

2021 New York State
Legislative Session Summary:
The Impact on New York's Counties

*A Final Report on Bills the Legislature Passed
July 19, 2021*



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

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Executive Summary

The mission of the New York State Association of Counties (NYSAC) is to represent, educate, advocate for, and serve the 62 counties of New York State, including the City of New York. During the 2021 Legislative Session, the 244th state legislative session, NYSAC staff, together with its membership, worked with the State Legislature and Governor in support or opposition to numerous legislative and budget items.

The budget is always the primary vehicle for counties to advance their priorities. This year's state budget included several wins for counties. It made key investments in essential county services, local infrastructure, election administration, public health, and renewable energy.

Perhaps most importantly, NYSAC was successfully in reversing proposed across-the-board cuts that would have severely hampered local government's ability lead the pandemic recovery in their communities.

While the continuity of county government operations is protected through the restoration of local assistance cuts, a continuation of the distressed hospital fund and a continuation of the AIM program diversion, mandating counties use local sales tax to pay for state programs continues to be a troubling practice in this year's budget.

The post-budget legislative session consisted of 27 legislative session days, which concluded on June 11th. Similar to last year, the State Legislature convened in a hybrid, remote/in-person format without the public being allowed in the capitol or legislative office building. This year, the legislature passed 892 bills through both houses, which is higher than a typical legislative session.

Most big ticket and controversial legislative items were either included in the SFY 22 Enacted Budget or were ultimately defeated in one or both of the legislative chambers.

The update below includes major policy and budget initiatives that will impact county operations.

What follows is a snapshot of the bills that passed both the Senate and Assembly that will have a direct or indirect impact on counties should they be signed into law by the Governor. Each section provides the bill number (with direct links to the bill text via an electronic document), a brief description, and where it is in the legislative process, including:

- Chapter Number (signed) or Veto Message,
- "Delivered to the Governor" date (the Governor has 10 days to act not including Sundays),
- "Passed Both Houses" – Passed Assembly and Senate, awaiting the Governor's action.

2021 Legislative Session Overview

The 2021 Legislative Session that began on January 6th was more challenging and atypical than any in history, as the Legislature continued to convene in a hybrid (remote and in-person) environment. The State Legislature passed a total of 892 bills through both houses, a dramatic increase from 2020 (primarily due to the COVID-19 pandemic). Last year, the Legislature passed 423 bills. In 2019, the Legislature passed through both houses a total of 916 bills.

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

NYSAC has identified the following pieces of legislation, categorized by issue area, that have or may have an impact on our county governments. These are bills that have passed both the State Senate and State Assembly.

Economic Development

Restaurant Meals Program for SNAP Recipients

[S.64 \(Persaud\) / A.1524 \(Reyes\)](#)

This legislation would mandate that OTDA apply for a USDA waiver to authorize a statewide restaurant meals program, which would allow homeless, elderly and disabled SNAP recipients to use their benefits for prepared or hot food from participating restaurants, delis or grocery stores at reduced prices.

Status: Passed both houses

Securing Grease Traps at Food Establishments

[A.7506 \(Clark\) / S.3536-A \(Kennedy\)](#)

This bill will help prevent future tragedies by setting guidelines for grease traps and interceptors that are located in a public area, making them safer for the general public. On July 15th, 2019 a horrible tragedy occurred when 3-year-old Bryce Raynor fell through an unsecured plastic lid of an underground grease interceptor and passed away.

Status: Passed both houses

Permitting the Use of Municipal Space for Outdoor Dining

[S.6353-A \(Persaud\) / A.7733 \(Fahy\)](#)

The bill would enable businesses licensed by the State Liquor Authority to sell alcohol for on-site consumption to use municipal space for outdoor dining.

Status: Signed by the Governor, Chapter 238 of the Laws of 2021

Municipal IDA Fees

[A.795 \(Wallace\) / S.1634 \(Skoufis\)](#)

This bill amends section 856 of the General Municipal Law to add a new subdivision requiring that each municipal industrial development agency (IDA) located entirely within a county that has its own county IDA shall charge the same fees as the county IDA and shall not charge any fees beyond the county IDA.

Status: Passed both houses

Restrictions on Appointment of Officers

[A.3201-B \(McDonald\)](#) / [S.5671-B \(Breslin\)](#)

This bill corrects a gap in the general municipal law relating to IDAs that currently allows for a potential conflict of interest when an elected official who is the appointing authority for members of the IDA can be chosen by his or her appointees to serve as a paid employee of the IDA. The legislation would preclude the elected official who appoints the members of the IDA from also being chosen to serve as an officer, agent, or employee of the IDA, providing confidence in the independence of the IDA and that the community will be properly served.

