**A RESOLUTION TO BE SUBMITTED BY LEGISLATORS MILLS, LORIGO, RATH, DIXON, MORTON & HARDWICK**

**Re: Support for Bill Requiring State to Properly Fund Mandates**

WHEREAS, mandates passed by New York State are largely funded with taxes levied by local municipalities and as a result many municipalities across our state are struggling to properly fund the mandated programs, support local needs, and fight against the current tax climate in our state, which is among the most burdensome in the nation; and

WHEREAS, in 2015 nine state mandates consumed 99% of the property taxes levied by counties outside of New York City severely limiting the locally tailored programs that municipalities and school districts and offer their residents; and

WHEREAS, Bill S.2295 (2015) would require the state to fully fund any program which imposes a mandate upon municipal corporations or school districts; and

WHEREAS, this Bill was recently passed by the New York State Senate and is awaiting consideration in the New York State Assembly; and

WHEREAS, on June 16th the New York State Legislature breaks for this year without guaranteeing full funding for the multitude of state mandated programs that have crippled many counties outside of New York City; and

WHEREAS, passage of this Bill is desperately needed to ensure municipalities can rely on the state properly funding mandated services and allow them to focus on their specific local requirements; and

WHEREAS, forcing the state to properly fund its own mandated programs will help municipalities and school districts make financial decisions based off of their own local needs and to allow many to lower taxes making them more business friendly.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby urges the New York State Assembly and Governor Cuomo to act on Bill S.2295 (2015) during the remainder of the 2016 Legislative calendar; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation for the New York State Assembly, Governor Andrew Cuomo, and any party deemed necessary and proper.

Fiscal Impact: Positive for all New York State taxpayers

STATE OF NEW YORK

2295

2015-2016 Regular Sessions

IN SENATE

January 22, 2015

Introduced by Sens. GRIFFO, DeFRANCISCO, FUNKE, HANNON, MARCHIONE, MARTINS, O'MARA, ORTT, RITCHIE, SERINO, SEWARD, VENDITTO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

1 Section 1. The general municipal law is amended by adding a new
2 section 25 to read as follows:
3 S 25. FUNDING OF MANDATES. 1. DEFINITIONS. AS USED IN THIS SECTION,
4 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS UNLESS THE CONTEXT
5 SHALL OTHERWISE REQUIRE:
6 (A) "MANDATE" MEANS:
7 (I) ANY STATE LAW, RULE OR REGULATION WHICH ESTABLISHES A NEW PROGRAM
8 OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A
9 MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE; OR
10 (II) ANY PROVISION OF GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX
11 EXEMPTION OR ABATEMENT OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION
12 OR ABATEMENT WHICH A MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE.
13 (B) "UNFUNDED MANDATE" SHALL MEAN:
14 (I) ANY STATE LAW, RULE OR REGULATION WHICH ESTABLISHES A NEW PROGRAM
15 OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A
16 MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE, AND WHICH RESULTS IN A NET
17 ADDITIONAL COST TO SUCH MUNICIPAL CORPORATION;
18 (II) ANY ALTERATION IN FUNDING PROVIDED TO A MUNICIPAL CORPORATION FOR
19 THE PURPOSE OF DEFRAYING THE COSTS OF A PROGRAM WHICH IT IS REQUIRED TO
20 PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO SUCH MUNICIPAL
21 CORPORATION; OR

