

1971

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

---

Introduced by Sens. GRIFFO, SEWARD -- 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 section 4 of article 7 of the constitution, in  
relation to reforming the state budget process

1     Section 1. Resolved (if the Assembly concur), That section 4 of arti-  
2     cle 7 of the constitution be amended to read as follows:

3     S 4. The legislature may not alter an appropriation bill submitted by  
4     the governor except to strike out or reduce items therein, but it may  
5     add thereto items of appropriation provided that such additions are  
6     stated separately and distinctly from the original items of the bill and  
7     refer each to a single object or purpose. None of the restrictions of  
8     this section, however, shall apply to appropriations for the legislature  
9     or judiciary.

10    Such an appropriation bill shall when passed by both houses be a law  
11    immediately without further action by the governor, except that  
12    appropriations for the legislature and judiciary and separate items  
13    added to the governor's bills by the legislature shall be subject to  
14    approval of the governor as provided in section 7 of article IV.

15    UPON THE FAILURE OF BOTH HOUSES TO FINALLY ACT WITHIN SEVENTY-TWO  
16    HOURS FROM THE BEGINNING OF THE FISCAL YEAR ON ALL APPROPRIATION BILLS  
17    SUBMITTED BY THE GOVERNOR IN ACCORDANCE WITH SECTION THREE OF THIS  
18    ARTICLE, A DEFAULT BUDGET SHALL BE LAW FOR SUCH FISCAL YEAR AS PROVIDED  
19    IN THIS SECTION. THE DEFAULT BUDGET SHALL BE COMPRISED OF ALL  
20    APPROPRIATION BILLS ACTED UPON BY BOTH HOUSES AND WHICH BECAME LAW FOR  
21    THE IMMEDIATELY PRECEDING FISCAL YEAR OR THE DEFAULT BUDGET FOR THE  
22    IMMEDIATELY PRECEDING FISCAL YEAR IF A DEFAULT BUDGET BECAME LAW FOR  
23    SUCH FISCAL YEAR AND ALL LAWS GOVERNING THE APPORTIONMENT AND ALLOCATION  
24    APPROPRIATIONS AND THE TRANSFER AND THE LOAN OF FUNDS FOR THE  
25    IMMEDIATELY PRECEDING FISCAL YEAR SHALL CONTINUE TO BE LAW FOR THE  
26    FISCAL YEAR FOR WHICH THE DEFAULT BUDGET IS A LAW, PROVIDED, HOWEVER,

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

LBD89051-01-3

1 THAT IN NO EVENT SHALL AGGREGATE DISBURSEMENTS AUTHORIZED BY  
2 APPROPRIATIONS CONTAINED IN THE DEFAULT BUDGET FOR SUCH FISCAL YEAR  
3 EXCEED AGGREGATE DISBURSEMENTS MADE IN THE IMMEDIATELY PRECEDING FISCAL  
4 YEAR.

5 IN THE EVENT THAT A DEFAULT BUDGET BECOMES LAW FOR A FISCAL YEAR AND A  
6 DETERMINATION IS MADE BY THE GOVERNOR THAT, FOR THE FISCAL YEAR FOR  
7 WHICH THE DEFAULT BUDGET IS A LAW, MONEYS AND RECEIPTS AVAILABLE FOR THE  
8 FISCAL YEAR ARE LESS THAN MONEYS AND RECEIPTS AVAILABLE FOR THE  
9 IMMEDIATELY PRECEDING FISCAL YEAR, THE GOVERNOR SHALL HAVE THE FOLLOWING  
10 POWERS:

11 (A) THE GOVERNOR MAY TRANSFER, IN EXCESS OF ANY LIMITATION OTHERWISE  
12 PROVIDED BY LAW, ANY APPROPRIATION OR PORTION THEREOF FOR ANY OBJECT OR  
13 PURPOSE TO ANOTHER OBJECT OR PURPOSE ONLY TO MEET CONTRACTUAL  
14 REQUIREMENTS FOR WHICH APPROPRIATIONS CONTAINED IN THE DEFAULT BUDGET  
15 ARE NOT SUFFICIENT TO MEET SUCH REQUIREMENTS;

