

This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

January 13, 2017 Edition

Honoring Dr. Martin Luther King

January 17, 2017



The Martin Luther King holiday honors the life and contributions of America's greatest champion of racial justice and equality. The leader who not only dreamed of a color-blind society, but who also led a movement that achieved historic reforms to help make it a reality. America commemorates Dr. King's inspiring words, because his voice and his vision filled a great void in our nation, and answered our collective longing to become a country that truly lives by its noblest principles.

Decades after his death, Dr. King is one of the most widely known leaders of his era. His life and work have been honored with this national holiday, schools and public buildings named after him, and a memorial on Independence Mall in Washington, DC.

PASSING OF BRENDAN J. DUGAN, PRESIDENT OF ST. FRANCIS COLLEGE OF BROOKLYN

We take a moment to acknowledge the untimely passing of our dear friend, the deeply admired, loved, and respected President of St. Francis College, Brendan J. Dugan. We offer our profound condolences and deepest sympathy to Brendan's family, friends, and the St. Francis College community for their loss. We wish them peace and comfort and that the warmest memories of Brendan remain in everyone's hearts forever. Please see the end of this issue for a complete memorial.

In the News – New York State

Ever Upward

Governor Andrew Cuomo's much publicized six-stop State of the State road show was punctuated on Wednesday with the release of his 380-page *New York Ever Upward* message. The wide ranging missive outlined the 36 proposals which make up the Governor's 2017 legislative program.

On Tuesday, January 17th, Governor Cuomo will release the 2017-2018 Executive Budget which will provide more substance to the proposals, including how much the proposals will cost and how they will be funded.

Governor Cuomo's 36 State of the State Proposals

1st Proposal: Making College Tuition-Free for New York's Middle Class Families

2nd Proposal: Transforming JFK International Airport for the 21st Century

3rd Proposal: Making Child Care More Affordable for Middle Class Families

4th Proposal: Protecting New Yorkers from Cyber-Attacks

5th Proposal: Comprehensive Plan to Protect Seniors from Financial Exploitation and Foreclosure

6th Proposal: Banning Bad Actors from the Financial Services Industry for Egregious Conduct

7th Proposal: Further Strengthening New York's Efforts to Crack Down on Wage Theft

8th Proposal: Install Over 500 New Charging Stations to Promote Electric Vehicle Use

9th Proposal: Modernizing Voting in New York to Increase Participation in the Democratic System

10th Proposal: Closure of the Indian Point Nuclear Power Plant by 2021

11th Proposal: Investing \$650 Million to Fuel the Growth of a World-Class Life Sciences Cluster in New York

12th Proposal: Launching the "New York Promise" Agenda to Advance Social Justice and Affirm New York's Progressive Values

13th Proposal: Expand After-School Education to Children in High-Need Areas Across the State

14th Proposal: Lower Regional Greenhouse Gas Initiative Cap by 30 Percent Between 2020 and 2030

15th Proposal: Regional Investments to Move New York City Forward

16th Proposal: \$500 Million Buffalo Billion Phase II

- 17th Proposal: *Invest \$2 Billion in Clean Water Infrastructure and Water Quality Protection*
- 18th Proposal: *Enabling Access to Ridesharing Throughout New York State*
- 19th Proposal: *New \$10 Million Photonics Venture Challenge in Rochester Will Help Strengthen the Innovation Economy*
- 20th Proposal: *Complete the Empire State Trail by 2020*
- 21st Proposal: *Build the Town of Woodbury Transit and Economic Development Hub*
- 22nd Proposal: *Extend the Empire State Excellence in Teaching Awards*
- 23rd Proposal: *Empower Voters to Reduce Property Taxes and Costs of Local Government*
- 24th Proposal: *\$160 Million to Transform Long Island*
- 25th Proposal: *Nation's Largest Offshore Wind Energy Project Off Long Island Coast and Unprecedented Commitment to Develop up to 2.4 Gigawatts of Offshore Wind Power by 2030*
- 26th Proposal: *Sweeping, Comprehensive Actions to Combat the Heroin and Opioid Epidemic in New York State*
- 27th Proposal: *"Buy American" Plan will Implement the Nation's Strongest State Procurement Laws Mandating the Preference of American Products*
- 28th Proposal: *Saab to Establish North American Headquarters for Defense and Security Division in New York State*
- 29th Proposal: *State Will Undertake New Independent Study to Carefully Study All Possible Options to Replace I-81 Viaduct in Central New York*
- 30th Proposal: *\$45 Million Revitalization of Syracuse Hancock International Airport*
- 31st Proposal: *Foster the Industrial Hemp Industry in New York State*
- 32nd Proposal: *\$38 Million Revitalization of Plattsburgh International Airport*
- 33rd Proposal: *Protect New Yorkers from Soaring Prescription Drug Prices through a Groundbreaking Three-Pronged Approach*
- 34th Proposal: *Launching the Empire Star Public Service Award to Recognize the Meaningful Contributions of Public Employees*
- 35th Proposal: *Restoring the Integrity and Accountability of State Government Through Comprehensive Ethics Reform*
- 36th Proposal: *Growing New York's 21st Century Workforce and Advancing the Tech Economy*

