LEGISLATIVE PLATFORM
Executive Summary

2020 Budget and Legislative Platform

This year marks the 95th anniversary of the New York State Association of Counties (NYSAC) and another year of helping counties improve the lives of all New Yorkers.

As the administrative arm of the State, counties are a first line of government engagement for the majority of New Yorkers and provide a vast array of services.

Counties:

- **Take care of our vulnerable populations.** We fund and administer nearly all federal and state human service mandated programs; coordinate all foster care services and encourage the adoption of children in need of families; investigate all domestic violence allegations; provide child support, visitation and paternity petitions; help families in need of access to emergency services, including housing, food stamps, daycare and heating and cooling assistance.

- **Foster economic development, protect our environment, and promote quality of life.** We maintain hundreds of parks, beaches, forest preserves, museums and related cultural facilities; promote historical and tourism destinations in NYS, including the I Love NY campaign; facilitate economic growth through local IDAs; provide invasive species management and pursue energy efficiency projects.

- **Ensure New Yorkers remain healthy.** We conduct health and safety inspections of swimming pools, summer camps, beaches and other recreational venues; monitor and control insect-borne diseases, such as Lyme and West Nile Virus; run programs to prevent or reduce major causes of death and chronic disease; test for lead in homes of children identified as having lead poisoning; and monitor and test the safety of community water supply in New York State.

- **Keep New Yorkers safe.** We are the first responders fighting the heroin and opioid epidemic gripping the state through our offices of sheriff, mental health, probation, and public health; prosecute all felony crimes in county courts; provide supervision of all adult and juvenile offenders and are the implementers of the new Raise the Age law; run STOP DWI programs; and coordinate disaster preparedness, recovery and rebuilding efforts.

- **Build the infrastructure for our future.** Counties and other local governments own and maintain 85 percent of the roads and 50 percent of the bridges in New York State; own and operate both commercial and general aviation airports; create and manage green infrastructure projects that reduce rainwater and storm water runoff on roads, parking garages and other municipal structures.

- **Fund the education of our youngest special needs children.** We provide services for developmentally delayed and physically handicapped children from birth through 5 years of age; fund the largest local share of any preschool special education program across the nation; and help finance summer school programs for special needs children of all ages.
• **Provide other essential services.** We create, sponsor and fund community colleges and pay for a share of our residents’ community college tuition; train and develop skills for those seeking employment in the workforce; coordinate services for persons in need of supervision, including runaway and homeless youth; work with after-school programs to reduce truancy and encourage graduation; provide intensive direct services in secure settings for youth in pending juvenile delinquency cases in family court; fund and conduct all federal, state and local primary and general elections; and operate community DMV offices, collecting nearly $400 million in revenue for the State.

These are just a few examples of what counties across New York State do. We strive to implement and administer these functions in the most cost-effective manner to our taxpayers, but the list continues to grow, and program costs continue to escalate. That’s why our annual legislative platform includes a wide range of policy priorities.

We are calling on state leaders in Albany to partner with county governments. The following pages outline many meaningful reforms and creative initiatives that can act as a starting point for real, permanent property tax relief and improved government efficiency.

NYSAC’s 2020 Budget and Legislative Platform reflects the concerns and challenges facing counties, but also the opportunities to improve the lives of our mutual constituents. This is not a comprehensive list of all issues impacting counties; however, through a partnership between our members and state legislators, we can work together to make substantial changes that will benefit all New Yorkers.

We must continue to make investments at the local level to ensure that New York remains a leader in efficient and effective service delivery. Counties are often the vehicles and catalysts of this innovation, redevelopment, and resurgence.
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Every September, the whole NYSAC team, the 13 NYSAC Standing Committees, and our general membership convene at the NYSAC Fall Seminar. During this conference, standing committees are tasked with issuing, reviewing and passing resolutions that represent the membership’s interests and offer practical solutions.

Once the resolutions are passed through their respective committees and adopted by the membership, the Legislative Team organizes and identifies the priorities for the NYSAC Board to create the coming year’s Legislative Program. Once the platform is complete, the Legislative Team identifies budget priorities and non-budget legislative priorities. NYSAC expands on both the budget and legislative priorities and provides supporting material and data for each item. We then schedule meetings with representatives from the New York State Division on Budget (DOB) to share our members’ budget-related requests.

The Legislative Team then develops a lobbying plan for each issue. This involves analyzing the bills, obtaining county feedback and data, and organizing strategic meetings with the Legislature, staff, DOB, and the Governor’s Office.

If there are any major county-involved items within (or excluded from) the Executive Budget Proposal but not part of our Legislative Platform, the Legislative Team drafts resolutions to be presented to the proper standing committee at the annual Legislative Conference at the end of January/beginning of February.

While the budget process continues, new bills are introduced daily by members of the Legislature. The Legislative Team reviews daily introductions, reviews committee reports, and responds accordingly with memos in support or opposition.

At the conclusion of the NYSAC Legislative Conference, the Legislative Team sends the adopted resolutions to the Governor, Senate and Assembly leadership, each member of the Legislature, agency heads, Congressional Membership and any/all appropriate staff.

During February, the Legislature creates Legislative Budget Standing Committees and commences Joint Legislative Budget Hearings. The Legislative Team prepares testimony to be presented at the Local Government Hearing and coordinates meeting with the Senate and Assembly leadership and staff.

The Governor generally releases 21-Day Amendments and 30-Day Amendments to the Executive Budget Proposal bills by the end of February, depending on when initial bills are introduced. Once the 30-Day Amendments are released, the Senate and Assembly release their own budget proposals. The Legislative Team identifies key issues for counties within or excluded from the Legislature’s budget proposals and revises the lobbying plan for each issue as needed.

As the session concludes in June, the Legislative Team assembles analyses of all legislation that has passed both houses and measures each bill’s impact on individual member counties. Once the analysis is complete, the Legislative Team compiles the “Passed Both Houses” report, which is sent to NYSAC members. This report explains all the key items from the final State Budget along with a description of all the bills that have an impact on counties. Our team continues to update the report through the end of the calendar year.

Once bills are transmitted to the Governor’s office, NYSAC drafts letters to the Governor’s Counsel to report counties’ support or opposition to the pending legislation.
CHILDREN WITH SPECIAL NEEDS
NYSAC Staff Contact: Ryan Gregoire

Early Intervention

Background
Counties continue to struggle with the implementation of the state fiscal agent reforms approved several years ago. For many counties and New York City payments out of local escrow accounts are increasing significantly and do not appear to be linked to caseload changes, while provider capacity in many areas has declined, especially for certain specialty services. We believe a big reason for the increased cost is the state’s lack of progress in increasing third party collections from private insurance, as well as maximizing Medicaid claiming.

Recommendations
• The State needs to implement reforms to ensure third party insurance collections are maximized in the Early Intervention Program, including:
  o A requirement that provider claims are filed within 60 days;
  o Require all providers to enroll in 835 electronic remits and a timely filing arrangement;
  o Ensure providers exhaust all appeals within the required timeline of the insurer before moving on to the next payer of record;
  o Closely monitor any health insurance benefit changes in state supported public health programs such as Medicaid and CHP to ensure new costs are not shifted to counties;
  o Medicaid must pay the claims in the first instance, so that counties don’t have to pay upfront and then receive reimbursement later; and
  o Cap county costs, ensuring that counties are held harmless by any increase in provider rates.
• Reforms to the Early Intervention Program must ensure sufficient provider capacity (a state responsibility) is available and hold counties harmless for any delays that may occur due to a lack, and timely availability, of providers in some communities.
• Improve the EIP by addressing the lack of providers through a five percent provider rate increase in the lowest income communities, while holding counties harmless for any rate increases.

Preschool Special Education

Background
Payments to providers of preschool special education services have increased regularly over the last two decades. While across-the-board inflationary increases did not occur for several years due to fiscal constraints, regular retroactive reimbursement increases were granted during that period. However, reimbursements provided to counties to cover the cost of program services have consistently been underfunded based on statutory requirements. State administrative reimbursements to counties per case have not increased for decades, and reimbursement for transportation costs have been capped regardless of actual costs.
**Recommendations**

Update reimbursement to counties for preschool special education:

- Gradually remove counties from the fiscal responsibility of paying for preschool and summer school special education programs;
  - The first phase should be capping county fiscal liability for preschool special education at 75 percent of the average county cost for the last three-years and then implementing a five percent annual county match reduction to incrementally reduce the county fiscal liability for this program to zero for both preschool and summer school special education costs.
  - Provide incentives to help increase use of existing school bus fleets and other transportation systems so that preschool special education is more cost effective for the State and the counties.

- Increase state caps for transportation costs in the preschool programs, starting with a waiver program for counties experiencing unique circumstances such as a lack of transportation providers and/or severe caseload changes.

- The state should work with school districts to transport preschool children to preschool special education programs and services determined by the CPSE and provide they be reimbursed through an equal cost share between the school district, the State and the counties.

- A second phase should be to reduce counties’ transportation costs by five percent annually to incrementally reduce the counties’ fiscal liability for preschool special education transportation to zero.
  - Increase county administrative reimbursements from $75 to $110. They have not changed for decades and they should be subject to annual adjustments linked to inflation thereafter.

- Expand Universal Prekindergarten (UPK) to include children with special needs.
FIT Chargebacks

Background
Section 6305 of the State Education Law requires the state to reimburse counties for Fashion Institute of Technology (FIT) chargebacks, but the state has not provided the necessary appropriations to comply with this state law requirement.

Recommendation
If the state deems it is not possible to fully fund this requirement, we are asking them to consider an interim step of fully funding FIT chargebacks to counties related to all educational instruction provided after two years, or the completion of an associate degree (i.e. coursework necessary for a 4-year, and/or master's degree).

Formula Update

Background
Under state law, funding for community colleges is provided by a combination of state aid, a county sponsor contribution, and student tuition and fees. This model was based on state aid funding commitment of at least one-third, and up to 40 percent of a community college operating budget. Today, this state commitment has fallen below the one-third promised and far short of 40 percent.

Language from the FY 2020 State Budget provided community college with 98 percent of the previous year’s funding or $100 increase per FTE, whichever is greater.

The State University of New York has proposed a new funding formula that requires the state to adhere to a maintenance of effort for funding community colleges, which will prohibit cuts to base aid and institute a funding “floor” for each campus. The SUNY plan also calls for an increase of state funding for full-time equivalent (FTE) students by $125 from $2,847 to $2,972 per student.

Recommendation
NYSAC recommends the base state aid formula allocation for each community college to be permanently set at 100 percent of the previous year or $100 increase per FTE, whichever is greater.
Shovel-Ready/ Market-Ready Sites

Background
New York State has shown success with attracting large-scale economic development projects in the past. Many economic development sites lack access to necessary infrastructure such as water, sewer, roads, or utilities. Programs used to exist to support critical investments to attract large-scale transformative projects.

Recommendation
NYSAC supports reactivating and funding a Build Now-Shovel-Ready Certification Program to incentivize planning and developing market-ready sites across the State. NYSAC supports NYS investing $50 million in the Market-Ready Site Program, which will expedite the timeline for project completion and attract future investments in communities across the State.

IDA Loans And Grants To Stimulate Economic Investment

Background
Economic development is the main priority to broaden our tax base, create jobs and attract future investment. IDAs used to be able to reinvest their revenues in the communities they serve through loans and grants. Restrictive legislation passed in 2008 prevents IDAs from providing loans, grants, or civic activity bonds.

Recommendation
NYSAC supports efforts to authorize IDAs to provide loans and grants within their regions to create jobs, leverage private investment and improve the economic climate and quality of life across New York State.

