Executive Summary

2019 Budget and Legislative Platform

This year marks the 94th anniversary of the New York State Association of Counties and another year to help counties improve the lives of all New Yorkers.

As the administrative arm of the State, counties are the first line of government engagement for the majority of New Yorkers, and therefore provide the following categories of services. That is why our annual legislative platform includes so many issue areas.

- **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.

- **Counties develop our economy, 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 growth through local IDAs; we provide invasive species management and pursue energy efficiency projects.

- **Counties ensure New Yorkers remains 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.

- **Counties keep New Yorkers safe**—We are the first responders fighting the heroin and opioid epidemic grappling 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; we run STOP DWI programs; coordinate disaster preparedness, recovery and rebuilding efforts.

- **Counties 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.

- **Counties fund the education of special needs children of our youngest population**—Counties 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 finance summer school programs for special needs children.

- **Counties 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; we 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 we 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. Because we strive to implement and administer these functions in the most cost-effective manner to our taxpayers, the list continues to grow, and program costs continue to escalate. That’s why our annual legislative platform includes a wide range of advocacy requests.

Our counties are saddled with paying for an unprecedented number of state programs, unlike any other state in the nation. The largest of these mandates, Medicaid, continues to be a primary focus of the association. Medicaid spending across counties totals more than $7.6 billion which represents, on average, 45% of the property tax levy. In the age of the property tax cap and a struggling economy upstate, the growing mandates and the burden placed upon county taxpayers has never been more onerous.

We are calling on our state leaders in Albany to partner with our county governments. There are many meaningful reforms and creative initiatives within this document that can act as a starting point for real, permanent property tax relief. The following pages outline NYSAC’s 2019 Budget and Legislative Platform, reflecting the concerns and challenges impacting counties, but also opportunities to improve the livelihoods of our mutual constituents. This a comprehensive list of all issues impacting counties; however, through a mutual partnership with our members and state legislators, we can work together to make substantial changes that benefit all New Yorkers.

New York has many great natural, cultural and economic assets. Counties are often the vehicles and catalysts of innovation, redevelopment, and resurgence. We have world-class colleges, arts and music venues, parks, restaurants, attractions, and activities for residents and visitors alike. We must continue to make investments at the local level to ensure that New York remains a leader in efficient and effective delivery of services.
# Table of Contents

**Agriculture and Rural Affairs** ................................................................. 8  
  - Statewide Supplemental Price Support System ............................................. 8  
  - Agricultural Education and STEM Opportunities .......................................... 8  
  - Farm-To-School Programs And School Lunch Reimbursement ......................... 9  

**Children with Special Needs** ............................................................... 10  
  - Early Intervention ......................................................................................... 10  
  - Preschool Special Education ............................................................. 10

**District Attorney Salary Increase** .......................................................... 11

**Economic Development** ............................................................................. 12  
  - Shovel-Ready/ Market-Ready Sites ............................................................... 12  
  - IDA Loans And Grants To Stimulate Economic Investment .......................... 12  
  - Expand Access to Broadband and Cellular Services ..................................... 12

**Energy & Environment** ............................................................................. 13  
  - Paint Stewardship Program ......................................................................... 13  
  - Expansion of Bottle Bill ............................................................................. 13  
  - Electronic Waste Disposal ......................................................................... 14

**Elections** .................................................................................................. 15  
  - Consolidate Federal And State Primary Elections ......................................... 15  
  - Early Voting Reform .................................................................................. 15

**Local Government Finance** ................................................................. 17  
  - Implement The Next Phase Of Property Tax Reform ..................................... 17  
  - Internet Sales Tax Modernization .............................................................. 21  
  - Strengthening Current Tax Law Assessment Requirements ......................... 21  
  - Federal Deduction For State And Local Taxes (SALT) ................................... 21  
  - Elimination of the Sales Tax Exemption for ESCO’s .................................... 22  
  - Cashless Bail Reform .............................................................................. 23

