

# Bill as Introduced

CACR 33 - AS INTRODUCED

10-2893  
06/09

CONSTITUTIONAL AMENDMENT  
CONCURRENT RESOLUTION **33**

RELATING TO: the governor's power to reduce appropriations.

PROVIDING THAT: the governor shall have line item reduction power of items in any bill making appropriations of money.

SPONSORS: Sen. Bragdon, Dist 11

COMMITTEE: Judiciary

---

ANALYSIS

This constitutional amendment-concurrent resolution affords the governor line item reduction power of any items in any bill which makes appropriations of money.

-----

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: the governor's power to reduce appropriations.

PROVIDING THAT: the governor shall have line item reduction power of items in any bill making appropriations of money.

*Be it Resolved by the Senate, the House of Representatives concurring, that the Constitution of New Hampshire be amended as follows:*

1 I. That the second part of the constitution be amended by inserting after article 44 the  
2 following new article:

3 [Art.] 44-a. [Line Item Veto to Appropriations Bills.] The governor shall have the power to  
4 reduce separate items of appropriation in any bill. Items not reduced shall then become law. Items  
5 reduced shall be returned to the general court for reconsideration singly in the same manner as  
6 provided for the reconsideration of bills pursuant to Article 44. If the governor's reduction is  
7 overturned then the item with the amount originally presented to the governor shall become law,  
8 otherwise the item with the reduced amount shall become law.

9 II. That the above amendment proposed to the constitution be submitted to the qualified  
10 voters of the state at the state general election to be held in November, 2010.

11 III. That the selectmen of all towns, cities, wards and places in the state are directed to  
12 insert in their warrants for the said 2010 election an article to the following effect: To decide  
13 whether the amendments of the constitution proposed by the 2010 session of the general court shall  
14 be approved.

15 IV. That the wording of the question put to the qualified voters shall be:  
16 "Are you in favor of amending the second part of the constitution by inserting after article 44 the  
17 following new article to read as follows:

18 [Art.] 44-a. [Line Item Veto to Appropriations Bills.] The governor shall have the power to  
19 reduce separate items of appropriation in any bill. Items not reduced shall then become law. Items  
20 reduced shall be returned to the general court for reconsideration singly in the same manner as  
21 provided for the reconsideration of bills pursuant to Article 44. If the governor's reduction is  
22 overturned then the item with the amount originally presented to the governor shall become law,  
23 otherwise the item with the reduced amount shall become law."

24 V. That the secretary of state shall print the question to be submitted on a separate ballot or  
25 on the same ballot with other constitutional questions. The ballot containing the question shall  
26 include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in  
27 either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall

**CACR 33 - AS INTRODUCED**

**- Page 2 -**

1 be the same as the regular official ballot except that the words "Questions Relating to Constitutional  
2 Amendments proposed by the 2010 General Court" shall be printed in bold type at the top of the  
3 ballot.

4 VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it  
5 becomes effective when the governor proclaims its adoption.

# Committee Minutes

**AMENDED  
SENATE CALENDAR NOTICE  
JUDICIARY**

Printed: 02/03/2010 at 8:49 am

- ✓ Senator Deborah Reynolds Chairman
- ✓ Senator Bette Lasky V Chairman
- ✓ Senator Matthew Houde
- ✓ Senator Sheila Roberge
- ✓ Senator Robert Letourneau

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

**Date: February 3, 2010**

**HEARINGS**

**Tuesday**

**2/9/2010**

JUDICIARY

SH 103

2:00 PM

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

**Comments:** THE PURPOSE OF THIS AMENDED NOTICE IS TO RECONVENE THE HEARING ON  
CACR 32 WHICH WAS RECESSED ON 2/2/10

- |         |          |   |
|---------|----------|---|
| 2:00 PM | SB353-FN | relative to the procedure for administration of insolvent estates.  |
| 2:15 PM | SB471-FN | relative to felonious sexual assault and sexual assault.  |
| 2:30 PM | CACR33   | relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money.                            |
| 3:00 PM | CACR34   | relating to funding of public education. Providing that the general court shall define an adequate education and distribute state funds for public education in a manner that alleviates local disparities. |
| 3:15 PM | CACR32   | relating to clarification of certain language. Providing that all references to people in the constitution shall refer to both male and female.   |

**Sponsors:**

**SB353-FN**

Sen. Deborah Reynolds

**SB471-FN**

Sen. Betsi DeVries

**CACR33**

Sen. Peter Bragdon

**CACR34**

Sen. Peter Bragdon

Sen. John Gallus

Sen. John Barnes, Jr.