Status: Passed both houses

Requirements for Certain Utility Pole Attachments - Broadband

[A.2396-A \(Woerner\)](#) / [S.7028 \(Hinchey\)](#)

The purpose of this bill is to make changes to the Public Service Law to include the use of broadband internet attachments on existing utility poles, to ensure contracts for such attachments are universal within a given town, village or city, and to equitably and fairly distribute the costs of pole replacements when a pole replacement is required to accommodate an attachment request.

This legislation further adds language prohibiting a pole owner from shifting all pole replacements costs to a prospective attacher as a condition of gaining accesses to the pole, instead limiting such costs, the attacher may be liable for just the remaining net book value of the existing pole to be replaced and any incremental costs the pole owner would incur by installing a new pole to accommodate the specific request. Lastly, this legislation allows for a pole owner to recover the costs of a pole replacement, performed in response to an attachment request, in the form of a charge separate and apart from their base rates.

NYSAC has supported this legislation and is encouraging the Governor to sign this bill when it is delivered to him.

Status: Passed both houses

Telephone Providers Ability to Provide Broadband Services

[A.7214-A \(De La Rosa\)](#) / [S.5868-A \(Parker\)](#)

This legislation which would allow a telephone provider to replace existing facilities placed previously by such telephone corporation in a building with fiber optic facilities for purposes of providing any telephone, broadband, cable or other video service that the telephone corporation needs to service consumers.

Status: Passed both houses

COVID-19 Emergency Powers

Relates to the Termination of the Governor's Executive Powers

[S.5357 \(Stewart-Cousins\)](#) / [A.5967 \(Heastie\)](#)

The purpose of this legislation is to repeal provisions of Chapter 23 of the Laws of 2020 and establish a new system for the extension and modification of directives issued by the Governor during a declared state of emergency.

The legislation clarifies that any directive authorized pursuant to chapter 23 of 2020 will be permitted to continue days from the effective date of the directive subject to specified limitations. The law establishes a procedure by which the governor can extend or modify existing directives issued to respond to the COVID-19 pandemic including five days notice prior to issuing an extension or modification. The notice would contain a certification that the order is needed to address public health or safety concerns related to the COVID-19 pandemic and notice and information related to the order would be submitted to either the legislature, or in the case of an order applying to a specific municipality the leaders of such municipality, for review and comment. Municipalities are authorized to adopt local executive orders unless the local orders conflict with a statewide executive order. If the governor certifies that an extension is necessary to address exigent circumstances related to an imminent threat to public health or safety, he or she may bypass the five day requirement, but must provide information certified by the commissioner of health, and an opportunity for comment at no time later than the issuance of an extension or modification of the directive. The section clarifies that no directive may be extended or modified more than once unless the governor has responded to comments from relevant chairs or municipal leaders. The section further clarifies that the legislature can terminate, by concurrent resolution, executive orders at any time.

Section three of the bill requires the governor to provide on the website of the office of the governor, in a searchable format, additional information detailing the justification for emergency suspensions and directives.

Section four of the bill amends the effective date of Chapter 23 of 2020 to immediately repeal certain provisions related to issuing directives during a declared disaster emergency.

Section five of the bill provides that the legislature may terminate a state disaster emergency by concurrent resolution.

Status: Signed by the Governor, Chapter 71 of the Laws of 2021

Elections

Restores Voting Rights for Former Incarcerated Individuals Convicted of a Felony [S.830-B \(Comrie\) / A.4448-A \(O'Donnell\)](#)

This bill would restore voting rights to parolees, post-incarceration to facilitate community reintegration and participation in the civic process, rather than requiring a parolee to wait until he or she has been discharged from parole or reached the maximum expiration date of the underlying sentence.

Status: Signed by the Governor, Chapter 103 of the Laws of 2021

No Excuse Absentee Ballot Voting

[S.360 \(Comrie\) / A.4431 \(Vanel\)](#)

This resolution amends the state Constitution to allow for any voter to request to vote by mail without declaring any reason for doing so.

Status: Delivered to the Secretary of State. This will be placed on the Nov. 2021 ballot for voter consideration.

Removal of 10-Day Voter Registration Requirement

[S.517 \(Gianaris\)](#) / [A.502 \(Carroll\)](#)

This concurrent resolution amends section 5 of article 2 of the constitution to eliminate the ten-day advance voter registration requirement.

