S T A T E O F N E W Y O R K

10366

I N A S S E M B L Y

March 19, 2010

Introduced by M. of A. TEDISCO, O'MARA, THIELE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law and the executive law, in relation to assessing a penalty upon members of the legislature and the governor for failure to enact a timely state budget

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

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

Compensation of members; PENALTY FOR FAILURE TO ENACT BUDGET.

S 2. Section 5 of the legislative law is amended by adding a new subdivision 4 to read as follows:

4. (A) IN ANY YEAR WHERE PRIOR TO APRIL FIRST, THE LEGISLATURE FAILS TO PASS THE BILLS, WITH OR WITHOUT AMENDMENTS, SUBMITTED TO IT BY THE GOVERNOR PURSUANT TO SECTION THREE OF ARTICLE SEVEN OF THE CONSTITUTION MAKING APPROPRIATIONS AND REAPPROPRIATIONS FOR THE SUPPORT OF GOVERNMENT, CONSTITUTING THE STATE BUDGET, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE MINORITY LEADER OF THE ASSEMBLY SHALL BE PENALIZED IN AN AMOUNT EQUAL TO SEVENTY-NINE THOUSAND FIVE HUNDRED DOLLARS MULTIPLIED BY A FRACTION THE NUMERATOR OF WHICH IS TWO AND THE DENOMINATOR OF WHICH IS THREE HUNDRED SIXTY-FIVE AND ALL OTHER MEMBERS OF THE LEGISLATURE SHALL BE PENALIZED IN AN AMOUNT EQUAL TO SEVENTY-NINE THOUSAND FIVE HUNDRED DOLLARS MULTIPLIED BY A FRACTION THE NUMERATOR OF WHICH IS ONE AND THE DENOMINATOR OF WHICH IS THREE HUNDRED SIXTY-FIVE FOR EACH DAY DURING THE PERIOD BEGINNING WITH APRIL FIRST AND ENDING ON THE DAY THE LAST OF SUCH BILLS ARE PASSED BY THE HOUSE IN WHICH HE SERVES.

(B) THE COMPTROLLER SHALL TRANSFER ANY FUNDS RESULTING FROM THE OPERATION OF PARAGRAPH (A) OF THIS SUBDIVISION FROM THE STATE PURPOSES ACCOUNT IN THE GENERAL FUND TO THE WILLIAM B. HOYT MEMORIAL CHILDREN AND FAMILY TRUST FUND ESTABLISHED PURSUANT TO SECTION FOUR HUNDRED EIGHTY-ONE-F OF THE SOCIAL SERVICES LAW. SUCH FUNDS SO TRANSFERRED SHALL BE SUPPLEMENTAL TO ANY OTHER APPROPRIATIONS MADE FOR THE BENEFIT OF SUCH

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

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FUND AND SHALL NOT BE USED TO OFFSET OTHER ANNUAL APPROPRIATIONS MADE TO THE DEPARTMENT OF FAMILY ASSISTANCE FOR PURPOSES OF ARTICLE TEN-A OF THE SOCIAL SERVICES LAW.

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

S 13. COMPENSATION OF THE GOVERNOR. (A) IN ANY YEAR WHERE PRIOR TO APRIL FIRST, THE LEGISLATURE FAILS TO PASS THE BILLS, WITH OR WITHOUT AMENDMENTS, SUBMITTED TO IT BY THE GOVERNOR PURSUANT TO SECTION THREE OF ARTICLE SEVEN OF THE CONSTITUTION MAKING APPROPRIATIONS AND REAPPROPRIATIONS FOR THE SUPPORT OF GOVERNMENT, CONSTITUTING THE STATE BUDGET, THE GOVERNOR SHALL BE PENALIZED IN AN AMOUNT EQUAL TO ONE HUNDRED SEVENTY-NINE THOUSAND DOLLARS MULTIPLIED BY A FRACTION THE NUMERATOR OF WHICH IS TWO AND THE DENOMINATOR OF WHICH IS THREE HUNDRED SIXTY-FIVE FOR EACH DAY DURING THE PERIOD BEGINNING WITH APRIL FIRST AND ENDING ON THE DAY THE LAST OF SUCH BILLS ARE PASSED BY THE LEGISLATURE.

(B) THE COMPTROLLER SHALL TRANSFER ANY FUNDS RESULTING FROM THE OPERATION OF SUBDIVISION (A) OF THIS SECTION FROM THE STATE PURPOSES ACCOUNT IN THE GENERAL FUND TO THE WILLIAM B. HOYT MEMORIAL CHILDREN AND FAMILY TRUST FUND ESTABLISHED PURSUANT TO SECTION FOUR HUNDRED EIGHTY-ONE-F OF THE SOCIAL SERVICES LAW. SUCH FUNDS SO TRANSFERRED SHALL BE SUPPLEMENTAL TO ANY OTHER APPROPRIATIONS MADE FOR THE BENEFIT OF SUCH FUND AND SHALL NOT BE USED TO OFFSET OTHER ANNUAL APPROPRIATIONS MADE TO THE DEPARTMENT OF FAMILY ASSISTANCE FOR PURPOSES OF ARTICLE TEN-A OF THE SOCIAL SERVICES LAW.

S 4. This act shall take effect immediately.