



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

# Legislative Program



# 2022

## KEY COUNTY PRIORITIES

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# SFY 23 & 2022 Legislative Session Top County Priorities



## End County Sales Taxes for State Aid to Municipalities (AIM)

The state has provided aid to municipalities for many decades through the AIM program. Most of the aid goes to cities, but towns and villages also receive annual funding shares. The SFY 2019 budget cut the AIM local government assistance program by \$59 million and then backfilled this funding cut by diverting \$59 million in county sales tax revenues annually to state coffers. This highly regressive tax policy puts increased pressure on property taxes and should be repealed.

**ACTION:** Repeal Part PPP, Chapter 59 of the Laws of 2019.



## Sunset County Sales Tax Diversion for Distressed Health Facilities

The SFY 2021 budget enacted a temporary two-year program that diverts \$250 million annually in local sales tax from counties (\$50 million) and New York City (\$200 million). With the declared public health emergency ending in June of 2021, and hospitals already receiving significant support from federal funds, this unprecedented diversion of local revenue serves little purpose and should sunset as scheduled at the end of SFY 2022.

**ACTION:** Ensure Part ZZ, Chapter 56 of the Laws of 2020 sunsets in 2022, as scheduled.



## Make Counties Whole for Federal Enhanced Medicaid Funds

Counties and New York City are owed well over \$1 billion in federal Medicaid savings that have been withheld by the state. The last reconciliation of these funds was completed for SFY 2015-16 costs.

**ACTION:** The state must fully reimburse counties and New York City for four years of federally funded Medicaid savings that have only been partially reimbursed by the state.



## Invest in Local Health Departments

The COVID-19 pandemic taught the world how vital local health departments are to keeping our communities safe from infectious disease. It also exposed how chronic underinvestment left us more vulnerable than we need to be. We must invest to be better prepared for the next pandemic.

**ACTION:** Allocate unrestricted, flexible funding to local health departments and restore Article 6 reimbursement to NYC to 36 percent, the same rate as the rest of the state.



## Reform the Treatment of Individuals Deemed Incompetent to Stand Trial

Individuals have the right to mental competency prior to standing trial, but the current system places undue and often unrealistic burdens on localities that serve neither patients nor taxpayers.

**ACTION:** Reform CPL Part 730 by enacting A.8402 (Gunther) S.7461 (Brouk).



# Children with Special Needs

Counties play a vital role in supporting children with special needs, running all Early Intervention (EI) services through local health departments (LHDs) or Youth Bureaus, and fully funding preschool special education programs to ensure that all children who need preschool special education receive it at no cost to their families.

### RECOMMENDATIONS

- **Provide equal access to Universal Prekindergarten for pre-school special education students as traditional education students.** If the state is going to expand Universal Prekindergarten (UPK), special education children should be provided with the same benefit of attending a UPK program that is properly funded.
- **Reform the way that we transport children with special needs who attend early intervention and pre-school center-based programming.** Counties are experiencing significant increases in both early intervention and pre-school special education transportation costs. School districts and regional BOCES already have the infrastructure in place and these children will eventually become the responsibility of their local school district. School districts should be required to transport these children, as they are already transporting their peers to local school programs. The counties are willing to partner with the state and school districts or regional BOCES to help pay for the transportation of these students to avoid a negative financial implication to the school districts.
- **Fund incentives to become special educators.** As part of the SFY 23 Executive Budget proposal, the Governor should allocate funding for an incentive program to entice students entering into continuing education to consider speech, occupational or physical therapy and other special education fields.





# Community Colleges & Higher Education

Counties create, sponsor, fund community colleges, and pay a share of their residents' community college tuition. In recent years, the state has reduced its contribution to community college funding below its historic commitment of at least one-third. The state is also required to reimburse counties for Fashion Institute of Technology (FIT) chargebacks but has not provided the necessary appropriations to comply with this state law requirement.

