LAWS OF NEW YORK

ONE

Explanation.—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

STATE OF NEW YORK,
Office of the Secretary of State,
Albany, *July* 1, 1920.

Pursuant to the provisions of section one of article fourteen of the Constitution of the State of New York, and section two hundred ninety-five of the Election Law notice is hereby given that the following proposed amendments to sections two, four, five, eleven and twelve of article seven of the Constitution of the State of New York will be submitted to the people for the purpose of voting thereon at the next general election to be held on the second day of November, nineteen hundred and twenty.

FRANCIS M. HUGO,
Secretary of State.

AMENDMENT NUMBER ONE

Concurrent Resolution of the Senate and Assembly Proposing to Amend Sections Two, Four, Five, Eleven and Twelve of Article Seven of the Constitution, in Relation to Debts Contracted by the State.

Section 1. Resolved (if the Assembly concur), That sections two, four, five, eleven and twelve of article seven of the Constitution be amended to read as follows:

§ 2. The state may[, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts; but such debts, direct or contingent singly or in the aggregate, shall not at any time exceed one million of dollars; and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debt so contracted, and to no other purpose whatever.] *contract debts, in anticipation of the receipt of taxes and revenues, direct or indirect, for the purposes and within the amounts of appropriations therefore made; bonds or other obligations for the moneys so borrowed shall be issued as may be provided by law, and shall with the interest thereon be paid from such taxes and revenues within one year from the date of issue.*

§ 4. Except the debts specified in sections two and three of this article, no debt[s] shall be hereafter contracted by or in behalf of this state, unless such debt shall be authorized by law, for some single work or object, to be distinctly specified therein. [No such debt hereafter authorized shall be contracted for a period longer than that of the probable life of the work or object for which the debt is to be contracted, to be determined by general laws, which determination shall be conclusive, nor for more than thirty years from the time of the contracting of such debt. A debt hereafter contracted by the state, pursuant to an authorization hereafter made, and each portion of any such debt from time to time so contracted, may, if provided by the law authorizing such debt, be paid in equal annual instalments, the first of which shall be payable not more than one year, and the last of which shall be payable not more than fifty years, after such debt or portion thereof shall have been contracted. Such law shall if it authorize the contracting of a debt payable otherwise than in equal annual instalments impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within fifty years from the time of the contracting thereof. No law authorizing the contracting of a debt pursuant to this section shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election.] On the final passage of such bill in either house of the legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass and ought the same to receive the sanction of the people?" *No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election nor shall it be submitted to be voted on within three months after its passage nor at any general election when any other law or any bill shall be submitted and be voted for or against.* The legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time by law, forbid the contracting of any further debt or liability under such law. [But the tax, if any, imposed by such act, in proportion to the debt and liability which may have been contracted in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability.]

*Except the debts specified in sections two and three of this article, all debts contracted by the state after January first, nineteen hundred and twenty, pursuant to an authorization therefor, heretofore or hereafter made, and each portion of any such debt from time to time so contracted irrespective of the terms of such authorization, shall be paid in equal annual instalments, the first of which shall be payable not more than one year, and the last of which shall be payable not more than fifty years, after such debt or portion thereof shall have been contracted. No such debt hereafter authorized shall be contracted for a period longer than that of the probable life of the work or object for which the debt is to be contracted, to be determined by general law, which determination shall be conclusive. The legislature may from time to time alter the rate of interest to be paid upon any debt which has been or may be authorized pursuant to the provisions of this section, or upon any part of such debt, provided, however, that the rate of interest shall not be altered upon any part of such debt or upon any bond or other evidence thereof which has been or shall be created, or issued before such alteration. In case the legislature increase the rate of interest upon any such debt, or part thereof, it shall, if such debt be payable otherwise than in equal annual instalments, impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the increased or altered interest on such debt as it falls due and also to pay and discharge the principal of such debt within fifty years from the time of the contracting thereof, and shall provide annually to the sinking fund moneys in amount sufficient to pay such interest and pay and discharge the principal of such debt when it shall become due and payable.]

