

2018



NYSAC[®]

Year in Review

New York State Association of Counties

2018 Year in Review

As the New York State Association of Counties prepares our 2019 advocacy efforts, we wanted to take a moment to reflect on results from 2018.

In 2018, NYSAC advanced many state legislative, regulatory, and budget proposals that would benefit counties. NYSAC also worked to deflect and neutralize proposals that would impose new costs or create new administrative burdens on counties. These efforts are highlighted here as some of NYSAC's 2018 key advocacy efforts on behalf of counties.

The final 2018-19 State Budget contained provisions NYSAC negotiated to improve funding for programs counties administer. NYSAC also weighed in on a variety of regulatory and administrative proposals to ensure state agencies are aware of the impact new regulations would have on county governments. NYSAC followed many statewide judicial proceedings and, in several cases, wrote court briefs about how key court cases would impact counties across the state.

Beyond the traditional legislative achievements that we illustrate each year, NYSAC's success is measured in other ways, such as the formation of collaborative partnerships with legislators, the Governor's office, state agencies, or stakeholder groups. Our goal is to develop reform proposals on programs important to counties and ensure that the county voice continues to ring loud and clear in Albany. To this end, NYSAC staff:

- Attended more than 1,000 meetings, hosted 4 webinars and 10 podcasts;
- Reviewed, monitored, and commented on more than 1,400 bills and provided written or oral testimony to numerous state legislative committees;
- Attended meetings in 31 counties, New York City, and Washington DC;
- Continued legal support to counties in the opioid epidemic battle;
- Provided legal support, memos, and guidance to County Attorneys;
- Provided legal training classes (CLEs) at the annual County Attorneys' Association Conference;
- Facilitated new, and expanded existing, private sector partnerships to help improve local government service delivery and reduce costs;
- Assisted counties with local law development and interpretation, charter revisions, and employee-related matters; and
- Represented county government on several advisory panels, including the Medicaid Waiver DSRIP Panel; Advisory Council for the Retirement System; Raise the Age and other juvenile justice reform panels; Invasive Species Advisory Committee; and the Special Education Fiscal Advisory Workgroup, among others.

NYSAC is proud to represent county officials at the state and national level, while promoting the critical services counties provide. We will continue to forge these partnerships to improve the future for New York counties and our communities.

For more information on NYSAC's continued advocacy efforts, look for NYSAC's 2019 Legislative Program and 2019 Legislative Platform, please visit our website at <http://www.nysac.org/legislativeplatform>.

Victories:

- **Local Farm Fresh Products Incentives in School**
 - The enacted State Budget incentivizes school districts to use more local farm-fresh products by increasing the reimbursement schools receive for lunches if a district purchases at least 30% of their ingredients from New York producers.
- **Modification of State Aid to Soil and Water Conservation Districts**
 - The enacted State Budget amends the soil and water conservation districts law to provide that financial assistance be distributed equally to districts. NYSAC supported and fought for this initiative.
- **Voluntary Public Water System Consolidation Study**
 - The enacted State Budget requires NYS Department of Health (DOH) to create a study to evaluate the feasibility of voluntarily joining public water systems to improve water quality.
- **The Attack on Harmful Algal Blooms**
 - The State will implement a \$65 million initiative to combat harmful algal blooms (HABs) in Upstate New York.
- **Renew Funding for the Environmental Protection Fund (EPF)**
 - The enacted State Budget continues funding for the EPF at \$300 million.
- **Brownfield Opportunity Area (BOA) Reform**
 - The BOA Program provides financial and technical assistance to municipalities and community-based organizations. Communities can apply for designation and receive the accompanying brownfield development tax credits. The enacted State Budget enhances the BOA program to allow plans that are financed with local or other state funding to also apply for designation.
- **Eliminate the 25% Local Match for Community Service Block Grant (CSBG) Funds**
 - The enacted State Budget eliminates the State requirement that recipients of CSBG funds secure a 25% local match, effective October 1, 2018.
- **County-wide Shared Services Initiative (CWSSI)**
 - The enacted State Budget included \$225 million of state matching funds for shared services.
- **Indigent Legal Defense Reform**
 - New York State will fund 100% of the costs to implement the *Hurrell-Harring* decision.
- **Raising the Age of Criminal Responsibility (RTA)**
 - The enacted State Budget includes \$100 million to implement the RTA law. This funding is designed to ensure that New York State compensates counties for 100% of incremental costs associated with implementing the RTA law.
 - NYSAC was also successful in advocating for DASNY to provide capital design and construction services to counties.
- **Jail-Based Substance Use Disorder Treatment Funding**
 - The enacted State Budget included \$3.75 million for services and expenses of jail-based substance use disorder treatment and transition services. OASAS, in consultation with LGUs, county sheriffs and other stakeholders, will implement this program.
- **Interoperable Emergency Communication Funding**
 - NYSAC successfully championed for a fifth straight year a substantial allocation of funds for the Statewide Interoperable Emergency Communication (SICG) grant program.
- **Additional CHIPS Funding**
 - NYSAC was also successful in obtaining additional CHIPS funding for harsh winter conditions for a second straight year. \$65 million was allocated to assist counties with the impact to local roads.
 - The enacted State Budget also continues \$100 million in highway aid through the PAVE NY program and BRIDGE NY program.
- **Bank Settlement Funds- Special Infrastructure Account**
 - NYSAC supported efforts to direct one-time settlement funds for regional infrastructure needs. A total of \$3.1 billion was allocated for this purpose.

