

# STATE OF NEW YORK

6893

2023-2024 Regular Sessions

## IN ASSEMBLY

May 8, 2023

Introduced by M. of A. BLUMENCRANZ -- read once and referred to the  
Committee on Governmental Operations

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 Assem-  
bly, 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.

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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.