STATE OF NEW YORK

4806--A

Cal. No. 196

2017-2018 Regular Sessions

IN SENATE

March 2, 2017

Introduced by Sens. ORTT, CROCI -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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 department head and the governor submitting a name for a new department head

Section 1. Resolved (if the Assembly 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 the chief administrative officer of the department. 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. **A department shall only have an acting head for one hundred eighty days or two hundred seventy days if the senate is adjourned when the acting head is appointed. The governor shall submit a name for the head of a department with an acting head before one hundred eighty days or two hundred seventy days if the senate is adjourned when the acting head was appointed.**

§ 2. Resolved (if the Assembly 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.

LBD89104-02-8