
NEW YORK STATE SENATE



LOCAL MANDATE RELIEF WORKING GROUP

Senator Patty Ritchie
48th Senate District
Oswego • Jefferson • St. Lawrence Counties



THE SENATE
STATE OF NEW YORK

SENATOR PATTY RITCHIE
48TH DISTRICT
OSWEGO, JEFFERSON, ST. LAWRENCE COUNTIES

CHAIR
SENATE AGRICULTURE COMMITTEE

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COMMUNITY DEVELOPMENT
LOCAL GOVERNMENT

MEMBER
LEGISLATIVE COMMISSION ON
RURAL RESOURCES

December 12, 2011

Dear Mandate Relief Working Group:

The difficulty with state mandates is that they increase costs to local taxpayers, often without providing clear benefit. Such was the case with a long list of mandates that we successfully repealed earlier this year, saving taxpayers \$127 million a year—as part of a broader measure aimed at providing relief to overburdened property taxpayers.

That bill, which became Chapter 97, went a step further, and established a special Executive – Legislative Mandate Relief Commission tasked with identifying additional mandates that can be modified or repealed to help lower the cost of government and provide additional taxpayer relief.

Toward that end, earlier this year I asked nine volunteers—current and former elected and appointed local government officials from Oswego, Jefferson and St. Lawrence Counties who are intimately familiar with the costs and impacts of complying with various state mandates—to serve as a working group to identify unnecessary mandates that increase costs to local taxpayers and are unnecessary for the efficient delivery of public services.

Governor Cuomo has challenged us all to rethink the way that government delivers services to the public so that we can ensure the best value for New York’s taxpayers, provide relief from high taxes and build a stronger environment for business to thrive and create jobs.

While many state mandates serve a legitimate and vital function in helping to promote the public’s well-being, that is not always the case. It’s the opinion of the working group—and my opinion as well—that the mandates outlined on the following pages are unnecessary, duplicative and overly burdensome.

I wish to publicly thank the members of my Mandate Relief Working Group for agreeing to undertake this effort, and also recognize the efforts of the Tug Hill Commission, and its executive director, John Bartow, who provided assistance and insights to the working group. I

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look forward to continuing working with them, and with you, to continue to identify areas of reform to benefit taxpayers and local governments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patty Ritchie". The signature is stylized with large, overlapping loops.

Patty Ritchie
State Senator

ON THE RECORD: 2011 MANDATE RELIEF EFFORTS

There has been a great deal of discussion in recent months about the need to rein in state mandates that drive up the cost for local governments who are already dealing with tight budgets. Overlooked, however, are steps the Legislature and Governor already took to address the issue.

Medicaid

For SFYs 2011-12 and 2012-13, the Medicaid budget includes a global cap on spending, an across the board reduction and other measures that counties sought to provide mandate relief.

- Controlling Utilization of Medicaid funded services
- Allowing payments under Nursing Home Rebasing to go forward
- Giving counties greater ability to collect on Medicaid liens
- Coordinated Behavioral Health programs
- Repeal the drug carve-out, bundle prescription drugs into Medicaid Managed Care

Local Government

- The Legislature restored \$176,000 for mandated assessor training
- The NY Diesel Emissions Reduction Act compliance deadline was extended two years (est. savings \$1.89 million)
- Restored \$2.5 million for boating law enforcement activities

Human Services “Cost Shift” Restorations

- Committee on Special Education—Restored portion of cut for placements
- Fully restored detention services
- Fully restored Title XX discretionary funding

Chapter 97

The Legislature enacted \$127 million in mandate relief, as part of a law that also created the Legislative-Executive Mandate Relief Council, charged with identifying unwanted and unnecessary mandates that should be eliminated.

Authorized expansion of access to centralized contracts (\$70 million)

Eliminate School District mandates (\$34.6 million)

CHIPs funding, procurement (\$13 million)

Social Service savings for counties (\$7.9 million)

Criminal Justice savings (\$1.15 million)

REPORT OF THE MANDATE RELIEF WORKING GROUP

SUPPORT PROPOSED LEGISLATION – Members of the Working Group support the following legislative initiatives:

S. 5509-A (Grisanti, Ritchie) – Changes the distribution formula of funds collected from an existing \$1.20 per month “public safety communications surcharge” on cell phone bills to provide additional funds to operate and upgrade county E-911 centers.

S.5909 (Ritchie) – Requires prompt payment of state liabilities to counties, or imposes the same interest penalties that currently apply to private vendors.

S.5498 (Ritchie) – Eases jail crowding by requiring the state DOCCS to accept custody of state parole violators within 10 days (passed Senate).

S.2707 – Bans Albany from passing any new mandates without providing funding to allow local governments to comply. (Passed Senate)

REGULATIONS AND STATUTES FOR REVIEW

Board of Elections- Authorize increase in size of election districts (Election Law §4-104(3)) Current law sets a maximum of 1,250 voters per election district. This law is based on the old lever machines and not the new paper ballot scan voting. Local Elections Commissioners say the new technology can accommodate EDs with up to 2,500 voters. They claim that this will produce significant savings in the form of election inspectors, the number of poll sites and other costs.

