

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

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

3 § 14. No bill shall be passed or become a law unless it shall have
4 been printed and upon the desks of the members, in its final form, at
5 least three calendar legislative days prior to its final passage, unless
6 the governor, or the acting governor, shall have certified, under his or
7 her hand and the seal of the state, the facts which in his or her opin-
8 ion necessitate an immediate vote thereon, in which case it must never-
9 theless be upon the desks of the members in final form, not necessarily
10 printed, before its final passage; nor shall any bill, except as
11 provided herein, be passed or become a law, except by the assent of a
12 majority of the members elected to each branch of the legislature; nor
13 shall any bill which increases, extends, imposes, or revives any tax,
14 fee, assessment, surcharge or any other such levy or collection, except
15 any bill which results from the passage of a home rule message pursuant
16 to section two of article nine of this constitution, be passed or become
17 a law, except by the assent of two-thirds of the members elected to each
18 branch of the legislature voting separately; and upon the last reading
19 of a bill, no amendment thereof shall be allowed, and the question upon
20 its final passage shall be taken immediately thereafter, and the ayes
21 and nays entered on the journal.

22 For purposes of this section, a bill shall be deemed to be printed and
23 upon the desks of the members if: it is set forth in a legible electron-
24 ic format by electronic means, and it is available for review in such
25 format at the desks of the members. For purposes of this section "elec-
26 tronic 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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1 computers or other machines designed for the purpose of sending and
2 receiving such transmissions and which: allows the recipient to
3 reproduce the information transmitted in a tangible medium of
4 expression; and does not permit additions, deletions or other changes to
5 be made without leaving an adequate record thereof.

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

9 In addition to powers granted in the statute of local governments or
10 any other law, (i) every local government shall have power to adopt and
11 amend local laws not inconsistent with the provisions of this constitu-
12 tion or any general law relating to its property, affairs or government,
13 provided, however, any local law that increases, extends, imposes, or
14 revives any tax for which authority is required by the legislature shall
15 require the vote of two-thirds of the total voting power of the legisla-
16 tive body of such local government and, (ii) every local government
17 shall have power to adopt and amend local laws not inconsistent with the
18 provisions of this constitution or any general law relating to the
19 following subjects, whether or not they relate to the property, affairs
20 or government of such local government, except to the extent that the
21 legislature shall restrict the adoption of such a local law relating to
22 other than the property, affairs or government of such local government:

23 § 3. Resolved (if the Assembly concur), That the foregoing amendment
24 be referred to the first regular legislative session convening after the
25 next succeeding general election of members of the assembly, and, in
26 conformity with section 1 of article 19 of the constitution, be
27 published for 3 months previous to the time of such election.