

Legislative Update

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2023 New York State
Legislative Session Summary:
The Impact on New York's Counties

*An Interim Report on Bills the Legislature Passed
September 5, 2023*



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

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Executive Summary

The mission of the New York State Association of Counties (NYSAC) is to foster excellence in county government and unite the voice of New York's county leaders. During the 2023 Legislative Session, NYSAC staff, together with our membership, worked with the State Legislature and Governor in support or opposition to numerous legislative and budget items.

So far, the 2023 Legislative Session has consisted of 69 session days beginning on January 4th. As of publication of this report, the Legislature has passed 896 bills through both houses, which is consistent with the volume of legislation advanced in recent years. The Legislature also passed the State Budget, which is the primary vehicle for counties to advance their priorities and which contained several wins for counties, including investments in essential county services, local infrastructure, election administration, public health, and renewable energy.

This report provides a snapshot of select legislation that was passed by both the Senate and Assembly after the budget was enacted. The bills included here will have a direct or indirect impact on counties if they are signed into law (a complete summary of the county impact of the SFY 2023-24 Enacted State Budget can be found at www.nysac.org/nysbudget). Each section provides the bill number (with direct links to the bill text via an electronic document), a brief description, and where it is in the legislative process, including:

- Chapter Number (signed) or Veto Message,
- “Delivered to the Governor” date (the Governor has 10 days to act not including Sundays), and
- “Passed Both Houses” – Passed Assembly and Senate, awaiting the Governor’s action.

2023 Legislative Session Overview: Non-Budget Legislative Action

Legislation that Passed Both Houses of the Legislature

NYSAC has identified the following pieces of legislation, categorized by issue area, that have or may have an impact on our county governments. These are bills that have passed both the State Senate and State Assembly.

Economic Development

Authorizes Municipal Bonding for Broadband Infrastructure – [S.289 \(May\)/A.1269 \(Kelles\)](#)

This legislation adds a new section to Local Finance Law to authorize municipal bonding for the acquisition, construction, or replacement of broadband and related telecommunications infrastructure. This will allow communities the flexibility to finance a municipal broadband model if the governing bodies and residents decide it is in their best interests.

Status: Passed Both Houses

PILOT Projects & Property Tax Cap – [S.1045 \(Cooney\) / A.1567 \(McDonald\)](#)

This legislation amends the general municipal law and education law to allow assessed property under a Payment In Lieu of Tax (PILOT) agreement to be factored into the calculation for determining the tax levy growth factor, which governs how much a taxing jurisdiction can increase its tax levy.

This bill would make the tax cap more equitable by allowing properties that are subject to a PILOT to be included in the tax levy growth factor. NYSAC supports this legislation to allow communities to grow their tax base in order to pay for new services and infrastructure, such as emergency medical services (EMS), police, and fire protection, for properties improved through incentives provided by an IDA.

Status: Passed Both Houses

Elections

Encourages Student Voter Registration – [S.1733-A \(Mayer\)/A.5180-A \(Wallace\)](#)

This legislation requires local boards of education, boards of cooperative educational services, charter schools and nonpublic schools to develop procedures for providing access to voter registration and preregistration applications, as well as assistance with filing such applications, and inform students of the state requirements for voter registration and preregistration.

Status: Passed Both Houses

Mandates Even Year Elections for Certain County Officials – [S.3505-B \(Skoufis\) / A.4282-B \(Paulin\)](#)

This legislation mandates that local elections held outside of New York City shall be held on even-numbered years. This requirement would apply to the elections of any county or town official, with the exception of constitutionally elected officers like county clerks, district

attorneys, and sheriffs.

Status: Passed Both Houses

Limits Election Law Challenges to Courts in Certain Counties – [S.350 \(Jackson\)/A.5874 \(Walker\)](#)

This legislation designates one court in each judicial department as the appropriate venue for challenges to the election law. If adopted, challenges to the election law could be brought only in courts in the following counties: New York (Manhattan), Westchester, Albany, and Erie.

Status: Passed Both Houses

Early Voting Poll Location Change Deadline – [S.6519-A \(Kavanagh\) / A.1565-A \(Simone\)](#)

If a county changes the location of an early voting poll location, they must notify all affected eligible voters no later than five days prior to the voting. In addition, no county may change an early voting poll location within 48 hours prior to the beginning of early voting. The only exception is if the Governor or county declares a state of emergency from a disaster.