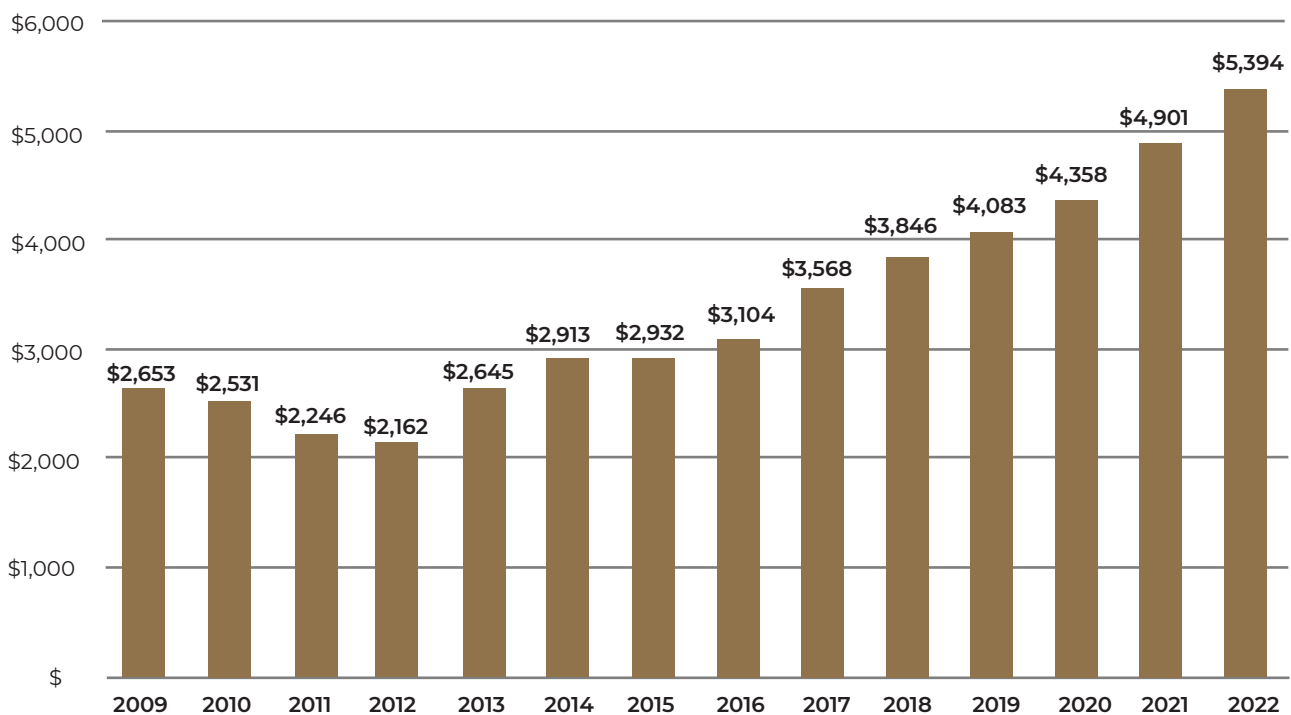
### RECOMMENDATIONS

- **Set the base state aid formula allocation for each community college to 100% of the prior year or increase \$100 per FTE, whichever is greater.**
- **Modify the institutional classification of the Fashion Institute of Technology (FIT)** from a community college to a regular SUNY university or otherwise ensure 100% state reimbursement to counties for students attending FIT for 4- and 6-year degrees.

If the state deems it is not possible to fully fund the FIT requirement, the state should consider an interim step of fully funding FIT chargebacks to counties related to all educational instruction provided after two years, or the completion of an associate degree (i.e. coursework necessary for a 4-year, and/or master's degree).

- **Increase the state share for community college base aid** to 40% of a school's operating budget. The lack of sufficient state fiscal support has required counties to pay more through increased charge back rates and forced students to pay more in higher tuition and fees.

### Average County Community College Chargeback Costs 2009 to 2022







# Economic Development & Agriculture

## Broadband and Rural Cellular Access

Broadband and cellular service are no longer luxuries; they are public necessities. While access to these services is available in nearly every urban and suburban community, rural sections of the state have been left behind due to the low return on providers' investments in less populated areas.

### RECOMMENDATIONS

- **Appropriate \$497 million in capital funding to build out cellular coverage** in the Catskill and Adirondack Park regions or work to develop a private/public partnership to ensure New Yorkers and visitors are able to connect to life saving cellular services.
- **Fund the infrastructure investments necessary for expanded cellular coverage** and continue their commitment to prioritizing broadband services for unserved and underserved areas statewide.
- **Reform the DOT fiber right-of-way fee by enacting A.8287 (Woerner) /S.7494 (Hinchey)**. This current fee hinders small broadband developers from being able to expand last-mile broadband services. If this cannot be negotiated or implemented, there should be a waiver in hard-to-serve communities like the Adirondacks and Catskill parks where broadband and cellular developers are able to obtain a waiver from the DOT right-of-way fee.

## Agriculture Mitigation Fund

New York State Energy, Research and Development Authority (NYSERDA) and the New York State Department of Agriculture and Markets (AGM) have entered into a Memorandum of Understanding (MOU) regarding the assessment and collection of an Agricultural Mitigation Fund payment for certain proposed solar projects over 30 acres located in an agricultural district.