Expand Access To Broadband And Cellular Services

Background
Broadband and cellular service are no longer luxuries; they are public necessities. While access to these services is available in nearly every urban and suburban community, rural sections of the State have been left behind due to the low return on providers’ investments in less populated areas. Individuals, businesses, and other entities in New York that lack high speed Internet access and cellular phone coverage have become largely disenfranchised as full and active participants in today’s economy, educational systems, and government processes when compared to their counterparts with access to broadband and cellular.

Recommendation
Counties urge the State to fund the infrastructure investments necessary for expanded cellular coverage and continue their commitment to prioritizing broadband services for unserved and underserved areas statewide. Counties will continue to work with New York State and the New York Congressional Delegation to push the federal government to increase appropriations for the Federal Communications Commission Mobile Fund Phase II project.
Early Voting Reform

Background
New York State counties manage and operate elections in the state. Unfortunately, we have some of the lowest voter turnout rates in the country. In 2019, the Legislature and Governor enacted sweeping election reforms to increase voter turnout and ease registration. A key reform was the enactment of early voting.

The SFY 2019-20 Budget included a $10 million appropriation in aid to localities to assist with implementing early voting in 2019 as well as $14.7 million to help counties purchase capital equipment including e-poll books and on-demand ballot printers.

This funding proved critical to assist counties in funding costs related to early voting. However, many counties have experienced costs in excess of the aid that they have received through these two grant programs.

Recommendation
NYSAC recommends that the SFY 2020-21 Executive Budget proposal maintain or increase the SFY 2019-20 financial commitment for early voting implementation funding for county governments.
**ENERGY & ENVIRONMENT**  
*NYSAC Staff Contact: Alexandra LaMonte*

**Expansion Of Bottle Bill**

**Background**
Counties have an important role in sustainable waste management. In the face of global recycling market volatility that has caused unsustainable cost increases, we will need additional state support to maintain recycling efforts that are essential for conserving natural resources and keeping unnecessary waste out of landfills.

**Recommendation**
One way to instantly improve the quality of the recycling stream is to remove glass containers. Glass is difficult for municipalities to recycle because when it breaks, it contaminates other recyclables and wrecks the machinery in processing plants. To reduce contamination and save municipal material recovery facilities (MRFs) money, we recommend expanding the Bottle Bill to include additional glass receptacles, such as liquor, wine, and tea bottles. As New York State’s craft beverage industry continues to grow, we have an opportunity to dramatically reduce glass contamination.

**Electronic Waste Disposal**

**Background**
The New York State Electronic Equipment Recycling and Reuse Act was adopted in 2010 in order to assist local governments with managing the fast-growing electronics waste stream. The law required electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs. Further, the law created a ban on disposal of electronic waste in landfills, effective January 2015, which resulted in a growing number of waste stream planning units throughout New York’s counties bearing more of the fiscal responsibility for continued e-scrap collection in their communities.

**Recommendation**
NYSAC calls on state lawmakers to help alleviate the financial and administrative burden on municipalities who are dealing with these electronics by continuing to fund the reimbursement of expenses incurred collecting and recycling e-waste through a $3 million appropriation, the same level which was included in the SFY 2016-17 Budget, but has since been expended.

NYSAC also requests that county governments approved for less than 50 percent reimbursement in 2019 due to the depleted FY 2016-17 appropriation be made whole.

**Adirondack Trail Project**

**Background**
The NYS Department of Environmental Conservation (DEC) designs, constructs, and maintains all trails in the Adirondack Forest Preserve. Since 2014, DEC planned and approved to move forward on an Adirondack trail project that would both help to maintain the integrity of the Adirondack Forest Preserve and allow for sustainable access into the preserve for the public to enjoy. This project would create a 27-mile trail to be used by snowmobiles in the winter and by
hikers in the other seasons, moving existing snowmobile trails to the edge of the Forest Preserve and away from areas that are more susceptible to damage.

The State Appellate Division Third Department ruled against DEC, stopping the planned construction of a trail intended for snowmobile and hiker use. On August 9th, 2019, Attorney General Letitia James filed an appeal to the NYS Court of Appeals in order for this important trail project to continue and for DEC to maintain their right to reasonably provide maintenance to the Adirondack Park for both public enjoyment and forest preservation.

**Recommendation**
NYSAC supports the state’s efforts to protect this important DEC trail program.
GAMING

NYSAC Staff Contact: Patrick Cummings

Revenue Sharing

Background
The State of New York and the Seneca Nation must come to an agreement on gaming revenue sharing. In 2017 a dispute between the Seneca Nation and the State arose over the language within the Compact, leading the Nation to stop revenue sharing payments to the State and counties. The revenue loss amounts to approximately $50 million annually to the 16 counties in Western New York. Counties use this revenue for a variety of purposes including maintaining vital local services demanded by residents and for property tax relief. The loss of this funding stream may force some counties to exceed the property tax cap and/or cut services if a solution is not found.

Recommendation
NYSAC urges the State to immediately make municipalities whole for past and current loses caused by the State’s dispute with the Seneca Nation of Indians in order to avoid further catastrophic harm to public safety and county services.
INDIGENT DEFENSE

NYSAC Staff Contact: Patrick Cummings

Hurrell-Harring Expansion

Background
Counties appreciate that under the NYS Office of Indigent Legal Services (OILS) Hurrell-Harring settlement plan, the State will fund one hundred percent of the costs associated with expanded indigent defense services and that in no event shall a county or the City of New York be obligated to undertake any steps to implement these expanded services until funds have been appropriated by the state for such purpose. Due to fiscal restraints of the counties we ask that this language remain in law.

Public Defense arraignment services expanded in 2018 and 2019, in part with the assistance of State funding. However, with this came some unexpected costs to counties that require State assistance that was not addressed in the indigent defense expansion law. One such unintended increase is the uptick in District Attorney work needed in new 24-hour arraignment court systems. During this process both arraignment and bail can be set by the court. With the new “Cashless Bail” reforms being enacted, DA presence at arraignment and bail hearing will be even more vital, as cash bail can still be assessed for violent felonies and the judge will place restrictions on those released based on the DA’s input. With Cashless Bail implementation and expanded 24-hour arraignment courts, DA’s need to be present to make the public’s case for court recommendations in order to ensure public safety.

Recommendation
We ask that any and all increased costs to DA offices be a 100 percent reimbursable expense as part of the expansion of Hurrell-Harring, or as an alternative, allow for DA’s to teleconference into court during this stage of the criminal process.
Parental Legal Representation For Family Court Matters

Background
In 2018, the Commission on Parental Legal Representation held public hearings on quality representation for persons eligible for assigned counsel in family law matters. In 1972, the New York State Court of Appeals ruled that “an indigent parent, faced with the loss of a child’s society [family structure]...is entitled to the assistance of counsel,” In Re Ella B., 30 N.Y.2d 352 (1972). This right to counsel is and should be a State obligation. However, the State has passed this obligation on to counties, making New York unique to all other states in the nation.

In February 2019, the Commission on Parental Legal Representation delivered an interim report stating “...a complete transformation is urgently needed in New York’s publicly funded system of parental representation in child welfare matters” and “(t)he systematic problems in our underfunded, county-based system are well documented.”

In recognition that counties are already fiscally overwhelmed by funding various State obligations, the Commission’s interim report’s solution to overhaul an underfunded and underperforming system was clear: “(w)e recommend that the State pay for all costs associated with parental representation in child welfare proceedings to ensure quality representation and eliminate disparities among localities.”

Recommendation
NYSAC supports the findings of the Commission on Parental Legal Representation and calls on the State to fully fund parental representation in child welfare proceedings, ensuring quality legal representation.

District Attorney Salary Increase

Background
The State sets DA salaries through commission recommendations for judicial salaries, which are linked to county district attorney salaries. Prior to recent mandated salary increases, the state picked up 100 percent of these DA salary increases. In 2019, DA salaries increased again with an additional impact of $700,000 statewide. In 2020, salaries will rise again.

Without the commensurate increases in state reimbursement for these mandated salary increases that used to be covered by the State, counties are spending $3.3 million more annually. Over the last several years, counties have spent over $12 million to make up for the state shortfall. While the increase seems small, for some counties these cumulative increases will consume up to 30 percent of the counties’ allowable property tax cap growth.

Recommendation
Counties strongly encourage the state to retroactively and annually pay for 100 percent of these mandated salary increases for 2016, 2017, 2018, 2019, and 2020.
Court Judgement Interest Rates

Background
When appealing a civil case judgement, the appealing party is exposed to paying interest on the lower court settlement ruling while awaiting the higher court determination. Judgment interest rates, set by New York law, are the highest in the nation, currently fixed at nine percent. Appeals can take multiple years to be heard which can cost counties and the State millions of dollars while waiting for a ruling. Most states and the federal government link their judgement interest rates to federal interest rates which are currently just above two percent. Changing New York’s judgment interest rate to match or reflect the current federal rates is an equitable common-sense approach and will save State taxpayer dollars.

Recommendation
Counties support the Governor’s proposal to modernize how New York calculates court judgement interest rates. We agree that this is long overdue and believe the Governor’s proposal to have the state set these interest rates similar to how the federal government does will provide savings for the state and counties.
Raising The Age Of Criminal Responsibility

Background
This law was enacted as part of the 2017-18 state budget (Part WW of Chapter 59 of the Laws of 2017). This legislation included statutory amendments that created a new Adolescent Offender (AO) classification, establishes a new Youth Part in Superior Court, and requires all misdemeanor cases, except for Vehicle and Traffic Law (VTL) misdemeanors, to be heard in Family Court. On October 1, 2019, this legislation went into effect for 16-year-old offenders. On October 1, 2019, this legislation went into effect for 17-year-old offenders.

Recommendations
- Continue the commitment to fully fund 100 percent of all new costs associated with changing the age of criminal responsibility for counties and New York City to avoid the imposition of a new unfunded mandate on local taxpayers.
- The state should de-link adherence to the state property tax cap as an eligibility requirement for full state reimbursement of costs incurred to implement the new state mandate.
- Additionally, to ensure that diversion first rather than detention first can succeed, the state must invest in a myriad of prevention services, including:
  - Ensure that the Dormitory Authority of the State of New York (DASNY) continues to be a viable and efficient vehicle for bonding SSD expansion projects;
  - Raise the minimum age a youth can be charged as a Juvenile Delinquent from seven to twelve years old;
  - Mandate that the state’s evidence-based criteria should account for existing local best practice programs;
  - Allow Probation the ability to make an application for a temporary order of protection as a part of the adjustment process;
  - Authorize law enforcement agencies to issue appearance tickets, instead of physical arrest, when Adolescent Offenders and Juvenile Offenders are charged with most Class D felonies;
  - Allow law enforcement agencies to deliver Adolescent Offenders, Juvenile Offenders, and Juvenile Delinquents to detention facilities after business hours without a securing order until the next business day or until court is in session;
  - Eliminate the requirement of a sentence of a conditional discharge or probation for Leandra’s Law cases when a defendant has been sentenced to a definite jail term or a term of imprisonment;
  - Eliminate the mandate that pre-sentence investigations must be conducted when a sentence of up to 364 days in jail has been negotiated;
  - Remove fiscal caps for foster care and youth detention;
  - Restore the 65 percent state match for child welfare;
  - Maintain state support for Persons In Need of Supervision (PINS)
o Restore prior state funding cuts for Supervision and Treatment Services for Juveniles Program (STSJP) and provide necessary increases in state funding support beyond the previous level;
o Provide a clear service needs plan and capital investment strategy to ensure there is sufficient provider capacity and detention space in all areas of the state;
o Bolster outreach and require engagement of the K-12 school system as a partner in these systemic reforms;
o Ensure judges receive appropriate training on alternatives that may be available in communities; and
o Develop a waiver process in the early transition years in regard to finding appropriate placement options for youth and families, especially in regard to the new specialized secure detention facilities for adolescent offenders (AOs).

