

2007 JOINT STATE LEGISLATIVE PROGRAM

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BUDGET PRIORITIES

***EXTEND THE WESTCHESTER COUNTY PROPERTY TAX
STABILIZATION AND RELIEF ACT***

Proposal: Extend the Westchester County Property Tax Stabilization and Relief Act.

Justification: The 1.5% sales tax authorized by this Act provides Westchester County, its schools and its local governments with a critical source of revenue. County and local governments have fewer revenue sources to turn to than the State. Westchester County residents are already severely burdened by the property tax, which is one of the highest in the country. The sales tax revenues generated by this Act have enabled the county and its towns, villages and school districts to stabilize property taxes and, at the same time, maintain critical public services, including public safety, transportation, and public health services, as well as important quality of life services, such as those offered through county parks, for the benefit of all Westchester residents.

Since its inception in 1992, the sales tax has provided revenues to the county of \$541 million, \$692 million to municipalities and \$235 million to school districts for a total of \$1.5 billion. In 2006, the 1.5% has provided revenues of \$80 million to the county, \$69.5 million to municipalities, and \$26 million to school districts for a total of \$175 million.

Without an extension of the Westchester County Property Tax Stabilization and Relief Act, the county will be forced to find alternative revenue sources and/or cut services to make up for the losses described above. Regardless of how the revenue is made up, it is certain that the end result will be significant erosion in the quality of life for all Westchester County residents.

Legislative History:

1991: A.8852-A	Chapter 272 Laws of 1991
1993: A.8851/S.6189	Chapter 265 Laws of 1993
1995: A.8318/S.5416	Chapter 180 Laws of 1995
1997: A.8211/S.4799	Chapter 676 Laws of 1997
1999: A.7935-B/S.3922-B	Chapter 285 Laws of 1999
2001: A.9367/S.5754	Chapter 118 Laws of 2001
2003: A.8574/S.5095	Chapter 573 Laws of 2003
2004: A.9712-A	Chapter 8 Laws of 2004
2005: A.6851/S.5179	Chapter 679 Laws of 2005

Fiscal Implications: Positive for Westchester County property taxpayers.

CONTINUE MEDICAID CAP

Proposal: The state-county partnership that was established to cap the local share of Medicaid costs provided immediate relief to county taxpayers and stabilized future growth in expenditures. The Medicaid cap must be permanently authorized in statute.

Justification: Unlike most states, New York funds a substantial portion of its Medicaid program at the local level. Counties and the City of New York pay \$6.3 billion annually, which represents about 30% of the non-federal share of the program. The local Medicaid cap provides counties with a new level of stability that protects local property taxpayers from the impact of excessive Medicaid program growth. Unlike the traditional Medicaid funding formula, where counties were responsible for the actual growth of Medicaid spending, the Medicaid local share is now a fixed formula that grows at a level that more closely resembles inflation.

Even though the phase-in of the new Medicaid funding formula is in the early stages, counties have experienced significant financial benefit that is reflected in current county property tax levies. The Office of the State Comptroller reported in January that county property taxes increased by half as much in 2006 as they had in the prior five years, in large part because Medicaid costs were \$190 million less than they would have been without the Medicaid cap.

The Medicaid cap was also a catalyst to facilitate the enactment of Medicaid cost containment measures which have traditionally been blocked. These reforms, including a Medicaid preferred drug list, have had such a positive benefit for the state that they have helped support an additional \$359 million savings to the current financial plan that is projected to grow to almost \$600 million in three years.

Although the Medicaid cap does not completely shield counties from Medicaid growth – the Medicaid Local Share will continue to grow approximately \$200 million annually under the Medicaid cap formula – the positive results derived from the Medicaid cap and the benefits obtained by the state more than justify its continuation.

Legislative History: New proposal in 2007.

Fiscal Implications: Positive to New York State, county governments and local property taxpayers.

ENACT REFORMS TO THE PRE-K AND EARLY INTERVENTION PROGRAMS

I. Cap County Costs under the Pre-K Program

Proposal:

Limit county property taxpayer liability for the dramatically increasing cost of the 4410 preschool education program (Pre-K Program). Between 1997 and 2007, the cost of this program tripled, from \$25.9 million to an estimated \$83.1 million. The burden on Westchester property tax payers increased even more dramatically, by 3.6 times: the tax levy burden shot up from \$10.8 million to \$39 million in this ten year period, a 261% increase (*See chart on next page*).

Justification: The Preschool special education program operates under the auspices of SED and decisions regarding eligibility for and levels of service are made by local school districts. Counties pay a local share for services. In addition, counties must administer the program including contracting with providers and processing claims for payment and reimbursement, yet only receive \$75.00 per student to partially offset their administrative costs. Since the inception of the program, the number of children, the levels of service, and the cost of services have escalated and continue to increase exponentially. The program is designed in such a way that counties are precluded from actively managing or controlling the costs they will incur under this program, while decisions are made by school districts that have no financial incentive to control costs.

Action must be taken to cap county share of costs for the 4410 program at 2005 expenditure levels and to clear the path for more timely reimbursement of claims. Only as a result of a cap on county exposure and the consequential shift of excess costs to the state, will SED and its local school districts see controlling costs to be in their own interest.

