



Legislative & Government Affairs Committee

Wednesday, February 8, 2023 2:00PM
40 McMaster Street, Ballston Spa, NY

Chair: C. Eric Butler

Members:

Mark Hammond
John Lant
Kevin Veitch
Sandra Winney

- I. Welcome and Attendance
- II. Appointment of a Vice-Chair.
- III. Discussion: 2023 State Legislative Session and Governor's State Budget Proposal – Steve Bulger, County Administrator
- IV. Calling on the State of New York to continue to Pass-Thru Federal Affordable Care Act Enhanced Federal Medicaid Assistance Percentage Fund – Steve Bulger, County Administrator
- V. Other Business
- VI. Adjournment



SARATOGA COUNTY

AGENDA ITEM REQUEST FORM

TO: Steve Bulger, County Administrator
Ridge Harris, Deputy County Administrator
Michelle Granger, County Attorney
Therese Connolly, Clerk of the Board
Stephanie Hodgson, Director of Budget

CC: John Warmt, Director of Purchasing
Jason Kemper, Director of Planning and Economic Development
Bridget Rider, Deputy Clerk of the Board
Matt Rose, Management Analyst
Clare Giammusso, County Attorney's Office
Audra Hedden, County Administrator's Office

DEPARTMENT: County Administrator



DATE: 2.2.2023

COMMITTEE:

RE: Discussion: 2023 State Legislative Session and Governor's State Budget Proposal

1. Is a Resolution Required:

No, Discussion Only

2. Proposed Resolution Title:

N/A

3. Specific Details on what the resolution will authorize:

Discussion regarding impact of Governor's budget proposal on county operations and taxpayers. Overview of the 2023 Legislative Priorities presented by NYSAC (attached.)

This column must be completed prior to submission of the request.

County Attorney's Office
Consulted

4. Is a Budget Amendment needed: YES or NO
 If yes, budget lines and impact must be provided.
 Any budget amendments must have equal and offsetting entries.

County Administrator's Office
 Consulted

Please see attachments for impacted budget lines.
 (Use ONLY when more than four lines are impacted.)

Revenue

Account Number	Account Name	Amount

Expense

Account Number	Account Name	Amount

Source of Revenue

Fund Balance	State Aid	Federal Aid	Other

5. Identify Budget Impact:

No Budget Impact

- a. G/L line impacted
- b. Budget year impacted
- c. Details

6. Are there Amendments to the Compensation Schedule?

YES or NO (If yes, provide details)

a. Is a new position being created? Y N

Effective date

Salary and grade

b. Is a new employee being hired? Y N

Effective date of employment

Salary and grade

Appointed position:

Term

c. Is this a reclassification? Y N

Is this position currently vacant? Y N

Is this position in the current year compensation plan? Y N

7. Does this item require hiring a Vendors/Contractors: Y N

a. Were bids/proposals solicited: Y N

b. Type of Solicitation

c. Is the vendor/contractor a sole source: Y N

d. If a sole source, appropriate documentation has been submitted and approved by Purchasing Department? Y N N/A

e. Commencement date of contract term:

f. Termination of contract date:

g. Contract renewal and term:

h. Contact information:

i. Is the vendor/contractor an LLC, PLLC or partnership:

j. State of vendor/contractor organization:

k. Is this a renewal agreement: Y N

l. Vendor/Contractor comment/remarks:

Human Resources Consulted

Purchasing Office Consulted

8. Is a grant being accepted: YES or NO

County Administrator's Office
Consulted

a. Source of grant funding:

b. Agency granting funds:

c. Amount of grant:

d. Purpose grant will be used for:

e. Equipment and/or services being purchased with the grant:

f. Time period grant covers:

g. Amount of county matching funds:

h. Administrative fee to County:

9. Supporting Documentation:

Marked-up previous resolution

No Markup, per consultation with County Attorney

Program information summary

Copy of proposal or estimate

Copy of grant award notification and information

Other _____

10. Remarks:

Attached items include the NYSAC 2023 Legislative Summary and the 2023 State of the State Summary provided by NYSAC.



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

Legislative Program



2023

KEY COUNTY PRIORITIES



MICHAEL E. ZURLO
NYSAC President



STEPHEN J. ACQUARIO, ESQ.
NYSAC Executive Director

www.nysac.org/advocacy



Top County Priorities for the 2023-24 State Budget and 2023 Legislative Session



Fully Fund Any Increase in Hourly Pay Rates for 18-B Indigent Defense Attorneys

Counties contract with 18-B attorneys as public defenders for some cases. The state sets the pay rates for these attorneys and has recently settled a lawsuit that doubles the 18-B rates for counties. While 18-B attorney rate increases may be warranted in certain areas to ensure quality public defense services for the poor, it is the state, not county taxpayers, who bear the responsibility for funding them.

ACTION: Fully fund any increase in 18-b hourly rates.



Reform the Civil Service Process

Municipal governments across the state are struggling to recruit and retain employees. Counties are requesting a series of civil service reforms to help ease the burden of filling vacancies.

ACTION: Eliminate the competitive status for any position that requires the applicant to hold a valid professional license issued by the state.

Eliminate the need for applicants to cross-file in adjacent municipalities to have their test scores counted for the same title in multiple jurisdictions.

Grant local governments the option for continuous recruitment where possible. In instances when continuous recruitment is not possible, exams may be offered every two years regardless of the status of existing lists.

Allow tests to be administered at the local level.

Consider changing all or certain subsets of exams to pass/fail.



Deliver Federal Medicaid Savings Owed to Counties

NYSAC believes that counties and New York City are owed substantial amounts in federal Medicaid savings that have been withheld by the state.

ACTION: Fully reimburse counties and NYC for the five years of federal ACA eFMAP savings and the three years of COVID eFMAP savings that have been withheld by the state.



Reform 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)¹.

Create a pilot program for jail-based restoration by enacting A.7061 (McDonald) / S.9133 (Mannion).

