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STAFF ANALYSIS OF THE FY 2024

EXECUTIVE BUDGET

FEBRUARY 2023



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THE SENATE
STATE OF NEW YORK



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February 6, 2023

Dear Senators,

Enclosed herewith is the "Staff Analysis of the FY 2024 Executive Budget." It is intended to assist the members of the Finance Committee and the Senate as a whole, in our deliberations. We hope that our readers find it useful.

The analysis of the Executive Budget begins with a summary of the spending plan. It then offers an explanation of proposed changes that affect receipts and provides for Senate Issues in Focus. Finally, it provides a summary of the Executive's Article VII language bills submitted as part of the Executive Budget. The report provides an analysis of the appropriations recommended this year and an analysis of the governor's recommendations.

Each member of the Senate Finance Committee devotes considerable time and effort to the passage of a budget that serves the interest of every New Yorker. I am most grateful for their cooperation. It is also a pleasure to thank the staffs of both the Senate Finance Committee, and the Counsel and Program Office, whose assistance has been invaluable.

Sincerely,

A handwritten signature in black ink that reads "Tom F. O'Mara". The signature is written in a cursive, flowing style.

THOMAS F. O'MARA
Ranking Member, Finance

REPORT OF THE SENATE FINANCE COMMITTEE MINORITY

STAFF ANALYSIS OF THE FY 2024 EXECUTIVE BUDGET

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SECTION ONE

HIGHLIGHTS OF THE EXECUTIVE BUDGET





OVERVIEW

FY 2024 EXECUTIVE BUDGET

FY 2022 Enacted Budget

The FY 2022 Enacted Budget included new taxes and fees on hard-working, tax-burdened New Yorkers even though the State's financial position did not warrant such action. Congress and the President agreed to the American Rescue Plan Act, which provided State and local governments unrestricted aid intended to fill budget gaps due to the pandemic. New York State was allocated \$12.7 billion in Federal aid with very limited restrictions. At the time, the New York State FY 2022 budget was voted on, it was well known that the State was going to receive this funding from the Federal Government and that State revenue projections were well beyond the initial projections of the NYS Division of Budget. Between the influx of Federal funds and the growth in State tax receipts, the State had an additional \$18.3 billion available at the time of Budget enactment that was not in the originally proposed Executive Budget. Prior to these facts, the FY 2022 Executive Budget as constructed outlined two scenarios: A budget with tax increases and cuts and one without those actions if the State were to receive \$15 billion in additional resources prior to the end of the fiscal year. After submitting the Executive Budget in January, the Governor increased revenue projections during the 30-day amendment period by \$3.2 billion over two years. Subsequent to that action, the two houses and the Executive agreed to an additional \$2.5 billion during the revenue consensus forecast process, which indicated that prior to any budget agreement by April 1st 2021 that the State had officially recognized an additional \$5.7 billion in State revenues beyond what was proposed in the Executive. That in combination with the ARPA funding made tax increases unnecessary.

FY 2023 Enacted Budget

In the months following the FY 2022 budget agreement, the State's revenues continued to outpace the financial plan estimates. By the end of the first quarter, the State's revenues, according to the NYS Division of the Budget, were \$2.1 billion higher than initial estimates. By the Mid Year Update receipts estimates were up another \$3.8 billion. By the time the Executive proposal arrived for FY 2023 the FY 2022 receipts estimates were up another \$4.6 billion. This totaled an overall receipts increase of \$10.5 billion over the FY 2022 Enacted Budget estimate. In addition to the strong growth in receipts for FY 2022 the Executive's FY 2023 receipts estimate at the time of the Executive Budget introduction were adjusted upward by \$5 billion over the prior midyear report. An additional \$1.2 billion in revenue was included beyond the Executive Budget proposal as a part of the Revenue Consensus forecast leading to spending on the following major programs:

- \$2 billion for property tax relief (FY 2023).
- \$2 billion for pandemic recovery initiatives (reserve funded in FY 2022).
- \$1 billion to enlarge the DOT capital plan (deployed over three years, FY 2023-FY 2025).

- \$1 billion for health care transformation (reserve funded from FY 2023 and 2024 operations).
- \$1.2 billion for bonuses for health care/frontline workers (paid in FY 2023).
- \$350 million for pandemic relief for businesses and theater/ musical arts (paid in FY 2023 and FY 2024).

The enacted property tax relief program was built off the Property Tax Rebate program which was a signature Senate Republican Majority proposal from FY 2016. That program, which was not extended in FY 2020, provided \$3.1 billion in relief over three years. This is the first substantial property tax relief proposal since that program. The FY 2024 Executive Budget does not extend the 2022 property tax rebate worth \$2.1 billion statewide. In addition, the Enacted Budget for FY 2023 accelerated by one year the Senate Republican Majority initiated Middle Class Tax Cuts which were to be fully phased in by 2025.

FY 2024 Executive Budget

In the first quarter of FY 2023 the Division increased its receipts estimates by an additional \$2 billion. By the Mid Year report receipts were again adjusted upward by \$910 million. In looking at the revenue projections for FY 2023 the Executive is indicating there is an \$8.7 billion surplus. This is the result of strong tax receipts as well as less than estimated disbursements being expended.

The Executive Budget for FY 2024 proposes an all funds total of \$227 billion which is a 2.4 percent increase over the prior year. Since FY 2019 the all funds State budget has increased by \$57 billion or 33.5 percent. In terms of State operating funds the Executive is proposing a total of \$125.2 billion which is \$2.5 billion higher than the prior year. This represents a two percent increase over the prior year. This proposal is in contrast to the prior spending increases over the past few fiscal years in the All Funds and State Operating Funds category.

State Budget Category Increases by FY (time of enactment)						
Category	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24*
All Funds	4.0%	3.6%	2.6%	12.0%	6.1%	2.4%
State Operating Funds	2.0%	2.0%	7.1%	7.7%	4.5%	2.0 %

*Executive Budget proposal FY 2024

The Governor has claimed there are no new taxes contained within the Executive Budget proposal for FY 2024. Yet one of The Governor’s signature proposals is to increase the top Metropolitan Commuter Transportation Mobility Tax (“MCTMT”) rate from 0.34% to 0.50% effective July 1, 2023. The MCTMT is imposed on certain employers and self-employed individuals engaging in business within the Metropolitan Commuter Transportation District (“MCTD”), which includes New York City, Long Island, and the counties of Dutchess, Orange, Putnam, Rockland, and Westchester. In addition, the proposal would also increase the rate imposed upon net earnings from self-employment to 0.42% for tax year 2023 and to



0.50% for tax years beginning on or after January 1, 2024. This proposal is expected to generate \$800 million annually for the MTA.

The Executive Budget also extends the current 7.25% business income tax rate for three years, through tax year 2026, for taxpayers with a business income base over \$5 million. This with the proposed extension of the current 0.1875% capital base tax rate for three years will increase revenue by \$810 million in FY 2025, \$1.170 billion in FY 2026, and \$880 million in FY 2027.

The Executive Budget for FY 2024 also increases the current excise tax rate on a package of 20 cigarettes sold in New York State to \$5.35. This action would increase this rate by \$1.00. This proposal would also increase the existing use tax rate on cigarettes by the same amount.

FY 2024 FINANCIAL PLAN

The FY 2024 Financial Plan projects All Funds spending of \$227 billion, an increase of \$5.4 billion or 2.4 percent from FY 2023. State Operating Funds spending is projected at \$125.2 billion, an increase of \$2.5 billion or 2.0 percent.

RECEIPTS

FY 2024 Executive Budget Receipts <i>(Billions of Dollars)</i>					
	2022	2023	2024	<i>Change (\$) from FY 2023</i>	<i>Change (%) from FY 2023</i>
	<i>actuals</i>	<i>projected</i>	<i>projected</i>		
Taxes	\$121.14	\$108.56	\$109.08	\$0.52	0.48%
Federal Receipts	\$95.31	\$89.54	\$88.49	(\$1.05)	-1.17%
Miscellaneous Receipts	\$27.93	\$26.99	\$27.08	\$0.08	0.30%
All Funds Receipts	\$244.38	\$225.10	\$224.65	(\$0.45)	-0.20%

SPENDING

The Executive Budget purports to increase FY 2024 All Funds spending by 2.4 percent and State Operating Funds spending by two percent. However, when evaluating state spending using a two year average to eliminate timing of payment distortions and also use actual numbers as opposed to projections as a baseline, All Funds spending over two years (from FY 2022 projected through FY 2024) is actually 8.4 percent or 4.2 percent which equates to an annual average of 4.2 percent.

FY 2024 ALL FUNDS SPENDING (Billions of Dollars)				
2022	2023	2024	Change (\$) from 2022	Change (%) from 2022
<i>actuals</i>	<i>projected</i>	<i>projected</i>		
\$209.3	\$221.6	\$227.0	\$17.7	8.4%

Applying the same methodology to State Operating Funds (see below), spending increase from FY 2022 by 6.6 percent, which equates to an annual average of 3.3 percent.

FY 2024 STATE OPERATING FUNDS SPENDING (Billions of Dollars)				
2022	2023	2024	Change (\$) from 2022	Change (%) from 2022
<i>actuals</i>	<i>projected</i>	<i>projected</i>		
\$117.4	\$122.7	\$125.2	\$7.8	6.6%

"The Senate Republican Conference proposes to cap State Operating Funds spending at two percent (S.681) as certified by the State Comptroller and provisions for exceeding the spending cap during a state of emergency and two thirds vote in each House of the Legislature."

RESERVES

The FY 2024 Executive Budget proposes to use \$15.4 billion in non-recurring surplus funds to increase reserves to 15 percent of projected State Operating Funds spending by FY 2025.

FY 2024 Executive Budget Principal Reserves (millions of dollars)				
	FY 2022	FY 2023	FY 2024	FY 2025
Planned Deposits	5,018	10,554	-	-
Rainy Day Reserve	843	3,149	-	-
Economic Uncertainties	4,175	7,405	-	-
Balance at Year-End	8,984	19,538	19,538	19,538
Rainy Day Reserve	3,319	6,468	6,468	6,468
Economic Uncertainties	5,665	13,070	13,070	13,070
Estimated SOF Spending	117,403	122,704	125,185	131,495
<i>Principal Reserves % SOF</i>	<i>8%</i>	<i>16%</i>	<i>16%</i>	<i>15%</i>



The Executive Budget projects an FY 2024 General Fund closing balance of \$34.7 billion; a decrease of \$2.4 billion from the FY 2023 projected closing fund balance. This decrease primarily reflects the spend down of proceeds from monetary settlements and use of designated fund balance. Included within the reserve total is \$6.5 billion in statutory reserves, \$13 billion in a discretionary reserve for Economic Uncertainties, \$21 million in a contingency reserve for claims made against the State, \$2.4 billion for debt reduction, and \$725 million in financial settlement proceeds. There is also \$8 billion related to timing of payment issues for a tax on pass through entities.

RESERVES <i>(millions of dollars)</i>	2022 Actuals	2023 Projected	2024 Projected	22 v 24 \$ Change
Opening General Fund Balance	\$9,161	\$9,161	\$30,513	\$21,352
Statutory Reserves				
Tax Stabilization Reserve Fund	\$1,435	\$1,632	\$1,632	\$197
Rainy Day Reserve Fund	\$1,884	\$4,836	\$4,836	\$2,952
Contingency Reserve Fund	\$21	\$21	\$21	\$0
Community Projects Fund	\$26	\$21	\$18	(\$8)
Reserved For				
Labor Settlement / Agency Ops	\$275	\$765	\$1,765	
Economic Uncertainties	\$5,665	\$13,070	\$13,070	\$7,405
Debt Management	\$500	\$2,355	\$2,436	\$1,936
Pandemic Assistance	\$2,000	\$0	\$0	(\$2,000)
Undesignated Fund Balance	\$2,980	\$4,123	\$2,150	(\$830)
Subtotal Excluding Settlements	\$14,786	\$26,823	\$25,928	\$11,142
Extraordinary Monetary Settlements	\$1,837	\$1,552	\$725	(\$1,112)
Timing of PTET/PIT Credits	\$16,430	\$8,699	\$8,003	
Closing General Fund Balance	\$33,053	\$37,074	\$34,656	\$1,603

BUDGET GAPS

The FY 2024 Executive Budget Financial Plan projects budget gaps of \$5.7 billion in FY 25, \$9 billion in FY 26 and \$7.5 billion in FY 27 for a total cumulative deficit of \$22.2 billion over the next four years.

FY 2024 Executive Budget Gap Closing Plan
General Fund Budgetary Basis Surplus / (Gap) Projections
(millions of dollars)

	FY 2024 Projected	FY 2025 Projected	FY 2026 Projected	FY 2027 Projected
BASELINE SURPLUS / (GAP) ESTIMATE	\$214	(\$7,422)	(\$7,829)	(\$5,782)
Receipts	\$833	\$627	\$763	\$252
Tax Receipts Revisions				
Disbursements	(\$2,644)	(\$2,363)	(\$2,486)	(\$2,490)
Local Assistance	(\$1,330)	(\$1,444)	(\$1,901)	(\$1,960)
Education	\$84	\$87	\$80	\$80
Medicaid	(\$1,673)	(\$769)	(\$1,396)	(\$1,360)
eFMAP extension (December 31, 2023)	\$1,248	\$0	\$0	\$0
Asylum Seeker Services and Assistance	(\$944)	(\$355)	\$0	\$0
Minimum Wage Indexing	(\$14)	(\$51)	(\$86)	(\$131)
MHSF/Local Share Adjustment	\$738	\$178	\$82	\$77
Mental Hygiene	(\$65)	(\$142)	(\$171)	(\$193)
Public Health / Aging	(\$9)	(\$14)	(\$14)	(\$14)
Social Services / Housing	\$60	(\$70)	(\$68)	(\$78)
Environment / Energy	(\$203)	(\$50)	(\$50)	(\$50)
Higher Education	(\$48)	(\$77)	(\$92)	(\$114)
Public Safety	(\$107)	(\$89)	(\$89)	(\$89)
Transportation	(\$349)	(\$51)	(\$51)	(\$47)
All Other	(\$48)	(\$41)	(\$46)	(\$41)
Agency Operations (inc. GSC)	(\$1,014)	(\$667)	(\$123)	(\$260)
Transfers	(\$300)	(\$252)	(\$462)	(\$270)
Use of / (Deposit to) Reserves	\$1,597	\$3,470	\$544	\$544
Extraordinary Monetary Settlements				
Debt Management				
Economic Uncertainties				
Extraordinary Monetary Settlements				
EXECUTIVE BUDGET SURPLUS / (GAP)	\$0	(\$5,688)	(\$9,008)	(\$7,476)



SPENDING AREA HIGHLIGHTS

SCHOOL AID

The FY 2024 Executive Budget provides \$34.5 billion in school aid, an increase of \$3.1 billion or ten percent above FY 2023. Highlights of this proposal include an additional \$2.7 billion in Foundation Aid – the most significant component of unrestricted aid to school districts. Expense-based aids would increase by \$331.6 million over the prior school year and funding for categorical grant programs would increase by \$1.5 million.

Foundation Aid

Foundation Aid: The Executive proposal increases Foundation Aid by \$2.7 billion for a total amount of \$24.07 billion. The Foundation Aid formula uses school district need, fiscal capacity, wealth, and other measures as determining factors in its distribution. This increase would fully fund the Foundation Aid formula. The Executive proposal maintains a \$250 million Community Schools set aside within Foundation Aid. Community schools are designed to provide students and their families access to support services in a school setting. These schools partner with the community to provide resources including social services, legal, medical, dental, or any other service which would improve student academic achievement. The Executive proposal adds a new set aside within Foundation aid dedicated to high-impact tutoring. Districts are required to use these funds to provide small group or individual tutoring primarily in math and reading to students in grades 3 to 8.

Expense Based Aids

The following aid formulas represent present law funding:

Building Aid: The Executive reduces Building Aid by \$67.2 million for a total of \$3.3 billion.

Transportation Aid: The Executive increases Transportation Aid by \$176.7 million for a total of \$2.48 billion.

BOCES Aid: The Executive increases BOCES Aid by \$41.3 million for a total of \$1.18 billion.

Special Education Funding: The Executive increases Special Education funding by \$13.48 million for a total of \$965.6 million.

Instructional Materials: The Executive increases Instructional Materials by \$4.6 million for a total of \$261.2 million.

Universal Pre-kindergarten: The Executive increases Universal Pre-k funding by \$160.6 million for a total of \$1.16 billion.

Charter School Transition: The Executive increases Charter School Transition Aid by \$4.6 million for a total of \$51.8 million.

HEALTH – MEDICAID

The FY 2024 Executive Budget recommends All Funds Department of Health cash disbursements of \$93.6 billion, a net increase of \$3.4 billion or 3.7 percent. An increase to the Medicaid Global Cap growth index, a five percent across the board Medicaid rate increase for hospitals and nursing homes, enhanced federal Medicaid and Essential Plan funding, supplemental payments to federal health centers and diagnosis and treatment clinics, and upward Medicaid enrollment projections primarily drive this increase. This increase is offset by the elimination of enhanced federal Medicaid funding payments that the state makes to counties.

The Executive Budget projects gross Medicaid spending (including the mental hygiene agencies and the \$8.9 billion local contribution) of \$103 billion, an increase of \$4.4 billion or 4.4 percent from FY 2023. The Executive proposes a two-year appropriation structure to disburse these funds.

The Executive proposes multiple initiatives in the FY 2024 Medicaid Budget. Continuing the trend from FY 2023, the Medicaid Budget does not propose significant cuts to the program, but instead increases overall rates to hospitals and nursing homes while eliminating federal pass through Medicaid payments to county governments. After accounting for costs associated with revised enrollment projections and an updated increase to the Global Cap growth index adjustment of \$475 million, the Medicaid Global Cap is projecting deficit of \$757 million for FY 2024. The net fiscal impact of all Executive Medicaid proposals is budget neutral after accounting for the Cap Base deficit, state spending, savings, and offsetting initiatives.

RESCUE NEW YORK

The Senate Republicans have a very different plan for New York that is in stark contrast to the Governor's proposals. The Senate Republican vision for a Safer, Stronger, More Affordable and More Free New York will restore balance and common sense to our state government while vigorously rejecting the extreme policies that Senate Democrats have imposed on New Yorkers. From billions of dollars in tax relief, jump-starting our slow economic recovery, and restoring common sense to our criminal justice system, our agenda will lead New York to a safer, stronger, more affordable, and more free future.

A Safer New York

Restoring Common Sense to Our Criminal Justice System to Prevent Crime and Protect New Yorkers



- **Reversing the disastrous criminal justice policies** that have made our communities less safe including Bail Reform, Discovery Reform, Less is More, and HALT.
- **Reject criminal-first proposals** such as the Clean Slate Act, elder parole, and sentencing reform.
- **Making public safety a priority of our criminal justice system** by giving judges the ability to set bail based on risk and the danger posed by a defendant.
- **Investing in Local law enforcement** by creating the SAFER Communities Grant Program to invest in critical investigatory and prosecutorial resources designed to increase case clearance rates for homicides and gun crimes.
- **Reducing the use and prevalence of illegal firearms** by increasing funding for gun interdiction efforts, increasing penalties for crimes committed with stolen firearms, and requiring mandatory consecutive sentences for crimes involving an illegal firearm.
- **Curtailing Gun Crimes** by making any misdemeanor or felony offense involving the use or possession of a firearm, shotgun, or rifle bail eligible and by amending Raise the Age to ensure 16 and 17-year-olds charged with certain gun-related, gang-related, and/or violent offenses are prosecuted as adults.
- **Addressing drug crimes** by establishing the crime of homicide by sale of an opiate-controlled substance and by making drug offenses bail eligible and allowing judges to remand someone to treatment.
- **Protecting and supporting crime victims** by:
 - restricting the release of identifying information in certain cases;
 - increasing the caps on Office of Victim Services reimbursements for crime victims;
 - investing in victim support programs;
 - putting in place policies to protect victims' rights during the parole process; and
 - authorizing judges to set lifetime orders of protection for certain crimes (violent and domestic violence felonies).
- **Giving law enforcement more investigatory tools** by allowing familial DNA searching in New York State.
- **Increasing support for New York State Park Police officers** throughout the State Park system by increasing officer recruitment; retention; and ensuring a properly equipped, skilled, and diverse park officer force.

[Increasing Efforts and Investment to End the Opioid and Mental Health Epidemics](#)

- **Increasing the availability of mental health treatment options** by:
 - increasing support for inpatient and outpatient treatment by funding both juvenile and adult mental health beds and restoring them to pre-OMH Transformation Plan levels of 2,866 Adult beds and 460 Childrens Beds;

- making Kendra’s Law permanent and adopting the expansions to the Assisted Outpatient Treatment (AOT) Program included in Mayor Adams’ [Psychiatric Crisis Care Legislative Agenda](#).
- appropriately funding our mental health system by increasing state mental health funding levels with a focus on funding services for children and young people; and
- stopping any further reduction of mental health beds by placing a 5-year moratorium on bed reductions at State hospitals and requiring any public hearings and legislative approval before any future reductions as part of the OMH facility Transformation Plan.
- **Expanding access to mental health services in our schools** by establishing a Mental Health Services Coordinator Program, reimbursing school districts for the hiring of mental health services professionals, and providing targeted State-aid to address mental health issues related to remote learning and social isolation.
- **Reducing overdose death and closing treatment gaps by:**
 - increasing heroin and opioid prevention and treatment funding by \$75 million over three years in line with recommendations given in the Senate Heroin & Opioid Addiction Task Force released in October 2018;
 - Increasing penalties for the sale, transportation, or processing of Fentanyl;
 - providing additional funding for drug courts;
 - expanding peer support programs and increasing the availability of naloxone and medication-assisted treatment.
- **Opening crisis stabilization centers throughout New York** that connect people in need to critical mental health and substance-use services by supporting local efforts to establish centers and/or opening state-operated centers to ensure residents in every county have access to such facilities.
- **Ensuring opioid settlement funds are being used for the treatment of opioid use disorder and preventing overdose deaths** by ensuring such funds have the approval of the Opioid Settlement Board.
- **Supporting mental health, disability, and other human services direct care workforce** by increasing their cost-of-living adjustment and making sure these professionals have the resources to help those who need it most.

[Supporting and Protecting our Seniors](#)

- **Providing relief to retirees** by increasing the amount of private pension and/or retirement income that is tax-free above the current \$20,000 limit.
- **Supporting and investing in our nursing homes** to ensure they have the resources to provide high-quality care to New York’s seniors in a safe environment.
- **Expanding home care options for aging New Yorkers** including bolstering our home care workforce and providing tax benefits for family caregivers.



A Stronger New York

Providing a High-Quality Education to All Students

- **Closing the pandemic learning loss gap** by ensuring unspent Federal Elementary and Secondary school Emergency Relief aid supports academic recovery programs (e.g. intensive daily tutoring) and by creating an office in the State Education Department to track outcomes of such programs.
- **Expanding school choice by eliminating or increasing the charter school cap** to provide for more options where they are needed, providing the ability for high-performing charter schools to expand, and infusing the system with efficient and quality education options.
- **Protecting and expanding educational opportunities for all students** by supporting the use of the Specialized High School Admissions Test (SHSAT) to determine admission to New York City's specialized high schools, increasing access to advanced placement courses, and ensuring special education students have access to the resources they need to thrive.
- **Setting high standards of performance** through accountability, rewarding and retaining high-performing teachers, structured teacher support and training efforts, providing a greater degree of autonomy to principals in personnel and budget decisions, and removing barriers to entering the teaching profession, opening the door to a larger and more diverse applicant pool.
- **Meeting the nutritional needs of students** by providing funding for food backpack programs that provide families with free groceries for weekends and school breaks, the continuation of free breakfast and lunch programs for all students, and more local sourcing of school meals.
- **Protecting our students** by establishing a school resource officer (SRO) education grant program to reimburse school districts outside the city of New York, for the hiring of an SRO.

Expanding Economic Opportunity and Strengthening Our Workforce

- **Bolstering workforce education** by:
 - creating a statewide industry certification policy that establishes a process for identifying in-demand credentials by region, tracking attainment and employment outcomes, and incentivizing colleges to offer and provide credit for in-demand industry credentials; and
 - encouraging community colleges to consolidate their non-credit and credit workforce education programs under one roof.
- **Expanding Career and Technical Education (CTE)** by:
 - providing BOCES with enhanced incentives and resources to increase the number of skilled trade graduates in New York;
 - increasing state support for CTE by phasing in an increase of aidable salaries for CTE teachers, expanding opportunities to provide career and technical education to younger

students and students with disabilities, and expanding the number of SED-approved technical assessments;

- developing career and college exploration curricula in our schools and increasing support for and utilization of BOCES by expanding pathways to high school graduation; and
- supporting innovative programs by providing flexibility and support for school districts to collaborate to form regional technical high schools.

- **Improving the alignment between employers' needs and workers' skills** by centralizing apprenticeship programs, funding regionally-driven/industry-led career pathways/sectoral partnerships, and adopting Invest in Skills NY “credential passport” enabling participants in various pathways (CTE, BOCES, etc.) to transition seamlessly from institution to institution.
- **Giving workers the freedom to work and expanding the state's skilled workforce** by eliminating unnecessary occupational licensing restrictions, promoting interstate professional licensing reciprocity, and eliminating unnecessary college education requirements for state/local government employment.
- **Providing roughly \$200 million in targeted tax relief to hardworking families** and supporting work by Increasing New York's Earned Income Tax Credit (EITC) benefit to 35 percent of the federal credit.
- **Investing in upgrading workforce development facilities and technology** at community colleges, noncredit programs, BOCES, public libraries, and local one-stop career centers.

Investing in Infrastructure for the 21st Century

- **Expanding access to broadband to all New Yorkers** by:
 - ensuring that State-funded projects are based on accurate availability data;
 - clearing the way for new technologies;
 - reducing the cost of deployment by eliminating prevailing wage requirements on State-funded broadband projects; and
 - providing a refundable tax credit for residents and small businesses in rural areas that pay out-of-pocket expenses for network construction costs.
- **Ensuring funding parity between Upstate and Downstate infrastructure funding** by putting NYSDOT and MTA capital programs on equal footing.
- **Supporting investment in local roads and bridges** by increasing Consolidated Local Street and Highway Improvement Program (CHIPS) base aid.
- **Prioritizing projects that provide high-rate returns** on investments to the economy, public safety, and the environment via a coordinated capital planning process for infrastructure investment.
- **Reducing project costs through regulatory reform**, rationalizing the environmental review process, and the implementation of innovative practices such as best value procurement.
- **Protecting our drinking water** by increasing funding for a safe, reliable water and sewer infrastructure.



- **Making the Empire State more resilient to extreme weather events and the impact of climate change** by hardening our shorelines, taking additional steps to mitigate coastal erosion and flooding, and ensuring we have well-designed protocols in place to keep residents safe during weather-related emergencies.

Helping our Veterans and Military Families Thrive

- **Providing critical treatment and support to our veterans** by making funding permanent and expanding the Joseph P. Dwyer Veterans Peer Support Program and the number of Veterans Treatment Courts across New York State.
- **Ensuring injured veterans have access to healthcare** by establishing the "New York's Own Combat Veterans Healthcare Choice Program Act" to establish tax-free savings accounts to pay the healthcare costs of certain combat veterans until covered by the federal government.
- **Increasing funding for Local Veteran Service Agencies** that offer support programs, connect veterans to services and housing, increase community awareness about issues faced by veterans, and provide transportation.

A More Affordable New York

Cutting the Empire State's Highest-in-the-Nation Tax Burden and Controlling Government Spending

- **Requiring a Supermajority for Tax Increases** and further authorizing the State to deposit funds in the Rainy Day Fund.
- **Continuing to fight against misguided tax increases** and phasing out temporary tax provisions.
- **Permanently capping State spending** by making the two-percent spending cap permanent and increasing the State's authorization to deposit funds in the Rainy Day Fund.
- **Eliminating costly unfunded mandates that drive up local property taxes** by requiring the State to fund any future programs, placing a moratorium on any new unfunded mandates, and by creating a Mandate Review Council to eliminate or suspend costly and ineffective mandates.
- **Opposing New York Health Act (statewide single-payer health plan)** that would double taxes in New York State.
- **Amending the state constitution to limit backdoor borrowing** and control state debt by broadening the debt cap and requiring voter approval of capital debt backed by revenue.
- **Enacting a nearly \$300 million annual tax cut for New York taxpayers** by indexing the State's income tax brackets, standard deduction, and dependent exemptions to inflation.

- **Saving middle-class taxpayers roughly \$650 million**, simplifying the tax code, and ending a regressive practice by eliminating “tax benefit recapture” provisions.
- **Reducing property taxes by \$2.3 billion** by requiring the State to pick up the local share of Medicaid outside of New York City over 5 years and local governments to pass the savings along to property taxpayers.
- **Providing direct relief to taxpayers** by making the Property Tax Rebate program permanent and returning billions of dollars to hardworking individuals and families.

Reducing the Cost of Living for Families and All Residents

- **Reducing healthcare costs by phasing out the Health Care Reform Act’s insurance taxes**, which add nearly \$2,000 in annual health coverage costs for a family of four, and reforming Section 206 assessments.
- **Providing relief from heating costs** by creating a refundable heating tax credit of \$300 per individual making under \$125,000 in annual income and \$600 per married couple making under \$250,000 in annual income.
- **Reduce the cost of commuting and travel** by extending the gas tax holiday.
- **Addressing the exorbitant cost of childcare** by:
 - increasing childcare assistance subsidies for working families while ensuring income eligibility standards account for regional differences in the cost of living;
 - supporting a strong childcare workforce by implementing apprenticeship programs and designing career pathways; and
 - expanding the supply of childcare by reducing non-safety and health-related regulations, and supporting capital investments in building new sites, expediting the process for establishing new childcare businesses, and further incentivizing employer-sponsored/provided care options.
- **Aiding commuters by repealing the current congestion pricing scheme** that will cost people commuting into the Business District of Manhattan \$1 billion annually.
- **Providing over \$300 million in energy tax relief** by eliminating the two-percent gross receipts tax, placing a moratorium on utility fees levied by the Public Service Commission, and limiting future increases of fees or the creation of new fees.
- **Lowering housing costs** by:
 - creating successors to New York City’s 421-A and J-51 programs;
 - establishing a program where the State may pre-approve parcels for housing development and waiving certain regulations for projects that create ten or more homes and/or apartments upon a municipality’s request;



- forgoing top-down mandates and instead incentivize localities to relax local zoning to allow for the development of more and more affordable housing; and
- streamlining the development process by reforming the State Environmental Quality Review Act to speed up the approval of housing developments.

Improving New York's Worst-in-the-Nation Business Climate

- **Taking action to protect businesses from Unemployment Insurance Tax increases** resulting from pandemic-related job losses by adjusting rates, paying down the deficit, and creating an Unemployment Insurance Solvency Reserve Fund.
- **Setting a goal to eliminate one-third of all State regulations** in three years by simplifying and streamlining the State's rulemaking and licensing practices, reforming the State's project-killing development process, fast-tracking the appeals process, and reining in overzealous State agencies.
- **Providing a \$464 million tax cut for our small businesses** by:
 - increasing the corporate tax threshold from \$390,000 to \$500,000 and lowering the rate to 2.5 percent;
 - expanding the small business exemption to all PIT businesses regardless of whether they have employees; and
 - increasing the threshold to \$500,000, the exemption to 15 percent, and the exemption to 20 percent for farmers.
- **Strengthening New York's manufacturing sector** by extending the zero-percent corporate franchise tax rate to small-to-medium-sized manufacturers currently paying among the highest tax rates in the nation.
- **Reducing mandates on businesses of all sizes and making New York more competitive** by bringing the State's excessive salaried overtime threshold (\$58,500 downstate and \$48,750 upstate) in line with the federal threshold (\$35,568) and fighting against further minimum wage increases.
- **Re-thinking our approach to economic development** by moving away from ineffective and costly large, incentive-laden projects to focus on growing small-to-medium-sized businesses through best practices such as customized job training, manufacturing extension services, and expanding small business development assistance.
- **Rolling back disastrous policies** within the "Farmworker Fair Labor Practices Act" such as the Farm Laborers Wage Board decision to lower the overtime threshold to 40 hours.
- **Supporting our Farms** by:
 - making the Farm Workforce Retention Credit permanent;
 - creating a refundable investment tax credit for agriculture;
 - investing in new meat, vegetable, fruit, and seafood processing facilities in New York; and

- supporting Made in New York products.

Enacting Climate Policies that Ensure Access to Affordable, Reliable, and Clean Energy

- **Requiring independent cost studies and full transparency of all proposals from the Climate Action Council**, especially on proposals mandating energy producers to raise utility rates, before a vote by the legislature.
- **Supporting diverse energy sources** by:
 - recognizing the importance of natural gas and biofuels;
 - providing parity to zero-emissions technologies (ex. hydroelectric, nuclear) by utilizing technology-agnostic standards and targets;
 - investing in and welcoming burgeoning technologies such as next-generation nuclear and hydrogen; and
 - rapidly phasing out tax incentives/subsidies when technologies have matured and gained market self-sufficiency.
- **Keeping needed power supply online to ensure the reliability of our grid** by enacting a temporary moratorium on the State shutting down any energy-producing facilities unless public safety is directly threatened while alternatives become more reliable or come online.
- **Repealing and opposing costly and anti-market mandates on consumers** such as the ban on new internal combustion engines after 2035.

A More Free New York

Upholding the Rights of New Yorkers

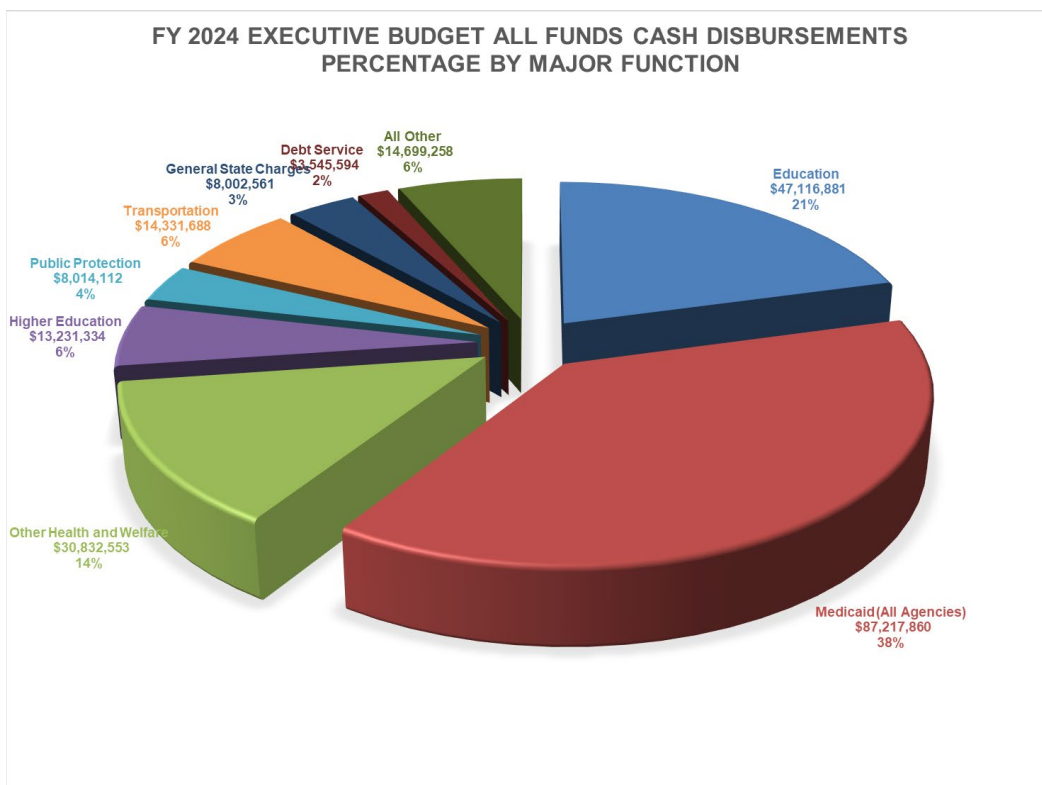
- **Protecting private property rights** by opposing so-called “Good Cause Eviction” legislation and rolling back rent regulation.
- **Standing up for New Yorkers against overreach** by opposing unnecessary and inappropriate government mandates and protecting our state and federal constitutional rights.
- **Protecting parental rights** by ensuring school officials are transparent, communicate properly, and include parents in decisions regarding their child, and by protecting and expanding school choice

Improving State Governance and Restoring Accountability

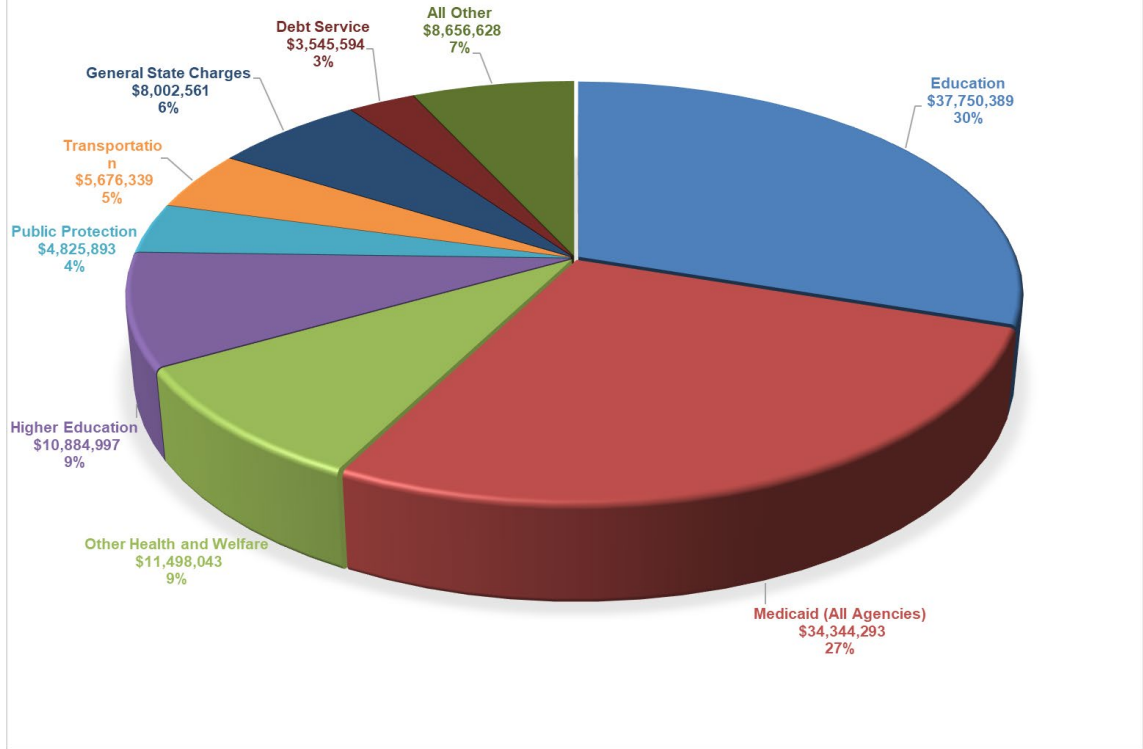
- **Reforming government** in the Legislative and Executive Branches.



- **Bringing more transparency and efficiency to the budgeting process and reducing the influence of special interest** by:
 - creating a Legislative Budget Office to provide objective, non-partisan analysis, requiring the budget to be balanced in terms of generally accepted accounting principles (GAAP);
 - limiting the use of messages of necessity;
 - putting in place new reporting requirements for lump sum allocations;
 - enforcing quarterly reporting requirements; and
 - limiting non-budget legislation included in the State Budget.
- **Improving oversight** by fully funding the Authorities Budget Office (ABO) and fully restoring the Comptroller’s authority in law to pre-emptively review all state contracts.
- **Eliminating the undue influence of the executive on the Office of Inspector General** by requiring the Inspector General be appointed to a two-year term by a majority vote of the Governor, the Attorney General, the State Comptroller, the Temporary President of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate and the Minority Leader of the Assembly.



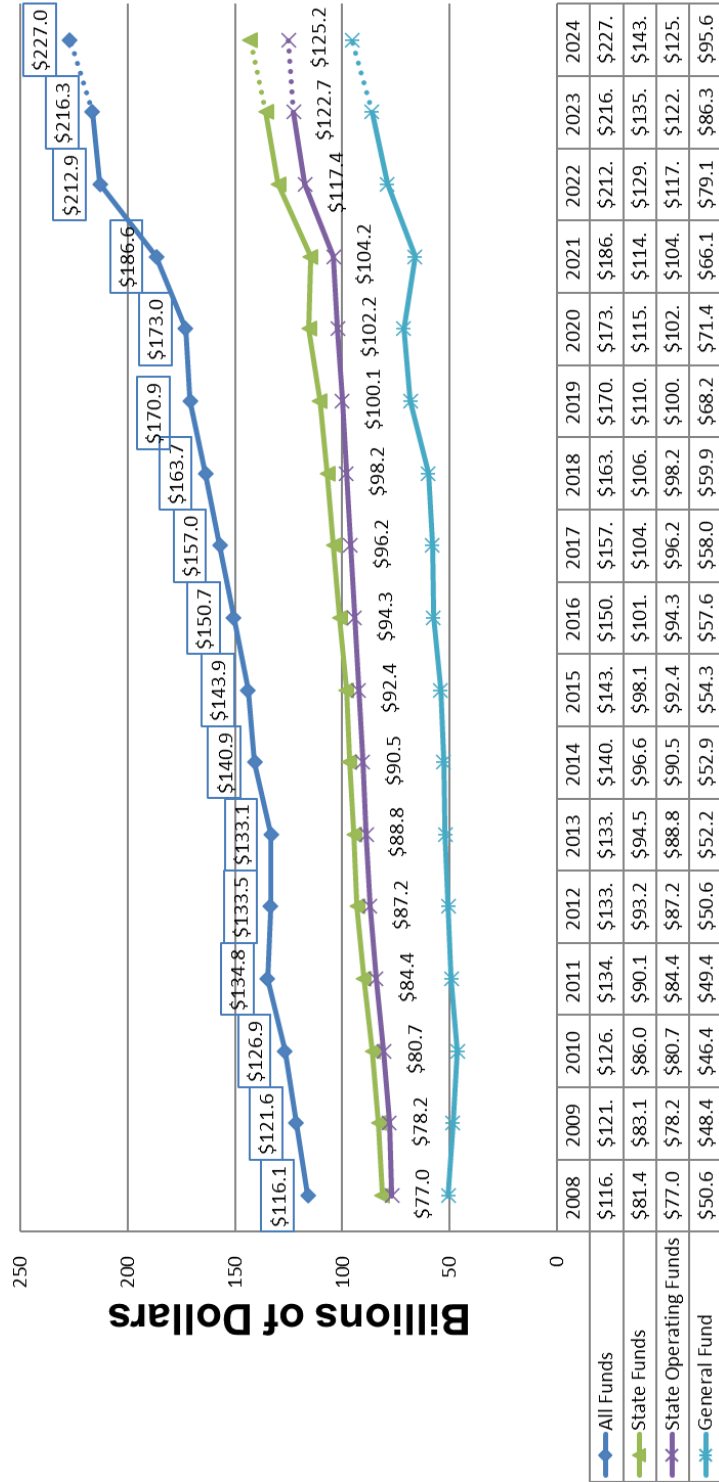
**FY 2024 EXECUTIVE BUDGET STATE OPERATING FUNDS CASH DISBURSEMENTS
PERCENTAGE BY MAJOR FUNCTION**





Cash Disbursements By Function FY 2024 Executive Budget	All Funds		State Funds		State Operating Funds		General Fund	
	Thousands (\$)	Percent	Thousands (\$)	Percent	Thousands (\$)	Percent	Thousands (\$)	Percent
Local Assistance								
Economic Development / Government Oversight	1,523,950	0.87%	1,281,895	1.32%	523,680	0.59%	443,818	0.61%
Education, school aid	41,173,673	23.50%	33,573,044	34.67%	33,223,044	37.16%	28,844,091	39.37%
Education, STAR	1,716,913	0.98%	1,716,913	1.77%	1,716,913	1.92%	-	0.00%
Education, other	3,694,068	2.11%	2,728,761	2.82%	2,583,881	2.89%	2,570,300	3.51%
Health, other	12,067,377	6.89%	3,048,023	3.15%	2,298,747	2.57%	954,391	1.30%
Health, Medicaid (all components)	83,346,046	47.56%	31,103,073	32.12%	31,103,073	34.78%	25,299,528	34.53%
Higher Education	3,117,680	1.78%	3,117,680	3.22%	3,090,530	3.46%	3,090,530	4.22%
General Government	314,637	0.18%	256,430	0.26%	193,749	0.22%	65,999	0.09%
Local Government Assistance	841,776	0.48%	841,776	0.87%	841,776	0.94%	841,776	1.15%
Mental Hygiene (adjusted)	3,525,375	2.01%	3,338,970	3.45%	2,878,714	3.22%	2,685,561	3.67%
Parks and Environment	712,903	0.41%	349,633	0.36%	8,628	0.01%	1,978	0.00%
Public Protection	3,159,897	1.80%	793,097	0.82%	758,826	0.85%	362,344	0.49%
Social Welfare, other (adjusted)	6,727,179	3.84%	4,172,194	4.31%	2,395,978	2.68%	2,389,144	3.26%
Social Welfare, welfare assistance	4,611,413	2.63%	1,984,837	2.05%	1,984,837	2.22%	1,984,837	2.71%
Transportation	7,848,768	4.48%	7,212,356	7.45%	5,215,986	5.83%	498,091	0.68%
All Other	855,074	0.49%	1,323,012	1.37%	598,480	0.67%	3,229,908	4.41%
Total Local Assistance	175,236,729	100.00%	96,841,694	100.00%	89,416,842	100.00%	73,262,296	100.00%
<i>Percent of Total Spending</i>		<i>77.20%</i>		<i>67.69%</i>		<i>71.43%</i>		<i>75.86%</i>
State Operations								
Personal Services	16,557,671	46.77%	15,861,289	49.22%	15,861,289	49.22%	10,719,556	45.97%
Non Personal Services	8,443,272	23.85%	6,349,352	19.70%	6,349,352	19.70%	3,796,718	16.28%
General State Charges	10,402,586	29.38%	10,011,660	31.07%	10,011,660	31.07%	8,801,331	37.75%
Total State Operations	35,403,529	100.00%	32,222,301	100.00%	32,222,301	100.00%	23,317,605	100.00%
<i>Percent of Total Spending</i>		<i>15.60%</i>		<i>22.52%</i>		<i>25.74%</i>		<i>24.14%</i>
Capital Projects								
<i>Percent of Total Spending</i>								
Debt Service								
<i>Percent of Total Spending</i>								
Total FY 2024 Spending	226,991,841	100%	143,072,000	100%	125,184,737	100%	96,579,901	100%

Multi-Year Cash Disbursements Trend





FACT SHEET: Revenue

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FY 2024 Revenue Proposals

FY 2024 Executive's Tax and Revenue Action Proposals				
(Millions of Dollars)				
	FY 2024	FY 2025	FY 2026	FY 2027
Increase of Payroll Mobility Tax in MTCD	\$600	\$800	\$800	\$800
Increase the State Excise Tax on Cigarettes from \$4.35 to \$5.35	(\$13)	(\$25)	(\$24)	(\$22)
Require S-Corporation Conformity with Federal Returns	\$0	\$15	\$15	\$15
Extend Temporary 9-A Rates for Three Years	\$0	\$810	\$1,170	\$880
Eliminate Quick Draw Restrictions	\$11	\$22	\$22	\$22
Increase Snowmobile Registration Fee	\$0	\$0	\$0	\$0
Total Tax, Fee Increases and New Taxes	\$598	\$1,622	\$1,983	\$1,695
Enforcement Actions				
Prohibit the Sale of All Flavored Tobacco Products	(\$116)	(\$222)	(\$214)	(\$205)
Amend Motor Fuel Reporting Designations	\$2	\$4	\$4	\$4
Total Enforcement Actions	(\$114)	(\$218)	(\$210)	(\$201)
Total Revenue Raising Actions	\$484	\$1,404	\$1,773	\$1,494
Revenue Reductions				
Extend the Lower Manhattan Sales and Use Tax Exemption	\$0	(\$10)	(\$15)	(\$15)
Creates the Extended Prosperity and Innovation Campuses ("EPIC") Initiative	\$0	(\$1)	(\$1)	(\$1)
Extend and Enhance the Film Tax Credit	\$0	\$0	(\$115)	(\$208)
Extend the Empire State Commercial Production Tax Credit	\$0	\$0	(\$7)	(\$7)
Modify Investment Tax Credit for Farmers	\$0	(\$7)	(\$7)	(\$7)
Extend the New York City Musical and Theatrical Production	\$0	\$0	(\$50)	(\$50)
Extend the Tax Credit for the Rehabilitation of the Historic Properties	\$0	\$0	\$0	(\$94)
Create a Tax Credit for Child Care Creation and Expansion	\$0	(\$25)	(\$25)	\$0
Total Revenue Reductions	\$0	(\$43)	(\$220)	(\$382)
Net Total Revenue Actions	\$484	\$1,361	\$1,553	\$1,112

For more information on proposed revenue proposals, please refer to the Revenue Article VI write-ups starting on page 209.



FACT SHEET: Education

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Education Budget Highlights

- The FY 2024 Executive Budget proposes All Funds spending authorization of \$43.9 billion, a \$2.9 billion increase from the 2023 Enacted. Includes:
 - \$652.5 million in State Operations appropriations, a \$10.5 million increase from prior year levels
 - \$43.1 billion in Aid to Localities appropriations, a \$2.9 billion increase from the prior year levels
 - \$99.3 million in Capital Projects appropriations, a \$38.4 million decrease from prior year levels
- The FY 2024 Executive Budget projects a workforce of 2,876 FTEs for the State Education Department.
- The Executive maintains the current STAR program totaling \$3.3 billion. Of that amount, \$1.5 billion is provided for the Basic benefit, \$980 million for the Senior benefit, and \$755 million for the NYC PIT credit.

Notable Issues

- Eliminates the regional cap on the number of charters that may be issued in New York City. Additionally, proposes to permanently authorize the reissuance of any charter originally issued to a charter school that subsequently closed after July 1, 2015, due to surrender, revocation, termination or non-renewal (so-called “zombie charters”).
- Requires school districts receiving universal prekindergarten funding to report on the number of four-year-olds utilizing or denied a prekindergarten slot and all those who are eligible for prekindergarten.
- Requires school districts to report on the progress of the implementation of the Zero-Emission bus mandate.

Spending Highlights

- **School Aid:** The FY 2024 Executive Budget provides \$34.5 billion in school aid, an increase of \$3.1 billion or 10 percent above FY 2023.
 - Fully funds Foundation Aid with a \$2.7 billion increase for a total amount of \$24.07 billion and guarantees districts a minimum 3 percent increase.
 - Maintains a \$250 million Community Schools set aside within Foundation Aid
 - Adds a new \$250 million set aside within Foundation aid dedicated to high-impact tutoring in math and reading for students in grades 3 to 8
 - Increases Expense Based Aids by \$232 million (These aid categories include instructional materials, pre-kindergarten, building aid and transportation aid among other categories)
- **Universal Prekindergarten:** The Executive adds \$125 million for the universal prekindergarten expansion. \$100 million will be distributed via formula and is included in the total school aid amount. \$25 million will be issued through a competitive grant process.
- **Nonpublic Schools:** The FY 2024 Executive Budget provides \$193 million in aid to reimburse nonpublic schools' costs for State-mandated activities and \$70 million for science, technology, engineering, and math (STEM) instruction, a \$12 million from the FY2023 Enacted. Maintains \$45 million in support for capital health and safety projects, including critical repair and maintenance of nonpublic schools' facilities.
- **Charter School Funding:** Increases New York City charter schools' per-pupil funding by 4.5 percent, consistent with the current statutory formula and proposes \$185 million for Supplemental Basic Tuition for charter schools.
- **Aid to Public Libraries:** Provides \$96.1 million in aid to Library aid, a decrease of \$3.5 million due to the elimination of a legislative add. This funding provides operating support to public libraries, library systems, and reference and research libraries. Additionally, reduces capital funding for libraries from \$34 million to \$20 million due to the elimination of a legislative add.
- **Early College High School and P-TECH Programs:** \$20 million in grant funding to support the establishment of new ECHS and P-TECH programs.
- **Native American Reservation Schools:** \$20.1 million for capital improvements to the three State-owned schools on Native American reservations, including the St. Regis Mohawk Nation School (\$2.3 million), the Tuscarora Nation School (\$6.6 million), and the Onondaga Nation School (\$11.2 million).
- **Special Education Tuition Rate-Setting Study:** \$2.5 million for SED to study and design a new rate-setting methodology in order to streamline and improve the timeliness of tuition rates for special education providers.
- **High School-College-Workforce Pipeline:** \$10 million over two years in competitive funding for school districts, BOCES, and community colleges to develop strategic workforce plans that promote job readiness across the State.



EDUCATION

The FY 2024 Executive Budget recommends All Funds appropriations of \$43.8 billion for State Operations and Aid to Localities education programs an increase of \$2.9 billion, or 7.2 percent from the FY 2023 Enacted Budget.

State Operations

[State Education Department \(SED\)](#)

The Executive Budget recommends an appropriation of \$652.5 million in State Operations for the State Education Department (SED). This is an increase of \$15.2 million, or 2 percent from the FY 2023 Enacted Budget.

The FY 2024 Executive Budget projects a workforce of 2,876 FTEs for the State Education Department. This is consistent with last year's workforce levels.

2023-24 School Aid Proposal

The FY 2024 Executive Budget provides \$34.5 billion in school aid, an increase of \$3.1 billion or 10 percent above FY 2023. Highlights of this proposal include an additional \$2.7 billion in Foundation Aid – the most significant component of unrestricted aid to school districts. Expense-based aids would increase by \$331.6 million over the prior school year and funding for categorical grant programs would increase by \$1.5 million.

[Foundation Aid](#)

The Executive proposal increases Foundation Aid by \$2.7 billion for a total amount of \$24.07 billion, a 12.8 percent increase over the FY 2024 Enacted Budget. The Foundation Aid formula uses school district need, fiscal capacity, wealth, and other measures as determining factors in its distribution. This increase would fully fund the Foundation Aid formula. As in the FY 2023 Enacted Budget, the FY 224 Executive Budget guarantees a minimum 3 percent increase in Foundation Aid. (*see chart on page 3*)

The Executive proposal maintains a \$250 million Community Schools set aside within Foundation Aid. Community schools are designed to provide students and their families access to support services in a school setting. These schools partner with the community to provide resources including social services, legal, medical, dental, or any other service which would improve student academic achievement.

The Executive proposal adds a new \$250 million set aside within Foundation aid dedicated to high-impact tutoring. Districts are required to use these funds to provide small group or individual tutoring primarily in math and reading to students in grades 3 to 8.

Expense Based Aids

The following aid formulas represent present law funding:

Building Aid: The Executive reduces Building Aid by \$67.2 million for a total of \$3.3 billion.

Transportation Aid: The Executive increases Transportation Aid by \$176.7 million for a total of \$2.48 billion.

BOCES Aid: The Executive increases BOCES Aid by \$41.3 million for a total of \$1.18 billion.

Special Education Funding: The Executive increases Special Education funding by \$13.5 million for a total of \$965.6 million.

Instructional Materials: The Executive increases Instructional Materials by \$4.6 million for a total of \$261.2 million.

Universal Pre-kindergarten: The Executive increases Universal Pre-k funding by \$160.6 million for a total of \$1.16 billion.

Charter School Transition: The Executive increases Charter School Transition Aid by \$4.6 million for a total of \$51.8 million.

Aid to Localities

The Executive Budget recommends a General Fund appropriation of \$54.5 million in the Aid to Localities budget for SED. This is a decrease of \$2.9 billion or 7.3 percent from FY 2021 levels. This increase is primarily due to the school aid increase. (*see chart on page 29*)

Additional Grants and Other Appropriations

Teacher Recruitment and Retention Programs: Funding for two grant programs to promote teacher recruitment are maintained at prior year levels:

- Teachers of Tomorrow: \$25 million
- Teacher-Mentor Intern: \$2 million



Center for Autism and Related Disabilities at SUNY Albany: The Executive provides \$1.24 million in State funding and \$500,000 in federal funds for a total program of \$1.74 million.

Charter Schools: The Executive maintains supplemental charter at \$185 million. The Executive includes \$100 million for Charter School Facilities Aid. This aid reimburses NYC for the cost of charter schools utilizing public school buildings (co-location).

District Grants: The Executive eliminates Legislative adds for grants to Yonkers (\$12 million), Rochester (\$175,000), Garrison (\$180,000), Hempstead (\$175,000), and Wyandanch (\$175,000).

Nonpublic School Assistance: The FY 2024 Executive Budget provides \$193 million in aid to reimburse nonpublic schools' costs for State-mandated activities and \$70 million for science, technology, engineering, and math (STEM) instruction, a \$12 million increase from the FY2023 Enacted Budget. The Executive Maintains \$45 million in support for capital health and safety projects, including critical repair and maintenance of nonpublic schools' facilities.

Education of Homeless Children: Funding for this program is projected based on projected claims at \$30.23 million.

Schools for the Blind and Deaf: The Executive proposes flat funding of \$105.9 million for schools for the blind and deaf (also known as 4201 schools). Legislative adds providing supplemental funding to these schools would be eliminated: Henry Viscardi School (\$903,000), NY School for the Deaf (\$903,000), Mill Neck (\$500,000), Cleary School for the Deaf (\$500,00), and Sales School for the Deaf (150,000).

Pre-School Special Education: The Executive maintains flat funding at \$1.035 billion to support the State's share of pre-school special education costs.

