STATE OF NEW YORK

5403

2019-2020 Regular Sessions

IN ASSEMBLY

February 11, 2019

Introduced by M. of A. DiPIETRO -- read once and referred to the Committee on Governmental Operations

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 6 of article 3 of the constitution in relation to compensation, per diem and traveling expenses payable to members of the legislature; proposing an amendment to article 3 of the constitution, in relation to the convening of legislative sessions; proposing amendments to sections 2, 3 and 4 of article 7 of the constitution, in relation to the submission to and enactment by the legislature of the executive budget; and proposing an amendment to section 4 of article 13 of the constitution, in relation to the annual legislative term

Section 1. Resolved (if the Senate concur), That section 6 of article 3 of the constitution be amended to read as follows:

§ 6. [~~Each~~] No member of the legislature shall receive a salary or any other compensation or benefit payable by the state, for his or her services [~~a like annual salary, to be fixed by law~~]. [~~He or she~~] Every member of the legislature shall be deemed to have volunteered his or her service, as a member of the assembly or a senator, to the state and under no circumstances shall any member of the state legislature be deemed a state employee for any purposes. Provided, however that each such member shall [~~also~~] be reimbursed for his or her actual traveling expenses, as determined by the state comptroller, in going to and returning from the place in which the legislature meets, not more than once each week while the legislature is in session. In addition, members of the legislature shall be entitled to receive a per diem allowance, as determined by the state comptroller, for each day the legislature is in regular or extraordinary session, provided that no such member shall receive more than thirty days of per diem during any calendar year. Senators, [~~when the senate alone is convened in extraordinary session, or~~] when serving as members of the court for the trial of impeachments, and such members of the assembly, not exceeding nine in

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

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number, as shall be appointed managers of an impeachment, shall receive an additional per diem allowance, to be [~~fixed by law~~] **determined by the state comptroller**. [~~Any member, while serving as an officer of his or her house or in any other special capacity therein or directly connected therewith not hereinbefore in this section specified, may also be paid and receive, in addition, any allowance which may be fixed by law for the particular and additional services appertaining to or entailed by such office or special capacity. Neither the salary of any member nor any other allowance so fixed may be increased or diminished during, and with respect to, the term for which he or she shall have been elected, nor shall he or she be paid or receive any other extra compensation.~~] The provisions of this section and laws enacted in compliance therewith shall govern and be exclusively controlling, according to their terms. [~~Members shall continue to receive such salary and additional allowance as heretofore fixed and provided in this section, until changed by law pursuant to this section.~~]

§ 2. Resolved (if the Senate concur), That article 3 of the constitution be amended by adding a new section 8-a to read as follows:

§ 8-a. The position of member of the legislature is a part-time position as a volunteer in the service of the state, and every such member may engage in a regular, legal trade or occupation while not serving as a member of the legislature. The legislature shall, every year, convene in regular session on the first Saturday after the first Thursday in January. Thereafter, the legislature shall only convene on Saturdays and Sundays during the months of January and February.

§ 3. Resolved (if the Senate concur), That sections 2, 3 and 4 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 governor and lieutenant governor, and~~] on or before the second [~~Tuesday~~] **Saturday** following the first day of the annual meeting of the legislature, [~~in all other 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 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. 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~~] **ten** 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. 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.

Every such appropriation bill shall be passed by both houses annually, on or before the last Sunday of February. Such an appropriation bill shall when passed by both houses be a law immediately without further action by the governor, except 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.

§ 4. Resolved (if the Senate concur), That section 4 of article 13 of the constitution be amended to read as follows:

§ 4. The political year and legislative term shall begin on the first day of January; and the legislature shall, every year, assemble on the first [~~Wednesday~~] **Saturday** after the first [~~Monday~~] **Thursday** in January.

§ 5. Resolved (if the Senate concur), That the foregoing 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.