

2653

2013-2014 Regular Sessions

I N S E N A T E

January 23, 2013

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to enacting the "over-expenditure, under-expenditure, transfer notification (OUT) act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "over-expenditure, under-expenditure, transfer notification (OUT)
3 act".
4 S 2. The state finance law is amended by adding a new section 53-e to
5 read as follows:
6 S 53-E. SURPLUS APPROPRIATED FUNDS; OVER-EXPENDITURE APPROVAL. 1.
7 DEFINITIONS. FOR PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE
8 THE FOLLOWING MEANINGS:
9 A. "STATE AGENCY" SHALL MEAN ANY STATE DEPARTMENT, BOARD, BUREAU,
10 DIVISION, COMMISSION, COMMITTEE, PUBLIC AUTHORITY, PUBLIC BENEFIT CORPO-
11 RATION, COUNCIL, OFFICE, OR OTHER GOVERNMENTAL ENTITY PERFORMING A
12 GOVERNMENTAL OR PROPRIETARY FUNCTION FOR THE STATE; AND
13 B. "SURPLUS APPROPRIATED FUNDS" SHALL MEAN THE AMOUNT OF FUNDS APPRO-
14 PRIATED TO A STATE AGENCY IN A FISCAL YEAR REDUCED BY THE TOTAL EXPENDI-
15 TURES BY SUCH STATE AGENCY FOR SUCH FISCAL YEAR, BUT SUCH TERM SHALL
16 ONLY APPLY TO AMOUNTS OF FUNDS GREATER THAN ZERO.
17 2. SURPLUS APPROPRIATED FUNDS. A. NOTWITHSTANDING ANY OTHER PROVISION
18 OF LAW, ANY STATE AGENCY WHICH ON APRIL FIRST HAS SURPLUS APPROPRIATED
19 FUNDS SHALL, ON OR BEFORE APRIL FIFTEENTH OF SUCH YEAR, NOTIFY THE
20 GOVERNOR, THE COMPTROLLER AND THE LEGISLATURE THAT SUCH AGENCY HAS
21 SURPLUS APPROPRIATED FUNDS AND THE AMOUNT OF SUCH SURPLUS. UPON RECEIPT
22 OF SUCH NOTIFICATION, THE LEGISLATURE AND THE GOVERNOR MAY, ON OR BEFORE
23 MAY THIRTY-FIRST OF SUCH YEAR, ENACT LEGISLATION PROVIDING THAT SUCH
24 SURPLUS APPROPRIATED FUNDS MAY BE USED BY SUCH STATE AGENCY OR TRANS-
25 FERRED TO ANOTHER STATE AGENCY OR BOTH. SUCH LEGISLATION SHALL CLEARLY

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

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1 SET FORTH THE PARTICULAR PURPOSE OR PURPOSES FOR WHICH SUCH SURPLUS
2 APPROPRIATED FUNDS SHALL BE USED OR TRANSFERRED. ANY LEGISLATION ENACTED
3 PURSUANT TO THIS SUBDIVISION SHALL CONTAIN A CONDITION THAT SUCH SURPLUS
4 APPROPRIATED FUNDS SHALL NOT BE USED AS SET FORTH IN SUCH LEGISLATION
5 WITHOUT THE APPROVAL OF THE STATE COMPTROLLER.

6 B. ON OR BEFORE JUNE THIRTIETH OF SUCH YEAR, THE COMPTROLLER MAY
7 APPROVE THE USE OR TRANSFER OF FUNDS PROVIDED FOR IN THIS SUBDIVISION.
8 IF THE COMPTROLLER FAILS TO APPROVE SUCH USE OR TRANSFER OF FUNDS BY
9 JUNE THIRTIETH OF SUCH YEAR, SUCH SURPLUS APPROPRIATED FUNDS SHALL BE
10 TRANSFERRED TO THE GENERAL FUND AND SHALL BE USED FOR THE SOLE PURPOSE
11 OF REDUCING DEBT OF THE STATE.

12 C. ANY SURPLUS APPROPRIATED FUNDS FOR WHICH THE LEGISLATURE AND THE
13 GOVERNOR FAIL TO ENACT LEGISLATION PROVIDING FOR THE USE OR TRANSFER OF
14 SUCH FUNDS SHALL BE TRANSFERRED TO THE GENERAL FUND AND SHALL BE USED
15 FOR THE SOLE PURPOSE OF REDUCING DEBT OF THE STATE.

16 3. OVER-EXPENDITURE APPROVAL. NOTWITHSTANDING ANY OTHER PROVISION OF
17 LAW, ANY STATE AGENCY WHICH FOR ANY REASON INTENDS TO EXPEND FUNDS FOR
18 ANY PURPOSE IN ANY FISCAL YEAR IN AN AMOUNT GREATER THAN AMOUNTS APPRO-
19 PRIATED TO SUCH AGENCY FOR SUCH FISCAL YEAR, SHALL, PRIOR TO SUCH
20 EXPENDITURE, NOTIFY THE GOVERNOR, THE COMPTROLLER AND THE LEGISLATURE
21 REGARDING SUCH INTENTION WITH A DETAILED EXPLANATION OF WHY SUCH EXPEND-
22 ITURE IS NECESSARY. UPON RECEIPT OF SUCH NOTIFICATION, THE LEGISLATURE
23 AND THE GOVERNOR MAY ENACT LEGISLATION PROVIDING FOR AN APPROPRIATION
24 FOR SUCH EXPENDITURE. SUCH LEGISLATION SHALL CLEARLY SET FORTH THE
25 PARTICULAR PURPOSE OR PURPOSES FOR WHICH SUCH APPROPRIATION IS MADE. ANY
26 LEGISLATION ENACTED PURSUANT TO THIS SUBDIVISION SHALL CONTAIN A CONDI-
27 TION THAT SUCH FUNDS SHALL NOT BE APPROPRIATED WITHOUT THE APPROVAL OF
28 THE STATE COMPTROLLER.

29 S 3. This act shall take effect immediately.