



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

March 31, 2017 Edition



## *In the News – New York State*

### **Not Even the Governor Can Save this Budget from Coming in Late**

#### **Senate Adjourns at the Call of the Majority Leader**

March						
S	M	T	W	T	F	S
26	27	28	29	30	31	1

■ Session Day    ■ Indicates Start of Fiscal Year

With the State budget expiring at midnight, the State Senate adjourned this afternoon, pending the call of the Speaker.

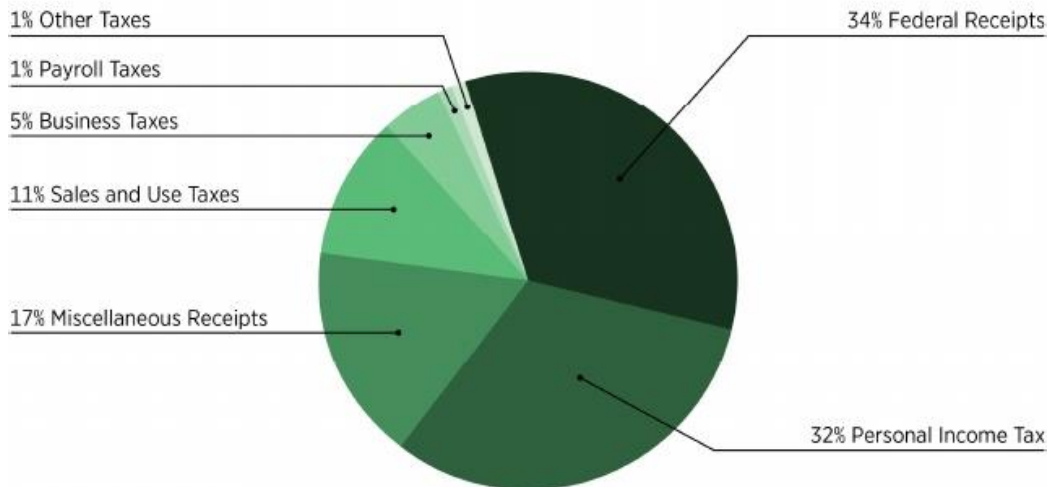
Deputy Majority Leader John DeFrancisco announced the adjournment, indicating that the rank and file Senators would be recalled to Albany when the budget bills have been printed and can be taken up “during the light of day.” The adjournment negated the hope of an 11<sup>th</sup> hour agreement (and Messages of Necessity from Governor Andrew Cuomo) to enact a spending plan before the statutory end of the New York’s fiscal year.

Reports from the Capitol indicate that the debate over raising the age of criminal responsibility in New York remained unresolved. Both Senator Majority Leader John Flanagan and Assembly Speaker Carl Heastie maintained that a budget agreement could not be announced until *all* outstanding issues were resolved. Governor Cuomo asserted that uncertainty at the federal level was making budgeting problematic.

The Assembly pushed back its scheduled morning start to conferences at 4 p.m. Meanwhile, extender legislation is being drafted to allow the State to continue operation in lieu of a formal spending plan.

## The Importance of Federal Funding in NYS

One-third, or \$54.3 billion, of New York State's FY 2018 All Funds Budget is comprised of federal funds.



Source: The Fiscal Policy Institute

## *In the News – New York City*

### Mayor to Chart Course for Closure of Rikers Island



Mayor de Blasio & Council Speaker update the press on the City report on Rikers Island. *NY Times*

Flanked by Council Speaker Melissa Mark Viverito, Mayor Bill de Blasio today vowed to chart the course for closure of Rikers Island.

The Mayor's address precedes the release of a report by an independent Commission headed by Former Chief Judge Jonathan Lippman. According to the Mayor, closure will require a 10-year transition to community based jails

“Our success in reducing crime and reforming our criminal justice system has paved a path off Rikers Island and toward community-based facilities capable of meeting our criminal justice goals,” Mayor de Blasio said. “There is no doubt that the road to Rikers Island’s closure will be long and arduous. It will require that local officials and stakeholders stand up and support facilities that meet our moral obligation to thousands of New Yorkers whose lives we will never turn our backs on. It will require that our state government, and each component of our criminal justice system, contribute to the reform efforts critical to reducing our jail population and improving re-entry services and educational programming. The length of this process will also require continued investment in the facilities and conditions on Rikers Island that remain key to rehabilitation efforts for thousands of New Yorkers in the years ahead. This moment would not be possible without the work of Speaker Mark-Viverito, who has helped fuel the progress toward a more just criminal justice system.”



## **Comptroller Stringer Audit: City Failed to Ensure That Young Inmates on Rikers Island Received Legally-Mandated Offers of Educational Services**

***Department of Correction could not show that 68% of sampled inmates 18-21 years old were offered the opportunity to enroll in educational classes***

***Special Education Plans were never created for more than one-third of special education students sampled***

The New York City Departments of Correction and Education are unable to prove they gave many young adult inmates held on Rikers Island the opportunity to attend the City’s Rikers-based high school, even though they are legally entitled to educational services, according to a new audit released this week by New York City Comptroller Scott Stringer. The audit outlines how the City has failed to follow state regulations while overlooking internal rules and procedures, and ignoring federal court rulings.

