

Senate Resolution 750

By: Senators Carter of the 42nd, Sims of the 12th, Seay of the 34th, Fort of the 39th, Henson of the 41st and others

## A RESOLUTION

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

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### 7 SECTION 1.

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

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

16 (b) The General Assembly shall annually appropriate those state and federal funds  
17 necessary to operate all the various departments and agencies. To the extent that federal  
18 funds received by the state for any program, project, activity, purpose, or expenditure are  
19 changed by federal authority or exceed the amount or amounts appropriated in the general  
20 appropriations Act, education appropriations Act, or supplementary appropriation Act or  
21 Acts, or are not anticipated, such excess, changed, or unanticipated federal funds are hereby  
22 continually appropriated for the purposes authorized and directed by the federal  
23 government in making the grant. In those instances where the conditions under which the  
24 federal funds have been made available do not provide otherwise, federal funds shall first  
25 be used to replace state funds that were appropriated to supplant federal funds in the same  
26 state fiscal year. The fiscal year of the state shall commence on the first day of July of each  
27 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, it shall not include  
 37 expenses for public education. The education appropriations bill shall embrace the  
 38 expenses of primary and secondary public education in this state, as defined by the General  
 39 Assembly by general law. All other appropriations shall be made by separate bills, each  
 40 embracing but one subject.

41 (b) Neither house shall pass a general appropriations bill until the education  
 42 appropriations Act shall have been finally adopted by both houses and approved by the  
 43 Governor."

44 **SECTION 3.**

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

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

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

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

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

#### 72 SECTION 4.

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

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

#### 84 SECTION 5.

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

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

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

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