**Gaming** ................................................................................................... 24  
  - Revenue Sharing ...................................................................................... 24  
  - Sports Betting ....................................................................................... 24

**Higher Education** .................................................................................... 25  
  - Community Colleges – FIT Chargebacks ...................................................... 25
Indigent Defense .................................................................................................................. 26

Juvenile Justice and Youth Detention ................................................................................. 27
Raising the Age of Criminal Responsibility ........................................................................ 27

Public Health .......................................................................................................................... 28
Funding Support for Unattended Death Investigations ......................................................... 28
Raising Base Grant for Local Public Health Departments .................................................. 28
Permanent Jail-Based SUD Treatment And Services Programs ....................................... 29
Jail Health Care and Medicaid Enrollment Pre-Release ....................................................... 30
Cannabis Legalization & Reforms .......................................................................................... 31

Public Safety .......................................................................................................................... 32
9-1-1 Communications ........................................................................................................... 32
Parole Violators ....................................................................................................................... 32
Increase Income Tax Credit for Volunteer Firefighters and EMS Workers ....................... 33
Medicaid Managed Care Premium Recoupment Pilot ......................................................... 33
Video Conferencing ................................................................................................................ 34
Pre-Arraignment Holding ....................................................................................................... 35
School Resource Officers ....................................................................................................... 35

Public Infrastructure and Transportation .............................................................................. 36
Wildlife Management Techniques at Airports ...................................................................... 36
Airport Capital Funding Programs ......................................................................................... 36
CHIPS Bidding Threshold ...................................................................................................... 37
CHIPS Funding Commitment ................................................................................................. 37
Speed Camera Authorization ................................................................................................. 37
Transportation Network Companies (TNCs) ....................................................................... 38

Shared Services & Government Efficiency ........................................................................ 39
County-Wide Shared Services Initiative (CWSSI) ............................................................... 39
Lower Workers Compensation Costs for Local Governments in County Pools ................... 39
Health Insurance Risk Pools ................................................................................................. 40
Design-Build for Major Local Government Construction ................................................ 40
Court Judgement Interest Rates ........................................................................................... 41
Scaffold Law Reform ............................................................................................................... 41
Wicks Reform .......................................................................................................................... 41
County-wide EMS Districts .................................................................................................... 42

Veteran Services ..................................................................................................................... 43
Fiscal Support of State Veteran Benefit Advisors ................................................................. 43
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**SEPTEMBER – DECEMBER**

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 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.

**JANUARY**

January marks the beginning of the New York State Legislative Session. The Session begins the first Wednesday after the first Monday of the New Year. The opening is usually marked by the Governor’s delivery of the “State of the State Message” in Albany. These messages generally outline the priorities and programs the Governor wants the Legislature to address during the year ahead. The Governor must submit his Executive Budget Proposal to the Legislature, along with the related appropriation, revenue, and budget bills, by the third week in January (or by February 1st in a gubernatorial election year).

Once the Governor’s Executive Budget Proposal is released, NYSAC’s Legislative Team identifies key issues for counties within, or excluded from, the Executive Budget Proposal and coordinates meeting with the Senate and Assembly leadership and staff.

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.

**FEBRUARY – MARCH**

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.

**APRIL – JUNE**

The Executive State Budget must be passed by April 1. Upon adoption of the final State Budget, the Legislative Team immediately prepares a full analysis of the final State Budget to provide to NYSAC members.

Budget priorities that were not completed in the final State Budget are transitioned into non-budget legislative priority items. The Legislative Team begins their lobbying efforts for the Legislature on counties’ key non-budget priorities.

As the session concludes at the end of 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.
Agriculture and Rural Affairs

NYSAC Staff Contact: Alexandra LaMonte

Statewide 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% over a 17-year period, including a 10% 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 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.
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 a few 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 for 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; and
  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.
• 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.

PRESECHOOL 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 as well regardless of actual costs.

Recommendations
Update reimbursement to counties for preschool special education:
  o By gradually phasing in the statutorily requirement of state funding share to counties to 69.5 percent.
- 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.
- 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.
- Expand Universal Prekindergarten (UPK) to include children with special needs.