Under New York State regulations, inmates are eligible to receive educational services if they are under 21 years of age, have not received a high school diploma, and will be incarcerated in a correctional facility for 10 or more calendar days. Yet, the audit uncovered that the Department of Correction (DOC) systemically neglected to ensure inmates between the ages of 18 and 21 were given the opportunity to sign up for classes. Auditors also found that the Department of Education (DOE) did not consistently produce Special Education Plans for students who needed those services within 30 school days, as required by the courts.

“Offering young inmates the chance to attend high school is not only smart policy, it’s required by law. But the Department of Correction doesn’t adhere to its own rules to make sure that the law is followed. That’s wrong, because if we’re going to reverse decades of backwards criminal justice policies, it’s going to be with bigger and better schools — not bigger and tougher prisons,” Comptroller Stringer said.

State education law requires 16 and 17 year old inmates to attend high school classes, and gives inmates aged 18 to 21 who do not have a high school diploma the opportunity to pursue an education. Further, the DOE must develop Special Education Plans for student inmates with special educational needs within 30 days of enrolling in classes. The audit found that DOC and DOE defied these requirements and failed to properly support students. Specific findings include:

***The DOC did not consistently inform 18-21 year old inmates of their right to attend classes***

- During inmates’ initial orientation, DOC is supposed to inform them of their right to educational services and have 18-21 year-olds submit a form accepting or rejecting DOC’s offer of educational services.
- DOC, however, did not have evidence that 74% of sampled 18-21 year old inmates ever attended those orientations and were informed they had a right to educational services.
- Further, DOC could not show that 68% of the sampled 18-21 year old inmates filled out the forms agreeing to or rejecting the offer of classes — which means those individuals might never have been offered the forms, and education services, to begin with.

***The DOE did not consistently develop special education plans for students with special needs***

- DOE must develop and implement a Special Education Plan for each special education student on Rikers Island within 30 school days of the student’s beginning classes.
- Despite that requirement, auditors found that Special Education Plans were not created within 30 days for 48% of sampled special education students on Rikers Island.
- Some of the sampled students — 12% — eventually had Special Education Plans created, up to three months after they began classes. For 36% of the sampled students, however, the plans were never created.

## Briefs

### A.G. Schneiderman Issues Alert On Phishing Scam Targeting New York Attorneys

Attorney General Eric T. Schneiderman this week issued a consumer alert following recent reports that hackers are targeting attorneys in New York pretending to be representatives of his office. Attorneys are receiving email claiming that their business was subject of a complaint for which they have 10 days to respond. The email includes a hyperlink to the “complaint” but in reality it links to a website that installs malicious software on the person’s computer.

An example of the email is below. If you receive this email, do not click on the link and delete it immediately.

----- Forwarded message -----

*From: The Office of The State Attorney <[com.department@outlook.com](mailto:com.department@outlook.com)>*

*Date: Wed, Nov 30, 2016 at 10:37 AM*

*Subject: The Office of The State Attorney Complaint*

*To: Bar Member*

*Dear Bar Member:*

*A complaint has been filed against your Business.*

*Enclosed is a copy of the complaint which requires your response. You have 10 days to file a rebuttal if you so desire.*

*You may view the complaint at the link below.  
[complaint88947.pdf](#)*

*Rebuttals should not exceed 15 pages and may refer to any additional documents or exhibits that are available on request.*

*The Office of The State Attorney cannot render legal advice nor can The Office of The State Attorney represent individuals or intervene on their behalf in any civil or criminal matter.*

*Please review the enclosed complaint. If filing a rebuttal please do so during the specified time frame.*

*Sincerely,*

*The Office of The State Attorney*

## Bi-partisan Legislators Pushing for Donor Milk Coverage



Legislators from both sides of the aisle, including the chairmen of the respective Senate and Assembly Health Committees, are pushing to include Medicaid coverage for donor breast milk for premature infants who weigh 1,500 grams or less at birth.

The legislation was unanimously passed by both the Senate and Assembly last year, but was vetoed by Governor Andrew Cuomo because it was “technically flawed” and had no funding attached to it.

“The Department of Health has long acknowledged the benefits of breastfeeding and has recently enacted regulations to further promote breastfeeding, Senator Hannon explained. “Ensuring our most fragile infants have access to donor breast milk when in the NICU and the mother’s milk is not an option is the next step in promoting the lifelong benefits of breast milk.”

Lawmakers and health care professionals argued that the proposal, which would cost roughly \$3 million, would save the state Medicaid funding that would otherwise go to treat premature infants.

“It’s silly that we’re fighting this battle,” said Assemblywoman Michaelle Solages. “We shouldn’t be playing politics with this.”

## Comptroller DiNapoli: Tax Breaks From IDAs Continue to Climb

New York's Industrial Development Agencies (IDAs) provided \$695 million in net tax exemptions in 2015, an increase of 10 percent from the prior year, according to a report issued this week by New York State Comptroller Thomas DiNapoli.

