STATE OF NEW YORK

5898

2019-2020 Regular Sessions

IN ASSEMBLY

February 20, 2019

Introduced by M. of A. MALLIOTAKIS -- 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 filling vacancies in the office of comptroller or 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~~] **In the event a vacancy shall occur in the office of comptroller or attorney-general prior to the expiration of the term thereof, a special election shall be called by the governor to fill the vacancy for the remainder of the term. Provided, however, if the vacancy occurs in the office of the comptroller or attorney-general within the same calendar year as the next general election at which such officers are to be chosen, no special election shall be called and the offices shall be filled for the remainder of the unexpired term as provided by the legislature**. 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:

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

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(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 1** of article [~~nine~~] **IX and section 13 of article XIII** 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.

§ 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.