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I N S E N A T E

May 17, 2010

Introduced by Sen. GRIFFO -- 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,
27 THAT IN NO EVENT SHALL AGGREGATE DISBURSEMENTS AUTHORIZED BY
28 APPROPRIATIONS CONTAINED IN THE DEFAULT BUDGET FOR SUCH FISCAL YEAR
29 EXCEED AGGREGATE DISBURSEMENTS MADE IN THE IMMEDIATELY PRECEDING FISCAL
30 YEAR.

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

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

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

12 (B) THE GOVERNOR MAY REDUCE BY A UNIFORM PERCENTAGE ALL APPROPRIATIONS
13 FROM THE GENERAL FUND OR PORTIONS THEREOF NOT NECESSARY TO MEET
14 CONTRACTUAL REQUIREMENTS OR OTHER REQUIREMENTS ESTABLISHED BY STATE OR
15 FEDERAL LAW;

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

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

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