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I N   A S S E M B L Y

January 20, 2012

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Introduced by M. of A. OAKS, BLANKENBUSH, BUTLER, CALHOUN, CORWIN, FINCH, GRAF, MONTESANO, PALMESANO, RABBITT, RAIA, TEDISCO, MURRAY, WALTER -- Multi-Sponsored by -- M. of A. AMEDORE, BARCLAY, BURLING, CERETTO, CONTE, CROUCH, DUPREY, FRIEND, GIGLIO, HAWLEY, JOHNS, JORDAN, KOLB, P. LOPEZ, McDONOUGH, McLAUGHLIN, J. MILLER, SAYWARD, TENNEY, TOBACCO -- read once and referred to the Committee on Ways and Means

AN ACT to amend the legislative law, in relation to prohibiting the legislature from recessing after the commencement of the state fiscal year until it has enacted a budget for such year

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

1     Section 1. Subdivision 3 of section 5 of the legislative law, as added  
2     by chapter 635 of the laws of 1998, is amended to read as follows:  
3     3. "Legislative passage of the budget", solely for the purposes of  
4     this section and [section] SECTIONS five-a AND FIFTY-THREE-A of this  
5     [article] CHAPTER, shall mean that the appropriation bill or bills  
6     submitted by the governor pursuant to section three of article seven of  
7     the state constitution have been finally acted on by both houses of the  
8     legislature in accordance with article seven of the state constitution  
9     and the state comptroller has determined that such appropriation bill or  
10    bills that have been finally acted on by the legislature are sufficient  
11    for the ongoing operation and support of state government and local  
12    assistance for the ensuing fiscal year. In addition, legislation submit-  
13    ted by the governor pursuant to section three of article seven of the  
14    state constitution determined necessary by the legislature for the  
15    effective implementation of such appropriation bill or bills shall have  
16    been acted on. Nothing in this section shall be construed to affect the  
17    prohibition contained in section five of article seven of the state  
18    constitution.  
19    S 2. The legislative law is amended by adding a new section 53-a to  
20    read as follows:  
21    S 53-A. FAILURE TO ENACT A TIMELY BUDGET; PROHIBIT RECESS. IF UPON THE  
22    COMMENCEMENT OF THE FISCAL YEAR, AS DEFINED IN SECTION THREE OF THE  
23    STATE FINANCE LAW, LEGISLATIVE PASSAGE OF THE BUDGET, AS DEFINED IN

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

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1 SUBDIVISION THREE OF SECTION FIVE OF THIS CHAPTER, HAS NOT OCCURRED, THE  
2 LEGISLATURE SHALL NOT RECESS UNTIL SUCH PASSAGE OCCURS, EXCEPT THAT THE  
3 LEGISLATURE MAY RECESS DURING SUCH PERIOD FOR PUBLIC HOLIDAYS.  
4 S 3. This act shall take effect immediately.