

RESOLUTION NO. 2015225

RE: URGING PASSAGE OF SENATE BILL S.4964A AND ASSEMBLY BILL A.8201 BY THE NEW YORK STATE LEGISLATURE TO INCREASE THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING CERTAIN DMV SERVICES

Legislators ROLISON, FLESLAND, BOLNER, BORCHERT, HORTON, MICCIO, ROMAN, SURMAN, THOMES, WEISS, JETER-JACKSON, and FARLEY offer the following and move its adoption:

WHEREAS, Senate bill S.4964A and Assembly bill A.8201 a concurrent resolution of the New York State Assembly and Senate proposing amendments to the New York State Vehicle and Traffic Law in relation to increasing the retention percentage collected for certain motor vehicle fees; and

WHEREAS, 51 of the 62 New York counties are mandated by the state to operate a local Department of Motor Vehicles (DMV) Office; and

WHEREAS, this local DMV operation is one of many examples of shared services that counties provide for the state; and

WHEREAS, under current law the State of New York takes 87.3 percent of all fees collected from the work performed by the county-operated DMVs despite the county providing all services, including overhead and staffing to fulfill its state-mandated obligations; and

WHEREAS, Dutchess County DMV brought in revenues of \$1,835,032 in 2014 and budgeted revenues of \$1,858,000 for fiscal year 2015; and

WHEREAS, the remaining 12.7 percent county share has not been increased since 1999 while Internet services continue to affect the amount of fee-based revenue available to county DMVs; and

WHEREAS, the Governor and State Legislature have stated that lowering the property tax burden on local residents is a key priority; and

WHEREAS, increasing the county DMV revenue sharing rate with the state will not result in any increased costs or fees to local residents or taxpayers and will provide counties with revenue to continue to provide necessary local government services; and

RESOLVED, that the Dutchess County Legislature hereby urges the New York State Senate and Assembly to approve Senate Bill S.4964.A and Assembly Bill A.8201; and, be it further

RESOLVED, that a copy of this resolution be forwarded to Governor Andrew M. Cuomo, Senators Sue Serino and Terrence P. Murphy and Assemblypersons Kevin A. Cahill, Frank Skartados, Kieran Michael Lalor and Didi Barrett.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16th day of September, 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 16th day of September, 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 0
and Source

Source of County Funds *(check one)*: Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Passage of this measure would provide additional revenue to the County Clerk's Office for the provision of DMV services in Dutchess County. Earliest implementation would be April 1, 2016

Anticipated Savings to County: \$1,300,000

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

If adopted this proposal would increase county retention from 12.7% to 25%. This would compensate the County for the many no fee transactions we provide as well as information services to the public. If this were adopted for state fiscal year 2016-2017, the county would receive an additional \$1.3 million in 2016 and \$1.8 million annually thereafter.

Prepared by: Bradford Kendall, County Clerk

Prepared On: August 31, 2015

S T A T E O F N E W Y O R K

4964--A

2015-2016 Regular Sessions

I N S E N A T E

April 24, 2015

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to increasing the retention percentage collected for certain motor vehicle service fees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 3 and 3-a of section 205 of the vehicle and
2 traffic law, subdivision 3 as amended by section 3 of part G of chapter
3 59 of the laws of 2008 and subdivision 3-a as added by section 1 of part
4 F of chapter 58 of the laws of 2012, are amended to read as follows:
5 3. Each such county clerk shall retain from fees collected for any
6 motor vehicle related service described in subdivision one of this
7 section processed by such county clerk an amount based on a percentage
8 of gross receipts collected. For purposes of this section, the term
9 "gross receipts" shall include all fines, fees and penalties collected
10 pursuant to this chapter by a county clerk acting as agent of the
11 commissioner, but shall not include any state or local sales or compen-
12 sating use taxes imposed under or pursuant to the authority of articles
13 twenty-eight and twenty-nine of the tax law and collected by such clerk
14 on behalf of the commissioner of taxation and finance. The retention
15 percentage shall be [12.7] TWENTY-FIVE percent and shall take effect
16 [April] JANUARY first, [nineteen hundred ninety-nine] TWO THOUSAND
17 SIXTEEN; provided, however, the retention percentage shall be [thirty]
18 SIXTY percent of the thirty dollar fee established in paragraph (e) of
19 subdivision two of section four hundred ninety-one and paragraph f-one
20 of subdivision two of section five hundred three of this chapter.
21 3-a. In addition to the fees retained pursuant to subdivision three of
22 this section, each county clerk acting as the agent of the commissioner