- The state should consider using current state facilities to house AO until a sufficient supply of county units can be built and fully staffed as required under state regulations.
**Home Rule Authority—Sales Tax Extenders**

Currently counties must request home rule authorization every two years to extend the collection of their local sales tax authorization. Many counties often share the revenues with other local governments, where on average nearly one out of every four local sales tax dollars collected are shared with cities, towns and villages to help pay for services delivered by those municipalities or to directly lower the amount of property taxes levied in these jurisdictions. NYC has permanent sales tax authorization and is not required to make home rule requests to the state legislature, or to renew their existing tax rate locally. NYSAC requests that the existing sales tax statute be amended to make counties’ existing sales tax rates permanent, bringing parity for counties with New York City.

If counties’ sales tax authorization was made permanent, this would remove the unnecessary administrative expense and duplication of effort to process paperwork, forms, conduct legislative hearings, filings and notices, and protect them from being held up in unrelated political disagreements—resulting in improved government operations and fiscal savings for both the state and local levels.

**Implement The Next Phase Of Property Tax Reform**

*Background*

Counties want to build upon the Governor’s focus on property taxes by implementing the next phase of property tax reform in New York. Counties believe the best way to achieve meaningful property tax relief is to permanently alter the cost structure for local governments.

For counties, the largest taxpayer cost drivers are expenses related to paying for any one of several state programs. Counties want to work with the state to significantly cut county property taxes for homeowners and small businesses in exchange for the State taking more fiscal responsibility for its programs. Counties are required by the state to fund more programs and services than local governments in other states. This causes local taxes to be higher in New York compared to other states-­led by property taxes.

In 2017, 9 state programs (of dozens) equaled 90 percent of the statewide county property tax levy. This puts counties at the same place as they were in 2011. In the years in between, state required cost increases grew to 100 percent of the statewide county property tax levy in 2014 and have since modestly subsided.

The single largest way to lower property taxes is to eliminate the local share of Medicaid. This would result in unprecedented reductions in county property taxes. The cost of the Medicaid program in a typical county (outside of New York City) equals about 50 percent of the tax levy. We urge the Governor to consider a full takeover of the state Medicaid program.
There are a myriad of other reforms and changes that can move us in the right direction such as reforms to the early intervention and pre-school special education; increase article 6 funding for local public health departments; and increasing funding for county probation departments.

**Restore Safety Net 50/50 State-Local Cost Sharing**

Today, counties pay 71 percent and the state pays 29 percent of the nonfederal share of this major public assistance program. This cost sharing arrangement is unique to New York with most local governments in other states not required to shoulder such an enormous cost of state-designed public assistance programs. This contributes directly to higher property taxes in New York when compared to other states. Safety Net program costs continue to grow at a faster rate than federally-funded TANF costs and much of this growth is driven by increasing housing costs. Counties are seeking a gradual restoration of the 50/50 cost sharing model in counties.

An important first step would be to increase the cap on reimbursable housing expenses. This is a major cost driver for many counties where affordable housing options are not available. This should be followed by a gradual restoration of the 50/50 cost sharing over a multi-year period, this could provide $300 million in annual savings to local taxpayers.

**Increase DMV Fee Retention for Counties**

Currently, 87.3 percent of transactional fees at local DMV offices are transferred to the State. Allowing counties to retain more of these revenues would keep quality services local, boost revenues, and enable counties to cap or reduce county property taxes.

**End New Mandates**

Counties strongly encourage the Governor and State Legislature to enact “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.

Each time the State requires a county or other local government to administer and fund a new program, or expand an existing one, it causes local taxes to increase. Enacting “No New Unfunded Mandates” legislation will require the State to fully fund new initiatives, or expansions. This places financial responsibility on the entity making policy decisions, as it should be.

**Debt Setoff Program**

**Background**

County governments seek authority to be included in the State's debt set off program for any outstanding debt totaling $50 or more. In addition, counties recommend the state expand the setoff to include income from sports betting, on/off track betting and casinos, including video lottery terminals.

**Recommendation**

Local Government Authority

1. Specific authority that allows any and all local governments, special taxing districts and other local agencies including public hospitals and health facilities to participate in the state’s debt setoff (DSO) program to intercept personal income tax refunds, lottery winnings, and other state-provided individual payments.
2. Specific or general authority that allows any and all local government debts to be submitted and collected through the state’s DSO program.
3. Specific or general authority that allows a participating local government to charge the debtor a local collection assistance fee for successful setoffs.
4. Specific or general authority that allows (preference is required) a participating local government to use a recognized debt setoff clearinghouse for DSO activities.

County Association Authority
1. Specific or general authority that allows the state county association to function as a debt setoff clearinghouse on behalf of any local government and local agency participating in the state’s DSO program.
2. Specific authority that restricts the number and type of clearinghouses to encompass the state county association.
3. Specific authority that enables the clearinghouse to impose a local collection assistance fee on the debtor.

State Agency Authority
1. Specific authority that allows the state revenue agency or the participating local government to charge the debtor for state collection fees.
2. Specific authority that allows the state revenue agency to share social security numbers and addresses of local debtors with participating local agencies or the clearinghouse acting on their behalf.
3. Specific authority that sets a dollar amount, not percentage, for state collection fees on each successful intercept.
4. Specific authority that enables the state’s local funds management trust and revenue agency to cooperate with the clearinghouse to transmit, receive and disburse offset funds to participating agencies at the direction of the clearinghouse.
5. Operations preference that debtor notice and appeal requirements be limited to debtors with pending refunds and refunds held by revenue agency for period of 30 days for debtor challenge.

Reforms To The Tax Foreclosure Process

Background
The real property tax foreclosure process is designed to strike a balance that includes a strong enforcement mechanism to ensure critical property tax revenues are protected in order to provide vital state required and local services in our communities, while providing property owners important alternatives and additional time to make payments to avoid foreclosure. A recent state legislative initiative proposed to eliminate certain tax enforcement fees and penalties, allow for varying interest rates in tax delinquencies, and eliminate the current law “reverse chronological order” of satisfying tax liens.

Eliminating the current law “reverse chronological order” provisions will allow property owners to potentially abuse the system and remain perpetually in arrears on multiple years of their property taxes, significantly damaging tax compliance.

County government is the primary governmental unit, along with some cities and other municipalities, charged by the State with ensuring real property tax law compliance and enforcement at the local level. Under this charge, counties are required to fully reimburse all school districts and most towns and villages for any property taxes they cannot collect in the first instance, which often requires counties to borrow tens of millions of dollars annually while tax recoupment is commenced, all with the primary goal of ensuring fairness for taxpayers and
avoiding tax foreclosure. The real property law provides an extensive notification process for property owners that fall into arrears to help them understand what is happening and their options.

The real property tax law also allows installment payment plans for up to 36 months for tax delinquency to ease the burden and provides special allowances for farm property and military personnel—combined, these items can prevent tax foreclosure or extend the timeline for several years.

While many counties use these statutory allowances to ease the tax foreclosure process and burden, they also provide additional help including:

- Allowing partial payments for the initial property taxes due to ease the payment burden;
- Encouraging property owners to seek legal advice and other options so they can retain their property;
- Engaging family members, especially for senior citizens, to allow for these relatives to receive duplicate copies of property tax bills, delinquency notices and other real property items;
- Guiding property owners to local and state programs that may offer them assistance to clear up their delinquent taxes;
- Allowing property owners to repurchase their property in cases of tax foreclosure, under specified timelines and parameters, among other help.

**Recommendation**

NYSAC opposes state legislation that can undermine the careful balance that exists in state law related to the tax foreclosure process in New York State.

**Strengthening Current Tax Law Assessment Requirements**

**Background**

Under NYS Real Property Tax Law, assessors are required to assess real property at a uniform percentage of value in each assessing unit, on the basis of the building as it existed on the taxable status date, and to assess property as it is being used “value in use” on March 1st of each year. Assessors use three approaches to determine value including cost, income and sales. Across the country, and now in New York, large big box retailers have used an assessment approach that values their buildings and businesses as if it were a shuttered, deed restricted and abandoned property—the “dark store theory.” Such an approach generates an assessed value that is in no way similar to a fully operational comparable store.

Big box retailers have successfully challenged real property tax appraisals based upon the argument that their thriving commercial establishments are worth no more than an abandoned retail building of comparable size and location. Dark store theory has become more prevalent throughout the United States and is gaining a foothold in New York State.

There have been several court rulings in New York that have adopted the dark store theory in their decisions, which we believe is contrary to real property tax law in New York. This unfairly causes the real property tax levy to be redistributed to others in the community, including homeowners and small businesses.

Some states’ efforts to enact legislation which would preclude “dark store” challenges have been unsuccessful. The inability to address this problem in states highly impacted by this tactic has
caused a significant drop in the tax base and has cost local municipalities millions of dollars in legal fees incurred in defending assessed tax values.

In 2019, legislation was introduced in New York State intended to address dark store theory issues, but was never voted on because of concerns over the possibility of negative unintended consequences

**Recommendation**
The State should convene a task force that would involve assessors, real property appraisers, and real property tax attorneys. This task force should be charged to review what changes, if any, should be enacted to the New York Real Property Tax Law to provide more clarity with respect to the appropriate value to be used in appraising big box stores and other commercial properties.

**Federal Deduction For State And Local Taxes (SALT)**

**Background**
The Tax Cuts and Jobs Act of 2017 was signed into law by President Trump in December, 2017. Among the many changes, tax reform modified a long-standing federal deduction for state and local taxes. The SALT deduction, as it’s often called, previously allowed taxpayers to deduct the full amount of their state and local taxes from federal taxable income. Now, taxpayers are limited to deducting just $10,000 total, in state and local taxes. The 2018-19 State Budget provided for the creation of a charitable contribution fund, which is a state-operated charity. Taxpayers who donate to this fund are eligible to deduct the full amount of their donations from their federal taxes since donations for charitable giving aren't subject to the same limits as SALT deductions.

Local governments including counties were also authorized to create charitable organizations taxpayers will be permitted to donate to in exchange for property tax credits. This would make local taxes, including real estate or property taxes, fully deductible.

Over this past summer, New York State along with Connecticut, Maryland and New Jersey are suing the federal government over this new federal tax overhaul. The case has recently been dismissed and the State in weighing its options.

**Recommendation**
While the IRS has drafted regulations that would nullify New York State laws recently enacted related to charitable contribution, counties supported the state’s legal action (that was untimely dismissed) and are willing to partner with the state to identify other options for taxpayers who have SALT deductions in excess of $10,000 to mitigate any negative effect.
Funding Offsets For Federal Cuts To The Senior Nutrition Program

Background

County Offices of the Aging provide Senior Nutrition Services programs that serve many of the state’s most vulnerable seniors in terms of both providing nutritious meals as well as a means of regular contact with an often socially isolated group.

The 2019-20 New York State Budget provided an additional $15 million for the Expanded In-home Services for the Elderly Program (EISEP) services through local Offices for the Aging to address the unmet needs of the elderly.

Demand for nutrition services continues to outstrip funding from the state or federal governments. Most counties have determined that it is in the best interests of all county residents that the seniors of their communities continue to receive the valuable service provided by the Senior Nutrition Program, even when funding shortfalls must be covered by local tax dollars.

