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2011 LEGISLATIVE AGENDA

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ORGANIZATION PROFILE



THE BUSINESS COUNCIL OF WESTCHESTER

MISSION

The Business Council of Westchester works to enhance profitability, wealth and economic opportunity for all in Westchester County.

VISION

Our vision is to make Westchester #1 in the country in terms of innovation, positive sentiment toward business and quality of life.

OVERVIEW

The Business Council of Westchester is the county’s oldest, largest and most influential business membership organization. The purpose of the Business Council of Westchester is to help businesses market, learn, advocate and grow. Members set goals and customize their participation to create a powerful business-building strategy.

We represent over 1,000 members, ranging in size from multinational corporations and mid-size businesses to professional firms, not-for-profit organizations and small business owners in every sector of the county’s diverse economy. Our members represent over 200,000 employees in Westchester County and beyond. Moreover, our member businesses’ drive the county’s economy and provide the jobs and resources that enhance our standard of living.

The Business Council of Westchester has grown to be the largest and most influential business organization in the county because of the open, inclusive and collaborative culture fostered through the involvement of its members and the leadership of a diverse and dedicated Board of Directors. Many of our members, including our Board of Directors, conduct business on a regional, statewide, national and international level. The alliances we have forged across “borders” have served to create opportunities for business growth in Westchester. We take great pride that our members fuel Westchester’s economy by looking to each other, regardless of location, as sources for employees, products and services, and new businesses.

The Business Council of Westchester is a private, not-for-profit corporation funded by annual investments made by its members.

GOVERNMENTAL ACTION COUNCIL

The mission of the Governmental Action Council is to continue our leadership in public policy and involve members in our vision for Westchester.

TO ACCOMPLISH THIS MISSION, THE GOVERNMENTAL ACTION COUNCIL WILL:

- Educate and inform the business community about relevant federal, state, county and local public policy issues
- Review federal, state and county legislation and regulations to assess potential impacts on the business community
- Influence public policy outcomes through advocacy when the business community's interests may be affected
- Act as an information resource and clearinghouse for the business community and governmental leaders at all levels
- Leverage public policy issues and legislation to promote business growth and create a more competitive business environment
- Look beyond the borders of Westchester to solve regional issues impacting the business community

WHY A BUSINESS COUNCIL OF WESTCHESTER LEGISLATIVE AGENDA?

Because bills passed or not passed in local, state and national legislatures can have a powerful impact on the business community's ability to serve its stakeholders.

Therefore, appropriate responses to the challenges of today's socio-economic environment will be beneficial to Westchester's cities, towns, villages and residents. Business leaders – whether they represent large, medium or small-sized companies – owe it to themselves, their employees, their shareholders (if they work for a publicly traded company), their families, their neighbors and society at large to offer their opinion and expertise to all discussions on how we are governed.

In order to address this critical responsibility, The Business Council of Westchester's Governmental Action Council shapes a legislative agenda each year – to which all BCW members are encouraged to offer their thoughts and energy. It also works diligently with local, state and federal officials to convert legislative goals to reality. Included in this overall effort are an annual visit to Albany at the start of each year's legislative session, meetings with lawmakers on the national, state and county level throughout the year, and communicating our positions to the media and other interested parties to ensure that the voices of the business community are heard. This has enabled us to positively influence legislative and regulatory action.

For example, The Business Council of Westchester's advocacy efforts in 2010 were visible at all levels of government as highlighted below:

Federal: Supported the continuation of the tax cuts enacted under the Bush administration to create a more stable and predictable environment for businesses to grow. At the same time we pointed out the shortcomings in the newly enacted health care reform legislation, namely the legislation's failure to control costs and placing an undue burden on the business community at a time when job creation is paramount.

State: Promoted the "Five to Survive" campaign which included financial reforms essential for putting New York back on the path to economic growth and job creation. These reforms included caps on property taxes and state spending, reduction of the tax burden, reform of public employee pensions and limiting government borrowing. These reforms have been embraced by Governor Cuomo.

County: Took a leadership position in promoting economic development through the formation of the Westchester Coalition for Economic Development and supporting the county's intellectual capital campaign which focuses on Westchester's highly educated workforce to re-energize the county's business climate. Our Not-For-Profit Council recommended the transition of mental health clinics from county-run facilities to local non-profit agencies that could provide comparable care at a lower cost.

