

9453

I N A S S E M B L Y

(PREFILED)

January 6, 2010

Introduced by M. of A. BOYLE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to withholding pay if governor or the legislature delays annual appropriations

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

1 Section 1. Subdivision 1 of section 5 of the legislative law, as
2 amended by chapter 635 of the laws of 1998, is amended to read as
3 follows:

4 1. Effective January first, nineteen hundred ninety-nine, each member
5 of the legislature shall receive a salary of seventy-nine thousand five
6 hundred dollars per annum. Such salary of a member of the legislature
7 shall be payable in twenty-six bi-weekly installments provided, however,
8 that if:

9 (A) legislative passage of the budget as defined in subdivision three
10 of this section has not occurred prior to the first day of any fiscal
11 year, the net amount of any such bi-weekly salary installment payments
12 to be paid on or after such day shall be withheld and not paid until
13 such legislative passage of the budget has occurred whereupon bi-weekly
14 salary installment payments shall resume and an amount equal to the
15 accrued, withheld and unpaid installments shall be promptly paid to each
16 member; OR

17 (B) THE GOVERNOR OR THE LEGISLATURE DELAYS ANNUAL APPROPRIATIONS, THE
18 NET AMOUNT OF ANY SUCH BI-WEEKLY SALARY INSTALLMENT PAYMENTS TO BE PAID
19 ON OR AFTER SUCH DAY SHALL BE WITHHELD AND NOT PAID UNTIL SUCH ANNUAL
20 APPROPRIATIONS HAVE OCCURRED WHEREUPON BI-WEEKLY SALARY INSTALLMENT
21 PAYMENTS SHALL RESUME AND AN AMOUNT EQUAL TO THE ACCRUED, WITHHELD AND
22 UNPAID INSTALLMENTS SHALL BE PROMPTLY PAID TO EACH MEMBER.

23 For purposes of this section, net amount shall mean gross salary minus
24 any or all of the following deductions: federal taxes, state taxes,
25 social security taxes, city taxes, payments on retirement loans, retire-
26 ment contributions, contributions to health insurance or other group
27 insurance programs, child support and court ordered payments.

28 S 2. This act shall take effect immediately.

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

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