

10326

I N A S S E M B L Y

March 18, 2010

Introduced by M. of A. MORELLE -- read once and referred to the Committee on Ways and Means

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to sections 1, 2, 3 and 7 of article 7 of the constitution, in relation to providing for the establishment of a biennial budgeting system for the state replacing the state annual budget process

1 Section 1. Resolved (if the Senate concur), That section 1 of article
2 7 of the constitution be amended to read as follows:
3 Section 1. For the preparation of the budget, the head of each depart-
4 ment of state government, except the legislature and judiciary, shall
5 furnish the governor such estimates and information in such form and at
6 such times as the governor may require, copies of which shall forthwith
7 be furnished to the appropriate committees of the legislature. The
8 governor shall hold hearings thereon at which the governor may require
9 the attendance of heads of departments and their subordinates. Desig-
10 nated representatives of such committees shall be entitled to attend the
11 hearings thereon and to make inquiry concerning any part thereof.
12 Itemized estimates of the financial needs of the legislature, certi-
13 fied by the presiding officer of each house, and of the judiciary,
14 approved by the court of appeals and certified by the chief judge of the
15 court of appeals, shall be transmitted to the governor not later than
16 the first day of December in each year IMMEDIATELY PRECEDING THE YEAR IN
17 WHICH THE GOVERNOR TRANSMITS TO THE LEGISLATURE THE GOVERNOR'S BUDGET
18 DOCUMENT for inclusion in the budget without revision but with such
19 recommendations as the governor may deem proper. Copies of the itemized
20 estimates of the financial needs of the judiciary also shall forthwith
21 be transmitted to the appropriate committees of the legislature.
22 S 2. Resolved (if the Senate concur), That section 2 of article 7 of
23 the constitution be amended to read as follows:
24 S 2. [Annually, on or before the first day of February in each year
25 following the year fixed by the constitution for the election of gover-
26 nor and lieutenant governor, and on or before the second Tuesday follow-
27 ing the first day of the annual meeting of the legislature, in all other
28 years] BIENNIALY, ON OR BEFORE THE SECOND TUESDAY FOLLOWING THE FIRST

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

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1 DAY OF THE ANNUAL MEETING OF THE LEGISLATURE, EXCEPT FOLLOWING THE YEAR
2 FIXED BY THE CONSTITUTION FOR THE ELECTION OF GOVERNOR AND LIEUTENANT
3 GOVERNOR, WHICH SHALL BE THE THIRD TUESDAY FOLLOWING THE FIRST DAY OF
4 THE ANNUAL MEETING OF THE LEGISLATURE, AND IN ALL OTHER ODD NUMBERED
5 YEARS, the governor shall submit to the legislature a budget [containing
6 a complete plan of expenditures proposed to be made before the close of
7 the ensuing fiscal year and all moneys and revenues estimated to be
8 available therefor, together with an explanation of the basis of such
9 estimates and recommendations as to proposed legislation, if any, which
10 the governor may deem necessary to provide moneys and revenues suffi-
11 cient to meet such proposed expenditures. It shall also contain such
12 other recommendations and information as the governor may deem proper
13 and such additional information as may be required by law] DOCUMENT
14 SETTING FORTH A FINANCIAL PROGRAM FOR THE ENSUING BIENNIUM.

15 S 3. Resolved (if the Senate concur), That section 3 of article 7 of
16 the constitution be amended to read as follows:

17 S 3. At the time of submitting the budget to the legislature the
18 governor shall submit a bill or bills containing all the proposed appro-
19 priations and reappropriations included in the budget and the proposed
20 legislation, if any, recommended therein.

21 The governor may at any time within [thirty] TWENTY-ONE days thereaft-
22 er and, with the consent of the legislature, at any time before the
23 adjournment thereof, amend or supplement the budget and submit amend-
24 ments to any bills submitted by him or her or submit supplemental bills.

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

31 S 4. Resolved (if the Senate concur), That section 7 of article 7 of
32 the constitution be amended to read as follows:

33 S 7. No money shall ever be paid out of the state treasury or any of
34 its funds, or any of the funds under its management, except in pursuance
35 of an appropriation by law; nor unless such payment be made within [two]
36 FOUR years next after the passage of such appropriation act; and every
37 such law making a new appropriation or continuing or reviving an appro-
38 priation, shall distinctly specify the sum appropriated, and the object
39 or purpose to which it is to be applied; and it shall not be sufficient
40 for such law to refer to any other law to fix such sum.

41 S 5. Resolved (if the Senate concur), That the foregoing amendments
42 be referred to the first regular legislative session convening after the
43 next succeeding general election of members of the assembly, and, in
44 conformity with section 1 of article 19 of the constitution, be
45 published for three months previous to the time of such election.