

*Interim*

**SFY 2023-24 Enacted State Budget**

**County Impact Report**



**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

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**SFY 24 Enacted Budget  
County Impact Summary**

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## **SFY 24 Enacted Budget County Impact Summary**

### **Introduction**

On Wednesday, February 1<sup>st</sup>, Governor Hochul released her Executive Budget proposal for State Fiscal Year (FY) 2024. On March 14<sup>th</sup>, both the State Senate and Assembly released their one-house budgets and budget priority resolutions.

After six budget extenders throughout April and May, the legislature and executive came to an agreement on the SFY 24 Budget and finished passing the state budget on Tuesday, May 2<sup>nd</sup>.

This report provides our initial analysis of how the SFY 24 Enacted Budget agreement impacts county functions, departments, services, and programs. It will be updated as more information becomes available.

### **Changes in Taxation & Finance Important to Counties**

#### **Requiring Counties to Pay More into the State’s Medicaid Program<sup>i</sup>**

The adopted SFY 2024 budget will end the pass-through of federal savings currently provided to counties. These savings stem from the Affordable Care Act (ACA) enhanced Federal Medical Assistance Percentage (eFMAP) that the state will now intercept and use for state budget purposes – mainly to cover further expansions of Medicaid eligibility and benefits and to increase payments to health care providers. The four-year fiscal benefit to the state is projected to be \$2.9 billion as follows:

- \$624 million – SFY 2024
- \$709 million – SFY 2025
- \$774 million – SFY 2026
- \$808 million – SFY 2027

The elimination of this ACA eFMAP federal pass-thru will be done administratively and the current federal benefit to counties will be phased-out over a three-year period according to sources in the legislature. We are still trying to confirm timing and the phase out per year. According to the Division of Budget the annual new costs to the 57 counties will be up to \$280 million and \$345 million to New York City. The state has also indicated that federal savings counties had anticipated they would receive that were withheld in prior years will not be provided (up to \$1.6 billion according to state sources).

We anticipate that counties and New York City will need to offset the loss of these federal savings with at least \$2.5 billion in increased local taxes, service cuts or some combination over the next four years and maintain these actions every year thereafter.

#### **Local Sales Tax Permanency<sup>ii</sup>**

The enacted budget excludes a proposal which had been advanced at the request of NYSAC to granted permanent local sales tax authority for all counties and cities at their existing rates or up to 4 percent.

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All local governments will still be required to seek and receive temporary approval by a majority vote of the local government's governing body in order to impose additional sales tax above the current statutory 3 percent threshold.

Again, the enacted budget rejected this proposal, along with any resolution on existing sales tax authorizations that expire in 2023. Counties will need to advance their own stand-alone legislation with their state delegation in the 2023 legislative session to extend their existing sales tax authorization.

### **Changes to In Rem Foreclosure<sup>iii</sup>**

The Executive Budget proposed that when a tax delinquent property is foreclosed upon by the county and sold, any money the county receives that exceeds the liability amount (e.g., overdue taxes, penalties, interest, mortgage liens, etc.) will be returned to the property owner, minus applicable administrative costs to the local government.

Effective October 1, 2023, and would apply to tax enforcement proceedings commenced on and after that date.

The enacted budget rejects this proposal. However, we have been told the legislature is likely to consider similar actions during the remainder of the 2023 legislative session.

### **Pension Amortization Reform<sup>iv</sup>**

The enacted budget amends sections 19-a and 319-a of the Retirement and Social Security Law.

The budget will now allow employers to use reserve funds to reduce their pension bill in years they are eligible to amortize a portion of their bill. Under current law, the employer's contribution rate must exceed the system's graded rate to access their reserve funds. However, some employers, such as those with a higher proportion of Tier 6 employees, are precluded from accessing their reserve funds because their contribution rates are below the system's graded rate. This amendment changes the requirement from the system's graded rate to the employer's graded rate, providing uniformity for all employers.

Second, this legislation lowers the maximum amount in an employer's reserve account from 100% of payroll to an amount that does not exceed the employer's previous year's contribution amount. This amendment provides a more realistic amount for employers to be precluded from future reserve deposits.

Finally, this authorization allows employers to exit the Contribution Stabilization Program or the Alternative Contribution Stabilization Program, subject to approval by the Comptroller and provided all prior year amortizations are paid in full, including interest. Beginning the fiscal year following termination, the employer would not be permitted to make a graded payment. Any existing reserve fund assets would be used to reduce future annual bills up to the amount the employer would have been able to amortize if still in the program. The employer would be permitted to re-enter the regular Contribution Stabilization Program only if eligible to amortize, provided all reserve fund assets are depleted.

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### **Community Resiliency, Economic Sustainability, and Technology Program<sup>v</sup>**

This program is funded for another round of \$385 million. Counties and other entities can apply for funding to support the construction and design of capital projects as well as acquiring capital assets, among other items/projects. The program is directly controlled by state representatives and the Governor's office.

## Other Major Changes in Taxation

### **Prohibit the Sale of All Flavored Tobacco Products and Increase Excise Tax by \$1 per Pack<sup>vi</sup>**

The enacted budget rejects the Governor's proposal to end the sale of flavored tobacco products, this is primarily targeted at menthol cigarettes which are estimated to be about 40 percent of all cigarette sales statewide.

The current \$4.35 per pack excise tax on cigarettes will increase by \$1 and is estimated to reduce state sales tax collections by \$22 million annually. A local loss in sales tax due to this provision would be expected as well. Effective September 1, 2023.

### **Expands the NYS Child Tax Credit<sup>vii</sup>**

The enacted budget expands the NYS child tax credit to remove the qualification that a child must be four years of age to receive the credit. Eligible taxpayers will now be able to obtain the child tax credit regardless of the child's age.

## State Financial Plan

### **State Financial Plan Update**

The enacted budget financial plan will not be available for several weeks.

As proposed by the Governor, the financial plan assumed lower tax revenues over the next four years mainly due to lower income and capital gains tax receipts caused by a slowing economy and expected recession. The \$22 billion projected deficit assumes gaps as follows:

- SFY 2025 (\$5.7 billion)
- SFY 2026 (\$9 billion)
- SFY 2027 (7.5 billion)

Even with these gaps the Governor's proposed budget fully funded reserve accounts two years ahead of schedule with a deposit in March 2023, of \$5.4 billion, bringing total reserves to a record high of \$19 billion.

