

2018 New York State
Legislative Session Summary:
The Impact on New York's Counties

An Interim Report
Updated October 18, 2018



NYSAC[®]
NEW YORK STATE
ASSOCIATION OF COUNTIES

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Dear County Official,

The mission of the New York State Association of Counties (NYSAC) is to represent, education, advocate for, and serve the 62 counties of New York State, including the City of New York. As part of our advocacy mission, the Association's expert legislative staff works with the State Legislature and Governor. During the 2018 Legislative Session, the Association, together with its membership, succeeded on a number of legislative fronts. First, significant headway was made by convincing the Governor to incorporate important county priorities into his Executive Budget Recommendation that were enacted, while items included but not enacted are better positioned for success in the future.

Some key county budget priorities included:

- Streamlining and easing the administrative structure of shared services initiatives and securing \$225 million in state matching funds
- Securing \$52 million in additional state aid to fund the first round of service enhancements related to indigent criminal defense in all counties
- Approving state funding support for substance abuse services in county jails supported by NYSAC and spearheaded by NYSCLMHD
- Securing \$5 million in state elections cybersecurity funding
- Increasing funding for Farm to School and other agricultural programs important to rural communities, growers, processors and researchers
- Providing counties access to Dormitory Authority financing and construction services to support implementation of raise the age legislation
- Additional design build authority for New York City projects
- Securing limited restorations in community college funding cuts proposed by the Governor
- Beating back proposals by the Governor to modify state-owned lands assessment procedures, among others

Outside of these budget actions, both houses of the State Legislature, comprised of the State Senate and State Assembly, also approved 602 matching pieces of legislation that have or will become law or be vetoed by Governor Andrew Cuomo before the end of 2018. Counties remain highly concerned that a handful of county home rule bills were not enacted by the Legislature before they left for the year as they were linked to other one-house proposals that could not pass in both chambers.

It is important for NYSAC to hear from county officials in regard to the bills in this report if there are concerns about these bills being signed (or not) into law.

What follows is a snapshot of the bills that passed both the Senate and Assembly outside the budget process that will have a direct or indirect impact on county government operations. The sections below provide the bill number (with direct links to the bill text via an electronic document), a brief description of the intent of the legislation and where it is in the legislative process, including:

- Chapter Number (signed),
- Veto Message,
- “Delivered to the Governor” on such date (the Governor then has 10 days to act not including Sundays),
- “Passed Both Houses” – meaning it has passed the Legislature and is waiting to be delivered to the Governor for action.

While the Legislature passed hundreds of individual bills, they are not all sent to the Governor at once. The Governor and Legislature work closely to ensure the Executive has sufficient time to review and understand each bill and then they establish a schedule for sending these bills to the Governor for his signature or veto.

If you have questions, or want to provide input, on any bill listed here (or any other bill), please contact NYSAC at (518) 465-1473.

Sincerely,

A handwritten signature in blue ink that reads "MaryEllen Odell".

MaryEllen Odell,
President

2018 Legislative Session Overview

The 2018 Legislative Session began on January 3 and concluded on the evening of Wednesday, June 20. The legislature passed a total of 2,655 bills. The Senate passed 1,542 and the Assembly passed 1,112. Of these bills, 640 were approved by both houses; 527 of which Passed Both Houses in the month of June. The 640 bills will be sent to the Governor over the next six months to be signed into law or vetoed.

The 2018 Legislative Session ended as scheduled. At the close of the session, the Legislature and the Executive were unable to come to a consensus on numerous issues such as speed cameras, sports betting, teacher evaluations, legalization of marijuana, and a handful of county home rule tax extenders.

It's possible that the Senate and Assembly will return to Albany in the coming weeks or months. With many outstanding issues, NYSAC continues to advocate for the passage of outstanding home rule requests.

Highlighted State Budget Actions

Introduction

The Legislature adopted an on-time budget, but there were a lot of questions regarding how the financial plan satisfied the state's self-imposed 2 percent spending cap. The budget increases spending significantly across several programs, including school aid, economic development and health care, but did not impose significant funding cuts elsewhere, nor raise significant new revenues as proposed by the Governor.

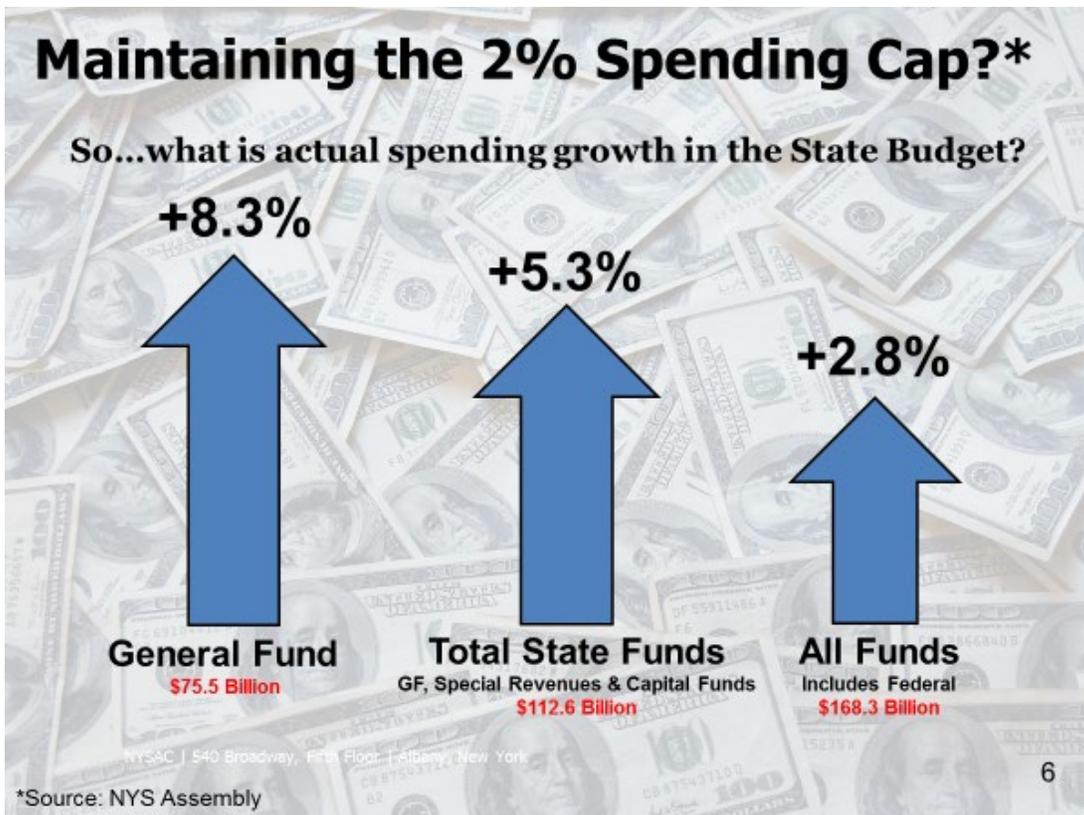
According to an analysis from the State Comptroller, \$2.4 billion of spending was moved, or reclassified, to achieve the 2% spending cap – *without these efforts growth was 3.9%. The actions include:*

