STATE OF NEW YORK

5828

2017-2018 Regular Sessions

IN ASSEMBLY

February 16, 2017

Introduced by M. of A. KEARNS -- read once and referred to the Committee on Governmental Operations

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

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

Section 1. The executive power shall be vested in the governor, who shall hold office for four years; the lieutenant-governor shall be chosen at the same time, and for the same term. The governor and lieutenant-governor shall be chosen at the general election held in the year nineteen hundred thirty-eight, and each fourth year thereafter. They shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices, and the legislature by law shall provide for making such choice in such manner. The respective persons having the highest number of votes cast jointly for them for governor and lieutenant-governor respectively shall be elected. **No person shall be elected to the office of the governor more than three times, and no person who has held the office of governor or acted as governor for more than two years of a term to which another person was elected governor shall be elected to more than two additional terms. The limitation on the terms of office that any person can be elected to the office of governor shall not apply to any person holding the office of governor on the effective date of this sentence. Provided, further, that a person who has been elected three times to the office of governor and who is in the line of succession to such office, pursuant to section six of this article,**

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

LBD89065-04-7

shall be passed over in the line of succession and the next person in the line of succession shall act as governor.

§ 2. Resolved (if the Senate concur), That section 1 of article 5 of the constitution be amended to read as follows:

Section 1. The comptroller and attorney-general shall be chosen at the same general election as the governor and hold office for the same term, and shall possess the qualifications provided in section 2 of article IV. The legislature shall provide for filling vacancies in the office of comptroller and of attorney-general. No election of a comptroller or an attorney-general shall be had except at the time of electing a governor. **No person shall be elected to the office of comptroller or attorney-general more than three times, and no person who has held the office of comptroller or attorney-general, or acted as comptroller or attorney-general for more than two years of a term to which another person was elected comptroller or attorney-general shall be elected to more than two additional terms. The limitation on the terms of office that any person can be elected to the office of comptroller or attorney-general shall not apply to any person holding the office of comptroller or attorney-general on the effective date of this sentence.** The comptroller shall be required: (1) to audit all vouchers before payment and all official accounts; (2) to audit the accrual and collection of all revenues and receipts; and (3) to prescribe such methods of accounting as are necessary for the performance of the foregoing duties. The payment of any money of the state, or of any money under its control, or the refund of any money paid to the state, except upon audit by the comptroller, shall be void, and may be restrained upon the suit of any taxpayer with the consent of the supreme court in appellate division on notice to the attorney-general. In such respect the legislature shall define the powers and duties and may also assign to him or her: (1) supervision of the accounts of any political subdivision of the state; and (2) powers and duties pertaining to or connected with the assessment and taxation of real estate, including determination of ratios which the assessed valuation of taxable real property bears to the full valuation thereof, but not including any of those powers and duties reserved to officers of a county, city, town or village by virtue of [~~sections seven and eight~~] **section one** of article nine **and section thirteen of article thirteen** of this constitution. The legislature shall assign to him or her no administrative duties, excepting such as may be incidental to the performance of these functions, any other provision of this constitution to the contrary notwithstanding.

§ 3. Resolved (if the Senate concur), That section 2 of article 3 of the constitution be amended to read as follows:

§ 2. The senate shall consist of [~~fifty~~] **sixty-three** members, except as hereinafter provided. The senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years. The assembly shall consist of one hundred and fifty members. The assembly members elected in the year one thousand nine hundred and thirty-eight, and their successors, shall be chosen for two years.

No person shall serve as a member of the legislature for more than six two year terms, whether such service is as a senator, assembly member, or terms as a senator and an assembly member; provided that any partial term of office held as a member of the legislature prior to the election to a two year term shall not be used to calculate any term limitation imposed pursuant to this paragraph.

§ 4. Resolved (if the Senate concur), That the foregoing 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.