As we prepare for the new year, our advocacy efforts in 2020, and our collective work on behalf of counties across New York State, we wanted to take a moment to reflect on results from 2019.

In 2019, 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 described in this scorecard to highlight some of NYSAC’s 2019 key advocacy efforts on behalf of counties.

The final 2019-20 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.

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.

To this end, NYSAC staff:

- Attended thousands of meetings, hosted 10 webinars and 5 podcasts;
- Reviewed, monitored, and commented on more than 2,000 bills and provided written or oral testimony to numerous state legislative committees;
- Attended meetings in 35 counties, New York City, and Washington DC;
- Supported County Amicus Brief regarding the forest issue;
- 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; State’s Criminal Justice Reform Task Force, and the Special Education Fiscal Advisory Workgroup, among others.

For more information on NYSAC’s continued advocacy efforts, including our 2020 Legislative Program and 2020 Legislative Platform, please visit our website at www.nysac.org/legislativeplatform.
Victories

Marketplace Fairness - Internet Sales Tax Collections
- The enacted State Budget internet fairness proposal requires large internet marketplace providers to collect sales tax on behalf of all vendors that use their platform and remit these sales taxes to the state. On a full annual basis, the state estimates that as much as $2800m in local sales tax could be collected through this “marketplace” fairness change. DOB estimates $158m for all local governments (before sharing) and $122m for NYC. This includes the $59m for the AIM cost shift.

Elimination of the Energy Services Company Sales Tax Exemption
- The enacted State Budget eliminated the ESCO sales tax exemption which is expected to increase local sales tax collections outside of NYC by up to $46 million on a full annual basis, with about $38 million accruing to counties before regular sales tax sharing agreements. NYC eliminated their local sales tax exemption in 2009.

Office for the Aging EISEP Services
- The enacted State Budget provides for an additional $15 million for EISEP services through local Offices for the Aging to address the unmet needs of the elderly. The enacted budget also includes the Governor’s exemption of the 25% local maintenance of effort match.

State and Municipal Facilities (SAM) Program
- The budget re-appropriated $1.9 billion of $2.4 billion authorized in prior years. There is no new funding for this program in the budget. The supplemental capital bills included an additional $385 million in new authority for the SAM programs.

Community College Funding
- Funding for Community College state aid was increased from the prior year. This includes an additional $409,000 in state base aid, and $3 million for a family empowerment pilot project. The enacted budget also provides language that will ensure no community college shall receive less than 98% of the base aid funding that it had received in the 2018-19 community college fiscal year.

Elections Reform
- The enacted State Budget included an additional $10 million in funding to implement early voting and $14.7 million in capital appropriations for reimbursement of electronic poll books, associated software, on-demand ballot printers and cyber security software required to implement early voting. The reimbursement shall be apportioned based on the number of registered voters in a county. The State Board of Elections has recommended a combined total of $24 million to be disbursed to counties.

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. This includes a $50 million increase from last year’s budget (total appropriation of $204.8 million).

Raising the Age of Criminal Responsibility (RTA)
- The enacted State Budget includes an additional $100 million to implement the RTA law for a total appropriation of $200 million. 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.

Library Aid
- The supplemental capital appropriation bills add an additional $20 million for library grants, bringing the total to $251 million for eligible library construction projects - managed by the State Education Department.

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 along with an additional $4.5 million for additional services and expenses of jail-based SUD funding; NYC to hire additional substance abuse prevention and intervention specialists; and for the services and expenses of the office of the independent substance use disorder and mental health ombudsman.

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 third straight year. $65 million was allocated to assist counties with the impact to local roads.

Opportunities for Continued Advocacy

Bail Reform, Speedy Trial and Discovery
- The enacted budget includes language to reform bail, discovery and speedy trials effective January 1, 2020. The enacted budget did not include any funding for counties to implement these changes.
Upstate Cellular Coverage & Rural Cellular Deployment
• The Governor announced the creation of an Upstate Cellular Coverage Task Force. While the SFY 20 budget did not include funding for rural cellular deployment, counties continue to remain steadfast in our commitment to addressing this critical need. We are encouraged and support the executive and legislatures commitment to developing a program and appropriating funding to achieve the goals of this task force.

PINS Reform
• The enacted budget restores county reimbursement for PINS preventive services. Non-secure detention will no longer be a viable placement option for PINS youth, however, the ability to place a child in a pre-dispositional foster care placement is preserved. Judges will have the ability to place PINS children into foster care. The new change in law is that the placement into foster care for PINS children is for an initial period of 60 days (this used to be 12 months). The placement may then be extended for one 6-month period. The second permanency hearing can result in an order for one more extension of 4 months. Beyond that, there cannot be any extensions to placement unless requested by the Attorney for the Child on behalf of the child. There’s also an addition of “family support services”—community-based services that would help youth (and their families) who are at risk of being adjudicated PINS. This change takes effect January 1, 2020. The enacted budget did not include any funding for counties to implement the new family support services programs.

Lower Blood Lead Levels and Establish Lead-Based Paint Standards
• The enacted budget amends Public Health Law by lowering the blood lead level that constitutes an elevated lead level from ten to five micrograms per deciliter (μg/dL). In addition, the Commissioner of Health is required to promulgate regulations to establish minimum standards for lead-based paint in residential rental properties, and to provide necessary authority to local housing code enforcement agencies to include lead paint hazard control into existing enforcement activities. The final budget includes approximately $6.8 million in additional reimbursement to municipalities related to the additional work created by the lowering of the definition of elevated BLL from 10 to 5 μg/dL. This is much lower than the expected cost of $36 million for this new mandate.

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.

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 so long as counties are not required to renew locally every two years.

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.
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.

Interoperable Emergency Communication Funds
- NYSAC will continue to advocate for more timely disbursements of these grants for the years in which they are allocated.

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.