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

705

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the legislative law, in relation to requiring the legislature 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The legislative law is amended by adding a new section 5-b to read as follows:

S 5-B. ABSENT OF BUDGET BY THE NEW FISCAL YEAR, THE LEGISLATURE SHALL BE SEQUESTERED. IF LEGISLATIVE PASSAGE OF THE BUDGET AS DEFINED IN SUBDIVISION THREE OF SECTION FIVE OF THIS ARTICLE HAS NOT OCCURRED PRIOR TO THE FIRST DAY OF ANY FISCAL YEAR, EACH HOUSE OF THE LEGISLATURE SHALL BE SEQUESTERED UNTIL SUCH LEGISLATIVE PASSAGE OF THE BUDGET HAS OCCURRED; PROVIDED, HOWEVER, THAT ALLOWANCES SHALL BE MADE FOR RELIGIOUS OBSERVANCES. FOR THE PURPOSES OF THIS SECTION, THE TERM "SEQUESTERED" SHALL BE DEFINED AS CONFINED TO THE MEMBER'S PROSPECTIVE LEGISLATIVE CHAMBER UNLESS SESSION IS ADJOURNED FOR A MEAL BREAK AS DEFINED IN SECTION ONE HUNDRED SIXTY-TWO OF THE LABOR LAW OR SESSION HAS ADJOURNED FOR A REST BREAK AFTER THE COMPLETION OF AT LEAST AN EIGHT-HOUR CONTINUOUS SESSION PERIOD. DURING SUCH PERIODS THE LEGISLATURE SHALL BE DEEMED SEQUESTERED PURSUANT TO THIS SECTION AND SHALL BE UNDER THE SUPERVISION OF THE STATE POLICE.

S 2. Subdivision 3 of section 5 of the legislative law, as added by chapter 635 of the laws of 1998, is amended to read as follows:

3. "Legislative passage of the budget", solely for the purposes of this section and [section] SECTIONS five-a AND FIVE-B of this article, shall mean that the appropriation bill or bills submitted by the governor pursuant to section three of article seven of the state constitution

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

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have been finally acted on by both houses of the legislature in accordance with article seven of the state constitution and the state comptroller has determined that such appropriation bill or bills that have been finally acted on by the legislature are sufficient for the ongoing operation and support of state government and local assistance for the ensuing fiscal year. In addition, legislation submitted by the governor pursuant to section three of article seven of the state constitution determined necessary by the legislature for the effective implementation of such appropriation bill or bills shall have been acted on. Nothing in this section shall be construed to affect the prohibition contained in section five of article seven of the state constitution.

S 3. This act shall take effect immediately.