



NEW YORK STATE SENATOR

James L. Seward

## Mandate Relief for Local Counties is Just a Pen Stroke Away

JEFF BISHOP, COMMUNICATIONS DIRECTOR August 18, 2016

| ISSUE: **MANDATE RELIEF, INDIGENT LEGAL SERVICES**



**ONEONTA, 08/18/16** -- State Senator James L. Seward (R/C/I – Oneonta) today called on the governor to sign legislation he co-sponsored that would provide funding to counties to cover indigent legal services. The legislation (S.8114) has passed both the senate and assembly and awaits the governor’s signature to become law.

**“I have worked to advance a number of mandate relief measures that will help free local counties from state imposed burdens, and this bill definitely accomplishes that objective,”** said Senator Seward. **“The measure will also ensure that those in need will be able to access quality legal**

**representation. I am hopeful that the governor will sign this legislation without delay so counties can plan for the much needed savings.”**

In 2014, the state settled a lawsuit with five counties and agreed to expand public defense services and provide state funding to cover the costs. The settlement, however, did not apply to the remaining counties in the state. Senate bill 8114 extends the terms of the settlement to all counties and provides for a phased-in cost takeover by the state with full funding in 2022.

The New York State Association of Counties is among the strong supporters of the bill.

Upon passage of the legislation, NYSAC President William E. Cherry said, “The bill accomplishes three objectives. It provides real and meaningful mandate relief for counties and property taxpayers. It protects taxpayers from costly and unnecessary lawsuits against New York's public defense program. And it improves legal defense services for the poor in all counties in the state.”

Seward also pressed the state assembly to join the senate and pass another vital mandate relief bill (S.7408) he co-sponsored to aid counties in paying mandated salary increases for full time district attorneys.

Salary increases for local full time district attorneys are tied to increases for judicial pay and set by the New York State Commission of Legislative, Judicial, and Executive Compensation. In the past, the state has funded the DA salary increases in the state budget; however, costs associated with recently adopted raises were not part of the governor's 2016-17 budget proposal or the final adopted budget.

**“The governor’s failure to include funding for the salary increases in his budget proposal made it difficult for the legislature to inject the money during budget negotiations. The bill approved by the senate would remedy the situation, and is especially necessary for counties that I represent that have relatively lower budget reserves and are unable to absorb unanticipated costs,”** added Seward.

Senate bill 7408 would provide 100 percent state aid to counties to cover the increase in salary costs – approximately \$30,000 per county or \$1.57 million statewide.

**“As a strong proponent of mandate relief for local governments, I have fought for a number of measures to stop Albany from passing the buck. Right now, counties are seeing substantial savings thanks to a plan I championed to have the state take on increased county costs associated with Medicaid. I have also supported a full state takeover of Medicaid, as well as a number of other mandate relief measures that would free up local dollars for local needs. There’s much more to be done and we can start with the indigent legal services and DA salary increases,”** Seward concluded.

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#### RELATED LEGISLATION

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### **2015-S8114**

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- Introduced
  
- - In Committee Assembly
  - In Committee Senate
  
- - On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate
- Vetoed By Governor
- Signed By Governor
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Requires state reimbursement to counties the full amount of expenditures for indigent legal services

June 13, 2016

Vetoed

Sponsored by [John A. DeFrancisco](#)

Do you support this bill?

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## 2015-S7408A

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- Introduced
- ○ In Committee Assembly
  - In Committee Senate
- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Relates to the payment of salaries for certain district attorneys, and appropriates \$1,600,000 therefor

April 27, 2016

In Assembly Committee

Sponsored by **Catharine Young**

Do you support this bill?