**Distinct Attorney Salary Increase**

*NYSAC Staff Contact: Patrick Cummings*

**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 are set to increase again with an additional impact of $700,000 statewide. Without the commensurate increases in state reimbursement for these mandated salary increases that used to be covered by the State, counties are spending $3.1M more annually. While the increase amount seems small, for some counties these cumulative increases will consume up to 30 percent of smaller county’s allowable 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 and 2019.
ECONOMIC DEVELOPMENT

NYSAC Staff Contact: Alexandra LaMonte

SHOVEL-READY/ MARKET-READY SITES

Background
Economic development sites lack access to necessary infrastructure such as water, sewer, roads, or utilities. New York State has shown success with attracting large-scale economic development projects in the past. Programs used to be in existence 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.

ENERGY & ENVIRONMENT

NYSAC Staff Contact: Alexandra LaMonte

PAINT STEWARDSHIP PROGRAM

Background
Local governments bear the costly burden of collecting and disposing of most of the 3.9 million gallons of paint that go unused in New York State each year. If this responsibility was transferred to paint manufacturers, local governments would save approximately $25 million annually. This would provide relief to property taxpayers, create local jobs, and encourage environmentally sound recycling and disposal of unused paint.

Recommendation
NYSAC supports the framework laid out in recent legislation S.881 (O’Mara)/A.1038 (Stirpe) for establishing a statewide Paint Stewardship Program to manage leftover household paint. The legislation directs the state Department of Environmental Conversation (DEC) to develop a plan for paint manufacturers and sellers to form and cover the costs of a statewide, not-for-profit Paint Stewardship Program. The Program will reduce local government costs while increasing resident convenience by creating an industry-managed paint collection network that adheres to clear convenience standards for residents across the state. States that have implemented comparable programs, such as Oregon and California, are showing impressive results.

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 present and future glass contamination.

**Electronic Waste Disposal**

**Background**
The New York State Electronic Equipment Recycling and Reuse Act (Act) was adopted by the State in 2010 in order to assist local governments with managing the fast-growing electronics waste stream by requiring electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs. The Act 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.

NYSAC also requests the State to implement actions to strengthen communication among stakeholders, clarify key statutory provisions in their present rulemaking efforts, and promote the adoption of changes to the act that will provide for year-round, no-cost collection of electronics, consistent with convenience standards for both rural and urban populations that help alleviate the immediate financial pressures faced by local governments.
Elections

NYSAC Staff Contact: Ryan Gregoire

Consolidate Federal and State Primary Elections

Background
Under the Federal Military Overseas Voter Empowerment (MOVE) Act, states are required to set primary election dates that allow members of the military and overseas citizens to register and vote with sufficient time for their ballots to be sent, delivered, cast, returned and counted.

To comply with those requirements, New York State is required to hold separate primaries for federal (Congress and U.S. Senate) elections, because the state’s current September primary date does not comply with the MOVE ACT.

Counties support combining the primary dates to save local property taxpayers from having to finance an unnecessary second primary election. In the absence of any such consolidation, the State should reimburse counties and New York City for any costs related to the second primary, regardless of the date of the second primary – September or otherwise.

Holding the second or third primary (in presidential years) creates an enormous and unnecessary unfunded mandate. It is the state’s financial responsibility to pay for holding a second primary.

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.

The 2018 Executive Budget Proposal proposed to institute early voting in New York State to make it easier for New Yorkers to vote. The proposal would require every county to offer residents access to at least one early voting poll site during the 12 days leading up to Election Day. Counties must have one early voting poll site for every 50,000 residents. The bipartisan County Boards of Elections would determine the specific location of early voting polling places, subject to standards of accessibility and convenience. The Governor’s 30-day amendments included $7 million in funding for counties to implement election reform initiatives.

