2018

Summary of Enacted and Vetoed Legislation

(as of January 2, 2019)

New York State Conference of Mayors and Municipal Officials

Mayor Gary McCarthy, City of Schenectady, President
Peter A. Baynes, Executive Director
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The following document summarizes the final action taken on bills passed by both houses of the New York State Legislature in 2018. Organized by subject area, it includes only those initiatives that directly affect cities and villages, beginning with those that were included in the 2018-19 State Budget. Questions on any of these initiatives can be directed to NYCOM Deputy Director Barbara Van Epps or the appropriate staff person as indicated below.

**Finance**

**Staff Contact: Barbara Van Epps**

**Enacted as Part of the 2018-19 State Budget**

**AIM Funding** – Even though both houses included additional AIM funding in their one-house budgets, the 2018-19 Adopted State Budget keeps AIM funding at current year levels, totaling $715 million for cities, villages and towns, and continues to exclude New York City from the program. Additionally, the adopted budget restores $48,000 in Miscellaneous Financial Assistance for the three most recently incorporated villages (Woodbury, South Blooming Grove and Sagaponack). The additional $1.8 million in per capita aid for villages was not included in the 2018-19 adopted budget.

**Transportation Funding** – The 2018-19 Adopted State Budget maintains CHIPS funding at $438 million and restores the $65 million in Extreme Winter Recovery funds that the Governor did not include in his Executive Budget. In addition, PAVE NY would be funded at $100 million and BRIDGE NY at $250 million (over the next two years) with $50 million of that amount dedicated to culverts. PAVE NY money is allocated according to the CHIPS formula and BRIDGE NY is competitively awarded.

**Water Infrastructure Improvement Funding** – The 2018-19 Adopted State Budget continues to allocate funds from the $2.5 billion Clean Water Infrastructure Act of 2017. This includes $1 billion for clean water and drinking water infrastructure grants and loans to help cities, villages and other municipal governments address water emergencies, pay for infrastructure projects, facilitate source water protection, and investigate and mitigate water contamination.

**Countywide Shared Services** – Although the Governor’s Executive Budget proposed to make the countywide shared services panels permanent with no long-term commitment for matching funds, the adopted budget will extend the panels for only three years (until December 31, 2021) and provide a total of $225 million in funding to match savings achieved from shared services initiatives throughout the 5-year life of the program.

**Federal Tax Reform/SALT Fix** – The Adopted Budget includes language that would allow for the creation of two State charitable funds – one for health care and one for education – to which State income taxpayers who itemize could donate funds and claim those donations as tax-deductible charitable contributions. This plan also authorizes the creation of similar charitable funds by counties, cities, towns and villages, whereby individuals would receive up to a 95% credit toward their local property tax liability.
Consolidation and Restructuring Programs – The Adopted Budget includes $64 million to support the Citizens Empowerment Tax Credits, the Citizen Reorganization Empowerment Grants, Local Government Efficiency Grants and the Municipal Restructuring Fund.

- Citizen Empowerment Tax Credits (CETC) – Funding is available to incentivize local government consolidation or dissolution, providing an annual bonus equal to 15% of the newly combined local government’s tax levy. At least 70% of such amount must be used for direct relief to property taxpayers.

- Citizens Reorganization Empowerment Grants – Funding is available for grants up to $100,000 for local governments to cover costs associated with studies, plans and implementation efforts related to local government reorganization activities. The local match for planning or study grants initiated by the local government is 50%. However, upon approval of the local government reorganization, 90% of the local match would be refunded.

- Local Government Performance and Efficiency Grants – Funding of $4 million will continue to cover costs associated with local government efficiency projects, such as planning for and/or implementation of a functional consolidation, shared or cooperative services, and regionalized delivery of services. The local match for planning grants or study grants is 50%. However, if a local government implements a previously completed planning project, the local match for the planning project would be refunded (up to the local share for implementation). The maximum implementation grant award is $200,000 per municipality/$1 million per grant, and the maximum planning grant award is $12,500 per municipality/$100,000 per grant.

