



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

June 11, 2021 Edition



NYC VOTES

EARLY VOTING 06/22 PRIMARY ELECTION

SAT	JUNE 12	8AM - 5PM
SUN	JUNE 13	8AM - 5PM
MON	JUNE 14	7AM - 4PM
TUE	JUNE 15	10AM - 8PM
WED	JUNE 16	10AM - 8PM
THU	JUNE 17	10AM - 8PM
FRI	JUNE 18	7AM - 4PM
SAT	JUNE 19	8AM - 5PM
SUN	JUNE 20	8AM - 4PM

VOTING.NYC

NYC
VOTES

Polls Open TOMORROW, June 12, at 8am For Early Voting!

Please note that your early voting site may be different from your Election Day poll site, so make sure to check before you go! Also, you can still vote in person if you requested an absentee ballot.

[FIND MY POLL SITE](#)

In the News – New York State

Start the Office Pools & Check Your Vacation Plans: When Will They Be Back?



The Tradition Returns: Since the 1980s, the Senate has marked the close of session with Italian Ice.

As the end-of-session Italian Ice was being scooped outside of the Senate chamber, rumors of a summer return were circulating around the State Capitol. Eleventh-hour negotiations to facilitate criminal justice reforms in exchange for restructuring the MTA leadership stalled, and the State Senate adjourned shortly before 10 p.m. on Thursday. The Assembly closed down at 4:22 a.m. this morning.

Both houses are at the call of the respective leaders and with issues unsettled, there is the possibility of a special session later in the year.

In terms of number of bills passed, 2021 marked a return to “normalcy,” with 892 bills obtaining two-house passage. During the COVID-shortened session of 2020, 414 bills were approved by the Legislature. In 2019, the year the Democrats took control of the Senate, Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie joined to guide 935 initiatives through both houses of the Legislature.

But the Legislature may have the opportunity to surpass the 2019 mark. “As our scheduled session concludes tonight, we are proud of the historic progress we made this year. If ongoing discussions on any outstanding issues require action, we stand ready to come back when and if necessary,” Senate Majority Leader Stewart-Cousins explained.

The outstanding issues include the “Clean Slate” bill which would seal criminal records, appointments to the Office of Cannabis Management (to begin drafting the regulations for New York’s Adult Use Cannabis Program), and Governor Andrew Cuomo’s MTA bill (Program Bill #7).



Legislature Agrees on Gun Safety Legislation



Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie this week negotiated a package of gun safety initiatives aimed at keeping weapons off New York’s streets and making it easier for law enforcement to trace and track down firearms that are used in crimes.

The bills, subject to Governor Andrew Cuomo’s consideration, are:

Fire Arm Industry Responsibility: Legislation (S7196) sponsored by Senator Zellnor Myrie and Assemblymember Pat Fahy would allow those responsible for the sale, manufacture, importing or marketing of guns to be held liable for the public nuisance caused by such actions. The bill complies with the Protection of Lawful Commerce in Arms Act (PLCAA) as interpreted by the U.S. Court of Appeals for the Second Circuit in *City of New York v. Berretta USA Corps*.

Jose Webster Untraceable Firearms Act: Sponsored by Senator Brad Hoylman and Assemblymember Linda Rosenthal, the Act (S14A) would prohibit the possession of ghost guns which are unserialized firearms typically assembled from unserialized parts. It would require licensed gunsmiths to serialize and register with the New York State Police any unserialized firearm, rifle, shotgun, finished frame or receiver, or unfinished frame or receiver in their possession.

Scott J. Beigel Unfinished Receiver Act: This Act (S13-A), sponsored by Senator Anna Kaplan and Assemblyman Charles Lavine, would prohibit the possession and sale of unfinished frames and receivers by individuals that are not licensed gunsmiths. Because guns assembled from unfinished frames and receivers do not have serial numbers, they are untraceable and can be built and transported without the normal background checks required when purchasing a gun from a licensed retailer.

Gun Possession Prohibition for Individuals with Outstanding Warrants: This legislation (S500B), sponsored by Senator Brian Kavanagh and Assemblymember Amy Paulin, would prohibit the purchase, acquisition, sale or disposal of a weapon by or to anyone known to be the subject of an outstanding warrant of arrest for the alleged commission of a felony or serious offense. It would also prohibit an individual from purchasing or acquiring a gun on behalf of another person who the purchaser or acquirer knows to be the subject of such a warrant.

Extreme Risk Protections Orders: This legislation (A1005A) that would require mental health facilities to provide patients and their authorized representative with information on how to seek an extreme risk protection order prior to a patient's discharge or conditional release. This builds on the 2019 red flag law, which allows law enforcement to confiscate firearms and prohibit an individual from purchasing a firearm if they are deemed to be a threat, and if an extreme risk protection court order is issued. It is sponsored by Assemblymember Amy Paulin and Senator Peter Harkham.

Gun Crime Reporting: Sponsored by Senator Michael Gianaris and Assemblymember Diana Richardson, this bill (S1251) would require the Division of Criminal Justice Services (DCJS) and the Division of State Police to publish quarterly reports providing information on firearms, rifles and shotguns that are used in the commission of crimes in New York.

Toy Guns: This legislation (A6522) would amend the definition of "disguised gun" to include any rifle, shotgun or machine gun that resembles a toy gun. This would prohibit the possession, manufacture and design of such disguised guns. It is sponsored by Assemblymember Steve Stern and Senator John Brooks.