Status: Passed Both Houses

Creates An Early Mail Voting System – [S.7394 \(Gianaris\)/A.7632-A \(Reyes\)](#)

This legislation establishes early mail voting; authorizes registered voters to obtain early mail voting ballots through application to the board of elections; and requires the New York State Board of Elections to establish and maintain an electronic early mail ballot application transmittal system through which voters may apply for an early mail ballot online.

Status: Passed Both Houses

Voting Rights for People Being Released from County Jail – [S.5965-A \(Bailey\) / A.4009-A \(Gibbs\)](#)

Working with local boards of elections, county jails will be required to distribute to all incarcerated individuals being released from custody a written notice on voting rights as well as a voter registration form. County jails will also be required to maintain a written record of declinations should the incarcerated individual choose not to accept the information.

Status: Passed Both Houses

Environment & Energy

Reclassifies Class C Waterways as Protected Streams – [S.1725-A \(Harckham\)/A.4601-A \(Glick\)](#)

This legislation would reclassify class C waterways as protected streams and require projects to improve C streams to secure state approval and design a 150 percent span of the full bank. While well intended, NYSAC opposes this legislation because it would impose a significant financial and administrative burden on the State and local governments and could jeopardize public safety.

Status: Passed Both Houses

Authorizes NYSERDA to Develop a Clean Energy Outreach and Community Planning Program – [S.2956-A \(Hinchey\)/A.2888-A \(Barrett\)](#)

This bill would authorize the New York State Energy Research and Development Authority (NYSERDA) to develop a Clean Energy Outreach and Community Planning Program with an emphasis on outreach and education on how to maximize the benefits of renewable energy projects while minimizing community impacts. NYSERDA would also develop new renewable energy siting and planning resources, including a Clean Energy Development Mapping Tool to support the appropriate and successful siting of renewable energy projects and transmission and distribution system upgrades.

Status: Passed Both Houses

Requires NYSERDA to Study Microgrids – [S.4854 \(Parker\)/A.6009 \(Cruz\)](#)

This legislation requires the New York State Energy Research and Development Authority (NYSERDA) to study and make recommendations related to the establishment of microgrids to help protect vital public health and safety operations and infrastructure in the event of major disruption to the power grid.

Status: Passed Both Houses

General Government Operations

Workers Compensation Program for Group Self Insured Plans – [S.6410-A \(Ramos\) / A.52-B \(Magnarelli\)](#)

This legislation would authorize public entities the option of joining public self-insurance plans (including county self-insurance plans) for their workers' compensation coverage as a way to lower their costs and better manage employee risks. Public group self-insurers provide workers compensation coverage to municipalities and school districts across New York and this coverage is considerably less expensive than other insurance plans. Public group self-insurance has been an option for municipalities since the 1980s. Recently, the Workers Compensation Board has determined a legislative change is necessary for these groups to continue operating. This legislation makes this necessary change and makes additional changes to help public group self-insurers operate more efficiently.

Workers compensation insurance is a significant cost to local governments and property taxpayers. Authorizing county pools to join public group self-insured programs have proven to reduce workers compensation costs and improve risk and claims management for public entities.

Importantly, the proposal would allow county pools to reduce costs through deductible options that are common in other states.

Status: Passed Both Houses

Appointment and Reappointment of Notaries – [S.7561 \(Hoylman-Sigal\) / A.7755 \(McDonald\)](#)

This legislation would amend the Executive Law to require renewal of notary public commissions to be submitted to and processed by the Secretary of State. The legislation would also clarify requirements relating to transmission of records between the Secretary of State and County Clerks, add language relating to electronic notary public registration, and align the fees in the Executive Law associated with certificates of official character of notaries public and certification of notarial signatures with the fees for the same services set forth in the Civil

Practice Law and Rules (CPLR). Finally, this legislation makes a technical correction to the process by which an electronic notary may certify a papered-out copy of the signature page of an electronically notarized document.

