

STATE OF NEW YORK

8770

2017-2018 Regular Sessions

IN ASSEMBLY

November 3, 2017

Introduced by M. of A. OAKS, BLANKENBUSH, BUTLER, GIGLIO, FINCH, HAWLEY, LAWRENCE, MONTESANO, RAIA, WALTER, STEC, CASTORINA, NORRIS -- Multi-Sponsored by -- M. of A. BARCLAY, CROUCH, CURRAN, DiPIETRO, FITZPATRICK, FRIEND, GARBARINO, JOHNS, KOLB, McDONOUGH, McKEVITT, MURRAY, PALMESANO -- 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 § 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

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

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1 immediately preceding fiscal year shall continue to be law for the
2 fiscal year for which the default budget is a law, provided, however,
3 that in no event shall aggregate disbursements authorized by
4 appropriations contained in the default budget for such fiscal year
5 exceed aggregate disbursements made in the immediately preceding fiscal
6 year.

7 In the event that a default budget becomes law for a fiscal year and a
8 determination is made by the governor that, for the fiscal year for
9 which the default budget is a law, moneys and receipts available for the
10 fiscal year are less than moneys and receipts available for the
11 immediately preceding fiscal year, the governor shall have the following
12 powers:

13 (a) The governor may transfer, in excess of any limitation otherwise
14 provided by law, any appropriation or portion thereof for any object or
15 purpose to another object or purpose only to meet contractual
16 requirements for which appropriations contained in the default budget
17 are not sufficient to meet such requirements;

18 (b) The governor may reduce by a uniform percentage all appropriations
19 from the general fund or portions thereof not necessary to meet
20 contractual requirements or other requirements established by state or
21 federal law;

22 (c) The governor may modify the operation of any law governing the
23 apportionment and the allocation of appropriations or part thereof if
24 the operation of such law or part thereof requires disbursements for
25 such object or purpose required by the operation of law for the
26 immediately preceding fiscal year. The operation of any such law or part
27 thereof shall only be modified such that such modification shall result
28 in required disbursements for an object or purpose during the fiscal
29 year which is less than the disbursements for such object or purpose
30 that would otherwise be required by the operation of law without such
31 modification, provided, however, that such modification shall not result
32 in disbursements for an object or purpose which are less than the
33 disbursements for such object or purpose required by law for the
34 immediately preceding fiscal year. Any such law which provides for the
35 allocation or apportionment of appropriations for an object or purpose
36 between or among entities may be modified by the governor only such that
37 the required reduction in disbursements resulting from such modification
38 results in a uniform percentage reduction to all affected entities.

39 Any determination made by the governor pursuant to this section that,
40 for a fiscal year for which a default budget is law, moneys and receipts
41 available for the fiscal year are less than moneys and receipts
42 available for the immediately preceding fiscal year shall only be made
43 within fifteen days after the date on which a default budget becomes law
44 and the estimate of moneys and receipts available used in any such
45 determination shall be based on a consensus forecast or other forecast
46 of such estimates to the extent provided according to procedures
47 established by law. On making such a determination the governor shall
48 notify both houses of the legislature of his or her determination and
49 all modifications authorized by this section that will be made to
50 appropriations or to the operation of laws for the fiscal year.

51 § 2. Resolved (if the Senate concur), That the foregoing amendment be
52 referred to the first regular legislative session convening after the
53 next succeeding general election of members of the assembly, and, in
54 conformity with section 1 of article 19 of the constitution, be
55 published for 3 months previous to the time of such election.