



This Week in New York

Covering New York State and City Government

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“Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered. And the process is continuing day by day and minute by minute. History has stopped. Nothing exists except an endless present in which the Party is always right.”
-George Orwell, 1984-

Pitta Bishop & Del Giorno LLC
extends warm holiday greetings to our clients,
colleagues, & friends!



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In the News

Governor Hochul Nominates Hon. Hector D. LaSalle to be Chief Judge of the New York State Court of Appeals

Governor Kathy Hochul yesterday nominated the Honorable Hector D. LaSalle, Presiding Justice of New York Supreme Court's Second Department, as the next Chief Judge of the New York State Court of Appeals. As Chief Judge, Judge LaSalle would lead New York's highest court and oversee the State's entire judiciary branch.

"New York's Court of Appeals has a long history as a beacon of justice, and Judge LaSalle is an outstanding jurist in that tradition. He has the skills, experience, and intellect to ensure that our highest court is seen as a leader across the country," Governor Hochul said. "Judge LaSalle has a sterling reputation as a consensus-builder, and I know he can unite the court in service of justice. He has effectively led the largest state appellate court in the country...Our state courts are more important now than ever when it comes to protecting our rights and upholding New York values, and I know that Judge LaSalle will lead the court in doing just that."



**Honorable Hector D.
LaSalle**

As the Presiding Justice of the Second Department since 2021, Judge LaSalle has led the busiest and largest state appellate court in the nation, with 21 Associate Justices, over 400 non-judicial employees, and a budget of approximately \$69 million. He was appointed associate justice in the Second Department in 2014, after being elected as a New York State Supreme Court justice in 2008.

Previously, Judge LaSalle served as an assistant district attorney in the Suffolk County District Attorney's Office from 1993 to 1998 and from 2002 to 2008, when he was deputy bureau chief of the Special Investigation Bureau. In between his years at the DA's office, he worked as an associate at Ruskin Moscou Faltishek, P.C. from 1998 to 1999 and was an Assistant Attorney General from 1999 to 2002.

If confirmed, Judge LaSalle would make history as the first Latino Chief Judge. His parents were born in Puerto Rico, and he grew up on Long Island, graduated from Brentwood High School and became the first person in his family to get a college degree. Judge LaSalle received a bachelor's degree from Pennsylvania State University in 1990 and earned his law degree from University of Michigan Law School in 1993. He is a member of the New York State Bar Association, the Suffolk County Bar Association, the NYS Latino Judges Association and the Puerto Rican Bar Association.

In addition, Governor Hochul announced her strong support for Judge LaSalle's intention to appoint the Honorable Edwina G. Richardson-Mendelson to serve as Chief Administrative Judge, if he is confirmed by the Senate. The Chief Administrative Judge oversees the day-to-day operation of the statewide court system.

The Honorable Edwina G. Richardson-Mendelson has been the New York Unified Court System's Deputy Chief Administrative Judge for Justice Initiatives since 2017 and Court of Claims Judge. In that role, she works to ensure meaningful access to justice for all New Yorkers in civil, criminal and family courts, regardless of income, background or ability. Judge Richardson-Mendelson also leads the Equal Justice in Courts Initiative to implement the recommendations of Special Adviser on Equal Justice, Jeh Johnson, on racial bias in the state court system, as well as to implement the recommendations of the New York State Judicial Committee on Women in the Courts to enhance gender fairness in the New York State Courts.

Judge Richardson-Mendelson was appointed to the Court of Claims in 2017 and remains active on the bench. Judge Richardson-Mendelson first joined the court system as a Court Attorney-Referee in Queens County Family Court, after representing clients in New York City Housing Court, Family Court, and the Supreme Court. She became a Family Court Judge in 2003, the Queens County Supervising Family Court Judge in 2008, and a year later, was elevated to Administrative Judge of all New York City Family Courts. Judge Richardson-Mendelson is a graduate of CUNY Law School, holds a Ph.D. in Criminal Justice, and has been an adjunct professor at John Jay College of Criminal Justice and Hofstra Law School.



2023 New York State Legislative Session Set to Begin



The State Senate and Assembly open the 2023 New York State Legislative session on Wednesday, January 4th. The houses are scheduled to convene in Albany on 60 days over the course of six months, with session scheduled to conclude on Thursday, June 8th.

Governor Kathy Hochul will deliver her second State of the State Address on Tuesday, January 10th, and her 2023-2024 State Budget must be released by February 1st.

For your convenience the 2023 Legislative calendar is included on the next page..



New York State Legislative Session Calendar January — June 2023



The New York State legislative session calendar establishes a schedule for the 2023 legislative session and provides dates important to the legislative process. The session calendar is intended to afford Members flexibility in conducting legislative business in Albany and planning activities within their home districts. The session calendar will foster orderly and timely consideration of legislation. Unforeseen events may require modification of the session calendar.