- Municipal Restructuring Fund – Funding of $25 million is available for local government projects that will substantially transform the delivery of services or consolidate government entities resulting in permanent property tax reductions.

It should be noted that the Adopted Budget limits eligibility for CETC to the reorganization of local governments created prior to December 31, 2017. In addition, for towns in which a village votes to dissolve after December 31, 2017, the Budget limits the value of such annual aid to the lesser of $1 million or the dissolving village’s property tax levy. Currently, towns receive an annual payment of up to 15% of the combined village and town levy after a village dissolution, which is capped at $1 million. Consequently, in some instances the town receives an award that is higher than the dissolving village’s levy because the town levy is substantially larger.

Tax Cap Compliance Certification – Beginning April 15, 2020, the Adopted Budget requires a local government’s chief executive officer or budget officer to certify to the State Comptroller and the Commissioner of Taxation and Finance if the municipality’s adopted budget does not exceed the tax cap and that if a local law to override the tax cap was passed and was not needed, that such local law was repealed. This certification is in addition to the tax cap filing and reporting requirements that already exist.

Historic Rehabilitation Tax Credit – The Adopted Budget reauthorizes the State Commercial and Homeowner Rehabilitation Income Tax Credit programs through 2025 and allows the State commercial credit to be used independently of the federal credit.
Downtown Revitalization Initiative (DRI) – The Adopted Budget includes $100 million for a third round of the Downtown Revitalization Initiative which will provide ten downtowns $10 million each to invest in transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses. Similar to previous rounds, one community’s downtown will be chosen by each of the 10 REDCs.

Regional Economic Development Councils (REDC) – The 2018-19 Executive Budget would continue the regional economic development approach and provide $220 million to support a seventh round of the REDC awards. This will include core funding of $150 million and $70 million in tax credits. This will be combined with a wide range of existing agency programs to provide a total of $750 million for this purpose.

State and Municipal Facilities Program (SAM) – The Adopted Budget adds a total of $475 million to the State and Municipal Facilities Program (or SAM). This money – commonly referred to as “pork” – includes $385 million in spending on practically anything that qualifies as capital. Entities that are eligible to receive SAM funding include the state, local governments, school districts, colleges and universities, public authorities, public libraries, and water, sewer and fire districts. The remaining $90 million is earmarked for a variety of projects and purposes. As has been the case in prior years, there is little detail as to how these funds will be allocated but it is understood that it is ultimately controlled by the Governor, with undefined suballocations designated for the Senate and Assembly and their members. State legislators are able to apply for these funds for projects in their districts.

SUNY Impact Aid – The Adopted Budget includes money for several villages and cities that host four-year SUNY residential institutions to help offset the costs of providing enhanced public safety services to student populations. These include the villages of Delhi ($200,000), Brockport ($210,000), Cobleskill ($100,000) and New Paltz ($200,000), as well as the cities of Cortland ($200,000), Oneonta ($200,000) and Binghamton ($50,000).

Union Membership – Language included in the Adopted Budget requires employers – within 30 days of someone being employed or someone being promoted or transferred to a new bargaining unit – to notify the union of such employee, provide certain information about such employee, and allow the employee time to meet with a union representative during work hours. This language also allows unions to determine and enforce when and how public employees can opt-out of union membership. These provisions are intended to pre-empt the potential negative impact on union revenues from the U.S. Supreme Court ruling for the plaintiffs in Janus v AFSCME, which challenges the compulsory collection of dues-like “agency fees” from employees who choose not to join unions.

Design-Build – The Adopted Budget includes the authorization for the City of New York to use design-build for certain projects including the construction of new jails and specific Housing Authority initiatives.

Penn Station Redevelopment – The Adopted Budget includes language that would make it easier for the State to use eminent domain in redeveloping the area around Penn Station.
Sexual Harassment – The 2018-19 Adopted Budget includes language that, beginning in October 2018: requires all State and local government entities to adopt a model policy on sexual harassment and prevention developed by the State’s Division of Human Rights and ensure that all employees receive sexual harassment training; prohibits mandatory arbitration for sexual harassment claims in employment contracts; prohibits public entities from entering into sexual harassment or assault settlements that include non-disclosure clauses, unless requested by the victim; and allows the State and local governments to seek reimbursement from perpetrators for awards.