Other Major budget actions include:

NY State Food Purchasing Incentive: The Executive Budget maintains \$10 million from the prior year to incentivize school districts to purchase food from New York farmers for school lunch programs.

Library Aid: The Executive Budget decreases library aid by \$3.5 million from the prior year for a total of \$96.1 million. This is due to the removal of a legislative add. Eliminates legislative adds for the Schomburg Center for Research in Black Culture (\$375,000) and the Langston Hughes Community Library and Cultural Center of Queens Library (\$113,000).

Advanced Placement Fees for Low-Income Students: The Executive Budget maintains funding of \$5.8 million to subsidize the cost of advanced placement test fees for low-income students. The Executive also provides \$1.5 million for advanced placement technical assistance.

Extended Day/School Violence Prevention: The Executive maintains funding at \$24.3 million for FY 2023.

Public Broadcasting Aid: The Executive Budget provides 14 million in funding support for public television and radio stations, a \$7.8 million decrease from the FY 2023 Enacted due to the elimination of funding for several initiatives: instructional content for classroom and remote learning (\$3.5 million); digital teaching and learning media tools (\$2 million); teacher professional development toolkit on improving student mental health (\$300,000); resources to address social isolation among seniors (\$750,000); and special programming and events on the opioid crisis in New York State (\$1.4 million).

Continued Cost of Minimum Wage: The Executive Budget maintains an appropriation of \$17.18 million to offset the increased costs of implementing changes to minimum wage. This appropriation has remained flat since FY 2018-19 despite increasing minimum wage costs.

Small Government Assistance to School Districts: The Executive maintains funding of \$1.87 million.

Teacher Resource Centers: The Executive proposes \$6.4 million for the remaining obligation of a \$21.4 million for Teacher Resource Centers in 2022-23 school year.

Aid to Private Colleges (Bundy Aid): The Executive maintains Bundy Aid at \$35.1 million.

STAR

The Executive maintains the current STAR program totaling \$3.3 billion. Of that amount, \$1.5 billion is provided for the Basic benefit, \$980 million for the Senior benefit, and \$755 million for the NYC PIT credit.

Capital Funding

[State Education Department](#)

The FY 2022 Executive Budget recommends a capital appropriation of \$99.3 million, a \$38.4 million or 27.9 percent decrease from the FY 2023 Enacted Budget. This is largely due to the elimination of a \$20 million legislative add for Library Construction and \$15.6 million decrease in capital support for Schools for Native American Reservations (*see chart on page 4*)

Article VII Proposals

The FY 2024 Executive Budget proposes the following statutory amendments:



School Aid (ELFA, S.4006, Part A)

- Includes provisions proposed by the Executive that define the school aid package for FY 2024. Specifically, this proposal would:
 - Formulaically allocates \$34.2 billion in General Support for Public Schools (GSPS).
 - Increases Foundation Aid by \$2.7 billion and ensures each school district receives a minimum three percent increase in Foundation Aid.
 - Fully funds expense-based aids through an increase of \$232 million.
 - Eliminates the regional cap on the number of charters that may be issued in New York City. Additionally, proposes to permanently authorize the re-issuance of any charter originally issued to a charter school that subsequently closed after July 1, 2015, due to surrender, revocation, termination, or non-renewal (so-called “zombie charters”).
 - Adds a new \$250 million set aside within Foundation aid dedicated to high-impact tutoring in math and reading for students in grades 3 through 8.
 - Requires school districts to report on the number of four-year-olds utilizing or denied a pre-kindergarten slot and all those who are eligible for pre-kindergarten.
 - Requires school districts to report on the progress of the implementation of the Zero-Emission bus mandate.
 - Directs the State Education Department to study and design a new rate-setting methodology in order to streamline and improve the timeliness of tuition rates for special education providers.
 - Extends the NY SAFE Act additional school building aid for the purchase of stationary metal detectors, security cameras, and safety devices for electrically operated partitions.
 - Allocates \$100 million in new Universal pre-kindergarten funding.
 - Caps the mandated services aid for Nonpublic schools at the annual amount appropriated.

Simplification of Senior STAR Exemption Income Eligibility Documentation (ELFA, S.4006, Part K)

- This Part would align the income eligibility documentation with the requirements of the STAR Basic exemption. The proposed change from current law would utilize the federal adjusted gross income, minus the taxable portion of IRA distributions.

Extend Waiver of Retiree Income Cap for Public School Employees (PPGG, S.4005, Part V)

- Eliminates the \$35,000 earnings limit for retired individuals who are employed by a public school in the State until June 30, 2024.



Education Aid SY 2023-24				
(Millions of Dollars)				
Formula Aids	FY 2023 Enacted	FY 2024 Proposed	Change	Percent Change
Foundation Aid	\$21,334.38	\$24,069.09	\$2,734.71	12.82%
Special Education – High Cost/Private	\$952.13	\$965.61	\$13.48	1.42%
Reorganization Operating Aid	\$3.61	\$3.02	-\$0.59	-16.34%
Instructional Materials	\$256.61	\$261.21	\$4.60	1.79%
BOCES - Special Services	\$1,375.70	\$1,415.10	\$39.40	2.86%
Transportation Aid	\$2,298.43	\$2,475.15	\$176.72	7.69%
High Tax Aid	\$223.30	\$223.30	\$0.00	0.00%
Universal Pre-K	\$1,003.07	\$1,163.63	\$160.56	16.01%
Charter School Transitional Aid	\$47.19	\$51.78	\$4.59	9.73%
Full Day Kindergarten	\$0.00	\$0.00	\$0.00	0.00%
Building Aid	\$3,344.21	\$3,277.06	-\$67.15	-2.01%
Other	\$32.58	\$32.58	\$0.00	0.00%
Formula Aid TOTAL	\$30,871.21	\$33,937.53	\$3,066.32	9.93%
Categorical Aids				
Teachers of Tomorrow	\$25.00	\$25.00	\$0.00	0.00%
Teacher Mentor Intern	\$2.00	\$2.00	\$0.00	0.00%
School Health Services	\$13.84	\$13.84	\$0.00	0.00%
Roosevelt	\$12.00	\$12.00	\$0.00	0.00%
Urban Suburban Transfer	\$8.53	\$8.53	\$0.00	0.00%
Employment Prep Education	\$96.00	\$96.00	\$0.00	0.00%
Homeless Pupils	\$32.23	\$32.23	\$0.00	0.00%
Incarcerated Youth	\$6.00	\$6.00	\$0.00	0.00%
English Language Learning/ Bilingual Education Grants	\$18.50	\$18.50	\$0.00	0.00%
Education of OMH/OMR Pupils	\$47.80	\$48.80	\$1.00	2.09%
Special Act School Districts	\$2.70	\$2.70	\$0.00	0.00%
Chargebacks	-\$35.00	-\$35.00	\$0.00	0.00%
BOCES Aid for Special Act	\$0.70	\$0.70	\$0.00	0.00%
Learning Tech Grants	\$3.29	\$3.29	\$0.00	0.00%
Native American Building	\$5.00	\$5.00	\$0.00	0.00%
Native American Education	\$66.78	\$67.25	\$0.47	0.70%
School Bus Driver Safety	\$0.40	\$0.40	\$0.00	0.00%
Subtotal	\$305.77	\$307.24	\$1.47	0.48%
GSPS Total	\$31,176.98	\$34,244.77	\$3,067.79	9.84%

**FY 2024 Executive Budget Education Department Capital Funding Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Minor Rehabilitation Projects	\$6,000	\$3,400	(\$2,600)
Maintenance and Operations	\$4,200	\$4,200	\$0
Library Construction	\$34,000	\$14,000	(\$20,000)
Non-Public Health and Safety Projects	\$45,000	\$45,000	\$0
Office of Professions Electronic Licensing System	\$7,790	\$5,160	(\$2,630)
Schools for Native American Reservations	\$35,700	\$20,099	(\$15,601)
School for the Blind	\$3,200	\$4,470	\$1,270
School for the Deaf	\$1,800	\$2,994	\$1,194
Total	\$137,690	\$99,323	(\$38,367)



FACT SHEET: Higher Education

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Higher Education Budget Highlights

- The FY 2024 Budget proposes All Funds spending authorization of \$20.7 billion, an increase of \$467 million, or 2.32 percent, over the FY 2023 Enacted Budget.
 - Increase of \$962.1 million to SUNY, for a total of \$13.8 billion.
 - Decrease of \$395.2 million to CUNY, for a total of \$5.7 billion.
 - Increase of \$6.7 million to HESC, for a total of \$1.2 billion.
- **SUNY:** The FY 2024 Executive Budget recommends \$13.8 billion for SUNY and estimates a workforce of 45,880, which is consistent with last year's levels. This recommendation includes:
 - \$11.6 billion for State-operated campuses, statutory colleges, and SUNY's hospitals, an \$894 million increase over the FY 2023 Enacted
 - \$445 million in aid to localities appropriations, a decrease of \$7.1 million from the FY 2023 Enacted
 - \$1.71 billion in appropriations for capital projects, a \$7.2 million dollar decrease from prior year levels
- **CUNY:** The FY 2024 Executive Budget recommends \$5.7 billion for CUNY and estimates a workforce of 13,511, which is consistent with last year's levels. This recommendation includes:
 - \$3.2 billion in State in State Operations support for CUNY, a \$395.1 million decrease from the FY 2023 Enacted Budget.
 - \$1.92 billion in aid to localities appropriations, an increase of \$66.9 million from the FY 2023 Enacted
 - \$642.7 million in appropriations for capital projects, a decrease of \$323.1 million from prior year levels
- **HESC:** The FY 2024 Executive Budget recommends \$60.7 million for SUNY and estimates a workforce of 103, which is consistent with last year's levels. This recommendation includes:
 - \$60.8 million in State in State Operations support (Enterprise Fund) for CUNY senior colleges, an \$8.8 million increase from prior year levels.

- \$1.1 billion in aid to localities appropriations, a decrease of \$6.7 million from the FY 2023 Enacted
- **Council on the Arts:** The FY 2024 Budget proposes All Funds spending authorization of \$48 million, a decrease of \$61.7 million from the FY 2023 Enacted. This decrease is due to the expiration of non-recurring appropriations for pandemic recovery assistance.

Notable Issues

- Authorizes tuition increases for SUNY state-operated campuses and CUNY senior colleges indexed to the lesser of the Higher Education Price Index or 3 percent. Additionally, authorizes SUNY’s University Centers (Albany, Binghamton, Buffalo, and Stony Brook) to increase their tuition by an additional 6 percent above SUNY’s base tuition rate each year for the next five years (capped at 30 percent above the base rate) for in-state students.
- Requires that every SUNY and CUNY campus shall provide access to medication abortion prescription drugs for all students enrolled at such institutions.
- Authorizes licensed pharmacists who have completed a training program to prescribe self-administered hormonal contraceptives, including emergency contraceptives.
- Expands scope of practice for various healthcare professionals (medication aides, pharmacists, nurse practitioners, physician assistants, dentists, and advanced home health aides) and would have the State enter the Interstate Licensure Compact and the Nurse Licensure Compact.

Spending Highlights

- \$500 million to create a matching fund for contributions made to the endowments of SUNY’s four university centers (Albany, Binghamton, Buffalo, and Stony Brook). This fund will provide \$1 of State funds for every \$2 of private contributions.
- \$441 million for SUNY community colleges and \$4.4 million for County Cooperative Extension Programs.
- Maintains a funding floor for community colleges at 100 percent of prior year funding. Without this floor, SUNY and CUNY Community Colleges would face a combined \$138 million loss in formula aid due to enrollment declines.
- \$270 million in new, recurring State support for SUNY State-operated campuses (\$176 million) and CUNY senior colleges (\$94 million)



HIGHER EDUCATION

The FY 2024 Budget proposes All Funds spending authorization of \$20.7 billion, an increase of \$467 million, or 2.32 percent, over the FY 2023 Enacted Budget.

- Increase of \$962.1 million to SUNY, for a total of \$13.8 billion.
- Decrease of \$397.4 million to CUNY, for a total of \$5.7 billion.
- Increase of \$6.7 million to HESC, for a total of \$1.2 billion.

State Operations

State University of New York (SUNY)

The Executive Budget recommends an appropriation of \$13.8 billion in State Operations for SUNY, a \$976.4 million increase over the FY 2023 Enacted Budget.

This increase includes \$500 million to create a matching fund for contributions made to the endowments of SUNY's four university centers (Albany, Binghamton, Buffalo, and Stony Brook). This fund will provide \$1 of State funds for every \$2 of private contributions.

Also included is a one-time investment of \$75 million for transformational initiatives at campuses that support innovation, help meet the workforce needs of the future, and provide needed support to students. \$176 million in new, recurring State support for SUNY State-operated campuses and statutory colleges is also added, including:

- \$60 million in recurring general operating support.
- \$84 million increase in funding for employee fringe benefits.
- \$32 million increase to fund financial aid to help cover the tuition costs of New York residents.

City University of New York (CUNY)

The Executive Budget recommends an appropriation of \$3.2 billion in State Operations for CUNY, a \$395.1 million decrease over the FY 2023 Enacted Budget. \$169.3 million of this decrease is due to the expiration of federal emergency relief funding. The Executive also proposes \$94 million in new, recurring State support for CUNY senior colleges, including:

- \$40 million in recurring general operating support.

- \$36 million increase in funding for employee fringe benefits.
- \$18 million increase to fund financial aid to help cover the tuition costs of New York residents.

Higher Education Services Corporation (HESC)

The Executive Budget recommends an appropriation of \$60.8 million in State Operations for HESC, a \$8.8 million or 16.9 percent increase over the FY 2023 Enacted Budget. This is primarily due to a new Federal grant award to administer the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in New York.

Council on the Arts (NYSCA)

The Executive Budget recommends an appropriation of \$5.3 million in State Operations for the Council on the Arts, an \$82,000 or 1.58 percent increase over the FY 2023 Enacted Budget.

Aid to Localities

State University of New York (SUNY)

The Executive Budget recommends a General Fund appropriation of \$445.4 million in the Aid to Localities budget for SUNY, a \$7.1 million or 1.58 percent decrease from the FY 2023 Enacted Budget. The Executive’s proposal would see Community College Operation Assistance increase by \$252,000. The Executive Budget maintains the funding floor for community colleges at 100 percent of prior year funding. Without this floor, SUNY and CUNY Community Colleges would face a combined \$138 million loss in formula aid due to enrollment declines. County Cornell Cooperative Extension funding would drop by \$1.7 million to \$4.4 million due to the elimination of a legislative add. Additionally, Child Care Center funding would drop by \$5.4 million due to the elimination of a legislative add. *(see chart on page 8)*

City University of New York (CUNY)

The Executive Budget recommends an appropriation of \$1.92 billion in the Aid to Localities budget for CUNY, a \$66.9 million or 3.6 percent increase from the FY 2023 Enacted Budget. The Executives Proposal provides an \$816,000 increase in Community College Operating Assistance and \$101.9 million in additional state support for CUNY Senior Colleges. The Executive eliminates a \$1.2 million legislative add to funding for the Child Care Centers and fully eliminates legislative adds for the CUNY Law School Haywood Burns Chair (\$263,000), Expansion of Nursing Programs (\$750,000), SEEK Program (\$846,000), and Increasing Mental Health Services (\$750,000). *(see chart on page 9)*

Higher Education Services Corporation (HESC)

The Executive Budget recommends a General Fund appropriation of \$1.1 billion in the Aid to Localities budget for HESC, a \$2.1 million or 3.6 percent increase from the FY 2023 Enacted Budget. The decrease is due to the elimination of legislative adds for additional funding for the Patricia K. Magee Nursing Faculty



Scholarship and the Nursing Faculty Loan Forgiveness Incentive Program (\$2,000) and the NY Young Farmers Loan Forgiveness Program (\$50,000). The Executive maintains funding for Tuition Assistance Program (\$1.1 billion), Part-time TAP (\$14.4 million), and HESC Scholarships (\$54.1 million). (*see chart on page 10*)

[Council on the Arts \(NYSCA\)](#)

The Executive Budget recommends a General Fund appropriation of \$42.8 million in the Aid to Localities budget for NYSCA, a \$51.8 million or 54.8 percent decrease from the FY 2023 Enacted Budget. This decrease is primarily due to the expiration of pandemic relief for arts and cultural organizations (\$50 million). (*see chart on page 10*)

Capital Funding

[State University of New York \(SUNY\)](#)

The FY 2024 Executive Budget recommends a capital appropriation of \$1.7 billion for SUNY, a \$7.2 million dollar decrease from the FY 2023 Enacted Budget. This funding includes \$200 million for digital transformation and IT infrastructure across the SUNY system \$200 million in capital funding for new and renovated research buildings, laboratories, and instrumentation at SUNY's flagship institutions, Stony Brook University and the University at Buffalo. The Executive's proposal also includes \$104 million in capital support for SUNY's Community Colleges, a \$47.1 million increase over the FY 2023 Enacted, and \$650,000 for SUNY Senior Colleges and University-wide projects. (*see charts on pages 11 and 12*)

[City University of New York \(CUNY\)](#)

The FY 2024 Executive Budget recommends a capital appropriation of \$642.7 million for CUNY, a \$323.1 million dollar decrease from the FY 2023 Enacted Budget. The Executive Budget provides \$384 million in support for Senior campuses and University-wide projects (a \$100 million increase) and \$119 million in capital appropriations for community colleges (a \$74 million increase). (*see charts on pages 13 and 14*)

[Council on the Arts \(NYSCA\)](#)

The Executive Budget provides no capital appropriations for NYSCA, a decrease of \$10 million due to no funding being provided for construction and rehabilitation projects for regional arts and cultural councils outside of New York City.

[Higher Education Matching Grant Program \(HECap\)](#)

The Executive Budget provides no new funding for HECap. The FY 2024 Executive Budget does include \$152 million in reappropriation authority for HECap projects not yet fully disbursed. This includes \$65

million for awards for Competitive Round 5 from the FY 2023 appropriations and unused funding from previous rounds.

Article VII Proposals

The FY 2024 Executive Budget proposes the following statutory amendments:

[Provide Tuition Flexibility Throughout CUNY and SUNY \(ELFA, S.4006, Part B\)](#)

- Authorizes tuition increases for SUNY state-operated campuses and CUNY senior colleges indexed to the lesser of the Higher Education Price Index or 3 percent.
- Additionally, authorizes SUNY’s University Centers (Albany, Binghamton, Buffalo, and Stony Brook) to increase their tuition by an additional 6 percent above SUNY’s base tuition rate each year for the next five years (capped at 30 percent above the base rate) for in-state students.
 - Increased rates are authorized for the university centers if the Board of Trustees determines that such rate increases are competitive with the tuition rates of peer institutions.
- This proposal is estimated to generate \$97 million for SUNY and \$31 million for CUNY in Academic Year 2024.

[Ensure Abortion Access at Public College Campuses \(ELFA, S.4006, Part C\)](#)

- Requires that every SUNY and CUNY campus (including community colleges) shall provide access to medication abortion prescription drugs for all students enrolled at such institutions.
- For the purposes of this section “access to medication abortion prescription drugs” means the prescription of medication abortion directly to a student from a certified individual working for the campus or by a healthcare provider or pharmacy in the community.

[Removal of Maximum Award Caps for Liberty Partnership Program \(ELFA, S.4006, Part D\)](#)

- Removes the cap on awards for the Liberty Partnerships Program
 - The Liberty Partnerships Programs provides students enrolled in grades 5-12 with services designed to improve their ability to graduate from high school and enter postsecondary education and the workforce.
 - Currently, recipients are restricted to award totals of \$300,000 per academic year, or \$1,250 per student for program participants with enrollments greater than 240 students.



Allow Public Accounting Firms to Have Minority Ownership by Individuals Who Are Not Certified Public Accountants (ELFA, S.4006, Part E)

- Authorizes public accounting firms to incorporate in New York State with minority ownership by individuals who are not CPAs, provided that the words “Certified Public Accountant” or the abbreviation “CPA” do not appear in the firm’s name.

Implement Over the Counter Contraception Access (HMH, S.4007, Part V)

- Authorizes pharmacists within their scope of practice to prescribe and order self-administered hormonal contraceptives and emergency contraceptive drug therapy.
- Prior to prescribing such contraceptives, a pharmacist must complete a training program on self-administered hormonal contraceptives and emergency contraceptive drug therapy of at least one hour.
- The pharmacist must follow standard protocols developed by the Board of Pharmacy in consultation with the State Department of Health, including:
 - The provision of a patient risk tool based on the current United States Medical Eligibility Criteria (USMEC) for Contraceptive Use developed by the Centers for Disease Control (CDC).
 - Refer the patient to their primary health care provider or a nearby clinic.
- Additionally, pharmacists will be required for each prescription initiated, to provide the recipient with a factsheet (developed by the Board of Pharmacy in consultation with the Department of Health) on the use, indications and contraindications, the need for medical follow-up, and other information about the contraceptive.
- Pharmacists are limited to charging a \$10 administrative fee for such prescriptions to those patients without insurance coverage. Patients with coverage must pay any related co-pay consistent with their coverage. The fee would not apply to FDA-classified over-the-counter products.

Allow Health Care Providers to do More (HMH, S.4007, Part W)

- Expands scope of practice for various healthcare professionals (medication aides, pharmacists, nurse practitioners, physician assistants, dentists, and advanced home health aides) allowing them to take on additional roles under their licenses as follows:

- Authorizing physicians and nurse practitioners to issue a non-patient specific standing order for HIV-preventive medication, commonly called PrEP.
- Allowing pharmacists to execute a non-patient specific standing order for PrEP, subject to the specific conditions.
- Allowing licensed pharmacists to order and administer any tests waived under the Clinical Laboratory Improvement Amendments waived tests, including tests for COVID-19, influenza and others such as HIV, sexually transmitted infections, and pregnancy.
- Authorizing pharmacists to be qualified health care professionals for purposes of directing limited-service laboratories and performing COVID-19 and influenza tests.
- Making permanent the amendments to the Education Law authorizing physicians and certified nurse practitioners to order non-patient specific regimens to registered professional nurses for tests to determine the presence of COVID-19 or its antibodies or influenza virus.
- Allowing licensed pharmacists to prescribe and order medications to treat nicotine dependence approved by the Federal Food and Drug Administration for smoking cessation.
- Authorizing licensed pharmacists to prescribe and order opioid antagonists, limited to naloxone and other medications approved by the Department of Health.
- Permitting nurse practitioners or facilities to enter into collaborative agreements with pharmacists.
- Authorizing collaborative drug therapy management (CDTM) to occur in all hospitals and other Article 28 facilities.
- Permitting the State Education Department to include up to 15 community practice sites as authorized locations for the provision of CDTM.
- Allowing the practice of dentistry to include the offering of an HIV or Hepatitis C screening test or diagnostic tests.
- Authorizing certified nurse practitioners and licensed physicians to issue non-patient specific standing regimens, to be executed by registered professional nurses, for:
 - the ordering of asthma self-management education and home-based asthma services;
 - the urgent or emergency treatment of asthma;
 - providing stool tests to screen for the presence of colorectal cancer; and
 - the ordering of diabetes self-management education and support.
- Authorizing pharmacists to order diabetes and asthma self-management education and support services and home-based asthma services for patients.
- Authorizing the Commissioner of Education to promulgate regulations to allow pharmacists to order additional health-related services.
- Expanding standard Medicaid coverage to include medically necessary diabetes self-management training services when referred by licensed pharmacists.



- Expanding standard Medicaid coverage to include medically necessary asthma self-management training services when referred by licensed pharmacists or by registered professional nurses acting under the authority of a non-patient-specific standing regimen.
- Allowing licensed pharmacists to order and administer vaccinations, medications, self-management education, and home-based services within their scope of practice.
- Allowing certain experienced physician assistants to practice without the supervision of a physician.
- Allowing the Board of Education, and the trustee or board of trustees of each school district, to employ a physician assistant.
- Adding physician assistant to the definition of practitioner for the purposes of prescribing controlled substances.
- Extending authorization for advanced home health aides for another six years and amending the supervision requirements for advanced tasks performed by advanced home health aides.
- Authorizing certified medication aides to administer routine and prefilled 40 medications in residential health care facilities for a duration of two years (a temporary pilot program).
- Provides New York will join the Interstate Licensure Compact and the Nurse Licensure Compact, allowing physicians and nurses licensed in other states to practice in New York, either physically or virtually, through reciprocity with other states.

FY 2024 Executive Budget SUNY Agency Local Assistance Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Community College Operating Assistance	\$446,428	\$440,980	(\$5,448)
<i>Operating Assistance</i>	\$416,388	\$416,640	\$252
<i>Job Linkage</i>	\$3,000	\$3,000	\$0
<i>Rental Aid</i>	\$11,579	\$11,579	\$0
<i>Financial Assistance for Contract Courses and Workforce Development</i>	\$1,880	\$1,880	\$0
<i>High-Need Programs</i>	\$1,692	\$1,692	\$0
<i>Child Care Centers at Campuses w/ 35% Match</i>	\$2,099	\$2,099	\$0
<i>Child Care Centers at Additional Campuses</i>	\$5,400	\$0	(\$5,400)
<i>Low Enrollment Operating Assistance</i>	\$940	\$940	\$0
<i>Apprentice SUNY Program</i>	\$3,000	\$3,000	\$0
<i>Orange County Community College Bridges Program</i>	\$100	\$100	\$0
<i>Orange County Community College Simulation Lab</i>	\$50	\$50	\$0
<i>Dutches County Community College Initiative to Alleviate Housing and Food Insecurity for Students</i>	\$150	\$0	(\$150)
<i>Schenectady Community College Inclusive Entrepreneurship and Employment Program for Persons with Disabilities</i>	\$150	\$0	(\$150)
County Cooperative Extension Programs	\$6,120	\$4,420	(\$1,700)
Total	\$452,548	\$445,400	(\$7,148)



FY 2024 Executive Budget CUNY Local Assistance Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
CUNY Community Colleges	\$239,310	\$238,872	(\$438)
<i>Operating Assistance</i>	\$217,232	\$218,048	\$816
<i>Next Gen Job Linkage</i>	\$2,000	\$2,000	\$0
<i>Child Care Centers at Campuses w/ 35% Match</i>	\$1,715	\$1,715	\$0
<i>Child Care Centers at Additional Campuses</i>	\$1,200	\$0	(\$1,200)
<i>Rental Aid</i>	\$8,948	\$8,948	\$0
<i>Financial Assistance for Contract Courses and Workforce Development</i>	\$1,880	\$1,880	\$0
<i>Opportunity Programs</i>	\$1,835	\$1,781	(\$54)
<i>Accelerated Study in Associates Program</i>	\$2,500	\$2,500	\$0
<i>Apprentice CUNY Program</i>	\$2,000	\$2,000	\$0
CUNY Senior Colleges	\$1,600,848	\$1,668,200	\$67,352
<i>State Support</i>	\$1,563,614	\$1,664,700	\$101,086
<i>School of Labor and Urban Studies</i>	\$4,625	\$3,500	(\$1,125)
<i>Strategic Investments</i>	\$30,000	\$0	(\$30,000)
<i>CUNY Law School Haywood Burns Chair</i>	\$263	\$0	(\$263)
<i>Expansion of Nursing Programs</i>	\$750	\$0	(\$750)
<i>SEEK Program</i>	\$846	\$0	(\$846)
<i>Increasing Mental Health Services</i>	\$750	\$0	(\$750)
Senior College Pension Payments	\$2,000	\$2,000	\$0
MTA Commuter Transportation Mobility Tax	\$6,000	\$6,000	\$0
Total	\$1,848,158	\$1,915,072	\$66,914

FY 2024 Executive Budget HESC Local Assistance Appropriation Changes			
(Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
TAP	\$1,066,182	\$1,066,182	\$0
Part-time TAP	\$14,357	\$14,357	\$0
Various HESC Scholarships	\$54,149	\$54,149	\$0
Patricia K. Magee Nursing Faculty Scholarship and the Nursing Faculty Loan Forgiveness Incentive	\$5,933	\$3,933	(\$2,000)
Licensed Social Work Loan Forgiveness	\$1,728	\$1,728	\$0
NY Young Farmers Loan Forgiveness	\$200	\$150	(\$50)
Child Welfare Worker Incentive Scholarship	\$50	\$50	\$0
Child Welfare Worker Incentive Loan Forgiveness	\$50	\$50	\$0
Part-time Scholarship	\$3,129	\$3,129	\$0
Fulfillment of Donor Contributions	\$1,000	\$1,000	\$0
World Trade Center Scholarship Awards	\$500	\$500	\$0
Total	\$1,147,278	\$1,145,228	(\$2,050)

FY 2024 Executive Budget Council on the Arts Local Assistance Projects Appropriation Changes			
(Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Assistance Non-Profit Cultural Organizations	\$40,635	\$40,635	\$0
Stabilization Grants for Small to Mid-size Arts Organizations	\$1,000	\$0	-\$1,000
Arts Grants Distributed by Senate Majority	\$750		-\$750
Assistance Non-Profit Cultural Organizations - Federal	\$1,413	\$1,413	\$0
Services and Expense of the Arts Capital Grants Fund	\$196	\$196	\$0
Services and Expenses of the Arts Fund	\$300	\$300	\$0
Arts and Cultural Organizations Recovery Grant Program	\$50,000	\$0	-\$50,000
<i>Statewide</i>	\$40,000		-\$40,000
<i>Outside of NYC</i>	\$10,000		-\$10,000
Assistance for the Empire State Plaza Performing Arts Center Corporation	\$220	\$220	\$0
Total	\$94,514	\$42,764	(\$51,750)



FY 2024 Executive Budget SUNY Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Facilities Maintenance and Operations	\$197,966	\$203,695	\$5,729
General Maintenance and Improvements	\$1,360,000	\$1,300,000	(\$60,000)
<i>Senior Colleges and University Wide Projects</i>	\$550,000	\$650,000	\$100,000
<i>Education Opportunity Centers</i>	\$10,000	\$0	(\$10,000)
<i>Alterations and Improvements to Various Facilities</i>	\$650,000	\$100,000	(\$550,000)
<i>SUNY Digital Transformation Initiative</i>	\$0	\$200,000	\$200,000
<i>Improvement to Research Facilities (UB and Stony Brook)</i>	\$0	\$200,000	\$200,000
<i>SUNY Hospitals</i>	\$150,000	\$150,000	\$0
Project Administration	\$26,353	\$26,353	\$0
SUNY Residence Hall Rehabilitation Fund	\$75,000	\$75,000	\$0
SUNY Community Colleges	\$56,883	\$103,955	\$47,072
Total	\$1,716,202	\$1,709,003	(\$7,199)

**FY 2024 Executive Budget SUNY Senior Colleges Capital
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Albany	\$ 9,849	\$11,661	\$1,812
Alfred Ceramics	\$ 776	\$915	\$139
Alfred State	\$ 2,113	\$2,474	\$361
Binghamton	\$ 10,559	\$12,829	\$2,270
Brockport	\$ 4,820	\$5,591	\$771
Brooklyn Health Science Center (HSC)	\$ 3,370	\$3,947	\$577
Buffalo College	\$ 5,649	\$6,403	\$754
Buffalo University	\$ 19,437	\$23,721	\$4,284
Canton	\$ 1,740	\$2,026	\$286
Cobleskill	\$ 1,813	\$2,129	\$316
Cornell	\$ 8,850	\$10,332	\$1,482
Cortland	\$ 4,529	\$5,369	\$840
Delhi	\$ 1,801	\$2,071	\$270
Empire State	\$ 369	\$461	\$92
Environmental Science and Forestry	\$ 2,200	\$2,585	\$385
Farmingdale	\$ 5,494	\$6,409	\$915
Fredonia	\$ 3,182	\$3,729	\$547
Geneseo	\$ 3,204	\$3,732	\$528
Maritime	\$ 1,796	\$2,056	\$260
Morrisville	\$ 2,076	\$2,395	\$319
New Paltz	\$ 4,584	\$5,376	\$792
Old Westbury	\$ 2,929	\$3,287	\$358
Oneonta	\$ 3,929	\$4,496	\$567
Optometry	\$ 900	\$1,060	\$160
Oswego	\$ 5,271	\$6,177	\$906
Plattsburgh	\$ 3,645	\$4,256	\$611
Potsdam	\$ 3,386	\$3,948	\$562
Purchase	\$ 5,343	\$6,266	\$923
State Univ Plaza	\$ 1,430	\$1,685	\$255
Stony Brook, incl Health Science Center	\$ 24,649	\$29,359	\$4,710
Syracuse Health Science Center (HSC)	\$ 2,616	\$3,270	\$654
SUNY Polytechnic	\$ 1,091	\$1,285	\$194
University-wide Alterations and Improvements	\$ 396,600	\$468,700	\$72,100
Total	\$550,000	\$650,000	\$100,000



FY 2024 Executive Budget CUNY Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
General Maintenance and Improvements	\$344,222	\$384,222	\$40,000
Program Changes Expansions and Improvements	\$538,000	\$100,000	(\$438,000)
Project Administration	\$38,832	\$38,832	\$0
CUNY Community Colleges	\$44,793	\$119,667	\$74,874
Total	\$965,847	\$642,721	(\$323,126)

**FY 2024 Executive Budget CUNY Senior Colleges Capital
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Baruch College	\$ 3,379	\$4,568	\$1,189
Brooklyn College	\$ 7,638	\$10,325	\$2,687
City College	\$ 6,715	\$9,078	\$2,363
Graduate School and University Center	\$ 890	\$1,203	\$313
Honors college	\$ 89	\$120	\$31
Hunter College	\$ 6,331	\$8,558	\$2,227
John Jay College of Criminal Justice	\$ 1,359	\$1,837	\$478
Lehman College	\$ 3,796	\$5,132	\$1,336
Medgar Evers College	\$ 1,453	\$1,964	\$511
New York City College of Technology	\$ 1,874	\$2,533	\$659
Queens College	\$ 6,125	\$8,280	\$2,155
College of Staten Island	\$ 5,117	\$6,917	\$1,800
York College	\$ 2,099	\$2,838	\$739
<i>University Wide</i>			\$0
Health and Safety	\$ 9,220	\$12,464	\$3,244
Preservation of Facilities	\$ 12,396	\$16,757	\$4,361
ADA Needs	\$ 6,147	\$8,310	\$2,163
Mechanical and Infrastructure	\$ 7,171	\$9,694	\$2,523
Science and Tech	\$ 5,020	\$6,786	\$1,766
Certificate of Occupancy/Public Assembly	\$ 2,049	\$2,770	\$721
Energy Conservation	\$ 4,098	\$5,540	\$1,442
Science Lab Upgrades	\$ 2,049	\$2,770	\$721
Educational Technology Initiatives	\$ 6,659	\$9,002	\$2,343
Bathroom Facilities Upgrades	\$ 1,026	\$1,387	\$361
CUNY TV	\$ 300	\$406	\$106
Critical Maintenance	\$ 181,222	\$244,983	\$63,761
Total	\$284,222	\$384,222	\$100,000



FACT SHEET: Health – Medicaid – Aging

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Budget Highlights

- The FY 2024 Department of Health Executive Budget recommends All Funds spending of \$93.6 billion for State Operations and Aid to Localities, an increase of 3.4 billion. An increase to the Medicaid Global Cap growth index to align with allowable Medicaid growth, a five percent overall Medicaid rate increase for hospitals and nursing homes, supplemental payments to federal health centers and diagnosis and treatment clinics to backfill loss of 340b revenues and enhanced federal Medicaid and Essential Plan funding primarily drive this increase. This increase is offset by the elimination of enhanced federal Medicaid funding payments that the state makes to counties.
 - Increase of \$2.2B for Medicaid, for a total of \$80.5B
 - Increase of \$559M for the Essential Plan, for a total of \$6.5B
 - Increase of \$603.1M for the DOH and Public Health programs, for a total of \$6.5B
- The FY 2024 Executive Budget recommends a capital appropriation of \$1B to support a new Healthcare Facility Transformation Phase V (5) plan to fund new provider facility transformation projects and debt restructuring plans
- The FY 2024 Executive Budget recommends a total \$57.4 million for the Office of the Medicaid Inspector General, consistent with the FY 2023 enacted amount.
- The FY 2024 Executive Budget recommends \$282.8 million for Office of the Aging. This is a decrease of \$7.4 million from the FY 2023 Enacted budget. This change is the result of the discontinuation of one-time legislative adds.

Notable Issues

- The Executive proposes to establish the Prescription Drug Price and Supply Chain Transparency Act, which requires price increase notifications to the Department of Financial Services and registration and disclosure by entities within the supply chain.

- The Executive proposes to reform Emergency Medical Services (EMS) and Medical Transportation which increases Medicaid reimbursement for more complex patients; establishes a working group to recommend ways to expand access to nonemergency medical transportation; establishes nine regional EMS organizations that can better coordinate all the EMS agencies and providers operating within their region; establishes a statewide EMS disaster response system; authorizes ambulances to treat patients in place or take patients to clinics and still receive reimbursement.
- The Executive proposes “pay and resolve” requirements on health insurers to require insurers to pay all claims related to emergency services and inpatient services following an emergency visit in a hospital and perform medical necessity review post-treatment; establishes procedures for dispute resolution through Joint Committee review and third-party independent review and determination as necessary. This proposal could substantially increase insurance costs
- The Executive proposes to ban the sale of flavored tobacco products, including menthol cigarettes, and increases the cigarette tax from \$4.35 to \$5.35 per pack.
- The Executive proposes to protect the personal data of anyone seeking abortion care in New York state as well as allow pharmacists to directly prescribe hormonal contraceptive and emergency contraceptive drugs.

Spending Highlights

- Medicaid Global Cap Adjustment
 - The allowable growth under the statutory Medicaid Global Cap Index is revised to account for upward enrollment realized by the COVID-19 Pandemic. The DOH uses a formula calculated by the 5-year rolling average of the formula set by Office of the Actuary in the Centers for Medicare & Medicaid Services based on national Medicaid spending projections. Based on these revised federal projections associated with enrollment increases, the Medicaid Global Cap index for FY 24 will increase by \$1.3 billion for a total Global Cap of \$23.4 billion. The Global Cap construct is proposed to be extended for three years.
- Enhanced eFMAP associated with phased wind down of federal COVID Medicaid funding
 - Though the COVID-19 federal health emergency ends in May 2023, under the omnibus federal spending bill signed last December, extra federal Medicaid aid known as Enhanced Federal Medical Assistance Program (eFMAP) funds will continue through December 2023 at a lower percentage rate. This funding that initially began being disbursed to states in February 2020 at a rate of 6.2 percent is reduced to 5 percentage points in April, 2.5 percent in July and 1.5 percent in October. The Executive projects and additional \$1 billion in aid to the financial plan in FY 2024 as a result of this enhanced funding



- Elimination of enhanced Federal Medicaid payments to local governments
 - The budget eliminates \$624 million in Medicaid Enhanced Federal Medical Assistance Program (eFMAP) fund payments intended to go directly to local governments. Each county would receive a loss in state funding due to this proposal
- Medicaid Rate Increase for Hospitals and Nursing Homes and Assisted Living Provider (ALPS)
 - The Executive does not propose significant cuts to Medicaid, but instead proposes an across the Board increase in Medicaid rates to hospitals, nursing homes, and Medicaid funded Assisted Living Providers totaling \$379 million (\$221.5 million for hospitals and \$157.5 million for nursing homes). However, this increase is offset by the elimination of the \$94 million nursing home staffing pool, reduced hospital pharmacy savings associated with the federal 340b program, and the elimination of \$42.7 million in the state funded hospital indigent care pool
- Medicaid Pharmacy Benefit Transition, 340b Supplemental Payment Support, Prescriber Prevails Elimination
 - The Executive Budget implements the pharmacy benefit transition from managed care to fee-for-service. The Budget will re-invest state savings from this transition to 340B providers including Ryan White Clinics, Federal Qualified Health Centers, and certain hospitals. The reinvestments will backfill the loss of 340B provider revenues resulting from the transition. Additionally, the Budget eliminates prescriber prevails giving physicians final determination in prescriptions for Medicaid beneficiaries
- Delay of Medicaid Benefits for Undocumented Immigrants 65 and over
 - The Executive delays the beginning of Medicaid coverage benefits for undocumented immigrants for 9 months to coincide with a federal waiver to claim additional federal matching funds for this population
- Essential Plan Expansion
 - The Executive proposes to expand eligibility in the Essential Plan to Residents with incomes between 200% and 250% of FPL, ages 19 to 64 years, who are currently eligible to purchase Qualified Health Plans (QHPs) and receive advance premium tax credits (APTCs) on the Exchange and Increase reimbursement rates for providers and reduce cost sharing for enrollees
- Capital
 - The FY 2024 Executive Budget recommends a capital appropriation of \$1B to support a new Healthcare Facility Transformation Phase V (5) plan. Funding would be dedicated to provider facility transformation projects and debt restructuring plans
 - The Executive Budget provides \$967 million in additional funding to complete the consolidation of Wadsworth's five unconnected sites located throughout the greater Albany area into the new Albany's W. Averell Harriman Campus

- Public Health
 - The Executive proposes \$38.8 million to reduce the risk of lead exposure in rental properties address childhood lead poisoning in high-risk areas outside of NYC
 - \$25 million in abortion funding to continue the expansion of abortion provider capacity within and provide access for out of state patients seeking abortion in New York

- Aging
 - The Executive proposes \$2.5 million in additional funding for the Long Term Care Ombudsman Program (LTCOP) to provide additional coverage of long-term care facilities across the state. In addition, the Executive proposes funding for the State’s Master Plan for Aging with a new \$1 million in funding. This master plan will coordinate all State policy and programs and address challenges related to communication, coordination, caregiving, long-term financing, and innovative care models
 - The Executive proposes a 2.5 percent Cost-Of-Living (COLA) Adjustment for SOFA Programming



HEALTH – MEDICAID – AGING

Department of Health (DOH)

The FY 2024 Executive Budget recommends All Funds Department of Health cash disbursements of \$93.6 billion, a net increase of \$3.4 billion or 3.7 percent. An increase to the Medicaid Global Cap growth index using updated source data, a five percent across the board Medicaid rate increase for hospitals and nursing homes, enhanced federal Medicaid and Essential Plan funding, supplemental payments to federal health centers and diagnosis and treatment clinics, and upward Medicaid enrollment projections primarily drive this increase. This increase is offset by the elimination of enhanced federal Medicaid funding payments that the state makes to counties.

The Executive Budget projects all funds gross Medicaid spending (including the local share and Other State Agency Medicaid spending) of \$103 billion, an increase of \$4.4 billion or 4.4 percent from FY 2023. The Executive proposes a two-year appropriation structure to disburse these funds.

The Executive proposes multiple initiatives in the FY 2024 Medicaid Budget. Continuing the trend from FY 2023, the Medicaid Budget does not propose significant cuts to program benefits, but instead increases overall rates to hospitals and nursing homes while eliminating federal pass through Medicaid payments to local governments. After accounting for costs associated with revised enrollment projections and an updated increase to the Global Cap growth index adjustment of \$475 million, the Medicaid Global Cap is projecting a deficit of \$757 million for FY 2024. The net fiscal impact of all Executive Medicaid proposals is budget neutral after accounting for the Cap Base deficit, state spending, savings, and offsetting initiatives.

State Operations

Department of Health

- The Executive Budget recommends \$1.1 billion for DOH State Operations. This is an increase of \$52 million from the FY 2023 Enacted Budget.
 - This increase is driven by an increase in the agency workforce and investments in Emergency Medical Service infrastructure

Workforce

- DOH's workforce encompasses employees of the central office in Albany, four regional offices (located in Syracuse, New York City, Long Island, and Buffalo), the Wadsworth Center for Laboratories and

Research, Helen Hayes Hospital (located in Haverstraw), as well as employees of the New York State Veterans' Homes (located in Oxford, Queens, Batavia, and Montrose).

- The DOH workforce is projected to increase by 39 FTEs in FY 2024 – from 6,018 to 6,057. This increase of 39 FTEs is associated with base adjustment from previously enacted legislation that increased FTE's (19), and additional funding to create a Division of Vaccine Excellence (20).

Emergency Medical Services Restructuring (EMS)

- The Executive Budget includes various modifications intended to revitalize the EMS statewide infrastructure and reimbursement. These reforms include:
 - Ensuring emergency transportation providers are appropriately reimbursed for trips
 - Increasing Medicaid reimbursement for more complex patients
 - Establishing a working group to recommend ways to expand access to nonemergency medical transportation
 - Establishing nine regional EMS organizations that can better coordinate all the EMS agencies and providers operating within their region
 - Establishing a statewide EMS disaster response system that can rapidly deploy personnel and equipment when and where it is needed during an emergency
 - Allowing EMS providers to perform expanded clinical care in the community; and,
 - Permitting ambulances to treat patients in place or take patients to urgent care clinics without sacrificing payment for the trip, decreasing the number of avoidable emergency room visits.
- The Executive Budget provides \$7.6 million in increases to the EMS special revenue fund, which is anticipated to increase to \$20.1 million in FY 2025 before reaching the full annual value of \$26.3 million in FY 2026.

Office of the Medicaid Inspector General (OMIG)

- The FY 2024 Executive Budget recommends a total appropriation of \$57.4 million for the Office of the Medicaid Inspector General, consistent with the FY 2023 enacted amount.
- The Budget recommends a workforce of 515 full time equivalent employees (FTEs) and continues to support a workforce investment made in the FY 2021 Enacted Budget to support enhanced program integrity efforts. Funding for this workforce investment is financed through increased audit recoveries and cost avoidance.



State Office for the Aging (SOFA)

- The Executive Budget recommends an appropriation of \$12.8 million in State Operations. This is a decrease of \$206,489 or 1.6 percent from the FY 2023 Enacted Budget.
 - This decrease is due to the result of the discontinuation of one-time legislative adds.

Aid to Localities

Department of Health

Public Health

The Executive proposes a combined \$2 billion in cash assistance to localities associated with Public Health programs. The most significant new proposals are detailed below:

Expansion of Abortion Services

The FY 2024 Executive Budget provides recurring, annual support of \$25 million to continue to expand abortion provider capacity within the State. This funding was first released in July and October 2022 to abortion providers. This proposal would provide recurring funding within the FY 2024 Budget

Strengthen New York's Public Health Emergency Readiness Capacity

The Executive proposes \$1 million in additional resources to work with other state agencies, as well as key local and national partners, to build more robust emergency response plans, conduct emergency response training, and ensure appropriate stockpiling of medical equipment and supplies.

Strengthen Regional Health Department Infrastructure

The Budget supports ensuring regional offices are more integrated into public health policy making and that they prioritize the needs of local health departments. Investments for this purpose include \$3.1 million in FY 2024 and \$2.9 million in FY 2025.

Reform Approval Process of Certificate of Need (CON) Projects

The Executive proposes Budget modifies the Certificate of Need (CON) process and increasing rates for certain CON projects, resulting in an estimated \$1 million per year in revenue, which will be used towards a \$2.1 million investment to improve the CON application process.

Address Childhood Lead Poisoning in High-Risk Areas Outside of NYC

The Budget would provide \$38.8 million to reduce the risk of lead exposure in rental properties outside of New York City

Removal of Legislative Adds

The Executive Budget removes \$62.1 million of legislative additions enacted as part of the FY 2023 Budget.

Medicaid

The Executive Budget projects local DOH Medicaid spending of \$78.6 billion, an increase of \$2 billion or 2.6 percent from FY 2023. The Executive proposes a two-year appropriation structure to disburse these funds. The most significant new developments and new proposals are detailed below:

Medicaid Enrollment

Over 7.8 million New Yorkers are expected to enroll in Medicaid by the end of FY 2023, (over one-third of the State population). Enrollment is expected to peak in June 2023 at 7.9 million enrollees. This increase since 2020 is due to the economic downturn caused by the pandemic and federal policies issued during the COVID-19 Public Health Emergency prohibiting states from disenrolling members, granting enrollees continuous 12-month coverage from enrollment, and limiting or eliminating benefits. In the out years, enrollment is expected to decrease more slowly than previously projected by the Division of the Budget due to the unexpected length and slow unwind of the policies enacted during Public Health Emergency.

Key drivers of increased DOH spending include increases in Medicaid enrollment, including managed long-term care (MLTC) enrollment and price growth. The financial Plan assumes \$1.6 billion in new Medicaid spending associated with updated enrollment cost estimates. The FY 2024 Executive Budget does not address these cost drivers, instead, it accelerates them. Moreover, any guidance or policy initiatives concerning the redetermining Medicaid eligibility as required by the federal decision to wind down the COVID -19 public health emergency declaration is not included in the Executive Budget. The Executive Medicaid budget includes an additional \$547 million to cover this unexpected and prolonged increase in enrollment.

Global Medicaid Spending Cap

The Executive anticipates spending under the Global Cap to total \$23.2 billion in FY 2024, an increase of \$1.36 billion or 5.8 percent. In FY 2023, the Enacted Budget updated the calculation metric used to determine allowable Medicaid disbursements under the Global cap to better align spending with growth in health care costs. The new metric created a formula using data released annually by Office of the Actuary in the Centers for Medicare & Medicaid Services (CMS) that tied the growth to the five-year rolling average of current and projected national Medicaid spending increases. Under this new calculation, the increase for the Global Cap corresponds to average percentage increase calculated by using a five-year rolling average of the national Medicaid growth.

In FY 2024, the Executive proposes to update this metric to align with higher projections associated with increased enrollment and spending on Medicaid nationally as reported by the CMS. The updated metric would allow for \$475 million in additional spending growth, or 1.1 percent for a total Global Cap increase of \$1.36 billion.

The Executive proposes extending the state Medicaid Global Cap for two years through FY 2025 limiting State-share Medicaid program spending to \$27.8 billion, which is the limit set by the Medicaid Global Cap Indexed Provisions including select spending that is exempted from this calculation and “outside the cap.” In statute, there are select exemptions to the Global Cap calculation, including funding for increases to the minimum wage as enacted in FY 2017. The Financial Plan continues to fund increases the minimum wage



for health care providers outside the Global Cap, totaling \$2.4 billion in FY 2024. An additional \$262 million is provided in addition to this funding to provide for the increased minimum wage for home care workers, which was effective at a \$2 increase in October 2022 and \$3 in October 2023. The Executive also includes an additional \$2.5 million in minimum wage funding to comply with the proposed tie of minimum wage to the CPI inflation index. In addition, the funding for the State related to the takeover of the growth of local Medicaid costs of \$1.8 billion is funded outside of the cap.

The FY 2024 Executive Budget recommends total state Medicaid spending, including Medicaid spending for the Mental Hygiene agencies of \$34.4 billion.

[Continuing the State Takeover of Local Medicaid Costs.](#)

In FY 2024, the State will assume nearly \$6.4 billion in costs that would have otherwise been incurred by localities. This is an annual multi-billion-dollar relief package to the localities that continues to grow by billions of dollars, annually. Since 2015, the counties have saved \$37.9 billion due to the local takeover.

[Ending of COVID-19 Enhanced Federal Medicaid Assistance Funding](#)

The COVID-19 federal health emergency ends in May 2023. Under the omnibus federal spending bill signed last December, extra federal Medicaid aid known as Enhanced Federal Medical Assistance Program (eFMAP) funds will continue through December 2023 at a lower percentage rate. This funding that initially began being disbursed to states in February 2020 at a rate of 6.2 percent is reduced to 5 percentage points in April, 2.5 percent in July and 1.5 percent in October. The Executive projects an additional \$1 billion in aid to the financial plan in FY 2024 as a result of this enhanced funding.

Significant FY 2024 Medicaid Budget Actions

[State Intercept of Local Government Enhanced Federal Medicaid Assistance Percentage \(eFMAP\)](#)

The budget eliminates \$624 million in Medicaid Enhanced Federal Medical Assistance Program (eFMAP) fund payments intended to go directly to local governments. Each county would receive a loss in state funding due to this proposal. As part of the federal Affordable Care Act, New York receives funds annually from the federal government to fund Medicaid expansion. Federal law requires the state to share 20 percent of these funds with county governments, known as eFMAP reconciliation. The state would stop making these required payments under this proposal.

[Hospitals](#)

SUNY Disproportionate Share Hospital (DSH) Hospital Uncompensated Care Increase

The Executive Budget provides an additional \$72 million, growing to \$106 million for Disproportionate Share Hospital (DSH) state payments for under and uncompensated care provided by the three State University of New York teaching hospitals. These hospitals are at SUNY Upstate Medical Center, SUNY Downstate Medical Center, and Stony Brook University Hospital.

Indigent Care Pool Reduction

The Executive Budget proposes to reduce the disproportionate share spending for general hospitals by \$85.4 million. This is in addition to the FY 2021 Enacted Budget reduction of \$150 million for a total reduction of \$235.4M annually. Nonpublic hospitals that qualify as enhanced safety net hospitals under are not subject to such reductions. This proposal would also extend the current DSH methodology for non-public hospitals through 2025.

Across the Board Hospital Rate Increase

The Budget provides a five percent across the board trend rate increase for hospital Medicaid rates totaling \$212.5 million. This rate increase was calculated to backfill expected hospital provider losses associated with the transition of the pharmacy benefit from managed care to fee-for-service and the resulting loss of federal 340-b program revenue. Additional detail on this proposal is within the Pharmacy section below.

[Nursing Homes:](#)

Elimination of Nursing Home Safe Staffing Pool

The Executive Budget eliminates the \$94 million nursing home staffing pool created in within the FY 2022 Enacted Budget to help distressed nursing homes comply with the 70/40 staffing requirements that went into effect March 2022. According to the Executive, this funding pool would be reinvested into the overall 5 percent rate increase for nursing homes, detailed below.

Across the Board Nursing Home Rate Increase

The Budget provides a five percent across the board trend rate increase for nursing homes and assisted living providers that are part of the Medicaid funded Assisted Living Provider (ALP) program. The total rate increase would be \$157.5 million state share for nursing homes and \$9 million for the ALP program.

[Managed Care and Managed Long Term Care Actions \(Health Plans\)](#)

Elimination of Managed Long-Term Care and Managed Care Quality and Distressed Pool Payments

The Executive Budget eliminates the quality pools for both Managed Care and Managed Long Term Care plans that awarded funding through increased premiums to high performing plans. The Executive assumes savings of \$60 million. In addition, the Executive proposes to eliminate the distressed plan pool for MLTC that provided payments to distressed plans and assumes \$15 million in savings.



Discontinue Consumer Direct Personal Assistance Program (CDPAP) Wage Parity

The Executive Budget would eliminate wage parity for the Consumer Directed Personal Assistance Program in New York City and in Nassau, Suffolk, and Westchester counties. The Executive assumes \$69.6 million in state savings in FY 2025. To offset this loss of funding, the Executive proposes to create a new insurance plan available to those CDPAP workers that would be affected by wage parity losses.

Increase Plan Medical Loss Ratio from 86% to 89%

The Executive proposes to increase the MLR for Medicaid health care plans. The MLR is the proportion of premium revenues managed care plans spend on clinical services, and the MLR requires plans spend at least 86 percent of premium dollars on medical care. Increasing this MLR will result in savings of \$60 million in FY 2025.

Expanding the Medicaid Buy-in Program

The Executive provides \$60 million annually to provide an expansion to the Medicaid buy-in program so more New Yorkers with disabilities can work and still qualify for Medicaid coverage by removing the age limit, increasing resource limit to \$300,000 and the income limit for eligibility from 250% of the Federal Poverty Level (FPL) to 2,250% of the FPL. Enrollment in this expansion program would be capped at 30,000.

Pharmacy Actions

Pharmacy Benefit transition to Managed Care from Fee-for-Service and Supplemental Funds for 340b Providers

The Budget implements the pharmacy benefit transition from managed care to (fee-for-service) to improve transparency, streamline administration and maximize the State's ability to leverage pharmacy rebates from pharmaceutical manufacturers through the states purchasing power. The Executive Budget proposes to reinvest savings it realizes from the transition to 340B providers including Ryan White Clinics, Federal Qualified Health Centers. This reinvestment would also fund the five percent rate increase for hospital reimbursement rates. The Executive intention is to use these reinvestments to backfill the loss of 340B revenues. The Executive assumes \$410 million in savings associated with the transition in FY 2024 and reinvest \$125 million in supplemental funds for Federal Qualified Health Centers and \$30 million for Ryan White Clinics.

Prescriber Prevails Elimination

Elimination Eliminates prescriber prevails for all prescription drugs by removing the right of a doctor to make the final determination of prescriptions dispensed to Medicaid patients. The Executive assumes \$49.5 million in state savings for FY 2025.

Over the Counter Drugs (OTC) Benefit Elimination

Authorizes DOH to eliminate Medicaid reimbursement for OTC drugs that are available without a prescription. The Executive assumes state savings of \$8.7 million in FY 2024.

Expanding Access to Primary Care for Medicaid Beneficiaries

The Budget invests \$46 million in FY 2024, growing to \$104.4 million in FY 2025, to support evidence-based interventions to improve access to primary care for Medicaid enrollees and reduce preventable hospitalizations and emergency room visits by:

- Increasing overall Medicaid reimbursement rates for all primary care, and specifically for nurse practitioners, who are critical providers of primary care;
- Expanding Medicaid coverage of primary and urgent care within the shelter system, which is expected to help tens of thousands of New Yorkers facing housing insecurity to access care;
- Expanding Medicaid coverage of community health workers to help at risk Medicaid enrollees navigate the health and social services systems;
- Increasing Medicaid reimbursement rates for school-based health centers, which increase access to primary care and other health services for children and their families;
- Expanding Medicaid Third Trimester screenings for Hepatis C and Congenital Syphilis for all pregnant persons; and,
- Supporting several initiatives to promote the integration of primary and mental health care, including allowing Medicaid reimbursement for additional types of licensed mental health providers in community health centers, establishing a working group on integrated care, and relaxing licensure restrictions for dually-licensed hospitals, outpatient clinics, and behavioral health clinics.

