

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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~~ of ERIE  
~~Town~~  
~~Village~~

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
OCT 22 1992

Local Law No. 5 of the year 19 92

A local law in relation to payment of costs for medical and dental ~~services~~ for inmates  
(Insert Title) in Erie County facilities.

Be it enacted by the LEGISLATURE of the  
(Name of Legislative Body)

County  
~~City~~ of ERIE as follows:  
~~Town~~  
~~Village~~

SECTION 1. Legislative Findings and Determinations

State law requires counties to provide medical and dental care to inmates who are housed at county operated prison facilities and to assume financial responsibility for the cost of such treatment.

In the year 1991, the state of New York enacted a law that allows counties to require prison inmates to use their health insurance to pay for medical and dental expenses while in jail.

Counties electing this option must do so through the enactment of a local law.

The Erie County Legislature finds that it is in the interest of taxpayers to reduce the county supported cost of rendering medical and dental care to inmates housed at the Erie County Holding Center of the Erie County Correctional Facility by taking advantage of the private health insurance billing option.

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

This legislature acknowledges that in 1991 the county's cost of providing medical and dental treatment to inmates exceeded one million dollars. It is further recognized that such costs are rising significantly due to steady increases in the local inmate population, double-digit inflationary growth in the cost of health and medical care, and increases in the number of inmates who are receiving intensive medical care due to AIDS and chronic ailments.

SECTION 2: Erie County shall be reimbursed for costs of medical and dental services to inmates in the Erie County Holding Center and the Erie County Correctional Facility, paid pursuant to section 500-H of the correction law.

SECTION 3: Such reimbursement shall be paid from any third-party coverage or indemnification carried by an inmate. Such third-party coverage or indemnification shall first be applied against the total cost to the hospital or other provider as established in accordance with the provisions of section 2807 of the public health law relating to rates of payment of an individual's care and treatment.

SECTION 4: This local law shall take effect immediately.

(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 19 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_\_, 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. 5 of 19 92 of the (County)(City)(Town)(Village) of ERIE was duly passed by the ERIE COUNTY LEGISLATURE on Sept. 10 1992, and was (approved)(not disapproved)(repassed after disapproval) by the ERIE COUNTY EXECUTIVE and was deemed duly adopted on October 12 1992 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 19 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_\_. 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 \_\_\_\_\_ 19 \_\_\_\_\_, in accordance with the applicable provisions of law.~~  
~~(Name of Legislative Body)~~  
~~(Elective Chief Executive Officer\*)~~

~~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 19 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19 \_\_\_\_\_ 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 chairman 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 19\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_ 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 of 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.

*[Handwritten Signature]*

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

(Seal)

Date: October 19, 1992

(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.

*[Handwritten Signature: Gabriel M. Meyer]*

Signature

ERIE COUNTY ATTORNEY

Title

County

City

Town

Village

of

ERIE

Date: October 19, 1992