STATE OF NEW YORK

5999

2017-2018 Regular Sessions

IN SENATE

May 10, 2017

Introduced by Sen. CROCI -- 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 articles IV and VII of the constitution, in relation to the submission of the budget to the legislature by the Governor

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, **and, at such times, shall forthwith provide** copies of [~~which shall forthwith be furnished~~] **such estimates and information** to the appropriate committees of the legislature **and make such estimates and information available to the public**. 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 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.

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

§ 2. Annually, on or before the first day of February in each year following the year [~~fixed by the constitution for the election of gover-~~

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

LBD89110-03-7

~~nor and lieutenant governor~~] in which a governor is elected, provided such governor did not hold the office of governor at the time of the election, and on or before [~~the second Tuesday following the first day of the annual meeting of the legislature~~] January fifteenth, in all other years, the governor shall submit to the legislature a budget containing a complete plan of [~~expenditures~~] disbursements proposed to be made before the close of the ensuing fiscal year and all moneys [~~and revenues estimated~~] available and anticipated to be available and all receipts 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~~] receipts sufficient to meet such proposed [~~expenditures~~] disbursements. 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 3 of article 7 of the constitution be amended to read as follows:

§ 3. At the time of submitting the budget to the legislature the governor shall submit a bill or bills containing all the proposed appropriations and reappropriations included in the budget and the proposed legislation, if any, recommended therein.

The governor may at any time within [~~thirty~~] twenty-one days thereafter and, with the consent of the legislature, at any time before the adjournment thereof, amend or supplement the budget and submit amendments to any bills submitted by him or her or submit supplemental bills.

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

§ 4. Resolved (if the Assembly concur), That section 4 of article 7 of the constitution be amended to read as follows:

§ 4. The legislature may not alter an appropriation bill submitted by the governor except to strike out or reduce items therein, but it may add thereto items of appropriation provided that such additions are stated separately and distinctly from the original items of the bill and refer each to a single object or purpose. None of the restrictions of this section, however, shall apply to appropriations for the legislature or judiciary.

[~~Such an~~] An appropriation bill making an appropriation or appropriations solely for the purpose of meeting the legal requirements of the state's debt service and lease purchase payments or other special contractual obligations shall, when passed by both houses, be [~~a~~] law immediately without further action by the governor, except that separate items added to the governor's bills by the legislature shall be subject to the governor's approval as provided in section 7 of article IV.

Neither house of the legislature shall act on any other appropriation bill submitted by the governor pursuant to sections 2 and 3 of this article for the ensuing fiscal year after the beginning of such fiscal year. Appropriation bills other than those making an appropriation or appropriations solely for the purpose of meeting the legal requirements of the state's debt service and lease purchase payments or other special contractual obligations shall, when passed by both houses, be law without further action by the governor only at such time as all other appropriation bills submitted by the governor pursuant to sections 2 and 3 of

this article have been voted upon by both houses before the beginning of the fiscal year; provided, however, that appropriations for the legislature and judiciary and separate items added to the governor's bills by the legislature shall be subject to approval of the governor as provided in section 7 of article IV. In a year that a contingency budget takes effect, appropriation bills submitted by the governor pursuant to sections 2 and 3 of this article, and passed by both houses prior to the beginning of the fiscal year shall automatically become law without further action by the governor upon passage of a multiple appropriation bill pursuant to section 5 of this article; provided, however, that appropriations for the legislature and judiciary and separate items added to the governor's bills by the legislature shall be subject to approval of the governor as provided in section 7 of article IV.

§ 5. Resolved (if the Assembly concur), That section 5 of article 7 of the constitution be amended to read as follows:

§ 5. 1. Neither house of the legislature shall consider any other bill making an appropriation until all the appropriation bills submitted by the governor shall have been finally acted on by both houses, except on message from the governor certifying to the necessity of the immediate passage of such a bill. During a contingency period, as provided for in subdivision two of this section, neither house of the legislature shall consider any other appropriation bill except a multiple appropriation bill altering the contingency budget.

2. A contingency budget, as provided for in statute, shall take effect without further action by the legislature or the governor on the first day of the fiscal year in the event the legislature has not finally acted upon all the appropriation bills submitted by the governor for such fiscal year. Such contingency budget shall constitute an act of the legislature and final action upon all of the appropriation bills submitted by the governor as herein described. The legislature may consider and adopt alterations to the contingency budget through the passage by both houses of the legislature of a single multiple appropriation bill. Those provisions in the contingency budget not altered by the legislature shall remain in effect until such provisions are reenacted, repealed or superseded by subsequent legislation or the commencement of the next fiscal year. Passage by both houses of the legislature of such multiple appropriation bill shall constitute the conclusion of the contingency period. After the legislature has ended the contingency period, it may propose and consider a subsequent supplemental appropriation bill or, separate individual appropriation bill or bills pursuant to section 6 of this article.

The contingency budget, except as otherwise provided by statute, shall provide the same appropriations and reappropriations as enacted for the immediately preceding fiscal year and spending and revenue provisions in effect for the immediately preceding fiscal year shall remain in effect until the conclusion of the contingency period. Except as otherwise provided in statute, aggregate disbursements authorized by appropriations and reappropriations contained in the contingency budget for the fiscal year shall not exceed aggregate disbursements made in the immediately preceding fiscal year. No law modifying the disbursements authorized by appropriations and reappropriations contained in the contingency budget may become effective until three years from the date of its enactment. During a contingency period, spending and revenue provisions in legislation previously enacted that become effective in the current fiscal year shall not take effect until the legislature has passed a multiple appropriation bill.

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

§ 6. [~~Except~~] **No appropriations shall be made except by separate bills each for a single object or purpose, except** for appropriations contained in the bills submitted by the governor [~~and~~]**, or for appropriations** in a supplemental appropriation bill for the support of government, [~~no appropriations shall be made except by separate bills each for a single object or purpose~~] **or in a separate multiple appropriation bill enacted during the contingency budget period**. All such bills [~~and such supplemental appropriation bill~~] shall be subject to the governor's approval as provided in section 7 of article IV **except unaltered provisions contained within the multiple appropriation bill pursuant to subdivision 2 of section 5 of this article that were originally included in the contingency budget, which shall remain law upon passage of such multiple appropriation bill**.

No provision shall be embraced in any appropriation bill submitted by the governor or in such supplemental **or multiple** appropriation [~~bill~~] **bills** unless it relates specifically to some particular appropriation in the bill, and any such provision shall be limited in its operation to such appropriation.

§ 7. Resolved (if the Assembly concur), That section 7 of article 4 of the constitution be amended to read as follows:

§ 7. Every bill which shall have passed the senate and assembly shall, before it becomes a law, be presented to the governor; if the governor approve, he or she shall sign it; but if not, he or she shall return it with his or her objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the governor. In all such cases the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him or her, the same shall be a law in like manner as if he or she had signed it, unless the legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the governor. No bill shall become a law after the final adjournment of the legislature, unless approved by the governor within thirty days after such adjournment. If any bill presented to the governor [~~contain~~] **contains** several items of appropriation of money, **or includes alterations to the contingency budget,** the governor may object to one or more of such items while approving of the other portion of the bill. In such case the governor shall append to the bill, at the time of signing it, a statement of the items to which he or she objects; and the appropriation so objected to shall not take effect. If the legislature be in session, he or she shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If on reconsideration one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the governor. All the provisions of this section, in relation to bills not approved by the governor, shall

apply in cases in which he or she shall withhold approval from any item or items contained in a bill appropriating money.

§ 8. Resolved (if the Assembly concur), That the foregoing amendment 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 3 months previous to the time of such election.