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2024 NYSAC Legislative Conference

Resolutions

Albany County

February 26 – February 28, 2024

Hon. Daniel P. McCoy, President

**Stephen J. Acquario, Executive Director**

**NYSAC 2024 Legislative Conference Resolutions ~**

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**2024 NYSAC Legislative Conference**

**Albany County**

# NYSAC Board of Directors

**Hon. Daniel P. McCoy, President**

**2024 NYSAC Legislative Conference**

**NYSAC Board of Directors**

**Resolution #2**

## Resolution Calling on the Governor to Complete Enhanced Federal Medical Assistance Percentage Reconciliations that are Years Overdue and Provide a Full Accounting of Funds Owed to Counties and New York City and a Schedule for Release of these Federal Funds

**WHEREAS**, the funding to support the Medicaid program is provided by a combination of federal, state and local resources; and

**WHEREAS**, the state requires the counties and New York City to contribute $7.6 billion annually to pay for the federal and state defined and controlled program; and

**WHEREAS**, additionally, counties and New York City also voluntarily contribute about $1 billion annually to draw down available federal funds to support publicly owned or supported nursing homes, clinics, and hospitals; and

**WHEREAS**, the local share the state requires counties and New York City to pay is the highest of any state in the country; and

**WHEREAS**, this large local funding share for Medicaid and other state programs is a major contributor to New York’s high local tax burden compared to other states; and

**WHEREAS**, under the Affordable Care Act (ACA) and the COVID era the federal government provided an enhanced Medicaid matching share (eFMAP), which has saved New York state billions of dollars; and

**WHEREAS**, the state has utilized a methodology that provides 80 percent of these estimated federal savings to counties in the year the costs accrue followed by a reconciliation in the following year of the remaining 20 percent of savings; and

**WHEREAS**, for the first three years after enactment of the Affordable Care Act the state followed through on a relatively timely basis with the initial pass through of savings based on 80 percent of the estimated value of these federal savings to counties and New York City and the reconciling the remaining 20 percent; and

**WHEREAS**, the last completed reconciliation and transfer of federal savings owed to counties was for state fiscal year 2015-16 with the reconciliation being implemented in December of 2020; and

**WHEREAS**, as of February 1, 2024, counties and New York City are waiting on seven years of unfinished reconciliations; and

**WHEREAS**, the only accounting counties have received from the state of the unreconciled eFMAP funds have come via FOIL requests for SFY 2017-2020; and

**WHEREAS**, as of February 8, 2022, 34 counties have received responses from DOH to their FOIL inquiries and that these calculations show that up to $232 million is owed to these counties from Affordable Care Act eFMAP reconciliations; and

**WHEREAS,** the state utilized the same 80 percent pass through methodology for the distribution of federal COVID eFMAP savings provided from 2020-2024, but no reconciliations have been completed for these years; and

**WHEREAS**, the New York State Association of Counties has submitted FOIL requests on behalf of all counties for federal COVID eFMAP savings distributed to counties; and

**WHEREAS**, the federal COVID eFMAP savings are mandated to be shared with counties under federal law; and

**WHEREAS**, the state identified at the beginning of the COVID crisis that the local share of these federal savings would be about 17.8 percent, but publicly available data indicates only about 12.7 percent has been shared with counties and this has required NYSAC to FOIL the New York State Department of Health because hundreds of millions of dollars in federal savings have yet to distributed; and

**WHEREAS**, because the state is withholding these federal funds it requires counties and New York City to reserve funds locally to make up for the loss, meaning local taxes have been kept higher than they need to be over multiple years, or local services are scaled back or eliminated.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) urges the Governor to complete these unfinished reconciliations as soon as possible and to provide counties and New York City a full accounting of the federal funds owed, and to take immediate steps to release the funds to localities; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED,** NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, the New York State Congressional Delegation, and all others deemed necessary and proper.

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**2024 NYSAC Legislative Conference**

**Albany County**

# Standing Committee on Agriculture, Economic Development & Rural Affairs Resolutions

Hon. A. Douglas Berwanger (Wyoming County) – Chair

Hon. Paul Ruszkiewicz (Orange County) – Vice Chair

Hon. Terry Wilbur (Oswego County) – Vice Chair

**2024 NYSAC Legislative Conference**

**Standing Committee on Agriculture, Economic Development & Rural Affairs**

**Resolution #1**

## Resolution Calling on the Governor and Legislature to Restore Funding for Agriculture Local Assistance Programs in the FY 2025 State Budget

**WHEREAS**, the agriculture industry remains a top contributor to the New York State economy, providing critical jobs, revenues and food for our state and beyond; and

**WHEREAS**, the agricultural sector, farms and related food system are major economic engines in New York State; and

**WHEREAS**, the enacted SFY 2024 budget allocated $56.5 million for local agriculture assistance programs; and

**WHEREAS**, the Governor’s SFY 2025 proposed budget allocated $48.9 million local agriculture assistance programs; and

**WHEREAS**, New York’s agriculture assistance programs help sustain this vital industry; and

**WHEREAS**, while funding for agriculture assistance has grown, there is no guarantee that this level of funding will be continued in future years; and

**WHEREAS**, more than 30 percent of the farmers in New York State, who cultivate two million acres of land, are 65 years of age or older; and

**WHEREAS**, research shows that over 90 percent of these senior farmers do not have a young farmer working alongside them to help manage their business; and

**WHEREAS**, farmland in transition is most vulnerable to being sold out of farming; and

**WHEREAS,** according to the USDA 2022 Census of Agriculture, since 2017, New York State of has seen a decline of 2,788 farms, including 1,865 dairy farms and 363,885 acres of farmland; and

**WHEREAS**, access to affordable land suitable to starting a new farm operation is the number one barrier new and beginning farmers face when trying to get started; and

**WHEREAS**, farmland protection is an important contributor to successful farmland transition and affordable farmland access.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) calls upon Governor Kathy Hochul and the New York State Legislature to continue New York’s commitment to local farms and the agricultural sector by maintaining funding for farmland protection at $20 million and agriculture local assistance programs at $56.5 million in the FY 2025 State Budget; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED,** NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, the Commissioner of Agriculture and Markets, and all others deemed necessary and proper

**2024 NYSAC Legislative Conference**

**Standing Committee on Agriculture, Economic Development and Rural Affairs**

**Resolution #2**

## Resolution Calling for the Restoration of Funding for the Tourism Matching Grants Program in the SFY 2025 State Budget

**WHEREAS,** the Tourism Matching Grants Program is a state-funded assistance program used by county and regional Tourism Promotion Agencies (TPAs), which are charged with researching, advertising, and marketing New York’s top tourism destinations; and

**WHEREAS,** this competitive grant program is one of the few remaining public-private partnerships where the state matches private TPA funding dollar-for-dollar, doubling the money used for targeted tourism promotion; and

**WHEREAS,** in 2022, New York State welcomed a record 291.5 million visitors, the largest number of visitors in New York State’s history, generating more than $78.6 billion in direct spending and $123 billion in total economic impact; and

**WHEREAS,** direct visitor spending was also up seven percent from 2019, growing to $79 billion from the previous record-high $73.6 billion; and

**WHEREAS,** tourism is the primary economic driver for many upstate communities that have not recovered fully from the economic aftershocks of the COVID pandemic; and

**WHEREAS,** while unemployment nationwide has rebounded since the pandemic and reached record lows, the unemployment rate in New York state lags the nation; and

**WHEREAS,** Tourism Matching Grants Program was funded at $3.8 million prior to 2021 and has seen gradual decreases since, and

**WHEREAS,** the SFY 2025 Executive Budget decreases funding for Tourism Matching Grants Program from $3.45 million to 2.45 million; and

**WHEREAS,** now is not the time to decrease this vital funding to local communities.

**NOW, THEREFORE, BE IT RESOLVED,** that the New York State Association of Counties (NYSAC) urges Governor Kathy Hochul and the New York State Legislature to restore funding for the Tourism Matching Grants Program to a minimum of $3.45 million in the final SFY 2025 State Budget; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED,** NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, the Commissioner of Agriculture and Markets, and all others deemed necessary and proper.

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**2024 NYSAC Legislative Conference**

**Albany County**

# Standing Committee on Climate Action, Energy & Environment Resolutions

Hon. Jen Metzger (Ulster County) – Chair

Bonnie Lange Lawrence (Erie County) – Vice Chair

Heather Brown (Sullivan County) – Vice Chair

Peter McCartt (Westchester County) – Vice Chair

**2024 NYSAC Legislative Conference**

**Standing Committee on Climate Action, Energy & Environment**

**Resolution #1**

## Resolution Supporting S.1179 (Harckham)/A.7269 (Levenberg) to Alleviate Statutory Hurdles to Solar Canopy Installation

**WHEREAS**, solar canopies have become an increasingly popular method for investing in solar power, utilizing existing spaces efficiently by generating renewable energy and providing shade to parked vehicles; and

**WHEREAS**, the parking areas for county and municipal parks are a prime location for solar canopy installation, as they make productive use otherwise unused airspace and create an opportunity to educate park visitors and the community about the benefits of renewable energy; and

**WHEREAS**, municipalities often cannot advance these projects on their own and engage a solar developer to finance and build the installation; however, to do this, the municipality must go through a parkland alienation process that is governed by state law; and

**WHEREAS**, the current parkland alienation process requires local governments to request an act from the State Legislature and acts as a barrier to timely implementation of solar projects; and

**WHEREAS**, Senate Bill 1179 (Harckham)/Assembly Bill 7269 (Levenberg) would encourage renewable energy development by allowing local governments to advance solar energy projects under two megawatts directly above parking areas without the need for approval from the State Legislature; and

**WHEREAS**, the New York Senate has passed this legislation with bipartisan support during every legislative session since 2020, and it has died in the Assembly.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) supports S.1179 (Harckham)/A.7269 (Levenberg) to empower counties and municipalities to harness solar energy in public parks, contribute to the goals established by the Climate Leadership and Community Protection Act, and generate revenue that can be reinvested in park maintenance or community projects; and

**BE IT FURTHER RESOLVED**, that NYSAC commends the Senate for their continued passage of this legislation and calls on the Assembly to pass and the Governor to sign S.1179 (Harckham)/A.7269 (Levenberg) during the 2024 Legislative Session; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of the State of New York encouraging member counties to adapt similar resolutions; and

**BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to Governor Kathy Hochul, Senator Pete Harckham, Assemblymember Dana Levenberg, the Senate and Assembly Standing Committees on Environmental Conservation, and all others deemed necessary and proper.