The SFY 2023 closing fund balance is projected to be \$37 billion and the closing balance for SFY 2024 is projected to be \$35 billion under the Governor's budget proposal. About \$9 billion of these reserves, each year, are set aside for specific purposes and the rest is undesignated.

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The chart below highlights how the state financial picture has changed since the COVID pandemic began.

<b>Changes in State Finances Since COVID Pandemic</b>	
<b>State Budget Monitoring Point</b>	<b>Projected 4-year (Deficit)/Surplus</b>
SFY 2021 Enacted Budget <i>(April 2020)</i>	<b>(\$69B)</b>
SFY 2022 Introduced Budget <i>(January 2021)</i>	<b>(\$11B)</b>
SFY 2022 Enacted Budget <i>(April 2021)</i>	<b>(\$3.4B)</b>
SFY 2022 - Mid-year Update <i>(September 2021)</i>	<b>\$16.4B</b>
SFY 2023 - Introduced Budget <i>(January 2022)</i>	<b>\$38.6B</b>
SFY 2023 - Revenue Consensus <i>(March 2022)</i>	<b>\$40B</b>
SFY 2023 - Enacted Budget <i>(May 2022)</i>	<b>\$0B</b>
SFY 2023 - Mid-year Update <i>(November 2022)</i>	<b>(\$12.9B)</b>
SFY 2024 Exec. Budget (Jan-2023)	<b>(\$22B)*</b>

\* Gaps do not reflect the use of any reserves to balance operations

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## State Spending by Functional Areas

Below is an interim analysis of how the SFY 2024 Enacted Budget impacts county programs, services, and operations. NYSAC will continue to review the specifics of the proposals.

### Agriculture

#### **Agriculture and Markets Local Assistance Funding<sup>viii</sup>**

The enacted budget includes \$56.5 million for local agriculture assistance, compared to \$53 in the FY 2023 State Budget. The budget also includes \$20 million for non-point source pollution control, farmland preservation, and other agricultural programs.

#### **Modifies the Investment Tax Credit (ITC) for Farmers<sup>ix</sup>**

The enacted budget makes the ITC fully refundable for eligible farmers for five years (through December 31, 2027)

#### **Pesticide Registration Fee<sup>x</sup>**

The enacted budget removes the sunset provision for pesticide registration fees to ensure pesticide registration fees do not revert from the current amounts of \$600 or \$620 to the original fee of \$50.

#### **Bolsters Demand for New York Agriculture<sup>xi</sup>**

To ease restrictions on local government and school district procurements and create demand for New York grown agricultural products, the enacted budget amends General Municipal Law to eliminate the restriction on purchasing from associations of more than ten producers or growers and would remove the limitations on the amounts of eggs, livestock, fish, dairy products (excluding milk), juice, grains, and species of fresh fruit and vegetables that could be purchased directly from New York State producers or growers, or associations of New York State producers or growers. It also removes the limitations on the direct purchases of milk from licensed milk producers, regardless of the number of employees the processors employ.

The enacted budget does not include the Governor's proposal to allow certain local entities to purchase food products grown, produced, or harvested in New York without a competitive process.

### Community Colleges & Higher Education Tuition Assistance

#### **Community College Funding Floor<sup>xii</sup>**

The enacted budget will maintain a funding floor for community colleges at 100 percent of prior year funding. Without a funding floor, community colleges would face a \$138 million (22 percent) loss in formula aid due to enrollment declines.

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Language included in the Governor’s proposed budget to withhold 20 percent of these funds until a plan was submitted by SUNY and approved by the Division of Budget that required campuses to submit a plan on how they will reform operations so they do not have to rely on the 100 percent floor in the future was not included.

### **Early Childhood Development and Children with Special Needs**

#### **Special Education Tuition Rate-Setting Reform<sup>xiii</sup>**

The enacted budget provides funding for the New York State Education Department (SED) to study and design a new rate-setting methodology for preschool and school-age special education providers in order to streamline and improve the timeliness of tuition rates. SED would be required to present its recommendations to the Division of the Budget (DOB) by July 1, 2025, and adoption of any alternative methodology would be subject to DOB approval.

### **Economic Development**

#### **Raises the Minimum Wage<sup>xiv</sup>**

The enacted budget increases the minimum wage to \$17 per hour for NYC and downstate (Nassau, Suffolk, Westchester) by January 1, 2026; and the remainder of the state to \$16 per hour by January 1, 2026.

Beginning January 1, 2027, across the state, every employer will have to increase their hourly rate which will be established by the NYS Labor Department. This annual rate increase will be calculated by the adjusted consumer price index for northeast region urban wage earners and clerical workers (CPI-W) average over a three-year period. No wage increase would occur in a year when the calculation is negative, or when employment declines year over year.

The new rates must be published no later than October 1<sup>st</sup> of each year which will take effect January 1<sup>st</sup> the following year.

#### **Expands Continuous Recruitment<sup>xv</sup>**

The enacted budget includes \$7.8 million for the Department of Civil Service (DCS) to expand the titles eligible for continuous recruitment, which would increase the pool of qualified candidates at any given time. Candidates would no longer have to wait for an exam to be offered and a list to be posted.

#### **Waives Civil Service Exam Fees**

The enacted budget also waives fees for civil service exams and, at local option, allows local governments to waive fees. Effective July 1, 2023, through December 31, 2025.

#### **Extend and Enhance the Film Tax Credit<sup>xvi</sup>**

The enacted budget extends the production and post-production credits an additional five years (through 2034) and makes changes to enhance the credit.



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### **Downtown Revitalization Initiative<sup>xvii</sup>**

The enacted budget provides \$100 million for another round of the Downtown Revitalization Initiative (DRI).

### **New York Forward<sup>xviii</sup>**

The enacted budget includes \$100 million for the NY Forward downtown revitalization program for rural and smaller communities.

### **Regional Economic Development Councils<sup>xix</sup>**

The enacted budget includes \$150 million for new capital grants under the Regional Economic Development Council (REDC) Initiative.

### **Tourism Promotion Matching Grants<sup>xx</sup>**

The enacted budget includes \$3.45 million for matching grants to assist counties and municipalities in local tourism efforts.