Ensuring Pay Equity By State Contractors

In conjunction with the State of the State, on January 9th Governor Andrew Cuomo signed two Executive Orders to ensure pay equity by State contractors.

Executive Order #161

Executive Order No. 161 prohibits state entities from asking the salary history of prospective employees. A candidate for employment at any state entity does not have to provide his or her current compensation, or any prior compensation history, until he or she is extended a conditional offer of employment with compensation. Once a conditional offer has been extended, a state entity may then request and verify compensation information. If a state entity is already in possession of an applicant's prior compensation, the information may not be relied upon in determining the prospective employees salary, unless required by law or collective bargaining agreement. The Governor's Office of Employee Relations will monitor and oversee this process and train relevant human resources staff from state entities on the requirements of the new measure.

Executive Order #162

Executive Order No. 162 requires state contractors to disclose, in addition to data on gender, race, and ethnicity that is already required, job title and salary data for all of their employees working on state contracts (or their entire workforce if those working on state contracts cannot be identified). The Order, compels state contractors to disclose this data for all state contracts, agreements, and procurements issued and executed on or after June 1, 2017. The Order requires that the information be reported to state agencies and authorities:

- quarterly for all prime contracts over \$25,000; and
- monthly for all prime construction contracts over \$100,000.

Subcontractors working on New York state contracts must also provide the same information for their employees.

Comptroller DiNapoli: Public Authorities Borrow and Spend Billions With Limited Transparency, Accountability

Public authorities in New York have accumulated \$267 billion in debt, the equivalent of \$13,487 for every resident in the state, according to a report released this week by New York State Comptroller Thomas DiNapoli.

“New York’s public authorities play an increasingly influential role in government yet they operate outside the traditional checks and balances that apply to state agencies,” Comptroller DiNapoli explained. “Some of these entities are repeatedly used in a way that circumvents borrowing limits and oversight. As a result, New York is shouldering a huge debt load issued by public entities operating in the shadows that voters never approved.”

According to the Comptroller, as of September 2016, there were 1,192 public authorities in New York, including 324 state-level authorities and subsidiaries, 860 local authorities and eight interstate or international authorities. Public authorities generally are not subject to many of the oversight and transparency requirements that apply to other government agencies, or the same types of controls over their contracting practices and day-to-day operations.

The Comptroller found that public authority debt reported in the Public Authorities Reporting Information System (PARIS) better known as “backdoor borrowing,” totaled \$58.6 billion, representing 22 percent of total public authority debt. Of the total, \$51.1 billion was reported being issued by state authorities and \$7.5 billion by local authorities in the latest reported fiscal year.

The PARIS data also showed state public authority debt includes an additional \$66.7 billion issued for authority purposes and \$40.9 billion issued on behalf of other entities. Meanwhile, local public authority debt totaled \$108.9 billion, including \$74 billion issued for authority purposes and \$27.5 billion issued on behalf of other entities.

Comptroller Napoli asserted that New York is relying more and more on public authorities to undertake most borrowing on its behalf, bypassing a Constitutional provision that restricts the issuance of general obligation debt without voter approval.

He charged that drawing on non-recurring resources makes it easier to present a balanced state budget and avoid potentially difficult decisions on spending and/or revenue. The state has regularly shifted responsibility for certain costs from its budget to various authorities.

