

SPECIAL ORDERS

1. **RES-2019-13 Resolution - Amending Board Resolution 12-2019:**

A Resolution amending the Westchester County's 2019 Joint State Legislative Package, as approved by Westchester County Board Resolution 12-2019, and forwarding the same to the County's State Delegation for consideration during the current legislative session.

Submitted by THE CHAIRMAN OF THE BOARD.

Ms. Covill presented the Resolution and moved its adoption, which motion was carried by the following vote.

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Catherine Parker, Nancy Barr, Terrence Clements, Nancy Covill, Margaret A Cunzio, Christopher Johnson, Michael Kaplowitz, Damon Maher, MaryJane Shimsky, David J. Tubiolo, Amanda Williams, Lyndon Williams, Benjamin Boykin
ABSENT:	John G. Testa, Catherine Borgia, Gordon A. Burrows, Virginia Perez

ADJOURNMENT

On motion of Ms. Parker seconded by Ms. Cunzio, the Board adjourned at 12:40 P.M. to meet on February 13, 2019 at 10 P.M.

Motion To: adjourn

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Parker, Barr, Clements, Covill, Cunzio, Johnson, Kaplowitz, Maher, Shimsky, Tubiolo, Williams, Williams, Boykin
ABSENT:	John G. Testa, Catherine Borgia, Gordon A. Burrows, Virginia Perez

Resolution No. 2019

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

WHEREAS, this Honorable Board desires to amend the 2019 Joint State Legislative Package approved by Resolution No. 12-2019 in order to reflect a certain change; **Now Therefore Be It**

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

Dated: February , 2019
White Plains, New York



Benjamin Boykin II, Chairman
Westchester County Board of
Legislators

Westchester
gov.com

George Latimer
Westchester County Executive

February 8, 2019

Dear Governor Cuomo, State Legislative Leaders & Members of the Westchester County Delegation to the New York State Legislature:

We recognize that these are difficult financial times for both the State of New York and Westchester County. Working together is the best way we can find solutions, in a cost effective way, which help our taxpayers. At this time Westchester is facing a significant budget deficit and we are looking for ways to help fill that gap.

We are requesting non property tax revenues for Westchester County to stabilize our finances, begin to rebuild our fund balance and to continue to provide essential services to our residents. The additional non property tax revenues will provide relief to the Westchester County property taxpayers.

As we work together on our budgets for the upcoming year, we are very aware of the damage done by the federal elimination of the SALT deductions. Together we must find alternative ways to provide financial relief for our residents on both state and local levels and we expect to support any creative strategies that the Legislature and the Governor put forth to meet these challenges.

Enclosed you will find legislative and administrative items that, if acted upon, will benefit the residents and taxpayers of Westchester County and in several cases, all of the people of New York State.

We look forward to working with you and your staff this Session on these critically important legislative issues.

Sincerely,

Benjamin Boykin II, Chair
Westchester County
Board of Legislators

George Latimer
Westchester County Executive

Kitley Covill, Chair
Committee on Legislation

2019 WESTCHESTER COUNTY JOINT STATE LEGISLATIVE PACKAGE

Benjamin Boykin II, Chairman
Westchester County Board of Legislators

George Latimer
County Executive

Committee on Legislation

Kitley Covill, Chair
Gordon Burrows
MaryJane Shimsky
Catherine Borgia
John Testa
Alfreda Williams

For further information, contact:
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FINANCE
Section I

Provide Funding Parity for State Transportation Aid

REQUEST:

Increase Westchester County's State Transportation Operating Assistance (STOA) to provide financial parity with Nassau County's transit assistance.

JUSTIFICATION:

Westchester County's Bee-Line is the largest bus system in New York State, outside of New York City's MTA transit. It services nearly 30 million riders per year, or roughly 100,000 riders per weekday. Fifty One Percent are transit dependent—meaning that they rely on the Bee-Line and do not have a car available for their use.

With 325 vehicles and 59 bus routes, we cater to a wide market of users. We provide an important service to help many New Yorkers commute to work by providing feeders to train stations and corporate parks. This is an amenity for New York City residents whose subway lines terminate in the Bronx and are met by our Bee Line buses, and for New York City residents who take Metro North to work at our Westchester businesses such as MasterCard, PepsiCo, IBM, Regeneron and numerous smaller but sizable businesses. Westchester buses also serve Putnam County.

The proposed 2019 Executive Budget includes a 1% increase for upstate and downstate non-MTA systems. This is inadequate for Westchester's Bee-Line system if we are to maintain existing levels of bus service and serve emerging transit markets.

While Nassau County has a lower ridership than Westchester County, they receive a much greater amount of STOA aid. In the 2019 Budget, Nassau received \$74.4 million, compared to the significantly lower amount for Westchester, of only \$61.5 million. This is a difference of \$12.9 million.

