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

4976--A

2011-2012 Regular Sessions

I N A S S E M B L Y

February 9, 2011

Introduced by M. of A. SCHIMMINGER -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

Section 1. Resolved (if the Senate concur), That article 7 of the constitution be amended by adding a new section 7-a to read as follows:

S 7-A. 1. EXCEPT IN THE CASE OF AN EMERGENCY, THE GOVERNOR SHALL NOT SUBMIT ANY APPROPRIATION BILL OR BILLS, NOR SHALL THE LEGISLATURE ACT UPON ANY SUCH APPROPRIATION BILL OR SUPPLEMENTAL APPROPRIATION BILL OR BILLS FOR THE SUPPORT OF GOVERNMENT WHICH AUTHORIZE AN INCREASE IN TOTAL STATE SPENDING OVER THE PRECEDING STATE FISCAL YEAR WHICH IS IN EXCESS OF THE PRODUCT OF THE TOTAL STATE SPENDING FOR THE PRECEDING FISCAL YEAR AND THE LESSER OF ONE HUNDRED TWENTY PERCENT OF THE INFLATION RATE OR TWO PERCENT.

2. UPON A FINDING AND DECLARATION OF AN EMERGENCY BY THE GOVERNOR WITH CONCURRENCE OF THE COMPTROLLER, THE GOVERNOR MAY SUBMIT AN APPROPRIATION BILL OR BILLS WHICH AUTHORIZE TOTAL STATE SPENDING IN EXCESS OF THE LIMITATION PROVIDED IN SUBDIVISION ONE OF THIS SECTION.

3. FOR PURPOSES OF THIS SECTION:

A. "TOTAL STATE SPENDING" SHALL MEAN ALL STATE FUNDS, WHICH SHALL CONSTITUTE: (I) GENERAL FUNDS; (II) SPECIAL REVENUE FUNDS; (III) CAPITAL PROJECT FUNDS; (IV) DEBT SERVICE FUNDS.

B. "INFLATION RATE" SHALL MEAN THE ANNUAL PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX, ALL URBAN, AS PUBLISHED BY THE BUREAU OF LABOR STATISTICS, OR ANY SUCCESSOR AGENCY, FOR THE PREVIOUS TWELVE MONTH PERIOD ENDING OCTOBER THIRTY-FIRST.

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

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

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 Resolved (if the Senate concur), That section 17 of article 7 of the constitution be REPEALED and a new section 17 be added to read as follows:

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

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