Recommendation

NYSAC recommends that the SFY 2020-21 Executive Budget proposal increase state funding for county senior nutrition services programs.

Protect Medicaid Disproportionate Share (DSH) Hospital Payments

Background

Congress established the Medicaid Disproportionate Share (DSH) program in 1981 to ensure state Medicaid programs provided adequate payments to public hospitals whose patient populations were disproportionately composed of low-income Medicaid and uninsured populations.

New York State receives over $1.8 billion annually in federal DSH payments, which leverages state funds providing a total of $3.7 billion in combined state and federal resources for hospitals.

Even though New York has fewer uninsured people since enactment of the Affordable Care Act, federal DSH payments remain a key funding source for many hospitals across the state. Congress has delayed the implementation of these federal funding cuts each year since 2014, but they are set to begin October 1, 2019 if no further action is taken by Congress to again delay the cuts. If the DSH cuts are not delayed, New York hospitals would lose over $600 million in federal funds, or 33 percent, and these cuts would double in size in 2021.
Recommendation
NYSAC calls on the State to urge the New York State Congressional Delegation to once again delay these funding cuts until such time as a sustainable solution for the preservation of the program is reached. NYSAC encourages the State Legislature to weigh in with the Congressional Delegation to prevent the cut.

Medicaid Savings – Promotion and Advancement of Telemedicine

Background
Effective this year, the state greatly expanded the use of telemedicine in Medicaid. Counties support the utilization of this technology to increase quality and access to care for Medicaid beneficiaries and others seeking responsive and assuring medical services and information, for routine matters and more importantly during a possible emergency. We also believe it can be especially helpful in areas that lack necessary health care providers and we strongly encourage the state to promulgate regulations for telemedicine use in the Early Intervention program, that currently struggles with a lack of qualified providers in many areas of the state.

Rensselaer County recently announced the details of a new public-private telemedicine partnership designed to improve the quality and accessibility of health care for Medicaid patients throughout the county. The partnership brings together private resources through United Concierge Medicine, CDPHP, County DSS and 9-1-1 services that provides a virtual app allowing patients to connect with emergency medical providers 24 hours a day, seven days a week.

Under this system, called “ER Anywhere”, CDPHP Medicaid patients will be able to consult with emergency medical providers to discuss treatment or to triage any acute medical issue. The system allows emergency medical professionals to assess the situation and even provide for a direct hand off to 9-1-1 if it is deemed necessary. The goal is to provide quick access to medical professionals for patients, while reducing the number of unnecessary emergency room visits.

Recommendation
• Counties propose the state allow up to 12 counties (initially) to share in a portion of the Medicaid derived savings from this initiative when they partner with the private sector, state, 9-1-1 and other local services in promoting this technology and normalizing this health care delivery mode as a workable option for beneficiaries and providers.

Counties can be a vital partner with the state and private sector to promote these advancements so they can become an accepted and normalized health care service delivery tool for Medicaid beneficiaries and others. Without broad acceptance and outreach to beneficiaries, the initiative may not reach its full potential. We believe that expanding public private models similar to what Rensselaer County is doing can promote telemedicine in conjunction with other public services, improving quality of care and access for beneficiaries, while also streamlining and optimizing the delivery and availability of vital 9-1-1 and other services.

• Quickly promulgate regulations to implement telemedicine utilization for the Early Intervention program.
**Make Permanent Housing the Central Focus of Preventing Homelessness**

**Background**
The level of homelessness is occurring in an environment where the New York economy is strong, the number of private sector jobs is the highest in state history, the state is experiencing record low unemployment in every region of the state, and we are in the midst of the strongest wage growth in over a decade. Local social service districts focus scarce resources on achieving permanent housing, preventing homelessness, and providing temporary placement. Insufficient state shelter reimbursements are compounded by no increase in a decade, even as housing costs have soared.

**Recommendation**
- State leaders should target supportive housing overseen by OMH, OASAS, DOH and OPWDD to efforts that prevent homelessness and quickly re-house people that become homeless;
- OMH, OASAS, DOH, OPWDD and DOCCS should focus efforts on services to prevent people from becoming homeless and for rapid re-housing by providing necessary clinical services, supports and after-care during the transition period to permanent housing;
- The State should utilize mobile mental health and alcohol treatment services that will take people from shelters and motels to their appointments or bring services directly to them;
- The State should ensure that existing funds for improving housing stock target low income housing in communities across the state (urban, rural and suburban) and is linked to a larger effort to prevent homelessness;
- State funding should target rental assistance to prevent evictions and to provide transition funding for people moving out of shelters and motels to more permanent housing in order to achieve stable housing;
- The State should expand existing shelter supplement plans and approve plans that require more state money, instead of insisting on savings or cost neutrality criteria, which ultimately limits the ability to reduce homelessness;
- The State should support efforts to use safety net assistance funding for stable housing so counties can be less reliant on shelters and motels;
- The state should encourage innovation and approve local waivers that propose new approaches; and
- The state should develop a public relations campaign to convey how everyone in the community benefits when we achieve stable housing for those most in need.

**Accessible Parking Space Requirements For Persons With Disabilities And Enforcement of Illegal Parking**

**Background**
The New York State Legislature introduced legislation, (S.5459/A.6215) in 2019 which will update accessible parking requirements to bring New York State law in line with the Americans with Disabilities Act (ADA) and International Building Code as adopted by New York State. Under current law, shopping facilities with more than five stores and at least twenty parking spaces must designate 5 percent or ten spaces (whichever is less) as accessible parking spaces, and law enforcement can ticket and or tow violators if a local law is in place.
The proposed legislation amends Section 1203-c of the vehicle and traffic law to give law enforcement the authority to ticket and tow illegally parked vehicles in spaces and access aisles designated for persons with disabilities and removes the provision that accessible parking requirements only apply to shopping centers or facilities with five separate retail stores.

The proposed legislation amends section 1203 of the Vehicle and Traffic Law to replace the term "handicapped" with the term “persons with disabilities.

**Recommendation**
NYSAC is supportive of this legislation and encourages its adoption into law.

**Oppose the Preserving Family Bonds Act (S.4203-A/A.2199-A)**

**Background**
This legislation passed both houses of the legislature in 2019. While the legislation may be well intentioned, counties remain concerned about possible negative consequences for adopted children and their families, as well as the state’s foster care and adoption systems if enacted.

The act grants family court judges the discretion to order continued visitation and/or contacts between children and their birth parents and/or siblings when a parent’s parental rights are terminated. Current law already allows for post termination and post adoption visitation rights for grandparents, siblings and half-siblings.

New York is currently ranked as one of the lowest in the country in complying with the federal mandate to achieve timely permanency for children who need to be freed and adopted. The federal government has required New York to set up a program improvement plan to try and resolve this issue.

The single most significant cause of this problem is court delays. The most common solution to ensure timely permanency is by expediting a termination petition, which prevents court delays. The key way to achieve this is for all the parties to agree that the birth parents will surrender the child with some conditions—usually including some limited and safe contact with the child after adoption occurs.

The “Preserving Family Bonds” act would result in the possibility of constant court involvement and intervention in the adoptive family’s life and repeated trauma for the child, and likely deter families from adopting in the future.

**Recommendation**
NYSAC urges the Governor to veto this legislation.

**PINS Reform**

**Background**
The SFY 2020 enacted budget included several provisions to make reforms to Persons in Need of Supervision (PINS) cases. Most PINS petitions are filed by the parent or caregiver of a child. However, school officials, police officers, people injured by the child, or the local county human services agency or probation department can also file a PINS petition.

The NYS Office of Court Administration and NYS Office of Children and Family Services have analyzed recent PINS trends, which show that statewide PINS filings are down approximately 37
percent, PINS detention admissions are down 41 percent, and placement admissions are down 45 percent.

The PINS reform legislation eliminated PINS detention, strictly limited the use of pre-dispositional placements, and placed time limitations on post-dispositional placements.

The PINS reform legislation was crafted specifically to comply with a new federal law—the Family First Prevention Services Act. The state reforms also allowed for the creation of Family Support Services Programs (Title 12 of Article 6 of the Social Services Law) which may be created at local option. The goal of these programs are to provide community-based services to children and families to prevent PINS petitions from being filed, PINS adjudications, and PINS out-of-home placements.

Recommendation
The SFY 2020 budget did not include any funding to create Family Support Services Programs. Without a dedicated funding stream, PINS children will not receive prevention services, resulting in many of these children remaining in the juvenile justice system. NYSAC calls on the Governor and State Legislature to dedicate funds to adequately provide for the creation of Family Support Service Programs.
Funding Support For Implementation Of Lower Blood Lead Levels And Core Public Health Services

**Background**

Underfunded public health mandates continue to emerge on a routine basis, including an expansion of responsibilities for children’s camps, Zika virus/mosquito surveillance, monitoring of contaminants in drinking water, technical assistance to schools to address lead in school drinking water, registration of cooling towers and, most recently, lowering of elevated blood lead level in children (EBLL).

During the 2019-20 State Budget negotiations, the definition of elevated blood lead level (EBLL) was lowered in statute to 5 ug/dL, a protective public health policy of which will result in a six fold increase in children requiring public health interventions. The budget included an investment of $9.4 million for local health department services, leaving approximately $36.6 million – or 80 percent of the costs to be paid by county governments.

**Recommendation**

- Allocate $46 million to the Lead Poisoning Prevention Program grants to assure successful implementation and operation of the expanded blood lead level program to protect children with elevated blood lead levels;
- Restore Article 6 reimbursement to New York City, which was reduced from 36 percent to 20 percent in the 2019-20 State Budget;
- Provide 100 percent reimbursement for the first full year of any new and/or significantly expanded public health mandates emerging from law, rule or regulation, including any programming related to lead safe housing/primary lead prevention;
- Fully restore the Cost of Living Adjustment (COLA) for Department of Health programs, which was removed in the 2018-19 State Budget; and
- Allow reimbursement of fringe expenses under Article 6 State Aid appropriation.

Funding Support For Unattended Death Investigations

**Background**

Coroners and medical examiners are county officers who make official inquiries about the cause and manner of an individual's death, especially those that occur under unnatural, unexplained, or suspicious circumstances. Coroners or medical examiners are required by law to investigate deaths by violence or accident. Due to the opioid epidemic, coroners and medical examiners are seeing a dramatic increase in their caseloads.

Prior to 2011, county coroners and medical examiners were reimbursed up to 36 percent with state aid from Article 6 funding to local health departments. In 2011, the State Budget shifted the reimbursement for medical examiners from the New York State Department of Health (NYSDOH) to the New York State Department of Criminal Justice Services (DCJS) and the
funding was no longer available as the state deemed this activity to be a public safety and not a public health function.

**Recommendation**
Provide for a 50-50 state and local match for counties investigating unattended deaths. Funding will support efforts by coroners and medical examiners to perform autopsy, pathology, and toxicology services including the identification of real-time trends such as prescription medication and drug abuse, lethal activities, and to alert the appropriate county and State agencies, and the public of these dangers.

**Raising Base Grant For Local Public Health Departments**

**Background**
Local health departments are New York State’s partners and operational extensions, addressing public health issues and serving as the first line of defense against all public health crises by protecting communities and residents. Activities led by the 58 local health departments across New York State are paramount to our collective ability to achieve prevention agenda goals, address health disparities, improve health outcomes and ensure community safety and stability. Local health departments have not received an increase in core public health aid in more than six years, nor have they received adequate compensation needed to respond to emerging health issues.