Increased Reimbursement Rates for Reproductive Health Providers

The Executive Budget increases Medicaid reimbursement rates for health providers such as family planning clinics and abortion care providers. The Executive has not provided a fiscal for this proposal.

Increased Provider Medicaid Reimbursement to 80 percent of the Medicare Rate

The Executive Budget increases primary care provider Medicaid reimbursement to a rate that is 80 percent of what the federal government pays for Medicare reimbursement for the same procedures. The Executive provides \$17.7 million in funding.

Increased Rate for School Based Health Centers

The Executive Budget increases the Medicaid rate for School Based Health Centers by \$1.4 million



Essential Plan Budget

The Executive proposes several initiatives to utilize increased federal funding available within the Essential Plan Trust Fund that would help to provide increased revenue to providers, including hospitals. The Essential Plan trust fund is expected to grow by \$1 billion from \$6.4 billion to \$7.4 billion or 15.8 percent in FY 2024.

The Executive proposes to:

- Expanding eligibility in the Essential Plan to Residents with incomes between 200% and 250% of FPL, ages 19 to 64 years, who are currently eligible to purchase Qualified Health Plans (QHPs) and receive advance premium tax credits (APTCs) on the Exchange. This proposal was approved in the FY 2023 budget but not yet implemented
- Increasing reimbursement rates for providers by aligning rates across all tiers of EP coverage (as opposed to two tiers of rates based on income of population served)
- Reducing cost sharing to move closer to parity with Medicaid
- Expanding the existing quality pool and fund new grants to incentivize plans to invest further in mental health and social services addressing social determinants of health
- Increasing the insurance plan's medical loss ratio from 85% to 86% to ensure premium revenues are spent on medical costs (in parity with Medicaid Mainstream and MLTC plans) – in the near-term, this will result in additional revenue as plans are likely to exceed their allowable non-medical costs
- Expanding the pregnancy/postpartum benefits

Health Care Reform Act (HCRA) Reauthorization

The Executive Budget extends provisions of the HCRA, which plays a significant role in governing the financing of health care services, through March 31, 2026. HCRA receipts, including tobacco and vapor products, are projected at \$6.4 billion in FY 2024 and \$6.4 billion in FY 2025.

[State Office for the Aging \(SOFA\)](#)

The Executive Budget recommends an appropriation of \$291 million in Aid to Localities. This is a decrease of \$6.7 million, or 2.2 percent from the FY 2023 Enacted Budget.

- This decrease is driven by of the discontinuation of one-time legislative adds and offset by a 2.5% COLA increase for SOFA not-for-profits and \$2.5 million in additional funding for the Long-Term Care Ombudsman Program

Capital Funding

Department of Health

- The Executive Budget recommends an appropriation of \$2.5 billion. This is an increase of \$418 million, or 20.1 percent from the FY 2023 Enacted Budget. This increase is driven by a new capital appropriation for the provider facilities and for the Albany Life Science laboratory.
 - The FY 2024 Executive Budget recommends a capital appropriation of \$1B to support a new Healthcare Facility Transformation Phase V (5) plan to fund new provider facility transformation projects and debt restructuring plans. \$500 million would be dedicated to enhancing NYS healthcare IT infrastructure.
 - The Executive Budget provides \$967 million in additional funding to complete the consolidation of Wadsworth’s five unconnected sites located throughout the greater Albany area into the new Albany’s W. Averell Harriman Campus
 - \$31.5 million for Health Care Data Modernization replacement of the State's health care reporting infrastructure with a health monitoring and surveillance system to inform targeted and appropriate responses to public health crises and to drive broader health care insights

Article VII Proposals

The FY 2024 Executive Budget proposes the following statutory amendments:

Medicaid Global Cap Extension (HMH, S.4007, A)

- Extends for two-years the Medicaid Global Cap through FY 2025.

Extend various provisions of the Public Health Law, Education and Social Services Law (HMH, S.4007, B)

- Extends for two years the two-month cooling off period after the termination of a contract between an Article 44 health plan and a hospital through June 30, 2025.
- Extends for five years the authorization for spousal budgeting in long-term care waiver programs, including Managed Long-Term Care through March 31, 2028.
- Extends for five years the authority to continue the Care at Home (CAH) I and II waivers through March 31, 2028 and increases the age eligibility criteria from 18 years of age to 21 years of age.



- Extends authorization of licensed and certain unlicensed employees at correctional facilities to use body imaging equipment for the screening of the incarcerated through January 30, 2029.
- Extends for one year provisions related to professional misconduct hearings within the Office of Professional Misconduct through July 1, 2023.
- Extends for ten years provisions that provide immunity from liability for members of any physician committee acting without malice and within the scope of such member's functions through July 1, 2033.
- Extends for ten years the demonstration period for the Committee for Physician Health of the Medical Society of the State of New York or the New York State Osteopathic Society through July 1, 2033.
- Extends provisions related to the NYS Medical Care Facilities Financing Act through March 31, 2028.
- Extends the limit on nursing home appeals of \$80 million annually through April 1, 2027.
- Extends the authorization of episodic payment per sixty-day period of care for certified home health agencies through March 31, 2027.
- Extends for three years authorization to maintain the limit on method of payment for prescription drugs under the medical assistance program through March 31, 2026.
- Extends for two years the nursing home upper payment limit and intergovernmental transfer provisions through April 1, 2025.
- Extends for three years the Comprehensive Health Services Program through March 31, 2026.
- Proposes to make permanent the authorization for the use of funds of the Office of Professional Medical Conduct for activities of the Patient Health Information and Quality Improvement Act of 2000.
- Proposes to make permanent the statewide health information network (SHIN-NY) and statewide planning and research cooperative system (SPARCS).
- Extends for three years Public Health Law penalties, the Patient Safety Center Account and the Enriched Social Adult Day Services Demonstration Project through April 1, 2026.
- Extends for four years the Home Care Medicare Maximization program through February 1, 2027.
- Extends for three years the Nursing Home Medicare Maximization program through February 1, 2026.
- Extends for three years the authorization of the state to negotiate supplemental rebates directly with manufacturers both inside and outside of Managed Care through March 31, 2026.
- Extends for six years the authorization to establish a statewide formulary of certain classes of drugs to negotiate effectively with manufactures or such drugs to maximize savings to Medicaid through March 31, 2029.
- Extends for three years provisions necessary to convert the Upper Payment Limit (UPL) payment that is paid to NYC Health and Hospitals Corporation (H+H) to a rate add-on through March 31, 2026.
- Extends for four years the authority to hire contract staff to administer fair hearings for the Fully Integrated Dual Advantage program though January 1, 2027.

- Extends for four years the authorization for the program that authorizes the provisions of services for nonresidents in adult homes, residences for adult sand enriched housing program through July 1, 2027.
- Extends for two years authorization of bad debt and charity care allowances for certified home health agencies through June 30, 2025.
- Extends for four years a limitation on reimbursement of certified home health agencies and long-term home health care programs administrative and general costs to not exceed the statewide average through March 31, 2027.
- Extends for two years the elimination of the trend factor for service for general hospital and nursing home reimbursement through March 31, 2025.
- Extends for two years authorization related to the financing of certain health care capital improvements through March 31, 2025.
- Extends for two years the health facility cash assessment program through March 31, 2025.
- Extends for four years the young adult demonstration for medically fragile children through June 30, 2027.

[Reauthorize the Health Care Reform Act \(HCRA\) for Three Years \(HMH, S.4007, C\)](#)

- Extends HCRA allocation and distribution authority, which is set to expire on March 31, 2023, for another three- years through March 31, 2026.

[Medicaid Pharmacy Related Recommendations \(HMH, S.4007, D\)](#)

- Authorizes the Department of Health to modify the list of over-the-counter drugs that are reimbursed by Medicaid.
- Eliminates prescriber prevails.

[Hospital Related Recommendations \(HMH, S.4007, E\)](#)

- Authorizes a reduction in disproportionate share hospital (DSH) payments to general hospitals by \$235.4 million which is a reduction of \$42.7 million or \$85.4 million including federal matching funds; however, non-public hospitals that qualify as enhanced safety net hospitals are excluded from this reduction.
- Extends DSH payment methodology for safety net hospitals through calendar year 2025.
- Amends the definition of “hospital” in the Public Health Law to include rural emergency hospitals.
- Establishes procedures for a general hospital applying to the federal Centers for Medicare and Medicaid Services (CMS) to convert to a rural emergency hospital under 42 USC 1395x(kkk); requires hospitals to hold a public community forum to obtain public input on the proposed conversion at least 30 days prior to applying to CMS; requires the hospital prior to the forum to provide notice to the Office of Mental Health and the local director of community services if the hospital has psychiatric inpatient beds



and notify the Office of Addiction Services and Supports if the hospital has inpatient substance use disorder treatment programs or inpatient chemical dependence treatment programs.

- Makes permanent the authority to provide Vital Access Program awards and removes the requirement for a transformation plan.
- Authorizes certain preferred provider systems pursuant to the delivery system reform incentive payment (DSRIP) program eligible for VAP funding.
- Provides a 5% Medicaid rate increase for the operating component of hospital inpatient services.

[Extend the Physicians Excess Medical Malpractice Program \(HMH, S.4007, F\)](#)

- Extends for one year the Physician's Excess Medical Malpractice Program through June 30, 2024.

[Private Pay \(HMH, S.4007, G\)](#)

- Decreases the income threshold to access the Private Pay program, from 400% of the federal poverty level (FPL) to 250% of the federal poverty level. This will generate revenue that will be reinvested back into the service provision, ultimately reducing waiting lists and meeting new and emerging needs.
- Private payments shall not be required of individuals with incomes below 250% of the FPL. The expansion in eligibility would increase the number of middle-income earners over the age of 60 who can access services necessary to meet their needs.

[Essential Plan Program Changes \(HMH, S.4007, H\)](#)

- Delays implementation of Medicaid coverage for undocumented individuals ages 65 and over until January 1, 2024.
- Establishes a 1332 state innovation program, contingent on federal approval, which would allow individuals between 133-250% of the federal poverty level (FPL) to obtain health insurance coverage; the program would provide health care services but is distinguishable from a qualified health plan and basic health plan.
 - Eligibility – individuals must reside in New York State and are under 65 years of age, are not eligible for medical assistance or child health insurance plan, are not eligible for minimum essential coverage and would apply to the Aliessa population (immigrants between the ages of 21-64, who are not pregnant and are eligible for the Essential Plan).
 - Authorizes a pregnant individual to remain enrolled in the program during pregnancy and for a period of one year following the pregnancy without regard to any change in income.
 - Authorizes individuals on the plan to have 12 months of continuous coverage, regardless of whether the individual failed to make a premium payment.

- Establishes premium payment in the program of up to \$15 monthly for individuals with a household income above 200% FPL but below 250% FPL and no premium for individuals with household income at or below 200% FPL.
- Prohibits cost sharing for dental and vision and certain disabled individuals.
- Establishes within the State Finance Law a 1332 state innovation program fund to fund the program.

Long Term Care Program Reforms (HMH, S.4007, I)

- Extends the moratorium on new managed long-term care (MLTC) plans until March 31, 2027.
- Authorizes the Commissioner to deny a contract to an MLTC plan that has in the previous three calendar years preceding the application has (i) classified as a poor performer under CMS standards, (ii) an excessive volume of penalties, statements of findings, statements of deficiency, intermediate sanctions or enforcement actions, regardless of whether the issues were addressed in a timely matter and (iii) other criteria as deemed appropriate by the Commissioner.
- Establishes performance standards which require MLTCs on or before October 1, 2024 to have continuously enrolled no fewer than 20,000 enrollees and/or has demonstrated experience operating a Medicare Dual Eligible Special Needs Plan or an integrated Medicaid product that has continuously enrolled no fewer than 5,000 enrollees in the previous calendar year.
- Requires MLTCs to sufficiently met the following criteria: commitment to contracting with the minimum number of licensed home care service agencies (LHCSAs) and fiscal intermediaries (FIs); readiness to timely implement and adhere to maximum wait time criteria for key categories of services; implementation of community reinvestment plan that commits a percentage of MLTC plan's surplus to health related social needs and advancing health equity in their service area; commitment to quality improvement; Accessibility and geographic distribution of network providers; demonstrated cultural and language competencies; breadth of service area across multiple regions; service across a continuum of care; value based payment readiness and experience; and such other criteria as deemed appropriate by the Commissioner.
- If an insufficient number of plans meet the criteria by October 1, 2024, at the Commissioner's discretion, each MLTC would be required to submit an application to continue to operate and subject to a selection through a competitive bid process; the Commissioner must make awards to at least 2 MLTC plans in each region.
- If the Commissioner determines not to select MLTC plans through a competitive bid process, then he or she may require a MLTC that has not met performance standards to submit a performance improvement plan.
- Repeals the Department of Health's authority to select Fiscal Intermediaries (FIs) through a procurement process in the Consumer Directed Personal Assistance Services (CDPAS) program and establishes that as of January 1, 2024 FIs would require authorization from the Department to operate.
- Establishes a 5% Medicaid rate increase for the operating component of residential health care facilities services and assisted living program.
- Eliminates wage parity for the Consumer Directed Personal Assistance Program (CDPAP) and establishes supplemental premium assistance for qualified health plan premiums for CDPAP assistants;



the assistance will be equal to at least the contribution for the benchmark silver qualified health plan and must account for full-time or part-time status; authorizes special enrollment period through the NY State of Health Marketplace for applicants; establishes a CDPAP supplemental premium assistance fund to provide funding.

Managed Care Program Reforms (HMH, S.4007, J)

- Establishes “pay and resolve” requirements on health insurers for emergency claims and inpatient services following an emergency visit in a hospital that participates in the insurer’s network; requires health plans to pay claims as submitted for such services at the contracted rate within prompt pay timeframes and establishes procedures to allow the plan after 30 days to request clinical records from the hospital to determine whether the services were medically necessary.
 - Proposes where a health plan determines the services were not medically necessary, or the site or level of service billed is inappropriate, or where the hospital fails to provide clinical documentation, the plan has 90 days from receipt of records to submit the claim to a Joint Committee composed of clinicians from both the health plan and hospital for a post-payment audit.
 - Requires the Joint Committee make a determination as to medical necessity of the services unless the hospital fails to provide clinical documentation the services would be deemed unnecessary and not subject to appeal.
 - Proposes that in the event a joint determination cannot be agreed upon within 90 days, the hospital or insurer may refer the claim to a mutually agreed upon independent third party review agent within 5 business days and such determination will be binding.
 - Requires hospitals to pend imposition of any coinsurance, copayment or deductible until a final determination is made.

Waiver Eligibility Expansion (HMH, S.4007, K)

- Authorizes certain Medicaid services for incarcerated individuals and persons in an institution for mental diseases (IMDs) under an 1115 waiver to the extent there is federal financial participation.

Site of Service Review (HMH, S.4007, L)

- Establishes site of service review, which determines whether a procedure was medically necessary when performed at a hospital-based outpatient clinic rather than a free-standing ambulatory surgical center and would constitute a utilization review and must follow such procedures.
- Requires health plans to have an adequate network of free-standing ambulatory surgical centers and disclosure site of service review policies to members, providers and the Department of Financial Services.

Reform Approval Processes for Healthcare Projects and Transactions (HMH, S.4007, M)

- Amends the Certificate of Need (CON) character and competence review to reduce the look-back period from 10 years to 7 years for ownership interests.
- Eliminates Public Health and Health Planning Council (PHHPC) approval of any ownership or interest transfer of 10% or more, and only requires PHHPC approval for transfer to any person, partner, member or stockholder who has not previously been approved by the PHHPC.
- Requires any transfer, assignment or other dispositions of an interest, such as stock or voting rights, of an Article 36 licensed home care service agencies (LHCSAs) and certified home health agencies (CHHAs) is subject to PHHPC approval and provides the Commissioner with discretion to promulgate regulations whether such change is subject to a public needs assessment; provides prior approval by PHHPC is not required for those that have previously been approved by the PHHPC or where the interest is less than 10% and requires 90 days prior notice of the transaction to the council.
- Requires any transfer, assignment or other dispositions of an interest, such as stock or voting rights, of a hospice provider is subject to PHHPC approval but excludes PHHPC approval is only required with respect to the person acquiring the interest, such change is not subject to the public need assessment; provides prior approval by PHHPC is not required for those that have previously been approved by the PHHPC or where the interest is less than 10% and requires 90 days prior notice of the transaction to the council.
- Establishes a new Article 45-A of the Public Health law to authorize the Department of Health oversight of material transactions between health care entities by having the authority to review and approve material transactions which the Commissioner may further define in regulation.
 - Health care entities includes physician practice or a management services organization, provider-sponsored organization, health insurance plan or any other health care facility, organization or plan providing health care services in the state but does not include an insurer directly authorized to do business in the state or a pharmacy benefit manager registered in the state.
 - Material transactions include a merger with a health care entity, an acquisition of one or more health care entities, an affiliation or contract formed between a health care entity and another person or the formation of a partnership, joint venture, accountable care organization, parent organization or management services organization for the purpose of administering contracts with health plans, third party administrators, pharmacy benefit managers or health care providers; does not include clinical affiliation agreements.
 - In making its determination the Department will consider factors such as patient costs, access to services, health equity, health outcomes and competition.
 - Establishes civil penalty for non-compliance of up to \$10,000 per day for any violation with funds to be deposited in the health care transformation fund.
- Increases construction fees under the CON process from fifty-five hundredths of one percent of the total capital value of the application to sixty hundredths of one percent of the total capital value of the



application; for projects that do not require council approval the fee will increase from thirty hundredths to thirty-five hundredths of one percent of the total capital value of the application.

- Establishes that core public health services when provided in the home by the local county health department or NYC shall not require licensure under Article 36, Home Care Services; core public health services include but are not limited to immunizations, testing for tuberculosis and observation of tuberculosis therapy, verbal assessments, counseling and referral services and other services determined by the Department.
- Clarifies that controlling persons of home care agencies shall not include stockholders or members of a third level or higher entities that exercise no control of agency functions for purposes of PHHPC character and competency review so long as an affidavit is provided stating such facts.

[Expand the Medicaid Buy-in for Working People with Disabilities \(HMH, S.4007, N\)](#)

- Authorizes the Commissioner of Health to apply for federal approval to expand the Medicaid buy-in for Working People with Disabilities program; program eligibility applicable to those at least 16 years of age, otherwise eligible for medical assistance but for earnings, net income that does not exceed 2,250% FPL and resources that do not exceed \$300,000; requires enrollees with income at or above 250% FPL to pay premiums; authorizes continued access to the program regardless of whether the individual is considered disabled under federal law but continue to have a severe medically determinable impairment.

[Lead the Way for a Tobacco-Free Generation \(HMH, S.4007, O\)](#)

- Prohibits the sale of any flavored tobacco products, including menthol cigarettes, and expands the definition of “flavored” to include a cooling or numbing sensation imparted during consumption of a tobacco or vapor product.
- Broadens the definition of “vapor products” to encompass devices that deliver vapor, which is inhaled, including any refill, cartridge, device or component, whether or not the product is used for the consumption of nicotine.
- Authorizes the Department of Health to proceed with enforcement actions where a retailer denied state or local health official access to a retail store including all product display and storage areas for the purpose of evaluating compliance.
- Establishes no purchase, use or possession of such tobacco or vapor product constitutes a penalty by a person who is not a retailer.

[Provide Transformative Health Care Capital Funding \(HMH, S.4007, P\)](#)

- Creates a new Statewide Health Care Facility Transformation program for the purpose reforming and restructuring health care provider capacity and Health Care IT and infrastructure through new

construction and transformation project grant awards. The program would be statewide and administered jointly by the Department of Health and the Dormitory Authority for the State of New York.

- Up to \$500 million would be awarded to health care providers in support of projects which promote innovative, patient-centered models of care, increased access to care, improved quality of care, and provider financial sustainability.
- Up to \$500 million would also be awarded to health care providers for the implementation or improvement of critical health care information technologies and telehealth capacity.

Expand Access to Primary Care (HMH, S.4007, Q)

- Authorizes Medicaid coverage for community health worker services for children under 21 years of age and adults with health-related social needs when such services are recommended by a physician or other health care practitioner; subject to federal financial participation.
- Authorizes Medicaid coverage for services provided by licensed mental health counselors and licensed marriage and family therapists.

Expand Medicaid Coverage of Preventative Care Health Services (HMH, S.4007, R)

- Authorizes Medicaid coverage for preventative health services which includes care and services of nutritionists, dietitians and osteoarthritis self-management training services for persons diagnosed with osteoarthritis when services are ordered by a physician, physician's assistant, registered nurse practitioner or licensed midwife; contingent on federal financial participation.

Revitalize Emergency Medical Services and Medical Transportation (HMH, S.4007, S)

- Amends the definition of "emergency medical service" to include additional modalities of emergency service delivery and broaden the definition.
- Requires the State Emergency Medical Services Council (SEMSCO) to advise the Commissioner on emergency medical services, specialty care, designated facility care, disaster medical care and assist in the coordination of such services.
- Requires SEMSCO to meet at least three times per year or more frequently at the request of the chairperson or department.
- Requires each regional emergency medical services council to advise SEMSCO.
- Authorizes SEMSCO in collaboration with the Department to create an emergency medical services system and agency performance standards to sustain and evolve a reliable emergency medical services system including emergency medical services agencies and any facility that dispatches or accepts emergency medical services resources.



- Performance standards shall include, but not be limited to safety initiatives, emergency vehicle operations, operational competences, planning, training, leadership and other standards and metrics as determined by SEMSCO.
- Requires SEMSC to develop and maintain a statewide comprehensive emergency medical service system plan which shall include establishing a comprehensive statewide emergency services system, improving accessibility to high-quality emergency medical services, coordinating medical organizations in developing alternative delivery models to reduce unnecessary emergency department visits and promoting and conducting programs of education.
- Requires each county to develop and maintain a comprehensive county emergency medical service system plan to provide a coordinated emergency medical system within the county.
- Requires the Department of Health, in consultation with SEMSCO, to establish a training program for emergency medical systems and establish minimum education standards, curriculums and requirements for all emergency medical system training programs.
- Establishes a public service campaign to recruit additional personnel into the emergency medical system field and establishes a fund for such campaign.
- Repeals current determinations of public need by the appropriate regional council and replaces it with an application for new or modified operating authority to SEMSCO.
- Authorizes emergency medical services agencies to establish a mobile integrated healthcare program, which is the provision of patient-centered mobile resources including a patient care team integrated into the local healthcare system; authorizes an emergency services practitioner to administer immunizations and buprenorphine.
- Establishes regional emergency medical service districts corresponding to economic development regions to ensure essential services and coordination of the emergency medical system within the district.
- Establishes a state emergency medical services task force to coordinate and operate resources during disasters, large events, specialized responses, community need or other need as determined by the Commissioner.

[Address Childhood Lead Poisoning in High-Risk Areas Outside of New York City \(HMH, S.4007, T\)](#)

- Requires the Department of Health to establish a registry for all residential dwellings with two or more units built prior to 1980 located in communities of concern as identified by the Department and shall only include qualifying residential dwellings outside New York City.
- Establishes all residential dwellings qualifying for registration must be certified as free of lead paint hazards based on inspections conducted tri-annually; inspection certificates must be submitted to the local health department for recording in the rental registry.

- Authorizes the Commissioner to establish and levy fines for non-compliance and regulations including qualifications for inspectors, requirements of a complaint inspection and process of reporting inspections to local health departments.
- Remediation of lead-based paint hazards must be conducted in compliance with all municipal requirements and specific requirements in regulation.

Safeguard Abortion Access through Data Privacy Protections (HMH, S.4007, Part U)

- The Executive proposes to protect the data, including location history and search history, of anyone seeking abortion services in New York State.
- Prevents persons or entities headquartered or incorporated in New York that provide electronic communications services to the general public from complying with a warrant from out-of-state law enforcement agencies when such warrant is issued as part of a civil or criminal investigation of individuals seeking, facilitating or providing an abortion in the State.
- Limited exceptions are provided if there was a cause of action in an equivalent manner under the laws of New York State or if the action was brought by the patient.
- Additionally, prevents any person, corporation, partnership or association from delivering digital advertisements through the use of geofencing technology to individuals at health care facilities.

Implement Over the Counter Contraception Access (HMH, S.4007, Part V)

- Authorizes pharmacists within their scope of practice to prescribe and order self-administered hormonal contraceptives and emergency contraceptive drug therapy.
- Prior to prescribing such contraceptives, a pharmacist must complete a training program on self-administered hormonal contraceptives and emergency contraceptive drug therapy of at least one hour.
- The pharmacist must follow standard protocols developed by the Board of Pharmacy in consultation with the State Department of Health, including:
 - The provision of a patient risk tool based on the current United States Medical Eligibility Criteria (USMEC) for Contraceptive Use developed by the Centers for Disease Control (CDC).
 - Refer the patient to their primary health care provider or a nearby clinic.
- Additionally, pharmacists will be required for each prescription initiated, to provide the recipient with a factsheet (developed by the Board of Pharmacy in consultation with the Department of Health) on the use, indications and contraindications, the need for medical follow-up, and other information about the contraceptive.
- Pharmacists are limited to charging a \$10 administrative fee for such prescriptions to those patients without insurance coverage. Patients with coverage must pay any related co-pay consistent with their coverage. The fee would not apply to FDA-classified over-the-counter products.



Allow Health Care Providers to do More (HMH, S.4007, Part W)

- Expands scope of practice for various healthcare professionals (medication aides, pharmacists, nurse practitioners, physician assistants, dentists, and advanced home health aides) allowing them to take on additional roles under their licenses as follows:
 - Authorizing physicians and nurse practitioners to issue a non-patient specific standing order for HIV-preventive medication, commonly called PrEP.
 - Allowing pharmacists to execute a non-patient specific standing order for PrEP, subject to the specific conditions.
 - Allowing licensed pharmacists to order and administer any tests waived under the Clinical Laboratory Improvement Amendments waived tests, including tests for COVID-19, influenza and others such as HIV, sexually transmitted infections, and pregnancy.
 - Authorizing pharmacists to be qualified health care professionals for purposes of directing limited-service laboratories and performing COVID-19 and influenza tests.
 - Making permanent the amendments to the Education Law authorizing physicians and certified nurse practitioners to order non-patient specific regimen to registered professional nurses for tests to determine the presence of COVID-19 or its antibodies or influenza virus.
 - Allowing licensed pharmacists to prescribe and order medications to treat nicotine dependence approved by the Federal Food and Drug Administration for smoking cessation.
 - Authorizing licensed pharmacists to prescribe and order opioid antagonists, limited to naloxone and other medications approved by the Department of Health.
 - Permitting nurse practitioners or facilities to enter into collaborative agreements with pharmacists.
 - Authorizing collaborative drug therapy management (CDTM) to occur in all hospitals and other Article 28 facilities.
 - Permitting the State Education Department to include up to 15 community practice sites as authorized locations for the provision of CDTM.
 - Allowing the practice of dentistry to include the offering of an HIV or Hepatitis C screening test or diagnostic tests.
 - Authorizing certified nurse practitioners and licensed physicians to issue non-patient specific standing regimens, to be executed by registered professional nurses, for:
 - the ordering of asthma self-management education and home-based asthma services;
 - the urgent or emergency treatment of asthma;
 - providing stool tests to screen for the presence of colorectal cancer; and

- the ordering of diabetes self-management education and support.
 - Authorizing pharmacists to order diabetes and asthma self-management education and support services and home-based asthma services for patients.
 - Authorizing the Commissioner of Education to promulgate regulations to allow pharmacists to order additional health-related services.
 - Expanding standard Medicaid coverage to include medically necessary diabetes self-management training services when referred by licensed pharmacists.
 - Expanding standard Medicaid coverage to include medically necessary asthma self-management training services when referred by licensed pharmacists or by registered professional nurses acting under the authority of a non-patient-specific standing regimen.
 - Allowing licensed pharmacists to order and administer vaccinations, medications, self-management education, and home-based services within their scope of practice.
 - Allowing certain experienced physician assistants to practice without the supervision of a physician.
 - Allowing the Board of Education, and the trustee or board of trustees of each school district, to employ a physician assistant.
 - Adding physician assistant to the definition of practitioner for the purposes of prescribing controlled substances.
 - Extending authorization for advanced home health aides for another six years and amending the supervision requirements for advanced tasks performed by advanced home health aides.
 - Authorizing certified medication aides to administer routine and prefilled 40 medications in residential health care facilities for a duration of two years (a temporary pilot program).
- Provides New York will join the Interstate Licensure Compact and the Nurse Licensure Compact, allowing physicians and nurses licensed in other states to practice in New York, either physically or virtually, through reciprocity with other states.

[Nurse Agency Staffing Practice Recommendations \(HMH, S.4007, X\)](#)

- Establishes a new Article 29-K in the Public Health Law regarding Registration of Temporary Health Care Services Agencies which is a person, firm corporation or other entity in the business of providing or procuring temporary employment of health care personnel for health care entities; includes a nurses' registry and entities that utilize apps or other technology-based solutions to provide or procure temporary employment of health care personnel; does not include an individual engaged in providing the individual's own services on a temporary basis or a home care agency licensed under Article 36 of the Public Health Law.
 - "Nurses' registry" under the General Business Law means an employment agency or entity that procures employment or engagements for nurses licensed as registered professional nurses or licensed practical nurses.



- Requires operators of a temporary health care services agency to register with the Department and provide information for registration, which includes ownership interests and a demonstration of good moral character.
- Establishes an annual registration and renewal fee of \$1,000.
- Requires as a condition of registration the agency to document each that each temporary employee meets minimum licensing, training and continuing education standards, cannot restrict in any manner the employment opportunities of its employees, maintain insurance coverage for workers' compensation and disability coverage for all health care personnel, must comply with requests from the Department to examine books and records, and maintain records for 6 years.
- Establishes reporting requirements on the Department and authorizes the Attorney General to bring an action for an injunction against any person who violates the provisions of this article; additionally authorizes penalties and fines pursuant to section 12 of the Public Health Law.
- Establishes minimum standards for temporary health care services agencies and requires such agencies to report quarterly to the Department a full disclosure of charges and compensation, including a schedule of all hourly bill rates per category of employee, a full description of administrative charges and a schedule of rates of all compensation per category of employee including but not limited to the percentage of health care entity dollars that the agency expended on temporary personnel wages and benefits compared to profits and administrative costs, a list of states and zip codes their employees' primary residences, names of all entities that have contracted with within the state and the number of employees of the agency working at each entity.

[Protect New Yorkers from Medical Debt and Other Burdensome Medical Costs \(HMH, S.4007, Y\)](#)

- Amends the Consumer Credit Fairness Act to cover medical debt and requires hospitals to use a uniform application for hospital financial assistance applications.
- Establishes Prescription Drug Price and Supply Chain Transparency which prohibits manufacturers from charging net price for a drug based on an increase in wholesale acquisition cost, average wholesale price or any other metric unless the manufacturer first reports the price to the Department of Financial Services; reports are to be accompanied by a fee that is determined by the amount of the price increase; prohibits sale of any drug that required a report until the report is made and requires such reports to be made public.
- Requires registration of pharmacy services administrative organizations (PSAO) switch companies and rebate aggregators.
- Includes within the Life Insurance Company Guaranty Corporation of New York Act, health insurers and property/casualty insurance companies and in the cases where the insurer becomes insolvent, the insurer would be liable to any provider for covered services.

Ensure Access to Aging Services and High-Quality Long-Term Care (HMH, S.4007, Z)

- Requires all assisted living residences, including those licensed as an assisted living residence, special needs assisted living residence or enhanced assisted living residence to report annually on quality measures established by the Department with the first report due no later than January 31, 2024 and to post the monthly service rate, staffing complement, approved admission or residency agreement and a consumer-friendly summary of all service fees in a conspicuous place on the facility’s webpage and in a public space in the facility; effective January 1, 2024 such information must be reported to the Department.
- Requires the Department to score the results of the quality reporting and top scoring facility will be granted classification of advanced standing on their annual surveillance schedules; such facilities shall be surveyed every 12 to 18 months while all other facilities will be surveyed on an unannounced basis no less than annually.
- Authorizes the Department to post on its website the results of the assisted living quality reporting as of January 31, 2024.
- Authorizes facilities that are dually licensed to provide adult care facilities and assisted living to seek accreditation by one or more nationally recognized accrediting agencies and entities that are accredited may be exempt from department inspection requirements, at the discretion of the Commissioner, for as long as they maintain their accreditation in good standing; requires entities to report loss of accreditation within 10 business days to the Department; requires the Department to post on its website all accredited assisted living residences.

End Preventable Epidemics (HMH, S.4007, AA)

- Proposes to make permanent the requirement that hospitals offer Hepatitis C testing to those receiving inpatient or emergency department care and expands testing to those age 18 years and older, or under 18 years of age if there is evidence or indication of risk activity.
- Requires hospitals to use an HCV RNA test to confirm diagnosis if the screening test is reactive.
- Requires every practitioner attending a pregnant person to order a hepatitis C virus (HCV) screening test and if the test is reactive to perform an HCV RNA test to confirm diagnosis, and requires practitioners to offer follow-up care and treatment or referral to those who test is reactive.
- Requires every practitioner attending a pregnant person to test for syphilis during the third trimester of pregnancy.

Combating Opioid Addictions by Banning Fentanyl Analogs (HMH, S.4007, BB)

- This bill would amend the Public Health Law to include controlled substances that are represented to be other controlled substances. It would encompass illicit fentanyl pressed into tablet form to appear, for example, like Food and Drug Administration-approved controlled substance medications. The bill would also add criminal sale of an imitation controlled substance in the fifth, third, and first degree to the definition of “drug trafficking felony” in the Penal Law and create stricter penalties for the sale or possession with intent to sell imitation controlled substances.



Transfer Oversight for Licensed Healthcare Professions (HMH, S.4007, CC)

- Transfers and authorizes the oversight of licensed healthcare professions to the Department of Health from the State Education Department effective January 1, 2024.
- Establishes Department of Health oversight of the following professions: medicine and professional misconduct, physicians assistants, specialists assistants, chiropractic, dentistry and dental hygiene, perfusionists, physical therapy, pharmacy, pharmacy technicians, nursing, midwifery, podiatry, optometry, ophthalmic dispensing, psychology, social work, massage therapy, occupational therapy, dietetics and nutrition, speech-language pathology and audiology, acupuncture, athletic trainers, mental health practitioners, respiratory therapists and respiratory therapy technicians, clinical laboratory practice, medical physics practice, applied behavior analysis and licensed pathologists’ assistants.

FY 2024 Executive Budget Department of Health Local Assistance Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Administration Program	\$266	\$266	\$0
Aids Institute Program	\$118,638	\$123,924	\$5,286
Center For Community Health	\$1,787,192	\$1,838,328	\$51,136
Center For Environmental Health Program	\$222,999	\$22,300	(\$200,699)
Child Health Insurance Program	\$2,552,632	\$2,733,106	\$180,474
Elderly Pharmaceutical Program	\$93,217	\$93,217	\$0
Essential Plan Program	\$6,473,770	\$8,973,770	\$2,500,000
Health Care Reform Act Program	\$384,095	\$360,220	(\$23,875)
Medicaid Administration Program- TWO YEAR APPROP	\$1,427,500	\$1,543,100	\$115,600
Medicaid Administration Program (Federal)- TWO YEAR APPROP	\$1,441,300	\$1,441,300	\$0
Medicaid Program- TWO YEAR APPROP	\$50,099,277	\$55,373,572	\$5,274,295
Medicaid Program (Federal)- TWO YEAR APPROP	\$122,901,508	\$126,064,252	\$3,162,744
Indigent Care- HCRA	\$1,433,000	\$1,262,200	(\$170,800)
HCRA Medicaid	\$8,744,729	\$8,362,245	(\$382,484)
Office of Health Insurance Programs	\$325,009	\$323,050	(\$1,959)
Office of Primary Care and Health Systems Management	\$169,918	\$176,959	\$7,041
Wadsworth Center for Laboratories and Research Program	\$111,700	\$11,567	(\$100,133)
Total	\$198,286,750	\$208,703,376	\$10,416,626

**FY 2024 Executive Budget Department of Health Capital Funding Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
All Payers Claim Database	\$10,000	\$10,000	
Economic Development- Life Science Lab Albany		\$967,000	\$967,000
Facilities Maintenance and Operations	\$12,266	\$12,266	
Health Care Facility Transformation Program IV (4)	\$1,600,000		(\$1,600,000)
Health Care Facility Transformation Program V (5)		\$1,000,000	\$1,000,000
IT Initiatives Program	\$10,000	\$10,000	
Health Care Data Modernization		\$31,500	\$31,500
Laboratories and Research		\$12,000	\$12,000
Maintenance and Improvements of Existing Facilities	\$64,904	\$58,904	(\$6,000)
Statewide Health Information for New York	\$30,000	\$32,500	\$2,500
Veterans Affairs	\$5,569		(\$5,569)
Water Resources	\$345,000	\$362,000	\$17,000
Total	\$2,077,739	\$2,496,170	\$418,431



FY 2024 Executive Budget Office For The Aging Agency Local Assistance Appropriation Change (Thousands of Dollars)		
Program	FY 2023 Enacted	FY 2024 Proposed
Elderly Grant Program	\$33,617	\$37,682
EISEP	\$67,498	\$67,498
Area Agencies on Aging Grants	\$353	\$353
WIN Program and SNAP Program	\$33,474	\$35,567
Long-Term Care Ombudsman Program Local Grants	\$1,190	\$3,690
Respite Services to the Elderly State Aid Grants	\$656	\$656
Social Model Adult Day Services	\$1,072	\$1,072
NORC State Aid Grants	\$2,027	\$4,027
NNORC State Aid Grants	\$2,027	\$4,027
Transportation Operating Expenses Grants	\$1,121	\$1,121
Health Insurance Information, Counseling and Assistance Program Grants	\$1,000	\$1,000
State Matching Funds for Federally Funded Model Projects/ Demonstration Grant Programs	\$175	\$175
Medicare Rights Center	\$793	\$793
New York StateWide Senior Action Council, Inc	\$354	\$354
New York Legal Assistance Group	\$222	\$222
Legal Aid Society of New York	\$111	\$111
Empire Justice Center	\$155	\$155
Community Service Society	\$132	\$132
RSVP	\$217	\$217
EAC/Nassau Senior Respite Program	\$118	\$118
Home Aide of Central New York, Inc.	\$71	\$71
New York Foundation for Senior Citizen Home Sharing and Respite Care Program	\$86	\$86
Foster Grandparents Program	\$98	\$98
Elderly Abuse Education and Outreach Program	\$745	\$745
Livable New York Initiative	\$123	\$123
New York State Adult Day Services Association, Inc.	\$123	\$123
Congregate Services Initiative	\$403	\$403
New York State Wide Senior Action Council, Inc.	\$31	\$31
Lifespan of Greater Rochester, Inc.	\$500	\$500
Association on Aging in New York State	\$250	\$250
Community Services for the Elderly Grant Program	\$1,500	\$0
Additional NORC State Aid Grants	\$2,000	\$0
Additional NNORC State Aid Grants	\$2,000	\$0
Additional Community Services for the Elderly Grant Program	\$750	\$0
Holocaust Survivors Initiative	\$1,000	\$1,000
State Master Plan for Aging	\$500	\$1,000
Unmet Needs of the Elderly	\$8,000	\$8,000



FACT SHEET: Transportation

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Transportation Budget Highlights

- The FY2024 Executive Budget recommends All Funds appropriations of \$15.9 billion, an increase of five percent, with State Operations increasing \$53.3 million and Aid to Localities increasing \$632.9 million from FY2023.
- The FY2024 Executive Budget recommends \$8.92 billion in capital appropriation, an increase of \$21.9 million from FY2023.

Notable Issues

- The Executive proposes authorizing a speed camera pilot program for the Triborough Bridge and Tunnel Authority (TED, Part B).
- The Executive proposes increasing NYC's contribution to the MTA (TED, Part D).
- The Executive proposes authorizing the DMV to block vehicles from renewing their registration if they have significant toll violations and makes it unlawful to obscure license plates from license plate cameras (TED, Part F).
- The Executive proposes authorizing NYC to reduce its speed limits (TED, Part K).
- The Executive proposes raising snowmobile registration fees to \$125 for non-snowmobile club members and \$55 for snowmobile club members to fund increased trail maintenance (TED, Part MM).

Spending Highlights

- \$578 million in CHIPS and Marchiselli local highway and bridge programs
- \$150 million for PAVE NY
- \$200 million for Pave Our Potholes
- \$100 million for Extreme Winter Recovery
- \$200 million for BRIDGE NY



TRANSPORTATION

The FY 2024 Executive Budget recommends State Operations and Aid to Localities of \$6.93 billion for transportation agencies.

The FY 2024 Executive Budget recommends Capital Funding appropriations of \$8.9 billion, including \$6.97 billion for the second year of five-year Department of Transportation Capital Plan.

State Operations

[Department of Transportation \(DOT\)](#)

The FY 2024 Executive Budget recommends \$494.4 million in State Operations appropriations, an increase of \$50.8 million, or 11 percent from FY 2023. The majority of this increase is due to operations funds increasing by \$48 million.

[Department of Motor Vehicles \(DMV\)](#)

The FY 2024 Executive Budget recommends \$118.9 million in State Operations appropriations, an increase of \$2.4 million from FY 2023. This includes funds for 3,228 FTEs, an increase of 200 from FY 2023.

Aid to Localities

[Department of Transportation \(DOT\)](#)

The FY 2024 Executive Budget recommends \$5.4 billion in Aid to Localities appropriations, an increase of \$642.5 million, or 13 percent from FY 2023.

[Department of Motor Vehicles \(DMV\)](#)

The FY 2024 Executive Budget recommends \$24.8 million in Aid to Localities appropriations. This is the same appropriation level as in FY 2023.

[Metropolitan Transit Authority \(MTA\)](#)

The FY 2024 Executive budget recommends \$892.2 million in Aid to Localities appropriations, a decrease of \$9.6 million from FY 2023.

Capital Funding

Department of Transportation (DOT)

The FY 2024 Executive Budget recommends \$8.6 billion in Capital Projects appropriations, an increase of \$118.4 million from FY 2023.

Department of Motor Vehicles (DMV)

The FY 2024 Executive Budget recommends \$334 million in Capital Projects appropriations, a decrease of \$96.6 million, or 22 percent from FY 2023. The decrease is largely attributable to the non-continuance of one-time appropriations from FY 2023.

Article VII Proposals

The FY2024 Executive Budget proposes the following statutory amendments:

Expand Camera Enforcement for MTA Bus Camera Operations (TED, Part A)

- Authorizes the city of New York to impose monetary liability on a driver who fails to comply with local laws and regulations regarding bus operation-related traffic restrictions. The penalty shall not exceed \$50 for the first offense, \$100 for the second offense within 12 months, \$150 for a third offense, \$200 for a fourth offense, and \$250 for each subsequent offense. An additional penalty of \$25 shall be assessed for each violation for the failure to respond to a notice of liability within in the prescribed time period.
- Further provides that the New York City Department of Transportation and/or an applicable mass transit agency shall operate photo devices for monitoring such infractions and install signs to inform motorists that such photo devices are operating.
- Violations under this section shall not be deemed a conviction nor made a part of the operating record of a driver.

Triborough Bridge and Tunnel Authority Speed Enforcement (TED, S.3008, Part B)

- Authorizes TBTA to install speed cameras under a pilot program.
- Any recorded images shall be used by the city of New York in administering monetary penalties for violations of the speed limit.
- If the driver of the vehicle is not the owner, and the driver is convicted of a speeding violation, the owner of the vehicle is not liable.
- Fines are not to exceed \$50 for the first offense, \$75 for the second violation, and \$100 for subsequent violations within an 18 month period.



- No violations shall be made a part of the driving record.
- If program is established, the TBTA shall submit a report on the results of the use of speed cameras.

MTA Tax Increment Financing and Procurement Extender **(TED, S.4008, Part C)**

- Permanently extends the authority for municipalities within the metropolitan commuter transportation district to share property tax revenue on real estate value that results from MTA capital projects.
- Repeals dormant procurement provisions that are no longer utilized and makes permanent the current procurement provisions.

Increase NYC's Contribution to the MTA **(TED, Part D)**

- NYC will be responsible for funding 100% of net paratransit operating expenses of the MTA.
- Paratransit services are services for people with disabilities who are unable to use other modes of transit in a given service area.
- NYC shall fund 100% of the net fare revenue differential resulting from reduced student fares for students in grades K-12.
- NYC shall fund 47% of the foregone revenues of the MTA resulting from employers exempted from the mobility tax.

Expand MTA Owner Controlled Insurance Program **(TED, Part E)**

- Allows the Metropolitan Transportation Authority (MTA) to expand its Owner Controlled Insurance Program (OCIP) in an attempt to reduce the costs of capital programs.
- Expands the OCIP to cover projects related to buses, bridges and tunnels

Toll Violation Enforcement **(TED, Part F)**

- Denies renewal or transfer of registration to any vehicle who's registration has been suspended or is pending a request from a tolling authority to suspend the registration.
- Registration shall remain blocked from renewal or transfer until the DMV has been notified that the notices of violation have been responded to and any unpaid fines or fees have been satisfied.

- Makes it unlawful to operate a vehicle on a tolled highway, bridge, tunnel, or within the if the license plate is covered or concealed in any way to obscure or prohibit the recording of an image of the plate. Penalties range from \$100-\$500.

[MTA Compulsory Arbitration Two-Year Extender](#) (TED, S.4008, Part G)

- Extends provisions related to the resolution of labor disputes regarding the Metropolitan Transportation Authority and its employees for two years.
- This authority currently is set to sunset July 1, 2023.

[Autonomous Vehicle Extender](#) (TED, Part J)

- Extends Autonomous Vehicle Pilot Program to April 1, 2024.

[Reduce NYC Speed Limits](#) (TED, Part K)

- Authorizes NYC to lower its speed limits to 20 miles per hour.
- Authorizes NYC to lower its speed limits in school zones to 10 miles per hour.

[Empower the DMV to Seize Dangerous Vehicles](#) (TED, Part O)

- Gives the DOT commissioner the same powers to suspend, seize, and impound large passenger vehicles that fail inspections and are places out of service.

[Stop Secondary Crashes](#) (TED, Part P)

- Amends vehicle and traffic law to give motorists the ability to move vehicles involved in minor accidents with no personal injury or death out of the traffic lane.

[Authorize the Use of Photo Inspection of Private Passenger Automobiles for Insurance Claims](#) (TED, Part W)

- Allows auto insurance companies to waive the right to inspection of some or all motor vehicles by filing an affidavit with the Department of Financial Services.



- Applies to all insurance policies issued, renewed, altered or modified on or after the effective date.
- Legislation would be repealed October 1, 2027.
- The Governor vetoed a similar piece of legislation in 2022.

Snowmobile Registration Fee Increase
(TED, Part MM)

- Raises registration fee to \$125 for residents and non-residents who are not members of a NYS snowmobile club that is a member of NYSSA.
- Raises registration fee to \$55 for residents and non-residents who are members of a NYS snowmobile club that is a member of NYSSA.



FACT SHEET: Environmental Conservation, Housing, Agriculture, And Energy

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Agency Budget Highlights

- **Department of Environmental Conservation:** The Fiscal Year 2024 Executive Budget recommends All Funds appropriations of \$2.5 billion, a decrease of \$8.1 billion from the FY 2023 Enacted Budget. This decrease in funds is due to the completion of the Clean Water, Clean Air, and Green Jobs Environmental Bond Act.
 - State Operations - \$560.2 million. Aid to Localities - \$1.8 million. Capital Projects - \$1.9 billion.
- **New York Power Authority:** The Fiscal Year 2024 Executive Budget recommends All Funds appropriations of \$7.5 million for capital projects, a decrease of \$35.5 million. The decrease in funds is due to the Authority paying off a loan which accounted for \$43 million in State Operations funding in Fiscal Year 2023. The \$7.5 million in capital is to support the Canal System Development Fund which maintains, operates, develops and makes improvements to the 524-mile navigable waterway.
- **NYS Energy Research and Development Agency:** The Fiscal Year 2024 Executive Budget recommends All Funds appropriations of \$225.8 million for capital projects, an increase of \$202.2 million from FY 2023 Enacted Budget. The bulk of the increase, \$200 million, comes from the EmPower Plus low income home retrofits program.
- **Department of Public Service:** The Fiscal Year 2024 Executive Budget recommends All Funds appropriation of \$317.5 million, a decrease of \$50 million from FY 2023 Enacted Budget. This decrease is due to the completion of the \$250 million utility arrears program from FY 2023 but is partially offset by \$200 million for a new Energy Affordability Program.
- **Department of Housing and Community Renewal:** The Executive Budget recommends All Funds appropriation of \$772 million. This includes an increase of \$46.9 million in State Operations Funds for DHCR and a 7% increase in FTEs to administer the Governor's Housing Proposals. The \$5.2 billion dollar decrease from last year is primarily attributable to money becoming a re-appropriation for the five-year Housing Program enacted last year.
- **Agriculture and Markets:** The Fiscal Year 2024 Executive Budget recommends All Funds appropriations of \$296.9 million, a decrease of \$19.7 million from the FY 2023 Enacted Budget. This decrease is due to large spending cuts in a variety of local assistance programs and capital projects.

- State Operations - \$182.4 million. Aid to Localities - \$67.8 million. Capital Projects - \$46.6 million
- **Olympic Regional Development Authority (ORDA):** The Fiscal Year 2024 Executive Budget recommends All Funds Appropriations of \$104 million, a decrease of \$12.5 million in Capital Projects funding from the FY 2023 Enacted Budget. This decrease comes from a lower appropriation for services and expenses for the upgrade, renovation, and modernization of Olympic, ski, and other facilities owned and operated by ORDA.
- **Office of Parks, Recreation and Historic Preservation:** The Fiscal Year 2024 Executive Budget recommends All Funds appropriations of \$710.2 million, an increase of \$47 million from the FY 2023 Enacted Budget. The increase is mainly driven by increased appropriations in State Operations for 237 new FTEs and a \$3 million Park Police Class of 2023.

Notable Issues

- The Executive advances language to promote new housing statewide through local growth targets and fast track approvals with a three percent target for downstate counties and a one percent target for all other counties.
- The Executive advances language to establish Transit Oriented Development Zones (TODZ) in a tiered framework.
- The Executive advances language to require local boards to report to DHCR information regarding housing development, zoning maps, and zoning requirements.
- The Executive advances language to make New York buildings more sustainable through prohibiting installation of fossil fuel equipment and building systems.
- The Executive advances language providing NYPA with the authority to plan, design, develop, finance, construct, own, operate, maintain or improve, alone or jointly with other entities, renewable energy generating projects. Additionally, NYPA must develop plan to phase-out peaker plants by 2035 so long as the plant is not needed as an emergency power service or electric system reliability.
- The Executive advances language to establish an economy-wide Cap-and-Invest Program for greenhouse gas emissions. Executive expects more than \$1 billion in proceeds under the program annually.
- The Executive advances language to create demand for NY grown agricultural products by eliminating restriction on purchasing from associations of more than ten producers or growers.
- The Executive advances legislation that would establish the Suffolk County Water Quality Restoration Act.
- The Executive advances legislation that would authorize the use of federal Bipartisan Infrastructure Law (BIL) funding for lead service line replacement programs.



Spending Highlights

Energy

- \$200 million for a new Energy Affordability Program.
- \$200 million for EmPower Plus Low Income Home Retrofits Program. Provide funding for low income individuals to help retrofit their homes with appliances and installation.

Environmental Conservation

- \$74 million for a new State's Share of Shore Protection or Coastal Erosion Project.
- \$500 million for Clean Water Infrastructure Projects.
- \$400 million for the Environmental Protection Fund.

Housing

- \$250 million in infrastructure grants to support affordable housing.
- \$20 million in planning assistance.

Agriculture

- \$10 million for a new Food Access Expansion Program.
- \$10 million in grants for the cost of construction to develop or renovate facilities within regional school infrastructure.

ORDA

- \$10 million in capital for services and expenses related to the maintenance of Olympic and ski facilities.
- \$80 million in capital for services and expenses related to the upgrade, renovation, and modernization of Olympic, ski and other facilities owned and operated by ORDA.



ENVIRONMENTAL CONSERVATION, AGRICULTURE, HOUSING AND ENERGY

Department of Housing and Community Renewal (DHCR): The Fiscal Year 2024 Executive Budget recommends All Funds appropriations of \$292.3 million for State Operations and Aid to Localities housing programs, a decrease of \$380.6 million from the FY 2023 Enacted Budget.

Public Service, Department of: The Fiscal Year 2024 Executive Budget recommends All Funds appropriations of \$317.5 million for State Operations and Aid to Localities, a decrease of \$50 million, primarily due to the completion of the utility arrears relief program.

Power Authority, New York: The Fiscal Year 2024 Executive Budget recommends All Funds appropriations of \$0 for State Operations and Aid to Localities, a decrease of \$43 million.

Department of Environmental Conservation: The Fiscal Year 2024 Executive Budget recommends All Funds appropriations of \$2.5 billion, a decrease of \$8.1 billion from the FY 2023 Enacted Budget.

Department of Agriculture and Markets: The Fiscal Year 2024 Executive Budget recommends All Funds appropriations of \$250.3 million for State Operations and Aid to Localities, an increase of 0.6 million from the FY 2023 Enacted Budget.

Office of Parks, Recreation and Historic Preservation: The Fiscal Year 2024 Executive Budget recommends All Funds appropriation of \$365.3 million for State Operations and Aid to Localities, an increase of \$55.7 million from the Fiscal Year 2023 Enacted budget.

Olympic Regional Development Authority (ORDA): The Fiscal Year 2024 Executive Budget recommends All Funds appropriations of \$14 million for State Operations and Aid to Localities, no change from FY 2023 Enacted Budget.

State Operations

Environmental Conservation, Department of

The Fiscal Year 2024 Executive Budget recommends State Operations Funds appropriations of \$560.2 million, an increase of \$80.7 million from FY 2023 Enacted Budget.

Public Service, Department of

The Fiscal Year 2024 Executive Budget recommends State Operations Funds appropriations of \$117.6 million, no change from FY 2023 Enacted Budget.

[Department of Housing and Community Renewal \(DHCR\)](#)

The Fiscal year 2024 Executive Budget recommends an appropriation of \$181.6 million in State Operations for DHCR. This is an increase of \$46.9 million dollars, or 35% from the FY 2023 Enacted Budget. This includes an increase of 46 FTEs to implement and enforce the provisions of the Housing Compact.

[Agriculture and Markets, Department of](#)

The Fiscal Year 2024 Executive Budget recommends State Operations Funds appropriations of \$182.4 million, an increase of \$6.4 million from FY 2023 Enacted Budget.

[State of New York Mortgage Agency \(SONYMA\)](#)

The Fiscal Year 2024 Executive Budget recommends an appropriation of \$76.8 million in State Operations for the SONYMA. This is the same appropriation level as FY 2023.

[Office of Parks, Recreation, and Historic Preservation \(OPRHP\)](#)

The Fiscal Year 2024 Executive Budget recommends an appropriation of \$354 million in State Operations for OPRHP, an increase of \$68 million from FY 2023 Enacted Budget. This includes an increase of 237 FTEs office-wide as well as park ranger expansion and a 2023 Park Police Class.

[Olympic Regional Development Authority \(ORDA\)](#)

The Fiscal Year 2024 Executive Budget recommends an appropriation of \$14 million in State Operations for ORDA, which is level from FY 2023 Enacted Budget.

Aid to Localities

[Environmental Conservation, Department of](#)

The Fiscal Year 2024 Executive Budget recommends Aid to Localities Funds appropriations of \$1.8 million, an increase of \$712.2 hundred-thousand from FY 2023 Enacted Budget (see chart on pages 13-16).

[Public Service, Department of](#)

The Fiscal Year 2024 Executive Budget recommends Aid to Localities Funds appropriations of \$205.7 million, a decrease of \$50 million from FY 2023 Enacted Budget (see chart on page 19).

[Department of Housing and Community Renewal \(DHCR\)](#)

The Fiscal Year 2024 Executive Budget recommends an appropriation of \$110.75 million in Aid to Localities for DHCR. This is a decrease of \$427.5 million, or 79% from the FY 2023 Enacted Budget. (see chart on page 21).

[Agriculture and Markets, Department of](#)

The Fiscal Year 2024 Executive Budget recommends Aid to Localities Funds appropriations of \$67.8 million, a decrease of \$5.1 million from FY 2023 Enacted Budget (see chart on pages 11-12).



[State of New York Mortgage Agency \(SONYMA\)](#)

The Fiscal Year 2024 Executive Budget recommends an appropriation of \$207 million in Aid to Localities for SONYMA. This is an increase of \$51.7 million, or 33% from the FY 2023 Enacted Budget (see chart on page 19).

[Office of Parks, Recreation, and Historic Preservation \(OPRHP\)](#)

The Fiscal Year 2024 Executive Budget recommends an appropriation of \$11.6 million in Aid to Localities for OPRHP, a decrease of \$1 million from FY 2023 Enacted Budget. This is mainly due to the removal of legislative adds. (see chart on page 21).

Capital Funding

[Environmental Conservation, Department of](#)

The Fiscal Year 2024 Executive Budget recommends Capital Funds appropriations of \$1.9 billion, a decrease of \$8.2 billion from FY 2023 Enacted Budget (see chart on pages 17-18).

[Energy Research and Development Authority, New York](#)

The Fiscal Year 2024 Executive Budget recommends Capital Funds appropriations of \$225.8 million, a \$202.8 million increase from FY 2023 Enacted Budget (see chart on page 19).