CURRENT CHALLENGES AND GOALS

Governments at all levels are facing unprecedented budget shortfalls that will force difficult choices in how scarce resources are allocated. Providing essential services and making long overdue infrastructure investments must be balanced with prudent fiscal management and an avoidance of relying on additional borrowing and overburdening the taxpayers.

Underlying the current challenges we face is a basic economic premise that the private sector is the source of wealth; it enables government to provide the services our society needs. The Business Council of Westchester will seek to leverage the current economic downturn as an opportunity to make real, fundamental reforms in the way our governments at the federal, state and local levels, conduct business. Accordingly, the major goals for The Business Council of Westchester in 2011 are:

- A more competitive and friendly business environment in New York State and Westchester County that fosters economic development
- Long-term reforms in government spending and fiscal policy, including mandate relief
- The relicensing of the Indian Point Energy Center

Above all, now is the time to act and use public policy to create the conditions that will lead to new jobs and an accelerated and lasting economic recovery.

LEGISLATIVE AGENDA

COUNTY

Improved Business Climate

The Business Council of Westchester advocates for improvements in the overall business climate and reductions in the broad cost of doing business that will spur economic development and job creation. The impact of taxes, business fees, burdensome regulatory requirements and lengthy approval processes are of particular concern.

Accordingly:

- We support the county's litigation efforts against the State of New York in challenging the legality of the MTA payroll tax imposed on local employers.
- The imposition of unfunded state government mandates must be reduced to lower local property taxes, the most disproportionate tax imposed on New York's business sector.

Unsustainable Government Spending

The county's approved 2011 budget reflects modest decreases in spending and property tax levy that were long overdue. However, these goals were attained largely by adopting optimistic revenue assumptions and protecting the status quo. By restoring programs and positions, it lacked a clear signal that the county had changed its spending culture.

If Westchester is to avoid being the highest taxed county in the nation, sound structural reforms are critical to strengthen the county's long-term financial condition. This will require identifying recurring benefits and savings, concessions from labor unions in future contract negotiations, treating reserve funds judiciously, consensus revenue projections and consolidating/sharing services between county, local governments and school districts.

The business community supports a stream-lined government, with as much privatization as possible and the use of not-for-profit agencies as a more cost effective alternative for delivering services.

Economic Development

Expanding and promoting economic development opportunities are key objectives for The Business Council of Westchester. Economic development creates jobs and expands the tax base for municipalities. This mission requires an aggressive and innovative economic development policy that positions Westchester as the premier location in the region to retain, expand and attract business and industry to the county.

In a concerted effort to move Westchester's economy in a positive direction The Business Council of Westchester has formed the Westchester Coalition for Business Development, a cross section of Westchester's business leaders, with the goal of enacting measures to ensure a vibrant and growing economy for the county. This coalition will build on the county's marketing campaign that focuses on Westchester's highly educated workforce and promotes Westchester as "New York's Intellectual Capital."

Workforce Development

The Business Council of Westchester is continuing its leadership role in workforce development through creative programs with the Westchester/Putnam One Stop Investment Board to provide a skilled workforce for high-growth, knowledge-based industries in the region.

The current economic environment is the opportune time to establish sector partnerships in targeted industries of great importance to the region. Identified industries include biotech, hospitality, finance, health care, IT and green. The goal is to ensure that employers have access to a pipeline of qualified workers and to prepare those needing skills to compete in a knowledge economy.

Through the Workforce Academy for Youth we will seek opportunities to introduce our young people to employment, through internships and mentoring, investing in the next generation of workers. The Business Council of Westchester will also be coordinating a summer jobs segment, a private sector employment initiative.

Green Business Program - The Westchester Green Business Challenge

Directly confronting global climate change and reducing our carbon footprint are critical to the future success of the business community. The Business Council of Westchester, in partnership with Westchester County, has created the Westchester Green Business Challenge and related website that have already attracted a broad spectrum of county businesses. This proactive educational program is aimed at sensitizing the county's businesses to improving the environment and spurring economic development while enhancing operational efficiency and saving money. An interactive scorecard establishes baseline performance and links companies to targeted resources to help improve performance.