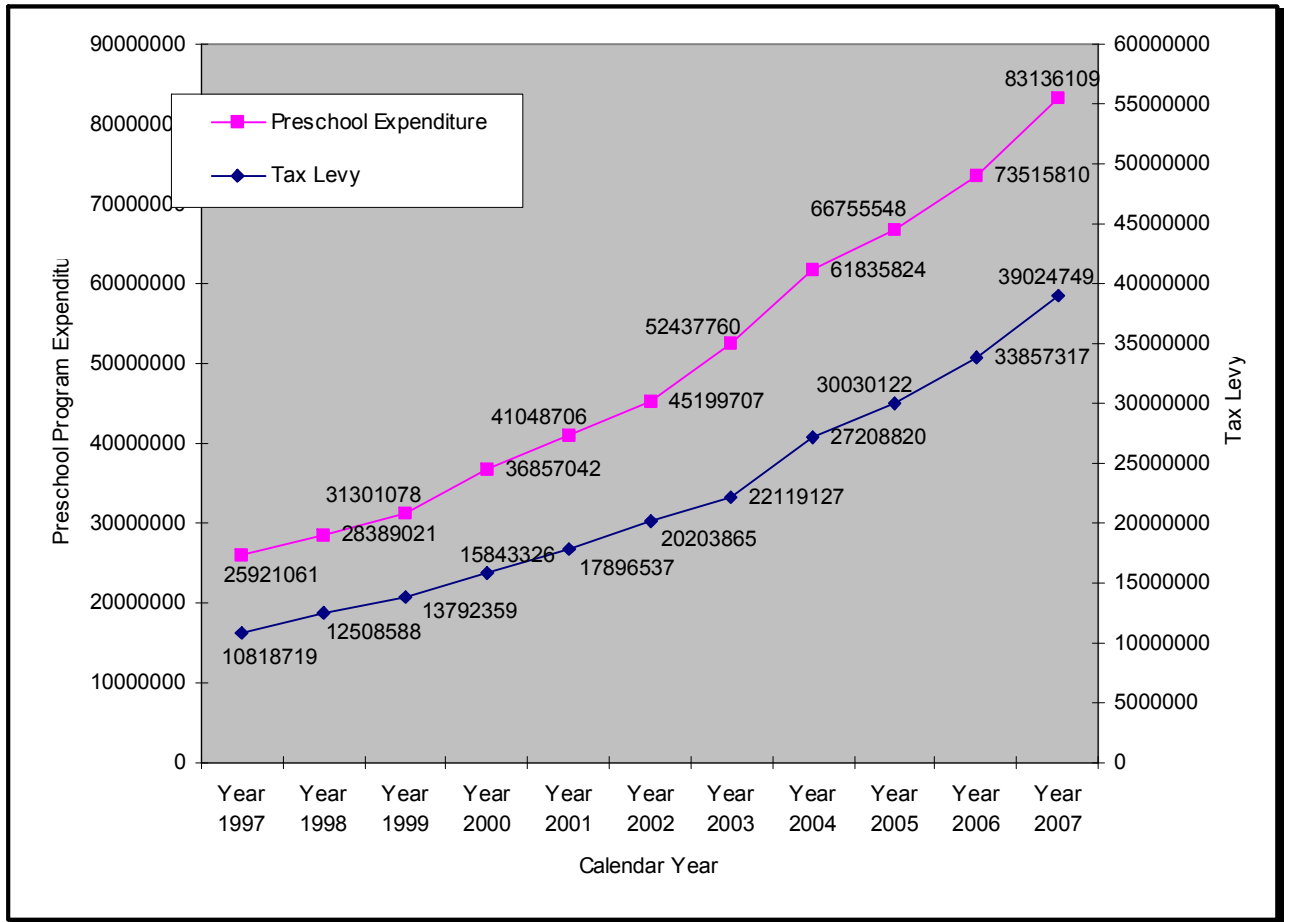
Two specific problems that further highlight the cost and administrative inefficiencies inherent in the Pre-K program relate to excess school district special education administrative costs and transportation of preschoolers with special needs. These have been included in previous years' state legislative programs. They are mentioned here again to illustrate why counties throughout New York State, in conjunction with NYSAC, are advocating for a cap on the Pre-K program.

Legislative History: New proposal in 2007.

Fiscal Implications: This proposal would have a positive fiscal impact on Westchester County property taxpayers. The impact of Pre-K program on the county tax levy increased over a ten year period from \$10.8 million to \$39 million, or 261%. On an annual basis, this means that the impact of this program on the county's tax levy grew by an average of 26%. A 3% cap, such as what is now in place for Medicaid, is needed to control this double-digit annual growth. If a cap had been in place during this period the county tax levy would have increased by a total of 30% and the county tax levy impact would have been just under \$15 million.

In Westchester, the Pre-K program cost county property taxpayers approximately \$73.5 million in 2006 and has been budgeted at \$83.1 million for 2007. Our property taxpayers pay these amounts up front, with 59.5% reimbursement coming from the state a year, or in many cases, several years later.

