

Resolution No. - 2024

TO THE COUNTY BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER, NEW YORK

WHEREAS, the Committee on Legislation has reviewed the following items for the 2024 Westchester County Joint State Legislative Package; Now Therefore Be It

RESOLVED, that after considerable deliberation, it is recommended that this Honorable Board approve these legislative initiatives, and that they be presented to and considered by the New York State Legislature and Governor during the current state legislative session.

Dated: February 5, 2024
White Plains, New York

Margaret A. Cio

and
Colin M.

J. W.
Doris J. Tubio

~~Benjamin Boykin~~
Benjamin Boykin

COMMITTEE ON
Legislation

Dated: February 5, 2024
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

A handwritten signature in black ink that reads "Emigiana Ulag". The signature is written in a cursive style with a large initial 'E'.

COMMITTEE ON

Legislation

2024 STATE LEGISLATIVE PACKAGE SUBMISSIONS

FINANCE

Pkg #	State Bill #	Short Description	Notes/Justification
1	N/A	Authorize Design Build for Westchester County	<p>In 2019, 7 agencies in New York City received authorization to utilize Design-Build project delivery (as opposed to Design-Bid-Build) through the Public Works Investment Act (PWIA). Design-Build consolidates projects into one point of responsibility on the basis of which the design and construction team can deliver the best project at the best value. Under the current Design-Bid-Build model, the ‘Design’ and ‘Build’ components of a project are barred from collaboration, slowing project schedules, increasing cost, and resulting in lower quality completed projects. New York City is required to provide annual reports on design-build projects, including short lists and proposals, cost savings, time savings and MWBE utilization within the project. Westchester County would be willing to provide this information as well. Westchester therefore requests authorization to utilize Design-Build.</p>
2	N/A	Continue the 18B Assigned Counsel Reimbursement	<p>New York State provided a pay raise to 18B Assigned Counsel attorneys through the SFY 2024 State Budget, and provided a \$92 million fund to support State Reimbursement to counties and New York City for 50% of eligible expenses related to the rate increase. With new costs generated by the 18B pay raise, the end of New York State’s sharing of Federal eFMAP revenue, and additional burdens placed on County level social services by the ongoing housing crisis, Westchester asks that this reimbursement be continued to ensure that the County has the resources to respond to the needs of its residents. Westchester saw over \$11 million in new costs as a result of the rate increase. The Assigned Counsel Reimbursement is providing Westchester with reimbursement equal to 50% of the new cost attributable to the rate increase. Westchester has budgeted a total program cost of \$25.2 million for 2024, of which New York State will reimburse \$7.6 million – or half of the \$15.2 million attributable to the rate increase.</p> <ul style="list-style-type: none"> • Set 18B Pay by a Sliding Scale: When the State raised the pay of 18B Assigned Counsel Attorneys, pay became the same for attorneys representing clients in violations, misdemeanors, and felony cases. Attorneys are now less willing to represent felony cases, as they would be paid the same to cover violations or misdemeanors. Westchester asks that the sliding scale pay scale, which was in place before the recent pay raise, be re-implemented with the new, increased pay rate applying to felony representation. • Westchester saw over \$11 million in new costs as a result of the rate increase. The Assigned Counsel Reimbursement is providing Westchester with reimbursement equal to 50% of the new cost. (NOT 50% of the total program – 50% of the new costs from specifically the rate increase) Westchester has budgeted a total program cost of \$25.2 million for 2024, of which New York State will reimburse \$7.6 million – or half of the \$15.2 million attributable to the rate increase.

