STATE OF NEW YORK

7290

2023-2024 Regular Sessions

IN SENATE

May 19, 2023

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

AN ACT to amend the state finance law and the legislative law, in relation to withholding the salary of the governor and members of the legislature if the budget is late until final ratification of the budget

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "passage of late enacted budget (PLEB) act".

§ 2. Subdivision 2 of section 24 of the state finance law is amended by adding a new paragraph (c) to read as follows:

(c) On or after April first, two thousand twenty-four, any such salary installment payments to be paid on or after such day to the governor and members of the legislature shall be withheld and not paid until the final ratification of the budget for the following fiscal year pursuant to section five of the legislative law whereupon any salary installment payments intended for the governor and members of the legislature that are withheld and not paid shall be forfeited in perpetuity.

§ 3. Subdivisions 1 and 3 of section 5 of the legislative law, subdivision 1 as amended and subdivision 3 as added by chapter 635 of the laws of 1998, the opening paragraph of subdivision 1 as amended by chapter 841 of the laws of 2022, are amended to read as follows:

1. Effective January first, two thousand twenty-three, each member of the legislature shall receive a salary of one hundred forty-two thousand dollars per annum. Such salary of a member of the legislature shall be payable in twenty-six bi-weekly installments provided, however, that, **effective January first, two thousand twenty-four,** if [~~**legislative passage**~~] **final ratification** of the budget as defined in subdivision three of this section has not occurred prior to the first day of any fiscal year, the net amount of any such bi-weekly salary installment

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

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payments to be paid on or after such day shall be withheld and not paid until such [~~legislative passage~~] **final ratification** of the budget has occurred whereupon bi-weekly salary installment payments shall resume [~~and an amount equal to the accrued, withheld and unpaid installments shall be promptly paid to each member~~].

For purposes of this section, net amount shall mean gross salary minus any or all of the following deductions: federal taxes, state taxes, social security taxes, city taxes, payments on retirement loans, retirement contributions, contributions to health insurance or other group insurance programs, child support and court ordered payments.

3. [~~"Legislative passage~~] **"Final ratification** of the budget", solely for the purposes of this section and section five-a 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 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**, and the governor has signed such bill or bills into law**. 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.

§ 4. Nothing in this act shall be construed to prevent the governor from issuing a message of necessity pursuant to section five of article seven of the state constitution, nor shall this act be construed to prevent the passage and signing of a law to extend the budget from the prior fiscal year provided it shall not suffice as an enacted budget for the purpose of this act.

§ 5. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 6. This act shall take effect immediately.