Environmental Protection Fund (EPF) – The Adopted Budget maintains funding for the Environmental Protection Fund at $300 million, including $38.2 million for the Solid Waste Program, $86.3 million for the Parks and Recreation Program, $156.3 million for the Open Space Program, and $19.2 million for the Climate Change Mitigation and Adaptation Program.

Algal Blooms – The Adopted Budget provides $65 million (using resources from the Clean Water Infrastructure Act and the Environmental Protection Fund) to combat harmful algal blooms in bodies of water upstate. Specifically, these funds will be used to reduce sources of pollution with the installation of new monitoring and treatment technologies.

Water System Consolidation Study – The Adopted Budget requires the Department of Health to complete a voluntary public water system consolidation study designed to evaluate the feasibility of the joining of public water systems in order to improve water quality. A report and recommendations must be submitted to the Governor and the State Legislature by January 1 of the year following the study.

Brownfield Opportunity Area Reforms – The Adopted Budget reforms the Brownfield Opportunity Area (BOA) program by: streamlining the nomination process; allowing existing plans developed outside the BOA process to qualify for BOA designation; and allowing those BOAs which have already been designated to apply for post-designation predevelopment grants.

Combatting the Opioid Crisis – The Adopted Budget creates a $100 million opioid stewardship program funded by the pharmaceutical industry that will be used to support the ongoing and growing costs of prevention, treatment, and recovery services for individuals with a substance abuse disorder. The Budget also includes an additional $30 million in operating and capital support for OASAS to continue to enhance prevention, treatment and recovery programs, residential service opportunities, and public awareness and education activities.

**ENACTED**

Electronic Bidding Extender – *NYCOM Supported*
Extends, to June 1, 2023, the authorization to submit bids and offers in an electronic format.
*(Chapter 70, effective June 1, 2018)*

Borrowing for Certain Judgements Extender – *NYCOM Supported*
Extends, to June 15, 2023, the ability for municipalities to finance judgements related to certain tax proceedings including certiorari and small claims assessment review.
*(Chapter 87, effective July, 1, 2018)*
Local Finance Law Extender – *NYCOM Supported*
Extends, until 2021, certain provisions of Local Finance Law (LFL) that: authorize municipalities to issue variable rate bonds and notes; allow municipalities to pay the first installment on serial bonds up to two years after issuance; and suspend the 5% down payment requirement. Also extends other provisions of LFL related to certificates of participation, lease financing, variable rate obligations and original issue discount bonds.
*(Chapter 113, effective July 10, 2018)*

Relevy of Unpaid Building Code Fines – *NYCOM Supported*
Authorizes the cities of Buffalo and Syracuse to relevy unpaid building code fines with the annual tax levy.
*(Chapters 123 and 167, effective July 31, 2018)*

Tax Exemption After Taxable Status Date – *NYCOM Opposed*
Will, at local option, permit a municipality to grant a real property tax exemption to a nonprofit organization that purchases real property after the municipality’s taxable status date.
*(Chapter 358, effective March 7, 2019)*

Tax Lien Sale Extender – *NYCOM Supported*
Permits those villages who opted out of the tax foreclosure process in 1994 to continue to conduct tax lien sales as a means of enforcing collection of delinquent property taxes until December 31, 2021.
*(Chapter 416, effective December 21, 2018)*

Digital Currency Task Force – *No Objection*
Creates a digital currency task force to provide information on the potential effects of widespread implementation of digital currencies on financial markets in the state.
*(Chapter 456, effective December 21, 2018 and deemed repealed on December 15, 2020)*
Cooperative Purchasing – NYCOM Supported
Extends, to July 31, 2021, the authorization to engage in cooperative purchasing or piggybacking contracts.
(Chapter 211, effective August 24, 2018)

