



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

2024 NYSAC Legislative Conference Resolutions

**Albany County
February 26 – February 28, 2024**

Hon. Daniel P. McCoy, President

Stephen J. Acquario, Executive Director

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NYSAC
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ASSOCIATION OF COUNTIES

**2024 NYSAC Legislative Conference
Albany County**

NYSAC Board of Directors

Hon. Daniel P. McCoy, President

1 **2024 NYSAC Legislative Conference**
2 **NYSAC Board of Directors**
3 **Resolution #1**

4
5 **Resolution Calling on the Governor to Complete Enhanced Federal Medical**
6 **Assistance Percentage Reconciliations that are Years Overdue and Provide**
7 **a Full Accounting of Funds Owed to Counties and New York City and a**
8 **Schedule for Release of these Federal Funds**

9
10 **WHEREAS**, the funding to support the Medicaid program is provided by a
11 combination of federal, state and local resources; and

12
13 **WHEREAS**, the state requires the counties and New York City to contribute \$7.6
14 billion annually to pay for the federal and state defined and controlled program; and

15
16 **WHEREAS**, additionally, counties and New York City also voluntarily contribute about
17 \$1 billion annually to draw down available federal funds to support publicly owned or
18 supported nursing homes, clinics, and hospitals; and

19
20 **WHEREAS**, the local share the state requires counties and New York City to pay is the
21 highest of any state in the country; and

22
23 **WHEREAS**, this large local funding share for Medicaid and other state programs is a
24 major contributor to New York’s high local tax burden compared to other states; and

25
26 **WHEREAS**, under the Affordable Care Act (ACA) and the COVID era the federal
27 government provided an enhanced Medicaid matching share (eFMAP), which has saved
28 New York state billions of dollars; and

29
30 **WHEREAS**, the state has utilized a methodology that provides 80 percent of these
31 estimated federal savings to counties in the year the costs accrue followed by a
32 reconciliation in the following year of the remaining 20 percent of savings; and

33
34 **WHEREAS**, for the first three years after enactment of the Affordable Care Act the
35 state followed through on a relatively timely basis with the initial pass through of
36 savings based on 80 percent of the estimated value of these federal savings to counties
37 and New York City and the reconciling the remaining 20 percent; and

38
39 **WHEREAS**, the last completed reconciliation and transfer of federal savings owed to
40 counties was for state fiscal year 2015-16 with the reconciliation being implemented in
41 December of 2020; and

42
43 **WHEREAS**, as of February 1, 2024, counties and New York City are waiting on seven
44 years of unfinished reconciliations; and

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

3
4 **WHEREAS**, as of February 8, 2022, 34 counties have received responses from DOH to
5 their FOIL inquiries and that these calculations show that up to \$232 million is owed to
6 these counties from Affordable Care Act eFMAP reconciliations; and

7
8 **WHEREAS**, the state utilized the same 80 percent pass through methodology for the
9 distribution of federal COVID eFMAP savings provided from 2020-2024, but no
10 reconciliations have been completed for these years; and

11
12 **WHEREAS**, the New York State Association of Counties has submitted FOIL requests
13 on behalf of all counties for federal COVID eFMAP savings distributed to counties; and

14
15 **WHEREAS**, the federal COVID eFMAP savings are mandated to be shared with
16 counties under federal law; and

17
18 **WHEREAS**, the state identified at the beginning of the COVID crisis that the local
19 share of these federal savings would be about 17.8 percent, but publicly available data
20 indicates only about 12.7 percent has been shared with counties and this has required
21 NYSAC to FOIL the New York State Department of Health because hundreds of millions
22 of dollars in federal savings have yet to distributed; and

23
24 **WHEREAS**, because the state is withholding these federal funds it requires counties
25 and New York City to reserve funds locally to make up for the loss, meaning local taxes
26 have been kept higher than they need to be over multiple years, or local services are
27 scaled back or eliminated.

28
29 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
30 Counties (NYSAC) urges the Governor to complete these unfinished reconciliations as
31 soon as possible and to provide counties and New York City a full accounting of the
32 federal funds owed, and to take immediate steps to release the funds to localities; and

33
34 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
35 New York State encouraging member counties to enact similar resolutions; and

36
37 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
38 Governor Kathy Hochul, the New York State Legislature, the New York State
39 Congressional Delegation, and all others deemed necessary and proper.



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

**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

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Agriculture, Economic Development & Rural**
3 **Affairs**
4 **Resolution #1**

5
6 **Resolution Calling on the Governor and Legislature to Restore Funding for**
7 **Agriculture Local Assistance Programs in the FY 2025 State Budget**
8

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

11
12 **WHEREAS**, the agricultural sector, farms and related food system are major economic
13 engines in New York State; and

14
15 **WHEREAS**, the enacted SFY 2024 budget allocated \$56.5 million for local agriculture
16 assistance programs; and

17
18 **WHEREAS**, the Governor’s SFY 2025 proposed budget allocated \$48.9 million local
19 agriculture assistance programs; and

20
21 **WHEREAS**, New York’s agriculture assistance programs help sustain this vital
22 industry; and

23
24 **WHEREAS**, while funding for agriculture assistance has grown, there is no guarantee
25 that this level of funding will be continued in future years; and

26
27 **WHEREAS**, more than 30 percent of the farmers in New York State, who cultivate two
28 million acres of land, are 65 years of age or older; and

29
30 **WHEREAS**, research shows that over 90 percent of these senior farmers do not have a
31 young farmer working alongside them to help manage their business; and

32
33 **WHEREAS**, farmland in transition is most vulnerable to being sold out of farming; and

34
35 **WHEREAS**, according to the USDA 2022 Census of Agriculture, since 2017, New York
36 State of has seen a decline of 2,788 farms, including 1,865 dairy farms and 363,885 acres
37 of farmland; and

38
39 **WHEREAS**, access to affordable land suitable to starting a new farm operation is the
40 number one barrier new and beginning farmers face when trying to get started; and

41
42 **WHEREAS**, farmland protection is an important contributor to successful farmland
43 transition and affordable farmland access.

44
45 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
46 Counties (NYSAC) calls upon Governor Kathy Hochul and the New York State
47 Legislature to continue New York’s commitment to local farms and the agricultural

1 sector by maintaining funding for farmland protection at \$20 million and agriculture
2 local assistance programs at \$56.5 million in the FY 2025 State Budget; and

3

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

6

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

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Agriculture, Economic Development and Rural**
3 **Affairs**
4 **Resolution #2**

5
6 **Resolution Calling for the Restoration of Funding for the Tourism Matching**
7 **Grants Program in the SFY 2025 State Budget**
8

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

13
14 **WHEREAS**, this competitive grant program is one of the few remaining public-private
15 partnerships where the state matches private TPA funding dollar-for-dollar, doubling
16 the money used for targeted tourism promotion; and

17
18 **WHEREAS**, in 2022, New York State welcomed a record 291.5 million visitors, the
19 largest number of visitors in New York State’s history, generating more than \$78.6
20 billion in direct spending and \$123 billion in total economic impact; and

21
22 **WHEREAS**, direct visitor spending was also up seven percent from 2019, growing to
23 \$79 billion from the previous record-high \$73.6 billion; and

24
25 **WHEREAS**, tourism is the primary economic driver for many upstate communities
26 that have not recovered fully from the economic aftershocks of the COVID pandemic;
27 and

28
29 **WHEREAS**, while unemployment nationwide has rebounded since the pandemic and
30 reached record lows, the unemployment rate in New York state lags the nation; and

31
32 **WHEREAS**, Tourism Matching Grants Program was funded at \$3.8 million prior to
33 2021 and has seen gradual decreases since, and

34
35 **WHEREAS**, the SFY 2025 Executive Budget decreases funding for Tourism Matching
36 Grants Program from \$3.45 million to 2.45 million; and

37
38 **WHEREAS**, now is not the time to decrease this vital funding to local communities.

39
40 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
41 Counties (NYSAC) urges Governor Kathy Hochul and the New York State Legislature to
42 restore funding for the Tourism Matching Grants Program to a minimum of \$3.45
43 million in the final SFY 2025 State Budget; and

44
45 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
46 New York State encouraging member counties to enact similar resolutions; and

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



NYSAC

— NEW YORK STATE —
ASSOCIATION OF COUNTIES

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

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Climate Action, Energy & Environment**
3 **Resolution #1**

4
5 **Resolution Supporting S.1179 (Harckham)/A.7269 (Levenberg) to Alleviate**
6 **Statutory Hurdles to Solar Canopy Installation**

7
8 **WHEREAS**, solar canopies have become an increasingly popular method for investing
9 in solar power, utilizing existing spaces efficiently by generating renewable energy and
10 providing shade to parked vehicles; and

11
12 **WHEREAS**, the parking areas for county and municipal parks are a prime location for
13 solar canopy installation, as they make productive use otherwise unused airspace and
14 create an opportunity to educate park visitors and the community about the benefits of
15 renewable energy; and

16
17 **WHEREAS**, municipalities often cannot advance these projects on their own and
18 engage a solar developer to finance and build the installation; however, to do this, the
19 municipality must go through a parkland alienation process that is governed by state
20 law; and

21
22 **WHEREAS**, the current parkland alienation process requires local governments to
23 request an act from the State Legislature and acts as a barrier to timely implementation
24 of solar projects; and

25
26 **WHEREAS**, Senate Bill 1179 (Harckham)/Assembly Bill 7269 (Levenberg) would
27 encourage renewable energy development by allowing local governments to advance
28 solar energy projects under two megawatts directly above parking areas without the
29 need for approval from the State Legislature; and

30
31 **WHEREAS**, the New York Senate has passed this legislation with bipartisan support
32 during every legislative session since 2020, and it has died in the Assembly.

