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

8343

2009-2010 Regular Sessions

I N A S S E M B L Y

May 15, 2009

Introduced by M. of A. SCHROEDER -- read once and referred to the Committee on Education

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 4 of article 5 of the constitution, in relation to election of the commissioner of education

Section 1. Resolved (if the Senate concur), That section 4 of article 5 of the constitution be amended to read as follows:

S 4. The head of the department of audit and control shall be the comptroller and of the department of law, the attorney-general. The head of the department of education shall be The Regents of the University of the State of New York, [who shall appoint and at pleasure remove a commissioner of education to be] the chief administrative officer of the department SHALL BE THE COMMISSIONER OF EDUCATION, WHO SHALL BE CHOSEN AT THE GENERAL ELECTION HELD IN THE YEAR TWO THOUSAND TWELVE AND EACH FOURTH YEAR THEREAFTER, BY THE CASTING BY EACH VOTER OF A SINGLE VOTE AND THE LEGISLATURE BY LAW SHALL PROVIDE FOR MAKING SUCH CHOICE IN SUCH MANNER. THE RESPECTIVE PERSON HAVING THE HIGHEST NUMBER OF VOTES CAST FOR THEM FOR COMMISSIONER OF EDUCATION SHALL BE ELECTED. The head of the department of agriculture and markets shall be appointed in a manner to be prescribed by law. Except as otherwise provided in this constitution, the heads of all other departments and the members of all boards and commissions, excepting temporary commissions for special purposes, shall be appointed by the governor by and with the advice and consent of the senate and may be removed by the governor, in a manner to be prescribed by law.

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.

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

LBD89113-01-9