

1892

2011-2012 Regular Sessions

I N S E N A T E

January 14, 2011

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and
when printed to be committed to the Committee on Finance

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 7 of the constitution, in relation to
limiting the growth on New York state disbursements and creating a
revenue stabilization tax reduction and debt repayment fund; repealing
section 17 of article 7 of the constitution relating to authorizing
the establishment of a fund to aid in the stabilization of tax revenues

1 Section 1. Resolved (if the Assembly concur), That article 7 of the
2 constitution be amended by adding a new section 7-a to read as follows:
3 S 7-A. 1. EXCEPT IN THE CASE OF AN EMERGENCY, THE GOVERNOR SHALL NOT
4 SUBMIT ANY APPROPRIATION BILL OR BILLS, NOR SHALL THE LEGISLATURE ACT
5 UPON ANY SUCH APPROPRIATION BILL OR SUPPLEMENTAL APPROPRIATION BILL OR
6 BILLS FOR THE SUPPORT OF GOVERNMENT WHICH AUTHORIZE AN INCREASE IN TOTAL
7 STATE SPENDING OVER THE PRECEDING STATE FISCAL YEAR WHICH IS IN EXCESS
8 OF THE PRODUCT OF THE TOTAL STATE SPENDING FOR THE PRECEDING FISCAL YEAR
9 AND THE LESSER OF ONE HUNDRED TWENTY PERCENT OF THE INFLATION RATE OR
10 TWO PERCENT.
11 2. UPON A FINDING AND DECLARATION OF AN EMERGENCY BY THE GOVERNOR WITH
12 CONCURRENCE OF THE COMPTROLLER, THE GOVERNOR MAY SUBMIT AN APPROPRIATION
13 BILL OR BILLS WHICH AUTHORIZE TOTAL STATE SPENDING IN EXCESS OF THE
14 LIMITATION PROVIDED IN SUBDIVISION ONE OF THIS SECTION.
15 3. FOR PURPOSES OF THIS SECTION:
16 A. "TOTAL STATE SPENDING" SHALL MEAN ALL STATE FUNDS, WHICH SHALL
17 CONSTITUTE: (I) GENERAL FUNDS; (II) SPECIAL REVENUE FUNDS; (III) CAPITAL
18 PROJECT FUNDS; (IV) DEBT SERVICE FUNDS.
19 B. "INFLATION RATE" SHALL MEAN THE ANNUAL PERCENTAGE CHANGE IN THE
20 CONSUMER PRICE INDEX, ALL URBAN, AS PUBLISHED BY THE BUREAU OF LABOR
21 STATISTICS, OR ANY SUCCESSOR AGENCY, FOR THE PREVIOUS TWELVE MONTH PERI-
22 OD ENDING OCTOBER THIRTY-FIRST.

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

1 C. "EMERGENCY" SHALL MEAN AN EXTRAORDINARY, UNFORESEEN OR UNEXPECTED
2 OCCURRENCE OR COMBINATION OF CIRCUMSTANCES IN A GIVEN FISCAL YEAR WHICH
3 REQUIRES IMMEDIATE AND SUDDEN FISCAL ACTION OF A DRASTIC BUT TEMPORARY
4 NATURE.

5 S 2. Resolved (if the Assembly concur), That section 17 of article 7
6 of the constitution be REPEALED and a new section 17 be added to read as
7 follows:

8 S 17. IN ANY STATE FISCAL YEAR IF TOTAL STATE REVENUES ARE IN EXCESS
9 OF THE STATE SPENDING LIMITATION PURSUANT TO SUBDIVISION ONE OF SECTION
10 SEVEN-A OF THIS ARTICLE, ONE-HALF OF THE REVENUES IN EXCESS OF SUCH
11 STATE SPENDING LIMITATION MUST BE DEPOSITED INTO THE TAX STABILIZATION
12 RESERVE FUND. THE REMAINDER SHALL BE RETURNED TO NEW YORK RESIDENT
13 TAXPAYERS IN PROPORTION TO PERSONAL INCOME TAX LIABILITY.

14 S 3. Resolved (if the Assembly concur), That the foregoing amendments
15 be referred to the first regular legislative session convening after the
16 next succeeding general election of members of the assembly, and, in
17 conformity with section 1 of article 19 of the constitution, be
18 published for 3 months previous to the time of such election.