**2024 NYSAC Legislative Conference**

**Standing Committee on Climate Action, Energy & Environment**

**Resolution #2**

## Resolution Urging the Restoration of Funding for Water Infrastructure in the FY 2025 State Budget

**WHEREAS,** New York State enacted the Clean Water Infrastructure Act (CWIA) in 2017 to help counties and municipalities upgrade their drinking and wastewater treatment infrastructure so they can more effectively protect drinking water and the environment; and

**WHEREAS,** the SFY 2018 budget committed $2.5 billion to the Clean Water Infrastructure Act, and each subsequent budget since 2019 has consistently dedicated $500 million annually in new funding to CWIA, resulting in a cumulative state investment of $5 billion; and

**WHEREAS,** the CWIA allocates funds to over a dozen initiatives, including the Water Infrastructure Improvement Act (WIIA) and Intermunicipal Grant (IMG), Septic System Replacement Fund Program, and Water Quality Improvement Projects (WQIP) Program; and

**WHEREAS,** CWIA funding has enabled communities to undertake hundreds of critical wastewater and drinking water infrastructure projects that were previously financially not feasible, including replacing water mains, helping homeowners to replace cesspools and septic systems, upgrading lead pipes, enhancing sewage treatment plants, and addressing PFAS contamination; and

**WHEREAS,** Governor Hochul’s SFY 2024-25 Executive Budget allocates $250 million for the Clean Water Infrastructure Act, a 50 percent reduction compared to previous funding levels; and

**WHEREAS,** clean water is fundamental to the health and well-being of our communities, and the reduction in funding proposed by Governor Hochul poses a severe risk to the progress made in addressing New York’s water infrastructure challenges; and

**WHEREAS,** the magnitude of New York’s water infrastructure crisis, coupled with having one of the oldest and largest water infrastructure systems in the nation, demands sustained and robust investment.

**NOW, THEREFORE, BE IT RESOLVED,** the New York State Association of Counties (NYSAC) calls upon the New York State Legislature to restore funding for water infrastructure to at least $500 million in the FY 2025 Budget, ensuring the continued improvement and maintenance of our state’s water systems; and

**BE IT FURTHER RESOLVED,** the Legislature increase the appropriation for the Septic System Replacement Fund and earmark 10-20% of the funding for local administrative costs to enable counties to continue administering this program and enable homeowners to access state funds intended for cesspool and septic system replacement; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of the State of New York encouraging member counties to adapt similar resolutions; and

**BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, and all others deemed necessary and proper.

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2024 NYSAC Legislative Conference

Albany County

# Standing Committee on Children with Special Needs Resolutions

Heidi Bond (Otsego County), Chair

Sara Boerenko (Montgomery County), Vice Chair

Elizabeth O’Neil (Albany County), Vice Chair

Rita Wood (Ulster County), Vice Chair

**NYSAC 2024 Legislative Conference**

**Standing Committee on Children with Special Health Care Needs**

**Resolution #1**

## Resolution Urging the Governor and State Legislature to Move the Administrative Responsibility for Preschool Special Education Transportation Services to Local School Districts

**WHEREAS,** Section 200.16(e)(5) of the Regulations of the Commissioner of Education requires the municipality in which a Preschool Special Education Program (Pre-K SEP) student resides to provide suitable transportation, as determined by the board of education, to services developed in an Individual Education Plans (IEP), as needed; and

**WHEREAS,** municipalities contract with third-party transportation vendors to provide transportation services to children in the Pre-K SEP to and from necessary services; and

**WHEREAS,** coordinating with bus companies is a significant administrative burden on municipalities, particularly on already overburdened local health departments; and

**WHEREAS,** according to a survey of 51 county local health departments, county Pre-K SEP transportation costs from using third-party transportation vendors have been increasing for years, with overall statewide costs being 90% higher in 2022 than they were in 2020; and

**WHEREAS,** Pre-K SEPtransportation costs per child are consistently highest for small, rural counties due to limited choices for transportation vendors; and

**WHEREAS,** Section 4401(4) of the New York State Education Law requires all school districts to provide transportation for all pupils, defined as children enrolled in any public or nonpublic elementary, middle or secondary school, with disabilities residing in the district for whom such services are specified in their IEP; and

**WHEREAS,** local school districts either own, operate, and maintain buses or have systems in place to contract with bus companies to transport pupils with disabilities to and from special classes; and

**WHEREAS,** local school districts have existing systems in place to ensure that bus drivers, monitors, and attendants are properly trained and qualified to transport pupils, including those in Pre-K and with disabilities, safely to and from school; and

**WHEREAS,** local school districts have experience and processes in place to coordinate frequently changing bus routes and receive State aid for the costs of transportation services; and

**WHEREAS,** Pre-K SEP transportation costs for localities contracting with local school districts to provide transportation to and from services are significantly lower than costs incurred from utilizing third-party transportation vendors; and

**WHEREAS;** localities using school districts to provide transportation to Pre-K SEP services spent 78% less on transportation costs per child in 2022 compared to localities using third-party transportation vendors, equaling millions of dollars in cost savings for localities annually; and

**WHEREAS,** the disparity in cost for Pre-K SEP transportation per child from using third-party vendors versus school districts has been getting wider since 2019, especially in small counties; and

**WHEREAS,** countytaxpayer dollars are used to pay for Pre-K SEP transportation services regardless of who administers such services; and

**WHEREAS,** both school districts and municipal government have the fiduciary responsibility to be good stewards of local taxpayer money.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) calls upon the Governor and the New York State Legislature to shift the responsibility for the administration of Pre-K-SEP transportation services to local school districts, commensurate with their experience transporting other pupils with disabilities residing in their districts to and from special services and the cost savings for localities associated with school districts providing these services versus third-party vendors; and

**BE IT FURTHER RESOLVED,** that counties maintain the fiscal responsibility for providing these services; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, the New York State Education Department and all others deemed necessary and proper.

**2024 NYSAC Legislative Conference**

**Standing Committee on Children with Special Needs**

**Resolution #2**

## Resolution Supporting an Extension on the Allowing School Psychologists to Provide Services in the Early Intervention

**WHEREAS,** the SFY 2025 Executive Budget recommendation discontinues the authorization allowing school psychologists to provide services in the Early Intervention Program (EIP); and

**WHEREAS,** federal level changes making Early Intervention (EI) services provided by school psychologists no longer eligible for Medicaid reimbursement have resulted in New York State moving away from utilizing these providers in the EI Program; and

**WHEREAS,** to this point extensions have been granted to continue to allow the provision of EI services by school psychologists in recognition of ongoing provider capacity shortages in the EIP; and

**WHEREAS,** the SFY 2025 Executive Budget proposal continues to provide an extension on the use of school psychologists in the 4410 Pre-School Special Education Program (Pre-K SEP); and

**WHEREAS,** school psychologists may provide multi-disciplinary evaluations and services to children transitioning from the EIP to Pre-K SEP; and

**WHEREAS,** as of August 2023, counties reported that there were 7,360 children across New York State waiting for EI services; and

**WHEREAS,** this represents a 28% increase in children waiting for services since 2022 and an over 500% increase in children waiting for services since 2020; and

**WHEREAS,** this number includes approximately 1,000 children waiting for evaluations, and behavioral and developmental services that could be provided by school psychologists; and

**WHEREAS,** the overall provider capacity challenges in the EIP and lack of capacity specific to mental health services have resulted in children waiting months to receive critical services; and

**WHEREAS,** restricting any provider capacity in the EIP impedes the need to expand the currently limited provider pool.

**NOW, THEREFORE, BE IT RESOLVED,** the New York State Association of Counties (NYSAC) supports an extension for the use of school psychologists as a provider in the EIP until June 30, 2026, in parallel with the extension provided for Pre-K SEP; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, the New York State Education Department and all others deemed necessary and proper.



**2024 NYSAC Legislative Conference**

**Albany County**

# Standing Committee on Intergovernmental Relations, General Government & Public Employee Relations

  Robert Hagemann (Jefferson County) – Co-Chair

Mark Scimone (Madison County) – Co-Chair

Cheryl Ketchum (Wyoming County) – Vice Chair

Langdon Chapman (Orange County) – Vice Chair

**2024 NYSAC Legislative Conference**

**Standing Committee on Intergovernmental Relations, General Government & Public Employee Relations**

**Resolution #1**

## Resolution Calling on the State to Increase the Salary Cap for Retired Public Employees Seeking County Employment

**WHEREAS**, under current state law a retired public employee may only earn up to $35,000 annually if retained/rehired to a state or local government position without this salary impacting their retirement benefits; and

**WHEREAS**, any retired public employee salary amount over $35,000 will result in a decrease in pension payments for the employee; and

**WHEREAS**, the $35,000 cap was set in 2019, with the intent of minimizing misuse in hiring practices, while at the same time providing enough incentive for employees with broad experience and institutional knowledge to be retained in a government service capacity; and

**WHEREAS,** this cap has been adjusted just once since 2007 at a rate of $5,000.00 and this increase has eroded in value due to inflation over this time; and

**WHEREAS,** the ability to hire enough qualified public employees on the State and county level to perform our residents’ needed services has reached crisis level; and

**WHEREAS**, this hiring crisis during COVID resulted in an Executive Order action allowing for the removal of the $35,000 cap to help ease this issue, unfortunately, this was a limited allowance and the Executive Order expired in 2023; and

**WHEREAS,** New York counties have unique challenges when hiring for certain skilled or knowledge-based positions due to each county having different populations, economics, and demographics including but not limited to retired corrections deputy sheriffs, school resource officers, public health nurses, registered nurses, caseworkers, mental health professionals, and other critical positions; and

**WHEREAS,** county governments are being asked to provide more services with less funding, a goal that becomes more difficult when those who best understand local government service needs are retiring and their continued connection to public service in a limited fashion is being deterred by state policies; and

**WHEREAS,** in 2023 a bill was introduced (S.3144D, Mannion) that recognizes adjusting this cap to $50,000.00 will provide the State and the local governments more hiring options when they seek to fill a position that requires unique skill sets, government experience, and, in some cases, reduces health insurance costs as the person is already retired.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) hereby calls on the Governor and the legislature to enact legislation supporting an increase in this earnings rate as part of their 2024-2025 state budget negotiations; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.