33
34 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
35 Counties (NYSAC) supports S.1179 (Harckham)/A.7269 (Levenberg) to empower
36 counties and municipalities to harness solar energy in public parks, contribute to the
37 goals established by the Climate Leadership and Community Protection Act, and
38 generate revenue that can be reinvested in park maintenance or community projects;
39 and

1 **BE IT FURTHER RESOLVED**, NYSAC commends the Senate for their continued
2 passage of this legislation and calls on the Assembly to pass and the Governor to sign
3 S.1179 (Harckham)/A.7269 (Levenberg) during the 2024 Legislative Session; and
4

5 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of the
6 State of New York encouraging member counties to adapt similar resolutions; and
7

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

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Climate Action, Energy & Environment**
3 **Resolution #2**

4
5 **Resolution Urging the Restoration of Funding for Water Infrastructure in**
6 **the FY 2025 State Budget**

7
8 **WHEREAS**, New York State enacted the Clean Water Infrastructure Act (CWIA) in
9 2017 to help counties and municipalities upgrade their drinking and wastewater
10 treatment infrastructure so they can more effectively protect drinking water and the
11 environment; and

12
13 **WHEREAS**, the SFY 2018 budget committed \$2.5 billion to the Clean Water
14 Infrastructure Act, and each subsequent budget since 2019 has consistently dedicated
15 \$500 million annually in new funding to CWIA, resulting in a cumulative state
16 investment of \$5 billion; and

17
18 **WHEREAS**, the CWIA allocates funds to over a dozen initiatives, including the Water
19 Infrastructure Improvement Act (WIIA) and Intermunicipal Grant (IMG), Septic
20 System Replacement Fund Program, and Water Quality Improvement Projects (WQIP)
21 Program; and

22
23 **WHEREAS**, CWIA funding has enabled communities to undertake hundreds of critical
24 wastewater and drinking water infrastructure projects that were previously financially
25 not feasible, including replacing water mains, helping homeowners to replace cesspools
26 and septic systems, upgrading lead pipes, enhancing sewage treatment plants, and
27 addressing PFAS contamination; and

28
29 **WHEREAS**, Governor Hochul’s SFY 2024-25 Executive Budget allocates \$250 million
30 for the Clean Water Infrastructure Act, a 50 percent reduction compared to previous
31 funding levels; and

32
33 **WHEREAS**, clean water is fundamental to the health and well-being of our
34 communities, and the reduction in funding proposed by Governor Hochul poses a severe
35 risk to the progress made in addressing New York’s water infrastructure challenges; and

36
37 **WHEREAS**, the magnitude of New York’s water infrastructure crisis, coupled with
38 having one of the oldest and largest water infrastructure systems in the nation, demands
39 sustained and robust investment.

40
41 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
42 Counties (NYSAC) calls upon the New York State Legislature to restore funding for
43 water infrastructure to at least \$500 million in the FY 2025 Budget, ensuring the
44 continued improvement and maintenance of our state’s water systems; and

45
46 **BE IT FURTHER RESOLVED**, the Legislature increase the appropriation for the
47 Septic System Replacement Fund and earmark 10-20 percent of the funding for local

1 administrative costs to enable counties to continue administering this program and
2 enable homeowners to access state funds intended for cesspool and septic system
3 replacement; and

4
5 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of the
6 State of New York encouraging member counties to adapt similar resolutions; and

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



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

**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

1 **NYSAC 2024 Legislative Conference**
2 **Standing Committee on Children with Special Health Care Needs**
3 **Resolution #1**

4
5 **Resolution Urging the Governor and State Legislature to Move the**
6 **Administrative Responsibility for Preschool Special Education**
7 **Transportation Services to Local School Districts**
8

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

14
15 **WHEREAS**, municipalities contract with third-party transportation vendors to provide
16 transportation services to children in the Pre-K SEP to and from necessary services;
17 and

18
19 **WHEREAS**, coordinating with bus companies is a significant administrative burden on
20 municipalities, particularly on already overburdened local health departments; and

21
22 **WHEREAS**, according to a survey of 51 county local health departments, county Pre-K
23 SEP transportation costs from using third-party transportation vendors have been
24 increasing for years, with overall statewide costs being 90 percent higher in 2022 than
25 they were in 2020; and

26
27 **WHEREAS**, Pre-K SEP transportation costs per child are consistently highest for
28 small, rural counties due to limited choices for transportation vendors; and

29
30 **WHEREAS**, Section 4401(4) of the New York State Education Law requires all school
31 districts to provide transportation for all pupils, defined as children enrolled in any
32 public or nonpublic elementary, middle or secondary school, with disabilities residing in
33 the district for whom such services are specified in their IEP; and

34
35 **WHEREAS**, local school districts either own, operate, and maintain buses or have
36 systems in place to contract with bus companies to transport pupils with disabilities to
37 and from special classes; and

38
39 **WHEREAS**, local school districts have existing systems in place to ensure that bus
40 drivers, monitors, and attendants are properly trained and qualified to transport pupils,
41 including those in Pre-K and with disabilities, safely to and from school; and

42
43 **WHEREAS**, local school districts have experience and processes in place to coordinate
44 frequently changing bus routes and receive State aid for the costs of transportation
45 services; and

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

4
5 **WHEREAS**, localities using school districts to provide transportation to Pre-K SEP
6 services spent 78 percent less on transportation costs per child in 2022 compared to
7 localities using third-party transportation vendors, equaling millions of dollars in cost
8 savings for localities annually; and

9
10 **WHEREAS**, the disparity in cost for Pre-K SEP transportation per child from using
11 third-party vendors versus school districts has been getting wider since 2019, especially
12 in small counties; and

13
14 **WHEREAS**, county taxpayer dollars are used to pay for Pre-K SEP transportation
15 services regardless of who administers such services; and

16
17 **WHEREAS**, both school districts and municipal government have the fiduciary
18 responsibility to be good stewards of local taxpayer money.

19
20 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
21 Counties (NYSAC) calls upon the Governor and the New York State Legislature to shift
22 the responsibility for the administration of Pre-K-SEP transportation services to local
23 school districts, commensurate with their experience transporting other pupils with
24 disabilities residing in their districts to and from special services and the cost savings for
25 localities associated with school districts providing these services versus third-party
26 vendors; and

27
28 **BE IT FURTHER RESOLVED**, counties maintain the fiscal responsibility for
29 providing these services; and

30
31 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
32 New York encouraging member counties to enact similar resolutions; and

33
34 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
35 Governor Kathy Hochul, the New York State Legislature, the New York State Education
36 Department and all others deemed necessary and proper.

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Children with Special Needs**
3 **Resolution #2**

4
5 **Resolution Supporting an Extension on the Allowing School Psychologists**
6 **to Provide Services in the Early Intervention**

7
8 **WHEREAS**, the SFY 2025 Executive Budget recommendation discontinues the
9 authorization allowing school psychologists to provide services in the Early Intervention
10 Program (EIP); and

11
12 **WHEREAS**, federal level changes making Early Intervention (EI) services provided by
13 school psychologists no longer eligible for Medicaid reimbursement have resulted in
14 New York State moving away from utilizing these providers in the EI Program; and

15
16 **WHEREAS**, to this point extensions have been granted to continue to allow the
17 provision of EI services by school psychologists in recognition of ongoing provider
18 capacity shortages in the EIP; and

19
20 **WHEREAS**, the SFY 2025 Executive Budget proposal continues to provide an
21 extension on the use of school psychologists in the 4410 Pre-School Special Education
22 Program (Pre-K SEP); and

23
24 **WHEREAS**, school psychologists may provide multi-disciplinary evaluations and
25 services to children transitioning from the EIP to Pre-K SEP; and

26
27 **WHEREAS**, as of August 2023, counties reported that there were 7,360 children
28 across New York State waiting for EI services; and

29
30 **WHEREAS**, this represents a 28 percent increase in children waiting for services since
31 2022 and an over 500 percent increase in children waiting for services since 2020; and

32
33 **WHEREAS**, this number includes approximately 1,000 children waiting for
34 evaluations, and behavioral and developmental services that could be provided by
35 school psychologists; and

36
37 **WHEREAS**, the overall provider capacity challenges in the EIP and lack of capacity
38 specific to mental health services have resulted in children waiting months to receive
39 critical services; and

40
41 **WHEREAS**, restricting any provider capacity in the EIP impedes the need to expand
42 the currently limited provider pool.

43
44 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
45 Counties (NYSAC) supports an extension for the use of school psychologists as a
46 provider in the EIP until June 30, 2026, in parallel with the extension provided for Pre-
47 K SEP; and

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

3
4 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
5 Governor Kathy Hochul, the New York State Legislature, the New York State Education
6 Department and all others deemed necessary and proper.



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

**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

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Intergovernmental Relations, General Government**
3 **& Public Employee Relations**
4 **Resolution #1**

5
6 **Resolution Calling on the State to Increase the Salary Cap for Retired Public**
7 **Employees Seeking County Employment**

8
9 **WHEREAS**, under current state law a retired public employee may only earn up to
10 \$35,000 annually if retained/rehired to a state or local government position without
11 this salary impacting their retirement benefits; and

12
13 **WHEREAS**, any retired public employee salary amount over \$35,000 will result in a
14 decrease in pension payments for the employee; and

15
16 **WHEREAS**, the \$35,000 cap was set in 2019, with the intent of minimizing misuse in
17 hiring practices, while at the same time providing enough incentive for employees with
18 broad experience and institutional knowledge to be retained in a government service
19 capacity; and

20
21 **WHEREAS**, this cap has been adjusted just once since 2007 at a rate of \$5,000.00 and
22 this increase has eroded in value due to inflation over this time; and

23
24 **WHEREAS**, the ability to hire enough qualified public employees on the State and
25 county level to perform our residents' needed services has reached crisis level; and

26
27 **WHEREAS**, this hiring crisis during COVID resulted in an Executive Order action
28 allowing for the removal of the \$35,000 cap to help ease this issue, unfortunately, this
29 was a limited allowance and the Executive Order expired in 2023; and

30
31 **WHEREAS**, New York counties have unique challenges when hiring for certain skilled
32 or knowledge-based positions due to each county having different populations,
33 economics, and demographics including but not limited to retired corrections deputy
34 sheriffs, school resource officers, public health nurses, registered nurses, caseworkers,
35 mental health professionals, and other critical positions; and

36
37 **WHEREAS**, county governments are being asked to provide more services with less
38 funding, a goal that becomes more difficult when those who best understand local
39 government service needs are retiring and their continued connection to public service
40 in a limited fashion is being deterred by state policies; and

41
42 **WHEREAS**, in 2023 a bill was introduced (S.3144D, Mannion) that recognizes
43 adjusting this cap to \$50,000.00 will provide the State and the local governments more
44 hiring options when they seek to fill a position that requires unique skill sets,
45 government experience, and, in some cases, reduces health insurance costs as the
46 person is already retired.

1 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
2 Counties (NYSAC) hereby calls on the Governor and the legislature to enact legislation
3 supporting an increase in this earnings rate as part of their 2024-2025 state budget
4 negotiations; and
5
6 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
7 New York encouraging member counties to enact similar resolutions; and
8
9 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
10 Governor Kathy Hochul, the New York State Legislature and all others deemed
11 necessary and proper.