**Recommendation**
NYSAC urges the Governor to reinvest in public health services by expanding Article 6 State Aid for General Public Health Work base grants and reimbursement rates in the following ways:

- Fully restore the COLA for DOH programs, which was removed in the 2018-2019 State Budget;
- Allow reimbursement for fringe expense under Article 6 State Aid appropriations; and
- Increase base grants to ensure public health services are eligible for full reimbursement of local expenditures:
  - Increase base grant to Full Service LHDs (those with environmental health units) from $650,000 to $750,000;
  - Increase the base grant to Partial Service LHDs from $500,000 to $550,000;
  - Increase the per capita rate for the largest counties from $0.65 per resident to $1.30;
  - Increase the beyond-base-grant state aid reimbursement rate from 36 percent to 40 percent;
  - Provide 100 percent reimbursement for the full first year of any new and/or significantly expanded mandates emerging from law, rule or regulation.

**Permanent Jail-Based SUD Treatment And Services Programs**

**Background**
The 2019-2020 State Budget included $4.75M of funding for substance use disorder (SUD) programs. This is a significant step in addressing the need, however, this level of funding does not adequately sustain these counties beyond 2020, nor does it provide for adequate funding for the remaining county jails not included in this first round of funding. Jail incarceration provides a unique opportunity to offer treatment supports during periods when people are clean and sober. Having an appropriate level of funding to establish a comprehensive re-entry plan is critically important to minimizing the possibility of drug use, overdose and recidivism post incarceration.
New York State’s own analysis of the costs and benefits of jail-based SUD treatment found these services save taxpayers $2,170 in criminal justice costs and victims $676 per person, for a total impact of $2,846 saved for each person served, as well as a reduction of 13 victimizations per 100 people served.

**Recommendation**

NYSAC calls on the Governor to establish a recurring appropriation of $12.5 million in the Governor’s proposed 2020-2021 Executive Budget for the establishment of permanent jail-based SUD treatment and transition services programs in every county correctional facility. This appropriation would provide counties with the resources necessary to address the existing gap in the SUD treatment continuum and support efforts to reduce the human cost of the heroin/opioid epidemic on New Yorkers, while also reducing recidivism and victimization.

**Jail Health Care And Medicaid Enrollment Pre-Release**

**Background**

Counties are struggling with increasing costs for providing health care for local inmates. Rising pharmaceutical costs, in conjunction with a spike in substance abuse and mental health needs requires a targeted state investment to help alleviate pressure on local taxpayers. According to data from the New York State County Re-entry Task Forces, for the 19 participating counties, 26 percent of inmates required mental health services, 79 percent required substance use disorder treatment and 81 percent required social services. In New York City the situation is even more serious. Based on a review of 400 individuals that were each jailed nearly 20 times over the last five years, 67 percent of these individuals had a mental illness (21 percent had a serious mental illness) and 99 percent had a substance use disorder.

**Recommendations**

- The State should pursue a federal Medicaid waiver to help address health care issues in local jails, including:
  - Allowing Medicaid reimbursement for inpatient substance abuse services. Successful and lasting substance abuse treatment models can reduce recidivism by lowering overall detention costs for correctional facilities, in addition to providing other benefits. The White House has recently indicated it is considering broad Medicaid waiver authority to help address the current opioid drug epidemic.
  - Allow inmates to be enrolled 30-days prior to their release into Medicaid to ensure needed medical services can be put in place upon release, and/or ensure current treatments can continue without interruption.
- Provide support and financial resources to counties to offset the costs of providing HIV and Hepatitis C treatment to incarcerated individuals.
- Provide counties with funding for health care services provided to state parole violators and “state readies.”

As noted above, many inmates require mental health services, and most require substance use disorder treatment and social services. Therefore, the state needs to provide more state fiscal support:

- From the Office of Mental Health and Office of Alcoholism and Substance Abuse Services to enhance treatment of individuals with mental health and substance use disorders who are incarcerated in county jails. The heroin and opioid abuse epidemic has greatly increased the need in this area.
- To prisoner re-entry services that improve the health and safety of individuals, as well as reduce recidivism.
• To undertake a review to see if a model that uses a statewide negotiated health care rate between individual counties and nearby health care providers would be useful in lowering costs and improving access to high quality health care. Time and cost restraints of transporting inmates to health care providers or facilities often limits the pool of health care providers or hospitals a county can utilize for treatment, potentially limiting negotiating leverage on price and access to health care services

OMH Housing Programs Evaluation

Background
The State’s Office of Mental Health supportive housing programs are expected and required to serve the clients with the highest and most challenging behavioral health needs and long-term viability of these programs are an essential component of recovery. Directors of Community Services (the county agency responsible for providing and coordinating mental health services) report significant wait lists for mental health housing and it is becoming increasingly more difficult to find safe, affordable housing units and provide higher level of services and appropriate staffing to safely serve these medically-complex individuals.

Depending on the model of care, funding for approximately 40,000 units of OMH housing, statewide, has been decreased by 40-70 percent due to inflation and funding limitations, staffing turnover rates have reached all-time highs in all programs.

The State Legislature passed legislation in both houses, S.5637-A (Carlucci) / A.7489-A (Gunther), to establish a temporary commission to be known as the Office of Mental Health Housing Program Evaluation Commission, to evaluate the effectiveness of these programs and make recommendations on the adequacy of funding levels, number of direct care and professional staff and levels of programmatic needs for the residents they serve.

Recommendations
Counties call on the Governor to approve S.5637-A/A.7489-A to establish the Office of Mental Health Housing Program Evaluation Commission in an effort to make known any existing gaps in the State’s current mental housing program model and identify the adequate levels of reimbursement needed to support the appropriate management of this higher level of service in every county.

Cannabis Legalization & Reforms

Background
The NYS Department of Health (DOH) has issued an official report recommending that the State legalize adult-use cannabis. Ten states—Alaska, California, Colorado, Maine, Massachusetts, Michigan, Nevada, Oregon, Vermont, and Washington—and Washington DC have already legalized adult cannabis.

The State report acknowledges the difficulties that legalization is anticipated to present for local law enforcement. This legislation will also have other social and practical impacts that will place new responsibilities and service requirements on many county departments, including public health, mental health, substance abuse, consumer protection, economic development, and others.
**Recommendations**
If adult-use cannabis is legalized, the State should provide counties with resources for public education and technical assistance to manage the societal impact to public health, public safety, criminal justice, consumer protection, and economic development, among others. Counties should be allowed to apply their local sales tax rate on these transactions. In addition, a portion of the cannabis cultivation tax should be shared with the county in which the product is grown.

**Marijuana laws in the US**
Note: Vermont and Washington, DC, do not allow marijuana sales for recreational purposes.
Wildlife Management Techniques At Airports

Background
Wildlife populations can pose a threat to aviation operations in and around airports and can cause significant damage to aircraft, lengthy flight delays and threats to the safety of passengers and residents in surrounding communities. Airports employ best practices to keep wildlife populations at bay with fencing, walls, storm water ponds, pulsating lights, etc. Despite these efforts, wildlife populations still make their way onto runways, tarmacs, and into flight paths.

The NYS Department of Environmental Conservation (DEC) recognizes that wildlife population reduction is necessary at airports and other public facilities, and issues permits to authorized persons to use certain firearms and techniques to remove wildlife populations from aviation properties.

Recommendation
Legislation has passed both houses during the 2019 session, A.1599 (Hunter)/S.5849 (May). This legislation partially restores prior practices by DEC of issuing special wildlife management permits.

NYSAC recommends that the Governor and State Legislature pursue chapter amendments to fully reinstate the authorization and use of certain successful wildlife management techniques in a strictly controlled manner by government employees acting in an official capacity or persons acting pursuant to a permit to continue to effectively control wildlife populations at airports and surrounding areas.

Airport Capital Funding Programs

Background
According to data from the New York State Department of Transportation and updated figures from the Port Authority of NY-NJ, the aviation industry contributes over $72.3 billion in annual economic activity in New York State and more than 506,372 New York-based jobs in aviation or aviation-related industries, generates $25.8 billion in payroll and well over $6 billion in state and local tax revenue annually. In 2016, Governor Andrew Cuomo initiated a supplemental $200 million state investment to revitalize New York State airports and subsequently enacted budgets have included funding for the Aviation Capital Grant Program that helps the state realize the full potential of its airports and aviation industries.

The Upstate Airport Economic Development and Revitalization Competition has awarded six airports funding for projects that enhance safety, improve operations and access, reduce environmental impacts, create better passenger experiences and leverage private investments. However, the competition has now exhausted the available funding, leaving most other airports still in need of state assistance to update and expand their facilities and improve service.

Varying annual levels of funding for the State Aviation Capital Grant Program of between $10 million and $22.5 million over the last 5-Year Transportation Capital Plan has made it very difficult for airports to plan projects as the number and size of awards made are limited at these funding levels.
While this funding is welcomed, the reduced levels of state financial commitment is concerning and falls short of what is needed by the large number of airports in New York that are owned by counties and other local governments.

**Recommendation**
NYSAC urges the Governor to provide increased, recurring and reliable funding in a new 5-Year Transportation Capital Plan for the modernization of airports that are owned by counties and local governments and all the State’s airports through a robust Aviation Capital Grant Program at $40 million annually. In addition, the state should fund a new round of funding for a Statewide Airport Economic Development and Revitalization Competition grants to support our aviation systems.

**CHIPS Bidding Threshold**

**Background**
The current competitive bidding threshold for highway projects is $250,000. The last increase to this threshold was in 2011 to bring the threshold up from $100,000. Legislation has been introduced in both houses to increase the amount of the current cost threshold from $250,000 to $500,000.

**Recommendation**
NYSAC urges the Governor to include this proposal in the 2020-21 Executive Budget. NYSAC supports an increase in the CHIPS bidding threshold to give municipalities the flexibility and the option to bid out or perform in-house projects that cost less than $500,000.

**Transportation Needs Assessment And Funding Commitment**

**Background**
Locally-owned roads and bridges account for 87 percent of the state’s 110,000 miles of roadways and 50 percent of the state’s 18,000 bridges. In addition, and 46 percent of the 350 million daily vehicle miles of travel in New York occurs over local highways. The New York State Department of Transportation’s 20-Year Transportation Needs Assessment (2010-2030) released at the end of 2007 outlined the transportation challenges facing New York State during the covered decades and presented NYSDOT recommendations for new capital investment policies and strategies to better meet the challenges facing state and local highways, bridges and culverts, intercity passenger and freight rail, suburban and upstate transit, ports and airports.

According to the Office of the State Comptroller, local governments outside of New York City invest approximately $1 billion annually on local roads and bridges, estimated to be $15 billion over the period 2015-2030. Over $1.3 billion in additional revenue is needed annually to meet these needs or the deterioration of the pavement and bridge infrastructure will accelerate and will adversely impact the motoring public, system safety and the economic vitality of New York State.

Funding from CHIPS and other state assistance programs—Bridge NY, Pave NY and Extreme Winter Recovery (EWR) programs are helping counties meet the overwhelming needs of the locally-owned transportation systems. The 2019-20 State Budget maintained the current base level for CHIPS at $438M for a sixth year in a row. Programs designed to direct state funding to
local transportation infrastructure, such as CHIP, Pave NY, Bridge NY and EWR, must be continued and enhanced to improve conditions of New York’s local roads, bridges and culverts.

**Recommendation**
NYSAC calls on the Governor and NYSDOT Commissioner to develop and present to the legislature and the public, a 20-year needs assessment and a 5-year capital plan that meets the needs of the local transportation systems.

