

6364

I N   S E N A T E

February 1, 2012

---

Introduced by Sen. LIBOUS -- (at request of the State Comptroller) --  
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 article 7 of the constitution, in relation to  
authorization of debt in times of public emergency, a limit on the  
total amount of state-funded debt, the refunding of state debts,  
providing for the use of conference committees, consensus forecasting  
and the submission of a capital program and financing plan

1     Section 1. Resolved (if the Assembly concur), That section 10 of arti-  
2     cle 7 of the constitution be amended to read as follows:  
3     S 10. In addition to the above limited power to contract debts, the  
4     state may contract debts to repel invasion, suppress insurrection, [or]  
5     defend the state in war, [or] to suppress forest fires OR TO RESPOND TO  
6     ANY OTHER EMERGENCY STEMMING FROM A DISASTER INCLUDING, BUT NOT LIMITED  
7     TO, A DISASTER CAUSED BY AN ACT OF TERRORISM; but the money arising from  
8     the contracting of such debts shall be applied for the purpose for which  
9     it was raised, or to repay such debts, and to no other purpose whatever.  
10    NO DEBT SHALL BE CONTRACTED PURSUANT TO THIS SECTION WITHOUT THE CONCUR-  
11    RENCE OF THE GOVERNOR, THE COMPTROLLER, AND A MAJORITY OF THE MEMBERS  
12    ELECTED TO EACH BRANCH OF THE LEGISLATURE; AND THE GOVERNOR SHALL HAVE  
13    POWER TO SUMMON THE COMPTROLLER AND CONVENE THE LEGISLATURE IN EXTRAOR-  
14    DINARY SESSION FOR THE PURPOSE OF CONSIDERING SUCH EMERGENCY DEBT. AT  
15    THE TIME, DATE AND PLACE APPOINTED BY THE GOVERNOR, NO OTHER SUBJECT  
16    SHALL BE ACTED UPON UNTIL EACH, IN THE FOLLOWING ORDER, HAS GIVEN THEIR  
17    APPROVAL OR ANY ONE THEREOF HAS GIVEN THEIR DISAPPROVAL OF THE DEBT  
18    PROPOSED BY THE GOVERNOR TO ENABLE THE STATE TO RESPOND TO SUCH EMERGEN-  
19    CY: THE GOVERNOR, THE COMPTROLLER, THE SENATE AND THE ASSEMBLY. THE  
20    PROPOSAL OF SUCH EMERGENCY DEBT SHALL BE IN THE FORM OF A RESOLUTION  
21    PREPARED AND SUBMITTED BY THE GOVERNOR TO THE COMPTROLLER, THE SENATE  
22    AND THE ASSEMBLY, WHO SHALL APPROVE OR DISAPPROVE SUCH RESOLUTION WITH-  
23    OUT ANY CHANGES THERETO; AND IF SUCH RESOLUTION IS APPROVED BY THE  
24    GOVERNOR, THE COMPTROLLER, AND A MAJORITY OF THE MEMBERS ELECTED TO EACH  
25    BRANCH OF THE LEGISLATURE, THEN SUCH LAW OR LAWS SHALL BE ENACTED AS MAY  
26    BE NECESSARY OR ADVISABLE TO IMPLEMENT SUCH APPROVAL.

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

LBD89124-02-1

1 S 2. Resolved (if the Assembly concur), That section 11 of article 7  
2 of the constitution be amended to read as follows:

3 S 11. 1. Except the debts or refunding debts specified in sections 9,  
4 10 and 13 of this article, no debt shall be hereafter contracted by or  
5 [in] ON behalf of the state, unless such debt shall be authorized by law  
6 PURSUANT TO THIS SECTION, for some single work or purpose, to be  
7 distinctly specified therein. [No such] DEBT SUBJECT TO THE PROVISIONS  
8 OF THIS SECTION SHALL INCLUDE ANY DEBT OR OBLIGATION, OTHER THAN DEBT OR  
9 REFUNDING DEBT INCURRED PURSUANT TO SECTIONS 9, 10 AND 13 OF THIS ARTI-  
10 CLE, SUPPORTED IN WHOLE OR IN PART BY ANY FINANCING ARRANGEMENT WHEREBY  
11 THE STATE AGREES, WHETHER BY LAW, CONTRACT, OR OTHERWISE, TO MAKE  
12 PAYMENTS WHICH ARE TO BE USED, DIRECTLY OR INDIRECTLY, FOR THE PAYMENT  
13 OF PRINCIPAL, INTEREST, OR RELATED PAYMENTS ON INDEBTEDNESS INCURRED OR  
14 CONTRACTED BY THE STATE ITSELF FOR ANY PURPOSE, OR BY ANY STATE AGENCY,  
15 MUNICIPALITY, INDIVIDUAL, PUBLIC AUTHORITY OR OTHER PUBLIC OR PRIVATE  
16 CORPORATION OR ANY OTHER ENTITY FOR STATE CAPITAL OR OPERATING PURPOSES  
17 OR TO FINANCE GRANTS, LOANS OR OTHER ASSISTANCE PAYMENTS MADE OR TO BE  
18 MADE BY OR ON BEHALF OF THE STATE FOR ANY PURPOSE. IF THE STATE AGREES  
19 OR HAS AGREED ON OR AFTER APRIL FIRST, NINETEEN HUNDRED NINETY-SEVEN TO  
20 MAKE FUTURE REVENUES FROM A SPECIFIC STATE SOURCE AVAILABLE FOR THE  
21 PURPOSE OF SUPPORTING DEBT OF ANY MUNICIPALITY, INDIVIDUAL, PUBLIC OR  
22 PRIVATE CORPORATION OR ANY OTHER ENTITY, OR, IF ON OR AFTER SUCH DATE, A  
23 PROGRAM OF DEBT IS AUTHORIZED TO BE ISSUED WHERE STATE AID IS INTENDED  
24 TO BE THE SOLE SOURCE OF PAYMENT OF DEBT SERVICE, SUCH DEBT SHALL BE  
25 CONSIDERED TO BE A DEBT FOR THE PURPOSE OF FINANCING A STATE GRANT, LOAN  
26 OR OTHER ASSISTANCE PAYMENT AND SHALL BE SUBJECT TO THE PROVISIONS OF  
27 THIS SECTION. THE PROVISIONS OF THIS SECTION SHALL APPLY (I) WHETHER OR  
28 NOT THE OBLIGATION OF THE STATE TO MAKE PAYMENTS IS SUBJECT TO APPROPRI-  
29 ATION, OR (II) WHETHER OR NOT DEBT SERVICE IS TO BE PAID FROM A REVENUE  
30 STREAM TRANSFERRED BY THE STATE TO ANOTHER PARTY THAT IS RESPONSIBLE FOR  
31 MAKING SUCH PAYMENTS.

32 2. THE LEGISLATURE MAY, BY LAW, AUTHORIZE THE STATE TO CONTRACT DEBT  
33 SECURED BY A PLEDGE OF SPECIFIC STATE REVENUES AUTHORIZED BY SUCH LAW TO  
34 BE DEPOSITED IN A DEDICATED TRUST FUND OR FUNDS CREATED FOR A SINGLE  
35 CAPITAL WORK OR PURPOSE. THE LEGISLATURE SHALL, BY LAW, IDENTIFY THE  
36 CAPITAL WORK OR PURPOSE TO BE FINANCED WITH SUCH DEBT. REVENUES IN  
37 EXCESS OF THE REQUIRED PAYMENTS OF DEBT SERVICE AND RELATED PAYMENTS ON  
38 SUCH DEBT SHALL BE AVAILABLE FOR OTHER PURPOSES, AS PROVIDED BY LAW.

39 3. EXCEPT AS PROVIDED IN SUBDIVISION 5 OF THIS SECTION, NO law AUTHOR-  
40 IZING DEBT TO BE CREATED BY THE STATE PURSUANT TO SUBDIVISIONS 1 AND 2  
41 OF THIS SECTION shall take effect until it shall, at a general election,  
42 have been submitted to the people, and have received a majority of all  
43 the votes cast for and against it at such election nor shall it be  
44 submitted to be voted on within three months after its passage [nor at  
45 any general election when any other law or any bill shall be submitted  
46 to be voted for or against] BY THE LEGISLATURE.