School District Contribution to Crossing Guards Compensation – NYCOM Supported
Amends the General Municipal Law to allow educational institutions to pay for all or a portion of the salaries and compensation payable to newly hired school crossing guards.
(Chapter 214, effective August 24, 2018)

Community Service for Local Law Violators – NYCOM Supported
Provides for community service as one of the punishments for the violation of a local law in a municipality.
(Chapter 216, effective August 24, 2018)

Expansion of Town and Village Justice Jurisdiction for Off-Hours Arraignments – NYCOM Supported
Amends the Uniform Justice Court Act to correct an oversight in Chapter 492 of the Laws of 2016, which authorized the establishment of off-hours arraignment parts. Specifically, this measure will permit Town and Village Justices to hold their courts outside their respective towns and villages for the limited purpose of presiding over an off-hours arraignment part established in another municipality located in the same county.
(Chapter 231, effective August 24, 2018)

Expiration of Permits on Certain Vehicles – NYCOM Supported
Eliminates the expiration of hauling permits on certain vehicles until such vehicle is removed from operation by the municipality. This will significantly reduce the amount of paperwork municipalities must file with the NYS Department of Transportation.
(Chapter 299, effective November 30, 2018)

One-Call Notification System – No Objection
Requires local governments or operators who contract for excavation of underground facilities to require the excavator to have completed the training and education program provided by the one-call notification system. This law sunsets on October 1, 2021.
(Chapter 333, effective May 4, 2019)

Smoking Near a Public Library – NYCOM Supported
Prohibits smoking within one hundred feet of an entrance or exit of a public library.
(Chapter 420, effective June 19, 2019)
Tax-Exempt Status Date of Land Bank—Owned Property – **NYCOM Supported**
Makes the tax exempt status of land bank-owned property effective upon the date the land bank acquires title to the property, regardless of the taxable status date.
*(Chapter 483, effective December 28, 2018)*

**Increased Land Banks Authorization – NYCOM Supported**
Increases the number of land banks that may be formed from 25 to 35.
*(Chapter 508, effective December 28, 2018)*

**VETOED**

**Liability of Design Professionals – NYCOM Opposed**
Would have prevented defense and indemnification clauses from being included in public works contracts between design professionals and public agencies, and rendered such agreements void.
*(Veto No. 265, August 17, 2018)*

**Damages for Delay – NYCOM Opposed**
Would have exposed public entities to open-ended liability by allowing for damages against the public owner for any construction contract delays, as broadly defined in the bill. This would have made public contracting far more contentious, litigious and expensive.
*(Veto No. 355, December 28, 2018)*
Employee Relations and Public Safety
Staff Contact: John Mancini

ENACTED

Line-of-Duty Widows or Widowers Accidental Death Benefit – No Objection
Increases the death benefit by approximately 3% for widows and widowers of police officers and firefighters killed in the line of duty. This will not increase costs to local governments since municipalities will be reimbursed by the State.
(Chapter 179, effective July 1, 2018)

Statewide LEAD Program – NYCOM Supported
Authorizes the use of asset forfeiture revenues for Law Enforcement Assisted Diversion (LEAD) programs so that individuals with substance abuse and mental health issues can be placed in a community-based diversion program as opposed to being combined with the general prison population.
(Chapter 206, effective August 24, 2018)

World Trade Center Rescue – No Objection
Extends, to 2022, the time period a person has to file a workers’ compensation claim related to the World Trade Center Rescue.
(Chapter 266, effective September 7, 2018)

Labor Class Employee Discipline – NYCOM Opposed
Amends the Civil Service Law to provide that an employee who has held a position in the labor class for at least five years shall be entitled to the discipline procedure set forth in §75.
(Chapter 271, effective September 7, 2018)

Veteran Services – NYCOM Supported
Facilitates the dissemination of information related to veterans benefits offered through the Division of Veterans Affairs.
(Chapter 322, effective February 3, 2019)