[Power Authority, New York](#)

The Fiscal Year 2024 Executive Budget recommends Capital Funds appropriations of \$7.5 million, a \$7.5 million increase from FY 2023 Enacted Budget

[Department of Housing and Community Renewal \(DHCR\)](#)

The Fiscal Year 2024 Executive Budget recommends an appropriation of \$479.7 million in Capital Projects for DHCR. This is a decrease of \$4.8 billion, or 91% from the FY 2023 Enacted Budget. This is largely due to funds from the \$25 billion housing plan enacted last year being re-appropriated in line with the 5-year capital plan (see chart on page 20).

[Agriculture and Markets, Department of](#)

The Fiscal Year 2024 Executive Budget Capital Funds appropriations of 446.6 million, a decrease of \$21 million from FY 2023 Enacted Budget. (see chart on page 16).

[Office of Parks, Recreation, and Historic Preservation \(OPRHP\)](#)

The Fiscal Year 2024 Executive Budget recommends an appropriation of \$345 million in Capital Funds for OPRHP, a \$20 million decrease from FY 2023 Enacted Budget. This is due to a \$50 million reduction to New York Works Infrastructure funding and a \$30 million dry appropriation for the Hudson Highlands. (see chart on page 21).

[Olympic Regional Development Authority \(ORDA\)](#)

The Fiscal Year 2024 Executive Budget recommends an appropriation of \$90 million in Capital Funds for ORDA, which is a decrease of \$12.5 million from FY 2023 Enacted Budget. This decrease is due to the lower appropriation for upgrades, renovation, and modernization of ORDA owned facilities. (see chart on page 23).

Article VII Proposals

The FY 2024 Executive Budget proposes the following statutory amendments:

Growth Targets and the Housing Review Board (ELFA, S.3008, Part F)

- Three-percent housing unit growth target for downstate counties (Bronx, Kings, New York, Richmond, Queens, Westchester, Orange, Putnam, Dutchess, Rockland, Nassau, and Suffolk) and a 1% target for all other counties.
- Counties are given “safe harbor” status for an initial three-year period. At the end of the three-year period, localities must have made their targets or made two changes to their local laws that are under the category of preferred actions to retain safe-harbor status. If not found to be in safe harbor status, they will be prohibited from using non-compliance with land use laws as the basis for denial of a permit.
- Creates a housing review board to review appeals of denied building permits in localities not deemed to be in safe harbor status.
- Creates environmental review relief for development projects.
- Creates Land Use Advisory Council to recommend land use judges who shall hear appeals of the decisions made by the Housing Review Board. Finally, the bill expands the powers of DHCR to promulgate regulations, rules, and policies related to land use by localities as it relates to the development of housing.

Transit Oriented Development (ELFA, Part G)

- Establishes Transit Oriented Development Zones (TODZ) in a tiered framework.
- Directs localities to amend land use laws with respect to aggregate density per acre. Required density is based on the proximity of the rail station to the New York City Border.
- Provides environmental relief for projects within Transit Oriented Development Zones.
- Requires localities to publish reports on the land included in the TODZ.
- Should localities fail to comply, they can be subject to action by the Attorney General.



Housing Reporting Requirements (ELFA, Part H)

- Requires local boards to report to DHCR information regarding housing development, zoning maps, and zoning requirements.

Reclaiming Abandoned Property (ELFA, Part I)

- Property can be reclaimed if it has had a code violation that is potentially dangerous and has not been remedied for at least 1 year.

Converting Office Space to Residential Housing (ELFA, Part J)

- Amends the multiple dwelling law to allow commercial buildings to be converted to residential housing.

Amnesty for Accessory Dwelling Units (ADUs) (ELFA, Part K)

- Allows New York City to legalize ADUs.
- Provides amnesty from civil and administrative penalties or judgments for owners of ADUs who get their ADU permitted.
- Provides environmental relief for ADU conversions and makes changes to financing laws to allow for rehab loans on ADUs.

Authorize NYC and NYS UDC to expand the floor area ratio (ELFA, Part L)

- Allows New York City to create zoning laws that allow for floor area ratios of greater than 12.
- Allow the New York State Urban Development Corporation to develop project plans in consultation with local officials where the project has a floor area ratio to exceed 12.

Authorize NYC to Provide Tax Abatements for Capital Improvements to Affordable Rental Units (ELFA, Part M)

- Amends the Real Property Tax Law to provide a tax abatement for capital improvements to affordable rental and owner-occupied buildings located in New York City or any city to which the multiple dwelling law is applicable.
- This Part would abate the property tax levy on property owners who perform these improvements, at a maximum annual abatement amount of 8 $\frac{1}{3}$ % of the total certified reasonable cost of the eligible construction, for a period of no longer than 20 years.
- The overall abatement is capped at 70% of the total improvement costs over the duration of the abatement.

[Authorize Property Tax Exemptions for Construction of Affordable Housing Outside of NYC \(ELFA, Part N\)](#)

- This Part allows municipalities outside of the City of New York to provide by local law a property tax exemption for certain new construction.
- Whole property tax exemption would exist during construction then would phase down over 25 years after construction is completed.
- The proposed tax exemption is provided for newly-constructed rental properties that have 20 or more units, where at least 20 percent of units are affordable and restricted to households meeting the bill's criteria for low income (80 percent of median income).

[Authorize a Property Tax Exemption for Accessory Dwelling Units \(ELFA, Part O\)](#)

- Amends the Real Property Tax Law to provide that, at local option, a property tax exemption for one and two-family residential buildings that are reconstructed, altered, improved, or newly constructed to create one or more additional residential dwelling units on the same parcel as the preexisting residential building.
- The program is structured as a 10-year exemption, with the first 5 years providing an exemption of 100% of the increase in assessed value, the next three years decreasing that exemption by 25%, and the last two years decreasing by a further 10% in each year.

[Authorize Tax incentives for Converting Commercial Properties into Affordable Housing \(ELFA, Part P\)](#)

- Establishes the Affordable Housing from Commercial Conversions Tax Incentive Benefits (AHCC) program to promote the development of new affordable housing rental units through conversions of commercial, manufacturing, or other non-residential buildings which do not receive any other exemption from or abatement of real property taxation.



- AHCC provides tax benefits to multiple dwellings located in New York City for which six or more rental units are created by converting a commercial, manufacturing, or other non-residential building to a residential dwelling.
- Eligible projects will receive a full property tax exemption during the construction period, other than assessments for local improvements.
- After construction is complete, properties in the Manhattan prime development area, located entirely south of 96th Street in Manhattan (PDA), receive a 50% exemption for 15 years. Properties outside of the PDA receive a 35% exemption for this period. Each year thereafter for the next four years, properties within the PDA receive a tax exemption that is 10% less than the prior year, and properties outside the PDA receive an exemption 7% less than the prior year.
- At least 20% of units within an eligible dwelling must be affordable, pursuant to definitions of affordability outlined in the bill.
- At least 5% of those units must be affordable to households whose income does not exceed 40% of the area median income, as adjusted for household size, and the weighted average of all the affordable units cannot exceed 70% of the area median income, as adjusted for household size.
- The Part also requires the affordable housing units be rent stabilized during the 19-year tax benefit period.
- This Part further provides that building service workers in AHCC recipient buildings must receive the applicable prevailing wage during the AHCC benefit period, unless the buildings have fewer than 30 units or are converted with substantial assistance of governmental grants, loans, or subsidies.

[Authorize Mortgage Insurance Fund \(MIF\) Utilization \(ELFA, Part Q\)](#)

- Authorizes transfers of money from the MIF to the Housing Trust Fund Corporation.
- \$12.8 million for the Neighborhood Preservation Programs.
- \$5.4 million for the Rural Preservation Program.
- \$21.7 million for Rural Rental Assistance Program.
- \$50.8 million for the Homeless Housing Assistance Corporation.

[Authorize Extension of the Project Completion Deadline for Vested Projects in Real Property Tax Law 421-a by Four Years \(ELFA, Part R\)](#)

- Currently to be eligible for a tax abatement pursuant under 421-a of the Real Property Tax Law, a vested multiple dwelling or homeownership project must be completed by June 15, 2026.

- This part would amend the definition of “eligible multiple dwelling” to extend this completion deadline to June 15, 2030.

[Establish the Hazard Mitigation State Revolving Loan Fund \(PPGG, Part G\)](#)

- Establishes the Hazard Mitigation State Revolving Loan Fund within the State Comptroller.
- Commissioner of Division of Homeland Security and Emergency Services may provide loans to local governments for eligible hazard mitigation activities to reduce disaster risk for homeowners, businesses, non-profits and communities.

[Bolstering Demand for New York Agriculture \(TED, Part OO\)](#)

- Create demand for NY grown agricultural products by eliminating the restriction on purchasing from associations of more than ten producers or growers.
 - Removing the limitations on the amounts of a variety of agricultural products where NYS producers or associations of NYS growers will have the ability to purchase.
- Allow local entities to purchase food products that were produced or harvested in NY without a competitive process, which will invest in farm production and food processing in New York.
 - County, municipal governments and local school districts will be encouraged and provided tools to meet this goal.
- The Governor will be issuing an Executive Order directing NYS agencies and related institutional entities to increase purchasing of NY local products to 30%.
 - Allow farms to access new markets and boost the agricultural community.
 - Currently, NY spends around \$4 million on NY food but with this goal, NY would procure and purchase around \$400 million worth of farm products.
- \$50 million over five years to local school districts to support cooking facilities that will use fresh NYS farm products for K-12 school children.
- \$10 million for a new Food Access Expansion Program.
 - This would provide grants to support and establish food access infrastructure in underserved communities.

[Waste Reduction and Recycling Infrastructure Act \(TED, Part PP\)](#)

- Creates an Extended Producer Responsibility Program for packaging and paper products.



- Requires any company that produces packaging or paper product and that has gross sales of over \$1 million/per year or generates more than a ton of packaging and paper products supplied to NYS consumers per year to participate in the Program.
- Initial registration fee of \$500 to \$25,000 depending on the size of the entity.
- Fees collected would be deposited into the Waste Reduction, Reuse and Recycling Fund.
- Producers would have to meet metrics for source material reduction, material recovery rate, and post-consumer recycled content rate.
- Eligible companies would have to submit a plan to provide for the collection and recycling of packaging and paper products to DEC by Jan 1, 2026.

Clean Up “Forever Chemicals” (TED, Part QQ)

- Expands the Environmental Restoration Program to use available funds to investigate and remediate contaminants – hazardous waste, petroleum and emerging contaminants.
- Municipalities that deliberately caused contamination would be disqualified from using the program.
- The Executive makes available \$20 million for the program.

Make the Youth Deer Hunting Program Permanent (TED, Part RR)

- Makes permanent the Deer Hunting Pilot Program, which allows 12 and 13 year old hunters to hunt deer with a firearm or crossbow when supervised by an adult hunter.
- The Program was established in 2021 and 52 out of 54 eligible counties opted to participate in the program.

Pesticide Registration Fee (TED, Part SS)

- Makes permanent the \$600 pesticide registration fee. Should the provision sunset, an applicant’s fee would decrease to \$50. Historically, this provision is extended for three years.
 - The increased registration fee accounts for an additional \$4.1 million in revenue.

Suffolk County Water Quality Restoration Act (TED, Part TT)

- This bill would give the Suffolk County Legislature authority to create a countywide wastewater management district through the consolidation of existing un-sewered areas and existing town and village water sewer systems, in accordance with the Suffolk County Sub watershed Wastewater Plan. The country currently has 27 sewer systems.
- With approval by the county, the district would have the authority to collect charges, rates, and taxes and would be subjected to a mandatory referendum by the votes to establish a new county fund for these purposes.
- The county would be authorized, through local law, to create a District Board of Trustees to prepare and implement this wastewater plan.

[Use of federal Bipartisan Infrastructure Law \(BIL\) funding for lead service line replacement programs \(TED, Part UU\)](#)

- This bill would allow the state to use federal BIL funding to replace entire lead service lines and include portions of lines may cross private property funding (a requirement of BIL funding).
- Municipalities, school districts, and district corporations would be authorized to establish these lead line replacement programs and would be able to access low-cost financing options through the Environmental facilities Corporation to satisfy BIL loan requirements.

[Makes Permanent Assessments on Cable Television Companies and Public Utilities \(TED, Part VV\)](#)

- Makes permanent the State’s current authorization to allow the departments of Ag and Markets, Environmental Conservation, Department of State and the Office of Parks, Recreation and Historic Preservation to finance public health campaigns and utility oversight related to costs from assessments on cable television companies and public utilities.

[Making New York Buildings More Sustainable \(TED, Part WW\)](#)

- Prohibits installation of fossil fuel equipment and building systems in following timeline.
 - Dec 31, 2025 for new one family residential buildings of any height or multi-family residential buildings of three stories or fewer;
 - Dec 31, 2028 for new multi-family residential buildings more than three stories or new commercial buildings;
 - Jan 1, 2030 for existing one family residential buildings of any height or multi-family buildings of three stories or fewer; and
 - Jan 1, 2035 for existing multi-family residential buildings more than three stories or commercial buildings.



- Gas stoves installed before the bans take place would be allowed to continue to operate. However, under the new building codes, installation of new gas stoves would be prohibited.
- The State Fire Prevention and Building Code Council may provide the following exemptions when they deem appropriate:
 - For generation of emergency back-up power;
 - In a manufactured home; or
 - In a building or part of a building that is used as a manufacturing facility, commercial food establishment, laboratory, laundromat, hospital, other medical facility, critical infrastructure such as a backup power for wastewater treatment facilities or crematorium.
- Fossil Fuel is defined as “fuel used for combustion, in the form of any of the following: natural gas derived from naturally occurring geologic deposits of principally methane; petroleum; coal; or any form of solid, liquid or gaseous fuel sourced from any of the foregoing materials.
- Requires owners of large buildings (state buildings and buildings larger than 25,000 square feet or two buildings on same tax lot that together exceed 50,000 square feet) to benchmark their total energy and water consumption.
 - Owners of the buildings would have to send the information to NYSERDA who would publish the data and provide the owner with an “energy grade” for the building.
 - Not complying with the reporting requirements would result in \$500 fine.

[Authorize NYPA to Build Renewable Energy Generating Projects](#) [\(TED, Part XX\)](#)

- Provides NYPA with the authority to plan, design, develop, finance, construct, own, operate, maintain or improve, alone or jointly with other entities, renewable energy generating projects.
- NYPA may acquire lease or otherwise dispose of property interests related to the development or disposition of renewable generating projects as NYPA determines necessary and desirable.
- Directs NYPA to establish the “Renewable Energy Access and Community Help Program” which allows low and moderate-income customers in disadvantaged communities to receive bill credits that are provided by renewable energy generation projects are owned, developed or contracted by NYPA.
- NYPA must develop plan to phase out peaker plants by 2035 so long as the plant is not needed as an emergency power service or electric system reliability.

[Extend NYPA’s Authority to Procure and Sell Power](#) [\(TED, Part YY\)](#)

- Extends for 20 years NYPA’s authority to sell market power, procure and sell power, energy and related products from renewable energy sources and finance renewable energy projects.

Annual NYSERDA Special Assessment (TED, Part ZZ)

- Authorizes NYSERDA to continue financing its energy research, development and demonstration program; its energy policy and planning program; the Fuel NY Program; and climate change related expenses of the Department of Environmental Conservation from a special assessment on gas and electric corporations.
 - Collects \$28.8 million in assessments.

Cap-and-Invest Program (TED, Part AAA)

- Through regulatory process DEC and NYSERDA will establish an economy wide Cap-and-Invest program for greenhouse gas emissions. Allowances will go to auction by NYSERDA. Emitters will bid on allowances. The proceeds from the auction will go back to NYSERDA.
 - Proceeds collected by NYSERDA will be split into three ways: (i) Agencies will be able to recover their costs, (ii) programmatic incentives, such as programs to make energy more affordable and (iii) climate accounts established under the bill.
 - At least one third of monies raised from the sale of allowances will be used to help offset increases in prices of goods and services for consumer resulting from the program.
 - Thirty percent of proceeds would go to the Industrial Consumer Climate Action Account.
 - Three percent of proceeds to the Industrial Small Business Climate Action Account.
 - The overall cap or maximum amount of emissions will decline to meet CLCPA targets.
 - The proposal does not outline exactly who will have to participate in the program, it will be left to DEC and NYSERDA to figure out, but the Governor’s press release states “large scale greenhouse gas emitters and distributors of heating and transportation fuels” will be required to participate.
- Establishes a Climate Action Fund that will assist in reducing the costs of the program for people of the state and industrial small businesses.
- Executive expects more than \$1 billion in proceeds under the program annually.

Establish the Hazard Mitigation State Revolving Loan Fund (PPGG, Part G)

- Establishes the Hazard Mitigation State Revolving Loan Fund within the State Comptroller.



- Commissioner of Division of Homeland Security and Emergency Services may provide loans to local governments for eligible hazard mitigation activities to reduce disaster risk for homeowners, businesses, non-profits and communities.

FY 2024 Executive Budget Agriculture and Markets Agency Local Assistance Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
NYS Veterinary Diagnostic Lab at Cornell	\$8,751	\$8,270	(\$481)
Cornell U. Berry Research	\$263	\$263	\$0
Cornell U. Honeybee Research	\$152	\$152	\$0
Cornell U. Maple Research	\$151	\$76	(\$75)
Cornell U. Onion Research	\$71	\$51	(\$20)
Cornell U. Vegetable Research	\$126	\$51	(\$75)
Cornell U. Hard Cider Research	\$202	\$202	\$0
Cornell U. Concord Grape Research	\$252	\$202	(\$50)
Cornell U. Geneva Experiment Station (Barley)	\$353	\$303	(\$50)
Cornell U. Hops Breeding Research	\$300	\$0	(\$300)
Cornell U. Golden Nematode Research	\$63	\$63	\$0
Cornell U. Hemp Development	\$1,000	\$1,000	\$0
Cornell U. Agriculture in the Classroom	\$500	\$500	\$0
Cornell U. Assoc. of Agricultural Educators	\$500	\$500	\$0
Cornell U. Future Farmers of America	\$1,000	\$1,000	\$0
Cornell U. FarmNet Program for Family Assistance	\$1,000	\$1,000	\$0
Cornell U. Pro-Dairy	\$1,463	\$1,213	(\$250)
Cornell U. Small Farm Program for Veterans	\$116	\$500	\$384
Cornell U. Farm Labor Specialist	\$401	\$202	(\$199)
Cornell U. Urban Agriculture Education	\$250	\$250	\$0
Harvest NY	\$600	\$600	\$0
Cornell Small Farms Equitable Farm Futures	\$500	\$500	\$0
Pace U. Law Pro Bono to Small Farms	\$225	\$225	\$0
NY Farm Viability Institute	\$1,850	\$1,000	(\$850)
NY Farm Viability Institute Berry Growers Assoc.	\$61	\$61	\$0
NY Farm Viability Institute Corn and Soybean	\$76	\$76	\$0
Promotion of Ag. And Ec. Dev. Programs	\$2,020	\$2,020	\$0
NYS Brewers Association	\$76	\$76	\$0
NY Cider Association	\$76	\$76	\$0
NYS Distillers Guild	\$76	\$76	\$0
NY Wine and Grape Association	\$1,075	\$1,075	\$0
Christmas Tree Farmers Association of NY	\$126	\$126	\$0
NYS Apple Growers Association	\$762	\$483	(\$279)
Maple Producers Association	\$227	\$152	(\$75)

NYS Apple and Development Program	\$505	\$505	\$0
Cornell U. Promote Dairy Excellence	\$374	\$374	\$0
Farmer's Market Federation of NY	\$139	\$139	\$0
Minorities in Agriculture Chapters at NYS Colleges	\$50	\$50	\$0
Farmers' Market Resiliency Program	\$700	\$700	\$0
Black Farmers United of NY	\$200	\$100	(\$100)
Development of Community Gardens	\$800	\$2,325	\$1,525
Promotion of Local Agritourism and NY Produce	\$6,000	\$5,750	(\$250)
Expand Access to Local Food for School Children	\$1,508	\$1,508	\$0
NY Federation of Growers for Child Develop.	\$10,300	\$10,300	\$0
Reimbursement for the Promotion of Ag.	\$500	\$500	\$0
On-Farm health and Safety	\$250	\$250	\$0
Volunteers Improving Neighborhood Environment	\$75	\$0	(\$75)
Pitney Meadows Community Farm	\$50	\$0	(\$50)
Comfort Food Community	\$50	\$0	(\$50)
Empire Sheep Producers Association	\$50	\$0	(\$50)
Hop Growers of NY	\$50	\$0	(\$50)
American Farmland Trust for Farmland	\$500	\$0	(\$500)
Expenses of the Turfgrass Envir. Stewardship	\$150	\$0	(\$150)
Dutchess County Cornell Cooperative Ext.	\$100	\$0	(\$100)
Jefferson County Cornell Cooperative Ext.	\$300	\$0	(\$300)
Additional Grants in Aid to Certain Ag. Orgs.	\$250	\$0	(\$250)
Bridging the Upstate-Downstate Food Network Divide	\$84	\$0	(\$84)
Northeast Organic Farming Assoc. of NY	\$150	\$0	(\$150)
NY Cannabis Growers and Producers Assoc.	\$88	\$0	(\$88)
John May Farm Safety Fund	\$100	\$0	(\$100)
Grants for Beginning Farmers	\$1,000	\$1,000	\$0
Grants for Socially/Economically Disadv, Farmers	\$4,000	\$0	(\$4,000)
Services of Non-Point Source Pollution Control	\$20,000	\$20,000	\$0
Administer Annual Fairs to Promote Agriculture	\$0	\$2,000	\$2,000
Total	\$72,987	\$67,845	(\$1,966)



FY 2024 Executive Environmental Protection Fund (in thousands)			
Program	FY 2023 Enacted	FY 2024 Executive	Change
SOLID WASTE			
Landfill Closure/Gas Management	\$ 750	\$ 300	\$ (450)
<i>Regional Municipal Solid Waste Management</i>			\$ -
Municipal Recycling	\$ 19,000	\$ 18,425	\$ (575)
<i>Food donation/recycling/organics projects</i>			\$ -
Secondary Marketing	\$ 650	\$ 650	\$ -
Pesticide Database	\$ 1,500	\$ 1,500	\$ -
<i>Long Island Pesticide Prevention</i>			\$ -
Environmental Justice	\$ 13,000	\$ 12,000	\$ (1,000)
<i>College of Environmental Science and Forestry</i>			\$ -
<i>EJ community impact and job training grants</i>			\$ -
Natural Resource Damages	\$ 1,775	\$ 1,775	\$ -
Pollution Prevention Institute	\$ 4,250	\$ 4,600	\$ 350
<i>Interstate Chemicals Clearinghouse</i>			\$ -
Environmental Health	\$ 10,000	\$ 13,000	\$ 3,000
<i>Clean SweepNY Program</i>			\$ -
<i>Center for Clean Water at Stony Brook for 1,4 Dioxane</i>			\$ -
<i>Children's Environmental Health Centers</i>			\$ -
<i>NYS Fresh Connect Program</i>			\$ -
<i>US Geological Survey for the Long Island Ground Water</i>			\$ -
Brownfield Opportunity Areas (BOA)	\$ 3,950	\$ 2,000	\$ (1,950)
Solid Waste Total	\$ 54,875	\$ 54,250	\$ (625)
PARKS & RECREATION			
Waterfront Revitalization	\$ 16,500	\$ 16,500	\$ -
<i>Inner City/Underserved</i>			\$ -
<i>Climate Change Resiliency Planning/LWRP Updates</i>			\$ -
<i>Niagara River Greenway</i>			\$ -
Municipal Parks	\$ 26,000	\$ 25,000	\$ (1,000)
<i>Innecity/Underserved</i>			\$ -
<i>Tivoli</i>			\$ -
<i>Hudson River Valley Trail Grants</i>			\$ -
<i>SUNY ESF</i>			\$ -
<i>Paul Smiths College</i>			\$ -
<i>Catskill Center for Conservation and Development</i>			\$ -
<i>Connect Kids</i>			\$ -
Public Access & Stewardship	\$ 48,690	\$ 48,700	\$ 10
<i>ORDA/Belleayre</i>			\$ -
<i>Friends Group Capacity Grants</i>			\$ -
<i>NY Natural Heritage</i>			\$ -
Hudson River Park (HRP)	\$ 4,800	\$ 3,700	\$ (1,100)
Zoos, Botanical Gardens and Aquaria Program	\$ 20,000	\$ 18,000	\$ (2,000)
Administration of Nav Law 79-b Programs	\$ 2,000	\$ 2,300	\$ 300
Parks & Recreation Total	\$ 117,990	\$ 114,200	\$ (3,790)

OPEN SPACE			
Land Acquisition	\$ 40,000	\$ 37,000	\$ (3,000)
<i>Urban Forestry</i>			\$ -
<i>Land Trust Alliance-Local Trust</i>			\$ -
<i>Regions 1, 2 and 3</i>			\$ -
<i>Adirondack Rail Trail Parking Area</i>			\$ -
Albany Pine Bush Commission	\$ 3,000	\$ 3,000	\$ -
LI Pine Barrens Commission	\$ 2,500	\$ 2,500	\$ -
LI South Shore Estuary Reserve	\$ 1,000	\$ 1,550	
Environmental Commissions	\$ 1,085	\$ -	\$ (1,085)
Agricultural Non-Point Source Poll Cont	\$ 20,000	\$ 20,000	\$ -
<i>Cornell Integrated Pest Management</i>			\$ -
<i>Cornell Cooperative Ext. Suffolk County</i>			\$ -
<i>Cornell pesticide management education program</i>			\$ -
Non-Agricultural Non-Point Source Poll Cont.	\$ 6,200	\$ 6,200	\$ -
<i>Cornell Community Integrated Pest Management</i>			\$ -
Farmland Protection	\$ 21,000	\$ 21,000	\$ -
<i>ACUB</i>			\$ -
<i>Cornell Land Classification and Master List of Soils</i>			\$ -
Biodiversity stewardship	\$ 1,750	\$ 1,975	\$ 225
<i>Pollinator Protection</i>			\$ -
<i>Cornell - adverse impacts of pesticides, bee husbandry</i>			\$ -
<i>Cary Institute of Ecosystem Studies - Catskill enviro research</i>			\$ -
Hudson River Estuary Plan	\$ 7,500	\$ 7,500	\$ -
<i>Mohawk River</i>			\$ -
Finger Lk-Lk Ontario Watershed	\$ 2,500	\$ 2,500	\$ -
Lake Erie Watershed Protection	\$ 250	\$ 250	\$ -
Water Quality Improvement Prog	\$ 22,000	\$ 22,000	\$ -
<i>Suffolk Co - 50% match to address nitrogen</i>			\$ -
<i>Suffolk Co - sewer improvement projects</i>			\$ -
<i>Nassau County Bay Park Outfall Pipe</i>			\$ -
<i>Source Water Assessment Plans</i>			\$ -
<i>Center for Clean Water at Stony Brook</i>			\$ -
<i>Long Island Regional Planning Council</i>			\$ -
<i>Chautauqua Lake Association</i>			\$ -
<i>Chautauqua Lake Partnership</i>			\$ -
Oceans & Great Lakes Initiative	\$ 22,500	\$ 23,500	\$ 1,000
<i>Peconic Bay Estuary Program</i>			\$ -
<i>Billion Oyster Project</i>			\$ -
Invasive Species	\$ 17,000	\$ 19,500	\$ 2,500
<i>Cornell Plant Certification Program</i>			\$ -
<i>Cornell for Hemlock Woolly Adelgid</i>			\$ -
<i>Southern Pine Beetle Eradication</i>			\$ -
<i>Central Pine Barrens Joint Commission</i>			\$ -
Soil & Water Conservation Districts	\$ 14,500	\$ 16,000	\$ 1,500
Agricultural Waste Management	\$ 1,500	\$ 1,500	\$ -
<i>Cornell dairy acceleration program</i>			
Lake George Park Commission	\$ -	\$ 900	\$ 900
Open Space Total	\$ 184,285	\$ 186,875	\$ 2,590



CLIMATE CHANGE MITIGATION & ADAPTATION			
Greenhouse Gas Management	\$ 2,500	\$ 3,500	\$ 1,000
<i>Regenerate NY Grant</i>			\$ -
<i>Refrigeration Council Pilot</i>			\$ -
<i>Grants to municipalities: Acquisition of community forests</i>			\$ -
NYS Climate Adaptation	\$ 5,300	\$ 7,925	\$ 2,625
<i>Wood Products Development Council</i>			\$ -
<i>Climate Coordinators</i>			\$ -
<i>SUNY ESF Timbuctoo Pipeline</i>			
Smart Growth	\$ 3,000	\$ 4,500	\$ 1,500
Climate Resilient Farms Program	\$ 16,750	\$ 14,750	\$ (2,000)
<i>Cornell Soil Health</i>			\$ -
Climate Smart Communities Competition	\$ 15,000	\$ 14,000	\$ (1,000)
<i>Clean Vehicle Projects</i>			\$ -
Climate Change Total	\$ 59,300	\$ 44,675	\$ (14,625)
ENVIRONMENTAL PROTECTION FUND TOTAL	\$ 416,450	\$ 400,000	\$ (16,450)

**FY 2024 Executive Budget Environmental Conservation Agency Local Assistance Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
The Hope Program	\$140	\$0	(\$140)
Water Quality Monitoring in Setauket Harbor	\$20	\$0	(\$20)
Adirondack Lake Survey Corporation for Climate Change	\$500	\$0	(\$500)
Additional Grants in Aid to Certain En. Con. Initiatives	\$500	\$0	(\$500)
Susquehanna River Basin Commission	\$0	\$259	\$259
Delaware River Basin Commission	\$0	\$359	\$359
Ohio River Basin Commission	\$0	\$14	\$14
Interstate Environmental Commission	\$0	\$41	\$41
New England Interstate Commission	\$0	\$38	\$38
Friends of Upper Delaware River Basin	\$0	\$350	\$350
Great Lakes Commission	\$0	\$60	\$60
Adirondack Diversity Initiative	\$0	\$300	\$300
Non-Hazardous Landfill Closure Projects in Essex County	\$0	\$300	\$300
Non-Hazardous Landfill Closure Projects in Hamilton County	\$0	\$150	\$150
Total	\$1,160	\$1,871	\$711

**FY 2024 Executive Budget Agriculture and Markets Agency Capital Funding Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Non-for-Profit Pounds, Shelters and Humane Societies	\$8,000	\$5,000	(\$3,000)
Alterations at NY Federation of Growers Agribusiness	\$3,200	\$3,200	\$0
Payment to Agricultural and County Ext. Service Assoc.	\$5,000	\$0	(\$5,000)
GrowNYC	\$4,000	\$0	(\$4,000)
Cornell U. Climate Adaptive Research Farms	\$5,000	\$0	(\$5,000)
NYS Meat Processing Expansion Grant Program	\$5,000	\$0	(\$5,000)
Establish Food Access Infrastructure in All Communities	\$0	\$10,000	\$10,000
Renovate NY Schools for Kitchens and/or Storage Hubs	\$0	\$10,000	\$10,000
Purchase and Replacement of Vehicles and Equipment	\$600	\$600	\$0
Purchase or Replacement of Lab Equipment	\$115	\$115	\$0
NY Works Infrastructure Projects for Alterations at State Fair	\$5,000	\$5,000	\$0
Services and Expenses of State Fair Projects	\$28,000	\$9,000	(\$19,000)
Payment of the Costs for Capital Projects	\$1,700	\$1,700	\$0
Payment of Costs for Miscellaneous Capital Projects	\$2,000	\$2,000	\$0
Total	\$67,615	\$46,615	(\$2,000)



FY 2024 Executive Budget Environmental Conservation Agency Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Employee Fringe Benefits	\$20,000	\$20,000	\$0
Expenses related to the Development of Technology	\$18,000	\$0	(\$18,000)
Services for Projects in Support of the Dept.'s Mission	\$0	\$5,000	\$5,000
Expenditure of Federal Funds	\$50,000	\$70,000	\$20,000
Payment of Costs of Capital Proj. Pursuant to the Bond Act	\$1,100,000	\$0	(\$1,100,000)
Capital Projects for Open Space Land Conservation-Bond Act	\$650,000	\$0	(\$650,000)
Projects for Climate Change Mitigation - Bond Act	\$1,500,000	\$0	(\$1,500,000)
Projects for Water Quality Improvement - Bond Act	\$650,000	\$0	(\$650,000)
Projects that Restore NY's Natural Resources-Bond Act	\$300,000	\$0	(\$300,000)
Clean Water, Clean Air, and Green Jobs Enviro. Bond Act	\$4,200,000	\$0	(\$4,200,000)
Expenses and Services for Certain Commissions	\$1,085	\$0	(\$1,085)
Implement the Delaware River Basin Restoration Program	\$300	\$0	(\$300)
Maintenance and Operation of Various Facilities and Systems	\$6,000	\$6,000	\$0
Restoration of Fish and Wildlife Habitat	\$1,500	\$1,500	\$0
Endangered Species Impacted by Renewable Energy Facility	\$0	\$5,000	\$5,000
Costs related to Invasive Species Management Activities	\$4,000	\$4,000	\$0
Replacement of Equipment and Facility Improvements	\$1,000	\$1,000	\$0
Federal Share of Capital Proj. for Land and Forests Resources	\$0	\$15,000	\$15,000
Federal Share of Capital Proj. for Fish and Wildlife Resources	\$0	\$20,000	\$20,000
Costs related to New York Works Projects	\$90,000	\$90,000	\$0
Improvement of Various Facilities and Systems	\$26,000	\$41,000	\$15,000
Services to Plug or Replug Abandoned Oil and Gas Wells	\$500	\$500	\$0
Dam Safety and the Demolition of Unsafe Structures	\$0	\$2,000	\$2,000
Replacement of Vehicles and Heavy Duty Construction Equipment	\$0	\$1,200	\$1,200

For Services related to Restoration Projects	\$0	\$26,000	\$26,000
Federal Share of Capital Proj. for Operational Services	\$0	\$3,000	\$3,000
Responsible Parties for Monitoring Work at Sites w/ Hazard. Waste	\$20,000	\$20,000	\$0
Hazardous Waste Site Remediation Projects	\$100,000	\$100,000	\$0
Services related to the Brownfield Cleanup Program	\$10,000	\$10,000	\$0
Services related to the Waste Management and Cleanup Program	\$4,000	\$4,000	\$0
Cleanup, Investigation, and Removal of Petroleum Spills	\$21,200	\$21,200	\$0
Federal Share of Capital Proj. for Cleanup of Hazardous Waste	\$0	\$1,000	\$1,000
Federal Share of Capital Proj. for Materials Management Resources	\$0	\$3,000	\$3,000
Indirect Costs of Various Shore Protection Projects	\$1,700	\$1,700	\$0
For New and Existing Flood Protection Projects	\$5,000	\$5,000	\$0
Advance Payment by the State for Local Costs of Shore Protection	\$5,000	\$5,000	\$0
An Advance relating to Work for the Safety of Dams and Others	\$500	\$500	\$0
Expansion of the Huntington Station Sewer Treatment Center Network	\$22,000	\$0	(\$22,000)
Upgrades at North Tonawanda Wastewater Treatment Plant	\$5,000	\$0	(\$5,000)
Great Neck Water Pollution Control District	\$5,000	\$0	(\$5,000)
Payment for Federal Capitalization Grants for the Water Pollution Control	\$55,000	\$60,000	\$5,000
Services for the Excelsior Conservation Corps Program	\$200	\$200	\$0
Services for the Water Pollution Control Revolving Fund	\$5,500	\$5,500	\$0
State's Share of Shore Protection or Coastal Erosion Projects	\$0	\$74,000	\$74,000
Cost for Clean Water Infrastructure Projects	\$500,000	\$500,000	\$0
Fed. Capitalization Grants for the Water Pollution Control Revolv. Fund	\$383,500	\$430,000	\$46,500
Fed. Share of Capital Projects related to Water Resources Purposes	\$0	\$3,000	\$3,000
Total	\$9,761,985	\$1,555,300	(\$8,394,385)



FY 2024 Executive Budget Department of Public Service Agency Local Assistance Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Utility Arrears Relief Program	\$250,000	\$0	(\$250,000)
Energy Affordability Program	\$0	\$200,000	\$200,000
Total	\$250,000	\$200,000	(\$50,000)

FY 2024 Executive Budget NYSERDA Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Western New York Nuclear Service Center	\$23,600	\$25,800	\$2,200
EmPower Plus low-income home retrofits program	\$0	\$200,000	\$200,000
Total	\$23,600	\$225,800	\$202,200

FY 2024 Executive Budget NYSERDA Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Canal System Development Fund	\$0	\$7,500	\$7,500
Total	\$0	\$7,500	\$7,500

FY 2024 Executive Budget DHCR Capital Projects Appropriations (Thousands of Dollars)				
	Purpose	FY2023 Enacted	FY 2024 Proposed	Change
DHCR	Access to Home	\$1,000.00	\$1,000.00	\$0.00
	Affordable Housing Corporation	\$36,000.00	\$26,000.00	-\$10,000.00
	Governor's Office of Storm Recovery	\$77,000.00	\$28,000.00	-\$49,000.00
	Homes for Working Families	\$14,000.00	\$14,000.00	\$0.00
	Housing Opportunities Program for the Elderly	\$3,400.00	\$1,400.00	-\$2,000.00
	Housing Our Neighbors with Dignity	\$100,000.00	\$0.00	-\$100,000.00
	Housing Program	\$4,505,000.00	\$0.00	\$4,505,000.00
	Low Income Housing Trust Fund	\$44,200.00	\$44,200.00	\$0.00
	Main Street Program	\$4,200.00	\$4,200.00	\$0.00
	Manufactured Home Advantage Program	\$5,000.00	\$5,000.00	\$0.00
	Mitchell-Lama Preservation and Homeownership Program	\$100,000.00	\$0.00	-\$100,000.00
	New Facilities	\$0.00	\$349,500.00	\$349,500.00
	Public Housing Modernization Program	\$6,400.00	\$6,400.00	\$0.00
	Public Housing Assistance Program	\$400,000.00	\$0.00	-\$400,000.00
	Small Rental Housing Development Initiative	\$7,000.00	\$0.00	-\$7,000.00
	Total Capital Projects	\$5,303,200.00	\$479,700.00	\$4,823,500.00

FY 2024 Executive Budget SONYMA Aid to Localities Appropriation Changes (Thousands of Dollars)				
	Program	FY2023 Enacted	FY 2024 Proposed	Change
SONYMA	Mortgage Insurance Fund Reimbursement Program	\$155,311.00	\$207,015.00	\$51,704.00
	Total Aid to Localities	\$ 155,311.00	\$ 207,015.00	\$51,704.00



FY 2024 Executive Budget DHCR Aid to Localities Appropriation Changes (Thousands of Dollars)

Program		FY2023 Enacted	FY 2024 Proposed	Change
DHCR	Assoc for Neighborhood and Housing Development	\$150.00	\$0.00	-\$150.00
	Community Controlled Affordable Housing	\$1,000.00	\$1,000.00	\$0.00
	F&D Housing Development Fund	\$15,000.00	\$15,000.00	\$0.00
	Fair Chance Housing Reforms	\$250.00	\$250.00	\$0.00
	Fair Housing Testing	\$2,000.00	\$2,000.00	\$0.00
	Governor's Office of Storm Recovery	\$32,000.00	\$0.00	-\$32,000.00
	Heal the Violence	\$250.00	\$0.00	-\$250.00
	Homeowner Protection Program	\$35,000.00	\$0.00	-\$35,000.00
	Hurricane Ida Relief Program	\$41,000.00	\$0.00	-\$41,000.00
	Land Banks	\$50,000.00	\$0.00	-\$50,000.00
	Legal Representation for Eviction	\$35,000.00	\$0.00	-\$35,000.00
	OCR Small Cities Community Development Block Grant	\$40,000.00	\$40,000.00	\$0.00
	OHP Low Income Weatherization	\$282,500.00	\$32,500.00	-\$250,000.00
	OHP Local Areas Program	\$2,985.00	\$0.00	-\$2,985.00
	Pa'Lante Harlem Inc.	\$100.00	\$0.00	-\$100.00
	Planning Assistance Fund	\$0.00	\$20,000.00	\$20,000.00
	Senate Priorities for Housing Initiatives	\$1,000.00	\$0.00	-\$1,000.00
Total Aid to Localities		\$ 538,235.00	\$ 110,750.00	\$ (427,485.00)

**FY 2024 Executive Budget OPRHP Agency Local Assistance Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Hudson River Museum (digitization of collection)	\$ 150	\$ -	\$ (150)
Hudson River Museum (new community/gallery)	\$ 100	\$ -	\$ (100)
Acquisition, Development, Admin of Hist. Properties	\$ 1,120	\$ 1,120	\$ -
Riverside Park Conservancy	\$ 125	\$ -	\$ (125)
ArtPark and Company, Inc.	\$ -	\$ 300	\$ 300
Projects at State Parks and Historic Sites	\$ 3,000	\$ -	\$ (3,000)
Grants for Recreation Services for Parklands	\$ 2,050	\$ 2,050	\$ -
Snowmobile law enforcement, trail development	\$ 6,135	\$ 8,135	\$ 2,000
Total	\$12,680	\$11,605	(\$1,075)

**FY 2024 Executive Budget OPRHP Agency Capital Funding Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Maintenance and Operation of Various Facilities	\$210,000	\$210,000	\$ -
Feds Share of the cost to prepare and review plans	\$ 20,000	\$ 20,000	\$ -
Alterations, Rehab, and improvement to park facilities	\$ 24,000	\$ 54,000	\$ 30,000
Minekill State Park Improvements and Rehab	\$ 500	\$ 5,000	\$ 4,500
Rehab and improvements at parks/hisoric sites	\$ 300	\$ 300	\$ -
Rehab, replacement, and refurbishment at parks/historic sites	\$ 500	\$ 500	\$ -
Rehab, replacement, and refurbishment at parks/historic sites	\$ 1,500	\$ 1,500	\$ -
Energy Conservation Purposes at various parks/historic sites	\$ 700	\$ -	\$ (700)
State Park Engineering Services and Expenses	\$ 5,800	\$ 5,800	\$ -
Facilities for the Physically Disabled	\$ 700	\$ -	\$ (700)
Health and Safety projects at various parks/historic sites	\$ 4,700	\$ -	\$ (4,700)
Preservation of Facilities	\$ 27,500	\$ 33,600	\$ 6,100
Preventative Maintenance Purpose at various parks/historic sites	\$ 5,200	\$ 5,200	\$ -
New York Works-Empire State Trail, ORDA, Belleayre	\$252,500	\$202,500	\$ (50,000)
Total	\$553,900	\$538,400	\$33,800



FY 2024 Executive Budget ORDA Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Maintenance of Olympic and Ski facilities	\$ 10,000	\$ 10,000	\$ -
Upgrade, Renovation, and Moderniation of ORDA owend facilities	\$ 92,500	\$ 80,000	\$ (12,500)
Total	\$102,500	\$90,000	(\$12,500)



FACT SHEET: Public Protection

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Public Protection Budget Highlights

Department of Corrections and Community Supervision

- The FY 2024 Executive Budget recommends All Funds appropriations of \$3.06 billion for State Operations and Aid to Localities programs, an increase of \$60.7 million, or 2 percent, from FY 2023. This increase is attributable to retroactive general salary increases paid in FY 2023 and the addition of 70 FTEs, for the purpose of the establishment of a Supervision Against Violent Engagement (SAVE) program.
- The FY 2024 Executive Budget recommends \$481.2 million for Capital appropriation, a \$2.1 million, or 0.45 percent, increase from FY 2023.

Division of Criminal Justice Services

- The FY 2024 Executive Budget recommends All Funds appropriations of \$556.5 million for State Operations and Aid to Localities programs, an increase of \$70.1 million, or 14.7 percent, from FY 2023. This increase is primarily driven by a \$67.7 million increase in Aid to Localities program funding, which includes additional funding for prosecution services, pretrial services, and the Gun Involved Violence Elimination (GIVE) Initiative.
- The FY 2024 Executive Budget recommends \$103 million for Capital appropriation, a \$7 million, or 6.4 percent decrease from FY 2023.

Division of State Police

- The FY 2024 Executive Budget recommends All Funds appropriation of \$1.3 billion, an increase of \$245.7 million, or a 23.4 percent, from FY 2023. This includes a \$147 million, or 16 percent, increase in State Operations appropriations and a \$107.8 million, or 83.1 percent, increase in Capital appropriations.

Division of Homeland Security and Emergency Services

- The FY 2024 Executive Budget recommends All Funds appropriations of \$9.1 billion for the division, an increase of \$4.4 billion or 92 percent. This increase is primarily due to the doubling of appropriation authority to \$8 billion to accommodate Federal Disaster Assistance, which is used to reimburse local governments for their FEMA/COVID-19 claims.

Division of Military and Naval Affairs

- The FY 2024 Executive Budget recommends All Funds appropriations of \$331 million, an increase of \$116.9 million, or 55 percent. This increase is primarily due to \$100 million of new appropriation authority to support a new multi-year renovation and rehabilitation project at the Lexington Avenue Armory in New York City.

Office of Court Administration

- The FY 2024 Executive budget recommends All Funds appropriations of \$3.4 billion, an increase of \$122 million, or 3.7 percent.

Notable Issues

- The Executive proposes eliminating the requirement that judges impose the “least restrictive” means of ensuring the defendant’s reappearance in court for qualifying offenses or where bail would otherwise be authorized (such as where the defendant has willfully and persistently failed to reappear in court). The proposal does not add a dangerousness standard for bail-eligible offenses, but it does remove the language that requires judges to make a determination that the defendant poses a risk of flight before setting bail. This proposal also does not expand the list of “qualifying offenses,” nor does it expand judicial discretion for offenses that do not qualify for bail.
- The Executive proposes the creation of a statewide repository of data relating to criminal offenses involving the discharge of any firearm, rifle or shotgun. This repository will be developed, implemented and maintained by the State Police. According to the Executive, the purpose of this proposal is to aid in investigation of and response to gun crimes. However, this would enable the State Police to maintain a database of certain guns within the State and the data provided could also be used to justify additional laws limiting legal access to firearms.
- The Executive proposes a number of technical changes to the Concealed Carry Improvement Act, including the list of exceptions to the prohibitions against carrying a gun in a sensitive location to include, among other things, participation in military ceremonies, funerals, honor guards, and historical reenactments.



Spending Highlights

- The FY 2024 Executive Budget proposes a \$7.4 million for increased staffing for an enhanced parole supervision program within DOCCS (Supervision Against Violent Engagement).
- The Executive proposes significant spending increases for State Police, including \$66.7 million to add two additional State Police Academy classes (in addition to the two already planned) and \$100 million for a new forensic laboratory.
- The Executive proposes continuing the \$40 million appropriation to the Criminal Justice Discovery Compensation Fund and the \$40 million appropriation for grants to District Attorney's Office to assist with discovery compliance. The proposal also includes an additional \$40 million to District Attorney's Offices to hire new prosecutors and \$7 million for an Anti-Fentanyl Innovation Grant, which would be used to create specialized units targeting illegal fentanyl distribution.
- The Executive proposes increasing the appropriation for the GIVE Initiative from \$18.1 million to \$36.4 million. There is also a proposal to increase funding for inmate re-entry programs by \$7.6 million and increase funding for Alternatives to Incarceration programs by \$17.6 million.
- The Executive Budget includes a proposal to continue the \$25 million appropriation for a grant program for nonprofit organizations at risk of hate crime or attack to invest in safety and security projects and adds a \$10 million appropriation specifically for nonprofit reproductive health centers at risk of attack.
- The Executive Budget proposes expanding eligibility for World Trade Center death and disability benefits to servicemembers who were activated to State Active Duty on or after September 11, 2001 in response to the attack on the World Trade Center, and includes a \$4 million appropriation for this purpose.



PUBLIC PROTECTION

The FY 2024 Executive Budget recommends State Operations and Aid to Localities appropriations of \$14.4 billion for all public protection agencies. This is an increase of \$4.4 billion or 43 percent.

The FY 2024 Executive Budget recommends State Operations and Aid to Localities appropriations of \$2.9 billion for the Office of Court Administration and the Department of Law. This is an increase of \$144.5 million or 5.3 percent.

State Operations

Department of Corrections and Community Supervision

The Executive Budget recommends an All Funds appropriation of \$3.02 billion in State Operations for the Department of Corrections and Community Supervision (DOCCS). This is an increase of \$62.8 million, or 1.8 percent, from FY 2023. This increase is attributable to retroactive general salary increases paid in FY 2023 and a \$7.4 million investment to create an enhanced parole supervision program (“Supervision Against Violent Engagement” or “SAVE” program) within the Department. This program would involve the addition of 70 FTEs.

Division of Criminal Justice Services

The Executive Budget recommends an All Funds appropriation of \$90.4 million in State Operations for the Division of Criminal Justice Services (DCJS). This is an increase of \$3.4 million, or 3.9 percent, from FY 2023. (see chart on page X)

Division of State Police

The Executive Budget recommends an All Funds appropriation of \$1.06 billion in State Operations for the Division of State Police. This is an increase of \$147 million, or 16 percent, from FY 2023. This increase includes funding for Executive proposals to expand Community Stabilization Units and add two State Police Academy classes in addition to the two already planned.

Judiciary

The Executive Budget recommends an All Funds appropriation of \$2.3 billion in State operations for the Judiciary. This is an increase of \$105 million, or 4.9 percent, from FY 2023. A large portion of the increase in funding is due to increased compensation costs. There are various reasons for this increase including salary increases, compensation for newly established judgeships and related nonjudicial positions, and increased projected staffing levels more generally. Approximately \$43.8 million of the state operations

funding increase is intended to provide budget authority in the event the FY 2024 enacted budget provides for an hourly rate increase for Attorney for the Child panel attorneys and for assigned counsel attorneys (section 35 of the Judiciary Law).

[Division of Homeland Security and Emergency Services](#)

The Executive Budget recommends an All Funds appropriation of \$138.3 million in State operations for the Division of Homeland Security and Emergency Services. This is an increase of \$50.5 million, or 57.5 percent, from FY 2023. This change is largely due to \$40.95 million in new appropriations for the Counter Terrorism Program. Additionally, the Executive Budget recommends the addition of 28 FTEs.

[Division of Military and Naval Affairs](#)

The FY 2024 Executive Budget recommends All Funds appropriations of \$149.9 million for the Division of Military and Naval Affairs, an increase of \$12.5 million, or 9.1 percent. The Executive Budget recommends the addition of 2 FTEs.

[Office of Indigent Legal Services](#)

The Executive Budget recommends an All Funds appropriation of \$7.3 million in State Operations for the Office of Indigent Legal Services (OILS). This is an increase of \$292,000, or 4.2 percent, from FY 2023.

[Department of Law](#)

The Executive Budget recommends an All Funds appropriation of \$342.4 million in State operations for the Department of Law. This is an increase of \$33.8 million, or 11 percent, from FY 2023. This change is largely due to general salary and inflationary increases, as well as the addition of 39 FTEs.

[Office of Victim Services](#)

The Executive Budget recommends an All Funds appropriation of \$18.3 million in State Operations for the Office of Victim Services (OVS). This is an increase of \$687,000, or 3.9 percent, from FY 2023.

[Office for the Prevention of Domestic Violence](#)

The Executive Budget recommends an All Funds appropriation of \$5.1 million in State Operations for the Office for the Prevention of Domestic Violence (OPDV). This is an increase of \$851,000, or 19.9 percent, from FY 2023. This increase is largely attributable to costs associated with the Executive proposal for a modernized gender-based violence policy.

[Commission of Correction](#)

The Executive Budget recommends an All Funds appropriation of \$3.9 million in State Operations for the Commission of Correction. This is an increase of \$532,000, or 16 percent, from FY 2023.



Judicial Commissions

The Executive Budget recommends an All Funds appropriation of \$8.1 million for the Commission on Judicial Conduct, an increase of \$939,000, or 13.1 percent. This increase is primarily due to the addition of 6 FTEs, general salary increases, and increased lease and equipment costs.

The Executive Budget recommends the same level of funding as in FY 2023 for the Commission on Judicial Nomination (\$30,000) and the Judicial Screening Committees (\$38,000).

Commission on Prosecutorial Conduct

The Executive Budget recommends an All Funds appropriation for the Commission on Prosecutorial Conduct of \$1.75 million, which is unchanged from FY 2023.

Aid to Localities

Department of Corrections and Community Supervision

The Executive Budget recommends an Aid to Localities appropriation of \$37 million for DOCCS. This is the same appropriation as FY 2023. (*see chart on page X*)

Division of Criminal Justice Services

The Executive Budget recommends an Aid to Localities appropriation of \$466.1 million for DCJS. This is a \$67.7 million, or 17 percent, from FY 2023. This increase primarily results from additional investments in criminal justice programming including:

- \$18.2 million for Project GIVE (\$36.4 million total)
- \$17.6 million for Alternatives to Incarceration Programs (\$36.6 million total)
- \$3 million for Crime Analysis Centers (\$18 million total)
- \$10 million for Pretrial Services (\$40 million total)
- \$40 million to District Attorneys' Offices to hire new prosecutors
- \$7 million to District Attorneys' Offices to create specialized units to target fentanyl distribution and prosecute overdose deaths

(see chart following Article VII proposals)

Judiciary

The Executive Budget recommends an Aid to Localities appropriation of \$283.4 million. This is an increase of \$5.6 million, or 2.0 percent, from FY 2023. *(see chart following Article VII proposals)*

Division of Homeland Security and Emergency Services

The Executive Budget recommends an Aid to Localities appropriation of \$8.9 billion for the Division of Homeland Security and Emergency Services. This is an increase of \$4 billion, or 82.7 percent, from FY 2023. The increase is primarily due to \$4 billion in additional appropriation authority for the federal Disaster Assistance appropriation which is used to reimburse local governments and the state for their share of COVID-19 and other FEMA claims. *(see chart following Article VII proposals)*

Division of Military and Naval Affairs

The Executive Budget recommends an Aid to Localities appropriation of \$1.5 million for the Division of Military and Naval Affairs. This is an increase of \$500,000, or 50 percent. *(see chart following Article VII proposals)*

Office of Indigent Legal Services

The Executive Budget recommends an Aid to Localities appropriation of \$ for the OILS. This is an increase of \$292,000, or 4.2 percent, from FY 2023. This is the same appropriation as FY 2023. *(see chart following Article VII proposals)*

Office of Victim Services

The Executive Budget recommends an Aid to Localities appropriation of \$198.7 million for the OVS. This is the same appropriation as FY 2023. *(see chart following Article VII proposals)*

Office for the Prevention of Domestic Violence

The Executive Budget recommends an Aid to Localities appropriation of \$6.8 million for the OPDV. This is an increase of \$300,000, or 4.6 percent, from FY 2023. *(see chart following Article VII proposals)*

Capital Funding

Department of Corrections and Community Supervision

The Executive Budget recommends a capital appropriation of \$481.2 million for DOCCS. This is an increase of 2.1 million, or 0.45 percent, from FY 2023.



(see chart following Article VII proposals)

[Division of Criminal Justice Services](#)

The Executive Budget recommends a capital appropriation of \$103 million for DCJS. This is a decrease of \$7 million, or 6.7 percent, from FY 2023. The Executive proposes a \$10 million increase in funding for the Securing Communities Against Hate Crimes grant program. This allocation is intended to provide funding to nonprofit reproductive health centers for security and safety projects. The Executive eliminates a \$25 million appropriation from FY 2023 that was used to create a statewide discovery database. (see chart following Article VII proposals)

[Division of State Police](#)

The Executive Budget recommends a capital appropriation of \$237.5 million for the State Police. This is an increase of \$107.8 million, or 83 percent, from FY 2023. This increase is primarily attributable to a proposal to construct a new forensic laboratory. (see chart following Article VII proposals)

[Judiciary](#)

The Executive Budget recommends a capital appropriation of \$28 million. This is an increase of \$3 million, or 12.0 percent, from FY 2023. (see chart following Article VII proposals)

[Division of Homeland Security and Emergency Services](#)

The Executive Budget recommends a capital appropriation of \$93 million for the Division of Homeland Security and Emergency Services. This is an increase of \$62 million, or 200 percent, from FY 2023. The increase reflects \$62 million in additional capital funding for a new Emergency Operations Center and a Field Evolutions Building at the State Academy of Fire Science. (see chart following Article VII proposals)

[Division of Military and Naval Affairs](#)

The Executive Budget recommends a capital appropriation of \$179.7 million for the Division of Homeland Security and Emergency Services. This is an increase of \$103.9 million, or 137 percent, from FY 2023. This increase is primarily due to \$100 million of new appropriation authority to support a new multi-year renovation and rehabilitation project at the Lexington Avenue Armory in New York City.

(see chart following Article VII proposals)

[Department of Law](#)

The Executive Budget recommends a capital appropriation of \$2.75 million for the Department of Law. This is a decrease of \$3.75 million, or 58 percent, from FY 2023. Capital funding would be used to acquire and develop various equipment, software, and technology services.

Office of Victim Services

The Executive Budget recommends a capital appropriation of \$1.5 million for the OVS. This is an increase of \$300,000, or 25 percent, from FY 2023. *(see chart following Article VII proposals)*

General State Charges

Judiciary

The Executive Budget recommends an appropriation of \$836 million for fringe benefits. This is an increase of \$8.3 million, or 1.0 percent, from FY 2023.

Article VII Proposals

The FY 2024 Executive Budget proposes the following statutory amendments:

Extend Various Criminal Justice and Public Safety Programs that would Otherwise Sunset (PPGG, S.4005, Part A)

- Extends for two years, various criminal justice and public safety programs, including, but not limited to:
 - Mandatory surcharge and crime victim assistance fees;
 - Inmate work release programs and furloughs;
 - Protective measures for child witnesses;
 - Mandatory arrest in cases of domestic violence;
 - Provisions of the Sentencing Reform Act of 1995; and
 - Ignition interlock program for individuals convicted of alcohol-related violations.