HISTORY:

2018: no parity with Nassau County

Fully Fund State Highway Patrols

REQUEST:

Allocate an additional \$3 million in funding to cover costs associated with police patrols to New York State Parkways which are provided by Westchester County.

JUSTIFICATION:

The Westchester County Department of Public Safety, under a grant agreement with New York State, patrols the State Parkways in the County (Hutchinson River Parkway, Saw Mill River Parkway and Cross County Parkway). In 2017, the state appropriated \$1,984,000 in aid to localities for the period of October 1, 2017 to September 30, 2018. This figure has not been increased for several years, and there is currently no money appropriated in the proposed State Budget.

Westchester's budgeted cost in 2018 for providing this service was \$3,005,025. This does not include fringe benefits of approximately \$2,494,170. Including fringe, our total cost is \$5,499,195. This does not include the cost of vehicles, fuel, maintenance, computers, firearms, and other associated equipment. Ultimately, we are providing this service at approximately a \$4,000,000 deficit.

These patrols have generated some \$2 million in revenue to the state, and \$4 million in revenue to local municipalities. Westchester County receives no money from the fines for the tickets we issue.

The restoration of funding and additional appropriation is necessary to cover the cost of the county's patrols, and can help minimize the property tax burden of Westchester taxpayers.

FISCAL IMPLICATIONS:

If funding is not renewed, Westchester County will spend over \$5 million providing patrols on State Parkways.

HISTORY:

2018: not in budget

Increase New York State Highway Improvement Funding

REQUEST:

Increase and consolidate Local Road, Bridge and Culvert Funding distributed through CHIPS. State assistance to local highway departments should continue at increasing levels and the state's commitment to MTA-NYSDOT parity should be further honored. State elected officials should continue to partner with local governments, agree to increase CHIPS funding and consider consolidating Extreme Winter Recovery funds if available, and PAVE NY into the CHIPS funding base in the future.

JUSTIFICATION:

Local governments' need for increased road funding is ongoing. Locally-owned roads and bridges account for eighty-seven percent of the State's 110,000 miles of roadways and 50 percent of the State's 18,000 bridges, and counties still struggle to raise enough funding for the maintenance and replacement of this vast system of aging and ailing infrastructure. Studies show that half of local road pavements are rated fair or poor; and New York State Comptroller Thomas P. DiNapoli reports that 20.7% of bridges in New York are functionally obsolete and 12.8% are structurally deficient. The cost to repair all of these bridges is at least \$27.4 billion dollars with local bridges more likely to be structurally deficient than state-owned bridges.

Programs designed to direct state funding directly to local transportation infrastructure needs such as CHIPS, PAVE NY, BRIDGE NY and Extreme Winter Recovery are helping to improve the conditions of New York's roads, bridges and culverts as more of these critical projects are being funded each year. CHIPS is the financial lifeblood of any local highway department, distributing vital and reoccurring state funding through a formula to every local government in the state. The 2019-2020 State Budget holds the base level for CHIPS at last year's level of \$438 million. This has been a very difficult winter, with wild swings in temperature. Local governments will need increased Extreme Winter Recovery funds.

Westchester County urges that the State assistance to local highway departments be continued at increasing levels and that the State's commitment to MTA-NYSDOT parity be further honored. State elected officials should continue to partner with local governments, agree to increase CHIPS funding and consider consolidating Extreme Winter Recovery funds if available, and PAVE NY into the CHIPS funding base in the future, the total of which to be distributed through the CHIPS formula. A safe and efficient statewide integrated transportation system is necessary for trade, economic development and revitalization, job creation and retention, schools, agriculture, businesses, health and hospital facilities and emergency responders, as well as the general traveling public.

Child Care Subsidy Funding

REQUEST:

Increase funding by at least \$100 million in the 2019 New York State Budget. This funding would be used to: expand the number of qualified families served in the child care subsidy program; improve the quality of and expand the number of infant-toddler slots; increase reimbursement rates and cover increased wage costs as the new minimum wage standard is implemented across the state; revise the copayment formula so no family receiving a subsidy contributes more than 20% of gross income over the Federal Poverty Level; allow counties to maintain updated subsidy waitlists and increase subsidies for working families at higher income eligibility levels through expanded Child Care Facilitated Enrollment Projects.

JUSTIFICATION:

The Child Care Council of Westchester, Inc. is part of Winning Beginning NY and the Empire State Campaign for Child Care, two state-wide groups advocating for an increased investment of at least \$100 million in child care in 2019.