§ 5. The sinking fund provided for the payment of interest and the extinguishment of the principal of the debts of the state *heretofore contracted shall be continued; they shall* be separately kept and safely invested, and neither of them shall be appropriated or used in any manner other than for [the specific purposes for which it shall have been provided] *such payment and extinguishment as hereinafter provided. The comptroller shall each year appraise the securities held for the sinking funds in each of such funds at their fair market value not exceeding par. He shall then determine and certify to the legislature the amount of each of such funds and the amounts which, if thereafter annually contributed to each such fund, would with the fund and with the accumulations thereon and upon the contributions thereto, computed at the rate of three per centum per annum, produce at the date of maturity the amount of the debt to retire which such fund was created, and the legislature shall thereupon appropriate as the contribution to each such fund for such year at least the amount thus certified.*

If the income of any such fund in any year is more than a sum which, if annually added to such fund, would, with the fund and the accumulations as aforesaid, retire the debt at maturity, the excess income may be applied to the interest on the debt for which the fund was created.

After any sinking fund shall equal an amount the debt for which it was created no further contribution shall be made thereto except to make good any losses occurring at the annual appraisals above mentioned, and the income thereof shall be applied to the payment of the interest on such debt. Any excess in such income not required for the payment of interest may be applied to the general fund of the state.

The legislature may also by general laws provide means and authority whereby outstanding bonds of the state, for which sinking funds are provided, may be exchanged at par for cancellation, for serial bonds of the form authorized under section four of this article, upon such terms and conditions as to interest and otherwise as it may deem the action authorize or determine, except that the debt as thus refunded shall finally mature no later and at no greater comparative cost to the taxpayers of the original debt; the determination of the legislature as to such comparative cost shall be conclusive. No further contributions to the respective sinking funds shall be made on account of bonds so exchanged and the proportion of any such sinking fund which the amount of the bonds so exchanged shall bear to the amount of bonds outstanding of the same issue may be appropriated, as required, for the payment of the substituted serial bonds.

§ 11. [The legislature may appropriate out of any funds in the treasury moneys to pay the accruing interest and principal of any debt heretofore or hereafter created, or any part thereof, and may, if such debt be payable otherwise than in annual instalments, set apart in each fiscal year, moneys in the state treasury as a sinking fund to pay the interest as it falls due and to pay and discharge the principal of any debt heretofore or hereafter created under section four of article seven of the constitution until the same shall be wholly paid, and the principal and income of such sinking fund shall be applied to the purpose for which said sinking fund is created and to no other purpose whatever; and, in the event such moneys so set apart in any fiscal year be sufficient to provide such sinking fund, a direct annual tax for such year need not be imposed and collected, as required by the provisions of said section four of article seven, or of any law enacted in pursuance thereof. The legislature shall annually as the same shall fall due provide by direct tax, appropriation or both for the payment of the interest upon and instalments of principal of all debts created on behalf of the state, payable in annual instalments, pursuant to section four of article seven, or of any law enacted in pursuance thereof.] *The legislature shall annually provide by appropriation for the payment of the interest upon and instalments of principal of all debts created on behalf of the state except those contracted under section two of this article, as the same shall fall due, and for the contribution to all of the sinking funds heretofore created by law of the amounts annually to be contributed under the provisions of section five of this article. If at any time the legislature shall fail to make any such appropriation, the comptroller shall set apart from the first revenues thereafter received, applicable to the general fund of the state, a sum sufficient to pay such interest, instalments of principal, or contributions to such sinking fund, as the case may be, and shall so apply the moneys thus set apart. The comptroller may be required to set aside and apply such revenues as aforesaid, at the suit of any holder of such bonds.*

§ 12. *Debts hereafter authorized for the improvement of highways shall be created only in the manner provided in section four of this article. No provision of this article shall be deemed to impair or affect the validity of any debt of any state heretofore contracted or any right or obligation heretofore created between the state and any of its civil divisions.*

