S T A T E O F N E W Y O R K

4944

2015-2016 Regular Sessions

I N S E N A T E

April 24, 2015

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

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

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

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

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

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

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

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

S 4. The legislature may not alter an ITEM OF APPROPRIATION IN AN appropriation bill submitted by the governor THAT IS CONSISTENT WITH 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.

LBD89098-01-5

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

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

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

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

[No provision shall be embraced in any] ANY appropriation bill submitted by the governor or [in] such supplemental appropriation bill [unless it relates] SHALL ONLY CONTAIN ITEMS OF APPROPRIATION AND DESCRIPTIONS THEREOF. SUCH ITEM OF APPROPRIATION SHALL NOT CONTAIN MULTIPLE ITEMS UNLESS SEPARATELY SCHEDULED AND SHALL, WHERE PRACTICABLE, INCLUDE IDENTIFICATION OF THE STATUTORY BASIS FOR SUCH EXPENDITURE. SUCH DESCRIPTION:

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

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

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

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