Make Improvements to the State's Bail Laws (PPGG, S.4005, Part B)

- Modifies the bail laws to remove the requirement that judges impose the least restrictive means of reasonably ensuring a criminal defendant's reappearance in court for defendants charged with bail-eligible offenses or where bail would otherwise be authorized under the law, such as where the court determines the defendant has willfully and persistently failed to appear in court on the instant case.



- Under this proposal, in cases where bail is authorized, judges would no longer need to make an individualized determination that the defendant poses a risk of flight to avoid prosecution. The factors for making a bail determination remain the same.
- This proposal does not expand the list of bail-eligible offenses, nor does it eliminate the least restrictive means requirement or modify the standard for defendants who are not bail eligible

Body Scanner Technology (PPGG, S.4005, Part C)

- Authorizes state correctional facilities, secure or specialized secure detention facilities, or facilities for youth placed with or committed to the Office of Children and Family Services (OCFS) to utilize body scanning equipment. All correctional or detention facilities authorized to utilize body scanning equipment would be able to scan both inmates and visitors who are visiting such facilities.
- The Commission on Correction, in consultation with the Department of Corrections and Community Supervision (DOCCS) and the OFCS would be required to promulgate regulations establishing when such equipment will be used to screen visitors.
- Where body scanning equipment is utilized in DOCCS or OFCS facilities, DOCCS or OFCS, whichever is applicable, must annually submit a report to the Department of Health, the Speaker of the Assembly, and the Temporary President of the Senate. This report must include the number of times the equipment was used and the average, median and highest number of times the equipment was used on any individual, with corresponding exposure levels.
- Currently, local correctional facilities are authorized to utilize body scanning equipment to screen inmates only. Local facilities using such equipment are also subject to the reporting requirements discussed above.

Lower Hiring Age for Correction Officers (PPGG, S.4005, Part D)

- Lowers the minimum hiring age for correction officers from 21 years old to 19 years old. This does not apply to parole officers; the minimum hiring age for parole officers remains 21 years old.

Establish Statewide Repository of Criminal Shooting Incidents (PPGG, S.4005, Part E)

- Requires the Division of State Police to establish and maintain a statewide repository of data relating to criminal offenses involving the discharge of any firearm, shotgun, or rifle.

- The State Police must develop and implement a program to provide for the collection of such data and the report of such data by law enforcement agencies. Such data must be sent to the repository as soon as practicable, but no more than 72 hours after a law enforcement agency determined that a gun was discharged in connection with a criminal offense.
- Such reporting must include:
 - The location of the incident;
 - The nature of the criminal offense and circumstances of the firearm, rifle, or shotgun discharge;
 - The nature and extent of any injuries suffered as a result of the firearm, rifle or shotgun discharge;
 - The firearm, rifle, or shotgun manufacturer, model, serial number, caliber, and any ammunition microstamping identifier;
 - Whether an arrest has been made and, if so, the crimes charged; and
 - Any information related to any ammunition cartridge cases recovered at the scene including, but not limited to, the caliber and manufacturer.

[Technical Amendments to the Concealed Carry Improvement Act \(PPGG, S.4005, Part F\)](#)

Subpart A

Possession in Sensitive and Restricted Locations

- Amends the Criminal Possession of a Firearm, Rifle or Shotgun in Sensitive Locations statute (Penal Law § 265.01-e) to add the following exceptions to the law:
 - Within places of worship, persons responsible for security at such place of worship;
 - Persons while lawfully engaged in taking of wildlife or attempts to take wildlife pursuant to a hunting license, permit or license issued by the Department of Environmental Conservation, or as otherwise authorized pursuant to the Environmental Conservation Law, and persons while engaged in hunter education training, marksmanship practice, marksmanship competition or training, or training in the safe handling and use of firearms;
 - Persons, while acting in the scope of their official duties, who are employed in the revenue control and security departments of the MTA, or the New York City Transit Authority or an affiliate or subsidiary thereof, who are authorized to carry a firearm as part of their employment;
 - Persons engaging in historical reenactments or motion picture or theatrical productions;
 - Persons, while acting within the scope of their official duties, responsible for the storage or display of antique firearms, rifles or shotguns at museums and historic sites;
 - Persons while participating in military ceremonies, funerals, and honor guards; and



- Persons while lawfully engaging in learning practicing, training for, competing in, or traveling into or within the state to learn, practice, train for, or compete in, the sport of biathlon.
- Clarifies that, for the purpose of this statute, “public park” does not include the Adirondack Park or the Catskill Park.
- Exempts law enforcement officers authorized to carry concealed pursuant to the Federal Law Enforcement Officers Safety Act from the Criminal Possession of a Weapon in a Restricted Location statute. The proposed amendment to this statute also includes the expanded exemption for hunting-related activities and the exemption for employees of the revenue control and security departments of MTA and New York City Transit Authority, as discussed above.

Safe Storage in Vehicles and Body Armor

- Exempts law enforcement officers and persons in military service acting in the course of their employment or military service from the firearm storage requirements in vehicles.
- Changes Unlawful Purchase of Body Armor to Unlawful Purchase of Body Armor in the Second Degree (Penal Law § 270.21) and adds Unlawful Purchase of Body Armor in the First Degree (Penal Law § 270.21-a), a class E felony, to create a separate statute for enhanced penalties for those who unlawfully purchase body armor and have been convicted of Unlawful Purchase of Body Armor in the Second Degree within the previous ten years.
- Changes Unlawful Sale of Body Armor to Unlawful Sale of Body Armor in the Second Degree (Penal Law § 270.22) and adds Unlawful Purchase of Body Armor in the First Degree (Penal Law § 270.22-a), a class E felony, to create enhanced penalties for those who unlawfully sell body armor and have been convicted off Unlawful sale of Body Armor in the Second Degree within the previous ten years.
-
- The enhanced penalties for a prior conviction of Unlawful Purchase or Unlawful Sale of Body armor already exist within the law; this proposal is a technical change to how the statutes are structured in the Penal Law.
- Allows persons engaged in military service who are issued body armor as a requirement of such service to purchase or take possession of body armor.

Subpart B

Semiautomatic Rifle License

- Exempts police officers, authorized peace officers, and persons in military service acting in the course of their official military duties or employment from the license requirement to purchase or take possession of a semiautomatic rifle.

- Changes Criminal Purchase of a Semiautomatic Rifle to Criminal Purchase of a Semiautomatic Rifle in the Second Degree (Penal Law § 265.65) and adds Criminal purchase of a Semiautomatic Rifle in the First Degree (Penal Law § 265.65-a) to create enhanced penalties for those who purchase or take possession of a semiautomatic rifle without a license and have been convicted of Criminal Purchase of a Semiautomatic Rifle in the Second Degree within the previous ten years.
- The enhanced penalties for a prior conviction already exist within the law; this proposal is a technical change to how the statutes are structured in the Penal Law.

Establish the Hazard Mitigation State Revolving Loan Fund (PPGG, S.4005, Part G)

- Establishes the Hazard Mitigation State Revolving Loan Fund within the State Comptroller.
- The Commissioner of Division of Homeland Security and Emergency Services may provide loans to local governments for eligible hazard mitigation activities to reduce disaster risk for homeowners, businesses, nonprofits and communities.

Expand Eligibility for World Trade Center Deaths and Disability Benefits to New York's Organized Militia (PPGG, S.4005, Part J)

- Expands eligibility for World Trade Center death and disability benefits to servicemembers who were activated to State Active Duty on or after September 11, 2001 in response to the attack on the World Trade Center, and includes a \$4 million appropriation for this purpose.

Modernize Gender-Based Violence Policies and Procedures (PPGG, S.4005, Part I)

- Repeals the existing statute in Executive Law related to model domestic violence policy for counties and replaces it with a new section of law that would create a model domestic and gender-based violence policy for New York State and its counties.
- Requires that the Office for the Prevention of Domestic Violence convenes a task force of State and county-level officials to develop a model domestic and gender-based violence policy for counties and the State.
- This new model policy shall foster a survivor-centered, culturally responsive, and trauma-informed response across all systems providing services to victims of domestic and gender-based violence.
- The task force will hold a public hearing and must make public a draft policy no later than December 1st, 2024.
- Counties would be required to adopt the model policy within six months of it being completed.
- The Office for the Prevention of Domestic Violence shall survey county governments every five years after the issuance of such policy to evaluate the effectiveness of the policy, to determine the level of



compliance, and identify any additional steps that must be taken to aid in the implementation of such policy.

- According to the Executive, New York’s model policy for domestic violence has not been updated in more than 30 years.

Article 18-b Assigned Counsel Rate Increases (PPGG, S.4005, Part P)

- Proposes to increase the hourly rate paid to assigned counsel program attorneys statewide
- Assigned counsel program rates in New York City and other downstate counties (Suffolk, Nassau, Westchester, Rockland, Putnam, Orange, Dutchess, Ulster, and Sullivan) would be increased to \$158 per hour
- All other upstate counties would see rate increases to \$119 per hour
- Currently, the rate for representation on misdemeanors is \$60 an hour and the rate for representation for all other cases is \$75.
- Proposes an increase on the cap on total compensation for time expended providing representation as follows:
 - New York City and other downstate counties would have a cap of \$10,000 for any type of case
 - Upstate counties would have a cap of \$7,000 for any type of case
 - Currently, fees for representation on misdemeanor cases is capped at \$2,400 and all other kinds of cases are capped at \$4,400
- Act would take effect on April 1, 2023

Market-Based Interest Rate on Court Judgments (PPGG, S.4005, Part U)

- Executive proposal changes the post-judgment legal rate of interest for civil actions and accrued claims. The current legal rate of nine percent per year would be changed to a market rate that is equal to the weekly average one-year constant maturity yield, during the calendar week preceding the date of the entry of judgment.

**FY 2024 Executive Budget DOCCS Local Assistance Funding Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Vocational or Employment Skills Training Programs	\$1,029	\$1,029	\$0
Programs for Treatment, Residential Stabilization and Other Services for Offenders in the Community	\$7,104	\$7,104	\$0
Vocational Training Program for Parolees, Other Offenders and Former Inmates	\$9,000	\$9,000	\$0
Medical Assistance Services to Inmates	\$14,000	\$14,000	\$0
Family Televisiting Program - Albion CF	\$430	\$430	\$0
Re-enty Program - Queensboro CF	\$250	\$250	\$0
Housing and Board of Felony Offenders - Localities	\$5,200	\$5,200	\$0
Total	\$37,013	\$37,013	\$0

**FY 2024 Executive Budget Department of Corrections and Community Supervision Capital Funding
Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Facilities Maintenance and Operations	\$107,100	\$109,242	\$2,142
Maintenance and Improvement of Existing Facilities	\$372,000	\$372,000	\$0
Total	\$479,100	\$481,242	\$2,142



FY 2024 Executive Budget Division of Criminal Justice Services Local Assistance Funding Appropriation Changes - General Fund (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
New York State Prosecutor's Training Institute	\$2,078	\$2,078	\$0
New York State District Attorney's Association	\$100	\$100	\$0
Witness Protection Program	\$287	\$287	\$0
Grants for District Attorney Salaries	\$4,212	\$4,212	\$0
Special Narcotics Prosecutor	\$825	\$825	\$0
State Crime Laboratories	\$6,273	\$6,273	\$0
Purchase of Ballistic Soft Body Armor	\$1,350	\$1,350	\$0
Programs to Reduce Risk of Reoffending	\$3,842	\$11,526	\$7,684
Project GIVE	\$18,190	\$36,380	\$18,190
Probationary Services to Counties and NYC	\$44,876	\$44,876	\$0
Alternatives to Incarceration - Municipalities	\$5,217	\$5,217	\$0
Alternatives to Incarceration - Non-Profits and Government Operated Programs	\$13,819	\$31,420	\$17,601
Probation and Community Correction Residential Centers	\$945	\$0	(\$945)
Operation S.N.U.G.	\$20,965	\$20,965	\$0
Rape Crisis Centers	\$3,700	\$3,553	(\$147)
Crimes Against Revenue Program	\$13,521	\$13,521	\$0
Non-profit and Government Operated Programs Providing Defendant Screening, Assessment, Referral, Monitoring and Case Management	\$946	\$0	(\$946)
Gang Prevention Youth Programs - Long Island	\$500	\$500	\$0
Crime Reduction, Youth Justice, and Gang Prevention Programs	\$31,063	\$31,063	\$0
Operation of Crime Analysis Centers	\$14,950	\$17,950	\$3,000
Aftermath of Violence Programs	\$20,000	\$20,000	\$0
Pretrial Services Programs	\$10,000	\$20,000	\$10,000
Assistance for Discovery Reform - Local Law Enforcement and Prosecution Offices	\$40,000	\$40,000	\$0
Community Safety and Restorative Justice Programs	\$7,300	\$0	(\$7,300)
Criminal and/or Civil Legal Services in Upstate Counties	\$3,500	\$0	(\$3,500)

Additional Gun Violence Prevention Programs	\$1,540	\$0	(\$1,540)
Additional Pretrial Services Programs	\$5,000	\$0	(\$5,000)
New York State Defender's Association	\$2,100	\$0	(\$2,100)
Prisoners' Legal Services	\$1,200	\$0	(\$1,200)
Westchester County Policing Program	\$2,600	\$0	(\$2,600)
Various Legislative Adds	\$10,488	\$0	(\$10,488)
Prosecutorial Services to Counties – Hire Additional Prosecutors	\$0	\$40,000	\$40,000
Prosecutorial Services to Counties - Creation of Specialized Fentanyl Units	\$0	\$7,000	\$7,000
Total	\$291,387	\$359,096	\$67,709

FY 2024 Executive Budget Division of Criminal Justice Services Local Assistance Funding Appropriation Changes - Special Revenue Funds Special Revenue Funds (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Federal Identification Technology Grants	\$2,250	\$2,250	\$0
Federal Criminal Justice Grants	\$13,000	\$13,000	\$0
Edward Byrne Justice Assistance Formula Program	\$6,000	\$6,000	\$0
Federal Juvenile Justice and Delinquency Prevention	\$2,150	\$2,150	\$0
Violence Against Women Prevention Programs	\$6,500	\$6,500	\$0
New York State Defenders Association - ILS	\$1,030	\$1,030	\$0
Criminal Defense Services	\$7,658	\$7,658	\$0
Prisoner's Legal Services - ILS	\$2,200	\$2,200	\$0
Medical Cannabis Law Enforcement	\$200	\$200	\$0
Rape Crisis Centers	\$2,788	\$2,788	\$0
Criminal Justice Discovery Compensation Fund	\$40,000	\$40,000	\$0
Drug Enforcement Task Forces	\$100	\$100	\$0
Aid to Prosecution Grant	\$12,549	\$12,549	\$0
District Attorney and Indigent Legal Services Loan Attorney Loan Forgiveness Program	\$2,430	\$2,430	\$0
Local Anti-Auto Theft Programs	\$3,749	\$3,749	\$0
Legal Action Center	\$180	\$180	\$0
Local Government Agencies, Non-Profit Programs Providing Civil or Criminal Legal Services	\$4,200	\$4,200	\$0
Total	\$106,984	\$106,984	\$0



FY 2024 Executive Budget Division of Criminal Justice Services Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Securing Communities Against Hate Crimes Grant Program	\$25,000	\$25,000	\$0
Securing Communities Against Hate Crimes Grant Program - Reproductive Health Centers		\$10,000	\$10,000
Crime Reduction Strategies in Communities Affected by Gun Violence	\$50,000	\$50,000	\$0
Statewide Discovery Database	\$25,000	\$0	(\$25,000)
Capital Investments for Pretrial, Alternative to Incarceration Services and Reentry Programs	\$10,000	\$0	(\$10,000)
Acquisition and Development of Technology	\$0	\$18,000	\$18,000
Total	\$110,000	\$103,000	(\$7,000)

FY 2024 Executive Budget Division of State Police Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Facilities and Maintenance Operations	\$9,037	\$9,982	\$945
Justice Department Federal Equitable Sharing Agreement	\$30,000	\$30,000	\$0
Treasury Department Federal Equitable Sharing Agreement	\$30,000	\$30,000	\$0
Maintenance and Improvement of Existing Facilities	\$54,635	\$55,482	\$847
Design, Construction and Outfitting of New Stations and Zone Headquarters	\$6,000	\$12,000	\$6,000
Design, Construction and Outfitting of Forensic Laboratory Facilities	\$0	\$100,000	\$100,000
Total	\$129,672	\$237,464	\$107,792

FY 2024 Executive Budget Office of Court Administration Local Assistance Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Services and Expenses associated with Civil Legal Services Program	\$95,724	\$98,596	\$2,872
Services and Expenses Associated with Justice Court Assistance Program	\$3,000	\$3,000	\$0
Services and Expenses Related to IOLA	\$16,892	\$17,399	\$507
For Services and Expenses Associated with the Criminal Caseload Reduction Program	\$47,000	\$47,000	\$0
Court Facilities Incentive Aid Program	\$115,215	\$117,450	\$2,235
Total	\$277,831	\$283,445	\$5,614

FY 2024 Executive Budget Office of Court Administration Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
IT, Facility Renovation, and Security Initiative Program	\$25,000	\$28,000	\$3,000
Total	\$25,000	\$28,000	\$3,000

FY 2024 Executive Budget Homeland Security and Emergency Services Local Assistance Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Counter-Terrorism Program	\$600,000	\$575,000	(\$25,000)
Disaster Assistance Program	\$4,150,000	\$8,165,000	\$4,015,000
Emergency Management Program	\$25,663	\$24,663	(\$1,000)
Fire Prevention and Control Program	\$5,048	\$10,588	\$5,540
Interoperable Communications Program	\$75,000	\$95,000	\$20,000
Total	\$4,855,711	\$8,870,251	\$4,014,540



FY 2024 Executive Budget Homeland Security and Emergency Services Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Design and Construction Supervision	\$28,000	\$90,000	\$59,000
Maintenance and Improvement of Existing Facilities	\$3,000	\$3,000	\$0
Total	\$34,000	\$93,000	\$59,000

FY 2024 Executive Budget Division of Military and Naval Affairs Local Assistance Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Military Readiness Program	\$1,000	\$1,500	\$500
Total	\$1,000	\$1,500	\$500

FY 2024 Executive Budget Division of Military and Naval Affairs Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Design and Construction Supervision	\$13,801	\$13,801	\$0
Facilities Maintenance and Operations	\$11,000	\$14,920	\$3,920
Maintenance and Improvements	\$51,000	\$151,000	\$100,000
Total	\$75,801	\$179,721	\$103,920

**FY 2024 Executive Budget Indigent Legal Services Agency Local Assistance Funding Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Improving Quality of 18-B Representation in Family Court	\$4,500	\$4,500	\$0
Statewide Implementation of Hurrell-Harring Settlement	\$250,000	\$250,000	\$0
Hurrell-Harring Settlement Program - Select Counties	\$23,810	\$23,810	\$0
Indigent Legal Services Contracts - Municipalities	\$81,000	\$81,000	\$0
Total	\$359,310	\$359,310	\$0

**FY 2024 Executive Budget Department of Law Capital Funding Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
IT Initiative Program	\$6,500	\$2,750	(\$3,750)
Total	\$6,500	\$2,750	(\$3,750)

**FY 2024 Executive Budget Office of Victim Services Local Assistance Funding Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Payments to Victims Program	\$35,603	\$35,603	\$0
Victim and Witness Assistance Program	\$163,040	\$163,040	\$0
Total	\$198,643	\$198,643	\$0

**FY 2024 Executive Budget Office of Victim Services Capital Funding Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Storage Facility for Sexual Offense Evidence Collection Kits	\$1,200	\$1,500	\$300
Total	\$1,200	\$1,500	\$300



FY 2024 Executive Budget Office for the Prevention of Domestic Violence Agency Local Assistance Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Programs for the Prevention of Domestic and Gender-Based Violence	\$1,165	\$1,165	\$0
Legal Services and Programs that Prevent Domestic and Gender-Based Violence	\$220	\$170	(\$50)
Rape Crisis Centers	\$4,500	\$4,500	\$0
Sexual Harassment and Gender-Based Violence Awareness Program	\$150	\$0	(\$150)
Federal Grants for State and Local Programs to Support Domestic Violence Prevention Programs	\$500	\$1,000	\$500
Total	\$6,535	\$6,835	\$300



FACT SHEET: Economic Development

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Economic Development Budget Highlights

- The FY 2024 Executive Budget recommends State Operations and Aid to Localities appropriations for Economic Development of \$374 million, a decrease of \$469 million from last year's Enacted Budget. This reduction largely reflects the elimination of Legislative initiatives and the expiration of COVID era programs.
- The FY 2024 Executive Budget recommends Capital appropriations for Economic Development of \$1 billion, a decrease of \$3.9 billion from last year's Enacted Budget.

Notable Issues

- The FY 2024 Executive Budget proposes to provide for reciprocity between New York State and New York City MWBE Certification and increase the discretionary procurement threshold for MWBEs for New York City and New York State.
- The FY 2024 Executive Budget proposes to create a new program called the Extended Prosperity and Innovation Campuses ("EPIC") Initiative to replace the START-UP NY program.

Spending Highlights

- \$455 million for the renovation of the Belmont Park Racetrack.
- \$150 million for another round of the Regional Economic Development Council Initiative.



ECONOMIC DEVELOPMENT

The FY 2024 Executive Budget recommends State Operations and Aid to Localities appropriations for Economic Development of \$374 million, a decrease of \$469 million from last year's Enacted Budget. This reduction largely reflects the elimination of Legislative initiatives and the expiration of COVID era programs.

The FY 2024 Executive Budget recommends Capital appropriations for Economic Development of \$1 billion, a decrease of \$3.9 billion from last year's Enacted Budget.

State Operations

[Department of Economic Development](#)

The FY 2024 Executive budget proposes State Operations appropriation \$35.7 million, a decrease of \$4.3 million from FY 2023 Enacted Budget levels.

Aid to Localities

[Department of Economic Development](#)

The FY 2024 Executive budget proposes Department of Economic Development Aid to Localities appropriations of \$67.2 million, an increase of \$3.6 million over last year's Enacted Budget. (see chart following Article VII proposals)

[Urban Development Corporation](#)

The FY 2024 Executive budget proposes Urban Development Corporation Aid to Localities appropriations of \$271.1 million, a decrease of \$469 million from last year's Enacted Budget. This largely reflects the expiration of COVID-19 pandemic relief programs. (see chart following Article VII proposals)

Capital Funding

[Urban Development Corporation](#)

The FY 2024 Executive budget proposes Urban Development Corporation Capital Funding appropriations of \$1 billion, a decrease of \$3.5 billion from last year's Enacted Budget. (see chart following Article VII proposals)

Article VII Proposals

The FY 2024 Executive Budget proposes the following statutory amendments:

[Innovation Matching Funds for Small Businesses](#) (TED, S.4008, Part DD)

- Establishes a matching grant program for small businesses that have been awarded Phase One or Phase Two grants under the Federal Small Business Innovation Research Program or the Federal Small Business Technology Transfer Program.
- Currently 27 other states have a similar matching grant program.
- The Executive estimates that the cost of this program will be roughly \$6 million annually.

[Increase Battery Park City Authority Bond Capacity](#) (TED, S.4008, Part EE)

- Increases the bonding authority of Battery City Park as follows-
 - Increases the renewable bonding capacity from \$300 million \$500 million
 - Increases the non-renewable bonding capacity from \$500 million to \$1.5 billion.
- According to the Executive, this additional authority is needed to allow the Battery Park City Authority to proceed with climate resiliency and infrastructure maintenance projects.

[Increase Maximum Award Available under the Excelsior Linked Deposit Program](#) (TED, S.4008, Part FF)

- Increases the maximum award of the Excelsior Linked Deposit Program from \$2 million to \$6 million.

[Extend the General Loan Powers of the New York State Urban Development Corporation](#) (TED, S.4008, Part GG)

- Extends the general loan powers of Urban Development Corporation until for five additional years.
- Current authority expires July 1, 2023.

[Extend the Authorization of the New York State Urban Development Corporation to Administer the Empire State Economic Development Fund](#) (TED, S.4008, Part JJ)

- Extends the authorization of UDC to administer the Empire State Economic Development Fund for five additional years
- Current authority expires July 1, 2023.



FY 2024 Executive Budget Department of Economic Development Local Assistance Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Centers of Excellence	\$14,000	\$12,025	(\$1,975)
Centers for Advanced Technology	\$15,000	\$13,559	(\$1,441)
Technology Development Matching Grants	\$1,382	\$1,382	\$0
Industrial Technology Extension Service	\$921	\$921	\$0
SUNY Poly and RPI Focus Center	\$3,006	\$4,006	\$1,000
High Technology Matching Grants	\$5,000	\$12,000	\$7,000
Innovation Hot Spots	\$5,000	\$5,000	\$0
Local Tourism Matching Grants	\$3,450	\$2,450	(\$1,000)
Research Development Program	\$343	\$343	\$0
Manufacturing Extension Partnership	\$1,470	\$1,470	\$0
Manufacturing Extension Partnership- Federal	\$14,000	\$14,000	\$0
Total	\$63,572	\$67,156	\$3,584

FY 2024 Executive Budget UDC Local Assistance Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Minority and Women Owen Business Development	\$2,000	\$635	(\$1,365)
Economically Distressed Area Development Grants	\$1,495	\$1,495	\$0
Entrepreneurial Assistance Program	\$1,764	\$1,764	\$0
Retention of Football in Western NY	\$4,811	\$5,270	\$459
Urban and Community Development Program	\$3,404	\$3,404	\$0
Empire State Economic Development Fund	\$26,180	\$26,180	\$0
Executive Economic Development Initiatives, Including Advertisement	\$45,000	\$45,000	\$0
Market NY	\$7,000	\$7,000	\$0
Various Legislative Additions	\$7,465	\$0	(\$7,465)
Small Business Pandemic Relief Program	\$200,000	\$0	(\$200,000)
Innovation Venture Competition Program	\$75,000	\$0	(\$75,000)
Workforce and Economic Development Initiatives	\$350,000	\$180,360	(\$169,640)
Federal Grants for Marketing and Tourism	\$16,000	\$0	(\$16,000)
Total	\$740,119	\$271,108	(\$469,011)

**FY 2024 Executive Budget ESDC Capital Funding Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Retention of Football in Western NY	\$2,204	\$2,270	\$66
Market NY	\$8,000	\$8,000	\$0
NY Works	\$320,000	\$400,000	\$80,000
REDC	\$150,000	\$150,000	\$0
Restore NY Communities	\$250,000	\$0	(\$250,000)
ConnectAll Initiative	\$300,000	\$0	(\$300,000)
NYS Regional Economic and Community Assistance Program	\$800,000	\$0	(\$800,000)
Offshore Wind	\$500,000	\$0	(\$500,000)
Federal Broadband- IJJA	\$800,000	\$0	(\$800,000)
Federal Broadband- ARPA	\$345,000	\$0	(\$345,000)
Long Island Investment Fund	\$350,000	\$0	(\$350,000)
Mohawk Harbor Events Center	\$10,000	\$0	(\$10,000)
Pace University Performing Arts Center	\$5,000	\$5,000	\$0
Syracuse University Carrier Dome	\$20,000	\$0	(\$20,000)
Universal Hip Hop Museum	\$11,000	\$0	(\$11,000)
New York Hall of Science	\$10,000	\$0	(\$10,000)
New Buffalo Bills Stadium	\$600,000	\$0	(\$600,000)
Renovation of Belmont Park Race Track	\$0	\$455,000	\$455,000
Total	\$4,481,204	\$1,020,270	(\$3,460,934)



FACT SHEET: Mental Hygiene

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Mental Hygiene Budget Highlights

- The FY 2024 Executive Budget proposes All Funds spending authorization of \$11 billion, an increase of \$1.7 billion or 5.5 percent, over the current year:
 - Increase of \$680.2 million to the Office of Mental Health (OMH), for a total of \$4.65 billion
 - Increase of \$991.6 million to the Office for People with Developmental Disabilities (OPWDD), for a total of \$5.3 billion
 - Increase of \$11.2 million to the Office of Addiction Services and Supports (OASAS), for total of \$1 billion

Notable Issues

- Extends OPWDD Managed Care Statues through September 2028 to continue the ongoing transition of Managed Care for disabled Medicaid beneficiaries (Part EE)
- Increases fines for operating certificate violations related to inpatient psychiatric capacity at general hospitals. OMH is authorized to impose sanctions not to exceed two thousand dollars per day, per violation if a hospital fails to meet its acute psychiatric bed operating certificate capacity. Penalties may be considered at the individual bed level for beds closed without authorization at inpatient settings. This proposal is intended to incentivize hospitals to meet the Executive's goal of reopening 850 additional psychiatric beds that closed during the COVID-19 Pandemic (Part JJ)
- New York State regulated insurers would be required to cover and reimburse for behavioral health services, including medications for substance use disorder, and telehealth payments for behavioral health and developmental disability services. (Part II)

Spending Highlights

- Direct Care Pay Increases
 - The Executive proposes an additional \$46.1 million to support a Direct Care Pay increase for state employees within the mental hygiene agencies. \$42 million for OPWDD, \$4 million for OMH, and \$110,000 for OASAS
- Cost of Living Adjustment (COLA) and Minimum Wage adjustment

- The Executive proposes a 2.5 percent COLA for human services providers: allocated as follow: \$74.8 million to OPWDD, \$50.6 million to OMH, and \$13.3 million to OASAS
- The Executive proposes an additional \$38 million in state funds to support minimum wage increase, including indexing the minimum wage to inflation, for staff at programs licensed, certified, or otherwise authorized by OPWDD, OMH, and OASAS
- Establish a Statewide Ombudsman program
 - The Executive proposes \$2 million to establish an ombudsman program, which will provide client advocate services for individuals eligible for OPWDD services
- Dwyer and FarmNet Programs
 - The Executive proposes a Dwyer program increase of \$15,000 for a total of \$7.7 million. The changes include an additional \$15,000 for Columbia and Greene counties who would receive \$7,500 each in additional funds over last year. Clinton and Franklin Counties are now allocated \$52,500 each instead of receiving a combined \$105,000. Genesee County will receive \$80,000 up from \$52,500, Orleans will receive \$52,500, and Wyoming will receive \$52,500 instead of last years combined allocation of \$185,000 for all three counties. All other counties would receive funds consistent with last year’s allocation.
 - The Executive proposes \$400,000 to support FarmNet. A peer-to-peer support program for farmers. The Executive attends to keep appropriations ongoing.
- Expand Inpatient Bed Capacity
 - The Executive includes \$15 million in funding for the opening of 150 new State-operated inpatient psychiatric beds, which is part of a \$30 million multi-year plan to increase operational capacity at state operated psychiatric hospitals. The beds will be located in Buffalo, Creedmore, Pilgrim, Kingsboro, and South Beach.
- Strengthen Supportive Housing Programs
 - The Executive includes \$6.5 million to maintain over 1,500 OASAS residential recovery units. This investment will fully fund current rental and supportive services costs for existing units.
- Enhance Children’s Mental Health Programs
 - The Executive proposes an additional \$12 million for the HealthySteps program and Home-Based Crisis Intervention (HBCI) teams; \$5 million for High Fidelity wrap around supports; \$10 million to develop school-based clinics; and an investment of \$10 million in grants for suicide prevention programs targeting high-risk youth.
- Critical Time Intervention (CTI)
 - The Executive proposes \$28.2 million in state funds to support the Critical Time Intervention (CTI) teams.



- Opioid Settlement Fund Investment
 - The Executive proposes that by the end of FY 2024, over \$320 million in payments related to the Opioid Settlement Fund Investment will be deposited in the fund, which will be used to support addiction services throughout the state. The Opioid Settlement board makes funding recommendations as to programmatic spending of this fund, though the actual programmatic decisions are subject to negotiation between the Executive and the Legislature.



MENTAL HYGIENE

The Department of Mental Hygiene operates through three independent agencies – The Office of Mental Health (OMH), the Office for People with Developmental Disabilities (OPWDD), and the Office of Addiction Services and Supports (OASAS). All three agencies provide services directly to their clients through State-operated facilities and receive reimbursement for these services, primarily through the Medicaid program. In addition, the Justice Center for People with Developmental Disabilities and the Developmental Disabilities Planning Council fall under the Mental Hygiene issue area.

State Operations

Mental Health, Office of (OMH)

The Executive Budget recommends an appropriation of \$2.3 billion in State Operations. This is an increase of \$47.6 million, or 2.2 percent from FY 2023 Enacted Budget.

- This increase is due to the direct care increase, minimum wage increase, and operating-costs associated with expanding State-operated mental health services.

People with Developmental Disabilities, Office of (OPWDD)

The Executive Budget recommends an appropriation of \$2.4 billion in State Operations. This is an increase of \$57.4 million, or 25 percent from FY 2023 Enacted Budget.

- This increase is due to the direct care increase, and the creation of a Statewide Ombudsman Program.

Addiction Services and Supports, Office of (OASAS)

The Executive Budget recommends an appropriation of \$174.5 million in State Operations. This is an increase of \$10.1 million, or 6.1 percent increase from the FY 2023 Enacted Budget.

- This increase is due to increased personal service and non-personal service estimates, pay increases for direct care workers, a new Drug Treatment and Education Fund, and a new Opioid Settlement Fund Administration fund.

Justice Center For the Protection of People with Special Needs

The FY 2024 Executive Budget recommends \$60.6 million for the Justice Center, an increase of \$537,000. This increase is associated with an increase to personal and non-personal service.

Developmental Disabilities Planning Council

The Executive proposes \$4.2 million in disbursements in FY 2024, which reflects no changes from the current fiscal year.

Aid to Localities

Mental Health, Office of (OMH)

The Executive Budget recommends an appropriation of \$2.7 billion in Aid to Localities. This is an increase of \$97.5 million, or 3.8 percent from the FY 2023 Enacted Budget.

- This increase is due to the 2.5 percent Cost of Living Adjustment (COLA), FarmNet, Enhanced Children’s Mental Health Programs/Services, and Critical Time Intervention (CTI) Teams.
- New funding for programs; Intensive and Sustained Engagement Treatment Program (INSET), Individual Placement and Support Employment Program (IPS), and Comprehensive Care Centers for Eating Disorders Program.

People with Developmental Disabilities, Office of (OPWDD)

The Executive Budget recommends an appropriation of \$4.9 billion in Aid to Localities. This is an increase of \$124.5 million, or 2.6 percent from the FY 2023 Enacted Budget.

- This increase is due to the 2.5 percent Cost of Living Adjustment (COLA), minimum wage increase, and Medical Assistance Services, Residential Services, and Day Program Services.

Addiction Services and Supports, Office of (OASAS)

The Executive Budget recommends an appropriation of \$968 million in Aid to Localities. This is a decrease of \$240.4 million, or 19.9 percent from the FY 2023 Enacted Budget.

- This decrease is primarily driven by a reduction in funds related to the Opioid Stewardship Fund and Opioid Settlement Fund, removal of legislative adds, and the removal of the FY 2023 Health Care Worker bonuses for the Mental Hygiene sector.

Justice Center For the Protection of People with Special Needs

The FY 2024 Executive Budget recommends \$799,000 for the Justice Center, which reflects no changes from the current fiscal year.



Capital Funding

Mental Health, Office of (OMH)

The Executive Budget recommends an appropriation of \$1.5 billion in Capital funding. This is an increase of \$1 billion or, 226.6 percent from the FY 2023 Enacted Budget.

- This increase is due to capital investments in community-based mental health services.
- 42 new Assertive Community Treatment teams; 8 new Safe Options Support teams, to expand the Critical Time Intervention (CTI) initiative; 42 new Health Home Plus Care Managers; expanding clinical capacity at 20 sites.
- Additional funding for the disposal of poor or uninhabitable facilities which no state agency has long-term use.

People with Developmental Disabilities, Office of (OPWDD)

The Executive Budget recommends an appropriation of \$119.5 million in Capital Funding. This is an increase of \$6.9 million or, 6.1 percent from the FY 2023 Enacted Budget.

- This increase is due to funding for expanding Intensive Treatment Opportunity (ITO) Capacity, and continued funding for developing affordable and supportive housing plans.

Addiction Services and Supports, Office of (OASAS)

The Executive Budget recommends an appropriation of \$102 million in Capital Funding. This is a decrease of \$10 million or 9.8 percent from the FY 2023 Enacted Budget.

- This decrease is driven by the removal of one-time Opioid Settlement Fund capital enacted in FY 2023

Article VII Proposals

The FY 2024 Executive Budget proposes the following statutory amendments:

Human Services Cost-of-Living Adjustment (HMH, S.4007, DD)

- Provides a 2.5% cost-of-living adjustment (COLA) in FY 2024 for eligible human service programs.
- Requires local government units to supply their use of the funds and would allow recoupment of non-utilized funds by the relevant agency Commissioners.

Managed Care Statute Extender (HMH, S.4007, EE)

- Extends OPWDD Managed Care statutes through September 2028.

OPWDD Flexibility for Delegated Nursing Tasks (HMH, S.4007, FF)

- Allow direct support staff to perform certain nursing tasks, such as medication administration, under the instruction of an individual receiving services, or their family or household member where a registered nurse has determined that the person providing instruction is qualified to do so.

Qualified Mental Health Associate Credential (HMH, S.4007, GG)

- Provides a career ladder and additional training requirements and establishes the development of credentials to qualified mental health associates.
- A credentialing mechanism for paraprofessionals would provide services more independently and improve the quality and access to care in OMH funded and licensed settings.
- The components of the credentialing process would include: training requirements, best practices, the procedure for issuing, suspending, and revoking credentials, credentialing fees, and the establishment of a credentialing board.
- Mental Health associates duties will stay within counseling and assessment type services, action such as prescribing would be prohibited pursuant to this new credential.

Establish Joint Licensure between OMH and OASAS for Certified Community Behavioral Health Clinics and to establish an Indigent Care Program (HMH, S.4007, HH)

- Authorizes the Office of Mental Health (OMH) and the Office of Addiction Services and Supports (OASAS) to jointly license Certified Community Behavioral Health Clinics (Community Behavioral Health Clinics) to eliminate duplication of State resources and create more efficient licensing processes. The current system requires such entities to be licensed separately by both State entities. This bill also would establish an Indigent Care Program.

Insurance Reforms Improving Access to Behavioral Health Services (HMH, S.4007, II)

- Requires health insurers to provide coverage for the following mental health services:
 - Sub-acute care in a medically authorized residential facility licensed to operate or otherwise authorized by the Office of Mental Health;



- Outpatient care provided by a mobile crisis intervention services provider licensed or certified by the Office of Mental Health, Office of Addiction Services and Supports, Office of Children and Family Services or the Department of Health.
 - Insurers are prohibited from applying preauthorization requirements on such services and are required to cover such services regardless of whether the mobile crisis intervention services provider is in a plan's network.
- Outpatient care coordination services, outpatient critical time intervention services and assertive community treatment services authorized by the Office of Mental Health following discharge from a hospital or emergency department of a hospital.
 - "Assertive community treatment" means an evidence-based, mobile, psychiatric treatment intervention, designed for an individual with serious mental health condition who is at risk for hospitalization that includes psychotherapy, medication therapy, crisis intervention, psychiatric rehabilitation, care coordination and peer support services provided assertively in the community.
 - "Critical time intervention services" means evidence-based, time-limited, therapeutic interventions that begin before an individual is discharged from an inpatient setting that include intensive outreach, engagement, and care coordination services to stabilize the individual in the community.
- Outpatient care provided by school-based mental health clinics at pre-school, elementary or secondary school regardless of whether the clinic's providers are participating providers in the plan's network and reimbursed no less than the Medicaid rate.
- Prohibits preauthorization for any inpatient psychiatric hospital or medically-monitored residential facility stay during the first 30 days of the inpatient or residential admission and 14 days for individuals under the age of 18 years of age.
- Authorizes payment parity for telehealth provided by behavioral health and substance use disorder providers for any service deemed appropriate by the Commissioners of the Office for People with Developmental Disabilities, the Office of Mental Health or the Office of Addiction Services and Supports.
- Authorizes a private right of action to any person who has been injured by reason of a violation of parity provisions in an amount equal to the person's actual damages or \$1,000, whichever is greater; authorizes the court to award the plaintiff an additional award not to exceed \$5,000 if the court finds a willful violation and may award attorney's fees. Medicaid, Child Health Plus, the Essential Plan and Medicare Advantage are excluded.
- Prohibits prior authorization for an initial or renewal prescription for the detoxification or maintenance treatment of a substance use disorder or medication for opioid overdose reversal.
- Authorizes the Superintendent of Financial Services in consultation with the commissioner of Health, Commissioner of Office of Mental Health and the Commissioner of Addiction Services and Supports to promulgate regulations setting forth network adequacy for mental health and substance abuse treatment. Such standards include:
 - requirements that ensure insureds have timely and proximate access to treatment;

- appointment availability standards that include timeframes for initial provider visits, follow-up visits and provider visits following discharge from a hospital;
- time and distance standards that take into consideration reasonable proximity to the insured's residence; and
- responsibilities of the insurer to provide an out-of-network referral at the in-network cost-sharing when there is no participating provider able to provide the requested services within the timely and promise access standards and requires reimbursement be paid at a negotiated rate or no less than the Medicaid rate.

Penalties for Mental Hygiene Law Violations (HMH, S.4007, JJ)

- Authorize the Commissioner of the Office of Mental Health (OMH) to impose penalties for providers who fail to comply with applicable law or term or their operating certificate.
- Expanded authority would deter providers from violating the terms of their operating certificate or applicable law, and would create incentives for providers to bring inpatient psychiatric beds back online.
- Replaces the term “fine” with “sanctions to provide more flexibility when enforcing compliance by limiting the use of a hospital’s operating certificate.
- Maximum sanction amount changes from \$1,000 per day/\$15,000 per violation to \$2,000 per day per violation.
- Penalties may be considered at the individual bed level for beds closed without authorization at inpatient settings.



FY 2024 Executive Budget Addiction Services and Supports Aid To Localities Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Chemical Dependency local admin	\$3,844,000	\$3,844,000	\$0
Worker Bonus for OASAS Health	\$3,696,000	\$0	(\$3,696,000)
Outpatient Medicaid/DSH	\$21,325,000	\$25,375,000	\$4,050,000
Reinvestment of Behavioral Health Services	\$37,000,000	\$37,000,000	\$0
Residential Services	\$124,902,000	\$130,806,000	\$5,904,000
Crisis Services	\$10,688,000	\$12,819,000	\$2,131,000
Gambling Chemical Dependence Outpatient	\$166,477,000	\$149,108,000	(\$17,369,000)
Debt Service Capital DASNY	\$39,983,000	\$39,983,000	\$0
Minimum Wage labor costs	\$2,000,000	\$2,700,000	\$700,000
COLA 5.4 percent	\$33,700,000		(\$33,700,000)
COLA 2.5 percent		\$13,330,000	\$13,330,000
Adolescent Clubhouse	\$250,000	\$250,000	\$0
Independent Substance Use Disorder MH Ombudsman	\$1,500,000	\$1,500,000	\$0
Jail Based Substance Use Disorder Funding	\$8,810,000	\$8,865,000	\$55,000
NYC Intervention Specialist Hiring - LEG Add	\$2,000,000		(\$2,000,000)
Alcoholism and Substance Abuse Providers of New York State	\$250,000		(\$250,000)
Family and Children's Association	\$800,000		(\$800,000)
Family and Children's Association Recovery Center	\$350,000		(\$350,000)
Rockland Council on Alcoholism and Other Drug Dependence	\$100,000		(\$100,000)
Save the Michaels of the World Inc.	\$500,000		(\$500,000)
Addiction services transportation demo program	\$250,000		(\$250,000)
Problem gambling, chemical dependence, outpatient treatment	\$31,789,000	\$31,789,000	\$0
Residential Services	\$103,157,000	\$103,157,000	\$0
Crisis Services	\$8,558,000	\$8,558,000	\$0
Behavioral Health Parity Compliance Account	\$5,000,000	\$8,500,000	\$3,500,000
Opioid Settlement Agreements	\$208,000,000	\$123,644,000	(\$84,356,000)
Opioid Stewardship Fund	\$200,000,000		(\$200,000,000)
Federal Grant Awards yet to be allocated (dry approp)		\$50,000,000	\$50,000,000
Prevention and Support Programs	\$72,566,000	\$75,191,000	\$2,625,000
Recovery Services Including Housing	\$36,674,000	\$47,525,000	\$10,851,000
Substance Abuse Treatment and Prevention Account	\$48,656,000	\$48,656,000	\$0
Recovery Services Including Housing	\$23,000,000	\$23,000,000	\$0
Chemical Dependence Service Fund	\$7,313,000	\$7,313,000	\$0
Medical Cannabis Addiction Services	\$100,000	\$2,000,000	\$1,900,000
Problem Gambling Services	\$9,600,000	\$9,600,000	\$0
Substance Use Education and Recovery Services	\$100,000	\$100,000	\$0
NYS Drug Treatment and Education Fund		\$4,000,000	\$4,000,000
Total	\$755,263,000	\$968,613,000	(\$216,230,000)

**FY 2024 Executive Budget Addiction Services and Supports Capital Funding Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Minor Rehabilitation Purpose	\$5,500	\$5,500	
New Facilities Purpose	\$24,000	\$24,000	
Preservation of Facilities	\$40,000	\$40,000	
Opioid Settlement Account New Facilities	\$10,000	\$0	(\$10,000)
Preparation of Plans Purpose-DASNY-OASAS	\$4,000	\$4,000	
Preparation of Plans Purpose- Capital Improvement Fund	\$2,000	\$2,000	
Maintenance and Operations Purpose	\$3,500	\$3,500	
Institutional Services Minor Rehabilitation Program	\$2,000	\$2,000	
OASAS State Facilities-Preservation of Facilities	\$10,000	\$10,000	
Non-Bondable Capital Projects	\$1,000	\$1,000	
Total	\$102,000	\$92,000	(\$10,000)

**FY 2024 Executive Budget Justice Center Aid to Localities Funding Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Community Support Program	\$799,000	\$799,000	
Total	\$799,000	\$799,000	\$0



FY 2024 Executive Budget Office For People With Developmental Disabilities Agency Local Assistance Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Medical Assistance Services	\$3,954,766,000	\$4,245,379,000	\$290,613,000
Additional State Share Medical Assistance Services	\$2,000,000	\$2,000,000	\$0
Funding For a Cost Of Living Adjustment	\$149,105,000	\$74,799,000	(\$74,306,000)
Healthcare and Mental Hygiene Worker Bonus	\$136,291,000	\$0	(\$136,291,000)
Residential Services	\$308,870,000	\$347,614,000	\$38,744,000
Day Program Services	\$69,524,000	\$79,524,000	\$10,000,000
Family Support Services	\$97,033,000	\$97,033,000	\$0
LongTerm Sheltered Employment Program	\$56,001,000	\$56,001,000	\$0
Other Services and Expenses	\$13,203,000	\$13,203,000	\$0
Direct Salary Costs and Fringe Benefits	\$33,300,000	\$30,100,000	(\$3,200,000)
Autism Services Inc	\$130,000		(\$130,000)
Austism Society of the Greater Capital Region	\$200,000		(\$200,000)
Backyard Players & Friends	\$25,000		(\$25,000)
Center for Career Freedom	\$25,000		(\$25,000)
Jawonio Inc	\$140,000		(\$140,000)
Guild for Exceptional Children	\$75,000		(\$75,000)
Best Buddies International Inc	\$150,000		(\$150,000)
Special Olympics NY	\$150,000		(\$150,000)
Jawonio Inc	\$130,000		(\$130,000)
Total	\$4,821,118,000	\$4,945,653,000	\$124,535,000

FY 2024 Executive Budget Office for People with Developmental Disabilities Agency Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Community and Institutional Services Program	\$56,600	\$62,450	\$5,850
Design and Construction Supervision	\$13,000	\$13,000	\$0
Facilities Maintenance and Operations	\$43,000	\$44,000	\$1,000
Total	\$112,600	\$119,450	\$6,850

FY 2024 Executive Budget Office of Mental Health Agency Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Community Mental Health Facilities	\$81,722	\$1,046,722	\$965,000
Mental Hygiene Capital Improvement Fund	\$1,000	\$1,000	\$0
State Mental Health Facilities	\$361,750	\$371,750	\$10,000
Disposal of Poor and/or Uninhabitable Facilities	\$0	\$14,000	\$14,000
Capital Projects and Programs Addressing the Emergent Need to Expand Inpatient Capacity	\$0	\$18,000	\$18,000
Total	\$444,472	\$1,451,472	\$1,007,000

FY 2024 Executive Budget Office of Mental Health Agency Local Assistance Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
American Rescue Plan Act	\$324,747	\$338,859	\$14,112
Funding for Recruitment and Retention	\$9,000	\$14,000	\$5,000
Medical Assistance Program	\$74,000	\$74,000	\$0
FarmNet	\$0	\$400	\$400
Community Mental Health Non-Residential Programs	\$405,926	\$423,980	\$18,054
9-8-8 Crisis Response System	\$35,000	\$60,000	\$25,000
Community Mental Health Emergency Programs	\$18,295	\$49,273	\$30,978
Community Mental Health Residential Programs	\$807,781	\$914,686	\$106,905
Individual Placement and Support Employment Program (IPS)	\$0	\$3,250	\$3,250
Intensive and Sustained engagement Treatment Program (INSET)	\$0	\$2,800	\$2,800
Cost of Living Adjustment 2.5% (COLA)	\$95,000	\$50,637	(\$44,363)
Minimum Wage Increase	\$5,400	\$6,500	\$1,100
Reinvestment for The Expansion of State Community Hubs and Voluntary Operated Services for Adults and Children	\$119,500	\$119,500	\$0
Services and Expenses for Adult Homes	\$60,500	\$64,500	\$4,000
Services and Expenses for Nursing Homes	\$12,000	\$12,000	\$0
Comprehensive Care Centers for Eating Disorders Program	\$118	\$1,178	\$1,060
Expand Access to Eating Disorder Treatment	\$0	\$2,000	\$2,000
Suicide Prevention Efforts for Veterans, First Responders, Law Enforcement, and Corrections Officers	\$1,000	\$1,000	\$0
Dwyer Program	\$7,700	\$7,715	\$15
Crisis Intervention Teams	\$2,000	\$0	(\$2,000)
Comprehensive Care Centers for Eating Disorders Program	\$1,060	\$0	(\$1,060)
FarmNet	\$400	\$0	(\$400)
Expand Self-Directed Care Demo Program	\$400	\$0	(\$400)
Crisis Services of Buffalo and Erie County	\$300	\$0	(\$300)
Veterans Mental Health Training Initiative	\$250	\$0	(\$250)
Westchester Jewish Community Services-WJCS	\$200	\$0	(\$200)
Family Service League- North Fork Mental Health Initiative	\$175	\$0	(\$175)
Family Service League- South Fork Behavioral Mental Health Initiative	\$175	\$0	(\$175)
The Trevor Project	\$150	\$0	(\$150)
The Harris Project- Encompass Project	\$125	\$0	(\$125)
Rainbow Heights Club	\$125	\$0	(\$125)
The Harris Project- Include Program	\$120	\$0	(\$120)
Family Service League	\$100	\$0	(\$100)
Children of Promise, NYC	\$100	\$0	(\$100)
Mental Health Association in New York State, Inc	\$100	\$0	(\$100)
Inwood Community Services	\$50	\$0	(\$50)
Mental Health, Addiction Treatment Services and Support Programs	\$1,000	\$0	(\$1,000)
Adult Mental Health Services (Block Grant)	\$55,329	\$62,619	\$7,290
Federal Block Grant Award	\$111,050	\$0	(\$111,050)
Federal Grant Award	\$30,000	\$50,000	\$20,000
PATH Grant	\$6,359	\$6,359	\$0
Grants Dedicated to Eliminating Stigma Attached to Mental Illness	\$350	\$350	\$0
Adult Mental Health Services	\$7,580	\$7,580	\$0
Community Residences and Family-based Treatment Providers	\$130,584	\$128,403	(\$2,181)
Youth Suicide Prevention	\$0	\$10,000	\$10,000
Fidelity Wrap Around Services for Children	\$0	\$5,000	\$5,000
Mental Health Non-Residential Programs	\$151,752	\$166,883	\$15,131
Mental Health Emergency Programs	\$32,842	\$46,583	\$13,741
Community Mental Health Residential Programs	\$13,348	\$13,948	\$600
Community Mental Health Services Block Grant (Children's)	\$12,778	\$14,488	\$1,710
Federal Block Grant Awards	\$26,250	\$0	(\$26,250)
Total	\$2,561,019	\$2,658,491	\$97,472



FY 2024 Executive Budget DWYER Program Appropriation Changes (Thousands of Dollars)			
Counties	FY 2023 Enacted	FY 2024 Proposed	Change
Albany County	\$105	\$105	\$0
Allegany County	\$100	\$100	\$0
Broome County	\$185	\$185	\$0
Cattaraugus County	\$185	\$185	\$0
Cayuga County	\$100	\$100	\$0
Chautauqua County	\$185	\$185	\$0
Chemung County	\$100	\$100	\$0
Chenango County	\$100	\$100	\$0
Clinton and Franklin County *	\$105	\$0	(\$105)
Clinton County *	\$0	\$53	\$53
Columbia and Greene County *	\$185	\$0	(\$185)
Columbia County *	\$0	\$100	\$100
Cortland County	\$100	\$100	\$0
Delaware County	\$100	\$100	\$0
Dutchess County	\$185	\$185	\$0
Erie County	\$185	\$185	\$0
Essex County	\$100	\$100	\$0
Franklin County *	\$0	\$53	\$53
Fulton County	\$100	\$100	\$0
Genesee, Orleans, and Wyoming*	\$185	\$0	(\$185)
Genesee County *	\$0	\$80	\$80
Greene County *	\$0	\$100	\$100
Hamilton County	\$100	\$100	\$0
Herkimer County	\$100	\$100	\$0
Jefferson County	\$185	\$185	\$0
Lewis County	\$100	\$100	\$0
Livingston County	\$100	\$100	\$0
Madison County	\$100	\$100	\$0
Monroe County	\$185	\$185	\$0
Montgomery County	\$100	\$100	\$0
Nassau County	\$185	\$185	\$0
Niagara County	\$185	\$185	\$0
Oneida County	\$105	\$105	\$0
Onondaga County	\$185	\$185	\$0
Ontario County	\$100	\$100	\$0
Orange County	\$185	\$185	\$0
Orleans County *	\$0	\$53	\$53
Oswego County	\$100	\$100	\$0
Otsego County	\$100	\$100	\$0
Putnam County	\$185	\$185	\$0
Rensselaer County	\$185	\$185	\$0
Rockland County	\$185	\$185	\$0
Saratoga County	\$185	\$185	\$0
Schenectady County	\$105	\$105	\$0
Schoharie County	\$100	\$100	\$0
Schuyler County	\$100	\$100	\$0
Seneca County	\$100	\$100	\$0
St. Lawrence County	\$100	\$100	\$0
Steuben County	\$100	\$100	\$0
Suffolk County	\$185	\$185	\$0
Sullivan County	\$185	\$185	\$0
Tioga County	\$100	\$100	\$0
Tompkins County	\$100	\$100	\$0
Ulster County	\$185	\$185	\$0
Warren County & Washington County	\$185	\$185	\$0
Wayne County	\$100	\$100	\$0
Westchester County	\$185	\$185	\$0
Wyoming County *	\$0	\$53	\$53
Yates County	\$100	\$100	\$0
University at Albany School of Social Welfare	\$210	\$210	\$0
New York City	\$400	\$400	\$0
Total	\$7,700	\$7,715	\$15

* FY 2023 Enacted Budget combined Clinton and Franklin County as one county. It combined Columbia and Greene County as one county. It also combined Genesee, Orleans, and Wyoming County as one county. FY 2024 Executive Budget separates each county. The only difference is the added \$15,000 towards Columbia and Greene County making both Columbia County and Greene County \$100,000.



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Human Services Budget Highlights

Office of Children and Families (OCFS)

- The FY 2023-2024 Executive Budget recommends All Funds appropriations of \$5.8 billion for State Operations, Aid to Localities programs and Capital funding, an increase of \$1.5 billion, or 35 percent. This change is attributable to general salary increases for CSEA and M/C employees, along with additional funding for child care subsidies, child welfare services and adoption subsidies.

Office of Temporary and Disability Assistance (OTDA)

- The FY 2023-2024 Executive Budget recommends All Funds appropriations of \$8.5 billion for State Operations, Aid to Localities programs and Capital funding, an increase of \$1.2 billion or 15 percent. This change is attributable to general salary increases, increased funding for the Home Energy Assistance Program and a \$1 billion in appropriation authority for migrant and shelter services in New York City.

Division of Human Rights (DHR)

- The FY 2023-2024 Executive budget recommends all an All Funds appropriation of \$28 million for State Operations, an increase of \$8.1 million or 39 percent. The change is attributed to general salary increase to maintain adequate staffing levels and increased funding for hate and violence prevention.

Department of Labor (DOL)

- The FY 2023-2024 Executive budget recommends an All Funds appropriation of \$7.2 billion for State Operations and Aid to Localities funding, a decrease of \$4.1 million or 36 percent.
- All Funds recommended appropriations excluding unemployment insurance is \$1.2 billion.
- This reflects a reduction of approximately \$124 million in appropriation authority (excluding unemployment insurance) from FY 2023.
- The appropriation for Unemployment Insurance benefits is \$6 billion.

- This represents a reduction of \$4 billion from FY 2023 which was appropriated at \$10 billion.

Workers Compensation Board (WCB)

- The FY 2023-2024 Executive budget recommends an All funds appropriation of \$212 million for State Operations, an increase of \$8.1 million or 3 percent. The change is attributable to general salary increases.

