

7444

2009-2010 Regular Sessions

I N A S S E M B L Y

April 6, 2009

Introduced by M. of A. MILLER, CALHOUN -- Multi-Sponsored by -- M. of A. OAKS -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, in relation to the tax stabilization reserve fund

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

1 Section 1. Subdivisions 3 and 4 of section 92 of the state finance  
2 law, as separately amended by chapters 405 and 957 of the laws of 1981,  
3 are amended to read as follows:

4 3. At the close of each fiscal year any cash surplus remaining in the  
5 general fund over and above the norm for such fiscal year shall be  
6 transferred from or retained in such fund as hereinafter in this subdi-  
7 vision provided. There shall be transferred to the tax stabilization  
8 reserve fund all of such surplus moneys, up to and including an amount  
9 equivalent to [two-tenths] FOUR-TENTHS of one per centum of such norm,  
10 unless such transfer would increase such reserve fund to an amount in  
11 excess of [two] FOUR per centum of the amount of the norm for such  
12 fiscal year, in which event such transfer shall be limited to such  
13 amount as will increase such reserve fund to such [two] FOUR per centum  
14 limitation. Any balance of such surplus moneys, thereafter remaining in  
15 the general fund, shall be retained in such fund and be available for  
16 the reduction of state taxes.

17 4. In the event that at the close of any fiscal year the receipts  
18 derived from the taxes, fees and other sources, required to be paid  
19 during such fiscal year into the general fund of the state shall fall  
20 below the norm for such fiscal year, there shall be transferred from the  
21 tax stabilization reserve fund to the general fund to the extent that  
22 there are sufficient moneys in the tax stabilization reserve fund, an  
23 amount equal to the difference between the norm and the amount of such  
24 receipts. If such transfer reduces the tax stabilization reserve fund to  
25 an amount less than [two] FOUR per centum of the norm for such fiscal

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

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1 year, the amount so transferred shall be repaid in cash prior to the  
2 computation and payment of any transfer to the fund pursuant to subdivi-  
3 sion three of this section in not less than three equal annual install-  
4 ments within the period of six years or less next succeeding the date of  
5 such transfer; provided, however, that if any such annual installment  
6 shall increase such reserve fund to an amount in excess of [two] FOUR  
7 per centum of the amount of the norm for the then current fiscal year,  
8 such installment shall be limited to such amount as will increase such  
9 reserve fund to such [two] FOUR per centum limitation and no further  
10 repayment of the whole or any part of such transfer shall be required in  
11 any subsequent fiscal year. Repayments to the tax stabilization reserve  
12 fund shall be stipulated in annual budget bills.

13 S 2. This act shall take effect 3 years after it shall have become a  
14 law.