

# STATE OF NEW YORK

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385

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

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Introduced by M. of A. GUNTHER, JAFFEE, PEOPLES-STOKES, ARROYO, RAIA, MURRAY -- Multi-Sponsored by -- M. of A. COOK, GIGLIO, THIELE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring the board of regents to obtain legislative approval of any rule or regulation containing an unfunded mandate

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

1 Section 1. Section 207 of the education law is amended to read as  
2 follows:  
3 § 207. Legislative power. 1. Subject and in conformity to the consti-  
4 tution and laws of the state, the regents shall exercise legislative  
5 functions concerning the educational system of the state, determine its  
6 educational policies, and, except, as to the judicial functions of the  
7 commissioner of education, establish rules for carrying into effect the  
8 laws and policies of the state, relating to education, and the func-  
9 tions, powers, duties and trusts conferred or charged upon the universi-  
10 ty and the education department. But no enactment of the regents shall  
11 modify in any degree the freedom of the governing body of any seminary  
12 for the training of priests or clergymen to determine and regulate the  
13 entire course of religious, doctrinal or theological instruction to be  
14 given in such institution. No rule by which more than a majority vote  
15 shall be required for any specified action by the regents shall be  
16 amended, suspended or repealed by a smaller vote than that required for  
17 action thereunder. Rules or regulations, or amendments or repeals ther-  
18 eof, adopted or prescribed by the commissioner of education as provided  
19 by law shall not be effective unless and until approved by the regents,  
20 except where authority is conferred by the regents upon the commissioner  
21 of education to adopt, prescribe, amend or repeal such rules or regu-  
22 lations.

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

LBD03779-01-7

1     2. a. As used in this subdivision, the following terms shall have the  
2 following meanings:

3     (i) "Net additional cost" means the cost or costs incurred or antic-  
4 ipated to be incurred by a school district in performing or administer-  
5 ing any program, project, or activity after subtracting therefrom any  
6 revenues received or receivable by such school district in relation to  
7 such program, project, or activity, including but not limited to:

8     (A) fees charged to the recipients of such program, project, or activ-  
9 ity;

10    (B) state or federal funds received for such program, project, or  
11 activity; and

12    (C) an offsetting savings resulting from the diminution or elimination  
13 of any other program, project, or activity that state law requires such  
14 school district to provide or undertake.

15    (ii) "Unfunded mandate" means:

16    (A) any rule or regulation that requires a school district to provide  
17 or undertake any new program, project or activity that results in a  
18 one-time or annual net additional cost to such school district;

19    (B) any rule or regulation that requires a school district to provide  
20 a higher level of service or funding for an existing program, project or  
21 activity that results in a one-time or annual net additional cost to  
22 such school district; or

23    (C) any rule or regulation with a legal requirement that would other-  
24 wise likely have the effect of raising property taxes in any school  
25 district.

26    b. Notwithstanding any other provision of law, no rule or regulation  
27 containing an unfunded mandate shall be adopted by the board of regents  
28 or the commissioner, except by a majority vote of the legislature.

29    § 2. This act shall take effect immediately.