

5166

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. GIGLIO -- read once and referred to the Committee
on Ways and Means

AN ACT to amend the state finance law, in relation to increasing the
amount of money that may be maintained in the tax stabilization
reserve fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 of one per centum of such norm, unless such
10 transfer would increase such reserve fund to an amount in excess of
11 [two] FIVE per centum of the amount of the norm for such fiscal year, in
12 which event such transfer shall be limited to such amount as will
13 increase such reserve fund to such [two] FIVE per centum limitation. Any
14 balance of such surplus moneys, thereafter remaining in the general
15 fund, shall be retained in such fund and be available for the reduction
16 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

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

LBD05181-01-9

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