### **COVID-19 Capital Costs Tax Credit<sup>xxi</sup>**

The enacted budget extends the statutory application deadline for the COVID-19 Capital Costs Tax Credit Program from March 31, 2023 to September 13, 2023 to allow small businesses more time to apply for this tax credit.

### **Establishes the New York Youth Jobs Connector Program<sup>xxii</sup>**

The enacted budget establishes the New York Youth Jobs Connector program to connect unemployed and underemployed individuals between the ages of sixteen and twenty-four with targeted educational, occupational, and training services to help prepare such individuals for employment. The program, administered by the Department of Labor, will be responsible for facilitating the coordination and delivery of existing programs and resources throughout the state that are designed to assist these individuals with opportunities for employment, skills development, job training, and other related services.

### **Establishes a Small Business and Entrepreneurs Grant Program<sup>xxiii</sup>**

The enacted budget establishes a two-year pilot initiative, administered by the Urban Development Corporation, to award grants between \$5,000 and \$25,000 to entrepreneurs and small business owners to cover startup costs of a new small business or to support or expand an existing small business. Grant recipients must agree to maintain operations in New York State for at least two years after receipt of the grant.

## **Elections**

### **Operating & Capital Aid for Local BOE's<sup>xxiv</sup>**

The enacted budget includes \$15 million for local boards of elections for new voting equipment and software/technology upgrades.

The enacted budget also includes \$4 million for reimbursement of costs related to providing pre-paid return postage on absentee ballots.

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### **Public Campaign Finance Board<sup>xxv</sup>**

The enacted budget includes \$25 million in matching funds for candidates participating in the campaign finance program (State offices). Funding must be approved by the NYS public campaign finance board.

## **Environment**

### **Clean Water Infrastructure Funding<sup>xxvi</sup>**

The enacted budget includes \$500 million in clean water infrastructure funding to bring the State's total clean water investment to \$5 billion since 2017.

### **Environmental Protection Fund<sup>xxvii</sup>**

The enacted budget includes \$400 million for the Environmental Protection Fund (EPF) to support projects that work to mitigate the effects of climate change, improve agricultural resources, protect water sources, advance conservation efforts, and provide recreational opportunities.

### **Environmental Bond Act<sup>xxviii</sup>**

The enacted budget includes \$4.2 billion in reappropriations for the Clean Water, Clean Air, and Green Jobs Environmental Bond Act, which was approved by voters in November 2022.

### **Building Electrification<sup>xxix</sup>**

To support the goals of the Climate Leadership and Community Protection Act, the enacted budget establishes a schedule for prohibiting the use of fossil fuel equipment and building systems in new construction and provides for the decarbonization of state-owned facilities.

Beginning on December 31, 2025, the legislation prohibits the installation of fossil fuel equipment and building systems in new buildings that are seven stories or less (with the exception of commercial or industrial buildings that have more than 100,000 square feet in conditioned floor area). Beginning on December 31, 2027, the legislation prohibits the installation of fossil-fuel equipment and building systems in all new buildings.

These prohibitions do not apply to existing buildings and will not impact the installation or continued use of fossil-fuel equipment (including cooking equipment) and building systems in existing buildings. The legislation also includes exemptions for emergency back-up power, manufactured homes, manufacturing facilities, commercial food establishments, laboratories, car washes, laundromats, hospitals and other medical facilities, and critical infrastructure (including, but not limited to, emergency management facilities, wastewater treatment facilities, water treatment and pumping facilities, agricultural buildings, fuel cell systems, and crematoriums).

The legislation further allows exemptions for new buildings that require new or expanded electric service when this service cannot be reasonably provided by the grid, as determined by the Public Service Commission (PSC).

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For the purposes of this legislation, fossil-fuel equipment includes plumbing, heating, electrical, lighting, insulating, ventilating, air conditioning, and refrigerating equipment, elevators, escalators, and other mechanical additions or installations that use fossil fuel but does not include any items constituting an industrial or commercial process. Building systems include systems, other than items supporting an industrial or commercial process, associated with a building that will be used for or to support the supply, distribution, or delivery of fossil-fuel for any purpose, other than for use by motor vehicles.

### **Authorizes the Power Authority to Build Renewable Energy Projects<sup>xxx</sup>**

The enacted budget authorizes and directs the New York Power Authority (NYPA) to plan, design, develop, finance, construct, own, operate, maintain, and improve renewable energy projects to support the Climate Act's goals. NYPA is also authorized to sell renewable energy to any public entity and any community choice aggregation (CCA) community, among other customers.

Beginning in 2025, and biennially thereafter until 2033, NYPA is required to develop and publish a Renewable Energy Generation Strategic Plan ("Strategic Plan") that identifies renewable energy generating priorities. Among other requirements, the Strategic Plan must consider ways to minimize any negative tax revenue impacts on municipalities that host renewable energy projects (including, but not limited to, PILOT and/or community benefit agreements). NYPA must also publish a plan to provide for the proposed phase out of its small natural gas power plants by December 31, 2030.

NYPA is further directed to establish the Renewable Energy Access and Community Help (REACH) Program to enable low- or moderate-income electricity consumers in disadvantaged communities, to receive bill credits generated by the production of renewable energy from NYPA projects. Consumers will receive these credits in addition to any other program or benefit they receive.

Finally, beginning in State Fiscal Year 2024-25, NYPA is authorized to make up to \$25 million available annually to the Department of Labor (DOL) to fund programs to prepare workers for employment in the renewable energy field.

### **Creates the Climate Action Fund<sup>xxxix</sup>**

The budget provides that all revenues generated from state actions to achieve compliance with greenhouse gas emission limits will be deposited into a new New York Climate Action Fund and distributed into the following three accounts:

1. Consumer Climate Action Account (not less than 35%);
2. Industrial Small Business Climate Action Account (up to 3%); and
3. Climate Investment Account (not less than 67%).

This special fund will also be supported by other appropriations, credits, and transfers specified in the legislation.

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The Consumer Climate Action Account is meant to help reduce potential increased costs of various goods and services to consumers. The Industrial Small Business account is meant to help reduce potential increased costs of various goods and services to industrial small businesses. The Climate Investment Account is meant to assist the state in transitioning to a less carbon intensive economy. Construction projects that receive at least \$100,000 from the Climate Investment Account will have requirements related to prevailing wage, labor peace agreements, and using American iron and steel (with certain exemptions).