Recent fiscal reform legislation proposed by Comptroller DiNapoli would ban backdoor spending by public authorities and require appropriation by the Legislature of all authority spending on behalf of the state, which would then be subject to pre-audit review by the Office of the State Comptroller.

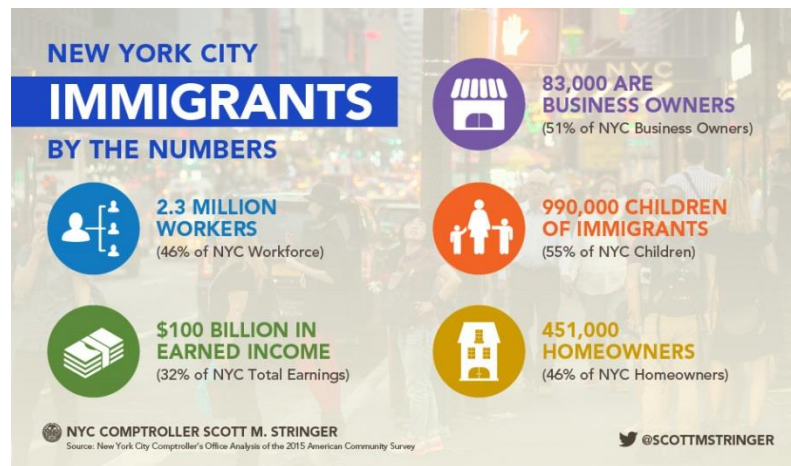
Major findings in the Comptroller’s report include:

- Approximately 91 percent of state public authority debt outstanding that was issued for state-purposes was through three authorities: the Empire State Development Corp., the Dormitory Authority of the State of New York or the Thruway Authority;
- State and local authorities spent a combined \$66.8 billion in the most recent fiscal years reported (fiscal years vary, but generally the period covered is 2015 or 2016);

- Although state authorities represent just 27 percent of the total number of public authorities, they reported \$42.9 billion, or 64 percent, of total authority expenditures.
- State and local public authorities reported more than 44,000 active competitive and noncompetitive contracts, nearly 18 percent of which were awarded noncompetitively; and
- State authorities reported a total of 112,846 employees, and local authorities 53,602, with more than 29,000 (nearly 18 percent) receiving total compensation of \$100,000 or more.

In the News – New York City

Immigrants Power NYC Economy

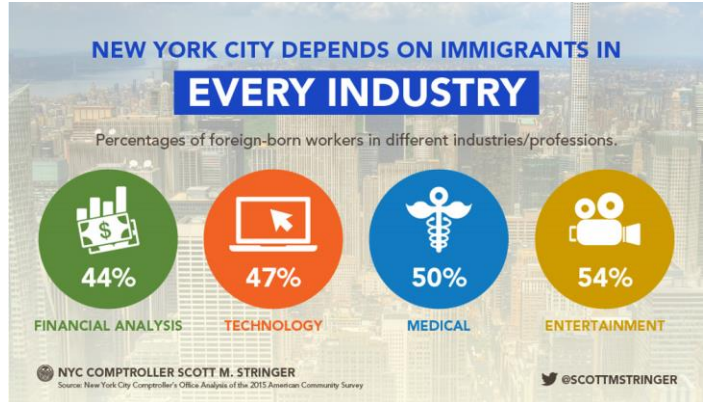


Immigrants comprise nearly half of the City’s workforce, with virtually every industry now relying on workers who were born abroad, according to a recent report by New York City Comptroller Scott Stringer.

“We have not just a moral imperative to be true to our values and stand up to anti-immigrant policies, but an economic imperative as well. The contributions that immigrants make to our economy are enormous,” Comptroller Scott M. Stringer said, in releasing the report which emphasized the immigrant population’s contribution to the City’s core sector including technology, finance, entertainment, and medicine.

