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Massachusetts Budget and Policy Center

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What is the Governor's 9C authority?

Section 9C of Chapter 29 of the Massachusetts General Laws requires that when projected revenue is less than projected spending, the Governor must act to ensure that the budget is brought into balance. The section reads as follows:

> *Chapter 29: Section 9C. Deficiency of revenue*
>
> *Section 9C. Whenever, in the opinion of the commissioner of administration, available revenues as determined by him from time to time during any fiscal year under section 5B will be insufficient to meet all of the expenditures authorized to be made from any fund, whether by appropriation or distribution, he shall within 5 days notify in writing the governor and the house and senate committees on ways and means of the amount of such probable deficiency of revenue and the governor shall, within 15 days after such notification, reduce allotments under section 9B, and submit in writing a report stating the reason for and effect of such reductions, or submit to the general court specific proposals to raise additional revenues by a total amount equal to such deficiency. . . . As an alternative to the submission of such proposals to raise additional revenues and to the extent funds are available, the governor may recommend an appropriation equal to such deficiency from the Commonwealth Stabilization Fund . . . .*

When does the Administration decide whether to make 9C cuts?

The state's constitution requires a balanced budget. When the Legislature passes the budget at the beginning of the fiscal year, it must demonstrate that it anticipates there will be sufficient revenues to pay for the level of spending it authorized. The administration may announce 9C cuts at any time that it determines that revenues are likely to be insufficient to pay for all authorized spending. Furthermore, every October 15th the administration is required to formally update its revenue estimates, thereby announcing whether projected revenues will be sufficient to fund authorized spending. If the October 15th revenue projections are below the revenue level that was estimated when the budget was adopted at the beginning of the fiscal year, then the 9C process is generally implemented.

It is important to realize that the authority given to the Governor under Section 9C is considered to be "extraordinary" authority, to be used in a time of fiscal emergency. Under ordinary circumstances, it is the Legislature that is responsible for passing the state's budget. The authority in Section 9C allows the Governor to act quickly in an emergency. There were 9C cuts in Fiscal Years 2002, 2003, 2007 and 2009.

What can the Governor cut?

The Governor can only use 9C powers to cut funding in parts of the government that are under his control – in other words, his 9C authority extends only to the executive branch agencies. The Governor cannot use 9C authority to cut local aid, the courts, the Legislature, or other constitutional offices. The Governor filed legislation seeking expanded powers allowing him authority to cut these other areas of government as well, but that legislation has not been enacted.

Are there any options?

Section 9C also gives the Governor authority to request that the Legislature raise additional revenue or transfer additional funds from the Stabilization Fund.