¹All bill numbers referenced in this program are from the 2021-2022 Legislative Session



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 preschool special education students the same as traditional education students.** The state created Universal Prekindergarten (UPK) under the promise that it would fully fund this program at state expense. While the state has made substantial progress in expanding UPK, too often special education students are still being taught in segregated settings and funded under an antiquated system that requires counties and New York City to pay 40 percent of these program costs.
- **Reform the way we transport children with special needs who attend early intervention and preschool center-based programming.** Counties are experiencing significant increases in both early intervention and preschool special education transportation costs. School districts and regional BOCES should be required to transport these children as they already have the infrastructure in place and are transporting their peers to local school programs. 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 impact on school districts.
- **Fund incentives to become special educators.** As part of the SFY 24 Executive Budget proposal, the Governor should allocate funding for incentives to encourage students who are continuing education to consider speech, occupational or physical therapy, and other special education fields.
- **Increase the administrative cost reimbursement rate for counties to equal the administrative reimbursement rate paid to school districts for their students.**





Community Colleges & Higher Education

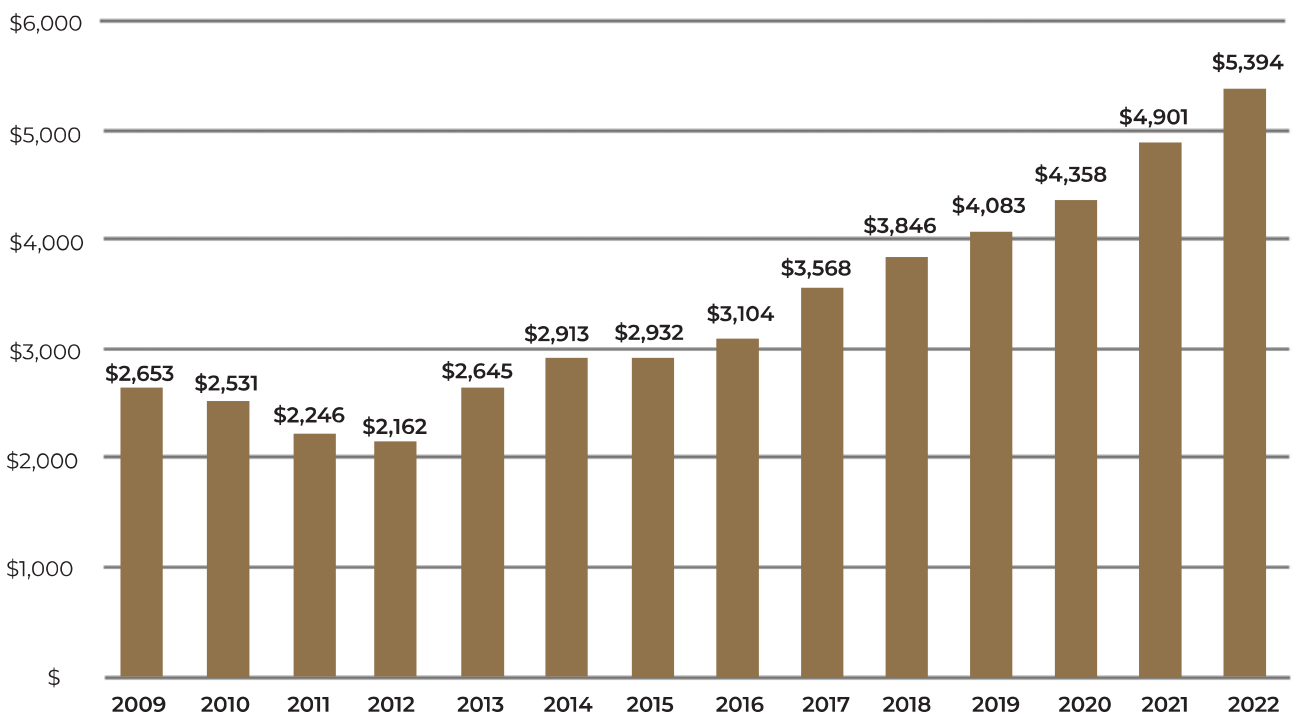
Counties create, sponsor, and fund community colleges, while also paying a share of their residents' community college tuition. In recent years, the state has reduced its contribution to community college funding below its historic commitment of at least one-third. The state is also required to reimburse 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 impossible to fully fund the FIT requirement, it 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

Agriculture Mitigation Fund

The 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.

60-hour Overtime Threshold for Farm Workers

The Farm Laborers Wage Board is charged with making a recommendation on whether to reduce the current 60-hour overtime threshold for farm workers to 40 hours. In January 2022, after numerous public hearings on the issue that included testimony from farmers, farm workers, and industry stakeholders, the Wage Board recommended lowering the threshold.

RECOMMENDATIONS

- **Counties oppose any decrease to the 60-hour farm worker overtime threshold adopted** by the Farm Laborers Wage Board and the NYS Department of Labor.
- **Repeal section 674-a of the Labor Law relating to establishing the Farm Laborers Wage Board, thereby eliminating the three-member board.**





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 programs. 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 are used to offset the cost of local recycling programs.
- **Enact S.8853 (Breslin)/A.10325 (Fahy)** to establish the Resilient New York Revolving Loan Program and the Resilient New York Revolving Loan Fund.
- **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 the Extended Producer Responsibility Act, S.1185-C (Kaminsky)** to help to address 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.
- **Enact A.9955 (Thiele) / S.8764 (Gaughran)** to establish maximum contaminant level goals for emerging contaminants in drinking water.
- **Pass the Private Well Testing Act, Enact S.48-A (Hoylman) / A.9533-A (Abinanti)** to provide all New Yorkers with information on the quality of their drinking water.



Gaming

Making Municipalities Whole for Lost Gaming Revenue

Several counties that 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

- **Immediately make municipalities whole for funding that is being withheld by the state.**

Commercial Gaming Tax Reduction Impact Appropriation

The 2022 State Budget lowered the tax rate on commercial casinos to support the industry, jobs, and economic activity they provide to communities. Coupled with this tax break, the budget included a one-time \$7 million appropriation to hold counties harmless for the resulting decrease in shared tax revenue. This appropriation was raised to \$10 million in the SFY 23 Budget.

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

Intergovernmental Affairs & Shared Services

Counties have long used shared services and consolidating functions as primary tools to improve 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

- **Adjust property tax cap provisions** that work against local shared services and consolidations.
- **Allow a portion (up to 25%) of the CWSSI program funding to be used for plan development and implementation.**
- Enacting S.712 (Breslin)/A.543 (Steck) to **ease the creation of local government health insurance consortia** under Article 47 of the Insurance Law.
- **Require the DOS to issue an interim report** of the projects that have been completed and have met the criteria for state matching funds from local savings.
- **Provide funding for a dedicated, full-time FOIL Officer** in each county to assist with FOIL compliance.
- **Allow county workers' compensation pools to join a public group self-funded deductible program** to help lower costs and manage existing claims.
- **Provide county boards of elections with more flexibility** when siting and operating early voting polling sites.
- **Provide state aid to counties to help administer federal, state, and local elections.**
- **Commit to the long-term funding of endpoint detection and response solutions for local governments.**



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

- Remedy the adoption cost shift to counties contained in SFY 23 State budget by **reimbursing counties a minimum of \$200 million to comply with this expanded mandate.**
- **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 make counties provide when the federal government ends its federal financial support.**
- **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 the 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

Judgement Interest Rates

When appealing a civil case judgment, 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 cost counties and the State millions of dollars while waiting for a ruling. Most states and the federal government link their judgment interest rates to federal interest rates.