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD10317-02-5

1 pursuant to subdivision one of this section shall retain [four] EIGHT
2 percent of "enhanced internet and electronic partner revenue" collected
3 by the commissioner. For the purposes of this subdivision, "enhanced
4 internet and electronic partner revenue" shall mean the amount of gross
5 receipts attributable to all transactions conducted on the internet by
6 residents of such county and by designated partners of the department on
7 behalf of such residents for the current calendar year that exceeds the
8 amount of such revenue collected by the commissioner during calendar
9 year two thousand eleven. The commissioner shall certify the amounts to
10 be retained by each county clerk pursuant to this subdivision.
11 [Provided, however; that if the aggregate amount of fees retained by
12 county clerks pursuant to this subdivision in calendar years two thou-
13 sand twelve and two thousand thirteen combined exceeds eighty-eight
14 million five hundred thousand dollars, then the percentage of fees to be
15 retained thereafter shall be reduced to a percentage that, if applied to
16 the fees collected during calendar years two thousand twelve and two
17 thousand thirteen combined, would have resulted in an aggregate
18 retention of eighty-eight million five hundred thousand dollars or 2.5
19 percent of enhanced internet and electronic partner revenue, whichever
20 is higher. If the aggregate amount of fees retained by county clerks
21 pursuant to this subdivision in calendar years two thousand twelve and
22 two thousand thirteen combined is less than eighty-eight million five
23 hundred thousand dollars, then the percentage of fees to be retained
24 thereafter shall be increased to a percentage that, if applied to the
25 fees collected during calendar years two thousand twelve and two thou-
26 sand thirteen combined, would have resulted in an aggregate retention of
27 eighty-eight million five hundred thousand dollars, or six percent of
28 enhanced internet and electronic partner revenue, whichever is less. On
29 and after April first, two thousand sixteen, the percent of enhanced
30 internet and electronic partner revenue to be retained by county clerks
31 shall be the average of the annual percentages that were in effect
32 between April first, two thousand twelve and March thirty-first, two
33 thousand sixteen.]

34 S 2. This act shall take effect on the first of January next succeed-
35 ing the date on which it shall have become a law.

Buchwal	Y	Finch	Y	Johns	Y	McLaugh	Y	Raia	Y	Stec	Y
Butler	ER	Fitzpat	Y	Katz	Y	Miller	Y	Ramos	Y	Steck	Y
Cahill	Y	Friend	Y	Kavanag	Y	Millman	Y	Rivera	Y	Stirpe	Y
Camara	Y	Galef	Y	Kearns	Y	Montesa	Y	Roberts	Y	Sweeney	Y
Ceretto	Y	Gantt	Y	Kellner	AB	Morelle	Y	Robinso	Y	Tedisco	Y
Clark	Y	Garbari	Y	Kim	Y	Mosley	Y	Rodrigu	Y	Tenney	Y
Colton	Y	Giglio	Y	Kolb	Y	Moya	Y	Rosa	Y	Thiele	Y
Cook	Y	Gjonaj	Y	Lalor	ER	Nojay	Y	Rosenth	Y	Titone	Y

A08201 Text:

S T A T E O F N E W Y O R K

8201--A

2013-2014 Regular Sessions

I N A S S E M B L Y

October 24, 2013

Introduced by M. of A. O'DONNELL, SEPULVEDA, ENGLEBRIGHT, BENEDETTO, JAFFEE, MOSLEY, SKOUFIS, KEARNS, DUPREY, MONTESANO, GRAF, RAIA -- Multi-Sponsored by -- M. of A. ABBATE, BARCLAY, GLICK, McDONOUGH, RA, SWEENEY, WEISENBERG -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to providing certain civil rights protections for interns

