



This Week in New York

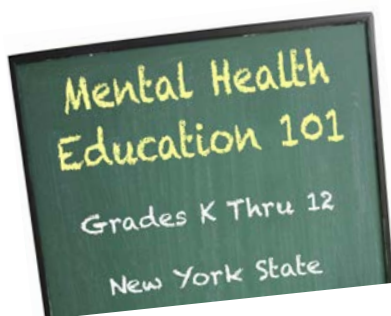
Covering New York State and City Government

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In the News: New York State & New York City



Mental Health Now Mandatory Education In NYS Elementary, Middle, And High Schools

School districts across New York State will now be instructing students on mental health issues, as well as physical health issues, under legislation that went into effect July 1st.

Sponsored by Legislative Education Chairs Senator Carl Marcellino and Assemblymember Catherine Nolan, the law (Chapter 390 of the Laws of 2016) calls on school districts to ensure that their health education programs recognize the multiple dimensions of health by including mental health and the relation between mental and physical health in health education.

“The answer to “what is health?” has evolved,” Assemblymember Nolan explained in her support letter to Governor Andrew M. Cuomo. “Today we understand that health is multidimensional and includes mental health and social well-being as well as physical health. We must, therefore, make sure that our students come to understand that mental health is as integral to their lives as physical health. To do that, mental health should be included in the law guiding instruction about health.”

The Mental Health Association of New York State, National Alliance on Mental Illness, New York Association of School Psychologists, New York Mental Health Counselors Association, and the American Foundation for Suicide Prevention all report the same numbers in relation to mental illness in today’s students. One in twelve students attempts suicide. Over 90 percent of youth who die by suicide suffer from depression or another diagnosable and treatable mental illness at the time of their death. Over 50 percent of students with emotional or behavioral disorders drop out of high school and, of those who do remain in school, only 42 percent graduate.

“We must begin to teach the facts about mental health and openly discuss the issues from a health perspective in order to remove the stigma surrounding mental illness. Health education that respects the importance of mental health and the challenges of mental illnesses will help young people and their families feel more comfortable seeking services,” Judith Ritterman, New York Mental Health Counselors Association. “Our schools are a resource to prepare tomorrow’s citizens to think differently about the role of mental health in their lives.”

The State Education Department will release guidance to schools on how to incorporate these mental health lessons into their curriculum, according to Commissioner said State Education Commissioner MaryEllen Elia. The law did not outline specific curriculum requirements.

The Mental Health Association received a \$1 million state grant to develop the school Mental Health Resource and Training Center which will serve as a clearinghouse to New York schools on how to properly develop mental health lessons. The Resource Center will provide assistance and guidance through an online platform, a hotline for school districts and a team of experts in education and mental health. Its website opened July 2nd at www.mentalhealthdnys.org, and its full services will be launched later this summer.



Governor Cuomo Issues Open Letter to SUNY & CUNY:



Maintain Diversity and Inclusion Plans

Governor Cuomo: "The new federal action should have no bearing on admission policies and should not interfere with SUNY's and CUNY's commitment to a diverse and inclusive student body."

Governor Andrew Cuomo this week issued an open letter to SUNY Board of Trustees Chair H. Carl McCall and CUNY Board of Trustees Chair William C. Thompson Jr. directing them to maintain their diversity and inclusion plans after the Trump administration rescinded guidelines on using race in college admissions. The letter directs the Chairs to continue existing policies that promote racial diversity and inclusion and to prepare a report by August 15 on how they will further expand and increase diversity on campuses.

The full text of the letter is available below:

Dear Chairman McCall and Chairman Thompson,

The Trump administration's move to rescind the guidelines on using race in college admissions is a blatant attempt to limit the participation of minorities in higher education. It is part of a troubling trend by the President and his administration to alienate minorities and build walls to diversity and equal participation in society.

As you know, this issue has been going through the courts since 1978 (Regents of the University of California V. Bakke), most recently with the 2016 decision in Fisher V. University of Texas. The courts have determined that diversity is a valuable and allowable part of higher education.

New York's two university systems have long been bastions of diversity and engines of social mobility. SUNY is nearly 45% minority and CUNY is 76% minority. This diversity broadens understanding and breaks down barriers and stereotypes, and it ensures all New Yorkers have the opportunity to succeed.

In this state, we embrace diversity and we encourage it. I am directing you to continue your existing diversity and inclusion plans. The new federal action should have no bearing on admission policies and should not interfere with SUNY's and CUNY's commitment to a diverse and inclusive student body.

In addition, I am directing you to reexamine your existing plans to ensure these plans are furthering New York's goals of diversity and inclusion. To that end, SUNY and CUNY should each prepare a report due by August 15, 2018 outlining how they will expand and increase diversity representation on our campuses.