Pre-K Program – County Expenditures and Tax Levy Impact, 1997 - 2007



ENACT REFORMS TO THE PRE-K AND EARLY INTERVENTION PROGRAMS

II. Require 3rd Party Insurance Reimbursement for EI Services

Proposal: Improve recoupment of insurance monies to help county governments and New York State pay for the Early Intervention Program and reduce the burden of this program on property taxpayers.

Justification: Westchester provides approximately 6,000 children with EI services. Since the program's inception in 1993, Westchester has seen a steady increase in the number of children served, as well as an increase in the level of services. In the 1993-94 program year, the EI program cost the county \$5,110,862. The projected cost of this program in the 2006-07 program year is \$39,328,239, a 700% increase in the first thirteen years of the program.

While Article 25 of the Public Health law indicates that public and private commercial insurance is to be maximized in financing Early Intervention (EI) services, reimbursement from third party payers other than Medicaid has been minimal, leaving State and municipal tax levy dollars the first and last payer for a non-means-tested entitlement program whose costs have escalated exponentially.

In recognition of the need to improve recoupment of insurance monies to help pay for EI, the Third Party Reimbursement Task Force of the New York State Early Intervention Coordinating Council was convened in 1999. That study was updated in 2003-04. On both occasions the studies showed that despite extensive billing efforts by counties, the median rate of recoupment remained in the single digits. The average rate of recoupment in Westchester remained virtually unchanged around 10% despite greatly intensified billing. The Task Force also reported that, based on other states' experiences, specific legislation requiring private commercial insurers to pay for EI services was the single most important factor to improved collections as well as to reduce the administrative burden on counties.

Current insurance law does not include the necessary language to insure that payments are made, and to preclude the majority of reasons given for EI denials. The Early Intervention Program has become an uncontrolled state mandate. The changes described here will not negatively impact services and will result in real savings to the county property tax levy and will directly benefit county property taxpayers.

Legislative History: Language requiring 3rd party insurance coverage of EI services has been included in the 2007-08 Executive Budget. These provisions should be supported, but strengthened. Not included in the proposal is a prohibition against insurers denying payment due to medical necessity and prior approval, two key features of A.1014-A (Paulin)/S.4365-A (Spano) of 2006.

Fiscal Implications: Positive. This proposal would require that insurance companies, not property taxpayers, cover Early Intervention services and would result in cost savings to Westchester County property taxpayers.

PROVIDE COUNTY PROPERTY TAXPAYERS WITH RELIEF FROM HOUSING STATE PRISONERS

Proposal: Provide counties with relief from the burden of housing state prisoners in county jails by immediately transferring state prisoners to state facilities or by establishing Regional Revocation Centers (RRCs) on the grounds of state correctional facilities for the purpose of holding such prisoners.

Justification: The New York State Executive law requires county and local jails to house state parole violators following their arrest on a new offense or technical violation – pending court disposition and an administrative revocation hearing by the N.Y. State Division of Parole.

According to the New York State Division of Parole, in early 2006 there were approximately 4,700 state parole violators, including 2,000 technical parole violators and 2,700 parole violators who are being held on local charges. Currently, the state reimburses local correctional facilities for housing their parole violators at a rate of \$40 per day and provides no reimbursement for parolees who have other local charges pending, but cannot be bailed out due to their state parole status. Actual costs for housing an inmate in a local correctional facility average \$257 per day in Westchester County. The statewide average cost is \$105 per day.

If the state is going to continue to house its inmates in county facilities, even if only temporarily, it should increase reimbursement to counties to reflect their *actual* housing costs.

Likewise, county correctional systems are now required to assume the costs of all medical care provided to state-ready inmates and state parole violators while they are in county custody even though these inmates are the state's responsibility. Once again, county property taxpayers are subsidizing the cost of medical care for state inmates, some of whom have serious health problems that require expensive treatments. At present, the state-ready inmates and parole violators make up 5% of the county's total inmate population and account for approximately \$618,000 annually in health expenses.

Legislative History: The 2007-08 Executive Budget recognizes the burden that state prisoners are placing on county facilities. It includes a program designed to improve the parole violation process by allowing the Department of Correctional Services to enter into agreements with counties to incarcerate certain alleged parole violators whose cases have not yet been decided at a final revocation hearing. Currently, these alleged parole violators are housed in local jails pending revocation hearings. Existing Correction Law allows an alleged parole violator to demand the hearing in the county in which the arrest is made. The Governor's proposal would allow the parole violator to be transferred to a state facility and the final revocation hearing to occur via video conference. This would have the effect of decreasing the number of days that parole violators are housed in

county facilities. While the Governor's proposal should be supported, it should also be strengthened to ensure that state parole violators spend only a minimum amount of time in county facilities.

Fiscal Implications: Westchester County held an average of 73 technical parole violators in custody during 2006, generating \$597,000 in overtime costs. Westchester County property taxpayers subsidize the state government's responsibility to hold its technical parole violators pending a hearing. Westchester County received \$952,150 in reimbursement funding for housing parole violators in 2005. This level of State aid represents only 14% of actual inmate housing costs. Additionally, it costs Westchester County approximately \$618,000 per year to provide medical care to state inmates in our facilities. Transferring these prisoners to state facilities would provide a direct savings to our county property taxpayers. These state prisoners occupy valuable cell space and have a negative operational impact on local correctional facilities.