Comptroller DiNapoli's report found the state's 109 active IDAs provided approximately \$1.2 billion in total tax exemptions in 2015. These exemptions were partially offset by \$500 million in payments in lieu of taxes (PILOTs), leaving the total net exemptions for the year at \$695 million – an increase of \$63.2 million, or 10 percent, from 2014.

Estimated job growth slowed and the cost per job gained increased, according to the report. In 2015, IDA projects reported a total of 608,825 full-time jobs, with an increase of 224,734 jobs over the life of these projects, at a median cost of \$2,326 per job gained. In 2014, cumulative job gains for projects active in that year equaled 235,888 with a median cost per job gained of \$1,882.

The five IDAs with the largest job gains in 2015 were: New York City (33,956 jobs at a net cost of \$2,522 per job gained); Monroe County (22,714/net cost of \$1,090 per job); Suffolk County (12,976/net cost of \$618 per job); the Town of Amherst (9,658/net cost of \$793 per job) and the City of Yonkers (8,004/net cost of \$4,320 per job).

## **Volkswagen to Pay NY \$32.2 Million – First-Ever State Environment Penalty Against An Automaker for Emissions Violations**

Volkswagen AG, Audi AG and Porsche AG, as well as their American subsidiaries, have agreed to pay over \$157 million to ten states – including \$32.5 million to New York – to settle the environmental lawsuits first filed last summer by New York and Massachusetts. The suits challenge the companies’ secret use of unlawful “defeat device” software in their vehicles – software that caused tens of thousands of tons of excess harmful pollutants to be emitted into the air in New York and other states.

The settlement marks the first time New York and the other settling states – all of which have adopted California’s vehicle emission standards – have secured environmental penalties from an automobile manufacturer under their own state auto emissions laws. The other states joining the settlement include Connecticut, Delaware, Massachusetts, Maine, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington.

## **Administration Pledges Re-Entry Services for Everyone in City Jails by End of This Year**

Mayor de Blasio this week announced that by the end of this year, every person in the Department of Correction’s custody will receive re-entry services to help connect them with jobs and opportunities outside of jail, as well as five hours of programming per day during their stay to address vocational, educational, and therapeutic needs. Services will include:

### **Jails to Jobs**

- ***Peer Navigators:*** Everyone leaving city jails after serving a sentence will be paired with a Peer Navigator who have successfully stabilized after incarceration help those who are recently released to achieve this same stability.
- ***Transitional Employment:*** Everyone leaving city jails after serving a sentence will be offered paid, short-term transitional employment to help with securing a long-term job.
- ***Trained workforce providers:*** All City-funded workforce professionals will be trained on issues and laws related to working with people with criminal records.

**Educational subsidies:** The City will continue its partnership with the City University of New York to offer educational subsidies to 500 people per year who leave City jails after serving a sentence. The subsidies support getting certificates and other credentials that promote career advancement.

This re-entry initiative will be implemented in partnership with the New York City Diversion and Re-Entry Council.

## Push for Equal Pay Legislation in NYC



Public Advocate Letitia James was joined by Chelsea Clinton at a John Jay College roundtable discussion promoting legislation that would ban employers from asking job applicants about their salary history.

Public Advocate James predicted the City Council would pass her bill next week, meaning employers will no longer “be prejudiced by prior salary levels” when hiring women.

Ms. Clinton called upon advocates to compile a “database from which to argue”: an “evidence base” illustrating that the new policy, once passed, has improved women’s “economic agency” and standard of living.

“I would urge you to continue to collect this data both so that we continue to have the same evidence-based argument for justice, but also so that we can prove that the policy changes work because we need to be able to prove that, that what we all know on an ideal level really will have an economic and social impact,” Ms. Clinton said.

## Coming Up

### *New York State*

**Assembly & Senate session, April 3<sup>rd</sup> – April 5<sup>th</sup>**

### *New York City*

#### ***Monday, April 3<sup>th</sup>***

***Committee on Cultural Affairs***, Committee Room – City Hall, 1 p.m.

Res 1393-2017 Resolution calling upon President Donald Trump to fully fund the Corporation for Public Broadcasting.

***Committee on Technology***, Committee Room – 250 Broadway 14<sup>th</sup> Floor, 1 p.m.

T2017-5799 Oversight-Privacy of City Data.

#### ***Wednesday April 5<sup>th</sup>***

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



**Thursday April 6<sup>th</sup>**

**Committee on Parks and Recreation**, Committee Room – 250 Broadway 16<sup>th</sup> Floor, 10 a.m.  
Int 0270-2014 in relation to renaming two thoroughfares.  
Res 1994-2016 Resolution calling upon MTA to support Hudson River Greenway.

**Committee on Public Safety**, Council Chambers – City Hall, 10 a.m.  
T2017-5800 Oversight-Examining Enforcement Issues with Revenge Porn.  
Int 0927-2015 in relation to maintenance of an information sharing system.  
Int 1267-2016 in relation to criminalizing the non-consensual disclosure of sexually explicit images.

**Committees on Youth Services and Mental Health**, Council Chambers – City Hall, 10 a.m.  
T2017-5509 Oversight-Youth Services.

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