



New York State Budget Testimony
Submitted By
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My name is Randy Bradt and I am the Majority Leader of the Niagara County Legislature. I thank both the Senate and Assembly for allowing me to submit testimony on the proposed state budget, and more specifically, its impact on local governments.

I will keep this written testimony brief to highlight a few specific areas and then close with a larger point regarding the relationship between New York State and local governments.

I'd like to begin with the issue of 730 Competency Restoration. As you are aware, Criminal Procedure Law §730 sets forth the procedure to determine whether a criminal defendant is incapacitated and therefore not able to proceed to trial.

As a cost saving measure for New York State (and a cost shift to counties) beginning in April 2020, counties became responsible for 100% of the felony restoration costs under CPL 730.40, temporary order and CPL 730.50, order of observation. The issue is why counties are required to pay for state service that they do not administer and over which they have absolutely zero control.

Prior to April 2020 both OMH and OPWDD only passed on 50% of this charge to the County. As I stated, the 2020 budget changed this and was passed with the provision that counties would now pay the full 100% of the cost of OMH restoration. That change has increased our costs in Niagara County from about \$625,067 in 2019 to \$1,844,545 in 2021.

Now, here's why this unfunded mandate is such a particular problem. From the numbers I provided you, it's obvious the increase in cost to Niagara County is more than just assuming the state share – the program itself is becoming more expensive.

This is a factor of many things, but chiefly it's the number of people who require competency restoration and the considerable, but unpredictable, length of time the restoration process will take. Clearly, these will always be unknown variables leading costs to fluctuate greatly from year to year. The state is in a much better position to be able to absorb such fluctuations,

compared to counties, where a \$1 million increase in spending is more than a full percentage point on our property tax levy....keeping in mind that our tax cap can increase no more than two percent annually. That means 730 restoration costs could single-handedly drain our entire property tax growth. I strongly urge you to revisit this issue.

Next, I would like to commend Governor Hochul for taking the burden off the counties for Aid and Incentives for Municipalities (AIM). Any program that intercepts county sales tax is bad enough, but a program in which the county has no control and no input is even worse. This why I also encourage the Legislature to end the sale tax intercept for the Distressed Provider Relief fund, a fund to help hospitals in financial peril.

The policy goal of helping financially distressed hospitals does not lack merit. However, this funding mechanism of raiding county sales tax to do so is simply the wrong approach. There is no link between county sales tax revenue and the need to bailout hospitals. Rather this takes the concept of an unfunded mandate to a new level by redirecting COUNTY resources to a STATE policy goal by grabbing such resources before they ever reach our coffers.

This continues a disturbing trend of taking county resources for programs of which there is no county involvement. Counties have long argued (rightly so) against unfunded mandates, but those mandates used to involve payments for services the county was required to deliver by the state. There was a nexus of action between the county and state. Now, with both 730 Restoration and distressed hospitals, our involvement in the mandate is nothing more than writing a check.

Unfortunately, this seems to be a recurring pattern where the right to some measure of home rule and local government autonomy is eroding at a breathtaking pace in New York. One only look at issues revolving around siting of industrial wind and solar projects in Upstate communities to see this action.

I am not going to dive into recent state actions on the specific siting that have gone out of their way to eliminate any semblance of local control and input into zoning decisions that have long been the purview of local governments. Rather, I want to focus on the issue of assessing the value of the green energy facilities.

Assessments have always been a function of local government. But in the state's haste to build these projects – all local concerns be damned – they have now taken away the responsibility of local towns to conduct the property tax assessment. This was done without any input from the New York State Assessor's Association, which strenuously objected to the proposal.

Unsurprisingly to most of us, we are already witnessing how these projects are being grossly under assessed, thereby robbing local governments of revenue when other costs are increasing. This means the average property taxpayer may be subsidizing projects in their backyard that they opposed in the first place.

This is a tremendous overreach of state authority that further erodes any sort of collaborative spirit between state government and New York's counties, and I believe it is getting worse. I recognize this call to a return to respecting home rule will most likely be ignored, but the consent of the governed matters and the ability for the government closest to the people to make decisions in concert with the will of the people is a bedrock principle of democracy. Continually trampling on that principle will have long-term consequences on the ability to govern the entire state, as we have seen at times with COVID-19. I implore you to remember this and consider this strongly on your policy decisions – beginning with the issues I have raised in this testimony.

I thank you for the opportunity to participate.