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Intergovernmental Relations, General Government**
3 **& Public Employee Relations**
4 **Resolution #2**

5
6 **Resolution Calling on the State of New York to Fully Reimburse Counties**
7 **for District Attorney Salary Increases that Are Set and Controlled by the**
8 **State**

9
10 **WHEREAS**, on December 4, 2023, the New York State Commission on Legislative,
11 Judicial, and Executive Compensation voted to recommend a 10 percent increase in
12 state judge salaries in 2024; and

13
14 **WHEREAS**, it is anticipated that on April 1, 2024 the State Legislature will approve
15 the Commission's recommendation and place State Court Judges' salaries at \$232,600
16 up from \$210,900; and

17
18 **WHEREAS**, New York State Judiciary Law Section 183-a links judicial salaries to
19 county District Attorney (DA) salaries, requiring them to be equal to or higher than the
20 State Judges within their county; and

21
22 **WHEREAS**, historically when the state increased State Judge salaries in the 1980s and
23 1990s, the State fully funded all DA salary increases imposed on the counties,
24 recognizing without this funding the increase would be an unfunded mandate; and

25
26 **WHEREAS**, the District Attorneys Association of the State of New York (DAASNY),
27 recognizing the automatic nature of these increases and its effect on local county
28 budgets, and further to support the counties' position, requested in correspondence with
29 state officials that the state fund this salary increase; and

30
31 **WHEREAS**, the State Legislature has stated they understand the importance of not
32 shifting more state generated costs to the local tax base, mindful of the impact locally
33 with the state-imposed property tax cap; and

34
35 **WHEREAS**, the State Legislature has recognized lowering property taxes is the main
36 priority to ensure a healthy Upstate New York economy; and

37
38 **WHEREAS**, for smaller counties, the D.A. salary increase can represent nearly one
39 third of their total allowable property tax growth for all government operations.

40
41 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
42 Counties (NYSAC) calls on the State of New York to fully fund this mandated salary
43 increase as part of the SFY 2025 budget and thereafter, including a one-time amount for
44 the retroactive salary increase that has not been funded to date; and

45
46 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
47 New York State encouraging member counties to enact similar resolutions; and

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

1 **NYSAC 2024 Legislative Conference**
2 **Standing Committee on Intergovernmental Relations, General Government**
3 **& Public Employee Relations**
4 **Resolution #3**

5
6 **Resolution Applauding the Governor and Legislature for Supporting**
7 **Community Colleges and Urging them to Expand Investments for**
8 **Workforce Development**

9
10 **WHEREAS**, New York State is home to 30 community colleges, sponsored by a host
11 county, that serve unique and critical education and training needs in their
12 communities; and

13
14 **WHEREAS**, among their various missions, community colleges are critical workforce
15 development centers; and

16
17 **WHEREAS**, under state law, funding for community colleges is to be provided through
18 state aid, a county sponsor contribution, and student tuition and fees; and

19
20 **WHEREAS**, the establishment and continued operation of a statewide community
21 college system was based on an ongoing state aid funding commitment of at least one-
22 third, and up to 40 percent, of community college operating costs; and

23
24 **WHEREAS**, the state funding amount has declined over the years and is now estimated
25 by advocates to be nearly \$100 million below the one-third historic commitment, and far
26 short of 40 percent; and

27
28 **WHEREAS**, this year the Executive State Budget proposes to maintain a funding floor
29 for community colleges at 100 percent of prior year funding; and

30
31 **WHEREAS**, without a funding floor, community colleges would face a \$143 million (23
32 percent) loss in formula aid due to enrollment declines; and

33
34 **WHEREAS**, overall funding for community college operating aid is \$441 million in SFY
35 2025; and

36
37 **WHEREAS**, despite enrollment declines, community college operational costs have not
38 decreased accordingly; and

39
40 **WHEREAS**, many community colleges are facing volatile enrollment numbers and are
41 asking county sponsors and students to pay more, with county chargebacks also
42 increasing this academic year; and

43
44 **WHEREAS**, at a time when our businesses, hospitals, health care providers, and
45 manufacturers need more and more skilled workers, our community colleges provide the
46 needed workforce training to prepare New Yorkers for good jobs in our communities.

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

4
5 **BE IT FURTHER RESOLVED**, NYSAC calls on the Governor and State Legislature to
6 provide an additional \$97 million in operating support for community colleges
7 specifically devoted to expanding workforce development; and

8
9 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
10 New York State encouraging member counties to enact similar resolutions; and

11
12 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
13 Governor Kathy Hochul, the New York State Legislature, the SUNY Chancellor, and all
14 others deemed necessary and proper.



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

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

1 **NYSAC 2024 Legislative Conference**
2 **Standing Committee on Medicaid and Human Services**
3 **Resolution #1**

4
5 **Resolution Opposing the Governor’s SFY2025 Budget Proposal to Shift**
6 **More Costs to Counties by Mandating Higher Spending for Child Welfare**
7 **Services in the Flexible Funding for Family Services (FFFS) Block Grant**
8

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

14
15 **WHEREAS**, the SFY 2025 proposed budget continues the trend of shifting social
16 services costs to counties and New York City by requiring additional local spending of
17 \$75 million for child welfare services within the capped Flexible Fund for Family
18 Services (FFFS) which is already underfunded; and

19
20 **WHEREAS**, these increased county costs are partially offset with temporary federal
21 funding that will likely not continue, which will force higher costs on county taxpayers
22 on a recurring basis; and

23
24 **WHEREAS**, state funding shifts have increased county and New York City social
25 services costs by hundreds of millions of dollars annually because the state requires that
26 all services still be provided in full, often including new and more comprehensive service
27 levels, but with less state resources; and

28
29 **WHEREAS**, the steady pullback in state funding support has been expansive and
30 includes cutting state matching support for child welfare from 65 percent to 62 percent;
31 and

32
33 **WHEREAS**, state funding support for the Safety Net Program was cut from 50 percent
34 to 29 percent, offset with the addition of temporary federal aid that gradually
35 disappeared leaving the full burden on counties and New York City; and

36
37 **WHEREAS**, the state cut in matching funds for Safety Net Program costs is currently
38 costing New York City hundreds of millions of dollars annually in higher costs under the
39 recent surge in migrants to the state, with counties statewide also experiencing tens of
40 millions of dollars each year in higher costs; and

41
42 **WHEREAS**, state funding support for the Foster Care Block Grant was cut by \$62
43 million in state fiscal year 2018, a 14 percent reduction; and

44
45 **WHEREAS**, the SFY 2023 adopted budget also included provisions to settle
46 longstanding litigation against the state related to foster care rates paid to foster

1 parents, forcing counties and New York City to fully fund more than \$200 million in
2 rate increases; and

3
4 **WHEREAS**, the steady pullback in state funding support also includes cuts in state
5 matching funds to adoption subsidies, food stamp administration, and youth detention
6 and treatment.

7
8 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
9 Counties (NYSAC) opposes cost shifts in critical social services programs from the state
10 to counties and New York City; and

11
12 **BE IT FURTHER RESOLVED**, NYSAC believes the best way to support services for
13 children and families is to restore state matching support for Safety Net programs to 50
14 percent, and restore child welfare state funding support to 65 percent; and

15
16 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
17 New York State encouraging member counties to enact similar resolutions; and

18
19 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
20 Governor Kathy Hochul, the New York State Legislature, and all others deemed
21 necessary and proper.

1 **NYSAC 2024 Legislative Conference**
2 **Standing Committee on Medicaid and Human Services**
3 **Resolution #2**

4
5 **Resolution Urging the Governor and Legislature to Become True Partners**
6 **in Addressing Homelessness by Focusing on Rent Allowance and Standard**
7 **of Need Which Must Include the Restoration of 50/50 Cost Sharing for**
8 **Safety Net Programs, and Provide Actual Brick and Mortar Solutions by**
9 **Making Permanent Housing the Central Focus**

10
11 **WHEREAS**, homelessness and housing affordability continue to be major concerns
12 across the state; and

13
14 **WHEREAS**, the COVID-19 pandemic made the situation worse through increased
15 rental rates, decreased housing supply and an increased reliance on temporary housing
16 assistance in shelters and motels; and

17
18 **WHEREAS**, in the post pandemic era, counties are experiencing a decline in the
19 number of landlords that will rent to the clientele local social service districts serve; and

20
21 **WHEREAS**, the influx of over 160,000 migrant asylum seekers over the last two years
22 has pushed the already overburden statewide shelter system beyond the brink; and

23
24 **WHEREAS**, many areas of the state are seeing increases in homelessness even without
25 the addition of asylum seekers due to shortages in affordable housing, increases in
26 evictions, and fewer landlords willing to rent their properties to social service districts;
27 and

28
29 **WHEREAS**, the state's unprecedented reduction in fiscal support implemented over a
30 decade ago when the state reduced its Safety Net program support from 50 percent to 29
31 percent has only made the situation worse; and

32
33 **WHEREAS**, state shelter allowances provided by the state are so low today that
34 homeless clients cannot compete in the current housing market; and

35
36 **WHEREAS**, the net effect of low shelter rates for individuals and families that have
37 been displaced and are residing in temporary housing is that current shelter allowances
38 serve as a barrier to moving to permanent housing; and

39
40 **WHEREAS**, the homeless population is facing new problems as the needs of families
41 have become more complicated; and

42
43 **WHEREAS**, regardless of family size and demographics, many of those facing
44 homelessness or seeking emergency shelter can have challenging medical needs, mental
45 health and substance abuse issues, some are registered sex offenders, and still others are

1 state prison parolees or on probation; with some facing several of these challenges at the
2 same time; and
3
4 **WHEREAS**, the state requires counties to fund 71 percent of costs for Safety Net
5 individuals and 100 percent of the costs of administering these programs; and
6
7 **WHEREAS**, local social service districts focus scarce resources on achieving
8 permanent housing, preventing homelessness, and providing temporary placement; and
9
10 **WHEREAS**, counties maintain that preventing homelessness in the first place is the
11 best way to keep families safe and secure; and
12
13 **WHEREAS**, counties maintain that while it is important to provide help in a crisis, it is
14 better policy to maintain stability and prevent emergencies by providing sufficient
15 resources up front.
16
17 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
18 Counties (NYSAC) calls on the Governor and State Legislature to prioritize permanency
19 in housing and to update rental allowances and the standard of need which have not
20 been properly updated in decades to fully address the dramatic growth in housing,
21 energy, and food costs; and
22
23 **BE IT FURTHER RESOLVED**, as part of the effort, the State must restore the Safety
24 Net state share to 50 percent; and
25
26 **BE IT FURTHER RESOLVED**, counties need brick and mortar solutions to existing
27 housing problems; and
28
29 **BE IT FURTHER RESOLVED**, the State should coordinate a timely transition to
30 supportive housing for the highest need individuals with mental health and substance
31 abuse issues in collaboration with OTDA, other state agencies, and local social services
32 districts; especially those that have been repeatedly homeless and in need of supportive
33 placements overseen by OMH, OASAS, OPWDD and DOCCS; and
34
35 **BE IT FURTHER RESOLVED**, the State should work with counties in developing a
36 public education campaign to ensure people better understand the plight of families and
37 individuals struggling with homelessness and how everyone can benefit by helping them
38 achieve stable housing in our communities; and
39
40 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
41 New York State encouraging member counties to enact a similar resolution; and
42
43 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
44 Governor Kathy Hochul, the Office for Temporary Disability Assistance and all others
45 deemed necessary and proper.