REFORM THE WICKS LAW

Proposal: Modify the limits on the Wicks Law by increasing the dollar value of projects that qualify to a minimum of \$1 million for projects outside of New York City and build in an automatic adjustment for inflation.

Justification: The Wicks Law requires multiple contracts on municipal government projects with a cost greater than \$50,000. The contracts must be classified into four prime specialties: general construction, plumbing, electric, and HVAC. While this law was originally enacted to reduce the cost of public projects, particularly large projects, by preventing general contractors from exploiting subcontractors and passing costs onto the public, it has in fact proven both costly and inefficient, often causing delays in project completion and increased litigation. A recent study estimated that the Wicks Law increases the cost of construction contracts by 15-25%, and increases the time it takes to complete projects by up to 60%. The heart of the problem is that the Wicks threshold has not been increased since 1964. As a result, the Wicks Law now impacts virtually all public projects, not just the larger ones, as was originally intended.

The proposal being advanced here seeks to bring the Wicks Law back into line with its original intent. Increasing the dollar value of projects subject to Wicks will ensure that it captures the larger scale projects and that it preserves needed protections for subcontractors on such projects.

The charts below use the county's current five year capital program (2007-2011) to analyze the potential savings of increasing the Wicks Law threshold to \$1 million. In summary, Westchester County could see a savings of between \$1.3 – \$2.7 million over the course of the five year program.

Westchester County Five-Year Capital Program (2007-2011)

	2007	2008	2009	2010	2011	Total
Requests	94	108	88	71	50	411
Amount	\$153,963,000	\$228,478,000	\$115,918,000	\$134,334,000	\$86,133,000	\$718,826,000

Current Wick's Law Projects (\$50,000 and Up)

	2007	2008	2009	2010	2011	Total
Requests	19	27	21	17	15	99
Amount	\$44,308,000	\$74,233,000	\$38,044,000	\$37,531,000	\$29,940,000	\$224,056,000

Proposed Wick's Law Reform (< \$1.0M)

	2007	2008	2009	2010	2011	Total
Requests	7	9	9	6	4	35
Amount	\$2,278,000	\$3,753,000	\$3,588,000	\$1,946,000	\$1,755,000	\$13,320,000
10% Savings	\$227,800	\$375,300	\$358,800	\$194,600	\$175,500	\$1,332,000
20% Savings	\$455,600	\$750,600	\$717,600	\$389,200	\$351,000	\$2,664,000

In addition to increasing the Wicks threshold, consideration should be given to including automatic adjustments for inflation. In this way, the threshold will remain true to the original intent of the law.

Legislative History: A number of bills have been introduced over the years that have sought changes to the WICKS Law. WICKS Law reform was also proposed by Governor Pataki during his tenure. Governor Spitzer was supportive of WICKS Law reform during the 2006 gubernatorial campaign.

Fiscal Implications: Positive to Westchester County and Westchester County property taxpayers.

RESTORE F.I.T CHARGE BACK

Proposal: Restore counties' ability to be reimbursed by the state for non-resident tuition for the Fashion Institute of Technology (FIT).

Justification: In Westchester County, the Commissioner of Finance has the authority to issue certificates of residence to those who live in Westchester but attend a community (2 year) college outside of the county, including FIT, which offers both 2 and 4 year degrees. A certificate of residence allows the qualified student to pay the lower, "resident" tuition rates, even though he or she lives outside of the county where the college is located. Westchester County then pays the difference between the resident and non-resident tuition rates, to the community college. New York State allowed counties to submit these expenses for annual reimbursement, which Westchester had done for many years.

In Westchester County, the majority of these expenses have come from students who attend the Fashion Institute of Technology, as opposed to students who choose to attend a junior college other than Westchester Community College. The close proximity of the county to FIT has made the school an attractive choice for many of our students. Nassau County is very similar to Westchester in this respect.

In SFY 2001-02, reimbursement funding was dropped from the state budget and has not been restored, even though the statutory authorization for it remains in place. Without this funding, counties cannot be reimbursed and as such, these expenses have fallen to county property taxpayers to support. During the time period that funding has ceased to the present (2002-2006), Westchester County has paid out a total of \$6.8 million. In 2006, this cost county property taxpayers \$1.6 million.

Legislative History: New proposal in 2007.

Fiscal Implications: If funding for these charge backs is reinstated in the 2007-08 state budget, Westchester County property taxpayers would save approximately \$1.7 million.

INCREASE FUNDING TO WESTCHESTER REGIONAL EMERGENCY MEDICAL SERVICES COUNCIL

Proposal: Increase the annual funding allocated to the Westchester Regional Emergency Medical Services Council (REMSCO) Program Agency from \$140,000 to \$250,000 in the 2007-08 state budget.

