

# STATE OF NEW YORK

2838

2017-2018 Regular Sessions

## IN ASSEMBLY

January 23, 2017

Introduced by M. of A. KOLB, FINCH, HAWLEY, RAIA, MONTESANO, GIGLIO,  
LOPEZ, BRABENEC -- Multi-Sponsored by -- M. of A. STEC -- 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 be amended to read as follows:

§ 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]~~ and 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 commis-  
sions 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.

§ 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.

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