

Legislative and Research Committee Minutes
February 6, 2012 – 4:00 p.m.

Present: Chairman Sausville; Supervisors Lewza, Raymond, Rowland, Yepsen, Grattidge, Kinowski, Collyer, Southworth, Wood and Veitch; Ryan Moore, Mgmt. Analyst; John Adams, Probation; Bill Fruci, John Schiera, Elections; League of Women Voters; Press.

Chairman Sausville called the meeting to order and welcomed all in attendance.

Chairman Sausville announced the appointment of Ms. Raymond as Committee Vice Chairman.

The proposed Saratoga County 2012 Legislative Program was reviewed by the committee.

- 1. Calling on the Governor and State Legislature to implement a full takeover of all local costs of the Medicaid Program.** Medicaid is the largest unfunded mandate imposed by New York State and has contributed to property taxes in our state being the highest in the nation. This year, Saratoga County budgeted \$23.3 million – nearly 46% of our property tax levy – to cover this single mandate. We support legislation introduced last year (S.5889-B/A.8644) that would implement an 8-year state takeover of county Medicaid costs, placing responsibility for this state program in the hands of state leaders where it belongs. Governor Cuomo’s 2012-13 Executive Budget proposal to phase in a “hardcap” on Medicaid growth over three years would provide county property taxpayers with no relief this year and allow the burden of this mandate to continue growing for three more years. A full state takeover is the only real solution.
- 2. Urging the State Legislature and Governor to Honor Home Rule Requests, Enabling Local Officials to Better Manage Local Finances and Protect Property Taxpayers.** With passage of the property tax cap and the state’s failure to enact complimentary mandate relief, local officials are in greater need than ever before for alternative revenue sources that will allow us to meet our legal obligations without compromising essential services. Yet in recent years, the State Legislature has delayed responding to home rule requests or worse, ignored them. If State Legislators are unwilling to honor home rule requests, then they should reform the home rule process to allow local officials to set their own sales tax and other home rule revenue rates within reasonable parameters.
- 3. Urging a Legislative Solution to protect County Taxpayers from Assessments Charged by the Hudson River-Black River Regulating District (HRBRD) to close its revenue shortfall.** If Saratoga and its fellow counties lose our current appeal of an adverse NYS Supreme Court ruling made last year, our county’s share of

the assessment would be approximately \$1.5 million per year, plus the unpaid assessments due since HRBRRD adopted its current apportionment methodology in 2010. We urge our state and federal representatives to find a legislative alternative to this unjust and arbitrary burden on county taxpayers.

4. **Supporting Pension Tier V1.** Our yearly contribution to the state pension fund is Saratoga County's second most costly unfunded mandate, budgeted at nearly \$12.3 million this year. The combination of a weak economy and years of generous guaranteed pension benefits has resulted in a growing and unsustainable financial budget on county taxpayers, the majority of whom do not enjoy a comparable level of retirement security. We believe the 2012-13 Executive Budget's tier V1 proposal represents an opportunity to control future costs while providing a pension benefit that is fair to government employees, and we urge the State Legislature to enact it in the final State budget.
5. **Urging reforms to ensure more timely State reimbursement for State mandated services.** Not only are counties not adequately reimbursed for their expenses on mandate services, but too often we must wait far too long, as long as several years, for the State reimbursements we actually do receive. This is the functional equivalent of the State forcing us to issue interest free loans to pay for programs, and it creates cash flow difficulties that can lead to short-term borrowing, spending of reserves and damage to our credit rating. We urge the enactment of legislation to minimize the reserves and damage to our credit rating. We urge the enactment of legislation to minimize the reimbursement lag, including provisions allowing counties to collect interest on late reimbursement, and we call on the Governor to establish strict rules at State agencies to ensure prompt payments.
6. **Calling on the State Legislature to maintain restored VLT revenues in the State budget.** Governor Cuomo's executive budget preserves the VLT aid to Saratoga County and Saratoga Springs that was taken away in 2009 but partially restored last year. The county received \$499,000 in 2011, and these funds are necessary to defray local costs associated with hosting a video lottery gaming facility.
7. **Absent an agreement to schedule the State and Federal primaries the same day, requesting 100% State Reimbursement of the costs associated with holding a third primary.** The federal Military and Overseas Voter Empowerment (MOVE) act requires that ballots be made available to military personnel and other living abroad not less than 45 days before the general election. The State has failed to enact legislation to adjust its primary election date to enable compliance, prompting a federal court to order a primary for congressional offices on June 26, 2012, instead of September 11, 2012, as required by New York election law. Because of the presidential primary in April, this will result in an unanticipated, unprecedented third primary, which will cost \$50 million statewide and Saratoga County an estimated \$200,000 to \$300,000 in unbudgeted expenses. In the interest of government efficiency, the preferred solution is for the legislature to consolidate the federal and local primary dates to a single date to satisfy both the 45-day requirement of MOVE

and the administrative time needed by boards of election between the primary and general election dates. If the state does not secure an agreement, we request full reimbursement for the unfunded, mandated third primary.