The New York State Energy Research and Development Authority (NYSERDA) and Department of Environmental Conservation (DEC), in consultation with other agencies, are directed to study and issue a report, guided by the Climate Action Council's Final Scoping Plan, with recommendations for spending the monies in the Climate Action Fund.

Additionally, the Department of Labor (DOL) is directed to develop a comprehensive plan to transition, train, or retrain employees that are impacted by climate risk-related and energy transition projects funded from the Climate Investment Account. Funding will be made available for worker transition and retraining. The legislation also directs DOL to create a program to offer newly created job opportunities to transitioning workers who have or will lose their employment in the energy sector.

### **EmPower Plus Program<sup>xxxii</sup>**

The enacted budget includes \$200 million for NYSERDA's EmPower Plus home retrofits program. This program will help 20,000 low-income families retrofit their homes by adding insulation, installing energy efficient appliances, and, where eligible, switching from inefficient fossil fuel heating systems to electric alternatives.

### **Makes the Deer Hunting Youth Pilot Program Permanent<sup>xxxiii</sup>**

In 2021, New York State adopted a temporary program through 2023 for young hunters in counties that choose to participate through local law opt-in. The enacted budget extends this authorization for another two years, until December 31, 2025.

The current pilot allows 12- and 13-year-old licensed hunters to hunt deer with a rifle, shotgun, or muzzleloading firearm in designated areas. Additionally, allows 12- and 13-year-old licensed hunters to hunt deer with a crossbow during the times when other hunters may use crossbows. Required safety measures include supervision of a licensed adult hunter (aged 21 years or older) with at least 3 years of experience hunting deer who maintains physical control over the youth hunter at all times; as well as requires the youth hunter and adult mentor to wear fluorescent orange or pink clothing and to remain at ground level while hunting deer with a crossbow, rifle, shotgun, or muzzleloader; Westchester and Suffolk counties are specifically excluded from opt-in participation.

### **Establishes the Hazard Mitigation State Revolving Loan Fund<sup>xxxiv</sup>**

The enacted budget includes legislation to create the New York State Hazard Mitigation State Revolving Loan Fund to provide low-interest loans to local governments for mitigation projects. The federal Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) Act

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requires the establishment of this dedicated fund for New York to receive and administer loans via capitalization grants from the Federal Emergency Management Agency (FEMA).

### **Lead Service Line Replacement<sup>xxxv</sup>**

The enacted budget amends Local Finance Law to allow New York State to use federal Bipartisan Infrastructure Law (BIL) funding to replace entire lead service lines. This would include portions of lines that may cross private property boundaries, a requirement of BIL funding. New York State is anticipated to receive \$115 million annually for the next five years in BIL funding to inventory and replace lead service lines in public water systems. Municipalities, school districts, and district corporations will be able to access low-cost financing options through the Environmental Facilities Corporation (EFC).

### **Department of Taxation and Finance Solar and Wind Energy System Appraisal Model Not Subject to the State Administrative Procedure Act (SAPA)<sup>xxxvi</sup>**

The enacted budget amends Real Property Tax Law and the State Administrative Procedure Act (SAPA) to make New York State's previously adopted solar and wind energy system appraisal model not subject to SAPA.

In 2021, the Department of Taxation and Finance (DTF), in consultation with the New York State Energy Research and Development Authority (NYSERDA), was given the authority to develop and publish an appraisal model for solar and wind energy systems. The law contained specific public comment periods to be followed by DTF prior to publishing the appraisal model. DTF appraisal's model is currently subject to litigation, which, in part, claims DTF failed to comply with SAPA. This legislation states that DTF was required to comply with the notice and public comment requirements but was not required to comply with SAPA. Additionally, the legislation allows the use of the past appraisal model in 2023 without the need to once again engage in a notice and public comment period.

### **Suffolk County Water Quality Restoration Act<sup>xxxvii</sup>**

The enacted budget amends the County Law to enact the Suffolk County Water Quality Restoration Act. The purpose of the legislation is to create a water quality restoration fund to finance projects for the protection, preservation, and rehabilitation of groundwater and surface waters as recommended by the Suffolk County Subwatersheds Wastewater Plan (SWP). The fund is to be financed with a dedicated and recurring revenue source by the enactment of an additional sales and compensating use tax at the rate of one-eighth of one percent until 2060 (pursuant to a mandatory referendum). The legislation also provides Suffolk County with the authority to create a county-wide wastewater management district through the consolidation of existing county sewer districts with currently unsewered parts of the county. In addition, it extends the existing one-quarter of one percent sales tax used to finance the county drinking water protection program until 2060.

### **Creates The Office of Just Transition<sup>xxxviii</sup>**

The enacted budget creates and funds operations of an Office of Just Transition within the Department of Labor (DOL) that will support both conventional energy workers and

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communities burdened by fossil fuel infrastructure as they navigate the transition to a clean energy economy in the coming years.

### **Ethics Reform for State and Local Government**

#### **Commission on Ethics' Composition and Term Staggering<sup>xxxix</sup>**

The enacted budget requires staggered terms for each of the initial Commissioners within the State Commission on Ethics and Lobbying and Government.

The Commission was constituted in July 2022, and the first 10 commissions have been appointed. This proposal staggers the terms for these initial appointees as follows: the Governor's first appointee would serve an initial term of four years, their second appointee would serve an initial term of two years, and their third appointee would serve an initial term of one year; the Attorney General's appointee would serve an initial term of four years; the Comptroller's appointee would serve an initial term of four years; the Temporary President of the appointee would serve a term of two years; the Minority Leader of the Senate's first appointee would serve an initial term of four years; the Speaker of the Assembly's first appointee would serve initial terms of four years and their second appointee would serve a term of two years; and the Minority Leader of the Assembly's appointee would serve a term of four years. Subsequent appointees will continue to serve four-year terms, under the existing law.

### **Gaming**

#### **Commercial Gaming Payment Reduction Offset<sup>xl</sup>**

The enacted budget includes \$17 million, an increase of \$7 million from SFY 22-23.

