

4250--A

2011-2012 Regular Sessions

I N S E N A T E

March 25, 2011

Introduced by Sens. ADAMS, GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommended to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

1 Section 1. RESOLVED (if the Assembly concur), That section 2 of arti-
2 cle 3 of the constitution be amended to read as follows:
3 S 2. The senate shall consist of fifty members, except as hereinafter
4 provided. The senators [elected in the year one thousand eight hundred
5 and ninety-five shall hold their offices for three years, and their
6 successors] shall be [chosen] ELECTED for TERMS OF two years; PROVIDED,
7 THAT SENATORS ELECTED IN THE YEAR TWO THOUSAND SIXTEEN AND IN SUBSEQUENT
8 YEARS SHALL HOLD THEIR OFFICES FOR FOUR YEARS. The assembly shall
9 consist of one hundred and fifty members. The assembly members [elected
10 in the year one thousand nine hundred and thirty-eight, and their
11 successors,] shall be [chosen] ELECTED for TERMS OF two years; PROVIDED,
12 THAT ASSEMBLY MEMBERS ELECTED IN THE YEAR TWO THOUSAND SIXTEEN AND IN
13 SUBSEQUENT YEARS SHALL HOLD THEIR OFFICES FOR FOUR YEARS.
14 NO PERSON SHALL SERVE AS A MEMBER OF THE LEGISLATURE FOR MORE THAN
15 THREE CONSECUTIVE FOUR YEAR TERMS, WHETHER SUCH SERVICE IS AS A SENATOR,
16 ASSEMBLY MEMBER, OR CONSECUTIVE TERMS AS A SENATOR AND AN ASSEMBLY
17 MEMBER; PROVIDED THAT ANY PARTIAL TERM OF OFFICE HELD AS A MEMBER OF THE

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

LBD89050-02-1

1 LEGISLATURE PRIOR TO THE ELECTION TO A CONSECUTIVE FOUR YEAR TERM SHALL
2 NOT BE USED TO CALCULATE ANY TERM LIMITATION IMPOSED PURSUANT TO THIS
3 PARAGRAPH.

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

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

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

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

54 S 4. RESOLVED (if the Assembly concur), That the provisions of the
55 foregoing amendments shall apply only to terms of offices commencing

1 after such amendments shall have been adopted pursuant to section 1 of
2 article 19 of the constitution.

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