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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KRUEGER, MONTGOMERY, SERRANO, VALESKY -- 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

1 Section 1. RESOLVED (if the Assembly concur), That section 1 of arti-
2 cle 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 Assembly concur), That section 2 of article 7 of
23 the constitution be amended to read as follows:

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

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1 S 2. [Annually, on or before the first day of February in each year
2 following the year fixed by the constitution for the election of gover-
3 nor and lieutenant governor, and on or before the second Tuesday follow-
4 ing the first day of the annual meeting of the legislature, in all other
5 years] BIENNIALY, ON OR BEFORE THE SECOND TUESDAY FOLLOWING THE FIRST
6 DAY OF THE ANNUAL MEETING OF THE LEGISLATURE, EXCEPT FOLLOWING THE YEAR
7 FIXED BY THE CONSTITUTION FOR THE ELECTION OF GOVERNOR AND LIEUTENANT
8 GOVERNOR, WHICH SHALL BE THE THIRD TUESDAY FOLLOWING THE FIRST DAY OF
9 THE ANNUAL MEETING OF THE LEGISLATURE, AND IN ALL OTHER ODD NUMBERED
10 YEARS, the governor shall submit to the legislature a budget [containing
11 a complete plan of expenditures proposed to be made before the close of
12 the ensuing fiscal year and all moneys and revenues estimated to be
13 available therefor, together with an explanation of the basis of such
14 estimates and recommendations as to proposed legislation, if any, which
15 the governor may deem necessary to provide moneys and revenues suffi-
16 cient to meet such proposed expenditures. It shall also contain such
17 other recommendations and information as the governor may deem proper
18 and such additional information as may be required by law] DOCUMENT
19 SETTING FORTH A FINANCIAL PROGRAM FOR THE ENSUING BIENNIUM.

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

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

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

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

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

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

46 S 5. RESOLVED (if the Assembly concur), That the foregoing amendments
47 be referred to the first regular legislative session convening after the
48 next succeeding general election of members of the assembly, and, in
49 conformity with section 1 of article 19 of the constitution, be
50 published for three months previous to the time of such election.