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

1511

2011-2012 Regular Sessions

I N A S S E M B L Y

January 10, 2011

Introduced by M. of A. TEDISCO, KOLB -- 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 5 of the constitution, in relation to providing for the governor to fill a vacancy of the office of the 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. No election of a comptroller or an attorney-general shall be had except at the time of electing a governor.] IF A VACANCY SHALL OCCUR DURING A TERM OF SUCH OFFICES, OTHERWISE THAN BY EXPIRATION OF TERM, THE GOVERNOR SHALL APPOINT A PERSON TO EXECUTE THE DUTIES OF THE OFFICE OF THE COMPTROLLER OR ATTORNEY-GENERAL, AS THE CASE MAY BE, AND SUCH PERSON SHALL SERVE UNTIL THE NEXT GENERAL ELECTION. IF SUCH NEXT GENERAL ELECTION IS AT A TIME OTHER THAN THE TIME OF ELECTING A GOVERNOR, AN ELECTION SHALL BE HELD AT SUCH TIME AND SHALL BE TO FILL THE RESIDUE OF THE TERM UNTIL THE NEXT GENERAL ELECTION WHERE A GOVERNOR SHALL BE ELECTED. 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

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

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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.