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

1140

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. HAWLEY, CALHOUN, BARCLAY, SAYWARD, FINCH, TOBACCO, MOLINARO, TOWNSEND -- Multi-Sponsored by -- M. of A. QUINN, THIELE -- read once and referred to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 5 of the constitution, relating to the filling of vacancies in the offices of comptroller and attorney-general

Section 1. 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 *UNTIL THE NEXT GENERAL ELECTION HAPPENING NOT LESS THAN THREE MONTHS AFTER THE OFFICE SHALL HAVE BECOME VACANT, AT WHICH A COMPTROLLER OR ATTORNEY-GENERAL SHALL BE ELECTED TO SERVE THE REMAINDER OF THE TERM.* [No election of a comptroller or an attorney-general shall be had except at the time of electing a governor.] *IN CASE THE COMPTROLLER-ELECT OR ATTORNEY-GENERAL-ELECT SHALL DECLINE TO SERVE OR SHALL DIE, THE LEGISLATURE SHALL PROVIDE FOR FILLING THE VACANCY UNTIL THE NEXT GENERAL ELECTION.* 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

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

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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 of] article nine 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.

S 2. Resolved (if the Senate concur), That the foregoing amendment 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.