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

7695

2011-2012 Regular Sessions

I N A S S E M B L Y

May 13, 2011

Introduced by M. of A. SALADINO, MONTESANO, RA, CURRAN, McKEVITT -- Multi-Sponsored by -- M. of A. BARCLAY, BURLING, CASTELLI, CERETTO, FINCH, GOODELL, HAWLEY, MALLIOTAKIS, McLAUGHLIN, PALMESANO, THIELE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to requiring unfunded mandate notations

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

Section 1. The legislative law is amended by adding a new section 51-a to read as follows:

S 51-A. UNFUNDED MANDATE NOTATIONS ON BILLS AFFECTING POLITICAL SUBDIVISIONS. 1. FOR THE PURPOSE OF THIS SECTION, THE TERM "POLITICAL SUBDIVISION" MEANS ANY COUNTY, CITY, TOWN, VILLAGE, SPECIAL DISTRICT OR SCHOOL DISTRICT.

2. THE LEGISLATURE SHALL BY CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY PRESCRIBE RULES REQUIRING UNFUNDED MANDATE NOTATIONS, WHEREBY ANY BILL CONTAINING AN UNFUNDED MANDATE WHICH WOULD SUBSTANTIALLY AFFECT THE REVENUES OR EXPENSES, OR BOTH, OF ANY POLITICAL SUBDIVISION, SHALL BEAR THE WORDS "UNFUNDED MANDATE" ON THE FACE OF THE BILL, TO BE PLACED IMMEDIATELY UNDER THE DATE OF SUCH BILL.

3. UNFUNDED MANDATE NOTATIONS SHALL NOT, HOWEVER, BE REQUIRED FOR BILLS: (A) SUBJECT TO THE PROVISIONS OF SECTION FIFTY OF THIS 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. FOR PURPOSES OF THIS SECTION, THE TERM "LAW" SHALL MEAN A STATUTE ENACTED BY THE LEGISLATURE, OR EXECUTIVE ORDER ISSUED BY THE GOVERNOR, OR A RULE OR REGULATION PROMULGATED BY A STATE AGENCY, DEPARTMENT, BOARD, BUREAU, OFFICER, AUTHORITY OR COMMISSION.

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

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5. NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE FOLLOWING TYPES OF LAWS SHALL NOT BE CONSIDERED UNFUNDED MANDATES:

(A) THOSE NECESSARY TO COMPLY WITH FEDERAL LAW;

(B) THOSE FOR WHICH THE AGGREGATE NET INCREASE IN REQUIRED DIRECT EXPENDITURES BY A SOCIAL SERVICES DISTRICT IS LESS THAN TWENTY THOUSAND DOLLARS;

(C) THOSE THAT HAVE BEEN REQUESTED THROUGH A HOME RULE MESSAGE OR OTHER RESOLUTION OF THE AFFECTED SOCIAL SERVICES DISTRICT, OR WHICH HAVE BEEN ACCEPTED BY THE AFFECTED SOCIAL SERVICES DISTRICT;

(D) THOSE REAPPORTIONING RESPONSIBILITIES BETWEEN OR AMONG SOCIAL SERVICES DISTRICTS;

(E) THOSE ARISING FROM AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS;

(F) THOSE APPLICABLE TO BOTH GOVERNMENT AND NON-GOVERNMENT ENTITIES IN THE SAME OR A SUBSTANTIALLY SIMILAR MANNER; AND

(G) THOSE IN FULL FORCE AND EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, INCLUDING ANY PROVISION OF LAW THAT EXTENDS OR REAUTHORIZES SUCH A LAW.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.