**2024 NYSAC Legislative Conference**

**Standing Committee on Intergovernmental Relations, General Government & Public Employee Relations**

**Resolution #2**

## Resolution Calling on the State of New York to Fully Reimburse Counties for District Attorney Salary Increases that Are Set and Controlled by the State

**WHEREAS,** on December 4, 2023, the New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend a 10 percent increase in state judge salaries in 2024; and

**WHEREAS,** it is anticipated that on April 1, 2024 the State Legislature will approved the Commission’s recommendation and place State Court Judges’ salaries at $232,600 up from $210,900; and

**WHEREAS,** New York State Judiciary Law Section 183-a links judicial salaries to county District Attorney (DA) salaries, requiring them to be equal to or higher than the State Judges within their county; and

**WHEREAS,** historically when the state increased State Judge salaries in the 1980s and 1990s, the State fully funded all DA salary increases imposed on the counties, recognizing without this funding the increase would be an unfunded mandate; and

**WHEREAS,** the District Attorneys Association of the State of New York (DAASNY), recognizing the automatic nature of these increases and its effect on local county budgets, and further to support the counties' position, requested in correspondence with state officials that the state fund this salary increase; and

**WHEREAS,** the State Legislature has stated they understand the importance of not shifting more state generated costs to the local tax base, mindful of the impact locally with the state-imposed property tax cap; and

**WHEREAS,** the State Legislature has recognized lowering property taxes is the main priority to ensure a healthy Upstate New York economy; and

**WHEREAS,** for smaller counties, the D.A. salary increase can represent nearly one third of their total allowable property tax growth for all government operations.

**NOW, THEREFORE, BE IT RESOLVED,** the New York State Association of Counties (NYSAC) calls on the State of New York to fully fund this mandated salary increase as part of the SFY 2025 budget and thereafter, including a one-time amount for the retroactive salary increase that has not been funded to date; and

**BE IT FURTHER RESOLVED,** copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED,** NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.

**NYSAC 2024 Legislative Conference**

**Standing Committee on Intergovernmental Relations, General Government & Public Employee Relations**

**Resolution #3**

## Resolution Applauding the Governor and Legislature for Supporting Community Colleges and Urging them to Expand Investments for Workforce Development

**WHEREAS,** New York State is home to 30 community colleges, sponsored by a host county, that serve unique and critical education and training needs in their communities; and

**WHEREAS**, among their various missions, community colleges are critical workforce development centers; and

**WHEREAS**, under state law, funding for community colleges is to be provided through state aid, a county sponsor contribution, and student tuition and fees; and

**WHEREAS**, the establishment and continued operation of a statewide community college system was based on an ongoing state aid funding commitment of at least one-third, and up to 40%, of community college operating costs; and

**WHEREAS**, the state funding amount has declined over the years and is now estimated by advocates to be nearly $100 million below the one-third historic commitment, and far short of 40%; and

**WHEREAS**, this year the Executive State Budget proposes to maintain a funding floor for community colleges at 100 percent of prior year funding; and

**WHEREAS,** without a funding floor, community colleges would face a $143 million (23 percent) loss in formula aid due to enrollment declines; and

**WHEREAS,** overall funding for community college operating aid is $441 million in SFY 2025; and

**WHEREAS,** despite enrollment declines, community college operational costs have not decreased accordingly; and

**WHEREAS**, many community colleges are facing volatile enrollment numbers and are asking county sponsors and students to pay more, with county chargebacks also increasing this academic year; and

**WHEREAS,** at a time when our businesses, hospitals, health care providers, and manufacturers need more and more skilled workers, our community colleges provide the needed workforce training to prepare New Yorkers for good jobs in our communities.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) applauds the Governor for proposing to implement a funding floor for community colleges; and

**BE IT FURTHER RESOLVED,** NYSAC calls on the Governor and State Legislature to provide an additional $97 million in operating support for community colleges specifically devoted to expanding workforce development; and

**BE IT FURTHER RESOLVED,** copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED,** NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, the SUNY Chancellor, and all others deemed necessary and proper.

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2024 NYSAC Legislative Conference

Albany County

# Standing Committee on Medicaid and Human Services Resolutions

Kira Pospesel (Greene County) - Chair

Robert Franklin (Monroe County) - Vice Chair

**NYSAC 2024 Legislative Conference**

**Standing Committee on Medicaid and Human Services**

**Resolution #1**

## Resolution Opposing the Governor’s SFY2025 Budget Proposal to Shift More Costs to Counties by Mandating Higher Spending for Child Welfare Services in the Flexible Funding for Family Services (FFFS) Block Grant

**WHEREAS**, over the last 15 years the state has devolved away from its historic and constitutional responsibilities of providing social services and support for low-income families and children, as demonstrated through significant reductions in state financial support for these programs, thereby shifting state costs and responsibilities to counties and New York City; and

**WHEREAS**, the SFY 2025 proposed budget continues the trend of shifting social services costs to counties and New York City by requiring additional local spending of $75 million for child welfare services within the capped Flexible Fund for Family Services (FFFS) which is already underfunded; and

**WHEREAS**, these increased county costs are partially offset with temporary federal funding that will likely not continue, which will force higher costs on county taxpayers on a recurring basis; and

**WHEREAS**, state funding shifts have increased county and New York City social services costs by hundreds of millions of dollars annually because the state requires that all services still be provided in full, often including new and more comprehensive service levels, but with less state resources; and

**WHEREAS**, the steady pullback in State funding support has been expansive and includes cutting state matching support for child welfare from 65 percent to 62 percent; and

**WHEREAS**, state funding support for the Safety Net Program was cut from 50 percent to 29 percent, offset with the addition of temporary federal aid that gradually disappeared leaving the full burden on counties and New York City; and

**WHEREAS**, the State cut in matching funds for Safety Net Program costs is currently costing New York City hundreds of millions of dollars annually in higher costs under the recent surge in migrants to the state, with counties statewide also experiencing tens of millions of dollars each year in higher costs; and

**WHEREAS**, state funding support for the Foster Care Block Grant was cut by $62 million in state fiscal year 2018, a 14 percent reduction; and

**WHEREAS**, the SFY 2023 adopted budget also included provisions to settle longstanding litigation against the state related to foster care rates paid to foster parents, forcing counties and New York City to fully fund more than $200 million in rate increases; and

**WHEREAS**, the steady pullback in State funding support also includes cuts in state matching funds to adoption subsidies, food stamp administration, and youth detention and treatment.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) opposes cost shifts in critical social services programs from the state to counties and New York City; and

**BE IT FURTHER RESOLVED,** NYSAC believes the best way to support services for children and families is to restore state matching support for Safety Net programs to 50 percent, and restore child welfare state funding support to 65 percent; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED,** NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, and all others deemed necessary and proper.

**NYSAC 2024 Legislative Conference**

**Standing Committee on Medicaid and Human Services**

**Resolution #2**

## Resolution Urging the Governor and Legislature to Become True Partners in Addressing Homelessness by Focusing on Rent Allowance and Standard of Need Which Must Include the Restoration of 50/50 Cost Sharing for Safety Net Programs, and Provide Actual Brick and Mortar Solutions by Making Permanent Housing the Central Focus

**WHEREAS**, homelessness and housing affordability continue to be major concerns across the state; and

**WHEREAS**, the COVID-19 pandemic made the situation worse through increased rental rates, decreased housing supply and an increased reliance on temporary housing assistance in shelters and motels; and

**WHEREAS,** in the post pandemic era, counties are experiencing a decline in the number of landlords that will rent to the clientele local social service districts serve; and

**WHEREAS**, the influx of over 160,000 migrant asylum seekers over the last two years has pushed the already overburden statewide shelter system beyond the brink; and

**WHEREAS,** many areas of the state are seeing increases in homelessness even without the addition of asylum seekers due to shortages in affordable housing, increases in evictions, and fewer landlords willing to rent their properties to social service districts; and

**WHEREAS**, the state’s unprecedented reduction in fiscal support implemented over a decade ago when the state reduced its Safety Net program support from 50 percent to 29 percent has only made the situation worse; and

**WHEREAS**, state shelter allowances provided by the state are so low today that homeless clients cannot compete in the current housing market; and

**WHEREAS**, the net effect of low shelter rates for individuals and families that have been displaced and are residing in temporary housing is that current shelter allowances serve as a barrier to moving to permanent housing; and

**WHEREAS**, the homeless population is facing new problems as the needs of families have become more complicated; and

**WHEREAS**, regardless of family size and demographics, many of those facing homelessness or seeking emergency shelter can have challenging medical needs, mental health and substance abuse issues, some are registered sex offenders, and still others are state prison parolees or on probation; with some facing several of these challenges at the same time; and

**WHEREAS**, the state requires counties to fund 71 percent of costs for Safety Net individuals and 100 percent of the costs of administering these programs; and

**WHEREAS**, local social service districts focus scarce resources on achieving permanent housing, preventing homelessness and providing temporary placement; and

**WHEREAS**, counties maintain that preventing homelessness in the first place is the best way to keep families safe and secure; and

**WHEREAS**, counties maintain that while it is important to provide help in a crisis, it is better policy to maintain stability and prevent emergencies by providing sufficient resources up front.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to prioritize permanency in housing and to update rental allowances and the standard of need which have not been properly updated in decades to fully address the dramatic growth in housing, energy, and food costs; and

**BE IT FURTHER RESOLVED**, as part of the effort, the State must restore the Safety Net state share to 50 percent; and

**BE IT FURTHER RESOLVED,** counties need brick and mortar solutions to existing housing problems; and

**BE IT FURTHER RESOLVED**, the State should coordinate a timely transition to supportive housing for the highest need individuals with mental health and substance abuse issues in collaboration with OTDA, other state agencies, and local social services districts; especially those that have been repeatedly homeless and in need of supportive placements overseen by OMH, OASAS, OPWDD and DOCCS; and

**BE IT FURTHER RESOLVED**, the State should work with counties in developing a public education campaign to ensure people better understand the plight of families and individuals struggling with homelessness and how everyone can benefit by helping them achieve stable housing in our communities; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York State encouraging member counties to enact a similar resolution; and

**BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the Office for Temporary Disability Assistance and all others deemed necessary and proper.

