

**A 10152-A** Gunther Same as S 7408-A  
**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 A 10152-A  
 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  
 06/14/16DELIVERED TO ASSEMBLY  
 06/14/16referred to ways and means

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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.

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**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:

1 Section 1. Paragraph (c) of subdivision 11 of section 700 of the coun-  
2 ty law, as amended by section 1 of part E of chapter 412 of the laws of  
3 1999, is amended to read as follows:  
4 (c) Commencing with the nineteen hundred eighty-seven calendar year,  
5 the comptroller shall annually determine the amount of state aid payable  
6 to each county pursuant to paragraphs (a) [and] (b) and (d) hereof for  
7 each calendar year and shall pay such amount on his audit and warrant to  
8 the chief fiscal officer of each such county during the month of Septem-  
9 ber in each such year. Where a county first becomes entitled to state  
10 aid pursuant to paragraphs (a) [and] (b) and (d) hereof on a day other  
11 than January first, nineteen hundred ninety-nine or January first of any  
12 other year thereafter, the amount of state aid payable to such county in  
13 the year it first becomes entitled to such state aid shall be prorated  
14 accordingly.  
15 § 2. Subdivision 11 of section 700 of the county law is amended by  
16 adding a new paragraph (d) to read as follows:  
17 (d) In addition to the state aid provided in paragraphs (a) and (b) of  
18 this subdivision, each county, the salary of the district attorney of  
19 which is determined pursuant to section one hundred eighty-three-a of  
20 the judiciary law, shall be entitled to receive state aid in the amount  
21 of one hundred percent of the difference between the amount required to  
22 be paid to such district attorney pursuant to section one hundred eight-  
23 y-three-a of the judiciary law on and after April first, two thousand  
24 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

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