Sen. Robert Letourneau

Sen. Jeb Bradley

Sen. Bob Odell

Sen. Michael Downing

Sen. Sheila Roberge

**CACR32**

Sen. Kathleen Sgambati

Sen. John Gallus

Sen. Harold Janeway

Sen. Amanda Merrill

Rep. Candace Bouchard

Sen. Lou D'Allesandro

Sen. Peggy Gilmour

Sen. Molly Kelly

Sen. Deborah Reynolds

Rep. Michael Rollo

Sen. Betsi DeVries

Sen. Margaret Hassan

Sen. Sylvia Larsen

Rep. Edward Butler

Rep. Andrew White

Sen. Martha Fuller Clark

Sen. Matthew Houde

Sen. Bette Lasky

Rep. Beth Arsenault

Gail Brown 271-3076

Sen. Deborah Reynolds

Chairman

# Judiciary Committee

## Hearing Report

**TO:** Members of the Senate

**FROM:** Susan Duncan, *Senior Legislative Aide*

**RE:** Hearing report on **CACR 33** – *AN ACT relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money.*

**HEARING DATE:** February 9, 2010

**MEMBERS OF THE COMMITTEE PRESENT:** Senators Reynolds, Lasky, Roberge, Letourneau and Houde

**MEMBERS OF THE COMMITTEE ABSENT:** No one

**Sponsor(s):** Senator Bragdon

**What the bill does:** This Constitutional Amendment - Concurrent Resolution affords the Governor line item reduction power of any items in any bill which makes appropriations of money.

**Who supports the bill:** Senator Bragdon

**Who opposes the bill:** No one

**Summary of testimony received:**

- Senator Bragdon introduced the legislation and explained that this would merely give the Governor line item reduction. He explained that all but seven states have some form of this.
- This CACR allows the people of the State to decide whether the Governor should have more authority.
- Currently, the Governor has only two choices – veto everything or appropriate it all. This would provide for more accountability over State spending.
- Senator Lasky asked if the Governor would have the power to reduce a line item to zero. Senator Bragdon responded “yes,” and it would be subject to an override.

**Fiscal Impact:** Not applicable

**Future Action:** The Committee took the bill under advisement.

sfd

[file: CACR 33]

Date: February 10, 2010

SSB

Date: February 9, 2010  
Time: 2:45 p.m.  
Room: State House Room 103

The Senate Committee on Judiciary held a hearing on the following:

CACR 33 relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money.

Members of Committee present: Senator Reynolds  
Senator Lasky  
Senator Houde  
Senator Roberge  
Senator Letourneau

---

The Chair, Senator Deborah R. Reynolds, opened the hearing on CACR 33 and invited the prime sponsor, Senator Bragdon, to introduce the legislation.

Senator Peter E. Bragdon, D. 11: Thank you, Madam Chair, members of the Committee.

Senator Deborah R. Reynolds, D. 2: It is an honor to have you.

Senator Peter E. Bragdon, D. 11: It is more of an honor to be here.

Senator Robert J. Letourneau, D. 19: Absolutely.

Senator Peter E. Bragdon, D. 11: Five times the honor, I'm sure. Currently, only four times the honor.

Senator Deborah R. Reynolds, D. 2: It is an honor that you're honored.

Senator Peter E. Bragdon, D. 11: Anyhow, Senator Bragdon, representing District 11, here to introduce CACR 33.

CACR 33 is relatively simple wording to give the Governor what is known as line item veto authority over appropriations. In this case, actually, it is more



of a line item reduction authority as the Governor would have the option of reducing a line item in addition to the more traditional view of simply eliminating it entirely. All but seven states in the country has some form of line item veto for the Governor, so this is certainly not a new concept. In fact, even the Republican controlled Congress, in 1995, gave line item veto to President Clinton, though the courts later ruled that the authority would have to come from a constitutional amendment, not through legislation.

This bill allows the people of New Hampshire the opportunity to decide whether or not the Governor should have the same power over appropriations that forty-three other Governors do. The people of this state want more accountability in government and an amendment like this hands some of that accountability to the Governor. While we in the Legislature have the luxury of battling over individual budget lines if we want to, right now the Governor only has two choices – approve everything or veto everything. Allowing the Governor to reduce or eliminate specific line items subject, of course, to override by the Legislature, gives a greater degree of control and a greater degree of accountability over state spending.