### RECOMMENDATION

- NYSERDA should be required to **share up to 50% of the Agriculture Mitigation Fund Payments received with counties** in which solar projects are being proposed and where impacts to existing agricultural districts are occurring.

## Right to Repair

The presence of technology parts in modern equipment and devices has enabled manufacturers to reduce access to repair by proclaiming that repair might violate their proprietary rights. This is an acute problem for the agricultural industry, as the lack of a "right to repair" not only forces current farmers to invest in costly new equipment or repairs to continue their work but also acts as a barrier for young farmers who lack access to capital to acquire these technologies when starting their farms.

### RECOMMENDATION

- **Enact the Digital Fair Repair Act, A.7006 (Fahy) / S.4104 (Breslin)**, to require original equipment manufacturers (OEM) to make diagnostic information, spare parts, schematics, special tools, and firmware available to independent repair providers.



# Environment

Counties play an important role in preserving and protecting the environment. From protecting our drinking water to promoting recycling and climate resiliency, counties across New York State are acting locally to have an impact globally. In the face of global recycling market volatility that has caused unsustainable cost increases, additional state support is needed to maintain recycling efforts for conserving natural resources and keeping waste out of landfills. Additional support is also needed to fortify our state’s water infrastructure.



## RECOMMENDATIONS

- **Expand the Bottle Bill to include additional glass containers** – including liquor, wine, and iced tea bottles – to increase recovery and recycling rates and improve curbside recycling quality.
- **Reject adding additional plastic and aluminum containers to the Bottle Bill**, as this would remove over \$10 million in value from curbside bins that is used to offset the cost of local recycling programs.
- **Enact S.1095 (Kaminsky)/A.4500 (Hunter) to create a more stable and comprehensive e-waste recycling infrastructure** and relieve counties of the costly burden of collecting and disposing of e-waste.
- **Enact Extended Producer Responsibility Act, S.1185-C (Kaminsky)**, to help to address these skyrocketing costs by establishing an extended producer responsibility (EPR) program for paper and packaging.
- **Establish a Safe Water Infrastructure Program, S.3968-A (Hinchey)**, to offer assistance to local governments for drinking water, storm water, and sanitary sewer infrastructure. The bill would require the State Department of Environmental Conservation to invest at least the same annual amount in local water infrastructure projects as is invested in local CHIPS projects.





# Gaming

## Making Municipalities Whole for Lost Gaming Revenue

In 2002, the state of New York and the Seneca Nation entered into a compact with a provision that gaming revenue would be shared with the state in return for certain gaming exclusivity rights in Western New York. NYS shares with local governments, including 16 counties in Western New York, a portion of revenue they receive from the Seneca Nation.

In 2017, a dispute between the Seneca Nation and the state arose over the language within the compact, leading the Nation to stop revenue sharing payments to the state. This revenue loss amounts to approximately \$50 million annually to the 16 counties in Western New York. Furthermore, the 7 Northern Region Counties who are entitled to revenue from the state's agreement with the St. Regis Mohawk Tribe, have not received payments since the last quarter of 2019.

### RECOMMENDATION

- Counties call on the state of New York to **immediately make municipalities whole for the funding being withheld by the state** by either lack of collection from the Seneca Nation, St. Regis Mohawk Tribe or collected and not passed on in a timely manner.

## SFY 22 Commercial Gaming Tax Reduction Impact Appropriation

The enacted 2022 State Budget changed the statewide gaming industry by: 1) legalizing mobile sports gaming; and 2) reducing the percentage of gaming revenue collected from casinos to the state, thereby reducing the amount on an annual basis distributed to local governments.

The state's gaming revenue sharing system brings hundreds of millions of dollars to local governments and has become crucial support for funding needed to operate local government services. The 2022 State Budget lowered the tax levels paid by commercial casinos to help their business viability in the market. This lowering of state tax percent may be of benefit to the casinos and, therefore, good for their long-term health, which is good for both these businesses and the communities around them. In addition, the budget included a one-time \$7 million appropriation to help counties who will experience a decrease in tax revenue attributable to the decrease in commercial casino gaming taxes.

### RECOMMENDATION

- **Make a permanent annual appropriation of \$15 million to offset any local funding decrease** that results from the state's private casino tax reduction.



# General Government

## Shared Services

Counties have long used shared services and function consolidation as a primary tool in improving local government efficiency. Over the last several years, the state has enacted a variety of shared services initiatives to encourage more consolidation and service sharing at the local level. In the SFY 2017-18 budget, state lawmakers enacted the Countywide Shared Services Initiative (CWSSI), which required county leaders to convene meetings with other local government leaders to develop new shared services and consolidation proposals designed to save local tax dollars. The final budget included state matching funds for shared services in the amount of \$225 million. As of 2021, implemented CWSSI projects have leveraged \$13 million in state matching fund savings.

