State of New York

JAN 05 2011

Department of State
Secretary of State

State of New York

Executive Chamber

No. 6

EXECUTIVE ORDER

ESTABLISHING THE MANDATE RELIEF REDESIGN TEAM

WHEREAS, New York State's municipalities and school districts are encumbered with unfunded and underfunded mandates from state government;

WHEREAS, New York State's municipalities and school districts should administer services in the most efficient and effective manner possible so as to minimize the impact on local property taxpayers;

WHEREAS, property tax levies in New York grew by 73 percent from 1998 to 2008—more than twice the rate of inflation during that period;

WHEREAS, New York has the second highest combined state and local taxes in the nation and the highest local taxes in America as a percentage of personal income —79 percent above the national average;

WHEREAS, the median property taxes paid by New Yorkers are 96 percent above the national median;

WHEREAS, when measured in absolute dollars paid, Westchester, Nassau and Rockland are among the five highest taxed counties in the nation, ranking first, second and fifth, respectively;

WHEREAS, in 2009, when property taxes were measured as a percentage of home value, nine out of the top ten counties in the nation were all in Upstate New York;

WHEREAS, New York State government now faces unprecedented budgetary challenges, requiring fundamental changes in the way it does business, eliminating failed approaches and creating improved ways to serve the public;

WHEREAS, in order to reduce the burden of local property taxes, it is of compelling public importance that New York State conducts a rigorous, systematic and comprehensive review of mandates imposed on local governments, school districts and other local taxing districts, the reasons for such mandates and the costs on local governments, school districts and other local taxing districts that are associated with complying with such mandates; and

WHEREAS, such a review will look for the best and most cost- efficient and cost- effective ways to deliver mandated programs and services and identify mandates that are ineffective, unnecessary, outdated and duplicative;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and statutes of the State of New York, do hereby order as follows:

A. Definitions

As used herein, the following terms shall have the following meanings:

1. "State agency" or "agency" shall mean any state agency, department, office, board, bureau, division, committee, council or office.

2. "State officer or employee" shall have the meaning given in Section 73 of the Public Officers Law.

3. "Local government" shall mean a county, city, town, village or special district.

4. "School district" shall mean a common, union free, central, city or central high school district.

5. "Unfunded mandate" shall mean (i) any legal requirement that a local government provide or undertake any program, project or activity, or increase spending for an existing program, project, regulation or activity on behalf of New York State; or (ii) any legal requirement that a local government grant a new property tax exemption or broaden the eligibility, or increase the value of an existing property tax exemption; or (iii) any legal requirement that otherwise would likely have the effect of raising property taxes, and which fails to provide any funding.

6. "Underfunded mandate" shall mean (i) any legal requirement that a local government provide or undertake any program, project or activity, or increase spending for an existing program, project, regulation or activity on behalf of New York State; or (ii) any legal requirement that a local government grant a new property tax exemption or broaden the eligibility, or increase the value of an existing property tax exemption; or (iii) any legal requirement that otherwise would likely have the effect of raising property taxes, and which fails to provide sufficient funding.

B. Mandate Relief Redesign Team

1. There is hereby established the Mandate Relief Redesign Team ("Team") that shall provide independent guidance for, and advice to, the Governor.

2. The Governor shall appoint up to 20 voting members of the Team. The members of the Team shall include: state officers or employees with relevant expertise; two members of the New York State Assembly, one recommended by the Speaker of the Assembly and one recommended by the Minority Leader of the Assembly; two members of the New York State Senate, one recommended by the Temporary President of the Senate and one recommended by the Minority Leader of the Senate; and stakeholders, including representatives of:

a. cities;
b. counties;
c. towns and villages;
d. school districts;
e. organized labor;
f. businesses; and
g. other relevant sectors.

3. Vacancies shall be filled by the Governor, and the Governor may appoint additional voting and non-voting members to the Team as necessary. Members of the Team shall serve at the pleasure of the Governor.

4. The Governor shall designate a Chair or Co-Chairs from among the members of the Team.

5. The Lieutenant Governor and the Director of the Budget shall serve as *ex officio,* non-voting members of the Team.

6. A majority of the total members of the Team who have been appointed shall constitute a quorum, and all recommendations of the Team shall require approval of a majority of its total members.

7. The Team shall attempt to engage and solicit the input of a broad and diverse range of groups, organizations and individuals.

C. Cooperation with the Team

1. Every agency or authority of New York State shall provide to the Team every assistance and cooperation, including use of New York State facilities, which may be necessary or desirable for the accomplishment of the duties or purposes of this Executive Order.

2. Staff support necessary for the conduct of the Team's work may be furnished by agencies and authorities (subject to the approval of the boards of directors of such authorities).

D. Duties and Purpose

1. The Team shall focus on the New York State's service delivery structure that requires school districts, local governments and other local taxing districts to administer and fund mandated programs. The Team shall look for ways to reduce the costs of mandated programs on schools and local governments by determining how school districts and local governments may be given greater ability to control costs. The Team shall look at the reason for delays in state reimbursement for mandated programs. The Team shall look at the practice of cost-shifting of mandated programs.

2. In performing its work, the Team shall identify opportunities for eliminating or reducing unfunded and underfunded mandates imposed by the New York State government on local governments and school districts.

3. The Team shall commence its work no later than January 7, 2011. On or before March 1, 2011, the Team shall submit its first report to the Governor of its findings and recommendations for consideration in the budget process for New York State Fiscal Year 2011-12. The Team shall submit quarterly reports on its continuing review thereafter. The Team shall make its final recommendations to the Governor not later than the end of the State Fiscal Year 2011-12, at which time it shall terminate its work and be relieved of all responsibilities and duties hereunder.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifth day of January in the year two thousand eleven.

BY THE GOVERNOR

Secretary to the Governor