3	N/A	Restore Westchester County's eFMAP State Reimbursement	<p>New York State ended the longstanding Federal eFMAP share with counties and New York City through the SFY 2024 State Budget. These costs force the County to rely on revenue derived from more volatile sales tax. As such, Westchester County asks that action be taken to renew the Federal eFMAP share with counties and New York City. FY23 impact was ~\$1.8 million; FY24 impact is estimated to be \$20 million; FY25 impact is estimated to be \$23 million.</p> <ul style="list-style-type: none"> • Prevent Breach of the Medicaid Cap: Westchester has been able to meet new costs due to healthy sales tax revenues. These revenues are likely to decline over time. A breach of the Medicaid cap would result in a \$4 to \$7 million annual cost, or \$12-21 million over 3 years, growing each year thereafter, placing pressure on property taxes.
4	N/A	Extend the Electric Generation Facility Cessation Mitigation Program	<p>Indian Point's 2021 closure resulted in the loss of over 1,000 jobs and created budget problems for local municipalities. New York State created the Electric Generation Facility Cessation Mitigation Program (Mitigation Fund) to offset the impact of lost property tax. Westchester County requests that the funding for this program be extended so that the County and surrounding impacted local governments and school districts may continue providing services to those impacted by the plant's closure.</p>
5	N/A	Amend the STOA Formula	<p>Westchester County's Bee Line Bus Service has a larger ridership than Nassau County, but receives less in State Transportation Operating Assistance (STOA). The STOA formula currently prioritizes the distance of a transportation system rather than its ridership. This favors counties like Nassau and provides Westchester with a more limited allocation despite its higher ridership and significant transportation issues. 51% of Westchester's riders are transit-dependent, meaning they rely on the Bee Line and do not have a car for their use. Westchester's Bee Line needs more investment over the next decade, and the structural disadvantage of the STOA formula actively denies funding which Westchester would use to improve its routes, to provide a variety of climate friendly transportation routes, and to improve the conditions of its drivers. As such, Westchester requests that the STOA formula be amended to prioritize the ridership of a system, not the distance which it travels.</p> <ul style="list-style-type: none"> • Westchester applauds its delegation for success in securing additional STOA funding last year. We continue to advocate for a structural change to the STOA formula. <p>As of the enacted FY24 budget, Westchester receives \$92.7 million in STOA aid, while Nassau County receives roughly \$112.2 million in STOA aid. There is a discrepancy of \$19.4 million between Westchester and Nassau. This is up from a discrepancy of \$17.9 million in 2023 because the State has put more money into STOA.</p>

6	N/A	Hold the Line on Key Revenue Streams	<ul style="list-style-type: none"> • Raise the Age Funding: Westchester receives \$14.6 million to support local diversion programs, and comprehensive programming for youthful offenders, reducing the risk of recidivism. Westchester asks that this funding be continued. • Article 6 State Aid Calculation: The calculation of Article 6 state aid for public health work was revised on 4/1/22, providing the Health Department with an additional \$3 Million in aid compared to 2021. Westchester asks that this change be maintained. • Foster Care Block Grant: Westchester currently receives \$15.1 million to support foster care through this program. Westchester has worked to maximize the impact of this funding, safely reducing costs by emphasizing kinship and family care, resulting in savings of over \$20 million since 2011. OCFS's actions to reduce its contribution or equalize its share will increase the County's costs, despite our success on this front. • Safety Net Assistance Reimbursement: In SFY 2011, OTDA reduced its share of Safety Net funding from 50% to 29%. This reduction of 21% in NYS funding of Safety Net when applied to our 2023 budget results in a budgeted loss of \$12.9 million. Further cuts to this program would require additional cuts to county programs. • Supervision and Treatment Services for Juveniles Program (STSPJ): This program diverts youth from detention to residential care, resulting in better outcomes for these populations. Westchester asks that this funding be continued. Please maintain the 62% matching funds allocated through OCFS (\$601,400) and the allocation of Raise the Age funding designated for STSPJ (\$874,000). • Child Welfare Preventative Funding: OCFS reduced its share of Child Welfare Preventative Funding from 65% to 62% in 2008 in what was anticipated to be a temporary action. Funding was never restored, resulting in an annual additional cost to Westchester of \$500,000. Westchester asks that this funding be restored. • Fund Eviction Prevention Legal Services: New York State has provided funding for eviction prevention legal services to represent clients in eviction cases. Courts still face a backlog of eviction cases, due to the pandemic eviction moratorium, despite recent movement. If funding is cut or reduced, enormous demand for legal support will be generated in Westchester, forcing additional costs onto the County. As such, Westchester asks that this funding be continued.
7	N/A	Continue to Support Empire City Casino's Full License	Westchester supports MGM's work to acquire a full commercial gaming license at Empire City Casino in Yonkers. The provision of this license will bring new jobs, new tourism revenue, new opportunities for MWBEs and local businesses, and will bring additional funding for education. As such, Westchester County requests that members of its delegation continue their strong support of this item.
8	N/A	Extend School Bus Stop Arm Authorization	New York State provided counties with the authority to implement a school bus stop arm pilot program. This authorization expires on 12/1/2024. Westchester County has passed legislation to develop a school bus stop arm program for school districts in Westchester County, and has been working to implement this program. Parents and school districts have stressed the urgency of this program, for its capacity to enhance safety for schoolchildren County-wide. In order to continue supporting the safety of Westchester's school-age population, Westchester asks that this authorization be extended.