The Trump administration wants to take this country backwards, but in New York we are moving forward. We will continue to work together to dismantle barriers to social and economic mobility and extend the promise of equal opportunity to all New Yorkers.

Sincerely,

Governor Andrew M. Cuomo



Comptroller DiNapoli Releases Analysis of State Budget Financial & Capital Plans

The state's fiscal year (SFY) 2018-19 Enacted Budget Financial Plan projects that spending will outpace revenues over the next three years with potential cumulative gaps totaling \$17.9 billion, according to a report released this week by State Comptroller Thomas DiNapoli.

"The state ended the last year with the largest General Fund balance in recent years, but continues to face real fiscal challenges," Comptroller DiNapoli said. "New York's growing out-year gaps, shrinking debt capacity and the lingering threat of federal funding cuts cloud the horizon. Yet, there are no plans to add to our reserves, leaving the state with little cushion in the event of an economic downturn."

Total Spending: The \$170.3 billion spending plan is up \$6.5 billion from SFY 2017-18. Total receipts are expected to increase 0.3 percent, or \$541 million, to \$166 billion, from last year.

General Fund Balances: The Division of the Budget (DOB) expects that the state will utilize 42 percent of the \$9.4 billion General Fund balance from SFY 2017-18 in the current fiscal year, and that General Fund reserves will decline to \$2.9 billion by SFY 2021-22.

Tax Receipts: Total tax receipts this year are projected at \$77.9 billion, down 1.7 percent from the previous year, reflecting factors such as the timing of personal income tax collections in SFY 2017-18. Consumption and use tax receipts, primarily from the state sales tax, are projected to increase 3.5 percent this year to nearly \$17.3 billion. Business tax revenues are projected to reach nearly \$8 billion, up 11.4 percent from SFY 2017-18.

Federal Receipts: Federal receipts are projected to rise \$1.1 billion to \$60 billion this year and represent 36 percent of total revenue for the state. More than two-thirds of federal funds spending, \$38.3 billion, is for local assistance Medicaid payments through the Department of Health. Calls by the President and some members of Congress for major changes to federal funding for health care and other programs are among the most notable budgetary risks for New York.

Debt Service: State-supported debt service is projected to increase by an average 4.4 percent annually through SFY 2022-23, when it will reach \$7.3 billion.

Reserve Funds: The combined balance of the state's primary reserve funds, the Tax Stabilization Reserve Fund and Rainy Day Reserve Fund, is \$1.8 billion, less than half of the \$5.2 billion they are currently authorized to hold. The last deposits to these funds were made in 2015 and no further deposits are projected during the four-year Financial Plan period, according to the report.

Off-Budget Spending: The Financial Plan presents this fiscal year's growth in State Operating Funds spending as 2 percent. This reflects the movement off-budget of \$1.4 billion in disbursements for the Metropolitan Transportation Authority (MTA), as well as other budget management actions.

Chapters of the Laws of 2018



Chapter 84 – Sponsored by M of A Lavine / Senate Rules -- Relates to extending certain provisions relating to assessment and review of assessments in the county of Nassau.

Chapter 85 – Sponsored by M of A Bichotte / Senator LaValle -- Amends chapter 497 of the laws of 2016 amending the education law relating to the licensure of pathologists' assistants.

Chapter 90 – Sponsored by M of A Lifton / Senator Marcellino -- Extends provisions of law implementing the federal individuals with disabilities education act of 2004.

Chapter 91 – Sponsored by M of A Weinstein / Senator Golden -- Relates to the sale, issuance and refund of bonds and notes of New York city.

Chapter 99 – Sponsored by M of A Cymbrowitz / Senator Seward -- Relates to excess medical malpractice insurance and extending the effectiveness.

Chapter 102 – Sponsored by M of A Stern / Senator Seward -- Extends provisions relating to providing for an emergency technician 5 year re-certification program.

Chapter 108 – Sponsored by Senator Jacobs / M of A Morelle (Rules) -- Extends provisions relating to rental vehicle protections.

Chapter 109 – Sponsored by Senator Jacobs / M of A Morelle -- Expands protections afforded to renters of motor vehicles.

Chapter 110 – Sponsored by Senator Murphy / M of A O'Donnell -- Relates to the sale of tickets to places of entertainment.

Briefs

State Department of Financial Services to Encourage State-Chartered Banks and Credit Unions to Provide Banking Services for New York's Regulated Medical Marijuana and Industrial Hemp Businesses

The State Department of Financial Services (DFS), at the direction of Governor Andrew Cuomo, issued guidance this week encouraging New York State chartered banks and credit unions to consider establishing banking relationships with medical marijuana-related businesses that are operating in New York in full compliance with all applicable New York State laws and regulations. According to DFS, because marijuana currently is still listed on Schedule I under the Federal Controlled Substances Act, medical marijuana and industrial hemp-related businesses operating in accordance with New York State laws and regulations continue to have difficulty establishing banking relationships at regulated financial institutions.

