

Senate Resolution 14

By: Senators Parent of the 42nd, Tate of the 38th, Henson of the 41st, Jones of the 10th, James of the 35th and others

A RESOLUTION

Proposing an amendment to the Constitution so as to provide for an education appropriations Act; to provide that neither house of the General Assembly shall pass any general appropriations bill until both houses have enacted and the Governor has approved an education appropriations Act; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article III, Section IX of the Constitution is amended by revising Paragraph II as follows:

"Paragraph II. ***Preparation, submission, and enactments of ~~general appropriations bill bills.~~*** (a) The Governor shall submit to the General Assembly within five days after its convening in regular session each year a budget message and a budget report, accompanied by a draft of a general appropriations bill and an education appropriations bill, in such form and manner as may be prescribed by statute, which shall provide for the ~~appropriation~~ appropriations of the funds necessary to operate all the various departments and agencies and to meet the current expenses of the state for the next fiscal year.

(b) The General Assembly shall annually appropriate those state and federal funds necessary to operate all the various departments and agencies. To the extent that federal funds received by the state for any program, project, activity, purpose, or expenditure are changed by federal authority or exceed the amount or amounts appropriated in the general appropriations Act, education appropriations Act, or supplementary ~~appropriation~~ appropriations Act or Acts, or are not anticipated, such excess, changed, or unanticipated federal funds are hereby continually appropriated for the purposes authorized and directed by the federal government in making the grant. In those instances where the conditions under which the federal funds have been made available do not provide otherwise, federal funds shall first be used to replace state funds that were appropriated to supplant federal funds in the same state fiscal year. The fiscal year of the state shall commence on the first day of July of each year and terminate on the thirtieth of June following.

28 (c) The General Assembly shall by general law provide for the regulation and
29 management of the finance and fiscal administration of the state."

30 **SECTION 2.**

31 Article III, Section IX of the Constitution is amended by revising Paragraph III as follows:

32 "Paragraph III. ***General appropriations bill, education appropriations bill.*** (a) The
33 general appropriations bill shall embrace nothing except appropriations fixed by previous
34 laws; the ordinary expenses of the executive, legislative, and judicial departments of the
35 government; payment of the public debt and interest thereon; and for support of the public
36 institutions ~~and educational interests~~ of the state; provided, however, that it shall not
37 include expenses for primary and secondary public education. The education
38 appropriations bill shall embrace the expenses of primary and secondary public education
39 in this state, as defined by the General Assembly by general law. All other appropriations
40 shall be made by separate bills, each embracing but one subject.

41 (b) Neither house shall pass a general or supplementary appropriations bill for a specified
42 fiscal year until the education appropriations Act or supplementary education
43 appropriations Act for such fiscal year shall have been finally adopted by both houses and
44 approved by the Governor."

45 **SECTION 3.**

46 Article III, Section IX of the Constitution is amended by revising Paragraph IV as follows:

47 "Paragraph IV. ***General appropriations Act, education appropriations Act.*** (a) Each
48 general appropriations Act and each education appropriations Act, now of force or
49 hereafter adopted with such amendments as are adopted from time to time, shall continue
50 in force and effect for the next fiscal year after adoption and it shall then expire, except for
51 the mandatory appropriations required by this Constitution and those required to meet
52 contractual obligations authorized by this Constitution and the continued appropriation of
53 federal grants.

54 (b) The General Assembly shall not appropriate funds for any given fiscal year which,
55 in aggregate, exceed a sum equal to the amount of unappropriated surplus expected to have
56 accrued in the state treasury at the beginning of the fiscal year together with an amount not
57 greater than the total treasury receipts from existing revenue sources anticipated to be
58 collected in the fiscal year, less refunds, as estimated in the budget report and amendments
59 thereto. Supplementary appropriations, if any, shall be made in the manner provided in
60 Paragraph V of this section ~~of the Constitution~~; but in no event shall a supplementary
61 appropriations Act continue in force and effect beyond the expiration of the general

appropriations Act or the education appropriations Act in effect when such supplementary appropriations Act was adopted and approved.

(c) All appropriated state funds, except for the mandatory appropriations required by this Constitution, remaining unexpended and not contractually obligated at the expiration of such general appropriations Act or education appropriations Act shall lapse.

(d) Funds appropriated to or received by the State Housing Trust Fund for the Homeless shall not be subject to the provisions of ~~Article III, Section IX, Paragraph IV(c)~~ subparagraph (c) of this Paragraph, relative to the lapsing of funds, and may be expended for programs of purely public charity for the homeless, including programs involving the participation of churches and religious institutions, notwithstanding the provisions of Article I, Section II, Paragraph VII."

SECTION 4.

Article III, Section IX of the Constitution is amended by revising Paragraph V as follows:

"Paragraph V. ***Other or supplementary appropriations.*** In addition to the appropriations made by the general appropriations Act, the education appropriations Act, and amendments thereto, the General Assembly may make additional appropriations by Acts, which shall be known as supplementary ~~appropriation~~ appropriations Acts, provided that no such supplementary ~~appropriation~~ appropriations shall be available unless there is an unappropriated surplus in the state treasury or the revenue necessary to pay such appropriation shall have been provided by a tax laid for such purpose and collected into the general fund of the state treasury. Neither house shall pass a supplementary ~~appropriation~~ appropriations bill until the general appropriations Act and the education appropriations Act shall have been finally adopted by both houses and approved by the Governor."

SECTION 5.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended so as to require that the
() NO General Assembly and the Governor increase transparency in education
funding and make education Georgia's first budgeting priority?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.