- \$1.4 billion in spending in 2018-19 was moved off-budget
- \$594 million in debt service payments were made in SFY 2017-18 that otherwise would have been paid in SFY 2018-19
- Leveraging federal funds to lower state Medicaid costs by \$281.5 million in SFY 2018-19 and \$379 million in the following year
- \$78.6 million related to shifting certain SUNY hospitals funding from the General Fund to Capital Projects
- \$60 million from timing-related benefits from shifting the payroll mobility tax off-budget
- Up to \$60 million from sale of state-owned property to offset funding for CUNY
- **On a positive note** – the budget moves \$390 million of spending back into the State Operating Funds account, from the capital account

In addition, according to the Comptroller, one shots, temporary actions and increased borrowing to help close the budget gap (in addition to ones already mentioned) include:

- \$500 million in PIT refunds due this year were accelerated and paid in SFY 2017-18
- Up to \$750 million in the redeployment of reserves of certain Medicaid managed care plans
- \$100 million from the transfer of certain assessment reserves from Workers' Compensation Fund to the State Insurance Fund to pay for State workers' compensation obligations
- \$55 million in the use of SONYMA insurance funds for a variety of purposes
- \$20 million transfer from the NY Power Authority to the General Fund
- Authorizes \$6.5 billion in increased borrowing authorizations for state authorities to conduct "backdoor borrowing"

Finally, according to the NYS Assembly spending in the adopted 2018-19 state budget grew as follows:



Revenue Actions

The Governor proposed 35 separate revenue and tax conformity actions in his Executive Recommendation, estimated to raise about \$1 billion in revenue for the pending state fiscal year 2018-19. The Senate and Assembly both rejected most of the Governor's proposals, while offering dozens of their own revenue items.

The final budget included about 40 separate revenue actions, many of which were extensions of existing tax provisions. Below are highlights of key provisions.

Creating Options to the Federal State and Local Tax Deduction Changes
In response to changes in the federal tax code, the Governor proposed and the Legislature accepted the creation of measures that could be used by businesses, the state, local governments, and schools to allow some New York State taxpayers to continue to deduct the payments they make to state and local governments.

Currently there is no official position from the IRS on whether these changes would be acceptable alternatives to the State income and property tax deductions, although the IRS has indicated they have reservations about these "workarounds."

Employer Compensation Expense (Payroll) Tax – Accepted

The general concept of the employer compensation expense tax, or payroll tax, is that employers could institute a multi-year transition to a 5 percent payroll tax for their employees that would partially offset the state income tax liability for workers. Under the federal tax changes, payroll taxes would be deductible for the employer, and the payroll tax paid on behalf of the worker would provide a state income tax credit to the employee to offset a portion of their state income tax liability. It is targeted to employees with annual wages more than \$40,000 and would not fully eliminate an employee's state tax liability. The imposition of the employer compensation expense tax is optional for employers.

Currently there is no official position from the IRS on whether this payroll tax model would satisfy federal tax criteria for deductibility against an individual's federal income tax liabilities.

Charitable Trust for State Government Programs

The Governor proposed and the Legislature also accepted the creation of new charitable trusts at the state government level to partially offset state income tax liability. These trusts would benefit statewide health and education programs. Taxpayers making contributions to the state administered charitable trusts would be provided an 85 percent credit against their state tax liability in the following tax year. Any donations require the State to provide a tax receipt.

Charitable Trust for Local Government Programs

The State Budget allows school districts and general municipal governments to establish charitable trusts for purposes related to their operations. The rules are generally the same but vary slightly regarding the timing for spending and the use of donated funds. In each case, the jurisdiction is required to provide a tax receipt to the donor. Municipalities and schools establishing charitable trusts would be authorized to provide a credit up to 95 percent of an individual's property tax liability for contributions made by the individual in the tax year the contribution was made.

On August 23, 2018 the IRS released draft rules that "...are designed to clarify the relationship between state and local tax credits and the federal tax rules for charitable contribution deductions."

The IRS states in their proposed rule that "...a taxpayer who makes payments or transfers property to an entity eligible to receive tax deductible contributions must reduce their charitable deduction by the amount of any state or local tax credit the taxpayer receives or expects to receive." The rule is specifically designed to end SALT limit workarounds that some states have enacted, as well as to clarify existing tax law related to charitable contributions.

For example, if a state grants a 70 percent state tax credit and the taxpayer pays \$1,000 to an eligible entity, the taxpayer receives a \$700 state tax credit. The taxpayer must reduce the \$1,000 contribution by the \$700 state tax credit, leaving an allowable contribution deduction of \$300 on the taxpayer's federal income tax return. The proposed regulations also apply to payments made by trusts or decedents' estates in determining the amount of their contribution deduction.

The proposed regulations are open for public comment until October 11, 2018, to be followed by a public hearing on November 5, 2018. The draft rule can be reviewed at: <https://www.federalregister.gov/documents/2018/08/27/2018-18377/contributions-in-exchange-for-state-or-local-tax-credits>

Decoupling the State Tax Code from the Federal Tax Code

Many provisions of the state tax code are directly tied to the federal tax code. As the federal code changed it caused a variety of impacts on individual and corporate state income tax liabilities. The budget includes several provisions to delink the state tax code from the federal tax code in order to cut off the prospect of large state income tax liabilities or windfalls for individuals and businesses.

- Decouple from Federal, State, and Local Tax Deduction Cap
The federal law caps the aggregate itemized deduction for state and local taxes, including property taxes, at \$10,000. Because New York requires state itemized deduction calculations to start with the deductions claimed on the companion federal return, the new federal cap on state and local tax deductions has the potential to substantially lower the amount of itemized deductions claimed at the state level.

The enacted budget decouples this provision from federal law in order to avoid a \$441 million state tax increase that would result from the flow-through of the new federal cap to state income tax returns.

- Maintain the Standard Deduction for Single Filers
Under current law, New York offers state dependent exemptions that can be used to reduce adjusted gross income for state tax purposes. However, the state exemption can be claimed only for dependents, not for taxpayers and spouses. In 2018, the state dependent exemption is equal to \$1,050. Federal suspension of personal exemptions is not expected to impact the State's dependent exemption. However, suspension of federal personal exemptions will have a direct impact on the availability of the state standard deduction for single filers. Under current state law, a taxpayer is eligible for the standard deduction for single filers only if the individual "is not married nor the head of a household nor an individual whose federal exemption amount is zero...."

