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Closing the Fiscal Gap

Even with a relatively good economy the last few years, the State continues to struggle with fiscal gaps. The Governor and Legislature continue to rely on a strict adherence to a two percent spending limit to balance the budget – in year’s past this was a combination of actual spending cuts, costs shifts from the state to other entities, new revenues, prepaying expenses, one shots and redefining expenses (including taking items “off-budget”) to reach balance. The chart below highlights the projected budget gaps facing the state over the next four years through 2023 before any state budget actions.

### Projected State Budget Gaps 2020 through 2023

<table>
<thead>
<tr>
<th></th>
<th>SFY 2020</th>
<th>SFY 2021</th>
<th>SFY 2022</th>
<th>SFY 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Fiscal Gap</td>
<td>($3.1 billion)</td>
<td>($6.4 billion)</td>
<td>($6.5 billion)</td>
<td>($6.7 billion)</td>
</tr>
</tbody>
</table>

The table above does not include any impacts from federal actions that could have a significant impact. The long-term implications of federal tax cuts, specifically the loss of federal deductions for state and local taxes (SALT) is unknown. Another area of high fiscal vulnerability for New York from federal actions are changes to social welfare programs and health care. The state and counties receive billions of dollars in fiscal benefits from the Affordable Care Act, which continues to be slowly dismantled administratively.

For SFY 2020 the Budget proposes to close the $4.6 billion fiscal gap through the following major actions:

- **$3.35 billion in spending reductions**
  - $2 billion from Local Assistance
  - $283 million for Agency Operations
  - $843 million from Debt Management (including $762 million related to prepaying 2020 debt service in 2019)

- **$1.3 billion from Resource and Revenue Changes** (using new one-time bank and other settlements the state received recently)
  - $238 million from bank settlement funds for fiscal reserves
  - $1.05 from revenue and tax enforcement changes

The chart on the next page provides a high-level overview of gap closing efforts for the next few years. Changes in the first year of the 4-year budget window often grow in the out years as they become fully annualized. We should also note the importance of the state’s self-imposed two percent spending cap – adherence to this spending limit and the extension of the millionaire’s tax provides nearly all of the savings to balance the financial plan in future years.
### General Fund Budget Gap Closing Plan
#### FY 2020 Executive Budget

<table>
<thead>
<tr>
<th>Savings/(Costs)</th>
<th>FY 2020</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mid-Year Budget Surplus/Gap Estimate¹</strong></td>
<td>($3,070)</td>
<td>($6,429)</td>
<td>($6,551)</td>
<td>($6,735)</td>
</tr>
<tr>
<td><strong>Tax Receipts Re-estimates</strong></td>
<td>($1,567)</td>
<td>($3,957)</td>
<td>($3,431)</td>
<td>($4,140)</td>
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<tr>
<td><strong>Spending Changes</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Assistance</td>
<td>$1,986</td>
<td>$1,133</td>
<td>$1,117</td>
<td>$1,155</td>
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<tr>
<td>Agency Operations</td>
<td>$283</td>
<td>($141)</td>
<td>($138)</td>
<td>($88)</td>
</tr>
<tr>
<td>Debt Management (incl. prepayment)</td>
<td>$843</td>
<td>($52)</td>
<td>($69)</td>
<td>$18</td>
</tr>
<tr>
<td>All Other</td>
<td>$242</td>
<td>($258)</td>
<td>($291)</td>
<td>($291)</td>
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<tr>
<td><strong>Revenue Actions/Resource Changes</strong></td>
<td>$1,283</td>
<td>$4,368</td>
<td>$5,673</td>
<td>$6,288</td>
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<tr>
<td><strong>Executive Budget Surplus/(Gap) Estimate¹</strong></td>
<td>$0</td>
<td>($4,336)</td>
<td>($3,690)</td>
<td>($3,793)</td>
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<tr>
<td>Adherence to 2% Spending Cap</td>
<td>$0</td>
<td>$3,589</td>
<td>$4,594</td>
<td>$6,269</td>
</tr>
<tr>
<td><strong>Executive Budget Surplus/(Gap)</strong></td>
<td>$0</td>
<td>($747)</td>
<td>$904</td>
<td>$2,476</td>
</tr>
</tbody>
</table>

¹ Before actions to adhere to the 2 percent spending benchmark.

² Savings estimate from limiting spending growth in future years to 2 percent (calculation based on current FY 2019 estimate). Final budget in each year is subject to negotiation by Governor and Legislature to ensure adherence to 2 percent spending limit in each year.
Changes in Taxation

Key Revenue Items that Will Impact Counties

Updating Internet Sales Tax Collections/Implementing the Wayfair v South Dakota Decision

The Governor is again proposing to update New York’s sales tax collections process to ensure that sales taxes owed are collected regardless of the method of purchase. A significant amount of sales tax owed under state law remains uncollected when transactions are conducted over the Internet. The proposal would require large Internet marketplace providers to collect sales tax on behalf of all vendors that use their platform and remit these sales taxes to the State. Many of these large retailers already collect sales tax through their platforms, but they do not do it for all vendors using their website. On a full annual basis, the state estimates that as much as $280 million in local sales tax could be collected through this “marketplace” fairness change – DOB estimates $158 million for counties (before sales tax sharing) and $122 million for New York City.

In addition, the recent Wayfair v South Dakota U.S. Supreme Court Decision, which overturned an earlier Court decision from 1992 (Quill) clarified that states do have the right to collect sales tax on internet transactions coming into their state under most circumstances (there are safe harbor decisions for small retailers that will protect them from having to collect sales tax. Due to the Wayfair decision the state is using its existing law nexus thresholds as the starting place for safe harbor provisions. This means remote sellers must collect New York state and local sales taxes if they sell more than $300,000 and conduct more than 100 transactions into the state (this safe harbor is viewed as slightly more generous than what the Supreme Court outlined in the Wayfair decision). This is estimated to bring in as much as $110 million annually in currently uncollected sales tax – DOB estimates $62 million for counties (before sales tax sharing) and $48 million for New York City.

The combined fiscal impact of this state sales tax marketplace fairness update and Supreme Court decision for local governments is the collection of up to $390 million in sales tax that has, to date, evaded collection. The $390 million represents about 2.2 percent of the total local sales tax collected in 2018.

Elimination of the Energy Services Company Sales Tax Exemption

The Executive Budget proposes to eliminate the sales tax exemption for gas and electric services purchased from an energy service company (ESCO). The exemption was enacted in the early 2000’s to provide an incentive for customers to purchase gas and electricity from third party energy service companies. It eliminated the collection of sales tax on the transportation, transmission or delivery of gas and electricity when it is sold separately from the commodity. The Governor’s proposal concludes the incentive is no longer necessary as the ESCO industry has matured in the state over the last two decades. New York City eliminated this exemption in 2009. For counties, repealing the exemption is expected to increase local sales tax collections by up to $48 million on a full annual basis (before sales tax sharing).
Other Major Revenue Proposals
There are 49 separate revenue actions proposed in the Governor’s Budget that will raise about $1.3 billion in SFY 2020. These revenue proposals will generate additional resources in each year thereafter as follows:

- $4.4 billion in SFY 2021
- $5.7 billion in 2022
- $6.3 billion in 2023

Some of the key proposals include:

- **Extending the millionaires tax** for five years through tax year 2024. Under current law the tax is set to expire at the end of 2019. DOB estimates this extension will increase state tax receipts as follows:
  - $771 million in SFY 2020
  - $3.6 billion in SFY 2021
  - $4.8 billion in SFY 2022
  - $5.5 billion in SFY 2023

- **Extend the PIT limitation on charitable deductions** for five years through 2024. Under current law the limitation is set to expire at the end of 2019. DOB estimates this extension will increase state tax receipts as follows:
  - $86 million in 2021
  - $175 million in 2022
  - $180 million in 2023

- **More tax return audits** are expected to increase state tax receipts as follows:
  - $12 million in SFY 2020
  - $120 million in SFY 2021
  - $120 million in SFY 2022
  - $120 million in SFY 2023

- **Sales Tax Fairness and Conformity** items mentioned above will generate state resources as follows:
  - $221 million in SFY 2020
  - $378 million in SFY 2021
  - $378 million in SFY 2022
  - $378 million in SFY 2023

- **Enacting the Cannabis Regulation and Taxation Act** is expected to generate new tax revenue as follows for the state:
  - $0 in SFY 2020
  - $83 million in SFY 2021
  - $85 million in SFY 2022
  - $141 million in SFY 2023

- **Increase biennial registration fee for attorneys** ($375 to $425) and **criminal history search** ($65 to $90) – fees would go to the Indigent Legal Services Fund
  - $66 million in SFY 2020
  - $66 million in SFY 2021
  - $66 million in SFY 2022
  - $66 million in SFY 2023
Executive 2019-20 Budget
County Impact Summary

