STATE OF NEW YORK

1407--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. WALLACE -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 2 of article 3 of the constitution, in relation to increasing the length of the term of office for members of the legislature; proposing an amendment to section 1 of article 4 of the constitution, in relation to term limits for the office of governor and lieutenant-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

Section 1. 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 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~~] elected for [~~two~~] terms of four years provided, further, no senator shall serve for more than sixteen 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~~] elected for [~~two~~] terms of four years; provided, however, no assembly member shall serve for more than sixteen years. Provided, further, any term already served by a sitting senator or assembly member prior to the amendments to this section being approved and ratified by the people and coming into effect shall be excluded from the limits on service set forth by this section.

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

Section 1. (a) The executive power shall be vested in the governor, who shall hold office for four years; the lieutenant-governor shall be

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

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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.

(b) No person shall be elected to the office of the governor more than three times. Provided, however, any term already served by a sitting governor prior to the amendments to this section being approved and ratified by the people and coming into effect shall be excluded from the limits on service set forth by this section. Provided, further, that a person who has been thrice elected to the office of governor and who is in the line of succession to such office, pursuant to section six of this article, shall be passed over in the line of succession and the next person in the line of succession shall act as governor.

(c) No person shall be elected to the office of the lieutenant-governor more than three times. Provided, however, any term already served by a sitting lieutenant-governor prior to the amendments to this section being approved and ratified by the people and coming into effect shall be excluded from the limits on service set forth by this section. Provided, further, that a person who has been thrice elected to the office of lieutenant-governor and who is in the line of succession to such office, pursuant to section six of this article, shall be passed over in the line of succession and the next person in the line of succession shall act as lieutenant-governor.

§ 3. 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 who has previously been elected to such office more than three times. Provided, however, any term already served by a sitting comptroller or attorney-general prior to the amendments to this section being approved and ratified by the people and coming into effect shall be excluded from the limits on service set forth by this section.** 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.

§ 4. Resolved (if the Senate 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 three months previous to the time of such election.