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

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1 (III) ANY PROVISION OF GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX
2 EXEMPTION OR ABATEMENT OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION
3 OR ABATEMENT WHICH ANY MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE,
4 THEREBY RESULTING IN A NET ADDITIONAL COST TO SUCH MUNICIPAL CORPO-
5 RATION.
6 (C) "NET ADDITIONAL COST" MEANS THE INCREASED COST OR COSTS INCURRED
7 OR ANTICIPATED TO BE INCURRED WITHIN A ONE YEAR PERIOD BY A MUNICIPAL
8 CORPORATION IN PERFORMING OR ADMINISTERING A MANDATE AFTER SUBTRACTING
9 THEREFROM ANY REVENUES RECEIVED OR RECEIVABLE BY SUCH MUNICIPAL CORPO-
10 RATION ON ACCOUNT OF THE MANDATED PROGRAM OR SERVICE, INCLUDING BUT NOT
11 LIMITED TO:
12 (I) FEES CHARGED TO THE RECIPIENTS OF THE MANDATED PROGRAM OR SERVICE;
13 (II) STATE OR FEDERAL AID PAID SPECIFICALLY OR CATEGORICALLY IN
14 CONNECTION WITH THE PROGRAM OR SERVICE; AND
15 (III) AN OFFSETTING SAVINGS RESULTING FROM THE DIMINUTION OR ELIMI-
16 NATION OF ANY OTHER PROGRAM OR SERVICE DIRECTLY ATTRIBUTABLE TO THE
17 PERFORMANCE OR ADMINISTRATION OF THE MANDATED PROGRAM.
18 2. FUNDING OF MUNICIPAL CORPORATION MANDATES. NOTWITHSTANDING ANY
19 OTHER PROVISION OF LAW TO THE CONTRARY, NO UNFUNDED MANDATE SHALL BE
20 ENACTED WHICH CREATES AN INCREASED ANNUAL NET ADDITIONAL COST TO ANY
21 MUNICIPAL CORPORATION. EACH MANDATE WHICH IMPOSES A NET ADDITIONAL COST
22 UPON A MUNICIPAL CORPORATION SHALL PROVIDE FOR COMPENSATION OR FUNDING
23 BY THE STATE OF THE FULL AMOUNT OF THE NET ADDITIONAL COST THEREOF. IN
24 THE EVENT SUCH COMPENSATION OR FUNDING IS NOT PROVIDED, THE MANDATE
25 SHALL BE VOID.
26 3. EXEMPTIONS TO THE FUNDING OF MUNICIPAL CORPORATION MANDATES
27 REQUIREMENT. (A) THE STATE SHALL NOT BE REQUIRED TO FUND ANY MANDATE IF:
28 (I) THE MANDATE IS REQUIRED BY A COURT ORDER OR JUDGMENT;
29 (II) THE MANDATE IS PROVIDED AT THE OPTION OF THE LOCAL GOVERNMENT
30 UNDER A LAW, REGULATION, RULE OR ORDER THAT IS PERMISSIVE RATHER THAN
31 MANDATORY;
32 (III) THE MANDATE RESULTS FROM THE ENACTMENT OF LEGISLATION REQUESTED
33 BY THE MUNICIPAL CORPORATION IN A HOME RULE MESSAGE REQUESTING AUTHORITY
34 TO IMPLEMENT THE PROGRAM OR SERVICE SPECIFIED IN THE STATUTE, AND THE
35 STATUTE IMPOSES COSTS ONLY UPON THAT MUNICIPAL CORPORATION WHICH
36 REQUESTS THE AUTHORITY TO IMPLEMENT THE PROGRAM OR SERVICE;
37 (IV) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF
38 THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR
39 (V) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLE-
40 MENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE
41 FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR
42 EXECUTIVE ORDER RESULTS IN COSTS WHICH EXCEED THE COSTS MANDATED BY THE
43 FEDERAL GOVERNMENT.
44 (B) EVERY STATUTE, RULE OR REGULATION ESTABLISHING A MANDATE SHALL
45 PROVIDE THAT THE EFFECTIVE DATE OF ANY SUCH MANDATE IMPOSED ON MUNICIPAL
46 CORPORATIONS SHALL BE CONSISTENT WITH THE NEEDS OF THE STATE AND MUNICI-
47 PAL CORPORATIONS TO PLAN IMPLEMENTATION THEREOF AND BE CONSISTENT WITH
48 THE AVAILABILITY OF REQUIRED FUNDS.
49 S 2. The education law is amended by adding a new section 1527-a to
50 read as follows:
51 S 1527-A. FUNDING OF MANDATES IMPOSED ON SCHOOL DISTRICTS. 1. DEFI-
52 NITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE
53 FOLLOWING MEANINGS UNLESS THE CONTEXT SHALL OTHERWISE REQUIRE:
54 (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 S 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.