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 judgment 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. The Office of Court Administration (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.

In 2022, Governor Hochul signed legislation creating another 14 Supreme Court judgeships and another 7 family court judgeships. OCA has estimated that this new law will cost counties \$21 million for judicial chamber construction.

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 \$35 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 2023-24 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 by enacting S.3527-B (Bailey) / A.6013-B (Magnarelli).**



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 of more mandates were not addressed, and others were added.

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

- **Grant counties sales tax permanency at their existing rates and authorize all counties to raise sales tax rates to 4%** as outlined in Part U, S.8009/A.9009 (2022) and S. 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.
- **Modify the state pension amortization programs** to allow entities to leave the program once they have fully paid back the amounts borrowed, including interest, as determined by the State Comptroller.
- **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 to be used for public health and safety emergencies**, and update tax stabilization reserve fund provisions.
- **Increase county retention of revenues derived from county DMV operations.**



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. The figure is also more than what most individual states pay in non-federal match to support their Medicaid programs.

RECOMMENDATIONS

- **Finalize unfinished Medicaid eFMAP Affordable Care Act reconciliations** for state fiscal years 2017-2022, and COVID eFMAP reconciliations for 2020-2022.
- **Fully fund the foster care rate increases included in the SFY 2023 budget.** Initial estimates of new costs upon full implementation are \$117 million for New York City and \$83 million for the 57 counties.
- **Preserve the county Medicaid cap** to ensure counties have the resources to provide local health and human services and reduce pressure on property taxes.
- **Provide significant fiscal resources and incentives to address the severe deficit of qualified home healthcare 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.
- **Coordinate a timely transition to supportive housing for the highest need individuals** with mental health and substance abuse issues in collaboration with OTDA, other state agencies, and local social services districts; especially those that have been repeatedly homeless and in need of supportive placements overseen by OMH, OASAS, OPWDD and DOCCS.
- **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 to adjust for inflation.

Employee Residency Requirements & Civil Service

New York’s Public Officers Law (POL) §3 generally requires certain employees to reside in the political subdivision or municipality in which he or she holds such public office.

Since the 1970’s, the State has authorized over 70 exceptions to POL residency requirements, including 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.

See “*Top County Priorities*” for additional Civil Service recommendations.



Public Health

Local health departments are New York State's partners and operational extensions, addressing public health issues and serving as the first line of local defense against all public health crises. 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.



RECOMMENDATIONS

- **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.
- **Enact S.75-A (Hoylman) / A.279-A (Gottfried)** to require health care providers to enter adult immunizations into the New York State Immunization Information System (NYSIIS)/Citywide Immunization Registry (CIR).
- **Strengthen statutory language prohibiting the sale of flavor additives for nicotine vapor products,** as sellers have found a loophole that allows them to sell flavored products that can be added to vapor products.
- Pass A.5177 (Paulin) and enact additional statutory changes to remove local health departments (LHDs) from the requirements of Article 28 and 36 of the Public Health Law in order to **eliminate duplicative monitoring activities and direct state regulatory staffing resources to facilities and agencies that provide higher levels of clinical care.**
- Introduce and pass legislation to **require a state system or mechanism for vetting volunteers for public health emergency response.**
- Amend subdivision 14 of Cannabis Law Section 77 to **ensure sites that receive on-site consumption licenses are not located on the same premises as sites subject to the Clean Indoor Air Act (CIAA).**
- **Fully fund the implementation of the lower blood lead level in the Lead Poisoning Prevention Program.**



Mental Health

Mental Health Competency Restoration

When an individual charged with a crime is found by a court not to understand the charges against them or to be unable to aid in their defense, they are deemed to be incompetent to stand trial. Once this occurs, the defendant is usually sent to a state facility to receive “restoration services” geared to restoring a defendant’s competency to stand trial. A criminal defendant must be restored before the legal process can continue. This process is governed by New York’s Criminal Procedure Law Section 730.

The SFY 21 Enacted Budget included an assumption requiring counties to reimburse the state for 100 percent of the costs of competency restoration, at a current cost of approximately \$1000 per day. This policy action resulted in tens of millions of dollars of new expenses for county governments. These expenses are not determinable at the time county budgets are passed and the county mental health department has little to no input concerning the type of services rendered nor the length of time the defendant is to receive such services.

NYSAC, in partnership with the Conference of Local Mental Hygiene Directors (CLMHD), has developed a series of statutory reforms which will help achieve the recommendations as set forth by the Council of State Governments Justice Center.

RECOMMENDATIONS

- **Reform the process of Mental Health Competency Restoration by enacting S.7461 (Brouk) / A.8402 (Gunther).** This legislation:
 - Clarifies that competency restoration is not the same as mental health treatment,
 - 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),
 - 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 over 50 percent of the state's 18,000 bridges. Increases in the state's local road and bridge funding programs are expected to have a positive impact on the condition and resiliency of our transportation systems.

Unfortunately, the historic funding levels for CHIPS, PAVE-NY, BRIDGE-NY, and Extreme Winter Recovery enacted in SFY 23 will be more than offset by inflation in construction materials and fuel costs.



RECOMMENDATIONS

- **Provide additional funding in the next state transportation budget (SFY 24) for the 5-Year Transportation Capital Plan to account for recent inflation.**
- **Enact A.10038 to 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 speed project completion.



Upstate Airports

Regional upstate airports are critical access points to counties and are vital to economic development. The SFY 23 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.

RECOMMENDATIONS

- **Build on SFY 23 investment in Upstate Airports by maintaining a \$250 million appropriation in SFY 24 Executive Budget proposal.**
- **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 raising the age of criminal responsibility, reforms to bail, discovery, and speedy trials, gun law reforms, and enhanced orders of protection, all of which counties are responsible for implementing.

RECOMMENDATIONS

- Distribute public safety PSAP, SICG, and targeted grants within the budget year.
- Enact A.8381 (Simpson) / S.6734 (Stec) to allow any county within the state to conduct electronic court appearances for defendants.
- Enact A.9856 (Solages) / S.8787 (Cleare) to expedite the distribution of state aid for the Supervision and Treatment Services for Juveniles Program (STSJP).
- Enact S.3901 (Kennedy) reforming STOP DWI fee collection processes.
- Enact A.9164 (Kelles) / S.8189-A (Hinchey), to create a state aid program for emergency medical services (EMS), modeled after the CHIPS program.
- Enact A.4998 (Paulin) to eliminate the mandate that pre-sentence investigations be conducted when a sentence of up to 364 days in jail has been negotiated.
- Grant counties the flexibility to create and authorize county-wide EMS taxing districts for underserved communities and exclude this initiative from the property tax cap calculation.
- Establish a \$50 million, 5-year program for counties to address gun violence through youth development programs and services. These grants should provide maximum discretion to counties.
- Provide counties with funding to administer requirements of new extreme risk order of protection laws.
- Enact legislation providing home rule authority to local governments to ban sex offenders in short-term rentals.
- 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 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.
- Reform the Raise the Age Law to require the State to develop alternatives to jails and specialized secure detention facilities to house the growing population of 16- and 17-year-old Adolescent Offenders and Juvenile Delinquents.
- 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.
- Authorize court consolidation.