16 (B) THE GOVERNOR MAY REDUCE BY A UNIFORM PERCENTAGE ALL APPROPRIATIONS  
17 FROM THE GENERAL FUND OR PORTIONS THEREOF NOT NECESSARY TO MEET  
18 CONTRACTUAL REQUIREMENTS OR OTHER REQUIREMENTS ESTABLISHED BY STATE OR  
19 FEDERAL LAW;

20 (C) THE GOVERNOR MAY MODIFY THE OPERATION OF ANY LAW GOVERNING THE  
21 APPORTIONMENT AND THE ALLOCATION OF APPROPRIATIONS OR PART THEREOF IF  
22 THE OPERATION OF SUCH LAW OR PART THEREOF REQUIRES DISBURSEMENTS FOR  
23 SUCH OBJECT OR PURPOSE REQUIRED BY THE OPERATION OF LAW FOR THE  
24 IMMEDIATELY PRECEDING FISCAL YEAR. THE OPERATION OF ANY SUCH LAW OR PART  
25 THEREOF SHALL ONLY BE MODIFIED SUCH THAT SUCH MODIFICATION SHALL RESULT  
26 IN REQUIRED DISBURSEMENTS FOR AN OBJECT OR PURPOSE DURING THE FISCAL  
27 YEAR WHICH IS LESS THAN THE DISBURSEMENTS FOR SUCH OBJECT OR PURPOSE  
28 THAT WOULD OTHERWISE BE REQUIRED BY THE OPERATION OF LAW WITHOUT SUCH  
29 MODIFICATION, PROVIDED, HOWEVER, THAT SUCH MODIFICATION SHALL NOT RESULT  
30 IN DISBURSEMENTS FOR AN OBJECT OR PURPOSE WHICH ARE LESS THAN THE  
31 DISBURSEMENTS FOR SUCH OBJECT OR PURPOSE REQUIRED BY LAW FOR THE  
32 IMMEDIATELY PRECEDING FISCAL YEAR. ANY SUCH LAW WHICH PROVIDES FOR THE  
33 ALLOCATION OR APPORTIONMENT OF APPROPRIATIONS FOR AN OBJECT OR PURPOSE  
34 BETWEEN OR AMONG ENTITIES MAY BE MODIFIED BY THE GOVERNOR ONLY SUCH THAT  
35 THE REQUIRED REDUCTION IN DISBURSEMENTS RESULTING FROM SUCH MODIFICATION  
36 RESULTS IN A UNIFORM PERCENTAGE REDUCTION TO ALL AFFECTED ENTITIES.

37 ANY DETERMINATION MADE BY THE GOVERNOR PURSUANT TO THIS SECTION THAT,  
38 FOR A FISCAL YEAR FOR WHICH A DEFAULT BUDGET IS LAW, MONEYS AND RECEIPTS  
39 AVAILABLE FOR THE FISCAL YEAR ARE LESS THAN MONEYS AND RECEIPTS  
40 AVAILABLE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR SHALL ONLY BE MADE  
41 WITHIN FIFTEEN DAYS AFTER THE DATE ON WHICH A DEFAULT BUDGET BECOMES LAW  
42 AND THE ESTIMATE OF MONEYS AND RECEIPTS AVAILABLE USED IN ANY SUCH  
43 DETERMINATION SHALL BE BASED ON A CONSENSUS FORECAST OR OTHER FORECAST  
44 OF SUCH ESTIMATES TO THE EXTENT PROVIDED ACCORDING TO PROCEDURES  
45 ESTABLISHED BY LAW. ON MAKING SUCH A DETERMINATION THE GOVERNOR SHALL  
46 NOTIFY BOTH HOUSES OF THE LEGISLATURE OF HIS OR HER DETERMINATION AND  
47 ALL MODIFICATIONS AUTHORIZED BY THIS SECTION THAT WILL BE MADE TO  
48 APPROPRIATIONS OR TO THE OPERATION OF LAWS FOR THE FISCAL YEAR.

49 S 2. Resolved (if the Assembly concur), That the foregoing amendment  
50 be referred to the first regular legislative session convening after the  
51 next succeeding general election of members of the assembly, and, in  
52 conformity with section 1 of article 19 of the constitution, be  
53 published for 3 months previous to the time of such election.