While counties continue to pursue expanded shared services, it remains a challenge to develop plans and meet the requirements to draw down state matching funds for the savings generated from these projects. Last year, state lawmakers extended this law until 2025.



## RECOMMENDATIONS

- The state must **adjust property tax cap provisions** that work against local shared services and consolidations.
- The state should **allow a portion (up to 25%) of the CWSSI program funding to be used for plan development and implementation.**
- The state should **ease the creation of local government health insurance** consortia under Article 47 of the Insurance Law, by enacting S.712 (Breslin)/A.543 (Steck).
- **Require the DOS to issue an interim report** of the projects that have been completed and met the criteria for state matching funds from local savings.







# Human Services

Counties play a critical role in providing residents with human services by funding and/or administering nearly all state and federal health and human service mandates.

### RECOMMENDATIONS

- The state must **prioritize and streamline the distribution of federal Emergency Rental Assistance Program funds** to ensure New York is eligible to receive a share of unused ERAP federal funds that have been made available for redistribution.
- **Make permanent housing the central focus of its homelessness prevention goals.** A key component should target supportive housing overseen by OMH, OASAS, DOH and OPWDD to efforts that prevent homelessness and quickly re-house people that become homeless.
- **Fully fund the costs of any services the state continues to provide when the federal government ends their federal financial support.**
- **Reform the use of term “handicapping conditions with disabilities,”** S.1057 (Mayer) / A.4104 (Benedetto).
- **Restore county authority to audit individuals applying for Medicaid and other social service programs** to ensure program integrity and that clients are not inappropriately made eligible for these programs.
- **Restore Safety Net state matching funds** to a 50/50 state and local match.
- **Restore open ended child welfare funding** to 65% state share.
- **Restore state’s participation in child support administration.**
- **Restore SNAP administration reimbursement.**
- **Lower county and New York City statutory Medicaid caps** to reflect current payments and savings provided by the Affordable Care Act.
- **Require NYSDOH implement Community First Choice Option,** not the local districts.
- **Require NYSDOH to pursue collection and litigation for spousal refusal** versus the LDSS.
- **Require NYSDOH to pursue Right of Election.**
- **Require NYSDOH to take over cases where Medicaid incorrectly paid the provider.**
- **Enact a 50-50 recovery partnership between counties and the state (through OMIG) to conduct retroactive and prospective reviews of county incarceration files** to ensure Medicaid managed care companies were not inappropriately reimbursed for monthly premiums while an individual was in the county jail.
- **Eliminate the issuance of home relief to those who have exhausted their 60-month limit on TANF.**



# Judiciary

## Judgment Interest Rates

When appealing a civil case judgement, the appealing party is exposed to paying interest on the lower court settlement ruling while awaiting the higher court determination. Judgment interest rates, set by New York law, are the highest in the nation, currently fixed at nine percent. Appeals can take multiple years to be heard which can cost counties and the state millions of dollars while waiting for a ruling. Most states and the federal government link their judgement interest rates to federal interest rates, which are currently just above two percent. Changing New York's judgment interest rate to match or reflect the current federal rates is an equitable commonsense approach and will save state taxpayer dollars.



### RECOMMENDATION

- **Lower court judgement interest rates by enacting S.3250 (Sanders) / A.5016 (McDonald).**

## Judicial Funding

In 2021, Governor Cuomo signed legislation creating an additional 14 Supreme Court judgeships. OCA has estimated that this new legislation will cost the state \$19 million. Another \$14 million in costs for counties will be required to provide facilities and judicial chambers for these new judges.

Additionally, on April 1, 2016, the State Legislature approved the Commission's recommendation and placed Supreme Court Judges' salaries at \$193,000 in 2016 and approximately \$207,000 in 2018 and placed County Court Judges at 95 percent of a Supreme Court Justice's salary.

### RECOMMENDATIONS

- **Allocate \$14 million to offset the capital costs of increasing the number of Supreme Court judges.**
- **Fully fund the mandated DA salary increase** as part of the 2022-23 state budget and thereafter, including a one-time amount for the retroactive salary increase that has not been funded to date.
- **Fully fund parental representation in child welfare proceedings.**
- **Increase hourly reimbursement rates for the assigned counsel program** through state finances.



# Local Finance & Tax Relief

Nearly 10 years ago, New York State mandated that local governments adhere to a property tax cap of two percent or the rate of inflation, whichever is lower. At the time, the state promised a robust package of mandate reforms that would help local governments stay under the tax cap. While state leaders did cap county Medicaid costs and implement a new pension tier to slow the growth in state mandated costs, dozens more mandates were not addressed.

