



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

DAVID BUCHWALD  
Assemblyman 93<sup>rd</sup> District

CHAIR:  
Subcommittee on  
Election Day Operations and  
Voter Disenfranchisement

COMMITTEES:  
Consumer Affairs and Protection  
Corporations, Authorities and  
Commissions  
Election Law  
Governmental Operations  
Judiciary  
Local Governments

April 4, 2017

Mandate Relief Committee  
200 South Greeley Avenue  
Chappaqua, NY 10514

Dear Members of the New Castle Mandate Relief Committee:

In response to your letter that I on received March 22nd, I am pleased to report on the continued work on my part to reduce the impact of unfunded mandates on the people of the 93<sup>rd</sup> Assembly District.

Serving as a member of the White Plains Common Council prior to my election to the Assembly helped me to develop a detailed understanding of municipal finance in what were extremely challenging economic times for government, businesses and residents. That awareness stays with me always as your representative in the Albany.

Therefore while there is much work to be done, I can report that we are making progress in changing the dialog in our State Capital and this gives hope that future years will not see us lose momentum on this important issue affecting municipalities, school districts, libraries and other local government agencies.

### **State Unfunded Mandate Relief: Town Governments**

Only because there are many aspects of my advocacy in support of unfunded mandate relief for towns, it is hard to know where to begin. However, I start with the MTA payroll tax, not only because it impacts all municipalities in Westchester, but also because it burdens so many businesses in our area. I fully support the elimination of the metropolitan commuter transportation mobility tax levied on local governments including the Town of New Castle. First imposed in 2009, the MTA payroll tax mandates that employers, including town governments, fund mass transit operations in our region. When imposed on local governments, this tax simply flows down to your town's property taxpayers. It's unfair; it has to stop. I was a co-sponsor of bill A.4374-A of 2016, which would accomplish this goal, and which I understand the sponsor intends to reintroduce shortly.

I also co-sponsor an Assembly bill (A.1388) to remove state mandates on procurement restrictions that impact towns. Nicknamed piggy-backing, cooperative purchasing allows government agencies to build on the successful procurement process of another level of government, and obtain the product or service on the same terms and conditions. Piggy-backing reduces costs and increases efficiencies.

This legislation, which I support, removes existing limits on contract piggy-backing.

In the same vein, I am co-sponsoring legislation (A.1488) to lift the state mandate barring cooperative agreements for the provision of centralized public employee administrative and personnel services. If New Castle or any other municipality finds savings and efficiencies in this arena, they should be able to take advantage of the opportunity.

Furthermore, I co-sponsor a bill designed to bring local government bond sales procedures into the 21<sup>st</sup> century by allowing the use of electronic open auctions, a change that could collectively save local governments and school districts millions of dollars, savings currently enjoyed collectively by local governments in ten other states. Assembly bill A.2536 will set up a pilot program allowing municipalities to conduct public bond sales through nationally recognized bidding firms.

Of particular note for Westchester, I am co-sponsor of an Assembly bill (A.2578) removing mandates limiting the options for local governments regarding the provision of health insurance for their employees. The bill would enable New Castle and all municipalities to join a county self-funded or self-insured health plan, like Westchester County's. Health care costs are a major portion of local government expenses. I will work to remove state mandated barriers that needlessly limit access to what may be better and more cost effective health care coverage.

One of the hidden areas of mandated costs on towns is in the area of special town elections, and on this front I helped lead mandate relief progress. I am pleased that legislation I introduced was passed unanimously and addressed onerous state mandates in the registration of voters for special town elections. In just one special election, this mandate forced the Town of North Castle to expend approximately \$50,000 for almost no benefit. My bill significantly cut back the cost to towns of registering voters in advance of special town elections. I worked closely the New York State Association of Towns on this bill (Chapter 372 of the Laws of 2015), as the organization understood the burden the mandate placed on its members across the state. I am also co-sponsor of other legislation (A.1345 and A.1476) that will even more reduce the cost burden of special elections on town governments.

Sometimes unfunded mandates against towns are even more subtle. This is the case when state law prevents local governments from raising their own revenue. This was the case for the Towns of Harrison, North Castle and Mount Kisco, which for many years sought authority to enact a hotel occupancy tax. After many years of advocacy on behalf of these towns and after vetoes in 2015, my three bills (A.9691, A.9692, A.10033) to accomplish this empowerment of towns were passed unanimously and were signed by the Governor. This new revenue stream will enable these towns to raise revenue to support government services and fund road repairs reducing the reliance on property taxes to the relief of local residents.