This language is intended to preclude joint filers, head of household filers, and taxpayers that are claimed as dependents on other taxpayers' returns from claiming the single filer deduction (\$8,000 for 2018).

Absent a state statutory change, single taxpayers would have been required to claim the lower deduction intended for dependent filers (\$3,100 in 2018), generating an expected \$840 million annual tax savings for New Yorkers.

- **Decouple from the Federal Code to Maintain Current Empire State Child Tax Credit**
The federal tax law changes significantly enhanced and expanded the federal child tax credit. The state's Empire Child Tax Credit is linked to the federal credit. By delinking the state and federal child credit's the state prevented a large revenue loss related to the federal changes.

This change keeps the Empire State Tax Credit at its current levels and preserves \$503 million in state revenues annually.

Mandating that Enhanced STAR recipients use the Income Verification Program

This proposal is estimated to save the state \$35 million and was accepted.

Establishing an Opioid Surcharge

While the Governor' original budget proposal was not accepted as presented, a modified version was enacted that will require opioid manufacturers to contribute to a fund that is capped at \$100 million.

Rejecting Tax Proposals with a Direct County Impact

Internet Sales Tax Conformity – Rejected

The Governor proposed a much-needed update to New York's tax laws to ensure that sales taxes owed are collected regardless of the method of purchase. This proposal would have eliminated certain tax advantages provided to businesses located out of New York State and leveled the competitive playing field for in-state businesses.

In the first full year the state projected that \$132 million in local sales tax would be collected under this tax conformity and fairness plan. The final budget did not include this proposal. The U.S. Supreme Court has since decided that states are allowed to collect sales tax on Internet based sales coming into their state.

Elimination of the Energy Services Company Sales Tax Exemption - Rejected

For counties that apply a local sales tax on residential energy, repealing the exemption was expected to increase local sales tax collections by \$38 million in 2019 and \$76 million in 2020. The final budget agreement did not include this provision.

Increase in Vending Machine Sales Tax Exemption - Rejected

The Executive Budget proposed to increase the sales tax exemption for certain food and drink items from \$1.50 to \$2.00 from vending machines that are capable of accepting payment in a form other than coin or currency.

These changes were expected to increase local sales tax revenues by \$3 million annually after 2021, but the final budget agreement did not include this proposal.

Modify State-Owned Lands Assessment Process - Rejected

The Executive Budget proposal would require that, on and after April 1, 2018, the taxes payable on a taxable parcel of state land shall be equal to (1) the taxes that were payable on that parcel in the prior year multiplied by (2) the “allowable levy growth factor” determined under the property tax cap statute.

There were concerns that this proposal could reduce the value of certain properties and lower revenue collections over time for local governments. The final budget rejected this proposal.

Non-Budget Legislative Action: Legislation that Passed Both Houses of the Legislature

NYSAC has identified the following pieces of legislation, categorized by issue area, that have or may have an impact on our county governments. These are bills that have passed both the State Senate and State Assembly. Some have already been signed into the Laws of 2018 and others await delivery to and consideration by Governor Cuomo.

Aging

Relates to outreach, status and time limits relating to the tax abatement program

[A.6037 \(Lupardo\)/S.4567 \(Golden\)](#)

Any municipality that has a senior citizen rent increase exemption (SCRIE) and disabled rent increase exemption (DRIE) program that adopts a local law, resolution, or ordinance for a tax abatement program must confirm receipt of the application within 10 days and approve or deny the application within 30 days. If the applicant wants further clarification or documentation, the municipality has 15 days to respond to that request for additional documentation.

Status: Passed Both Houses

Agriculture

Provides a real property tax abatement for the owners of certain hopyards

[A.10097 \(Woerner\) / S.8841 \(Helming\)](#)

This legislation amends the agriculture and markets law, in relation to including certain lands used for the production of hopyards in the definition of agricultural land and providing a real property tax abatement for the owners of certain hopyards. The bill

provides hopyards with the same tax abatement as vineyards and orchards in order to maintain the growth of New York State's hops industry.

Status: Signed by the Governor, Chapter 192 of the Laws of 2018

Supports the transition of farmland to the next generation of farmers

[A.10301-B \(Barrett\)](#) / [S.8362-A \(Ritchie\)](#)

This legislation amends the agriculture and markets law, in relation to the acquisition of agricultural preservation restrictions. The purpose of the bill is to enhance the existing farmland protection grant program through the authorization of provisions that will increase the likelihood of keeping farmland in active farm use by a farmer after its sale to a new owner. The legislation restricts the value of the farm to its agricultural use value, an appraised value that reflects what a working farm is worth, making it even more affordable for working farmers to buy. This is important at a time when New York farmers who are age 65 and older own or manage nearly a third of the more than seven million acres of farmland in our state, and many of them do not have an identified successor to take over the operation.

Status: Signed by the Governor, Chapter 158 of the Laws of 2018

Allows agricultural assessment applications to be submitted electronically

[S.7878-A \(Funke\)](#) / [A.10384-A \(Woerner\)](#)

This legislation amends the agriculture and markets law and the real property tax law, in relation to permitting agricultural assessment applications to be submitted electronically. Many farmland owners who lease their land to farmers may be absentee owners not residing in the community where they have to file. This legislation would streamline the agricultural assessment process by allowing landowners to electronically submit the Renewal Certification Form, making the process easier for both farmers who are leasing and the landowner who has to file. The option to file paper forms would still be available, and any changes in eligibility for the agricultural assessment would still require landowner notification to the local assessor.

Status: Passed Both Houses

Relates to a county's ability to purchase certain goods directly from New York state growers

[S.7275 \(Helming\)](#) / [A.8923 \(Woerner\)](#)

This legislation would provide for a three-way negotiated and agreed chapter amendment for S.5251-B. The original bill would have authorized Boards of Cooperative Educational Services (BOCES) to purchase food directly from New York State farm businesses and to exceed monetary restrictions, just as school districts currently do. The original bill would have further authorized municipalities to also exceed monetary restrictions on purchase contract requirements when procuring New York State grown food products. This chapter amendment would remove the requirement of the original bill that required a county to apply to the commissioner of general services to make the farm produce purchases authorized under such bill, and instead allow for such purchases to be made pursuant to policies and procedures adopted by the county's governing board.

Status: Passed Both Houses

Children with Special Needs

Amends the education law relating to certified school psychologists and special education services and programs for preschool children with handicapping conditions

[A.9918 \(Glick\)](#) / [S.7641 \(Lavelle\)](#)

Allows approved multidisciplinary evaluation programs to employ a certified school psychologist to conduct a multidisciplinary evaluation of a preschool child or an infant or toddler having or suspected of having a disability. The bill extends these provisions for two years to June 30, 2020.

