

3072

2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

Introduced by M. of A. SCHROEDER -- read once and referred to the
Committee on Judiciary

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; and 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

1 Section 1. Resolved (if the Senate concur), That section 1 of article
2 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.
19 PROVIDED, FURTHER, THAT A PERSON WHO HAS BEEN TWICE ELECTED TO THE
20 OFFICE OF GOVERNOR AND WHO IS IN THE LINE OF SUCCESSION TO SUCH OFFICE,
21 PURSUANT TO SECTION SIX OF THIS ARTICLE, SHALL BE PASSED OVER IN THE
22 LINE OF SUCCESSION AND THE NEXT PERSON IN THE LINE OF SUCCESSION SHALL
23 ACT AS GOVERNOR.
24 S 2. Resolved (if the Senate concur), That section 1 of article 5 of
25 the constitution be amended to read as follows:

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

LBD89076-01-1

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

33 S 3. Resolved (if the Senate concur), That the foregoing be referred
34 to the first regular legislative session convening after the next
35 succeeding general election of members of the assembly, and, in conform-
36 ity with section 1 of article 19 of the constitution, be published for 3
37 months previous to the time of such election.