

CHAPTER 170**(HJR 92)**

A JOINT RESOLUTION relating to the budget process and declaring an emergency.

WHEREAS, the Constitution of the Commonwealth of Kentucky empowers the General Assembly to make appropriations; and

WHEREAS, the Kentucky Supreme Court recognizes that the budget, which appropriates the revenue of the Commonwealth and which determines how that revenue shall be spent, is fundamentally a legislative matter; and

WHEREAS, the General Assembly has enacted into law the statutory budget process that is primarily codified in KRS Chapter 48; and

WHEREAS, KRS 48.300(2) provides that prior to the passage of the budget bill, the appropriations committees of the General Assembly shall prepare a budget memorandum that shall enumerate the changes made by the appropriations committees in a branch budget recommendation, and that shall explain the changes in sufficient detail to convey the intent of the appropriations committees; and

WHEREAS, the Kentucky Supreme Court has upheld the use of the budget memorandum as a valid part of the statutory process;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any mandates, directives, or initiatives in the 2004-2006 State/Executive Branch Budget Memorandum shall have the force and effect of law.

Section 2. The staff of the Legislative Research Commission shall have the authority, subject to the approval of the Legislative Research Commission, to make technical and format adjustments to the 2004-2006 State/Executive Branch Budget Memorandum that do not alter the sense, meaning, or effect of the 2004-2006 State/Executive Branch Budget Bill or the 2004-2006 State/Executive Branch Budget Memorandum.

Section 3. The provisions of the 2004-2006 State/Executive Branch Budget Memorandum shall not be construed to contain appropriations and, therefore, shall not supersede appropriations contained in the 2004-2006 State/Executive Branch Budget Bill or appropriations contained in any other enactment of the 2005 Regular Session of the General Assembly. If any mandate, directive, or initiative contained in the 2004-2006 State/Executive Branch Budget Bill conflicts with any mandate, directive, or initiative contained in the 2004-2006 State/Executive Branch Budget Memorandum, the mandate, directive, or initiative contained in the 2004-2006 State/Executive Branch Budget Bill shall prevail.

Section 4. Whereas the State/Executive Branch Budget Bill takes effect upon its passage and approval of the Governor or its otherwise becoming law, an emergency is declared to exist, and this Joint Resolution takes effect upon its passage and approval by the Governor or its otherwise become law.

Section 5. The 2004-2006 State/Executive Branch Budget Memorandum is as follows:

Became law March 20, 2005, without Governor's signature.