[A debt or debts of the state may be authorized by law for the improvement of highways. Such highways shall be determined under general laws, which shall also provide for the equitable apportionment thereof among the counties. The aggregate of the debts authorized by this section shall not at any one time exceed the sum of fifty millions of dollars. The payment of the annual interest on such debt and the creation of a sinking fund of at least one per centum per annum to discharge the principal at maturity shall be provided by general laws whose force and effect shall not be diminished during the existence of any debt created thereunder. The legislature may by general laws require the county or town or both to pay to the sinking fund the proportionate part of the cost of any such highway within the boundaries of such county or town and the proportionate part of the interest thereon. But no county shall at any time for any highway be required to pay more than thirty-five hundredths of the cost of such highway, and no town more than fifteen hundredths. None of the provisions of the fourth section of this article shall apply to debts for the improvement of highways hereby authorized.]

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be submitted to the people for approval at the general election to be held in the year nineteen hundred and twenty, in accordance with the provisions of the election law.

STATE OF NEW YORK,
IN SENATE,
Apr. 16, 1919.

The foregoing resolution was duly passed, a majority of all the Senators elected voting in favor thereof.

By order of the Senate,
HARRY C. WALKER,
President.

STATE OF NEW YORK,
IN ASSEMBLY,
April 18, 1919.

The foregoing resolution was duly passed, a majority of all the members elected to the Assembly voting in favor thereof.

By order of the Assembly,
THADDEUS C. SWEET,
Speaker.

STATE OF NEW YORK, } ss.:
Office of the Secretary of State,

I have compared the preceding copy of concurrent resolution with the original resolution on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Given under my hand and the seal of office of the Secretary of State, at the city of Albany, this first day of July in the year one thousand nine hundred and twenty.

[L. S.]

FRANCIS M. HUGO,
Secretary of State.

TWO

Explanation.—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

STATE OF NEW YORK,
Office of the Secretary of State,
Albany, *July* 1, 1920.

Pursuant to the provisions of section one of article fourteen of the Constitution of the State of New York, and section two hundred ninety-five of the Election Law, notice is hereby given that the following proposed amendment to section one of article two of the Constitution of the State of New York is referred to the legislature to be chosen at the next general election of senators in this state to be held on the second day of November, nineteen hundred twenty.

AMENDMENT NUMBER TWO

Concurrent Resolution of the Senate and Assembly Proposing an Amendment to Section One of Article Two of the Constitution, in Relation to Qualification of Voters.

Section 1. Resolved (if the Senate concur), That section one of article two of the constitution be amended to read as follows:

§ 1. Every citizen of the age of twenty-one years, who shall have been a citizen of the United States ninety days, and an inhabitant of this state one year next preceding an election, and for the last four months a resident of the county and for the last thirty days a resident of the election district in which he or she may offer his or her vote, shall be entitled to vote at such election in the election district of which he or she shall at the time be a resident, and not elsewhere, for all officers that now or hereafter may be chosen by the people, and upon all questions which may be submitted to the vote of the people, provided however that a citizen by marriage shall have been an inhabitant of the United States for five years and provided that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his or her vote by reason of his or her absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes [in the election districts in which they respectively reside]

Notwithstanding the foregoing provisions, after January first, one thousand nine hundred and twenty-two, no person shall become entitled to vote by attaining majority, by naturalization or otherwise, under such age as is prescribed except for mental or physical disability, to read and write English; and suitable laws shall be passed by the legislature to enforce this provision.

§ 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the legislature to be chosen at the next general election of senators, and in conformity with section one of article fourteen of the constitution be published for three months previous to the time of such election.

STATE OF NEW YORK,
IN ASSEMBLY,
Apr. 14, 1919.

This bill was duly passed, a majority of all the members elected to the Assembly voting in favor thereof, three-fifths being present.

By order of the Assembly,
THADDEUS C. SWEET,
Speaker.

STATE OF NEW YORK,
IN SENATE,
Apr. 18, 1919.

This bill was duly passed, a majority of all the Senators elected voting in favor thereof, three-fifths being present.

By order of the Senate,
HARRY C. WALKER,
President.

STATE OF NEW YORK, } ss.:
Office of the Secretary of State,

I have compared the preceding copy of concurrent resolution with the original resolution on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Given under my hand and the seal of office of the Secretary of State, at the city of Albany, this first day of July in the year one thousand nine hundred and twenty.

