

4944

2015-2016 Regular Sessions

I N   S E N A T E

April 24, 2015

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Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to article 7 of the constitution, in relation to items of appropriation

1     Section 1. Resolved (if the Assembly concur), That section 3 of arti-  
2     cle 7 of the constitution be amended to read as follows:

3     S 3. At the time of submitting the budget to the legislature the  
4     governor shall submit:

5     (A) a bill or bills containing all the proposed appropriations and  
6     reappropriations included in the budget [and], PROVIDED, HOWEVER, THAT  
7     SUCH APPROPRIATIONS AND REAPPROPRIATIONS SHALL BE CONSISTENT WITH AND  
8     CONSTRAINED BY THE PROVISIONS OF EXISTING STATE LAW AT THE TIME OF  
9     SUBMISSION OR CONSISTENT WITH PROPOSED LEGISLATION INTENDED TO AMEND  
10    SUCH EXISTING LAW; AND

11    (B) A SEPARATE NONAPPROPRIATION BILL OR BILLS CONTAINING ALL the  
12    proposed legislation, if any, recommended therein.

13    The governor may at any time within thirty days thereafter and, with  
14    the consent of the legislature, at any time before the adjournment ther-  
15    eof, amend or supplement the budget and submit amendments to any bills  
16    submitted by him or her or submit supplemental bills.

17    The governor and the heads of departments shall have the right, and it  
18    shall be the duty of the heads of departments when requested by either  
19    house of the legislature or an appropriate committee thereof, to appear  
20    and be heard in respect to the budget during the consideration thereof,  
21    and to answer inquiries relevant thereto. The procedure for such appear-  
22    ances and inquiries shall be provided by law.

23    S 2. Resolved (if the Assembly concur), That section 4 of article 7 of  
24    the constitution be amended to read as follows:

25    S 4. The legislature may not alter an ITEM OF APPROPRIATION IN AN  
26    appropriation bill submitted by the governor THAT IS CONSISTENT WITH  
27    SUBDIVISION (A) OF SECTION 3 OF THIS ARTICLE except to strike out or

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

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1 reduce items therein, but it may add thereto items of appropriation  
2 provided that such additions are stated separately and distinctly from  
3 the original items of the bill and refer each to a single object or  
4 purpose. SUCH ADDITIONS MAY INCLUDE AN ITEM OF APPROPRIATION, THE  
5 OBJECT OR PURPOSE FOR WHICH IS CONSISTENT WITH THE LEGISLATIVE AMENDMENT  
6 OR REJECTION OF PROPOSED LEGISLATION SUBMITTED BY THE GOVERNOR PURSUANT  
7 TO SUBDIVISION (B) OF SECTION 3 OF THIS ARTICLE. IF AN APPROPRIATION  
8 BILL PASSED BY THE LEGISLATURE CONTAINS ITEMS THAT THE LEGISLATURE HAS  
9 ADDED IN ACCORD WITH THIS SECTION, THEN SUCH BILL MUST BE ACCOMPANIED BY  
10 AN ESTIMATE OF THE FISCAL IMPACT OF SUCH LEGISLATION ON THE BUDGET  
11 SUBMITTED BY THE GOVERNOR PURSUANT TO SECTION 2 OF THIS ARTICLE WHICH  
12 SHALL INCLUDE, IF APPROPRIATE, AN ESTIMATE OF MONEYS AND REVENUES,  
13 EITHER IN LAW OR PROPOSED LEGISLATION, SUFFICIENT TO MEET SUCH ADDI-  
14 TIONS. IT SHALL ALSO INCLUDE SUCH OTHER RECOMMENDATIONS AND INFORMATION  
15 AS THE LEGISLATURE MAY DEEM PROPER AND SUCH ADDITIONAL INFORMATION AS  
16 MAY BE REQUIRED BY LAW. None of the restrictions of this section, howev-  
17 er, shall apply to appropriations for the legislature or judiciary.

18 Such an appropriation bill shall when passed by both houses be a law  
19 immediately without further action by the governor, except that appro-  
20 priations for the legislature and judiciary and separate items added to  
21 the governor's bills by the legislature shall be subject to approval of  
22 the governor as provided in section 7 of article IV.

23 S 3. Resolved (if the Assembly concur), That section 6 of article 7 of  
24 the constitution be amended to read as follows:

25 S 6. Except for appropriations contained in the bills submitted by the  
26 governor and in a supplemental appropriation bill for the support of  
27 government, no appropriations shall be made except by separate bills  
28 each for a single object or purpose. All such bills and such supple-  
29 mental appropriation bill shall be subject to the governor's approval as  
30 provided in section 7 of article IV.

31 [No provision shall be embraced in any] ANY appropriation bill submit-  
32 ted by the governor or [in] such supplemental appropriation bill [unless  
33 it relates] SHALL ONLY CONTAIN ITEMS OF APPROPRIATION AND DESCRIPTIONS  
34 THEREOF. SUCH ITEM OF APPROPRIATION SHALL NOT CONTAIN MULTIPLE ITEMS  
35 UNLESS SEPARATELY SCHEDULED AND SHALL, WHERE PRACTICABLE, INCLUDE IDEN-  
36 TIFICATION OF THE STATUTORY BASIS FOR SUCH EXPENDITURE. SUCH  
37 DESCRIPTION:

38 (A) SHALL RELATE specifically to some particular appropriation in the  
39 bill[, and any such provision shall be limited in its operation to such  
40 appropriation];

41 (B) SHALL NOT ENACT THE CONDITIONS OF A PROGRAM TO BE FUNDED THEREBY;  
42 AND

43 (C) SHALL NOT ABROGATE OR MODIFY AN EXISTING PROVISION OF LAW EXCEPT  
44 IF SUCH BILL IS IN ACCORD WITH SUBDIVISION (A) OF SECTION 3 OF THIS  
45 ARTICLE.

46 S 4. Resolved (if the Assembly concur), That the foregoing amendment  
47 be referred to the first regular legislative session convening after the  
48 next succeeding general election of members of the assembly, and, in  
49 conformity with section 1 of article 19 of the constitution, be  
50 published for 3 months previous to the time of such election.