Veterans

New York State's county governments provide important services for the 676,000 veterans living in our state.

The SFY 23 Budget included an increase in the minimum annual State funding to Veterans' Service Agencies from \$10,000 to \$25,000 as well as \$7.7 million to expand the Joseph P. Dwyer Peer-to-Peer Veterans' Support Program which provides peer support and counseling services to veterans transitioning from military service to civilian life. While counties applaud these measures, additional action is needed to create long-term sustainability in veteran programming.



RECOMMENDATIONS

- **Increase state funding to county veterans' service agencies to a minimum of \$50,000.** This small increase will help counties hire a part-time veteran service officer to assist in processing benefit claims, link veterans to peer support services, and develop robust Dwyer programs. This would result in approximately \$1,550,000 in additional state resources for county veterans' service agencies.
- **Increase the base aid for Joseph P. Dwyer grants to \$185,000 per county.** Right now, Dwyer funds are not allocated equally across the state. Increasing the grant to \$185,000 per county would level that playing field. This would result in approximately \$3,585,000 in additional state resources for the Dwyer program.
- **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 CLCPA.** The NYS DOL, SUNY and DVS should partner to create the guidelines and program requirements for a new Veteran green energy workforce development program.
- **Expand the veterans tuition awards program to allow the transfer of unused benefits to a spouse, survivor, or child by enacting S.5456-C(Bailey)/A.8307-A(Dinowitz).**





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The United Voice of New York's Counties



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2023 State of the State Summary

January 10, 2023



NYSAC[®]
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

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Hon. Mark C. Poloncarz, NYSCEA President
Stephen J. Acquario, Esq., Executive Director

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Introduction

Governor Kathy Hochul, serving as the 57th Governor of New York and 1st female governor, today presented the 2023 State of the State. The address laid out the administration's agenda for the year.

NYSAC has reviewed the Governor's various proposals and presents the following summary. We will continue to analyze these proposals and look anticipate that many of the details associated with them will be included in the Governor's proposed State Budget, which will be released on February 1st. We will provide more analysis as information is available.

Aging

To expand coverage and care options for New York seniors the Governor is proposing to:

- Invest in care teams to provide care for low-income adults in their homes, helping to ensure New Yorkers can age in place.
- Provide respite care for high-need family caregivers, granting relief to those who oversee the care of their loved ones.
- Establish quality reporting and accreditation for assisted living residences, and
- Implement quality improvement initiatives in nursing homes to promote transparency and make it easier for New Yorkers to make informed choices.

Agriculture

To grow New York's agricultural sector, the Governor is proposing to:

- Issue an Executive Order (EO) directing New York State agencies and related institutional entities to increase the percentage of the food they source from New York producers, with a target of 30 percent.
- Direct the Department of Agriculture and Markets to address the food supply workforce shortage by engaging with agricultural producers and processors to train and recruit new entrants in the food and agricultural fields.
- Modify the 20 percent Investment Tax Credit (ITC) for farmers to make it a refundable tax credit for a period of five years.
- Provide \$50 million over five years to support "scratch" cooking facilities that will facilitate the use of fresh New York State farm products in meal preparation for K-12 school children.
- Launch three initiatives to encourage the creation of new community gardens and increase the productivity of those already operating.
- Provide \$10 million in grant funding to support the establishment of farm markets, supermarkets, food cooperatives, and other similar retail food stores, along with supporting infrastructure in underserved communities and regions of the state.

- Direct Empire State Development and the Department of Agriculture and Markets to assemble an interagency team tasked with ensuring New York’s food manufacturing sector continues to grow and expand.

Civil Service Reforms

Amend the Civil Service Law to grant continuous recruitment for a variety of titles. Continuous recruitment exams offered on an ongoing basis will be held via a hybrid of online training and experience exams, multiple choice exams via remote proctoring (online), and instate-operated computer-based testing centers.

Cybersecurity

In 2022, the State’s Division of Homeland Security and Emergency Services (DHSES) responded to 57 cyber incidents across New York in support of counties, local governments, state entities, and others. To protect the state’s critical infrastructure facilities, Governor Hochul is directing DHSES’ Office of Counterterrorism to create New York’s first-ever Industrial Control Systems (ICS) assessment team to help these facilities improve their overall cybersecurity posture so they are more resilient to cyberattacks.

Economic Development

Childcare

Governor Hochul will propose raising the income limit to the maximum allowed by federal law to cover families earning up to 85 percent of New York’s median income. In real terms, this will increase the income limit for a family of three from just under \$70,000 to nearly \$80,000.

Governor Hochul will also standardize eligibility across local districts by ensuring that our most vulnerable families—families experiencing homelessness and families caring for a child in foster care or kinship care—are provided childcare assistance as long as funds are available.

Additionally, the Governor is directing HCR to incentivize housing developments to include dedicated childcare space. HCR will expressly favor applications for its Low-Income Housing Tax Credit that incorporate childcare facility space.

Automatic Minimum Wage Inflation Adjustment

The Governor will propose legislation to index the minimum wage to inflation. After reaching \$15 per hour, each region’s minimum wage will increase consistent with the year-over-year Consumer Price Index-W for the Northeast Region. To ensure that no single-year increase would threaten employment, annual increases would be capped, and an “off-ramp” would be available in the event of certain economic conditions.

Seventeen other states either currently tie their minimum wage to inflation, or some other economic formula, or are slated to do so.

Modernize and Streamline the State’s Training and Employment Infrastructure

Governor Hochul is proposing to convert DOL Career Centers into “Community Training and Career Centers,” with additional professional skills trainers that provide unemployed and underemployed New Yorkers with no-cost training in high-need areas, such as digital and financial literacy and entrepreneurship. This will be paired with a new, large-scale, on-the-job training program administered by the DOL to upskill 3,000 workers each year, focusing on high-demand industries and hard-to-fill job titles.

New York State will also retool the outdated CareerZone platform to specifically help youth, young adults, and digital literacy learners explore career paths and develop baseline professional skills required by employers from all sectors.