- **Expand the New York Bottle Bill** program
  - $0 million in SFY 2020
  - $18 million in SFY 2021
  - $20 million in SFY 2022
  - $20 million in SFY 2023

- **Impose new tobacco control policies**
  - $2 million in SFY 2020
  - $19 million in SFY 2021
  - $19 million in SFY 2022
  - $19 million in SFY 2023

**Direct Local Government Assistance**
Direct local government assistance has been targeted for cuts starting with AIM, and the Governor has not proposed additional funding for shared services matching funds beyond the $225 million authorized last year.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>AIM</td>
<td>$715,000,000</td>
<td>$656,000,000</td>
</tr>
<tr>
<td>Citizens Reorg. Grants</td>
<td>$35,000,000</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>Local Govt. Efficiency Grants</td>
<td>$4,000,000</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>County Wide Shared Services</td>
<td>$225,000,000</td>
<td>($225M Reappropriated)</td>
</tr>
<tr>
<td><strong>Small Govt Assistance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Essex</td>
<td>$124,000</td>
<td>$124,000</td>
</tr>
<tr>
<td>Franklin</td>
<td>$72,000</td>
<td>$72,000</td>
</tr>
<tr>
<td>Hamilton</td>
<td>$21,300</td>
<td>$21,300</td>
</tr>
<tr>
<td>VLT</td>
<td>$28,885,313</td>
<td>$28,885,313</td>
</tr>
<tr>
<td>Madison</td>
<td>$2,250,000</td>
<td>$2,250,000</td>
</tr>
<tr>
<td>Onondaga Co.</td>
<td>$2,000,000</td>
<td>0</td>
</tr>
<tr>
<td>Cayuga</td>
<td>$92,500</td>
<td>0</td>
</tr>
<tr>
<td>Seneca</td>
<td>$340,000</td>
<td>0</td>
</tr>
<tr>
<td>Franklin</td>
<td>$310,000</td>
<td>0</td>
</tr>
<tr>
<td>Niagara County IDA</td>
<td>$1,600,000</td>
<td>0</td>
</tr>
<tr>
<td>N.A. Gaming Compact Fund</td>
<td>$186,000,000</td>
<td>$233,000,000</td>
</tr>
<tr>
<td>Commercial Gaming Fund</td>
<td>$60,000,000</td>
<td>$62,000,000</td>
</tr>
<tr>
<td>Power Plant Closing Fund</td>
<td>$69,000,000</td>
<td>$69,900,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$1,305,695,113</td>
<td>$1,091,252,613</td>
</tr>
</tbody>
</table>

New York State Association of Counties
Executive 2019-20 Budget
County Impact Summary

Aid and Incentives to Municipalities (AIM)
The budget proposes to alter the AIM program by eliminating funding to any municipality were the AIM funding represents less than two percent of their total expenditures. The budget indicates this would reduce payments to municipalities by $59.2 million annually and impact at least 1,250 towns and villages, and another 70 or so that have failed to report fiscal data to the state.

Extraordinary Monetary Settlements
From 2015 through 2018 the state will have received over $11.8 billion in one-time monetary settlements from banks and other entities for failing to abide by state laws. The settlements have accrued as follows:
- SFY 2015 -- $4.942 billion
- SFY 2016 -- $3.605 billion
- SFY 2017 -- $1.317 billion
- SFY 2018 -- $805 million
- SFY 2019 -- $1.1 billion

Just under $10.8 billion of these settlement funds have been appropriated for a variety of state purposes. About 70 percent of the allocated funds ($8.4 billion) were for capital related items and the remainder were used for non-capital purposes ($3.4 billion), some of which were nonrecurring expenses. The Governor proposes to allocate the remaining $988 million in bank settlement funds to offset capital spending for clean water programs ($500M), state operating funds ($238 million), and $250 million toward Rainy Day Reserves.

State and Municipal Facilities (SAM)
The State Capital Projects budget does not provide any new funding for this initiative. It does re-appropriate $1.9 billion of $2.4 billion authorized in prior years.

This program was created to fund capital costs of construction, improvement, rehabilitation or reconstruction of facilities owned by eligible entities (including the state and any municipal entity, among other public entities). This funding can also be used for the acquisition of capital assets with a useful life of not less than 10 years.

Road construction, off ramps, and similar transportation infrastructure has also received funding through this program. In addition, projects related to county-owned properties such as parks, airports, memorials, arts and cultural facilities, and arenas have been funded. Priority will be given to projects that meet certain economic development goals that will create or retain jobs. Project awards have ranged from $50,000 to over $10 million.

This program is controlled by state elected representatives and the Governor. We urge county leaders to compile lists of appropriate potential projects and equipment needs and work with your state elected representatives and the Governor’s Office to secure funding for your projects.

New York State Association of Counties
State Spending by Functional Areas
Below is an interim analysis of Governor Andrew M. Cuomo’s Fiscal Year 2020 Executive Budget Proposals that impacts counties. NYSAC will continues to review the specifics of the proposals.

Aging
Create an Optional Private Pay Model in the State Office of the Aging
The Executive Budget authorizes a private pay program for programs administered by the State Office for the Aging (NYSOFA). NYSOFA will be authorized to expand access to programs to those above the 400% of the Federal poverty limit who chose to purchase these services using private funding. Counties would have the option to opt-in to this program.

This legislation would authorize seniors earning greater than 400% of the Federal poverty limit to participate in activities and programs sponsored by state and county.

The Executive Budget proposes an additional $15 million for EISEP services through local Offices for the Aging. Furthermore, the typical 25% local maintenance of effort match is exempt from this funding. The funds must be used to address the unmet needs of the elderly as reported to NYSOFA.

Agriculture
Make Technical Changes to the Farm Workforce Retention Credit
The Executive Budget would amend to the farm workforce retention credit to allow the credit for the same farming activities eligible for the farmers school tax credit. State Tax Law currently provides a farm workforce retention credit to individuals and corporations that is equal to $250–$600 per employee, depending on the taxable year for which the credit is claimed. In recognition of the increasing diversity of agriculture, this bill would expand the credit to additional farming operations that are currently eligible to receive the farmers’ school tax credit, such as cider production and Christmas tree farming. Employers will receive a credit of $500 per eligible farm employee in tax year 2019.

Expand Access to New York-Grown Agricultural Products
The Executive Budget continues funding for agricultural initiatives, including $1.1 million in new spending for the Taste NY program and an increase of $8 million in Aid to Localities appropriations from the FY 2019 Executive Budget to fund programs that provide specialized technical assistance, industry promotion, and research investments to reduce farms’ exposure to economic and climate inconsistency statewide. Note that the $29.5 million Aid to Localities appropriation is less than the $34.4 million included in the final FY 2019 budget.

Community Colleges
Funding for Community College state aid is reduced from the prior year. The chart below highlights these changes.
Executive 2019-20 Budget  
County Impact Summary

Community College Funding – SFY 2019-20 Proposed

<table>
<thead>
<tr>
<th>Description</th>
<th>SFY 2018-19 Enacted</th>
<th>SFY 2019-20 Proposed</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Base Aid</td>
<td>$453,484,000</td>
<td>$441,791,000</td>
<td>($11,693,000)</td>
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<tr>
<td>Next Gen Job Linkage</td>
<td>$3,000,000</td>
<td>$3,000,000</td>
<td>$0</td>
</tr>
<tr>
<td>Rental Aid</td>
<td>$11,579,000</td>
<td>$11,579,000</td>
<td>$0</td>
</tr>
<tr>
<td>Contract Courses and Workforce</td>
<td>$1,880,000</td>
<td>$1,880,000</td>
<td>$0</td>
</tr>
<tr>
<td>High Need Degrees</td>
<td>$1,692,000</td>
<td>$1,692,000</td>
<td>$0</td>
</tr>
<tr>
<td>Child Care</td>
<td>$2,099,000</td>
<td>$1,001,000</td>
<td>($1,098,000)</td>
</tr>
<tr>
<td>Low Enrollment Assistance</td>
<td>$940,000</td>
<td>$940,000</td>
<td>$0</td>
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<tr>
<td>Family Empowerment Pilot</td>
<td>$0</td>
<td>$3,000,000</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Apprenticeship/EOC</td>
<td>$3,000,000</td>
<td>$3,000,000</td>
<td>$0</td>
</tr>
<tr>
<td>SUNY Orange bridge</td>
<td>$100,000</td>
<td>$0</td>
<td>($100,000)</td>
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<tr>
<td><strong>TOTAL STATE FUNDING</strong></td>
<td><strong>$477,774,000</strong></td>
<td><strong>$467,883,000</strong></td>
<td><strong>($9,891,000)</strong></td>
</tr>
</tbody>
</table>

