STATE OF NEW YORK

3302

2019-2020 Regular Sessions

IN SENATE

February 5, 2019

Introduced by Sen. GALLIVAN -- 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:

§ 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 and shall neither amend nor withstand such existing state law, except for monetary amounts where appropriate; and

(b) the proposed legislation, if any, recommended therein, which shall be in a nonappropriation bill or bills separate and distinct from the appropriation bill or bills.

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.

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

§ 6. Except for appropriations contained in the bills submitted by the governor and in a supplemental appropriation bill for the support of

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

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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 identify the object or purpose of the appropriation to the extent necessary for the legislature and public to effectively review the proposed appropriation;

(c) shall not include the conditions, rules or requirements of a program to be funded thereby; provided any such conditions, rules or requirements shall be separately set forth by the governor in either nonappropriation bills containing proposed legislation or the additional budgetary information submitted by the governor in accordance with section two of this article; and

(d) shall not abrogate or modify an existing provision of law, provided, however, the governor may propose such modifications to an existing provision of law in nonappropriation bills in accord with subdivision (b) of section three of this article.

§ 3. 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.