



ECLEO OCT28/11 PM 219

COUNTY OF ERIE

JEREMY A. COLBY
COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE

DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

October 27, 2011

Via Hand Delivery

Hon. Robert M. Graber
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

**Re: Local Law No. 6-2011 - A Local Law rescinding a Local Law in
relation to regulation of home healthcare services provided to Erie
County residents pursuant to contracts awarded by the County of Erie
Our File No.: 22-20110017**

Dear Mr. Graber:

Enclosed please find an original of the above-referenced Local Law for filing in your office.

Very truly yours,

JEREMY A. COLBY
Erie County Attorney

By: _____

Gregory P. Kammer
Assistant County Attorney

GPK/dkw
Enclosure

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Erie

Local Law No. 6 of the year 2011

A local law rescinding a Local Law in relation to regulation of home healthcare services provided to

(Insert Title)

Erie County residents pursuant to contracts awarded by the County of Erie

Be it enacted by the Erie County Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Erie

as follows:

SECTION 1. LEGISLATIVE INTENT. Local Law No. 14-2004 creates certain local requirements that govern home healthcare services in Erie County. These requirements are redundant to requirements of New York State Law. This redundancy increases costs to home healthcare providers as well as unnecessarily strains county resources. Repeal of the law will decrease costs to taxpayers and home healthcare providers with no effect on the provision of home healthcare services.

SECTION 2. Local Law No. 14-2004, which undertook and exercised its regulatory authority with regard to activities subject to regulation of home healthcare services, be and the same hereby is rescinded in its entirety.

SECTION 3. Hereafter the regulations set forth by the State of New York in regulation of home healthcare services shall provide the regulatory framework for and govern home healthcare services in the County of Erie.

SECTION 4. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State, and in accordance with Section 27 of the Municipal Home Rule Law shall be filed within twenty (20) days after this Local Law shall have been adopted.

SPONSORED BY
LEGISLATOR RAYMOND WALTER

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 20¹¹ of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on October 6, 20¹¹, and was (approved)(not approved) (repassed after disapproval) by the Erie County Executive and was deemed duly adopted on October 25, 20¹¹, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date:

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
Assistant County Attorney
Title

County
~~City~~ of Erie
~~Town~~
~~Village~~

Date: October 27, 2011

COUNTY OF ERIE

LOCAL LAW NO. ____-2011

LOCAL LAW INTRO. NO. 6-2011

A LOCAL LAW rescinding a Local Law in relation to regulation of home healthcare services provided to Erie County residents pursuant to contracts awarded by the County of Erie.

BE IT ENACTED BY THE LEGISLATURE OF ERIE COUNTY AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT. Local Law No. 14-2004 creates certain local requirements that govern home healthcare services in the Erie County. These requirements are redundant to requirements of New York State Law. This redundancy increases costs to home healthcare providers as well as unnecessarily strains county resources. Repeal of the law will decrease costs to taxpayers and home healthcare providers with no effect on the provision of home healthcare services.

SECTION 2. Local Law No. 14-2004, which undertook and exercised its regulatory authority with regard to activities subject to regulation of home healthcare services, be and the same hereby is rescinded in its entirety.

SECTION 3. Hereafter the regulations set forth by the State of New York in regulation of home healthcare services shall provide the regulatory framework for and govern home healthcare

services in the County of Erie.

SECTION 4. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State, and in accordance with Section 27 of the Municipal Home Rule Law shall be filed within twenty (20) days after this Local Law shall have been adopted.

SPONSORED BY

LEGISLATOR RAYMOND WALTER

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., October 6, 2011

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, *That at the 20th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Sixth day of October, 2011 A.D., a Resolution was adopted, of which the following is a true copy:*

AYES: 15
NOES: 0

REFERENCE: Local Law Intro 6-1 (2011)

ATTEST



ROBERT M. GRABER
Clerk of the Legislature of Erie County

A Public Hearing was held on the foregoing Local Law Intro. No. 6-2011 on Tuesday, October 25, 2011, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, CHRIS COLLINS, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 25th day of October, 2011.

Chris Collins

A Public Hearing was held on the foregoing Local Law Intro. No. 6-2011 on Tuesday, October 25, 2011, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, CHRIS COLLINS, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this ____ day of _____, 2011.