Criminal Justice System

Extend Authorization for Certain Municipalities to Operate Red Light Cameras
The Executive Budget proposal extends authorization for eight municipalities to operate red light cameras within their boundaries until 12/1/2024. The current law authorizes nine municipalities to operate varying numbers of red light cameras within their boundaries, with various expiration dates. The City of Rochester repealed its local law authorizing the program in 2016. Each expiration date, except for the City of Rochester would be extended until 12/1/2024. Below is a chart which has been included in the Governor’s budget proposal:

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Authorized Cameras</th>
<th>Current Expiration</th>
<th>Proposed Expiration</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Albany</td>
<td>20</td>
<td>8/21/2019</td>
<td>12/1/2024</td>
</tr>
<tr>
<td>City of Mt. Vernon</td>
<td>12</td>
<td>8/21/2019</td>
<td>12/1/2024</td>
</tr>
<tr>
<td><strong>County of Nassau</strong></td>
<td><strong>100</strong></td>
<td><strong>12/1/2019</strong></td>
<td><strong>12/1/2024</strong></td>
</tr>
<tr>
<td>City of New Rochelle</td>
<td>12</td>
<td>8/21/2019</td>
<td>12/1/2024</td>
</tr>
<tr>
<td><strong>City of New York</strong></td>
<td><strong>150</strong></td>
<td><strong>12/1/2019</strong></td>
<td><strong>12/1/2024</strong></td>
</tr>
<tr>
<td><strong>County of Suffolk</strong></td>
<td><strong>100</strong></td>
<td><strong>12/1/2019</strong></td>
<td><strong>12/1/2024</strong></td>
</tr>
<tr>
<td>City of White Plains</td>
<td>12</td>
<td>9/12/2020</td>
<td>12/1/2024</td>
</tr>
<tr>
<td>City of Yonkers</td>
<td>25</td>
<td>12/1/2019</td>
<td>12/1/2024</td>
</tr>
</tbody>
</table>

Pre-Trial Justice Reform Act
This legislation amends various sections of law including enacting bail reform and pretrial detention reform, improving access to a speedy trial and expanding the discovery process.

Eliminate Monetary Bail
For the second consecutive year, the Executive Budget proposal seeks to eliminate monetary bail for people facing misdemeanor and non-violent felony charges.
First, this legislation would mandate that police issue appearance tickets in misdemeanor and class E felony cases, with enumerated exceptions, so that fewer people spend time in jail before arraignment. Unlike prior legislative attempts to eliminate monetary bail, this legislation places the cost burden on counties to fund pretrial services, including electronic monitoring. Electronic monitoring may only be ordered if the individual is charged with a felony, or a misdemeanor crime involving a person who is a member of the same household. The court must find after notice and an opportunity to be heard and an individualized determination that no other non-monetary condition or sets of conditions will reasonably ensure an individual’s return to court.

County probation departments will be allowed to use an instrument, criteria or a tool to consider risk of failing to appear in court. However, this tool or instrument cannot contain a measure of a person’s general risk to public safety.

Second, this legislation eliminates cash bail and release people on their own recognizance. Detention can be ordered only in limited cases involving high risk of flight or a current risk to the physical safety of a reasonably identifiable person or persons, and the order comports with Supreme Court jurisprudence regarding required substantive and procedural due process before detention.

Lastly, this legislation implements a new procedure whereby a district attorney may move for a hearing to determine whether a limited number of eligible defendants may be held in jail pretrial.

No fiscal impact on local governments is provided by the state.

Amend the Criminal Trial Discovery Process
The proposed budget repeals Article 240 of the Criminal Procedures Law and adds a new Article 245, Discovery. This legislation would require prosecutors and the defense to share information before a trial takes place. This includes disclosure of evidence and information favorable to the defense; intended exhibits; expert opinion evidence; witnesses’ criminal history information; and search warrant information will be made available to defendants in a timely and consistent manner. To that end, this bill will provide prosecutors the ability to petition a court for a protective order, shielding identifying information when necessary to ensure the safety of those witnesses.

Speedy Trial Access
This legislation would obligate courts to take a more proactive role in actively advising litigants regarding how time will be charged and will not take at face value an assertion that the government is ready to proceed with trial. Specifically, the legislation outlines that the court may make inquiry into the actual readiness of the district attorney for trial. If the court determines that the district attorney is not ready, the statement of readiness is not valid.
This bill (Pre-Trial Justice Reform Act) would take effect immediately, however, the effective date for amendments to bail would commence on November 1, 2020, and the amendments for speedy trial and the discovery process would commence 180 days after the bill is enacted.

Comprehensive Reentry Package to Improve Outcomes for Formerly Incarcerated Individuals
This bill would enact major components of legislation that remove barriers to reentry. Specifically, this legislation would:

- Amend occupational licensing laws to remove mandatory bans on applicants with criminal convictions;
- Amend VTL law to remove six-month mandatory drivers’ license suspension for non-driving related offenses;
- Amend public officers law to protect the release of mugshots under freedom of information law;
- Amend criminal procedure law and executive law to prevent the use in a civil context of past arrest information that did not result in a conviction;
- Amend corrections law to provide for consideration of compassionate release for older incarcerated individuals facing health issues exacerbated by age.

Reduces Certain Misdemeanor Sentences to 364 Days
This legislation reduces the maximum potential sentence for class A misdemeanors by one day, changing the maximum sentence for misdemeanors from one year to 364 days. Anyone convicted of a misdemeanor and sentenced to jail for 365 days will automatically have their sentence reduced to 364 days. This legislation will take effect immediately.

Asset Forfeiture
This legislation requires that all funds seized via asset forfeiture to be deposited into an escrow account managed by professionals with oversight of the authorities. This process will ensure that only eligible property is seized and, when the property is forfeited, all proceeds are dispersed in accordance with the law. Furthermore, this legislation requires that claiming authorities will be required to report demographic data on individuals who have had their property seized. Lastly, when authorities (such as the Sheriff) expend any of the seized assets to purchase equipment or fund programs, they will be required to record the purpose.

Early Childhood Development and Children with Special Needs

Early Intervention Provider Rate Increase
The Executive Budget increases the Early Intervention program reimbursement rates for services furnished to eligible infants and toddlers in the Early Intervention Program and their families by licensed physical therapists (PT), occupational therapists OT), and speech-language pathologists (SLP) by 5 percent to mitigate provider shortages and recognize the education and training of these specialized service providers.

The Executive Budget keeps the early intervention aid to localities appropriation relatively flat at $173.2 million down $100,000 from $173.3 million last year. It is assumed that the state has
not included a funding offset for counties to accommodate this increase in provider rates, but we are seeking a clarification from the state.

**Economic Development**

*Reauthorize and Extend Minority- and Women-Owned Business (MWBE) Provisions*

State agencies and authorities are charged, by statute, with establishing business participation goals for minorities and women. This bill would extend the sunset provision for this authorization and the requirements of the program from December 31, 2019 to December 31, 2024. In addition, the bill would expand upon the requirements of the MWBE program based upon the findings of the 2016 Disparity Study. This would include (1) expanding program requirements to include all municipalities on contracts let with appropriated state dollars and (2) requiring units of local government subject to Article 15-A to set goals on contracts and submit reports to the Director of the Department of Economic Development’s Division of Minority and Women-owned Business Enterprises.

*Launch Round Nine of the Regional Economic Development Councils (REDCs)*

Governor Cuomo proposes to invest $750 million in Round Nine of the REDC program. The State has invested roughly $6 billion in regional priority projects through the REDCs since their inception in 2011. The core funding includes $225 million in grants and tax credits to fund regional priority projects. The Budget also makes $525 million in resources from State agencies available to support community revitalization and business growth consistent with the existing Regional Council plans through the Consolidated Funding Application process.

*Launch Round Four of the Downtown Revitalization Initiative (DRI)*

Governor Cuomo proposes to invest $100 million in Round Four of the DRI. The Initiative provides up to $10 million for awards in each REDC region. To date, New York State has awarded thirty communities with $10 million each.

*Continue the I LOVE NY Programs*

The Governor proposes to maintain an investment of $59 million for the promotion of tourism through I LOVE NY programs.

*Launch a New CFA for Workforce Development*

The Governor proposes to launch a new Consolidated Funding Application (CFA) for workforce investments to support short-term workforce needs, improve regional talent pipelines, expand apprenticeships, and address the long-term needs of expanding industries—with a particular focus on emerging fields with growing demand for jobs like clean energy, health technology, and computer science. Funds will also support efforts to improve the economic security of women, youth, and other populations that face significant barriers to career advancement. Funding will come from the $175 million workforce initiative included in the FY 2019 Budget.

*Expand the Employee Training Incentive Program (ETIP) Credit*
The Executive Budget proposes to expand the ETIP credit to include employers’ in-house training, as well as to include software development and clean energy internships, with the goal of strengthening the current program and providing more opportunities for training.