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January 4 2023 Legislative Session convenes
January 16 Martin Luther King, Jr. Day
February 1 Final Day for Submission of Executive Budget

February 20 Presidents' Day
April 1 Beginning of new Fiscal Year
May 29 Memorial Day

Indicates session day



Chapters of the Laws of 2022

Chapter 723--Sponsored by Senator Ramos/AM Joyner--Requires employers to disclose compensation or range of compensation to applicants and employees.'

Chapter 722 -- Sponsored by Senator Ramos/AM Joyner -- Establishes the warehouse worker protection act.

Chapter 721 -- Sponsored by Senator Holyman/AM O'Donnell -- Relates to requiring insurance coverage for pre-exposure prophylaxis and post-exposure prophylaxis to prevent HIV infection.

Chapter 706 -- Sponsored by Senator Kaminsky/AM Stern -- Establishes a blue alert system to aid in the apprehension of any individuals suspected of killing or seriously wounding any law enforcement officer.

Chapter 690 -- Sponsored by Senator Sanders/AM Rosenthal L -- Relates to the remediation and prevention of indoor mold and requiring the disclosure of indoor mold history upon the sale of certain real property.



Bills Being Considered by the Governor

A1171A--Sponsored by AM Bronson (Senator Kennedy) -- Requires blanket health insurance policies to provide coverage for outpatient treatment by mental health practitioners.

A5773A--Sponsored by AM Glick (Senator Holyman) -- Relates to equal pay disclosure with respect to state contracts.

A7919A --Sponsored by AM Bronson (Senator Holyman) -- Relates to enacting the New York state buy American salt act.

A10002A --Sponsored by AM Darling (Senator Brook) -- Authorizes the village of Freeport, county of Nassau, to alienate and discontinue the use of certain parklands.

A2358B --Sponsored by AM Peoples-Stokes (Senator Kennedy) -- Relates to establishing the office of racial equity and social justice.

A7006B --Sponsored by AM Fahy (Senator Breslin) -- Enacts the digital fair repair act.

A2039B --Sponsored by AM Dilan (Senator Ramos) -- Relates to modular construction work.

A1338C --Sponsored by AM Magnarelli (Senator Ryan) -- Establishes a registration system for contractors and subcontractors engaged in public work and covered projects in order to better enforce existing labor laws and regulations in the public works industry.

A2020A --Sponsored by AM Reyes (Senator Savino) -- Relates to claims for mental injury premised upon extraordinary work-related stress incurred at work.

A2210C --Sponsored by AM Stern (Senator Gaughran) -- Authorizes certain regional off-track betting corporation to host video lottery gaming devices.

A2210C --Sponsored by AM Joyner (Senator Ramos) -- Relates to restrictions on consecutive hours of work for nurses.

A9368A --Sponsored by AM Bronson (Senator Gounardes) -- Relates to protections for freelance workers.

A10466 --Sponsored by AM Cusick (Senator Savino) -- Provides a special accidental death benefit to the parents of certain deceased members under certain conditions.

A10022 --Sponsored by AM Abbate (Senator Gounardes) -- Relates to extending the coronavirus disease 2019 (COVID-19) benefit for public employee death benefits.

A10349 --Sponsored by AM Joyner (Senator Gounardes) -- Relates to limiting the effect of determinations by the board of workers' compensation.



MTA Board Adopts 2023 Budget and Four-Year Financial Plan

The Metropolitan Transportation Authority (MTA) Board this week approved the 2023 budget and four-year financial plan, containing a roadmap for the MTA's longer-term fiscal stability, safeguards essential services, and enhances transit equity. The MTA approved an operating budget for 2023 that authorizes the agency to begin the process of raising fares, including by scheduling public hearings on a 5.5% increase in fare and toll revenue.

"I've been talking about the financial crisis facing the MTA for many months," said MTA Chair and CEO Janno Lieber. "The MTA's plan balances the budget, while also preserving flexibility as to how we get there – with the help and financial support of Washington, Albany and City Hall. Mass transit for New Yorkers is like air and water -- we need it to survive. By working with all stakeholders, we must find creative ways to stabilize the MTA's finances, while supporting the region's recovery."

The plan proposed in November followed recommendations put forward in the July financial plan, which outlined actions from the MTA to shrink its structural deficit from \$2.6 billion to \$600

million in 2023 and from almost \$3 billion in 2024 and 2025 down to \$1.2 billion. Starting in 2023, the MTA is working to implement operating efficiencies yielding \$100 million in savings in 2023 and rising to \$416 million in savings by 2026.

