

STATE OF NEW YORK

7285

2021-2022 Regular Sessions

IN SENATE

July 12, 2021

Introduced by Sen. RATH -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the legislative law, in relation to requiring bills containing an unfunded mandate for a county or municipality to be referred to the state comptroller for opinion before being certified

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

1 Section 1. Section 40 of the legislative law, as amended by chapter
2 366 of the laws of 1949, is amended to read as follows:

3 § 40. Certificate of presiding officer. Upon the passage by either
4 house of the legislature of a bill, concurrent resolution proposing
5 amendments to the state constitution, or concurrent resolution proposing
6 or ratifying amendments to the constitution of the United States, the
7 presiding or other officer designated by the rules of such house shall
8 append to such bill or resolution a certificate, to be signed by him,
9 which shall disclose the date of its passage in such house, and whether
10 passed by the votes of a majority of all the members elected to such
11 house or of two-thirds thereof, or of a majority of such members, three-
12 fifths thereof being present. In addition, if any such bill has been
13 passed on a message required by the constitution, that fact also shall
14 be stated, and if the message so specifies, the applicable portion of
15 the constitution shall be identified. Upon the passage of a bill as to
16 which a part becomes law immediately and a part requires further action
17 by the governor, two copies shall be certified as above provided, one of
18 which, upon final passage by both houses, shall be transmitted to the
19 governor and the other to the secretary of state. No bills shall be
20 deemed to have so passed unless certified in the manner provided by this
21 section, which certificate to such effect shall be conclusive evidence
22 thereof. No bill containing a mandate for any county or municipality in
23 this state that does not include a provision of funding to such county
24 or municipality by the state shall be certified in the manner provided

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

LBD11778-01-1

- 1 by this section until such bill has been delivered to the state comp-
- 2 troller for opinion, and such opinion is delivered to both houses of the
- 3 legislature and to the governor.
- 4 § 2. This act shall take effect immediately.