Status: Signed by the Governor, Chapter 68 of the Laws of 2018

Relates to the early intervention coordinating council

[A.10675 \(Gottfried\)](#) / [S.8392-A \(Hannon\)](#)

Amends the public health law, in relation to the early intervention coordinating council (EICC) and the maternal child health services block grant advisory council (MCHSBGC). Both the EICC and MCHSBG have been unable to achieve a quorum due to a delay in the appointment process and issues with consistent attendance. This bill would allow for the EICC and MCHSBG to reach a quorum based on a majority of the number of members appointed, as opposed to a majority based on the total number of members required to be appointed to the Council. With respect to the EICC, this bill would allow the Legislature to appoint a designee on their behalf to sit on the EICC, thereby allowing the designee to be considered an active member of the Council with voting authority. These designees would also count towards the fulfillment of a quorum.

Status: Signed by the Governor, Chapter 304 of the Laws of 2018

Economic Development

Strengthens the NYS Certified Business Incubator and Innovation Hot Spot networks

[A.10105 \(Schimminger\)](#) / [S.7961 \(Ranzenhofer\)](#)

This legislation amends the urban development corporation act, in relation to the New York State Business Incubator and Innovation Hot Spot Support Act. Through a competitive process, Empire State Development's Division of Science, Technology and Innovation (NYSTAR) program has designated 10 Innovation Hot Spots—one for each of New York's economic development regions—and 20 Certified Business Incubators, which receive funding to reach a greater number of early-stage companies. The bill clarifies that early-stage companies working with an incubator and Hot Spot can still realize the tax benefit through the Hot Spot if an MOU is in place between both entities.

Status: Signed by the Governor, Chapter 246 of the Laws of 2018

Establishes entrepreneurship assistance centers

[A.2805 \(Thiele\)](#) / [S.3804 \(Bailey\)](#)

This legislation amends the economic development law, in relation to establishing entrepreneurship assistance centers. The purpose of these centers would be to train minorities, women and dislocated workers in the principles and practice of entrepreneurship to prepare them to pursue a minority business enterprise or a women-owned business enterprise (MWBE). This legislation would streamline the existing Entrepreneurship Assistance Program, making it more effective and efficient.

Status: Passed Both Houses

Education

Authorizes educational institutions to agree to pay for all or a portion of the salaries and compensation payable to municipal school crossing guards

[A.2954-B \(McDonald\)](#) / [S.367-B \(Little\)](#)

Amends the General Municipal Law to provide that school districts, BOCES, charter schools, and any other public or private education institution may pay for part or all of school crossing guards' salaries. Currently, school districts, BOCES, charter schools, and other public educational institutions are prohibited from contributing, in whole or in part, to the salary of school crossing guards. The need for school crossing guards is directly related to school operations. However, the financial burden of providing school crossing guards is placed not on the schools themselves, but on the host municipality.

Status: Signed by the Governor, Chapter 214 of the Laws of 2018

Provides that component school districts cannot impose a tax levy

[S.7730 Murphy/A.9825 Galef](#)

The purpose of this legislation is to exempt certain Board of Cooperative Educational Services (BOCES) capital expenditures from limitations upon school district tax levies. Under current law, BOCES capital projects that expand the footprint of current facilities must be approved by a plurality of voters from the component school districts to move forward. This legislation will authorize BOCES capital project expenses be excluded in component school district's tax cap calculation if the project, either routine maintenance or expansion of BOCES facilities, has been approved by a plurality of the voters of the component school districts.

Status: Passed Both Houses

Elections

Changes the 2018 fall primary date to September 13

[A.8917-A \(Carroll\)](#) / [S.7597 \(Felder\)](#)

This legislation amends the election law to require that the 2018 fall primary be held on Thursday, September 13, 2018. The September primary is presently scheduled take place on Tuesday, September 11th, which coincides with the second day of the Jewish holiday Rosh Hashanah and the 17th anniversary of the September 11 terrorist attacks.

Status: Signed by the Governor, Chapter 3

Environmental Conversation

Regarding the monitoring of groundwater impacts resulting from mining

[A.6314 \(Thiele\)](#) / [S.4812 \(LaValle\)](#)

This legislation amends the environmental conservation law, in relation to authorizing the enactment or enforcement of local laws or ordinances requiring the monitoring of groundwater impacts resulting from mining or the reclamation of mines within counties with a population of one million or more which draw their primary source of drinking water for a majority of county residents from a designated sole source aquifer. The legislation follows a study conducted by the State Department of Environmental Conservation and Suffolk County Department of Health Services on the operations at a

Horseblock Road facility in Yaphank, which outlines the significant potential for groundwater impacts associated with mining operations.

Status: Signed by the Governor, Chapter 298 of the Laws of 2018

Requires a comprehensive study regarding the Hudson River District

[A.10070-A \(McDonald\)](#) / [S.7957-A \(Marchione\)](#)

Amends the environmental conservation law, in relation to requiring the Hudson River Black River Regulation District to undertake a comprehensive study regarding the beneficiaries of the district and real property tax apportionments to establish a standard methodology for the determination of any future apportionment. The Hudson River District is managed by a board that is appointed by the Governor, and it bills what it deems to be the beneficiaries, including the five counties of Albany, Rensselaer, Saratoga, Warren, and Washington, a proportional share of its operating expenses.

Status: Passed Both Houses

Extends a subsidy in connection with the Clean Water State Revolving Fund

[A.10611 \(Stern\)](#) / [S.7953 \(O'Mara\)](#)

The legislation extends until September 30, 2021 provisions authorizing a fifty percent subsidy in connection with the Clean Water State Revolving Fund (CWSRF). The CWSRF was established to provide financial assistance to recipients, generally municipalities, to construct and upgrade eligible water pollution control projects.

Status: Signed by the Governor, Chapter 250 of the Laws of 2018

Provides Long Island residents with water usage information

[S.260-A \(Kaminsky\)](#) / [A.10881-A \(Pellegrino\)](#)

This legislation amends the environmental conservation law, in relation to providing Long Island residents with water usage information. All water purveyors, either public or private, or a water authority, with ten thousand or more customers must include water usage information along with customer bills. Usage information currently provided to customers is measured in cubic feet. This bill would require the information to be provided in cubic feet and gallons, which is more meaningful to consumers.

Status: Passed Both Houses

Authorized the DEC to study food waste initiatives

[S.8693 \(Bailey\)](#) / [A.11171 \(Joyner\)](#)

This legislation authorizes and directs the Commissioner of Environmental Conservation to conduct a study on food waste initiatives and to provide recommendations based on the study's findings. Given the varied initiatives to reduce food waste across the state, this bill seeks to evaluate what is working and what is not and provide recommendations for better policies statewide.