DFS advised New York's chartered institutions that it will not impose any regulatory action on any New York State chartered bank or credit union as long as the New York State chartered bank or credit union complies with the requirements of:

- The 2014 Financial Crimes Enforcement Network guidance.
- The guidance and priorities set forth in the Department of Justice's 2013 memorandum from Deputy Attorney General James M. Cole; and
- Is subject to the institution's own evaluation of the risks associated with offering products and services and its ability and systems to effectively manage those risks - as all DFS-regulated institutions do with regard to all their banking relationships. A copy of the guidance can be found [here](#).

Survey on Meeting the Needs of Students with Learning Disabilities

The NYS Education Department Office of Special Education has developed surveys for administrators, educators/service providers, and families on meeting the needs of students with learning disabilities, including students with dyslexia, dysgraphia, and dyscalculia, in New York State. Broad dissemination of the surveys is encouraged. Participation is voluntary and anonymous. Results of the surveys will be used to inform guidance development related to students with specific learning disabilities and other NYSED initiatives including the State Systemic Improvement Plan.

The surveys may be accessed at: <http://www.mievaluation.com/SLD-Surveys.html>. *Questions about the purpose and/or content of the surveys may be directed to Kelly Onorato at dddstakeholders@nysed.gov.*

Five-Borough Bike Share: DOT Names Five Dockless Bike Share Companies Assigned to Four Neighborhoods for Pilot Program

The New York City Department of Transportation this week named the five companies that will begin to offer dockless bike share later this month in neighborhoods in boroughs outside Manhattan. Eventually, each neighborhood will host no fewer than 200 bicycles. Regular pedal bikes will be supplied by the companies Lime, Motivate, ofo, or Pace. Those bikes will be supplemented in each community by pedal-assist models offered by either JUMP or Lime. By mid-July, bikes are expected to arrive in the Rockaways in Queens, followed by the central Bronx and Staten Island. Later this year, Coney Island in Brooklyn will also host a pilot.

The five companies participating in the pilot are pending final approval, but have all signed contracts with DOT that obligate them to provide bikes to specific New York City pilot communities. Under a rule adopted last week by DOT, the two companies offering pedal-assist dockless bikes in the pilot can be operational after Saturday, July 28 – the date when the rule clarifying pedal-assist bikes' legal status goes fully into effect.

The four pilots will roll out in the following order, with assigned companies:

- **Mid-July: Rockaways, Queens** – Pace and Lime (Lime will offer regular bikes only until 7/28)
- **Mid-to-late July: Central Bronx/Fordham area** – JUMP and ofo
- **Mid-to-late July: North Shore of Staten Island** -- JUMP and Lime
- **Later this year: Coney Island, Brooklyn:** Motivate and possibly a company to be named later.

De Blasio Administration Unveils Interactive Map of Rezoning Commitments

The de Blasio Administration launched the [NYC Rezoning Commitments Tracker](#), an interactive map that details progress on all City commitments that were made to communities as part of neighborhood-scale rezonings in East New York, East Harlem, Downtown Far Rockaway, Greater East Midtown, and Jerome Avenue. This new tool reflects the City's holistic approach to neighborhood planning and commitment to transparency and good governance, providing a window into the Administration's efforts to create a stronger and fairer city neighborhood by neighborhood.

Each rezoning was adopted by the City Council as part of a comprehensive neighborhood plan that includes specific commitments related to housing, open space, community resources, transportation and infrastructure, and economic and workforce development. Local Law 175 of 2016 requires the City to establish and maintain a public list of these commitments and to report annually on their progress.

Coming Up

New York State

Tuesday July 17th

To examine the Minority and Women-Owned Business Enterprises program

Joint Senate Standing Committee on Labor, and Committee on Economic Development, 11th Floor Conference Room, Dulles State Office Building, 317 Washington Street, Watertown, 10 a.m.

New York City

Tuesday July 10th

Subcommittee on Zoning and Franchises, Council Chambers – City Hall, 9:30 a.m.

Subcommittee on Zoning and Franchises, Council Chambers – City Hall, 1:30 p.m.

Thursday July 12th

Committee on Immigration, Council Chambers – City Hall, 2 p.m.

Committee on Health, Council Chambers – City Hall, 2 p.m.

Committee on General Welfare, Council Chambers – City Hall, 2 p.m.

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To Our Clients: If you have any questions regarding any of the matters addressed in this newsletter, or regarding any legislative, government relations or political or consulting or related issues in general, please contact the Pitta Bishop & Del Giorno LLC professional with whom you usually work.

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