A 10152-A Gunther Same as <u>S 7408-A</u> YOUNG

County Law

TITLE....Relates to the payment of salaries for certain district attorneys, and appropriates \$1,600,000 therefor 05/13/16referred to ways and means 05/17/16amend (t) and recommit to ways and means

05/17/16print number 10152a

S7408-A YOUNG Same as <u>A 10152-A</u> Gunther

ON FILE: 05/16/16 Appropriations

TITLE....Relates to the payment of salaries for certain district attorneys, and appropriates

\$1,600,000 therefor

04/27/16REFERRED TO LOCAL

GOVERNMENT

05/13/16AMEND (T) AND RECOMMIT TO LOCAL GOVERNMENT

05/13/16PRINT NUMBER 7408A

06/01/16REPORTED AND COMMITTED TO FINANCE

06/07/16REPORTED AND COMMITTED TO RULES

06/08/16ORDERED TO THIRD READING CAL.1582

06/14/16PASSED SENATE

06/14/16 DELIVERED TO ASSEMBLY

06/14/16 referred to ways and means

GUNTHER, LUPARDO, WOERNER, RUSSELL, MAGEE, SKOUFIS, HAWLEY, MCDONALD, BARRETT, OAKS, BLANKENBUSH, STEC, GALEF; M-S: McDonough, Skartados

Amd §700, County L

Relates to the payment of salaries for certain district attorneys; requires the state to provide state aid to pay such salaries; and appropriates \$1,600,000 therefor.

NEW YORK STATE ASSEMBLY MEMORANDUM IN SUPPORT OF LEGISLATION submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A10152A

SPONSOR: Gunther

TITLE OF BILL:

An act to amend the county law, in relation to the payment of salaries for certain district attorneys; and making an appropriation therefor

PURPOSE OR GENERAL IDEA OF BILL:

The purpose of this legislation is to provide for state aid for salary increases for certain district attorneys.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 and section 2 amend subdivision 11 of section 700 of county law to provide that counties shall receive one hundred percent state aid for the increase in salary costs for district attorneys as enacted in the 2017 FY state budget.

Section 3 appropriates \$1.6 million dollars to carry out the provisions of this act.

Section 4 provides for an immediate effective date.

JUSTIFICATION:

This bill would provide 100 percent state aid to counties for increases in local District Attorneys' (DA) full-time salaries that were imposed by the New York State Commission of Legislative, Judicial, and Executive Compensation's recent actions on judicial pay, since they are statutorily tied together.

The pay raises for judges and full-time DAs are binding per the Commission, and this year's state budget did not provide funding to the counties to cover the cost of either of the increases that were mandated by the Commission.

The state's judicial system sets its own budget, which incorporated the pay raise for judges within its current budget. However, funding for the additional costs for DAs was not included in the governor's FY 2017 Executive Budget proposal, or in the final state budget. In the past, the state has consistently funded the DA salary increases in the state budget. In 2015, New York state covered about 50 percent of local DA salaries, and each respective county's budget covered the remaining salary cost.

As a result of not providing for additional aid in the Executive Budget Proposal, or the final budget, counties must cover this additional cost for full-time DAs, which approximately is a 15 percent increase, or about \$30,000 per county, without any additional assistance from New York State.

This unanticipated DA full-time salary increase disproportionately impacts county budgets in many parts of the state where median incomes are significantly lower, and in counties that do not have strong reserves or that do not otherwise have the ability to absorb this increased salary cost.

This bill provides needed relief to the counties from the Judicial Pay Commission's mandated salary increase for full-time DA salaries.

PRIOR LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPLICATIONS:

Approximately \$1.6 million.

EFFECTIVE DATE:

This act shall take effect immediately.

STATE OF NEW YORK

10152 - - A

IN ASSEMBLY

May 13, 2016

Introduced by M. of A. GUNTHER, LUPARDO, WOERNER, RUSSELL, NOJAY -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the county law, in relation to the payment of salaries for certain district attorneys; and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

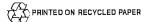
Section 1. Paragraph (c) of subdivision 11 of section 700 of the county law, as amended by section 1 of part E of chapter 412 of the laws of 1999, is amended to read as follows:

- (c) Commencing with the nineteen hundred eighty-seven calendar year, the comptroller shall annually determine the amount of state aid payable to each county pursuant to paragraphs (a) [and], (b) and (d) hereof for each calendar year and shall pay such amount on his audit and warrant to the chief fiscal officer of each such county during the month of September in each such year. Where a county first becomes entitled to state aid pursuant to paragraphs (a) [and], (b) and (d) hereof on a day other than January first, nineteen hundred ninety-nine or January first of any other year thereafter, the amount of state aid payable to such county in the year it first becomes entitled to such state aid shall be prorated accordingly.
 - § 2. Subdivision 11 of section 700 of the county law is amended by 6 adding a new paragraph (d) to read as follows:
- (d) In addition to the state aid provided in paragraphs (a) and (b) of this subdivision, each county, the salary of the district attorney of which is determined pursuant to section one hundred eighty-three-a of the judiciary law, shall be entitled to receive state aid in the amount of one hundred percent of the difference between the amount required to be paid to such district attorney pursuant to section one hundred eighty-three-a of the judiciary law on and after April first, two thousand sixteen and the amount required to be paid pursuant to such section

25 immediately prior to such date.

EXPLANATION -- Matter in italics (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD15165-03-6



§ 3. The sum of one million six hundred thousand dollars (\$1,600,000), or so much thereof as may be necessary, is hereby appropriated to the department of audit and control out of any moneys in the state treasury in the general fund to the credit of the local assistance account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller to the chief fiscal officer of each such county as prescribed by law.

§ 4. This act shall take effect immediately.

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