Status: Delivered to the Secretary of State. This will be placed on the Nov. 2021 ballot for voter consideration.

Requirements to Change the Location of a Polling Place

[A.2168 \(Jacobson\)](#) / [S.6216 \(Mayer\)](#)

Local boards of elections would be required to post at the entrance of the old polling location a notice on yellow paper informing voters that the polling place has been moved and the street address of the new location.

Status: Passed both Houses

Making Voting Easy Act

[S.4306-B \(Gianaris\)](#) / [A.5424-A \(Taylor\)](#)

This legislation requires the board of elections to designate at least one early voting polling place for every full increment of forty thousand registered voters in each county with at least five hundred thousand registered voters, and for every full increment of thirty thousand registered voters in each county with less than five hundred thousand registered voters, and to extend voting polling site hours of operation during early voting.

Status: Passed both Houses

Environment & Energy

All New Cars Must be ZEV by 2035

[A.4302 \(Englebright\)](#) / [S.2758 \(Harckham\)](#)

This bill mandates that all in-state sales of new passenger cars and trucks must be zero-emissions by 2035; that all new medium-duty and heavy-duty vehicles would be zero-emissions by 2045; and all off-road vehicles and equipment would be zero-emissions by 2035.

Status: Passed both Houses

Local Solid Waste Management Plans

[A.5605 \(Epstein\)](#) / [S.6334 \(May\)](#)

This legislation requires local solid waste management plans to characterize methods to increase waste diversion including, but not limited to recycling and composting.

Status: Passed both Houses

Directs DEC to Study Alternative Municipal Uses for Recycled Glass

[A.6333 \(Englebright\)](#) / [S.4094 \(Sanders\)](#)

New York has made recycling a top priority. These recycling efforts have been extremely successful; however, buyer of recycled materials have recently reduced their intake of recycled glass. Unfortunately, without a buyer for these recycled materials, not only is recycling glass

not economically feasible for many municipalities, it greatly contributes to the solid waste problem.

Localities across the nation are exploring new uses for recycled glass, especially in light of the fact that many overseas buyers have reduced or eliminated their procurement of glass. This legislation would task the Department of Environmental Conservation (DEC) to look into new potential sources for recycled glass. As the state continues to emphasize the need for recycling, we must work to find a use for these recycled products.

Status: Passed both Houses

General Government Operations

Dark Store Theory

[A.894-C \(Zebrowski\)](#) / [S.5715-A \(Gaughran\)](#)

The legislation provides assessors using the comparable sales method for assessments to consider certain comparable properties in formulating their assessment. The comparable sales, income capitalization or cost methods use sales data of similar properties to develop a value.

Status: Passed both Houses

Permits Local Governments to Hold Meetings Remotely

[A.6481 \(McMahon\)](#) / [S.6303 \(Cooney\)](#)

The COVID-19 pandemic has restricted the ability of municipalities, school districts and other special districts to hold public meetings and protect public health. However, the need to conduct municipal business remains. Executive Order 202 of 2020 authorizes meetings to be conducted remotely while also providing guaranteed public access.

This act shall take effect immediately and shall expire and be deemed repealed on the same date as the same expiration of the state disaster emergency declared pursuant to executive order 202 of 2020.

Status: Passed both Houses

Requires that Minutes of Meetings Shall be Posted to Websites

[A.1108-A \(Paulin\)](#) / [S.4704-A \(Kaplan\)](#)

This legislation requires public bodies that maintain a regularly and routinely updated website and utilize a high-speed internet connection to make meeting minutes available on the public body's website. Unabridged video recordings, unabridged audio recordings, or unabridged written transcripts may be posted in lieu of minutes.

Status: Passed both Houses

Provides for Electronic Notarization

[S.1780-C \(Skoufis\)](#) / [A.399-B \(Rozic\)](#)

Allows for notarization to be done electronically with the use of video conference technology.

Status: Passed both Houses

Creates an AIM Redesign Task Force

[S.5418-C \(Cooney\)](#) / [A.6601-A \(Rivera\)](#)

This legislation creates the aid and incentives for municipalities redesign task force. Such task force shall issue a report to the governor and legislature within one year concerning:

- A review and analysis of the current aid and incentives for municipalities formula and allocations;
- An analysis of available alternatives to the current aid and incentives for municipalities formula and allocations, including models from other states, provided, however, that such alternatives shall not include the allocation of funds to any municipality which is not currently receiving aid and incentives for municipalities funding;
- Recommendations concerning such alternatives to the formula used to determine future aid and incentives to municipalities funding allocations, provided, however, that such alternatives shall not include the allocation of funds to any municipality which is not currently receiving aid and incentives for municipalities funding.

