

# STATE OF NEW YORK

2922

2017-2018 Regular Sessions

## IN ASSEMBLY

January 23, 2017

Introduced by M. of A. BRINDISI, GUNTHER, FRIEND, PALMESANO, SANTABARBARA, DiPIETRO, LUPARDO, SCHIMMINGER, GRAF, LUPINACCI, SKARTADOS, SKOUFIS, MURRAY, GOODELL, JENNE, LIFTON, STEC, WOERNER -- Multi-Sponsored by -- M. of A. BARCLAY, BLANKENBUSH, LALOR, LAWRENCE, MAGEE, McDONALD, McDONOUGH, McKEVITT, McLAUGHLIN, MONTESANO, RAIA -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law and the education law, in relation to prohibiting the establishment of certain programs mandated for municipal corporations and school districts unless such programs are fully funded by the state

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

Section 1. The general municipal law is amended by adding a new section 25 to read as follows:

§ 25. Funding of mandates. 1. Definitions. As used in this section, the following terms shall have the following meanings unless the context shall otherwise require:

(a) "Mandate" means:

(i) any state law, rule or regulation which establishes a new program or requires a higher level of service for an existing program which a municipal corporation is required to provide; or

(ii) any provision of general law which grants a new property tax exemption or abatement or increases an existing property tax exemption or abatement which a municipal corporation is required to provide.

(b) "Unfunded mandate" shall mean:

(i) any state law, rule or regulation which establishes a new program or requires a higher level of service for an existing program which a municipal corporation is required to provide, and which results in a net additional cost to such municipal corporation;

(ii) any alteration in funding provided to a municipal corporation for the purpose of defraying the costs of a program which it is required to

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

LBD01969-01-7

1 provide, thereby resulting in a net additional cost to such municipal  
2 corporation; or

3 (iii) any provision of general law which grants a new property tax  
4 exemption or abatement or increases an existing property tax exemption  
5 or abatement which any municipal corporation is required to provide,  
6 thereby resulting in a net additional cost to such municipal corpo-  
7 ration.

8 (c) "Net additional cost" means the increased cost or costs incurred  
9 or anticipated to be incurred within a one year period by a municipal  
10 corporation in performing or administering a mandate after subtracting  
11 therefrom any revenues received or receivable by such municipal corpo-  
12 ration on account of the mandated program or service, including but not  
13 limited to:

14 (i) fees charged to the recipients of the mandated program or service;

15 (ii) state or federal aid paid specifically or categorically in  
16 connection with the program or service; and

17 (iii) an offsetting savings resulting from the diminution or elimi-  
18 nation of any other program or service directly attributable to the  
19 performance or administration of the mandated program.

20 2. Funding of municipal corporation mandates. Notwithstanding any  
21 other provision of law to the contrary, no unfunded mandate shall be  
22 enacted which creates an increased annual net additional cost to any  
23 municipal corporation. Each mandate which imposes a net additional cost  
24 upon a municipal corporation shall provide for compensation or funding  
25 by the state of the full amount of the net additional cost thereof. In  
26 the event such compensation or funding is not provided, the mandate  
27 shall be void.

28 3. Exemptions to the funding of municipal corporation mandates  
29 requirement. (a) The state shall not be required to fund any mandate if:

30 (i) The mandate is required by a court order or judgment;

31 (ii) The mandate is provided at the option of the local government  
32 under a law, regulation, rule or order that is permissive rather than  
33 mandatory;

34 (iii) The mandate results from the enactment of legislation requested  
35 by the municipal corporation in a home rule message requesting authority  
36 to implement the program or service specified in the statute, and the  
37 statute imposes costs only upon that municipal corporation which  
38 requests the authority to implement the program or service;

39 (iv) The mandate is required by, or arises from, an executive order of  
40 the governor exercising his or her emergency powers; or

41 (v) The mandate is required by statute or executive order that imple-  
42 ments a federal law or regulation and results from costs mandated by the  
43 federal government to be borne at the local level, unless the statute or  
44 executive order results in costs which exceed the costs mandated by the  
45 federal government.