Opportunities for Continued Advocacy:

- **Children with Special Needs**
 - NYSAC continues to work with the State on implementing reforms to the Early Intervention (E.I.) and Special Needs Pre-K programs. This includes:
 - Reforming the E.I. program to ensure sufficient provider capacity exists and to hold counties harmless for delays that occur due to a lack of available providers.
 - Ensure third party insurance collections are maximized in the E.I. program.
 - Reimburse counties 69.5% of preschool special education costs as statutorily required.
 - Expand Universal Prekindergarten (UPK) to include children with special needs.
- **Community College FIT Chargebacks (Fashion Institute of Technology)**
 - State Education Law requires the State to reimburse counties for FIT chargebacks. Counties are currently paying tuition for students pursuing 4 and 6-year degrees at FIT.
- **Shovel-Ready / Market-Ready Sites**
 - NYSAC supports reactivating and funding a Build Now/ Shovel Ready Certification Program to incentivize planning and developing market ready sites across the State. NYSAC also supports NYS investing \$50 million in this program.
- **County-wide Shared Services Initiative**
 - NYSAC is advocating to allow for a portion of the \$225 million allocation to be available for counties for implementation and plan development.
- **Health Insurance and Workers Compensation Pools**
 - NYSAC continues to support state law and regulatory changes that will reform Article 47 to allow for fewer contracted lives, reduce reserve requirements, and expand eligibility to other public entities.
 - NYSAC also continues to advocate for legislation that will allow counties to take advantage of economies of scale and shared services to reduce costs and improve workers compensation protections for public employees.
- **Design Build for Major Local Government Construction**
 - Advocate for counties and NYC to have the same flexibility as NYS to allow for design build options.
- **Scaffold Law Repeal**
 - NYSAC will continue to advocate for a full repeal of the Scaffold Law or reforms to include a pure standard of comparative negligence.
- **Wicks Reform**
 - NYSAC continues to advocate for a full repeal of the Wicks Law.
- **Home Rule Authorizations**
 - 2018 concluded with four counties not receiving state legislative approval to renew their mortgage tax. Over the past several years, counties have been held hostage over sales tax and other home rule authorization requests. NYSAC continues to advocate for permanent status or longer authorization periods to help avoid this problem from continuing.
- **Raise the Age Implementation**
 - NYSAC will continue to advocate for the continued commitment to fully fund 100% of all new costs associated with changing the age of criminal responsibility for counties.
 - NYSAC will also continue to advocate for de-linking the adherence to the state property tax cap as an eligibility requirement for full state reimbursement costs incurred to implement the new state mandate.
- **District Attorney Salary Increase**
 - For the fourth straight year, the State has failed to fund 100% of DA salary increases. NYSAC continues to advocate for a restoration of the state match for this mandate.
- **No New Unfunded Mandate Legislation**
 - Counties strongly encourage the Governor and State Legislature to enact a “No New Unfunded Mandates” legislation and to cap current state mandated costs at a growth rate that does not exceed the annual inflation factor provided by the state-imposed property tax cap.

- **Medicaid Takeover**
 - The zero percent growth cap for local Medicaid costs continues to be funded each year. NYSAC will continue to advocate for an elimination of the local share of Medicaid as a mutually beneficial way to help lower property taxes.
- **Restoration of Revenue Loss Due to the Seneca Nation Dispute**
 - Sixteen counties in Western New York continue to be negatively affected by the dispute between the Seneca Nation and State with regard to revenue sharing. NYSAC continues to advocate for either a state funding stream for the loss of this revenue or a settlement with the Seneca Nation to restore this revenue stream to counties.
- **Sports Betting**
 - NYSAC continues to advocate for the legalization of sports betting. The State should also consider a method where pre-existing gaming facilities could be involved in sports gaming services in order to retain revenue locally.
- **Funding Support for Unattended Death Investigations**
 - Prior to 2011, counties received a 36% state match for their coroner and medical examiner programs. NYSAC is urging the State Legislature and Governor to include funding that would provide for a 50-50 state and local match for counties investigating unattended deaths.
- **Jail-Based Substance Use Disorder Treatment (SUD)**
 - NYSAC calls on the Governor to establish a recurring appropriation in the Governor's proposed 2019-2020 Executive Budget for the establishment of permanent jail-based SUD treatment and transition services programs in every county correctional facility.
- **Interoperable Emergency Communication Funds**
 - NYSAC will continue to advocate for more timely disbursements of these grants for the years in which they are allocated.

These opportunities for continued advocacy correspond with NYSAC's 2019 priorities and build upon successes in 2018. For the comprehensive list of NYSAC's 2019 advocacy targets please visit the NYSAC website at <http://www.nysac.org/legislativeplatform> and to view the 2019 Legislative Program and the 2019 Legislative Platform.

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