**NYSAC 2024 Legislative Conference**

**Standing Committee on Medicaid and Human Services**

**Resolution #3**

## Resolution Urging the Governor and Legislature Ensure that Local Social Service Commissioners are Directly Involved in Discussions to Reduce Costs in the Medicaid Program

**WHEREAS**, the Governor’s SFY 2025 Budget acknowledges that Medicaid spending growth is unsustainable and cost containment actions must be implemented; and

**WHEREAS**, total spending for New York’s Medicaid program is projected to exceed $100 billion in SFY 2025, when county and NYC contributions are included; and

**WHEREAS**, the New York State Division of Budget (DOB) projects that before any state budget actions for SFY 2025 are taken into account Medicaid would run a state share funding deficit of $735 million in SFY 2025, growing to $2.23 billion in SFY 2026; and

**WHEREAS**, DOB projects that state share Medicaid costs will grow by 48 percent from SFY 2021 through SFY 2025, which includes $1.2 billion in anticipated cost containments actions fully implemented in SFY 2025; and

**WHEREAS**, of the $1.2 billion in targeted savings, $400 million is undefined in the budget, with $200 million expected from long term care services and $200 million from other actions; and

**WHEREAS**, county social services commissioners and their staff are deeply involved in administering different components of Medicaid, including long term care services at the direction of the New York State Department of Health (DOH), adhering to state regulations and guidelines; and

**WHEREAS**, because of this involvement county social services commissioners can offer valuable insight into achieving savings in Medicaid including long term care service delivery.

**NOW, THEREFORE, BE IT RESOLVED,** the New York State Association of Counties (NYSAC) calls on the Governor, Department of Health, the Legislature, and other stakeholders to include representatives from local social services commissioners to participate in these discussions to find recurring savings in Medicaid long term care services; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York State encouraging member counties to enact a similar resolution; and

**BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Department of Health, and all others deemed necessary and proper.

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2024 NYSAC Legislative Conference

Albany County

# Standing Committee on Native American Affairs & Gaming Resolutions

Ashley Smith (Cattaraugus County) - Chair

Steve Button (St. Lawrence County) - Vice Chair

**NYSAC 2024 Legislative Conference**

**Standing Committee on Native American Affairs and Gaming**

**Resolution #1**

## Resolution Calling on the State of New York to Make All Municipalities Whole in the Saint Regis Mohawk Tribal Gaming Region

**WHEREAS**, on October 15, 1993, the St. Regis Mohawk Tribe and the State of New York signed a compact paving the way for casino gaming; the Akwesasne Mohawk Casino opened on April 12, 1999; and

**WHEREAS,** under agreement and codification in New York law, the St. Regis Mohawk Tribe pays 25 percent of all gaming revenue to the State of New York in return for, in part, exclusivity in regional gaming rights; and

**WHEREAS,** under the agreement, the State of New York shares with local governments, including counties and numerous towns in Northern New York, a portion of revenue they receive from the St. Regis Mohawk Tribe; and

**WHEREAS,** the counties and local governments rely on that revenue to maintain infrastructure and provide public safety for all residents, as well as provide services needed to help support this growing gaming industry; and

**WHEREAS,** in March 2020, the State of New York, under a State of Emergency, closed many businesses, especially ones where crowds gathered, including casinos, resulting in revenue losses for the Akwesasne Mohawk Casino; and

**WHEREAS,** in August 2020, casinos including the Akwesasne Mohawk Casino were allowed to reopen with a limited capacity and began making revenue once again that should have been shared with the State and local governments; and

**WHEREAS,** on December 2022 partial payments of this gaming revenue were made to two of the seven counties and the towns within; and

**WHEREAS,** in December 2023 there have been partial payments by the State to the remaining five region counties; and

**WHEREAS,** resuming these payments in full is necessary to help counties provide local services including fixing roads, supporting social services, and providing for public health and safety; and

**WHEREAS,** the St. Regis Mohawk Tribe and the counties of New York have a long history of productive partnerships and respect; and

**WHEREAS,** New York State has helped with providing some of the region’s counties with needed gaming funding; and

**WHEREAS,** while providing some of the gaming revenue is appreciated, the State of New York has created a system by which local services are dependent on continuous revenue being received and distributed to local governments through casino gaming, and the State has not made a contingency plan and/or at times ignored the needs of local governments when this revenue is lowered or withheld.

**NOW, THEREFORE, BE IT RESOLVED,** the New York State Association of Counties (NYSAC) calls on the State of New York to create a policy that adheres to immediately making all municipalities whole for any past or future funding being withheld by the State by either lack of collection from the St. Regis Mohawk Tribe or collected and not passed through in a timely manner; and

**BE IT FURTHER RESOLVED,** the State must agree with an equitable Compact with the St. Regis Mohawk Tribe that supports the Tribe’s needs and best interests while also allowing for local government services to get direct uninterrupted service-related support that will make for an improved community for all; and

**BE IT FURTHER RESOLVED,** copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED,** NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, the St. Regis Mohawk Tribe, and all others deemed necessary and proper.

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**2024 NYSAC Legislative Conference**

**Albany County**

# Standing Committee on Public Health and Mental Health Resolutions

Linda Beers (Essex County) – Chair

Hon. Michael Amo (Orange County) – Vice Chair

Laura Kelemen (Niagara County) – Vice Chair

**2024 NYSAC Legislative Conference**

**Standing Committee on Public Health/Mental Health**

**Resolution #1**

## Resolution Requesting Improved Enforcement Authority Regarding Flavored E-Cigarette Products

**WHEREAS**, in New York State, 18.2 percent of high school students report using e-cigarettes, as compared to the national average of 10 percent; and

**WHEREAS**, 85 percent of youth e-cigarette users use flavored products; and

**WHEREAS**, the U.S. Surgeon General states that use of nicotine by adolescents in any form, including e-cigarettes, is unsafe; and

**WHEREAS**, nicotine is highly addictive, harms adolescent brain development, particularly the parts of the brain responsible for attention, memory and learning and adolescent use increases the risk of future addiction to other drugs; and

**WHEREAS**, many e-cigarettes deliver doses of nicotine at high levels, some with levels equivalent to a pack of 20 cigarettes, which puts youth users at greater risk of addiction and health concerns; and

**WHEREAS**, New York State included language in the final 2020-21 budget to address the epidemic of e-cigarette use among youth by banning the sale of flavored products; and

**WHEREAS**, despite its intent, the current statutory language includes enforcement loopholes that create challenges to effective enforcement of the law; and

**WHEREAS**, these loopholes enable continued access to and promotion of these restricted products to youth; and

**WHEREAS**, out of the six states that have comprehensive e-cigarette flavor policies, New York has the highest continued retail availability of prohibited products of any of those states; and

**WHEREAS**, Local Health Department (LHD) staff responsible for enforcing this statute report increased non-compliance among some retailers, with persistent bad actors, along with staff safety concerns during enforcement visits; and

**WHEREAS** the following statutory loopholes allow continued access to flavored products despite the 2020 ban:

* Retail inspections loopholes, which do not require retailers to make their entire premises available to inspectors; many retailers assume they can refuse to let an inspector do their job without any civil penalty;
* Increased frequency of persistent violators operating without a license, with expired licenses, or violators who close and reopen under new LLC;
* Out-of-state sales exemptions allowing retailers to sell their product to out of state purchasers via remote sales, which allows claims that products stocked in retail establishments are only being sold to out of state purchasers, despite no evidence offered of out of state sales occurring, or even that a method of conducting out of state sales (a website, etc.) exists;
* Lack of authority to remove illegal product(s) from retail sales premises or inspect premises for additional products onsite;
* Distributors continue to be able to sell and ship flavored e-cigarettes that cannot be legally sold in New York to stores within the state;
* Cooling sensation and “clear” vape products through which the industry sells “non-menthol menthol” cigarettes and e-cigarettes in states that have banned the sales of flavored tobacco products.  These products contain additional additives which produce a flavor that does not taste like tobacco and creates a cooling, anesthetic effect or sensation for the user;
* Increased sale of “camouflage” or deceptive look-alike vape products, where the vape unit is designed to appear like common items, such as hoodie strings, highlighters and pens, backpacks, smart watches, and USB drives; and
* Loopholes in tax law that create inconsistencies in Department of Taxation and Finance authorities for enforcement of tobacco products vs. vapor products.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) urges the Legislature and Governor Hochul to close these existing statutory loopholes to assure the 2020 ban on flavored e-cigarette products realizes its intended public health benefits; and

**BE IT FURTHER RESOLVED,** the Senate and Assembly include A.9110 (Rosenthal)/S.8531 (Hoylman-Sigal) in their one-house budget proposals to prohibit the storage of flavored vapor products near where vapor or tobacco products are sold; and

**BE IT FURTHER RESOLVED**, NYSAC calls upon Governor Hochul to direct the New York State Department of Taxation and Finance and New York State Department of Health to review existing procedures and communications to better coordinate efforts with LHDs to use all current legal tools available to compel compliance for persistent violators, including improved oversight of licensure approvals, suspensions, and revocations; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties of New York encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, Health Commissioner James McDonald, Acting Tax Commissioner Amanda Hiller, and all others deemed necessary and proper.

