

## **SENATE & ASSEMBLY RULES: MEMOS, FISCAL NOTE/IMPACT STATEMENTS**

### **Senate Rule VII, §1: Introduction**

Bills and resolutions shall be introduced by a Senator, or on the report of a committee, or by message from the Assembly, or by order of the Senate, or by the Governor pursuant to Article VII of the Constitution. Every bill introduced...shall be accompanied by the introducer's memorandum in quadruplicate. Such memorandum shall contain a statement of the purposes and intent of the bill and, if the member deems it appropriate, may set forth such other statements that the member feels necessary including, but not limited to, statements relating to economic impact, environmental impact or the impact on the judicial system of the bill. A Committee, where it deems necessary, may require that the introducer's memorandum be amended to include such appropriate statements.

### **Senate Rule VIII, §7: Finance Committee**

...The sponsor of a bill providing for an increase or decrease in state revenues or in the appropriation or expenditure of state moneys, without stating the amount thereof, must, before such bill is reported from the Finance Committee or other committee to which referred, file with the Finance Committee and such other committee a fiscal note which shall state, so far as possible, the amount in dollars whereby such state moneys, revenues or appropriations would be affected by such bill, together with a similar estimate, if the same is possible, for future fiscal years. Such an estimate must be secured by the sponsor from the Division of the Budget or the department or agency of state government charged with the fiscal duties, functions or powers provided in such bill and the name of such department or agency must be stated in such note.

The Finance Committee shall keep and maintain a file containing all bills requiring fiscal notes and the notes appertaining thereto, which shall be available to Senators and officers of the Senate, accredited representatives of the press, and other responsible persons having a legitimate interest therein.

### **Assembly Rule III, §1f. Introducer's memorandum.**

There shall be appended to every bill introduced in the Assembly, an introducer's memorandum setting forth the purpose of the bill, a summary of its provisions, a statement of its fiscal impact on the state, a statement of its impact on the regulation of businesses and individuals.... Whenever a bill is amended by its sponsor, it shall be the duty of the sponsor to file an amended memorandum setting forth the same material as required in the original memorandum. In addition, whenever a bill is reported by a committee as amended, it shall be the duty of the committee to submit an amended memorandum.

## **Assembly Rule III, §2(a)**

Every bill to be introduced in the House shall be in a draft form prescribed by the Legislative Bill Drafting Commission and accompanied by the introducer's memorandum. ...

### **Permanent Senate/Assembly Joint Rule I**

§1. Requirement of Fiscal Impact Notes. Fiscal impact notes shall be required for all bills and amendments, other than those excepted as provided in section four hereof, which would substantially affect the revenues or expenses, or both, of any county, city, town, village, school district or special district (hereinafter referred to as "political subdivisions"). For purposes of this Joint Rule and section 51 of the Legislative Law, the term "special district" shall mean a district possessing the power to contract indebtedness and levy or require the levy of taxes or benefit assessments upon real property.

§2. Sufficiency and Contents of Fiscal Impact Notes. Fiscal impact notes shall be deemed sufficient for purposes of this Joint Rule if prepared in conformity with this section.

A. Scope of fiscal estimates. Fiscal impact upon political subdivisions shall be estimated on the basis of any one or more of the following:

(i) Individual political subdivisions; or

(ii) Aggregates of political subdivisions (a) statewide or by lesser geographic area, or (b) by classification or subclassification of relevant characteristics; or

(iii) Representative political subdivisions with relevant characteristics thereof quantitatively set forth, e.g., population, area, weighted average daily attendance of pupils; or

(iv) Any other appropriate, convenient or accessible grouping of political subdivisions.

B. Units of measurement. Fiscal impact measurements shall be made in units of money, personal services, equipment, or any other appropriate, convenient or accessible units of measurement.

C. Negligible Impact. A fiscal impact note filed by the sponsor of a bill which states that the fiscal impact of the bill is negligible shall be deemed to be in compliance with this Joint Rule.

§3. Procedure.

A. (i) The Temporary President of the Senate and the Speaker of the Assembly shall each designate a person in such officer's respective house to examine each bill in such house, without regard to its house of origin, for the purpose of ascertaining whether a fiscal impact note is required pursuant to this Joint Rule, and if such note is required, such person shall so notify the sponsor of such bill.

(ii) The sponsor of such bill shall provide such fiscal impact note on a separate form prescribed therefor by the Temporary President of the Senate and the Speaker of the Assembly jointly.

(iii) Such fiscal impact note shall state the source thereof, which may be the sponsor; provided, however, that in the case of a bill proposed by a state department or agency, such note shall be prepared and furnished by such department or agency.

(iv) Such designated person in each house shall thereupon review each fiscal impact note for compliance with the provisions of this Joint Rule.

B. No bill requiring a fiscal impact note shall be reported to the floor of the house unless accompanied by the appropriate note for the version of such bill so reported, except as provided in section four hereof.

C. If an amendment to a bill has a fiscal impact, the member offering such amendment shall provide the fiscal impact note required by such amendment. If such amendment prevails, the sponsor shall provide a fiscal impact note for the amended bill before final passage, unless excepted pursuant to subdivision F of section four hereof.

§4. Exceptions. A fiscal impact note shall not be required for a bill:

A. subject to the provisions of section 50 of the Legislative Law;

B. requested by a county, city, town or village in accordance with the provisions of paragraph two of subdivision (b) of section two of Article IX of the Constitution;

C. which provides discretionary authority to a political subdivision;

D. submitted pursuant to section 24 of the State Finance Law;

E. reported to the floor of the House by the Rules Committee, if such committee, in its discretion, determines that such action is in the public

interest;

F. which has been amended on the floor of either house, where a fiscal impact note would otherwise have been required for such amended bill by this Joint Rule and section 51 of the Legislative Law, if the Temporary President of the Senate or the Speaker of the Assembly, respectively, in such officer's discretion, determines that the amended bill may be acted on in such officer's house without such note; or

G. which inadvertently passes the Legislature where a fiscal impact note would otherwise have been required by this Joint Rule and section 51 of the Legislative Law.

§5. Effect of Inaccuracy. If the estimate or estimates contained in a fiscal impact note are inaccurate, such inaccuracy shall not affect, impair or invalidate such bill.

§6. Application. The provisions of this Joint Rule shall apply to bills and amendments proposed for introduction at the nineteen hundred eighty-five regular legislative session and permanently thereafter