In 2018, the Assembly included Article VII language to establish a 7-day early voting period for primary, general, and special elections. The Assembly modified the Executive proposal to include $7 million to offset the costs of early voting and other voting reforms borne by counties by removing appropriation language that requires approval from the
Director of the Budget. The new Senate majority has identified election reforms as a top priority.

**Recommendation**

After surveying counties, we estimate that early voting will cost upwards of $1 million per county especially those requiring multiple locations. These costs stem from the necessary additional oversight, printing, staffing, and maintenance of polling stations. The cost of early voting will fall to already financially burdened local governments and taxpayers, as county boards of elections have the responsibility to manage election operations.

This cost was exacerbated by the need for two primary elections in New York in 2018, as current state election law mandates that the federal primary cannot be held on the same day as the state and local primaries. The expense of the proposed changes can be lessened by allowing the federal and state primaries to be held on the same day, which the State Legislature has the power to permit under Election Law Section 8-100.
**LOCAL GOVERNMENT FINANCE**

_NYSAC Staff Contact: Dave Lucas_

**IMPLEMENT THE NEXT PHASE OF PROPERTY TAX REFORM**

Counties want to build upon the Governor’s focus on property taxes in New York compared to the rest of the nation, 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 cost drivers are expenses related to paying for any one of several state mandated 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 as is the practice nationwide.

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

The single largest way to achieve this mutual goal is to eliminate the local share of Medicaid. This would result in unprecedented reductions in local property taxes. The cost of the Medicaid program in a typical county (outside of New York City) equals about 50% of the county property 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.

![Mandate Relief Lowers Property Taxes Graph](image-url)

- **Local 3% Medicaid Growth Cap Begins 2006**
- **Average Annual Growth 6.7%**
- **Average Annual Growth 2.0%**
a. **Restore Safety Net 50/50 State-Local Cost Sharing:** Today, counties pay 71 percent and the state pays 29 percent of the nonfederal share for the major public assistance programs. 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 federal 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. 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.

b. **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.

c. **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. NYSAC requests that the existing sales tax statute be amended to bring parity for counties with New York City. If counties’ sales tax authorization was made permanent, this would remove the necessary administrative expense and duplication of effort to process the necessary paperwork, forms, legislative hearings, filings and notices, and being held up in unrelated political conversations—resulting in improved government operations and fiscal savings for both the state and local levels.

**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.
These nine state mandates were selected due to their prominence and ability to quantify through state appropriations and other verifiable sources (Pension costs are included in annual reports from the State Comptroller). The state share of funding for many of these mandates must be appropriated in the State Budget each year. Ironically, since the state share is a reimbursement to counties for costs already incurred by a county to fund a state program, the actual county spending is not included in the State Budget.
INTERNET SALES TAX MODERNIZATION

Counties continue to support the modernization of the state’s sales tax law to capture the large volume of retail transactions conducted over the Internet for which no sales tax is collected for the state or counties. The current system provides an unfair advantage to Internet-based retailers and hurts local brick and mortar stores in our communities.

The recent U.S. Supreme Court decision overturning the 1992 Quill precedent confirmed state’s authority to collect sales tax from remote sellers doing business within the state. The latest decision provides a clear roadmap for how states can update their sales tax laws to ensure a fair and level playing field for vendors within the state as well as remote sellers.

Recommendation

Counties ask that the Governor again include a sales tax modernization proposal in the SFY 2019-20 budget that conforms with the recent U.S. Supreme Court decision.

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.

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.

Recommendation

The State should enact legislation that requires sound appraisal theory in the valuation of real property for taxation purposes to eliminate the Dark Store Theory as an argument to lower property assessments in New York.

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, NYS along with Connecticut, Maryland and New Jersey are suing the federal government of this new federal tax overhaul.

**Recommendation**
While the IRS has drafted regulations that would nullify New York State laws recently enacted related to charitable contribution, counties support NYS legal action 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.