**2023 NYSAC Legislative Conference**

**Standing Committee on Public Health and Mental Health**

**Resolution #2**

## Resolution Calling for the SFY 2024-25 Enacted Budget to Include Reforms for Determining the Capacity of a Defendant to Stand Trial

**WHEREAS**, section § 730 of the Criminal Procedure Law (CPL) provides that defendants charged with felonies who are mentally ill and/or developmentally disabled and who are determined by a court to be unable to understand the charges against them or participate in their own defense (often called “730’s”) are sent to New York State-operated forensic hospitals solely for the purpose of trying to restore them to competency so they can stand trial; and

**WHEREAS**, the origin of CPL § 730 dates back over five decades to the laws of 1970, and parts of it have been declared to be unconstitutional; and

**WHEREAS**, competency restoration provides necessary medications but primarily provides services such as courtroom training to familiarize the defendant with courtroom procedures so they can participate in their trial; and

**WHEREAS**, many judges incorrectly believe that by ordering a 730 commitment, they are helping the mentally ill or developmentally disabled person to get treatment; and

**WHEREAS**, in the cases for which restoration is appropriate, most defendants can generally be restored within 90-150 days; and

**WHEREAS**, unfortunately, there are also numerous situations where defendants have been kept in restoration for periods of three, six, or even 10 years; and

**WHEREAS**, these lengthy confinements have been declared to be unconstitutional by the U.S. Supreme Court as shown in the case of *Jackson v. Indiana* (1972), which provides that states may not indefinitely confine criminal defendants solely on the basis of incompetence to stand trial; and

**WHEREAS**, the Office of Mental Health (OMH) has diverged from agreements with the county mental health commissioners/directors of community services to provide specific and timely information on the clients/defendants ordered to restoration; and

**WHEREAS**, the SFY 2020-21 budget required counties to pay 100 percent of the OMH State Operations costs for individuals receiving court-ordered mental health

competency restoration services at State-operated Forensic Psychiatric Centers; and

**WHEREAS**, as the full payors of these services, the commissioners must have timely access to any pertinent client information as deemed necessary to effectively manage their responsibilities under the Mental Hygiene Law; and

**WHEREAS**, the county cost of these services is over $1,300 per day and current statute does not require a timeline be established for when a defendant is unable to be restored; and

**WHEREAS**, the county cost of restoration for one defendant can be upwards of $400,000 per year; and

**WHEREAS**, in New York State, counties, through the county tax levy, already bear an overwhelming portion of the financial burden for supporting individuals suffering from serious mental illness, and the requirement to assume 100% of 730.20 competency restoration costs has taken away millions of dollars from critical behavioral health programming in the community; and

**WHEREAS**, given the advances in the behavioral health and the modernization of the criminal justice system, it is time for the State to reform the statutory authority governing competency restoration to ensure that only individuals who are appropriate subjects of 730 court orders are sent for restoration in accordance with the current state of these two systems; and

**WHEREAS**, the Legislature has introduced S.1874 (Brouk)/A.5063 (Gunther), which seeks to address the reforms necessary to update the archaic requirements of current statute, many which have been deemed unconstitutional and includes a critical requirement to reinvest any savings derived by the counties back into the local mental hygiene systems of care.

**NOW, THEREFORE, BE IT RESOLVED**, CPL § 730.10 shall be modified to make clear that restoration is not mental health treatment, so the judiciary is better

informed that a 730 order does not treat underlying mental health conditions; and

**BE IT FURTHER RESOLVED**, CPL § 730.20 shall be reformed to establish specific criteria for 730 examiners, streamlining the process to establish equity across the system, and that the psychiatrist or psychologist conducting the psychiatric exam tell the court whether or not there is a reasonable chance of restoration, thereby granting the court an opportunity to allow diversion to mental health treatment; and

**BE IT FUTHER RESOLVED,** OMH will consistently follow their agreements with the county mental health commissioners/directors of community services to provide specific and timely information on the clients/defendants ordered to restoration; and

**BE IT FURTHER RESOLVED**, CPL § 730.20 shall adjust the fee for reimbursing psychiatric examiners; and

**BE IT FURTHER RESOLVED**, CPL § 730.50 shall limit the time defendants are ordered for restoration services; and

**BE IT FURTHER RESOLVED**, MHL § 9.33 shall allow individuals to be transferred to Article 9 facilities if it is determined that a defendant is unable to be restored; and

**BE IT FURTHER RESOLVED**, MHL § 43.03 shall require Local Governmental Units (counties) to reinvest savings from these reforms into community mental health services; and

**BE IT FURTHER RESOLVED**, the New York State Association of Counties (NYSAC) calls on the State to support all provisions outlined in S.1874 (Brouk)/A.5063 (Gunther); and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to Governor Kathy Hochul and the New York State Legislature encouraging them to

include these reforms in the SFY 2025 Enacted Budget.

**2024 NYSAC Legislative Conference**

**Standing Committee on Public Health and Mental Health**

**Resolution #3**

## Resolution in Support of Fully Funding the Implementation of the 2019 Elevated Blood Lead Level Mandate and 2023 Lead Rental Registry and Restoring the 2022 Administrative Cuts to Lead Poisoning Prevention Grants

**WHEREAS,** lead poisoning prevention activities delivered by local health departments (LHDs) are supported through a variety of funding mechanisms, including the Lead Poisoning Prevention Program, Childhood Lead Poisoning Primary Prevention Program (CLPPP+) (15 counties), Healthy Neighborhood Program (some counties), and reimbursement through Article Six Public Health Law General Public Health Work funding; and

**WHEREAS,** New York State continues to pass public-health forward policies aimed at preventing childhood exposure to lead without fully funding those policies and, further, making administrative reductions to lead prevention grant funding; and

**WHEREAS,** when the definition of elevated blood lead level (EBLL) was lowered from 10 to 5 ug/dL, the state allocated only $9.7 million in additional Article Six state aid; and

**WHEREAS,** this investment falls far short of what is needed, with an additional $30.3 million needed to implement this work and protect children, thereby placing the majority of the cost burden on the local tax levy; and

**WHEREAS**, this estimated need is based on an average cost per case of $713 for nursing case management and $2,123 for environmental management activities; and

**WHEREAS,** at the Lead Poisoning Prevention Advisory Council meeting on January 29, 2020, the New York State Department of Health (NYSDOH) presented data on the first quarter of implementation, showing an additional 1,725 children between the ranges of 5-9 µg/dL; and

**WHEREAS**, this highlights the importance of this policy action but also represents the equivalent of 2.5 years of work occurring in a single quarter when compared to prior years; and

**WHEREAS,** in 2022, NYSDOH reorganized the formula for the CLPPP+ grants so that more counties received funding, but 13 larger counties ended up losing $2.4 million in funding as a result of this change; and

**WHEREAS,** in 2023, the Governor and Legislature enacted a new primary prevention program known as the NYS Lead Rental Registry, which will require 19 LHDs to manage and ensure compliance over a registry of rental units in designated high priority areas and conduct spot checks of those rental properties that are designated lead-free by landlords; and

**WHEREAS,** LHDs estimate the rollout of this program will cost approximately $19.4 million, including costs associated with hiring public health sanitarians, EPA certification, hearing officers, XRF machines, dust wipes and other supplies; and

**WHEREAS,** the Governor provided a total of $16.8 million for LHDs for this initiative in her SFY 2025 Executive Budget proposal; and

**WHEREAS**, in 2021, the CDC further lowered the recommended blood lead reference value to 3.5 µg/dL, raising the need to consider further policy changes in this area, which, if implemented in New York State, would cost an additional $30 million to implement locally; and

**WHEREAS**, current, new, and expanded duties placed on LHDs may result in increased civil liability for our county government and local taxpayers.

**NOW, THEREFORE, BE IT RESOLVED,** the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to increase funding for current and future expanded lead prevention mandates and ensure it is appropriated for NYSDOH’s Lead Poisoning Prevention Program within Aid to Localities; and

**BE IT FURTHER RESOLVED,** the Governor and Legislature provide LHDs with immunity from liability and protection from civil litigation for those acting in good faith to implement these policies without the fiscal resources or staffing needed to properly coordinate; and

**BE IT FURTHER RESOLVED,** the Governor and Legislature distribute $35.2 million to local health departments through existing grant mechanisms to support implementation of the lowered actionable EBLL, restore the administrative cuts to the CLPPP+, and fully fund the lead rental registry program passed in the FY 24 State Budget; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED,** NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, and all others deemed necessary and proper.

**2024 NYSAC Legislative Conference**

**Standing Committee on Public Health and Mental health**

**Resolution #4**

## Resolution Urging the Governor and State Legislature to Restore Essential Funding for Rabies in the SFY 25 State Budget

**WHEREAS,** Governor Hochul completely eliminates the $1.45 million appropriation for rabies prevention in her FY 2024-25 Executive Budget proposal; and

**WHEREAS,** local health departments (LHDs) are the only health entities in New York State that are statutorily required to provide core public health services in communities across New York State, including the suppression of human rabies; and

**WHEREAS,** unless treated soon after exposure, rabies is a fatal disease; and

**WHEREAS,** New York State statute recognizes the severity of this disease and, therefore, maintains strong statutory requirements for counties to reduce the risk of contracting rabies and assure treatment for anyone who is exposed to the disease, including an obligation for counties to cover the costs of human post-exposure treatment for individuals who lack the ability to pay for treatment and to offer free quarterly rabies vaccination clinics for cats, dogs, and domestic ferrets;and

**WHEREAS,** other statutory requirements for counties include prompt investigation of reports of exposure; arrangements for disposition of animals involved, including confinement and observation; quarantines; vaccination boosters; euthanasia; testing and collection; preparation; and submission of animal specimens to the state rabies lab for diagnosis; and

**WHEREAS,** most of the state pre-exposure prophylaxis funding for rabies prevention and control via oral rabies vaccine (ORV) animal baiting was originally eliminated in 2009, despite the necessity of this preemptive measure to control the spread of rabid animals; and

**WHEREAS,** since then, a small portion of the original $1.45 million appropriation that NYSDOH spent annually on animal control outside New York City, including ORV baiting, was allocated via contracts to the 57 counties outside New York City; and

**WHEREAS,** in 2021, the last full year for which data is available, LHDs collected and submitted 5,223 animal specimens for rabies testing; and

**WHEREAS,** NYSAC and NYSACHO strongly oppose the elimination of this funding, as it supports these statutorily required, life-saving public health protections and eliminating this funding results in a direct cost shift to local taxpayers and runs the risk of undermining the life-saving goals that New York’s strong rabies statutes provide; and

**WHEREAS,** becauserabies falls under the provisions of Article 6, the services supported are eligible public health expenses, and, therefore, the projected potential savings to the State would not be fully realized because they will be offset by increased and unbudgeted claims to state aid.

