S T A T E O F N E W Y O R K

7160

I N S E N A T E

March 17, 2010

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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

Section 1. Resolved (if the Assembly concur), That section 1 of article 7 of the constitution be amended to read as follows:

Section 1. For the preparation of the budget, the head of each department of state government, except the legislature and judiciary, shall furnish the governor such estimates and information in such form and at such times as the governor may require, copies of which shall forthwith be furnished to the appropriate committees of the legislature. The governor shall hold hearings thereon at which the governor may require the attendance of heads of departments and their subordinates. Designated representatives of such committees shall be entitled to attend the hearings thereon and to make inquiry concerning any part thereof.

Itemized estimates of the financial needs of the legislature, certified by the presiding officer of each house, and of the judiciary, approved by the court of appeals and certified by the chief judge of the court of appeals, shall be transmitted to the governor not later than the first day of December in each year IMMEDIATELY PRECEDING THE YEAR IN WHICH THE GOVERNOR TRANSMITS TO THE LEGISLATURE THE GOVERNOR'S BUDGET DOCUMENT for inclusion in the budget without revision but with such recommendations as the governor may deem proper. Copies of the itemized estimates of the financial needs of the judiciary also shall forthwith be transmitted to the appropriate committees of the legislature.

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

S 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, and on or before the second Tuesday following the first day of the annual meeting of the legislature, in all other years] BIENNIALLY, 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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DAY OF THE ANNUAL MEETING OF THE LEGISLATURE, EXCEPT FOLLOWING THE YEAR FIXED BY THE CONSTITUTION FOR THE ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR, WHICH SHALL BE THE THIRD TUESDAY FOLLOWING THE FIRST DAY OF THE ANNUAL MEETING OF THE LEGISLATURE, AND IN ALL OTHER ODD NUMBERED YEARS, the governor shall submit to the legislature a budget [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] DOCUMENT SETTING FORTH A FINANCIAL PROGRAM FOR THE ENSUING BIENNIUM.

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

S 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] 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.

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

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

S 5. Resolved (if the Assembly concur), That the foregoing amendments 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 three months previous to the time of such election.