

2218--A

2013-2014 Regular Sessions

I N   S E N A T E

January 14, 2013

---

Introduced by Sens. GRIFFO, BALL, DeFRANCISCO, LARKIN, LAVALLE, MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted 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 1 of article 4 of the constitution, in relation to term limits for the office of governor; proposing an amendment to section 1 of article 5 of the constitution, in relation to term limits for the offices of comptroller and attorney-general; and proposing an amendment to section 2 of article 3 of the constitution, in relation to limiting the terms of office as a member of the legislature any person may serve

1     Section 1. Resolved (if the Assembly concur), That section 1 of arti-  
2     cle 4 of the constitution be amended to read as follows:  
3     Section 1. The executive power shall be vested in the governor, who  
4     shall hold office for four years; the lieutenant-governor shall be  
5     chosen at the same time, and for the same term. The governor and lieu-  
6     tenant-governor shall be chosen at the general election held in the year  
7     nineteen hundred thirty-eight, and each fourth year thereafter. They  
8     shall be chosen jointly, by the casting by each voter of a single vote  
9     applicable to both offices, and the legislature by law shall provide for  
10    making such choice in such manner. The respective persons having the  
11    highest number of votes cast jointly for them for governor and lieuten-  
12    ant-governor respectively shall be elected. NO PERSON SHALL BE ELECTED  
13    TO THE OFFICE OF THE GOVERNOR MORE THAN TWICE, AND NO PERSON WHO HAS  
14    HELD THE OFFICE OF GOVERNOR OR ACTED AS GOVERNOR FOR MORE THAN TWO YEARS  
15    OF A TERM TO WHICH ANOTHER PERSON WAS ELECTED GOVERNOR SHALL BE ELECTED  
16    MORE THAN ONCE. THE LIMITATION ON THE TERMS OF OFFICE THAT ANY PERSON  
17    CAN BE ELECTED TO THE OFFICE OF GOVERNOR SHALL NOT APPLY TO ANY PERSON  
18    HOLDING THE OFFICE OF GOVERNOR ON THE EFFECTIVE DATE OF THIS SENTENCE.

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

LBD89076-03-4

1 PROVIDED, FURTHER, THAT A PERSON WHO HAS BEEN TWICE ELECTED TO THE  
2 OFFICE OF GOVERNOR AND WHO IS IN THE LINE OF SUCCESSION TO SUCH OFFICE,  
3 PURSUANT TO SECTION SIX OF THIS ARTICLE, SHALL BE PASSED OVER IN THE  
4 LINE OF SUCCESSION AND THE NEXT PERSON IN THE LINE OF SUCCESSION SHALL  
5 ACT AS GOVERNOR.

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

8 Section 1. The comptroller and attorney-general shall be chosen at the  
9 same general election as the governor and hold office for the same term,  
10 and shall possess the qualifications provided in section 2 of article  
11 IV. The legislature shall provide for filling vacancies in the office of  
12 comptroller and of attorney-general. No election of a comptroller or an  
13 attorney-general shall be had except at the time of electing a governor.  
14 NO PERSON SHALL BE ELECTED TO THE OFFICE OF COMPTROLLER OR ATTORNEY-GEN-  
15 ERAL WHO HAS PREVIOUSLY BEEN ELECTED TO SUCH OFFICE MORE THAN ONCE. THE  
16 LIMITATION THE TERMS OF OFFICE THAT ANY PERSON CAN BE ELECTED TO THE  
17 OFFICE OF COMPTROLLER OR ATTORNEY-GENERAL SHALL NOT APPLY TO ANY PERSON  
18 HOLDING THE OFFICE OF COMPTROLLER OR ATTORNEY-GENERAL ON THE EFFECTIVE  
19 DATE OF THIS SENTENCE. The comptroller shall be required: (1) to audit  
20 all vouchers before payment and all official accounts; (2) to audit the  
21 accrual and collection of all revenues and receipts; and (3) to  
22 prescribe such methods of accounting as are necessary for the perform-  
23 ance of the foregoing duties. The payment of any money of the state, or  
24 of any money under its control, or the refund of any money paid to the  
25 state, except upon audit by the comptroller, shall be void, and may be  
26 restrained upon the suit of any taxpayer with the consent of the supreme  
27 court in appellate division on notice to the attorney-general. In such  
28 respect the legislature shall define the powers and duties and may also  
29 assign to him or her: (1) supervision of the accounts of any political  
30 subdivision of the state; and (2) powers and duties pertaining to or  
31 connected with the assessment and taxation of real estate, including  
32 determination of ratios which the assessed valuation of taxable real  
33 property bears to the full valuation thereof, but not including any of  
34 those powers and duties reserved to officers of a county, city, town or  
35 village by virtue of [sections seven and eight] SECTION ONE of article  
36 nine AND SECTION THIRTEEN OF ARTICLE THIRTEEN of this constitution. The  
37 legislature shall assign to him or her no administrative duties, except-  
38 ing such as may be incidental to the performance of these functions, any  
39 other provision of this constitution to the contrary notwithstanding.

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

42 S 2. The senate shall consist of fifty members, except as hereinafter  
43 provided. The senators elected in the year one thousand eight hundred  
44 and ninety-five shall hold their offices for three years, and their  
45 successors shall be chosen for two years. The assembly shall consist of  
46 one hundred and fifty members. The assembly members elected in the year  
47 one thousand nine hundred and thirty-eight, and their successors, shall  
48 be chosen for two years.

49 NO PERSON SHALL SERVE AS A MEMBER OF THE LEGISLATURE FOR MORE THAN SIX  
50 TWO YEAR TERMS, WHETHER SUCH SERVICE IS AS A SENATOR, ASSEMBLY MEMBER,  
51 OR TERMS AS A SENATOR AND AN ASSEMBLY MEMBER; PROVIDED THAT ANY PARTIAL  
52 TERM OF OFFICE HELD AS A MEMBER OF THE LEGISLATURE PRIOR TO THE ELECTION  
53 TO A TWO YEAR TERM SHALL NOT BE USED TO CALCULATE ANY TERM LIMITATION  
54 IMPOSED PURSUANT TO THIS PARAGRAPH.

55 S 4. Resolved (if the Assembly concur), That the foregoing be  
56 referred to the first regular legislative session convening after the

1 next succeeding general election of members of the assembly, and, in  
2 conformity with section 1 of article 19 of the constitution, be  
3 published for 3 months previous to the time of such election.