STATE OF NEW YORK

820

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. BIAGGI, SKOUFIS, RIVERA, BENJAMIN, BRESLIN, COMRIE, GOUNARDES, HOYLMAN, JACKSON, KAVANAGH, KRUEGER, LIU, MAY, MYRIE, PARKER, RAMOS, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

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

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

§ 2. Annually, on or before the first day of February in each year following the year fixed by the constitution for the election of governor and lieutenant governor, and on or before the second Tuesday following the first day of the annual meeting of the legislature, in all other years, the governor shall submit to the legislature a budget containing a complete plan of expenditures proposed to be made before the close of the ensuing fiscal year and all moneys and revenues estimated to be available therefor, together with an explanation of the basis of such estimates and recommendations as to proposed legislation, if any, which the governor may deem necessary to provide moneys and revenues sufficient to meet such proposed expenditures. It shall also contain such other recommendations and information as the governor may deem proper and such additional information as may be required by law. **The budget shall include statements of any new legislation, amendment to legislation, or limitation on the effect of any legislation contained in the budget.**

§ 2. 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 bill or bills containing all the proposed appropriations and reappropriations included in the budget and the proposed legislation, if any, recommended therein.

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

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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.

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

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.

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

§ 4. The legislature may [~~not~~] alter an appropriation bill submitted by the governor [~~except~~] to strike out or reduce items therein, [~~but it may~~] **to** add thereto items of appropriation**, or to modify or substitute items of appropriation (including adding, deleting, modifying or substituting any new legislation, amendment to legislation, or limitation on the effect of any legislation);** provided that such additions**, modifications, and substitutions** 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 **and modifications or substitutions of** the governor's bills by the legislature shall be subject to approval of the governor **and action by the legislature** as provided in section 7 of article IV. **Provided, however, that where a modification or substitution by the legislature is a deletion of new legislation, a deletion of an amendment to legislation, or a deletion of a limitation on the effect of any legislation, any of which were submitted by the governor under this article, it shall not be subject to approval of the governor.**

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

§ 5. [~~Neither house of the~~] **The** legislature [~~shall~~] **may** consider any other bill making an appropriation [~~until all~~] **whether or not it has acted on** the appropriation bills submitted by the governor [~~shall have been finally acted on by both houses, except on message from the governor certifying to the necessity of the immediate passage of such a bill~~].

§ 5. 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 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 **and action by the legislature** 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 unless it

relates specifically to some particular appropriation in the bill, and any such provision shall be limited in its operation to such appropriation.

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

§ 6. Resolved (if the Assembly concur), That the foregoing amendments 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.