In the years since the creation of the property tax cap, dramatic shifts in the nature of work and commerce, continued trends of rural population decline, and the aftershocks of a global health pandemic make it more critical than ever for counties to have additional control over local taxation and revenue.



## RECOMMENDATIONS

- **Increase county retention of revenues derived from county DMV operations.**
- **Grant counties sales tax permanency at their existing rates and authorize all counties to raise sales tax rates to 4%** as outlined in Part L, S.2509/A.3009 (2021).
- **Allow counties to set other home rule revenue tax rates up to the most common rate** existing in other counties across the state without state legislative approval. This would include, but not be limited to, mortgage recording taxes, occupancy taxes, real estate transfer taxes, etc.
- **Authorize gig economy industries, such as VRBO, AirBnB, and other vacation and home rental agencies to collect sales tax** for the state and counties (outside of New York City).
- **Eliminate the use of “dark store theory”** as a way to lower property tax assessments and create a task force to identify solutions.
- **Grant counties the authority to be included in the state’s debt set off program** for any outstanding debt totaling \$50 or more.
- **Enact “No New Unfunded Mandates” legislation.**
- **Cap current state mandated costs** at a rate that does not exceed the state-imposed property tax cap.
- **Allow reserve funds that can be utilized for public health and safety emergencies,** and update tax stabilization reserve fund provisions.



# Medicaid

The state has long acknowledged that requiring counties and New York City to pay for a share of Medicaid, and a wide variety of other state social services programs, increases local taxes to levels that far exceed the norm in other states.

**At \$7.6 billion, the counties of New York are mandated to pay more for Medicaid than all the remaining counties in the country combined.** This does not include hundreds of millions of dollars counties and New York City voluntarily contribute to support their publicly owned health facilities each year. Much of this local voluntary contribution is provided to draw down federal Medicaid matching funds through DSH and intergovernmental transfers to support their publicly-owned health facilities, which often provide care to more Medicaid and uninsured patients than other private health facilities, which is also the case in many other states. The \$7.6 billion is also more than what most individual states pay in nonfederal match to support their Medicaid programs.

Clearly, New York's counties and New York City provide significant fiscal support to the state Medicaid program.

## RECOMMENDATIONS

- **Finalize unfinished Medicaid eFMAP Affordable Care Act reconciliations for state fiscal years 2017 through 2021.** Counties and New York City are owed well over \$1 billion in federal funding that the state has failed to pass through to counties as required by federal law.
- **Provide significant fiscal resources and incentives to address the severe deficit of qualified home health care professionals** in many areas of New York. These incentives should include:
  - career ladders,
  - assistance with transportation (car loan forgiveness) or bus passes,
  - a traveling per diem staff pool,
  - assistance with childcare,
  - job sharing,
  - career milestone incentives, and
  - standardizing language and communication needs.
- **Preserve the county Medicaid cap** to ensure counties have the resources to provide local health and human services and to reduce pressure on property taxes.
- **Lower county and New York City statutory Medicaid caps** to reflect current payments and savings provided by the Affordable Care Act.
- **Complete the takeover of the administration of the Medicaid program from local districts** as required under state law. Counties have downsized their Medicaid administrative operations as part of the process to date, but the state continues to layer more responsibility for administering the most complex parts of the Medicaid program on counties.





# Public Employee Relations

## Scaffold Law

New York Labor Law §240 and §241, commonly known as the “Scaffold Law,” outlines liability for injuries caused by an employee’s fall from a height. The law was first imposed in 1885 at a time when worker safety was largely neglected in New York State and at a time when modern safety equipment and scaffolding techniques did not exist. The Scaffold Law has caused a dramatic increase in construction costs due to increased insurance required for employers in the construction business, causing New York State to have the highest general liability insurance costs in the nation.

### RECOMMENDATION

- **Reform Scaffold Law to include a pure standard of comparative negligence (S.1703 (Gallivan)).**

## Wicks Law Reform

Under General Municipal Law §101, state and local government construction projects (including school district construction projects) costing more than \$3 million in New York City, \$1.5 million in Nassau, Suffolk and Westchester counties, and \$500,000 in the rest of the state are subject to separate plumbing, heating/ventilation/air conditioning and electrical contracts.

### RECOMMENDATION

- **Reform the NYS Wicks Law (GML §101) by raising current thresholds to at least \$5 million for all entities currently subject to limits.**

## Employee Residency Requirements & Civil Service

New York’s Public Officers Law (POL) §3 generally requires certain employees reside in the political subdivision or municipality in which he or she holds such public office. This law has a worthy intent, which is to promote local officials interacting with the community in which they serve, even in off hours, as well as to keep local tax-funded salaries within the community.