### **General Government**

#### **County Clerk DMV Fee Retention.<sup>xli</sup>**

The enacted budget increases the retention rate for county clerk offices that perform DMV transactions, from the current 12.7% for in-office transactions and 3.25% for online transactions, to a flat 10.75% for all transactions. As more transactions are shifting to online based, the proposed rate change is projected to increase revenue that is retained by counties by \$13 million annually. The following chart outlines the net benefit per county.

#### **Cybersecurity<sup>xlii</sup>**

The enacted budget increases cybersecurity funding for a total of \$95 million to support continued efforts to strengthen the state's cyber defense and response efforts, including providing shared services to counties, including but not limited to, endpoint detection and response, intrusion detection, vulnerability scanning and data backup. A portion of the funds shall be sub-allocated to the Division of Homeland Security and Emergency Services for providing shared services to counties. The budget also expands the state's Cyber Analysis Unit funding for the State Police and the establishment of a specialized Industrial Control System Assessment Team to enhance the resiliency of critical infrastructure facilities across the State.

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County	SFY 24 Budget Proposal		
	Total	Incr. from SFY 23	% Change
Allegany	\$ 266,651.75	\$ 82,607.19	45%
Broome	\$ 1,287,118.89	\$ 347,297.22	37%
Cattaraugus	\$ 681,237.48	\$ 118,038.06	21%
Cayuga	\$ 610,134.83	\$ 109,530.49	22%
Chautauqua	\$ 988,742.38	\$ 181,939.28	23%
Chemung	\$ 462,764.48	\$ 186,547.68	68%
Chenango	\$ 330,384.29	\$ 83,945.68	34%
Clinton	\$ 805,784.37	\$ 143,817.01	22%
Columbia	\$ 771,901.98	\$ 112,520.80	17%
Cortland	\$ 402,662.11	\$ 66,911.03	20%
Delaware	\$ 510,224.75	\$ 63,355.80	14%
Dutchess	\$ 2,307,703.02	\$ 1,074,989.21	87%
Erie	\$ 5,404,244.42	\$ 1,859,208.15	52%
Essex	\$ 323,153.53	\$ 61,587.76	24%
Franklin	\$ 916,161.47	\$ 123,036.62	16%
Fulton	\$ 526,178.56	\$ 110,829.96	27%
Genesee	\$ 546,817.62	\$ 136,818.16	33%
Greene	\$ 926,056.44	\$ 55,844.51	6%
Hamilton	\$ 117,636.46	\$ 9,392.38	9%
Herkimer	\$ 555,253.30	\$ 98,027.70	21%
Jefferson	\$ 794,554.96	\$ 171,939.12	28%
Lewis	\$ 247,030.84	\$ 34,321.78	16%
Livingston	\$ 469,704.63	\$ 113,512.66	32%
Madison	\$ 1,565,667.46	\$ 102,767.87	7%
Monroe	\$ 4,494,238.98	\$ 1,483,239.60	49%
Montgomery	\$ 369,766.74	\$ 90,746.96	33%
Niagara	\$ 1,726,564.57	\$ 428,799.90	33%
Oneida	\$ 1,057,071.53	\$ 437,229.76	71%
Ontario	\$ 832,028.28	\$ 234,255.02	39%
Orange	\$ 3,029,838.48	\$ 1,372,172.25	83%
Orleans	\$ 411,452.93	\$ 64,728.99	19%
Oswego	\$ 1,285,748.63	\$ 216,908.24	20%
Otsego	\$ 340,692.10	\$ 103,270.19	43%
Putnam	\$ 1,640,311.12	\$ 433,619.88	36%
Rensselaer	\$ 1,103,614.27	\$ 309,399.04	39%
St Lawrence	\$ 3,727,772.09	\$ 191,246.07	5%
Saratoga	\$ 3,148,414.19	\$ 517,349.09	20%
Schnectady	\$ 792,388.12	\$ 356,360.60	82%
Schoharie	\$ 341,694.49	\$ 59,646.26	21%
Schuyler	\$ 175,894.84	\$ 34,323.92	24%
Seneca	\$ 299,817.73	\$ 35,989.76	14%
Steuben	\$ 767,217.59	\$ 201,421.99	36%
Sullivan	\$ 702,380.45	\$ 192,635.76	38%
Tioga	\$ 396,325.86	\$ 84,878.87	27%
Tompkins	\$ 563,387.96	\$ 127,818.62	29%
Ulster	\$ 1,242,799.56	\$ 415,644.32	50%
Warren	\$ 634,432.53	\$ 131,646.72	26%
Washington	\$ 675,982.77	\$ 145,067.97	27%
Wayne	\$ 703,723.17	\$ 164,201.15	30%
Wyoming	\$ 281,703.80	\$ 57,716.00	26%
Yates	\$ 195,336.14	\$ 39,265.89	25%

## **SFY 24 Enacted Budget County Impact Summary**

### **Snowmobile Registration Fee Increase<sup>xliii</sup>**

The enacted budget increases the snowmobile registration fees to \$125 (up from \$90). If an individual is a member of an organized New York state snowmobile club the fee for registration will be \$55 (up from \$35). This proposal also eliminates the deadline by which applications for grants funded by such fees must be submitted to the Office of Parks, Recreation, and Historic Preservation.

### **Citizens Reorganization Empowerment Grants and Tax Credits<sup>xliv</sup>**

The enacted Budget includes \$35 million for Citizens Reorganization Empowerment Grants and Citizen Empowerment Tax Credits. The Budget would make \$100,000 available to local governments for planning and implementing reorganization activities, such as consolidations and dissolutions. For cities, towns, or villages that consolidate or dissolve, tax credits would provide an annual aid bonus equal to 15% of the newly combined local government's tax levy. At least 70% must be used as direct relief to property taxpayers.

## **Human Services**

### **Increase Support for Code Blue.<sup>xlv</sup>**

The enacted budget increases funding for the Code Blue program to \$20 million to support local districts in their protection of homeless individuals from exposure-related conditions during inclement winter weather and will simplify the approval process for these critical investments.

### **Increased Rent Subsidy<sup>xlvi</sup>**

The enacted budget increases the rent subsidy from \$300 per month to \$725 per month for a period of three years for foster children living independently.

## **Judiciary and Court-Related Matters**

### **Provide a Market-Rate of Interest on Court Judgments.<sup>xlvii</sup>**

The enacted budget excludes a proposal advanced by the Governor to allow for a variable market-based interest rate, providing mandate relief for local governments and lower State taxpayer costs.