- At best only 20% of eligible NYS children receive child care subsidies
- Counties have lowered their income eligibility from 200% to 175% or even lower
- Counties have closed subsidy applications and maintain waiting lists
- NYS lowered their market rate formula several years ago and as a result, reimbursement rates are inadequate and ignore wage pressures from the new minimum wage
- Child care and after school programs are struggling to hire and retain qualified staff because of the low wages; since the expansion of PreK in NYC, many qualified teachers have left Westchester for the city
- It's important to strengthen the state's economic development initiatives by supporting today's workforce and tomorrow's.

HISTORY:

2018: The Governor's budget restored the \$7 million that was cut in 2017.

2017 – Child care subsidy cut by \$7 million for NYS. Co-pay stayed at 27% for Westchester. Title 20 closed to new families since 2016.

Increase Funding for the Hudson Valley 211 Helpline

REQUEST:

Fund the Hudson Valley 211 Helpline at or above the 2018 budget amount of \$194,000. Hudson Valley 211 is a great savings for taxpayers and is a wonderful resource for Westchester residents in need of services

JUSTIFICATION:

The 2-1-1 Helpline is a free, confidential, multilingual service to assist the public in finding answers to a variety of health and human services related questions. Available 24 hours a day, seven days a week, 365 days a year throughout New York State, people can call about everything from basic needs like food, clothing and shelter, to volunteer opportunities, legal services, drug treatment, employment support, childcare, eldercare and more.

Whether answering to a natural disaster, a personal emergency or to furnish tools to foster independent lives, United Way's 2-1-1 seeks to help those in need wherever they live. 2-1-1 can give callers up-to-date information on emergency shelters, road conditions, etc. Along with financial support from each United Way, Hudson Valley 2-1-1 is funded by local municipalities, private foundations, local corporations and individual donors.

HISTORY:

2017 - Westchester County received \$100,000
2018 - Westchester County received 194,000.

Fund Election Reforms

REQUEST:

Fund Early Voting

JUSTIFICATION:

The 2019 State budget includes provisions for early voting reforms in New York State. Counties cannot afford to foot the full bill for early voting. With the approval of the election reforms in 2019, the state should fund it.

The Governor has signed five bills relating to amending the election law. They are:

A00776 - An Act to amend the election law, in relation to political contributions – signed by Governor - Chap. 4

A00774 - An Act to amend the election law, in relation to voter pre-registration – signed by Governor - Chap. 2

A00775 - An Act to amend the election law, in relation to voter registration transfers – signed by Governor – Chap. 3

S01102 - An Act to amend the election law, in relation to early voting – signed by Governor – Chap. 6

S01103 - An Act to amend the election law, in relation to primary election and amends certain deadlines to facilitate timely transmission of ballots to military voters; filling of vacancies in elective offices; date of primary elections – signed by Governor – Chap. 5

HISTORY:

New laws

State Reimbursement to Counties for Full Amount of Expenditures for Indigent Legal Services

REQUEST:

Westchester requests that this be included in 2019 State budget. This will ensure that all persons accused of crimes in New York are able to receive effective legal representation whether or not they have the ability to pay for a lawyer, by establishing a system of direct state funding at the requisite adequate level to eliminate the geographic disparity in representation.

JUSTIFICATION:

The State settled a lawsuit with five counties - Suffolk, Washington, Ontario, Onondaga, and Schuyler - in which the settlement calls for the Office of Indigent Legal Services to be in charge of the public defense operations in the five counties. This was the first time in New York that a statewide entity was responsible for legal representation of all indigent criminal defendants. Counties statewide are currently responsible for funding indigent legal services by federal mandate but adherence is uneven and dependent on a particular county's ability or inability to properly fund the program. Many counties have no system for supervising caseloads or quality, no staffing formula to ensure an appropriate number of public defenders, and no standard ensuring comparable compensation for defenders. Legislation would amend the law to provide for the State to take over full funding of the program in 2019, and relieve all counties of this financial strain.

The estimated cost for the County for 2019 is as follows:

(2085) Legal Aid Society of Westchester	\$13,709,722
(2090) Legal Svcs-indig Def-Felony	\$ 4,580,037
(2091) Legal Svcs-indig Def-Misdemeanor	\$ 6,105,724
<u>Total</u>	<u>\$24,395,483</u>

HISTORY:

6/08/2016 reported and committed to rules Passed Assembly & Senate.

Bill amended and new bill introduced - A10706/S8114.

Governor vetoed - Memo 306

Fahy – 2017 A1903-referred to codes

Fahy- 2018 A1903-referred to codes

Close the Internet Sales Tax Loophole

REQUEST:

Support Governor Cuomo's initiative in closing the internet sales tax loophole and require large internet marketplace providers to collect sales tax and remit the revenue to the State for counties, local governments and school districts.