As Lawmakers consider the next DOT 5-year transportation capital plan, we encourage you to continue to achieve parity with the MTA, as has been done historically. The MTA 5-Year Plan is proposed at $51.1 billion with new sources of revenues including congestion pricing and a rental car surcharge that will come from motorists. In order for the DOT Capital Plan to achieve parity with the MTA, there will need to be significant increases in traditional transportation programs, along with dedicated revenues, and new programs that can be designed to significantly strengthen our upstate infrastructure.

**Transportation Electrification Mandates**

**Background**
Governor Andrew M. Cuomo signed into law the Climate Leadership and Community Protection Act (CLCPA) which directs the state of New York to adopt a state energy plan establishing:

- Clean energy goals for the year 2030 aimed at producing 70 percent of electricity from renewable sources;
- Increasing energy efficiency from 2012 levels by 23 percent; and
- The expressed goal of reducing 100 percent of the electricity sector's greenhouse gas emissions by 2040.

The CLCPA also mandates reducing greenhouse gas emissions from all anthropogenic sources by 100 percent over 1990 levels by the year 2050, with an incremental target of at least a 40 percent reduction in climate pollution by the year 2030, creating a Climate Action Council; and preparing a climate action plan.

The cost of transitioning the state and local highway departments’ equipment, construction vehicles and snowplows to run on electricity is, at this juncture, incalculable but expected to exceed the ability to be financed without substantial sources of new revenues that will need to be directed strictly for the retrofit or procurement of such electric equipment and vehicles.

**Recommendation**
NYSAC calls on the Governor, the NYSDOT Commissioner and Legislative Leaders to commit to providing the funds necessary to fully cover the counties’ costs of complying with the state mandates under the CLCPA.

NYSAC also urges that a representative of the New York State County Highway Superintendents Association be appointed as a member of the Transportation Advisory Panel as established by the CLCPA.

**Mass Transit Infrastructure Investments**

**Background**
While considerable progress has been made, transit infrastructure continues to age and there is a large backlog of capital needs to replace over-age vehicles, to modernize facilities and add customer-focused technology.
Upstate and Downstate Non-MTA transit systems require $1.7 billion over the next 5 years to maintain infrastructure in a state of good repair and make strategic investments.

The combination of all funding resources expected to be available from all levels of government to Non-MTA transit systems over the 2020-2024 period totals $713 million, leaving a $1.019 billion funding gap.

**Recommendation**
Sustained operating and capital investment is critical to allow transit systems to provide the quality of service that New Yorkers deserve and is necessary to ensure mobility that supports a growing economy.
PUBLIC SAFETY

NYSAC Staff Contact: Ryan Gregoire

9-1-1 Communications

Background
Counties operate and maintain 9-1-1 functions. The funding mechanism used today to operate, maintain, and upgrade 9-1-1 system capability and performance is out of date and does not correspond well to recent technology changes and requirements of the Federal NextGen 9-1-1 program. Too much funding is diverted by the State for non 9-1-1 purposes. These diversions make New York ineligible for federal grants intended to help implement 9-1-1 system upgrades. Additionally, the current state funding model does not direct sufficient revenue to allow counties to properly maintain existing systems, while also preparing to implement the next generation of 9-1-1 technology.

Under current law, for the last three budget years, $10 million has been authorized and targeted directly to PSAPs and up to $65 million is set aside for the provision of grants and reimbursements to counties administered by the State Interoperable Communications Grants (SICG) program, administered by the Division of Homeland Security. Counties continue to struggle with long delays in accessing these state-authorized programs, sometimes waiting two years for reimbursement.

Recommendation
NYSAC is asking the state to release all funds authorized so far and to ensure that future authorizations are released in full in the budget year they are appropriated. Getting these funding obligations on a regular schedule will provide certainty and build continuity as we upgrade and maintain existing systems and prepare for NextGen 9-1-1 development and roll out at the county level.

The goal of upgraded 9-1-1 systems is to make sure that all devices capable of connecting to the system can do so using voice, text, video images and other data formats to better inform the emergency responders to the situations they will be entering. In addition, upgraded systems will be able to better pinpoint an emergency caller that may be in a remote area of the state or skyscraper in New York City. Knowing a more precise location of those needing emergency services will improve outcomes and save lives. This cannot be accomplished without consistent and timely funding from the state.

NYSAC also urges the State to partner with the New York Congressional Delegation to pass H.R. 1629 that would reclassify 9-1-1 telecommunicators into the “Protective Service Occupations” Standard Occupational Classification System (SOCS) category.
**Cashless Bail Reform**

**Background**
New York counties provide and pay for the majority of criminal justice services for our state’s residents. In 2019, the SFY 2020 Budget included bail and discovery reforms. Beginning on January 1, 2020, bail will only be available to a limited cohort of crimes deemed “qualifying offenses.” Counties will be required to have pre-trial services in-house or on contract. These pre-trial service agencies must be certified by OCA and court appearance reminders are mandated.

Furthermore, electronic monitoring will only be available for felonies, DV misdemeanors, Article 130 offenses, misdemeanors where the defendant has prior Violent Felony Override in the past 4 years and “530.60(2)(b) scenarios.

**Recommendation**
Counties support the reforms outlined in the 2019-20 Adopted Budget. However, there will be increased costs to County Sheriffs, Probation Departments, and District Attorney offices. These added costs should be considered and accounted for by the state.

In addition, the State Commission on Corrections should revise the staffing requirement for each local correctional facility as set forth in 9 CRR-NY 7041.2 NY-CRR upon implementation of this legislation to adjust for expected reductions in local jail census.

NYSAC urges the Governor and State Legislature to create a taskforce to understand the true costs of implementing these criminal justice reforms. This taskforce must work to determine the full impact to the criminal justice system and recommend appropriate state funding support or legislative modifications to assist counties with continued effective implementation.

**Parole Violators**

**Background**
New York State counties incur substantial costs to construct and maintain jail facilities for inmate populations in accordance with standards set by the New York State Commission of Correction. The incarceration of state parole violators in county jails is an unfunded State mandate on counties. In the 2009-10 State Budget, the State eliminated reimbursements to counties for the cost of housing parole violators in county jails. Counties are mandated to pay for medical, hospital and dental expenses of parole violators incarcerated in county jails. The sheriff’s department also incurs expenses for transport costs of parole violators and court appearances.

**Recommendation**
Counties recommend that the state transfer parole violators held in counties jails within ten days to a state facility and reimburse counties for any costs they incur for housing state parole violators after 10 days in a local jail.
Humane Alternatives To Long-Term (HALT) Solitary Confinement Act

Background
The Humane Alternatives to Long-Term (HALT) Solitary Confinement Act would mandate that counties in New York construct new residential rehabilitation units for the therapy, treatment, and rehabilitative programming of incarcerated peoples who have been determined to require more than 14 days of segregated confinement.

These therapeutic residential rehabilitative units must be trauma-informed and aim to address individual treatment and rehabilitations needs and the underlying causes of problematic behaviors.

Improving jail safety and the rehabilitation system for our inmates is laudable, however, mandating counties to pay for new jail capital improvements to create residential rehabilitations units is extremely costly and is likely to exceed hundreds of millions of dollars.

Recommendation
Counties oppose state legislation S.1623/A.2500, otherwise known as the HALT Act, which would mandate counties be responsible for providing new rehabilitative units for county inmates.

Reclassification Of Emergency Medical Services As Essential Services For The Purposes Of State Aid Funding

Background
Volunteer emergency medical services play a vital role in keeping our communities safe. By classifying emergency medical services as “essential services,” organizations will be able to tap into an increased number of funding sources, and in turn, will be able to keep our communities safer.

Recommendation
Classify emergency medical services as “essential services” for the purposes of state funding eligibility.

Increase Income Tax Credit For Volunteer Firefighters and EMS Workers

Background
The vast majority of people serving as firefighters and EMS personnel in New York State are volunteers. Of the state’s 1,795 municipal fire departments, 89 percent are volunteer organizations. Our system of providing these essential services varies by municipal jurisdiction. Cities and most villages have municipal fire departments with a combination of paid and volunteer staff while towns usually have independent fire districts comprised of volunteers. Most of these entities are substantially smaller than those found in cities and villages and are often comprised of part-time volunteers.

Over the last decade, NYS has experienced several volunteer ambulance departments that have closed shop, transferring their certificates of operation to a for-profit provider or merging with other volunteer ambulance departments.
According to a NYS Comptroller report in March, 2017, there were approximately 92,000 to 96,000 volunteer firefighters statewide. In 2007, the State Legislature and the Governor enacted a volunteer firefighters’ and ambulance workers’ credit (Section 606 of the NYS Tax Law). Active volunteer firefighters or volunteer ambulance workers are entitled to a credit against their state income tax equal to $200. Tax credits are a benefit that has been proven to help attract and retain volunteer firefighters and EMS workers.

**Recommendation**  
NYSAC recommends that the Governor include language to provide an increase to the Volunteer Firefighter and EMS Worker State Income Tax Credit to at least $500 annually.

**Medication-Assisted Treatment in The Correctional Services Act**

**Background**  
Medication-assisted treatment (MAT) is an evidence-based treatment for opioid use disorder that uses FDA-approved pharmacotherapy in combination with counseling and behavioral therapies to treat substance use disorders. The cost of providing MAT inside county jails is mostly borne by the county, and any mandate to provide MAT to incarcerated individuals without an ongoing commitment of State Aid funding will create a significant unfunded mandate on the counties. Legislation has been introduced to mandate MAT in correctional settings whereby sheriffs and county officials would be required to provide all available forms of MAT to individuals incarcerated in local jails who are battling a substance use disorder (SUD).

This program would be optional for any inmate to participate in at any time during the length of their stay in a county correctional facility. The proposed programs, in addition to administering medication to the inmate, must also include group and individual counseling and clinical support; peer support; discharge planning services; and reentry and transitional supports. For counties to provide every available type of MAT to the entire jail population suffering from opioid addiction, which includes Vivitrol, Suboxone, Methadone and Sublocade, the NYS Conference of Local Mental Hygiene Directors (CLMHD) has estimated that the cost to county governments outside of NYC, would easily exceed $74 million for the medication alone.

**Recommendation**  
NYSAC supports providing SUD treatment to individuals suffering with addiction and dependence and supports the legislative intent expressed in S.2161-B (Bailey) / A.833-B (Rosenthal), however, counties cannot support this program without the state fully funding the costs.

**Repeal The Medicaid Inmate Exclusion Policy (MIEP) For Pre-Trial Inmates**

**Background**  
The Restoring the Partnership for County Health Care Costs Act of 2019 (H.R. 1345) repeals the Medicaid Inmate Exclusion Policy (MIEP) for pre-trial inmates. Repealing the MIEP allows individuals who are in the custody of law enforcement or ending disposition of charges the ability to remain on Medicaid for the purposes of continuing healthcare coverage until they are convicted of a crime.
In 2018, in New York State, there were a total of 22,860 inmates, of which 15,068 or 66 percent of the jail population was un-sentenced, including a large portion of individuals that could remain on Medicaid, CHIP, and/or Supplementary Security Income (SSI) benefits.

**Recommendation**
This federal legislation preserves the partnership between the federal and local governments, ensuring that local governments are not burdened with an unfair share of meeting the mandate to guarantee medical coverage. Furthermore, this legislation substantially reduces the cost of inmate medical care, resulting in significant savings to county governments. We encourage the State Legislature to reach out to New York’s congressional delegation to support this legislation.