NYSAC, NYCOM, AOT will all have a seat at this task force. This legislation was a top priority of NYSAC's during the post-budget period. We will be encouraging the Governor to sign this legislation.

Status: Passed both Houses

County-wide Shared Services Initiative & New Flexibility

[S.6445-A \(Reichlin-Melnick\)](#) / [A.7694-A \(Lunsford\)](#)

This legislation extends the county-wide shared services initiative until June 30, 2025 and makes modifications, many of which were recommended by NYSAC.

Specifically, each county can submit one application for matching funds for each approved and transmitted savings plan and be eligible to receive matching funds for savings achieved during either:

- January 1st through December 31 following a plan's approval or
- July 1st through June 31st following a plan's approval.

Status: Signed by the Governor, Chapter 294 of the Laws of 2021

Human Services

Allows Individuals Applying for Public Assistance to Be Interviewed on the Phone

[S.3223-A \(Persaud\)](#) / [A.5414 \(Rosenthal\)](#)

This legislation was a top priority of NYSAC and NYPWA. This legislation provides county social services districts with the flexibility to interview applicants for public assistance via telephone, rather than mandating the individual present to a social services department in-person.

In consultation with the New York State Public Welfare Association (NYPWA), this legislation builds on the successful implementation of this modification as provided for in Governor Cuomo's Executive Orders during the COVID-19 pandemic.

The public is still offered an opportunity to present to the building in person as they currently do, if that were to be their preference. Counties would also be granted the authority to choose to re-instate face-to-face interviews in the future.

This legislation offers the public and county government flexibility in applying for public assistance. Often times, many individuals are forced to take time off from work, identify suitable childcare alternatives, to navigate the county department of social services. This legislation would grant more flexibility to the general public, allowing them to apply for public assistance benefits without resulting in a significant impact to their day-to-day activities.

Status: Signed by the Governor, Chapter 133 of the Laws of 2021

Establishes Nursing Home Staffing Standards

[S.6346 \(Rivera\) / A.7119 \(Gunther\)](#)

This legislation requires the Commissioner of Health to establish regulations for standards related to nursing home minimum staffing levels.

At a minimum, nursing home staffing standards would have to include 3.5 hours of nursing care per resident per day. Of this, 3.5 hours at least 2.2 hours would need to be provided by nursing assistants and at least 1.1 hours would need to be provided by licensed practical nurses (LPNs) or registered nurses (RNs).

Status: Signed by the Governor, Chapter 156 of the Laws of 2021

Reforms the Early Intervention Program

[S.5560-A \(Reichlin-Melnick\) / A.5339 \(Paulin\)](#)

This legislation provides for a system that streamlines the process by which funds are distributed to municipalities to finance early intervention programs, thereby providing vital relief to the municipalities across the state, and to improve their ability to more effectively administer early intervention (EI) services to children who need such services.

All EI services must be provided to eligible children at no cost to their families. The EI program is financed through a combination of state and county funds, Medicaid and commercial insurance. Although Public Health Law and IDEA mandate that public and private commercial insurance be maximized in financing EI services, reimbursement from third party payers, other than Medicaid, has been minimal, leaving the cost of this entitlement to be paid by state and municipal tax dollars.

Commercial insurance plans are only paying approximately \$12 million of the roughly \$80 million annually claimed for EI services. This amounts to around 16¢ on the dollar. By comparison, Medicaid pays nearly 75¢ on the dollar for all claims submitted. We believe that New York State should ensure that insurance plans cover their fair share of the cost of EI services. This is particularly important in light of New York's budget deficit and Medicaid crisis.

In Federal Fiscal Year 2015, the most recent year for claims data, data from NYS Early Childhood Advisory Council, NYS Fiscal Analysis Model for Early Childhood Services, accessed in October 2018 showed counties in New York spent over \$171 million on Early Intervention services, excluding administration costs.

While a \$40 million covered lives assessment fee on commercial insurance does not cover the entire state and county share of the program, we do believe that this legislation provides the groundwork for rightsizing the share of program expense.

This assessment would impose a fee on state-regulated commercial insurance plans for EI services. This \$40 million covered lives assessment fee would then offset a portion of the state and county funded escrow account for early intervention service providers. If set at an appropriate amount, commercial insurance plans would pay their fair share for EI claims. Advantages of a covered lives assessment include:

- New York could increase reimbursement rates for EI providers.
- The assessment would relieve plans of the administrative burden of processing claims, and relieve providers of the administrative burden of filing claims.
- Increased reimbursement and streamlined billing processes will incentivize providers to remain in the system, and attract new providers, reducing wait times for children.
- A covered lives assessment would cost commercial insurance plans less than mandating approval of all claims for health services identified on an IFSP.

