

5854

2009-2010 Regular Sessions

I N S E N A T E

June 11, 2009

Introduced by Sen. VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to temporarily freeze state spending for fiscal years 2009-2010, 2010-2011 and 2011-2012

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

1 Section 1. 1. Notwithstanding any provision of law to the contrary or  
2 article 7 of the constitution relating to state finances, the governor  
3 shall not submit any appropriation bill or bills, nor shall the legisla-  
4 ture act upon any such appropriation bill or supplemental appropriation  
5 bill or bills for the support of government which authorize an increase  
6 in total state spending for state fiscal years 2009-2010, 2010-2011 and  
7 2011-2012.

8 2. Upon a finding and declaration of an emergency by the governor, the  
9 governor may submit appropriation bills which authorize total state  
10 spending in excess of the limitation provided in subdivision one of this  
11 section. The legislature shall authorize such spending by attaining a  
12 two-thirds vote in both the Assembly and the Senate.

13 3. In any state fiscal year if total state revenues are in excess of  
14 the state spending limitation pursuant to subdivision one of this  
15 section, all revenues in excess of such state spending limitation shall  
16 be deposited into the debt service fund and shall be used to pay down  
17 state debt.

18 4. Any legislation with fiscal implications passed after the budget  
19 for fiscal years 2009-2010, 2010-2011 and 2011-2012 shall be offset with  
20 savings derived from existing funds and shall not impose additional  
21 costs to the state.

22 5. For purposes of this section:

23 a. "Total state spending" shall mean all state funds, which shall  
24 constitute: (i) general funds, including but not limited to newly  
25 imposed tax credits or tax exemptions; (ii) special revenue funds; (iii)

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

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1 capital project funds; (iv) debt service funds. It shall not mean feder-  
2 al funding or federal grants.

3 b. "Emergency" shall mean an extraordinary, unforeseen or unexpected  
4 occurrence or combination of circumstances in a given fiscal year which  
5 requires immediate and sudden fiscal action of a drastic but temporary  
6 nature.

7 S 2. This act shall take effect immediately.