

STATE OF NEW YORK

8256

2025-2026 Regular Sessions

IN ASSEMBLY

May 5, 2025

Introduced by M. of A. GIBBS -- read once and referred to the Committee on Governmental Operations

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to sections 2 and 4 of article 5, section 5 of article 14 and section 1 of article 19 of the constitution, in relation to the role of the attorney-general as the head of the department of justice and of the chief state's attorney as the head of the department of law

1 Section 1. Resolved (if the Senate concur), That section 2 of article
2 5 of the constitution be amended to read as follows:
3 § 2. There shall be not more than [~~twenty~~] twenty-one civil depart-
4 ments in the state government, including those referred to in this
5 constitution. The legislature may by law change the names of the depart-
6 ments referred to in this constitution.
7 § 2. Resolved (if the Senate concur), That section 4 of article 5 of
8 the constitution be amended to read as follows:
9 § 4. The head of the department of audit and control shall be the
10 comptroller and of the department of [~~law~~] justice, the attorney-gener-
11 al. The head of the department of education shall be The Regents of the
12 University of the State of New York, who shall appoint and at pleasure
13 remove a commissioner of education to be the chief administrative offi-
14 cer of the department. The head of the department of agriculture and
15 markets shall be appointed in a manner to be prescribed by law. The head
16 of the department of law shall be the chief state's attorney who shall
17 be appointed by the governor by and with the advice and consent of the
18 senate. Except as otherwise provided in this constitution, the heads of
19 all other departments and the members of all boards and commissions,
20 excepting temporary commissions for special purposes, shall be appointed
21 by the governor by and with the advice and consent of the senate and may
22 be removed by the governor, in a manner to be prescribed by law.
23 § 3. Resolved (if the Senate concur), That section 5 of article 14 of
24 the constitution be amended to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

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1 § 5. A violation of any of the provisions of this article may be
2 restrained at the suit of the people or, with the consent of the supreme
3 court in appellate division, on notice to the [~~attorney-general~~] chief
4 state's attorney at the suit of any citizen.

5 § 4. Resolved (if the Senate concur), That section 1 of article 19 of
6 the constitution be amended to read as follows:

7 Section 1. Any amendment or amendments to this constitution may be
8 proposed in the senate and assembly whereupon such amendment or amend-
9 ments shall be referred to the [~~attorney-general~~] chief state's attorney
10 whose duty it shall be within twenty days thereafter to render an opin-
11 ion in writing to the senate and assembly as to the effect of such
12 amendment or amendments upon other provisions of the constitution. Upon
13 receiving such opinion, if the amendment or amendments as proposed or as
14 amended shall be agreed to by a majority of the members elected to each
15 of the two houses, such proposed amendment or amendments shall be
16 entered on their journals, and the ayes and noes taken thereon, and
17 referred to the next regular legislative session convening after the
18 succeeding general election of members of the assembly, and shall be
19 published for three months previous to the time of making such choice;
20 and if in such legislative session, such proposed amendment or amend-
21 ments shall be agreed to by a majority of all the members elected to
22 each house, then it shall be the duty of the legislature to submit each
23 proposed amendment or amendments to the people for approval in such
24 manner and at such times as the legislature shall prescribe; and if the
25 people shall approve and ratify such amendment or amendments by a major-
26 ity of the electors voting thereon, such amendment or amendments shall
27 become a part of the constitution on the first day of January next after
28 such approval. Neither the failure of the [~~attorney-general~~] chief
29 state's attorney to render an opinion concerning such a proposed amend-
30 ment nor [~~his or her~~] such chief state's attorney's failure to do so
31 timely shall affect [~~th~~] the validity of such proposed amendment or
32 legislative action thereon.

33 § 5. Resolved (if the Senate concur), That the foregoing amendment be
34 referred to the first regular legislative session convening after the
35 next succeeding general election of members of the assembly, and, in
36 conformity with section 1 of article 19 of the constitution, be
37 published for 3 months previous to the time of such election.