Justification: Regional Emergency Medical Services Program Agencies were established by Article 30, Section 3003A of the New York State Public Health Law. Currently there are 17 program agencies serving 18 REMSCOs throughout New York State. Overall, a program agency is responsible for improving emergency medical care, staffing the regional emergency medical advisory committees, providing pre-hospital education programs approved by the New York State Bureau of Emergency Medical Services, and other activities to support and assist regional emergency medical services.

The Westchester REMSCO Program Agency is of critical importance in supporting and facilitating effective emergency medical services systems throughout its jurisdiction. Funding for Westchester's Program Agency is the lowest of the 17 Program Agencies and has been static at \$140,000 since the Agency's inception in June 2001. Nevertheless, the costs have grown significantly and will continue to grow in the future. For the grant period ending in June 2006, Westchester County provided over \$25,000 to cover various personnel costs alone. In addition, there are operating costs and in kind services incurred by Westchester County on behalf of the Program Agency. These costs include training programs, equipment, interagency charges, building repairs, utilities, printing, postage, and office supplies. In order to keep the Agency operable and compliant with the contractual deliverables dictated by the New York State Department of Health, Westchester County will continue to have to cover ever-increasing expenses, ultimately affecting other county services. \$250,000 in annual funding is needed to maintain a fully operational program agency that is financially self-sustainable and capable of providing the maximum benefit to the people of Westchester.

In addition to the Westchester Program Agency's inadequate funding, there is a serious inequity in funding between Westchester and the other program agencies as well. Westchester's Program Agency funding remains the lowest despite the fact that it is one of the most populous, serving almost one million people. Several upstate Program Agencies receive greater funding yet serve jurisdictions with far fewer residents. For example, the Finger Lakes REMSCO Program Agency covers a population of just over 250,000, yet receives \$146,600 per year. This comes to \$.57 per resident whereas Westchester receives just \$.15 per resident. Another example is the Adirondack-Appalachian REMSCO Program Agency which receives \$153,842 yet serves a population of approximately 252,000 people. This calculates out to \$.61 per person, again far greater than Westchester's \$.15.

Westchester County requests that these disproportionate funding differences be rectified in the 2007-08 state budget by increasing Westchester's Program Agency funding by \$110,000.

Legislative History: New proposal in 2007.

Fiscal Implications: Positive to Westchester's REMSCO and to Westchester County property taxpayers, who are currently disproportionately subsidizing this operation as compared to other county property taxpayers.

WESTCHESTER LEGISLATIVE PRIORITIES

INCREASE RADIOLOGICAL PREPAREDNESS FEES TO COUNTIES WITH NUCLEAR POWER PLANTS

Proposal: This legislation seeks to offset local costs for radiological preparedness by requiring that the fee paid by the licensees of nuclear plants be increased to reflect the actual costs incurred by local governments associated with radiological preparedness.

Justification: Federal law requires that licensees of nuclear generating facilities develop Radiological Emergency Preparedness (REP) Plans. In reality, the county governments where the plants are located carry the bulk of the responsibility for developing, updating and periodically evaluating the REP plan's effectiveness. New York State has required the licensees to pay an annual fee "to support state and local governmental responsibilities under accepted radiological preparedness plans..." The fee is currently \$550,000 per nuclear generating facility. It has not been increased since 1994. It is payable to New York State "on or before April first." Once New York State receives the fees, it remits half of the total to counties whose boundaries are within a 10-mile radius of a nuclear generating facility. Westchester County receives 25% of the total county share for the Indian Point Nuclear Facilities, or approximately \$412,500 per year.

The county's actual costs for radiological emergency preparedness planning total approximately \$2.8 million/year. Westchester "chips in" far more than it receives to manage the REP program.

Virtually every County Department is called on to maintain and participate in the REP plan. The Department of Emergency Services, the Department of Health and the Department of Public Safety routinely dedicate enormous resources to assure that REP plan requirements are met. County property taxpayer dollars have been utilized to supplement the licensee fee. While county government has a principal role to play in REP planning, county property taxpayers should not be completely subsidizing its costs. After the events of September 11, 2001, the county's activities concerning the nuclear power plants have risen dramatically and consequently have created an even greater burden on the taxpayers. *The licensee fee should be increased. This should be done in recognition that radiological preparedness planning is a part of the licensee's cost of doing business and that it is critically necessary to assure public safety.*

Legislative History: 2005-06: A.2099 (Brodsky) / S.241 (Morahan)

2007: A.1370 (Brodsky) / S.251 (Morahan)

Fiscal Implications: Westchester County's actual costs for REP total over \$2 million annually. Legislation authorizing an increase in REP fees to reflect the county's actual costs would reduce the burden of supporting these costs on our property taxpayers.

IMPLEMENT A DUAL TRACK CHILD PROTECTIVE PROGRAM

Proposal: Amend the social services law to allow for the establishment of a demonstration project implementing a dual track child protective services system.

Justification: This legislation would authorize the Office of Children and Family Services (OCFS) to establish demonstration projects in up to seven local social services districts for the purposes of implementing a dual track child protective program.

