

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO, GREENE, TODARO AND MILLS**

Re: Support for changes to New York Law to allow the Attorney General to engage in investigations when the Attorney General determines it to be necessary

WHEREAS, current Executive Law authorizes the New York State Attorney General, an independently elected official, to conduct an investigation only with the consent of the governor, or by the directive of the governor, comptroller, secretary of state, commissioner of transportation, superintendent of financial services, commissioner of taxation and finance, commissioner of motor vehicles or the state inspector general or other division or agency of the state; and

WHEREAS, Executive Law Section 63 further provides a requirement that the New York State Governor approve appointments, salaries, duties, and expenses related to any investigation; and

WHEREAS, this procedure can be problematic if ever there is an instance where the Attorney General needs to investigate the Governor or allies of the Governor. Whether or not the Governor chooses to interfere with the investigation process is irrelevant, the need for his or her approval and his or her ability to actively manage the staff and finances of the investigation gives cause for concern; and

WHEREAS, the New York Attorney general has taken it upon herself to investigate multiple claims of sexual harassment levied against Governor Cuomo. Unfortunately, the investigation was briefly held up, as the Governor initially withheld approval for her to move forward with the investigation and instead asked the Attorney General to appoint an independent lawyer with the Chief Judge of the Court of Appeals, a judge appointed by the Governor, to lead an investigation. After further pressure in the last few days, official referral for an independent investigation was finally given by the Governor's Office on March 1st ; and

WHEREAS, the Attorney General should be free to conduct investigations as his or her office deems necessary, without any additional approval from the Governor; and

WHEREAS, Senate Bill S5260 seeks to address this problem by extending the authority of the Attorney General to investigate the alleged commission of any crimes and offenses recognized by New York Courts whenever the Attorney General, in his or her own discretion, deems it just and proper. The bill also seeks to remove the approval function of the Governor in the hiring, firing, and salaries of employees of the Attorney General's Office.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby supports NYS Senate Bill S5260, which amends Executive Law Section 63 to authorize the Attorney General to conduct appropriate investigations as he or she deems appropriate; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Senate and Assembly, the New York State Attorney General's Office, Governor Andrew Cuomo's office, and any other party deemed necessary and proper.

Fiscal Impact: None for resolution.