Loopholes in current law continue to permit commercial insurers to unfairly shift a portion of their responsibility to state and local taxpayers, placing undue administrative burdens on providers of EI services and the state fiscal agent in pursuing claims.

This legislation makes significant improvements to the way the EI program is provided for in New York State and has been a top priority of NYSAC for over 18 years.

Status: Passed both houses

Local Government Finance

Grants Localities an Extension to Continue Using Shared Purchasing

[A.2580 \(Thiele\)](#) / [S.1090 \(Gaughran\)](#)

This legislation was a top priority for NYSAC. This legislation extends the ability of counties to use cooperative purchasing contracts to achieve savings through smarter and more focused procurement practices. The measure adjusts the sunset by two years from 2021 to 2023 that currently gives New York State counties and local governments greater contract flexibility, procurement efficiency, and potential cost savings. By prolonging the expiration date, the availability of cooperative contracts to public agencies in New York State is preserved as an essential cost saving tool to stretch budgets and meet their purchasing needs.

Status: Signed by the Governor, Chapter 95 of the Laws of 2021

Serial Bond Payment Extension

[A.7168 \(Pichardo\)](#) / [S.6883 \(Jackson\)](#)

This bill would extend, until 2024, provisions authorizing municipalities to pay the first installment on an issue of serial bonds two years after the date of issuance of such bonds or two years after the date of the first bond anticipation note or notes issued in anticipation of such bonds, whichever is sooner.

The authorization to redeem bonds prior to maturity in such amount and manner as may be determined by the finance board of the municipality is extended until 2024.

Municipal authorization to issue carryable rate bonds and notes is extended until 2021 and the suspension of the five percent down payment requirement is extended until 2024.

Status: Signed by the Governor, Chapter 121 of the Laws of 2021

Extension of the Electronic Open Bond Sale Pilot Program

[S.6587 \(Gaughran\)](#) / [A.7384 \(Thiele\)](#)

This legislation would extend for two years the electronic open auction bond sale pilot program allowing municipalities the option to sell bonds in an open electronic auction format.

Status: Signed by the Governor, Chapter 298 of the Laws of 2021

Interest Upon Judgement

[A.2199 \(Cruz\)](#) / [S.473 \(Hoylman\)](#)

This legislation would amend the CPLR to require interest on judgments to be measured from the date of entry of the order originally denying summary judgment in cases where summary judgment is granted on appeal after being denied. NYSAC strongly opposed this legislation along with our partners at the conference of mayors and City of New York.

Status: Passed Both Houses

Consumer Debt Judgement Interest Rates

[S.5724-A \(Thomas\)](#) / [A.6474-A \(Weinstein\)](#)

This legislation intends that the rate of two percent per year shall apply prospectively to consumer debt judgments 120 days after the Governor signs this legislation into law; and shall apply retrospectively to consumer debt judgments entered prior to this bill's effective date that are not yet fully paid and satisfied as of the effective date.

Status: Passed Both Houses

Local Investment Option Flexibility for Counties

[A.7209 \(Thiele\)](#) / [S.6323 \(Gaughran\)](#)

This bill would expand the types of investment options available for counties to provide similar options as those available to NYC under current law.

Under current law, all local governments are authorized to hold certain investments, subject to various restrictions and approvals, including:

- special time deposit accounts; certificates of deposits; obligations of the USA or obligations guaranteed by agencies of the USA; and obligations of the New York State.

Currently, however, New York City is temporarily authorized to invest in additional types of products, including:

- General obligation bonds and notes of any state other than New York, provided that such bonds receive the highest rating of at least one independent rating agency; obligations of any corporation organized under the laws of any state, provided that such obligations received the highest rating of two independent rating services and that no more than \$250 million is invested in any one corporation; Bankers' acceptances maturing within 270 days which are eligible for purchase in the open market by federal reserve banks; obligations of, or instruments issued by, any agency or instrument of the USA, including federal home loans banks, the Tennessee Valley Authority, the Federal

National Mortgage Association, Federal Home Loan Mortgage Association, and the United States postal service, provided that no more than \$250 million is invested in any one agency; no load money market mutual funds, provided that such funds are limited to investments in obligations of agencies or instrumentalities of the USA, where payment is guaranteed by the USA.