Division of Veterans' Services

- The FY 2023-2024 Executive Budget recommends an All Funds appropriation of \$30 million for State Operations, Aid to Localities assistance and Capital Funds, a decrease of \$4.6 million or 13 percent. The change is attributable to a \$5 million decrease in appropriation authority for Veterans' Nonprofit Capital Program. The decrease is offset by a \$1.1 million appropriation in State Operations for the Homeless Veterans' Housing Program.

Office of Welfare Inspector General (WIG)

- The FY 2023-2024 Executive Budget recommends an All Funds appropriation of \$1.3 million for State Operations, an increase of \$24 thousand or 1.8 percent. The change is attributable to general salary increases.

National and Community Service (NCS)

- The FY2023-2024 Executive Budget recommends \$30.9 million in appropriations for NCS, which is a \$20 thousand net increase in funding from FY2023. Adjustments reflect the \$22,000 increase related to the minimum wage increases and \$2,000 decrease for union settlement agreements

Notable Issues

Office of Children and Family Services (OCFS)

- Expands access to child care by increasing the income eligibility for child care assistance from 300 percent of the federal poverty line up to 85 percent of the State median income. Additionally, standardizes child care assistance benefits across all local social service districts (ELFA Part U).
- The Senate Republican conference has advocated for reducing the cost of living for families and residents by increasing child care subsidies for working families. The Executive proposal provides additional funding for child care subsidies.



Office of Temporary and Disability Assistance (OTDA)

- Provide reimbursement to Public Assistance (PA) recipients who have had benefits stolen as a result of card skimming, cloning or third party misrepresentation. Requires local social services districts to replace stolen PA benefits no later than five business days after the district verifies that such benefits were stolen and properly reported (ELFA Part Y).
- Eliminates the requirement for Public Assistance (PA) recipients that any enrollment in post-secondary education beyond 12-months must be combined with a minimum of 20 hours of weekly participation in paid employment, work activities, or community service. Allow individuals to participate in educational and vocational training programs, when consistent with their employment assessment, including two-year post-secondary degree programs. Additionally, authorizes a one-time disregard for a period of up to six months of all earned income of a (PA) recipient that participates in a qualified work activity or training program, provided that the earned income does not exceed 200 percent of the Federal Poverty level. (ELFA Part X).

Department of Labor (DOL)

- Index Minimum Wage to Inflation (ELFA Part S)
 - Linked to year over year changes in the Consumer Price Index-W (CPI-W) for the Northeast Region to determine changes in the minimum wage linked to inflation.
 - Increase is the lesser of three percent and the established rate of inflation for the most recent 12 month period encompassing August 1 to July 31.
 - For New York City, Long Island and Westchester, the effective date is December 31, 2023. For upstate the effective date is the year after the minimum wage reaches \$15.
 - Current minimum wage upstate is \$14.20.
 - Contains several circuit breakers that would freeze any increases to the minimum wage:
 - No change in the minimum wage if the CPI-W is negative.
 - If the three month moving average of the seasonally adjusted New York State unemployment rate increases by one half of a percentage point based on its low during the previous 12 months.
 - If seasonally adjusted non-farm employment statewide, calculated in July, has decreased from April AND the same also decreased since January.
 - Technical language to ensure that the wage paid to home care aids does not increase when the minimum wage increases, provided that the minimum wage of a home care aid does not fall below the indexed statutory minimum wage in the applicable region of the state.
 - Effective October 1, 2023, the minimum wage for home care aids in New York City, Long Island and Westchester will be \$18 per hour and \$17.20 rest of state.
- Community Hiring and Workforce Development (ELFA Part T)

- Would amend the Charter of the City of New York, to create the Office of Community and Workforce Development.
- I would require New York City and its entities to undertake best efforts to hire qualified persons from economically disadvantaged backgrounds to perform work on City contracts.
- There would be civil penalties for non-compliance.
- Would authorize the City to establish minimum ratios of apprentices to journey-level workers on construction contracts.

Division of Human Rights (DHR)

- Increase DHR’s General Fund appropriation by \$4.3 million to ensure adequate staffing levels and mitigate investigative caseload backlog.

Spending Highlights

Office of Temporary and Disability Assistance (OTDA)

- \$1 billion appropriation for Shelter and Migrant Services in New York City.
- Provides \$250 million in appropriation authority for the Emergency Rental Assistance Program.
- An additional \$7 million to support the continued implementation of the Code Blue Program.
- \$100 million in additional funding for the Heating Energy Assistance Program.
- Provides \$18 million for the new created year round Youth Employment Program.

Office of Children and Family Services (OCFS)

- Provides an additional \$228 million for child care subsidies.
- \$4.8 million for the Employer Supported Child care program.
- Provides \$900 million for additional appropriation authority for child welfare services.
- \$28 million for the Advantage Afterschool Program.
- \$55 million for the Empire State Afterschool Program
- Provides \$16 million for additional capital funding for State Youth Facilities.



Department of Veterans' Services (DVS)

- Includes \$900,000 in federal appropriation authority for the New York State Veterans' Cemetery.
- Provides \$1.1 million to support the Homeless Veterans' Housing program.
- \$500,000 for the creation of the Veterans' Memorial Registry.

Division of Human Rights (DHR)

- Provides \$3.5 million for the Support Hate and Bias Prevention Activities initiative.

Department of Labor (DOL)

- The Employment and Training Program includes an appropriation of \$1 million to establish the Office of Just Transition to transition fossil fuel workers to an alternative occupation or retirement.
- While the Executive Budget allocates \$15 billion to designated reserves, there is no relief proposed for the Unemployment Insurance Deficit of approximately \$8 billion.
- There is also no funding allocated to pay the Interest Assessment Surcharge and thereby protect employers from having the IAS levied against them in FY 2024.
- The Senate Republican Conference calls upon the Governor to use a portion of any non-recurring funds or the approximately \$13 billion in reserves for "Economic Uncertainties" to provide relief for employers, especially small businesses, by creating an Unemployment Insurance Insolvency Reserve fund, paying the IAS and paying back to the federal government a portion of the UI deficit.
- Includes \$250 million appropriation for the Interest Assessment Surcharge.
- Reflects elimination of approximately \$20 million in labor initiatives.



HUMAN SERVICES

The FY 2024 Executive Budget recommends an All Funds appropriation of \$22.2 billion for State Operations, Aid to Localities and Capital Projects for all Human Service agencies, a decrease of \$1.4 billion or six percent from the FY 2023 Enacted budget.

State Operations

[Office of Children and Families \(OCFS\)](#)

The Executive Budget recommends an appropriation of \$556 million in State Operation for the Office of Children and Families. This is an increase of \$8.8 million or 1.6 percent from FY 2023 levels. The change is attributed to negotiated state workforce salary increases for CSEA and M/C employees.

Aid to Localities

[Office of Children and Families \(OCFS\)](#)

The FY 2024 Executive Budget recommends an appropriation of \$5.2 billion in the Aid to Localities budget. This is an increase of \$1.5 billion or 35 percent from FY 2023 levels.

Capital Projects

[Office of Children and Families \(OCFS\)](#)

The FY 2024 Executive Budget recommends a capital appropriation \$60.1 million. This is a decrease \$33.4 million or 35 percent from FY 2023 levels.

Article VII Proposals

The FY 2024 Executive Budget proposes the following statutory amendments:

[Committee on Special Education \(ELFA, S.4006, Part V\)](#)

- Prior to the 2021 Enacted budget, the room and board costs for children with severe disabilities placed by CSEs were shared between local social services districts, school districts and by the State when placements were made by committees outside of New York City.
- The FY 2021, FY 2022 and FY 2023 Enacted Budgets eliminated the existing 18.4 percent State share, placing the fiscal responsibility with the school district responsible for placement. The FY 2024

Executive budget proposes to make the current funding structure permanent. The Executive estimates that this will produce \$28.6 million in annual savings.

Close to Home Reauthorization (ELFA, S.4006, Part W)

- Would permanently authorize the Close to Home (CTH) initiative, the expiration of the CTH authorization would result in New York State becoming responsible for New York City youth that would be placed in OCFS facilities at an additional State cost.

Child Care Income Eligibility (ELFA, S.4006, Part U)

- Expands access to child care by increasing the income eligibility for child care assistance from 300 percent of the federal poverty level (\$83,250 for a family of four) to 85 percent of the State median income (\$93,200 for a family of four). The new income eligibility standard would be implemented October 1st, 2023. Additionally, this part standardizes child care assistance benefits across all local social service districts.



FY 2024 Executive Budget Office of Children and Family Services Local Assistance Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Child Care Program			
Child Care Subsidies - State	\$323,045	\$451,087	\$128,042
Child and Adult Care Food Prog.	\$250	\$250	\$0
Child Care UFT - Professional Development	\$1,250	\$1,250	\$0
Child Care UFT - Quality Grant Program	\$1,000	\$1,000	\$0
Child Care CSEA - Professional Development	\$750	\$1,500	\$750
Child Care CSEA - Quality Grant Program	\$1,250	\$2,500	\$1,250
Business Navigator Program	\$0	\$1,000	\$1,000
Employer Supported Child Care Program	\$0	\$4,800	\$4,800
NYC - Facilitated Child Care Enrollment Prog	\$500	\$0	(\$500)
Onondaga - Facilitated Child Care Enrollment Pr	\$500	\$0	(\$500)
Erie - Facilitated Child Care Enrollment Prog.	\$500	\$0	(\$500)
Nassau - Facilitated Child Care Enrollment Prog	\$1,500	\$0	(\$1,500)
Suffolk - Facilitated Child Care Enrollment Prog	\$1,500	\$0	(\$1,500)
Child Care Subsidies - Federal	\$627,637	\$727,637	\$100,000
EPA Water Infrastructure Grant - lead testing	\$5,000	\$5,000	\$0
Child Care Quality Protection Fund	\$343	\$343	\$0
Family and Children's Service Program			
Foster Care Block Grant	\$390,687	\$395,501	\$4,814
Child Welfare Services	\$610,073	\$900,000	\$289,927
Child Welfare Services - bridge appropriation	\$0	\$900,000	\$900,000
Community Preventive Service (COPS)	\$12,125	\$12,125	\$0
OMH Medicaid Waiver	\$6,213	\$6,213	\$0
Adoption and Safe Families Act - Fingerprinting	\$1,857	\$1,857	\$0
Adoption Subsidies	\$225,867	\$229,494	\$3,627
Adoption De-linking	\$22,800	\$29,800	\$7,000
Indian Tribes	\$4,700	\$4,700	\$0
Child Fatality Review Teams	\$829	\$829	\$0
Child Advocacy Centers (CACs)	\$5,230	\$5,230	\$0
Medicaid Per Diem - foster children	\$37,450	\$37,450	\$0
OCFS Medicaid Waiver (Bridges to Health)	\$73,289	\$73,289	\$0
Advisory services from Dormitory Authority	\$6,620	\$6,620	\$0
Youth Sports Grant Program	\$5,000	\$5,600	\$600
Secure and Non-Secure Detention Services	\$76,160	\$76,160	\$0
Detention Retroactive Bills	\$9,444	\$9,444	\$0
Supervision and Treatment Services (STSJP)	\$8,376	\$8,376	\$0
Detention Capital	\$4,600	\$4,600	\$0
Youth Development Program (YDP)	\$14,122	\$14,122	\$0
Runaway and Homeless Youth Programs (RHY)	\$6,484	\$6,484	\$0
(RHY) bridge appropriation		\$700	\$700
Post-Placement Care - Juveniles	\$312	\$312	\$0
Adult Protective Services	\$44,000	\$44,000	\$0
Adult Protective Services - bridge appropriation	\$0	\$44,000	\$44,000
Domestic Violence Pilot Program	\$5,000	\$5,000	\$0
Kinship Navigator Program	\$339	\$339	\$0
Catholic Family Center Kinship Navigator Prog.	\$220	\$220	\$0
Healthy Families Home Visiting Program	\$26,162	\$26,162	\$0
Hoyt Children and Family Trust Fund	\$643	\$643	\$0
NY/NY III Supportive Housing	\$2,251	\$2,306	\$55
Advantage After School Program		\$28,041	\$28,041
Empire State After School Program		\$55,000	\$55,000
Not For Profit - minimum wage increase		\$3,978	\$3,978
Foster Care Providers		\$17,000	\$17,000
Legislative Adds	\$57,847	\$0	(\$57,847)
Social Services Block Grant (Title XX)	\$150,000	\$150,000	\$0
Foster Care Adoption IV-E	\$868,900	\$868,900	\$0
NYS Commission for the Blind			
Hoyt Trust Fund	\$3,459	\$3,459	\$0
Home Visiting Program	\$20,000	\$20,000	\$0
NYS Commission for the Blind	\$350	\$350	\$0
OCFS Training and Development Program			
	\$4,816	\$4,816	\$0
			\$0
Total	\$3,666,750	\$5,199,487	\$1,528,237

FY 2024 Executive Budget Office of Children and Families Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Design and Construction	\$7,000	\$7,000	\$0
Facilities Maintenance and Operations	\$5,871	\$6,392	\$521
Maintenance and Improvement	\$20,719	\$28,722	\$8,003
Program Improvement or Program Change	\$10,000	\$18,000	\$8,000
Child Care Capital Program	\$50,000		(\$50,000)
Total	\$93,590	\$60,114	(\$33,476)

State Operations

Office of Temporary and Disability Assistance (OTDA)

The Executive Budget recommends an appropriation of \$465 million in State Operation for the Office of Temporary and Disability Assistance. This is an increase of \$3.3 million or .7 percent from FY 2023 levels. The change is attributed to general salary increases.

Aid to Localities

Office of Temporary and Disability Assistance (OTDA)

The FY 2024 Executive Budget recommends an appropriation of \$7.9 billion in the Aid to Localities budget. This is an increase of \$1.2 billion or 17 percent from FY 2023 levels.

Capital Projects

Office of Temporary and Disability (OTDA)

The FY 2024 Executive Budget recommends a Capital appropriation \$128 million. This is unchanged from FY 2023.

Article VII Proposals

The FY 2024 Executive Budget proposes the following statutory amendments:

Increase Access to Education and Economic Stability for Public Assistance (ELFA, S.4006, Part X)



- Eliminates the requirement for Public Assistance (PA) recipients that any enrollment in post-secondary education beyond 12-months must be combined with a minimum of 20 hours of weekly participation in paid employment, work activities, or community service.
- Allows individuals to participate in educational and vocational training programs, when consistent with their employment assessment, including two-year post-secondary degree programs.
- Additionally, authorizes a one-time disregard for a period of up to six months of all earned income of a (PA) recipient that participates in a qualified work activity or training program, provided that the earned income does not exceed 200 percent of the Federal Poverty level.

[Provide Reimbursement to Victims of Public Assistance Fraud](#) [\(ELFA, S.4006, Part Y\)](#)

- Provides reimbursement to Public Assistance (PA) recipients who have had benefits stolen as a result of card skimming, cloning or third party misrepresentation.
- Requires local social services districts to replace stolen PA benefits no later than five business days after the district verifies that such benefits were stolen and properly reported (ELFA Part Y).

[Authorize the 2024 SSI Federal COLA Pass-Through](#) [\(ELFA, S.4006, Part Z\)](#)

- Would establish specific amounts for the monthly Personal Needs Allowance (PNA) and the monthly standard of need for SSI recipients in various living arrangements pursuant to the Social Services Law. The federal SSI benefit amount is increased annually, through a cost of living adjustment (COLA), and the State Law would be amended accordingly to ensure accurate payments are made.
- Sets forth the dollar amounts for the 2023 PNA and the standard of need for eligibility and payment of additional State payments. It also authorizes those amounts to be automatically increased, by the percentage of any federal SSI COLA, which becomes effective within the first six months of the calendar year 2024.

2024 Executive Budget Office of Temporary and Disability Assistance Local Assistance Funding Appropriation Change			
(Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
<i>Child Support Services Program</i>	\$140,000	\$140,000	\$0
<i>Empire State Supportive Housing Initiative (ESSH)</i>	\$110,000	\$210,000	\$100,000
<i>Employment and Income Support Program</i>			
Public Assistance	\$625,000	\$625,000	\$0
Migrant Shelter and Services - NYC		\$1,000,000	\$1,000,000
Supplement Security Program (SSI)	\$700,000	\$700,000	\$0
Disability Advocacy Program (DAP)	\$5,260	\$5,260	\$0
Additional Funding - DAP	\$1,000	\$0	(\$1,000)
HIV/AIDS Welfare-to-Work Program	\$1,161	\$1,161	\$0
Nutrition Outreach and Education Program (NOEP)	\$3,220	\$3,300	\$80
Additional Funding - NOEP	\$1,000	\$0	(\$1,000)
Adult Shelter Cap Liability	\$2,000	\$2,000	\$0
Legislative Adds	\$4,725	\$0	(\$4,725)
Low Income Home Energy Assistance Prog (HEAP)	\$500,000	\$600,000	\$100,000
Temporary Assistance for Needy Families (TANF)	\$2,823,175	\$3,550,747	\$727,572
Supplement Nutrition Program (SNAP)	\$500,000	\$500,000	\$0
Donated Funds Account	\$10,000	\$10,000	\$0
Offset Account	\$10,000	\$10,000	\$0
Legal Representation Eviction Program		\$35,000	\$35,000
<i>Specialized Services Program</i>			\$0
Rent Supplement Program	\$100,000	\$100,000	\$0
Adult Homeless Shelters	\$69,018	\$69,018	\$0
Public Homes	\$5,000	\$5,000	\$0
Homeless Housing and Preventive Services Programs	\$47,981	\$50,781	\$2,800
Code Blue	\$13,000	\$20,000	\$7,000
Formerly Incarcerated Services Pilot Program	\$200	\$200	\$0
Emergency Homeless Services Program	\$1,000	\$1,000	\$0
Refugee Resettlement Program	\$6,000	\$7,000	\$1,000
Human Trafficking Program	\$2,397	\$2,397	\$0
Emergency Rental Assistance Program (ERAP)	\$800,000	\$250,000	(\$550,000)
Landlord Rental Assistance Program (LRAP)	\$125,000	\$0	(\$125,000)
Refugee Resettlement Program	\$26,000	\$50,000	\$24,000
Homeless Housing Programs	\$9,500	\$9,500	\$0
ERAP additional funding	\$150,000	\$0	(\$150,000)
Adult and family Shelter Sanction Account	\$9,900	\$9,900	\$0
			\$0
Total	\$6,801,537	\$7,967,264	\$1,165,727



FY 2024 Executive Budget Office of Temporary and Disability Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
<i>Supported Housing Program</i>			\$0
Capital Projects Fund	\$2,000	\$2,000	\$0
Housing Program Fund	\$126,000	\$126,000	\$0
			\$0
Total	\$128,000	\$128,000	\$0

State Operations

Division of Human Services (DHR)

The FY 2024 Executive budget recommends an All Funds appropriation of \$28 million for State Operations, increase of \$8.1 million of 39 percent. The change is attributed to general salary increases and increased funding for hate and violence prevention.

State Operations

Department of Veterans' Services (DVS)

The FY 2024 Executive budget recommends an All Funds appropriation of \$13 million for State Operations, increase of \$1.8 million of 17 percent. The change is attributed to:

- \$500,000 for the creation of a Veterans' Memorial Registry
- \$900,000 for the State Veterans' Cemetery.
- \$300,000 to help establish Mobile Veterans' Benefit Advisor Clinics.

Aid to Localities

Department of Veterans' Services (DVS)

The FY 2024 Executive Budget recommends an appropriation of \$12.9 million in the Aid to Localities budget. This is a decrease of \$1.5 million or 10 percent from FY 2023 levels.

Capital Projects

Department of Veterans' Services (DVS)

The FY 2024 Executive Budget recommends a capital appropriation \$4 million. This is a decrease of \$5 million or .55 percent from FY 2023.

FY 2024 Executive Budget Department of Veterans' Local Assistance Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
<i>Administration Program</i>			
Supplemental Burial Benefits	\$400	\$400	\$0
Gold Star Annuity Benefits	\$599	\$599	\$0
<i>Blind Veteran Annuity Assistance Program</i>			
	\$6,380	\$6,380	\$0
<i>Veterans' Benefits Advising Program</i>			
			\$0
Aid to City and County Veterans Service Agencies	\$2,380	\$2,380	\$0
Veterans' Outreach (Monroe)	\$250	\$250	\$0
Veterans' Indigent Burial	\$100	\$100	\$0
Veterans' Court Services	\$1,000	\$1,000	\$0
Justice for Heroes Initiative	\$250	\$250	\$0
Homeless Veterans' Housing		\$1,100	\$1,100
<i>Legislative Adds</i>			
SAGE Veterans' Project	\$50	\$0	(\$50)
Dept. of NY Veterans of Foreign Wars of Us	\$125	\$0	(\$125)
Legal Services Hudson Valley Veterans	\$225	\$0	(\$225)
NYS Defenders Assoc. Veterans Defense Prog	\$250	\$0	(\$250)
Outdoor RX Program	\$150	\$0	(\$150)
NYS Defenders Assoc. Veterans Defense Prog (L.I.)	\$220	\$0	(\$220)
Clear Path for Veterans	\$325	\$0	(\$325)
Helmets-to-Hardhats	\$200	\$0	(\$200)
Legal Services of NYC Veterans Justice Project	\$200	\$0	(\$200)
Legal Services of Hudson Valley Veterans and Militar	\$180	\$0	(\$180)
North Country Veterans Association	\$125	\$0	(\$125)
NYS Defenders Association Veterans Defense Progra	\$250	\$0	(\$250)
SAGE Veterans' Project	\$100	\$0	(\$100)
American Legion Dunbar Post 1642	\$100	\$0	(\$100)
Vietnam Veterans of American - NYS Council	\$100	\$0	(\$100)
John Venditti War Veterans Post 1	\$10	\$0	(\$10)
Rome Veterans' Park	\$10	\$0	(\$10)
<i>Veterans Counseling and Outreach</i>			
	\$500	\$500	\$0
Total	\$14,479	\$12,959	(\$1,520)



FY 2024 Executive Budget Division of Veterans' Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Veterans' Cemetery	\$2,000	\$2,000	\$0
Veterans' Cemetery	\$2,000	\$2,000	\$0
Veterans' Nonprofit Capital Program	\$5,000	\$0	(\$5,000)
			\$0
Total	\$9,000	\$4,000	(\$5,000)

State Operations

Department of Labor

FY 2024 Executive Budget recommends State Operations appropriation authority of \$983.9 million, an decrease of \$111.3 million or 1.2 percent from FY 2023. This includes:

- \$250 million for the Interest Assessment Surcharge (IAS), which represents the interest charged to the State by the federal government for amounts loaned to finance unemployment benefits. Because the Executive Budget does not allocate resources to pay the IAS, this additional amount will be levied against employers through the State Unemployment Tax Act (SUTA) assessment.
- UI Administration is reduced by approximately \$116 million to reflect a reduction in federal funds for administrative costs associated with a projected reduction in UI benefits claims driven by the economic recovery and wind down of pandemic related restrictions on economic activity.
- \$2.3 million allocated to provide DOL Career Centers with enhanced training in areas identified as being high need (such as digital and financial literacy).
- \$1 million General Fund allocation in the Employment and Training Program to establish the Office of Just Transition, which would be tasked with transitioning fossil fuel workers to “a new occupation, sector or retirement”. There is no Article VII language associated with this initiative.
- Sweeping authority to move \$11 million from the Unemployment Insurance Interest (UI) and Penalty Fund to the General Fund.
- Additional broad sweeping authority to move \$50 million from the Department of Labor Interest and Penalty Account, UI Special Interest and Penalty Account and Public Work Enforcement account to the General Fund.

Aid to Localities

Department of Labor

FY 2024 Executive Budget recommends Aid to Localities appropriation authority of 6.3 billion, a decrease of approximately \$4 billion from FY 2023. This includes:

- \$6 billion appropriation to the Unemployment Insurance program, a reduction of \$4 billion from the FY 2023 amount of \$10 billion, based on a projected decrease in utilization.
- Elimination of approximately \$20 million in legislative labor initiatives.

Article VII Proposals

The FY 2024 Executive Budget proposes the following statutory amendments:

[Index the Minimum Wage to Inflation](#) (ELFA, S.4006, Part S)

- Annual minimum wage increase indexed to the rate of inflation.
 - Linked to year over year changes in the Consumer Price Index-W (CPI-W) for the Northeast Region to determine changes in the minimum wage linked to inflation.
 - Increase is the lesser of three percent and the established rate of inflation for the most recent 12 month period encompassing August 1 to July 31.
 - For New York City, Long Island and Westchester, the effective date is December 31, 2023. For upstate the effective date is the year after the minimum wage reaches \$15.
 - The minimum wage upstate is currently \$14.20 per hour.
- Contains several circuit breakers that would freeze any increases to the minimum wage:
 - No change in the minimum wage if the CPI-W is negative.
 - If the three month moving average of the seasonally adjusted New York State unemployment rate increases by one half of a percentage point based on its low during the previous 12 months.
 - If seasonally adjusted non-farm employment statewide, calculated in July, has decreased from April AND the same also decreased since January.
- Technical language to ensure that the wage paid to home care aids does not increase when the minimum wage increases, provided that the minimum wage of a home care aid does not fall below the indexed statutory minimum wage in the applicable region of the state.
- Effective October 1, 2023, the minimum wage for home care aids in New York City, Long Island and Westchester will be \$18 per hour and \$17.20 rest of state.

[Community Hiring and Workforce Development](#) (ELFA, S.4006, Part T)

- Amends the NYC Charter to create the Office of Community and Workforce Development.



- Would require New York City and its entities to undertake best efforts to hire qualified persons from economically disadvantaged backgrounds to perform work on City contracts.
- There would be civil penalties for non-compliance.
- Would authorize the City to establish minimum ratios of apprentices to journey-level workers on construction contracts.

FY 2024 Executive Budget Department of Labor Local Assistance Funding Appropriation Changes			
(Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Administraton	\$15,000,000	\$15,000,000	\$0
Employment and Training	\$234,453,000	\$222,058,000	(\$12,395,000)
<i>Labor Initiatives</i>	<i>\$19,650,000</i>	<i>\$0</i>	<i>(\$19,650,000)</i>
Occupational Safety and Health	\$419,000	\$419,000	\$0
Unemployment Insurance Benefit	\$10,026,500,000	\$6,026,500,000	(\$4,000,000,000)
<i>UI - training and disaster</i>	<i>\$26,500,000</i>	<i>\$26,500,000</i>	<i>\$0</i>
Total	\$10,322,522,000	\$6,290,477,000	(\$4,032,045,000)

State Operations

[National and Community Service \(NCS\)](#)

The FY 2024 Executive budget recommends an All Funds appropriation of \$30.5 million for State Operations. This is a decrease of \$2,281 or .7 percent from the FY 2023 Enacted Budget. This decrease is due to union settlement agreements.

Aid to Localities

[National and Community Services \(NCS\)](#)

The FY 2024 Executive Budget recommends an appropriation of \$454,000 in the Aid to Localities budget. This is an increase of \$22,000 or 5.1 percent from FY 2023 levels.

FY 2024 Executive Budget National and Community Service Local Assistance Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Operations Programs			\$0
Regional Volunteer Centers	\$432	\$454	\$22
			\$0
Total	\$432	\$454	\$22

Aid to Localities

[Raise the Age \(RTA\)](#)

The FY 2024 Executive Budget recommends an appropriation of \$250 million in the Aid to Localities budget. This is unchanged from FY 2023 levels.

State Operations

[Welfare Inspector General \(WIG\)](#)

The FY 2024 Executive budget recommends an All Funds appropriation of \$1.3 million for State Operations, increase of \$24,000 or 1.8 percent. The change is attributed to general salary increases.



FACT SHEET: General Government

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General Government Budget Highlights

- The Fiscal Year 2024 Executive Budget proposes an All Funds appropriation for General Government and Local agencies of \$13 billion, a 3.1 percent decrease from the current year. This decrease is attributed to a \$153 million decrease or 31 percent from the current year for the NYS Gaming Commission as well as a \$29.2 million decrease or 26 percent from the current year for the Division of Alcoholic Beverage Control. This decrease is offset by a \$33.3 million increase for the State Board of Elections.

Spending Highlights

- The Executive budget includes another round of funding for the Downtown Revitalization Initiative (DRI) totaling \$200 Million and a second round of NY Forward totaling \$100 Million.
- Additional funding of \$34.7 million is provided for the Office of Technology Services for increased Cyber Security to strengthen State and Local defense and response efforts.
- The Executive Budget provides for an increase of 108 FTE's within the Department of Civil Service for the support of programs to modernize the State's civil service system.

Department of Civil Service Budget Overview

- The Fiscal Year 2024 Executive Budget proposes All Funds spending authorization of \$84.8 million, an increase of \$13.9 million.
 - The increase is due to a planned upgrade for virtual testing, creating avenues to engage future State employees through direct contact and social media, and for analyzing and improving the equity of the State's current pay structure.

Spending Highlights

- State Operations funding for Civil Service increased by \$13.9 million.
- The Aid to Localities Budget for Civil Service is unchanged.

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Local Government Budget Highlights

- The FY 2024 Executive Budget recommends All Funds appropriation of \$835 million for Aid to Localities and State Operations, a decrease of \$6.7 million, or a one percent decrease from the FY 2023 Enacted Budget.
- The FY 2024 Executive Budget recommends an appropriation of \$832 million for Aid to Localities, a decrease of 6.7 million, or a one percent decrease from the FY 2023 Enacted Budget. This is a result of the removal of Legislative additions.
- The FY 2024 Executive Budget recommends an appropriation of \$2.5 million for the Financial Restructuring Board, which is unchanged from the FY 2023 Enacted Budget.

Department of Financial Services Budget Highlights

- The FY 2024 Executive Budget recommends All Funds disbursement appropriation of \$521.3 million for Aid to Localities and State Operations, an increase of \$40.2 million, or an eight percent increase from the FY 2023 Enacted Budget.
- The FY 2024 Executive Budget recommends an appropriation of \$74.1 million for Aid to Localities, a decrease of \$10 million, or a 12 percent decrease from the FY 2023 Enacted Budget. This decrease is primarily due to the removal of the \$11 million appropriation for the administration of a commuter van stabilization pilot program.
- The FY 2024 Executive Budget recommends an appropriation of \$447.1 million for State Operations, a \$50.1 million decrease, or a 13 percent increase from the FY 2023 Enacted Budget. This increase is due to across the board increases in personal service costs and a new Virtual Currency Assessments Account.

Notable Issues

- The Executive proposes in Part H of the Public Protection and Good Government bill to give governing boards of cities, towns, villages, and fire districts the authorization for fire companies to provide nominal fees to volunteer firefighters for:
 - A response to a fire, alarm of fire, hazardous materials incident or other emergency to which their fire department, fire company, or any unit thereof, either has responded or would be required or authorized to respond, and for completion of certain training.
 - The Office of Fire Prevention and Control would make available state funds through a stipend to volunteer firefighters for completion of certain firefighter training.



- The aim would be to support volunteer firefighter recruitment and retention efforts.
- The Executive proposes in Part P of the Public Protection and Good Government bill, to increase the hourly rate paid to assigned counsel program attorneys statewide. Assigned counsel program rates in New York City and other downstate counties (Suffolk, Nassau, Westchester, Rockland, Putnam, Orange, Dutchess, Ulster, and Sullivan) from \$75 to \$158 per hour, and would increase rates in upstate counties to \$119 per hour.
- The Executive Proposal does not make mention that the State would be paying for this rate increase and it is likely that the costs of this increase would fall to the counties.
- To note, it has been 20 years since the last increase in the hourly rate for assigned counsels.

Spending Highlights

- The Executive Budget maintains the FY 2023 Enacted Budget level for AIM- base aid payments to municipalities at \$715 million. There are no recommended changes to these programs and municipalities should expect to receive the same base payments that they received in the FY 2023 Enacted Budget.

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State Board of Elections Budget Highlights

- The Fiscal Year 2024 Executive Budget recommends All Funds appropriations of \$67.8 million, a \$33.9 million increase from FY 2023 Enacted Budget. The increase is due to \$25 million in aid to localities funding for the public campaign finance board and an increase of \$18 million in State Operations for 62 new FTEs for the Public Campaign Finance Board.

Spending Highlights

- \$25 million in local assistance appropriations to provide matching funds for the Public Campaign Finance Program

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Gaming Commission Budget Highlights

- The FY 2024 Executive Budget recommends All Funds appropriation of \$345.8 million, a decrease of \$153 million or 31 percent. This decrease is primarily reflected in a current year payment within the Tribal State Compact from the Seneca Nation.
- The Executive Budget recommends State Operations of \$108.8 million, an increase of \$1 million, to be utilized for an independent study on the racing industry. The Executive Budget recommends Aid to Localities appropriations of \$237 million, a decrease of \$153 million which as noted above is due to a payment in the current fiscal year from the Seneca Nation.

Notable Issues

Commercial and Video Lottery Gaming

- As of February 2018, all four Destination Resort Casinos have opened within the Capital, Central, and Hudson Valley regions of New York as established by the 2013 Gaming Economic Development Act. These casinos pay 80 percent of their tax to Education, with the remaining 20 percent going to host and non-host municipalities. The FY 2024 Executive Budget recommends Commercial Casinos local assistance appropriation authority of \$62 million, consistent with FY 2023.
- The FY 2024 Executive Budget projects the Video Lottery Gaming (VLG) program to generate \$1 billion for Education, a 16.5 percent reduction from the prior.

Mobile Sports Wagering

- Mobile sports betting revenue which has outpaced the enacted budget estimates is expected to grow to \$896 million in FY 2024 for education an increase of 45.7 percent. No changes were made to the current program.

Tribal State Compact

- The State has exclusivity compacts with The Oneida, Seneca, and St. Regis Mohawk Tribe. These compacts require the three Nations to remit 25 percent of their slot machine proceeds to the State.
- State Finance Law requires the State to share 25 percent of revenue received from Native American casinos with the local host government and an additional 10 percent of the State's share with the non-host counties within the exclusivity zone.
- The FY 2024 Executive Budget recommends an appropriation of \$175 million, a \$153 million decrease from FY 2023. This is due to a prior year payment by the Seneca Nation in relation to slot



machine revenue as a part of the Tribal State Compact. The Nation has also agreed to begin talks on a new gaming compact with the State.

Spending Highlights

- The Executive Budget amends the Racing, Pari-Mutuel Wagering and Breeding, State Finance, and Public Authorities Laws to dedicate 100 percent of the revenue generated by a casino located in NYC to the MTA. For any casino sighted outside of NYC 80 percent of the revenue generated by that casino would be directed to the MTA and 10 percent to the host locality and 10 percent to education. In FY 2023 the State authorized the issuance of the three commercial casino licenses in downstate New York. Each selected licensee will be required to pay a minimum license fee of \$500 million dollars. In addition, the gross gaming revenue of these new gaming facilities would be subject to a State tax.
- The Executive budget provides capital appropriation of \$455 million for NYRA to renovate the Belmont Race Track. NYRA will pay back the funding over twenty years.



GENERAL GOVERNMENT

General Government consists of 22 agencies, boards and commissions that provide a diverse array of services. It also includes General State Charges and Local Government Assistance.

The FY 2024 Executive Budget recommends All Funds Appropriations of approximately \$13 billion for General Government Agencies, General State Charges, and Local Government Assistance. This represents a year-over-year decrease of 3.1 percent from FY 2023 levels.

The following General Government Agencies are projected to have flat or near flat All Funds appropriation growth in FY 2024:

- Data Analytics
- Deferred Compensation Board
- Division of the Budget
- Office of the Lt. Governor
- Division of Tax Appeals

State Operations

Alcoholic Beverage Control

The FY 2024 Executive Budget recommends an appropriation of \$78 million in State Operations. This is an increase of \$15 million, or 30 percent from the FY 2023 Enacted Budget.

- This increase is due to funding for staffing of the Office of Cannabis Management, 37 new FTE's to combat illicit cannabis sales and to set up the Adult-Use Program.

Audit and Control, Department of

The FY 2024 Executive Budget recommends \$554.7 million in All Funds appropriation authority for State Operations, an increase of \$98.3 million or 21.5 percent. This includes:

- An increase of approximately \$60 million in the Retirement Services Program for the hire of 58 additional full time equivalents to replace contractors that built and completed the knowledge transfer of certain information technology systems related to the pension plan.
- The remaining \$38.3 million is attributable to general salary increases and modernizations to the Justice Court Fund System.

Division of the Budget

The FY 2024 Executive Budget recommends an appropriation of \$50 million in State Operations. This is a decrease of \$537,000 million, or 1 percent from the FY 2023 Enacted Budget.

- The decrease is due to the reduction in non-personal service for membership dues.

Department of Civil Service

The FY 2024 Executive Budget recommends an appropriation of \$83 million in State Operations. This is an increase of \$13.9 million, or 20 percent from the FY 2023 Enacted Budget.

- The increase is due to a planned upgrade for virtual testing, creating avenues to engage future State employees through direct contact and social media, and for analyzing and improving the equity of the State's current pay structure.
- \$7.8 million for additional FTE to implement expansion of continuous recruitment (PPGG, Part S).
- \$6 million increase for system modernization.
- \$2 million increase for the Office of Diversity and Inclusion Management.

Executive Chamber

The FY 2024 Executive Budget recommends an appropriation of \$23.3 million in State Operations. This is an increase of \$5.4 million, or 30 percent from the FY 2023 Enacted Budget.

- The increase is due to the addition of 32 FTE's to accommodate new agency needs.

Gaming Commission

The Executive Budget recommends State Operations of \$108.8 million, an increase of \$1 million which will be utilized to conduct an independent study on the racing industry.

General State Charges

The FY 2024 Executive Budget recommends \$7.1 billion in All Funds appropriation authority for General State Charges, a decrease of \$291.8 million from FY 2023. This includes:

- \$293.9 million decrease in social security payroll taxes to reflect the State having repaid certain employer deferments on the social security tax related to the CARES Act.



Office of General Services

The FY 2024 Executive Budget recommends State Operation Funds appropriation of \$1.07 billion. This is an increase of \$27 million, or 2.9 percent from the FY 2023 Enacted Budget.

- This is due to increased utility costs, LinkedIn Contract, and an increase in the Media Services for Production and Broadcasting.

Office of Information Technology Services

The FY 2024 Executive Budget recommends State Operation Funds appropriation of \$863 million, \$34.7 million increase or, 4 percent from the FY 2023 Enacted Budget.

- This is due to an increase of cyber security funding for State and Local defense.

Commission on Ethics and Lobbying in Government

The Executive Budget recommends an appropriation of \$7.6 million in state operations for the Commission on Ethics and Lobbying in Government. This is an increase of \$193,000, or 2.5 percent. The Executive Budget recommends the addition of 21 FTEs to a total of 68 FTEs.

Local Government Assistance

The Executive Budget recommends an appropriation of \$2.5 million in State Operations for Local Government Assistance. This is funding for the Financial Restructuring Board. This is the same appropriation level as FY 2023.

Office of the Lieutenant Governor

The FY 2024 Executive Budget recommends State Operation Funds appropriation of \$746,000. This is the same level from FY 2023 Enacted Budget.

Public Employment Relations Board

The FY 2024 Executive Budget recommends \$5 million in All Funds appropriation authority for State Operations, an increase of \$636,000 or 14.7 percent. This includes:

- \$500,000 for additional staff to process increasing levels of petitions and law suits related to farm labor workers.

State Board of Elections

The Fiscal Year 2024 Executive Budget recommends State Operations Funds appropriations of \$38.8 million, an increase of \$18.4 million from the 2023 Enacted Budget primarily due to 54 new FTEs for the Public Campaign Finance Board.

Department of Financial Services

The Executive Budget recommends an appropriation of \$447.1 million in State Operations for the Department of Financial Services. This is an increase of \$50.1 million or 13 percent from FY 2023 levels. This increase is attributed to across the board increases in personal service costs and a new Virtual Currency Assessments Account.

Department of State

The FY 2024 Executive Budget recommends State Operations Funds appropriation of \$139 million, an increase of \$19 million or, 16 percent from the FY 2023 Enacted Budget.

- This is due to increases in the business and licensing services, code enforcement and the consumer protection program.

Statewide Financial System

The FY 2024 Executive Budget recommends State Operations Funds appropriation of \$32 million, a \$22,492 decrease or, .07 percent from the FY 2023 Enacted Budget.

Department of Tax and Finance

The FY 2024 Executive Budget recommends State Operations Funds appropriation of \$472 million. This is the same level from FY 2023 Enacted Budget.

Office of Inspector General

The FY 2024 Executive Budget recommends State Operations Funds appropriation of \$9.8 million. This is an increase of \$1.4 million, or 16 percent from the FY 2023 Enacted Budget.

- This is due to an increase in general salaries and updating of legacy systems.

Aid to Localities

Alcoholic Beverage Control

The FY 2024 Executive Budget recommends Aid to Localities Funds appropriation of \$5 million. This is a decrease of \$45 million from the FY 2023 Enacted Budget. (see chart following Article VII proposals)



- This is driven by a decrease of \$50 million for the one-time commitment for the Cannabis Social Equity Investment Fund. The decrease is partially offset by a new \$5 million local assistance appropriation for the New York State Community Grants Reinvestment Fund that will be administered by OCM and the Cannabis Advisory Board. This remained the same from FY 2023.

Commercial and Video Lottery Gaming

As of February 2018, all four Destination Resort Casinos have opened within the Capital, Central, and Hudson Valley regions of New York as established by the 2013 Gaming Economic Development Act. These casinos pay 80 percent of their tax to Education, with the remaining 20 percent going to host and non-host municipalities. The FY 2024 Executive Budget recommends Commercial Casinos local assistance appropriation authority of \$62 million, consistent with FY 2023.

The FY 2024 Executive Budget projects the Video Lottery Gaming (VLG) program to generate \$1 billion for Education, a 16.5 percent reduction from the prior.

Department of Civil Service

The FY 2024 Executive Budget recommends Aid to Localities appropriation of \$2 million. This remained the same from FY 2023. (see chart following Article VII proposals)

State Board of Elections

The Fiscal Year 2024 Executive Budget recommends Aid to Localities Funds appropriations of \$29 million, an increase of \$15 million from the 2023 Enacted Budget, primarily due to \$25 million for matching funds for the public campaign finance program. (see chart following Article VII proposals)

Department of Financial Services

The FY 2024 Executive Budget recommends an appropriation of \$74.1 million in the Aid to Localities Budget for the Department of Financial Services. This is a decrease of \$10 million or 12 percent from FY 2023 levels. This decrease is attributed to the removal of the \$11 million appropriation for the administration for the administration of commuter van stabilization pilot program. (see chart following Article VII proposals)

Gaming Commission

The Executive Budget recommends Aid to Localities appropriations of \$237 million, a decrease of \$153 million which is due to back payment in the prior fiscal year from the Seneca Nation. (see chart following Article VII proposals)

[Local Government Assistance](#)

The FY 2024 Executive Budget recommends an appropriation of \$832 million in the Aid to Localities Budget for Local Government Assistance. This is a decrease of \$6.7 million or 1 percent from FY 2023 levels and can be attributed to the removal of legislative adds. Furthermore, base funding for municipalities through the AIM program remains level at \$715 million. (see chart following Article VII proposals)

[Mobil Sports Wagering](#)

Mobile sports betting revenue which has outpaced the enacted budget estimates is expected to grow to \$896 million in FY 2024 for education an increase of 45.7 percent. No changes to the current structure are proposed by the Executive.

[Department of State](#)

The FY 2024 Executive Budget recommends Aid to Localities Funds appropriations of \$179.2 million, a decrease of \$24 million from FY 2023. (see chart following Article VII proposals)

[Department of Tax and Finance](#)

The FY 2024 Executive Budget recommends Aid to Localities appropriation of \$7.9 million. This is an increase of \$1 million, or 14 percent from the FY 2023 Enacted Budget. (see chart following Article VII proposals)

[Tribal State Compact](#)

The State has exclusivity compacts with The Oneida, Seneca, and St. Regis Mohawk Tribe. These compacts require the three Nations to remit 25 percent of their slot machine proceeds to the State.

State Finance Law requires the State to share 25 percent of revenue received from Native American casinos with the local host government and an additional 10 percent of the State's share with the non-host counties within the exclusivity zone.

The FY 2024 Executive Budget recommends an appropriation of \$175 million, a \$153 million decrease from FY 2023. This is due to a prior year payment by the Seneca Nation in relation to slot machine revenue as a part of the Tribal State Compact. The Nation has also agreed to begin talks on a new gaming compact with the State.

Capital Funding

[Audit and Control, Department of](#)



The FY 2024 Executive Budget recommends \$2.8 million in All Funds appropriation authority for Capital Projects. This is related to ongoing IT initiatives at OSC. The FY 2023 as \$30 million. (see chart following Article VII proposals)

Office of General Services

The FY 2024 Executive Budget recommends an appropriation of \$259 million in Capital Funding, \$185 million decrease or, 42 percent from the FY 2023 Enacted Budget. (see chart following Article VII proposals)

- This decrease reflects the one-time funding for the Empire State Plaza infrastructure projects.

Office of Information Technology Services

The FY 2024 Executive Budget recommends an appropriation of \$130.7 million in Capital Funding, \$15 million increase or, 13 percent from the FY 2023 Enacted Budget. (see chart following Article VII proposals)

- This increase is to the support to develop an e-procurement system.

Department of State

The FY 2024 Executive Budget recommends an appropriation of \$202 million in Capital Funding. This remained the same from FY 2023. (see chart following Article VII proposals)

New York Racing Association (NYRA)

The Executive Budget recommends \$455 million for the transformation of the Belmont Racing track. Funds will be repaid by NYRA over twenty years.

Article VII Proposals

The Executive proposes the following Article VII legislation:

PPGG

Stabilizing Fire Service to Improve Emergency Response (PPGG Part H)

- Amends the General Municipal Law to authorize, at local option, the governing board of a city, town, village, or fire district to provide nominal fees to volunteer firefighters for the following tasks:

- Response to a fire, alarm of fire, hazardous material incident or other emergency to which their department, company, or unit has either responded to or had been authorized to respond.
- Completing certain training as identified and published through the Office of Fire Prevention and Control (OFPC)
- OFPC may make state funding available through a stipend for volunteer firefighters for completion of certain training.
- This proposal would not eliminate current benefits.

This act would take effect immediately upon enactment.

[Review of Alcoholic Beverage Control Law \(PPGG, S.4005, Part K\)](#)

- The New York State Liquor Authority ("SLA") is directed to undertake a review of the New York State Alcoholic Beverage Control (ABC) Laws and recommend changes to more clearly and rationally delineate policies, procedures, criteria, and legal standards.
- The proposal states that the impetus for this is that in the roughly century that the ABC Laws have existed, the changes that have been made have resulted in the law being unwieldy and inconsistent, and this proposal is intended to clean up the law while remaining policy neutral.

[Issuance of Temporary Wholesale Permits \(PPGG, S.4005, Part L\)](#)

- Authorizes the New York State Liquor Authority ("SLA") to issue temporary permits to wholesalers while their applications for permanent licensure is being reviewed as long as they meet the following criteria-
 - the applicant has a wholesale license application at the same premises pending before the SLA;
 - the applicant has obtained all permits, licenses, and other documents necessary for the operation of the business; and;
 - any current license in effect at the same premises that may not operate concurrently has been surrendered prior to the application.
- SLA would be required to make a decision on issuing the temporary permit within 45 days of receiving the application.
- The temporary permit would be in effect for 6 months or until the permanent license is approved.



[Expedite SLA Review of Corporate Changes](#) (PPGG, S.4005, Part M)

- Requires that the New York State Liquor Authority ("SLA") act on any changes to the membership or other corporate structure changes of a limited liability company (LLC) within 90 days of receiving an application.
- If SLA does not take any action with the 90 day period, the application would be deemed approved.

[Expedite SLA Municipal Notification Process](#) (PPGG, S.4005, Part N)

- Amends the Alcoholic Beverage Control Law to allow applicants applying for a license from the New York State Liquor Authority ("SLA") to be apply to apply on the same day they provide notice to their municipality that they are applying.
- Currently, applicants must provide notice to their municipality and then wait 30 days before they can apply to SLA.

[Issuance of Temporary Retail Permits](#) (PPGG, S.4005, Part O)

- Allows the New York State Liquor Authority ("SLA") to issue temporary permits to a new business as long as no former license at the proposed location was not canceled, suspended or revoked.
- Further allows for SLA to provide a 90 day extension to the temporary permit, and allows for the business to operate in the same manner as a fully licensed business. Current law only allows for a 30 day extension, and requires that an temporary permit holder operate cash only and prohibits operation on a credit-basis.

[Extension on the State Commission on the Restoration of the Capitol](#) (PPGG, S.4005, Part Q)

- Extends the authorization for the State Commission on the Restoration of the Capitol for five additional years, until April 1, 2028.
- This Commission was first authorized in 1988 and has been extended every five years since.

[Expand Continuous Recruitment of a Diverse Inclusive, and Talented Workforce](#) (PPGG, S.4005, Part S)

- Amends the §57 of the Civil Service Law relating to continuous recruitment to authorize the Department of Civil Service or municipal commissions to maintain an open recruitment list for any open-competitive positions. Current law restricts continuous recruitment to circumstances in which there are inadequate numbers of well qualified persons available for recruitment.

55-b & 55-c Candidate Expansion (PPGG, S.4005, Part T)

- Amends §55-b of the Civil Service Law to expand the number of positions available for persons with disabilities from 1,200 to 1,700.
- Amends §55-b and §55-c of the Civil Service Law to allow persons with disabilities and veterans with disabilities to transfer into competitive class positions if they meet the existing requirements.

Amending the Contribution Stabilization Program for participating employers in the New York State and Local Retirement System. (PPGG, S.4005, Part W)

- Amends the Retirement and Social Security Law to allow employers to withdraw from the Contribution Stabilization Program provided that prior year amortization amounts and interest thereon are paid in full.
- Employers would be eligible to reenter the program at a later date if they are eligible to amortize a portion of their pension liability and their contribution reserve fund has been depleted.
- Would allow employers to use their reserve funds established pursuant to participation in the Contribution Stabilization Program or the Alternative Contribution Stabilization Program to reduce their pension bills in years that they are eligible to amortize a portion of their bill. Under current law, the employers contribution rate must exceed the system's graded rate in order to gain access to their reserve funds.
- The maximum amount of reserve fund deposits would be reduced from 100 percent of an employee's payroll to an amount that does not exceed the employers previous year contribution amount.
- Applies to both the New York State and Local Employee Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS).
- According to the actuary there would be some administrative costs to implement the changes herein.

NYSHIP Interest for Premiums in Arrears (PPGG, S.4005, Part X)

- Would authorize the New York State Health Insurance Plan (NYSHIP) to charge participating employers who are late on their premium payments at a rate of interest fixed in regulation by the President of the Civil Service Commission
- The interest rate could not exceed could not exceed the interest rate paid by the health insurance plan because of such late payment.



Special Accidental Death Benefit (PPGG Part Y)

- This proposal would amend Section 208-f of the General Municipal Law to add counties as payors of the special accidental death benefit.
- Paid uniformed members of a county sheriff's office (outside of NYC) would be given the same special accidental death benefit provided to both police officers and firefighters and widows and widowers of deceased members would be eligible for this benefit.
- This part would also transfer the appropriation for this benefit from the Office of the State Comptroller Budget to the General State Charges Budget (State Operations bill).
- This act would take effect immediately upon enactment.

Commission on Ethics' Composition and Term Staggering (PPGG Part Z)

- Staggers the initial terms of members appointed to the Commission on Ethics and Lobbying in Government.
- Eliminates existing provisions which currently provide for four year terms for members subsequently appointed

Extend Various Commercial Property and Sales Tax Incentives in New York City (PPGG, S.4005, Part AA)

- Extends for five years multiple property and sales tax incentives in New York City.
- The following tax incentives are extended-
 - Lower Manhattan sales tax exemption for commercial tenants, landlords, and contractors;
 - The Energy Cost Savings Program Credit;
 - The Lower Manhattan Energy Program;
 - The Commercial Expansion Program, which provides tax benefits for businesses in Upper Manhattan, the Garment District, the Bronx, Brooklyn, Queens, and Staten Island;
 - The Commercial Revitalization Program.

Repeal Unrelated County-Wide Shared Services Initiative Payment (PPGG Part BB)

- This proposal would repeal subdivision 12 of Section 239-bb of the General Municipal Law (County-Wide Shared Services Initiative) which authorized a \$1 million annual payment that would be made to the North Shore Water Authority from the Initiative, which is an unrelated program.

- The purpose of the Shared Services Initiative is to eliminate duplicative services in county and local governments and instead provide shared services and in turn creating property tax savings for residents.
- There is a \$200 million reappropriation for the Initiative, however, the \$1 million payment from the fund to the North Shore Water Authority is unrelated to the initiative and would reduce the amounts available in the fund. The payment is tied to an unrelated appropriation and program.
- This act would take effect immediately upon enactment.

[Authorization for Transfers, Temporary Loans, and Amendments to Miscellaneous Capital Debt Provisions, Including Bond Caps.](#)
(PPGG, S.4005, Part CC)

- Includes general authority related to sweeps and bond caps.
- Amends the State Finance Law §92-cc increase the allowable deposit to the Rainy Day Fund to 20 percent of State Operating Funds disbursements as measured by the Enacted Budget of the applicable fiscal year. Current law limits the allowable balance to 15 percent of projected aggregate General Fund disbursements for the following fiscal year (for FY 2023, the current limit would be 15 percent of aggregate FY 2024 General Fund disbursements).

TED

[County Clerk Retention of Share of DMV Revenue](#)
(TED Part M)

- This bill would amend the Vehicle and Traffic law to change the share of revenue that is retained by the county clerk offices (would not include the counties of Rockland, Albany, Westchester, Suffolk, Nassau, Onondaga, Bronx, Kings, Queens, Richmond, and New York.)
- The office of the county clerk acts as an agent of the DVM and performs DMV services for such county.
- Under the current law, county clerk offices retain 12.7 percent of revenue-collected in-office and 3.35 percent of revenue collected online.
- This bill would allow those offices to retain 10.75 percent of revenue for transactions they perform (whether in-office or online).
- This bill is expected to increase revenues that are retained by the counties by \$13 million annually.
- This act bill would take effect on January 1, 2024.



New York City Parking Reform (TED Part N)

- This bill would amend the Vehicle and Traffic Law to increase fines for tractor-trailer combinations, tractors, truck trailers and semi-trailers and semi-trailers parked overnight on streets in residential neighborhoods within New York City.
- Fines would be increased from \$250 to \$400 for the first violation and up to \$525 for subsequent violations (previously \$500).
- Penalties would also apply to drivers who park on streets illegally with invalid or missing license plates
- This bill would prolong the stature of limitations for summonses dismissed as the result of fraud
- Furthermore, the appeal process where drivers would appeal parking violations would be amended.
- This bill would take effect immediately upon enactment.

Distribute Downstate Casino Revenue to the MTA (TED, Part R)

- Dedicates 100 percent of the revenue generated by a new casino located in NYC to the MTA.
- For any casino sighted outside of NYC 80 percent of the revenue generated by that casino would be directed to the MTA and 20 percent to the host locality.

Overdraft / Non-Sufficient Funds Reform (TED Part S)

- This bill would amend section 9-y of the Banking Law and rename the section “Order of payment of checks and other debits, insufficient funds charges and return deposits items charges.”
- The Department of Financial Services would be authorized to promulgate regulations that would aim to prohibit opportunistic sequencing of electronic payments, implement restrictions on overdraft fee practices, and implement restrictions on non-sufficient fund fee practices
- This act would take effect immediately upon enactment.

Provide for Alternative Project Delivery Method for the City of New York (TED Part II)

- This bill would amend the New York City Public Works Investment Act and create new definitions for terms such as “alternative project delivery contract”, “construction manager at risk”, and “construction manager build” and incorporate new capital delivery methods.
- “Alternative project delivery contracts would be defined to include design-build, construction manager build, and construction manager at risk contracts.

- “Best value” would be amended to clarify that a joint venture may receive a minority and women owned business enterprise point preference.
- The Executive believes that these project delivery tools can foster collaboration among all participating parties and lead to avoidance of lengthy delays and claims.
- This bill would take effect immediately upon enactment.

[Provide for Exempting Certain Public Construction Projects from Certain Insurance Restrictions for the City of New York \(TED, Part KK\)](#)

- Exempts NYC, NYC School District, NYC Industrial Development Agency, NYC Health and Hospital Corporation, and the NYC Housing Authority from the definition of “public corporation” and “public authority” under Section 2504 of the Insurance Law, thus providing these entities the ability to use Owner-Controlled Insurance Programs (OCIP) and Contractor-Controlled Insurance Programs (CCIP).
- Under these programs, all tiers of contractors on the same site are held to the same safety standards and procedures on the project.

Revenue

[NYRA Belmont Financing Structure \(REV, Part X\)](#)

- Authorizes the New York Racing Association’s (NYRA) to fund a \$455 million Belmont Redevelopment Project.

[Eliminate Quickdraw Restrictions \(REV, Part Y\)](#)

- Eliminates several current restrictions related to the Quick Draw Lottery game.

[Catskill OTB Termination Authorization \(REV, Part Z\)](#)

- Authorizes the termination of the Catskill OTB. In addition language is advanced to authorize any county within the Catskill OTB region to contract with another OTB to provide services within the Catskill OTB region.



[Extend Authorized Use of Capital Funds by Certain OTBs \(REV, Part AA\)](#)

- Extends for one year the Capital Region OTB’s ability to use capital funds for operating expenses.

[Extend Pari-Mutuel Tax Rates and Simulcast Provisions \(REV, Part BB\)](#)

- Extends for one year the State’s para-mutuel rates and simulcast provisions.