47 The legislature may, at any time after the approval of such law by the  
48 people, if no debt shall have been contracted in pursuance thereof,  
49 repeal the same; and may at any time, by law, forbid the contracting of  
50 any further debt or liability under such law.

51 4. DURING THE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND TWENTY-  
52 ONE AND IN EVERY FISCAL YEAR THEREAFTER, NO DEBT AUTHORIZED PURSUANT TO  
53 THIS SECTION SHALL BE INCURRED UNLESS THE TOTAL PRINCIPAL AMOUNT OF DEBT  
54 TO BE INCURRED PURSUANT TO SUCH LAW, TOGETHER WITH THE TOTAL PRINCIPAL  
55 AMOUNT OF DEBT ALREADY OUTSTANDING, SHALL BE EQUAL TO OR LESS THAN FIVE  
56 PERCENT OF THE TOTAL PERSONAL INCOME OF THE STATE AS DETERMINED BY LAW.

1 DEBT SUBJECT TO THE LIMIT IMPOSED BY THIS SECTION SHALL INCLUDE ALL  
2 DEBT, WHENEVER ISSUED, DESCRIBED IN SUBDIVISIONS 1 AND 2 OF THIS SECTION  
3 BUT SHALL NOT INCLUDE THE DEBTS SPECIFIED IN SECTIONS 9, 10 AND 13 OF  
4 THIS ARTICLE.

5 5. DURING ANY FISCAL YEAR, DEBT IN THE COMBINED AGGREGATE AMOUNT OF  
6 TWO HUNDRED FIFTY MILLION DOLLARS MAY BE INCURRED PURSUANT TO A LAW OR  
7 LAWS THAT ARE NOT SUBMITTED FOR APPROVAL BY THE PEOPLE. SUCH DEBT SHALL  
8 BE INCURRED ONLY FOR CRITICAL CAPITAL NEEDS. HOWEVER, IN NO EVENT SHALL  
9 DEBT INCURRED IN FISCAL YEARS BEGINNING IN TWO THOUSAND TWENTY-ONE AND  
10 THEREAFTER PURSUANT TO SUCH LAW OR LAWS RESULT IN A TOTAL PRINCIPAL  
11 AMOUNT OF DEBT IN EXCESS OF THE LIMIT DETERMINED PURSUANT TO SUBDIVISION  
12 4 OF THIS SECTION.

13 6. (I) ALL DEBT SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL,  
14 EXCEPT FOR REFUNDING DEBT, BE INCURRED ONLY FOR A CAPITAL PURPOSE  
15 AUTHORIZED BY LAW, AND (II) ALL DEBT SUBJECT TO THE PROVISIONS OF THIS  
16 SECTION AND ALL DEBT AND REFUNDING DEBT SPECIFIED IN SECTIONS 9, 10 AND  
17 13 OF THIS ARTICLE SHALL, IF INCURRED ON OR AFTER THE FIRST DAY OF THE  
18 FIRST FISCAL YEAR BEGINNING AT LEAST ONE YEAR AFTER THE DATE THIS SUBDI-  
19 VISION SHALL HAVE TAKEN EFFECT, BE IN THE FORM OF OBLIGATIONS ISSUED BY  
20 THE COMPTROLLER.