Westchester County has been involved in creating and implementing a model for dual track / neighborhood-based child protective services as one of five critical child welfare practice reforms recommended by the Child Welfare League of America and the U.S Department of Health and Human Services Administration for Children – Children’s Bureau. Westchester began its pilot program in July 2003 within the limitations of current statute and regulations, but believes that in order to maximize family engagement and the positive impact of the dual track approach, the legislative change contained in this dual track bill is required.

This dual track bill contains the critical changes needed to create a more family-friendly, strength-based approach to addressing less serious allegations of neglect and maltreatment. The majority of child abuse and maltreatment reports conclude with unfounded investigative determinations or, if indicated, the investigative process has been so adversarial that families are alienated and offers of service are frequently refused. In the latter instance, evidence is often not sufficient to seek court ordered services. Under this dual track demonstration bill, the assessment track allows for more comprehensive response to early signs of family distress, emphasizes family participation in the assessment of family issues and development of options to prevent problems from escalating into additional reports while assuring child safety. The investigative track remains in place for handling of more serious abuse allegations and the integrity of the current CPS System is maintained.

Our chances for more lasting, successful intervention with families would be significantly enhanced by the implementation of dual track responses offered in this legislation.

Legislative History: 2005: A.313-A (Paulin)/S.1574-A (Rath)

Fiscal Implications: If this legislation became law and Westchester was chosen to participate in the demonstration, there would be cost savings to the County because of the innovation and flexibility allowed under the demonstration.

SUPPORT A SMART METERING INITIATIVE

Proposal: Call upon the New York State Public Service Commission (PSC) to take all action necessary to permit Westchester residents the option of having a “smart meter” and real time pricing to allow the County, its residents, businesses and municipalities to lower the cost of electric bills and increase energy usage efficiency.

Justification: Energy costs in New York State and across the country are increasing as uncertain global markets and events like Hurricane Katrina affect the availability of natural resources that provide the basis for our energy consumption. Increasing energy conservation and awareness is one avenue that our local and state government can pursue to bring down the burden of increasing energy costs.

Since the deregulation of the utility industry, electricity is now traded daily like any other commodity in hourly and five minute blocks – resulting in the price of electricity varying dramatically depending on the demand for it and the available supplies during any given hour of any given day, which is known as real time pricing. Technology currently exists, called “smart meters,” which are home energy monitoring systems that let customers monitor their real time usage, and permit them to monitor the real time price of that usage – so they can adjust their usage accordingly and lower their costs for electricity.

Furthermore, the New York State Public Commission has already approved the use of “smart meters” for large commercial and industrial electric users. However, Con Edison has a proposal before the PSC that would replace 300,000 meters in Westchester County with new meters that do not have the ability to provide Westchester ratepayers with real time usage or pricing – effectively denying Westchester residents from availing themselves of the smart metering technology which could save them energy costs and help conserve energy.

Westchester County urges the Public Service Commission to deny Con Edison’s Automated Meter Reading program and permit the residents of Westchester County to have the option to obtain “smart meters” within an open architectural arrangement to enable Westchester County to lower the cost of their electricity bills and increase their energy use efficiency.

Fiscal Impact: Positive to Westchester County Con Edison ratepayers.

STATEWIDE LEGISLATIVE PRIORITIES

PROTECTING OUR RESIDENTS FROM SEX OFFENDERS

I. Enact a Civil Confinement Law

Proposal: Enact a civil commitment law to provide a mechanism whereby sexually violent offenders who are likely to engage in repeated acts of sexual violence can be placed in a secure facility in lieu of release into the community.

Justification: In Westchester, the tragic death of Concetta Russo-Carriero has served as a severe and painful reminder of the dangers of sex offenders who reside within our communities. It is our firm belief that if New York State had a civil commitment law on the books, Mrs. Carriero would be alive today. Phillip Grant, her killer, was a registered Level 3 sex offender who served 23 years in state prison on multiple rape and assault convictions and was denied parole nine times before his mandatory release in 2003. With a civil commitment law in place, Phillip Grant would have been a prime candidate for it based on his history. Level 3 sex offenders are the least likely to be rehabilitated and the most likely to commit their crimes again. With civil commitment, these predators would be confined in a secure facility and could not leave without an escort.

Sixteen states already have in place civil commitment laws which allow the state to confine violent sexual predators to secure treatment centers rather than to be released to the community. These civil commitment laws are designed to ensure a system whereby violent sexual offenders whose terms of incarceration are about to end are evaluated to determine whether they should be released into the community or sent to another secure facility.

In Westchester County, we have initiated local programs aimed at keeping our residents, and especially children, safe from sex offenders. Our Relapse Prevention Program, which includes individualized counseling, intensive probation supervision and surveillance for sex offenders, has cut the recidivism rate of those in the program to zero since initiated 2 years ago. Two years ago an executive order was issued to keep known sexual predators away from children at county-owned parks. The County's Protect the Kids initiative has presented numerous seminars for parents, teachers and child care providers on how to teach our kids to protect themselves from sexual predators. Most recently, the County has begun to use GPS to track sexual offenders who are on probation. It is well known that there is a high rate of recidivism among sex offenders. The GPS technology will allow the county to know where these offenders are at all times, which has proven to be a strong deterrent to committing future crimes.