[L. S.]

FRANCIS M. HUGO,
Secretary of State.

FIVE

STATE OF NEW YORK,
Office of the Secretary of State,
Albany, *July* 1, 1920.

Pursuant to the provisions of section one of article fourteen of the Constitution of the State of New York, and section two hundred ninety-five of the Election Law, notice is hereby given that the following proposed amendment to section seven of article three of the Constitution of the State of New York is referred to the legislature to be chosen at the next general election of Senators in this state to be held on the second day of November, nineteen hundred twenty.

FRANCIS M. HUGO,
Secretary of State.

AMENDMENT NUMBER FIVE

Concurrent Resolution of the Senate and Assembly Proposing an Amendment to Section Seven of Article Three of the Constitution, in Relation to Appointments of Members of the Legislature to the Office of Notary Public.

Section 1. Resolved (if the Senate concur), That section seven of article three of the constitution be amended to read as follows:

§ 7. No member of the legislature shall receive any civil appointment within this state or the senate of the United States, from the governor, the governor and senate, or from the legislature, or from any city government, during the time for which he shall have been elected [;] and all such appointments and all votes given for any such member for any such office or appointment shall be void; *provided, however, that the legislature may provide by law that any such member may be appointed notary public during such time to the office of notary public.*

§ 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the legislature to be chosen at the next general election of senators and in conformity with section one of article fourteen of the constitution be published for three months previous to the time of such election.

STATE OF NEW YORK,
IN ASSEMBLY,
Mar. 3, 1920.

This bill was duly passed, a majority of all the members elected to the Assembly voting in favor thereof, three-fifths being present.

By order of the Assembly,
THADDEUS C. SWEET,
Speaker.

STATE OF NEW YORK,
IN SENATE,
Mar. 25, 1920.

This bill was duly passed, a majority of all the Senators elected voting in favor thereof, three-fifths being present.

By order of the Senate,
HARRY C. WALKER,
President.

STATE OF NEW YORK, } ss.:
Office of the Secretary of State,

I have compared the preceding copy of concurrent resolution with the original resolution on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Given under my hand and the seal of office of the Secretary of State, at the city of Albany, this first day of July in the year one thousand nine hundred and twenty.

[L. S.]

FRANCIS M. HUGO,
Secretary of State.

SIX

Explanation.—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

STATE OF NEW YORK,
Office of the Secretary of State,
Albany, *July* 1, 1920.

Pursuant to the provisions of section one of article fourteen of the Constitution of the State of New York, and section two hundred ninety-five of the Election Law, notice is hereby given that the following proposed amendment to section twenty-seven of article three of the Constitution of the State of New York is referred to the legislature to be chosen at the next general election of senators in this state to be held on the second day of November, nineteen hundred twenty.

FRANCIS M. HUGO,
Secretary of State.

AMENDMENT NUMBER SIX

Concurrent Resolution of the Senate and Assembly Proposing an Amendment to Sections Twenty-six and Twenty-seven of Article Three of the Constitution to Enable the Legislature to Provide Forms of Government for the Counties of Westchester and Nassau.

Section 1. Resolved (if the Assembly concur), That sections twenty-six and twenty-seven of article three of the constitution be amended to read as follows:

§ 26. There shall be in each county, except in a county wholly included in a city, a board of supervisors, to be composed of such members and elected in such manner and for such period as is or may be provided by law. *The legislature may provide by law for forms of government for the counties of Westchester and Nassau, or either, subject to adoption and approval by the electors of any such county at a general election in an odd-numbered year. Any such form of government may include the transfer to the county or to county officers of any functions now exercised by towns or town officers. The law providing for such form of government shall also prescribe the manner in which the county affected may subsequently abandon it, and revert to its former form of government. The adoption of such form of government by the county shall not preclude the legislature from amending or modifying such plan. If under such form of government the board of supervisors be abolished, the powers and duties of the board of supervisors, as prescribed by the constitution, or by statute if not provided for by such form of government, shall devolve upon the governing elective body in such county.* In a city which includes an entire county, or two or more entire counties, the powers and duties of a board of supervisors may be devolved upon the municipal assembly, common council, board of aldermen or other legislative body of the city.