Since the 1970’s, the State has authorized over 70 exceptions to POL residency requirements, including for police officers, in recognition that for some job specifications it is important to increase the potential hiring pool to obtain highly skilled employees.

### RECOMMENDATIONS

- **Amend Public Officers Law §3 to allow for home rule authority to set employee residency rules.**
- **Expand the acceptable zone of “band scoring” of civil service examinations**, thereby accessing a larger pool of candidates.
- **Pass legislation to disqualify applicants from civil services eligible lists who are clearly inappropriate for a role in law enforcement or corrections** as evidenced by a failed background check or psychological examination.



# Public Health

## County Local Health Departments

Local health departments are New York State's partners and operational extensions, addressing public health issues and serving as the first line of defense against all public health crises by protecting communities and residents. Activities led by the 58 local health departments across New York State are paramount to our collective ability to achieve prevention agenda goals, address health disparities, improve health outcomes and ensure community safety and stability. Local health departments have not received an increase in core public health aid in more than six years, nor have they received adequate compensation needed to respond to emerging health issues.

### RECOMMENDATIONS

- **Reinvest in public health services by expanding Article 6 State Aid** for General Public Health Work base grants and reimbursement rates. Specifically, New York State should ensure public health in the following ways:
  - Increase base grants to ensure public health services are eligible for full reimbursement of local expenditures by:
    - Increasing base grant to \$750,000 or \$1.30 per capita in full-service counties,
    - Increasing base grant to \$577,500 in partial service counties,
    - Restoring NYC to 36% reimbursement beyond the base grant, and
    - Permitting fringe benefits as an eligible expense under Article 6 State Aid and reimburse fringe at 36% in all counties.
- **Provide for a 50-50 state and local match for counties investigating unattended deaths.**
  - Funding will support efforts by coroners and medical examiners to perform autopsy, pathology, and toxicology services, including the identification of real-time trends, such as prescription medication and drug abuse, lethal activities, and to alert the appropriate county and state agencies to these dangers.
- To control the cost of post-exposure prophylaxis (rabies), we recommend amendments to public health law that would, respectively (1) **remove barriers related to third-party reimbursement** by allowing local health authority approval to be sufficient prior approval for insurers and (2) **equalize treatment charges for individuals exposed to rabies** who require post-exposure prophylaxis by requiring that providers accept rates set by the Commissioner of Health.
- **Allow the New York State Commissioner of Health to align regulatory requirements with the limited scope of public health related clinical services provided by local health departments.** The current standards that classify Local Health Departments as Diagnostic and Treatment Centers and Licensed Home Care Services Agencies under NYSCRR Title 10, Article 28 and Article 36 respectively, are no longer appropriate for the limited services they currently perform. The regulatory burden it imposes is excessively expensive, complex and time-consuming for the limited services being provided.



# Mental Health

## Mental Health Competency Restoration

Competency restoration is the process used when an individual charged with a crime is found by a court to be incompetent to stand trial, typically due to an active mental illness or an intellectual disability. A criminal defendant must be restored to competency before the legal process can continue.

Defendants involved in the competency restoration system in New York State are commonly called “730s,” referring to the state’s Criminal Procedure Law Section 730, which governs the process.

The SFY 21 Enacted Budget included an assumption requiring that, from that point, the state would begin charging counties 100 percent of the costs of restoring mentally ill defendants to competency. This policy action resulted in tens of millions of dollars worth of new expenses for county governments, without treatment plan consultation or input from the local county mental health department.

The New York State Association of Counties (NYSAC) in partnership with the Conference of Local Mental Hygiene Directors (CLMHD), have developed a series of statutory reforms which will help achieve the recommendations as set forth by the Council of State Governments Justice Center. The two associations engaged local practitioners throughout the state to establish a comprehensive outline for competency restoration reform.

## RECOMMENDATIONS

- **Reform the process of Mental Health Competency Restoration by enacting S.7461 (Brouk) / A.8402 (Gunther).** This legislation does the following:
  - Reforms CPL § 730.10 to clarify that competency restoration is not the same as mental health treatment and better inform the judiciary that a 730 order does not treat underlying mental health needs,
  - Establishes specific criteria for 730 examiners, streamlining the process to establish equity across the system (CPL § 730.20),
  - Requires that the psychiatrist or psychologist conducting the psychiatric exam tells the court whether there is a reasonable chance of restoration, thereby granting the court an opportunity to allow diversion to mental health treatment (CPL § 730.20),
  - Adjusts the fee for reimbursing psychiatric examiners (CPL § 730.20),
  - Makes technical corrections to CPL § 730.30 and 730.40 that include language cleanup to grammar and changes based on court actions,
  - Limits the time of restoration services (CPL § 730.50),
  - Allows individuals to be transferred to Article 9 facilities so they can receive actual mental health treatment (MHL § 9.33), and
  - Requires local government units (counties) to reinvest savings from these reforms into community mental health services (MHL § 43.03).