2024 STATE LEGISLATIVE PACKAGE SUBMISSIONS

LEGISLATIVE INITIATIVES

Pkg #	State Bill #	Short Description	Notes/Justification
9	S8307 Part AA (Budget) A8807 Part AA (Budget)	Commercial Insurance Minimum Reimbursement Rates for Behavioral (Mental) Health Services	Require Minimum Commercial Insurance Reimbursement Rates for Behavioral Health Services Purpose: This bill would require New York State-regulated insurers to reimburse providers licensed by Office of Mental Health (OMH) and Office of Addiction Services and Supports (OASAS) at or above the Medicaid rate for outpatient behavioral health services.
10	S1099 (Bailey) A1963 (Hevesi)	Youth Interrogation Bill	Amend the Family Court Act and the criminal procedure law, in relation to the custodial interrogation of juveniles by law enforcement. Safeguard the rights and well-being of youth during interrogations by law enforcement by implementing tailored guidelines and protocols that guarantee equitable treatment throughout interrogation procedures. Ensures that parents and guardians of youth up to age 18 are notified when their child is arrested or issued an appearance ticket.

11	S4020B (Mayer) A3392B (Otis)	Relates to emergency medical services	<p>Emergency Medical Service (EMS) systems throughout our nation have been facing a crisis in recent years. The problems leading to this situation have been building, and have now been pushed to the point of crisis by the Coronavirus pandemic. This situation exists here in Westchester County, where staffing shortages have led to dramatic increases in mutual aid calls and increases in wait times for a responding ambulance. In 2021, over 7,000 requests for EMS mutual aid were received, a 58% increase from the previous year. When someone is having a critical health emergency and calls for an ambulance, time matters, and a delayed response to a critical patient can make the difference between life and death.</p> <p>EMS is often thought of as an essential service that everyone in the state expects to be available at all times and in all locations. Many people are surprised to learn that EMS is not designated as an "essential service" by state or federal law, as police and fire service are, resulting in fewer revenue opportunities. As a result, EMS providers, including those in Westchester, are struggling to find and retain staff. EMS personnel report feeling that they are undervalued and underrespected, exacerbating an already serious problem.</p> <p>Legislation proposed by Senator Shelley Mayer takes steps to recognize EMS as an essential service that must be provided in every area of the state. Requiring at least a minimum level of uniform EMS service ensures that all residents receive these public health and safety protections, especially during emergencies, and have access to early intervention health care which will help provide better care for patients, assist medical providers at the hospital, and lower overall medical costs. Additionally, to incentivize retention among EMS personnel, this bill expands access to health insurance and retirement benefits available to EMS providers.</p>
12	S.4040(Mayer) / A.7532 (Solages)	Relates to the organization of Industrial Development Agencies	<p>New York State law authorizes industrial development agencies to grant incentives, including tax abatements and PILOTs, to businesses and projects to promote job growth and the vitality of our local economies. The actions they take have substantial impacts on community members, workers, and taxpayers. Yet, many of these actions are veiled from those that are affected. For instance, school districts are required to deal with the budget impacts without knowing of upcoming meeting or having a say in the process. Local workers, who have much at stake in this process and the projects, have been excluded from the discussion and decision making concerning the projects and the incentives, and concerned citizens can be blindsided by agendas released hours before the meetings, leaving little time for public input. This bill requires that all Industrial Development Agencies have at least one representative from a local labor union and at least one representative from a school board.</p>