JUSTIFICATION:

Along with the New York State Association of Counties (NYSAC), we recognize that New York State must update its tax collection process to ensure all sales taxes owed are collected regardless of the method of purchase. Part AA of the Executive's Revenue bill proposes to expand sales tax collection to all internet-based marketplace vendors, those that facilitate more than \$100 million in annual sales, for purchases made by state-based buyers. Current law requires collection of these taxes only from sellers located in New York State. Because of this loophole many of Westchester's cities, towns, villages and schools are being short changed. We share our sales tax collection with our municipalities and school districts. This reform will provide them with their rightly due revenue and help ease the burden for local taxpayers.

Throughout the County, family owned retailers are forced to charge consumers higher prices for collecting the legally required sales tax. Ensuring that sales tax collection occurs online can help create a more level playing field for these brick-and-mortar stores that create the backbone of large parts of Westchester. We need to assist our downtown business areas to help them revitalize and thrive.

Expanding sales tax collection to all internet-based vendors is estimated to generate \$80 million during New York State Fiscal Year 2018-2019 and between \$132 and \$159 million annually thereafter.

HISTORY:

State needs to pass enabling legislation.

Legislative Initiatives
Section 2

Reform the Operation of Transportation Network Companies

REQUEST:

We respectfully request that Members of the Westchester State Delegation introduce and adopt legislation that will share with the County 50% of the 4% fee collected by Transportation Network Companies (TNC) that currently is paid to New York State. Also, we request legislation requiring finger printing and the option for municipalities to operate TNCs through their existing local Taxi and Limousine Commissions (TLC).

JUSTIFICATION:

Last year, New York adopted legislation which permitted Counties outside of New York City to opt-out of mobile ride-sharing services, such as Uber and Lyft. However, the new law did not allow Counties, such as Westchester, to regulate TNCs in any way. The measure included a 4% fee from each ride to go to the State with none of that money to be shared with counties. Westchester lost \$3 million from the fines that were collected from TNCs after ride sharing legislation was enacted. New York should follow other states, such as Massachusetts, which provides that 50% of the revenue received be paid out to governments throughout their state.

Westchester has no legal authority to implement its own fee, and we do not think New York State should increase the percentage collected. We need a fair way to help all of our constituents. At a time when infrastructure needs for local road and bridge repair are in such need of funding, sharing the 4% with the County of origin will provide fiscal relief to taxpayers.

We also request that the Legislature and Governor amend state law to improve safety for ride sharing customers. Specifically, we believe all TNC drivers should be fingerprinted just like our taxi and limousine drivers. Taxi and limousine companies should not be at a disadvantage by being subject to licensing fees and strict regulatory oversight. Permitting Counties and other municipalities to allow their TLC to provide local rules and regulations will create a level playing field and fair competition for all companies involved.

HISTORY:

Enacted in 2017 – 182 of New York General Municipal Law, Did not include revenue sharing with locals or fingerprinting.

Increase Westchester's Referendum Requirement for Capital Projects

REQUEST:

Introduce and approve legislation that will increase the State mandate requiring a referendum for bonding of capital projects from current \$10 million to \$15 million dollars.

JUSTIFICATION:

This is a critical way to save Westchester taxpayers money as we look to repair our County's infrastructure and move forward with economic development opportunities.

Westchester County is uniquely subject to a special restriction on the issuance of bond acts or notes which authorize more than \$10 million to finance any capital improvement. The referendum requirement complicates project coordination and makes it more expensive. The delays of a plan caused by placing a measure on the ballot increases costs. Should critical infrastructure fail, it may force the County to move forward without the ability to bond. We need to recover the original purchasing power of what \$10 million was worth the last time the ceiling was raised. To make the capital projects process tenable for Westchester, an increase of at least \$5 million is needed. In 2015 New York State eliminated the mandate for a referendum for bonds that exceed \$10 million that finance water system capital improvements. Given the expense involved in replacing non-water infrastructures such as bridges, Westchester should receive parity with every other county in the State and not have to contend with this antiquated requirement.

HISTORY:

2018: not included in budget

Allow for Use of Design-Build

REQUEST:

Introduce and approve legislation that will permit the County to use design-build in its future capital projects.

JUSTIFICATION:

Design-Build is a critical way to save Westchester taxpayers money as we look to repair our County's infrastructure and move forward with economic development opportunities. Permitting Westchester County to use a design-build process to produce new major projects will streamline their production, and help save time and costs. Requiring designers and bidders to bid together on projects will reduce conflicts, the need for change orders in the execution phase and make it easier for government to include effective incentives in contracts. This was successful when the state built the Mario Cuomo Bridge.

The county is currently dealing with an accumulation of approximately \$1.5 billion in capital projects, some of which have been untouched for over three years. The 2018-19 State budget granted design/build authority to the New York City Department of Design and Construction. Allowing Westchester County to use Design-Build to produce these projects will streamline their production, and help us work through our backlog.

