STATE OF NEW YORK

4828

2021-2022 Regular Sessions

IN ASSEMBLY

February 8, 2021

Introduced by M. of A. RA, BLANKENBUSH, NORRIS, MONTESANO, PALMESANO, BRABENEC, SCHMITT, SALKA, MIKULIN, MORINELLO, MANKTELOW, TAGUE, BYRNE -- Multi-Sponsored by -- M. of A. BYRNES, DiPIETRO, FRIEND, J. M. GIGLIO, HAWLEY, B. MILLER -- 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:

Section 1. 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 fifty-three-a** of this [~~article~~] **chapter**, shall mean that the appropriation bill or bills submitted by the governor pursuant to section three of article seven of the state constitution 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.

§ 2. The legislative law is amended by adding a new section 53-a to read as follows:

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

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§ 53-a. Failure to enact a timely budget; prohibit recess. If upon the commencement of the fiscal year, as defined in section three of the state finance law, legislative passage of the budget, as defined in subdivision three of section five of this chapter, has not occurred, the legislature shall not recess until such passage occurs, except that the legislature may recess during such period for public holidays.

§ 3. This act shall take effect immediately.