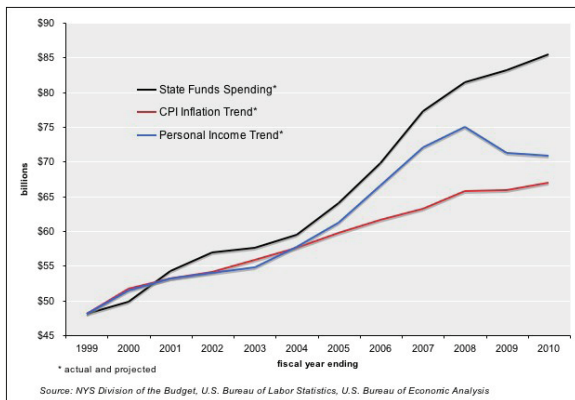
Phase II of The Westchester Green Business Challenge has been launched. It is expanding the program through a series of educational seminars and outreach events to facilitate progress and best practices; on-going support to help businesses progress through the program; website and scorecard upgrades and monitoring; and an annual recognition event to celebrate participation and achievements.

NEW YORK STATE

Fiscal Reform

The Business Council of Westchester has taken a leadership role in the Committee to Save New York, a coalition of business, civic and labor organizations, which will inform the public about the necessary steps to solve the state’s current fiscal problems. The Committee believes that basic fiscal reforms are essential to returning the state’s budget to a sustainable level and putting New York back on the path to economic growth and jobs.

Unsustainable Spending Growth



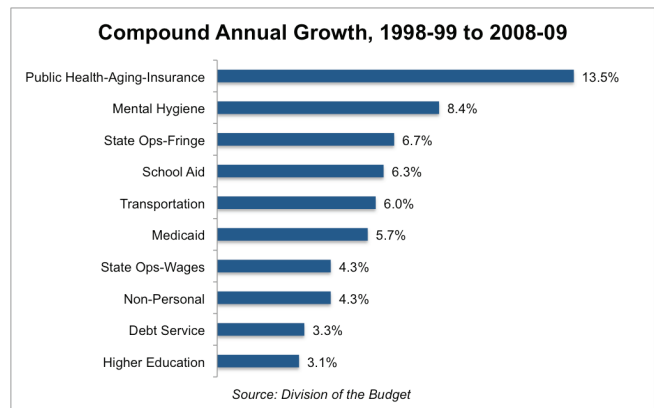
The state would be spending \$18.5 billion less if budget increases had been held to CPI inflation since 1999, or \$14.6 billion less if budget increases had tracked personal income over the past 10 years.

- Reduce the burden of state and local taxes to make the state more competitive: The non-partisan Tax Foundation’s 2011 State Business Tax Climate Index –which measures business and personal taxes as well as sales, property and UI taxes – places New York’s tax burden as the most hostile among the 50 states.
- Enact a Property Tax Cap with local mandate relief
- Reduce the size and cost of the state government’s workforce
 - Align wages and benefits for government employees with private sector levels
 - Increase employee contributions to health insurance premiums
 - Restructure retiree health benefits to rely on employee-owned health savings accounts
 - Reform public employee pensions for new employees to limit the cost of future benefits; shift to defined contribution plans
 - Limit New York State debt and reform government borrowing practices

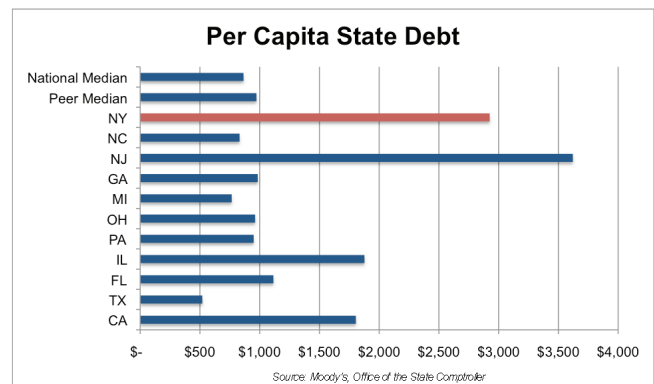
Our recommendations follow:

- Advocate for a balanced Fiscal 2011-2012 Budget through spending reductions and not by increasing taxes or fees, imposing new taxes or fees or borrowing
- Implement a State Spending Cap based on the rate of inflation to limit the increases in state spending

Spending Growth by Function



The state state operating funds budget grew at a compound annual average rate of 5.6% from 1998-99 through 2008-09. School aid, public health, mental hygiene and fringe benefits for state workers increased even faster.