1 **NYSAC 2024 Legislative Conference**
2 **Standing Committee on Medicaid and Human Services**
3 **Resolution #3**

4
5 **Resolution Urging the Governor and Legislature Ensure that Local Social**
6 **Service Commissioners are Directly Involved in Discussions to Reduce**
7 **Costs in the Medicaid Program**
8

9 **WHEREAS**, the Governor’s SFY 2025 Budget acknowledges that Medicaid spending
10 growth is unsustainable and cost containment actions must be implemented; and
11

12 **WHEREAS**, total spending for New York’s Medicaid program is projected to exceed
13 \$100 billion in SFY 2025, when county and NYC contributions are included; and
14

15 **WHEREAS**, the New York State Division of Budget (DOB) projects that before any
16 state budget actions for SFY 2025 are taken into account Medicaid would run a state
17 share funding deficit of \$735 million in SFY 2025, growing to \$2.23 billion in SFY 2026;
18 and
19

20 **WHEREAS**, DOB projects that state share Medicaid costs will grow by 48 percent from
21 SFY 2021 through SFY 2025, which includes \$1.2 billion in anticipated cost
22 containments actions fully implemented in SFY 2025; and
23

24 **WHEREAS**, of the \$1.2 billion in targeted savings, \$400 million is undefined in the
25 budget, with \$200 million expected from long term care services, and \$200 million
26 from other actions; and
27

28 **WHEREAS**, county social services commissioners and their staff are deeply involved in
29 administering different components of Medicaid, including long term care services at
30 the direction of the New York State Department of Health (DOH), adhering to state
31 regulations and guidelines; and
32

33 **WHEREAS**, because of this involvement county social services commissioners can
34 offer valuable insight into achieving savings in Medicaid including long term care
35 service delivery.
36

37 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
38 Counties (NYSAC) calls on the Governor, Department of Health, the Legislature, and
39 other stakeholders to include representatives from local social services commissioners
40 to participate in these discussions to find recurring savings in Medicaid long term care
41 services; and
42

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

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



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

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
Tina Wayland-Smith (Madison County) - Vice Chair

1 **NYSAC 2024 Legislative Conference**
2 **Standing Committee on Native American Affairs and Gaming**
3 **Resolution #1**

4
5 **Resolution Calling on the State of New York to Make All Municipalities**
6 **Whole in the Saint Regis Mohawk Tribal Gaming Region**

7
8 **WHEREAS**, on October 15, 1993, the St. Regis Mohawk Tribe and the State of New
9 York signed a compact paving the way for casino gaming; the Akwesasne Mohawk
10 Casino opened on April 12, 1999; and

11
12 **WHEREAS**, under agreement and codification in New York law, the St. Regis Mohawk
13 Tribe pays 25 percent of all gaming revenue to the State of New York in return for, in
14 part, exclusivity in regional gaming rights; and

15
16 **WHEREAS**, under the agreement, the State of New York shares with local
17 governments, including counties and numerous towns in Northern New York, a portion
18 of revenue they receive from the St. Regis Mohawk Tribe; and

19
20 **WHEREAS**, the counties and local governments rely on that revenue to maintain
21 infrastructure and provide public safety for all residents, as well as provide services
22 needed to help support this growing gaming industry; and

23
24 **WHEREAS**, in March 2020, the State of New York under a State of Emergency closed
25 many businesses, especially ones where crowds gathered including casinos, resulting in
26 revenue losses for the Akwesasne Mohawk Casino; and

27
28 **WHEREAS**, in August 2020, casinos including the Akwesasne Mohawk Casino were
29 allowed to reopen with a limited capacity and began making revenue once again that
30 should have been shared with the State and local governments; and

31
32 **WHEREAS**, on December 2022 partial payments of this gaming revenue were made to
33 two of the seven counties and the towns within; and

34
35 **WHEREAS**, in December 2023 there have been partial payments by the State to the
36 remaining five region counties; and

37
38 **WHEREAS**, resuming these payments in full is necessary to help counties provide
39 local services including fixing roads, supporting social services, and providing for public
40 health and safety; and

41
42 **WHEREAS**, the St. Regis Mohawk Tribe and the counties of New York have a long
43 history of productive partnerships and respect; and

44
45 **WHEREAS**, New York State has helped with providing some of the region's counties
46 with needed gaming funding; and

1 **WHEREAS**, while providing some of the gaming revenue is appreciated, the State of
2 New York has created a system by which local services are dependent on continuous
3 revenue being received and distributed to local governments through casino gaming,
4 and the State has not made a contingency plan and/or at times ignored the needs of
5 local governments when this revenue is lowered or withheld.
6

7 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
8 Counties (NYSAC) calls on the State of New York to create a policy that adheres to
9 immediately making all municipalities whole for any past or future funding being
10 withheld by the State by either lack of collection from the St. Regis Mohawk Tribe or
11 collected and not passed through in a timely manner; and
12

13 **BE IT FURTHER RESOLVED**, the State must agree with an equitable Compact with
14 the St. Regis Mohawk Tribe that supports the Tribe's needs and best interests while also
15 allowing for local government services to get direct uninterrupted service-related
16 support that will make for an improved community for all; and
17

18 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
19 New York State encouraging member counties to enact similar resolutions; and
20

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



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

**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

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Public Health/Mental Health**
3 **Resolution #1**

4
5 **Resolution Requesting Improved Enforcement Authority Regarding**
6 **Flavored E-Cigarette Products**

7
8 **WHEREAS**, in New York State, 18.2 percent of high school students report using e-
9 cigarettes, as compared to the national average of 10 percent; and

10
11 **WHEREAS**, 85 percent of youth e-cigarette users use flavored products; and

12
13 **WHEREAS**, the U.S. Surgeon General states that use of nicotine by adolescents in any
14 form, including e-cigarettes, is unsafe; and

15
16 **WHEREAS**, nicotine is highly addictive, harms adolescent brain development,
17 particularly the parts of the brain responsible for attention, memory and learning, and
18 adolescent use increases the risk of future addiction to other drugs; and

19
20 **WHEREAS**, many e-cigarettes deliver doses of nicotine at high levels, some with levels
21 equivalent to a pack of 20 cigarettes, which puts youth users at greater risk of addiction
22 and health concerns; and

23
24 **WHEREAS**, New York State included language in the final 2020-21 budget to address
25 the epidemic of e-cigarette use among youth by banning the sale of flavored products;
26 and

27
28 **WHEREAS**, despite its intent, the current statutory language includes enforcement
29 loopholes that create challenges to effective enforcement of the law; and

30
31 **WHEREAS**, these loopholes enable continued access to and promotion of these
32 restricted products to youth; and

33
34 **WHEREAS**, out of the six states that have comprehensive e-cigarette flavor policies,
35 New York has the highest continued retail availability of prohibited products of any of
36 those states; and

37
38 **WHEREAS**, Local Health Department (LHD) staff responsible for enforcing this
39 statute report increased non-compliance among some retailers, with persistent bad
40 actors, along with staff safety concerns during enforcement visits; and

41
42 **WHEREAS** the following statutory loopholes allow continued access to flavored
43 products despite the 2020 ban:

- 44 • Retail inspections loopholes, which do not require retailers to make their
45 entire premises available to inspectors; many retailers assume they can refuse
46 to let an inspector do their job without any civil penalty;

- 1 • Increased frequency of persistent violators operating without a license,
2 with expired licenses, or violators who close and reopen under new LLC;
- 3 • Out-of-state sales exemptions allowing retailers to sell their product to
4 out-of-state purchasers via remote sales, which allows claims that products
5 stocked in retail establishments are only being sold to out-of-state purchasers,
6 despite no evidence offered of out-of-state sales occurring, or even that a
7 method of conducting out-of-state sales (a website, etc.) exists;
- 8 • Lack of authority to remove illegal product(s) from retail sales premises or
9 inspect premises for additional products onsite;
- 10 • Distributors continue to be able to sell and ship flavored e-cigarettes that
11 cannot be legally sold in New York to stores within the state;
- 12 • Cooling sensation and “clear” vape products through which the industry
13 sells “non-menthol menthol” cigarettes and e-cigarettes in states that have
14 banned the sales of flavored tobacco products. These products contain
15 additional additives which produce a flavor that does not taste like tobacco
16 and creates a cooling, anesthetic effect or sensation for the user;
- 17 • Increased sale of “camouflage” or deceptive look-alike vape products,
18 where the vape unit is designed to appear like common items, such as hoodie
19 strings, highlighters and pens, backpacks, smart watches, and USB drives;
20 and
- 21 • Loopholes in tax law that create inconsistencies in Department of Taxation
22 and Finance authorities for enforcement of tobacco products vs. vapor
23 products.

24
25 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
26 Counties (NYSAC) urges the Legislature and Governor Hochul to close these existing
27 statutory loopholes to assure the 2020 ban on flavored e-cigarette products realizes its
28 intended public health benefits; and

29
30 **BE IT FURTHER RESOLVED**, the Senate and Assembly include A.9110
31 (Rosenthal)/S.8531 (Hoylman-Sigal) in their one-house budget proposals to prohibit the
32 storage of flavored vapor products near where vapor or tobacco products are sold; and

33
34 **BE IT FURTHER RESOLVED**, NYSAC calls upon Governor Hochul to direct the
35 New York State Department of Taxation and Finance and New York State Department of
36 Health to review existing procedures and communications to better coordinate efforts
37 with LHDs to use all current legal tools available to compel compliance for persistent
38 violators, including improved oversight of licensure approvals, suspensions, and
39 revocations; and

40
41 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
42 of New York encouraging member counties to enact similar resolutions; and

43
44 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
45 Governor Kathy Hochul, the New York State Legislature, Health Commissioner James

- 1 McDonald, Acting Tax Commissioner Amanda Hiller, and all others deemed necessary
- 2 and proper.