“The ridership trends that have emerged post-COVID have created a fiscal cliff higher and earlier than previously anticipated,” said MTA Chief Financial Officer Kevin Willens. “The much-needed federal aid the MTA received from three COVID-relief packages has enabled a reduction in deficits in the immediate future. However, beginning in 2023, we need new dedicated revenue streams to ensure that essential transit service remains at the levels riders expect.”

The budget assumes the restoration of recurring biannual fare and toll increases, with 5.5% assumed in 2023. A board/staff fare and toll strategies working group will develop plans for fare and toll changes before the MTA Board takes additional action.

In addition, the proposed budget also assumes \$600 million in additional dedicated funding in 2023 and projects a need of \$1.2 billion per year in recurring new revenue beginning in 2024. Absent additional support from either the State, City and/or Federal Government, it would be necessary to take other actions to achieve a balanced budget which could include service cuts, staffing reductions, higher fare increases, cancellation of capital projects, and/or the faster spend-down of remaining funds.



Bills Approved by the Council

Introduction 136-B--Sponsored by Council Member Julie Won--Require an agency, designated by the Mayor, to conduct a survey of relevant community-based organizations (CBOs) assessing their capacity to provide translation, interpretation and other related language services.

Introduction 174-A, sponsored by Council Member Shekar Krishnan, would require the Department of Parks and Recreation (DPR) to expand its web based capital projects tracker to include more detailed information regarding its capital projects, including the total number of projects in its portfolio, the reasons for any delays, the dates projects were fully funded, projected and actual cost overruns, individual sources of funding and the length of time it took to complete each project.

Introduction 382-A, sponsored by **Council Member Gale Brewer,** would provide in-language guidance to small business owners who receive a settlement offer from the City after being charged with a violation of the Administrative Code or the City Rules.

Introduction 630-A, sponsored by **Council Member Sandy Nurse,** would require DSNY to equip street sweepers with GPS technology and ensure that such technology is functioning during street cleaning operations.

Introduction 680-A, sponsored by **Council Member Krishnan**, would require an agency or office designated by the mayor, in consultation with the Department of Environmental Protection, the Department of Parks and Recreation, the Department of Transportation, the Department of Citywide Administrative Services and any other appropriate agency, to review sites, owned by the city of New York in residential zones in each borough, on streets with dead ends and vacant land in close proximity to such streets, and land that abuts highway entrances, underpasses and exits, that are suitable for the planting of trees or other vegetation, or for establishing bioswales, small parks or other green spaces.

Introduction 681-A, sponsored by **Council Member Linda Lee**, would require the Department of Small Business Services (SBS), the Mayor's Office of Talent and Workforce Development (MOTWD) and Mayor's Office for People with Disabilities (MOPD) to collaborate to create and publicize a workforce development program for persons with disabilities in NYC.

Introduction 682-A, also sponsored by **Council Member Lee**, would require MOPD to work with every city agency to devise five-year accessibility plans from each agency no later than March 15, 2024.

Introduction 697-A, sponsored by **Council Member Sandra Ung**, Requires the Office of the Language Services Coordinator, upon being informed of a conflict, natural disaster, or other event that is likely to cause a significant number of individuals to arrive in the City and seek city services, to identify the primary languages spoken by those individuals and list such languages online.

Introduction 699-A, sponsored by **Council Member Ung**, would require the Business Owners Bill of Rights and the Food Service Establishment Code of Conduct (documents produced by the City that inform small business owners of their rights during inspections and other enforcement activities) to be translated into additional languages and include additional information about language access services provided by the City.

Introduction 700-A, also sponsored by **Council Member Won**, would require city agencies that provide direct or emergency services to translate commonly distributed documents that relate to the enforcement of local laws and rules.

Introduction. 842-A, sponsored by **Council Member Krishnan**, would require the Department of Parks and Recreation to prepare a strategy, in coordination with other city agencies as appropriate, to reduce the duration of capital projects by at least 25 percent.

Briefs

Minimum Wage Increase for Upstate New Yorkers

Governor Kathy Hochul this week announced that New York State will continue with the \$15.00 minimum hourly wage phase-in for upstate counties on December 31, 2022.

Workers outside of New York City, Long Island, and Westchester County will see an increase by \$1.00 per hour, from \$13.20 to \$14.20, following a statutorily required economic analysis conducted by

the New York State Division of the Budget. Additionally, the [minimum wage for home care aides](#), which took effect on October 1, 2022, will also increase by \$1.00 to \$16.20 per hour in counties in upstate New York.

Commissioner Roberta Reardon issued an Order calling for the minimum wage rate increase in counties outside of New York City, Long Island, and Westchester following a statutorily required [economic analysis](#) conducted by the New York State Division of the Budget.