This bill would extend the authorization currently provided to New York City to counties as well, with the same expiration date as the authorization for New York City, July 1, 2023.

This was a top budget and post-budget priority of NYSAC. The Governor included this provision in his executive budget proposal, and we will be encouraging swift delivery and enactment of this legislation into law.

Status: Signed by the Governor, Chapter 255 of the Laws of 2021

Public Employee Relations & Labor

Granting Time Off for Public Employees to Receive COVID-19 Vaccinations

[A.3354-B \(Fall\)](#) / [S.2588-A \(Gounardes\)](#)

This legislation grants public employees four hours of leave to receive the coronavirus vaccine.

Status: Signed by the Governor, Chapter 77 of the Laws of 2021

COVID-19 Public Employee Death Benefit – NYC Only

[A.3988 \(Abbate\)](#) / [S.4681 \(Gounardes\)](#)

This legislation establishes a coronavirus disease 2019 (COVID-19) public employee death benefit for individuals who reported to their usual place of employment or an alternate worksite at the direction of their employer on or after March 1, 2020 and such individual contracted COVID-19 within 45 days of reporting to such workplace as confirmed by a lab test or by a licensed physician and such individual died on or before December 31, 2022.

Status: Signed by the Governor, Chapter 78 of the Laws of 2021

Accidental Disability Benefits for Deputy Sheriffs

[A.4392 \(Abbate\)](#) / [S.6092 \(Gounardes\)](#)

Currently, a deputy sheriff is entitled to an accidental disability retirement of two-thirds of his or her final average salary. Most other police officers and paid firefighters throughout NYS are entitled to an accidental disability retirement of three-quarters. This legislation grants deputy sheriffs accidental disability retirement of three-fourths of his or her final average salary.

Status: Passed both houses

Public & Mental Health

Marijuana Regulation and Taxation Act (Cannabis Legalization)

[S.854-A \(Kreuger\)](#) / [A.1248-A \(Peoples-Stokes\)](#)

The new law makes substantial investments in communities and people most impacted by cannabis criminalization, reduces the illegal drug market and violent crime, ends the racially disparate impact of existing cannabis laws, creates new industries, increases employment, and strengthens New York's agriculture sector, among other goals. Nothing in this legislation limits

the authority of any district, government agency, or office or employers to enact and enforce policies pertaining to cannabis in the workplace, to allow driving under the influence of cannabis, to allow individuals to engage in conduct that endangers others, to allow smoking cannabis in any location where smoking tobacco is prohibited, to require any individual to engage in any conduct that violates federal law, to exempt anyone from any requirement of federal law, or to pose any obstacle to the federal enforcement of federal law.

To learn more about this new law, please review [NYSAC's MRTA report](#).

Status: Signed by the Governor, Chapter 92 of the Laws of 2021

Medication Assisted Treatment for Inmates

[S.1795 \(Bailey\) / A.533 \(Rosenthal\)](#)

This bill would require the commissioner of the New York State Department of Corrections and Community Supervision and the chairman of the New York State Commission of Corrections to establish a medication assisted treatment program for state correctional facilities and local jails. This program will be voluntary and offered to eligible individuals facing an opioid addiction and will include the use of medications such as methadone, buprenorphine and naltrexone combined with an appropriate level of counseling. The positive effects of these medications are well-documented, and offering a medication assisted treatment program in correctional facilities will better set these individuals up for success upon their release.

Status: Passed Both Houses

Establishes the Nourish New York Program

[S.4892-A \(Hinchey\) / A.5781-A \(Cruz\)](#)

While the Nourish New York program was developed in response to disrupted food supply chains due to the COVID-19 pandemic, it has emerged as an important innovation, significantly supporting the state's farms while providing nourishing fresh foods to people experiencing food insecurity. The COVID-19 crisis unveiled the weaknesses in our state's food supply system, and has caused serious economic hardships for the state's farms and agribusinesses. But in the 10 months since its inception, Nourish New York has already strengthened the state's food supply network and expanded markets for New York farm products. The local food movement has also gained significant momentum during the pandemic, with increasing numbers of New Yorkers wanting to know where their food is sourced. This presents the state with a major opportunity to support our local economies and create greater equity in our food system by providing greater access to local, healthy options in food insecure areas through making the Nourish New York program permanent.

Status: Passed Both Houses

Medication Assisted Treatment for Substance Abuse Disorders

[A.2030 \(Rosenthal\) / S.649-A \(Harckham\)](#)

Under current law, individuals under Medicaid are not given the opportunity to access all forms of medication assisted treatment and may be limited to one specific type. This legislation would allow individuals under Medicaid the ability to access whichever MAT medication is most beneficial to them and their needs, without utilization control, mandated prior authorization or lifetime limits.