Status: Passed Both Houses

Gaming

An act to amend the general municipal law, in relation to electronic bell jar games

[S.994-C \(Bonacic\)](#) / [A.2303 \(Pretlow\)](#)

Authorizes the use of electronic bell jar devices by charitable organizations, in addition to existing devices.

Status: Passed Both Houses

Higher Education

Establishes a comprehensive centralized system to coordinate procurement of books and non-print library materials and related ancillary services

[A.7265-A \(Abinanti\)](#) / [S.6424-A \(Ritchie\)](#)

This bill will provide for substantial fiscal savings through the establishment of a statewide centralized system for the delivery of books, including electronic books ("e-books") and other non-print library materials. The bill would also allow SUNY and CUNY to participate in the centralized system.

Status: Passed Both Houses

Judiciary

Amends the municipal home rule law, in relation to punishment for the violation of a local law

[A.5539-B \(Weprin\)](#) / [S.8272-A \(Gallivan\)](#)

To provide for community service as one of the punishments for the violation of a local law in a municipality, includes language to ensure such community service does not supplant local government workers.

Status: Signed by the Governor, Chapter 216 of the Laws of 2018

Relates to justices presiding in an off-hours arraignment part

[S.6538 \(Bonacic\)](#) / [A.8177 \(Skartados\)](#)

Permits use of all local judges in a county including City Court Judges and Town and Village Justices - to serve in an off-hours part for that county established in one of the county's local criminal courts on a rotating basis.

Status: Signed by the Governor, Chapter 231 of the Laws of 2018

Relates to the disposal of property upon a judgment or order of forfeiture

[S.8760 \(Amedore\)](#) / [A.10403 \(Fahy\)](#)

Requires a percentage of money from such disposal of property to be deposited into a subaccount of the general fund to be used for law enforcement diversion purposes.

Status: Signed by the Governor, Chapter 206 of the Laws of 2018

Establishes the commission on prosecutorial conduct

[S.2412-D \(DeFrancisco\)](#) / [A.5285-C \(Perry\)](#)

Creates the commission on prosecutorial conduct, to serve as a disciplinary entity designated to review complaints of prosecutorial misconduct. The commission on prosecutorial conduct is modeled after legislation that established the state commission on judicial conduct.

Status: Signed by the Governor, Chapter 202 of the Laws of 2018

Authorizes county clerks to establish a system to receive and retain maps using electronic means

[S.7751 \(Marchione\) / A.4127 \(Magee\)](#)

Real property law section 334 only allows the filing of maps in hard copy format - linen, tracing cloth or mylar. This new law would allow county clerks to receive these maps via an electronic/digital format. County clerks across New York State now maintain civil and criminal records in digital formats consistent with rules and regulations of the Office of Court Administration.

Status: Passed Both Houses

Land Banks

Increases from 25 to 35, the number of land banks that are authorized statewide

[S.8717 \(Serino\) / A.11233 \(Barrett\)](#)

Current law allows for the establishment of 25 land banks, this bill would expand that to 35, effective immediately.

Status: Passed Both Houses

Relates to the effective date for the tax-exempt status of the real property of a land bank

[S.6967 \(Valesky\) / A.8881 \(Magnarelli\)](#)

This legislation seeks to clarify an ambiguity in the original Land Bank Act as to when a land bank's real property tax exemption becomes effective. The ambiguous language tied the hands of municipalities so it amends it to clearly state tax exemption begins on the date the land bank acquires title to the property. This technical change will focus on long-term taxation of the properties within the borders of municipalities that create land banks, bolstering the tax receipts and improving neighborhoods.

Status: Passed Both Houses

Local Government Operations & Finance

Relates to requiring notice where the tentative equalization rate varies more than five percentage points from the locally stated level of assessment

[S.6959 \(Amedore\) / A.8805 \(Fahy\)](#)

This legislation requires the local assessor to notify in writing the local governing body of any affected town, city, village, county and school district when the equalization rate varies more than five percentage points from the locally stated level of assessment.

Status: Signed by Governor, Chapter 115 of the Laws of 2018

Prohibits the construction of any mausoleum or columbarium in a cemetery where such mausoleum or columbarium is the only form of internment offered in a cemetery

[A.5784-B \(Jones\) / S.2606-B \(Little\)](#)

The legislation would limit the ability to build these types of facilities when it is the only option for a cemetery internment. A couple of recent cases where these types of facilities were built with no other options for internment, that subsequently went bankrupt, required the local municipality to take over the facility at great costs to local taxpayers, due to the higher expense of caring for these types of facilities.

Status: Signed by the Governor, Chapter 296 of the Laws of 2018

Relates to the abandonment of cemeteries

[A.10515 \(Paulin\)](#) / [S.7835-A \(Ranzenhofer\)](#)

The bill would create a process through which the state and its localities are notified of the pending abandonment of state regulated cemeteries. This notice allows time to work towards a reorganization of the cemetery corporation to prevent abandonment, and helps to provide an orderly transition, if necessary, to municipal control to limit fiscal impacts on local governments.

Status: Passed Both Houses

An act to amend the public service law, in relation to providing water usage data to municipalities

[A.11118-C \(Otis\)](#) / [S.8999-B \(Mayer\)](#)

To require water works corporations to provide customer water usage data to certain municipalities for sewer infrastructure investment.

Status: Signed by the Governor, Chapter 261 of the Laws of 2018

An act to amend the public service law, in relation to requiring water works corporations and municipal water systems to annually calculate and submit to the public service commission their water cost index

[A.7183-A \(Zebrowski\)](#) / [S.8225 \(Ranzenhofer\)](#)

This bill would require public and private water supply systems, serving over one thousand customers, to annually submit to the public service commission their water cost index, a uniform measurement of the average cost of water usage.

Status: Passed Both Houses

Removes the three-year exemption of mandatory continuing education for newly licensed certified public accountants and public accountants

[A.10648 \(Stirpe\)](#) / [S.8522-A \(Helming\)](#)

The purpose of the bill is to remove the three-year exemption of mandatory continuing education for newly licensed Certified Public Accountants and public accountants.

Status: Passed Both Houses

Directs the department of taxation and finance to study and report on the impact on localities in the counties of Westchester, Putnam and Dutchess of state-owned lands

[A.7402-A \(Pretlow\)](#) / [S.5481-A \(Murphy\)](#)

The purpose of the report is to determine the impact on local government revenues related to state-owned lands in these counties and the methods of compensating such localities for the real property taxes lost as a result of such state-owned lands.

