

STATE OF NEW YORK

1928

2021-2022 Regular Sessions

IN ASSEMBLY

January 13, 2021

Introduced by M. of A. GOTTFRIED, ABBATE, ABINANTI, ASHBY, BARRON, BRAUNSTEIN, CAHILL, CARROLL, COLTON, DeSTEFANO, DINOWITZ, ENGLEBRIGHT, EPSTEIN, GALEF, GLICK, HEVESI, HYNDMAN, LAVINE, MAGNARELLI, MONTESANO, MORINELLO, PALMESANO, PEOPLES-STOKES, J. RIVERA, L. ROSENTHAL, SALKA, SIMON, STECK, STIRPE, THIELE, WALCZYK, CYMBROWITZ, TAGUE, BRABENEC, SMULLEN, CUSICK, LUPARDO, EICHENSTEIN, SEAWRIGHT, B. MILLER, PHEFFER AMATO, NORRIS, HAWLEY, OTIS, KIM, J. M. GIGLIO, TAYLOR, QUART, WALSH, MANKTELOW, BARRETT, CRUZ, FRONTUS, FAHY, O'DONNELL, WALLACE, RICHARDSON, NIOU, JACOBSON, WOERNER, REYES, AUBRY, BUTTENSCHON, BARNWELL, ZEBROWSKI, DE LA ROSA, BICHOTTE HERMELYN, BRONSON, GALLAGHER -- Multi-Sponsored by -- M. of A. COOK, McDONOUGH -- read once and referred to the Committee on Ways and Means

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 7 of the constitution, relating to content of article VII bills

1 Section 1. Resolved (if the Senate concur), That section 2 of article
2 7 of the constitution be amended to read as follows:
3 § 2. Annually, on or before the first day of February in each year
4 following the year fixed by the constitution for the election of gover-
5 nor and lieutenant governor, and on or before the second Tuesday follow-
6 ing the first day of the annual meeting of the legislature, in all other
7 years, the governor shall submit to the legislature a budget containing
8 a complete plan of expenditures proposed to be made before the close of
9 the ensuing fiscal year and all moneys and revenues estimated to be
10 available therefor, together with an explanation of the basis of such
11 estimates and recommendations as to proposed legislation, if any, which
12 the governor may deem necessary to provide moneys and revenues suffi-
13 cient to meet such proposed expenditures. It shall also contain such
14 other recommendations and information as the governor may deem proper
15 and such additional information as may be required by law. The budget
16 shall include statements of any new legislation, amendment to legis-

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

LBD89004-01-1

1 lation, or limitation on the effect of any legislation contained in the
2 budget.

3 § 2. Resolved (if the Senate concur), That section 3 of article 7 of
4 the constitution be amended to read as follows:

5 § 3. At the time of submitting the budget to the legislature the
6 governor shall submit a bill or bills containing all the proposed appro-
7 priations and reappropriations included in the budget and the proposed
8 legislation, if any, recommended therein.

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

13 Any new legislation, amendment to legislation, or limitation on the
14 effect of any legislation contained in any bill submitted under this
15 section shall be separately stated, in a manner to enable the legisla-
16 ture and the governor to act in relation to that matter under section 4
17 of this article.

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

24 § 3. Resolved (if the Senate concur), That section 4 of article 7 of
25 the constitution be amended to read as follows:

26 § 4. The legislature may [~~not~~] alter an appropriation bill submitted
27 by the governor [~~except~~] to strike out or reduce items therein, [~~but it~~
28 ~~may~~] to add thereto items of appropriation, or to modify or substitute
29 items of appropriation (including adding, deleting, modifying or substi-
30 tuting any new legislation, amendment to legislation, or limitation on
31 the effect of any legislation); provided that such additions, modifica-
32 tions, and substitutions are stated separately and distinctly from the
33 original items of the bill and refer each to a single object or purpose.
34 [~~None of the restrictions of this section, however, shall apply to~~
35 ~~appropriations for the legislature or judiciary.~~]

36 Such an appropriation bill shall when passed by both houses be a law
37 immediately without further action by the governor, except that appro-
38 priations for the legislature and judiciary and separate items added to
39 and modifications or substitutions of the governor's bills by the legis-
40 lature shall be subject to approval of the governor and action by the
41 legislature as provided in section 7 of article IV. Provided, however,
42 that where a modification or substitution by the legislature is a
43 deletion of new legislation, a deletion of an amendment to legislation,
44 or a deletion of a limitation on the effect of any legislation, any of
45 which were submitted by the governor under this article, it shall not be
46 subject to approval of the governor.

47 § 4. Resolved (if the Senate concur), That section 5 of article 7 of
48 the constitution be amended to read as follows:

49 § 5. [~~Neither house of the~~] The legislature [~~shall~~] may consider any
50 other bill making an appropriation [~~until all~~] whether or not it has
51 acted on the appropriation bills submitted by the governor [~~shall have~~
52 ~~been finally acted on by both houses, except on message from the gover-~~
53 ~~nor certifying to the necessity of the immediate passage of such a~~
54 ~~bill~~].

55 § 5. Resolved (if the Senate concur), That section 6 of article 7 of
56 the constitution be amended to read as follows:

1 § 6. Except for appropriations contained in the bills submitted by the
2 governor and in a supplemental appropriation bill for the support of
3 government, no appropriations shall be made except by separate bills
4 each for a single object or purpose. All such bills and such supple-
5 mental appropriation bill shall be subject to the governor's approval
6 and action by the legislature as provided in section 7 of article IV.

7 No provision shall be embraced in any appropriation bill submitted by
8 the governor or in such supplemental appropriation bill unless it
9 relates specifically to some particular appropriation in the bill, and
10 any such provision shall be limited in its operation to such appropri-
11 ation.

12 Any new legislation, amendment to legislation, or limitation on the
13 effect of any legislation contained in a supplemental appropriation bill
14 under this section shall be separately stated, in a manner to enable the
15 legislature and the governor to act in relation to that matter under
16 section 7 of article IV, and shall be subject to the governor's approval
17 and action by the legislature as provided in section 7 of article IV.

18 § 6. Resolved (if the Senate concur), That the foregoing amendments be
19 referred to the first regular legislative session convening after the
20 next succeeding general election of members of the assembly, and, in
21 conformity with section 1 of article 19 of the constitution, be
22 published for 3 months previous to the time of such election.