Create the New York State Employer-Provided Child Care Credit
The Governor proposes to create a new credit equal to 100 percent of the Federal credit for employers who provide child and dependent care facilities to their employees with the goal of enhancing the opportunity for employers to provide quality child care services to their employees.

Create the Employer Recovery Hiring Tax Credit
The Executive Budget proposes to create a new credit for employers of up to $2,000 for each person in drug abuse recovery that they employ with the goal of incentivizing the hiring of individuals who have successfully completed substance abuse disorder treatment and affording new job opportunities to a vulnerable population.

New York Works Economic Development Fund
A third round of investment equaling $220 million for the New York Works Economic Development Fund will provide additional statewide capital grants to support projects that facilitate the creation of new jobs or retain existing jobs, or fund infrastructure investments necessary to attract new businesses or expand existing businesses.

High Technology Innovation and Economic Development Infrastructure Program
The Executive Budget includes $325 million for initiatives that foster research and development of innovative technologies and leverage private investment in advanced science and technology, economic development initiatives, infrastructure, manufacturing, and other economic development initiatives that leverage private investment in regional projects that create or retain jobs.

Round Seven of Market NY
The Executive Budget includes a seventh round of $15 million in competitive funding through the Market NY initiative to support tourism marketing plans and projects that best demonstrate regional collaboration among counties to promote regional attractions.

Fund the Innovation Hot Spots and Incubators Program
The Governor also proposes $5 million in new funding to offer start-up companies business support services to help commercialize academic research and promote further collaboration between business and academia.

Regional Economic Development Projects
Create the East Side Corridor Economic Development Fund
The Executive Budget includes $50 million to revitalize Buffalo’s East Side based on a community-driven program developed by Empire State Development with input from the City of Buffalo. Projects will promote mixed-use, walkable commercial corridors; invest in historical and natural assets; expand workforce opportunities; support and grow new businesses and entrepreneurship; and build on other public/private investments.
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Build a New Life Sciences Lab in the City of Albany
The Governor has committed $750 million to support the construction of a public health laboratory to replace the Wadsworth Center’s aging facilities.

Olympic Regional Development Authority (ORDA) Capital Improvements
The Executive Budget includes $82.5 million in new capital funding for ORDA, including $70 million to support improvements to the Olympic facilities and ski resorts. Funding of $10 million is provided for maintenance and energy efficiency upgrades, and $2.5 million is appropriated from the Office of Parks, Recreation and Historic Preservation budget as part of the New York Works initiative.

Binghamton University Health Science Center and Innovation Park
The Executive Budget authorizes $30 million in funding for facilities to research and treat opioid addiction and Lyme disease, as well as invest in an elder care and geriatric science facility.

Clarkson-Trudeau Partnership
The Executive Budget includes $5 million to support the partnership between the State, Clarkson University, and the Trudeau Institute to form a biotech enterprise and further establish the North Country Region as a center of biotechnology research and development.

State Fair Capital
The Executive Budget includes $5 million in appropriations, an increase of $2.5 million from FY 2019. This funding will be used to continue repair and rehabilitation of the Fair’s facilities and allow for year-round operation of the Fairgrounds, including the Expo Center.

Establish New York as a Leader in Hemp Production
The Executive Budget proposes a comprehensive cannabis regulatory framework, administered by the new Office of Cannabis Management (OCM), that centralizes all the licensing, enforcement and economic development functions in one entity. The OCM will administer all licensing, production, and distribution of cannabis products in the adult-use, industrial, and medical cannabis markets.

Elections
On Monday January 14th, the New York State Assembly and New York State Senate passed a series of election reform bills. These bills were same-as referrals meaning the legislative language was identical and have now been delivered to the Governor for his consideration. There is no additional funding provided by the state under these proposals, but the Legislature indicates that counties will save $25 million from combining the primary elections to one date, rather than two.

These reforms include:
1) Voter pre-registration which authorizes 16- and 17-year-olds to automatically register to vote so they are eligible to vote when they turn 18 years of age.
2) Automatic transfer of a registration and enrollment of a voter to wherever they move within the state.
3) Eliminated the LLC loophole making LLC’s subject to the existing contribution limits for corporations.
4) Passed legislation for a constitutional amendment to remove cause for absentee ballot voting (no-excitation absentee ballots).
5) Passed legislation for a constitutional amendment authorizing voter registration to be completed at least ten days before election day.
6) Combined the state and federal primaries to be held on the fourth Tuesday in June.
7) Early voting reform which provides that beginning the tenth day prior to any election and ending on the second day prior to the election, anyone registered and eligible to vote shall be permitted to vote.

Neither the Assembly or Senate bills included appropriations to aid counties in administering these election reforms.

Many of the proposals that are included in the Governor’s Executive Budget mirror this legislation.

Public Campaign Finance and Finance Reforms
The Executive Budget requires that statements filed by political committees include information about “bundlers”; applies a $25,000 contribution limit to “housekeeping accounts”; requires campaigns to disclose within 60 days of receipt any contribution or loan in excess of $1,000; creates a new system for public financing of campaigns and capping contribution limits for statewide offices; establishes a system for public financing of campaigns; and establishes the New York State Campaign Finance Fund.

This bill would take effect immediately (would not impact county elected offices) and candidates running in the 2020 primary election would be eligible for public financing.

Online Voter Registration
The Executive Budget requires the State Board of Elections to develop an on-line portal for eligible voters to electronically register to vote. The system would allow voters to fill out applications and forms and then electronically submit them to the State Board of Elections which will then transmit them to the county board of elections for processing. This system will also accept voter registration applications from other NYS voter registration agencies.

This legislation takes effect two years after it becomes law, unless the State Board of Elections shall determine that it can complete a system earlier than two years.

Early Voting Implementation
This legislation would require:

- Early voting poll sites to be open for a period of 12 days prior to special, primary and general elections
- For every 50,000 registered voters (including less than 50,000) a county must have at least one poll location, not to exceed 7 poll locations unless a county so chooses to do so
- Polls must be open for at least 8 hours between 7am and 8pm during the week and at least one polling location must be open until 8pm during two weekdays.
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- Polls must be open for at least 5 hours between 9am and 6pm during the weekends and holidays.
- County board of elections have the option to extend the early voting period for longer durations during the early voting period.
  - Each board of election must create a communication plan to inform eligible voters of the opportunity to vote early
  - This legislation does not apply to Village elections

This legislation would take effect on the first January succeeding the date on which it shall have become law and shall apply to any election held 120 days or more after it shall have taken effect. If this legislation was passed in the budget, the first eligible date would be around May 1, 2020.

**Unified Primary Election**
The Executive Budget proposes that the state primary election be moved to the fourth Tuesday in June, effectively combining the state and federal primary dates. The effective date of this legislation is December 31, 2019.

**Ban on Corporate and LLC Contributions**
Eliminated the LLC loophole making LLC’s subject to the existing contribution limits for corporations.

**Agency Based Automatic Voter Registration**
This bill implements automatic voter registration at state and local agencies that area already required by election law to provide voter registration services. State agencies are required to offer an integrated personal voter registration application when offering agency services, whether on paper or online. The state agency will then forward the voter registration applications to a central electronic voter registration system maintained by the state board of elections which will then in turn, distribute the information to the appropriate county board of elections for registration.

This legislation takes effect two years after it becomes law, unless the State Board of Elections can certify that the information technology infrastructure of this act is functional.

**Election Day as a Holiday**
If a registered voter does not have sufficient time outside of his/her work hours, within which to vote for an election, he/she may without loss of pay for up to three hours take time off to vote.

If an employee has four consecutive hours either between the opening of the polls and the beginning of his working shift, or between the end of his working shift and the closing of the polls, he shall be deemed to have sufficient time outside his working hours within which to vote. If he has less than four consecutive hours he may take off so much working time as will when added to his voting time outside his working hours enable him to vote, but not more than two hours of which shall be without loss of pay, provided that the employee be allowed time off for voting only at the beginning or end of his or her working shift, as the employer may designate, unless otherwise mutually agreed.
Upstate Primary Voting Hours
Currently, upstate counties are only required to open polls at 12pm until 9pm in the evening for primary elections. This bill would make polling hours from 6am to 9pm which is consistent with Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Dutchess counties and New York City.

This legislation would take effect on the first January succeeding the date on which it shall have become law and shall apply to any election held 120 days or more after it shall have taken effect. If this legislation was passed in the budget, the first eligible date would be around May 1, 2020.

Pre-Registration of Minors
The Executive Budget authorizes 16 and 17-year-olds the ability to pre-register to vote. Pre-registration would be held until the individuals’ 18th birthday, at which point, they would automatically be registered to vote. This legislation would take effect on the first January after it has become law.

Electronic Poll Books
The Executive Budget authorizes the use of electronic poll books. The legislation mandates that the State Board of Elections have oversight over security standards related to the use of such lists.