**Medicaid Managed Care Premium Recoupment Pilot**

**Background**
When processed into a county jail, a Medicaid eligible inmate has their eligibility status suspended and if it is determined if they are in managed care, their monthly health insurance premiums can be recouped during their incarceration (notwithstanding first and last month of incarceration). Staffing challenges and the lack of an automated process for collecting this data and facilitating notifications to responsible parties is causing unnecessary payments to accrue at taxpayer’s expense. Some quick data points:

- 60 percent of inmates are eligible for Medicaid before being incarcerated, and
- 70 percent of inmates will reoffend within three years of release

**Recommendation**
The counties would like to partner with the state to streamline and more fully automate this process to ensure unnecessary payments are stopped in a timely manner and recoup overpayments in any prior years. We would like the state to consider a pilot program with key counties to see if this process can be improved through streamlining and automation along the lines of an OMIG demonstration that allows counties to share in the savings generated by recouping these managed care payments. We believe a successful proof of concept to a more robust and automated process could be expanded to other state programs that provide cash assistance, food stamps and other similar benefits.

The goal of the demonstration would be to automate current steps that are manual, complex and time consuming for LDSS. Newly available data about inmates in county jails could be used to automate many of the manual steps LDSS workers must follow today including:

- Notify Medicaid when someone's benefits need to be suspended,
- Notify Medicaid Managed Care Plans of paid premiums that are owed to the state,
- Notify SNAP, TANF, Unemployment Insurance and other programs to suspend benefits, and
- Upon release notify Medicaid and others that benefits need to be reinstated

**Video Conferencing**

**Background**
Under current law, video conferencing of inmate arraignments or other court appearances is permitted in several counties, but it is not practiced because the law requires the inmate to agree to such an appearance. Many counties have state of the art video conferencing systems that are not used for inmate court appearances simply because inmates routinely chose to be transported to court rather than make an appearance by video conference. Expanded use of video
conferencing for court appearances would save county taxpayer expense by avoiding transporting inmates to court for minor or routine matters, make courtrooms safer, and avoid problems which might happen when inmates are transported by auto or van to a courtroom many miles away from the jail.

**Recommendation**
Counties support allowing the applicable judge in the presiding court, and not the inmate, to make the determination as to whether video conferencing is appropriate for a court appearance.

**Pre-Arraignment Holding**

**Background**
Currently, 21 counties have State authority for the detention of persons under arrest being held for arraignment in any court located in the county.

**Recommendation**
NYSAC supports providing all counties the option for their local correctional facility to detain persons under arrest and being held for arraignment in any court in their county. The remaining 36 counties would like to have this option.
RURAL AFFAIRS AND AGRICULTURE
NYSAC Staff Contact: Alexandra LaMonte

Statewide Dairy Supplemental Price Support System

Background
A crisis is gripping New York State's dairy farmers. The overabundance of milk, decreasing demand, dramatically lower prices, higher operating costs and unfavorable weather conditions have negatively impacted the economic viability of dairy farms across the state. Despite 52 months of robust milk production, commercial sales and consumption of fluid milk has decreased about 20 percent over a 17-year period, including a 10 percent reduction since 2011.

Milk prices are highly erratic and unpredictable. It is estimated that 2016 earnings for New York dairy farmers from milk sales are just one-third of that of 2013, and today’s prices are similar to those received in 1985.

Recommendations
NYSAC supports the development of a state-sponsored New York price supplemental program or margin protection program that addresses low milk prices for our dairy farmers when the cost of production exceeds revenue from sales.

Agricultural Education And STEM Opportunities

Background
The agriculture education programs coordinated through Cornell University’s Agriculture Education Outreach initiative—New York Ag In the Classroom (AITC), New York Association of Agricultural Educators, and New York Future Farmers of America (FFA)—deliver affordable, high quality instruction, events, and services that support local schools, teachers, and students. Combined, this programming reaches well over 135,000 students and more than 400 educators each year. School-based agricultural education is a proven delivery model for Career and Technical Education (CTE) and Science, Technology, Engineering and Math (STEM) education. Students enrolled in STEM-based Agricultural Education will be the next generation of biotechnologists, environmental engineers, food scientists, and many of the agriculturally-related careers that will improve the food supply by producing higher yields with greater food safety standards.

Recommendations
The preparation, support, and retention of quality, certified agriculture educators are key components to the success of agriculture education and FFA programs throughout the state. NYSAC recommends the use of state funds to support all components of the Cornell University Agricultural Education Outreach Program, including:

- Coordination of Pre-K through grade 12 Agriculture In The Classroom;
- Secondary level agriculture education and FFA programs; and
- Professional development and support to the New York Association of Agriculture Educators (NYAAE).
Additionally, NYSAC supports funding that enhances opportunities in STEM agricultural education by providing technical training for teachers, updating facilities, and purchasing equipment and supplies necessary to enhance and/or build agriculture education programs that will provide an adequate workforce to grow, harvest, transport, and market the products we need for our growing population.

**Farm-To-School Programs And School Lunch Reimbursement**

**Background**
Each day, schools in New York serve 1.7 million school lunches and 500,000 breakfasts. As such, we have an opportunity to provide children with nutritious foods and help them develop healthy eating habits. Farm-to-School programs promote the use of fresh, locally sourced foods in school meals. They can enhance nutritional and educational opportunities for children while benefitting local farmers and New York State's overall agricultural economy. The New York State Farm-to-School Program was created in 2002 under the jurisdiction of both the Department of Agriculture and Markets and the New York State Education Department to connect schools with local farms and food producers to strengthen local agriculture, improve student health, and promote regional food systems awareness.

**Recommendation**
NYSAC recommends creating dedicated funding for schools to purchase healthy foods grown in New York, such as fruits and vegetables, milk and yogurt, and other foods.

**Agriculture Education Teacher Preparation/ Certification Pathway**

**Background**
Interest in secondary agriculture education programs in New York and nationally have experienced unprecedented growth, and the demand for highly effective agriculture teachers continues to grow. The need for these teachers has increased from 211 in 2015 to 300 in 2018 due to the growth in agriculture education programs from 145 in 2015 to 205 in 2018 according to the National Association of Agriculture Educations TeachAg. There are only two New York higher education institutions, SUNY Oswego and Ithaca College in partnership with Cornell University, that are currently certified programs in all of New England.

**Recommendation**
NYSAC supports the development and creation of an agriculture education teacher certification pathway through a collaboration with Empire State College and SUNY Cobleskill.

**Modification Of The Farmworkers Fair Labor Practices Act Of 2019**

**Background**
In 2019, the State Legislature passed, and the Governor signed S.2837 (Ramos)/A.2750 (Nolan), the Farmworkers Fair Labor Practices Act of 2019, which provides for collective bargaining rights for farm workers and overtime pay.
Recommendation

NYSAC recommends repealing the legislation or amending the legislation to align with GrowNY recommendations:

- Add a requirement that wages paid on the seventh consecutive day of work be based on an overtime rate if a farm worker waives their right to a day of rest;
- Modify the definition of family to recognize the role of close relatives, such as aunts, uncles, nieces, nephews and cousins, whose participation in farm activities are subject to the new statute;
- Include the State Commissioner of the Department of Agriculture on the wage board created under the law; and
- Amend the portion of the law regarding unionization to include the integrity of a secret ballot.
**SHARED SERVICES & GOVERNMENT EFFICIENCY**

*NYSAC Staff Contact: Mark LaVigne and Alexandra LaMonte*

**County-Wide Shared Services Initiative (CWSSI)**

Counties have long used shared services and function consolidation as a primary tool in improving local government efficiency. Over the last several years, the State has enacted a variety of shared services initiatives to encourage more consolidation and service sharing at the local level. In the SFY 2017-18 budget, a plan was adopted that called for county leaders to take the lead on convening meetings with other local government leaders to develop new shared services and consolidation proposals designed to reduce the burden of local property taxes. We were encouraged that the final budget included state matching funds for shared services in the amount of $225 million. While counties continually pursue expanded shared services, the incentive to draw down state matching funds for the savings generated is a powerful inducement for counties to do more.

In the 2018-19 State Budget, lawmakers extended the CWSSI to 2019, 2020 and 2021.

**Recommendation**

NYSAC is requesting:

- The FY 2020-21 Budget continue to fully fund the necessary match to implement these initiatives.
- The State continue to provide state matching funds for all savings generated, not just the first year of what could be a multi-year implementation.
- A portion of the matching funds be made available to counties for implementation and plan development costs associated with shared service initiatives.
- The state should allow for new CWSSI plans to include previously planned but not implemented ideas, and allow them to be eligible for a state match of realized savings.

**Allocate Resources And Funding To Regions Or Counties Establishing “Full Count” Committees**

**Background**

The U.S. Census Bureau is preparing for the 2020 decennial census, which assists the federal government in distributing $400 billion in funds annually for infrastructure, programs, and services. Last year, every county in New York State participated in the Local Update of Census Addresses Program (LUCA), which is the only opportunity for states and municipalities to review and comment on the U.S. Census Bureau’s residential address list for their jurisdiction prior to the census.

**Recommendation**

Counties encourage New York State to provide resources and funding to counties, municipalities, and regional planning commissions as incentives, seed funding, and operational costs for realized “Full Count” committees.
Lower Workers Compensation Costs For Local Governments In County Pools

Background
Like health insurance, workers compensation insurance is a significant cost to local governments and property taxpayers. We request that the State Budget include language that would allow county pools to join public sector group self-insured programs, which can offer deductible options, common in other states, that simultaneously provide lower premium costs and better risk and claims management for members of county pools. Public sector self-insurance programs have robust safety and risk management programs designed specifically for local government employees and the risks they face.

Recommendation
Passage of legislative language such as S.5873, DeFrancisco/A.697A, Magnarelli from the 2017 Legislative Session would help facilitate this initiative. This language would allow counties and local governments to take advantage of economies of scale and shared services to reduce costs and improve workers compensation protections for public employees.

The Workers Compensation Board fully supports this legislative approach and has determined that this change is necessary to allow such county groups to continue operating. This legislation makes this necessary change and makes additional changes to help additional self-insured county workers’ compensation pools to operate more effectively.

Health Insurance Risk Pools

Background
Counties have asked for several years that the state review its current legal and regulatory requirements that allow counties to establish shared health insurance consortia to help lower costs for local governments. Only one such county-led pool has been established in the last three decades due to the strict and bureaucratic process establish under state law and regulation. During the CWSSI process several counties expressed interest in establishing shared health insurance risk pools but found the state law barriers to be excessive and counterproductive.

Recommendation
NYSAC supports state law and regulatory changes that will reform Article 47 to allow fewer contracted lives, reduce reserve requirements, and expand eligibility to other public entities.

Design-Build For Major Local Government Construction

Background
Design-build is a common method used in the private construction industry to deliver a project in which the engineering design and construction services are contracted by a single entity. Especially in larger construction projects, allowing local governments to use this method would reduce costs and complete projects quicker. The State of New York has recently passed legislation allowing for more design-build options for State projects in order to reduce costs and streamline projects. Counties and New York City do not have this same flexibility under the law.

Recommendation
Support extending design-build authority to counties.
Legislation expanding New York City’s express design build authorization to include several additional departments passed both houses during the 2019 legislative session: S.6293-A (Comrie) / A.7636-B (Braunstein). We urge the Governor to sign this legislation into law.

**Scaffold Law Reform**

**Background**

New York Labor Law §240 and §241, commonly known as the “Scaffold Law,” outlines liability for injuries caused by an employee’s fall from a height. The law was first imposed in 1885 at a time when worker safety was largely neglected in New York State and at a time when modern safety equipment and scaffolding techniques did not exist. The Scaffold Law has caused a dramatic increase in construction costs due to increased insurance required for employers in the construction business, causing New York State to have the highest general liability insurance costs in the nation.

**Recommendation**

We recommend the full repeal of the New York State Scaffold Law or reforms to include a pure standard of comparative negligence.

