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

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:

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 BILLS.

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

2-A. IN ANY YEAR WHERE PRIOR TO APRIL FIRST, THE LEGISLATURE FAILS TO PASS THOSE 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 EDUCATION, LABOR AND FAMILY ASSISTANCE BUDGET, PUBLIC PROTECTION AND GENERAL GOVERNMENT BUDGET, LEGISLATURE AND JUDICIARY BUDGET, TRANSPORTATION, ECONOMIC DEVELOPMENT AND ENVIRONMENTAL CONSERVATION BUDGET, HEALTH AND MENTAL HYGIENE BUDGET AND DEBT SERVICE BUDGET, EACH MEMBER OF THE LEGISLATURE SHALL BE PENALIZED IN AN AMOUNT EQUAL TO THE ANNUAL SALARY PAYABLE TO A MEMBER OF THE LEGISLATURE 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 IS PASSED BY THE LEGISLATURE.

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

S 13. COMPENSATION OF THE GOVERNOR AND THE LIEUTENANT GOVERNOR. IN ANY YEAR WHERE PRIOR TO APRIL FIRST, THE LEGISLATURE FAILS TO PASS THOSE BILLS, WITH OR WITHOUT AMENDMENTS, SUBMITTED TO IT BY THE GOVERNOR 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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APPROPRIATIONS AND REAPPROPRIATIONS FOR THE SUPPORT OF GOVERNMENT, CONSTITUTING THE EDUCATION, LABOR AND FAMILY ASSISTANCE BUDGET, PUBLIC PROTECTION AND GENERAL GOVERNMENT BUDGET, LEGISLATURE AND JUDICIARY BUDGET, TRANSPORTATION, ECONOMIC DEVELOPMENT AND ENVIRONMENTAL CONSERVATION BUDGET, HEALTH AND MENTAL HYGIENE BUDGET AND DEBT SERVICE BUDGET, THE GOVERNOR AND THE LIEUTENANT GOVERNOR SHALL BE PENALIZED IN AN AMOUNT EQUAL TO THE ANNUAL SALARY THEN PAYABLE TO THEM RESPECTIVELY 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 IS PASSED BY THE LEGISLATURE.

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

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

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

2. IN ANY YEAR WHERE PRIOR TO APRIL FIRST, THE LEGISLATURE FAILS TO PASS THOSE 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 EDUCATION, LABOR AND FAMILY ASSISTANCE BUDGET, PUBLIC PROTECTION AND GENERAL GOVERNMENT BUDGET, LEGISLATURE AND JUDICIARY BUDGET, TRANSPORTATION, ECONOMIC DEVELOPMENT AND ENVIRONMENTAL CONSERVATION BUDGET, HEALTH AND MENTAL HYGIENE BUDGET AND DEBT SERVICE BUDGET, THE COMPTROLLER SHALL BE PENALIZED IN AN AMOUNT EQUAL TO THE ANNUAL SALARY PAYABLE TO THE COMPTROLLER 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 IS PASSED BY THE LEGISLATURE.

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

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

S 5. This act shall take effect immediately.