This legislation would permit county board of elections to implement electronic polls books, if they choose. The legislation has an effective date of January 1 after the bill becomes law.

Automatic Voter Registration- DMV
This legislation would automatically enroll individuals who have applied for registration and enrollment of a driver’s license, a change of address, or an identification card. There will be an opt-out option for individuals processing transactions through the DMV if they choose that they would not like to be a registered voter.

The State Board of Elections will be responsible for preparing and distributing marketing material related to the implementation of this program. This legislation shall take effect on April 1, 2020.

Energy
Discontinue the Energy Services Sales Tax Exemption
The Executive Budget proposes to repeal the sales tax exemption for transportation, transmission, and distribution charges associated with gas and electricity purchased from an energy service company (ESCO). The exemption perpetuates unequal treatment among utility customers, as a business purchasing its electricity from a local utility company will pay sales tax on its total electric or gas bill, while another business purchasing gas or electricity from an ESCO will pay sales tax only on the gas or electricity, and not on the transportation, transmission or distribution of that gas or electricity. This bill would take effect June 1, 2019 and would apply to sales made and services rendered on or after that date, whether or not under a prior contract.
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Extend the Clean Heating Fuel Credit for Three Years
This bill would extend the sunset dates for the corporate and personal income tax credits for purchasing bioheating fuel for residential purposes until January 1, 2023. The credit is equal to $.01 per percent of biodiesel fuel not to exceed 20 cents per gallon, purchased by the taxpayer. This extension supports the use of clean energy in homes.

Environment
Advance the Climate Leadership Act
The Climate Leadership Act would create a Climate Action Council to be chaired by the commissioner of the Department of Environmental Conservation (DEC) and the president of the New York State Energy Research and Development Authority (NYSERDA). The Council would be charged with developing a roadmap outlining recommendations to put the state on a path to economy-wide carbon neutrality. The State aims to have one hundred percent of its electricity demand supplied by clean energy by 2040. A new article added to the Environmental Conversation Law would also authorize DEC to establish regulations to achieve statewide greenhouse gas emissions reductions.

Expand the “Bottle Bill” to Include Additional Beverage Containers
The Executive Budget includes legislation to amend the Returnable Container Act (“Bottle Bill”) to expand the types of beverage containers covered under the Act to include bottles from sports drinks, energy drinks, fruit and vegetable beverage, ready-to-drink tea and coffee, and wellness beverages. The Bottle Bill expansion includes some exceptions for containers of dairy milk, milk substitutes, infant formula, syrups and flavorings, medical prescriptions and dietary supplements. This proposal will also help reduce sorting and financial burdens on local government recycling programs. Additionally, the Governor will include amendments to address implementation issues and to respond to feedback from stakeholders, as well as enhanced penalties.

Make the Waste Tire Fee Permanent
The Executive Budget permanently extends the Waste Tire Fee, which is scheduled to expire December 31, 2019. This $2.50 fee, which has been in place since 2003, funds the abatement of waste tire sites and supports Department of Environmental Conservation (DEC) employees involved in solid and hazardous waste cleanup activities.

Clean Water Infrastructure
In FY 2018, the State enacted the Clean Water Infrastructure Act to invest $2.5 billion in drinking water infrastructure and source water protection actions over five years. The FY 2020 Executive Budget proposes to make an additional $2.5 billion investment in drinking water infrastructure, wastewater infrastructure, and water quality protection over five more years. A $500 million appropriation to support investments in clean water projects is included in the FY 2020 Executive Budget.

Ban Single Use Plastic Bags
The Executive Budget includes legislation to ban single-use plastic bags provided to customers beginning on March 1, 2020. A plastic carryout bag provided by a store must have “Please return to a participating store for recycling” printed or displayed on the bag. Stores will be
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allowed to use their existing stock of plastic carryout bags for one year after the ban goes into effect. Stores will also be required to have a collection bin that is visible, clearly marked, and easily accessible to consumers. The ban does not apply to bags used solely to wrap meat, fish, or poultry, food sliced to order, newspapers, plastic bags sold in bulk, trash bags and food storage bags, garment bags, and bags provided by restaurants or similar food service establishments. Local governments are preempted from passing laws related to the recycling of plastic bags and film plastic, as well as imposing fees or other measures associated with single-use plastic bags. However, local governments are not precluded from placing a fee on paper carryout bags. DEC will work with stakeholders and community leaders to ensure the roll-out does not disproportionately impact low- and moderate- income and environmental justice communities through the distribution of reusable bags and exemptions where appropriate.

Protect Ocean Waters from Offshore Drilling
The Executive Budget includes legislation that will prohibit oil and gas development in the North Atlantic Planning Area.

Renew Funding for the Environmental Protection Fund (EPF)
The Executive Budget continues EPF funding at $300 million. Appropriations include:
• $38 million for solid waste programs,
• $88 million for parks and recreation,
• $153 million for open space programs, and
• $21 million for the climate change mitigation and adaptation program.

This investment will provide funding for environmental programs, such as land acquisition, farmland protection, invasive species prevention and eradication, enhanced recreational access, water quality improvement, and an environmental justice agenda.

Regional Environmental Projects

Hudson River Park
The Executive Budget includes $23 million in capital funding for the Hudson River Park along Manhattan’s West Side.

Create a New State Park
As part of Parks 2020, the State will invest $20 million to complete Phase 2 of the Shirley Chisholm State Park on Jamaica Bay. This year’s investments targets projects such as a new amphitheater, lawn patios and over looks, kayak launches, and comfort stations.

Ethics

Require Financial Disclosures by Local Elected Officials
The Governor’s proposal would require all County Executives, County Managers, Chairs of County Boards of Supervisors, as well as all other local elected officials who earn an annual government salary of more than $50,000, to file annual statements of financial disclosure with the Joint Commission on Public Ethics. The Commission would be responsible for review and disclosure of improprieties to authorities.
Campaign Finance Reform
Public Financing of Elections is proposed by the Governor and includes a 6:1 public financing matching ratio for small donations, lowering campaign contribution limits, and bans corporate contributions.

Candidates for Statewide Office to Disclose Their Tax Returns
Under this proposal, candidates for the State Assembly and the State Senate will be required to provide the past five years of federal and state tax returns to the state board of elections as a condition of getting on the ballot for a general election.

Expand the Length and Scope of Post State Employment Restrictions
This proposal would increase the existing “two-year bar” that prevents state employees from interacting with their former agency from two years to five years.

Reforms to FOIL
Under this proposal the New York Freedom of Information Law (FOIL) would apply to the State Legislature.

Gaming and VLT Revenue Sharing
The Executive Budget authorizes casino gaming revenue sharing funding of:
- $62 million, in total, for the three commercial casino regions, a slight increase of $2 million over the prior year (3.3%), and
- $233 million, in total for the Native American casino gaming regions, a $47 million increase over the prior year (25%). The increased authorization provides enough capacity to allow for the Seneca Nation to catch up on prior year payments that have been withheld in a dispute with the State. It is still unclear how the Seneca Nation will proceed after losing the arbitration with the State, but budget authority is available for a full repayment.

The chart on below details the differences in appropriations and revenue sharing for both commercial gaming and Native American compact regions.

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<thead>
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<tbody>
<tr>
<td>Description</td>
<td>SFY 2018-19</td>
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<tr>
<td>Catskill (Hosts &amp; Counties)</td>
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<td>Capital District (Hosts &amp; Counties)</td>
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<td><strong>Total Revenue Sharing</strong></td>
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<td><strong>$62 million</strong></td>
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<tr>
<td>Description</td>
<td>SFY 2018-19</td>
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<tr>
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<tr>
<th></th>
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<tr>
<td><strong>Total Revenue Sharing</strong></td>
<td><strong>$186 million</strong></td>
<td><strong>$233 million</strong></td>
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**Gun Laws Proposed Amendments**

**Bump Stock Ban**
The Governor’s Budget proposes to ban rapid-fire modification devices. This would prohibit the possession, manufacture, transportation, shipment and sale of items that accelerate the firing rate of firearms, rifles, or shotguns.

**Establish a Waiting Period Before Firearms are Delivered to a Purchaser**
The Governor’s Budget proposes a ten-day waiting period before a licensed gun dealer may deliver a firearm, shotgun or rifle to a purchaser when the sale has not been approved or denied by the National Instant Criminal Background Check System (NICS).

**Red Flag Law**
Extreme Risk Protection Orders: Under current law a court can only issue a temporary order of protection in connection with a criminal or family offense proceeding. The Governor’s Budget proposes to allow for applications to State courts for an extreme risk protection order. A petitioner may file a sworn application, setting forth the facts and circumstances justifying the issuance of an extreme risk protection order. Such application and supporting documentation shall be filed in the supreme court in the county in which the respondent resides. The court may issue a temporary extreme risk protection order, ex parte or otherwise, to prohibit the respondent from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun, upon a finding that there is probable cause to believe the respondent is likely to engage in conduct that would result in serious harm to himself, herself or others. Such application for a temporary order shall be determined in writing on the same day the application is filed.