1 **2023 NYSAC Legislative Conference**
2 **Standing Committee on Public Health and Mental Health**
3 **Resolution #2**

4
5 **Resolution Calling for the SFY 2024-25 Enacted Budget to Include Reforms**
6 **for Determining the Capacity of a Defendant to Stand Trial**

7
8 **WHEREAS**, section § 730 of the Criminal Procedure Law (CPL) provides that
9 defendants charged with felonies who are mentally ill and/or developmentally disabled
10 and who are determined by a court to be unable to understand the charges against them
11 or participate in their own defense (often called “730’s”) are sent to New York State-
12 operated forensic hospitals solely for the purpose of trying to restore them to
13 competency so they can stand trial; and

14
15 **WHEREAS**, the origin of CPL § 730 dates back over five decades to the laws of 1970,
16 and parts of it have been declared to be unconstitutional; and

17
18 **WHEREAS**, competency restoration provides necessary medications but primarily
19 provides services such as courtroom training to familiarize the defendant with
20 courtroom procedures so they can participate in their trial; and

21
22 **WHEREAS**, many judges incorrectly believe that by ordering a 730 commitment,
23 they are helping the mentally ill or developmentally disabled person to get treatment;
24 and

25
26 **WHEREAS**, in the cases for which restoration is appropriate, most defendants can
27 generally be restored within 90-150 days; and

28
29 **WHEREAS**, unfortunately, there are also numerous situations where defendants have
30 been kept in restoration for periods of three, six, or even 10 years; and

31
32 **WHEREAS**, these lengthy confinements have been declared to be unconstitutional by
33 the U.S. Supreme Court as shown in the case of *Jackson v. Indiana* (1972), which
34 provides that states may not indefinitely confine criminal defendants solely on the basis
35 of incompetence to stand trial; and

36
37 **WHEREAS**, the Office of Mental Health (OMH) has diverged from agreements with
38 the county mental health commissioners/directors of community services to provide
39 specific and timely information on the clients/defendants ordered to restoration; and

40
41 **WHEREAS**, the SFY 2020-21 budget required counties to pay 100 percent of the OMH
42 State Operations costs for individuals receiving court-ordered mental health
43 competency restoration services at State-operated Forensic Psychiatric Centers; and

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

4
5 **WHEREAS**, the county cost of these services is over \$1,300 per day and current
6 statute does not require a timeline be established for when a defendant is unable to be
7 restored; and

8
9 **WHEREAS**, the county cost of restoration for one defendant can be upwards of
10 \$400,000 per year; and

11
12 **WHEREAS**, in New York State, counties, through the county tax levy, already bear an
13 overwhelming portion of the financial burden for supporting individuals suffering from
14 serious mental illness, and the requirement to assume 100 percent of 730.20
15 competency restoration costs has taken away millions of dollars from critical behavioral
16 health programming in the community; and

17
18 **WHEREAS**, given the advances in the behavioral health and the modernization of
19 the criminal justice system, it is time for the State to reform the statutory authority
20 governing competency restoration to ensure that only individuals who are
21 appropriate subjects of 730 court orders are sent for restoration in accordance with the
22 current state of these two systems; and

23
24 **WHEREAS**, the Legislature has introduced S.1874 (Brouk)/A.5063 (Gunther), which
25 seeks to address the reforms necessary to update the archaic requirements of current
26 statute, many which have been deemed unconstitutional and includes a critical
27 requirement to reinvest any savings derived by the counties back into the local mental
28 hygiene systems of care.

29
30 **NOW, THEREFORE, BE IT RESOLVED**, CPL § 730.10 shall be modified to
31 make clear that restoration is not mental health treatment, so the judiciary is better
32 informed that a 730 order does not treat underlying mental health conditions; and

33
34 **BE IT FURTHER RESOLVED**, CPL § 730.20 shall be reformed to establish
35 specific criteria for 730 examiners, streamlining the process to establish equity across
36 the system, and that the psychiatrist or psychologist conducting the psychiatric exam
37 tell the court whether or not there is a reasonable chance of restoration, thereby
38 granting the court an opportunity to allow diversion to mental health treatment; and

39
40 **BE IT FUTHER RESOLVED**, OMH will consistently follow their agreements with the
41 county mental health commissioners/directors of community services to provide
42 specific and timely information on the clients/defendants ordered to restoration; and

43
44 **BE IT FURTHER RESOLVED**, CPL § 730.20 shall adjust the fee for
45 reimbursing psychiatric examiners; and

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

3
4 **BE IT FURTHER RESOLVED**, MHL § 9.33 shall allow individuals to be
5 transferred to Article 9 facilities if it is determined that a defendant is unable to be
6 restored; and

7
8 **BE IT FURTHER RESOLVED**, MHL § 43.03 shall require Local Governmental
9 Units (counties) to reinvest savings from these reforms into community mental health
10 services; and

11
12 **BE IT FURTHER RESOLVED**, the New York State Association of Counties (NYSAC)
13 calls on the State to support all provisions outlined in S.1874 (Brouk)/A.5063
14 (Gunther); and

15
16 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
17 New York encouraging member counties to enact similar resolutions; and

18
19 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution
20 to Governor Kathy Hochul and the New York State Legislature encouraging them to
21 include these reforms in the SFY 2025 Enacted Budget.

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Public Health and Mental Health**
3 **Resolution #3**

4
5 **Resolution in Support of Fully Funding the Implementation of the 2019**
6 **Elevated Blood Lead Level Mandate and 2023 Lead Rental Registry and**
7 **Restoring the 2022 Administrative Cuts to Lead Poisoning Prevention**
8 **Grants**

9
10 **WHEREAS**, lead poisoning prevention activities delivered by local health departments
11 (LHDs) are supported through a variety of funding mechanisms, including the Lead
12 Poisoning Prevention Program, Childhood Lead Poisoning Primary Prevention Program
13 (CLPPP+) (15 counties), Healthy Neighborhood Program (some counties), and
14 reimbursement through Article Six Public Health Law General Public Health Work
15 funding; and
16

17 **WHEREAS**, New York State continues to pass public-health forward policies aimed at
18 preventing childhood exposure to lead without fully funding those policies and, further,
19 making administrative reductions to lead prevention grant funding; and
20

21 **WHEREAS**, when the definition of elevated blood lead level (EBLL) was lowered from
22 10 to 5 ug/dL, the state allocated only \$9.7 million in additional Article Six state aid; and
23

24 **WHEREAS**, this investment falls far short of what is needed, with an additional \$30.3
25 million needed to implement this work and protect children, thereby placing the
26 majority of the cost burden on the local tax levy; and
27

28 **WHEREAS**, this estimated need is based on an average cost per case of \$713 for
29 nursing case management and \$2,123 for environmental management activities; and
30

31 **WHEREAS**, at the Lead Poisoning Prevention Advisory Council meeting on January
32 29, 2020, the New York State Department of Health (NYSDOH) presented data on the
33 first quarter of implementation, showing an additional 1,725 children between the
34 ranges of 5-9 µg/dL; and
35

36 **WHEREAS**, this highlights the importance of this policy action but also represents the
37 equivalent of 2.5 years of work occurring in a single quarter when compared to prior
38 years; and
39

40 **WHEREAS**, in 2022, NYSDOH reorganized the formula for the CLPPP+ grants so that
41 more counties received funding, but 13 larger counties ended up losing \$2.4 million in
42 funding as a result of this change; and
43

44 **WHEREAS**, in 2023, the Governor and Legislature enacted a new primary prevention
45 program known as the NYS Lead Rental Registry, which will require 19 LHDs to manage
46 and ensure compliance over a registry of rental units in designated high priority areas

1 and conduct spot checks of those rental properties that are designated lead-free by
2 landlords; and

3
4 **WHEREAS**, LHDs estimate the rollout of this program will cost approximately \$19.4
5 million, including costs associated with hiring public health sanitarians, EPA
6 certification, hearing officers, XRF machines, dust wipes and other supplies; and

7
8 **WHEREAS**, the Governor provided a total of \$16.8 million for LHDs for this initiative
9 in her SFY 2025 Executive Budget proposal; and

10
11 **WHEREAS**, in 2021, the CDC further lowered the recommended blood lead reference
12 value to 3.5 µg/dL, raising the need to consider further policy changes in this area,
13 which, if implemented in New York State, would cost an additional \$30 million to
14 implement locally; and

15
16 **WHEREAS**, current, new, and expanded duties placed on LHDs may result in
17 increased civil liability for our county government and local taxpayers.

18
19 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
20 Counties (NYSAC) calls on the Governor and State Legislature to increase funding for
21 current and future expanded lead prevention mandates and ensure it is appropriated for
22 NYSDOH's Lead Poisoning Prevention Program within Aid to Localities; and

23
24 **BE IT FURTHER RESOLVED**, the Governor and Legislature provide LHDs with
25 immunity from liability and protection from civil litigation for those acting in good faith
26 to implement these policies without the fiscal resources or staffing needed to properly
27 coordinate; and

28
29 **BE IT FURTHER RESOLVED**, the Governor and Legislature distribute \$35.2 million
30 to local health departments through existing grant mechanisms to support
31 implementation of the lowered actionable EBLL, restore the administrative cuts to the
32 CLPPP+, and fully fund the lead rental registry program passed in the FY 24 State
33 Budget; and

34
35 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
36 New York encouraging member counties to enact similar resolutions; and

37
38 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
39 Governor Kathy Hochul, the New York State Legislature, and all others deemed
40 necessary and proper.