Status: Passed Both Houses

Online Directory for Distributors of Opioid Antagonists

[S.6044 \(Harckham\) / A.128 \(Rosenthal\)](#)

This legislation requires the department to maintain on its website a directory of all distributors of opioid antagonists. This includes, but is not limited to, pharmacies, prevention centers, and nonprofits that carry naloxone. Expanded access to naloxone will have a direct correlation with lives saved, and this public tracking of distributors will empower all New Yorkers to equip themselves to save a life.

Status: Passed Both Houses

Opioid Abatement Fund from Opioid Settlements

[S.7194 \(Rivera\) / A.6395-B \(Woerner\)](#)

This legislation creates a framework for the distribution of settlement funds should a settlement occur from the ongoing opioid litigation process.

The Association of Counties has a major role in appointing members to the advisory board. Specifically, NYSAC can appoint seven individuals to serve on this advisory board as long as they represent at least 90% of the counties in New York, counting both by number of counties and by population at the time of any statewide opioid settlement agreement was finalized.

Status: Signed by the Governor, Chapter 190 of the Laws of 2021

Public Safety

The Human Alternatives to Incarceration Act (HALT Act)

[A.2277-A \(Aubry\) / S.2836 \(Salazar\)](#)

This legislation restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options; limits the length of time a person may be in segregated confinement and excludes certain persons from being placed in segregated confinement. A chapter amendment was included as part of the SFY 22 Enacted Budget.

NYSAC urged amendments to this legislation and stated the following to Governor's Counsel: Most of this legislation's provisions would apply to most jails, and the bill would apply in its entirety to jails with an inmate capacity of over 500, by virtue of § 500-k of the Correction Law, as well as the legislation's express wording.

New York State has already taken positive steps towards reforming the use of segregated confinement. The State Commission of Correction has promulgated and finalized new regulations (9 NYCRR 7075.4 and 9 NYCRR 7006) that already limit the use of segregated confinement in local correctional facilities. These regulations: 1) mandate out-of-cell time for persons in segregation, 2) prohibit persons who suffer from mental or physical disabilities or who are pregnant from being placed in special housing units (i.e., segregated confinement in a place other than their own cell), and 3) places time limits that an eligible person can spend in a special housing unit (no more than 30 days beginning in April 2022). These regulations were crafted by corrections experts who understand the complexities of running a secure facility like a jail or prison. These regulations should be given time to fully take effect before this legislation is given serious consideration.

NYSAC supports policies that improve our criminal justice programs. 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 rehabilitation units is extremely costly and is likely to exceed hundreds of millions of dollars.

This new law places a profound unfunded mandate on county government. Without a dedicated funding stream included in this bill, the costs would only be passed onto the property taxpayers of New York.

Status: Signed by the Governor, Chapter 93 of the Laws of 2021

Walking While Trans Repeal

[S.1351 \(Hoylman\)](#) / [A.3355 \(Paulin\)](#)

This bill will repeal a section of the Penal Law that has led to arbitrary and discriminatory enforcement by targeting women from marginalized groups that are at high risk for sex trafficking and other exploitation and abuse.

Status: Signed by the Governor, Chapter 23 of the Laws of 2021

Creation of the New York State Rural Ambulance Services Task Force

[S.3503-C \(Hinchey\)](#) / [A.1561-C \(Santabarbara\)](#)

This bill creates a task force for New York State rural ambulance services to examine evaluate and make recommendations. The Department of Health is hereby authorized to establish the New York State Rural Ambulance Services Task Force within the Bureau of Emergency Medical Services to examine, evaluate and make recommendations concerning New York state ambulance services in rural areas.

Status: Passed Both Houses

Authorizes Tioga County to Impose an Additional Landline Surcharge for 9-1-1 Communications

[A.4044 \(Friend\)](#) / [S.2031 \(Akshar\)](#)

This legislation authorizes Tioga County to impose a surcharge of one dollar per telecommunication line per month.

Status: Passed Both Houses

The Less is More Act – Technical Parole Violator Reform

[A.5576-A \(Forrest\)](#) / [S.1144-A \(Benjamin\)](#)

This legislation is a major victory in mandate relief for counties. This legislation reforms the way individuals are subject to community supervision (parole, presumptive release, conditional release, and post-release supervision). These reforms include:

- Allowing people subject to community supervision to receive earned time credits to encourage positive behavior and accelerate discharge from supervision;
- Raising the standard for parole officers to issue a notice of violation or arrest warrant for someone accused of a parole violation;
- Allowing individuals who have violated the terms of their community supervision to receive a hearing in a local criminal court; and
- Limiting the circumstances under which people subject to community supervision may be re-incarcerated for violations of the terms of community supervision and capping the length of such re-incarceration.

