

# STATE OF NEW YORK

9020

2025-2026 Regular Sessions

## IN ASSEMBLY

September 5, 2025

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

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 4 of the constitution, in relation to  
declaring inabilities of the governor, lieutenant-governor and acting  
governor

1 Section 1. Resolved (if the Senate concur), That article 4 of the  
2 constitution be amended by adding a new section 9 to read as follows:

3 § 9. (a) Governor's declaration of inability. Whenever the governor  
4 transmits to the lieutenant-governor, the temporary president of the  
5 senate, the speaker of the assembly, the minority leader of the senate  
6 and the minority leader of the assembly a written declaration of inabil-  
7 ity to discharge the powers and duties of the office of governor, and  
8 until the governor transmits to them a written declaration to the  
9 contrary, such powers and duties shall be discharged by the lieutenant-  
10 governor, or the next available person in the line of succession to the  
11 office of governor, as acting-governor.

12 (b) Committee on gubernatorial inability. A committee on gubernatorial  
13 inability shall be comprised of the lieutenant-governor, the attorney  
14 general, comptroller and six heads of executive departments, divisions  
15 or offices, as provided by law, who shall have been confirmed by the  
16 senate to lead their departments, divisions or offices. For the purposes  
17 of subdivisions (c) and (d) of this section, should there be a vacancy  
18 in the committee, a written declaration under those paragraphs shall  
19 require a two-thirds vote of the committee.

20 (c) Committee on gubernatorial inability's declaration of the gover-  
21 nor's inability. Whenever a majority of the committee on gubernatorial  
22 inability, or two-thirds of a partial committee as provided in paragraph  
23 (b) of this section, transmit to the officials receiving the declaration  
24 in paragraph (a) of this section a written declaration that the governor  
25 is unable to discharge the powers and duties of the office of governor,  
26 such powers and duties shall immediately be discharged by the lieuten-

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

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1 ant-governor, or the next available official in the line of succession  
2 to the office of governor, as acting-governor.

3 (d) Governor's declaration of no inability. Thereafter, whenever the  
4 governor transmits to the officials receiving the declaration in para-  
5 graph (a) of this section and the committee on gubernatorial inability a  
6 written declaration that no inability exists, the governor shall resume  
7 the powers and duties of the office of governor on the fourth day after  
8 making such declaration or at such earlier time as may be determined by  
9 such committee, unless a majority of the committee, or two-thirds of a  
10 partial committee as provided by paragraph (b) of this section, transmit  
11 within the four day period to the officials receiving the declaration in  
12 paragraph (a) of this section their written declaration that the gover-  
13 nor is unable to discharge the powers and duties of the office of gover-  
14 nor.

15 (e) Legislative determination of gubernatorial inability. If there is  
16 a disagreement between the governor and the committee on gubernatorial  
17 inability concerning whether the governor has an inability to discharge  
18 the powers and duties of the office of governor, the legislature shall  
19 decide the issue, assembling within forty-eight hours from the expira-  
20 tion of the four days described in paragraph (d) of this section for  
21 that purpose if not in session. If both houses of the legislature, with-  
22 in twenty-one days after assembling, determine by two-thirds votes of  
23 all members elected that the governor is unable to discharge the powers  
24 and duties of the office of governor, the acting-governor shall continue  
25 to discharge the same; otherwise, the governor shall resume the powers  
26 and duties of the office of governor.

27 (f) Lieutenant-governor inability procedures. The lieutenant-governor  
28 may voluntarily declare inability to discharge the powers and duties of  
29 the office, in a process identical to that described in paragraph (a) of  
30 this section, except the declaration shall be transmitted to the gover-  
31 nor, in addition to the officials receiving the declaration in paragraph  
32 (a) of this section, rather than the lieutenant-governor. The committee  
33 on gubernatorial inability may declare the lieutenant-governor unable,  
34 in a process identical to that described in paragraph (c) of this  
35 section, except the governor shall take the place of the lieutenant-gov-  
36 ernor on the committee. Thereafter, the lieutenant-governor may declare  
37 no inability exists, and the legislature shall decide the issue, in  
38 processes identical to those described in paragraphs (d) and (e) of this  
39 section, except for the lieutenant-governor. When the lieutenant-gover-  
40 nor is unable to discharge the powers and duties of the office of lieu-  
41 tenant-governor or the office of lieutenant-governor is vacant, the line  
42 of succession to the governor's office shall exclude the lieutenant-gov-  
43 ernor.

44 (g) Acting governor inability procedures. An acting governor under  
45 section six of this article shall be subject to all provisions of this  
46 section as if the acting governor had been elected governor. If the  
47 acting governor, by way of their existing office, is a member of the  
48 committee on gubernatorial inability, the acting governor shall not  
49 participate in the committee, and the acting governor's existing office  
50 will be considered vacant for purposes of the committee's voting.

51 § 2. Resolved (if the Senate concur), That the foregoing amendment be  
52 referred to the first regular legislative session convening after the  
53 next succeeding general election of members of the assembly, and, in  
54 conformity with section 1 of article 19 of the constitution, be  
55 published for 3 months previous to the time of such election.