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

2846

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. SCHIMMINGER -- Multi-Sponsored by -- M. of A. GALEF, MAGEE, MORELLE, ORTIZ -- read once and referred to the Committee on Governmental Operations

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 4 of the constitution, relating to the lieutenant-governor acting as governor

Section 1. Resolved (if the Senate concur), That the third undesignated paragraph of section 5 of article 4 of the constitution be amended to read as follows:

In case the governor is impeached[, is absent from the state] or is otherwise unable to discharge the powers and duties of the office of governor, the lieutenant-governor shall act as governor until the inability shall cease or until the term of the governor shall expire.

S 2. Resolved (if the Senate concur), That the third, fourth and fifth undesignated paragraphs of section 6 of article 4 of the constitution be amended to read as follows:

In case of vacancy in the offices of both governor and lieutenant-governor or if both of them shall be impeached[, absent from the state] or otherwise unable to discharge the powers and duties of the office of governor, the temporary president of the senate shall act as governor until the inability shall cease or until a governor shall be elected.

In case of vacancy in the office of lieutenant-governor alone, or if the lieutenant-governor shall be impeached[, absent from the state] or otherwise unable to discharge the duties of office, the temporary president of the senate shall perform all the duties of lieutenant-governor during such [vacancy or] inability.

If, when the duty of acting as governor devolves upon the temporary president of the senate, there be a vacancy in such office or the temporary president of the senate shall be [absent from the state or] otherwise unable to discharge the duties of governor, the speaker of the assembly shall act as governor during such [vacancy or] inability.

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

LBD89053-01-9

S 3. Resolved (if the Senate concur), That the foregoing amendment 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 for 3 months previous to the time of such election.