Expanding the use of design-build delivery method will allow the County more flexibility in carrying out development projects in a more cost effective manner.

HISTORY:

2018: not included in budget

Create Election Cybersecurity Support System

REQUEST:

Support the creation of an Election Support Center for cyber security to defend against election disruptions.

JUSTIFICATION:

Providing a free, fair, accessible and secure voting system is the life blood of our democracy. There has been considerable evidence of outside interference in recent elections both in and outside of the United States. Inadequately safeguarding our election process violates our primary obligation as public servants. Governor Cuomo's proposal establishing the Election Support Center would train the State Board of Elections in order to enhance the information and cyber security of elections infrastructure and provide employees with additional technical expertise.

The Center would also provide cyber risk vulnerability assessments to County-level Board of Elections employees, as well as trainings regarding cyber-security best practices. Further, the Center would mandate that County-level Board of Elections employees report any and all data breaches to state authorities in order to track dangerous trends and attacks.

Establishing this center would help boost elections security state-wide, build trust with voters and create the digital infrastructure necessary to protect democracy in the 21st century.

HISTORY:

New proposal

Exempt Local Governments outside of New York City from the MTA Payroll Tax

REQUEST:

Support legislation to exempt local governments outside of New York City from the MTA payroll tax and pass in Assembly and Senate. Amend the tax law in relation to the exemption of political subdivisions from the imposition of the metropolitan commuter transportation mobility tax. The legislation would exempt local governments outside of New York City located within the metropolitan commuter transportation district from paying the metropolitan commuter transportation mobility tax (MTA payroll tax).

JUSTIFICATION:

The metropolitan commuter transportation mobility tax (MTA payroll tax) enacted in 2009, was subsequently rolled back in 2011 for 78.2% of the entities that were required to pay the tax in the Metropolitan Commuter Transportation District (MCTD), which includes the counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester. Taxing existing jobs has proven to have had a crippling effect on the economy and new job creation within the MCTD. This tax is having a severe negative impact on economic recovery, and is discouraging growth of new business and job creation at a time when the government should be promoting these objectives.

To address the negative effect of this tax on jobs and economic growth as well as the effect on property taxes, the tax should be repealed for local government entities in the MCTD, and take the burden of this onerous tax off of the property taxpayers.

HISTORY:

2017 A8730 – 10/20/17 referred to ways & means
 2017 S4245 - 2/6/17 referred to investigations and government operations
 2/14/17 reported and committed to finance 5/2/17
 1st report cal. 752 5/3/17
 2nd report cal. 5/8/17
 advanced to third reading 6/7/17
 passed senate 6/7/2017
 delivered to assembly 6/7/17 referred to ways and mean
 2018 - A8730 1/3/18 died in assembly
 1/3/2018 returned to senate
 S4245 1/3/18 referred to investigations and government operations
 1/23/18 reported and committed to finance

Require New York State to Pay Property Taxes on its Land in Westchester County

REQUEST:

Support A-026(Buchwald)/S2612(Harckham) and pass in Assembly and Senate. Amend the real property tax law, in relation to the taxation of state lands in the County of Westchester. This legislation authorizes the taxation of certain state lands in the County of Westchester.

JUSTIFICATION:

State land in places like Rockland and Putnam Counties is subject to property taxation but not, in general, in Westchester County. Westchester homeowners pay the highest real dollar property taxes in the nation. New York State must pay its fair share of those taxes. New York pays property taxes on state owned land in other counties throughout the State. It is time to treat Westchester County fairly.

HISTORY:

2018:

A5979 -1/3/18 – referred to real property taxation

S7358 – 1/9/18 – referred to local government

Acquisition of North County Trailway, Westchester County

REQUEST:

Support the acquisition of North County Trailway, Westchester County

JUSTIFICATION:

The County operates and maintains two recreational trailways that span Westchester County along a former railroad line from the Putnam County border to Van Cortlandt Park in the Bronx. The trailways are a unique resource enjoyed by thousands of hikers, bicyclists, and park-goers each year. Located north of Interstate Highway I-287, the North County Trailway was leased to the County by the New York State Department of Transportation (“NYSDOT”) under a 25-year lease that just completed the end of its term. South of I-287, the County both owns and operates the South County Trailway, having acquired this asset from New York State in 1993.

We appreciate the assistance of NYSDOT thus far in making the North County Trailway available for residents of Westchester County and others nearby.