## **Office of Indigent Legal Services & Legal Defense**

### **Increasing the 18-B Assigned Counsel Program Provider Rates<sup>xlviii</sup>**

The enacted budget increases the assigned counsel program rates for all cases in all parts of the state to \$158 per hour with a cap of \$10,000.

It includes \$92 million in new funding to cover 50% of the cost of the increased 18-B assigned counsel rates. This funding will follow a reimbursement model, meaning counties will front the full cost, and then seek reimbursement for a 50% match. Claims must be submitted within 12 months of service delivery.



## **SFY 24 Enacted Budget County Impact Summary**

An additional \$10 million is also allocated in the budget for increased hourly rates for family court 18-B attorneys.

Unspent funds will be swept into the state general fund.

### **Hurrell-Harring Implementation Funds<sup>xlix</sup>**

The enacted budget includes \$250 million in appropriations for HHS statewide implementation.

## **Medicaid & Health Care**

### **COVID eFMAP**

The enacted state budget updates its earlier estimates in regard to federal savings derived from the COVID eFMAP that Congress enacted in response to the pandemic. As part of the end-of-year federal appropriation bill, Congress wrote into statute the wind down of the +6.2 percent COVID eFMAP.

Beginning April 1, 2023, the COVID eFMAP will be reduced over the next three quarters:

- 5 percent through June 30,
- 2.5 percent through September 30, and
- 1.5 percent through December 31.

The State Financial Plan previously reflected eFMAP through March 31, 2023. The end result is that the continuation of the enhanced federal savings beyond the end of SFY 2023 will provide about \$1.826 billion in total federal fiscal relief to New York State. The Financial Plan estimates about \$1.5 billion of this will accrue to the state and \$326 million will be passed through to the counties and New York City during SFY 2024. The state only passes through 80 percent of these federal savings with a reconciliation provided at a later date.

The state has not yet passed through any COVID eFMAP savings provided by the federal government beyond what has been recognized by the state through December 31, 2022. This means counties and New York City should see additional federal savings related to the January-March 2023 quarter and the wind down described above (equivalent to about 1.25 quarters). County weekly Medicaid shares did not change on April 1<sup>st</sup> so some of these savings are likely already accruing.

## **Personnel / Labor / Civil Service/Public Pensions**

### **Continuous Recruitment.<sup>1</sup>**

The enacted budget includes provisions to allow agencies to continuously recruit for a variety of titles, add to the pool of qualified candidates at more regular intervals, and create a more efficient and modernized exam process. Continuous recruitment exams offered on an ongoing basis will be held via a hybrid of online training and experience exams, multiple choice exams via remote proctoring (online), and computer-based testing centers.

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### **Waiving of Civil Service Application Fees<sup>li</sup>**

The enacted budget requires the State Department of Civil Service and allows municipal commissions the ability to waive application fees for all examinations held between July 1, 2023, and December 31, 2025.

### **Public/Mental Health & Nursing Homes**

#### **Discourages Tobacco Use<sup>lii</sup>**

The enacted budget increases the excise tax on cigarettes from \$4.35 to \$5.35. It also amends Tax Law to provide that a retail dealer who refuses an inspection may have its registration revoked for one year for the first violation, up to three years for the second violation, and up to ten years for a third violation. If a retail dealer does not possess a valid registration and refuses an inspection, the retail dealer will be subject to a penalty of up to \$4,000 for the first refusal and up to \$8,000 for a second or subsequent refusal.

#### **Lead Poisoning Prevention in High-Risk Areas Outside of New York City<sup>liii</sup>**

The enacted budget requires the New York State Department of Health (NYSDOH), in consultation with the Division of Housing and Community Renewal, to develop a registry of all residential rental dwellings outside of New York City that have two or more units, were built prior to 1980, and are located within communities of concern as identified by NYSDOH. The Department of Health (or their designee) must notify the property owners that qualify for registration. The property owners must then submit an inspection certification to the local health department (or their designee) for recording in the rental registry by October 1st of the year the certification is due.

The Department of Health must promulgate regulations regarding the inspections that include minimum conditions the dwellings must meet and a requirement for inspections to occur at least every three years, among other requirements. NYSDOH is also required to establish an annual inspection and audit process to review at least 10% of the inspection certifications. A property owner's failure to file or filing of a false certificate is subject to civil penalties. Remediation of lead-based paint hazards must be conducted in compliance with all municipal requirements and those specified in regulation.

The Commissioner of Health must submit an annual report to the Governor and Legislature on the implementation of this legislation.

#### **Bans Fentanyl Analogs<sup>liv</sup>**

The enacted budget amends the Public Health Law to include controlled substances that are represented to be other controlled substances. It would encompass illicit fentanyl pressed into tablet form to appear, for example like Food and Drug Administration (FDA)-approved controlled substance medications.

#### **Article Six Funding<sup>lv</sup>**

The enacted budget includes \$230 million in Article Six funding for local health departments to provide core public health services, compared to \$189 million in SFY 2023. This reflects the fully annualized increase to base grants and the allowance of fringe benefits as an eligible expense (up to 50% of eligible personnel costs).

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### **Opioid Settlement Fund<sup>lvi</sup>**

The enacted budget includes \$212.3 million for payments of monies from the Opioid Settlement Fund. At least \$48.4 million of this appropriation must be held in reserve to be paid to local governments pursuant to a plan developed by OASAS.

### **Establishes Daniel’s Law Task Force<sup>lvii</sup>**

The enacted budget requires the Office of Mental Health (OMH), in collaboration with the Office of Addiction Services and Supports (OASAS), to establish the Daniel’s Law Task Force, consisting of individuals with expertise in trauma-informed, community-led responses and diversions for mental health, alcohol use, or substance use crises, as well as individuals affected by police responses to mental health, alcohol use, or substance use crises. The 10-member task force must include one representative from the New York Conference of Local Mental Hygiene Directors (CLMHD), which represents the Directors of Community Services and Mental Health Commissioners for 57 counties and the City of New York. OMH must prepare a written report summarizing opinions and recommendations from the task force, including a list of existing, publicly accessible mental health, alcohol use, and substance use crisis response and diversion services. The report must also examine the effectiveness of these programs and make recommendations for expanding programs and services while limiting arrest or incarceration.