**Elimination of the Sales Tax Exemption for ESCO’s**

**Background**
Counts rely on local sales tax revenues to offset property taxes, support the delivery of local discretionary services and pay for state mandated programs. For more than one-third of the counties, sales tax is their number one revenue source. As indicated, most counties share sales tax revenues with towns, villages, cities and school districts: in fact, 25 percent of county sales tax collected is shared in this way. Over the years, the State has exempted certain goods and services from sales tax. Today, according to data from the NYS Department of Taxation and Finance, there are 84 sales tax exemption categories (some with multiple exemptions each), impacting 103 parts of the tax code. These exemptions reduce available sales tax revenues by hundreds of millions of dollars annually and shift a higher burden onto individuals and industries not provided the same exemption. Some of these exemptions favor different businesses competing in the same industry, creating an unfair marketplace.

**Recommendation**
In the 2018-2019 Executive Budget Proposal, Governor Cuomo proposed to eliminate the sales tax exemption provided to energy service companies (ESCOs). According to the Governor, this sales tax exemption was enacted in the 1990’s to encourage consumers to purchase gas and electricity from third-party energy service companies. The Governor believes this industry has matured to the point where this incentive is no longer needed, and it contributes to an unlevel playing field within the energy industry and among purchasers of energy. The Governor estimates that repealing this exemption will increase sales tax revenues by $128 million annually for the State and by $80 million annually for counties upon full implementation.
NYSAC strongly supports the elimination of sales tax exemptions provided to ESCOs and urges the Governor to include this proposal in his 2019-2020 Executive Budget.

**Cashless Bail Reform**

**Background**
New York counties provide and pay for the majority of criminal justice services for our state's residents. In 2018, several bills were introduced in efforts to improve our criminal justice system, including proposals to change the state’s bail system. Under current law, judges place monetary bail levels based on the “risk of flight” of the accused surrounding the facts of the case.

**Recommendation**
NYSAC supports efforts to improve the criminal justice system, if the costs to implement these changes are met by the State and not placed on counties and local taxpayers. If a cashless bail system is implemented in New York, NYSAC calls on the State to meet all costs, direct and indirect, that will be placed on counties to enact this legislation.
GAMING

NYSAC Staff Contact: Patrick Cummings

REVENUE SHARING
The State of New York and the Seneca Nation must to come to 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 if a solution is not found.

SPORTS BETTING
Background
In 2018, the United States Supreme Court struck down the Federal Professional and Amateur Sports Protection Act of 1992, which restricted sports gaming and sports gaming operations to four states (Nevada, Oregon, Delaware and Montana). The decision now allows all 50 states to regulate sports gambling. Under current NYS law, casinos are permitted to provide for sports betting operations as soon as NYS Gaming Commission regulations are implemented. Under the current revenue sharing system, New York State receives funding from gaming facilities and a portion of this funding is passed to local governments for needed infrastructure and resident services. Depending on the geographic location of a county, this revenue share can come from several sources: private commercial casinos, Native American casinos, racinos, house and harness raceways, and Off-track Betting Corporations (OTBs). Without future state regulatory changes, only the casinos (commercial and Native American) will be allowed to provide sports betting.

Recommendation
The Governor should include the legalization of sports gaming in his executive budget proposal and the state should distribute an equitable percentage of income and gaming revenues to local governments and to consider a method where pre-existing gaming facilities could be involved in sports gaming services in order to retain revenue locally, create local jobs and to ensure needed local government revenue.
COMMUNITY COLLEGES – FIT CHARGEBACKS

Background
Section 6305 of the State Education Law requires the state to reimburse counties for 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 the state to consider an interim step of fully funding FIT chargebacks to counties related to all educational instruction provided after two years (coursework necessary for a 4-year, and/or master’s degree).

COMMUNITY COLLEGES 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% of a community college operating budget. Today, this state commitment has fallen below the one-third commitment and far short of 40%. The legislature and Governor have historically provided for an increase in state aid over the last few years, however the proposed 2019-20 executive budget reduces this commitment by $11.6 million.

