

STATE OF NEW YORK

1309

2025-2026 Regular Sessions

IN SENATE

January 9, 2025

Introduced by Sens. CANZONERI-FITZPATRICK, OBERACKER -- 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 bills containing an unfunded mandate for a county or municipality to be referred to the state comptroller for opinion before being certified

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

1 Section 1. Section 40 of the legislative law, as amended by chapter
2 366 of the laws of 1949, is amended to read as follows:
3 § 40. Certificate of presiding officer. Upon the passage by either
4 house of the legislature of a bill, concurrent resolution proposing
5 amendments to the state constitution, or concurrent resolution proposing
6 or ratifying amendments to the constitution of the United States, the
7 presiding or other officer designated by the rules of such house shall
8 append to such bill or resolution a certificate, to be signed by [~~him~~]
9 such officer, which shall disclose the date of its passage in such
10 house, and whether passed by the votes of a majority of all the members
11 elected to such house or of two-thirds thereof, or of a majority of such
12 members, three-fifths thereof being present. In addition, if any such
13 bill has been passed on a message required by the constitution, that
14 fact also shall be stated, and if the message so specifies, the applica-
15 ble portion of the constitution shall be identified. Upon the passage of
16 a bill as to which a part becomes law immediately and a part requires
17 further action by the governor, two copies shall be certified as above
18 provided, one of which, upon final passage by both houses, shall be
19 transmitted to the governor and the other to the secretary of state. No
20 bills shall be deemed to have so passed unless certified in the manner
21 provided by this section, which certificate to such effect shall be
22 conclusive evidence thereof. No bill containing a mandate for any county
23 or municipality in this state that does not include a provision of fund-

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

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1 ing to such county or municipality by the state shall be certified in
2 the manner provided by this section until such bill has been delivered
3 to the state comptroller for opinion, and such opinion is delivered to
4 both houses of the legislature and to the governor.

5 § 2. This act shall take effect immediately.