STATE OF NEW YORK

7815

2025-2026 Regular Sessions

IN SENATE

May 9, 2025

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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

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

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

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

(c) Committee on gubernatorial inability's declaration of the governor's inability. Whenever a majority of the committee on gubernatorial inability, or two-thirds of a partial committee as provided in paragraph (b) of this section, transmit to the officials receiving the declaration in paragraph (a) of this section a written declaration that the governor is unable to discharge the powers and duties of the office of governor, 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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ant-governor, or the next available official in the line of succession to the office of governor, as acting-governor.

(d) Governor's declaration of no inability. Thereafter, whenever the governor transmits to the officials receiving the declaration in paragraph (a) of this section and the committee on gubernatorial inability a written declaration that no inability exists, the governor shall resume the powers and duties of the office of governor on the fourth day after making such declaration or at such earlier time as may be determined by such committee, unless a majority of the committee, or two-thirds of a partial committee as provided by paragraph (b) of this section, transmit within the four day period to the officials receiving the declaration in paragraph (a) of this section their written declaration that the governor is unable to discharge the powers and duties of the office of governor.

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

(f) Lieutenant-governor inability procedures. The lieutenant-governor may voluntarily declare inability to discharge the powers and duties of the office, in a process identical to that described in paragraph (a) of this section, except the declaration shall be transmitted to the governor, in addition to the officials receiving the declaration in paragraph (a) of this section, rather than the lieutenant-governor. The committee on gubernatorial inability may declare the lieutenant-governor unable, in a process identical to that described in paragraph (c) of this section, except the governor shall take the place of the lieutenant-governor on the committee. Thereafter, the lieutenant-governor may declare no inability exists, and the legislature shall decide the issue, in processes identical to those described in paragraphs (d) and (e) of this section, except for the lieutenant-governor. When the lieutenant-governor is unable to discharge the powers and duties of the office of lieutenant-governor or the office of lieutenant-governor is vacant, the line of succession to the governor's office shall exclude the lieutenant-governor.

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

§ 2. 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.