FY 2024 Executive Budget Alcoholic Beverage Control Agency Local Assistance Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Cannabis management program	\$50,000	\$5,000	(\$45,000)
Total	\$50,000	\$5,000	(\$45,000)

FY 2024 Executive Budget Civil Services Agency Local Assistance Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Administration and information management program	\$2,000	\$2,000	\$0
Total	\$2,000	\$2,000	\$0

FY 2024 Executive Budget Office of General Services Agency Capital Funding Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Design and Construction	\$15,000	\$15,000	\$0
Facilities Maintenance and operations	\$71,000	\$83,739	\$12,739
Flood recovery	\$15,000	\$15,000	\$0
Cost of energy conservation projects	\$5,000	\$7,000	\$2,000
Improvements for health and safety to existing facilities	\$7,040	\$11,000	\$3,960
Preservation, alteration, rehabilitation and preventative maintenance of existing facilities	\$313,760	\$110,500	(\$203,260)
Conversation of light duty vehicles in New York State fleet to electric	\$17,000	\$17,000	\$0
Total	\$443,800	\$259,239	(\$184,561)

**FY 2024 Executive Budget Information Technology Services Agency Capital Funding
Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
IT Initiative program	\$115,700	\$130,700	\$15,000
Total	\$115,700	\$130,700	\$15,000

**FY 2024 Executive Budget Department of State Agency Capital Funding Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Downtown Revitalization	\$200,000	\$200,000	\$0
Maintenance and Repairs of cemetery property	\$2,000	\$2,000	\$0
Total	\$202,000	\$202,000	\$0

**FY 2024 Executive Budget Department of State Agency Local Assistance Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Hurricane Ida assistance program	\$25,000	\$0	(\$25,000)
Administration of the Public utility law project	\$600	\$0	(\$600)
Additional services and expenses for the Public Utility Law Project	\$750	\$0	(\$750)
Rockland county	\$500	\$0	(\$500)
Doe Fund, Inc.	\$200	\$0	(\$200)
Brighton Neighborhood Association	\$50	\$0	(\$50)
New York Legal Assistance Group	\$75	\$0	(\$75)
NYS Immigration Coalition	\$2,000	\$0	(\$2,000)
Grants in aid to certain municipalities and for not-for-profit institutions	\$790	\$0	(\$790)
Community Services Block Grant	\$125,000	\$125,000	\$0
Grant Programs for poverty reduction	\$2,500	\$2,500	\$0
Coastal zone management program	\$2,200	\$2,200	\$0
Local government federal program	\$2,000	\$4,000	\$2,000
Program administration for the office of new Americans	\$40,000	\$43,000	\$3,000
Gifts, grants, contributions to the office for new Americans	\$1,500	\$1,500	\$0
Appalachian regional grants program	\$0	\$1,000	\$1,000
Total	\$203,165	\$179,200	(\$23,965)



FY 2024 Executive Budget Tax & Finance Agency Local Assistance Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Medical cannabis program	\$6,000	\$7,000	\$1,000
Revenue analysis, collection, enforcement, processing and real property tax program	\$926	\$926	\$0
Total	\$6,926	\$7,926	\$1,000

FY 2024 Executive Budget Board of Elections Local Assistance Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Public Campaign Finance Board	\$10,000	\$25,000	\$15,000
Pre-paid postage for absentee ballots	\$4,000	\$0	(\$4,000)
Regulation of Elections	\$0	\$4,000	\$4,000
Total	\$14,000	\$29,000	\$15,000

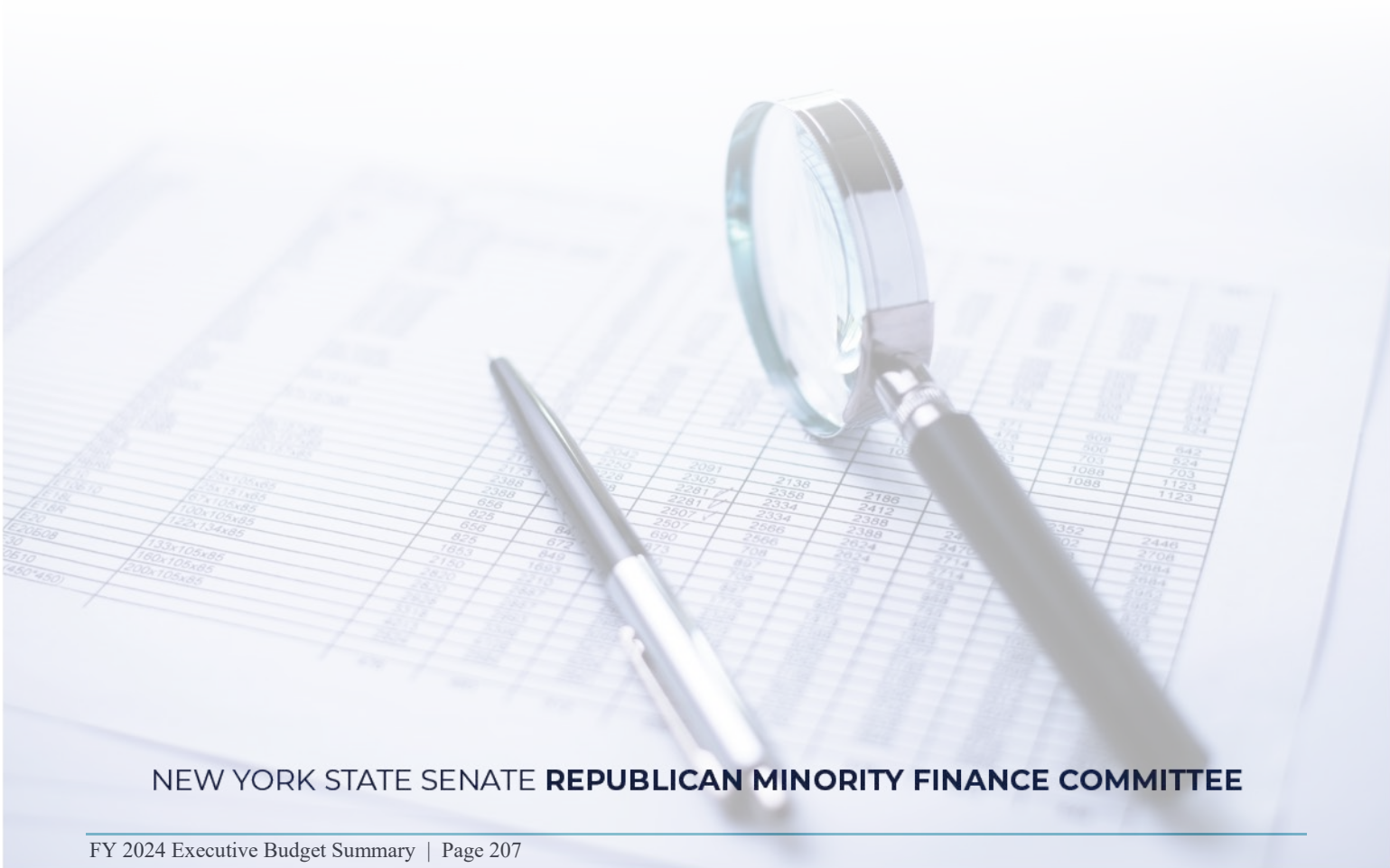
FY 2024 Executive Budget DFS Agency Local Assistance Appropriation Changes (Thousands of Dollars)			
Program	FY 2023 Enacted	FY 2024 Proposed	Change
Administrtion	\$ 850	\$ 850	\$ -
Community Service Society of NY-Education debt Consumer Assistance	\$ 3,000	\$ 3,000	\$ -
Lifespan of Greater Rochester Inc. for expanding bill payer programs	\$ 750	\$ -	\$ (750)
Insurance-Commuter Plan Stabilization Pilot Program	\$ 250	\$ -	\$ (250)
Aid to municipalities fighting fires on state property	\$ 989	\$ 989	\$ -
Payments for services for family planning services (sub to DOH)	\$27,402	\$27,402	\$ -
Payments for serviecs for immunization program (sub to DOH)	\$ 2,050	\$ 2,050	\$ -
Payments for serviecs for lead poisoning prevention program (sub to DOH)	\$ 6,135	\$ 8,135	\$2,000
Healthy NY	\$17,300	\$18,800	\$1,500
Entertainment Industry employees	\$ 503	\$ 1,000	\$ 497
Total	\$59,229	\$62,226	\$1,000

**FY 2024 Executive Budget Local Government Assistance Appropriation Changes
(Thousands of Dollars)**

Program	FY 2023 Enacted	FY 2024 Proposed	Change
Aid and Incentives for Municipalitiess	\$ 715,172	\$ 715,172	\$ -
Citizen Re-organization Empowerment Grants	\$ 35,000	\$ 35,000	\$ -
Local Government Efficiency Grants	\$ 4,000	\$ 4,000	\$ -
City of Yonkers Video Lottery Terminal Payment (VLT)	\$ 19,000	\$ 19,000	\$ -
Payments to eligible Video Lottery Gaming Facilities	\$ 9,285	\$ 9,285	\$ -
Payment to Madison County (gaming facilty is located)	\$ 3,750	\$ 3,750	\$ -
Payment to the City of Albany	\$ 15,000	\$ 15,000	\$ -
Payment to county of Suffolk	\$ 3,500	\$ -	\$(3,500)
Payment to county of Onondaga for a school discipline project	\$ 1,200	\$ -	\$(1,200)
Payment of City of Buffalo	\$ 300	\$ -	\$ (300)
Payment to County of Albany	\$ 300	\$ -	\$ (300)
Payment to Town of North Hempstead	\$ 250	\$ -	\$ (250)
Payment to County of Monroe	\$ 600	\$ -	\$ (600)
Payment to Town of Tonawanda	\$ 200	\$ -	\$ (200)
Payment to Village of Depew	\$ 120	\$ -	\$ (120)
Payment to City of Troy	\$ 70	\$ -	\$ (70)
Payment to City of Utica	\$ 50	\$ -	\$ (50)
Payment to City of Rome	\$ 50	\$ -	\$ (50)
Payment to Village of Endicott	\$ 50	\$ -	\$ (50)
Payment to Village of Green Island	\$ 25	\$ -	\$ (25)
Payment to County of Essex	\$ 124	\$ 124	\$ -
Payment to County of Franklin	\$ 72	\$ 72	\$ -
Payment to County of Hamilton	\$ 21	\$ 21	\$ -
Total	\$808,139	\$801,207	(\$3,500)

SECTION TWO

SUMMARY OF ARTICLE VII LEGISLATION AND APPENDICES



NEW YORK STATE SENATE **REPUBLICAN MINORITY FINANCE COMMITTEE**



SCHEDULE FOR LEGISLATIVE REVIEW OF THE FY 2024 EXECUTIVE BUDGET



2023 Joint Legislative Hearing Schedule

Date	Day	Time	Hearing	Request to Testify Can be Found at:
February 6	Monday	11:30 a.m.	Transportation	Assembly
February 7	Tuesday	9:30 a.m.	Public Protection	Senate
February 8	Wednesday	9:30 a.m.	Elementary & Secondary Education	Assembly
February 9	Thursday	9:30 a.m.	Economic Dev./Arts	Senate
		2:00 p.m.	Taxes	Assembly
February 13	Monday	11:30 a.m.	Human Services	Assembly
February 14	Tuesday	9:30 a.m.	Environmental Conservation	Senate
February 15	Wednesday	9:30 a.m.	Local/General Government	Assembly
February 16	Thursday	9:30 a.m.	Mental Hygiene	Senate
February 27	Monday	11:30 a.m.	Higher Education	Assembly
February 28	Tuesday	9:30 a.m.	Health	Senate
March 1	Wednesday	9:30 a.m.	Housing	Assembly
		2:00 p.m.	Workforce Dev./Labor	Senate



APPENDIX

SUMMARY OF THE IMPLEMENTING BUDGET BILLS

This appendix contains a summary of the implementing legislation submitted with, and required to enact the FY 2024 Executive Budget. The Governor's presentation consists of twelve total bills, five appropriation and seven article VII bills. While this section provides a brief summary, any questions or additional information on any of the provisions contained in these bills should be addressed to the appropriate Senate Finance or Counsel analyst.

FY 2023 EXECUTIVE BUDGET BILLS

Article VII Bills

S.4005 / A.4005	Public Protection & General Government
S.4006 / A.4006	Education, Labor & Family Assistance
S.4007 / A.4007	Health & Mental Hygiene
S.4008 / A.4008	Transportation, Economic Development & Environmental Conservation
S.4009 / A.4009	Revenue



ARTICLE VII LEGISLATION

Education, Labor and Family Assistance (ELFA) / S.4006

Part A - School Aid

- Includes provisions proposed by the Executive that define the school aid package for FY 2024. Specifically, this proposal would:
 - Formulaically allocates \$34.2 billion in General Support for Public Schools (GSPS).
 - Increases Foundation Aid by \$2.7 billion and ensures each school district receives a minimum three percent increase in Foundation Aid.
 - Fully funds expense-based aids through an increase of \$232 million.
 - Eliminates the regional cap on the number of charters that may be issued in New York City. Additionally, proposes to permanently authorize the re-issuance of any charter originally issued to a charter school that subsequently closed after July 1, 2015, due to surrender, revocation, termination, or non-renewal (so-called “zombie charters”).
 - Adds a new \$250 million set aside within Foundation aid dedicated to high-impact tutoring in math and reading for students in grades 3 through 8.
 - Requires school districts to report on the number of four-year-olds utilizing or denied a pre-kindergarten slot and all those who are eligible for pre-kindergarten.
 - Requires school districts to report on the progress of the implementation of the Zero-Emission bus mandate.
 - Directs the State Education Department to study and design a new rate-setting methodology in order to streamline and improve the timeliness of tuition rates for special education providers.
 - Extends the NY SAFE Act additional school building aid for the purchase of stationary metal detectors, security cameras, and safety devices for electrically operated partitions.
 - Allocates \$100 million in new Universal pre-kindergarten funding.
 - Caps the mandated services aid for Nonpublic schools at the annual amount appropriated.

Part B - Provide Tuition Flexibility Throughout CUNY and SUNY

- Authorizes tuition increases for SUNY state-operated campuses and CUNY senior colleges indexed to the lesser of the Higher Education Price Index or 3 percent.

- Additionally, authorizes SUNY’s University Centers (Albany, Binghamton, Buffalo, and Stony Brook) to increase their tuition by an additional 6 percent above SUNY’s base tuition rate each year for the next five years (capped at 30 percent above the base rate) for in-state students.
- Increased rates are authorized for the university centers if the Board of Trustees determines that such rate increases are competitive with the tuition rates of peer institutions.
- This proposal is estimated to generate \$97 million for SUNY and \$31 million for CUNY in Academic Year 2024.

Part C - Ensure abortion access at public college campuses

- Requires that every SUNY and CUNY campus (including community colleges) shall provide access to medication abortion prescription drugs for all students enrolled at such institutions.
- For the purposes of this section “access to medication abortion prescription drugs” means the prescription of medication abortion directly to a student from a certified individual working for the campus or by a healthcare provider or pharmacy in the community.

Part D - Removal of Maximum Award Caps for Liberty Partnership Program

- Removes the cap on awards for the Liberty Partnerships Program.
 - The Liberty Partnerships Programs provides students enrolled in grades 5-12 with services designed to improve their ability to graduate from high school and enter postsecondary education and the workforce.
 - Currently, recipients are restricted to award totals of \$300,000 per academic year, or \$1,250 per student for program participants with enrollments greater than 240 students.

Part E - Allow Public Accounting Firms to Have Minority Ownership by Individuals Who Are Not Certified Public Accountants

- Authorizes public accounting firms to incorporate in New York State with minority ownership by individuals who are not CPAs, provided that the words “Certified Public Accountant” or the abbreviation “CPA” do not appear in the firm’s name.

Part F - Growth Targets and the Housing Review Board

- Three-percent housing unit growth target for downstate counties (Bronx, Kings, New York, Richmond, Queens, Westchester, Orange, Putnam, Dutchess, Rockland, Nassau, and Suffolk) and a one-percent target for all other counties.
- Counties are given “safe harbor” status for an initial three-year period. At the end of the three-year period, localities must have made their targets or made two changes to their local laws that are under the category of preferred actions to retain safe-harbor status. If not found to be in safe harbor status, they will be prohibited from using non-compliance with land use laws as the basis for denial of a permit.



- Creates a housing review board to review appeals of denied building permits in localities not deemed to be in safe harbor status.
- Creates environmental review relief for development projects.
- Creates Land Use Advisory Council to recommend land use judges who shall hear appeals of the decisions made by the Housing Review Board. Finally, the bill expands the powers of DHCR to promulgate regulations, rules, and policies related to land use by localities as it relates to the development of housing.

Part G - Transit Oriented Development

- Establishes Transit Oriented Development Zones (TODZ) in a tiered framework.
- Directs localities to amend land use laws with respect to aggregate density per acre. Required density is based on the proximity of the rail station to the New York City Border
- Provides environmental relief for projects within Transit Oriented Development Zones
- Requires localities to publish reports on the land included in the TODZ
- Should localities fail to comply, they can be subject to action by the Attorney General

Part H - Housing Reporting Requirements

- Requires local boards to report to DHCR information regarding housing development, zoning maps, and zoning requirements.

Part I - Reclaiming Abandoned Property

- Property can be reclaimed if it has had a code violation that is potentially dangerous and has not been remedied for at least 1 year

Part J - Converting Office Space to Residential Housing

- Amends the multiple dwelling law to allow commercial buildings to be converted to residential housing

Part K - Enable NYC to create a pathway to legalize pre-existing basement dwelling units

- Allows for New York City to legalize ADUs.
- Provides amnesty from civil and administrative penalties or judgments for owners of ADUs who get their ADU permitted.
- Provides environmental relief for ADU conversions and makes changes to financing laws to allow for rehab loans on ADUs.

Part L - Authorize NYC to expand the floor area ratio

- Allows New York City to create zoning laws that allow for floor area ratios of greater than 12.
- Allow the New York State Urban Development Corporation to develop project plans in consultation with local officials where the project has a floor area ratio that exceeds 12.

Part M - Property Tax Abatement Incentives for Affordable Multiple Dwellings in New York City

- Provides a tax abatement for capital improvements to affordable rental and owner-occupied buildings located in New York City or any city to which the multiple dwelling law is applicable.
- The bill would abate the property tax levy on property owners who perform these improvements, at a maximum annual abatement amount of 8⅓% of the total certified reasonable cost of the eligible construction, for a period of no longer than 20 years.
- The overall abatement is capped at 70% of the total improvement costs over the duration of the abatement.
- The abatement would be available for alteration and improvement projects completed between June 29, 2022 and June 30, 2026 on eligible buildings.
- Eligible rental buildings must meet one of the following conditions: rents for at least 50% of the units are set between 20 and 30% of 80% of area median income, adjusted for household size; the building is a Mitchell-Lama rental property; or the building receives substantial governmental assistance, as defined by the bill.
- For homeownership developments to be eligible for the abatement, the average assessed valuation must not exceed \$45,000 per unit or the building must be owned and operated by a mutual company or mutual redevelopment company, as both are defined by the bill.
- Units would be subject to a 15-year restriction period during which they would need to continue to be affordable, and all non-Mitchell Lama rental units would be entered into rent regulation until the first vacancy after the 15-year restriction period.
- This bill would enable property owners in the City of New York to preserve existing affordable housing stock.
- Eligible municipalities that opt in must enact local option by June 30, 2025.

Part N - Property Tax Exemption for Low Income Housing Construction Outside the City of New York

- Allows municipalities outside of the City of New York to provide by local law a property tax exemption for certain new construction.
- Properties would be wholly exempt from property taxes during the construction period (up to three years) then the exemption would phase down when construction is completed over 25 years.



- The proposed tax exemption is provided for newly-constructed rental properties that have 20 or more units, where at least 20 percent of units are affordable and restricted to households meeting the bill's criteria for low income (80 percent of median income).
- To be eligible, the new construction would be required to take place on vacant, predominantly vacant, or underutilized land; on land that currently has a non-conforming use; or on land with dwellings that are sub-standard, structurally unsound, or certified as unsanitary by a local health agency.
- If for a mixed-use building, the rental units would need to encompass at least 50 percent of the square footage of the property and all would need to be affordable.
- This Part would allow municipalities to designate geographic areas within their municipalities in which the exemption would apply.
- After construction, the size of the exemption would decrease by four percent per year for 25 years, at which time the property would be wholly liable for property taxes.

Part O - Provide a Property Tax Exemption for Accessory Dwelling Units

- Provides that, at local option, one- and two-family residential buildings that are reconstructed, altered, improved, or newly constructed to create one or more additional residential dwelling units on the same parcel as the preexisting residential building.
- The intent is to provide independent living facilities for one or more persons and for that construction to be partially or fully exempt from taxation and special ad valorem levies on the increase in assessed value attributable to such reconstruction, alteration, improvement, or new construction.
- The program is structured as a 10-year exemption, with the first 5 years providing an exemption of 100% of the increase in assessed value, the next three years decreasing that exemption by 25%, and the last two years decreasing by a further 10% in each year.
- The exemption is capped at \$200,000 in increased market value and would only be for reconstruction, alteration, improvements, or new construction to create ADUs that commence after the effective date of this bill, are valued at more than \$3,000, and are not for ordinary maintenance and repairs.
- Localities that opt-in will have the option to offer a lower percentage exemption or to limit eligibility to certain forms of reconstruction, alterations, improvements, and new construction. Incentivizing the creation of ADUs will help facilitate the creation of much needed additional housing stock, including housing stock that may be more affordable than new construction of stand-alone homes, throughout the State.

Part P - Authorize Tax Incentive Benefits for Converting Commercial Property to Affordable Housing

- Establishes the Affordable Housing from Commercial Conversions Tax Incentive Benefits (AHCC) program to promote the development of new affordable housing rental units through conversions of commercial, manufacturing, or other non-residential buildings which do not receive any other exemption from or abatement of real property taxation.

- AHCC provides tax benefits to multiple dwellings located in New York City for which six or more rental units are created by converting a commercial, manufacturing, or other non-residential building to a residential dwelling.
- Eligible projects will receive a full property tax exemption during the construction period, other than assessments for local improvements.
- After construction is complete, properties in the Manhattan prime development area, located entirely south of 96th Street in Manhattan (PDA), receive a 50% exemption for 15 years. Properties outside of the PDA receive a 35% exemption for this period.
- Each year thereafter for the next four years, properties within the PDA receive a tax exemption that is 10% less than the prior year, and properties outside the PDA receive an exemption 7% less than the prior year.
- At least 20% of units within an eligible dwelling must be affordable, pursuant to definitions of affordability outlined in the bill.
- At least 5% of those units must be affordable to households whose income does not exceed 40% of the area median income, as adjusted for household size, and the weighted average of all the affordable units cannot exceed 70% of the area median income, as adjusted for household size.
- The Part also requires the affordable housing units be rent stabilized during the 19-year tax benefit period.
- This Part further provides that building service workers in AHCC recipient buildings must receive the applicable prevailing wage during the AHCC benefit period, unless the buildings have fewer than 30 units or are converted with substantial assistance of governmental grants, loans, or subsidies.

Part Q - Authorize Mortgage Insurance Fund (MIF) Utilization

- Authorizes transfers of money from the MIF to the Housing Trust Fund Corporation
- \$12.8 million for the Neighborhood Preservation Programs
- \$5.4 million for the Rural Preservation Program
- \$21.7 million for Rural Rental Assistance Program
- \$50.8 million for the Homeless Housing Assistance Corporation

Part R – Extend the Project Completion Deadline for 421-a Vested Projects by Four Years

- Currently to be eligible for a tax abatement pursuant under 421-a of the Real Property Tax Law, a vested multiple dwelling or homeownership project must be completed by June 15, 2026.
- This part would amend the definition of “eligible multiple dwelling” to extend this completion deadline to June 15, 2030.



Part S - Annual minimum wage increase indexed to the rate of inflation

- Linked to year over year changes in the Consumer Price Index-W (CPI-W) for the Northeast Region to determine changes in the minimum wage linked to inflation.
 - Increase is the lesser of three percent and the established rate of inflation for the most recent 12 month period encompassing August 1 to July 31.
 - For New York City, Long Island and Westchester, the effective date is December 31, 2023. For upstate the effective date is the year after the minimum wage reaches \$15.
- Contains circuit breakers that would freeze any increases to the minimum wage:
 - No change in the minimum wage if the CPI-W is negative.
 - If the three month moving average of the seasonally adjusted New York State unemployment rate increases by one half of a percentage point based on its low during the previous 12 months.
 - If seasonally adjusted nonfarm employment statewide, calculated in July, has decreased from April AND the same also decreased since January.
- Technical language to ensure that the wage paid to home care aids does not increase when the minimum wage increases, provided that the minimum wage of a home care aid does not fall below the indexed statutory minimum wage in the applicable region of the state.
- Effective October 1, 2023, the minimum wage for home care aids in New York City, Long Island and Westchester will be \$18 per hour and \$17.20 rest of state.

Part T - Community Hiring and Workforce Development

- Creates the Office of Community and Workforce Development.
- Would require New York City and its entities to undertake best efforts to hire qualified persons from economically disadvantaged backgrounds to perform work on City contracts.
- There would be civil penalties for non-compliance.
- Would authorize the City to establish minimum ratios of apprentices to journey-level workers on construction contracts.

Part U- Increase Income Eligibility to Federal Maximum Limit

- Expands access to child care by increasing the income eligibility for child care assistance from 300 percent of the federal poverty line up to 85 percent of the State median income. Additionally, standardizes child care assistance benefits across all local social service districts

Part V - Continue Re-aligned Fiscal Responsibility for Committee on Special Education (CSE)

- Prior to the 2021 Enacted budget, the room and board costs for children with severe disabilities placed by CSEs were shared between local social services districts, school districts and by the State when placements were made by committees outside of New York City. The FY 2021, FY 2022, and FY 2023 Enacted Budget eliminated the existing 18.4 percent State share, placing the fiscal responsibility with the school district responsible for placement. The FY 2024 Executive budget proposes to make the current funding structure permanent. The Executive claims this will produce \$28.6 million in annual savings.

Part W - Permanently Authorize Close to Home

- Permanently authorizes the Close to Home initiative, the expiration of the CTH authorization would result in New York State becoming responsible for New York City youth that would be placed in OCFS facilities at an additional State cost.

Part X - Increase Access to Education and Economic Stability for Public Assistance

- Eliminates the requirement for Public Assistance (PA) recipients that any enrollment in post-secondary education beyond 12-months must be combined with a minimum of 20 hours of weekly participation in paid employment, work activities, or community service.
- Allows individuals to participate in educational and vocational training programs, when consistent with their employment assessment, including two-year post-secondary degree programs.
- Additionally, authorizes a one-time disregard for a period of up to six months of all earned income of a (PA) recipient that participates in a qualified work activity or training program, provided that the earned income does not exceed 200 percent of the Federal Poverty level.

Part Y - Provide Reimbursement to Victims of Public Assistance Fraud

- Provides reimbursement to Public Assistance (PA) recipients who have had benefits stolen as a result of card skimming, cloning or third party misrepresentation.
- Requires local social services districts to replace stolen PA benefits no later than five business days after the district verifies that such benefits were stolen and properly reported.

Part Z - Authorize the 2024 SSI Federal COLA Pass-Through

- Establishes specific amounts for the monthly Personal Needs Allowance (PNA) and the monthly standard of need for SSI recipients in various living arrangements in the Social Services Law. The federal SSI benefit amount is increased annually, through a cost of living adjustment (COLA), and the State Law must be amended accordingly to ensure accurate payments are made.



- Sets forth the dollar amounts for the 2023 PNA and the standard of need for eligibility and payment of additional State payments. It also authorizes those amounts to be automatically increased, by the percentage of any federal SSI COLA, which becomes effective within the first six months of the calendar year 2024.



Health and Mental Hygiene (HMH) / S.4007

Part A - Medicaid Global Cap Extension

- Extends for two-years the Medicaid Global Cap through FY 2025.

Part B - Extend various provisions of the Public Health Law, Education and Social Services Law

- Extends for two years the two-month cooling off period after the termination of a contract between an Article 44 health plan and a hospital through June 30, 2025.
- Extends for five years the authorization for spousal budgeting in long-term care waiver programs, including Managed Long-Term Care through March 31, 2028.
- Extends for five years the authority to continue the Care at Home (CAH) I and II waivers through March 31, 2028 and increases the age eligibility criteria from 18 years of age to 21 years of age.
- Extends authorization of licensed and certain unlicensed employees at correctional facilities to use body imaging equipment for the screening of the incarcerated through January 30, 2029.
- Extends for one year provisions related to professional misconduct hearings within the Office of Professional Misconduct through July 1, 2023.
- Extends for ten years provisions that provide immunity from liability for members of any physician committee acting without malice and within the scope of such member's functions through July 1, 2033.
- Extends for ten years the demonstration period for the Committee for Physician Health of the Medical Society of the State of New York or the New York State Osteopathic Society through July 1, 2033.
- Extends provisions related to the NYS Medical Care Facilities Financing Act through March 31, 2028.
- Extends the limit on nursing home appeals of \$80 million annually through April 1, 2027.
- Extends the authorization of episodic payment per sixty-day period of care for certified home health agencies through March 31, 2027.
- Extends for three years authorization to maintain the limit on method of payment for prescription drugs under the medical assistance program through March 31, 2026.
- Extends for two years the nursing home upper payment limit and intergovernmental transfer provisions through April 1, 2025.
- Extends for three years the Comprehensive Health Services Program through March 31, 2026.
- Proposes to make permanent the authorization for the use of funds of the Office of Professional Medical Conduct for activities of the Patient Health Information and Quality Improvement Act of 2000.

- Proposes to make permanent the statewide health information network (SHIN-NY) and statewide planning and research cooperative system (SPARCS).
- Extends for three years Public Health Law penalties, the Patient Safety Center Account and the Enriched Social Adult Day Services Demonstration Project through April 1, 2026.
- Extends for four years the Home Care Medicare Maximization program through February 1, 2027.
- Extends for three years the Nursing Home Medicare Maximization program through February 1, 2026.
- Extends for three years the authorization of the state to negotiate supplemental rebates directly with manufacturers both inside and outside of Managed Care through March 31, 2026.
- Extends for six years the authorization to establish a statewide formulary of certain classes of drugs to negotiate effectively with manufactures or such drugs to maximize savings to Medicaid through March 31, 2029.
- Extends for three years provisions necessary to convert the Upper Payment Limit (UPL) payment that is paid to NYC Health and Hospitals Corporation (H+H) to a rate add-on through March 31, 2026.
- Extends for four years the authority to hire contract staff to administer fair hearings for the Fully Integrated Dual Advantage program through January 1, 2027.
- Extends for four years the authorization for the program that authorizes the provisions of services for nonresidents in adult homes, residences for adults and enriched housing program through July 1, 2027.
- Extends for two years authorization of bad debt and charity care allowances for certified home health agencies through June 30, 2025.
- Extends for four years a limitation on reimbursement of certified home health agencies and long-term home health care programs administrative and general costs to not exceed the statewide average through March 31, 2027.
- Extends for two years the elimination of the trend factor for service for general hospital and nursing home reimbursement through March 31, 2025.
- Extends for two years authorization related to the financing of certain health care capital improvements through March 31, 2025.
- Extends for two years the health facility cash assessment program through March 31, 2025.
- Extends for four years the young adult demonstration for medically fragile children through June 30, 2027.

Part C - Reauthorize the Health Care Reform Act (HCRA) for Three Years

- Extends HCRA allocation and distribution authority, which is set to expire on March 31, 2023, for another three- years through March 31, 2026.



Part D - Medicaid Pharmacy Related Recommendations

- Authorizes the Department of Health to modify the list of over-the-counter drugs that are reimbursed by Medicaid.
- Eliminates prescriber prevails.

Part E - Hospital Related Recommendations

- Authorizes a reduction in disproportionate share hospital (DSH) payments to general hospitals by \$235.4 million which is a reduction of \$42.7 million or \$85.4 million including federal matching funds; however, non-public hospitals that qualify as enhanced safety net hospitals are excluded from this reduction.
- Extends DSH payment methodology for safety net hospitals through calendar year 2025.
- Amends the definition of “hospital” in the Public Health Law to include rural emergency hospitals.
- Establishes procedures for a general hospital applying to the federal Centers for Medicare and Medicaid Services (CMS) to convert to a rural emergency hospital under 42 USC 1395x(kkk); requires hospitals to hold a public community forum to obtain public input on the proposed conversion at least 30 days prior to applying to CMS; requires the hospital prior to the forum to provide notice to the Office of Mental Health and the local director of community services if the hospital has psychiatric inpatient beds and notify the Office of Addiction Services and Supports if the hospital has inpatient substance use disorder treatment programs or inpatient chemical dependence treatment programs.
- Makes permanent the authority to provide Vital Access Program awards and removes the requirement for a transformation plan.
- Authorizes certain preferred provider systems pursuant to the delivery system reform incentive payment (DSRIP) program eligible for VAP funding.
- Provides a 5% Medicaid rate increase for the operating component of hospital inpatient services.

Part F - Extend the Physicians Excess Medical Malpractice Program

- Extends for one year the Physician’s Excess Medical Malpractice Program through June 30, 2024.

Part G – Private Pay

- Decreases the income threshold to access the Private Pay program, from 400% of the federal poverty level (FPL) to 250% of the federal poverty level. This will generate revenue that will be reinvested back into the service provision, ultimately reducing waiting lists and meeting new and emerging needs.
- Private payments shall not be required of individuals with incomes below 250% of the FPL. The expansion in eligibility would increase the number of middle-income earners over the age of 60 who can access services necessary to meet their needs.

Part H - Essential Plan Program Changes

- Delays implementation of Medicaid coverage for undocumented individuals ages 65 and over until January 1, 2024.
- Establishes a 1332 state innovation program, contingent on federal approval, which would allow individuals between 133-250% of the federal poverty level (FPL) to obtain health insurance coverage; the program would provide health care services but is distinguishable from a qualified health plan and basic health plan.
 - Eligibility – individuals must reside in New York State and are under 65 years of age, are not eligible for medical assistance or child health insurance plan, are not eligible for minimum essential coverage and would apply to the Aliessa population (immigrants between the ages of 21-64, who are not pregnant and are eligible for the Essential Plan).
 - Authorizes a pregnant individual to remain enrolled in the program during pregnancy and for a period of one year following the pregnancy without regard to any change in income.
 - Authorizes individuals on the plan to have 12 months of continuous coverage, regardless of whether the individual failed to make a premium payment.
 - Establishes premium payment in the program of up to \$15 monthly for individuals with a household income above 200% FPL but below 250% FPL and no premium for individuals with household income at or below 200% FPL.
 - Prohibits cost sharing for dental and vision and certain disabled individuals.
- Establishes within the State Finance Law a 1332 state innovation program fund to fund the program.

Part I - Long Term Care Program Reforms

- Extends the moratorium on new managed long-term care (MLTC) plans until March 31, 2027.
- Authorizes the Commissioner to deny a contract to an MLTC plan that has in the previous three calendar years preceding the application has (i) classified as a poor performer under CMS standards, (ii) an excessive volume of penalties, statements of findings, statements of deficiency, intermediate sanctions or enforcement actions, regardless of whether the issues were addressed in a timely matter and (iii) other criteria as deemed appropriate by the Commissioner.
- Establishes performance standards which require MLTCs on or before October 1, 2024 to have continuously enrolled no fewer than 20,000 enrollees and/or has demonstrated experience operating a Medicare Dual Eligible Special Needs Plan or an integrated Medicaid product that has continuously enrolled no fewer than 5,000 enrollees in the previous calendar year.
- Requires MLTCs to sufficiently met the following criteria: commitment to contracting with the minimum number of licensed home care service agencies (LHCSAs) and fiscal intermediaries (FIs); readiness to timely implement and adhere to maximum wait time criteria for key categories of services; implementation of community reinvestment plan that commits a percentage of MLTC plan's surplus to health related social needs and advancing health equity in their service area; commitment to quality improvement; Accessibility and geographic distribution of network providers; demonstrated cultural and language competencies; breadth of service area across multiple regions; service across a



continuum of care; value based payment readiness and experience; and such other criteria as deemed appropriate by the Commissioner.

- If an insufficient number of plans meet the criteria by October 1, 2024, at the Commissioner’s discretion, each MLTC would be required to submit an application to continue to operate and subject to a selection through a competitive bid process; the Commissioner must make awards to at least 2 MLTC plans in each region.
- If the Commissioner determines not to select MLTC plans through a competitive bid process, then he or she may require a MLTC that has not met performance standards to submit a performance improvement plan.
- Repeals the Department of Health’s authority to select Fiscal Intermediaries (FIs) through a procurement process in the Consumer Directed Personal Assistance Services (CDPAS) program and establishes that as of January 1, 2024 FIs would require authorization from the Department to operate.
- Establishes a 5% Medicaid rate increase for the operating component of residential health care facilities services and assisted living program.
- Eliminates wage parity for the Consumer Directed Personal Assistance Program (CDPAP) and establishes supplemental premium assistance for qualified health plan premiums for CDPAP assistants; the assistance will be equal to at least the contribution for the benchmark silver qualified health plan and must account for full-time or part-time status; authorizes special enrollment period through the NY State of Health Marketplace for applicants; establishes a CDPAP supplemental premium assistance fund to provide funding.

Part J - Managed Care Program Reforms

- Establishes “pay and resolve” requirements on health insurers for emergency claims and inpatient services following an emergency visit in a hospital that participates in the insurer’s network; requires health plans to pay claims as submitted for such services at the contracted rate within prompt pay timeframes and establishes procedures to allow the plan after 30 days to request clinical records from the hospital to determine whether the services were medically necessary.
 - Proposes where a health plan determines the services were not medically necessary, or the site or level of service billed is inappropriate, or where the hospital fails to provide clinical documentation, the plan has 90 days from receipt of records to submit the claim to a Joint Committee composed of clinicians from both the health plan and hospital for a post-payment audit.
 - Requires the Joint Committee make a determination as to medical necessity of the services unless the hospital fails to provide clinical documentation the services would be deemed unnecessary and not subject to appeal.
 - Proposes that in the event a joint determination cannot be agreed upon within 90 days, the hospital or insurer may refer the claim to a mutually agreed upon independent third party review agent within 5 business days and such determination will be binding.
 - Requires hospitals to pend imposition of any coinsurance, copayment or deductible until a final determination is made.

Part K - Waiver Eligibility Expansion

- Authorizes certain Medicaid services for incarcerated individuals and persons in an institution for mental diseases (IMDs) under a 1115 waiver to the extent there is federal financial participation.

Part L - Site of Service Review

- Establishes site of service review, which determines whether a procedure was medically necessary when performed at a hospital-based outpatient clinic rather than a free-standing ambulatory surgical center and would constitute a utilization review and must follow such procedures.
- Requires health plans to have an adequate network of free-standing ambulatory surgical centers and disclosure site of service review policies to members, providers and the Department of Financial Services.

Part M - Reform Approval Process for Healthcare Projects and Transactions

- Amends the Certificate of Need (CON) character and competence review to reduce the look-back period from 10 years to 7 years for ownership interests.
- Eliminates Public Health and Health Planning Council (PHHPC) approval of any ownership or interest transfer of 10% or more, and only requires PHHPC approval for transfer to any person, partner, member or stockholder who has not previously been approved by the PHHPC.
- Requires any transfer, assignment or other dispositions of an interest, such as stock or voting rights, of an Article 36 licensed home care service agencies (LHCSAs) and certified home health agencies (CHHAs) is subject to PHHPC approval and provides the Commissioner with discretion to promulgate regulations whether such change is subject to a public needs assessment; provides prior approval by PHHPC is not required for those that have previously been approved by the PHHPC or where the interest is less than 10% and requires 90 days prior notice of the transaction to the council.
- Requires any transfer, assignment or other dispositions of an interest, such as stock or voting rights, of a hospice provider is subject to PHHPC approval but excludes PHHPC approval is only required with respect to the person acquiring the interest, such change is not subject to the public need assessment; provides prior approval by PHHPC is not required for those that have previously been approved by the PHHPC or where the interest is less than 10% and requires 90 days prior notice of the transaction to the council.
- Establishes a new Article 45-A of the Public Health law to authorize the Department of Health oversight of material transactions between health care entities by having the authority to review and approve material transactions which the Commissioner may further define in regulation.
 - Health care entities includes physician practice or a management services organization, provider-sponsored organization, health insurance plan or any other health care facility, organization or plan providing health care services in the state but does not include an insurer directly authorized to do business in the state or a pharmacy benefit manager registered in the state.



- Material transactions include a merger with a health care entity, an acquisition of one or more health care entities, an affiliation or contract formed between a health care entity and another person or the formation of a partnership, joint venture, accountable care organization, parent organization or management services organization for the purpose of administering contracts with health plans, third party administrators, pharmacy benefit managers or health care providers; does not include clinical affiliation agreements.
- In making its determination the Department will consider factors such as patient costs, access to services, health equity, health outcomes and competition.
- Establishes civil penalty for non-compliance of up to \$10,000 per day for any violation with funds to be deposited in the health care transformation fund.
- Increases construction fees under the CON process from fifty-five hundredths of one percent of the total capital value of the application to sixty hundredths of one percent of the total capital value of the application; for projects that do not require council approval the fee will increase from thirty hundredths to thirty-five hundredths of one percent of the total capital value of the application.
- Establishes that core public health services when provided in the home by the local county health department or NYC shall not require licensure under Article 36, Home Care Services; core public health services include but are not limited to immunizations, testing for tuberculosis and observation of tuberculosis therapy, verbal assessments, counseling and referral services and other services determined by the Department.
- Clarifies that controlling persons of home care agencies shall not include stockholders or members of a third level or higher entities that exercise no control of agency functions for purposes of PHHPC character and competency review so long as an affidavit is provided stating such facts.

Part N - Expand the Medicaid Buy-In for Working People with Disabilities

- Authorizes the Commissioner of Health to apply for federal approval to expand the Medicaid buy-in for Working People with Disabilities program; program eligibility applicable to those at least 16 years of age, otherwise eligible for medical assistance but for earnings, net income that does not exceed 2,250% FPL and resources that do not exceed \$300,000; requires enrollees with income at or above 250% FPL to pay premiums; authorizes continued access to the program regardless of whether the individual is considered disabled under federal law but continue to have a severe medically determinable impairment.

Part O - Lead the Way for a Tobacco-Free Generation

- Prohibits the sale of any flavored tobacco products, including menthol cigarettes, and expands the definition of “flavored” to include a cooling or numbing sensation imparted during consumption of a tobacco or vapor product.
- Broadens the definition of “vapor products” to encompass devices that deliver vapor, which is inhaled, including any refill, cartridge, device or component, whether or not the product is used for the consumption of nicotine.

- Authorizes the Department of Health to proceed with enforcement actions where a retailer denied state or local health official access to a retail store including all product display and storage areas for the purpose of evaluating compliance.
- Establishes no purchase, use or possession of such tobacco or vapor product constitutes a penalty by a person who is not a retailer.

Part P - Provide Transformative Health Care Capital Funding

- Creates a new Statewide Health Care Facility Transformation program for the purpose reforming and restructuring health care provider capacity and Health Care IT and infrastructure through new construction and transformation project grant awards. The program would be statewide and administered jointly by the Department of Health and the Dormitory Authority for the State of New York.
- Up to \$500 million would be awarded to health care providers in support of projects which promote innovative, patient-centered models of care, increased access to care, improved quality of care, and provider financial sustainability.
- Up to \$500 million would also be awarded to health care providers for the implementation or improvement of critical health care information technologies and telehealth capacity.

Part Q - Expand Access to Primary Care

- Authorizes Medicaid coverage for community health worker services for children under 21 years of age and adults with health-related social needs when such services are recommended by a physician or other health care practitioner; subject to federal financial participation.
- Authorizes Medicaid coverage for services provided by licensed mental health counselors and licensed marriage and family therapists.

Part R - Expand Medicaid Coverage of Preventive Care Health Services

- Authorizes Medicaid coverage for preventative health services which includes care and services of nutritionists, dietitians and osteoarthritis self-management training services for persons diagnosed with osteoarthritis when services are ordered by a physician, physician's assistant, registered nurse practitioner or licensed midwife; contingent on federal financial participation.

Part S - Revitalize Emergency Medical Services and Medical Transportation

- Amends the definition of "emergency medical service" to include additional modalities of emergency service delivery and broaden the definition.
- Requires the State Emergency Medical Services Council (SEMSCO) to advise the Commissioner on emergency medical services, specialty care, designated facility care, disaster medical care and assist in the coordination of such services.



- Requires SEMSCO to meet at least three times per year or more frequently at the request of the chairperson or department.
- Requires each regional emergency medical services council to advise SEMSCO.
- Authorizes SEMSCO in collaboration with the Department to create an emergency medical services system and agency performance standards to sustain and evolve a reliable emergency medical services system including emergency medical services agencies and any facility that dispatches or accepts emergency medical services resources.
 - Performance standards shall include, but not be limited to safety initiatives, emergency vehicle operations, operational competences, planning, training, leadership and other standards and metrics as determined by SEMSCO.
- Requires SEMSC to develop and maintain a statewide comprehensive emergency medical service system plan which shall include establishing a comprehensive statewide emergency services system, improving accessibility to high-quality emergency medical services, coordinating medical organizations in developing alternative delivery models to reduce unnecessary emergency department visits and promoting and conducting programs of education.
- Requires each county to develop and maintain a comprehensive county emergency medical service system plan to provide a coordinated emergency medical system within the county.
- Requires the Department of Health, in consultation with SEMSCO, to establish a training program for emergency medical systems and establish minimum education standards, curriculums and requirements for all emergency medical system training programs.
- Establishes a public service campaign to recruit additional personnel into the emergency medical system field and establishes a fund for such campaign.
- Repeals current determinations of public need by the appropriate regional council and replaces it with an application for new or modified operating authority to SEMSCO.
- Authorizes emergency medical services agencies to establish a mobile integrated healthcare program, which is the provision of patient-centered mobile resources including a patient care team integrated into the local healthcare system; authorizes an emergency services practitioner to administer immunizations and buprenorphine.
- Establishes regional emergency medical service districts corresponding to economic development regions to ensure essential services and coordination of the emergency medical system within the district.
- Establishes a state emergency medical services task force to coordinate and operate resources during disasters, large events, specialized responses, community needs or other needs as determined by the Commissioner.

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

- Requires the Department of Health to establish a registry for all residential dwellings with two or more units built prior to 1980 located in communities of concern as identified by the Department and shall only include qualifying residential dwellings outside New York City.
- Establishes that all residential dwellings qualifying for registration must be certified as free of lead paint hazards based on inspections conducted tri-annually; inspection certificates must be submitted to the local health department for recording in the rental registry.
- Authorizes the Commissioner to establish and levy fines for non-compliance and regulations including qualifications for inspectors, requirements of a complaint inspection and process of reporting inspections to local health departments.
- Remediation of lead-based paint hazards must be conducted in compliance with all municipal requirements and specific requirements in regulation.

Part U - Safeguard Abortion Access through Data Privacy Protections

- The Executive proposes to protect the data, including location history and search history, of anyone seeking abortion services in New York State.
- Prevents persons or entities headquartered or incorporated in New York that provide electronic communications services to the general public from complying with a warrant from out-of-state law enforcement agencies when such warrant is issued as part of a civil or criminal investigation of individuals seeking, facilitating or providing an abortion in the State.
- Limited exceptions are provided if there was a cause of action in an equivalent manner under the laws of New York State or if the action was brought by the patient.
- Additionally, prevents any person, corporation, partnership or association from delivering digital advertisements through the use of geofencing technology to individuals at health care facilities.

Part V - Implement Over the County Contraception Access

- Authorizes pharmacists within their scope of practice to prescribe and order self-administered hormonal contraceptives and emergency contraceptive drug therapy.
- Prior to prescribing such contraceptives, a pharmacist must complete a training program on self-administered hormonal contraceptives and emergency contraceptive drug therapy of at least one hour.
- The pharmacist must follow standard protocols developed by the Board of Pharmacy in consultation with the State Department of Health, including:
 - The provision of a patient risk tool based on the current United States Medical Eligibility Criteria (USMEC) for Contraceptive Use developed by the Centers for Disease Control (CDC).
 - Refer the patient to their primary health care provider or a nearby clinic.



- Additionally, pharmacists will be required for each prescription initiated, to provide the recipient with a factsheet (developed by the Board of Pharmacy in consultation with the Department of Health) on the use, indications and contraindications, the need for medical follow-up, and other information about the contraceptive.
- Pharmacists are limited to charging a \$10 administrative fee for such prescriptions to those patients without insurance coverage. Patients with coverage must pay any related co-pay consistent with their coverage. The fee would not apply to FDA-classified over-the-counter products.

Part W - Allow Health Care Providers to do More

- Expands scope of practice for various healthcare professionals (medication aides, pharmacists, nurse practitioners, physician assistants, dentists, and advanced home health aides) allowing them to take on additional roles under their licenses as follows:
 - Authorizing physicians and nurse practitioners to issue a non-patient specific standing order for HIV-preventive medication, commonly called PrEP.
 - Allowing pharmacists to execute a non-patient specific standing order for PrEP, subject to the specific conditions.
 - Allowing licensed pharmacists to order and administer any tests waived under the Clinical Laboratory Improvement Amendments waived tests, including tests for COVID-19, influenza and others such as HIV, sexually transmitted infections, and pregnancy.
 - Authorizing pharmacists to be qualified health care professionals for purposes of directing limited-service laboratories and performing COVID-19 and influenza tests.
 - Making permanent the amendments to the Education Law authorizing physicians and certified nurse practitioners to order non-patient specific regimen to registered professional nurses for tests to determine the presence of COVID-19 or its antibodies or influenza virus.
 - Allowing licensed pharmacists to prescribe and order medications to treat nicotine dependence approved by the Federal Food and Drug Administration for smoking cessation.
 - Authorizing licensed pharmacists to prescribe and order opioid antagonists, limited to naloxone and other medications approved by the Department of Health.
 - Permitting nurse practitioners or facilities to enter into collaborative agreements with pharmacists.
 - Authorizing collaborative drug therapy management (CDTM) to occur in all hospitals and other Article 28 facilities.
 - Permitting the State Education Department to include up to 15 community practice sites as authorized locations for the provision of CDTM.
 - Allowing the practice of dentistry to include the offering of an HIV or Hepatitis C screening test or diagnostic tests.
 - Authorizing certified nurse practitioners and licensed physicians to issue non-patient specific standing regimens, to be executed by registered professional nurses, for:

- the ordering of asthma self-management education and home-based asthma services;
 - the urgent or emergency treatment of asthma;
 - providing stool tests to screen for the presence of colorectal cancer; and
 - the ordering of diabetes self-management education and support.
 - Authorizing pharmacists to order diabetes and asthma self-management education and support services and home-based asthma services for patients.
 - Authorizing the Commissioner of Education to promulgate regulations to allow pharmacists to order additional health-related services.
 - Expanding standard Medicaid coverage to include medically necessary diabetes self-management training services when referred by licensed pharmacists.
 - Expanding standard Medicaid coverage to include medically necessary asthma self-management training services when referred by licensed pharmacists or by registered professional nurses acting under the authority of a non-patient-specific standing regimen.
 - Allowing licensed pharmacists to order and administer vaccinations, medications, self-management education, and home-based services within their scope of practice.
 - Allowing certain experienced physician assistants to practice without the supervision of a physician.
 - Allowing the Board of Education, and the trustee or board of trustees of each school district, to employ a physician assistant.
 - Adding physician assistant to the definition of practitioner for the purposes of prescribing controlled substances.
 - Extending authorization for advanced home health aides for another six years and amending the supervision requirements for advanced tasks performed by advanced home health aides.
 - Authorizing certified medication aides to administer routine and prefilled 40 medications in residential health care facilities for a duration of two years (a temporary pilot program).
- New York will join the Interstate Licensure Compact and the Nurse Licensure Compact, allowing physicians and nurses licensed in other states to practice in New York, either physically or virtually, through reciprocity with other states.

Part X - Nurse Agency Staffing Practice Recommendations

- Establishes a new Article 29-K in the Public Health Law regarding Registration of Temporary Health Care Services Agencies which is a person, firm corporation or other entity in the business of providing or procuring temporary employment of health care personnel for health care entities; includes a nurses' registry and entities that utilize apps or other technology-based solutions to provide or procure temporary employment of health care personnel; does not include an individual engaged in providing the individual's own services on a temporary basis or a home care agency licensed under Article 36 of the Public Health Law.



- “Nurses’ registry” under the General Business Law means an employment agency or entity that procures employment or engagements for nurses licensed as registered professional nurses or licensed practical nurses.
- Requires operators of a temporary health care services agency to register with the Department and provide information for registration, which includes ownership interests and a demonstration of good moral character.
- Establishes an annual registration and renewal fee of \$1,000.
- Requires as a condition of registration the agency to document each that each temporary employee meets minimum licensing, training and continuing education standards, cannot restrict in any manner the employment opportunities of its employees, maintain insurance coverage for workers’ compensation and disability coverage for all health care personnel, must comply with requests from the Department to examine books and records, and maintain records for 6 years.
- Establishes reporting requirements on the Department and authorizes the Attorney General to bring an action for an injunction against any person who violates the provisions of this article; additionally authorizes penalties and fines pursuant to section 12 of the Public Health Law.
- Establishes minimum standards for temporary health care services agencies and requires such agencies to report quarterly to the Department a full disclosure of charges and compensation, including a schedule of all hourly bill rates per category of employee, a full description of administrative charges and a schedule of rates of all compensation per category of employee including but not limited to the percentage of health care entity dollars that the agency expended on temporary personnel wages and benefits compared to profits and administrative costs, a list of states and zip codes their employees’ primary residences, names of all entities that have contracted with within the state and the number of employees of the agency working at each entity.

Part Y - Protect New Yorkers from Medical Debt and Other Burdensome Medical Costs

- Amends the Consumer Credit Fairness Act to cover medical debt and requires hospitals to use a uniform application for hospital financial assistance applications.
- Establishes Prescription Drug Price and Supply Chain Transparency which prohibits manufacturers from charging nay price for a drug based on an increase in wholesale acquisition cost, average wholesale price or any other metric unless the manufacturer first reports the price to the Department of Financial Services; reports are to be accompanied by a fee that is determined by the amount of the price increase; prohibits sale of any drug that required a report until the report is made and requires such reports to be made public.
- Requires registration of pharmacy services administrative organizations (PSAO) switch companies and rebate aggregators.
- Includes within the Life Insurance Company Guaranty Corporation of New York Act, health insurers and property/casualty insurance companies and in the cases where the insurer becomes insolvent, the insurer would be liable to any provider for covered services.

Part Z - State of the State - Ensure Access to Aging Services and High-Quality Long-Term Care

- Requires all assisted living residences, including those licensed as an assisted living residence, special needs assisted living residence or enhanced assisted living residence to report annually on quality measures established by the Department with the first report due no later than January 31, 2024 and to post the monthly service rate, staffing complement, approved admission or residency agreement and a consumer-friendly summary of all service fees in a conspicuous place on the facility's webpage and in a public space in the facility; effective January 1, 2024 such information must be reported to the Department.
- Requires the Department to score the results of the quality reporting and top scoring facility will be granted classification of advanced standing on their annual surveillance schedules; such facilities shall be surveyed every 12 to 18 months while all other facilities will be surveyed on an unannounced basis no less than annually.
- Authorizes the Department to post on its website the results of the assisted living quality reporting as of January 31, 2024.
- Authorizes facilities that are dually licensed to provide adult care facilities and assisted living to seek accreditation by one or more nationally recognized accrediting agencies and entities that are accredited may be exempt from department inspection requirements, at the discretion of the Commissioner, for as long as they maintain their accreditation in good standing; requires entities to report loss of accreditation within 10 business days to the Department; requires the Department to post on its website all accredited assisted living residences.

Part AA - End Preventable Epidemics

- Proposes to make permanent the requirement that hospitals offer Hepatitis C testing to those receiving inpatient or emergency department care and expands testing to those age 18 years and older, or under 18 years of age if there is evidence or indication of risk activity.
- Requires hospitals to use an HCV RNA test to confirm diagnosis if the screening test is reactive.
- Requires every practitioner attending a pregnant person to order a hepatitis C virus (HCV) screening test and if the test is reactive to perform an HCV RNA test to confirm diagnosis, and requires practitioners to offer follow-up care and treatment or referral to those who test is reactive.
- Requires every practitioner attending a pregnant person to test for syphilis during the third trimester of pregnancy.

Part BB - Combating Opioid Addictions by Banning Fentanyl Analogs

- This bill would amend the Public Health Law to include controlled substances that are represented to be other controlled substances. It would encompass illicit fentanyl pressed into tablet form to appear, for example, like Food and Drug Administration-approved controlled substance medications. The bill would also add criminal sale of an imitation controlled substance in the fifth, third, and first degree to the definition of "drug trafficking felony" in the Penal Law and create stricter penalties for the sale or possession with intent to sell imitation controlled substances.



Part CC - Transfer Oversight for Licensed Healthcare Professions

- Transfers and authorizes the oversight of licensed healthcare professions to the Department of Health from the State Education Department effective January 1, 2024.
- Establishes Department of Health oversight of the following professions: medicine and professional misconduct, physicians assistants, specialists assistants, chiropractic, dentistry and dental hygiene, perfusionists, physical therapy, pharmacy, pharmacy technicians, nursing, midwifery, podiatry, optometry, ophthalmic dispensing, psychology, social work, massage therapy, occupational therapy, dietetics and nutrition, speech-language pathology and audiology, acupuncture, athletic trainers, mental health practitioners, respiratory therapists and respiratory therapy technicians, clinical laboratory practice, medical physics practice, applied behavior analysis and licensed pathologists' assistants.