### **Cannabis Enforcement<sup>lviii</sup>**

The enacted budget amends the tax law, cannabis law, real property actions and proceedings law, and criminal procedure law to support the Office of Cannabis Management (OCM) in cracking down on illicit cannabis sales. The legislation authorizes OCM to conduct regulatory inspections of both licensed and unlicensed cannabis businesses and establishes new civil penalties. It also establishes grounds and procedures for removing commercial tenants for unlicensed cannabis retail sales.

## **Public Safety**

### **Emergency Medical Services (EMS)<sup>lix</sup>**

The enacted budget includes language to create a public service campaign to recruit additional staff in the EMS field as well as creating a task force to coordinate and operate resources that are needed around the state for EMS.

### **Volunteer Firefighters Claim Income Tax Exemption<sup>lx</sup>**

The enacted budget allows the Office of Fire Prevention and Control to give a stipend to volunteer firefighters for completing certain firefighter training.

### **Volunteer Fire Departments Capital Funding<sup>lxi</sup>**

The enacted budget includes \$25 million in new funding for grants to volunteer fire departments for the construction, renovation and/or purchase of facilities and equipment.

### **Double the State’s Gun Involved Violence Elimination (GIVE)<sup>lxii</sup>**

The enacted budget includes \$36 million to support 20 police departments in 17 counties that account for more than 80 percent of the violent crime that occurs in New York State outside of

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New York City. GIVE supports local grant awards that advance New York State’s shooting and homicide reduction strategic efforts.

### **Funding for Discovery Reform<sup>lxiii</sup>**

The enacted budget includes \$40 million to support discovery reform for district attorneys, \$40 million to support discovery reform for county defense services and \$40 million to support discovery reform for New York City. This funding will continue to bring to scale the staffing, services, and technologies needed to ensure that criminal cases are processed effectively and efficiently.

### **Alternatives to Incarceration Funding<sup>lxiv</sup>**

The enacted budget includes \$31.42 million in funding for alternatives to incarceration programs. This is an increase of \$17.6 million above current funding levels.

### **Pretrial Services<sup>lxv</sup>**

The enacted budget includes \$20 million in support for pretrial services, an increase of \$10 million from last year. This funding supports probation and community-based providers that divert unnecessary detention while simultaneously keeping communities safe.

### **Extreme Risk Protection Order (Red Flag Law) Funding<sup>lxvi</sup>**

The enacted budget includes \$10 million for local law enforcement expenses related to enforcing and investigating the state’s red flag laws. These grants will be distributed by DCJS.

### **District Attorney Prosecutorial Funding<sup>lxvii</sup>**

The enacted budget includes an additional \$47 million for district attorney prosecutorial services, of this, \$7 million must be used for the creation of specialized units to shut down fentanyl supply chains and increased prosecution in cases of overdose deaths. The budget also includes \$40 million for New York City prosecution efforts.

### **Public Defense Funding<sup>lxviii</sup>**

In addition to \$47 million for unrestricted prosecutorial funding, the enacted budget also includes \$40 million in unrestricted funding for public defense.

### **Bail Reform<sup>lxix</sup>**

The enacted budget restores judicial discretion in securing order determinations by removing the least restrictive means standard. This bill would amend relevant provisions of the Criminal Procedure Law to remove the requirement that the court when making a securing order determination for a bail-qualifying offense, impose the least restrictive means necessary to ensure the principal’s return to court. This will provide judges with greater flexibility in deciding whether an individual must remain in pre-trial confinement.

For clarification, this legislation does not change the standard for a judge’s ability to determine the dangerousness of a defendant. The judge must still use a risk-of-flight standard.

### **Volunteer Firefighter Training Stipend<sup>lxx</sup>**

The enacted budget includes \$6.5 million to provide a State-funded stipend to volunteer

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firefighters who complete foundational training as well as funds for DHSES to administer the program and enhance their training capacity.

### **Create NY Emergency Services IP Network<sup>lxxi</sup>**

The enacted budget includes \$20 million to assist counties in transitioning to Next Generation 911 via a fiberoptic cable network that would connect to a single Public Service Answering Point in each county.

## **Shared Services**

### **County-Wide Shared Services Initiative (CWSSI)<sup>lxxii</sup>**

Counties that implemented shared services plans in 2022 are eligible to receive matching funds from the State beginning in calendar year 2023. The enacted budget reappropriates \$189.2 million to support State matching grants for these collaborations.

### **Repeals An Unrelated CWSSI Payment<sup>lxxiii</sup>**

The enacted budget repeals subdivision 12 of Section 239-bb of the General Municipal Law, which authorizes a \$1 million annual payment to be made to the North Shore Water Authority from funds for the County-Wide Shared Services Initiative. This payment is unrelated to the CWSSI and would reduce the amount of matching funds available to facilitate local government shared services.

### **Local Government Efficiency Grants<sup>lxxiv</sup>**

The enacted budget includes \$4 million for competitive grants to help cover costs associated with local government efficiency projects, such as consolidation or shared services. The maximum implementation grant award is \$200,000 per municipality or \$1 million per grant consortium, and the maximum planning grant award is \$12,500 per municipality or \$100,000 per grant consortium.

## **Transportation**

### **Local Highways and Bridges<sup>lxxv</sup>**

The enacted budget continues the State's commitment to funding local highway and bridge projects. Funding for the Consolidated Highway Improvement Program (CHIPS) and the Marchiselli program is \$598.1 million, representing a \$60 million increase over the executive budget proposal. The budget provides the second year of an annual \$100 million for the local Pave Our Potholes program, \$150 million in highway aid through the PAVE NY program, \$100 million for extreme winter recovery aid, \$200 million to fund local projects from the BRIDGE NY program, \$140 million for state touring route maintenance and \$5 million for complete streets. These programs are further improving conditions on State and local roads and bridges.

## **Veterans**

### **Invest in Homeless Veterans' Housing<sup>lxxvi</sup>**

The Enacted Budget includes \$1.1 million to support the Homeless Veterans' Housing program, which will be used for veterans' emergency housing to provide temporary shelter,

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repair homes damaged by disasters, and renovate homes to house veterans with disabilities, among other uses.