**NOW, THEREFORE, BE IT RESOLVED,** the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to restore the $1.45 million proposed cut to rabies funding in the SFY 2025 State Budget; and

**BE IT FURTHER RESOLVED,** NYSAC calls on the Governor and State Legislature to revise statutory requirements related to rabies to align the state’s fiscal investment with the cost of implementing related activities; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED,** NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, and all others deemed necessary and proper.

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**2024 NYSAC Legislative Conference**

**Albany County**

# Standing Committee on Public Safety Resolutions

Hon. Matthew Veitch (Saratoga County) – Chair

Hon. Sheriff Juan Figueroa (Ulster County) – 1st Vice Chair

Hon. Kathy Stegenga (Orange County) – Vice Chair

Dan Degear (Madison County) – Vice Chair

**2024 NYSAC Legislative Conference**

**Standing Committee on Public Safety**

**Resolution #1**

## Resolution in Support of Efforts to Improve Probation and Alternatives to Incarceration in New York State in Order to Protect the Public and Reduce Reliance on Prisons, Jails and Detention

**WHEREAS**, County Probation Departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law and the Family Court Act; and

**WHEREAS**, it is the mission of Probation to protect the community through intervention in the lives of those under supervision by facilitating compliance with court orders and serving as a catalyst for positive change; and

**WHEREAS**, State funding for Probation was drastically reduced between 1990 and 2015 from a 46.5 percent State share in 1990 to less than 10 percent in 2024, putting a huge strain on counties and cost to county property taxpayers; and

**WHEREAS**, at the same time there have been increases in the number of mandated programs and services County Probation Departments are required to provide, from the 1990’s where core services of Intake, Pre-Sentence/Pre-Dispositional Investigations and Supervision were the norm, to the current enhanced services that are provided by local Probation Departments including but not limited to the following:

* Specialized caseloads to handle specific types of individuals such as Sex Offenders, DWI, Mental.

Health, Domestic Violence and Gang Members.

* Probation Departments’ involvement with Specialized Treatment Courts (Drug, Domestic Violence, Mental Health, Veterans).
* Community Service Programming.
* School-based Probation Officers.
* Warrant Squads for apprehension and return of offenders.
* DNA Collection.
* Ignition Interlock Device Monitoring.
* Expanded Pretrial Release Programs to deal with the increased RUS cases resulting from Bail Reform.
* Expanded Electronic Monitoring to deal with both Bail Reform and lack of detention beds caused by increased juvenile crime.
* Increased Probation Officer time to search for specialized detention beds occurring from RTA
* Increased administrative tasks that probation staff are now responsible for including populating Case Management System and various risk assessments.
* Increased responsibilities for collections and disbursement of funds in connection to Financial Obligations including restitution, fines and fees.
* Sex Offender verification.
* Administering cognitive behavioral interventions.
* Increased training regarding the delivery of evidenced-based programs.
* Increased time and cost resulting from new hires completing the Basic Course for Peace Officers, (BCPO).
* Increased protocol for GIVE Counties including higher supervision levels and GPS for a minimum of 6 months.

**WHEREAS**, the New York State Council of Probation Administrators, representing New York State Probation Directors, Administrators and Commissioners, has diligently worked with NYSAC and State leaders to bring more awareness to the important work that Probation does to protect the public.

**NOW, THEREFORE, BE IT RESOLVED,** the New York State Association of Counties (NYSAC) supports proposals put forward by the Governor to immediately enact statutory and regulatory changes that improve Probation and Alternatives to Incarceration in the following ways:

1. In response to raise the age legislation:
   1. Mandate that the state’s evidence-based criteria should account for existing local best practice programs;
   2. Allow probation the ability to make an application for a temporary order of protection as a part of the adjustment process;
   3. Authorize law enforcement agencies to issue appearance tickets if deemed appropriate by the arresting officer when adolescent offenders and juvenile offenders are charged with most d felonies; and
   4. Allow law enforcement agencies to deliver adolescent offenders and juvenile offenders to be held in detention facilities after hours without a securing order until the youth part is in session.
2. Establish a dedicated funding stream through DCJS/OPCA for 100 percent of all local probation costs including, but not limited to, probation personnel and evidence-based programming associated with raise the age legislation.
3. Eliminate the monitoring of ignition interlock devices by local probation departments or monitors in all cases where a term of state prison has been imposed.
4. That local probation departments receive 100% funding for all pre-trial services costs associated with bail reform, including, but not limited to, probation personnel expenses.
5. That the executive chamber and the office of children and families (OCFS) work towards transitioning some of the closed OCFS and/or DOCCs community supervision facilities to accommodate the lack of specialized secure detention beds as well as allowing county consortiums to open specialized secure detention facilities if desired.

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, NYSAC shall forward copies of this resolution to Governor Kathy Hochul, Deputy Secretary for Public Safety Marcos Gonzalez Soler, the New York State Legislature and all others deemed necessary and proper.

**2024 NYSAC Legislative Conference**

**Standing Committee on Public Safety**

**Resolution #2**

## Resolution in Support of S.2695-B (Harckham) / A.7086-A (Jones) to Ensure Sheriffs and Undersheriffs Continue to Have Police Officer Powers

**WHEREAS,** Sheriffs are elected law enforcement officials established by the New York State Constitution; and

**WHEREAS,** historically, those individuals inhabiting the office of both Sheriff and Undersheriff were imbued with the legal authority of police officers solely by virtue of holding those positions; and

**WHEREAS,** the statutory exemption granting Sheriffs and Undersheriffs police officer powers as a component of holding the office, absent any other prerequisite training, was ostensibly repealed as a component of the Professional Policing Act; and

**WHEREAS,** such statutory change has narrowed the field of qualified candidates for Sheriff, since individuals who are already police officers can credibly claim that their civilian opponent, if elected, will not be a police officer, thereby diminishing the pool of aspiring public servants who could bring diversity and new perspectives to the Office of Sheriff.

**NOW, THEREFORE, BE IT RESOLVED,** the New York State Association of Counties (NYSAC) supports S.2695-B / A.7086-A, which would restore the exemption language previously found in General Municipal Law section 209-q; and

**BE IT FURTHER RESOLVED,** this GML section 209-q grants Sheriffs and Undersheriff police officer powers by virtue of holding those esteemed positions; and

**BE IT FURTHER RESOLVED,** that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED,** that NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.

**2024 NYSAC Legislative Conference**

**Standing Committee on Public Safety**

**Resolution #3**

## Resolution Encouraging Governor Kathy Hochul and the New York State Legislature Increase the Medication-Assisted Treatment (MAT) Budget Allocation for County Jails

**WHEREAS,** local correctional facilities are obligated by Mental Hygiene Law section 19.18-c to provide medication-assisted-treatment (MAT) services to incarcerated individuals who have been diagnosed with a substance use disorder; and

**WHEREAS,** the provision of MAT must also be accompanied by tangential therapeutic services ranging from counseling, to peer support, to discharge planning; and

**WHEREAS,** in many circumstances obtaining the specific medications necessary to be compliant with the law, particularly methadone, is a costly and time intensive endeavor; and

**WHEREAS,** the annual appropriation provided in the State's Aid To Localities Budget has remained static at the insufficient amount of $8.865 million, to support the efforts of 56 county jails.

**NOW, THEREFORE, BE IT RESOLVED,** the New York State Association of Counties (NYSAC) will join in the efforts of the New York State Sheriffs' Association to seek increased funding for this mandated and important public service; and

**BE IT FURTHER RESOLVED,** copies of this resolution be sent to the counties of New York State encouraging them enact similar resolutions; and

**BE IT FURTHER RESOLVED,** NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.

**2024 NYSAC Legislative Conference**

**Standing Committee on Public Safety**

**Resolution #4**

## Resolution Encouraging the State Legislature and Governor to Enact Technical Edits to Components of the Raise the Age Law

**WHEREAS,** the Raise the Age (RTA) law was enacted on April 17, 2017; and

**WHEREAS,** RTA prohibits 16 and 17 year olds from being held in adult jails and prisons, makes substantive changes to the procedures and mechanisms used to process 16 and 17 year olds in the criminal justice and youth justice systems and allows for additional services for youth and alters the types of detention and/or placement they may receive; and

**WHEREAS,** State statute authorizes and the State Financial Plan assumes 100 percent State reimbursement to eligible localities for RTA-related expenditures, including all incremental capital, personnel, and non-personnel costs counties/municipalities incur as a result of RTA; and

**WHEREAS,** the State will cover incremental costs, such as law enforcement; local detention; court services; Sheriffs’ transportation; probation services; youth placement; and aftercare services; and

**WHEREAS,** the RTA law went into effect for 16 year olds on October 1, 2018 and for 17 year olds on October 1, 2019; and

**WHEREAS,** the law has now been in effect for five years and in order to build upon the success of RTA, counties have identified areas of opportunity to improve the statute.