“Lemon Law” for Emergency Vehicles – No Objection
Creates a “Lemon Law” for municipal fire vehicles and ambulances whereby municipalities will have the ability to work directly with the manufacturer to ensure timely repairs and, in some instances, the full replacement of the vehicle.
(Chapter 387, effective January 1, 2019)

Wage Disparity Study – No Objection
Requires the State Civil Service Commission to study and issue a report regarding wage disparities in the public sector, including municipalities.
(Chapter 403, effective December 7, 2018)
Qualifications of Career Fire Chiefs – *No Objection*
Requires career (paid) fire chiefs of a department with five or more paid firefighters to meet minimum qualifications prior to receiving a provisional or permanent appointment to the position.
*(Chapter 406, effective January 20, 2019)*

Firefighter Training – *NYCOM Supported*
Directs the Commissioner of the Division of Homeland Security and Emergency Services to develop a training plan that would allow firefighters to take certain firefighter training courses online or at the home department.
*(Chapter 410, effective March 21, 2019)*

Supervisors of the Emergency Medical Service – *NYCOM Opposed*
Amends the Civil Service Law, in relation to the appointment and promotion of supervisors of the emergency medical service by requiring additional competitive civil service exams for certain emergency medical service positions. This conflicts with NYCOM’s goal of having greater discretion in hiring and promotion of municipal employees.
*(Chapter 459, effective December 21, 2018)*

Gender Neutral Legal References – *NYCOM Supported*
Amends various sections of law to replace all instances of the words or variations of the words fireman or policeman with the words firefighter or police officer in order to update antiquated language and promote participation in the professions regardless of gender.
*(Chapter 476, effective December 28, 2018)*

Decommissioning of Police Vehicles – *No Objection*
Requires a municipality, before selling surplus police vehicles, to remove all distinctive police markings and lights.
*(Chapter 486, effective July 19, 2019)*

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**VETOED**

**MRSA Health Presumption – NYCOM Opposed**
Would have provided police and firefighters with a presumption that if MRSA is contracted that it was done so in the line of duty unless it could have been refuted by the municipality.
*(Veto No. 284, December 7, 2018)*

**Health Insurance Contract Change – NYCOM Opposed**
Would have mandated the time and manner in which a municipality must have notified their retired officers, employees and their families of health benefit contract changes. Specifically, this legislation would have required municipalities to give retirees and their families a minimum of 30 days notice of any proposed health insurance plan changes prior to the governing board or public corporation authorizing or approving a health insurance contract change. In the case of an officer or employee that is part of a collective bargaining unit, the municipality would have had to provide such notice at the time such health insurance contract was binding.
*(Veto No. 367, December 28, 2018)*
Authorizes Paid Family Leave for Bereavement – *NYCOM Opposed*
Would have expanded the NYS Paid Family Leave Act to include up to 12 weeks of bereavement leave upon the death of certain family members.
(Veto No. 372, December 28, 2018)
Environment and Energy
Staff Contact: Rebecca Ruscito

Water Use Data – *NYCOM Supported*
Requires water works corporations to provide water usage data by property address to municipalities for purposes related to the financing of clean, storm, or drinking water infrastructure projects and service.
*(Chapter 261, effective August 24, 2018)*

Water Quality Improvement Projects – *NYCOM Supported*
Includes the construction of public water mains and connections to provide drinking water to residents whose drinking water supply has been contaminated by toxic chemicals, hazardous substances, or emerging contaminants within the definition of a water quality improvement project.
*(Chapter 490, effective December 28, 2018)*

LIPA Public Notice Requirement for Utility Transmission Facilities – *NYCOM Supported*
Requires the Long Island Power Authority (LIPA) to provide public notice prior to the construction of utility transmission facilities. Such notice must be given to each municipality and utility customer potentially impacted by the construction of such facility.
*(Chapter 520, effective December 28, 2018)*

Reporting of Water Cost Index – *No Objection*
Would have required water works corporations and municipal water systems serving more than 1000 consumers to annually calculate and submit to the Public Service Committee their water cost index.
*(Veto No. 302, December 21, 2018)*