Status: Signed by the Governor, Chapter 222 of the Laws of 2018

An act to amend chapter 122 of the laws of 2015 relating to tax assessments for certain improved properties affected by Superstorm Sandy

[A.8724 \(Jean-Pierre\)](#) / [S.7339 \(Boyle\)](#)

Extends for two more years through March 1, 2020, the tax assessment exemption for properties impacted by Superstorm Sandy.

Status: Signed by the Governor, Chapter 130 of the Laws of 2018

Extends the ability of the county of Albany to impose and collect taxes on occupancy of hotel or motel rooms in Albany county

[A.9622 \(McDonald\)](#) / [S.7536 \(Breslin\)](#)

Extends this authority through December 31, 2020.

Status: Signed by the Governor, Chapter 134 of the Laws of 2018

Extends Herkimer county's mortgage recording tax authorization

[A.9791 \(Butler\)](#) / [S.7668 \(Seward\)](#)

Extends Herkimer County's mortgage recording tax through December 1, 2020.

Status: Signed by the Governor, Chapter 141 of the Laws of 2018

Extends Wyoming county's mortgage recording tax authorization

[A.9792 \(DiPietro\)](#) / [S.7624 \(Gallivan\)](#)

Extends Wyoming County's mortgage recording tax through December 1, 2021.

Status: Signed by the Governor, Chapter 142 of the Laws of 2018

Amends the general municipal law, in relation to the definition of eligible securities in relation to obligations of domestic corporations

[S.2420-B \(Griffo\)](#) / [A.2881-B \(Brindisi\)](#)

Allows state chartered banking institutions to use domestic bonds rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization as collateral to secure New York State municipal deposits. Current law only allows for the top two rating categories.

Status: Passed Both Houses

Procurement

Enacts various provisions relating to procurement procedures

[A.8156 \(Peoples-Stokes\)](#) / [S.6452 \(DeFrancisco\)](#)

The purpose of this proposed legislation is to increase the transparency and flexibility of the procurement process. Most of the changes relate to state agency procurement activities including redefining "information technology" and offering new options for more complex contracts, but also includes changes to piggybacking rules and local IDAs.

Status: Passed Both Houses

Extends certain provisions of the general municipal law, relating to granting localities greater contract flexibility to authorize shared purchasing

[A.1541-B \(Jenne\)](#) / [S.2947-A \(Little\)](#)

Extends local piggybacking authority for local governments through July 31, 2021.

Status: Signed by the Governor, Chapter 211 of the Laws of 2018

Creates a "lemon law" for fire vehicles and ambulances

[S.8251 \(Robach\)](#) / [A.10424 \(Wallace\)](#)

This legislation amends the general municipal law and the vehicle and traffic law, in relation to warranties of fire vehicles and ambulances. The bill creates a "lemon law"

that would apply specifically to fire vehicles and ambulances, allowing municipalities direct recourse against manufacturers of inoperable equipment.

Status: Passed Both Houses

Public Employee Relations & Labor

To allow, at a county option, for 207(c) disability coverage for probation officers

[S.7554 \(Gallivan\) / A.9667 \(Paulin\)](#)

Amend section 207-c(1) of the General Municipal Law to include county probation officers among the employees who shall receive disability coverage equal to their full salary in the event that they are injured in the performance of their duties.

Status: Passed Both Houses

To allow, at a county option, to provide county correction officers a 20-year retirement/pension plan

[S.7134 \(Ortt\) / A.10950 \(Abbate\)](#)

This bill will allow county correction officers and deputy sheriffs who are engaged in correction officer duties to become covered by the provisions of a special 20-year retirement plan, which will provide a benefit of one-half of final average salary upon retirement, if the employing county elects to provide such benefits.

Status: Passed Both Houses

To allow, at county option, accidental disability retirement for deputy sheriffs

[S.8066 \(Golden\) / A.10415 \(Abbate\)](#)

Increases a deputy sheriff accidental disability retirement from two-thirds of his or her final average salary to three-quarters, at county option.

Status: Passed Both Houses

Relates to the one-call notification system

[S.6756 \(Griffo\) / A.9985 \(Paulin\)](#)

This bill would require any municipality or operator that engages in excavation work to require its excavators to complete a training and education program. This mandate should greatly reduce the number of excavation-related accidents, and provide greater public safety and protection.

Status: Passed Both Houses

Relates to authorizing additional paid leave for certain employees

[S.7289 \(Crocì\) / A.8941 \(Paulin\)](#)

This legislation would amend the military law, in relation to paid leave for certain employees; and to amend the military law relating to authorizing additional paid leave for certain employees.

Status: Signed by Governor, Chapter 16 of the Laws of 2018

Requires that retired officers be notified of changes in health insurance plans

[S.8118 \(Tedisco\) / A.10337 \(Abinanti\)](#)

This legislation amends the general municipal law, in relation to providing notice of changes in health insurance contracts for retired officers, employees, and their families. Currently, there are no statutory provisions requiring that retired employees be notified of a proposed change in their premium or a substantive change in their health insurance plan. This legislation would require municipalities to give retirees, employees and their families a minimum of thirty days' notice for premium or substantive changes in coverage. NYSAC opposes this bill because it could add another layer of bureaucracy for counties and local governments. The Governor vetoed similar legislation by the same sponsors (S.4324/A.5210) in 2017.

Status: Passed Both Houses

An act to amend the workers' compensation law, in relation to paid family leave and bereavement

[S.8380 \(Funke\)](#) / [A.10639 \(Morelle\)](#)

Allows for time off for bereavement as a part of Paid Family Leave (PFL). Would provide for the use of PFL where (1) if a family member, as defined by current law, passes away suddenly then PFL may be taken for bereavement or (2) if PFL is used to take care of a family member and that family member passes away, any remaining PFL may be used as bereavement time.

Status: Passed Both Houses

Public Health

Requires the office of alcoholism and substance abuse to maintain a directory on their website

[A.8151 \(Rosenthal\)](#) / [S.8552 \(Golden\)](#)

This legislation would require that the Office of Alcoholism and Substance Abuse Services add to their existing online database (the dashboard) or create a new database to allow a search for a wider variety of programs including Opioid Treatment Programs (OTP) and Medically Assisted Treatment (MAT). By creating a public directory that is easy to navigate, those seeking substance use disorder services will have an easier time finding treatment and services that meet their needs.

Status: Passed Both Houses

Requires residential health care facilities to provide notices to patients when a temporary operator has been appointed

[A.8159 \(Wright\)](#) / [S.766 \(Stewart-Cousins\)](#)

This legislation requires residential health care facilities to allow patients and prospective patients to examine financial audits. Written notification must be provided to residents of all adult home, enriched housing programs, residences for adults and assisted programs where a temporary operator has been appointed.

