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NEW YORK STATE
ASSOCIATION OF COUNTIES

Summary of Governor's 30-day Budget Amendments *County Highlights*

New York State Association of Counties
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County Highlights

The bulk of the 30-day amendments proposed by the Governor will have a very limited impact on the overall State Financial Plan. Most of the amendments are technical in nature or update for new revenue information or adjust for possible timing of payments that may occur in the state fiscal year. However, there are some important clarifications and/or expansions of proposed policy that will directly impact counties, as well as have some indirect impacts.

Gaming Commission

The Budget adds \$4 million to the Aid to Localities portion of the budget to accommodate the possible completion of the commercial gaming licensing process for the Tioga Downs Raceway and Casino, along with the payment of the license fee. Commercial gaming license fees are shared with host municipalities and each county within a specified gaming region. The chart below highlights the expected amount each county should receive if all 4 gaming license fees are paid during the 2016-17 state fiscal year. All license fees are due by April 1, 2016 for facilities that have been granted a license – this includes Montreign, Rivers, and Lago. The Tioga Downs license is pending review by the state.

Commercial Gaming License Fee Sharing with Counties*					
Gaming Facility	License Fee	Host Community Location	Host Community Shares	Other Counties in Region	Other Counties ¹ Shares
Montreign (Catskills) \$51,000,000 \$40.8 million for school aid &/or property tax relief (80%)		Sullivan County	\$2,550,000	Columbia	\$317,631
		Town of Thompson	\$2,550,000	Delaware	\$241,536
		10 percent ---->	\$5,100,000	Dutchess	\$1,497,583
				Greene	\$247,783
				Orange	\$1,876,777
				Ulster	\$918,687
				10 percent --->	\$5,100,000
Rivers Casino (Capital Region) \$50,000,000 \$40 million for school aid &/or property tax relief (80%)		Schenectady County	\$2,500,000	Albany	\$1,718,754
		City of Schnectady	\$2,500,000	Fulton	\$313,750
		10 percent ---->	\$5,000,000	Montgomery	\$283,737
				Rensselaer	\$900,774
				Saratoga	\$1,240,780
				Schoharie	\$185,032
				Washington	\$357,170
				10 percent --->	\$5,000,000
Lago (Southern Tier) \$50,000,000		Seneca County	\$2,500,000	Broome	\$3,756,855
		Tyre	\$2,500,000	Chemung**	\$779,088
				Schuyler**	\$187,074
Tioga Downs² (Southern Tier) \$20,000,000 \$56 million for school aid &/or property tax relief (80%)		Tioga County	\$1,000,000	Seneca	\$0
		Nichols	\$1,000,000	Tioga	\$0
		10 percent ---->	\$7,000,000	Tompkins	\$1,902,100
				Wayne**	\$374,880
				10 percent ---->	\$7,000,000

* License fee revenue is shared 80-10-10: 80% for school aid and/or property tax relief, 10% hosts, 10% remaining counties in region

* LICENSE FEE REVENUE IS NOT RECURRING. The license fees for Montreign, Rivers and Lago are due April 1, 2016.

** Counties are split between two separate gaming exclusivity regions.

¹ Amounts for non-host counties are shared based on population. Numbers may not add due to rounding.

² Tioga Downs license has not yet been approved as of 2-16-16.

Hunger Prevention and Nutrition Assistance

The Governor’s Budget Recommendation included a provision that reprogrammed \$125 million of \$150 million in bank settlements funds set aside for shared services grants to local governments in last year’s budget. The initial proposed reprogramming included \$25 million to be used for a hunger prevention initiative rather than shared services grants as enacted last year. The Governor’s 30-day amendments provides more detail on this hunger prevention initiative by targeting the \$25 million as follows:

- Provides \$500,000 in planning and implementation grants to 10 cities with high rates of poverty including:
 - Albany,
 - Binghamton,
 - Buffalo,
 - Elmira,
 - Jamestown,
 - Oneonta,
 - Oswego,

- Syracuse,
- Troy, and
- Utica
- \$20 million is made available for grants to organizations for the purpose of reducing poverty and hunger in these cities that may be matched by private sector or foundation funding.

Special Financial Assistance to the City of Albany

The 30-day amendments includes an additional one-time special appropriation of \$12.5 million to the City of Albany to help with budget shortfalls and as PILOT payments from the state in recognition of the high amount of state tax exempt property in the city limits. This raises the PILOT from \$15 million to \$27.5 million in SFY 2016-17.

This installment of funds, however, does require the City to develop a long term financial plan that weans the City off of the special additional payment from the state.

Raise the Age of Criminal Responsibility

The 30-day amendments provide a series of clarifications to the Governor’s proposal to raise the age of criminal responsibility, including:

- Technical corrections to effective dates related to the sealing of records and various sentencing provisions;
- Adds language designed to prevent self-incrimination during fact-finding hearings;
 - Specifically, the amendment would not allow any statement made to the probation service during the risk and needs assessment or while a juvenile offender is following their case plan to be admitted into evidence at any fact-finding hearing at any time prior to conviction;
- Clarifies certain removal provisions from the proposed special youth court to the family court;
- Makes the imposition of life without parole sentences for 16 and 17 year olds for some A felonies discretionary rather than mandatory (an act related to terrorism); and
- Restricts expansion of the list of designated felonies in Family Court for JDs to 16 and 17 year olds.

Homeless Shelter Monitoring

The 30-day amendments propose to expand state authority over homeless shelters and residential programs for victims of domestic violence and runaway youth. The Governor is proposing that OTDA and OCFS have the authority to designate a “Temporary Operator” when a current operator is found to have “significant financial, operational, or health and safety issues.” The temporary operator would replace the operator in violation to ensure safety and continued operation of the facility.

Paid Family Leave

The Governor proposes to modify his original budget proposal by expanding the amount of weekly earnings that can be paid under family and medical leave up to 67 percent of the employees average weekly wage, up to 67 percent of the State’ average weekly wage by 2021 and thereafter. The amendment clarifies that health insurance benefits of the employee are in full affect during paid family and medical leave. It extends the paid family leave benefit to sole proprietorships and other small enterprises if they follow all terms of the law. In addition, public employers will have the option to provide the paid family and medical leave benefit. However, it could be done through contract

negotiations for represented employees and the public employer could opt-in, or opt-out, of paid family leave for non-represented employees if proper notice is provided as outlined in the proposal.

Real Property Tax Exemptions and STAR

Anaerobic Digesters – 30-day amendments clarify that all structures used for anaerobic digestion of agricultural waste that generate electricity are entitled to permanent property tax benefits (once they apply and are granted the exemption they do not need to reapply). This applies to digesters that produce energy used on-site and energy that is sold for off-site purposes.

STAR

- The amendment clarifies that the income verification program (IVP) extends to seniors who qualify for the separate senior citizens exemption authorized by RPTL section 467. Persons who receive the 467 exemption automatically get the Enhanced STAR Exemption without having to apply for it.
- It also provides a uniform timeframe for administering the STAR recoupment program.

Medicaid Marijuana Excise Fees

The 30-day package clarifies that secrecy provisions under the NYS Tax Law do not prevent the State from reporting information necessary to distribute 45 percent of medical marijuana excise tax revenues to eligible counties.