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

6434--A

2011-2012 Regular Sessions

I N A S S E M B L Y

March 16, 2011

Introduced by M. of A. D. MILLER, KATZ, McLAUGHLIN, BURLING, TENNEY, SALADINO, GRAF -- Multi-Sponsored by -- M. of A. BLANKENBUSH, CROUCH, GOODELL, JORDAN, 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 amend the state finance law, in relation to capping state spending

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

Section 1. The state finance law is amended by adding two new sections 28 and 29 to read as follows:

S 28. ESTABLISHMENT OF ANNUAL SPENDING CAP. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THERE IS HEREBY ESTABLISHED A STATE OPERATING FUNDS STATE SPENDING CAP. COMMENCING THE FIRST STATE FISCAL YEAR AFTER THIS SECTION SHALL HAVE BECOME A LAW STATE OPERATING FUNDS SPENDING SHALL BE CAPPED AT THE AMOUNT EXPENDED UNDER THE PREVIOUS YEAR'S ENACTED BUDGET.

2. THE GOVERNOR SHALL NOT SUBMIT, AND THE LEGISLATURE SHALL NOT ACT UPON, A BUDGET THAT CONTAINS ANY INCREASE OVER THE PRIOR FISCAL YEAR IN STATE OPERATING FUNDS SPENDING.

3. THE GOVERNOR SHALL CERTIFY IN WRITING THAT STATE OPERATING FUNDS SPENDING IN THE EXECUTIVE BUDGET DOES NOT EXCEED THE ANNUAL STATE OPERATING FUNDS SPENDING FROM THE PREVIOUS YEAR.

4. THE COMPTROLLER SHALL PROVIDE, WITHIN FIVE DAYS OF ACTION BY THE LEGISLATURE UPON THE BUDGET, A DETERMINATION AS TO WHETHER THE STATE OPERATING FUNDS SPENDING AS SET FORTH IN THE STATE BUDGET AS ENACTED EXCEEDS THE SPENDING CAP.

5. IF THE COMPTROLLER FINDS THAT STATE OPERATING FUNDS SPENDING AS SET FORTH IN THE STATE BUDGET AS ENACTED EXCEEDS THE SPENDING CAP, THE

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

LBD10085-04-2

LEGISLATURE SHALL TAKE CORRECTIVE ACTION TO ENSURE THAT FUNDING IS LIMITED TO THE AMOUNT OF THE SPENDING CAP.

S 29. PROVISIONS REGARDING DECLARATION OF EMERGENCY. 1. UPON A FINDING OF AN EMERGENCY BY THE GOVERNOR, HE OR SHE MAY DECLARE AN EMERGENCY BY AN EXECUTIVE ORDER WHICH SHALL SET FORTH THE REASONS FOR SUCH DECLARATION.

2. BASED UPON SUCH DECLARATION, THE GOVERNOR MAY SUBMIT, AND THE LEGISLATURE MAY AUTHORIZE, BY A TWO-THIRDS SUPER MAJORITY, A BUDGET, BUDGET BILL, OR LEGISLATION CONTAINING AN INCREASE OVER THE PRIOR FISCAL YEAR IN STATE OPERATING FUNDS SPENDING.

S 2. This act shall take effect immediately.