We believe the County’s interests are best served by the County’s acquisition of the North County Trailway. Although we have authorized a new 25-year lease with NYSDOT in order to continue public access, we think full County ownership of the North County Trailway would enable the County to more efficiently implement improvements, as well as simplify County planning and operations overall. Note that the County is poised to undertake a substantial rehabilitation of the North County Trailway, for which we have authorized bond financing of \$8.75 million. However, the lease requires the County to obtain New York State approval prior to constructing the improvements, thus adding another step to completing this upgrade. Other typical lease provisions-such as County defense and indemnification of the State-put responsibilities on the County that are equally satisfied by County ownership of the North County Trailway.

HISTORY:

New

Request State to Classify as Controlled Substance Certain Fentanyl “Analogues”

REQUEST:

Request that the State classify fentanyl analogues as a controlled substance by amending the New York State Public Health Law, Section 3306.

JUSTIFICATION:

For nearly a decade the United States has been experiencing an unprecedented epidemic in the abuse of legal and illegal opioid deaths resulting in the addiction and death of millions of people and the overdose of hundreds of thousands. Fentanyl, a prescription opioid painkiller that is a controlled substance in New York State, is responsible for some of those deaths as are many substances known as fentanyl “analogues” – drugs that have been designed to mimic the pharmacological effects of fentanyl - but are not controlled substances in New York State because fentanyl “analogues” are not listed on the appropriate schedules that classify controlled substances in the NYS Public Health Law, Section 3306.

The ability of law enforcement officers in New York State to investigate and prosecute sellers of these opioid drugs is hampered by the gap in this law. Under federal law, pursuant to 21 CFR Section 1308.11 (h)(30)(i), the administrator of the United States Drug Enforcement Administration has lawfully declared “fentanyl-related substance” to mean any substance related to fentanyl by certain chemical modifications.

If New York State classified as controlled substances any substances that meet the above federal definition of “fentanyl-related substance”, this gap in the law with regard to fentanyl “analogues” would largely be closed, and law enforcement would be able to investigate and prosecute sellers of currently legal fentanyl “analogues”.

HISTORY:

New

Designate Lay Individuals as One Day Marriage Officiants in Order to Solemnize Marriages

REQUEST:

Support legislation that amends the Domestic Relations and Executive Laws to designate lay individuals as one-day marriage officiants in order to solemnize marriages.

JUSTIFICATION:

An increasing number of couples, with an eye to creating a personal ceremony as unique as the bride and groom, prefer to be married by a friend or relative. However, presently in New York State, the authority to solemnize a marriage is very restrictive, and in desperate need of modernization.

Currently, Alaska allows anyone to perform a marriage ceremony, including a friend or relative as long as they first obtain a marriage commissioner appointment from an Alaskan court. California, Massachusetts and Vermont have passed laws that legally allow individuals to become temporary marriage officials for one day. Based on those models, this legislation will permit the Secretary of State to authorize an individual as a "one-day marriage officiant" for a specific marriage in New York as long as they are over eighteen years of age, and the request is filed properly.

HISTORY:

01/03/2018	referred to judiciary
02/06/2018	amend and recommit to judiciary
02/26/2018	print number 1137b
04/24/2018	reported referred to ways and means
05/10/2018	amend and recommit to ways and means
05/10/2018	print number 1137c
06/04/2018	amend and recommit to ways and means print number 1137d

Authorize Local Civil Administrative Enforcement Procedures in Westchester County

REQUEST:

Support legislation (Paulin) to authorize local civil administrative hearing procedures in Westchester County.

JUSTIFICATION:

Westchester County has requested this bill to prosecute and settle violations of local law, codes and ordinances. The nature of the infractions often involves purely civil violations that could be resolved more expeditiously and efficiently in an administrative forum.

Currently, New York State allows such administrative adjudication hearings in specific cities, including Yonkers, Syracuse, Buffalo, and Huntington under General Municipal Law 380. Administrative adjudication hearing procedures were permitted in those cases because the courts were overburdened and the civil violations of local ordinances and codes could be better resolved in an administrative forum. Similarly, in this bill, the county law is being amended with an equivalent goal, to increase efficiency of time and resources, including reducing the costs to the county of enforcing fines.

HISTORY:

New bill

Include all Relevant Professionals Licensed by Westchester County in the Pleading Requirements of CPLR rule 3015

REQUEST:

Support bill (Paulin) to include professionals licensed by Westchester County under the pleading requirements relating to licenses to do business.

JUSTIFICATION:

In Westchester County, home improvement contractors must be licensed by the County's Consumer Affairs/Weights & Measures Department. However, the licensing structure for plumbers and electricians in the county is unique in that licenses are granted by two separate boards, The Westchester County Board of Plumbing Examiners and the Westchester Electrical Licensing Board. These are independent boards which are appointed by the County Executive.