I would be happy to answer any questions.

Senator Deborah R. Reynolds, D. 2: Senator Lasky?

Senator Bette R. Lasky, D. 13: Thank you, Senator Bragdon. Can the reduction be to zero?

Senator Peter E. Bragdon, D. 11: Yes, by reduction would be all the way to zero if that is what the Governor deemed appropriate.

Senator Bette R. Lasky, D. 13: Thereby vetoing it.

Senator Peter E. Bragdon, D. 11: Yes. So, it is reduction as well as veto. And, again, both would be subject to override.

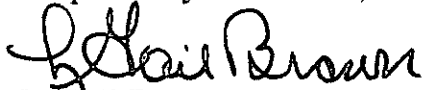
Senator Bette R. Lasky, D. 13: Thank you.

Senator Deborah R. Reynolds, D. 2: Any further questions of Senator Bragdon? Thank you very much. Seeing none, is there anyone else here who is waiting to testify on CACR 33?

Seeing none, we are going to close the hearing on CACR 33. Thank you very much.

Hearing concluded at 2:50 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Gail Brown". The signature is written in a cursive, flowing style.

L. Gail Brown

Senate Secretarial Supervisor

5/12/10

# Speakers



# Voting Sheets

# Senate Judiciary Committee

## EXECUTIVE SESSION

Bill # CAER 33

Hearing date: 2/9/10

Executive session date: 3/10/10

Motion of: ITL

VOTE: 3-2 *Roberge Letourneau*

**Made by** Reynolds   
**Senator:** Lasky   
 Houde   
 Letourneau   
 Roberge

**Seconded** Reynolds   
**by Senator:** Lasky   
 Houde   
 Letourneau   
 Roberge

**Reported** Reynolds   
**by Senator:** Lasky   
 Houde   
 Letourneau   
 Roberge

Motion of: \_\_\_\_\_

VOTE: \_\_\_\_\_

**Made by** Reynolds   
**Senator:** Lasky   
 Houde   
 Letourneau   
 Roberge

**Seconded** Reynolds   
**by Senator:** Lasky   
 Houde   
 Letourneau   
 Roberge

**Reported** Reynolds   
**by Senator:** Lasky   
 Houde   
 Letourneau   
 Roberge

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Reynolds, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Houde	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Letourneau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roberge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Amendments: \_\_\_\_\_  
 \_\_\_\_\_

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: March 11, 2010

THE COMMITTEE ON Judiciary

to which was referred Constitutional Amendment Concurrent Resolution 33

A RESOLUTION relating to the governor's power to reduce appropriations.  
Providing that the governor shall have line item reduction  
power of items in any bill making appropriations of  
money.

Having considered the same, the committee recommends that the Resolution:

**IS INEXPEDIENT TO LEGISLATE**

BY A VOTE OF: 3-2

AMENDMENT # s

Senator Matthew Houde  
For the Committee

L. Gail Brown 271-3076



New Hampshire General Court - Bill Status System

**Docket of CACR33**

Docket Abbreviations

**Bill Title:** relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money.

*Official Docket of CACR33:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
01/14/2010	S	Introduced and Referred to Judiciary; <b>SJ 2</b> , Pg.31
01/28/2010	S	Hearing: February 9, 2010, Room 103, State House, 2:30 p.m.; <b>SC5</b>
03/11/2010	S	Committee Report: Inexpedient to Legislate 3/17/10; <b>SC11</b>
03/17/2010	S	Without Objection, Chair moved to Special-Order CACR 33 to the front of the Calendar; <b>SJ 10</b> , Pg.158
03/17/2010	S	Inexpedient to Legislate, <b>RC 14Y-9N, MA, === BILL KILLED === SJ 10</b> , Pg.158

NH House

NH Senate

Contact Us

*New Hampshire General Court Information Systems  
107 North Main Street - State House Room 31, Concord NH 03301*

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

CROR 33 ORIGINAL REFERRAL

\_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: \_\_\_\_\_

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

\_\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_  
\_\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED      \_\_\_\_\_ AS AMENDED BY THE HOUSE  
\_\_\_\_\_ FINAL VERSION      \_\_\_\_\_ AS AMENDED BY THE SENATE

\_\_\_\_\_ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: \_\_\_\_\_

EXECUTIVE SESSION REPORT

\_\_\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):  
\_\_\_\_\_

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

7/15/10

[Signature]  
COMMITTEE SECRETARY