STATE OF NEW YORK

1964

2021-2022 Regular Sessions

IN ASSEMBLY

January 13, 2021

Introduced by M. of A. BARNWELL, HEVESI, THIELE, EPSTEIN, PALMESANO, TAGUE, WALCZYK, MONTESANO -- Multi-Sponsored by -- M. of A. BRABENEC, BYRNES, DeSTEFANO, SMITH -- read once and referred to the Committee on Ways and Means

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 7 of article 4 and sections 4 and 6 of article 7 of the constitution, in relation to article VII appropriations

Section 1. Resolved (if the Senate concur), That section 7 of article 4 of the constitution be amended to read as follows:

§ 7. Every bill which shall have passed the senate and assembly shall, before it becomes a law, be presented to the governor; if the governor approve, he or she shall sign it; but if not, he or she shall return it with his or her objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the governor. In all such cases the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him or her, the same shall be a law in like manner as if he or she had signed it, unless the legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the governor. No bill shall become a law after the final adjournment of the legislature, unless approved by the governor within thirty days after such adjournment. If any bill presented to the governor contain several items of appropriation of money, the governor [~~may~~] ***shall not*** object to [~~one or~~

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

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~~more of such~~] individual items while approving of the other portion of the bill. In such case the governor shall sign or veto the entire bill. Should the governor choose to veto the bill, he or she shall append to the bill[~~, at the time of signing it,~~] a statement of the items to which he or she objects[~~; and the appropriation so objected to shall not take effect~~] for consideration by the legislature. If the legislature be in session, he or she shall transmit to the house in which the bill originated a copy of such statement[~~, and the items objected to shall be separately reconsidered~~]. If on reconsideration [~~one or more of such items~~] such bill be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the governor. If the legislature does not override a veto by the governor, the legislature may amend the vetoed bill and submit such amended bill to the governor for approval or veto. All the provisions of this section, in relation to bills not approved by the governor, shall apply in cases in which he or she shall withhold approval from any item or items contained in a bill appropriating money.

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

§ 4. The legislature may [~~not~~] alter [~~an~~] any and all appropriation [~~bill~~] bills submitted by the governor [~~except to~~]. The legislature may strike out [~~or~~], 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. 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~~], or increase any appropriation submitted by the governor. Upon passage by the legislature, appropriation bills shall be sent to the governor for approval or veto, and if vetoed may be subject to a legislative override of such veto, as provided in section 7 of article IV. Where an appropriation bill is vetoed by the governor, and the legislature does not override such veto, the legislature may amend such vetoed bill and submit to the governor for his or her approval or veto such amended bill, as provided in section 7 of article IV.

§ 3. Resolved (if the Senate 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 government, and those amended and submitted by the legislature as provided in section 4 of this article, 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 or a legislative override of a veto by the governor as provided in section 7 of article IV.

No provision shall be embraced in any appropriation bill submitted by the governor [~~or~~], in such supplemental appropriation bill, or in such amended bill submitted by the legislature unless it relates specifically to some particular appropriation in the bill, and any such provision shall be limited in its operation to such appropriation.

§ 4. Resolved (if the Senate 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 three months previous to the time of such election.