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

4443

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

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:

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

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

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

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

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

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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