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Public Health and Mental health**
3 **Resolution #4**

4
5 **Resolution Urging the Governor and State Legislature to Restore Essential**
6 **Funding for Rabies in the SFY 25 State Budget**

7
8 **WHEREAS**, Governor Hochul completely eliminates the \$1.45 million appropriation
9 for rabies prevention in her FY 2024-25 Executive Budget proposal; and

10
11 **WHEREAS**, local health departments (LHDs) are the only health entities in New York
12 State that are statutorily required to provide core public health services in communities
13 across New York State, including the suppression of human rabies; and

14
15 **WHEREAS**, unless treated soon after exposure, rabies is a fatal disease; and

16
17 **WHEREAS**, New York State statute recognizes the severity of this disease and,
18 therefore, maintains strong statutory requirements for counties to reduce the risk of
19 contracting rabies and assure treatment for anyone who is exposed to the disease,
20 including an obligation for counties to cover the costs of human post-exposure
21 treatment for individuals who lack the ability to pay for treatment and to offer free
22 quarterly rabies vaccination clinics for cats, dogs, and domestic ferrets; and

23
24 **WHEREAS**, other statutory requirements for counties include prompt investigation of
25 reports of exposure; arrangements for disposition of animals involved, including
26 confinement and observation; quarantines; vaccination boosters; euthanasia; testing
27 and collection; preparation; and submission of animal specimens to the state rabies lab
28 for diagnosis; and

29
30 **WHEREAS**, most of the state pre-exposure prophylaxis funding for rabies prevention
31 and control via oral rabies vaccine (ORV) animal baiting was originally eliminated in
32 2009, despite the necessity of this preemptive measure to control the spread of rabid
33 animals; and

34
35 **WHEREAS**, since then, a small portion of the original \$1.45 million appropriation that
36 NYSDOH spent annually on animal control outside New York City, including ORV
37 baiting, was allocated via contracts to the 57 counties outside New York City; and

38
39 **WHEREAS**, in 2021, the last full year for which data is available, LHDs collected and
40 submitted 5,223 animal specimens for rabies testing; and

41
42 **WHEREAS**, NYSAC and NYSACHO strongly oppose the elimination of this funding, as
43 it supports these statutorily required, life-saving public health protections and
44 eliminating this funding results in a direct cost shift to local taxpayers and runs the risk
45 of undermining the life-saving goals that New York's strong rabies statutes provide; and

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

5
6 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
7 Counties (NYSAC) calls on the Governor and State Legislature to restore the \$1.45
8 million proposed cut to rabies funding in the SFY 2025 State Budget; and

9
10 **BE IT FURTHER RESOLVED**, NYSAC calls on the Governor and State Legislature to
11 revise statutory requirements related to rabies to align the state’s fiscal investment with
12 the cost of implementing related activities; and

13
14 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
15 New York encouraging member counties to enact similar resolutions; and

16
17 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
18 Governor Kathy Hochul, the New York State Legislature, and all others deemed
19 necessary and proper.



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

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

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Public Safety**
3 **Resolution #1**

4
5 **Resolution in Support of Efforts to Improve Probation and Alternatives to**
6 **Incarceration in New York State in Order to Protect the Public and Reduce**
7 **Reliance on Prisons, Jails and Detention**
8

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

12
13 **WHEREAS**, it is the mission of Probation to protect the community through
14 intervention in the lives of those under supervision by facilitating compliance with court
15 orders and serving as a catalyst for positive change; and

16
17 **WHEREAS**, State funding for Probation was drastically reduced between 1990 and
18 2015 from a 46.5 percent State share in 1990 to less than 10 percent in 2024, putting a
19 huge strain on counties and cost to county property taxpayers; and

20
21 **WHEREAS**, at the same time there have been increases in the number of mandated
22 programs and services County Probation Departments are required to provide, from the
23 1990's where core services of Intake, Pre-Sentence/Pre-Dispositional Investigations and
24 Supervision were the norm, to the current enhanced services that are provided by local
25 Probation Departments including but not limited to the following:

- 26
- 27 • Specialized caseloads to handle specific types of individuals such as Sex Offenders, DWI,
 - 28 Mental Health, Domestic Violence and Gang Members.
 - 29 • Probation Departments' involvement with Specialized Treatment Courts (Drug,
 - 30 Domestic Violence, Mental Health, Veterans).
 - 31 • Community Service Programming.
 - 32 • School-based Probation Officers.
 - 33 • Warrant Squads for apprehension and return of offenders.
 - 34 • DNA Collection.
 - 35 • Ignition Interlock Device Monitoring.
 - 36 • Expanded Pretrial Release Programs to deal with the increased RUS cases resulting from
 - 37 Bail Reform.
 - 38 • Expanded Electronic Monitoring to deal with both Bail Reform and lack of detention
 - 39 beds caused by increased juvenile crime.
 - 40 • Increased Probation Officer time to search for specialized detention beds occurring from
 - 41 RTA.
 - 42 • Increased administrative tasks that probation staff are now responsible for including
 - 43 populating Case Management System and various risk assessments.
 - 44 • Increased responsibilities for collections and disbursement of funds in connection to
 - 45 Financial Obligations including restitution, fines and fees.
 - 46 • Sex Offender verification.
 - 47 • Administering cognitive behavioral interventions.
 - 48 • Increased training regarding the delivery of evidenced-based programs.

- 1 • Increased time and cost resulting from new hires completing the Basic Course for Peace
- 2 Officers, (BCPO).
- 3 • Increased protocol for GIVE Counties including higher supervision levels and GPS for a
- 4 minimum of 6 months.

5
6 **WHEREAS**, the New York State Council of Probation Administrators, representing
7 New York State Probation Directors, Administrators and Commissioners, has diligently
8 worked with NYSAC and State leaders to bring more awareness to the important work
9 that Probation does to protect the public.

10
11 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
12 Counties (NYSAC) supports proposals put forward by the Governor to immediately
13 enact statutory and regulatory changes that improve Probation and Alternatives to
14 Incarceration in the following ways:

- 15 1. In response to raise the age legislation:
 - 16 A. Mandate that the state’s evidence-based criteria should account for
 - 17 existing local best practice programs;
 - 18 B. Allow probation the ability to make an application for a temporary order
 - 19 of protection as a part of the adjustment process;
 - 20 C. Authorize law enforcement agencies to issue appearance tickets if deemed
 - 21 appropriate by the arresting officer when adolescent offenders and
 - 22 juvenile offenders are charged with most d felonies; and
 - 23 D. Allow law enforcement agencies to deliver adolescent offenders and
 - 24 juvenile offenders to be held in detention facilities after hours without a
 - 25 securing order until the youth part is in session.
- 26
- 27 2. Establish a dedicated funding stream through DCJS/OPCA for 100 percent of all
- 28 local probation costs including, but not limited to, probation personnel and
- 29 evidence-based programming associated with raise the age legislation.
- 30
- 31 3. Eliminate the monitoring of ignition interlock devices by local probation
- 32 departments or monitors in all cases where a term of state prison has been
- 33 imposed.
- 34
- 35 4. That local probation departments receive 100 percent funding for all pre-trial
- 36 services costs associated with bail reform, including, but not limited to, probation
- 37 personnel expenses.
- 38
- 39 5. That the executive chamber and the office of children and families (OCFS) work
- 40 towards transitioning some of the closed OCFS and/or DOCCs community
- 41 supervision facilities to accommodate the lack of specialized secure detention
- 42 beds as well as allowing county consortiums to open specialized secure detention
- 43 facilities if desired.
- 44

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

47
48 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
49 Governor Kathy Hochul, Deputy Secretary for Public Safety Marcos Gonzalez Soler, the
50 New York State Legislature and all others deemed necessary and proper.

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Public Safety**
3 **Resolution #2**

4
5 **Resolution in Support of S.2695-B (Harckham) / A.7086-A (Jones) to**
6 **Ensure Sheriffs and Undersheriffs Continue to Have Police Officer Powers**

7
8 **WHEREAS**, Sheriffs are elected law enforcement officials established by the New York
9 State Constitution; and

10
11 **WHEREAS**, historically, those individuals inhabiting the office of both Sheriff and
12 Undersheriff were imbued with the legal authority of police officers solely by virtue of
13 holding those positions; and

14
15 **WHEREAS**, the statutory exemption granting Sheriffs and Undersheriffs police officer
16 powers as a component of holding the office, absent any other prerequisite training, was
17 ostensibly repealed as a component of the Professional Policing Act; and

18
19 **WHEREAS**, such statutory change has narrowed the field of qualified candidates for
20 Sheriff, since individuals who are already police officers can credibly claim that their
21 civilian opponent, if elected, will not be a police officer, thereby diminishing the pool of
22 aspiring public servants who could bring diversity and new perspectives to the Office of
23 Sheriff.

24
25 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
26 Counties (NYSAC) supports S.2695-B / A.7086-A, which would restore the exemption
27 language previously found in General Municipal Law section 209-q; and

28
29 **BE IT FURTHER RESOLVED**, this GML section 209-q grants Sheriffs and
30 Undersheriff police officer powers by virtue of holding those esteemed positions; and

31
32 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
33 of New York State encouraging member counties to enact similar resolutions; and

34
35 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
36 Governor Kathy Hochul, the New York State Legislature and all others deemed
37 necessary and proper.

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Public Safety**
3 **Resolution #3**

4
5 **Resolution Encouraging Governor Kathy Hochul and the New York State**
6 **Legislature Increase the Medication-Assisted Treatment (MAT) Budget**
7 **Allocation for County Jails**
8

9 **WHEREAS**, local correctional facilities are obligated by Mental Hygiene Law section
10 19.18-c to provide medication-assisted-treatment (MAT) services to incarcerated
11 individuals who have been diagnosed with a substance use disorder; and
12

13 **WHEREAS**, the provision of MAT must also be accompanied by tangential therapeutic
14 services ranging from counseling, to peer support, to discharge planning; and
15

16 **WHEREAS**, in many circumstances obtaining the specific medications necessary to be
17 compliant with the law, particularly methadone, is a costly and time intensive endeavor;
18 and
19

20 **WHEREAS**, the annual appropriation provided in the State's Aid To Localities Budget
21 has remained static at the insufficient amount of \$8.865 million, to support the efforts
22 of 56 county jails.
23

24 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
25 Counties (NYSAC) will join in the efforts of the New York State Sheriffs' Association to
26 seek increased funding for this mandated and important public service; and
27

28 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
29 New York State encouraging them enact similar resolutions; and
30

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

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Public Safety**
3 **Resolution #4**

4
5 **Resolution Encouraging the State Legislature and Governor to Enact**
6 **Technical Edits to Components of the Raise the Age Law**

7
8 **WHEREAS**, the Raise the Age (RTA) law was enacted on April 17, 2017; and

9
10 **WHEREAS**, RTA prohibits 16- and 17-year-olds from being held in adult jails and
11 prisons, makes substantive changes to the procedures and mechanisms used to process
12 16- and 17-year-olds in the criminal justice and youth justice systems and allows for
13 additional services for youth and alters the types of detention and/or placement they
14 may receive; and

15
16 **WHEREAS**, State statute authorizes and the State Financial Plan assumes 100 percent
17 State reimbursement to eligible localities for RTA-related expenditures, including all
18 incremental capital, personnel, and non-personnel costs counties/municipalities incur
19 as a result of RTA; and

20
21 **WHEREAS**, the State will cover incremental costs, such as law enforcement, local
22 detention, court services, Sheriffs' transportation, probation services, youth placement,
23 and aftercare services; and

24
25 **WHEREAS**, the RTA law went into effect for 16-year-olds on October 1, 2018 and for
26 17 year olds on October 1, 2019; and

27
28 **WHEREAS**, the law has now been in effect for five years and in order to build upon the
29 success of RTA, counties have identified areas of opportunity to improve the statute.