Status: Signed by the Governor, Chapter 188 of the Laws of 2023

Heart Disease Presumption for Correction Officers, and Deputy Sheriffs – [S.5027 \(Jackson\)](#) / [A.5208 \(Pheffer-Amato\)](#)

This legislation extends eligibility for death benefits and accidental disability benefits in relation to any health condition of impairment of health caused by diseases of the heart to correction officers, correction supervisors, deputy sheriff patrol officers or deputy sheriff patrol supervisors.

Status: Passed Both Houses

Statutory Language Reform for Handicapping Conditions – [S.4041-A \(Mayer\)](#) / [A.7258-A \(Benedetto\)](#)

The New York State Association of Counties (NYSAC) has reviewed the above referenced legislation and supports the enactment of this bill. This bill would revise Article 89 of the Education Law, which includes outdated language that is no longer commonly accepted in describing individuals with different levels of abilities.

The Federal Law was amended in 1990 to modernize this language; however, New York State has not yet acted to fix the language in state law. This legislation recognizes the use of the term “disabilities” as a more appropriate and acceptable phrase in recognizing people with a range of abilities.

Status: Passed Both Houses

County Home Rule Authorizations

NYSAC engaged on a total of 82 county home rule requests for sales tax, mortgage recording tax, hotel/motel occupancy tax, and real-estate transfer tax extenders and new authorizations. Of the 82 county requests, the legislature has passed 75 bills.

Status: Passed Both Houses

Judiciary

Relates to Wrongful Death Damages – [A.6698 \(Weinstein\)](#)/[S.6636 \(Hoylman-Sigal\)](#)

This legislation amends New York State’s wrongful death statute to allow family members to recover damages for emotional loss.

Status: Passed Both Houses

Extends the Statute of Limitations for Unlawful Discriminatory Practices – [S.3255 \(Hoylman-Sigal\)](#)/[A.501 \(Rozić\)](#)

This bill would raise the statute of limitations for all administrative unlawful discriminatory practice complaints to three years, consistent with the current law for unlawful discriminatory practices that constitute sexual harassment in employment.

Status: Passed Both Houses

Relates to Motions to Vacate Judgements – [S.7548 \(Myrie\) / A.2878-A \(Aubry\)](#)

This bill expands the ability and potential frequency of section 440 of the Criminal Procedure Law which governs criminal post-judgment appeals. This bill not only requires courts to order hearings in cases with colorable claims of innocence, but also allows expands the admission of various types of evidence to support such claims. The convicted will be entitled to retain defense counsel for post-conviction to be appointed for matters and this counsel will be granted by the court through the County Law 722 (the same manner and method by which counties supply and pay for criminal court misdemeanor and felony defense services).

Status: Passed Both Houses

Local Government Finance

Extends the Open Auction Bond Sale Pilot Program – [A.6565 \(Thiele\)/S.6102 \(Martinez\)](#)

In 2019, New York State authorized the establishment of an open auction bond sale pilot program, which allowed municipalities to conduct open auction public bond sales operated through nationally recognized electronic securities bidding services and approved by the Department of Financial Services (DFS). This legislation extends the pilot program for an additional two years.

Status: Signed by the Governor, Chapter 297 of the Laws of 2023

Extends the Use of Expanded Investment Options – [S.6122 \(Martinez\)/A.7400 \(Pheffer Amato\)](#)

This legislation would continue to allow counties and the City of New York to use expanded types of collateralized and high-quality credit rated investment options. This enhanced authority was extended to counties and enacted as part of the SFY 21 Budget.

Status: Signed by the Governor, Chapter 162 of the Laws of 2023

Establishes a Temporary in Rem Foreclosure Moratorium – [S.7549-A \(Thomas\)/A.7763 \(Hunter\)](#)

In *Tyler v. Hennepin County* (2023), the United States Supreme Court ruled that in rem foreclosure surpluses must be returned to homeowners. This legislation institutes a moratorium on most in rem foreclosures until June 30, 2024 to provide time for stakeholders to discuss the tax foreclosure process and how best to change New York's statute.

Status: Passed Both Houses

Public Employee Relations & Labor

Provides for Crediting of Probationary Service – [A.7155 \(Pheffer-Amato\)/S.5494 \(Jackson\)](#)

This legislation amends Civil Service Law to require any time an employee spends in a provisional title to count towards any required probationary time period that they would be subject to upon being hired in a permanent position.