In determining whether grounds for a temporary extreme risk protection order exist, the court shall consider any relevant factors including, but not limited to, the following acts of the respondent:

- a) a threat or act of violence or use of physical force directed toward self, the petitioner, or another person;
- b) a violation or alleged violation of an order of protection;
- c) any pending charge or conviction for an offense involving the use of a weapon;
- d) the reckless use, display or brandishing of a firearm, rifle or shotgun;
- e) any history of a violation of an extreme risk protection order;
- f) evidence of recent or ongoing abuse of controlled substances or alcohol; or
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g) evidence of recent acquisition of a firearm, rifle, shotgun or other deadly weapon or dangerous instrument, or any ammunition therefor.

Higher Education  
*Enact the For-Profit College Accountability Act*

The For-Profit College Accountability Act would require for-profit colleges to meet minimum performance standards to participate in State-supported student financial aid programs and to enroll students. For-profit schools would be required to report their salaries, resources spent, and funding sources, as well as demonstrate that they are not receiving more than 80 percent of their revenue from taxpayers – including federal grants, loans, and the Tuition Assistance Program (TAP). This threshold is lower than the federal government’s 90 percent maximum.

*Launch Phase Three of the Excelsior Free Tuition Program*

The Excelsior Scholarship provides free tuition at New York’s public colleges and universities for middle class families. In FY 2020, the Excelsior Scholarship will enter the third and final year of a three-year phase-in. For the 2019-20 academic year, the Excelsior Scholarship income eligibility threshold will increase, allowing New Yorkers with household incomes up to $125,000 to be eligible. The Budget proposal includes $119 million to support free tuition for an estimated 30,000 students.

*DREAM Act*

The Executive Budget includes legislation to implement the DREAM Act. Since 2002, undocumented students qualify for in-state tuition at SUNY and CUNY if they graduated from a New York high school or received a GED in the state; however, many cannot afford the tuition and lack access to tuition assistance to help pay for school. The DREAM Act, supported by a $27 million FY 2020 investment, will give undocumented students access to the Excelsior Scholarship, the Tuition Assistance Program, and other state-administered scholarships.

*Protect Student Loan Borrowers*

Student loan servicers are neither licensed nor regulated in New York, even though the industry has repeatedly been a cause for serious consumer protection concerns. Through the Executive Budget, Governor Cuomo proposes to require that companies servicing student loans held by New Yorkers obtain a state license and meet standards consistent with the laws and regulations governing other significant lending products. The new statute will also ensure that no student loan servicers can mislead a borrower or engage in any predatory act or practice, misapply payments, provide credit reporting agencies with inaccurate information, or any other practices that may harm the borrower.

*Launch Family Empowerment Community College Program*

Governor Cuomo proposes to launch a pilot program to support single parents attending SUNY and CUNY community college campuses. This program will support 400 parents a year for three years. Participants will receive on-campus childcare; personalized advisement; educational supports, including tutoring; career counseling; and assistance in transitioning to a four-year school.
Human Services

Reform Persons in Need of Supervision (PINS) Provisions
This legislation would reform the Persons in Need of Supervision (PINS) provisions to reduce the placement of PINS in detention and residential settings. This legislation eliminates the ability of family courts to detain youth who are alleged to be a PINS and limit their ability to order residential foster care placement at the disposition of a PINS proceeding to only instances where the respondent youth meets the definition of a “sexually-exploited child” under New York’s Safe Harbor Law. Last year as part of the enacted 2018-19 State Budget, funding for placement of PINS in residential settings and detention was set to expire on January 1, 2020. This legislation eliminates the 1/1/20 sunset on state funding.

This legislation would take effect immediately which means that counties will no longer be able to receive state funding match on PINS placements upon enactment of the state budget.

Youth Employment
The TANF Youth Employment program was increased by $4 million to $44 million.

Pass-Through of Federal Supplemental Security Income Cost of Living Adjustment
This bill would authorize Federal Supplemental Security Income (SSI) benefits to be increased in 2020 by the percentage of any SSI Cost of Living Adjustment (COLA). It would authorize that the actual 2019 Personal Needs Allowance (PNA) be increased in 2020 by the percentage of any Federal SSI COLA that becomes effective in the first half of calendar year 2020.

Authorizes Time-Limited Job Try-Outs as an Eligible Work Activity for Public Assistance Recipients
The Executive Budget would authorize social service districts to place Public Assistance (PA) recipients in time-limited job try-outs. This legislation authorizes districts to assign PA recipients to 90-day job try-outs as work experience assignments with private for-profit, non-profit and public-sector entities in satisfaction of PA work requirements.

Extended Medicaid Global Cap
The Executive Budget provides for the extension of the Medicaid Global Cap through FY 2021.

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<thead>
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<th>PROGRAM</th>
<th>2018-19 Enacted</th>
<th>2019-20 Proposed</th>
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<td>(TANF) Family Assist. and Emergency Assist.</td>
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<td><strong>TOTALS</strong></td>
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Judiciary and Court Related Matters

Indigent Defense
The Governor’s budget proposal includes $205.5 million to counties for indigent defense purposes. This is an increase of $50 million in aid compared to 2018. The budget proposes new language requiring that all local reimbursement requests must be submitted within 12 months of the incurred costs.

Additionally, the budget provides $5.7 million for State operational support. In order to cover some of the increased allotment the Governor’s Budget seeks to raise the biennial registration fee for attorneys is increased by $50 to $425 and raise the criminal history search fee is increased by $25 to $90 per search.

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<th>Indigent Defense Legal Services Funding</th>
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The proposed $155.5 million county aid appropriation would be allocated as follows:

- **ILS Distributions and Grants** - $81.0 million is allocated for ILS distributions and grants

- **Hurrell-Harring Settlement (5 counties)** - $23.8 million is allocated for implementation of the Hurrell-Harring settlement, as follows:
  - $19.0 million for the five settlement counties to add staff and other resources needed to comply with caseload/workload standards determined by ILS.
  - $2.0 million to further implement the written plan developed by ILS to improve the quality of indigent defense in the five settlement counties; and
  - $2.8 million to further implement the written plan developed by ILS to provide in person representation of eligible defendants at all arraignments in the five settlement counties.

- **Statewide Expansion of Hurrell-Harring Reforms (52 counties)** – $100 million to implement arraignment, caseload/workload standards, and system improvements. This is a $50 million dollar increase from last year’s budget.

Market Based Judgment Interest Rate
Under New York State law the interest rate for plaintiffs seeking to appeal a judgment is set at 9%. This is vastly higher than current federal interest rates. The Governor’s proposed budget would require that the rate of interest be calculated at a prevailing market rate identical to that used by the Federal Court System. Accordingly, the interest rate on all court judgments and accrued claims paid by public and private entities based on the weekly average one-year constant maturity treasury yield. This bill would reduce the amount of interest paid by the State and by local governments on court judgments.
**District Attorney Salary Increase**

For the fourth year in a row the increase to DA salaries that, under state law is tied to the state judge salaries, are not included in the budget. This mandatory salary level will increase again in 2019 due to anticipated Judicial salary COLA raises. This State inaction costs counties over $2 million per year.

**Labor**

**Janus Related Restrictions of Employee Information on Local Governments**

In 2018 the Governor by Executive Order prohibited State entities from disclosing personal contact information of State employees to outside parties. This was in response to the *Janus* Supreme Court Case where it was determined that public sector unions were barred from charging “agency fees” to public employees for whom they negotiate pay increases and benefit bumps if those employees decline to join the union as full members.

This budget proposal would codify the 2018 Executive Order, and this disclosure prohibition will be extended to county and local governments.

**Banning Credit Checks for Employment**

This proposal would ban private and public companies in New York from using credit reports when making hiring determinations.

**Extend Binding Arbitration until July 1, 2024**

The Governor’s proposal would extend binding arbitration for public safety unions until July 1, 2024. When public employers and certain unions (primarily those that represent police, fire and other “uniform” employees) reach an impasse in their contractual negotiations, current law provides for a binding arbitration process to settle the dispute. For arbitration involving an automatically fiscally eligible municipality, the binding arbitration panel must weigh the municipality’s "ability to pay.”

**Continuous Recruitment Exams for Open-Competitive Positions**

This legislation amends the Civil Service Law to allow the NYS Department of Civil Service or a municipal commission to establish a continuing eligible list in connection with open-competitive examinations. This act shall take effect immediately.

