

# STATE OF NEW YORK

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5733

2019-2020 Regular Sessions

## IN ASSEMBLY

February 14, 2019

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Introduced by M. of A. JOHNS, KOLB, FINCH, WALSH, PALUMBO, DiPIETRO, FITZPATRICK, RAIA, McDONOUGH, LALOR, BLANKENBUSH, NORRIS, LAWRENCE, FRIEND, STEC, GIGLIO, RA, GOODELL, MORINELLO, B. MILLER, CROUCH, PALMESANO, MONTESANO, BRABENEC, BYRNE, MALLIOTAKIS, HAWLEY, M. L. MILLER -- Multi-Sponsored by -- M. of A. THIELE -- read once and referred to the Committee on Ways and Means

### 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 Senate 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. Noth-

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

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1 ing herein shall preclude the alteration, by law, of the expenditures  
2 during the period of time which the budget shall have been adopted for.

3 § 2. RESOLVED (if the Senate concur), That section 2 of article 7 of  
4 the constitution be amended to read as follows:

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

19 § 3. RESOLVED (if the Senate concur), That section 7 of article 7 of  
20 the constitution be amended to read as follows:

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

29 § 4. RESOLVED (if the Senate concur), That the foregoing amendments  
30 be referred to the first regular legislative session convening after the  
31 next succeeding general election of members of the assembly, and, in  
32 conformity with section 1 of article 19 of the constitution, be  
33 published for three months previous to the time of such election.