# Public Infrastructure & Transportation

## Local Roads and Bridges

Locally owned roads and bridges account for 87 percent of the state’s 110,000 miles of roadways and 50 percent of the state’s 18,000 bridges and this level of funding is expected to have a positive impact on the condition and resiliency of our transportation systems.

### RECOMMENDATION

- **Maintain SFY 22 Enacted Budget’s historic funding levels for CHIPS, PAVE-NY, BRIDGE-NY, and Extreme Winter Weather Funding in SFY 23 Budget.**



## Upstate Airports

Regional upstate airports are critical access points to counties and are vital to economic development. The SFY 22 Enacted Budget included \$100 million for a new “Upstate Airport Economic Development and Revitalization Competition” and another \$12.5 million to be allocated through the Aviation Capital Grant Program.

### RECOMMENDATION

- Build on SFY 22 investment in Upstate Airports by **maintaining commitment of \$150 million appropriation** in SFY 23 Executive Budget proposal.



### ADDITIONAL RECOMMENDATIONS

- **Increase the CHIPS bidding threshold to \$750,000.** An increase in the threshold would give localities the flexibility and option to bid out or perform in-house projects under \$750,000.
- **Extend design-build authority to counties,** allowing local governments to use this method would reduce costs and complete projects quicker.
- **Enact S.4244 (Skoufis) / A.1731 (Lupardo),** authorizing DEC to issue enhanced special airport air strike hazard permits to federal or state government employees and other professionals responsible for wildlife management at an airport.





# Public Safety

Counties operate and maintain 9-1-1 functions; county jails, road patrol and public safety functions through their sheriff departments and/or county police forces.

New York State has implemented substantial justice reform initiatives over the past five years, including the raising the age of criminal responsibility and reforms to bail, discovery and speedy trials, which counties are responsible for implementing.

### RECOMMENDATIONS

- Distribute public safety PSAP, SICG, and targeted grants within the budget year they appropriated within.
- Enact A.8381 (Simpson) / S.6734 (Stec) to allow any county within the state to conduct electronic court appearances for defendants.
- Establish a \$50 million, 5-year program for counties to address gun violence events locally for prevention and youth development programs and services. These grants should provide maximum discretion to counties.
- Grant county probation departments the flexibility to quickly make an application for a temporary order of protection as a part of the adjustment process.
- Eliminate the requirement that there be a sentence of a conditional discharge or probation for Leandra's Law cases when a defendant has been sentenced to a term of imprisonment.
- Establish a dedicated funding stream through DCJS/OPCA for 100% of all local probation costs including but not limited to probation personnel and evidence-based programming associated with the Raise the Age Law.
- Authorize law enforcement agencies to issue appearance tickets, instead of a physical arrest when adolescent offenders (AO's) and junior offenders (JO's) are charged with Class D felonies.
- Eliminate the mandate that pre-sentence investigations must be conducted when a sentence of up to 364 days in jail has been negotiated.
- Authorize court consolidation.
- Enact S.3901 (Kennedy) reforming STOP DWI fee collection processes.
- Grant counties the flexibility to create and authorize county-wide EMS taxing districts for underserved communities.
- If a county creates an EMS taxing jurisdiction, exclude this initiative from the property tax cap calculation.
- Amend the bail reform law to allow judges the ability to consider a defendant's potential threat to public safety; eliminate the language in the criminal procedure law that requires a judge to employ the "least restrictive" means of ensuring a bail eligible defendant return to court; and allow judges to automatically remand a defendant for any crime involving the illegal possession or use of a firearm.



# Veterans

New York State's county governments provide important services for the 900,000 veterans living in our state. Counties take pride in this service and believe we have a duty to provide support to those who sacrificed so much for our state and country. The New York State Division of Veterans' Affairs and County Veteran Service Agencies have been working in conjunction for decades to support and provide needed services to our veterans.

Unfortunately, citing state budget concerns, the New York State Division of Veteran Affairs recently reduced or eliminated some of its local government support. This decrease in support puts a strain on our county providers, which, in turn, negatively impacts the services given to our local veterans and their families.