Status: Passed Both Houses

Relates to impact studies on tick-borne diseases

[A.9019-A \(Gunther\)](#) / [S.7171A \(Serino\)](#)

This legislation requires an infectious disease and blood-borne pathogen impact study to be conducted by the Department of Health, in conjunction with the Office of Mental

Health. This information could be vital to the way in which diagnosis and treatment are approached by health care practitioners, and inform medical debates about the causes of mental illness in infectious disease patients, including organic causes, reaction effects, and drug interactions. As such, this legislation will require that the Department of Health, in conjunction with the Office of Mental Health, conduct an impact study considering how tick-borne diseases and blood-borne pathogens may have correlations with mental illness in infected individuals.

Status: Passed Both Houses

Relates to authorizing the reclassification of controlled substances by regulation

[A.10468-B \(Ryan\)](#) / [S.8275-B \(Jacobs\)](#)

This bill will increase treatment options by allowing certain drugs to be reclassified by the Commissioner of the Department of Health (DOH) after action by the federal government. The Public Health Law will be amended to allow that when a drug is rescheduled by the federal government, the DOH commissioner may reschedule the drug under New York State law through regulatory action and may only reclassify the drug to a new subdivision in the same numbered schedule or a higher numbered schedule than to which it is rescheduled under the federal act.

Status: Signed by the Governor, Chapter 164 of the Laws of 2018

Relates to prohibiting the distribution without charge of electronic cigarettes to minors

[S.1223 \(Akshar\)](#) / [A.8014 \(Rosenthal\)](#)

This bill prohibits the distribution or sale of electronic cigarettes to minors, by any person engaged in the business of selling or distributing electronic cigarettes for commercial purposes, or by any agent and or employee

Status: Signed by the Governor, Chapter 4 of the Laws of 2018

Enacts the "Living Donor Protection Act of 2018"

[S.2496-B \(Hannon\)](#) / [A.297-C \(Gunther\)](#)

This legislation ensures that New Yorkers receive reliable and accurate information about live organ donation and to ensure that those who donate are protected against insurance discrimination and benefit from paid family leave.

Status: Passed Both Houses

Directs the Department of Health to post on its website information relating to emerging contaminant notification levels

[S.6655 \(Hannon\)](#) / [A.10927 \(Gottfried\)](#)

This legislation requires the Department of Health (DOH) to post on its website information relating to emerging contaminant notifications levels and educational materials so the information is easily accessible to the public and public water systems.

Status: Signed by the Governor, Chapter 314 of the Laws of 2018

Relates to allowing for the use of medical marihuana as an alternative to opioids for pain management and substance use disorder

[S.8987-A \(Amedore\)](#) / [A.11011-B \(Gottfried\)](#)

This legislation will allow physicians to certify patients for medical marijuana as an alternative to prescribing opioids. State regulations currently allow certification of patients for medical marijuana if they have pain that degrades health and functional capability along with certain additional requirements. This bill adds eligibility under the law, for patients with such pain whose use of medical marijuana is as an alternative to opioids. It will also add substance use disorder to the list of conditions for which a doctor may authorize medical marijuana use. This will allow for our state to offer proven harm reduction and treatment to those struggling with substance use disorder.

Status: Passed Both Houses

Enacts the drug take back act

[S.9100 \(Hannon\)](#) / [A.9576-B \(Gunther\)](#)

This legislation will provide for unified, statewide drug take back, to be paid for by manufacturers, and require participation of chain and mail-order pharmacies. Manufacturers will be responsible for all costs from public education and awareness to collection, transport and destruction, and pharmacies will provide methods for convenient drop-off and collection.

Status: Signed by Governor, Chapter 120 of the Laws of 2018

Public Safety

Relates to reporting requirements for various classifications of gas leaks by utility corporations

[A.467-A \(Pauling\)](#) / [S.4264 \(Griffo\)](#)

The bill would require utility companies to report gas leaks to the PSC in a uniform manner and also make this leak data available to municipal officials that are responsible for public safety to help facilitate any first responder coordination if necessary.

Status: Passed Both Houses

Relates to body imaging scanning equipment

[S.5337 \(Hannon\)](#) / [A.6838 \(Weprin\)](#)

This legislation amends the public health law, in relation to body imaging scanning equipment. It permits the non-medical use of low dosage ionizing radiation on inmates in local correctional facilities.

Status: Signed by the Governor, Chapter 313 of the Laws of 2018

[S.6683-A \(Golden\)](#) / [A.8375-A \(Abbate\)](#)

Relates to the certification of a deputy sheriff as a police officer

This legislation will allow for sheriff's departments to accept graduation certificates from the New York City Police Department (NYPD) for computing creditable service. This legislation would clean up this issue for former NYC Police Officers who have transferred to sheriffs' departments around the state by accepting their graduation certificate from the NYC Police Department for computing creditable service.

Status: Passed Both Houses

Relates to authorizing the Steuben correctional facility

[S.6850-B \(O'Mara\)](#) / [A.9069-A \(Palmesano\)](#)

This legislation will authorize the Steuben correctional facility to also be used for the detention of persons under arrest being held for arraignment in any court located in the county of Steuben.

Status: Passed Both Houses

Authorizes Erie County to offer an optional twenty-year retirement plan

[S.6939-A \(Gallivan\)](#) / [A.9540-A \(Ryan\)](#)

This legislation would afford certain Erie County Deputy Sheriff's the opportunity to enroll in the twenty-year retirement plan that is currently available to other members of the department.

Status: Passed Both Houses

Relates to authorizing the Tioga correctional facility

[S.7404 \(Akshar\)](#) / [A.9859 \(Friend\)](#)

This legislation will authorize the Tioga correctional facility to also be used for the detention of persons under arrest being held for arraignment in any court located in the county of Tioga.

Status: Passed Both Houses

Relates to authorizing the Wayne correctional facility

[S.8092 \(Helming\)](#) / [A.10248 \(Oaks\)](#)

This legislation will authorize the Wayne correctional facility to also be used for the detention of persons under arrest being held for arraignment in any court located in the county of Wayne.

Status: Passed Both Houses

Related to authorizing the Broome Correctional facility

[S.8431 \(Akshar\)](#) / [A.10587 \(Lupardo\)](#)

This legislation will authorize the Broome correctional facility to also be used for the detention of persons under arrest being held for arraignment in any court located in the county of Broome.

Status: Passed Both Houses

Raise the Age

An act to amend the public authorities law, in relation to authorizing the dormitory authority to construct and finance regional juvenile detention facilities

[A.10756-A \(Steck\)](#) / [S.8808-A \(Tedisco\)](#)

Authorizes the Dormitory Authority to construct and finance regional juvenile detention facilities and to allow counties to designate certain non-profit corporations as an agency of county government responsible for the administration of county juvenile detention programs.

