

STATE OF NEW YORK

291

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

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

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
11 with the advice and consent of the senate and may be removed by the
12 governor, in a manner to be prescribed by law. A department shall only
13 have an acting head for one hundred eighty days or two hundred seventy
14 days if the senate is adjourned when the acting head is appointed. The
15 governor shall submit a name for the head of a department with an acting
16 head before one hundred eighty days or two hundred seventy days if the
17 senate is adjourned when the acting head was appointed.

18 § 2. Resolved (if the Assembly concur), That the foregoing amendment
19 be referred to the first regular legislative session convening after the
20 next succeeding general election of members of the assembly, and, in
21 conformity with section 1 of article 19 of the constitution, be
22 published for 3 months previous to the time of such election.
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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