This legislation would reduce county jail populations, as there would be fewer technical parole violators placed in county jails. On any given day, 7 percent of a county jail population on average are technical parole violators. New York State no longer reimburses counties for sheltering technical parole violators, thus resulting in an unfunded mandate to counties.

Status: Passed Both Houses

Raising the Age of JD's from 7 to 12

[A.4982-A \(Hevesi\)](#) / [S.4051-A \(Bailey\)](#)

This legislation would raise the minimum age for juvenile delinquency from seven to twelve years old and create differential response programs for children under the age of twelve to prevent future interactions with the juvenile justice and child welfare systems.

Under current New York State law, children as young as seven-years-old can be handcuffed, tried for delinquency, and incarcerated with teenagers twice their age. "Raising the floor" for arrest and detention will ensure that no child under the age of 12 can be arrested for delinquency offenses and no child under the age of 13 can be placed in higher-security detention facilities.

This reform is long overdue and will allow tax dollars to be better spent on programs that are developmentally appropriate for young children. If enacted, local social services districts would be required to establish differential response programs and submit them to the Office of Children and Family Services (OCBS) for approval. The legislation would also expand training programs for police officers whose main responsibilities are juveniles to include training on how to address children under twelve years of age whose behavior, but for their age, would bring them within the jurisdiction of the family court.

Keeping very young children out of the criminal justice system is the right thing to do and will help to address racial disparities in the justice system, as children of color comprise the majority of those arrested between ages seven and eleven in many parts of the state. According to the MacArthur Foundation, youth of color constitute approximately one-third of the adolescent population in the United States but two-thirds of incarcerated youth.

By enacting this legislation, New York State will join California and Massachusetts as the states with the highest floor for delinquency charges involving crimes committed by minors.

Status: Passed Both Houses

Redistricting

Provides that no county shall supersede a state law in redistricting county legislatures

[A.229-C \(Paulin\)](#) / [S.5160-B \(Skoufis\)](#)

Any plan of districting or redistricting adopted pursuant to a county charter or charter law relating to the division of any county, except a county wholly contained within a city, into districts for the purpose of the apportionment or reapportionment of members of its local legislative body shall be subjected to federal and state constitutional requirements and shall comply with the following standards, which shall have priority in the order herein set forth, to the extent applicable.

Status: Passed Both Houses

Redistricting of Congressional, Senate and Assembly Districts

[S.7150 \(Gianaris\)](#) / [A.7948 \(Rodriguez\)](#)

If the independent redistricting commission fails to vote on any redistricting plan or plans by the date required for submission, then all plans in the possession of the commission, both completed and in draft form, as well as the data the plans are based upon shall be submitted to the legislature for the purpose of introducing and voting on implementing legislation.

Status: Passed Both Houses

Transportation & Public Works

Prohibits the Sale and Use of Coal Tar Pavement

[S.4095-B \(Sanders\)](#) / [A.518-A \(Rosenthal\)](#)

This bill prohibits the use and sale of pavement products which contain coal tar.

Status: Passed Both Houses

Veterans

Veteran Court Expansion

[A.5719-A \(Galef\)](#) / [S.1957-A \(Hoylman\)](#)

This legislation has been a top priority of NYSAC for several years. This legislation authorizes the chief administrator of the courts to establish veterans' treatment courts; and to amend the criminal procedure law, in relation to the removal of certain actions to veteran's treatment courts.

Understanding that treating the cause, rather than punishment of the action, can result in a better outcome for the individual involved, and therefore for society as a whole. To help with this progress, New York has what is known as diversion courts, a system by which an action that would normally be handled by a criminal court can be diverted to a treatment court, in which a judge has more flexibility to require the accused to seek treatment services rather than a jail sentence. New York created Drug Diversion Courts for this reason, and in 2008 a Veterans Treatment Court (VTC), in recognition that veterans face unique challenges.

While VTC's have proven effective, to date only half of New York court districts offer this service. This bill allows for the expansion of veterans' courts to all New York Criminal

Court districts, and, while we wait for this expansion to occur, allows for the transfer of certain criminal matters to adjoining counties that currently have VTCs.

Status: Signed by the Governor, Chapter 91 of the Laws of 2021



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