30
31 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
32 Counties (NYSAC) supports the following proposals to immediately enact statutory and
33 regulatory changes that improve the RTA statute in the following ways:

- 34 • **Criminal Procedural Law Section 722.23 should be amended to**
35 **include all felony violations of Penal Law Article 265 (gun cases).**
36 ○ District Attorneys should be able to automatically prosecute all gun
37 cases in the Youth Part and should not have to rely on the courts'
38 unpredictable, undefined, and inconsistent findings of "extraordinary
39 circumstances." Far too many cases removed to Family Court result in
40 no real accountability for adolescent offenders for serious crimes
41 involving firearms. Often, these offenders graduate to more serious
42 crimes, including murder.
43 • **Close the Robbery Loophole by expanding Section 722.23(2).**
44 ○ Article 722.23 currently only allows District Attorneys to continue
45 to prosecute a case when we can prove that the defendant displayed an
46 actual, operable firearm. This means that cases where a defendant

1 displayed something that appears to be a firearm or possessed a
2 weapon without displaying it cannot be prosecuted by the District
3 Attorney. So, when a defendant robs a victim using a non-working or
4 unloaded gun, or the gun is not recovered, District Attorneys are not
5 allowed to prosecute, and the case is removed to Family Court.

6 • **Section 722.23 should be further amended to allow for the
7 court's discretion in allowing the District Attorney to maintain
8 prosecution in certain additional circumstances.**

9 • **Allow youth part judges, prosecutors, and defense counsel to
10 see family court records.**

11
12 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
13 New York State encouraging them to enact similar resolutions; and

14
15 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this Resolution to
16 Governor Kathy Hochul, Deputy Secretary for Public Safety Marcos Gonzalez Soler, the
17 New York State Legislature and all others deemed necessary and proper.



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

**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

1 **NYSAC 2024 Legislative Conference**
2 **Standing Committee on Taxation and Finance**
3 **Resolution #1**

4
5 **Resolution Supporting Proposals to Modernize State Sales Tax Laws to**
6 **Include the Vacation Rental Industry and to Ensure These Changes are**
7 **Appropriately Tailored for the Needs of Localities**
8

9 **WHEREAS**, the Internet and numerous platforms that help facilitate retail
10 transactions electronically have provided a boost for many sectors of the economy and
11 made it easier for consumers to purchase goods and services; and
12

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

15 **WHEREAS**, this form of commerce has opened up opportunities for an entirely new
16 group of retailers and entrepreneurs; and
17

18 **WHEREAS**, with this growth, many states have realized their tax systems need to be
19 updated to accommodate the new modalities of retail activity; and
20

21 **WHEREAS**, a sizable number of new vendors and owners that use these platforms, or
22 sell directly over the Internet, do not always understand their responsibility to collect
23 state and local sales tax on taxable transactions as the process is onerous; and
24

25 **WHEREAS**, short-term rental operators would benefit from a streamlined approach to
26 the tax collection and remittance process and would improve compliance; and
27

28 **WHEREAS**, the growth in online platforms that facilitate vacation rentals is in need of
29 modernization and simplification to ease the burden on small vendors, ensure taxes
30 owed are collected and remitted to the state and local governments, and to make sure
31 there is a level playing field among marketplace participants and operators that provide
32 short-term lodging (such as online vacation rentals, hotels, bed and breakfasts, etc.);
33 and
34

35 **WHEREAS**, Governor Hochul's SFY 2025 Budget proposes to update sales tax laws to
36 define marketplace providers that facilitate vacation rentals (such as Airbnb and Vrbo,
37 among others) as persons required to collect tax on such sales; and
38

39 **WHEREAS**, 35 counties and one city have entered voluntary local occupancy tax
40 collection agreements with Airbnb as of August 2023, and one county has a similar
41 agreement with Vrbo; and
42

43 **WHEREAS**, these voluntary agreements only call for the collection of local occupancy
44 taxes with the knowledge that additional state legislation is necessary to expand these
45 collection responsibilities to state and local sales tax for short term rentals that do not
46 currently meet state sales tax law definitions; and
47

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

3
4 **WHEREAS**, Airbnb also collects state and/or local sales or occupancy taxes in 42
5 states; and

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

10
11 **WHEREAS**, nearly all counties, New York City and a variety of other municipalities
12 have local occupancy taxes, but also have unique non-tax related needs and concerns
13 regarding short term vacation rentals.

14
15 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
16 Counties (NYSAC) supports the Executive’s SFY 2025 budget proposal to ensure
17 vacation rentals as defined in the proposal, and marketplace platforms facilitating such
18 rentals, are required to collect state and local sales taxes and remit them back to the
19 state on unit rentals utilizing their platforms; and

20
21 **BE IT FURTHER RESOLVED**, NYSAC supports that such statewide actions to
22 encourage platforms that facilitate these rentals collect sales tax also require the
23 collection of local occupancy taxes at local option; and

24
25 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
26 New York State encouraging member counties to enact similar resolutions; and

27
28 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
29 Governor Kathy Hochul, the New York State Legislature and all others deemed
30 necessary and proper.

1 **NYSAC 2024 Legislative Conference**
2 **Standing Committee on Taxation and Finance**
3 **Resolution #2**

4
5 **Resolution In Support of Modernizing New York State’s In Rem Tax**
6 **Delinquency Foreclosure Process to Comply with the *Tyler v. Hennepin***
7 **County Supreme Court Decision and Prioritize the Needs of All Property**
8 **Taxpayers**

9
10 **WHEREAS**, on May 25, 2023, the U.S. Supreme Court ruled in *Tyler v. Hennepin*
11 *County*, MN, that certain property tax enforcement provisions carried out by some
12 states will need to change, specifically, returning any surplus to the prior owner after
13 appropriate delinquent taxes, penalties, fees and administrative expenses are
14 reimbursed to the enforcing entity; and

15
16 **WHEREAS**, as New York state officials, county and other local government tax
17 enforcement officers are reviewing the implications of the Court’s decision, we must
18 ensure any redrafting of current state laws meet the standards set by the decision; we
19 preserve the procedures and systems in place today that work well and provide due
20 process; and facilitate the critical task of tax enforcement for the benefit of all taxpayers;
21 and

22
23 **WHEREAS**, Governor Hochul’s SFY 2025 proposed budget includes updates to New
24 York State Real Property Tax Laws (RPTL) to address the *Tyler v Hennepin Decision*, by
25 ensuring surplus proceeds from a tax foreclosure sale are appropriately returned to the
26 prior owner(s), and builds upon extensive protections for all homeowners in existing
27 state law; and

28
29 **WHEREAS**, the updates provide a robust process for the distribution of surplus
30 including defining related terms; establishes a process for determining if there is a
31 surplus; establishes that a court will determine the order and priority of returning
32 surplus; how interested parties file for surplus funds; provides legal protections to
33 municipalities by establishing that a property sold via a public sale represents the full
34 value of the property; and defines a process for nonpublic sales; and

35
36 **WHEREAS**, they also establish mechanisms for counties to be reimbursed for
37 delinquent taxes, penalties and interest; mailing costs; costs of publication of notices;
38 the cost of recording and filing legal documents; reasonable and necessary costs of any
39 search of the public record and notice requirements (which includes a maximum of
40 \$250 or 2 percent of the delinquent taxes, interest and penalties, whichever is higher to
41 cover these costs); and the amount owed to the tax district by virtue of a judgment lien,
42 mortgage lien, or any other lien; and

43
44 **WHEREAS**, they recognize that not all counties follow Article 11 of the RPTL to
45 conduct their tax foreclosure but will allow these municipalities to largely continue their
46 current process as long as surplus is returned to prior owner(s); and

1 **WHEREAS**, the updates provide that at the conclusion of such proceedings any
2 surplus not claimed shall be deemed abandoned and shall be paid to the tax district, not
3 the state comptroller, and shall be used by the tax district to reduce its tax levy; and
4

5 **WHEREAS**, the update provides limitations on retroactive claims for surplus for sales
6 that occurred before the U.S. Supreme Court decision; and
7

8 **WHEREAS**, nearly all counties, as tax enforcement municipalities, must under state
9 law hold harmless school district and towns for any unpaid property taxes, as well as
10 many villages that counties voluntarily hold harmless; and
11

12 **WHEREAS**, these hold harmless responsibilities often extend for many years as
13 defined under state law and practice; and
14

15 **WHEREAS**, in calendar year 2022, nearly \$450 million in delinquent school district,
16 town, and village taxes were turned over to counties for further collection actions, with
17 counties making these jurisdictions whole for their unpaid taxes; and
18

19 **WHEREAS**, counties will experience higher costs under the new foreclosure process
20 required under the *Tyler v. Hennepin* decision because surplus funds from one sale
21 cannot be used to offset losses from other sales; and
22

23 **WHEREAS**, the majority of locally levied county taxes are used to pay for state-
24 mandated services and programs, and the SFY 2025 budget proposal provides no
25 additional state funding to assist counties with losses that will increase as a result of the
26 *Tyler v. Hennepin* decision; and
27

28 **WHEREAS**, in subsequent years, the increased revenue loss for counties from
29 proposed updates to RPTL and the U.S. Supreme Court decision will need to be levied
30 again and spread out among all other property owners that pay their property taxes,
31 increasing their costs and worsening the housing affordability crisis for all; and
32

33 **WHEREAS**, some counties and other tax enforcement jurisdictions also provide
34 financial assistance to landbanks by transferring tax foreclosed properties for minimal
35 cost, which appears to not satisfy the U.S. Supreme Court decision.
36

37 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
38 Counties (NYSAC) supports the updated in rem procedures proposed in the SFY 2025
39 Executive Budget but is requesting the Governor and Legislature provide an
40 appropriation of \$50 million in state funds to help offset the increased costs counties
41 will likely experience under the update proposed, as well as increasing the described
42 \$250 cap for public record search costs to \$450 and adjusted annually for inflation; and
43

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

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

3
4 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
5 Governor Kathy Hochul, the New York State Legislature and all others deemed
6 necessary and proper.