Status: Signed by the Governor, Chapter 173 of the Laws of 2018

Real Property

Provides non-profit organizations real property exemptions taxable status date flexibility

[A.1647 \(Galef\)](#) / [S.2273 \(Hannon\)](#)

This legislation provides non-profit organizations real property exemptions, at local option, for those promptly applying that purchase after the municipality's taxable status date.

Status: PBH

Sets a statutory deadline for certification of equalization rates

[A.8806 \(Fahy\)](#) / [S.6958 \(Amedore\)](#)

This legislation holds when a municipality appeals an equalization rate determined by the New York State Office of Real Property Tax Services, the appeals must be finalized a minimum of thirty days before the tax bills are issued.

Status: Signed by the Governor, Chapter 132 of the Laws of 2018

Authorizing an exemption from property taxation for certain energy systems

[A.9651 \(Cusick\)](#) / [S.7418 \(Griffo\)](#)

This bill would add "fuel-flexible linear generation" to the various energy equipment and systems that are eligible for certain real property tax exemptions.

Status: PBH

Social Services

Relates to truancy allegations in persons in need of supervision and child protective proceedings in family court

[A.7557 \(Davila\)](#) / [S.5714 \(Avella\)](#)

This is one in a series of measures being introduced at the request of the Chief Administrative Judge upon the recommendation of his Family Court Advisory and Rules Committee. This measure would amend Articles seven and ten of the Family Court Act to remedy the unwelcome consequences of geographic diversity in PINS and child protective proceedings involving truancy allegations. The goal is to provide a more uniform treatment of children in cases of truancy across the state to help reduce the need for court intervention on truancy cases.

Status: Passed Both Houses

Tourism, Parks, Arts, and Sports Development

Relates to the closure of public access to any land owned by OPRHP

[A.2835-A \(Englebright\)](#) / [S.3457-A \(Serrano\)](#)

This legislation amends the parks, recreation and historic preservation law, in relation to requiring an evaluation of the impacts of closing public access to any land owned or operated by the Office of Parks, Recreation and Historic Preservation (OPRHP). OPRHP would be required to prepare a draft report that provides justification and the rationale for the closure at least six months prior to a proposed closure of such lands.

Status: Passed Both Houses

Creates the people's history project

[A.6868-A \(Dickens\)](#) / [S.6246-A \(Comrie\)](#)

This legislation amends the parks, recreation and historic preservation law, in relation to providing for the people's history project. The purpose of this bill is to recognize the

historical events, sites and persons of both local and statewide importance that have been overlooked by mainstream, established history by erecting commemorative markers on sites of historical significance explaining the event and the role of the individuals involved.

Status: Passed Both Houses

Requires Lyme and tick-borne disease warning signs at state parks

[S.7242 \(Serino\)](#) / [A.8829 \(Barrett\)](#)

This legislation amends the parks, recreation and historic preservation law, in relation to installing Lyme and tick-borne disease warning signs at all state-managed parks, including trail entryways and campgrounds. There are more than 9,000 cases of tick-borne diseases in New York State reported to the Department of Health each year. This legislation is one of a package of bills aimed at a multi-pronged approach of prevention, treatment, and education.

Status: Passed Both Houses

Transportation

Relates to a prohibition on diversion of funds dedicated to public transportation systems

[A.8511 \(Dinowitz\)](#) / [S.6807 \(Golden\)](#)

Prohibits funds raised to support public transportation systems from being diverted by the state budget director towards another purpose unless a statute is enacted to authorize such a diversion. Defines "public transportation systems" to include any public benefit corporation constituting a transportation authority which provides or contract for mass transit services, a subsidiary thereof, or any county or city which provides or contracts for mass transit services.

Status: Passed Both Houses

Evaluates signage on Southern State Parkway in Long Island

[A.6761-A \(Solages\)](#) / [S.3137-A \(Hannon\)](#)

This bill requires the department of transportation to evaluate the configuration of entrance and exit ramps, and signage at entrance ways and exits on the Southern State Parkway in Nassau and Suffolk Counties.

Status: Passed Both Houses

Authorizes a permit for a vehicle owned by a municipality to not expire

[A.6926-A \(Magnarelli\)](#) / [S.2904-A \(Richie\)](#)

Currently, the State Department of Transportation regulations mandate that each local agency file separate paperwork, known as "hauling permits," for each vehicle and trailer and keep documents available for inspection. This legislation alleviates this annual requirement, and allows the permit to remain valid until the vehicle is taken off the road.

Status: Signed by the Governor, Chapter 299 of the Laws of 2018

Authorizes the DMV to require examination of persons involved in an accident caused by loss of consciousness

[A.11121 \(Carroll\)](#) / [S.8990 \(Young\)](#)

The bill would authorize the Department of Motor Vehicles (DMV) to require driver's license holders to submit to a DMV reexamination of their fitness to drive if the licensee experienced a loss of consciousness and was involved in a reportable accident while driving and DMV receives evidence that the loss of consciousness caused or contributed to the accident.

Status: Passed Both Houses

Authorizes domestic companion animals be permitted to board public transportation during states of emergency

[S.7112 \(Lanza\)](#) / [A.4956 \(Rosenthal\)](#)

In the event that a state of emergency has been declared and an evacuation in any region of the state is in progress, the owner of a domestic companion animal shall be permitted to board any public transportation or public transportation service with the domestic companion animal under the owner's control by use of a leash or tether.

Status: Signed by the Governor, Chapter 284 of the Laws of 2018

Veterans

Create a process for minority veterans to become recognized as a certified minority and women-owned business enterprise (MWBE)

[A.9886 \(Bichotte\)](#) / [S.7891 \(Little\)](#)

The bill authorizes the division of minority and women's business development to accept the DD Form 214 issued by the Department of Defense as proof of an applicant's race or ethnicity. This is not an accepted form of identification today for purposes of determining MWBE eligibility.

Status: Passed Both Houses

Relates to the use of personal confidential information received from veterans or family members of veterans receiving services from the state

[S.6610 \(Lanza\)](#) / [A.1206 \(Cusick\)](#)

Requires all subdivisions of the state to, when dealing with a client or customer, inquire as to whether or not he/she or a family member is a veteran. This information will be private, and will be used only for the sake of informing the veteran or his/her family member that veterans are entitled to additional assistance and other benefits.

Status: Passed Both Houses

Relates to the issuance of deer management permits for certain service-connected disabled veterans

[S.723 \(Ort\)](#) / [A.4538 \(Ortiz\)](#)

For issuance of deer management permits this will allow disabled veterans to only have to show proof of disability one time and for every year thereafter the proof shall consist of an expired permit.

Status: Passed Both Houses