**NOW, THEREFORE, BE IT RESOLVED,** the New York State Association of Counties (NYSAC) supports the following proposals to immediately enact statutory and regulatory changes that improve the RTA statute in the following ways:

* **Criminal Procedural Law Section 722.23 should be amended to include all felony violations of Penal Law Article 265 (gun cases).**
* District Attorneys should be able to automatically prosecute all gun cases in the Youth Part and should not have to rely on the courts' unpredictable, undefined, and inconsistent findings of "extraordinary circumstances." Far too many cases removed to Family Court result in no real accountability for adolescent offenders for serious crimes involving firearms. Often, these offenders graduate to more serious crimes, including murder.
* **Close the Robbery Loophole by expanding Section 722.23(2).**
* Article 722.23 currently only allows District Attorneys to continue to prosecute a case when we can prove that the defendant displayed an actual, operable firearm. This means that cases where a defendant displayed something that appears to be a firearm or possessed a weapon without displaying it cannot be prosecuted by the District Attorney. So, when a defendant robs a victim using a non-working or unloaded gun, or the gun is not recovered, District Attorneys are not allowed to prosecute, and the case is removed to Family Court.
* **Section 722.23 should be further amended to allow for the court's discretion in allowing the District Attorney to maintain prosecution in certain additional circumstances.**
* **Allow youth part judges, prosecutors, and defense counsel to see family court records.**

**BE IT FURTHER RESOLVED,** copies of this resolution be sent to the counties of New York State encouraging them to enact similar resolutions; and

**BE IT FURTHER RESOLVED,** NYSAC shall forward copies of this Resolution to Governor Kathy Hochul, Deputy Secretary for Public Safety Marcos Gonzalez Soler, the New York State Legislature and all others deemed necessary and proper.

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2024 NYSAC Legislative Conference

Albany County

# Standing Committee on Taxation and Finance Resolutions

Ruth A. Doyle (St. Lawrence) - Chair

Hon. Terri L. Ross (Allegany County) - Vice Chair

Hon. Patrick Schmitt (Wayne County) - Vice Chair

**NYSAC 2024 Legislative Conference**

**Standing Committee on Taxation and Finance**

**Resolution #1**

## Resolution Supporting Proposals to Modernize State Sales Tax Laws to Include the Vacation Rental Industry and to Ensure These Changes are Appropriately Tailored for the Needs of Localities

**WHEREAS**, the Internet and numerous platforms that help facilitate retail transactions electronically have provided a boost for many sectors of the economy and made it easier for consumers to purchase goods and services; and

**WHEREAS**, electronic commerce continues to be one of the fastest growing retail sectors over the past two decades; and

**WHEREAS**, this form of commerce has opened up opportunities for an entirely new group of retailers and entrepreneurs; and

**WHEREAS**, with this growth many states have realized their tax systems need to be updated to accommodate the new modalities of retail activity; and

**WHEREAS,** a sizable number of new vendors and owners that use these platforms, or sell directly over the Internet, do not always understand their responsibility to collect state and local sales tax on taxable transactions as the process is onerous; and

**WHEREAS,** short-term rental operators would benefit from a streamlined approach to the tax collection and remittance process and would improve compliance; and

**WHEREAS**, the growth in online platforms that facilitate vacation rentals is in need of modernization and simplification to ease the burden on small vendors, ensure taxes owed are collected and remitted to the state and local governments, and to make sure there is a level playing field among marketplace participants and operators that provide short-term lodging (such as online vacation rentals, hotels, bed and breakfasts, etc.); and

**WHEREAS**, Governor Hochul’s SFY 2025 Budget proposes to update sales tax laws to define marketplace providers that facilitate vacation rentals (such as Airbnb and Vrbo, among others) as persons required to collect tax on such sales; and

**WHEREAS**, 35 counties and one city have entered voluntary local occupancy tax collection agreements with Airbnb as of August 2023, and one county has a similar agreement with Vrbo; and

**WHEREAS**, these voluntary agreements only call for the collection of local occupancy taxes with the knowledge that additional state legislation is necessary to expand these collection responsibilities to state and local sales tax for short term rentals that do not currently meet state sales tax law definitions; and

**WHEREAS**, Vrbo collects state and/or local sales tax or local occupancy taxes in 44 states, the District of Columbia and Puerto Rico, and has done so for years; and

**WHEREAS**, Airbnb also collects state and/or local sales or occupancy taxes in 42 states; and

**WHEREAS**, the state Division of Budget estimates that modernizing this section of sales tax law could provide $16 million in additional sales tax for the counties ($6 million) and New York City ($10 million); and

**WHEREAS**, nearly all counties, New York City and a variety of other municipalities have local occupancy taxes, but also have unique non-tax related needs and concerns regarding short term vacation rentals.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) supports the Executive’s SFY 2025 budget proposal to ensure vacation rentals as defined in the proposal, and marketplace platforms facilitating such rentals, are required to collect state and local sales taxes and remit them back to the state on unit rentals utilizing their platforms; and

**BE IT FURTHER RESOLVED**, NYSAC supports that such statewide actions to encourage platforms that facilitate these rentals collect sales tax also require the collection of local occupancy taxes at local option; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.

**NYSAC 2024 Legislative Conference**

**Standing Committee on Taxation and Finance**

**Resolution #2**

## Resolution In Support of Modernizing New York State’s In Rem Tax Delinquency Foreclosure Process to Comply with the *Tyler v. Hennepin County* Supreme Court Decision and Prioritizes the Needs of All Property Taxpayers

**WHEREAS**, on May 25, 2023, the U.S. Supreme Court ruled in *Tyler v. Hennepin County*, MN, that certain property tax enforcement provisions carried out by some states will need to change, specifically, returning any surplus to the prior owner after appropriate delinquent taxes, penalties, fees and administrative expenses are reimbursed to the enforcing entity; and

**WHEREAS**, as New York state officials, county and other local government tax enforcement officers are reviewing the implications of the Court’s decision, we must ensure any redrafting of current state laws meet the standards set by the decision; we preserve the procedures and systems in place today that work well and provide due process; and facilitate the critical task of tax enforcement for the benefit of all taxpayers; and

**WHEREAS**, Governor Hochul’s SFY 2025 proposed budget includes updates to New York State Real Property Tax Laws (RPTL) to address the *Tyler v Hennepin Decision,* by ensuring surplus proceeds from a tax foreclosure sale are appropriately returned to the prior owner(s), and builds upon extensive protections for all homeowners in existing state law; and

**WHEREAS**, the updates provide a robust process for the distribution of surplus including defining related terms; establishing a process for determining if there is a surplus; establishes that a court will determine the order and priority of returning surplus; how interested parties file for surplus funds; provides legal protections to municipalities by establishing that a property sold via a public sale represents the full value of the property; and defines a process for nonpublic sales; and

**WHEREAS**, they also establish mechanisms for counties to be reimbursed for delinquent taxes, penalties and interest; mailing costs; costs of publication of notices; the cost of recording and filing legal documents; reasonable and necessary costs of any search of the public record and notice requirements (which includes a maximum of $250 or 2 percent of the delinquent taxes, interest and penalties, whichever is higher to cover these costs); and the amount owed to the tax district by virtue of a judgment lien, mortgage lien, or any other lien; and

**WHEREAS**, they recognize that not all counties follow Article 11 of the RPTL to conduct their tax foreclosure but will allow these municipalities to largely continue their current process as long as surplus is returned to prior owner(s); and

**WHEREAS**, the updates provide that at the conclusion of such proceedings any surplus not claimed shall be deemed abandoned and shall be paid to the tax district, not the state comptroller, and shall be used by the tax district to reduce its tax levy; and

**WHEREAS**, the update provides limitations on retroactive claims for surplus for sales that occurred before the U.S. Supreme Court Decision; and

**WHEREAS**, nearly all counties, as tax enforcement municipalities, must under state law hold harmless school district and towns for any unpaid property taxes, as well as many villages that counties voluntarily hold harmless; and

**WHEREAS**, these hold harmless responsibilities often extend for many years as defined under state law and practice; and

**WHEREAS**, in calendar year 2022, nearly $450 million in delinquent school district, town, and village taxes were turned over to counties for further collection actions, with counties making these jurisdictions whole for their unpaid taxes; and

**WHEREAS**, counties will experience higher costs under the new foreclosure process required under the *Tyler v. Hennepin Decision* because surplus funds from one sale cannot be used to offset losses from other sales; and

**WHEREAS**, the majority of locally levied county taxes are used to pay for state mandated services and programs, the SFY 2025 budget proposal provides no additional state funding to assist counties with losses that will increase as a result of the *Tyler v. Hennepin Decision*; and

**WHEREAS**, in subsequent years the increased revenue loss for counties from proposed updates to RPTL and the U.S. Supreme Court decision will need to be levied again and spread out among all other property owners that pay their property taxes increasing their costs and worsening the housing affordability crisis for all; and

**WHEREAS**, some counties and other tax enforcement jurisdictions also provide financial assistance to landbanks by transferring tax foreclosed properties for minimal cost which appears to not satisfy the U.S. Supreme Court decision.

**NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties (NYSAC) supports the updated in rem procedures proposed in the SFY 2025 Executive Budget, but is requesting the Governor and Legislature provide an appropriation of $50 million in state funds to help offset the increased costs counties will likely experience under the update proposed, as well as increasing the described $250 cap for public record search costs to $450 and adjusted annually for inflation; and

**BE IT FURTHER RESOLVED**, counties support state-financed initiatives that can provide more counseling options and even direct payments to homeowners in distress to avoid foreclosure in the first instance; and

**BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of New York State encouraging them to enact similar resolutions; and

**BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.

**NYSAC 2024 Legislative Conference**

**Standing Committee on Taxation and Finance**

**Resolution #3**

## Resolution Urging New York State to Reduce the Cost of State-Mandated Programs on Local Taxpayers to Help Alleviate the Housing Affordability Crisis

**WHEREAS,** despite the state capping the local share of Medicaid—and assuming the growth—New York State continues to rely on county taxpayers to balance its books; and

**WHEREAS**, even with this Medicaid growth cap in place the 57 counties and New York City have provided $139 billion in local taxes to pay for the state designed and controlled program since 2005; and

**WHEREAS**, each year going forward counties will need to raise $7.6 billion in local taxes to pay a share of the costs of the state’s Medicaid program that is growing at an unsustainable rate and has been for many years; and

**WHEREAS,** this state mandated local share is unprecedented nationwide and more than all counties in the country combined are forced to pay for general Medicaid program costs; and

**WHEREAS,** New York State is one of only a few that require counties to pay the bulk of the costs of the state general assistance program (Safety Net). Since 2005, counties and New York City have provided $25.2 billion in local tax revenues to support the state’s Safety Net Program; and

**WHEREAS,** since 2005 counties and New York City have provided $7.5 billion in local taxes to support indigent defense services, a federal and state constitutional requirement the state has shifted to counties and New York City; and

**WHEREAS**, only 15 states require their counties to pay a significant share of indigent defense costs, and few come close to the share and amount of local funds required of New York counties; and

**WHEREAS,** since 2005 counties and New York City have provided $12.6 billion in local tax revenues to support the state’s Preschool special education program. Counties pay just over 40 percent of Preschool Special Education costs for 3–5-year-olds, in addition to 10 percent of summer school special education services for k-12 students. Few counties nationwide pay for or provide educational services; and

**WHEREAS,** counties and New York City also provide local tax revenues in support of the state budget for dozens of other programs, many of which have seen lower state funding matches since the Great Recession; and

**WHEREAS**, the state legislature and Governor have shifted a record amount of new costs to county taxpayers in the last few years, forcing local taxpayers to spend $14 billion in locally raised taxes in 2024 to pay for a significant portion of the costs of state designed and controlled programs, a 30 percent increase since SFY 2021; and

**WHEREAS**, the record amount of locally generated taxes paid by New Yorkers that directly fund state programs each year is more than the entire general fund spending of 29 individual states; and

**WHEREAS**, for the 57 counties outside of New York City the new cost shifts and added spending requirements imposed over the last two years by the state will approach $600 million annually. These recurring costs include the intercept of federal Medicaid funding that for 20 years has been set aside by congress for county fiscal relief, state imposed double digit rate increases for preschool special education and foster care programs, a doubling of rates for criminal indigent defense costs, and higher pension costs; and

**WHEREAS**, these increases are equal to 11 percent of the entire county property tax levy for 2023 and will have to be supported with higher local taxes or service cuts in the future; and

**WHEREAS,** as recent as 2021, New York State shifted the entire cost of Criminal Procedure Law (CPL) 730 exams and placements to county taxpayers; and

**WHEREAS**, since 2005, counties and New York City have been required under state law to raise over $184 billion in local taxes to pay for state programs that most counties across the country do not fund, hindering New York’s economic competitiveness, driving significant job and population loss that has been accelerating in recent years, and fueled New York’s housing affordability crisis; and

**WHEREAS,** all of these cost shifts have been used to provide relief to the state financial plan but does so by essentially substituting more regressive local taxes for the more progressive state tax structure which has a direct and negative impact on local taxpayers and affordability in New York State.

**NOW, THEREFORE, BE IT RESOLVED,** the New York State Association of Counties (NYSAC) urges the State Legislature and Governor Hochul, at minimum, to freeze the growth in county costs for all state mandated programs, and further, to include significant new funding to reduce or eliminate the $14 billion in annual payments counties make for state-mandated programs as part of the SFY 2025 Budget and beyond; and

**BE IT FURTHER RESOLVED,** copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED,** NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.



**2024 NYSAC Legislative Conference**

**Albany County**

# Standing Committee on Transportation and Public Works Resolutions

Deborah Donohue (Washington County) – Chair

Phil Reed (Jefferson County) – Vice Chair

**2024 NYSAC Legislative Conference**

**Standing Committee on Transportation and Public Works**

**Resolution #1**

## Resolution Supporting a New Round of Capital Funding for New York Airports in the 2024-2025 Executive Budget Proposal

**WHEREAS,** New York recently completed a $250 million program to transform and modernize fourteen airports in Upstate New York, fostering regional economic development and helping the state meet the goals of the Climate Leadership and Community Protection Act; and

**WHEREAS,** this initiative included $230 million through the Upstate Airport Economic Development and Revitalization Initiative for projects that promote and accelerate improvements at upstate commercial passenger service airports, and another $20 million to be allocated through the Aviation Capital Grant Program to support safety, infrastructure, economic development, and environmental projects at airports throughout the state; and

**WHEREAS,** going forward, the State’s 5-Year Transportation Capital Plan allocates merely $12.5 million per year for the Aviation Capital Grant Program over the remaining three years of the plan for the support of New York airports; and

**WHEREAS,** the previous programs’ funding levels were extremely successful in revitalizing the upstate airports that were the recipients of awards, and complements the ongoing work to transform LaGuardia and John F. Kennedy airports into world class travel hubs; and

**WHEREAS,** according to data from the New York State Department of Transportation and updated figures from the Port Authority of NY-NJ, the aviation industry contributes over $72.3 billion in annual economic activity in New York State and more than 506,372 New York-based jobs in aviation or aviation-related industries, generates $25.8 billion in payroll and well over $6 billion in state and local tax revenue annually; and

**WHEREAS,** the state has promoted economic development and generated tax revenues by enacting the Aviation Jobs Act (AJA), which resulted in the location at New York airports of numerous additional revenue-producing and job creating aircraft and their aviation-related activities, according to NYSDOT data, and contributes to the economic benefits to New York of public investment in aviation; and

**WHEREAS,** New York airports are at the forefront of efforts to reduce GHG emissions, from installing rooftop solar energy generation and energy efficient lighting, to converting operations that generate emissions to electric or other alternative clean fuels where possible; and

**WHEREAS,** continued state funding will promote more of these climate initiatives and assist airports in financing other vital environmental projects like those needed to accommodate the transitioning by airlines to sustainable aviation fuels and support the efforts by companies to develop electric aircraft; and

**WHEREAS,** airports are the front doors to our state, driving business and attracting tourists from all around the world. The rebuilding and modernization of New York airports with a new round of robust aviation capital investment funding will allow for the continued transformation of more of our airports into 21st century facilities, fueling economic development, job growth and environmental sustainability for decades to come.

**NOW, THEREFORE, BE IT RESOLVED,** the New York State Association of Counties urges the Governor and Legislature include in the final SFY 2025 budget an appropriation commensurate with the level of funding for the previous airport economic development and revitalization initiatives ($250 million) and accompanying increases to $40 million each year over the next three years for the Aviation Capital Grant Program; and

**BE IT FURTHER RESOLVED,** copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED,** NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.

**2024 NYSAC Legislative Conference**

**Standing Committee on Transportation and Public Works**

**Resolution #2**

## Resolution Urging the Governor and State Legislators to Enact Increases for Local Highway, Bridge, and Culvert Programs as Construction Cost Inflation Tops Nearly 60%

**WHEREAS,** unprecedented inflationary impacts continue to place enormous pressure on local governments to maintain existing levels of transportation construction, maintenance, and service; and

**WHEREAS,** the State’s 5-year State Transportation Capital Plan provides significant support for local governments to maintain and improve roads and bridges highlighted by the Consolidated Local Streets and Highway Improvement Program (CHIPS), BRIDGE-NY, PAVE-NY, Extreme Winter Recovery (EWR), State Touring Routes, and Operation Pave Our Potholes (POP) programs; and

**WHEREAS,** however, these financial levels of resources for counties, towns, cities, and villages are negatively impacted by overall inflation and the continuing rising costs of construction inputs; and

**WHEREAS,** the cost of highway and bridge projects has continued to skyrocket, as costs have increased by 58.6 percent since the end of 2020, according to the Federal Highway Administration’s National Highway Construction Cost Index which shows that inflation in this sector is more extreme than in the general economy; and

**WHEREAS,** this erosion of value when applied to federal transportation funding is also having an impact on local projects that are eligible for these federal funds; and

**WHEREAS,** locally owned roads and bridges account for 87 percent of the State’s 110,000 miles of roadways and 50 percent of the State’s 18,000 bridges, and 46 percent of the vehicle miles travelled in New York are on local roads so the state’s contribution to funding is a vital part of assuring the condition and resiliency of our transportation systems; and

**WHEREAS,** this vast system of local roads, bridges and culverts now requires incremental increases in levels of funding each year over the next 3 years to reverse the deterioration of our aged and ailing transportation infrastructure, account for inflation and build up its resiliency and resistance to natural disasters; and

**WHEREAS,** a safe and efficient transportation infrastructure is necessary for trade, economic development and revitalization, job creation and retention, schools, agriculture, businesses, health and hospital facilities and emergency responders, as well as the general traveling public.

**NOW, THEREFORE, BE IT RESOLVED,** that the New York State Association of Counties (NYSAC) commends Governor Kathy Hochul and the legislature for their ongoing commitment to assuring appropriate state investments in local roads, bridges, and culverts; and

**BE IT FURTHER RESOLVED,** that recognizing the impacts of inflation for local highway construction inputs as steel, fuel and asphalt reduces the value of state funding to local transportation programs, means fewer critical road, bridge, and culvert projects are able to be undertaken; and

**BE IT FURTHER RESOLVED,** NYSAC supports a $60 million restoration in the CHIPS program and a $40 million restoration in EWR funding in the SFY 2025 adopted state budget as a necessary first step in restoring the appropriations for local transportation projects from the cuts in SFY 2024 and an additional $150 million ($90 million CHIPS and $60 million EWR) to restore purchasing power over the remaining 3 years of the state’s 5-Year Transportation Capital Plan; and

**BE IT FURTHER RESOLVED,** NYSAC looks forward to working with Governor Hochul and the Legislature on significantly increasing state aid to local road and bridge projects as deliberations begin on the SFY 2025 state budget and adjustments to the Transportation Capital Plan are contemplated; and

**BE IT FURTHER RESOLVED,** copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

**BE IT FURTHER RESOLVED,** NYSAC shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature and all others deemed necessary and proper.