1 **NYSAC 2024 Legislative Conference**
2 **Standing Committee on Taxation and Finance**
3 **Resolution #3**

4
5 **Resolution Urging New York State to Reduce the Cost of State-Mandated**
6 **Programs on Local Taxpayers to Help Alleviate the Housing Affordability**
7 **Crisis**
8

9 **WHEREAS**, despite the state capping the local share of Medicaid—and assuming the
10 growth—New York State continues to rely on county taxpayers to balance its books; and
11

12 **WHEREAS**, even with this Medicaid growth cap in place, the 57 counties and New
13 York City have provided \$139 billion in local taxes to pay for the state-designed and-
14 controlled program since 2005; and
15

16 **WHEREAS**, each year going forward, counties will need to raise \$7.6 billion in local
17 taxes to pay a share of the costs of the state’s Medicaid program that is growing at an
18 unsustainable rate and has been for many years; and
19

20 **WHEREAS**, this state-mandated local share is unprecedented nationwide and more
21 than all counties in the country combined are forced to pay for general Medicaid
22 program costs; and
23

24 **WHEREAS**, New York State is one of only a few that require counties to pay the bulk of
25 the costs of the state general assistance program (Safety Net). Since 2005, counties and
26 New York City have provided \$25.2 billion in local tax revenues to support the state’s
27 Safety Net Program; and
28

29 **WHEREAS**, since 2005, counties and New York City have provided \$7.5 billion in local
30 taxes to support indigent defense services, a federal and state constitutional
31 requirement the state has shifted to counties and New York City; and
32

33 **WHEREAS**, only 15 states require their counties to pay a significant share of indigent
34 defense costs, and few come close to the share and amount of local funds required of
35 New York counties; and
36

37 **WHEREAS**, since 2005, counties and New York City have provided \$12.6 billion in
38 local tax revenues to support the state’s Preschool Special Education program. Counties
39 pay just over 40 percent of Preschool Special Education costs for 3–5-year-olds, in
40 addition to 10 percent of summer school special education services for K-12 students.
41 Few counties nationwide pay for or provide educational services; and
42

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

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

5
6 **WHEREAS**, the record amount of locally generated taxes paid by New Yorkers that
7 directly fund state programs each year is more than the entire general fund spending of
8 29 individual states; and

9
10 **WHEREAS**, for the 57 counties outside of New York City, the new cost shifts and
11 added spending requirements imposed over the last two years by the state will approach
12 \$600 million annually. These recurring costs include the intercept of federal Medicaid
13 funding that for 20 years has been set aside by Congress for county fiscal relief, state-
14 imposed double digit rate increases for preschool special education and foster care
15 programs, a doubling of rates for criminal indigent defense costs, and higher pension
16 costs; and

17
18 **WHEREAS**, these increases are equal to 11 percent of the entire county property tax
19 levy for 2023 and will have to be supported with higher local taxes or service cuts in the
20 future; and

21
22 **WHEREAS**, as recent as 2021, New York State shifted the entire cost of Criminal
23 Procedure Law (CPL) 730 exams and placements to county taxpayers; and

24
25 **WHEREAS**, since 2005, counties and New York City have been required under state
26 law to raise over \$184 billion in local taxes to pay for state programs that most counties
27 across the country do not fund, hindering New York's economic competitiveness,
28 driving significant job and population loss that has been accelerating in recent years,
29 and fueled New York's housing affordability crisis; and

30
31 **WHEREAS**, all of these cost shifts have been used to provide relief to the state
32 financial plan but does so by essentially substituting more regressive local taxes for the
33 more progressive state tax structure, which has a direct and negative impact on local
34 taxpayers and affordability in New York State.

35
36 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
37 Counties (NYSAC) urges the State Legislature and Governor Hochul, at minimum, to
38 freeze the growth in county costs for all state mandated programs, and, further, to
39 include significant new funding to reduce or eliminate the \$14 billion in annual
40 payments counties make for state-mandated programs as part of the SFY 2025 Budget
41 and beyond; and

42
43 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
44 New York State encouraging member counties to enact similar resolutions; and

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



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

**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

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Transportation and Public Works**
3 **Resolution #1**

4
5 **Resolution Supporting a New Round of Capital Funding for New York**
6 **Airports in the 2024-2025 Executive Budget Proposal**
7

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

12
13 **WHEREAS**, this initiative included \$230 million through the Upstate Airport
14 Economic Development and Revitalization Initiative for projects that promote and
15 accelerate improvements at upstate commercial passenger service airports, and another
16 \$20 million to be allocated through the Aviation Capital Grant Program to support
17 safety, infrastructure, economic development, and environmental projects at airports
18 throughout the state; and

19
20 **WHEREAS**, going forward, the State’s 5-Year Transportation Capital Plan allocates
21 merely \$12.5 million per year for the Aviation Capital Grant Program over the remaining
22 three years of the plan for the support of New York airports; and

23
24 **WHEREAS**, the previous programs’ funding levels were extremely successful in
25 revitalizing the upstate airports that were the recipients of awards, and complements the
26 ongoing work to transform LaGuardia and John F. Kennedy airports into world class
27 travel hubs; and

28
29 **WHEREAS**, according to data from the New York State Department of Transportation
30 and updated figures from the Port Authority of NY-NJ, the aviation industry contributes
31 over \$72.3 billion in annual economic activity in New York State and more than 506,372
32 New York-based jobs in aviation or aviation-related industries, generates \$25.8 billion
33 in payroll and well over \$6 billion in state and local tax revenue annually; and

34
35 **WHEREAS**, the state has promoted economic development and generated tax
36 revenues by enacting the Aviation Jobs Act (AJA), which resulted in the location at New
37 York airports of numerous additional revenue-producing and job creating aircraft and
38 their aviation-related activities, according to NYSDOT data, and contributes to the
39 economic benefits to New York of public investment in aviation; and

40
41 **WHEREAS**, New York airports are at the forefront of efforts to reduce GHG emissions,
42 from installing rooftop solar energy generation and energy efficient lighting, to
43 converting operations that generate emissions to electric or other alternative clean fuels
44 where possible; and

45
46 **WHEREAS**, continued state funding will promote more of these climate initiatives and
47 assist airports in financing other vital environmental projects like those needed to

1 accommodate the transitioning by airlines to sustainable aviation fuels and support the
2 efforts by companies to develop electric aircraft; and

3
4 **WHEREAS**, airports are the front doors to our state, driving business and attracting
5 tourists from all around the world. The rebuilding and modernization of New York
6 airports with a new round of robust aviation capital investment funding will allow for
7 the continued transformation of more of our airports into 21st century facilities, fueling
8 economic development, job growth and environmental sustainability for decades to
9 come.

10
11 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
12 Counties urges the Governor and Legislature include in the final SFY 2025 budget an
13 appropriation commensurate with the level of funding for the previous airport economic
14 development and revitalization initiatives (\$250 million) and accompanying increases
15 to \$40 million each year over the next three years for the Aviation Capital Grant
16 Program; and

17
18 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
19 New York State encouraging member counties to enact similar resolutions; and

20
21 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
22 Governor Kathy Hochul, the New York State Legislature and all others deemed
23 necessary and proper.

1 **2024 NYSAC Legislative Conference**
2 **Standing Committee on Transportation and Public Works**
3 **Resolution #2**

4
5 **Resolution Urging the Governor and State Legislators to Enact Increases**
6 **for Local Highway, Bridge, and Culvert Programs as Construction Cost**
7 **Inflation Tops Nearly 60 Percent**
8

9 **WHEREAS**, unprecedented inflationary impacts continue to place enormous pressure
10 on local governments to maintain existing levels of transportation construction,
11 maintenance, and service; and
12

13 **WHEREAS**, the State's 5-year State Transportation Capital Plan provides significant
14 support for local governments to maintain and improve roads and bridges highlighted
15 by the Consolidated Local Streets and Highway Improvement Program (CHIPS),
16 BRIDGE-NY, PAVE-NY, Extreme Winter Recovery (EWR), State Touring Routes, and
17 Operation Pave Our Potholes (POP) programs; and
18

19 **WHEREAS**, however, these financial levels of resources for counties, towns, cities, and
20 villages are negatively impacted by overall inflation and the continuing rising costs of
21 construction inputs; and
22

23 **WHEREAS**, the cost of highway and bridge projects has continued to skyrocket, as
24 costs have increased by 58.6 percent since the end of 2020, according to the Federal
25 Highway Administration's National Highway Construction Cost Index which shows that
26 inflation in this sector is more extreme than in the general economy; and
27

28 **WHEREAS**, this erosion of value when applied to federal transportation funding is
29 also having an impact on local projects that are eligible for these federal funds; and
30

31 **WHEREAS**, locally owned roads and bridges account for 87 percent of the State's
32 110,000 miles of roadways and 50 percent of the State's 18,000 bridges, and 46 percent
33 of the vehicle miles travelled in New York are on local roads so the state's contribution
34 to funding is a vital part of assuring the condition and resiliency of our transportation
35 systems; and
36

37 **WHEREAS**, this vast system of local roads, bridges and culverts now requires
38 incremental increases in levels of funding each year over the next 3 years to reverse the
39 deterioration of our aged and ailing transportation infrastructure, account for inflation
40 and build up its resiliency and resistance to natural disasters; and
41

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

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

5
6 **BE IT FURTHER RESOLVED**, recognizing the impacts of inflation for local highway
7 construction inputs as steel, fuel and asphalt reduces the value of state funding to local
8 transportation programs, means fewer critical road, bridge, and culvert projects are able
9 to be undertaken; and

10
11 **BE IT FURTHER RESOLVED**, NYSAC supports a \$60 million restoration in the
12 CHIPS program and a \$40 million restoration in EWR funding in the SFY 2025 adopted
13 state budget as a necessary first step in restoring the appropriations for local
14 transportation projects from the cuts in SFY 2024 and an additional \$150 million (\$90
15 million CHIPS and \$60 million EWR) to restore purchasing power over the remaining 3
16 years of the state's 5-Year Transportation Capital Plan; and

17
18 **BE IT FURTHER RESOLVED**, NYSAC looks forward to working with Governor
19 Hochul and the Legislature on significantly increasing state aid to local road and bridge
20 projects as deliberations begin on the SFY 2025 state budget and adjustments to the
21 Transportation Capital Plan are contemplated; and

22
23 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
24 New York State encouraging member counties to enact similar resolutions; and

25
26 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to
27 Governor Kathy Hochul, the New York State Legislature and all others deemed
28 necessary and proper.