STATE OF NEW YORK

3775

2019-2020 Regular Sessions

IN SENATE

February 14, 2019

Introduced by Sen. JACOBS -- 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, the executive law and the state administrative procedure act, in relation to unfunded mandate review

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

Section 1. Short title. This act shall be known and may be cited as the "unfunded mandate review act".

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

§ 51. Fiscal impact notes on bills affecting political subdivisions. 1. For the purpose of this section, the term "political subdivision" means **the state, or any division, agency or body of the state; or** 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 fiscal notes to accompany, on a separate form, bills and amendments to bills, except as otherwise prescribed by such rules, which would substantially affect the revenues or expenses, or both, of any political subdivision~~] **Whenever a committee of either house reports a bill that includes an unfunded mandate affecting a political subdivision, the bill shall be accompanied by:**

(a) an identification and description of any mandate in the bill anticipated to have a direct or indirect cost, a qualitative, and if practicable, a quantitative assessment of the costs and benefits of the mandate; and

(b) a fiscal impact note provided by the comptroller. Fiscal note estimates shall include total cost of complying with the bill and future projected costs. If the comptroller determines that an estimate is not feasible to make, the comptroller shall report reasons for determining an estimate cannot be made.

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

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3. Fiscal notes shall not, however, be required for bills: (a) subject to the provisions of section fifty of this chapter, 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. If the estimate or estimates contained in a fiscal note are inaccurate, such inaccuracies shall not affect, impair or invalidate such bill.

5. Except as provided in subdivisions three and four of this section, the legislature shall not consider a bill including an unfunded mandate affecting a political subdivision if it is not accompanied by a description and fiscal impact note as provided in subdivision two of this section.

§ 3. The executive law is amended by adding a new section 50-a to read as follows:

§ 50-a. Review of legislation affecting political subdivisions. 1. Fiscal impact notes on bills affecting political subdivisions. Upon the request of a legislative committee chairman or the minority ranking member, the comptroller shall provide a fiscal impact note for any bill that includes an unfunded mandate affecting a political subdivision. Fiscal note estimates shall include total cost of complying with the bill and future projected costs. If the comptroller determines that an estimate is not feasible to make, the comptroller shall report the reasons for determining an estimate cannot be made.

2. Continuing mandate study. The comptroller shall conduct a study of legislative proposals containing an unfunded mandate upon a political subdivision. In conducting this continuing study, the comptroller shall solicit and consider information or comments from elected officials, advisory panels and stakeholders. To the extent accurate estimates are reasonably feasible, the estimates shall include future costs to the extent that such differ significantly from or extend beyond five years.

3. Cost of regulations. The comptroller shall prepare a comparison between the estimated costs of implementing a regulation provided by the relevant agency and the administrative regulation review commission, and provide the comparison to the legislative committee chairman and the ranking minority member of the committee from which the request pursuant to section two hundred eight of the state administrative procedure act originated.

§ 4. The state administrative procedure act is amended by adding a new section 208 to read as follows:

§ 208. Unfunded mandate review. 1. There is hereby established an administrative regulation review commission. It shall be the duty of the commission, upon the request of a legislative committee chairman or the ranking minority member, to provide an estimated cost of any proposed regulation, and to provide such estimate to the comptroller for his or her review pursuant to subdivision two of section fifty-a of the executive law.

2. It shall be the duty of the administrative regulation review commission to examine all unfunded mandates imposed upon any political subdivision and report recommendations biennially to the legislature regarding:

(a) ways to allow flexibility in complying with specific mandates which may be unnecessarily rigid or complex;

(b) reconciling any two or more mandates which impose contradictory or inconsistent requirements;

(c) terminating any duplicative, obsolete, impractical or unnecessary mandates;

(d) suspending on a temporary basis the mandates which are not vital to public health and safety;

(e) consolidating or simplifying mandates; and

(f) mitigating negative impacts that may result from relieving a political subdivision.

In issuing this report, the commission shall consult with the governor, state agencies, legislature, any relevant advisory groups and stakeholder groups.

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