Environment

Make Buildings More Sustainable

The Governor is calling for all new construction to be fully sustainable, with no on-site fossil fuel combustion by 2025 for smaller buildings and by 2028 for larger buildings. She is also proposing to prohibit the sale of any new fossil fuel heating equipment by no later than 2030 for smaller buildings, and no later than 2035 for larger buildings, along with related fossil fuel systems for all buildings.

Launch A Cap-and-Invest Program and Provide Climate Action Rebates

As recommended by the Climate Action Council, Governor Hochul is directing the Department of Environmental Conservation (DEC) and the NYS Energy Research and Development Authority (NYSERDA) to advance an economy-wide Cap-and-Invest Program that establishes a gradually declining cap on greenhouse gas (GHG) emissions. The program will set an annual cap on the amount of GHG pollution in New York State. Every year, the pollution cap will be reduced with the aim of setting the state on a trajectory to meet our greenhouse gas reduction goals of 40 percent by 2030 and at least 85 percent below 1990 levels by 2050.

Large-scale emitters of greenhouse gases and distributors of heating and transportation fuels in the state will be required to purchase allowances — via auctions hosted by the State — for the emissions associated with their activities. By applying a price to the amount of pollution associated with certain fuels, the program will incentivize consumers and businesses to transition to lower-carbon alternatives, such as electric vehicles or electric heating systems.

The Governor will also propose legislation to offer universal Climate Action Rebates to families across the state to defray their costs. The rebate is expected to provide \$1 billion to help cover utility bills, transportation costs, and de-carbonization efforts. Proceeds from allowance auctions will support the State’s investments in climate mitigation, energy efficiency, clean transportation, and other projects, in addition to funding a Climate Action Rebate distributed to all New York families.

Launch the EmPower Plus Program

Governor Hochul is proposing to launch the EmPower Plus low-income home retrofits program, which will help 20,000 low-income families retrofit their homes by adding insulation, installing energy-efficient appliances, and, where eligible, switching to electric heating systems. Homes that qualify to be electrified through the EmPower Plus program will be eligible for the Energy Affordability Guarantee once they are fully electrified.

Create An “Energy Affordability Guarantee” Pilot Program

The Governor is proposing to create a first-in-the-nation pilot program called the Energy Affordability Guarantee that will ensure participating low-income New Yorkers never pay more than six percent of their income on electricity. The State will extend \$200 million in relief to provide a monthly discount to the more than 800,000 electric utility customers who are making under \$75,000 a year and have not been eligible for the State’s current utility discount program.

Advance Transportation Electrification

Governor Hochul will direct the Department of Public Service (DPS) to launch a proceeding that will identify and remove the barriers to the efficient and timely deployment of the charging infrastructure needed to electrify medium- and heavy-duty vehicles.

Reduce Waste and Invest in Local Recycling Programs

Governor Hochul will introduce the Waste Reduction and Recycling Infrastructure Act to transfer the onus of recycling from taxpayers and local governments to producers. The product stewardship program that this legislation would create will include requirements to meet specific recycling rates, create binding post-consumer recycled content rates, and ensure recycling is convenient for consumers.

Invest in Water Quality Infrastructure

Governor Hochul will invest an additional \$500 million in clean water funding in her upcoming budget, bringing New York’s total clean water infrastructure investment to \$5 billion.

To leverage these investments and ensure ongoing coordination with local governments, Governor Hochul will also develop Community Assistance Teams, which will provide proactive outreach to small, rural, and disadvantaged communities and assist with accessing financial assistance to address their clean water infrastructure needs. Financial resources will be used to establish and implement apprenticeship programs to make sure localities have the technical staff necessary to operate water and wastewater treatment plants across the state.

Clean Up “Forever Chemicals”

Governor Hochul is proposing to establish a new program to offer financial assistance to municipalities to investigate sources of contamination and remediate contaminated sites over the next five years. This new program will provide the resources communities need to remove emerging contaminants like Perfluoroalkyl Substances (PFAS) from our environment and protect clean water.

Government Operations

Eliminate Technical Filing Requirements for Municipalities

Currently, municipalities must consecutively number local laws filed with the Department of State, an overly technical requirement that leads to the unnecessary rejection of numerous local laws. Governor Hochul proposes to eliminate these filing requirements.

Simplify Condominium Declarations Filing Requirements

Currently, NYS Real Property Law requires condominium declaration filings to go to the Department of State and with the County Clerk. Governor Hochul proposes to have the condominium board file only the designation of the Secretary of State as its agent for service of process.

Health Care

The Governor is proposing to establish a new Future of Health Care Commission to improve the efficiency of the current system with the goal to improve access and quality of care, health outcomes, root out waste in the system, and create long-term stability, including a plan for struggling hospitals. Proposals include:

- Establishing a new capital grant fund to support healthcare providers' technological investment upgrades that facilitate the State's healthcare transformation goals,
- Reforming traveling nurse agency staffing practices with initial steps that will require these agencies to report more data to the state on their operations and cost structure,
- Expanding health care providers' scope of practice by making permanent some of the emergency measures enacted during the pandemic and advancing legislation to allow New York to join the Interstate Licensure Compact and the Nurse Licensure Compact, which will make it easier for physicians and nurses licensed in other states to practice in New York, and
- Reforming the certificate of need (CON) process to reduce regulatory burdens and speed technology and approval times to modernize the statewide health system.

Addressing Medical Debt

Last year, the State took steps to reduce the burden of medical debt by announcing regulations to protect consumers facing surprise medical bills as well as prohibiting hospitals from placing liens on patients' homes or garnishing their wages to collect on medical debt. This year the Governor is proposing to:

- Amend the Consumer Credit Fairness Act to cover medical debt,
- Launch an industry and consumer education campaign that addresses medical debt and affordability,
- Reform hospital financial assistance applications to require hospitals to use a uniform application,

- Establish the strongest prescription drug price transparency program in the country by requiring drug manufacturers to report, in advance, changes in drug prices and make that information publicly available to consumers, and
- Explore the creation of a new Health Guaranty Fund to protect New Yorkers if a health insurer becomes financially impaired or insolvent, similar to what is in place for life and property insurers.

Higher Education

Directly Admit All New York Students to Their Local Community Colleges

SUNY will partner with school districts to ensure all graduating high schoolers are accepted automatically into their local community college.

Housing

Set Goals for New Construction Across the State

With a goal of building 800,000 new homes, Governor Hochul is proposing to set targets for new home creation on a three-year cycle that will apply to all municipalities (villages, towns, and cities). Municipalities located within the MTA region will have a 3% new housing growth target. Upstate municipalities will have a 1% new home target.