Fire & EMS – “Ropes” rule (12 NYCRR 800.7)

Volunteer fire companies are currently required to outfit every member with costly ropes and harnesses rarely used in the types of fires in rural communities. Obviously, the need to ensure the safety of firefighters is paramount, but compliance with the existing rule is costing rural fire companies thousands of dollars, and replacement costs for the single-use equipment will continue to add expense. The working group feels the regulation is overly broad and should be amended to provide more flexibility to rural communities.

Office of the Aging – Staff dieticians (NYCRR 6654.10)

Each county Office for the Aging is required to have a registered dietician on staff for a minimum of eight hours each week. One responsibility of each local office is create a balanced menu for meals provided by the county. This may be an unnecessary local expense when the state Department of Health already employs registered dieticians who could establish nutritional guidelines for all counties, or a range of foods that are acceptable for use by local OFAs.

Supervisor Taylor noted that DOCCS, with 61 facilities and nearly 60,000 persons to feed daily, has just one staff dietician.

Department of Health – ‘Matching dinnerware’ (Public Health Law §225)

Overly restrictive regulations about type and size of dinnerware and utensils for programs like Meals on Wheels and Enriched Housing lead to additional, unnecessary costs for counties and local governments.

Courts – Increased use of electronic recording

The requirement for Court Stenographer for Grand Jury proceedings costs counties tens of thousands of dollar, sometimes for only a few days-per-week of work. Jefferson County had to seek special legislation (sponsored by Senator Ritchie) to allow it to expand its pool of eligible stenographers to meet a shortage there. The working group recommends expanding the option to use electronic recording of court proceedings to reduce costs.

Public Authorities – LDC audits (Public Authorities Law §2802)

Local Development Corporations, general smaller entities with limited budgets and staff, are subject to the same audit requirements as much larger entities, under the Public Authorities Accountability Act. These audits create considerable expense to the agencies, both to their bottom line and to their mission of economic and job development within small, local communities. For example, in the case of Clayton’s LDC, the agency paid \$5000 to audit accounts that included revenue of just \$26,000. The working group recommends that the PAAA be amended to create a system of tiered audit requirements that takes into account the size and mission of the small authorities. Smaller LDCs might be subject only to internal audits and less frequent outside audits than larger agencies.

Environment – SEQRA streamlining

Communities are often required to seek SEQRA reviews for projects that have already undergone the same analysis and approval under local processes. Streamlining and eliminating redundancy will save tax dollars, and also help accelerate potentially job-producing projects.

Local highways – CHIPs funding (Budget issue)

Funding authorization for local roads constructed with oil and stone is set to expire in 2012.

Many counties and local communities rely on this type of construction for less traveled roads to help ease the burden on local budgets.

Low-volume roads legislation – Allow for designation of “low-volume roads” that would require less frequent maintenance and upkeep. Draft legislation, similar to S.3641, has already been negotiated with interested parties.

Shared court services – Allow for consolidation of justice courts by intermunicipal agreement. Recently, three towns in Lewis County were authorized to share services, but only as a result of specific state legislation.

Town clerks – Dog control

Eliminate mandate to send funds for dog control to Albany, then await reimbursement. A difficult and complex process for remitting funds has caused many towns to lose out on expected refunds.

Water system reports – Towns that use village municipal water systems are required to file duplicate and redundant water quality reports that the village has already filed. Eliminate duplicate filing requirements.

Benefit assessment notices – Individual notice requirements for public hearings for benefits assessments (district debt hearings) are unnecessary and wasteful. Eliminate individual notice requirement.

Certificate paper – Town Clerks who are authorized to issue birth and death certificates are required to use expensive “safety” paper, but rarely issued a sufficient supply. Provide materials to carry out state program.

Background checks – When background checks are made to town registrars by social security, military and state police, the state mandates that registrars provide completely unnecessary certified responses. Eliminate mandate for certified response.

Court appearances – Defendants currently have the ability to refuse to appear electronically in court proceedings, requiring Sheriff’s Deputies to serve as taxi drivers between the jails and county and town courts. Modern technology makes video communication between courts inexpensive and simple to operate, and should be encouraged by removing the option for inmates to refuse “virtual” appearances.

State payments offset –A second option to Sen. Ritchie’s bill to require interest payments from the state for overdue reimbursements to local governments would allow counties to subtract receivables from the total due to Albany. This would benefit counties by relieving pressure on their cash flow requirements.

Senator Patty Ritchie

Mandate Relief Working Group

Members

Hon. Justin Taylor, co-chair
Supervisor, Town of Clayton

Hon. Kevin Acres, co-chair
St. Lawrence County Legislator

Peter FitzRandolph
Former Finance chair
St. Lawrence Co. Board of Legislators

Hon. Scott Gray
Jefferson County Legislator

William Lynch
Superintendent, Fulton City Schools

Jamie Moesel
Superintendent, South Jefferson CSD

Vicki Mullen
Oswego Town Supervisor

Peggy Manchester
Mayor, Village of Lacona

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