

4145

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 30, 2009

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Introduced by M. of A. CAMARA, BALL, KOLB, BACALLES, SAYWARD -- read  
once and referred to the Committee on Governmental Operations

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 legisla-  
ture 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 attor-  
ney-general any person may serve

1     Section 1. Resolved (if the Senate concur), That section 2 of article  
2     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 TEN 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 TEN AND IN SUBSE-  
13    QUENT 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  
18    LEGISLATURE PRIOR TO THE ELECTION TO A CONSECUTIVE FOUR YEAR TERM SHALL  
19    NOT BE USED TO CALCULATE ANY TERM LIMITATION IMPOSED PURSUANT TO THIS  
20    PARAGRAPH.

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

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1 S 2. Resolved (if the Senate concur), That section 1 of article 4 of  
2 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 HOLD THE  
13 OFFICE OF GOVERNOR OR LIEUTENANT-GOVERNOR FOR MORE THAN THREE CONSEC-  
14 UTIVE FOUR YEAR TERMS; PROVIDED THAT ANY PARTIAL TERM OF OFFICE SERVED  
15 IN EITHER SUCH OFFICE PRIOR TO THE ELECTION TO A CONSECUTIVE FOUR YEAR  
16 TERM SHALL NOT BE USED TO CALCULATE ANY TERM LIMITATION IMPOSED PURSUANT  
17 TO THIS SECTION.

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

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

51 S 4. Resolved (if the Senate concur), That the provisions of the fore-  
52 going amendments shall apply only to terms of offices commencing after  
53 such amendments shall have been adopted pursuant to section 1 of article  
54 19 of the constitution.

55 S 5. Resolved (if the Senate concur), That the foregoing amendments 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 three months previous to the time of such election.