

# STATE OF NEW YORK

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4806

2017-2018 Regular Sessions

## IN SENATE

March 2, 2017

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Introduced by Sen. ORTT -- 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 4 of article 5 of the constitution, in relation to limiting the time between appointing an acting commissioner and the governor submitting a name for a commissioner

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

2 § 4. The head of the department of audit and control shall be the  
3 comptroller and of the department of law, the attorney-general. The head  
4 of the department of education shall be The Regents of the University of  
5 the State of New York, who shall appoint and at pleasure remove a  
6 commissioner of education to be the chief administrative officer of the  
7 department. The head of the department of agriculture and markets shall  
8 be appointed in a manner to be prescribed by law. Except as otherwise  
9 provided in this constitution, the heads of all other departments and  
10 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. A department shall only have an acting commissioner for one hundred eighty days or two hundred seventy days if the senate is adjourned when the acting commissioner is appointed. The governor shall submit a name for the commissioner of a department with an acting commissioner before one hundred eighty days or two hundred seventy days if the senate is adjourned when the acting commissioner was appointed.

21 § 2. Resolved (if the Assembly concur), That the foregoing amendment  
22 be referred to the first regular legislative session convening after the  
23 next succeeding general election of members of the assembly, and, in  
24 conformity with section 1 of article 19 of the constitution, be  
25 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.

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