S T A T E O F N E W Y O R K

2610

2011-2012 Regular Sessions

I N S E N A T E

January 26, 2011

Introduced by Sen. KRUEGER -- 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 the inclusion of certain information in fiscal notes in retirement bills and on bills affecting political subdivisions

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

Section 1. Section 50 of the legislative law, as added by chapter 503 of the laws of 1971, is amended to read as follows:

S 50. Fiscal note in retirement bills. A bill which enacts or amends any provision of law relating to a retirement system or plan of the state of New York or of any of its political subdivisions shall contain a fiscal note stating the estimated annual cost to the employer affected and the source of such estimate, AND A STATEMENT IDENTIFYING THE INDIVIDUAL OR ENTITY THAT PROVIDED COMPENSATION TO THE SOURCE OF SUCH ESTIMATE, IF ANY.

S 2. Section 51 of the legislative law, as added by chapter 985 of the laws of 1983, is amended to read as follows:

S 51. Fiscal impact notes on bills affecting political subdivisions. 1. For the purpose of this section, the term "political subdivision" means any county, city, town, village, HAMLET, special district [or], school district, COLLEGE, UNIVERSITY OR ANY STATE AGENCY, DEPARTMENT, OFFICE, COMMISSION, BUREAU OR PUBLIC AUTHORITY. AS USED IN THIS SECTION, SPECIAL DISTRICT SHALL MEAN A DISTRICT POSSESSING THE POWER TO CONTRACT INDEBTEDNESS AND LEVY OR REQUIRE THE TAXES OR BENEFIT ASSESSMENTS UPON REAL PROPERTY.

2. [The legislature shall by concurrent resolution of the senate and assembly prescribe rules requiring fiscal notes to accompany, on a separate form, bills and amendments to bills, except as otherwise prescribed by such rules,] PRIOR TO DISCHARGING A BILL which would substantially

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

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affect the revenues or expenses, or both, BY AT LEAST TWO HUNDRED FIFTY THOUSAND DOLLARS, of any political subdivision, ALL STANDING LEGISLATIVE COMMITTEES SHALL PREPARE A FISCAL NOTE FOR EACH SUCH BILL. SUCH FISCAL NOTE SHALL BE INCLUDED IN SUCH BILL AND DETAIL THE FOLLOWING:

(A) AN ESTIMATED COST OR SAVINGS TO THE STATE AND AFFECTED POLITICAL SUBDIVISION FOR THE FIVE YEARS FOLLOWING ADOPTION OF SUCH BILL; AND

(B) THE SOURCE OF THE ESTIMATE DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION AND A STATEMENT IDENTIFYING ANY INDIVIDUAL OR ENTITY THAT PROVIDED COMPENSATION TO THE SOURCE OF SUCH ESTIMATE, IF ANY.

3. THE FISCAL IMPACTS DESCRIBED IN SUCH FISCAL NOTES SHALL BE ESTIMATED ON A BASIS OR ANY ONE OR MORE OF THE FOLLOWING:

(A) INDIVIDUAL POLITICAL SUBDIVISIONS; OR

(B) AGGREGATES OF POLITICAL SUBDIVISIONS (I) STATEWIDE OR BY LESSER GEOGRAPHIC AREA, OR (II) BY CLASSIFICATION OR SUBCLASSIFICATION OR RELEVANT CHARACTERISTICS; OR

(C) REPRESENTATIVE POLITICAL SUBDIVISIONS WITH RELEVANT CHARACTERISTICS THEREOF QUANTITATIVELY SET FORTH E.G. POPULATION, AREA, WEIGHED AVERAGE DAILY ATTENDANCE OF PUPILS.

4. FISCAL NOTE MEASUREMENTS SHALL BE MADE IN UNITS OF MONEY, PERSONAL SERVICES, EQUIPMENT, OR ANY OTHER APPROPRIATE, CONVENIENT OR ACCESSIBLE UNITS OF MEASUREMENT.

5. THE SPONSOR OF SUCH BILL OR THE CHAIR OR RANKING MEMBER OF ANY STANDING LEGISLATIVE COMMITTEE ARE AUTHORIZED TO PREPARE SUCH FISCAL NOTE IN COLLABORATION WITH THE DIVISION OF THE BUDGET OR THE DEPARTMENT OR AGENCY OF STATE GOVERNMENT CHARGED WITH THE FISCAL DUTIES, FUNCTIONS OR POWERS PROVIDED IN SUCH BILL.

OFFICERS OF EXECUTIVE BRANCH ENTITIES SHALL PROCESS REQUESTS FOR ASSISTANCE IN PREPARING FISCAL NOTES ON A FIRST-COME, FIRST-SERVE BASIS, EXCEPT PRIORITY SHALL BE GIVEN TO PROCESSING REQUESTS FOR ASSISTANCE IN PREPARING FISCAL NOTES FROM THE CHAIRS OR RANKING MEMBERS OF THE SENATE FINANCE COMMITTEE OR ASSEMBLY WAYS AND MEANS COMMITTEE.

[3.] 6. Fiscal notes shall not, however, be required for bills: (a) subject to the provisions of section fifty of this [chapter] ARTICLE, or (b) accompanied by special home rule requests submitted by political subdivisions, or (c) which provide discretionary authority to political subdivisions, or (d) submitted pursuant to section twenty-four of the state finance law.

[4.] 7. If the estimate or estimates contained in a fiscal note are inaccurate, such inaccuracies shall not affect, impair or invalidate such bill.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.