However, ultimately the County is limited in what it can do. As such, we urge the Legislature and the Governor to immediately convene 3-way negotiations on this issue and pass a civil commitment law during the 2006 legislative session.

Legislative History: Several civil commitment bills have been introduced in the Legislature. None have been passed by both houses.

Fiscal Implications: Undetermined.

II. Failure to Register or Verify Address

Proposal: Amend the correction law and the penal law, in relation to the frequency with which a sexually violent predator or a level three sex offender must personally verify his or her address with a local law enforcement agency and increase the penalties for failure of a sex offender to register or verify an address.

Justification: Sexually violent predators and/or level 3 sex offenders are among the most dangerous individuals living in our communities. Current law requires that once registered, these individuals verify their address with local law enforcement agencies every ninety days. This verification is the only means of tracking these dangerous individuals if they are not on probation or other post-release supervision. Current law effectively gives these individuals a ninety day window during which they are “unaccounted” for. Given the nature of the crimes for which they have been convicted, this is an unreasonably long amount of time. Once a sexually violent predator or level 3 sex offender fails to verify his or her residence pursuant to the statute, ninety days has passed and it is difficult for law enforcement officials to track down the individual. While thirty days is still a considerable amount of lead time for someone intent on eluding law enforcement, we believe it fairly balances the rights of these individuals and public safety concerns.

Furthermore, the current penalty for failure to register or verify an address under the Sex Offender Registration Act (“SORA”) is a class A misdemeanor for a first offense and a class D misdemeanor for subsequent offenses. Given the fact that these individuals are a known potential threat to society, failure to abide by the registration or verification procedures should be seen as a serious violation of the law. Tracking sex offenders was the purpose of SORA and requiring registration and verification is the only means of ensuring that law enforcement knows of their whereabouts. This bill would make any failure to register or verify a class D felony and would impose a mandatory sentence of imprisonment for such violation, thus creating a greater incentive to comply with the law.

Legislative History: 2006: S.5957-B (Spano)

Fiscal Implications: None.

REQUIRE MEDICAID RECIPIENTS TO REPORT AND NYS TO TRACK EMPLOYER HEALTH CARE INFORMATION

Proposal: New York State should collect and track employment information for Medicaid recipients as well as track to what extent third party health insurance is provided by recipients' employers. Specifically, a statewide study should be conducted that identifies the employers of Medicaid recipients, details how many Medicaid recipients work in a full- or part-time capacity, and whether any form of health insurance coverage is offered or provided.

A fiscal analysis of the study results should then be conducted showing the estimated costs of having taxpayers provide businesses with this health care subsidy;

Justification: When applying for Medicaid benefits, potential recipients are required to identify their employer and whether or not third party insurance is provided. Nevertheless, while the inquiry is made, New York State fails to track or collect this data. Accordingly, New York continues to be completely unaware of the extent to which taxpayers are subsidizing a healthy workforce for businesses. This information is vital if Medicaid reform is to continue in any meaningful way.

In November 2006 Westchester County joined 13 states in identifying employers that are major users of government-provided health insurance programs. A county survey of employed Medicaid recipients revealed that many are not provided adequate health insurance by their employers and have turned instead to the government for health care, at an estimated cost to Westchester taxpayers of \$11.5 - \$34.5 million. Westchester's survey found that in instances where Medicaid recipients are employed, 83% or 7,275 of survey respondents reported that they are provided no health care coverage by their employer; and the remaining 17% or 1,466 of those surveyed were offered health insurance by their employer, but only 521 enrolled.

The Westchester County survey has helped to demonstrate that a serious inequity exists regarding how health insurance is provided. Confronted with enormous increases in health care costs, businesses have simply opted not to provide health plans, scaled back their availability, or have required significant employee contributions, thereby making it difficult, if not impossible, for people in low wage jobs to afford health coverage. In these instances, taxpayers have come to the rescue via generous and comprehensive public health insurance programs.

The Westchester survey has also demonstrated the absolute need for a statewide survey. In 2005, New York State enacted a Medicaid cap, which enabled counties to budget a manageable and predictable level of growth in Medicaid. In addition, significant cost containment measures that helped the state control its own Medicaid expenditures were enacted. The Office of the Medicaid Inspector General was established and a number of counties, including Westchester, are currently partnering with the state in an effort to

identify and weed out fraud and abuse in the Medicaid system. While these achievements are significant, and it is Westchester County's hope that they are continued, much more can and should be done to reform New York's Medicaid system. Government subsidization of private sector health care costs must be examined more closely in order to determine exactly how pervasive it is and then to develop an action plan to address any cost shifting to the taxpayers.

Legislative History: New proposal in 2007.

Note: In 2006, legislation similar to what is being proposed here passed in both houses of the Legislature. This bill, S.6682 (Maziarz)/A.10357-A (John), was vetoed by Governor Pataki based on the objections of several state agencies and outside groups. Westchester County believes that the legislation could be re-worked to address the agency objections. The objection raised by outside groups, specifically that asking such questions of Medicaid recipients would have the effect of discouraging many from enrolling in state-sponsored insurance programs, thereby potentially increasing the number of uninsured, was shown to be unfounded based on the Westchester survey.