Communities that fail to meet these goals will be required to fast-track approvals for mixed-income, multifamily projects. A new appeals process will be established to provide approvals where localities do not.

Localities can choose to take zoning actions that substantially increase capacity for new housing and mixed-use developments, which will exempt them from the fast-track approval mechanisms for the subsequent three-year cycle even if they do not meet the new homes target.

Support Planning and Infrastructure Needs

To support local governments in achieving the State's housing goals, Governor Hochul will create a \$250 million fund to aid critical infrastructure projects triggered by plans for increased housing, such as sewer and water infrastructure and structured parking facilities that allow existing lots to be repurposed. An additional \$20 million fund will be established to support local governments as they pursue rezoning, collect critical housing data, and engage in other important planning activities tied to achieving the new home targets.

Transit-Oriented Development

Under the Governor's proposed Housing Compact, neighborhoods within half a mile of all rail stations run by the MTA — both subway and commuter trains — will locally rezone to allow for certain levels of housing density. Within three years, localities will rezone the areas immediately surrounding these transit stops for a minimum average density unless the existing density already meets that level. Mixed-use, walkable developments will be encouraged, and municipalities will have flexibility in how they distribute the density.

Establish A Statewide Database

The State will create a New York-wide database of housing permit data, zoning maps, and zoning requirements for all localities. The State will work with county or regional entities to provide support for localities collecting the initial data and setting up systems to submit the information on an ongoing basis.

Reclaim Vacant and Abandoned Homes

Governor Hochul will propose legislation to update the law that enables localities to put certain abandoned properties to good use. Her proposal will make it easier for cities and towns to take ownership of dangerous multifamily properties, including for the purpose of rebuilding safe and habitable homes.

Offer Incentives to Build and Rehabilitate Housing

To support the development of mixed-income housing outside of New York City, Governor Hochul will direct Homes and Community Renewal (HCR) to make \$5 million in State Low Income Housing Tax Credits (SLIHC) available to mixed-income projects. The Governor will also propose a new property tax exemption in New York City to incentivize the inclusion of affordable housing in commercial buildings that are converted to residential use.

To support homeowners who build out Accessory Dwelling Units (ADUs), Governor Hochul will propose to expand an existing property tax exemption that localities can opt into to explicitly cover these units, increasing the size of the exemption to better support the creation of ADUs and extending the time frame to incentivize their development. She will also propose a new property tax exemption that localities can opt into to encourage mixed income housing development near train stations.

Governor Hochul will make the necessary changes to ensure that localities where new housing developments utilize Payment in Lieu of Taxes (PILOT) agreements are not penalized in tax cap calculations. The status quo accounting methodology can discourage the use of PILOT agreements by putting more downward pressure on a locality's overall tax levy.

Finally, Governor Hochul will work with the Legislature to fashion and enact a replacement for the 421a property tax exemption program that expired last year.

Create Greater Opportunities to Convert Office Spaces into Residential Housing

Governor Hochul will propose legislation to expand the universe of commercial buildings eligible for conversion to residential use and provide necessary regulatory relief for such conversions.

Authorize New York City to Legalize Basement Apartments

Governor Hochul will propose providing the City of New York with the local authority to provide amnesty by local law for existing basement units that meet health and safety standards to be determined by the City.

Medicaid

The Governor is proposing to increase preventive care services under the Medicaid program, as well as access to preventive care by:

- Increasing supportive housing funding,
- Expanding Adverse Childhood Experiences screening,
- Expanding coverage for nutritionist services,
- Expanding coverage for therapy,
- Increasing dental care rates,
- Increasing rates for children’s vaccine administration,
- Expanding coverage of spinal muscular atrophy prenatal screening,
- Expanding screening for social determinants of health,
- Expanding coverage for Doula services,
- Increasing overall Medicaid reimbursement rates for all primary care, and specifically for nurse practitioners, who are critical providers of primary care,
- Ensuring Medicaid coverage of primary and urgent care within the shelter system, which is expected to help tens of thousands of New Yorkers facing housing insecurity to access care,
- Expanding Medicaid coverage of community health workers to help hundreds of thousands of New Yorkers navigate health and social services,
- Increasing Medicaid reimbursement rates for school-based health centers, which increase access to primary care and other health services for children and their families, and
- Supporting the integration of primary and mental health care through several initiatives, including:
 - Providing Medicaid reimbursement for additional types of licensed mental health providers in community health centers,
 - Establishing a working group on integrated care, and
 - Relaxing licensure restrictions for Article 28, 31, and 32 facilities — such as hospitals, outpatient clinics, and behavioral health clinics.

Long-Term Care Access

The Governor is proposing to seek a federal Medicaid waiver to expand the Medicaid Buy-In program so more New Yorkers with disabilities can work and still qualify for Medicaid coverage.

Essential Health Plan Reforms

Increase coverage and access of the largely federally funded Essential Health Plan benefit under the Affordable Care Act, which offers health coverage to individuals not eligible for Medicaid but earning under 200 percent of the FPL by:

- Reducing cost sharing for patients,
- Ensuring access by increasing reimbursement rates for healthcare providers,
- Expanding funding for health plans to broaden coverage of mental health and social services, and
- Requiring health plans to spend more on patient care

Mental Health

Expand Insurance Coverage for Mental Health Services

The Governor will advance legislation to prohibit insurance companies from denying access to medically necessary, high-need, acute, and crisis mental health services for both adults and children.

She will also advance legislation to close gaps in coverage for behavioral health services to improve the well-being and success of individuals once they leave hospitals or emergency departments.

Additionally, the Governor is proposing to adopt appointment availability and geographic accessibility standards for behavioral health services and ensure payment parity for behavioral health telehealth services.

Expand Mental Health Services for School-Aged Children

Governor Hochul is proposing to broaden mental health services in schools by:

- Ensuring school-based mental health services are more accessible for youth with private insurance by requiring reimbursement equivalent to Medicaid,
- Increasing Medicaid rates for Article 31 school-based satellite clinics,
- Increasing Medicaid rates for school-based wraparound services, and
- Investing in annual school-based partnership and capacity grants.

Increase Operational Capacity for Inpatient Psychiatric Treatment By 1,000 Beds

Governor Hochul will direct Article 28 community hospitals to immediately bring 850 inpatient psychiatric beds online. To ensure this goal is met, she will propose legislation to allow OMH to fine hospitals for non-compliance with their operating certificate at a rate of up to \$2,000 per violation, per day.

Simultaneously, Governor Hochul will open 150 new adult beds in State-run psychiatric hospitals. One hundred of these beds will open in New York City, and 50 will open outside of New York City. This will build on the 50 new beds that the Governor announced in November.