New York’s state debt per capita is triple the median for “peer” states and more than triple the national average. Among other large industrial states, only New Jersey has saddled itself with more debt.

Health Care

The rising cost of commercial health care premiums continues to be a major concern to the business community. Federal health care reform did not provide for meaningful relief to premiums in the community rated/small business market. Health exchanges that will be created through the federal reform legislation will provide access but can't address affordability. The net effect is the largest entitlement program since Social Security imposed upon the states and local governments that must now address ever increasing premiums and higher utilization.

Our goal in 2011 is to achieve progress in examining and controlling the escalating costs of health care and Medicaid to achieve meaningful reductions in health care premiums and Medicaid spending.

Accordingly, we should:

- Place a moratorium on new mandates due to the changes imposed by the federal health care reform legislation
- Evaluate existing mandates to determine how they align with federal mandates and determine if mandate relief is possible
- Reduce taxes and assessments by the state that raise the cost of health insurance
- Reform Medicaid to resemble the more typical benefits offered by other states and support a crackdown on Medicaid fraud to restore taxpayer confidence in this program
- Review the results of Medicaid spending and target investments towards those services that deliver the best outcomes
- Endorse the enactment of medical liability tort reform to rein in the costs of medical malpractice insurance
- Advocate for restoring flexibility to New York's health insurance regulations to permit more innovative and targeted health plan offerings that meet the consumer's needs; flexibility in health insurance offerings gives businesses more diverse and affordable choices
- Advocate for aligning provider incentives to promote cost-effective primary care; the current reimbursement system rewards providers for high utilization of expensive procedures at the expense of primary and preventive care services
- Support delivering higher quality health care and targeting investments toward results
- Support wellness programs offered by health insurers, featuring incentives and rewards for employers; employee contributions would be voluntary
- Create incentives for the use of electronic medical records

Energy

The rising costs of electricity coupled with the lack of new generating capacity continue to be serious concerns for our businesses. A key to revitalizing New York's economy is making New York's energy costs more competitive.

State imposed taxes, fees and assessments account for more than 25 percent of the cost of electric power, a total of over \$6 billion a year, most of which are passed on to consumers.

Further, the New York Independent System Operator (NYISO), the non-profit operator of the state's transmission grid, continues to project increased demand despite implementation of New York State's energy efficiency programs.

The 2010 Comprehensive Reliability Plan released by the NYISO in January, 2011 recognizes that electricity reliability can be just as significantly impacted by near-term public policy actions and regulations, such as the DEC's Best Technology Available (BTA) cooling water system proposal, as it would be by traditional factors including in-place and projected generating capacity and energy demand. The implementation of BTA and other regulatory proposals could lead to multiple unplanned plant retirements. The result is an unsettled energy future in New York.

To meet New York's increasing energy demands and secure New York's baseload energy supply, we recommend:

- Relicensing of the Indian Point Energy Center
 - We oppose any local, state or federal efforts to close the facility.
 - Indian Point's continued operations are essential for maintaining an adequate energy supply downstate and a diversified generating capacity that reduces greenhouse gases.
- The passage and implementation of a new fuel-neutral power plant siting law
 - Make the bill permanent with no sunset provisions
 - Support a "one-stop" review process with expedited review of repowering projects
 - Curtail increased fees for intervener funding
- Investment in the transmission and distribution infrastructure necessary for system reliability; the addition of new renewable sources of generation and smart grid applications, allowing utilities appropriate, timely and adequate recovery of investments

To lower energy costs to spur the economy and benefit the consumer we recommend:

- Eliminating the Temporary State Energy and Utility Service Commission Assessment and returning the "temporary" 18-a Assessment back to its previous level of 0.33% with the long-term goal of eliminating this surcharge
- Imposing a moratorium on new energy taxes, surcharges, levies and assessments as well as any increases in existing energy taxes, surcharges, levies and assessments
- Enacting a permanent Power for Jobs low-cost power program that promotes job creation and does not financially harm utilities

To further promote conservation and growing a new generation of green jobs we support:

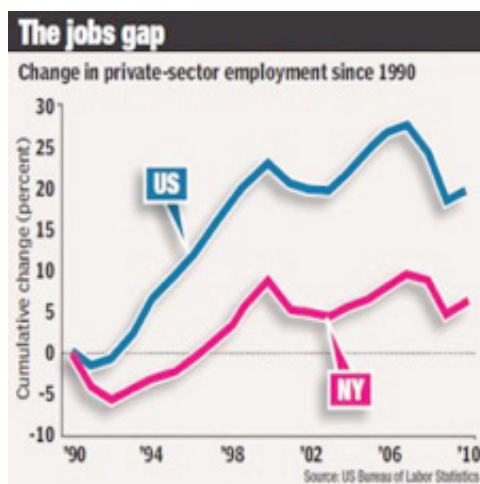
- Use of Systems Benefit Charge and Regional Greenhouse Gas Initiative (RGGI) funds to ensure funding for cost-effective energy efficiency programs implemented by local utilities and state agencies
- Implementation of green job training
- Tax abatements and other incentives offered by local governments and IDAs for the construction of new facilities in accordance with the US LEED Green Building Rating System

Economic Development

Comparative employment trends are among the best available indicators of whether the state’s policies are fostering economic growth. New York’s long-term performance has been abysmal. From 1990-2010, the private-sector job base in New York expanded by a net 6 percent, a performance that ranked 45th out of 50 states during that period. Nationally, by contrast, private employment in late 2010 was still 19 percent above the 1990 level.

New York lost more than 300,000 jobs during the Great Recession of 2007-2009, with its unemployment rate peaking at a 15-year high of 8.9 percent.

The most effective economic development program is the creation of a more competitive business environment (see Fiscal Reform and Energy sections) by lowering state-imposed taxes, fees and assessments and employer mandates (see Labor and Management section). Because of our weak competitive position New York has lagged behind national trends in recovering from the last two recessions.



Accordingly:

- We support Governor Cuomo’s proposal for competitive regional economic development grants and will work with the Westchester County Office of Economic Development, the Hudson Valley Economic Development Corporation and NY BioHud Valley to secure funding.
- We reject proposals to impose new wage mandates on IDA-assisted projects.
- We support legislation allowing IDAs to make “civic authority” financing available to non-profit organizations permanent.
- We reject IDA reform which is aimed at imposing overburdening procedural requirements and operational costs on businesses.

Labor and Employment

The Business Council of Westchester opposes the interference of New York State in the relationship between the state's private employers and their employees and unions. Legislation that is normally between employers and employees is routinely being introduced and at times approved by the Legislature and Governor. In addition, there has been an increase in granting the Department of Labor greater enforcement authority and increased employer penalties without demonstrating that current enforcement authority is insufficient. Collectively these actions create New York's anti-business climate and are a detriment to positive economic development.

Accordingly we oppose the following legislation:

- Wage mandates for private sector employees, especially in the area of prevailing wage
- Time-off mandates
- Paid family leave, using the disability insurance system for the payment of disability benefits to non-disabled employees (currently excluded by Congress from the federal program) absent from work on family care matters
- The automatic indexing of unemployment benefits

Transportation

Through leadership in the Tappan Zee Bridge Futures Task Force, we will continue to advocate for a new bridge and an effective transportation infrastructure to move goods, services, and people east/west and north/south. Work to identify funding sources for this project will be essential as the Tappan Zee Bridge has been identified as in urgent need of improvement. The ability to guarantee safety for the public traveling over the Tappan Zee is paramount. The planning for an effective East/West Bus Rapid Transit system must meet the needs for mobility into the future.

FEDERAL

Health Care

The sweeping health care reform package that Congress passed is now law. What remains is implementation, writing hundreds of rules, setting up new agencies in all 50 states, enforcing compliance, processing lawsuits aimed at stopping the new health plan and dealing with the unforeseen consequences through future legislative fixes.

The Business Council of Westchester is committed to ensuring that businesses aren't faced with undue burdens of the new law and will advocate for legislation to fix problems as they arise. At the same time we recognize the reform law chose to expand coverage rather than control costs as its primary objective. We are committed to support legislation which will address the underlying cost drivers of the health care system so that premium relief for businesses can be achieved.