Fiscal Implications: Positive to Westchester County property taxpayers.

A copy of Westchester County's survey entitled, "Medicaid: The Best Business Subsidy Your Tax Dollars Can Buy," is available upon request.

YOUTHFUL DRIVER & TEEN DRINKING INITIATIVES

Proposal:

I. Change license requirements for young drivers to give them more experience and save lives. Amend the Vehicle and Traffic Law to increase the number of supervised driving hours required prior to the issuance of a class DJ or class MJ license from twenty to fifty hours. Require that of the fifty hours so required, at least fifteen (15) shall be between sunset and nine o'clock in the evening.

Amend the Vehicle and Traffic Law to prohibit inexperienced drivers to have other teenagers in the car unless accompanied by a licensed driver who is twenty-one (21) years of age or older.

II. Suspend liquor and lottery licenses for the sale of alcohol to minors. Amend the New York State Alcoholic Beverage and Control Law (ABC) to mandate the suspension and revocation of a license to sell alcoholic beverages at retail for the violation of selling, delivering or giving alcohol to persons under 21 years of age.

Justification: An automobile can be a dangerous weapon in the hands of an inexperienced driver. According to a recent report by AAA, automobile accidents are the leading cause of death among 16-19 year olds. Further, two out of three people killed in accidents involving this age group are someone other than the driver. The report by AAA underscores that ill-prepared teen drivers are not only a danger to themselves, but to everyone else on the road.

In addition to AAA, the Johns Hopkins School of Public Health, the National Highway Transportation Safety Administration, the Advocates for Highway and Auto Safety, and the National Safety Council have all conducted studies on teen driving risk factors. Some important points that were raised by these studies and organizations include:

- In 1995, there were 1181 deaths involving drivers ages 16-17 with passengers younger than age 20;
- Deaths involving drivers ages 16-17 with passengers younger than age 20 are 3 times as high as those of young drivers without passengers;
- In 2000, 2,132 teens were killed while riding with another young driver;
- In 2002, 61% of teenage passenger deaths occurred in crashes in which another teenager was driving;
- Teenagers driving at night and with passengers are 4-5 times more likely to crash than are teenagers driving alone during the day;
- The estimated number of lives that could be saved annually with passenger restrictions in the United States ranges from 83 to 493. Even if only 20% of 16-17 year old drivers and passengers complied with passenger restrictions, 83 additional lives could be saved;
- If 100% of teen drivers drove by themselves, rather than riding with young drivers, 275 lives could be saved each year;

- 18 states require a minimum of 30 hours of supervised driving time, greater than the 20 hours currently required in New York State;
- Some states including New Mexico, Michigan, Ohio, Virginia, and Missouri, already require some amount of night driving experience before being granted a full license;
- In 2003, 41% of teenage motor vehicle deaths occurred between the hours of 9:00 p.m. and 6:00 a.m.;
- In New York State, there were 279 fatalities of 15-17 year old drivers between 1995 and 2004. Nearly an equal amount killed however, were passengers (276). In addition, 187 occupants of other vehicles were killed, as well as 86 non-motorists, for a total of 828 fatalities.

In summary, what these statistics illustrate is that additional restrictions on young passengers for teen drivers can save both teen driver lives and passenger lives. In addition, it has been established through research that the most hazardous time for teenagers to drive is at night.

New York law currently requires twenty hours of supervised driving before an individual may obtain a driver's license. New York State should be doing more to ensure that younger and inexperienced drivers receive proper instruction and the practical experience necessary to better protect themselves and the general public. Although New York State already restricts teens with a DJ or MJ learner's permit or driver's license from driving past 9:00 p.m., youthful drivers need to be better prepared for driving after sunset. This can be achieved by increasing the number of supervised driving hours from twenty to fifty and requiring that at least some of those hours consist of nighttime driving.

Likewise, New York law currently limits teen drivers to two passengers under 21 per car unless supervised by someone over 21. These provisions of law should be strengthened by prohibiting teen drivers from transporting other teen passengers for at least the six months of their intermediate/probationary license stage.

The proposed legislation on underage drinking is modeled after Chapter 162 of the Laws of 2002, which established a new system of administering penalties for the sale of tobacco to minors and provided an incentive for licensees to have their sales persons complete a state approved tobacco awareness training program. This legislation would impose a similar system of administering penalties on those who sell alcohol to minors in recognition that it is just as serious to sell alcohol to minors as it is tobacco.

Finally, if a licensee to sell alcoholic beverages at retail also holds a license to conduct New York State Lottery games, pursuant to Article 16 of the Tax Law, such Lottery license would be suspended upon the accumulation by the licensee of three points within a three-year period. The Lottery license would be revoked in cases where the licensee is found to have violated §65 of the ABC Law four times within a three-year period.

Legislative History: 2006: A.10493 (Galef) / S.6897 (Spano, Leibell)
A.10494 (Galef) / S.6898 (Spano)
Changes license requirements for young drivers

2006: A.7182 (Latimer)
Suspends liquor and lottery licenses

Fiscal Implications: None