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The executive law is amended by adding a new section 296-c
- 2 to read as follows:
- 3 S 296-C. UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO INTERNS. 1. AS
- 4 USED IN THIS SECTION, "INTERN" MEANS A PERSON WHO PERFORMS WORK FOR AN
- 5 EMPLOYER FOR THE PURPOSE OF TRAINING UNDER THE FOLLOWING CIRCUMSTANCES:
- 6 A. THE EMPLOYER IS NOT COMMITTED TO HIRE THE PERSON PERFORMING THE
- 7 WORK AT THE CONCLUSION OF THE TRAINING PERIOD;
- 8 B. THE EMPLOYER AND THE PERSON PERFORMING THE WORK AGREE THAT THE
- 9 PERSON PERFORMING THE WORK IS NOT ENTITLED TO WAGES FOR THE WORK
- 10 PERFORMED; AND
- 11 C. THE WORK PERFORMED:
- 12 (1) PROVIDES OR SUPPLEMENTS TRAINING THAT MAY ENHANCE THE EMPLOYABILI-
- 13 TY OF THE INTERN;
- 14 (2) PROVIDES EXPERIENCE FOR THE BENEFIT OF THE PERSON PERFORMING THE
- 15 WORK;
- 16 (3) DOES NOT DISPLACE REGULAR EMPLOYEES; AND
- 17 (4) IS PERFORMED UNDER THE CLOSE SUPERVISION OF EXISTING STAFF.
- 18 2. IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EMPLOYER TO:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD11709-05-4

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1 A. REFUSE TO HIRE OR EMPLOY OR TO BAR OR TO DISCHARGE FROM INTERNSHIP
2 AN INTERN OR TO DISCRIMINATE AGAINST SUCH INTERN IN TERMS, CONDITIONS OR
3 PRIVILEGES OF EMPLOYMENT AS AN INTERN BECAUSE OF THE INTERN'S AGE, RACE,
4 CREED, COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, MILITARY STATUS, SEX,
5 DISABILITY, PREDISPOSING GENETIC CHARACTERISTICS, MARITAL STATUS, OR
6 DOMESTIC VIOLENCE VICTIM STATUS;

7 B. DISCRIMINATE AGAINST AN INTERN IN RECEIVING, CLASSIFYING, DISPOSING
8 OR OTHERWISE ACTING UPON APPLICATIONS FOR INTERNSHIPS BECAUSE OF THE
9 INTERN'S AGE, RACE, CREED, COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION,
10 MILITARY STATUS, SEX, DISABILITY, PREDISPOSING GENETIC CHARACTERISTICS,
11 MARITAL STATUS, OR DOMESTIC VIOLENCE VICTIM STATUS;

12 C. PRINT OR CIRCULATE OR CAUSE TO BE PRINTED OR CIRCULATED ANY STATE-
13 MENT, ADVERTISEMENT OR PUBLICATION, OR TO USE ANY FORM OF APPLICATION
14 FOR EMPLOYMENT AS AN INTERN OR TO MAKE ANY INQUIRY IN CONNECTION WITH
15 PROSPECTIVE EMPLOYMENT, WHICH EXPRESSES DIRECTLY OR INDIRECTLY, ANY
16 LIMITATION, SPECIFICATION OR DISCRIMINATION AS TO AGE, RACE, CREED,
17 COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, MILITARY STATUS, SEX, DISA-
18 BILITY, PREDISPOSING GENETIC CHARACTERISTICS, MARITAL STATUS OR DOMESTIC
19 VIOLENCE VICTIM STATUS, OR ANY INTENT TO MAKE ANY SUCH LIMITATION, SPEC-
20 IFICATION OR DISCRIMINATION, UNLESS BASED UPON A BONA FIDE OCCUPATIONAL
21 QUALIFICATION; PROVIDED, HOWEVER, THAT NEITHER THIS PARAGRAPH NOR ANY
22 PROVISION OF THIS CHAPTER OR OTHER LAW SHALL BE CONSTRUED TO PROHIBIT
23 THE DEPARTMENT OF CIVIL SERVICE OR THE DEPARTMENT OF PERSONNEL OF ANY
24 CITY CONTAINING MORE THAN ONE COUNTY FROM REQUESTING INFORMATION FROM
25 APPLICANTS FOR CIVIL SERVICE INTERNSHIPS OR EXAMINATIONS CONCERNING ANY
26 OF THE AFOREMENTIONED CHARACTERISTICS, OTHER THAN SEXUAL ORIENTATION,
27 FOR THE PURPOSE OF CONDUCTING STUDIES TO IDENTIFY AND RESOLVE POSSIBLE
28 PROBLEMS IN RECRUITMENT AND TESTING OF MEMBERS OF MINORITY GROUPS TO
29 INSURE THE FAIREST POSSIBLE AND EQUAL OPPORTUNITIES FOR EMPLOYMENT IN
30 THE CIVIL SERVICE FOR ALL PERSONS, REGARDLESS OF AGE, RACE, CREED,
31 COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, MILITARY STATUS, SEX, DISA-
32 BILITY, PREDISPOSING GENETIC CHARACTERISTICS, MARITAL STATUS OR DOMESTIC
33 VIOLENCE VICTIM STATUS;

