

5984

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. GALEF, MAGEE, FIELDS, CALHOUN, WALKER, GIGLIO, ALFANO, CORWIN, KOLB -- Multi-Sponsored by -- M. of A. BARCLAY, BARRA, BURLING, BUTLER, CONTE, CROUCH, ERRIGO, HAWLEY, MILLER, MOLINARO, RAIA, REILICH, SAYWARD, SCOZZAFAVA, TEDISCO, THIELE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to fiscal impact notes on bills and to repeal certain provisions of such law relating thereto

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

- 1 Section 1. Section 51 of the legislative law is REPEALED and a new
2 section 51 is added to read as follows:
3 S 51. FISCAL IMPACT NOTES ON BILLS AFFECTING THE STATE OR POLITICAL
4 SUBDIVISIONS. 1. AS USED IN THIS SECTION:
5 (A) THE TERM "POLITICAL SUBDIVISION" MEANS ANY COUNTY, CITY, TOWN,
6 VILLAGE, SPECIAL DISTRICT OR SCHOOL DISTRICT, OR ANY AGENCY, AUTHORITY,
7 COMMISSION, DEPARTMENT OR INSTRUMENTALITY THEREOF.
8 (B) THE TERM "QUALIFYING BILL" MEANS ANY BILL OR AMENDMENT TO A BILL
9 FILED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION WHICH ESTABLISHES
10 OR ELIMINATES A STATE PROGRAM, SIGNIFICANTLY CHANGES SERVICES REQUIRED
11 TO BE PROVIDED BY SUCH PROGRAM, OR RESULTS IN A CHANGE IN REVENUES OR
12 EXPENSES OF THE STATE OR ANY POLITICAL SUBDIVISION.
13 2. BEFORE DISCHARGING QUALIFYING BILLS FROM CONSIDERATION, THE SENATE
14 FINANCE COMMITTEE OR THE ASSEMBLY WAYS AND MEANS COMMITTEE SHALL PREPARE
15 FOR EACH SUCH BILL A FISCAL IMPACT STATEMENT CLEARLY DETAILING THE ESTI-
16 MATED COST OR SAVINGS ENTAILED BY SUCH BILL TO THE STATE AND AFFECTED
17 POLITICAL SUBDIVISION FOR THE THREE FISCAL YEARS FOLLOWING ADOPTION OF
18 SUCH BILL. SUCH FISCAL IMPACT STATEMENT SHALL ALSO PROVIDE THE SOURCE OR
19 SOURCES OF SUCH ESTIMATES.
20 3. A FISCAL IMPACT STATEMENT REQUIRED TO BE PREPARED UNDER THIS
21 SECTION SHALL BE MADE AND SHALL REMAIN A PART OF THE BILL IT DESCRIBES,

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

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1 AND SHALL BE AFFIXED TO THE BILL BEFORE IT IS LAID UPON THE MEMBERS'
2 DESKS FOR CONSIDERATION.

3 4. IN DETERMINING THE FISCAL IMPACTS OF A BILL, THE SENATE FINANCE
4 COMMITTEE AND ASSEMBLY WAYS AND MEANS COMMITTEE SHALL ESTIMATE SUCH
5 IMPACTS ON THE BASIS OF ANY OR ALL OF THE FOLLOWING:

6 (A) INDIVIDUAL POLITICAL SUBDIVISIONS;
7 (B) AGGREGATES OF POLITICAL SUBDIVISIONS EITHER STATEWIDE OR BY A
8 LESSER GEOGRAPHIC AREA;
9 (C) REPRESENTATIVE POLITICAL SUBDIVISIONS WITH RELEVANT CHARACTER-
10 ISTICS SUCH AS POPULATION, AREA, AVERAGE INCOME, WEIGHTED AVERAGE DAILY
11 ATTENDANCE OF PUPILS, OR ANY OTHER RELEVANT CHARACTERISTICS APPROPRIATE
12 TO THE ESTIMATE; OR
13 (D) ANY OTHER APPROPRIATE, CONVENIENT OR ACCESSIBLE GROUPING OF CHAR-
14 ACTERISTICS OR POLITICAL SUBDIVISIONS.

15 5. ESTIMATED OR ACTUAL FISCAL IMPACTS DISCLOSED UNDER THIS SECTION
16 SHALL BE REPORTED IN UNITS OF MONEY, SERVICES, PERSONNEL, EQUIPMENT, OR
17 ANY OTHER APPROPRIATE, CONVENIENT OR ACCESSIBLE UNIT OR UNITS OF MEAS-
18 UREMENT.

19 6. IF THE ESTIMATES CONTAINED IN A FISCAL IMPACT STATEMENT ARE INACCU-
20 RATE, SUCH INACCURACIES SHALL NOT AFFECT, IMPAIR OR INVALIDATE SUCH
21 BILL.

22 7. FISCAL IMPACT STATEMENTS SHALL NOT BE REQUIRED FOR BILLS: (A)
23 SUBJECT TO THE PROVISIONS OF SECTION FIFTY OF THIS ARTICLE, OR (B)
24 ACCOMPANIED BY SPECIAL HOME RULE REQUESTS SUBMITTED BY EACH AFFECTED
25 POLITICAL SUBDIVISION, OR (C) WHICH PROVIDE ONLY DISCRETIONARY AUTHORITY
26 TO POLITICAL SUBDIVISIONS, OR (D) SUBMITTED PURSUANT TO SECTION TWENTY-
27 FOUR OF THE STATE FINANCE LAW.

28 S 2. This act shall take effect on the first of January next succeed-
29 ing the date on which it shall have become a law.