Specifics of the Comptroller's data include:

- The City has 3.3 million immigrants, from more than 150 countries, making up 46 percent of New York City's employed population and almost 40 percent of our City's total population.
- With more than \$100 Billion in earned income, immigrants earn 32 percent of total earnings in New York City.
- Immigrants are entrepreneurs: more than 83,000 New York City business owners are immigrants, as well as 54 percent of all self-employed New Yorkers.
- Immigrant New York families pay an estimated \$8 billion in City and State personal income taxes and approximately \$2 billion in City property taxes.
- Forty-six percent, or 451,000, of the City's 991,000 homeowners are foreign-born.
- Immigrants drive core sectors: roughly half of all workers in core New York City sectors, including technology (47 percent), financial analysis (44 percent), entertainment (54 percent), and medical (50 percent) are foreign-born.



“New York City is an international hub – and our economy relies on a worldwide talent pool. ... immigrants must be welcome in New York City,” Comptroller Stringer said.

Bills Signed by the Mayor

Introduction 1314 – sponsored by Councilmember Ferreras-Copeland -- Authorize an increase in the amount that the Queens Plaza/Court Square Business Improvement District (“BID”) could collect and spend annually, expand the existing boundaries of the BID, and change the method of assessment upon which the district charge is based as set forth in the BID’s amended district plan.

Introduction 1415 – sponsored by Councilmember Constantinides -- Prohibits idling for more than one minute adjacent to a plainly identified senior citizen center, effective immediately. The bill provides exemptions for when a vehicle is used to operate a loading, unloading or processing device, for mechanical work when required, to maintain an appropriate temperature for passenger comfort or in emergency evacuations where necessary to operate wheelchair lifts.

Briefs

State AG Will Hold Off on Enforcing Lobbying Disclosure Law

Attorney General Eric Schneiderman has agreed not to enforce certain provisions of a new state ethics law passed requiring charitable organizations giving money to lobbying campaigns to disclose their donors due to a pending court filing. Specifically, the Attorney General will not be enforcing parts 172-e and 172-f of the New York Executive Law. These provisions relate to charitable lobbying donations and advocacy communications.

The American Civil Liberties Union and New York Civil Liberties Union are seeking an injunction against the disclosure provisions.

Assembly To Expand Public Database Of Legislation

The State Assembly has expanded the availability of free access to legislative information. In an announcement this week, Speaker Carl Heastie lauded the launch as the first time the public has free full access to the most comprehensive legislative research database. Access is available to the public via the Assembly webpage www.nyassembly.gov.

"These new internet resources will help modernize our website's capabilities and allow for the public to better understand proposals and Assembly operations," said Speaker Heastie. "The new database will allow New Yorkers to research and understand legislation that is currently being debated as well as track legislative history of issues."

The new legislative research tools will allow the public to research legislation back to 1999. Bill information will also include debate videos and hearing testimony. The updates also include enhancements to daily calendars to provide additional information and for the first time ever, a resolutions list. The upgrades are expected to be available by the end of January

Full access to the legislative research database is the latest investment in technology upgrades. Last year, the Assembly implemented the use of electronic bills and tablets on chamber desks, providing members easy access to daily session calendars, calendar briefing books, instant bill lookup and other advanced search capabilities.

Cuomo Plans Task Force To Assess ‘Gig Economy’ Benefits

Governor Andrew Cuomo's 2017 agenda includes creating a task force aimed at developing "portable benefits" for workers who part of the "gig economy." Under the Governor's proposal, the task force would be required to develop options and recommendations so workers in the state can have access to portable benefits, such as workers compensation.

The task force would be led by Roberta Reardon, State Department of Labor Commissioner and Empire State Development President and CEO Howard Zensky. It will also be composed of members of the insurance industry, labor unions, freelancers and experts on traditional employee benefits.

“Many of these workers lack the core protections and benefits provided for in the traditional labor market, and the existing system for supporting workers is outdated,” according to the Governor.

“If workers encounter unforeseen disruptions or hardships, their only safety net is taxpayer-funded government assistance programs.”

Mayor de Blasio Announces New Center For Faith And Community Partnerships

Mayor Bill de Blasio this week announced the creation of the Center for Faith and Community Partnerships to transform the way in which faith organizations and other community organizations access City services. The Center for Faith and Community Partnerships will serve as a direct line to City Hall, connecting local and citywide coalitions of leaders to services that increase equity and inspire civic engagement throughout our neighborhoods.

The Center for Faith and Community Partnerships will be housed within the Mayor’s Community Affairs Unit and led by Jonathan Soto. The office will hire new staff members, including borough coordinators.

