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

8819

I N A S S E M B L Y

(PREFILED)

January 4, 2012

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

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to the Constitution, in relation to appointment of the commissioner of education

Section 1. Resolved (if the Senate concur), That section 4 of article 5 of the constitution to 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] AND 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 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. 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.

LBD89121-01-1