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

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5515

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 25, 2015
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Introduced by M. of A. OAKS, BLANKENBUSH, BUTLER, CORWIN, GIGLIO, GRAF,
  FINCH, HAWLEY, LAWRENCE, MONTESANO, RAIA, TEDISCO, WALTER, LUPINACCI,
  BORELLI, STEC -- Multi-Sponsored by -- M. of A. BARCLAY, CERETTO,
  CROUCH, CURRAN, DiPIETRO, DUPREY, FITZPATRICK, FRIEND, GARBARINO,
  JOHNS, KOLB, McDONOUGH, McKEVITT, MURRAY, PALMESANO, SALADINO, TENNEY
  -- read once and referred to the Committee on Ways and Means

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 Senate concur), That section 4 of article
 2 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

1 APPROPRIATIONS AND THE TRANSFER AND THE LOAN OF FUNDS FOR THE
2 IMMEDIATELY PRECEDING FISCAL YEAR SHALL CONTINUE TO BE LAW FOR THE
3 FISCAL YEAR FOR WHICH THE DEFAULT BUDGET IS A LAW, PROVIDED, HOWEVER,
4 THAT IN NO EVENT SHALL AGGREGATE DISBURSEMENTS AUTHORIZED BY
5 APPROPRIATIONS CONTAINED IN THE DEFAULT BUDGET FOR SUCH FISCAL YEAR
6 EXCEED AGGREGATE DISBURSEMENTS MADE IN THE IMMEDIATELY PRECEDING FISCAL
7 YEAR.
8   IN THE EVENT THAT A DEFAULT BUDGET BECOMES LAW FOR A FISCAL YEAR AND A
9 DETERMINATION IS MADE BY THE GOVERNOR THAT, FOR THE FISCAL YEAR FOR
10 WHICH THE DEFAULT BUDGET IS A LAW, MONEYS AND RECEIPTS AVAILABLE FOR THE
11 FISCAL YEAR ARE LESS THAN MONEYS AND RECEIPTS AVAILABLE FOR THE
12 IMMEDIATELY PRECEDING FISCAL YEAR, THE GOVERNOR SHALL HAVE THE FOLLOWING
13 POWERS:
14   (A) THE GOVERNOR MAY TRANSFER, IN EXCESS OF ANY LIMITATION OTHERWISE
15 PROVIDED BY LAW, ANY APPROPRIATION OR PORTION THEREOF FOR ANY OBJECT OR
16 PURPOSE TO ANOTHER OBJECT OR PURPOSE ONLY TO MEET CONTRACTUAL
17 REQUIREMENTS FOR WHICH APPROPRIATIONS CONTAINED IN THE DEFAULT BUDGET
18 ARE NOT SUFFICIENT TO MEET SUCH REQUIREMENTS;
19   (B) THE GOVERNOR MAY REDUCE BY A UNIFORM PERCENTAGE ALL APPROPRIATIONS
20 FROM THE GENERAL FUND OR PORTIONS THEREOF NOT NECESSARY TO MEET
21 CONTRACTUAL REQUIREMENTS OR OTHER REQUIREMENTS ESTABLISHED BY STATE OR
22 FEDERAL LAW;
23   (C) THE GOVERNOR MAY MODIFY THE OPERATION OF ANY LAW GOVERNING THE
24 APPORTIONMENT AND THE ALLOCATION OF APPROPRIATIONS OR PART THEREOF IF
25 THE OPERATION OF SUCH LAW OR PART THEREOF REQUIRES DISBURSEMENTS FOR
26 SUCH OBJECT OR PURPOSE REQUIRED BY THE OPERATION OF LAW FOR THE
27 IMMEDIATELY PRECEDING FISCAL YEAR. THE OPERATION OF ANY SUCH LAW OR PART
28 THEREOF SHALL ONLY BE MODIFIED SUCH THAT SUCH MODIFICATION SHALL RESULT
29 IN REQUIRED DISBURSEMENTS FOR AN OBJECT OR PURPOSE DURING THE FISCAL
30 YEAR WHICH IS LESS THAN THE DISBURSEMENTS FOR SUCH OBJECT OR PURPOSE
31 THAT WOULD OTHERWISE BE REQUIRED BY THE OPERATION OF LAW WITHOUT SUCH
32 MODIFICATION, PROVIDED, HOWEVER, THAT SUCH MODIFICATION SHALL NOT RESULT
33 IN DISBURSEMENTS FOR AN OBJECT OR PURPOSE WHICH ARE LESS THAN THE
34 DISBURSEMENTS FOR SUCH OBJECT OR PURPOSE REQUIRED BY LAW FOR THE
35 IMMEDIATELY PRECEDING FISCAL YEAR. ANY SUCH LAW WHICH PROVIDES FOR THE
36 ALLOCATION OR APPORTIONMENT OF APPROPRIATIONS FOR AN OBJECT OR PURPOSE
37 BETWEEN OR AMONG ENTITIES MAY BE MODIFIED BY THE GOVERNOR ONLY SUCH THAT
38 THE REQUIRED REDUCTION IN DISBURSEMENTS RESULTING FROM SUCH MODIFICATION
39 RESULTS IN A UNIFORM PERCENTAGE REDUCTION TO ALL AFFECTED ENTITIES.
40   ANY DETERMINATION MADE BY THE GOVERNOR PURSUANT TO THIS SECTION THAT,
41 FOR A FISCAL YEAR FOR WHICH A DEFAULT BUDGET IS LAW, MONEYS AND RECEIPTS
42 AVAILABLE FOR THE FISCAL YEAR ARE LESS THAN MONEYS AND RECEIPTS
43 AVAILABLE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR SHALL ONLY BE MADE
44 WITHIN FIFTEEN DAYS AFTER THE DATE ON WHICH A DEFAULT BUDGET BECOMES LAW
45 AND THE ESTIMATE OF MONEYS AND RECEIPTS AVAILABLE USED IN ANY SUCH
46 DETERMINATION SHALL BE BASED ON A CONSENSUS FORECAST OR OTHER FORECAST
47 OF SUCH ESTIMATES TO THE EXTENT PROVIDED ACCORDING TO PROCEDURES
48 ESTABLISHED BY LAW. ON MAKING SUCH A DETERMINATION THE GOVERNOR SHALL
49 NOTIFY BOTH HOUSES OF THE LEGISLATURE OF HIS OR HER DETERMINATION AND
50 ALL MODIFICATIONS AUTHORIZED BY THIS SECTION THAT WILL BE MADE TO
51 APPROPRIATIONS OR TO THE OPERATION OF LAWS FOR THE FISCAL YEAR.
52   S 2. Resolved (if the Senate concur), That the foregoing amendment be
53 referred to the first regular legislative session convening after the
54 next succeeding general election of members of the assembly, and, in
55 conformity with section 1 of article 19 of the constitution, be
56 published for 3 months previous to the time of such election.