

# STATE OF NEW YORK

8714

## IN SENATE

May 10, 2018

Introduced by Sen. CARLUCCI -- 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 qualifications for the office of 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 hold office for the same term,  
5 and shall possess the qualifications provided in section 2 of article  
6 IV, provided that no person shall be eligible for the office of attor-  
7 ney-general unless such person has been admitted to the practice of  
8 law in this state. The legislature shall provide for filling vacancies  
9 in the office of comptroller and of attorney-general. No election of a  
10 comptroller or an attorney-general shall be had except at the time of  
11 electing a governor. The comptroller shall be required: (1) to audit  
12 all vouchers before payment and all official accounts; (2) to audit the  
13 accrual and collection of all revenues and receipts; and (3) to  
14 prescribe such methods of accounting as are necessary for the perform-  
15 ance of the foregoing duties. The payment of any money of the state, or  
16 of any money under its control, or the refund of any money paid to the  
17 state, except upon audit by the comptroller, shall be void, and may be  
18 restrained upon the suit of any taxpayer with the consent of the supreme  
19 court in appellate division on notice to the attorney-general. In such  
20 respect the legislature shall define the powers and duties and may also  
21 assign to him or her: (1) supervision of the accounts of any political  
22 subdivision of the state; and (2) powers and duties pertaining to or  
23 connected with the assessment and taxation of real estate, including  
24 determination of ratios which the assessed valuation of taxable real  
25 property bears to the full valuation thereof, but not including any of  
26 those powers and duties reserved to officers of a county, city, town or  
27 village by virtue of sections seven and eight of article nine of this  
28 constitution. The legislature shall assign to him or her no administra-  
29 tive duties, excepting such as may be incidental to the performance of

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

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1 these functions, any other provision of this constitution to the contra-  
2 ry notwithstanding.

3 § 2. Resolved (if the Assembly concur), That the foregoing be referred  
4 to the first regular legislative session convening after the next  
5 succeeding general election of members of the assembly, and, in conform-  
6 ity with section 1 of article 19 of the constitution, be published for 3  
7 months previous to the time of such election.