21 7. NOTHING CONTAINED IN THIS SECTION SHALL INVALIDATE DEBT OBLIGATIONS  
22 OUTSTANDING ON THE DATE THIS SUBDIVISION SHALL HAVE TAKEN EFFECT THAT  
23 WOULD BE SUBJECT TO THE PROVISIONS OF THIS SECTION IF INCURRED AFTER THE  
24 DATE THIS SUBDIVISION SHALL HAVE TAKEN EFFECT, AND THE STATE MAY CONTIN-  
25 UE TO PROVIDE FOR PAYMENTS RELATED TO SUCH DEBT ON THE SAME TERMS UNDER  
26 WHICH SUCH DEBT WAS INCURRED; PROVIDED, HOWEVER, THAT NO SUCH DEBT SHALL  
27 BE REFUNDED UNLESS SUCH REFUNDING COMPLIES IN ALL RESPECTS WITH THE  
28 REQUIREMENTS OF SECTION 13 OF THIS ARTICLE. THE PROVISIONS OF SECTION 16  
29 OF THIS ARTICLE SHALL NOT APPLY TO STATE PAYMENTS WITH RESPECT TO ANY  
30 SUCH OUTSTANDING OBLIGATIONS UNLESS SUCH PROVISIONS WOULD HAVE APPLIED  
31 PRIOR TO THE DATE THIS SUBDIVISION SHALL HAVE TAKEN EFFECT.

32 8. DEBT OBLIGATIONS ISSUED TO REFUND OUTSTANDING STATE DEBT, REGARD-  
33 LESS OF WHETHER SUCH OUTSTANDING DEBT WAS INCURRED PRIOR TO THE DATE  
34 THIS SUBDIVISION SHALL HAVE TAKEN EFFECT, SHALL NOT BE COUNTED FOR THE  
35 PURPOSES OF THE LIMIT IMPOSED BY SUBDIVISION 3 OF THIS SECTION IF SUCH  
36 REFUNDING COMPLIES IN ALL RESPECTS WITH SECTION 13 OF THIS ARTICLE. FOR  
37 PURPOSES OF THIS SUBDIVISION AND SUBDIVISION 7 OF THIS SECTION, ANY  
38 REFUNDING DEBT THAT DOES NOT EXTEND BEYOND THE FINAL MATURITY OF THE  
39 DEBT BEING REFUNDED SHALL BE DEEMED TO COMPLY WITH THE PROVISIONS OF  
40 SUBDIVISION 6 OF SECTION 13 OF THIS ARTICLE, PROVIDED THAT THERE IS AN  
41 ACTUAL DEBT SERVICE SAVINGS IN EVERY YEAR TO MATURITY AS A RESULT OF THE  
42 ISSUANCE OF THE REFUNDING DEBT.

43 9. AFTER THE DATE THIS SECTION SHALL HAVE TAKEN EFFECT, THE STATE  
44 SHALL NOT, EXCEPT AS SPECIFICALLY AUTHORIZED IN ANOTHER SECTION OF THIS  
45 CONSTITUTION, AGREE TO MAKE PAYMENTS, DIRECTLY OR INDIRECTLY, WHETHER OR  
46 NOT SUBJECT TO APPROPRIATION, THAT ARE TO BE AVAILABLE TO PAY DEBT  
47 SERVICE ON ANY DEBT INCURRED BY A MUNICIPALITY, INDIVIDUAL, PUBLIC  
48 AUTHORITY OR OTHER PUBLIC OR PRIVATE CORPORATION OR ANY OTHER ENTITY,  
49 FOR ANY PURPOSE, IF SUCH PAYMENTS ARE EXPECTED TO BE USED TO PAY DEBT  
50 SERVICE ONLY IF OTHER SOURCES AVAILABLE FOR THE PAYMENT OF DEBT SERVICE  
51 ARE INADEQUATE. ANY PROVISION REQUIRING THE STATE TO REPLACE MONIES USED  
52 TO PAY DEBT SERVICE SHALL BE INCLUDED IN THE PROHIBITION SET FORTH IN  
53 THIS SUBDIVISION. OUTSTANDING DEBT THAT WOULD BE PROHIBITED BY THIS  
54 SUBDIVISION IF SUCH DEBT HAD BEEN INCURRED AFTER THE DATE THIS SUBDI-  
55 VISION SHALL HAVE TAKEN EFFECT MAY BE REFUNDED BY THE ENTITY THAT INCURRED  
56 THE OUTSTANDING DEBT PROVIDED THAT THE PROVISIONS OF SUBDIVISIONS 7 AND

8 OF THIS SECTION ARE COMPLIED WITH EXCEPT THE REQUIREMENT THAT SUCH REFUNDING DEBT OBLIGATIONS BE ISSUED BY THE COMPTROLLER.