Currently, CPLR rule 3015 applies to those professionals licensed by the Westchester Department of Consumer Affairs/Weights & Measures. Therefore, under the county's current licensing structure, the pleading requirements of CPLR rule 3015 apply to home improvement contractors, as they are licensed by the Department of Consumer Affairs/Weights & Measures, but plumbers and electricians are excluded from this rule.

This legislation amends CPLR rule 3015 to include all professionals that are licensed by Westchester County, not solely those licensed by the County's Department of Consumer Affairs/Weights & Measures. This bill will protect consumers who are sued by a plumber or electrician who fails to meet the pleading requirements set out in this section by affording them the ability to file a motion to dismiss the case.

HISTORY:

New bill

**Allow the County of Westchester to designate its Director of Consumer Affairs as its
Director of Weights & Measures**

REQUEST:

Support bill (Paulin) to allow the County of Westchester to designate its Director of Consumer Affairs as its Director of Weights & Measures.

JUSTIFICATION:

Pursuant to Section 180 of the Agriculture and Markets Law, any county or city having a population of one million or more may elect to designate its Director of Consumer Affairs as its Director of Weights and Measures. In Westchester County, the Weights and Measures Division is within the Department of Consumer Protection. The County has both a Director of Weights and Measures and a Director of Consumer Protection. The current structure is two Directors who essentially share an office; however one Director lacks full jurisdiction over the affairs of the entire office.

The population of Westchester County is currently just below one million. It makes sense to have one Director serving as both the Director of Consumer Affairs and Weights and Measures, who would hold jurisdiction over the entire office. Westchester County should be granted parity with other counties having a population over one million and should have the same advantage of being able to designate its Director of Consumer Affairs as its Director of Weights and Measures.

HISTORY:

New bill:

Provide a System that Streamlines the Process by which Funds are distributed to Municipalities to Finance Early Intervention Programs

REQUEST:

Support A (Paulin) to provide a system that streamlines the process by which funds are distributed to municipalities to finance early intervention programs.

JUSTIFICATION:

The early intervention program was established under the Public Health Law and the federal Individuals with Disabilities Education Act (IDEA) to enhance the development of infants and toddlers from birth to age three who have a significant developmental delay or disability, as well as enhance the capacity of families to meet their children's special needs. With early intervention, we can reduce the number of children with disabilities or reduce the severity of their disabling conditions.

All early intervention (EI) services must be provided to eligible children at no cost to their families. The EI program is financed through a combination of state and county funds, Medicaid and commercial insurance. Counties, which are required by the State to finance and administer the EI program, are entitled to be reimbursed by the State for 50% of their unreimbursed costs for EI services (36% for administration costs). Although Public Health Law and IDEA mandate that public and private commercial insurance be maximized in financing EI services, reimbursement from third party payors, other than Medicaid, has been minimal, leaving the cost of this entitlement to be paid by state and municipal tax dollars.

Recognizing that the current structure of financing EI costs is inadequate, this bill provides a different approach to funding. The bill would set up a statewide pool from which municipalities and the State would be allocated funds to pay EI costs. This bill would use the covered lives assessment (a long-standing tax paid by health plans, including self-insured plans) to contribute to the cost of the program. Implementing this change would remove any obligation on insurers to pay for EI services and replace it with a lump sum payment, dramatically reducing the administrative burden on providers as well as on the plans themselves.

Making funds readily available and streamlining the process by which the funds are distributed to municipalities and the State will provide vital relief to the State and the municipalities that have been struggling to finance the EI program. It will improve the administration of EI services to children who need those services.

HISTORY

A.2569A, 2017 and 2018, referred to ways and means.

S. 1727-A, 2017 and 2018, referred to health.

A.273A, 2015 and 2016, reported and referred to ways and means in both years.

Same as S.4372-A, 2015 and 2016, referred to health.

Indian Point Power Plant Cessation Mitigation Fund

REQUEST:

Add funding in the 2019 NYS Budget for the Indian Point Cessation Mitigation Fund and add a dedicated line in the budget for the Indian Point Plant Closure.

JUSTIFICATION:

As the impending closure of the Indian Point Power Plant will have a grievous and far ranging impact on the economic health of the region, we are requesting that our State Delegation include additional funding in the 2019-20 New York State Budget for the Power Plant Cessation Mitigation Fund. Such funding was not included in the Governor's Executive Budget Submission. We would like consideration of a dedicated line for the Indian Point Plant Closure.

HISTORY:

2018:

Last year, \$45 million was appropriated to provide fiscal assistance to municipalities negatively impacted by the closing of power plants that created large revenue losses for them because of lost property taxes. The program was expanded in the 2018 budget by adding an additional \$24 million, for a total of \$69 million. Assistance is available to impacted municipalities where the closure of a power generating facility leads to a reduction in property tax (or PILOT) payments in excess of 20 percent owed by the generating facility. Payments are limited to no more than seven years according to a specific payment schedule. A dedicated finding line was not included.