I am a firm believer that by identifying specific onerous state mandates that progress on this topic can truly be made. However the importance of the issue of unfunded mandates to residents of New Castle is not limited to their impact on the Town. That is why I have worked to address unfunded mandates on school districts, libraries and Westchester County as well.

### **State Mandate Relief: School Districts**

I am the lead sponsor of a bill to extend a mandate relief measure that helps school districts and that without further action will expire. My bill (A.6392) will make permanent the rule

established a few years ago that permits school districts to operate school buses based on actual student ridership. Previously a mandate that based bus availability on theoretical, as opposed to actual student need forced school districts to operate bus routes with sometimes half-empty or almost totally-empty buses. My mandate relief bill removes the threat of state interference in what are clearly decisions best made by school district transportation officials in our communities.

I also am co-sponsoring a bill (A.1983) that removes the mandate that local school districts bear the full cost of transporting students to non-public schools. This legislation would require the state to once again bear 90% of these expenses, as used to be the case.

Another crucial area for school districts that would provide budgetary relief for some in our area would be the State allowing our local school districts to create reserves for their Teacher Retirement System (TRS) pension obligations. School districts are already permitted to establish reserves for their Employee Retirement System contributions, but the same budget planning mechanism isn't available for their teacher pensions. The current situation allows market swings to widely impact school district budgets. A TRS reserve, established voluntarily by the school district, would significantly help address long-term financial needs. I am the lead advocate in the State Assembly for allowing TRS reserves. This measure is supported by the NYS School Boards Association, NYS Association of School Business Officials, and the School Administrators Association of New York State.

### **State Mandate Relief: Libraries**

While, unfortunately, local governments still must pay the MTA payroll tax, and school districts are reimbursed by the state for their contributions, when I entered the State Assembly our libraries were burdened by this tax. Accordingly, I am pleased that in 2016 we were able to eliminate the mandate that libraries pay the metropolitan commuter transportation mobility tax, also known as the MTA payroll tax. I supported the successful effort in budget negotiations that led to freeing our public libraries from this unfair expense.

### **State Mandate Relief: Counties**

Perhaps the single largest unfunded mandate addressed in recent years is based on the fact that New York is one of the only states to force counties to contribute (via county property taxes) to the cost of Medicaid. That's why I was pleased to be part of the effort successfully led by Assemblywoman Amy Paulin and Governor Andrew Cuomo that in 2013 capped the counties' contribution to Medicaid costs. Whereas counties used to pay 25% of the cost of Medicaid, today that percentage is 13%. I continue to support full relief of this unfunded mandate as co-sponsor of Assembly bill A.3200.

We almost dealt with another major county-level unfunded mandate, when last year the Assembly and State Senate unanimously passed a bill to have the state take over the cost of providing for indigent legal services. Unfortunately Governor Cuomo vetoed the bill. So again I am co-sponsoring legislation (A.1903) lifting the state mandate that counties spend millions to provide for indigent legal services.

Of particular note, I was the lead sponsor of one of the few specific mandate relief measures to be signed into law in recent years. My bill, which became Chapter 322 of the Laws of New York, helped county boards of elections save money by eliminating the state mandate that poll books be stored for four long years after each election, and replaced it with the Federal requirement of two years. This law provides counties across New York with significant savings on records storage costs.

However, the biggest unfunded mandate when it comes to elections derives from having the state primary in September while the federal primary is in June. It has been reported that combining the two primaries would save county boards of elections \$50 million. The Assembly has passed in recent years a bill to do exactly this similar to this year's (A.3052), which I support and have voted for, but the State Senate has not taken up this bill.

Lastly, it will come as no surprise to you that I support efforts to eliminate the mandate that our community colleges, including Westchester Community College, pay the metropolitan commuter transportation mobility tax (bill A.1717).

**Conclusion:**

Reducing the impact of unfunded mandates is not a simple task. It will be accomplished by doing the work of governing and I will continue to seek the input of our local government officials so that working together we can better fund the programs and services our residents need and deserve. That is why prior to the start of the new legislative session I sent a letter Supervisor Greenstein and Town Board Members requesting input on New Castle's legislative needs and concerns. To date, I have not received a response to that letter.

Nevertheless, I appreciate the fact that all of you, as members of a volunteer Mandate Relief Committee, have taken the time to write to me about this very important topic.

Respectfully,



David Buchwald  
Member of the New York State Assembly  
93rd District Assembly District

cc: Robert Greenstein, New Castle Town Supervisor  
Adam Brodsky, New Castle Town Board Member  
Lisa Katz, New Castle Town Board Member  
Hala Makowska, New Castle Town Board Member  
Jeremy Saland, New Castle Town Board Member

