

January 30, 1973

SENATOR MARVEL: Now any changes in the Governor's budget bill would be in the form of amendments to that bill.

SENATOR CARPENTER: But they would be offered on the floor, not in the committee.

SENATOR MARVEL: Yes sir, like any other bill.

SENATOR CARPENTER: Now the reason I make this statement, and I think that this body should have the opportunity extended (inaudible) to make a decision whether or not we want to adopt the Governor's recommendation or whether we don't. The reason I pose the question, if the committee would adopt the amendment in, which of course they couldn't anyway, so that the amendments would be offered on the floor, separately as the bill is read, but those who have a desire will be in a position I'm one of who has, of making a motion to adopt the Governor's budget as it is, to adjourn sine die and go home. Now the Governor without getting into his speech has said if you adopt this budget, I'll guarantee to you that I presume he has an idea of what he is saying, that we'll not raise the sales or the income tax. If we stay here, then what we do is our responsibility and not his, and I'd like to ask Senator Marvel another question. Can you give this legislature your idea of the extent that the Governor can line out items in the budget as eventually adopted in any form?

SENATOR MARVEL: I can give you my opinion -

SENATOR CARPENTER: Okay.

SENATOR MARVEL: But also, and I've said this to the Governor, two or three days ago, he ought to get his council together whoever his legal advisors are, including the Attorney General, and that we've already asked members of the fiscal staff over talking to the Attorney General, to determine what we mean by an item veto, so I'll give you my opinion. If we have as an example the Governor recommends for a program \$150,000.00 and the legislature would see fit to raise this \$150,000.00 to \$200,000.00 but then the Governor has the right to cut the \$200,000.00 back to the \$150,000.00 and then if we want, so that's a line item veto, then if we want to overrule him when he sends it back to us, that we got to have 30 votes to override any item vetoed.

SENATOR CARPENTER: Let me intervene right there.

SENATOR MARVEL: Okay.

SENATOR CARPENTER: What if he don't send it back to us?

SENATOR MARVEL: You mean if he doesn't line item veto it?

SENATOR CARPENTER: If he line item vetoes, he doesn't require to send the bill back does he?

SENATOR MARVEL: My understanding, yes. My understanding that when he item vetoes, now I'm just giving you my understanding, until it is quartered out, my understanding of when he line item vetoes then any part of that budget bill has to come back to us.

SENATOR CARPENTER: Well I think that is the point that we should be certain on, to the extent we can be certain about anything, by legal opinion.

SENATOR MARVEL: This is what we attempting, we're attempting to clear up, the only other, let me proceed now. I think in answer to your question, that he has got to send it back, now that may be subject to disagreement. There are some who feel that if we increase that item from \$150,000.00 to \$200,000.00 then he can turn around and cut out the whole item and send it back. I