**Equal Pay**

The Executive Budget prohibits the request of applicant salary history as a factor in determining whether to offer employment and would expand pay equity provisions to include equal pay for substantially similar work for all protected classes. The legislation states that for an employer to inquire about an applicant’s salary history, the information must be voluntarily provided by the applicant without prompting the applicant. This legislation would also expand coverage of the equal pay provision for substantially similar work beyond sex or gender to include all protected classes.

**Ensure Breastfeeding is Protected in the Workplace**

The Executive Budget proposal includes a provision that lactation is a pregnancy-related condition entitled to reasonable accommodations in the workplace. If an employer fails to
provide such accommodation, it would be considered discrimination and the employer would be liable.

**Workforce Development Program Funding**

A breakdown comparing funding totals in the proposed budget to last year can be found at the following link as provided by NYSAC affiliate NYATEP:

https://files.constantcontact.com/9b12d7ad001/f99acde1-0a46-4196-b9c3-a6a5a342fc59.pdf.

**Legalize Adult-Use Recreational Marijuana**

**Adult-Use of Recreational Marijuana**

The Cannabis Regulation and Taxation Act, included in the FY 2020 Executive Budget, would:

- create and amend existing laws to legalize adult-use cannabis;
- consolidate governance of all forms of cannabis; and
- create a regulatory structure to oversee the licensure, cultivation, production, distribution, sale and taxation of cannabis within New York State.

Legal sales would not begin until April 1, 2020, at the earliest.

**Office of Cannabis Management (OCM)**

The bill would create the Office of Cannabis Management (OCM) within the Division of Alcohol Beverage Control to regulate recreational marijuana, medical marijuana, and industrial hemp. Its powers would include but are not limited to:

(1) establishing cultivation and processing standards;
(2) issuing licenses to businesses in the production and distribution chain;
(3) inspecting and enforcing program standards;
(4) developing and insuring program regulations;
(5) supervising the continued expansion of the medical cannabis program; and
(6) promoting reforms that expand patient access to medical marijuana and product affordability.

**Market Structure**

The Governor proposes a three-tier market structure (similar to the alcohol model) for the adult-use (age 21+) cannabis industry. In general, the model prohibits vertical integration and would be coupled with licensing limits and supply management to control market concentration and encourage people who have been disproportionately affected by marijuana criminalization to join the industry.

**Opt-Out**

Possession of marijuana will be lawful statewide; however, county governments would have the opportunity to opt out of authorizing the cultivation, processing, distribution, and sale of adult-use cannabis with the passage of a local law, ordinance, or resolution by a majority vote of their governing body. If a county does not opt out, a city with a population over 100,000 in that county could elect to opt out. Counties, towns, cities, and villages may pass ordinances or regulations governing the time, place, and manner of licensed adult-use cannabis retail dispensaries, provided that such ordinances or
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regulations do not make the dispensary’s operation unreasonably impracticable, as determined by the Executive Director of the Office of Cannabis Management.

Restrictions on Retail Businesses
Retail businesses cannot sell adult-use cannabis to anyone under the age of 21 years, any visibly intoxicated person, or any habitually intoxicated person. Retailers cannot sell more than one ounce of cannabis per cannabis consumer per day or more than five grams of cannabis concentrate per consumer per day. Cannabis retail businesses cannot sell alcoholic beverages or possess a license or permit to sell alcoholic beverages on the same premises where cannabis product are sold, nor can they allow or permit any gambling. They also cannot allow the premises to become disorderly or allow fireworks or other pyrotechnics.

Entertainers younger than 18-years-old are also not allowed on the premises. No advertisements for any brand are allowed on the exterior or interior of the premises unless it is allowed by the Office of Cannabis Management.

Employees have a duty to encourage a consumer suspected of abusing cannabis to seek the help of a registered practitioner. They cannot hire any person under the age of 18 in any capacity where the employee’s duties require or allow them to sell, dispense, or handle cannabis or hemp.

Advertising Restrictions
A variety of rules related to advertising are included:
• Advertising cannot be false, deceptive, or misleading;
• promote overconsumption;
• depict consumption by children or minors;
• be designed to appeal to children or minors;
• be within 200 feet of a school, playground, childcare center, public park, or library;
• be in public transit vehicles or stations;
• be in the form of an unsolicited internet pop-up;
• be on publicly owned or operated property;
• make medical claims or promote adult-use cannabis for a medical or wellness purpose. Marketing cannot be designed to appeal to people under 21-years-old or disseminate false or misleading information. Any broadcast, cable, radio, print or digital communication advertisements can be placed only where the audience is reasonably expected to be 21-years-old or older.

Public Safety
All cannabis-infused products will have separate packaging for each serving, and it must be child-resistant. Packages and labels cannot be made attractive to minors and must warn consumers of any potential impact on human health resulting from consumption of cannabis products. Nutritional fact panels must incorporate data regarding serving sizes and potency. Cannabis products must be tested by approved independent labs.
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The use or integration of alcohol or nicotine in cannabis products is strictly prohibited. A person under parole, prohibition, or other state supervision, or released on bail awaiting trial, cannot be punished or otherwise penalized for the lawful use of marijuana.

Employers
Unless the lawful use of cannabis has impaired an employee’s ability to perform their job responsibilities, it will be unlawful to take any adverse employment action against an employee. This includes refusing to hire or employ a person, barring or discharging them from employment, requiring a person to retire, or discriminating against them in compensation or in terms, conditions, or privileges of employment. Employers can prohibit or take adverse employment action for the possession or use of intoxicating substances during work hours. The State cannot require an employer to commit any act that would cause the employer to be in violation of federal law or result in the loss of a federal contract or federal funding.

Cultivation
It will be a class A misdemeanor to grow cannabis without a license or knowingly allow it to grow on your land. However, certified medical marijuana patients and designated caregivers (age 21+) may apply for a registration to grow, possess, or transport no more than four cannabis plants per certified patient and no more than eight plants per household. Medical cannabis cultivated at home must be grown in an enclosed, locked space that is not open or visible to the public, and it cannot be distributed, sold, or gifted. Cultivation and processing of adult-use cannabis also cannot be visible from a public place by normal unaided vision.

Transportation
Adult-use and medical cannabis cannot be imported to or exported out of New York State until it becomes legal to do so under federal law. Registered organizations and their agents cannot peddle any cannabis product – including medical marijuana and hemp – from house to house by means of a truck or otherwise where the sale is consummated and delivery made concurrently at the residence or place of business of a consumer. This does not apply to delivery to certified patients or their caregivers.

Hemp
The legislation provides a regulatory framework for industrial hemp. Hemp grown and used for industrial or food purposes (such as fiber or seed) will continue to be regulated by the Department of Agriculture and Markets.

Social Equity
The legislation would implement a social equity licensing and incubator program that provides technical assistance, education, small business coaching, loans, compliance assistance, and mentoring to social equity applicants. This includes people that are members of a community group that has been disproportionately impacted by the enforcement of cannabis prohibition, have an income lower than 80% of the median income of the county, or who were convicted of a cannabis-related offense prior to the implementation of this new law. It also includes minority- and women-owned businesses and disadvantaged farmers. The Office of Cannabis Management must
actively promote applicants that foster racial, ethnic, and gender diversity in their workplace. The legislation would also create a program to review and seal prior cannabis convictions.

**Taxation**
The Governor proposes to impose three taxes on recreational marijuana. The first tax is imposed on the cultivation of cannabis at the rate of $1 per dry weight gram of cannabis flower and $0.25 per dry weight gram of cannabis trim. The second tax is imposed on the sale by a wholesaler to a retail dispensary at the rate of 20 percent of the invoice price. The third tax is imposed on the same sale by a wholesaler to a retail dispensary at the rate of two percent of the invoice price, but it is collected in trust for and on account of the county in which the retail dispensary is located.

All wholesalers would be required to apply to the Commissioner of Taxation and Finance for a Certificate of Registration prior to commencing business and renew their registration every two years. The initial application and renewal would be subject to a $600 fee.

**Revenue**
Taxes and fees collected by the State would be deposited in the New York State Cannabis Revenue Fund. The Fund could be used for administration of the regulated cannabis program; data gathering; monitoring and reporting; the Governor’s Traffic Safety Committee; small business development and loans; substance abuse; harm reduction and mental health treatment and prevention; public health education and intervention; research on cannabis uses and applications; program evaluation and improvements; and any other identified purpose recommended by the Director of the Office of Cannabis Management and approved by the Director of the Division of Budget.

The legislation is expected to increase All Funds revenue by $83 million in FY 2021, $85 million in FY 2022, $141 million in FY 2023, and $184 million in FY 2024.

**Public Health**

*Article 6 Funding Cuts to NYC*
The Executive Budget proposes a substantial cut to State Aid Reimbursement to New York City, reducing the percent of reimbursement above the base grant from 36% to 20%. The state projects a total net savings of $27 million in Fiscal Year 2020 and $54 million when fully annualized.