Make Shared Services Panels Permanent

REQUEST:

Westchester County asks that the Legislature support Governor Cuomo's proposal to fund and make permanent County-wide Shared Services Panels.

JUSTIFICATION:

Shared Services Panels are a helpful tool for localities to collaborate and save money. Providing incentive by offering opportunities for grant money will motivate County representatives to get together with town supervisors, village mayors and school district officials. Together we can successfully come up with plans to eliminate wasteful duplication of services and lessen the financial burden on taxpayers.

Westchester County is working cooperatively with officials to get assistance which will provide relief to County taxpayers. With six cities, nineteen towns, and twenty-three villages, Westchester is ripe for effective shared service plans. For example, many of our communities have watershed issues. This program provides a forum and allows municipalities to ban together to find long term solutions to flooding problems.

Finances for the County, and many of its localities and school districts, are stretched to their limit. These governments need to brainstorm and find solutions to problems that are common in multiple jurisdictions. This will provide us with the opportunity to receive state funding while still providing the essential services our constituents rely on. Our current savings plan estimates significant amount of savings. If Shared Services Panels are made permanent, we could work to increase these savings.

HISTORY:

In the current proposed State budget, the State will continue county-wide shared services panels for another 3 years. It includes \$225 million to fund the State's match of savings from shared services actions.

Increase Funding for Local Traffic Safety Boards

REQUEST:

Westchester County urges support for increased funding to Local Traffic Safety Boards so they can develop and implement programs and activities to make local roads safer.

JUSTIFICATION:

Under Article 43, Section 1672 of the Vehicle and Traffic Law of the State of New York a county not wholly in the City of New York may establish a local Traffic Safety Board for each respective county. Among other things, the Traffic Safety Boards may promote and encourage street and highway safety; formulate a county-wide program and coordinate efforts of other agencies offering traffic safety education; cooperate with local officials to formulate traffic safety programs and education; study traffic condition on streets and highways within the county and analyze reports of accidents; recommend changes in rules, orders, regulations and existing laws; obtain and assemble motor vehicle accident data and analyze, study and consolidate such data for educational and informational purposes.

Many counties, including Westchester, have established local traffic safety boards. These boards save lives. In order for local traffic safety boards to fully carry out their duties, greater involvement in and coordination between the local safety boards and the transportation planning process is necessary for monitoring crash data on the local roadways. Increased funding is necessary for local traffic safety boards to continue to develop and implement programs and activities that will make our roads safer.

HISTORY:

ongoing

Eliminate the Five-year Rollover Limit on Bond Anticipation Notes

REQUEST:

Introduce and pass legislation in the Assembly and Senate. We ask that the five year rollover limit on bond anticipation notes (BAN) be eliminated on items that have useful lives of 15 years or less.

JUSTIFICATION:

This legislation proposes to extend the rollover period for bond anticipation notes issued to not more than seven years beyond the original date of issue. Present law authorizes local governments to extend or "rollover" bond anticipation notes for only up to 5 years. At the end of the period, the bond anticipation notes must be retired or converted into long-term debt.

This legislation, by extending the rollover period for bond anticipation notes issued will provide municipalities the option of renewing the notes at a later date when a better rate can be secured for the long-term. The bill will save costs to the municipality by providing the municipality with the option to secure a lower interest rate.

HISTORY

2017-Abinanti-A7119-4/10/17-referred to local govts.

2018-Abinanti-A7119-1/3/18-referred to local govts.

Delegation Support List

Delegation Support List

A2885 (Abinanti) Amends the public health law in relation to notifying local officials of the occurrence of certain emergency situations.

A055 (Buchwald) Waives the state fee for marriage licenses when either party making application for such marriage license is a member of the United States armed forces on active duty and authorizes towns and cities to elect to waive their fees for marriage licenses and certificates when either applicant is a member of the United States armed forces on active duty.

A2962 (Paulin/S3155 Griffo) Relates to insurance coverage of early intervention services. Amends the insurance law to ensure recoupment from commercial insurers for the cost of the early intervention program.

A1586 (Abinanti/S786A Carlucci) Provides that real property tax exemptions authorized by school districts to eligible veterans do not shift taxes to other school district taxpayers or reduce school revenue.

A2879 (Paulin/S5313 Gallivan) Amends Chapter 58 of the laws of 2005 relating to reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and amend the general municipal law in relation to calculating social services district medical assistance expenditure amounts.

A4398 (Abinanti) Amends the environmental conservation law, in relation to requiring supermarkets to make excess food available to qualifying charities.

A4709 (Galef) Relates to taxation of state correctional facility properties for schools.

