STATE OF NEW YORK

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2017-2018 Regular Sessions

IN SENATE

January 20, 2017

Introduced by Sens. KRUEGER, PERKINS, SERRANO -- 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 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

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

Section 1. For the preparation of the budget, the head of each department of state government, except the legislature and judiciary, shall furnish the governor such estimates and information in such form and at such times as the governor may require, copies of which shall forthwith be furnished to the appropriate committees of the legislature. The governor shall hold hearings thereon at which the governor may require the attendance of heads of departments and their subordinates. Designated representatives of such committees shall be entitled to attend the hearings thereon and to make inquiry concerning any part thereof.

Itemized estimates of the financial needs of the legislature, certified by the presiding officer of each house, and of the judiciary, approved by the court of appeals and certified by the chief judge of the court of appeals, shall be transmitted to the governor not later than the first day of December in each year **immediately preceding the year in which the governor transmits to the legislature the governor's budget document** for inclusion in the budget without revision but with such recommendations as the governor may deem proper. Copies of the itemized estimates of the financial needs of the judiciary also shall forthwith be transmitted to the appropriate committees of the legislature. **Nothing herein shall preclude the alteration, by law, of the expenditures during the period of time which the budget shall have been adopted for.**

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

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

§ 2. [~~Annually~~] **Biennially**, on or before the first day of February in each year following the year fixed by the constitution for the election of governor and lieutenant governor, and on or before the second Tuesday following the first day of the annual meeting of the legislature, in all other **odd numbered** years, the governor shall submit to the legislature a budget containing a complete plan of expenditures proposed to be made [~~before the close of the ensuing fiscal year~~] **during the next two fiscal years** and all moneys and revenues estimated to be available therefor, together with an explanation of the basis of such estimates and recommendations as to proposed legislation, if any, which the governor may deem necessary to provide moneys and revenues sufficient to meet such proposed expenditures. It shall also contain such other recommendations and information as the governor may deem proper and such additional information as may be required by law.

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

§ 7. No money shall ever be paid out of the state treasury or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within [~~two~~] **three** years next after [~~the passage of~~] such appropriation act; and every such law making a new appropriation or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object or purpose to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum.

§ 4. Resolved (if the Assembly concur), That the foregoing amendments 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 three months previous to the time of such election.