Comptroller Stringer Audit Finds Subway WiFi and Cell Service Fully Functioning at 150 Stations

A new audit released this week by New York City Comptroller Scott M. Stringer showed that WiFi and cell service equipment installed in 150 underground subway stations by the Metropolitan Transportation Authority (MTA) and Transit Wireless is fully functioning. The stations tested, which had service installed as part of Phases 1, 2, 3, and 4 of Transit Wireless’ contract with the MTA, serve the 1, 2, 3, 4, 5, 6, 7, A, B, C, D, E, F, G, J, L, M, N, Q, R, 42nd Street Shuttle, and Z lines in Manhattan, Queens, and the Bronx.

Between June 28, 2016 and November 6, 2016 auditors visited 150 underground subway stations and tested internet access and cell service on laptops and cell phones. Tests included placing phone calls, sending text messages, visiting social media websites, streaming online video and audio content, sending emails, and downloading content from the “Subway Reads” program.

Under its contract, Transit Wireless has until the end of 2017 to install WiFi and cell service in the remaining underground subway stations. In its response to the audit, the MTA indicated, as well as recently announced publicly, that the agency was on schedule to bring wireless communication to the remaining stations by the end of December 2016 – a full year early. The Comptroller’s Office plans to test the entire system once final installation is verified.

Council to Introduce Construction-Safety Legislation

City Council members will introduce an 18-bill package of bills aimed at addressing an increase in construction deaths and injuries at worksites in the City, according to published reports. The package, the Construction Safety Act, is led by Council Speaker Melissa Mark-Viverito and will be formally introduced at the Stated Council meeting on January 18th.

Proposals include strict monitoring of crane operation and licensing would be more strictly monitored, increased oversight at smaller construction sites; increased scrutiny for repeat safety law violators and increase penalties for lack of compliance.

Coming Up

New York State

Tuesday January 17th

Legislature is in Session

New York State JCOPE Semi-Annual Filings & New York City Office of the City Clerk Annual Filings Due

2017-2018 Executive Budget Released

Wednesday January 18th

Legislature is in Session

New York City

Tuesday January 17th

Committees on Fire & Criminal Justice Services and Public Safety, Council Chambers – 10 a.m.

T2016-5404 Oversight-Prosecuting Violence in City Jails.

Int 1373-2016 in relation to requiring certain types of bail recommendations.

Committee on Cultural Affairs, Council Chambers – 1 p.m.

T2016-5397 Oversight-Cultural Immigrant Initiative and Post-Budget Analysis.

Wednesday January 18th

Committee on Finance, Committee Room – City Hall, 10 a.m.

Int 1281-2016 in relation to review and evaluation of economic development tax expenditures.

Int 1371-2016 in relation to DUMBO business improvement district.

Int 1385-2016 in relation to the sale of tax liens.

T2017-5471 Resolution approving new designation and changes in the designation of certain organizations.

City Council Stated Meeting, Council Chambers – 1:30 p.m.

Thursday January 19th

Committee on Recovery and Resiliency, 250 Broadway—Committee Room 16th FL 10 a.m.

T2016-5402 Oversight-Assisting vulnerable populations in emergency evacuations.

Int 1551-2016 in relation to voluntary registry of people who may need evacuation assistance.

Committees on Juvenile Justice and Courts and Legal Services, 250 Broadway, 14th Fl 10 a.m.

T2016-5409 Oversight-Raising the Age of Criminal Responsibility.

Committee on Transportation, Committee Room – City Hall, 10 a.m.

T2017-5418 Oversight-State of MTA Subway Stations.

Res 0922-2015 Resolution calling on the MTA, Governor, Legislature to prohibit ads for alcoholic beverages MTA equipment and properties.

Committees on General Welfare and Housing & Buildings 160 Shermerhorn St., Brooklyn
Off-Site Hearing-Supportive Housing.

Committee on Parks and Recreation, 250 Broadway—Committee Room 16th FL 1 p.m.

Int 0407-2014 in relation to notice of changes to capital projects.

Int 1340-2016 in relation to work performed on capital projects.

Committee on Education, Council Chambers – 1 p.m.

T2016-5408 Oversight-teacher recruitment and retention.

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