**Wicks Reform**

**Background**

Under General Municipal Law § 101, state and local government construction projects (including school district construction projects) costing more than $3 million in New York City, $1.5 million in Nassau, Suffolk and Westchester counties, and $500,000 in the rest of the state are subject to separate plumbing, heating/ventilation/air conditioning and electrical contracts. This law does not require that each of the three types, plumbing, heating, and electrical, be present in the contract to which Wicks Law applies, but will apply whenever the amount of work is above the set limit and whenever any of the three types of work are present.

Exemptions from the Wicks Law have been granted to some entities and have provided taxpayer savings and project efficiency. New York City School Construction Authority is exempt as are authorities in Buffalo, Niagara Falls and Syracuse.

**Recommendation**

Repeal of the Wicks Law would ensure all state taxpayers are treated equitably. If full repeal cannot be accomplished quickly the current thresholds should be raised significantly—to at least $10 million for all entities currently subject to limits.

**County-Wide EMS Districts**

**Background**

Counties with rural populations have been exploring the potential benefits of creating and operating county-wide emergency medical services (EMS) districts. Currently, only a town board or village board may create such a district and may only establish a joint district to provide EMS services when the territory is contiguous. This restriction creates difficulties for districts in rural communities or those with unique geography such as waterways or mountains, as transportation networks can be limited and response times unavoidably delayed. In addition, local governments have had difficulty recruiting and retaining volunteer crews in rural communities and this trend appears to be growing.
**Recommendation**

Amend state law to allow county-wide EMS services. Such an initiative should be a local option, not a mandate, and will only be implemented in areas where it will increase public health and safety, and help local taxpayers.

**Employment Residency Requirements**

**Background**

New York’s Public Officers Law (POL) §3 generally requires certain employees reside in the political subdivision or municipality in which he or she holds such public office. This law has a worthy intent, which is to promote that local officials interact with the community in which they serve, even in off hours, as well as to keep local tax-funded salaries within the community.

Since the 1970’s, the State has authorized over 70 exceptions to POL residency requirements, including for police officers, in recognition that for some job specifications it is important to increase the potential hiring pool to obtain highly skilled employees.

In recent years, the population of upstate New York has declined, shrinking the potential hiring pool. In this same period, the State has forced county governments to vastly increase skilled labor hires in order to implement new state reforms such as raising the age of criminal responsibility, Public Defense expansion, and criminal justice reforms such as bail, speedy trial, and discovery. County governments are best situated to know what job titles should have residency requirements and which should have flexibility to ensure efficient and quality county services.

**Recommendation**

Amend Public Officers Law §3 and allow for Home Rule Authority to determine county employee residency requirements.
Fiscal Support of State Veteran Benefit Advisors

**Background**
NYS county governments provide important services for the 900,000 veterans living in our State. Counties take pride in this service and believe we have a duty to provide support to those who sacrificed so much for our State and country. The New York State Division of Veterans’ Affairs and County Veteran Service Agencies have been working in conjunction with counties for decades to support and provide needed services to our veterans. Unfortunately, citing state budget concerns, the New York State Division of Veteran Affairs recently reduced or eliminated some of its local government support.

This decrease in support puts a strain on our county providers, which in turn negatively impacts the services given to our local veterans and their families.

**Recommendation**
NYSAC urges the Governor to include additional funding for Veteran Affairs so that counties can provide the resources and services our veterans deserve.

**Legend:**
- Less than 1 percent of Population - White
- 1%-3% of Population - Yellow
- 3%-5% of Population - Orange
- 5%-7% of Population - Red
- 7%-9% of Population - Green
- 9%-11% of Population - Blue
- 11% and Greater - Purple

**DD-214 Forms**

**Background**
During Veteran out-processing a DD-214 should be automatically sent to their local county veteran service agency. The NYS Division of Veteran Services should share the DD-214 they receive from the U.S. Department of Defense with the respective counties (service members have the option to send the DD-214 automatically to counties already, however, many service members are not aware of the benefits available to them and skip or ignore this option. NY Military Law, Section 250 has provisions to protect the privacy of veteran information, including certificates of honorable discharge. The DD-214 should be added to that section of Military Law.

Benefits of sharing the DD-214 with County Veteran Service Agencies include:
- Increase awareness about newly relocated veterans within a county;
b. Safeguards and creates an easily accessible path for veterans to obtain a copy of their DD-214 when needed;
c. Increase ability for county VSA’s to reach veteran populations; and
d. Allow county clerks to create a list and better serve or reach veterans.

**Recommendation**
NYSAC urges the NYS Division of Veteran Affairs to share the DD-214 form with county veteran service agencies.

**Expand the Definition of “Veteran”**

**Recommendation**
The State should consider recognizing the service of Reserve or National Guard service members who have completed 20 years of service. Those individuals should be treated as Veterans and receive access to the same services as those currently designated as a veteran under state law.

**Veteran Tourism Promotion Activities**

**Hotel/Motel Occupancy Tax Exemption**
Authorize local governments to allow veterans to receive exemptions from paying hotel/motel occupancy taxes. By providing this benefit, businesses and/or municipalities can use this as a marketing and tourism promotion tool. This can also be used to help recruit and retain the veteran population in New York.

**Expand the Discount for Hunting and Fishing Licenses**
Several states allow honorably discharged resident veterans to purchase a hunting or fishing licenses at a discount. Veterans with a permanent and total disability rating from the VA for a physical or mental impairment may be eligible for a free license. New York State DEC currently provides military veterans with 40 percent or more service-related disability who are residents of NYS a $5 fishing, hunting or trapping license. This should be expanded to include more veterans or the license fee should be reduced.

**Expand the Discount on State Park Entrance Fees**
New York State has 215 state parks and historic sites, encompassing 350,000 acres. This includes 28 golf courses, 35 swimming pools, 67 beaches, and 18 museums and nature centers. Governor Andrew M. Cuomo created a new Lifetime Liberty Pass to permit qualified New York State veterans with disabilities discounted use of state parks, historic sites, and recreational facilities operated by the Office Parks, Recreation and Historic Preservation (State Parks) and the state Department of Environmental Conservation (DEC). The Lifetime Liberty Pass benefits includes free vehicle entry to state parks and DEC-operated day-use areas, as well as numerous state boat launch sites, historic sites, arboretums and park preserves; free golf at 28 State Park golf courses; free swimming pool entrance at 36 State Park pools, and discounted camping and cabin rentals at all 119 State Park and DEC campgrounds.

To qualify for the pass, the veteran must be a resident of New York State and provide State Parks with written certification from the United States Veterans Administration or the New York State Division of Veterans Affairs that the applicant is a war veteran with a 40 percent or greater service connected disability as certified by the United States Veterans Administration, or who has at any time been awarded by the Federal government an allowance towards the purchase of an automobile or who is eligible for such an award.
This benefit could be expanded to be used as a tool to recruit and retain veterans in New York. Creating and enhancing additional discount benefits can also be used in targeted tourism campaigns.

**Veteran Workforce Development Programs**

**Veteran’s to Green Energy, Making Investments in Our Workforce & Environment**
The State should create a veteran green energy jobs program to train and link veterans with sustainable, environmentally friendly jobs to meet the goals of the Climate Leadership and Community Protection Act. The NYS Department of Labor, State University of New York and NYS Division of Veterans’ Services should partner together to create the guidelines, program requirements for a new veteran green energy workforce development program. Counties operate local Veteran Services Agencies, Job Training/Workforce Development Agencies and are sponsors of 30 SUNY Community College’s across the State.

**Make SUNY, CUNY & County Community Colleges More Military Friendly**
Mandate all public institutions of higher education participate in the American Council on Education (ACE). ACE collaborates with the DoD to review military training and experiences in order to recommend appropriate college credit. Additionally, ACE will provide recommendations for formal courses and occupations based on an individual’s military training and experience. Gaining college credit for military experience can help save hundreds or thousands of dollars in tuition cost.

Improving coordination with SUNY, CUNY and County Community Colleges can help to improve job replacement and recruitment options for veterans. These goals can be met by providing more state funding to current programs done by county veteran offices and workforce training centers, as well as continue to increase amounts placed in the State’s Hire a Veteran Credit program.

**Expanding Veteran Court Availability Throughout the State**

**Background**
Currently, New York has 33 veterans’ treatment courts located in 25 of 62 counties. There are approximately 1/3 of veterans living outside of a county with a VTC. In support of our veterans, NYSAC believes we need to expand these courts to all counties. Veterans’ courts are diversion courts that understand the challenges of combat veterans have readjusting to civilian life. It is for these individuals that perhaps counseling and other assistance is a better option than criminal punishment. We strongly encourage the Legislature to increase funding to expand these courts.

Some counties operated with minimal funding during the first year by relying on existing drug and mental health courts staff and resources. Costs to the public of operating drug courts are relatively small compared to what is already invested for operating traditional courts, which can be offset by long-term outcomes such as, reduced probation, jail, and prison time.

**Additional Veteran Benefit Programs**

**Local Sales Tax Exemptions on Vehicles for Veterans Who Are Partially Blind.**
According to the U.S. Department of Veterans Affairs, National Center for Veterans Analysis and Statistics, 25.4 percent of the state’s veteran population are disabled. The State of Georgia offers
a sales tax exemption on vehicles for veterans who are verified by the VA to be 100 percent totally or permanently service-connected disabled. Veterans who are receiving or who are entitled to receive statutory awards from the VA for loss, or permanent loss of use of one or both feet; loss or permanent loss of use of one or both hands; loss of sight in one or both eyes; or permanent impairment of vision of both eyes to a prescribed degree are also eligible for this exemption. The exemption is granted on one vehicle the veteran owns and upon which the free Disabled Veteran (DV) license plate is attached. Also exempt are veterans who qualify for the Purple Heart or Medal of Honor specialty license plates.

The state should consider providing municipalities with the flexibility of enacting at local option, this sales tax exemption.

**Local Sales Tax Exemption for Vehicle Purchase/ Adaptation**

Some states provide a disabled veteran who receives a VA grant for the purchase and special adaptation of a vehicle to be exempt for paying the state sales tax on the vehicle. We would recommend that the state provide this benefit as well as allow counties to enact similar local laws to provide this benefit as well.

**Veteran Trust Fund**

In 2010, Saratoga County created a Veterans Trust Fund. The Trust Fund was established to accept donations and make disbursements to Saratoga County Veterans and Veteran’s organizations in need of assistance. The Fund provides grants to Saratoga County Veterans or their families for training, education, health care, housing assistance and essential services and for the benefit of groups, organizations, programs, and projects dedicated to the welfare and support of the Saratoga County Veterans. Donations to the Fund are tax deductible, and all funds stay local.

The Trust Fund was created with assistance of a local benefactor who donated seed funding. The fund is supplanted with donations and fundraisers such as the “Revolutionary Run for Saratoga County Veterans Trust Fund.” The state should consider providing counties who create Trust Funds at local option a one-time seed fund equal to $1/ per veteran as of the last U.S. Census. This targeted investment will help aid the continued operational success of the Trust Fund. This is one example of how the trust fund could be used: During a recent survey of county veteran service agencies, respondents indicated that veterans, particularly in rural areas of the state, often have difficulty obtaining transportation for medical, doctor, and veteran service appointments. Establishing a trust fund with a private/public partnership model to assist veterans with transportation costs can help ease the burden of those trying to attend veteran services.

The trust fund can also be used to create a database of contractors to help veteran related projects. In order for counties to help spearhead veteran construction projects, initial seed funding is needed to reimburse contractors and then additional fundraising efforts would supplant the resources used to compensate contractors.
Represent
Educate
Advocate
Serve