Improve Admissions and Discharge Planning and Establish Systemic Accountability

The Governor is proposing a combination of policy changes and investments to create systemic accountability for admissions and discharges, including:

- Requiring that hospitals responsibly admit patients in need of care, with new, comprehensive standards for evaluation and increased state-level oversight to ensure that new protocols are being used effectively,
- Creating 50 new Critical Time Intervention (CTI) Care Coordination Teams to provide wrap-around services for discharged patients, from housing to job supports,
- Requiring that emergency departments and inpatient providers discharge high-risk, high-need individuals into immediately available wrap-around services, including CTI Care Coordination, and
- Requiring that outpatient programs provide immediate and ongoing appointments for high-risk individuals during the discharge process, ensuring a “warm handoff” of care.

Expand Outpatient Services

Governor Hochul will expand a wide range of outpatient services, including:

- Comprehensive psychiatric emergency programs providing hospital-level crisis care, with 12 new sites across the state.
- Assertive Community Treatment teams providing mobile, high intensity services to the most at-risk New Yorkers, with 22 new teams in New York City and 20 in the rest of the state.
- Certified Community Behavioral Health Clinics (CCBHCs), providing walk-in, immediate integrated behavioral health care, and both mental health and substance use disorder services for New Yorkers of all ages and insurance status, expanding from 13 to 39 clinics statewide, supplemented by an Indigent Care Pool (ICP) to ensure access.
- Safe Options Support teams, providing outreach and connection to services for homeless populations with mental illness and substance use disorders, with five new teams in New York City and three in the rest of the state.
- Article 31 Clinics that provide core mental health services serving the most vulnerable New Yorkers, with expanded capacity at 20 sites.
- Health Home Plus care management, to provide assistance as patients seek to access the services they need, hiring dozens of new care managers to serve individuals with serious mental illness.

Create 3,500 New Housing Units for Individuals with Mental Illness

Specifically, the Governor's plan will create:

- 500 Community Residence-Single Room Occupancy (CR-SRO) units, which provide housing and intensive services to individuals with serious mental illness who are at the highest risk of homelessness.
- 900 transitional step down units — a new, medium-length stay model — which help individuals transition from various levels of care to community-based living.
- 600 Licensed Apartment units, which serve individuals who require an intermediate level of services to be able to live in the community, but do not require 24/7 staffing and support.
- 1,500 Supportive Housing units, which serve individuals with a serious mental illness who have less acute needs but still require support to live in the community. Half of these would be scattered-site, rental units which can be opened quickly, while the other half would be new construction or renovated facilities completed over the next five years.

Public Health

Address Childhood Lead Poisoning in High-Risk Areas Outside of New York City

The Governor is proposing to apply an inspection requirement in the 24 highest-risk zip codes for lead poisoning outside of New York City. Rental units built before 1980 will be required to be assessed on a three-year cycle to try and identify any hazards that may pose an imminent risk to children. Homes that fail the inspections will be required to remediate the lead hazards to keep their certificate of occupancy.

To help assist landlords, State funding will be provided to defray the costs of inspections as well as to support renovations when dangerous conditions are identified.

Discourage Tobacco Use Among Youth

Governor Hochul will introduce legislation to expand the State's ban on the sale of flavored vaping products by prohibiting the sale of all flavored tobacco products. In addition, Governor Hochul will propose to increase the cigarette tax from \$4.35 to \$5.35 per pack.

Expand Access to Treatment for Opioid Addiction

Governor Hochul will launch an interagency task force to consider all options related to opioid use disorder treatment and harm reduction strategies. She will also make enhanced drug-checking technology available at Drug User Health Hubs so that individuals can test their drugs to prevent overdose before use. Additionally, drug-checking technology will be made available to engagement service and street-level outreach providers who work with individuals not currently receiving addiction services and who are at significant risk of a fatal overdose.

Make It Easier for Physicians and Nurses to Practice in New York

Governor Hochul will advance legislation to allow New York to join the Interstate Licensure Compact and the Nurse Licensure Compact, which will make it easier for physicians and nurses licensed in other states to practice in New York, either physically or virtually, and allow New York providers to provide virtual care more easily for their patients who travel to other states.

Strengthen New York's Public Health Emergency Readiness Capacity

The Governor will direct Department of Health to commit additional staff resources to work with other state agencies, as well as key local and national partners, to build more robust emergency response plans, conduct emergency response training, and ensure appropriate stockpiling of medical equipment and supplies.

Address the EMS Crisis

- Ensure emergency transportation providers are appropriately reimbursed for trips, increasing payments for more complex patients.
- Establish a working group to recommend ways to expand access to non-emergency medical transportation.
- Establish nine regional EMS organizations that can better coordinate all the EMS agencies and providers operating within their region and a statewide EMS disaster response system that can rapidly deploy personnel and equipment when and where it is needed during an emergency.
- Allow EMS providers to perform expanded clinical care in the community.
- Permit ambulances to treat patients in place or take patients to urgent care clinics without sacrificing payment for the trip, decreasing the number of unnecessary emergency room visits.

Public Safety

Expand the State’s Gun-Involved Violence Elimination (GIVE) Program

The Governor is proposing to double funding for the GIVE Initiative to \$36 million to expand this initiative beyond the current 17 counties served by the program. This funding would be used to hire approximately 150 police officers and prosecutors dedicated to combating gun violence within their communities, while also supporting police departments in their adoption of evidence-based strategies.

She also proposes to double funding for the Alternatives to Incarceration (AIC) program to \$30 million annually and provide \$36 million to allow District Attorneys to hire more prosecutors to meet the demands of the new discovery requirements.

Amend the State’s Bail Laws

Governor Hochul is proposing to work with the Legislature to make “thoughtful changes” to the bail law, consistent with the spirit behind its original passage, in order to restore confidence in our criminal justice system. For serious crimes (those that remain eligible for bail), Governor Hochul believes the “least restrictive” standard should be eliminated.

Fire Services Crisis

Governor Hochul will propose legislation to allow communities to pay modest compensation to eligible volunteer firefighters. She is also proposing to create a fund to pay a stipend to volunteer firefighters upon completion of certain foundational training or certification required for core responsibilities.

Transportation

Electric Vehicle Charging Stations

The Governor announced that New York’s utilities have been authorized to invest more than \$1 billion in support of vehicle electrification, primarily for the development of EV charging infrastructure for passenger vehicles. In addition, the state will receive \$175 million over five years in federal funds to establish an interconnected network of electric vehicle (EV) charging stations, which will support the increase in the number of electric vehicles on the state’s roads. New York will continue to work with stakeholders to determine the most efficient and effective way to provide incentives that support the installation, operation, and maintenance of an expanded EV charging station infrastructure with a goal to put charging stations no more than 50 miles apart.