8. **Requesting a more equitable share of the New York State Public Safety Surcharge to support statewide interoperable public safety communications.** In 2010, the State collected over \$200 million from its \$1.20 surcharge on wireless telephones. This surcharge was designed to be spend on emergency 911 systems, yet the State has historically allocated only 6% of the funds back to counties, which actually provide 911 services and upgrade and maintain 911 systems. The NYS Division of Homeland Security recently awarded long promised grants to counties from this funding pool and the Governor” 2012-13 Executive Budget promises more, but the State still has a long way to go. Therefore, we are asking for a greater share of surcharge monies to provide the best wireless 911 services available to the public.
9. **Supporting Expanded Collection of DNA while ensuring that counties are fairly compensated for implementation costs.** We believe the 2012-13 Executive Budget proposal to expand the state DNA data base is a positive step forward in solving crimes and exonerating the falsely accused, and we support those goals. We also note that county Sheriffs and Probation Departments will collect the additional DNA samples, resulting in the expenditure of staff time and resources. State law requires a \$50 DNA databank fee on anyone convicted of an offense requiring submission of a DNA sample, and the State keeps this money. We urge the Governor and State Legislature to share this revenue to help defray the cost to counties of implementing this beneficial program.
10. **Supporting provisions allowing counties to save money in procurements.** We urge the State Legislature to support the expansion of contract “piggybacking” rights for local governments so that we may utilize all municipal contracts, not just OGS contracts. New York is one of only two states that do not already allow cooperative purchasing by local government entities. Local governments must use either the OGS contract or perform our own solicitations. We believe that cooperative purchasing could result in savings for our county and urge the Governor and State Legislature to also consider including federal contracts in this State budget proposal.
11. **Supporting a constitutional amendment banning new unfunded state mandates and urging the Governor and State Legislature to demand significant relief from existing mandates.** In 2012 the estimated not cost of state mandates equals more than 120% of Saratoga County’s property tax levy. Yet there are still new unfunded mandates on the horizon that will require legislative action to prevent, and Governor Cuomo’s executive budget perpetuates, and in certain instances increases existing mandates. We urge the Legislature to immediately introduce and pass a constitutional amendment banning new unfunded mandates, as well as a statutory ban that would provide protection until such an amendment may be passed in final and ratified. We also urge the Governor and State Legislature to establish specific and significant savings targets, as the Medicaid Redesign Team did for the newly

convened Mandate Relief Council, and ensure that the council's mandate relief proposals hit these targets.

Ms. Yepsen said we are still a Racing Committee at the county level. She said she would like to see horse racing remain the primary focus in the State in terms of tourism and attractions.

Ms. Raymond said, while she agrees with Ms. Yepsen, it is absolutely premature for the county to take any position with regard to casino gambling until the bill language is finalized. Mrs. Raymond said she would recommend that the committee pick out four or five items that are of particular importance to bring to the Legislative meeting in Albany.

Mr. Lewza suggested picking three top items.

Mr. Sausville said the policy has been that the Board of Supervisors acts on the entire list and then when they go to Albany they will focus on the top three items.

A motion was made by Ms. Raymond, seconded by Mr. Rowland to endorse the above items as outlines for the 2012 Legislative Program, with the possibility that another item may be coming from the Racing Committee Unanimous.

Ms. Yepsen said as the military population returns from war the attention, funding and bills are going to be focused on the military. She introduced Senate bill S5049-2011 that negates the issue of military deployment as a factor in the awarding of child custody. This is coming under the Children and Families committee in the Senate and is being sponsored by Senator Ball. Ms. Yepsen requested a committee endorsement of the bill.

Ms. Raymond said that she agrees with Ms. Yepsen, but it should not be part of the Legislative Program at this time because there is no background or information. She suggested a separate resolution to accept this bill and forward it onto the Veterans Committee.

A motion was made by Ms. Raymond, seconded by Ms. Yepsen to send concerns about child custody for deployed military to the Veterans Committee with the recommendation from the Legislative and Research Committee to look into fair treatment of Veterans that are deployed. Unanimous.

Mr. Carr said the total amount that the State owes the county, to date, for the Pre-school Special Education Program is over \$3.2 million with some of the claims going back as far as July of 2010.

Mr. Veitch said the last resolution at the organization meeting indicated that Supervisors had to be notified via mail at their last known address as the notification way of getting the organizational meeting setup. It was discovered that this is an antiquated part of the county law that is mandated by the State. This can now be done by email or phone and that is not a part of the resolution. Mr. Veitch proposed establishing a resolution or proposal to the State to have them look into it and possibly change those sections of the

law to reflect a more modern way. This initiative would save the county the county money.

On a motion made by Mr. Rowland, seconded by Ms. Raymond the meeting was adjourned.

Respectfully submitted,
Chris Sansom