LEGISLATIVE BILL DRAFTING COMMISSION

89141-02-6

S. PROGRAM BILL # 100

Senate

---

IN SENATE--Introduced by Sen

---

--read twice and ordered printed, and when printed to be committed to the Committee on

-----

A.

Assembly

-----

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

---

--read once and referred to the Committee on

*CONSTCOR*

(Proposes amendments to the constitution to reform the budget process)

-----

Const. budget reform

CONCURRENT RESOLUTION

OF THE SENATE AND ASSEMBLY

proposing amendments to sections 2, 3, 5 and 17 of article 7 of the constitution, in relation to reforming the budget process of the state of New York

IN SENATE

Senate Introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal:

IN ASSEMBLY

Assembly Introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsored of this proposal:

1. Single House Bill: (Introduced simultaneously in both houses and printed as one bill. Senate and Assembly Introducer sign the same copy of the bill).

2. Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and 4 copies of memorandum in support (single house), or 4 signed copies of bill and 8 copies of memorandum in support (joint bill).
Section 1. Resolved (if the Assembly concur), That section 2 of article 7 of the constitution be amended to read as follows:

§ 2. Annually, on or before the first day of February in each year following the year [fixed by the constitution for the election of governor and lieutenant governor] in which a governor is elected, provided such governor did not hold the office of governor at the time of the election, and on or before [the second Tuesday following the first day of the annual meeting of the legislature] the first business day following January fourteenth, in all other years, the governor shall submit to the legislature a balanced budget in the general fund containing a complete plan of expenditures proposed to be made before the close of the ensuing fiscal year and all moneys and revenues estimated to be available therefor, together with an explanation of the basis of such estimates and recommendations as to proposed legislation, if any, which the governor may deem necessary to provide moneys and revenues sufficient to meet such proposed expenditures. It shall also contain such other recommendations and information as the governor may deem proper and such additional information as may be required by law.

§ 2. Resolved (if the Assembly concur), That section 3 of article 7 of the constitution be amended to read as follows:

§ 3. At the time of submitting the budget to the legislature the governor shall submit a bill or bills containing all the proposed appropriations and reappropriations included in the budget and the proposed legislation, if any, recommended therein.

The governor may at any time within [thirty days] twenty-one days thereafter and, with the consent of the legislature, at any time before the adjournment thereof, amend or supplement the budget and submit
amendments to any bills submitted by him or her or submit supplemental bills.

The governor and the heads of departments shall have the right, and it shall be the duty of the heads of departments when requested by either house of the legislature or an appropriate committee thereof, to appear and be heard in respect to the budget during the consideration thereof, and to answer inquiries relevant thereto. The procedure for such appearances and inquiries shall be provided by law.

§ 3. Resolved (if the Assembly concur), That section 5 of article 7 of the constitution be amended to read as follows:

§ 5. Neither house of the legislature shall consider any other bill making an appropriation until all the appropriation bills submitted by the governor shall have been finally acted on by both houses, except on message from the governor certifying to the necessity of the immediate passage of such a bill. In finally acting on the appropriation bills submitted by the governor, the legislature shall enact a balanced budget in the general fund. If after such enactment, it is determined that the budget is not in balance, as provided for by law, and subsequently thereto the legislature has not acted to restore such balance, as further provided by law, the governor shall have the power to (i) transfer, in excess of any limitation otherwise provided by law, any appropriation, or portion thereof, for any object or purpose to another object or purpose to meet contractual requirements for which appropriations contained in the budget enacted by the legislature are not sufficient to meet such requirements; (ii) reduce by a uniform percentage all appropriations and spending from the general fund, or portions thereof, not necessary to meet contractual requirements or other requirements established by state or federal law; and (iii) modify the operation of any
law governing the apportionment and the allocation of appropriations, or
part thereof, if the operation of such law, or part thereof, is required
to be amended to ensure a uniform percentage reduction in spending.

§ 4. Resolved (if the Assembly concur), That section 17 of article 7 of
the constitution be amended to read as follows:

§ 17. [The legislature may establish] There is hereby established a
fund or funds to aid in the stabilization of the tax revenues of the
state available for expenditure or distribution. [Any law creating such
a fund] The legislature shall specify the tax or taxes to which such
fund relates, and shall prescribe the method of determining the amount
of revenue from any such tax or taxes which shall constitute a norm of
each fiscal year. Such part as shall be prescribed by law of any revenue
derived from such tax or taxes during a fiscal year in excess of such
norm shall be paid into such fund, and shall be authorized in an amount
not less than five percent of such norm. No moneys shall at any time be
withdrawn from such fund unless the revenue derived from such tax or
taxes during a fiscal year shall fall below the norm for such year; in
which event such amount as may be prescribed by law, but in no event an
amount exceeding the difference between such revenue and such norm,
shall be paid from such fund into the general fund.

No law changing the method of determining a norm or prescribing the
amount to be paid into such a fund or to be paid from such a fund into
the general fund may become effective until three years from the date of
its enactment.

§ 5. 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.