Part DD – Human Services Cost-of-Living Adjustment

- Provides a 2.5% cost-of-living adjustment (COLA) in FY 2024 for eligible human service programs.
- Requires local government units to supply their use of the funds and would allow recoupment of non-utilized funds by the relevant agency Commissioners.

Part EE– Managed Care Statute Extender

- Extends OPWDD Managed Care statutes through September 2028.

Part FF– OPWDD Flexibility for Delegated Nursing Tasks

- Allow direct support staff to perform certain nursing tasks, such as medication administration, under the instruction of an individual receiving services, or their family or household member where a registered nurse has determined that the person providing instruction is capable to do so.

Part GG – Qualified Mental Health Associate Credential

- Provides a career ladder and additional training requirements and establishes the development of credentials to qualified mental health associates.
- A credentialing mechanism for paraprofessionals would provide services more independently and improve the quality and access to care in OMH funded and licensed settings.
- The components of the credentialing process would include: training requirements, best practices, the procedure for issuing, suspending, and revoking credentials, credentialing fees, and the establishment of a credentialing board.
- Mental Health associates duties will stay within counseling and assessment type services, action such as prescribing would be prohibited pursuant to this new credential.

Part HH - Establish Joint Licensure between OMH and OASAS for Certified Community Behavioral Health Clinics and to establish an Indigent Care Program

- Authorizes the Office of Mental Health (OMH) and the Office of Addiction Services and Supports (OASAS) to jointly license Certified Community Behavioral Health Clinics (Community Behavioral Health Clinics) to eliminate duplication of State resources and create more efficient licensing processes. The current system requires such entities to be licensed separately by both State entities. This bill also would establish an Indigent Care Program.

Part II - Insurance Reforms Improving Access to Behavioral Health Services

- Requires health insurers to provide coverage for the following mental health services:
 - For sub-acute care in a medically authorized residential facility licensed, operate or otherwise authorized by the Office of Mental Health;
 - Outpatient care provided by a mobile crisis intervention services provider licensed or certified by the Office of Mental Health, Office of Addiction Services and Supports, Office of Children and Family Services or the Department of Health.
 - Insurers are prohibited from applying preauthorization requirements on such services and are required to cover such services regardless of whether the mobile crisis intervention services provider is in a plan’s network.
 - Outpatient care coordination services, outpatient critical time intervention services and assertive community treatment services authorized by the Office of Mental Health following discharge from a hospital or emergency department of a hospital.
 - “Assertive community treatment” means an evidence-based, mobile, psychiatric treatment intervention, designed for an individual with serious mental health condition who is at risk for hospitalization that includes psychotherapy, medication therapy, crisis intervention, psychiatric rehabilitation, care coordination and per support services provided assertively in the community.”
 - “Critical time intervention services” means evidence-based, time-limited, therapeutic interventions that begin before an individual is discharged from an inpatient setting that include intensive outreach, engagement and care coordination services to stabilize the individual in the community.
 - Outpatient care provided by a school-based mental health clinics at pre-school, elementary or secondary school regardless of whether the clinic’s providers are participating providers in the plan’s network and reimbursed no less than the Medicaid rate.
- Prohibits preauthorization for any inpatient psychiatric hospital or medically-monitored residential facility stay during the first 30 days of the inpatient or residential admission and 14 days for individuals under the age of 18 years of age.
- Authorizes payment parity for telehealth provided by behavioral health and substance use disorder providers for any service deemed appropriate by the Commissioners of the Office for People with Developmental Disabilities, the Office of Mental Health or the Office of Addiction Services and Supports.



- Authorizes a private right of action to any person who has been injured by reason of a violation of parity provisions in an amount equal to the person’s actual damages or \$1,000, whichever is greater; authorizes the court to award the plaintiff an additional award not to exceed \$5,000 if the court finds a willful violation and may award attorney’s fees. Medicaid, Child Health Plus, the Essential Plan and Medicare Advantage are excluded.
- Prohibits prior authorization for an initial or renewal prescription for the detoxification or maintenance treatment of a substance use disorder or medication for opioid overdose reversal.
- Authorizes the Superintendent of Financial Services in consultation with the commissioner of Health, Commissioner of Office of Mental Health and the Commissioner of Addiction Services and Supports to promulgate regulations setting forth network adequacy for mental health and substance abuse treatment. Such standards include:
 - Requirements that ensure insureds have timely and proximate access to treatment;
 - Appointment availability standards that include timeframes for initial provider visits, follow-up visits and provider visits following discharge from a hospital;
 - Time and distance standards that take into consideration reasonable proximity to the insured’s residence; and
 - Responsibilities of the insurer to provide an out-of-network referral at the in-network cost-sharing when there is no participating provider able to provide the requested services within the timely and promise access standards and requires reimbursement be paid at a negotiated rate or no less than the Medicaid rate.

Part JJ – Penalties for Mental Hygiene Law Violations

- Authorize the Commissioner of the Office of Mental Health (OMH) to impose penalties for providers who fail to comply with applicable law or term or their operating certificate.
- Expanded authority would deter providers from violating the terms of their operating certificate or applicable law, and would create incentives for providers to bring inpatient psychiatric beds back online.
- Replaces the term “fine” with “sanctions to provide more flexibility when enforcing compliance by limiting the use of a hospital’s operating certificate.
- Maximum sanction amount changes from \$1,000 per day/\$15,000 per violation to \$2,000 per day per violation.
- Penalties may be considered at the individual bed level for beds closed without authorization at inpatient settings.



Public Protection and General Government (PPGG) / S.4005

Part A - Extends Various Criminal Justice and Public Safety Programs that would Otherwise Sunset

- Extends for two years, various criminal justice and public safety programs, including, but not limited to:
 - Mandatory surcharge and crime victim assistance fees;
 - Inmate work release programs and furloughs;
 - Protective measures for child witnesses;
 - Mandatory arrest in cases of domestic violence;
 - Provisions of the Sentencing Reform Act of 1995; and
 - Ignition interlock program for individuals convicted of alcohol-related violations.

Part B - Make Improvements to the State's Bail Laws

- Modifies the bail laws to remove the requirement that judges impose the least restrictive means of reasonably ensuring a criminal defendant's reappearance in court for defendants charged with bail-eligible offenses or where bail would otherwise be authorized under the law, such as where the court determines the defendant has willfully and persistently failed to appear in court on the instant case.
- Under this proposal, in cases where bail is authorized, judges would no longer need to make an individualized determination that the defendant poses a risk of flight to avoid prosecution. The factors for making a bail determination remain the same.
- This proposal does not expand the list of bail eligible offenses, nor does it eliminate the least restrictive means requirement or modify the standard for defendants who are not bail eligible

Part C - Body Scanner Technology

- Authorizes state correctional facilities, secure or specialized secure detention facilities, or facilities for youth placed with or committed to the Office of Children and Family Services (OCFS) to utilize body scanning equipment. All correctional or detention facilities authorized to utilize body scanning equipment would be able to scan both inmates and visitors who are visiting such facilities.
- The Commission on Correction, in consultation with the Department of Corrections and Community Supervision (DOCCS) and the OFCS would be required to promulgate regulations establishing when such equipment will be used to screen visitors.
- Where body scanning equipment is utilized in DOCCS or OFCS facilities, DOCCS or OCFS, whichever is applicable, must annually submit a report to the Department of Health, the Speaker of the Assembly, and the Temporary President of the Senate. This report must include the number of

times the equipment was used and the average, median and highest number of times the equipment was used on any individual, with corresponding exposure levels.

- Currently, local correctional facilities are authorized to utilize body scanning equipment to screen inmates only. Local facilities using such equipment are also subject to the reporting requirements discussed above.

Part D - Lower Hiring Age for Correction Officers

- Lowers the minimum hiring age for correction officers from 21 years old to 19 years old. This does not apply to parole officers; the minimum hiring age for parole officers remains 21 years old.

Part E - Establish Statewide Repository of Criminal Shooting Incidents

- Requires the Division of State Police to establish and maintain a statewide repository of data relating to criminal offenses involving the discharge of any firearm, shotgun, or rifle.
- The State Police must develop and implement a program to provide for the collection of such data and the report of such data by law enforcement agencies. Such data must be sent to the repository as soon as practicable, but no more than 72 hours after a law enforcement agency determined that a gun was discharged in connection with a criminal offense.
- Such reporting must include:
 - The location of the incident;
 - The nature of the criminal offense and circumstances of the firearm, rifle, or shotgun discharge;
 - The nature and extent of any injuries suffered as a result of the firearm, rifle or shotgun discharge;
 - The firearm, rifle, or shotgun manufacturer, model, serial number, caliber, and any ammunition microstamping identifier;
 - Whether an arrest has been made and, if so, the crimes charged; and
 - Any information related to any ammunition cartridge cases recovered at the scene including, but not limited to, the caliber and manufacturer.

Part F - Technical Amendments to the Concealed Carry Improvement Act

Subpart A

Possession in Sensitive and Restricted Locations

- Amends the Criminal Possession of a Firearm, Rifle or Shotgun in Sensitive Locations statute (Penal Law § 265.01-e) to add the following exceptions to the law:



- Within places of worship, persons responsible for security at such place of worship;
 - Persons while lawfully engaged in taking of wildlife or attempts to take wildlife pursuant to a hunting license, permit or license issued by the Department of Environmental Conservation, or as otherwise authorized pursuant to the Environmental Conservation Law, and persons while engaged in hunter education training, marksmanship practice, marksmanship competition or training, or training in the safe handling and use of firearms;
 - Persons, while acting in the scope of their official duties, who are employed in the revenue control and security departments of the MTA, or the New York City Transit Authority or an affiliate or subsidiary thereof, who are authorized to carry a firearm as part of their employment;
 - Persons engaging in historical reenactments or motion picture or theatrical productions;
 - Persons, while acting within the scope of their official duties, responsible for the storage or display of antique firearms, rifles or shotguns at museums and historic sites;
 - Persons while participating in military ceremonies, funerals, and honor guards; and
 - Persons while lawfully engaging in learning practicing, training for, competing in, or traveling into or within the state to learn, practice, train for, or compete in, the sport of biathlon.
- Clarifies that, for the purpose of this statute, “public park” does not include the Adirondack Park or the Catskill Park.
 - Exempts law enforcement officers authorized to carry concealed pursuant to the Federal Law Enforcement Officers Safety Act from the Criminal Possession of a Weapon in a Restricted Location statute. The proposed amendment to this statute also includes the expanded exemption for hunting-related activities and the exemption for employees of the revenue control and security departments of MTA and New York City Transit Authority, as discussed above.

Safe Storage in Vehicles and Body Armor

- Exempts law enforcement officers and persons in military service acting in the course of their employment or military service from the firearm storage requirements in vehicles.
- Changes Unlawful Purchase of Body Armor to Unlawful Purchase of Body Armor in the Second Degree (Penal Law § 270.21) and adds Unlawful Purchase of Body Armor in the First Degree (Penal Law § 270.21-a), a class E felony, to create a separate statute for enhanced penalties for those who unlawfully purchase body armor and have been convicted of Unlawful Purchase of Body Armor in the Second Degree within the previous ten years.
- Changes Unlawful Sale of Body Armor to Unlawful Sale of Body Armor in the Second Degree (Penal Law § 270.22) and adds Unlawful Purchase of Body Armor in the First Degree (Penal Law § 270.22-a), a class E felony, to create enhanced penalties for those who unlawfully sell body armor and have been convicted off Unlawful sale of Body Armor in the Second Degree within the previous ten years.

- The enhanced penalties for a prior conviction of Unlawful Purchase or Unlawful Sale of Body armor already exist within the law; this proposal is a technical change to how the statutes are structured in the Penal Law.
- Allows persons engaged in military service who are issued body armor as a requirement of such service to purchase or take possession of body armor.

Subpart B

Semiautomatic Rifle License

- Exempts police officers, authorized peace officers, and persons in military service acting in the course of their official military duties or employment from the license requirement to purchase or take possession of a semiautomatic rifle.
- Changes Criminal Purchase of a Semiautomatic Rifle to Criminal Purchase of a Semiautomatic Rifle in the Second Degree (Penal Law § 265.65) and adds Criminal purchase of a Semiautomatic Rifle in the First Degree (Penal Law § 265.65-a) to create enhanced penalties for those who purchase or take possession of a semiautomatic rifle without a license and have been convicted of Criminal Purchase of a Semiautomatic Rifle in the Second Degree within the previous ten years.
- The enhanced penalties for a prior conviction already exist within the law; this proposal is a technical change to how the statutes are structured in the Penal Law.

Part G - Establish the Hazard Mitigation State Revolving Loan Fund

- Establishes the Hazard Mitigation State Revolving Loan Fund within the State Comptroller.
- The Commissioner of Division of Homeland Security and Emergency Services may provide loans to local governments for eligible hazard mitigation activities to reduce disaster risk for homeowners, businesses, nonprofits and communities.

Part H - Stabilizing Fire Service to Improve Emergency Response

- Amends the General Municipal Law to authorize, at local option, the governing board of a city, town, village, or fire district to provide nominal fees to volunteer firefighters for the following tasks:
 - Response to a fire, alarm of fire, hazardous material incident or other emergency to which their department, company, or unit has either responded to or had been authorized to respond.
 - Collecting certain training as identified and published through the Office of Fire Prevention and Control (OFPC).
- OFPC may make state funding available through a stipend for volunteer firefighters for completion of certain training.
- This proposal would not eliminate current benefits.



- This act would take effect immediately upon enactment.

Part I - Modernize Gender-Based Violence Policies and Procedures

- Repeals the existing statute in Executive Law related to model domestic violence policy for counties and replaces it with a new section of law that would create a model domestic and gender based violence policies for New York State and it's counties.
- Requires that the Office for the Prevention of Domestic Violence convenes a task force of State and county level officials to develop a model domestic and gender based violence policy for counties and the State.
- This new model policy shall foster a survivor centered, culturally responsive, and trauma informed response across all systems providing services to victims of domestic and gender based violence.
- The task force will hold a public hearing, and must make public a draft policy no later than December 1st, 2024.
- Counties would be required to adopt the model policy within six months of it being completed.
- The Office for the Prevention of Domestic Violence shall survey county governments every five years after the issuance of such policy to evaluate the effectiveness of the policy, to determine the level of compliance, and identify any additional steps that must be taken to aid in the implementation of such policy.
- According to the Executive, New York's model policy for domestic violence has not been updated in more than 30 years.

Part J - Expand Eligibility for World Trade Center Death and Disability Benefits to New York's Organized Militia

- Expands eligibility for World Trade Center death and disability benefits to servicemembers who were activated to State Active Duty on or after September 11, 2001 in response to the attack on the World Trade Center, and includes a \$4 million appropriation for this purpose.

Part K - Review of Alcoholic Beverage Control Law

- The New York State Liquor Authority ("SLA") is directed to undertake a review of the New York State Alcoholic Beverage Control (ABC) Laws and recommend changes to more clearly and rationally delineate policies, procedures, criteria, and legal standards.
- The proposal states that the impetus for this is that in the roughly century that the ABC Laws have existed, the changes that have been made have resulted in the law being unwieldy and inconsistent, and this proposal is intended to clean up the law while remaining policy neutral

Part L - Issuance of Temporary Wholesale Permits

- Authorizes the New York State Liquor Authority ("SLA") to issue temporary permits to wholesalers while their applications for permanent licensure is being reviewed as long as they meet the following criteria-
 - the applicant has a wholesale license application at the same premises pending before the SLA;
 - the applicant has obtained all permits, licenses, and other documents necessary for the operation of the business; and;
 - any current license in effect at the same premises that may not operate concurrently has been surrendered prior to the application.
- SLA would be required to make a decision on issuing the temporary permit within 45 days of receiving the application.
- The temporary permit would be in effect for 6 months or until the permanent license is approved.

Part M - Expedite SLA Review of Corporate Changes

- Requires that the New York State Liquor Authority ("SLA") act on any changes to the membership or other corporate structure changes of a limited liability company (LLC) within 90 days of receiving an application.
- If SLA does not take any action within the 90 day period, the application would be deemed approved.

Part N - Expedite SLA Municipal Notification Process

- Allows applicants applying for a license from the New York State Liquor Authority ("SLA") to be apply to apply on the same day they provide notice to their municipality that they are applying.
- Currently, applicants must provide notice to their municipality and then wait 30 days before they can apply to SLA.

Part O - Issuance of Temporary Retail Permits

- Allows the New York State Liquor Authority ("SLA") to issue temporary permits to a new business as long as no former license at the proposed location was not canceled, suspended or revoked.
- Further allows for SLA to provide a 90 day extension to the temporary permit, and allows for the business to operate in the same manner as a fully licensed business. Current law only allows for a 30 day extension, and requires that an temporary permit holder operate cash only and prohibits operation on a credit-basis.



Part P - Assigned Counsel Rate Increases

- Proposes to increase the hourly rate paid to assigned counsel program attorneys statewide
- Assigned counsel program rates in New York City and other downstate counties (Suffolk, Nassau, Westchester, Rockland, Putnam, Orange, Dutchess, Ulster, and Sullivan) would be increased to \$158 per hour
- All other upstate counties would see rate increases to \$119 per hour
- Currently, the rate for representation on misdemeanors is \$60 an hour and the rate for representation for all other cases is \$75.
- Proposes an increase on the cap on total compensation for time expended providing representation as follows:
 - New York City and other downstate counties would have a cap of \$10,000 for any type of case
 - Upstate counties would have a cap of \$7,000 for any type of case
 - Currently, fees for representation on misdemeanor cases is capped at \$2,400 and all other kinds of cases are capped at \$4,400
- Act would take effect on April 1, 2023

Part Q - Extension on the State Commission on the Restoration of the Capitol

- Extends the authorization for the State Commission on the Restoration of the Capitol for five additional years, until April 1, 2028.
- This Commission was first authorized in 1988 and has been extended every five years since.

Part R - Electronic Bidding

- Authorizes stage agencies to require that electronic procurement be the sole method for submitting bids for commodity, service and technology contracts and to require the use of electronic signatures.

Part S - Expand Continuous Recruitment of a Diverse Inclusive, and Talented Workforce

- Authorizes the Department of Civil Service or municipal commissions to maintain an open recruitment list for any open-competitive positions. Current law restricts continuous recruitment to circumstances in which there are inadequate numbers of well qualified persons available for recruitment.

Part T - 55-b & 55-c Candidate Expansion

- Amends Section 55-b of the Civil Service Law to expand the number of positions available for persons with disabilities from 1,200 to 1,700.

- Amends Section 55-b and §55-c of the Civil Service Law to allow persons with disabilities and veterans with disabilities to transfer into competitive class positions if they meet the existing requirements.

Part U - Market-Based Interest Rate on Court Judgments

- Changes the post-judgment legal rate of interest for civil actions and accrued claims. The current legal rate of nine percent per year would be changed to a market rate that is equal to the weekly average one-year constant maturity yield, during the calendar week preceding the date of the entry of judgment.

Part V - Extend Waiver of Retiree Income Cap for Public School Employees

- Eliminates the \$35,000 earnings limit for retired individuals who are employed by a public school in the State until June 30, 2024.

Part W - Amending the Contribution Stabilization Program for participating employers in the New York State and Local Retirement System.

- Allows employers to withdraw from the Contribution Stabilization Program provided that prior year amortization amounts and interest thereon are paid in full.
- Employers would be eligible to reenter the program at a later date if they are eligible to amortize a portion of their pension liability and their contribution reserve fund has been depleted.
- Allows employers to use their reserve funds established pursuant to participation in the Contribution Stabilization Program or the Alternative Contribution Stabilization Program to reduce their pension bills in years that they are eligible to amortize a portion of their bill. Under current law, the employers contribution rate must exceed the system's graded rate in order to gain access to their reserve funds.
- The maximum amount of reserve fund deposits would be reduced from 100 percent of an employee's payroll to an amount that does not exceed the employers previous year contribution amount.
 - Applies to both the New York State and Local Employee Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS).
 - According to the actuary there would be some administrative costs to implement the changes herein.

Part X - NYSHIP Interest for Premiums in Arrears

- Authorizes the New York State Health Insurance Plan (NYSHIP) to charge participating employers who are late on their premium payments at a rate of interest fixed in regulation by the President of the Civil Service Commission.
- The interest rate could not exceed could not exceed the interest rate paid by the health insurance plan because of such late payment.



Part Y - Special Accidental Death Benefit

- This proposal would amend Section 208-f of the General Municipal Law to add counties as payors of the special accidental death benefit.
- Paid uniformed members of a county sheriff's office (outside of NYC) would be given the same special accidental death benefit provided to both police officers and firefighters and widows and widowers of deceased members would be eligible for this benefit.
- This part would also transfer the appropriation for this benefit from the Office of the State Comptroller Budget to the General State Charges Budget (State Operations bill).

Part Z - Commission on Ethics' Composition and Term Staggering

- Staggers the initial terms of members appointed to the Commission on Ethics and Lobbying in Government.
- Eliminates existing provisions which currently provide for four year terms for members subsequently appointed.

Part AA - Extend Various Commercial Property and Sales Tax Incentives in New York City

- Extends for five years multiple property and sales tax incentives in New York City.
- The following tax incentives are extended:
 - Lower Manhattan sales tax exemption for commercial tenants, landlords, and contractors;
 - The Energy Cost Savings Program Credit;
 - The Lower Manhattan Energy Program;
 - The Commercial Expansion Program, which provides tax benefits for businesses in Upper Manhattan, the Garment District, the Bronx, Brooklyn, Queens, and Staten Island;
 - The Commercial Revitalization Program.

Part BB - Repeal Unrelated County-Wide Shared Services Initiative Payment

- Repeals subdivision 12 of Section 239-bb of the General Municipal Law (County-Wide Shared Services Initiative) which authorized a \$1 million annual payment that would be made to the North Shore Water Authority from the Initiative, which is an unrelated program.
- The purpose of the Shared Services Initiative is to eliminate duplicative services in county and local governments and instead provide shared services and in turn creating property tax savings for residents.
- There is a \$200 million reappropriation for the Initiative, however, the \$1 million payment from the fund to the North Shore Water Authority is unrelated to the initiative and would reduce the amounts available in the fund. The payment is tied to an unrelated appropriation and program.

Part CC - Authorization for transfers, temporary loans, and amendments to miscellaneous capital / debt provisions, including bond caps.

- Includes general authority related to sweeps and bond caps.
- Increases the allowable deposit to the Rainy Day Fund to 20 percent of State Operating Funds disbursements as measured by the Enacted Budget of the applicable fiscal year. Current law limits the allowable balance to 15 percent of projected aggregate General Fund disbursements for the following fiscal year (for FY 2023, the current limit would be 15 percent of aggregate FY 2024 General Fund disbursements).



Transportation, Economic Development and Environmental Conservation **(TED) / S.4008**

Part A - Expand Camera Enforcement for MTA Bus Camera Operations

- Authorizes the city of New York to impose monetary liability on a driver who fails to comply with local laws and regulations regarding bus operation-related traffic restrictions. The penalty shall not exceed \$50 for the first offense, \$100 for the second offense within 12 months, \$150 for a third offense, \$200 for a fourth offense, and \$250 for each subsequent offense. An additional penalty of \$25 shall be assessed for each violation for the failure to respond to a notice of liability within in the prescribed time period.
- Further provides that the New York City Department of Transportation and/or an applicable mass transit agency shall operate photo devices for monitoring such infractions and install signs to inform motorists that such photo devices are operating.
- Violations under this section shall not be deemed a conviction nor made a part of the operating record of a driver.

Part B - Triborough Bridge and Tunnel Authority Speed Enforcement

- Authorizes TBTA to install speed cameras under a pilot program.
- Any recorded images shall be used by the city of New York in administering monetary penalties for violations of the speed limit.
- If the driver of the vehicle is not the owner, and the driver is convicted of a speeding violation, the owner of the vehicle is not liable.
- Fines are not to exceed \$50 for the first offense, \$75 for the second violation, and \$100 for subsequent violations within an 18 month period.
- No violations shall be made a part of the driving record.
- If the program is established, the TBTA shall submit a report on the results of the use of speed cameras.

Part C - MTA Tax Increment Financing and Procurement Extender

- Permanently extends the authority for municipalities within the metropolitan commuter transportation district to share property tax revenue on real estate value that results from MTA capital projects.
- Repeals dormant procurement provisions that are no longer utilized and makes permanent the current procurement provisions.

Part D - Increase NYC's Contribution to the MTA

- NYC will be responsible for funding 100% of net paratransit operating expenses of the MTA.
- Paratransit services are services for people with disabilities who are unable to use other modes of transit in a given service area.

- NYC shall fund 100% of the net fare revenue differential resulting from reduced student fares for students in grades K-12.
- NYC shall fund 47% of the foregone revenues of the MTA resulting from employers exempted from the mobility tax.

Part E - Expand MTA Owner Controlled Insurance Program

- Allows the Metropolitan Transportation Authority (MTA) to expand its Owner Controlled Insurance Program (OCIP) in an attempt to reduce the costs of capital programs.
- Expands the OCIP to cover projects related to buses, bridges and tunnels

Part F - Toll Violation Enforcement

- Denies renewal or transfer of registration to any vehicle who's registration has been suspended or is pending a request from a tolling authority to suspend the registration.
- Registration shall remain blocked from renewal or transfer until the DMV has been notified that the notices of violation have been responded to and any unpaid fines or fees have been satisfied.
- Makes it unlawful to operate a vehicle on a tolled highway, bridge, tunnel, or within the if the license plate is covered or concealed in any way to obscure or prohibit the recording of an image of the plate. Penalties range from \$100-\$500.

Part G - MTA Compulsory Arbitration Two-Year Extender

- Extends provisions related to the resolution of labor disputes regarding the Metropolitan Transportation Authority and its employees for two years.
- This authority currently is set to sunset July 1, 2023.

Part H - Transportation Worker Assault Prevention

- Amends the Assault in the Second Degree statute to include assaults against additional transportation workers, including traffic checkers, motor vehicle license examiners, motor vehicle representatives, highway workers, motor carrier investigators, and motor vehicle inspectors. Assault in the Second Degree is a class D violent felony punishable by up to seven years in prison.

Part I - Strengthen MTA Transit Bans

- Authorizes judges to ban an individual from the Metropolitan Transit Authority System as a condition of probation or a condition discharge where the individual has been convicted of an assault against either an MTA passenger, customer, employee or contractor, if the offense was committed in or adjacent to a facility or conveyance of the MTA system.



Part J - Autonomous Vehicle Extender

- Extends Autonomous Vehicle Pilot Program to April 1, 2024.

Part K - Reduce NYC Speed Limits

- Authorizes NYC to lower its speed limits to 20 miles per hour.
- Authorizes NYC to lower its speed limits in school zones to 10 miles per hour.

Part L - Close the DWI Loophole

- Prevents the issuance of a new driver's license to a person who has twice been convicted of any combination of the following Driving While Intoxicated (DWI) offenses and where physical injury has resulted from such offense in each instance:
 - Per Se DWI (BAC of .08 or more)
 - Common Law DWI (operating while in an intoxicated condition)
 - Aggravated DWI (BAC of .18 or more)
 - Driving While Ability Impaired by Drugs (“DWAI Drugs”)
 - Driving While Ability Impaired by the Combined Influence of Drugs or Alcohol and any Drug or Drugs (“DWAI Combined Influence”)
 - Vehicular Assault in the Second Degree
 - Vehicular Assault in the First Degree
 - Aggravated Vehicular Assault
 - Vehicular Manslaughter in the Second Degree
 - Vehicular Manslaughter in the First Degree
 - Aggravated Vehicular Homicide
- Under current law, a person may not be issued a new license where they have been twice convicted of Common Law DWI, DWAI Drugs, or DWAI Combined Influence, and where both convictions stemmed from incidents that resulted in physical injury.

Part M - County Clerk Retention of Share of DMV Revenue

- Changes the share of revenue that is retained by the county clerk offices (would not include the counties of Rockland, Albany, Westchester, Suffolk, Nassau, Onondaga, Bronx, Kings, Queens, Richmond, and New York.)
- The office of the county clerk acts as an agent of the DVM and performs DMV services for such counties.

- Under the current law, county clerk offices retain 12.7 percent of revenue-collected in-office and 3.35 percent of revenue collected online.
- Allows those offices to retain 10.75 percent of revenue for transactions they perform (10.75 in-office and 10.75 online).
- Expected to increase revenues that are retained by the counties by \$13 million annually.
- This act bill would take effect on January 1, 2024.

Part N - New York City Parking Reform

- Increases fines for tractor-trailer combinations, tractors, truck trailers and semi-trailers and semi-trailers parked overnight on streets in residential neighborhoods within New York City.
- Fines would be increased from \$250 to \$400 for the first violation and up to \$525 for subsequent violations (previously \$500).
- Penalties would also apply to drivers who park on streets illegally with invalid or missing license plates
- Furthermore, the appeal process where drivers would appeal parking violations would be amended.

Part O - Empower the DMV to Seize Dangerous Vehicles

- Gives the DOT commissioner the powers to suspend, seize, and impound large passenger vehicles that fail inspections and are placed out of service.

Part P - Stop Secondary Crashes

- Amends vehicle and traffic law to give motorists the ability to move vehicles involved in minor accidents with no personal injury or death out of the traffic lane.

Part Q - Increase the Top Metropolitan Commuter Transportation Mobility Tax Rate

- Raises the top Metropolitan Commuter Transportation Mobility Payroll Tax rate from 0.34 percent to 0.50 percent.
- The top rate would be effective on employers July 1, 2023.
- The increase for self-employed individuals would be phased in, with a rate of 0.42 percent for tax year 2023 growing to 0.5 percent January 1, 2024.
- The Executive estimates that this tax increase will generate roughly \$800 million annually for the MTA.

Part R - Direct Taxed Revenues from a New Downstate Casino Licensee to the MTA



- Dedicates 100 percent of the revenue generated by a new casino located in NYC to the MTA.
- For any casino sighted outside of NYC 80 percent of the revenue generated by that casino would be directed to the MTA and 10 percent to the host locality and 10 percent to education.
- In FY 2023 the State authorized the issuance of the three commercial casino licenses in downstate New York. Each selected licensee will be required to pay a minimum license fee of \$500 million dollars. In addition, the gross gaming revenue of these new gaming facilities would be subject to a State tax.

Part S - Overdraft / Non-Sufficient Funds Reform

- Amends section 9-y of the Banking Law and rename the section “Order of payment of checks and other debits, insufficient funds charges and return deposits items charges.”
- The Department of Financial Services would be authorized to promulgate regulations that would aim to prohibit opportunistic sequencing of electronic payments, implement restrictions on overdraft fee practices, and implement restrictions on non-sufficient fund fee practices.

Part T - Paperwork Reduction for Condominium Declarations

- Eliminates lengthy condominium declarations that are required to be filed with both the county and the Department of State (DOS).
- In its place the part provides that only a designation of service of process would be required to be filed with DOS.

Part U - Year Extension for Displaced Workers

- Extends for one year through July 1, 2024 the health insurance continuation assistance demonstration project, which provides health insurance for persons in the entertainment industry due to intermittent employment.

Part V - Authorization to Perform Natural Organic Reduction

- Allows persons and organizations authorized by the Secretary of State to perform natural organic reduction, which is the process of reducing human remains through natural decomposition.

Part W - Authorize use of Photo Inspection of Private Passenger Automobiles for Insurance Claims

- Allows auto insurance companies to waive the right to inspection of some or all motor vehicles by filing an affidavit with the Department of Financial Services.
 - Applies to all insurance policies issued, renewed, altered or modified on or after the effective date.
- Legislation would be repealed October 1, 2027.

- The Governor vetoed a similar piece of legislation in 2022.

Part X - Provide Virtual Meeting Flexibility for Public Bodies Serving Individuals with Disabilities

- Allows public boards, committees and task forces organized for the purpose of addressing issues specific to individuals with disabilities and subject to the Open Meetings Law to continue to meet virtually.

Part Y - Reducing Barriers to Occupational Licensing

- Creates an apprenticeship option to obtain a cosmetology license.
- Allows a nail specialty trainee to apply for a license if they have been engaged in a traineeship for a period of two years or have been engaged in a traineeship for a period of one year and have completed the appropriate course of study.
- Allows a cosmetology trainee to apply for a license if they have been engaged in a traineeship for a period of two years.
- Extends the period a certification of registration as a trainee is valid from one year to four years and allows for an additional period of four years (previously one year) for nail specialists and cosmetologist trainees.
- Removes the requirement to obtain a certificate of completion of a course of study concerning the transmission of contagious diseases and the proper methods of sanitation and sterilization to be employed in barber shops prior to receiving a certificate of registration as an apprentice barber.

Part Z - Increase the Authorization of the Dormitory Authority of the State of New York to issue Hospital and Nursing Home Project Bonds and Notes

- Increases the Dormitory Authority's authorization to issue hospital and nursing home project bonds and notes from \$17.4 billion to \$18.2 billion.

Part AA - Authorize the Dormitory Authority (DASNY) to Provide Services to Development Agencies

- Allows DASNY to provide services to entities that are receiving loans or grants from the Downtown Revitalization Program or the NY Forward program

Part BB - Extend the Authority of DASNY to Operate a Pilot Program for Small, Women-Owned, and Minority-Owned Businesses

- Extends the authority of DASNY to operate a pilot program that expands contracting opportunities for small business and minority-owned and women-owned businesses until July 1, 2027.



Part CC - Create the Extended Prosperity and Innovation Campuses Initiative

- Replaces the START-UP NY program with the Extended Prosperity and Innovation Campuses (EPIC) Initiative. Similar to START-UP NY, the EPIC initiative offers new and expanding businesses the opportunity to operate tax-free for 10 years on or near eligible university or college campuses in New York State.
- EPIC establishes the same requirements, benefits and eligibility criteria at START-UP NY. The proposal renames the program throughout the statute.
- The proposal eliminates the high-tech or formative stage requirements for downstate businesses (Nassau, Suffolk, Westchester counties and New York City) that applied under START-UP NY program. Allows downstate colleges and universities to allocate off-campus land in the same manner as upstate schools.
- Grants the Department of Economic Development Commissioner authority to act in lieu of EPIC approval board if the board is not fully constituted or is unable to convene.

Part DD - Innovation Matching Funds for Small Businesses

- Establishes a matching grant program for small businesses that have been awarded Phase One or Phase Two grants under the Federal Small Business Innovation Research Program or the Federal Small Business Technology Transfer Program.
- Currently 27 other states have a similar matching grant program.
- The Executive estimates that the cost of this program will be roughly \$6 million annually.

Part EE - Increase Battery Park City Authority Bond Capacity

- Increases the bonding authority of Battery City Park as follows-
 - Increases the renewable bonding capacity from \$300 million to \$500 million
 - Increases the non-renewable bonding capacity from \$500 million to \$1.5 billion.
 - According to the Executive, this additional authority is needed to allow the Battery Park City Authority to proceed with climate resiliency and infrastructure maintenance projects

Part FF - Increase Maximum Award Available under the Excelsior Linked Deposit Program

- Increases the maximum award of the Excelsior Linked Deposit Program from \$2 million to \$6 million.

Part GG - Extend the General Loan Powers of the New York State Urban Development Corporation

- Extends the general loan powers of Urban Development Corporation until for five additional years.
- Current authority expires July 1, 2023.

Part HH - Provide for Reciprocity between New York State and New York Municipal Corporation MWBE Certifications and Increase the Discretionary Buying Threshold for Purchases from MWBE's

- Requires a memorandum of understanding be entered into between New York State and all New York municipal corporations that have an MWBE program to establish a procedure whereby New York State will accept the municipal corporation's MWBE certification verification in lieu of the state certification process.
- Increases the discretionary threshold from \$500,000 to \$1.5 million at which state agencies can purchase commodities or services from Minority and Women owned Business Enterprises and Service Disabled Veteran Owned Businesses without a competitive process.
- Increases the discretionary threshold from \$1 million to \$1.5 million authorizing the NYC procurement policy board to allow NYC agencies to procure goods, services and construction from minority and women-owned business enterprises without a competitive process.

Part II - Provide for Alternative Project Delivery Method for the City of New York

- Amends the New York City Public Works Investment Act and creates new definitions for terms such as "alternative project delivery contract", "construction manager at risk", and "construction manager build" and incorporates new capital delivery methods.
- "Alternative project delivery contracts" would be defined to include design-build, construction manager build, and construction manager at risk contracts.
- "Best value" would be amended to clarify that a joint venture may receive a minority and women owned business enterprise point preference.
- The Executive believes that these project delivery tools can foster collaboration among all participating parties and lead to avoidance of lengthy delays and claims.

Part JJ - Extend the Authorization of the New York State Urban Development Corporation to Administer the Empire State Economic Development Fund

- Extends the authorization of UDC to administer the Empire State Economic Development Fund for five additional years
- Current authority expires July 1, 2023



Part KK - Provide for Exempting Certain Public Construction Projects from Certain Insurance Restrictions for the City of New York

- Exempts NYC, NYC School District, NYC Industrial Development Agency, NYC Health and Hospital Corporation, and the NYC Housing Authority from the definition of “public corporation” and “public authority” under Section 2504 of the Insurance Law, thus providing these entities the ability to use Owner-Controlled Insurance Programs (OCIP) and Contractor-Controlled Insurance Programs (CCIP).
- Under these programs, all tiers of contractors on the same site are held to the same safety standards and procedures on the project.

Part LL - Extend DASNY’s ability to enter into Design and Construction Management Agreements

- Extends DASNY’s authority to enter into design and construction management agreements until April 1, 2028.

Part MM - Snowmobile Registration Fee Increase

- Raises registration fee to \$125 for residents and non-residents who are not members of a NYS snowmobile club that is a member of NYSSA.
- Raises registration fee to \$55 for residents and non-residents who are members of a NYS snowmobile club that is a member of NYSSA.

Part NN - Pleasure Vessel Equipment Standards

- Requires all vessels, including rowboats, canoes and kayaks to have a whistle on board for use in case of an emergency.
- Requires mechanically propelled vessels to have a fire extinguisher.
- Requires the operator of a vessel under 26 feet in length, equipped with an engine cut-off switch to use the switch when the vessel is operating on plane or above displacement speed. Use of the cut-off would not be required when the operator is in a fully enclosed cabin.

Part OO - Bolstering Demand for New York Agriculture

- Create demand for NY grown agricultural products by eliminating the restriction on purchasing from associations of more than ten producers or growers.
 - Removing the limitations on the amounts of a variety of agricultural products where NYS producers or associations of NYS growers will have the ability to purchase.
- Allow local entities to purchase food products that were produced or harvested in NY without a competitive process, which will invest in farm production and food processing in New York.

- County, municipal governments and local school districts will be encouraged and provided tools to meet this goal.
- Gov. Hochul will be issuing an Executive Order directing NYS agencies and related institutional entities to increase purchasing of NY local products to 30%.
 - Allow farms to access new markets and boost the agricultural community.
 - Currently, NY spends around \$4 million on NY food but with this goal, NY would procure and purchase around \$400 million worth of farm products.
- \$50 million over five years to local school districts to support cooking facilities that will use fresh NYS farm products for K-12 school children.
- \$10 million for a new Food Access Expansion Program.
 - This would provide grants to support and establish food access infrastructure in underserved communities.

Part PP - Waste Reduction and Recycling Infrastructure Act

- Creates an Extended Producer Responsibility Program for packaging and paper products.
- Requires any company that produces packaging or paper product and that has gross sales of over \$1 million/per year or generates more than a ton of packaging and paper products supplied to NYS consumers per year to participate in the Program.
- Initial registration fee of \$500 to \$25,000 depending on the size of the entity
 - Fees collected would be deposited into the Waste Reduction, Reuse and Recycling Fund.
- Sets requirements for the amount of recycled material in certain types of packaging.
- Eligible companies would have to submit a plan to provide for the collection and recycling of packaging and paper products to DEC by Jan 1, 2026.

Part QQ - Clean Up “Forever Chemicals”

- Expands the Environmental Restoration Program to use available funds to investigate and remediate contaminants – hazardous waste, petroleum and emerging contaminants.
- Municipalities that deliberately caused contamination would be disqualified from using the program.
- The Executive makes available \$20 million for the program.

Part RR - Make the Youth Deer Hunting Program Permanent

- Makes permanent the Deer Hunting Pilot Program, which allows 12 and 13 year old hunters to hunt deer with a firearm or crossbow when supervised by an adult hunter.
- The Program was established in 2021 and 52 out of 54 eligible counties opted to participate in the program.



Part SS - Pesticide Registration Fee

- Makes permanent the \$600 pesticide registration fee. Should the provision sunset, an applicant's fee would decrease to \$50. Historically, this provision is extended for three years.
 - The increased registration fee accounts for an additional \$4.1 million in revenue.

Part TT - Suffolk County Water Quality Restoration Act

- Gives the Suffolk County Legislature authority to create a countywide wastewater management district through the consolidation of existing un-sewered areas and existing town and village water sewer systems, in accordance with the Suffolk County Sub watershed Wastewater Plan. The county currently has 27 sewer systems.
- With approval by the county, the district would have the authority to collect charges, rates, and taxes and would be subjected to a mandatory referendum by the votes to establish a new county fund for these purposes.
- The county would be authorized, through local law, to create a District Board of Trustees to prepare and implement this wastewater plan.

Part UU - Use of federal Bipartisan Infrastructure Law (BIL) funding for lead service line replacement programs

- Allows the state to use federal BIL funding to replace entire lead service lines and include portions of lines may cross private property funding (a requirement of BIL funding).
- Municipalities, school districts, and district corporations would be authorized to establish these lead line replacement programs and would be able to access low-cost financing options through the Environmental facilities Corporation to satisfy BIL loan requirements.

Part VV - Makes Permanent Assessments on Cable Television Companies and Public Utilities

- Makes permanent the State's current authorization to allow the departments of Ag and Markets, Environmental Conservation, Department of State and the Office of Parks, Recreation and Historic Preservation to finance public health campaigns and utility oversight related to costs from assessments on cable television companies and public utilities.

Part WW - Making New York Buildings More Sustainable

- Prohibits installation of fossil fuel equipment and building systems in following timeline.
 - Dec 31, 2025 for new one family residential buildings of any height or multi-family residential buildings of three stories or fewer;

- Dec 31, 2028 for new multi-family residential buildings more than three stories or new commercial buildings;
- Jan 1, 2030 for existing one family residential buildings of any height or multi-family buildings of three stories or fewer; and
- Jan 1, 2035 for existing multi-family residential buildings more than three stories or commercial buildings.
 - Gas stoves installed before the bans take place would be allowed to continue to operate. However, under the new building codes, installation of new gas stoves would be prohibited.
- The State Fire Prevention and Building Code Council may provide the following exemptions when they deem appropriate.
 - For generation of emergency back-up power;
 - In a manufactured home; or
 - In a building or part of a building that is used as a manufacturing facility, commercial food establishment, laboratory, laundromat, hospital, other medical facility, critical infrastructure such as a backup power for wastewater treatment facilities or crematorium.
- Fossil Fuel is defined as “fuel used for combustion, in the form of any of the following: natural gas derived from naturally occurring geologic deposits of principally methane; petroleum; coal; or any form of solid, liquid or gaseous fuel sourced from any of the foregoing materials.
- Requires owners of large buildings (state buildings and buildings larger than 25,000 square feet or two buildings on same tax lot that together exceed 50,000 square feet) to benchmark their total energy and water consumption.
 - Owners of the buildings would have to send the information to NYSERDA who would publish the data and provide the owner with an “energy grade” for the building.
 - Not complying with the reporting requirements would result in \$500 fine.

Part XX - Authorize NYPA to Build Renewable Energy Generating Projects

- Provides NYPA with the authority to plan, design, develop, finance, construct, own, operate, maintain or improve, alone or jointly with other entities, renewable energy generating projects.
- NYPA may acquire lease or otherwise dispose of property interests related to the development or disposition of renewable generating projects as NYPA determines necessary and desirable.
- Directs NYPA to establish the “Renewable Energy Access and Community Help Program” which allows low and moderate income customers in disadvantaged communities to receive bill credits that are provided by renewable energy generation projects are owned, developed or contracted by NYPA.
- NYPA must develop plan to phase out peaker plants by 2035 so long as the plant is not needed as an emergency power service or electric system reliability.
- Proposal is similar to the Public Renewables Bill (S.6453C), which passed the Senate last session 38-25.



Part YY - Extend NYPA's Authority to Procure and Sell Power

- Extends for 20 years NYPA's authority to sell market power, procure and sell power, energy and related products from renewable energy sources and finance renewable energy projects.

Part ZZ - Annual NYSERDA Special Assessment

- Authorizes NYSERDA to continue financing its energy research, development and demonstration program; its energy policy and planning program; the Fuel NY Program; and climate change related expenses of the Department of Environmental Conservation from a special assessment on gas and electric corporations.
 - Collects \$28.8 million in assessments.

Part AAA - Cap-And-Invest Program

- Through the regulatory process DEC and NYSERDA will establish an economy wide Cap-and-Invest program for greenhouse gas emissions. Allowances will go to auction by NYSERDA. Emitters will bid on allowances. The proceeds from the auction will go back to NYSERDA.
 - Proceeds collected by NYSERDA will be split into three ways: (i) Agencies will be able to recover their costs, (ii) programmatic incentives, such as programs to make energy more affordable and (iii) climate accounts established under the bill.
 - At least one third of monies raised from the sale of allowances will be used to help offset increases in prices of goods and services for consumer resulting from the program.
 - Thirty percent of proceeds would go to the Industrial Consumer Climate Action Account.
 - Three percent of proceeds to the Industrial Small Business Climate Action Account.
 - The overall cap or maximum amount of emissions will decline to meet CLCPA targets.
 - Establishes a Climate Action Fund that will assist in reducing the costs of the program for people of the state and industrial small businesses.
 - Executive expects more than \$1 billion in proceeds under the program annually.



Revenue (REV) / S.4009

Part A - Provide Authority to Abate Interest for Taxpayers Impacted by Declared Disasters

- Authorizes the Commissioner of Tax and Finance to abate interest charges on the underpayment of tax for taxpayers who are impacted by a Federal or State declared disaster
- Currently the Commissioner only has this authority in relation to the extension of filing deadlines.

Part B - Clarification of the Treatment of Limited Partners for the Metropolitan Commuter Transportation Mobility Tax

- Amends the definition of “net earnings from self employment” in the tax law to ensure that self employed individuals living the MTA region are subject to the MTA payroll tax.
- According to the Executive, under current law, individuals who are self employed can declare themselves to be “limited partners” on paper to avoid paying the tax.
- This proposal is estimated to increase revenues of the MTA payroll tax by roughly \$20 million annually.

Part C - Modify the Investment Tax Credit for Farmers

- Makes the Investment Tax Credit fully refundable for eligible farmers for five years through December 31, 2027.

Part D - Extend and Enhance the Film Tax Credit

- Increases the annual allocation of the Film Tax credit from \$420 million to \$700 million.
- Makes several programmatic changes to the credit, including adding “above the line” (ie salaries of writers and directors) capped credit, restoring the credit for qualified expenses from 25 percent to 30 percent (where it was prior to 2019), and making changes to allow for shows to claim the credit after relocating to New York.
- Extends the credit for five additional years.

Part E - Abatement of Penalties for Underpayment of Estimated Tax by a Corporation

- Provides the Department of Taxation and Finance the authority to abate penalties for the underpayment of estimated tax by a corporate taxpayer impacted by casualty, disaster, or other unusual circumstance.

- Tax and Finance currently has the authorization to provide an abatement for penalties against estimated personal income tax underpayments. This proposal would provide parity for corporate taxpayers.

Part F - Extend the Application Deadline for COVID-19 Capital Costs Tax Credit Program

- Extends the application for applying for the COVID-19 Capital Costs Tax Credit Program for six months to allow additional businesses to apply to the program.
- The current deadline for businesses to apply to the program is March 31, 2023. This proposal would extend that deadline until September 30, 2023.

Part G - Create a Tax Credit for Child Care Creation and Expansion

- Establishes the Child Care Creation and Expansion Tax Credit Program to allow eligible businesses to receive credit for creating and expanding childcare seats for children of their employees. The tax credit would be administered by the Office of Children and Family Services.
 - The tax credit program would be available for two years and would be capped at \$25 million for each year.

Part H - Create a NYC Biotech Tax Credit

- Authorizes New York City to provide a biotechnology tax credit against the City's general corporation tax, unincorporated business tax, and banking corporation tax.
- New York City previously had a biotech tax credit, but it expired in 2019.

Part I - Extend Certain Provisions of Tax Law

- Extends the following provisions of tax law:
 - Subpart A extends the higher Article 9A tax rate of 7.25 percent for businesses with an income base of over \$5 million for three years.
 - Subpart B extends the historic properties rehabilitation credit for an additional five years.
 - Subpart C extends the Empire State Commercial Production Tax Credit for five years.
 - Subpart D extends the Grade No. 6 Heating Oil Conversion Tax Credit for six months. This credit is currently scheduled to sunset July 1, 2023.
 - Subpart E extends the application deadline for the New York City Musical and Theatrical Production Credit to June 30, 2025, and makes a number of modifications to the program, including increasing the aggregate program cap by an additional \$100 million and ensuring that productions contribute to the New York State Council on the Arts Cultural Program Fund until December 31, 2027.



Part J - Make Technical Changes to Tax Law

- Makes the following technical changes to the Tax Law-
 - Subpart A removes outdated references to Federal Law for the tax credit to compass that provide transportation to individuals with disabilities.
 - Subpart B makes amendments to the Brownfield Redevelopment Credit changes that were included in Part LL of Chapter 58 of the Laws of 2022 to correct a drafting error that prevents the credit from being applied as intended. Last year's modifications accidentally cited applicants who were accepted into the program during a given timeframe instead of taxpayers who were issued a certificate of completion during this timeframe.
 - Subpart C makes technical changes to the New York State and New York City Pass Through Entity Tax (PTET) to clarify the computation of the tax. Under current law the calculation requires a taxpayer to deduct taxes paid, including PTET, which cannot be done, thus creating a circular calculation

Part K - Simplification of the Senior STAR Exemption Income Threshold Determination

- Simplifies the Senior Citizens Real Property Tax Exemption income eligibility requirement for senior citizens who apply for the Senior Citizens Exemption under the Real Property Tax Law.
- The proposed change from current law would utilize the federal adjusted gross income, minus the taxable portion of IRA distributions. Any social security benefits that were not included in the applicant's federal adjusted gross income would also be treated as income, except where a municipality has opted to disregard them. Applicants would need to submit only their tax returns to demonstrate eligibility for the exemption.

Part L - Extend the Oil and Gas Fee

- Renews, for three years, the fees paid by oil and gas producers for administrative costs associated with setting the units of production values for oil and gas property by the Department of Taxation and Finance. The annual fees, which have been unchanged since their enactment in 1992, are based on annual production.
- The units of production values are used by assessors to determine a uniform statewide assessed value on property for property that is used for oil or gas production.
- These fees were last extended in 2020.

Part M - Return Foreclosure Excess to Property Owners

- Under current law local governments have the authority to sell real property they have acquired due to delinquent taxes; they generally may retain all proceeds that the sale generates. If there is a surplus from the sale of the property, the local government may be entitled to keep it all.

- Amends current law so that any surplus resulting from a tax foreclosure sale would be distributed to local governments for the taxes they are owed, any third parties who have liens on the property and any remaining proceeds from the sale would be returned to the former property owner.

Part N - Clarification of the Wind and Solar Valuation Model

- Clarifies that the adoption or amendment of the wind and solar systems valuation model by the Department of Taxation and Finance, pursuant to the real property tax law, is exempt from the state administrative procedure act.
- Authorizes the commissioner of taxation and finance to readopt the 2022 wind and solar systems valuation appraisal models for use in 2023, without soliciting or considering additional public comments.

Part O - Make Local Sales Tax Rate Authorizations Permanent

- Makes permanent the authorization for local governments to collect sales tax.
- Applies to the local governments that currently collect sales tax (57 counties outside of New York City, and 5 cities).
- Currently, counties have the authorization to impose sales tax at a rate of three percent. 54 of the State's 57 counties outside of New York City impose an additional rate of sales tax, which requires the authorization of the State Legislature.
- Traditionally, the additional rates were authorized by the Legislature in two-year increments in odd numbered years. However, the last extension was for three years, and this led to a great deal of confusion and led to delays in some cases that negatively impacted local finances.
- According to the Executive, this proposal would ensure revenue stability for local governments.

Part P - Eliminate the Congestion Surcharge Registration Requirements

- Repeals §1299-C of tax law to eliminate congestion surcharge registration requirements.
- Applies to 2018 congestion surcharge on livery vehicles.
- Clarifies that there will be no refunds of any registration fees paid before this effective date of this act.

Part Q - Amend the Motor Fuel Reporting Designation

- Requires distributors of motor fuel and diesel motor fuel to collect, report, and remit taxes to the Department of Taxation and Finance based on the actual number of gallons sold. Temperature fluctuations can result changes in the volume of motor fuel.
- The Executive estimates this change will result in an additional \$2 million in tax revenue in FY 2024 and \$4 million annually thereafter.



Part R - Extend and Limit the Vending Machine Sales Tax Exemption to Business Enterprise Program Vendors for One Year

- Extends the sales tax exemption for food and drink sold from vending machines for one year, but limits its application to sales from vending machines operated by participants in the Business Enterprise Program for blind vendors.
- The existing authorization is set to sunset March 31, 2023.

Part S - Increase the State Excise Tax on Cigarettes

- Increases the tax on cigarettes sold in New York by \$1, for a new tax rate of \$5.35 per 20 cigarettes.
- This increased tax is estimated to reduce State revenue by roughly \$22 million annually when fully phased in due to less people smoking.
- According to a recent study by the Tax Foundation, over half of the cigarettes smoked in New York are illegally smuggled into the State, costing New York over \$1 billion in annual revenue.

Part T - Revoke Cigarette and Tobacco Taxes Certificate of Registration for Inspection Refusal

- Provides that when a retail dealer of cigarettes or tobacco products (or their employees or agents) refuses to comply with regulatory inspections, its registration to sell cigarettes will be revoked for one year, and for a second failure to comply within a three year period, its registration will be revoked permanently. It further provides that if such retail dealer does not have a valid registration, the retail dealer will be subject to a penalty of up to \$5,000 for a first refusal, and up to \$10,000 for a second refusal within three years.

Part U - Extend Reduced Transfer Tax Rates for Qualifying REITs For Three Years

- Extends the reduced rate for real estate investment trusts (REITs) for three years under the New York State Real Estate Transfer Tax and the New York City Real Property Transfer Tax.
- This provision was first enacted in 1999.
- The reduced rates are currently set to expire September 1, 2023.

Part V - Allow Department of Tax and Finance the Right to Appeal Tax Appeals Tribunal Decisions

- Allows the Department of Tax and Finance to appeal decisions of the Division of Tax Appeals Tribunal.
- Currently, taxpayers have the ability to appeal decisions of the Division of Tax Appeals Tribunal to a court, the Department of Tax and Finance cannot.

Part W- Technical Correction to the Deposit Timeframe

- Establishes that monies deposited by the Department of Taxation and Finance must be deposited within three business days, as opposed to the current law which requires monies to be deposited within three calendar days.
- According to the Executive, this would allow for administrative efficiencies for the Department of Tax and Finance by allowing staff to be better deployed during peak filing periods.

Part X - Authorize NYRA's Payment Structure to Fund a \$455 Million Belmont Redevelopment Project

- Authorizes the New York Racing Association's (NYRA) to fund a \$455 million Belmont Redevelopment Project.
- Upon completion of the redevelopment project at Belmont, racing at Aqueduct would cease, allowing that land to revert to the State.
- The franchise agreement between NYRA and New York runs through 2033. Under the agreement, NYRA operates thoroughbred racing tracks on State land at Aqueduct, Belmont, and Saratoga.
- In addition to money received from wagers, NYRA also has other streams of revenue. Four percent of the net win from video lottery terminal machines located at Resorts World NYC and 1.3% of the net win from Nassau and Suffolk Off Track Betting video lottery machines are deposited with NYRA for their capital expenditures.
- NYRA has requested authority to use its capital expenditure funds to finance a \$455M "New Belmont" plan. This plan includes renovating its turf tracks and creating access to its 45-acre infield.
- In addition to new horseracing tracks, this renovation project would also provide Belmont with the ability to host community gatherings and other non-racing events.
- NYRA would also demolish the current clubhouse and build a right-sized, modernized clubhouse.
- NYRA estimates the cost for this portion of the project to be about \$384M. The entire renovation project is expected to be completed within three years.
- To assist NYRA in commencing this project, the State would finance the project through a capital appropriation, providing the upfront funding needed throughout the construction process.

Part Y - Eliminate Quick Draw restrictions

- Eliminates several current restrictions related to the Quick Draw Lottery game:
 - Under current law Quick Draw tickets may only be sold in facilities that are 2,500 square feet or more.
 - Quick Draw sales are also limited through an increased age restriction on sales at locations where alcohol is sold. The law in New York requires a person to be 18 years of age to play



New York lottery games, but individuals must be 21 years of age to play those games inside a facility that serves alcohol.

Part Z - Catskill OTB Termination

- Authorizes the termination of the Catskill OTB. In addition language is advanced to authorize any county within the Catskill OTB region to contract with another OTB to provide services within the Catskill OTB region.

Part AA - Capital Region OTB Capital Funds Extension

- Extends for one year the Capital Region OTB's ability to use capital funds for operating expenses.

Part BB - Para Mutuel Rate Extension and Simulcast Extension

- Extends for one year the State's para-mutuel rates and simulcast provisions

Part CC - Require State S Corporation Conformity with Federal Return

- Requires all corporations treated as S-Corporations under Federal Law be treated as S-Corporations for New York tax purposes.
- According to the Executive, this would eliminate potential tax avoidance schemes, and generate roughly \$15 million annually in additional revenue for the State.