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

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2011-2012 Regular Sessions

I N  S E N A T E

January 5, 2011

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to sections 5 and 6 of article 4 of the constitution, in relation to duties of and the appointment of lieutenant-governor

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

S 5. In case of the removal of the governor from office or of his or her death or resignation, the lieutenant-governor shall become governor for the remainder of the term.

In case the governor-elect shall decline to serve or shall die, the lieutenant-governor-elect shall become governor for the full term.

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.

In case of the failure of the governor-elect to take the oath of office at the commencement of his or her term, the lieutenant-governor-elect shall act as governor until the governor shall take the oath.

S 2. RESOLVED (if the Assembly concur), That section 6 of article 4 of the constitution be amended to read as follows:

S 6. The lieutenant-governor shall possess the same qualifications of eligibility for office as the governor. The lieutenant-governor shall be the president of the senate but shall have only a casting vote therein. The lieutenant-governor shall receive for his or her services an annual salary to be fixed by joint resolution of the senate and assembly.

In case of vacancy in the offices of both governor and lieutenant-governor, a governor and lieutenant-governor shall be elected for the remainder of the term at the next general election happening not less than three months after both offices shall have become vacant. No

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

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election of a lieutenant-governor shall be had in any event except at the time of electing a governor.

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 TEMPORARY vacancy in the office of lieutenant-governor alone, [or if the lieutenant-governor shall be impeached, absent] FOR ABSENCE from the state or otherwise [unable] INABILITY 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.

IN CASE OF PERMANENT VACANCY IN THE OFFICE OF LIEUTENANT-GOVERNOR ALONE, ON GROUNDS OF IMPEACHMENT, RESIGNATION, DEATH, OR OTHERWISE PERMANENT ABSENCE FROM THE STATE, THE GOVERNOR SHALL APPOINT A LIEUTENANT-GOVERNOR, SUBJECT TO THE CONFIRMATION BY A MAJORITY VOTE IN THE STATE SENATE AND A MAJORITY VOTE IN THE STATE ASSEMBLY, TO PERFORM ALL DUTIES OF SUCH OFFICE FOR THE REMAINDER OF THE TERM.

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.

The legislature may provide for the devolution of the duty of acting as governor in any case not provided for in this article.

S 3. RESOLVED (if the Assembly concur), That the foregoing amendments 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.