

5771

2009-2010 Regular Sessions

I N   S E N A T E

June 4, 2009

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Introduced by Sens. DIAZ, MAZIARZ -- (at request of the State Comptroller) -- 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 section 1 of article 5 of the constitution, in relation to providing for elections to fill vacancies in the offices of comptroller and attorney general

1     Section 1. Resolved (if the Assembly concur), That section 1 of arti-  
2     cle 5 of the constitution be amended to read as follows:  
3     Section 1. The comptroller and attorney-general shall be chosen at the  
4     same general election as the governor [and] UNLESS A VACANCY SHALL OCCUR  
5     ONE HUNDRED TWENTY DAYS OR MORE BEFORE A GENERAL ELECTION OF THE LEGIS-  
6     LATURE THAT IS NOT A GENERAL ELECTION FOR THE GOVERNOR IN WHICH EVENT  
7     THE REMAINING TERM FOR SUCH OFFICE SHALL BE FILLED AT THE GENERAL  
8     ELECTION OF THE LEGISLATURE, SHALL hold office for the same term AS THE  
9     GOVERNOR, and shall possess the qualifications provided in section 2 of  
10    article IV. [The] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE  
11    legislature shall provide for filling vacancies in the office of comp-  
12    troller and of attorney-general. [No election of a comptroller or an  
13    attorney-general shall be had except at the time of electing a gover-  
14    nor.] The comptroller shall be required: (1) to audit all vouchers  
15    before payment and all official accounts; (2) to audit the accrual and  
16    collection of all revenues and receipts; and (3) to prescribe such meth-  
17    ods of accounting as are necessary for the performance of the foregoing  
18    duties. The payment of any money of the state, or of any money under its  
19    control, or the refund of any money paid to the state, except upon audit  
20    by the comptroller, shall be void, and may be restrained upon the suit  
21    of any taxpayer with the consent of the supreme court in appellate divi-  
22    sion on notice to the attorney-general. In such respect the legislature  
23    shall define the powers and duties and may also assign to him or her:  
24    (1) supervision of the accounts of any political subdivision of the  
25    state; and (2) powers and duties pertaining to or connected with the

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

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1 assessment and taxation of real estate, including determination of  
2 ratios which the assessed valuation of taxable real property bears to  
3 the full valuation thereof, but not including any of those powers and  
4 duties reserved to officers of a county, city, town or village by  
5 [virtue of sections seven and eight of article nine of] this constitu-  
6 tion. The legislature shall assign to him or her no administrative  
7 duties, excepting such as may be incidental to the performance of these  
8 functions, any other provision of this constitution to the contrary  
9 notwithstanding.

10 S 2. Resolved (if the Assembly concur), That the foregoing amendments  
11 be referred to the first regular legislative session convening after the  
12 next succeeding general election of members of the assembly, and, in  
13 conformity with section 1 of article 19 of the constitution, be  
14 published for 3 months previous to the time of such election.