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
Adopt the SUNY proposed new formula for funding the state share of community colleges.
INDIGENT DEFENSE

NYSAC Staff Contact: Patrick Cummings

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 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 this language to remain in law.

Arraignment coverage is expected to be the first wave of expanded services in 2018. As this becomes a reality, there will be unexpected costs born to counties that may require State assistance that was not currently addressed in the indigent defense expansion law. One such unintended increase we are aware of 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 24-hour arraignment courts where Public Defenders will be representing clients, DA’s will also need to be present to make the public’s case for bail 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 during this stage of the criminal process.
**JUVENILE JUSTICE AND YOUTH DETENTION**

*NYSAC Staff Contact: Ryan Gregoire*

**RAISING THE AGE OF CRIMINAL RESPONSIBILITY**

*Recommendations*

- Continue the commitment to fully fund 100% 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;
  - 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)
  - 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;
  - 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;
  - Bolster outreach and require engagement of the K-12 school system as a partner in these systemic reforms;
  - Ensure judges receive appropriate training on alternatives that may be available in communities; and
  - 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 counties units can be built and fully staffed as required under state regulations.
PUBLIC HEALTH

NYSAC Staff Contact: Alexandra LaMonte

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 caseload.

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.
• Increase base grants to ensure public health services are eligible for full reimbursement of local expenditures:
  o Increase base grant to Full Service LHD’s (those with environmental health units) from $650,000 to $750,000.
  o Increase the base grant to Partial Service LHD’s from $500,000 to $550,000.
  o Increase the per capita rate for the largest counties from 65 cents per resident to $1.30.
  o Increase the beyond-base-grant state aid reimbursement rate from 36% to 40%.
  o Provide 100% 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 2018-2019 State Budget included $3.75M for one year of funding to establish 17 county jail 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 2019, nor does it provide for adequate funding for the remaining county jails not included in this first round of funding. Jail incarceration provides for 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 in the Governor’s proposed 2019-2020 Executive Budget for the establishment of permanent jail-based SUD treatment and transition services programs in every county correctional facility. 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 support and encourage programs that reduce recidivism and prevent placement in local jails in the first instance because necessary community services and supports are insufficient, leading to unnecessary incarcerations.

- 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.
The state should 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.

CANNABIS LEGALIZATION & REFORMS

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

NYSAC supports general revenue sharing between the State and counties, similar to the methodology used for casinos. In addition to levying a sales tax on retail sales, it will be important to tax production and processing to support the economies of rural counties. Municipalities that oppose legalization should be allowed to keep commercial cannabis businesses out of their communities.
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 help 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 services. Too much funding is diverted by the State for non 9-1-1 purposes. These 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 two 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.

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.

**INCREASE INCOME TAX CREDIT FOR VOLUNTEER FIREFIGHTERS AND EMS WORKERS**

**Background**

The vast majority of people serving as firefighters and EMS personnel in NYS are volunteers. Of the state’s 1,795 municipal fire departments, 89% 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.

**MEDICAID MANAGED CARE PREMIUM RECOUPMENT PILOT**

**Background**

When processed into a county jail, a Medicaid eligible inmate has their eligibility status suspended and it is determined if they are in managed care, so 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 qualified 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 which 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.

**School Resource Officers**

**Background**
The recent uptick in school violence seen across the country continues to be an alarming issue and one that is difficult to prevent. Local law enforcement, including county sheriffs remain emphatic that the development of a school resource officer program would be the most effective deterrent to future incidents of violence. School resource officers can provide the opportunity to intervene with a troubled youth before violence happens and can also be a first line of defense should violence occur. Unfortunately, not all schools have the funds available to provide the services of a dedicated school resource officer—one with full police powers from a local agency.

**Recommendation**
NYSAC recommends the Governor include in the 2019-20 Executive Budget funding to provide a school resource officer in every district throughout NYS.
PUBLIC INFRASTRUCTURE AND TRANSPORTATION

NYSAC Staff Contact: Mark LaVigne

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
NYSAC supports regulatory or legislative action if necessary to reinstate the authorization and use of certain successful wildlife management techniques in a strictly controlled manner by government employees acting in an official capacity.

