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

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2011-2012 Regular Sessions

I N A S S E M B L Y

January 12, 2011

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A. BUTLER, KOLB, SAYWARD, THIELE -- 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

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

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

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

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

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

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

5. AT ANY TIME AFTER MARCH FIRST AND PRIOR TO MARCH TWENTY-SEVENTH EITHER HOUSE OF THE LEGISLATURE MAY APPROVE A RESOLUTION AND THE GOVERNOR, BY EXECUTIVE ORDER, MAY PREVENT THEIR PLAN FROM CONSIDERATION AS HEREINAFTER PROVIDED.

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

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

S 2. RESOLVED (if the Senate concur), That the foregoing 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 3 months previous to the time of such election.