10. THE LEGISLATURE MAY, AT ANY TIME AFTER THE ENACTMENT OR APPROVAL OF LAW AUTHORIZING THE STATE TO CONTRACT DEBT PURSUANT TO THIS SECTION, IF NO DEBT SHALL HAVE BEEN CONTRACTED IN PURSUANCE THEREOF, REPEAL THE SAME; AND MAY AT ANY TIME, BY LAW, FORBID THE CONTRACTING OF ANY FURTHER DEBT OR LIABILITY UNDER SUCH LAW.

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

S 16. The legislature shall annually provide by appropriation for the payment of the interest upon and installments of principal of all debts or refunding debts created on behalf of the state except those contracted under section 9 of this article, as the same shall fall due, and for the contribution to all of the sinking funds created by law, of the amounts annually to be contributed under the provisions of section 12, 13 or 15 of this article. [If] WITH RESPECT TO DEBT CONTRACTED OTHER THAN PURSUANT TO SUBDIVISION 2 OF SECTION 11 OF THIS ARTICLE, IF at any time the legislature shall fail to make any such appropriation, the comptroller shall set apart from the first revenues thereafter received, applicable to the general fund of the state, a sum sufficient to pay such interest, installments of principal, or contributions to such sinking fund, as the case may be, and shall so apply the moneys thus set apart. IF AT ANY TIME THE LEGISLATURE SHALL FAIL TO MAKE AN APPROPRIATION FOR THE PAYMENT OF INTEREST OR INSTALLMENTS OF PRINCIPAL OR SINKING FUND PAYMENTS OR RELATED PAYMENTS ON ANY DEBT CONTRACTED PURSUANT TO SUBDIVISION 2 OF SECTION 11 OF THIS ARTICLE, THE COMPTROLLER SHALL SET APART FROM THE FIRST REVENUES RECEIVED AND PLEDGED TO SUCH PAYMENTS, A SUM SUFFICIENT TO PAY SUCH INTEREST OR INSTALLMENT OF PRINCIPAL OR CONTRIBUTIONS TO SUCH SINKING FUND PAYMENTS OR RELATED PAYMENTS, AND SHALL SO APPLY THE MONEYS THUS SET APART, PROVIDED HOWEVER THAT SUCH REVENUES MUST BE SET ASIDE AND APPLIED IN A MANNER WHICH ENSURES THAT PLEDGED REVENUES ARE APPLIED ONLY TO PAYMENTS ON DEBT FOR WHICH SUCH REVENUES WERE PLEDGED PURSUANT TO SUBDIVISION 2 OF SECTION 11 OF THIS ARTICLE. The comptroller may be required to set aside and apply such revenues as aforesaid, at the suit of any holder of such bonds.

Notwithstanding the foregoing provisions of this section, the comptroller may covenant with the purchasers of any state obligations that they shall have no further rights against the state for payment of such obligations or any interest thereon after an amount or amounts determined in accordance with the provisions of such covenant is deposited in a described fund or with a named or described agency or trustee. In such case, this section shall have no further application with respect to payment of such obligations or any interest thereon after the comptroller has complied with the prescribed conditions of such covenant.

S 4. Resolved (if the Assembly concur), That article 7 of the constitution be amended by adding a new section 1-a to read as follows:

S 1-A. WITHIN TEN DAYS FOLLOWING THE SUBMISSION OF THE BUDGET BY THE GOVERNOR PURSUANT TO THIS ARTICLE, SUCH BILLS SHALL BE REFERRED TO A JOINT BUDGET CONFERENCE COMMITTEE TO CONSIDER AND RECONCILE SUCH BUDGET RESOLUTION OR BUDGET BILLS AS MAY BE PASSED BY EACH HOUSE. THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL JOINTLY CONVENE SUCH JOINT BUDGET CONFERENCE COMMITTEE. SUCH CONFERENCE COMMITTEE MEETINGS SHALL BE REQUIRED TO MEET AND SHALL BE OPEN TO THE PUBLIC.

