CONSECUTIVE FOUR YEAR TERM SHALL NOT BE USED TO CALCULATE ANY TERM LIMITATION IMPOSED PURSUANT TO THIS SECTION.

S 3. Resolved (if the Assembly concur), That section 1 of article 5 of the constitution be amended to read as follows:

Section 1. The comptroller and attorney-general shall be chosen at the same general election as the governor and hold office for the same term, and shall possess the qualifications provided in section 2 of article IV. NO PERSON SHALL HOLD THE OFFICE OF COMPTROLLER OR ATTORNEY-GENERAL FOR MORE THAN THREE CONSECUTIVE FOUR YEAR TERMS; PROVIDED THAT ANY PARTIAL TERM OF OFFICE SERVED IN EITHER SUCH OFFICE PRIOR TO THE ELECTION TO A CONSECUTIVE FOUR YEAR TERM SHALL NOT BE USED TO CALCULATE ANY TERM LIMITATION IMPOSED PURSUANT TO THIS SECTION. The legislature shall provide for filling vacancies in the office of comptroller and of attorney-general. No election of a comptroller or an attorney-general shall be had except at the time of electing a governor. The comptroller shall be required: (1) to audit all vouchers before payment and all official accounts; (2) to audit the accrual and collection of all revenues and receipts; and (3) to prescribe such methods of accounting as are necessary for the performance of the foregoing duties. The payment of any money of the state, or of any money under its control, or the refund of any money paid to the state, except upon audit by the comptroller, shall be void, and may be restrained upon the suit of any taxpayer with the consent of the supreme court in appellate division on notice to the attorney-general. In such respect the legislature shall define the powers and duties and may also assign to him or her: (1) supervision of the accounts of any political subdivision of the state; and (2) powers and duties pertaining to or connected with the assessment and taxation of real estate, including determination of ratios which the assessed valuation of taxable real property bears to the full valuation thereof, but not including any of those powers and duties reserved to officers of a county, city, town or village [by virtue of sections seven and eight of article nine of this constitution]. The legislature shall assign to him or her no administrative duties, excepting such as may be incidental to the performance of these functions, any other provision of this constitution to the contrary notwithstanding.

S 4. Resolved (if the Assembly concur), That the provisions of the foregoing amendments shall apply only to terms of offices commencing after such amendments shall have been adopted pursuant to section 1 of article 19 of the constitution.

S 5. Resolved (if the Assembly concur), That the foregoing amendments be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published three months previous to the time of such election.