34 D. TO DISCHARGE, EXPEL OR OTHERWISE DISCRIMINATE AGAINST ANY PERSON
35 BECAUSE HE OR SHE HAS OPPOSED ANY PRACTICES FORBIDDEN UNDER THIS ARTICLE
36 OR BECAUSE HE OR SHE HAS FILED A COMPLAINT, TESTIFIED OR ASSISTED IN ANY
37 PROCEEDING UNDER THIS ARTICLE; OR

38 E. TO COMPEL AN INTERN WHO IS PREGNANT TO TAKE A LEAVE OF ABSENCE,
39 UNLESS THE INTERN IS PREVENTED BY SUCH PREGNANCY FROM PERFORMING THE
40 ACTIVITIES INVOLVED IN THE JOB OR OCCUPATION IN A REASONABLE MANNER.

41 3. IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EMPLOYER TO:
42 A. ENGAGE IN UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS, OR
43 OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE TO AN INTERN WHEN:

44 (1) SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY
45 A TERM OR CONDITION OF THE INTERN'S EMPLOYMENT;

46 (2) SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY THE INTERN IS USED
47 AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INTERN; OR

48 (3) SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF UNREASONABLY INTERFERING
49 WITH THE INTERN'S WORK PERFORMANCE BY CREATING AN INTIMIDATING, HOSTILE,
50 OR OFFENSIVE WORKING ENVIRONMENT; OR

51 B. SUBJECT AN INTERN TO UNWELCOME HARASSMENT BASED ON AGE, SEX, RACE,
52 CREED, COLOR, SEXUAL ORIENTATION, MILITARY STATUS, DISABILITY, PREDIS-
53 POSING GENETIC CHARACTERISTICS, MARITAL STATUS, DOMESTIC VIOLENCE VICTIM
54 STATUS, OR NATIONAL ORIGIN, WHERE SUCH HARASSMENT HAS THE PURPOSE OR
55 EFFECT OF UNREASONABLY INTERFERING WITH THE INTERN'S WORK PERFORMANCE BY
56 CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT.

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1 4. NOTHING IN THIS SECTION SHALL AFFECT ANY RESTRICTIONS UPON THE
2 ACTIVITIES OF PERSONS LICENSED BY THE STATE LIQUOR AUTHORITY WITH
3 RESPECT TO PERSONS UNDER TWENTY-ONE YEARS OF AGE.

4 5. NOTHING IN THIS SECTION SHALL CREATE AN EMPLOYMENT RELATIONSHIP
5 BETWEEN AN EMPLOYER AND AN INTERN FOR THE PURPOSES OF ARTICLES SIX,

6 SEVEN, EIGHTEEN OR NINETEEN OF THE LABOR LAW.

7 S 2. Subdivision 4 of section 292 of the executive law, as amended by
8 chapter 173 of the laws of 1974, is amended to read as follows:

9 4. The term "unlawful discriminatory practice" includes only those
10 practices specified in sections two hundred ninety-six [and], two
11 hundred ninety-six-a AND TWO HUNDRED NINETY-SIX-C of this article.

12 S 3. This act shall take effect immediately.