STATE OF NEW YORK

1298

2019-2020 Regular Sessions

IN SENATE

January 14, 2019

Introduced by Sens. SERINO, FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to section 14 of article 3 and section 2 of article 9 of the constitution, in relation to the procedure for voting increases in the rate of state taxes

Section 1. Resolved (if the Assembly concur), That section 14 of article 3 of the constitution be amended to read as follows:

§ 14. No bill shall be passed or become a law unless it shall have been printed and upon the desks of the members, in its final form, at least three calendar legislative days prior to its final passage, unless the governor, or the acting governor, shall have certified, under his or her hand and the seal of the state, the facts which in his or her opinion necessitate an immediate vote thereon, in which case it must nevertheless be upon the desks of the members in final form, not necessarily printed, before its final passage; nor shall any bill**, except as provided herein,** be passed or become a law, except by the assent of a majority of the members elected to each branch of the legislature; **nor shall any bill which increases, extends, imposes, or revives any tax, fee, assessment, surcharge or any other such levy or collection, except any bill which results from the passage of a home rule message pursuant to section two of article nine of this constitution, be passed or become a law, except by the assent of two-thirds of the members elected to each branch of the legislature voting separately;** and upon the last reading of a bill, no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the ayes and nays entered on the journal.

For purposes of this section, a bill shall be deemed to be printed and upon the desks of the members if: it is set forth in a legible electronic format by electronic means, and it is available for review in such format at the desks of the members. For purposes of this section "electronic means" means any method of transmission of information between

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

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computers or other machines designed for the purpose of sending and receiving such transmissions and which: allows the recipient to reproduce the information transmitted in a tangible medium of expression; and does not permit additions, deletions or other changes to be made without leaving an adequate record thereof.

§ 2. Resolved (if the Assembly concur), That the opening paragraph of paragraph (c) of section 2 of article 9 of the constitution be amended to read as follows:

In addition to powers granted in the statute of local governments or any other law, (i) every local government shall have power to adopt and amend local laws not inconsistent with the provisions of this constitution or any general law relating to its property, affairs or government**, provided, however, any local law that increases, extends, imposes, or revives any tax for which authority is required by the legislature shall require the vote of two-thirds of the total voting power of the legislative body of such local government** and, (ii) every local government shall have power to adopt and amend local laws not inconsistent with the provisions of this constitution or any general law relating to the following subjects, whether or not they relate to the property, affairs or government of such local government, except to the extent that the legislature shall restrict the adoption of such a local law relating to other than the property, affairs or government of such local government:

§ 3. 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.