**Joseph P. Dwyer Funds<sup>lxxvii</sup>**

The Enacted Budget includes \$7.715 million for the Joseph P. Dwyer funds, with allocations by county in the table below.

<b>Joseph P. Dwyer Grant Allocations (SFY 24)</b>	
Albany County	\$105,000
Allegany County	\$100,000
Broome County	\$185,000
Cattaraugus County	\$185,000
Cayuga County	\$100,000
Chautauqua County	\$185,000
Chemung County	\$100,000
Chenango County	\$100,000
Clinton County	\$52,500
Columbia County	\$100,000
Cortland County	\$100,000
Delaware County	\$100,000
Dutchess County	\$185,000
Erie County	\$185,000
Essex County	\$100,000
Fulton County	\$100,000
Genesee County	\$80,000
Greene County	\$100,000
Hamilton County	\$100,000
Herkimer County	\$100,000
Jefferson County	\$185,000
Lewis County	\$100,000
Livingston County	\$100,000
Madison County	\$100,000
Monroe County	\$185,000
Montgomery County	\$100,000
Nassau County	\$185,000
Niagara County	\$185,000
Oneida County	\$105,000
Onondaga County	\$185,000
Ontario County	\$100,000
Orange County	\$185,000
Orleans County	\$52,500
Oswego County	\$100,000

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Otsego County	\$100,000
Putnam County	\$185,000
Rensselaer County	\$185,000
Rockland County	\$185,000
Saratoga County	\$185,000
Schenectady County	\$105,000
Schoharie County	\$100,000
Schuyler County	\$100,000
Seneca County	\$100,000
St. Lawrence County	\$100,000
Steuben County	\$100,000
Suffolk County	\$185,000
Sullivan County	\$185,000
Tioga County	\$100,000
Tompkins County	\$100,000
Ulster County	\$185,000
Warren and Washington Counties	\$185,000
Wayne County	\$100,000
Westchester County	\$185,000
Wyoming County	\$52,500
Yates County	\$100,000
University at Albany School of Social Welfare	\$210,000
NYC	\$400,000

## Workforce Development

### **Youth Employment Programs<sup>lxxviii</sup>**

The enacted budget includes \$47.1 million for the Summer Youth Employment Program. It also includes \$18 million for a new Youth Employment Program to provide employment opportunities during the remaining months of the year.

### **Expand Access to Child Care<sup>lxxix</sup>**

The enacted budget establishes a new tax credit for the creation and expansion of child care to incentivize and assist the creation of new child care opportunities. Businesses that create new childcare seats or expand existing childcare may be eligible to receive a refundable tax credit under the Child Care Creation and Expansion Tax Credit Program.

### **Expand New York State's Child Care Assistance Program<sup>lxxx</sup>**

The Enacted Budget expands income eligibility for childcare assistance from 300% of the federal poverty line (currently \$83,250 for a family of four) up to 85% of the State median income (currently \$93,200 for a family of four), making an additional 113,000 children eligible. It would also allow for the State to standardize eligibility and benefits across all local social services districts.

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## Budget References

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- i Budget Briefing Book, p106. This is an administrative action, there is not any budget language in article VII or appropriation bills.
- ii REV, Part O
- iii REV, Part M
- iv Part W, PPGG
- v Capital Appropriations, p.1107
- vi Part O, HMH
- vii Part HH, ELFA
- viii Aid to Localities, Ag & Markets
- ix REV, Part C
- x TED, Part SS
- xi TED, Part OO
- xii Aid to Localities, pg. 1218
- xiii Part A, ELFA
- xiv Part S, ELFA
- xv PPGG, Part S
- xvi REV, Part D
- xvii Capital Projects, DOS (19CP2309) (51275)
- xviii Capital Projects, DOS (19CP2309) (51275)
- xix Capital Projects, Urban Development Corp (91142309) (47009)
- xx Aid to Localities, ESD (21417)
- xxi REV, Part F
- xxii TED, Part DDD
- xxiii TED, Part GGG
- xxiv Aid to Localities, pg.382 & Capital Projects
- xxv Aid to Localities, pg. 382
- xxvi Capital Projects, DEC (09CW2357) (25722)
- xxvii Capital Projects, DEC
- xxviii CAP, NYSDEC, Reappropriations
- xxix Part RR, ELFA
- xxx ELFA, Part QQ
- xxxi ELFA, Part TT
- xxxii Capital Projects, NYSERDA (03EM23EM)
- xxxiii TED, Part RR
- xxxiv PPGG, Part G
- xxxv TED, Part UU
- xxxvi Rev Part N
- xxxvii TED, Part TT
- xxxviii State Ops, DOL, p. 536
- xxxix PPGG Part Z
- xl Aid to Localities, pg. 1331
- xli TED, Part M
- xlii State Operations, pg. 508-509
- xliii Part MM, TED
- xliv Aid to Localities, pg. 1339
- xlv Aid to Localities, pg. 685
- xlvi Part BB, ELFA



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- xlvi Part U, PPGG
- xlvi Part GG, ELFA, Aid to Localities pg. 1035
- xlvi Aid to Localities, pg. 1036
- l PPGG, Part S
- li PPGG, Part EE
- lii REV, Part S (excise tax); REV Part T (inspections)
- lii HMH, Part T
- lii HMH, Part BB
- lii Aid to Localities, DOH (26815)
- lii Aid to Localities (23817)
- lii HMH, Part OO
- lii ELFA, Part UU
- lii Part S, HMH
- lii Part H, PPGG
- lii Capital Projects, pg. 445
- lii Aid to Localities, pg. 109
- lii Aid to Localities, pg. 110
- lii Aid to Localities, pg. 108
- lii Aid to Localities, pg. 110
- lii Aid to Localities, pg. 110
- lii Aid to Localities, pg. 111
- lii Aid to Localities, pg. 112
- lii Subpart A, Part VV, ELFA
- lii Aid to Localities, pg. 991
- lii Aid to Localities, pg. 992
- lii Aid to Localities, pg. 1346
- lii PPGG, Part BB
- lii Aid to Localities, pg. 1196
- lii Capital Projects
- lii Aid to Localities, pg. 1308
- lii Page 1114, Aid to Localities
- lii Aid to Localities, OTDA (52205)
- lii REV, Part G
- lii ELFA, Part U