Governor Hochul will also direct the Department of Public Service (DPS) to identify and remove the barriers to the efficient and timely deployment of the charging infrastructure needed to electrify New York’s medium and heavy-duty vehicles.

Public Transportation

The Governor announced a new proposal to expand public transportation with funding for a five-year pilot program that will allocate \$1 million to each of the seven largest non-MTA systems, while smaller systems throughout the state would jointly be eligible for a competitive fund of \$3 million. These funds can be used as a 20 percent match for federal funds; to purchase technology that enables local app-enabled trip requests for public transit; purchase smaller vehicles; and create a transit service that better suits local needs.



SARATOGA COUNTY

AGENDA ITEM REQUEST FORM

TO: Steve Bulger, County Administrator
Ridge Harris, Deputy County Administrator
Michelle Granger, County Attorney
Therese Connolly, Clerk of the Board
Stephanie Hodgson, Director of Budget

CC: John Warmt, Director of Purchasing
Jason Kemper, Director of Planning and Economic Development
Bridget Rider, Deputy Clerk of the Board
Matt Rose, Management Analyst
Clare Giammusso, County Attorney's Office
Audra Hedden, County Administrator's Office

DEPARTMENT: County Administrator

DATE: 2.3.23

COMMITTEE: Legislative & Government Affairs

RE: Requesting Resolution Calling on the State of New York to Continue to Pass-Thru Federal Affordable Care Act Enhanced Federal Medicaid Assistance Percentage Funds

1. Is a Resolution Required:

2. Proposed Resolution Title:

See below

3. Specific Details on what the resolution will authorize:

Resolution Title: Calling on the State of New York to Continue to Pass-Thru Federal Affordable Care Act Enhanced Federal Medicaid Assistance Percentage Funds

This resolution will highlight the importance of this state funding issue and the negative impacts it will have on the county budget.

The eFMAP funding was part of the Affordable Care Act and designed to provide counties with fiscal relief. If this funding isn't pass to the county, it will be an additional unbudgeted cost of approximately \$3,000,000 to county taxpayers.

This column must be completed prior to submission of the request.

County Attorney's Office
Consulted

4. Is a Budget Amendment needed: YES or NO
If yes, budget lines and impact must be provided.
Any budget amendments must have equal and offsetting entries.

County Administrator's Office
Consulted

- Please see attachments for impacted budget lines.
(Use ONLY when more than four lines are impacted.)

Revenue

Account Number	Account Name	Amount
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Expense

Account Number	Account Name	Amount
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Source of Revenue

Fund Balance	State Aid	Federal Aid	Other
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5. Identify Budget Impact:

No Budget Impact

- a. G/L line impacted
- b. Budget year impacted
- c. Details

6. Are there Amendments to the Compensation Schedule?

YES or NO (If yes, provide details)

a. Is a new position being created? Y N

Effective date

Salary and grade

b. Is a new employee being hired? Y N

Effective date of employment

Salary and grade

Appointed position:

Term

c. Is this a reclassification? Y N

Is this position currently vacant? Y N

Is this position in the current year compensation plan? Y N

7. Does this item require hiring a Vendors/Contractors: Y N

a. Were bids/proposals solicited: Y N

b. Type of Solicitation

c. Is the vendor/contractor a sole source: Y N

d. If a sole source, appropriate documentation has been submitted and approved by Purchasing Department? Y N N/A

e. Commencement date of contract term:

f. Termination of contract date:

g. Contract renewal and term:

h. Contact information:

i. Is the vendor/contractor an LLC, PLLC or partnership:

j. State of vendor/contractor organization:

k. Is this a renewal agreement: Y N

l. Vendor/Contractor comment/remarks:

Human Resources Consulted

Purchasing Office Consulted

8. Is a grant being accepted: YES or NO

County Administrator's Office Consulted <input type="checkbox"/>

a. Source of grant funding:

b. Agency granting funds:

c. Amount of grant:

d. Purpose grant will be used for:

e. Equipment and/or services being purchased with the grant:

f. Time period grant covers:

g. Amount of county matching funds:

h. Administrative fee to County:

9. Supporting Documentation:

- Marked-up previous resolution
- No Markup, per consultation with County Attorney
- Program information summary
- Copy of proposal or estimate
- Copy of grant award notification and information
- Other Mark-up of Draft Resolution provided by NYSAC

10. Remarks:

1 Calling on the State of New York to Continue to Pass-Thru Federal
2 Affordable Care Act Enhanced Federal Medicaid Assistance Percentage
3 Funds
4

5 WHEREAS, the SFY 2024 State Budget proposal would end the Affordable Care Act
6 (ACA) enhanced Federal Medical Assistance Percentage (eFMAP) federal pass-thru to
7 counties and New York City; and
8

9 WHEREAS, the State is proposing to keep all of these federal savings going forward
10 and use them to cover further expansions of Medicaid eligibility and benefits and to
11 increase payments to health care providers; and
12

13 WHEREAS, the elimination of this ACA eFMAP federal pass-thru will require the 57
14 counties to spend at least \$280 million more in SFY 2024, and approximately \$1 billion
15 when New York City is included; and
16

17 WHEREAS, the SFY 2024 costs to counties and New York City are scheduled to grow
18 by 30 percent by SFY 2027; and
19

20 WHEREAS, it is the strong view of NYSAC that congress intended these federal
21 savings to be shared with counties proportional to the amount they contributed toward
22 the nonfederal Medicaid match; and
23

24 WHEREAS, since 2003, the state has shared the funds proportionally based on our
25 analysis of savings we have received during periods when an enhanced federal Medicaid
26 match was enacted by Congress; and
27

28 WHEREAS, enacted in 2011, the Medicaid statutory cap for all 62 counties is \$7.6
29 billion. The Medicaid statutory cap for the 57 counties outside of New York City is \$2.25
30 billion.; and
31

32 WHEREAS, starting in SFY 2014, New York began sharing these federal ACA savings
33 directly with counties. The savings for a year were provided by lowering the weekly
34 **payments each county and NYC make to the state to support the State's Medicaid**
35 program. Through February 1, 2023, the state continues to share the federal savings
36 from the ACA eFMAP with the 57 counties and NYC; and
37

38 WHEREAS, counties strongly disagree with the need to cut county funding so deeply
39 **when the Governor's budget proposes to fully fund its own reserves two years ahead of**
40 schedule de depositing \$5.4 billion into reserves before the end of SFY 2023, while also
41 projecting a general fund surplus of \$35 billion by the end of SFY 2024.

42 NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of
43 Counties calls on the State to continue to share these federal funds with counties as has
44 been the precedent for over 20 years; and
45

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

1
2
3
4
5

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