### RECOMMENDATIONS

- **Allocate \$14 million to Support County Veteran Service Officers.**
- **Amend Executive Law Sec. 359 to calculate funding for county veteran service offices based on the successful amount of claims it produces.** An agreeable amount would be .5 percent of the total amount shown that a county's veteran population receives yearly compensation benefits.
- **Expand the Definition of "Veteran" to recognize the service of Reserve or National Guard service members who have completed 20 years of service.** Those individuals should be treated as Veterans and receive access to the same services as those currently designated as a veteran under state law.
- **Create a veteran green energy jobs program to train and link veterans with sustainable, environmentally friendly jobs** to meet the goals of the Climate Leadership and Community Protection Act. The NYS Department of Labor, State University of New York and NYS Division of Veterans' Services should partner together to create the guidelines, program requirements for a new veteran green energy workforce development program.





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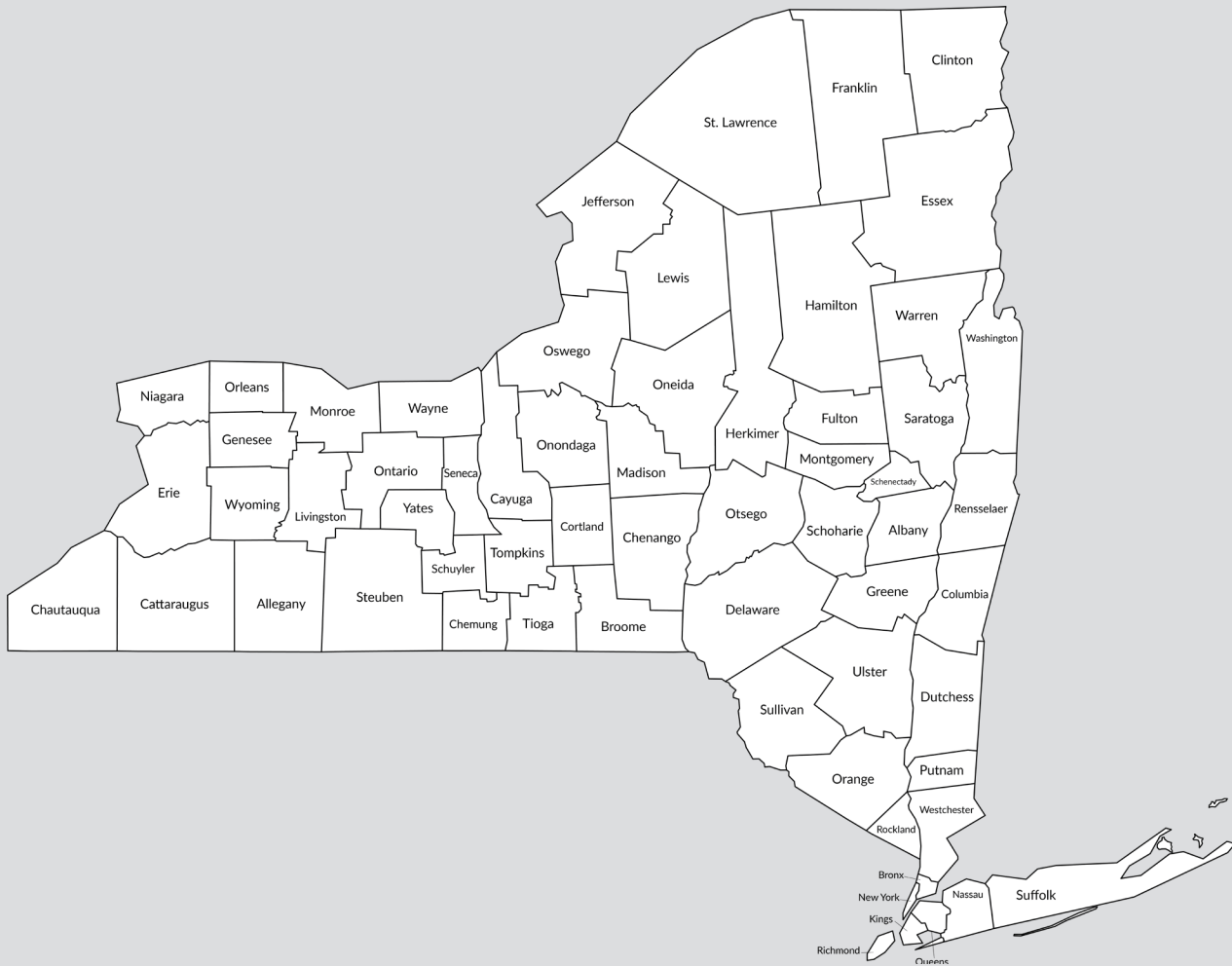


**Dave Lucas**  
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