Status: Passed Both Houses

Public & Mental Health

Removes Local Health Departments from Article 28 Regulatory Requirements – [A.2400 \(Paulin\)/S.6219 \(Gustavo\)](#)

This legislation amends Public Health Law to allow the New York State Commissioner of Health to align the regulatory requirements for public health clinics operated by local health departments (LHDs) with the limited scope of clinical services they provide.

Status: Passed Both Houses

Relieves LHDs of Home Care Licensure Requirements – [A.7365 \(Paulin\)/S.6641-A \(Rivera\)](#)

LHDs are required by the New York State Department of Health (NYSDOH) to maintain licensure as a licensed home care service agency because public health nurses deliver some services in the home setting. This legislation would align state law and regulations with the limited set of services that counties and New York City provide in the home.

Status: Passed Both Houses

Enacts the Lead Pipe Right To Know Act – [S.5512 \(Gustavo\)/A.6115 \(Paulin\)](#)

This legislation requires each water utility to develop a comprehensive inventory of all of the service lines in its system by October 2024 and to regularly update those inventories with new information. It also requires the NYSDOH to make those inventories available on the department's website and to create interactive maps for New Yorkers to learn their risk of lead exposure.

Status: Passed Both Houses

Public Safety

Green Lights for Members of Mobile Crisis Teams – [S.5397 \(Harckham\) / A.5604 \(Magnarelli\)](#)

This legislation amends the vehicle and traffic law to allow members of a mobile crisis team the authority to mount a green light on their vehicles. These green lights, much like a volunteer first responder, signify to the public that this individual is in-route to an emergency operation.

Many counties have created and invested in community based mobile crisis teams to help individuals experiencing mental health and substance abuse crises. These teams are also critical not only in rapid response for a patient, but also to assist in hospital emergency room diversion.

Status: Passed Both Houses

Extends Eligibility for Death and Accidental Disability Benefits – [A.5208 \(Pheffer-Amato\)/S.5027 \(Jackson\)](#)

This legislation provides correction officers, correction supervisors, deputy sheriff patrol officers, and deputy sheriff patrol supervisors with the same benefit pertaining to a heart

presumption that is provided to other law enforcement officers.

Status: Passed Both Houses

Allows Green Lights on Personal Vehicles of Mobile Crisis Teams – [A.5604 \(Magnarelli\)/S.5397 \(Harckham\)](#)

This bill allows mobile crisis response staff members to equip their personal vehicles with a green emergency light while responding to emergency calls.

Status: Passed Both Houses

Requires Emergency Evacuation Plans – [A.6291-A \(Burdick\)/S.264-A \(Stewart-Cousins\)](#)

This bill requires every high-rise building owner to establish and maintain an emergency evacuation plan for disabled occupants and visitors of the building. The building owner will be responsible for maintaining and updating the emergency evacuation plan for persons with disabilities and ensuring that such plan is readily available to emergency personnel.

Status: Passed Both Houses

Requires Uninsured and Underinsured Motorist Coverage for Police Agencies – [S.439 \(Skoufis\)/A.1178 \(Jacobson\)](#)

This legislation amends the Insurance Law to require bodily injury be covered under supplementary uninsured/underinsured motorist (SUM) insurance coverage for police vehicles and requires police agencies and vehicles to have complementary SUM insurance coverage.

Status: Passed Both Houses

Transfers Drug-Impaired Driving Surcharges to the STOP-DWI Program – [S.2712-A \(Kennedy\)/A.4755-B \(Lupardo\)](#)

This bill establishes a three-year schedule to transfer the revenue from two mandatory surcharges for alcohol and other drug-related traffic offenses to county STOP-DWI programs.

Status: Passed Both Houses

Clean Slate Law – [S.7551-A \(Myrie\) / A.1029-C \(Cruz\)](#)

This legislation seals criminal records for certain felonies and misdemeanors.

Status: Passed Both Houses

Veterans

Provides for the Burial of Deceased Veterans – [S.454 \(Gianaris\)/A.3116-A \(Hunter\)](#)

This bill provides for the burial of deceased veterans by allowing localities and veterans organizations to engage with funeral firms on their behalf. It requires counties and New York City to request a veterans' organization engage the services of a funeral firm and instructs the Department of Veterans' Services to develop an application process for the veterans' organization to be reimbursed.

Status: Passed Both Houses



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