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## Due Process

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from enacting legislation with retroactive effects.”<sup>125</sup> In order for an impairment to be held constitutional, the state must prove “that impairment was both reasonable and necessary to serve the admittedly important purposes claimed by the State.”<sup>126</sup> To determine whether the impairment is permissible, the Court stated that two conditions must be met: First, the parties must have failed, at the time of contracting, to foresee the possibility of changed circumstance; second, the state must have no other alternative but to impair the contract.

Turning to the facts in the present case, it is likely that the United States Supreme Court, as was concluded by the court of appeals, would protect the contributor’s property rights in the fund from contractual impairment by the state. This conclusion is based on the state’s failure to prove that they have no other alternative but to impair the contract. Here, the court of appeals noted that “[t]he only justification the State can offer for the breach of its commitment is the enhancement of the State’s general revenues.”<sup>127</sup> Without more, the Supreme Court could conclude that the state has other options to raise revenues such as increasing taxes or reducing allocations in other programs.

*Children of Bedford, Inc. v. Petromelis*<sup>128</sup>  
(decided May 7, 1991)

See the discussion of this case under FREEDOM OF SPEECH AND THE PRESS.<sup>129</sup> The court held that the petitioner was given proper notice and that the proceedings before the Crime Victims Board were regular.<sup>130</sup>

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125. *Id.* at 17.

126. *Id.* at 29.

127. *American Insurers*, 77 N.Y.2d at 588-89, 571 N.E.2d at 680, 569 N.Y.S.2d at 372.

128. 77 N.Y.2d 713, 573 N.E.2d 541, 570 N.Y.S.2d 453 (1991), *cert. granted and vacated*, 112 S. Ct. 859 (1992).

129. See *infra* notes 423-58 and accompanying text.

130. *Children of Bedford*, 77 N.Y.2d at 723-24, 573 N.E.2d at 546, 570 N.Y.S.2d at 458.