§ 27. The legislature shall, by general laws, confer upon the boards of supervisors, *or other governing elective bodies, of the several* counties of the state such further powers of local legislation and administration as the legislature may, from time to time, deem expedient [. and 1]. In counties which now have, or hereafter have, county auditors or other fiscal officers authorized to audit bills, accounts, charges, claims or demands against the county, the legislature may confer such powers upon [said] *such* auditors, or fiscal officers, as the legislature may, from time to time, deem expedient.

§ 2. Resolved (if the Assembly concur), That the foregoing amendments be referred to the legislature to be chosen at the next general election of senators and in conformity with section one of article fourteen of the constitution be published for three months previous to the time of such election.

STATE OF NEW YORK,
IN ASSEMBLY,
Apr. 24, 1920.

This bill was duly passed, a majority of all the members elected to the Assembly voting in favor thereof, three-fifths being present.

By order of the Assembly,
THADDEUS C. SWEET,
Speaker.

STATE OF NEW YORK,
IN SENATE,
Apr. 24, 1920.

This bill was duly passed, a majority of all the Senators elected voting in favor thereof, three-fifths being present.

By order of the Senate,
HARRY C. WALKER,
President.

STATE OF NEW YORK, } ss.:
Office of the Secretary of State,

I have compared the preceding copy of concurrent resolution with the original resolution on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Given under my hand and the seal of office of the Secretary of State, at the city of Albany, this first day of July in the year one thousand nine hundred and twenty.

[L. S.]

FRANCIS M. HUGO,
Secretary of State.

SEVEN

Explanation.—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

STATE OF NEW YORK,
Office of the Secretary of State,
Albany, *July* 1, 1920.

Pursuant to the provisions of section one of article fourteen of the Constitution of the State of New York, and section two hundred ninety-five of the Election Law, notice is hereby given that the following proposed amendments to sections two, four, five, eleven and twelve of article seven of the Constitution of the State of New York are referred to the legislature to be chosen at the next general election of senators in this state to be held on the second day of November, nineteen hundred twenty.

FRANCIS M. HUGO,
Secretary of State.

AMENDMENT NUMBER SEVEN

Concurrent Resolution of the Senate and Assembly Proposing an Amendment to Section Nine of Article Five of the Constitution, in Relation to Purchases, in Employment and Promotion, of Soldiers, Sailors and Marines.

Section 1. Resolved (if the Senate concur), That section nine of article five of the Constitution be amended to read as follows:

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained so far as practicable, by examination, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers [and] sailors [from] *and marines who shall have served as such in the* army [and] navy *or marine corps* of the United States in [the late civil] *time of* war, who are citizens and residents of this state, shall be entitled to preference in appointment and promotion without regard to their standing on any list from which such appointment or promotion may be made; *provided they were residents of this state at the time they entered said army, navy, or marine corps; and provided also that soldiers, sailors and marines who served in the late civil war shall have preference over all others on the same list.*

Laws shall be made to provide for the enforcement of this section.

§ 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the legislature to be chosen at the next general election of senators and in conformity with section one of article fourteen of the Constitution be published for three months previous to the time of such election.

STATE OF NEW YORK,
IN SENATE,
Apr. 19, 1919.

The foregoing resolution was duly passed, a majority of all the Senators elected voting in favor thereof.

By order of the Senate,
HARRY C. WALKER,
President.

STATE OF NEW YORK,
IN ASSEMBLY,
Apr. 19, 1919.

The foregoing resolution was duly passed, a majority of all the members elected to the Assembly voting in favor thereof.

By order of the Assembly,
THADDEUS C. SWEET,
Speaker.

STATE OF NEW YORK } ss.:
Office of the Secretary of State,

I have compared the preceding copy of concurrent resolution with the original resolution on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Given under my hand and the seal of office of the Secretary of State, at the city of Albany, this first day of July in the year one thousand nine hundred and twenty.

[L. S.]

FRANCIS M. HUGO,
Secretary of State.