New York State's minimum wage increases are calculated based on where an individual works and their industry. Workers in New York City, Long Island, and Westchester County currently make the \$15.00 minimum hourly wage. The increases for the remainder of the state are based on percentage increases determined by the Director of the Division of the Budget in consultation with the Department of Labor following an annual review of the state economy and the labor market.

Governor Hochul Signs Warehouse Worker Protection Act Into Law

Governor Kathy Hochul today signed the Warehouse Worker Protection Act (S. 8922/A. 10020) into law. This legislation will protect warehouse distribution workers from undisclosed or unlawful work speed quotas, and includes protections for workers who fail to meet unlawful quotas.

"Every worker in New York State deserves to be treated with fairness, dignity and respect," Governor Hochul said. "As we celebrate the holidays with gifts and packages, I'm proud to sign the Warehouse Worker Protection Act into law to expand protections for hardworking warehouse employees."

The Warehouse Worker Protection Act (S. 8922A/A.10020A) aims to protect warehouse workers from unreasonably demanding work quotas. This new law will institute new requirements for distribution centers to disclose work speed data to current and former employees to inform workers about their performance and their rights in the workplace. The legislation also protects workers from adverse employment actions, such as disciplinary action or firing, exclusively because of a failure to meet undisclosed speed quotes or quotas that do not allow for proper breaks.

"Teamster members have spent decades fighting for strong safety standards in the warehouse industry, but Amazon's growth is again putting workers in danger," Teamsters Joint Council 16 President Thomas Gesualdi said. "We thank Governor Hochul, bill sponsors Senator Ramos and Assemblymember Joyner, and legislative leaders for setting a safety baseline for all warehouse companies with the Warehouse Worker Protection Act. This is a real victory in our continuing fight for rights and collective bargaining for all warehouse workers so they have a voice on the job and can protect themselves."

New York to Start of Adult-Use Cannabis Retail Sales December 29th

Sales of legal, regulated adult-use cannabis will start on December 29 at a dispensary in Manhattan, operated by Housing Works, a community-based HIV/AIDS service organization.

Housing Works Cannabis Co, located at 750 Broadway in Manhattan's Astor Place neighborhood, will be open seven days a week, 11 a.m. to 7 p.m. Hours will adjust in the coming weeks. All proceeds

from dispensary sales will be directed to parent organization Housing Works, Inc., founded in 1990 to address the dual crises of HIV/AIDS and homelessness.

To date, the New York State Cannabis Control Board has approved 36 Conditional Adult Use Retail Dispensary Licenses, including 28 for qualifying businesses and 8 for non-profits. Earlier this month, the Office of Cannabis Management released guidance to support retail businesses in starting their operations with delivery service to help jumpstart sales.

Governor Hochul Signs Legislation Establishing Statewide Pay Transparency Law

Governor Kathy Hochul today signed legislation (S.9427-A/A.10477) establishing a statewide pay transparency law in New York State, requiring employers to list salary ranges for all advertised jobs and promotions.

"In order for New York to continue being the best place to work, we must create the best protections for our workers - and this legislation will help do exactly that," Governor Hochul said. "This historic measure will usher in a new era of fairness and transparency for New York's workforce and will be a critical tool in our efforts to end pervasive pay gaps for women and people of color."

According to the Govern, legislation S.9427-A/A.10477 establishes a pay transparency law in New York State, requiring employers to list salary ranges in advertisements or postings for job opportunities and promotions. According to the U.S. Department of Labor, women made 83 cents for every dollar made by men in 2020; these disparities are even greater among Black women (64 cents) and Hispanic women (57 cents). The disclosures required by this law will empower workers with critical information, reduce discriminatory wage-setting and hiring practices, and help level the playing field for all workers. It was sponsored by Senator Jessica Ramos and Assemblymember Latoya Joiner.

Comptroller DiNapoli: Public Authority Debt Ballooned to \$329 Billion

State and local public authorities reported debt outstanding totaling more than \$329 billion in their most recently reported fiscal years, an increase of 23% (\$61.5 billion) since 2017, according to a report released this week by State Comptroller Thomas P. DiNapoli.

According to the Comptroller, public authorities have an outsized impact in New York where they are responsible for a wide range of public functions, particularly in the areas of transportation, energy, environmental protection, housing and economic development. As of July 2022, there were 1,178 public authorities in New York, including 876 local, 294 state (including subsidiaries), 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.

In their most recent filings, generally covering public authority fiscal years ending in 2021 or 2022, state and local public authorities reported total annual revenues of \$76.9 billion and expenditures of \$78.3

billion. State authorities alone accounted for \$49.5 billion in spending, equivalent to nearly one-quarter of the state's All Funds expenditures of \$209.3 billion in State Fiscal Year (SFY) 2021-22.

Coming Up

New York State

No Scheduled Hearings

New York City

No Scheduled Hearings

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