S 5. Resolved (if the Assembly concur), That article 7 of the constitution be amended by adding a new section 1-b to read as follows:

1 S 1-B. 1. BY THE END OF FEBRUARY IN EACH YEAR, PRIOR TO THE REPORT  
2 REQUIRED BY SUBDIVISION 2 OF THIS SECTION, THE CHAIRPERSON AND RANKING  
3 MINORITY MEMBER OF THE SENATE FINANCE COMMITTEE, THE CHAIRPERSON AND  
4 RANKING MINORITY MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE  
5 DIRECTOR OF THE BUDGET SHALL JOINTLY CONVENE A CONSENSUS ECONOMIC AND  
6 REVENUE FORECASTING CONFERENCE IN THE FORM OF A JOINT LEGISLATIVE-EXECU-  
7 TIVE HEARING, FOR THE PURPOSE OF ASSISTING THE GOVERNOR AND THE LEGISLA-  
8 TURE IN REACHING THE CONSENSUS REVENUE FORECAST REQUIRED BY SUBDIVISION  
9 2 OF THIS SECTION. THE CONVENERS OF THE CONFERENCE SHALL INVITE THE  
10 STATE COMPTROLLER AND SUCH OTHER PARTICIPANTS TO THE CONFERENCE AS  
11 SHALL, IN THEIR JUDGMENT, PROVIDE GUIDANCE ON THE CURRENT CONDITIONS IN,  
12 AND PROBABLE OUTLOOK FOR THE PERFORMANCE OF, THE ECONOMY OF THE STATE,  
13 AS WELL AS THE EFFECT OF SUCH CONDITIONS AND SUCH PERFORMANCE ON STATE  
14 RECEIPTS.

15 2. ON OR BEFORE MARCH FIRST IN EACH YEAR, THE DIRECTOR OF THE BUDGET  
16 AND THE SECRETARY OF THE SENATE FINANCE COMMITTEE AND THE SECRETARY OF  
17 THE ASSEMBLY WAYS AND MEANS COMMITTEE SHALL ISSUE A JOINT REPORT  
18 CONTAINING A CONSENSUS FORECAST OF THE ECONOMY AND SPECIFIC BINDING  
19 ESTIMATES OF RECEIPTS AND ANY AND ALL OTHER AVAILABLE RESOURCES USED TO  
20 SUPPORT DISBURSEMENT FOR THE CURRENT AND THE ENSUING STATE FISCAL YEAR.  
21 SUCH ESTIMATES SHALL INCLUDE, BUT NOT BE LIMITED TO: EXPECTED TAX  
22 RECEIPTS ON AN ALL-FUNDS BASIS, PROJECTED LOTTERY RECEIPTS, ANTICIPATED  
23 MISCELLANEOUS RECEIPTS AND OTHER FINANCING SOURCES INCLUDING, BUT NOT  
24 LIMITED TO, RE-ESTIMATES THAT WOULD LOWER CURRENT PROJECTED DISBURSE-  
25 MENTS AS WELL AS OTHER RESOURCES THAT WOULD BE USED TO SUPPORT DISBURSE-  
26 MENTS. THE ESTIMATE OF RECEIPTS FOR THE ENSUING FISCAL YEAR CONTAINED IN  
27 THE REPORT SHALL BE ALL RECEIPTS FROM SUCH SOURCES DESCRIBED IN THIS  
28 SUBDIVISION AVAILABLE TO MAKE DISBURSEMENTS AUTHORIZED BY THE THE APPRO-  
29 PRIATION BILLS SUBMITTED BY THE GOVERNOR PURSUANT TO SECTION 3 OF THIS  
30 ARTICLE FOR THE ENSUING FISCAL YEAR. THE COMPTROLLER SHALL COMMENT ON  
31 THE REASONABLENESS AND RELIABILITY OF THE CONSENSUS FORECAST.