EIGHT

Explanation.—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

STATE OF NEW YORK,
Office of the Secretary of State,
Albany, *July* 1, 1920.

Pursuant to the provisions of section one of article fourteen of the Constitution of the State of New York, and section two hundred ninety-five of the Election Law, notice is hereby given that the following proposed amendments to section five of the Constitution of the State of New York are referred to the legislature to be chosen at the next general election of senators in this State to be held on the second day of November nineteen hundred twenty.

FRANCIS M. HUGO,
Secretary of State.

AMENDMENT NUMBER EIGHT

Concurrent Resolution of the Senate and Assembly, Proposing Amendments to Article Five of the Constitution, in Relation to State Officers and Departments.

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

§ 1. The [secretary of state,] comptroller, [treasurer,] *and* attorney-general [and state engineer and surveyor] shall be chosen at a general election, at the times and places of electing the governor and lieutenant-governor *and shall hold their offices for the same terms as the governor and lieutenant-governor* [two years except as provided in section two of this article]. *The comptroller shall be required: (1) To audit all vouchers before payment and all official accounts; (2) to audit the accrual and collection of all revenues and receipts; and (3) to prescribe such methods of accounting as are necessary for the performance of the foregoing duties. In such respect the legislature shall define his powers and duties and may also assign to him supervision of the accounts of any political subdivision of the state, but shall assign to him no administrative duties, excepting such as may be incidental to the performance of these functions, any other provision of this constitution to the contrary notwithstanding. He* [each of the officers in this article named, excepting the speaker of the assembly,] shall, at stated times during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive to his use any fees or perquisites of office or other compensation. [No person shall be elected to the office of state engineer and surveyor who is not a practical civil engineer.]

[§ 2. The first election of the secretary of state, comptroller, treasurer, attorney-general and state engineer and surveyor, pursuant to this article, shall be held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day of January following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, their successors shall be chosen for the term of two years.]

[§ 3. A superintendent of public works shall be appointed by the governor, by and with the advice and consent of the senate, and hold his office until the end of the term of the governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the state engineer and surveyor; subject to the control of the legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the governor, whenever, in his judgment, the public interest shall so require; but in case of the removal of such superintendent of public works from office, the governor shall file with the secretary of state a statement of the cause of such removal, and shall report such removal and the cause thereof to the legislature at its next session. The superintendent of public works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the superintendent of public works, whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed, by the superintendent of public works; but in case of the suspension or removal of any such assistant superintendent by him, he shall at once report to the governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the state engineer and surveyor, shall be appointed by the superintendent of public works, and be subject to suspension or removal by him. The superintendent of public works shall perform all the duties of the former canal commissioners and board of canal commissioners, as now declared by law, until otherwise provided by the legislature. The governor, by and with the advice and consent of the senate, shall have power to fill vacancies in the office of superintendent of public works; if the senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the senate.]

[§ 4. A superintendent of state prisons shall be appointed by the governor, by and with the advice and consent of the senate, and hold his office for five years, unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of state prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the superintendent. The comptroller shall appoint the clerks of the prisons. The superintendent shall have all the powers and perform all the duties not inconsistent herewith, which were formerly had and performed by the inspectors of state prisons. The governor may remove the superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense.]

[§ 5. The lieutenant-governor, speaker of the assembly, secretary of state, comptroller, treasurer, attorney-general and state engineer and surveyor shall be commissioners of the land office. The lieutenant-governor, secretary of state, comptroller, treasurer and attorney-general shall be the commissioners of the canal fund. The canal board shall consist of the commissioners of the canal fund, the state engineer and surveyor and the superintendent of public works.]

[§ 6. The powers and duties of the respective boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law.]

[§ 7. The treasurer may be suspended from office by the governor, during the recess of the legislature, and until thirty days after the commencement of the next session of the legislature whenever it shall appear to him that such treasurer has, in any particular, violated his duty. The governor shall appoint a competent person to discharge the duties of the office during such suspension of the treasurer.]

