

10354

I N A S S E M B L Y

March 19, 2010

Introduced by M. of A. TEDISCO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law and the executive law, in relation to the forfeiture of salary by members of the legislature, the governor, the lieutenant governor, and the comptroller upon failure to enact a state budget by April first

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The section heading of section 5 of the legislative law, as
2 amended by chapter 141 of the laws of 1994, is amended to read as
3 follows:

4 Compensation of members; PENALTY FOR FAILURE TO ENACT BUDGET BILLS.

5 S 2. Section 5 of the legislative law is amended by adding a new
6 subdivision 2-a to read as follows:

7 2-A. IN ANY YEAR WHERE PRIOR TO APRIL FIRST, THE LEGISLATURE FAILS TO
8 PASS THOSE BILLS, WITH OR WITHOUT AMENDMENTS, SUBMITTED TO IT BY THE
9 GOVERNOR PURSUANT TO SECTION THREE OF ARTICLE SEVEN OF THE CONSTITUTION
10 MAKING APPROPRIATIONS AND REAPPROPRIATIONS FOR THE SUPPORT OF GOVERN-
11 MENT, CONSTITUTING THE EDUCATION, LABOR AND FAMILY ASSISTANCE BUDGET,
12 PUBLIC PROTECTION AND GENERAL GOVERNMENT BUDGET, LEGISLATURE AND JUDICI-
13 ARY BUDGET, TRANSPORTATION, ECONOMIC DEVELOPMENT AND ENVIRONMENTAL
14 CONSERVATION BUDGET, HEALTH AND MENTAL HYGIENE BUDGET AND DEBT SERVICE
15 BUDGET, EACH MEMBER OF THE LEGISLATURE SHALL BE PENALIZED IN AN AMOUNT
16 EQUAL TO THE ANNUAL SALARY PAYABLE TO A MEMBER OF THE LEGISLATURE MULTI-
17 PLIED BY A FRACTION THE NUMERATOR OF WHICH IS ONE AND THE DENOMINATOR OF
18 WHICH IS THREE HUNDRED SIXTY-FIVE FOR EACH DAY DURING THE PERIOD BEGIN-
19 NING WITH APRIL FIRST AND ENDING ON THE DAY THE LAST OF SUCH BILLS IS
20 PASSED BY THE LEGISLATURE.

21 S 3. The executive law is amended by adding a new section 13 to read
22 as follows:

23 S 13. COMPENSATION OF THE GOVERNOR AND THE LIEUTENANT GOVERNOR. IN ANY
24 YEAR WHERE PRIOR TO APRIL FIRST, THE LEGISLATURE FAILS TO PASS THOSE
25 BILLS, WITH OR WITHOUT AMENDMENTS, SUBMITTED TO IT BY THE GOVERNOR
26 PURSUANT TO SECTION THREE OF ARTICLE SEVEN OF THE CONSTITUTION MAKING

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

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1 APPROPRIATIONS AND REAPPROPRIATIONS FOR THE SUPPORT OF GOVERNMENT,
2 CONSTITUTING THE EDUCATION, LABOR AND FAMILY ASSISTANCE BUDGET, PUBLIC
3 PROTECTION AND GENERAL GOVERNMENT BUDGET, LEGISLATURE AND JUDICIARY
4 BUDGET, TRANSPORTATION, ECONOMIC DEVELOPMENT AND ENVIRONMENTAL CONSERVA-
5 TION BUDGET, HEALTH AND MENTAL HYGIENE BUDGET AND DEBT SERVICE BUDGET,
6 THE GOVERNOR AND THE LIEUTENANT GOVERNOR SHALL BE PENALIZED IN AN AMOUNT
7 EQUAL TO THE ANNUAL SALARY THEN PAYABLE TO THEM RESPECTIVELY MULTIPLIED
8 BY A FRACTION THE NUMERATOR OF WHICH IS ONE AND THE DENOMINATOR OF WHICH
9 IS THREE HUNDRED SIXTY-FIVE FOR EACH DAY DURING THE PERIOD BEGINNING
10 WITH APRIL FIRST AND ENDING ON THE DAY THE LAST OF SUCH BILLS IS PASSED
11 BY THE LEGISLATURE.

12 S 4. Section 40 of the executive law, subdivision 1 as amended by
13 chapter 630 of the laws of 1998, is amended to read as follows:

14 S 40. Department of audit and control; comptroller. There shall
15 continue to be in the state government a department of audit and
16 control.

17 1. The head of the department of audit and control shall be the comp-
18 troller. He shall be paid an annual salary of one hundred fifty-one
19 thousand five hundred dollars.

20 2. IN ANY YEAR WHERE PRIOR TO APRIL FIRST, THE LEGISLATURE FAILS TO
21 PASS THOSE BILLS, WITH OR WITHOUT AMENDMENTS, SUBMITTED TO IT BY THE
22 GOVERNOR PURSUANT TO SECTION THREE OF ARTICLE SEVEN OF THE CONSTITUTION
23 MAKING APPROPRIATIONS AND REAPPROPRIATIONS FOR THE SUPPORT OF GOVERN-
24 MENT, CONSTITUTING THE EDUCATION, LABOR AND FAMILY ASSISTANCE BUDGET,
25 PUBLIC PROTECTION AND GENERAL GOVERNMENT BUDGET, LEGISLATURE AND JUDICI-
26 ARY BUDGET, TRANSPORTATION, ECONOMIC DEVELOPMENT AND ENVIRONMENTAL
27 CONSERVATION BUDGET, HEALTH AND MENTAL HYGIENE BUDGET AND DEBT SERVICE
28 BUDGET, THE COMPTROLLER SHALL BE PENALIZED IN AN AMOUNT EQUAL TO THE
29 ANNUAL SALARY PAYABLE TO THE COMPTROLLER MULTIPLIED BY A FRACTION THE
30 NUMERATOR OF WHICH IS ONE AND THE DENOMINATOR OF WHICH IS THREE HUNDRED
31 SIXTY-FIVE FOR EACH DAY DURING THE PERIOD BEGINNING WITH APRIL FIRST AND
32 ENDING ON THE DAY THE LAST OF SUCH BILLS IS PASSED BY THE LEGISLATURE.

33 3. The organization of the department of audit and control is contin-
34 ued until changed by or pursuant to law. The comptroller may establish
35 such divisions, bureaus, sections and units in the department as he may
36 deem necessary and may consolidate, alter or abolish any of them.

37 [3.] 4. The functions of the comptroller, and his powers and duties
38 pertaining thereto, shall be exercised and performed in the department
39 of audit and control by the comptroller and by such divisions, bureaus,
40 sections, units and officers in the department as he may designate.

41 S 5. This act shall take effect immediately.