

1782

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

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

AN ACT to amend the legislative law, in relation to requiring the legis-
lature to be sequestered if the legislative passage of the budget is
not timely

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

1 Section 1. The legislative law is amended by adding a new section 5-b
2 to read as follows:
3 S 5-B. ABSENT OF BUDGET BY THE NEW FISCAL YEAR, THE LEGISLATURE SHALL
4 BE SEQUESTERED. IF LEGISLATIVE PASSAGE OF THE BUDGET AS DEFINED IN
5 SUBDIVISION THREE OF SECTION FIVE OF THIS ARTICLE HAS NOT OCCURRED PRIOR
6 TO THE FIRST DAY OF ANY FISCAL YEAR, EACH HOUSE OF THE LEGISLATURE SHALL
7 BE SEQUESTERED UNTIL SUCH LEGISLATIVE PASSAGE OF THE BUDGET HAS
8 OCCURRED; PROVIDED, HOWEVER, THAT ALLOWANCES SHALL BE MADE FOR RELIGIOUS
9 OBSERVANCES. FOR THE PURPOSES OF THIS SECTION, THE TERM "SEQUESTERED"
10 SHALL BE DEFINED AS CONFINED TO THE MEMBER'S PROSPECTIVE LEGISLATIVE
11 CHAMBER UNLESS SESSION IS ADJOURNED FOR A MEAL BREAK AS DEFINED IN
12 SECTION ONE HUNDRED SIXTY-TWO OF THE LABOR LAW OR SESSION HAS ADJOURNED
13 FOR A REST BREAK AFTER THE COMPLETION OF AT LEAST AN EIGHT-HOUR CONTIN-
14 UOUS SESSION PERIOD. DURING SUCH PERIODS THE LEGISLATURE SHALL BE
15 DEEMED SEQUESTERED PURSUANT TO THIS SECTION AND SHALL BE UNDER THE
16 SUPERVISION OF THE STATE POLICE.
17 S 2. Subdivision 3 of section 5 of the legislative law, as added by
18 chapter 635 of the laws of 1998, is amended to read as follows:
19 3. "Legislative passage of the budget", solely for the purposes of
20 this section and [section] SECTIONS five-a AND FIVE-B of this article,
21 shall mean that the appropriation bill or bills submitted by the gover-
22 nor pursuant to section three of article seven of the state constitution
23 have been finally acted on by both houses of the legislature in accord-
24 ance with article seven of the state constitution and the state comp-

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

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1 troller has determined that such appropriation bill or bills that have
2 been finally acted on by the legislature are sufficient for the ongoing
3 operation and support of state government and local assistance for the
4 ensuing fiscal year. In addition, legislation submitted by the governor
5 pursuant to section three of article seven of the state constitution
6 determined necessary by the legislature for the effective implementation
7 of such appropriation bill or bills shall have been acted on. Nothing in
8 this section shall be construed to affect the prohibition contained in
9 section five of article seven of the state constitution.
10 S 3. This act shall take effect immediately.