§ 2. *There shall be the following civil departments in the state government: 1. Executive; 2. Audit and control; 3. Taxation and finance; 4. Law; 5. State; 6. Public works; 7. Conservation; 8. Agriculture and markets; 9. Labor; 10. Education; 11. Health; 12. Mental hygiene, charities and correction, 13. Public service; 14. Banking; 15. Insurance; 16. Civil service; 17. Military and naval affairs; 18. Architecture.*

§ 3. *At the session immediately following the adoption of this article the legislature shall provide by law for the appropriate assignment, to take effect not earlier than the first day of January, one thousand nine hundred and twenty-two, of all the civil administrative and executive functions of the state government, to the several departments in this article provided. Subject to the limitations contained in this constitution, the legislature may from time to time assign by law new and further functions to departments, officers, boards or commissions continued or created under this constitution, and increase, modify or diminish their powers and functions. No specific grant of power herein to a department shall prevent the legislature from conferring additional powers upon such department. No new department shall be created hereafter but this shall not prevent the legislature from creating commissions for special purposes and nothing contained in this article shall prevent the legislature from reducing the number of departments as provided for in this article by consolidation or otherwise. The elective state officers in office at the time this article as amended takes effect shall continue in office until the end of the terms for which they were elected. Pending the assignment of the civil administrative and executive functions by the legislature pursuant to the directions of this section, the powers and duties of the several departments, boards, commissions and officers now existing are continued. Subject to the power of the legislature to reduce the number of officers, when the powers and duties of any existing office are assigned to any department, the officers exercising such powers shall continue in office in such department, and their term of office shall not be shortened by such assignment.*

§ 4. *The head of the department of audit and control shall be the comptroller, and of the department of law, the attorney-general. Except as otherwise provided in this constitution, the heads of all other departments and the members of all boards, commissions and councils mentioned in this article shall be appointed by the governor by and with the advice and consent of the senate and may be removed by the governor in a manner to be prescribed by law. The heads of the respective departments of education and of agriculture and markets, mental hygiene, charities and correction shall be appointed in a manner to be prescribed by law.*

§ [8] 5. All offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever, are hereby abolished; and no such office shall hereafter be created by law; but nothing in this section contained shall abrogate any office created for the purpose of protecting the public health or the interests of the state in its property, revenue, tolls or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.

§ [9] 6. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examination, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this state, shall be entitled to preference in appointment and promotion without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the legislature to be chosen at the next general election of senators, and in conformity with section one of article fourteen of the constitution be published for three months previous to the time of such election.

STATE OF NEW YORK,
IN SENATE,
Apr. 24, 1920.

The foregoing resolution was duly passed, a majority of all the Senators elected voting in favor thereof.

By order of the Senate,
HARRY C. WALKER,
President.

STATE OF NEW YORK,
IN ASSEMBLY,
Apr. 24, 1920.

The foregoing resolution was duly passed, a majority of all the members elected to the Assembly voting in favor thereof.

By order of the Assembly,
T. C. SWEET,
Speaker.

STATE OF NEW YORK, } ss.:
Office of the Secretary of State,

I have compared the preceding copy of concurrent resolution with the original resolution on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Given under my hand and the seal of office of the Secretary of State, at the city of Albany, this first day of July in the year one thousand nine hundred and twenty.

[L. S.]

FRANCIS M. HUGO,
Secretary of State.

NINE

Explanation.—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

STATE OF NEW YORK,
Office of the Secretary of State,
Albany, *July* 1, 1920.

Pursuant to the provisions of section one of article fourteen of the Constitution of the State of New York, and section two hundred ninety-five of the Election Law, notice is hereby given that the following proposed amendments to article five of the Constitution of the State of New York are referred to the legislature to be chosen at the next general election of senators in this State to be held on the second day of November, nineteen hundred twenty.

FRANCIS M. HUGO,
Secretary of State.

AMENDMENT NUMBER NINE

Concurrent resolution of the Senate and Assembly proposing Amendments to Article Five of the Constitution, in relation to state officers and departments.