*Regulates E-Cigarettes Through a Comprehensive Tobacco Policy*
To protect the health of New Yorkers, the Executive Budget proposes to (1) raise the minimum sales age for tobacco products from 18 to 21; (2) prohibit sales of tobacco products in all pharmacies; (3) prohibit the acceptance of price reduction instruments for both tobacco products and e-cigarettes; (4) prohibit the display of tobacco products or e-cigarettes in stores; (5) clarify that the Department of Health (DOH) has the authority to promulgate regulations that prohibit or restrict the sale or distribution of electronic cigarettes (e-cigarettes) or electronic liquids (e-liquids) that have a characterizing flavor, or the use of names for characterizing flavors intended to appeal to minors; (6) prohibit smoking inside and on the
grounds of all hospitals licensed or operated by the Office of Mental Health (OMH); (7) impose a 20 percent excise tax on the retail sale of vapor products; and (8) require that electronic cigarettes be sold only through licensed tobacco retailers.

Authorize the Regulation of Pharmacy Benefit Managers
The Executive Budget proposes to amend the Insurance Law to regulate Pharmacy Benefit Managers (PBMs) through registration, licensure, examination and disclosure requirements with the goal of protecting consumers and ensuring that PBMs do not contribute to the rising costs of health insurance and prescription drugs through unfair business practices.

Establish a Commission to Evaluate Options for Achieving Universal Access to Affordable Health Care
This bill would direct the Department of Health and the Department of Financial Services to establish a commission to consider and advise on options for achieving universal access to high-quality, affordable health care in New York. The commission will consult with the Legislature and stakeholder groups, convene at least one meeting for members of the public to review and discuss options, and provide a report to the Governor by December 1, 2019.

Lower Blood Lead Levels and Establish Lead-Based Paint Standards
The Executive Budget would amend Public Health Law by lowering the blood lead level that constitutes an elevated lead level from ten to five micrograms per deciliter (µg/dL). In addition, the Commissioner of Health would be required to promulgate regulations to establish minimum standards for lead-based paint in residential rental properties, and to provide necessary authority to local housing code enforcement agencies to include lead paint hazard control into existing enforcement activities.

Rural Telehealth
The Executive Budget includes $5 million for regional perinatal centers or other healthcare providers to establish telehealth capabilities.

Centralize Medical Marijuana Supervision
The Executive Budget proposes a cannabis regulatory framework, administered by the new Office of Cannabis Management (OCM), that centralizes all the licensing, enforcement and economic development functions in one entity. The OCM will administer all licensing, production, and distribution of cannabis products in the adult-use, industrial, and medical cannabis markets. In the medical cannabis market, the OCM will supervise the continued expansion of the current medical cannabis program and institute reforms that expand patient access and product affordability while also encouraging research opportunities among medical cannabis providers, health care providers, and medical insurers.

Prison and Jail-Based Substance Use Disorder Services
The Executive Budget continues $3.75 million in funding to support medication-assisted treatment (MAT) in local jails and leverages federal funds to expand MAT to three additional DOCCS facilities. These programs will support inmates in recovery and link them to community-based services prior to their release, increasing their chances of success and reducing recidivism.
Public Safety

Eliminates the Statute of Limitations for Rape in the 2nd and 3rd Degrees
This legislation removes the statute of limitations for Rape in the 2nd Degree and Rape in the 3rd Degree. Eliminating the statute of limitation for these crimes allows victims the opportunity to have their cases heard in the court of law.

Elimination of the Death Penalty
This legislation would eliminate capital punishment from State law and would take effect immediately.

Establish Extreme Risk Protection Orders
The Executive Budget includes language that would prevent individuals determined by a court to be likely to engage in conduct that would result in serious harm to themselves or others from purchasing, possessing, or attempting to purchase or possess a firearm, rifle or shotgun.

This legislation would provide procedural safeguards to remove firearms from individuals who are believed to pose a severe threat of harm to themselves, or others. More information is provided in the “Gun Laws Proposed Amendments” section.

Voluntary Jail-Based Restoration to Competency Programs
The Executive Budget authorizes a county to develop a residential mental health pod unit for felony level defendants within their local jail. This proposal authorizes the establishment of jail-based restoration to competency programs for felony defendants pending judicial hearings, within locally operated jails subject to the facilities consent.

This proposal expands current law to provide that restoration to competency may also take place in a mental health unit(s) operated within a local correctional facility.

The state estimates that the cost per restoration is approximately $128,000 and the State and counties outside of NYC each pay 50% of the costs. The state suggests that to restore defendant’s in a jail-based setting only costs $42,500 per restoration. Furthermore, since counties reimburse the NYS Office of Mental Health for 50% of the costs of any restorations that occur at state hospitals, this proposal would save counties approximately $21,500 per restoration.

Any county that consents to operating a jail-based restoration program will be eligible for additional State grant funding for the design, planning, construction and/or the operation of such program.
Real Property Services

Assessment and Equalization Rates

Annually, New York State Office of Real Property Tax Services (ORPTS) calculates equalization rates for each of the state’s assessing units (more than 1,200 statewide and mostly a town function). The equalization rate is the ratio of total assessed value (AV, calculated by the local assessor) compared to the municipality’s total market value (MV, calculated by ORPTS). Equalization rates help establish the apportionment of taxes each property owner must send to a school district, because school districts stretch over multiple municipal lines. Recently some local reassessments and market changes have caused large equalization rate changes in parts of the State. This sudden shift in property tax apportionment has caused some property owners to experience large increases in their school tax rate even in cases where the school and the municipalities stayed within the tax cap. The following changes are proposed in the Governor’s budget to reduce some of this fluctuation and/or property owner “sticker shock.”

The Governor’s Budget proposes to:

- Provide school districts an option to ameliorate the equalization rate by directing school taxes to be apportioned based upon average property values over either a three-year or a five-year period.
- Allow a county and an assessing unit (typically a town) to agree that the local legislative body of a county shall appoint the members of the Board of Assessment Review that will hear and resolve assessment complaints within that assessing unit. Both the County and the town would need agree to move forward on this system.

Local Option Assessment Relief Upon the Declaration of a State Disaster Emergency

Under this proposal, counties, cities, towns, assessing villages, and school districts could, at local option, grant property tax assessment relief to properties that are damaged as a result of a disaster even if the damage occurs after the taxable status date. An eligible municipality that opts in has the further option of offering relief to those whose buildings and other property improvements lost less than 50% of their value. If the municipality opts into the legislation without opting to offer relief at levels below 50%, the relief would only be available to those whose buildings and other property improvements lost 50% or more of their value. The current law would only allow this after getting State legislative approval.

Shared Services

County-Wide Shared Services Initiative Match

Over the past two years, 53 counties filed shared services plans with the State. The plans identified a total of 567 projects with $260.6 million in projected recurring property tax savings. The Executive Budget provides a $40 million state match of first-year savings for counties that implemented shared services plans in 2018 and are eligible to receive matching funds in calendar year 2019.

Eliminate Duplicative Efforts and Drive Shared Services in State Agencies

State agencies will be required to enter all agency functions into a database. DOB will perform an analysis of the data and begin designing enterprise-wide shared services that consolidate functions and improve performance and customer service. Agencies will also complete a process inventory of their processes.
Transportation

Local Roads and Bridges
CHIPS and Marcheselli aid are level funded at prior year levels.

Local Authorization of Motorized Scooters
The Governor’s budget allows for local governments to pass laws authorizing and regulating motorized scooters. State Traffic laws will still apply to persons operating locally authorized scooters. The local law will be limited in scope with the following, but not limited to, restrictions:

- Locally authorized scooters may only be operated on public highways with a posted speed limit of thirty miles per hour or less;
- No locally authorized scooter shall be used to carry more than one person at one time;
- No person shall operate a locally authorized scooter outside during the period of time between one-half hour after sunset and one-half hour before sunrise unless such person is wearing readily visible reflective clothing or material which is of a light or bright color;
- Every operator of a locally authorized scooter shall be sixteen years of age or older;
- No person shall operate a locally authorized scooter in excess of twenty miles per hour;
- If the governing body of any county, city, town or village shall authorize the use of locally authorized scooters upon any sidewalk, such authorization shall not permit the operation thereof at a speed in excess of eight miles per hour;
- Operators to wear protective headgear;
- No person shall operate a locally authorized scooter while he or she is impaired by drugs or alcohol.

Veterans
The Governor’s Budget proposes a coordinated initiative involving both private- and public-sector service providers. The Joseph P. Dwyer Veteran Peer Support Project will be expanded from 16 counties to all 62. State personnel will receive training in how to recognize the warning signs of suicide and how to identify veterans, especially homeless veterans, and connect them with veteran-specific services. The State will also launch a telehealth services pilot program to reach Native American veterans.