

RESOLUTION NO. 2016100

RE: A RESOLUTION CALLING ON THE STATE OF NEW YORK TO FULLY REIMBURSE COUNTIES FOR DISTRICT ATTORNEY SALARY INCREASES SET BY THE STATE

Legislators ROMAN, BORCHERT, MICCIO, BOLNER, PULVER, FLESLAND, FORMAN, THOMES, SAGLIANO, BLACK, LANDISI, and HORTON offer the following and move its adoption:

WHEREAS, on December 24, 2015, New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018, and

WHEREAS, this salary increase recommendation occurred well after all counties set their 2016 budgets in law, and

WHEREAS, the recommended increase placed Supreme Court judges' salaries at \$193,000 in 2016 and \$203,000.00 in 2018 and placed County Court Judges at 95% of a Supreme Court Justice's salary, and

WHEREAS, on April 1st the state approved the Commission's recommendation, and

WHEREAS, State Judicial Law 183-a links judicial salaries with county district attorneys' (DA's) salaries to be equal or higher than either the County Court Judge or Supreme Court Judge in a county, depending on full-time or part-time status, and

WHEREAS, for over 50 years, the state has funded all salary increases that they imposed on the counties, and

WHEREAS, DA's are entitled to the compensation they are owed pursuant to state law for fulfilling the state constitutional and statutory duties related to the enforcement of the state penal law, and

WHEREAS, on April 1, 2016, the State Legislature enacted a \$150 billion State Budget, but did not include the funding for the \$1.6 million in reimbursement costs for the increase in DA salaries, and

WHEREAS, the state has been careful over the past few years to avoid shifting costs to the local tax base, mindful of the impact locally with the state imposed property tax cap, and

WHEREAS, for many counties this salary increase represents approximately 1/3 of their total allowable property tax growth for all government operation in 2016, now, therefore, be it

RESOLVED, that the County of Dutchess calls on the State of New York to immediately pass legislation and pay for this increase retroactive to April 1, 2016, and not pass this unfunded mandate on to local taxpayers.

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 9TH day of May 2016, 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 9TH day of May 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE



April 19, 2016

Hon. Andrew M. Cuomo
State Capitol, Executive Chamber
Albany, NY 12224

Dear Governor Cuomo:

Recently, the NYS Commission on Legislative, Judicial and Executive Compensation voted to recommend an increase in state judge's salaries in 2016 and 2018. Without objection by the State, the recommendations became law on April 1, 2016.

Of concern to county government is the state law that links District Attorney salaries to judicial salaries. Historically, when the State has adjusted the judicial salaries, it has reimbursed counties for the increase in DA salaries through the State Budget. Unfortunately, the recently enacted state budget does not cover the recent increases.

The New York State Association of Counties (NYSAC) and the District Attorneys Association of the State of New York (DAASNY) hereby requests the State to reimburse the counties for the increases associated with the recent state judicial salary increase.

We recognize that county officials perform many essential public functions of state and local concern. Perhaps no county service is more essential than ensuring law and order in our communities, which is upheld by our local prosecutors. DAs are entitled to the fair and just compensation pursuant to law for fulfilling the state constitutional and statutory duties related to the enforcement of the State Penal Law. However, any state mandated increase to a local government official's salary, as a matter of equity and fairness, must be met by the State.

While it is unfortunate that the projected \$1.6 million cost for DA salary increases was not included in the State's over \$150 billion budget, it is not too late to correct this oversight. While the \$1.6 million may seem miniscule in the face of a \$150 billion spending plan, it amounts to a significant portion of a county's allowable tax growth under the state-imposed property tax cap.

Recognizing that the DA salary increase is a new state mandated cost to counties, both NYSAC and DAASNY urge you to enact legislation that provides that the State reimburse the counties for this new expense.

Thank you for your consideration.

Sincerely,

William E. Cherry
NYSAC President

Thomas Zugibe, Esq.
President of DAASNY

McKinney's Consolidated Laws of New York Annotated
Judiciary Law (Refs & Annos)
Chapter 30. Of the Consolidated Laws
Article 6-a. County Judges, Surrogates and Certain District Attorneys (Refs & Annos)

McKinney's Judiciary Law § 183-a

§ 183-a. Compensation of certain district attorneys

Currentness

Notwithstanding any other provision of law, the district attorney of each county having a population of more than five hundred thousand according to the last federal census, exclusive of the counties of New York, Bronx, Kings, Queens and Richmond, shall receive an annual salary equivalent to that of a justice of the state supreme court together with such additional compensation as the legislative body of such county may provide by local law. Further, that the district attorney of each county having a population of more than one hundred thousand and less than five hundred thousand according to the last federal census, exclusive of the county of Richmond, and the district attorney of any county, the board of supervisors of which has designated such office as a full-time position pursuant to subdivision eight of section seven hundred of the county law, shall receive an annual salary equivalent to that of county judge in the county in which the district attorney is elected or appointed, together with such additional compensation as the legislative body of such county may provide by local law.

Credits

(Added L.1972, c. 946, § 3. Amended L.1974, c. 1049, § 3.)

McKinney's Judiciary Law § 183-a, NY JUD § 183-a
Current through L.2016, chapters 1 to 32, 50 to 53, 55, 56.

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated
Judiciary Law (Refs & Annos)
Chapter 30. Of the Consolidated Laws
Article 7-B. Compensation of Judges and Justices of the Unified Court System (Refs & Annos)

McKinney's Judiciary Law § 221-d

§ 221-d. Salary of judges of the county court

Currentness

The annual salary of each judge of a county court shall be as follows:

County

Albany	131,400
Allegany	119,800
Broome	119,800
Cattaraugus	119,800
Cayuga	122,700
Chautauqua	119,800
Chemung	119,800
Chenango	119,800
Clinton	121,200
Columbia	119,800
Cortland	119,800
Delaware	119,800
Dutchess	125,600
Erie	125,600
Essex	119,800
Franklin	119,800
Fulton	119,800

§ 221-d. Salary of judges of the county court, NY JUD § 221-d

Genesee	119,800
Greene	119,800
Hamilton	119,800
Herkimer	119,800
Jefferson	119,800
Lewis	119,800
Livingston	119,800
Madison	119,800
Monroe	125,600
Montgomery	119,800
Nassau	136,700
Niagara	119,800
Oneida	119,800
Onondaga	125,600
Ontario	119,800
Orange	125,600
Orleans	119,800
Oswego	119,800
Otsego	119,800
Putnam	131,400
Rensselaer	119,800
Rockland	125,600
St. Lawrence	119,800
Saratoga	119,800
Schenectady	119,800
Schoharie	119,800
Schuyler	119,800
Seneca	119,800
Steuben	119,800

§ 221-d. Salary of judges of the county court, NY JUD § 221-d

Suffolk	136,700
Sullivan	127,000
Tioga	119,800
Tompkins	122,700
Ulster	131,400
Warren	119,800
Washington	119,800
Wayne	119,800
Westchester	136,700
Wyoming	119,800
Yates	119,800

Credits

(Added L.1998, c. 630, § 1, eff. Jan. 1, 1999.)

McKinney's Judiciary Law § 221-d, NY JUD § 221-d
Current through L.2016, chapters 1 to 32, 50 to 53, 55, 56.

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