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

§ 1. The [secretary of state,] comptroller, treasurer, *and* attorney-general [and state engineer and surveyor] shall be chosen at a general election, at the times and places of electing the governor and lieutenant-governor, and shall hold their offices *for the same terms as the governor and lieutenant-governor* [two years, except as provided in section two of this article]. *The comptroller shall be required: (1) to audit all vouchers before payment and all official accounts; (2) to audit the accrual and collection of all revenues and receipts; and (3) to prescribe such methods of accounting as are necessary for the performance of the foregoing duties. In such respect the legislature shall define his powers and duties and may also assign to him supervision of the accounts of any political subdivision of the state, but shall assign to him no administrative duties, excepting such as may be incidental to the performance of these functions, any other provision of this constitution to the contrary notwithstanding. He* [each of the officers in this article named, excepting the speaker of the assembly,] shall, at stated times during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive to his use any fees or perquisites of office or other compensation. [No person shall be elected to the office of state engineer and surveyor who is not a practical civil engineer.]

[§ 2. The first election of the secretary of state, comptroller, treasurer, attorney-general and state engineer and surveyor, pursuant to this article, shall be held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day of January following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, their successors shall be chosen for the term of two years.]

[§ 3. A superintendent of public works shall be appointed by the governor, by and with the advice and consent of the senate, and hold his office until the end of the term of the governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the state engineer and surveyor; subject to the control of the legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the governor, whenever, in his judgment, the public interest shall so require; but in case of the removal of such superintendent of public works from office, the governor shall file with the secretary of state a statement of the cause of such removal, and shall report such removal and the cause thereof to the legislature at its next session. The superintendent of public works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the superintendent of public works, whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed, by the superintendent of public works; but in case of the suspension or removal of any such assistant superintendent by him, he shall at once report to the governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the state engineer and surveyor, shall be appointed by the superintendent of public works, and be subject to suspension or removal by him. The superintendent of public works shall perform all the duties of the former canal commissioners and board of canal commissioners, as now declared by law, until otherwise provided by the legislature. The governor, by and with the advice and consent of the senate, shall have power to fill vacancies in the office of superintendent of public works; if the senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the senate.]

[§ 4. A superintendent of state prisons shall be appointed by the governor, by and with the advice and consent of the senate, and hold his office for five years, unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of state prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the superintendent. The comptroller shall appoint the clerks of the prisons. The superintendent shall have all the powers and perform all the duties not inconsistent herewith, which were formerly had and performed by the inspectors of state prisons. The governor may remove the superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense.]

[§ 5. The lieutenant-governor, speaker of the assembly, secretary of state, comptroller, treasurer, attorney-general and state engineer and surveyor shall be commissioners of the land office. The lieutenant-governor, secretary of state, comptroller, treasurer and attorney-general shall be the commissioners of the canal fund. The canal board shall consist of the commissioners of the canal fund, the state engineer and surveyor and the superintendent of public works.]

[§ 6. The powers and duties of the respective boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law.]

[§ 7. The treasurer may be suspended from office by the governor, during the recess of the legislature, and until thirty days after the commencement of the next session of the legislature whenever it shall appear to him that such treasurer has, in any particular, violated his duty. The governor shall appoint a competent person to discharge the duties of the office during such suspension of the treasurer.]

§ 2. *There shall be the following civil departments in the state government: 1. Executive; 2. Audit and control; 3. Taxation; 4. Finance; 5. Law; 6. State; 7. Public works; 8. Conservation; 9. Agriculture and markets; 10. Labor; 11. Education; 12. Health; 13. Mental Hygiene; 14. Charities; 15. Correction; 16. Public service; 17. Banking; 18. Insurance; 19. Civil service; 20. Military and naval affairs; 21. Architecture.*

§ 3. *At the session immediately following the adoption of this article the legislature shall provide by law for the appropriate assignment, to take effect not earlier than the first day of January, one thousand nine hundred and twenty-two, of all the civil administrative and executive functions of the state government, to the several departments in this article provided. Subject to the limitations contained in this constitution, the legislature may from time to time assign by law new and further functions to departments, officers, boards or commissions continued or created under this constitution, and increase, modify or diminish their powers and functions. No specific grant of power herein to a department shall prevent the legislature from confer