

10281

I N A S S E M B L Y

March 16, 2010

Introduced by M. of A. TEDISCO, THIELE -- Multi-Sponsored by -- M. of A. BUTLER, KOLB, SAYWARD -- read once and referred to the Committee on Ways and Means

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 7 of the constitution, in relation to providing an alternative procedure for the adoption of a state budget

1 Section 1. Resolved, (if the Senate concur), That article 7 of the
2 constitution be amended by adding a new section 7-a to read as follows:

3 S 7-A. 1. IN ANY CASE WHERE THE LEGISLATURE AND THE GOVERNOR HAVE NOT
4 COMPLETED THE ACTION REQUIRED OR AUTHORIZED PURSUANT TO THE PROVISION OF
5 THIS ARTICLE WITH RESPECT TO THE ADOPTION OF A STATE BUDGET PRIOR TO
6 APRIL FIRST IN ANY YEAR, THE PROVISIONS OF THIS SECTION SHALL GOVERN.

7 2. THE SENATE AND ASSEMBLY SHALL BY RESOLUTION, EACH ADOPT AND PROMUL-
8 GATE A DETAILED BUDGET PLAN, WHICH SHALL DETERMINE APPROPRIATIONS AND
9 THE MANNER IN WHICH REVENUES SHALL BE COLLECTED, NO LATER THAN MARCH
10 FIRST OF EACH YEAR. IF EITHER HOUSE OF THE LEGISLATURE FAILS TO ADOPT A
11 PLAN ON OR BEFORE MARCH FIRST, THE MEMBERS OF EACH HOUSE SHALL FORFEIT
12 ONE DAY'S PAY FOR EVERY DAY THEREAFTER UNTIL A STATE BUDGET IS ADOPTED
13 AND SHALL ALSO FORFEIT THEIR OPPORTUNITY TO HAVE A BUDGET PLAN PLACED ON
14 THE BALLOT SHOULD A BUDGET NOT BE ADOPTED BY THE START OF THE FISCAL
15 YEAR.

16 3. AT THE TIME A HOUSE OF THE LEGISLATURE ADOPTS A BUDGET PLAN, THAT
17 HOUSE MUST ALSO ADOPT LANGUAGE, KNOWN AS BALLOT QUESTION LANGUAGE, WHICH
18 SHALL APPEAR ON THE REFERENDUM TO EXPLAIN THAT PLAN. THIS EXPLANATION
19 MUST BE IN PLAIN AND SIMPLE ENGLISH, USING TERMS OF ORDINARY AND COMMON
20 MEANING WHICH ACCURATELY REFLECTS THE GENERAL INTENT AND CONTENT OF THE
21 PLAN, AS IT PERTAINS TO MAJOR CATEGORIES OF EXPENDITURE AND SOURCES OF
22 REVENUES. THIS LANGUAGE SHALL BE PROVIDED TO THE OFFICE OF THE SECRETARY
23 OF STATE WITHIN TWENTY-FOUR HOURS OF APPROVAL. THE GOVERNOR, UPON
24 SUBMISSION OF HIS EXECUTIVE BUDGET SHALL ALSO SUBMIT SIMILAR LANGUAGE TO
25 THE SECRETARY OF STATE NO LATER THAN MARCH FIRST.

26 4. INFORMATION ON THE PLANS MUST BE PUBLICIZED THROUGH ALL AVAILABLE
27 MEDIA, AND COPIES OF THE PLAN IN ITS ENTIRETY, BALLOT LANGUAGE, AND A
28 SUMMARY OF THE PLAN MUST BE MADE AVAILABLE AT ALL STATE AND LOCAL PUBLIC
29 OFFICES CONVENIENT TO THE PUBLIC, LIBRARIES, AND SCHOOLS. COPIES OF THE

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

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1 PLANS SHALL ALSO BE MADE AVAILABLE TO THE PUBLIC BY THE SECRETARY OF
2 STATE.

3 5. AT ANY TIME AFTER MARCH FIRST AND PRIOR TO MARCH TWENTY-SEVENTH
4 EITHER HOUSE OF THE LEGISLATURE MAY APPROVE A RESOLUTION AND THE GOVER-
5 NOR, BY EXECUTIVE ORDER, MAY PREVENT THEIR PLAN FROM CONSIDERATION AS
6 HEREINAFTER PROVIDED.

7 6. IF ON OR BEFORE APRIL FIRST A BUDGET HAS NOT BEEN ENACTED INTO LAW
8 THEN, ON THE FIRST TUESDAY FOLLOWING APRIL SEVENTH, A STATE-WIDE
9 ELECTION SHALL BE HELD IN WHICH THE PLANS AS HEREINBEFORE ADOPTED, USING
10 THE BALLOT QUESTION LANGUAGE, SHALL BE SUBMITTED TO THE PEOPLE FOR
11 APPROVAL. THE PLAN RECEIVING THE MOST VOTES AT SUCH ELECTION SHALL BE
12 THE BUDGET PLAN FOR THE FOLLOWING FISCAL YEAR. IF BOTH HOUSES OF THE
13 LEGISLATURE FAIL TO ADOPT PLANS AS DESCRIBED HEREINBEFORE, THEN THE
14 FINAL VERSIONS OF THE GOVERNOR'S EXECUTIVE BUDGET SHALL BE ADOPTED AND A
15 VOTE SHALL NOT BE REQUIRED.

16 7. THE BUDGET PLAN WHICH HAS BEEN APPROVED BY THE PEOPLE MAY ONLY BE
17 ALTERED OR CHANGED DURING THE FISCAL YEAR WITH THE APPROVAL OF
18 THREE-FOURTHS OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE.

19 S 2. Resolved, (if the Senate concur), That the foregoing be referred
20 to the first regular legislative session convening after the next
21 succeeding general election of members of the assembly, and, in conform-
22 ity with section 1 of article 19 of the constitution, be published for 3
23 months previous to the time of such election.