AIRPORT CAPITAL FUNDING PROGRAMS

Background
According to data from NYS Department of Transportation (DOT) 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 NY based jobs in aviation or aviation-related industries which generates over $25.8 billion in payroll and over $6 billion in state and local tax revenue. In 2016, Governor Cuomo initiated a $190 million state investment to revitalize New York State airports and subsequently enacted budgets have included funding for the Aviation Capital Grant Program. The competition to revitalize upstate airports has awarded six airports funding for projects that enhance safety, improve operations and access, reduce environmental impacts and create better passenger experiences while leveraging private investments.

The 2018-2019 Executive Budget included $12.5 million for the Aviation Capital Grant Program for the next two years, a reduction of $10 million per year from the 2016-17 and 2017-18 levels. While this funding is extremely helpful in aiding in the construction of aviation projects, New York has no dedicated revenue source or permanent state capital program for airports and must rely on annual appropriations in the state budget for funding critical airport projects.
**Recommendation**
NYSAC urges the Governor to include as part of his 2019-20 Executive Budget to provide for increased, recurring and reliable funding for the maintenance and development of all the state’s airports through a robust Aviation Capital Grant Program and reauthorize a new round of funding for the Competition to Revitalize Upstate Airports.

**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 2019-20 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.

**CHIPS Funding Commitment**

**Background**
Funding from CHIP 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 2018-19 State Budget maintained the current base level for CHIP 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 urges the Governor to continue state assistance for these programs and increase levels in the 2019-2020 state budget.

**Speed Camera Authorization**

**Background**
Speeding motorists continue to put schoolchildren in unnecessary danger throughout New York State. The New York City Department of Transportation reports that the risk of pedestrian death from being struck by a speeding vehicle increases from 5% at a speed of 20 miles per hour to 45% at a speed of 30 miles per hour, a 900% increase.
Chapter 189 of the Laws of 2013 established a five-year demonstration program to allow a small amount of speed safety cameras to be used near schools in New York City at certain hours of the day. The New York City Department of Transportation reports that there has been a 60% drop in speeding infractions in locations where speed safety cameras have been installed. Furthermore, speed safety cameras were able to issue over 1 million infractions to motorists who were speeding near schools.

This law has sunset and has not been reauthorized.

**Recommendation**

NYSAC urges the Governor to include in the 2019-20 Executive Budget proposal, the reauthorization of speed cameras in New York City and to allow Nassau, Suffolk, and Westchester Counties home rule authorization to take part in this program.

**TRANSPORTATION NETWORK COMPANIES (TNCs)**

**Background**

Effective June 29, 2017, NYS allows the operation of Transportation Network Companies (TNCs) like Uber and Lyft to operate throughout the state except for New York City. Counties with populations of more than 100,000 can opt-out of allowing TNCs to pick up riders within county boundaries. The legislation when passed, establishes a 4% state assessment on TNC fares, however it precludes counties, towns, cities and villages from imposing a separate tax, fee or surcharge on a TNC, TNC driver, TNC vehicle or TNC trip.

**Recommendation**

Taxicab companies and other livery services must remit state sales tax as well as local sales tax. NYSAC urges the Governor to expand this legislation to ensure a level playing field between the existing taxi and livery services and TNCs. TNCs should be required to pay the same state and local sales tax that taxi’s pay.
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 in convening and developing 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 Executive 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.
• Allowing a portion of the matching funds be available to counties for implementation and plan development costs associated with shared service initiatives.
• A stronger incentive to expand the participation of other local government jurisdictions in the process, especially school districts and fire districts.

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 legislation language such as S.5873, DeFrancisco/A.697A, Magnarelli from the 2017 Legislative Session. 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 established 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 and New York City.
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.

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
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 and that this new county government authority 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.
VETERAN SERVICES

NYSAC Staff Contact: Patrick Cummings

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% 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

Percent of Veterans by County