Accordingly we will focus on the following areas:

- ***New 1099 Reporting Requirements:*** This regulation will add a costly administrative burden to small businesses and we support the bi-partisan effort underway to repeal this measure.
- ***Get Costs Under Control:*** We advocate for utilizing a number of cost-effective strategies such as medical liability reform, health information technology, small business pooling, combating fraud and abuse, consumer-driven health options, wellness prevention, administrative simplification, and allowing individuals and small business to deduct the full cost of health insurance expenses.
- ***Create a Vibrant Marketplace:*** We support creating a national all-inclusive connector/exchange that removes fragmentation, allows businesses and individuals from anywhere in the country to enroll and improves pooling, choice and competition.

Employee Free Choice Act (Card-Check)

The Business Council of Westchester continues to oppose the main objectives of the Card Check bill – making it easier for unions to organize and harder for employers to resist. As originally proposed these goals would be accomplished by the elimination of the secret ballot for union elections and the provision for binding arbitration that would put substantial cost pressures on businesses, many of whom have little or no experience in negotiating key issues such as wages, benefits and worker productivity. Concurrently we will oppose efforts by the National Labor Relations Board and the Department of Labor to advance these objectives.

Climate Change and Encouraging Sustainability

More than 48 percent of New York State's energy portfolio is made up of clean, affordable and sustainable resources, such as hydro and nuclear power. These factors contribute to New York's distinction of producing the lowest per capita carbon dioxide emissions in the U.S. The success of the RGGI which effectively instituted a "cap and trade" program within participating states, would not have been possible without New York's significant energy portfolio of clean, affordable and sustainable energy resources.

The Business Council of Westchester supports implementation of a federal climate change program modeled on RGGI that would curb global climate change, encourage energy efficiencies, cultivate needed renewable energy research and development and spur a new generation of green-collar jobs. Any federal climate change program modeled after RGGI cannot pit states and regions against each other and must provide a uniform, fair standard for all states and regions within the United States. To avoid putting New York at a disadvantage, the definition of renewable and sustainable energy at the federal level must include and endorse the benefits of hydro, nuclear and waste energy.

Immigration Reform

The U.S. immigration system fails to meet the current needs of our businesses, our workers and our economy. We strongly advocate for comprehensive immigration reform that goes beyond border security and workplace enforcement measures. Comprehensive reform must also create effective legal avenues for people to enter and leave the U.S. and allow those already contributing to our society to earn permanent residence.

We support the development of appropriate temporary and permanent employment-based visa categories to encompass a wide range of skills, along with provisions for sufficient number of visas based on market demand. The visa programs, especially the H-1B program for foreign skilled workers, must remain flexible and accessible. We endorse the development of an effective, secure and workable computerized verification system to enable employers to accurately and fairly determine the legal status of potential employees.

Medicaid Reform

Medicaid reform needs to be designed to reduce costs in New York State that are long overdue and are now even more pressing given the expansion of Medicaid. The cuts in Medicaid spending that were part of the national health care reform legislation are unlikely to come to fruition. Shifts in Medicaid spending will have greater consequences on New York's health care delivery system than they would in most other states since our lack of tight eligibility controls and generous benefits account for one out of every three health care dollars spent. Moreover, since Medicaid expenses are shared with local governments in New York, local property taxes would increase under the federal reform legislation. The Business Council of Westchester advocates for a well-justified increase in Medicaid funding to New York State to address the low comparative percentage of federal Medicaid assistance that currently applies when compared to other state allocations.

Transportation

Funding for a new Hudson River crossing that will include a mass transit component is a huge endeavor that requires the evaluation of many financing alternatives. We will continue to pursue Federal funds for this critical infrastructure project, starting with a request to inject special funding for the Tappan Zee Bridge and mass transit along the I/287 corridor as part of the SAFETEA-LU multi-year transportation bill.

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John Zanzarella
Zanzarella Marketing
Consultants

CONTACT

Dr. Marsha Gordon

(914) 948-2110
mgordon@westchesterny.org

Paul Vitale

(914) 948-2110
pvitale@westchesterny.org

westchesterny.org



THE BUSINESS COUNCIL OF WESTCHESTER

108 CORPORATE PARK DRIVE SUITE 101 WHITE PLAINS, NY 10604