13	S286 (Stewart-Cousins) A308 (Burdick)	Prohibit termination of tenancy	Amends the real property law, in relation to prohibiting the termination of tenancy in certain housing occupied by senior citizens and/or persons with disabilities.
14	S4785 (Rivera) A6019 (Paulin)	Collective negotiations by health care providers and health insurance companies	Amends the public health law, in relation to requirements for collective negotiations by health care providers with certain health benefit plans. This bill would amend the public health law to permit some collective negotiations between health care providers and health insurance plans under close state supervision. This bill would allow physicians to communicate with each other and jointly negotiate with health insurance companies in certain circumstances.
15	S1728 (Sanders) A4428 (Steck)	Remove discriminatory language in restrictive covenants	Amends the real property law, in relation to requiring the modification of restrictive covenants prior to the sale of real property. A lot of deeds have decades-old language restricting future sales in ways that are in violation of fair housing laws which discriminate on the basis of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income or ancestry. This bill will remove this discriminatory language.
16	S3335A (Mayer) A132 (Cruz)	Establishes the Office of Flood Prevention and Mitigation	Amends the Executive Law in relation to establishing the Office of Flood Prevention and Mitigation.
17	S7764 (Harckham) A # Pending (Otis)	Water Resiliency Project Fund	Amends the State Finance Law in relation to establishing the Water Resiliency Projects Fund; and making an appropriation therefor.

2024 STATE LEGISLATIVE PACKAGE SUBMISSIONS

STATE DELEGATION SUPPORT LIST

Pkg #	State Bill #	Short Description	Notes/Justification
18	S1179 (Harckham) A7269 (Levenberg)	Provides an exemption from requirements for the alienation of parkland for certain renewable energy generating projects	Under current law, municipalities must request an act from the legislature to alienate parklands which includes airspace directly above real property being used for vehicle parking. As New York State looks for ways to implement the Climate Leadership and Community Protection Act (CLCPA), interest in solar projects in the airspace above vehicle parking has increased. Solar panels are known as a source of clean, renewable energy, which provides cost savings and generates revenue. This bill will allow solar energy projects under 2 megawatts, located directly above real property which are currently being used for vehicle parking to bypass the procedure of requesting an act from the Legislature. Resulting in certain solar projects being replicated more effi, saving time, and reducing carbon footprint.
19	S4246 (Harckham) A5322A (Glick)	Packaging reduction and recycling infrastructure act	The average New Yorker creates nearly 5 pounds of trash every day, which means our state produces approximately 15 million tons of waste each year(1). 14 million tons of waste is produced by New York City alone(2). This waste primarily goes to landfills and incinerators, but can often end up in our water, natural habitats, and municipal spaces. The 2021 recycling rate for the United States has been estimated to be between 5-6963. While New Yorkers understand the importance of reducing our waste, reusing what we can, and recycling our current system is not meeting our environmental demands. Local governments continue to struggle with recycling costs and infrastructure, which is seen through increased taxes or significantly limited materials that can be collected. The Packaging Reduction and Recycling Infrastructure Act would require companies with net income over \$1 million who sell or distribute certain materials and products to reduce packaging, improve recycling and recycling infrastructure, financially support municipal recycling programs, and reduce toxins in packaging. This legislation shifts the onus of recycling from municipalities and ensures that producers of products are serving our interests by establishing solutions to sustainable packaging. Thus far, four states have implemented similar programs including Maine, Oregon, Colorado and California. New York State must follow suit to meet the moment for environmental accountability.

Pkg #	State Bill #	Short Description	Notes/Justification
29	S311B (Salazar) A4927 (Paulin)	Duty to inform maternity patients about reasons and risks for cesarean section	Amends the public health law, in relation to the duty to inform maternity patients about the risks associated with cesarean section for patients undergoing a primary cesarean section and to inform maternity patients about the reason for performing primary cesarean section delivery.
30	S 4905 (Mayer) A 5846 (Burdick)	Part-time Police	To enable police departments in certain municipalities reliant on the employment of retired police officers to retain a sufficient number of part-time police officers to adequately staff their departments, by permitting retired part-time officers to work up to five hundred twenty hours in any consecutive six-month period in a calendar year without suspension or diminution of retirement allowance.