

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

8665--A

2009-2010 Regular Sessions

I N A S S E M B L Y

June 3, 2009

Introduced by M. of A. FIELDS, SCHROEDER, KOON, SKARTADOS, SCHIMMINGER, RAI, CALHOUN, GALEF, BURLING -- Multi-Sponsored by -- M. of A. BARCLAY, CONTE, CORWIN, CROUCH, DUPREY, HAWLEY, MAGEE, McDONOUGH, SAYWARD, TEDISCO, THIELE -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to temporarily freeze state spending for fiscal years 2010-2011, 2011-2012 and 2012-2013

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 2010-2011, 2011-2012 and
7 2012-2013.
- 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 2010-2011, 2011-2012 and 2012-2013 shall be offset with

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

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1 savings derived from existing funds and shall not impose additional
2 costs to the state.

3 5. For purposes of this section:

4 a. "Total state spending" shall mean all state funds, which shall
5 constitute: (i) general funds, including but not limited to newly
6 imposed tax credits or tax exemptions; (ii) special revenue funds; (iii)
7 capital project funds; (iv) debt service funds. It shall not mean feder-
8 al funding or federal grants.

9 b. "Emergency" shall mean an extraordinary, unforeseen or unexpected
10 occurrence or combination of circumstances in a given fiscal year which
11 requires immediate and sudden fiscal action of a drastic but temporary
12 nature.

13 S 2. This act shall take effect immediately.