46 (b) Every statute, rule or regulation establishing a mandate shall  
47 provide that the effective date of any such mandate imposed on municipal  
48 corporations shall be consistent with the needs of the state and munici-  
49 pal corporations to plan implementation thereof and be consistent with  
50 the availability of required funds.

51 § 2. The education law is amended by adding a new section 1527-a to  
52 read as follows:

53 § 1527-a. Funding of mandates imposed on school districts. 1. Defi-  
54 nitions. As used in this section, the following terms shall have the  
55 following meanings unless the context shall otherwise require:

56 (a) "Mandate" means:

1 (i) any state law, rule or regulation which establishes a new program  
2 or requires a higher level of service for an existing program which a  
3 school district is required to provide; or

4 (ii) any provision of general law which grants a new property tax  
5 exemption or abatement or increases an existing property tax exemption  
6 or abatement which a school district is required to provide.

7 (b) "Unfunded mandate" shall mean:

8 (i) any state law, rule or regulation which establishes a new program  
9 or requires a higher level of service for an existing program which a  
10 school district is required to provide and which results in a net addi-  
11 tional cost to such school district;

12 (ii) any alteration in funding provided to a school district for the  
13 purpose of defraying the costs of a program which it is required to  
14 provide, thereby resulting in a net additional cost to such school  
15 district; or

16 (iii) any provision of general law which grants a new property tax  
17 exemption or abatement or increases an existing property tax exemption  
18 or abatement which a school district is required to provide, thereby  
19 resulting in a net additional cost to such school district.

20 (c) "Net additional cost" means the increased cost or costs incurred  
21 or anticipated to be incurred within a one year period by a school  
22 district in performing or administering a mandate after subtracting  
23 therefrom any revenues received or receivable by such school district on  
24 account of the mandated program or service, including but not limited  
25 to:

26 (i) fees charged to the recipients of the mandated program or service;

27 (ii) state or federal aid paid specifically or categorically in  
28 connection with the program or service; and

29 (iii) an offsetting savings resulting from the diminution or elimi-  
30 nation of any other program or service directly attributable to the  
31 performance or administration of the mandated program.

32 2. Funding of school district mandates. Notwithstanding any other  
33 provision of law to the contrary, no unfunded mandate shall be enacted  
34 which creates a net additional cost to any school district. Each  
35 mandate which imposes a net additional cost upon a school district shall  
36 provide for compensation or funding by the state of the full amount of  
37 the net additional costs thereof. In the event such compensation or  
38 funding is not provided, the mandate shall be void.

39 3. Exemptions to the funding of school district mandates requirement.

40 (a) The state shall not be required to fund any mandate for school  
41 districts if:

42 (i) The mandate is required by a court order or judgment;

43 (ii) The mandate is provided at the option of the school district  
44 under a law, regulation, rule or order that is permissive rather than  
45 mandatory;

46 (iii) The mandate results from the enactment of legislation requested  
47 by the school district in a home rule message requesting authority to  
48 implement the program or service specified in the statute, and the stat-  
49 ute imposes costs only upon that school district which requests the  
50 authority to implement the program or service;

51 (iv) The mandate is required by, or arises from, an executive order of  
52 the governor exercising his or her emergency powers; or

53 (v) The mandate is required by statute or executive order that imple-  
54 ments a federal law or regulation and results from costs mandated by the  
55 federal government to be borne at the local level, unless the statute or

1 executive order results in costs which exceed the costs mandated by the  
2 federal government.

3 (b) Every statute, rule or regulation establishing a mandate shall  
4 provide that the effective date of any such mandate imposed on school  
5 districts shall be consistent with the needs of the state and school  
6 districts to plan implementation thereof, and be consistent with the  
7 availability of required funds.

8 § 3. This act shall take effect immediately and sections one and two  
9 of this act shall apply to mandates enacted on or after such effective  
10 date.