32 3. ON A FAILURE OF THE DIRECTOR OF THE BUDGET, THE SECRETARY OF THE  
33 SENATE FINANCE COMMITTEE AND THE SECRETARY OF THE ASSEMBLY WAYS AND  
34 MEANS COMMITTEE TO ISSUE A JOINT REPORT CONTAINING A CONSENSUS FORECAST  
35 AS PROVIDED IN SUBDIVISION 2 OF THIS SECTION, OR IF THE STATE COMP-  
36 TROLLER REJECTS SUCH FORECAST, THE STATE COMPTROLLER SHALL, ON OR BEFORE  
37 MARCH FIFTH, PROVIDE BINDING ESTIMATES OF RECEIPTS AND OTHER RESOURCES  
38 FOR THE CURRENT AND THE ENSUING STATE FISCAL YEAR. SUCH ESTIMATES SHALL  
39 INCLUDE, BUT NOT BE LIMITED TO, EXPECTED TAX RECEIPTS ON AN ALL-FUNDS  
40 BASIS, PROJECTED LOTTERY RECEIPTS, MISCELLANEOUS RECEIPTS, ANTICIPATED  
41 MISCELLANEOUS RECEIPTS AND OTHER FINANCING SOURCES INCLUDING RE-ESTI-  
42 MATES THAT WOULD LOWER CURRENT PROJECTED DISBURSEMENTS AS WELL AS OTHER  
43 RESOURCES THAT WOULD BE USED TO SUPPORT DISBURSEMENTS. IN RENDERING HIS  
44 OR HER ESTIMATE, AS REQUIRED IN THIS SUBDIVISION, THE COMPTROLLER SHALL  
45 GIVE DUE CONSIDERATION TO THE INHERENT RISKS IN ECONOMIC AND REVENUE  
46 FORECASTING AND THE INTEREST OF THE STATE TO MAINTAIN BUDGET BALANCE  
47 THROUGHOUT THE FISCAL YEAR. THE ESTIMATE OF RECEIPTS FOR THE ENSUING  
48 FISCAL YEAR PROVIDED BY THE STATE COMPTROLLER SHALL BE ALL RECEIPTS AND  
49 OTHER RESOURCES FROM SUCH SOURCES AVAILABLE TO MAKE DISBURSEMENTS  
50 AUTHORIZED BY THE APPROPRIATION BILLS SUBMITTED BY THE GOVERNOR PURSUANT  
51 TO SECTION 3 OF THIS ARTICLE FOR THE ENSUING FISCAL YEAR.

52 S 6. Resolved (if the Assembly concur), That section 2 of article 7 of  
53 the constitution be amended to read as follows:

54 S 2. Annually, on or before the first day of February in each year  
55 following the year fixed by the constitution for the election of gover-  
56 nor and lieutenant governor, and on or before the second Tuesday follow-

1 ing the first day of the annual meeting of the legislature, in all other  
2 years, the governor shall submit to the legislature a budget containing  
3 a complete plan of expenditures proposed to be made before the close of  
4 the ensuing fiscal year and all moneys and revenues estimated to be  
5 available therefor, together with an explanation of the basis of such  
6 estimates and recommendations as to proposed legislation, if any, which  
7 the governor may deem necessary to provide moneys and revenues suffi-  
8 cient to meet such proposed expenditures. It shall also contain such  
9 other recommendations and information as the governor may deem proper  
10 and such additional information as may be required by law.

11 ANNUALLY, AS PROVIDED BY LAW, THE GOVERNOR SHALL SUBMIT TO THE LEGIS-  
12 LATURE A DETAILED LONG-TERM CAPITAL PROGRAM AND FINANCING PLAN CONCUR-  
13 RENT WITH THE EXECUTIVE BUDGET.

14 S 7. Resolved (if the Assembly concur), That the foregoing amendments  
15 be referred to the first regular legislative session convening after the  
16 next succeeding general election of members of the assembly, and, in  
17 conformity with section 1 of article 19 of the constitution, be  
18 published for 3 months previous to the time of such election.