Bills Currently in the Governor's Office

The following bills are currently being considered by Governor Andrew Cuomo:

A108B -- Assemblymember Gunther/Senator Rivera -- Establishes clinical staffing committees in each general hospital to develop and oversee a clinical staffing plan.

A1634 -- Sponsored by Assemblyman Perry/Senator Bailey -- Provides that the State Commission on Prosecutorial Conduct shall investigate complaints and may make a recommendation to the Governor that a prosecutor be removed; provides that the commission shall transmit its findings of fact and recommendations to the appellate division; provides that the appellate division may accept or reject such recommendations or impose a different sanction.

A7119 -- Sponsored by Assemblymember Gunther/Senator Rivera -- Provides for standard minimum nursing home staffing levels by regulations promulgated by the commissioner of health.

A7127 – Sponsored by Assemblyman Bronson/Senator Kaplan -- Provides for certain commercial small businesses to be eligible for relief under the "COVID-19 Emergency Protect Our Small Businesses Act of 2021."

S523A – Sponsored by Senator Hoylman/M of A Lavine -- Revises and clarifies the uniform foreign country money judgments recognition act.

In the News – City



Governor's Proposed MTA Leadership Plan Creates Stalemate in the State Legislature

Governor Andrew Cuomo's 11th-hour proposal to separate and reshuffle the leadership positions of the Metropolitan Transportation Authority (MTA) mired the close of the State's legislative session.

On June 8th, two days before the scheduled end of the 2021 session, Governor Cuomo announced a plan to nominate Acting New York City Transit head Sarah Feinberg as MTA Board Chair and to appoint Janno Lieber as the CEO of the New York Metropolitan Transportation Authority.

Under the plan, Pat Foye, who has led the agency as President as well as Chairman and CEO for the past four years, would leave the agency July 30th and would step into a new role as Interim President and CEO of Empire State Development. Feinberg would be the first woman to serve as MTA Board Chair. Lieber would serve as CEO effective July 30th.

To affect the plan, legislation (S7233/A8035) was introduced by Senator Diane Savino and Assemblymember Amy Paulin to separate the two positions (Board Chair and CEO) and to provide for the appointment of the CEO. Currently, the Board Chair and CEO nomination is subject to State Senate confirmation. Under the bill (as introduced), the Board Chair would be subject to State Senate approval and the CEO would be appointed by the Governor.

The Legislature balked at the initial plan and negotiations -- strengthened by the need for last minute technical amendments to Clean Slate bill -- continued over the course of the last two days of session. Thursday evening Senator Majority Leader Andrea Stewart-Cousins pulled the plug and the Senate left Albany without resolution on either issues. She agreed bring her members back if agreements were reached later in the year.

Meanwhile, the Assembly amended Governor's Program Bill #7 to reflect the current negotiated position which included subjecting both the Board President and CEO nominations to State Senate confirmation. This bill passed by the Assembly early Friday morning.

The 11th-hour plan was questioned by labor leaders and current MTA board members.

According to published reports, TWU president and MTA board member John Samuelson called the plan “underhanded” and “shadowy.”

“Any stakeholder here realizes this is not a move that lends itself toward warm feelings about the governor or the governor’s interaction with the MTA,” he explained, according to *The City*. “...The focus of every stakeholder here has to be on instilling confidence in the riders so they ride again and it has to be on improving service delivery so the riders migrate back to the system.”

Robert Linn, Mayor Bill de Blasio’s appointee to the MTA Board, also questioned the timing of the Governor’s initiative.

“You see the same flawed decision process that has been the hallmark of all major MTA decisions since I joined the board over two years ago,” said Robert Linn, retired Commissioner of the New York City Office of Labor Relations, told *The City*. “Major issues are submitted for decision minutes before a deadline, preempting any meaningful board, public or legislative input.”

Briefs

NYS Senate Confirms Hon. Madeline Singas and Hon. Anthony Cannataro as Judges of the NYS Court of Appeals

The New York State Senate this week confirmed the appointments of Madeline Singas and Judge Anthony "Tony" Cannataro to the New York State Court of Appeals.

Honorable Singas’ appointment fills the vacancy of Judge Leslie Stein who is retiring in June and Honorable Cannataro’s appointment fills the vacancy of Judge Paul Feinman who passed away in March 2021. The judges took the oath of office as Associate Judges of the Court of Appeals following their confirmation on June 8th.

Legislation to Convert Distressed Hotels & Vacant Office Space into Affordable Housing Approved by State Legislature

The “Housing Our Neighbors with Dignity Act” (S5257C) which creates a mechanism for converting distressed hotels and vacant office buildings into affordable housing was passed by the Assembly and Senate this week. It is sponsored by Senator Michael Gianaris and Assemblymember Karines Reyes.

Utilizing \$100 million set aside in this year’s state budget, the bill allows the state’s housing agency to finance the acquisition and conversion of properties by non-profit organizations into housing created for low-income households and the formerly homeless. At least half of new units in a given building must be set aside for homeless individuals. The other half would be for people making up to 80 percent of area median income.

In addition, in the case of a property at which any hotel workers are represented by a collective bargaining representative, prior to the proposed acquisition, the collective bargaining representative shall be notified in writing of the proposed acquisition. Also, the property owner shall certify prior to the state initiating the acquisition that the “collective bargaining representative has mutually agreed in a separate writing with the property owner to take the specific acquisition described in the written notice.”

The program is statewide, however, the initial funding is earmarked for the City of New York. Additional program funding is anticipated from the federal government, according to Senator Gianaris.

New York's COVID-19 Pandemic Small Business Recovery Grant Program to Begin Accepting Applications

Grants Available for Eligible Small Businesses and For-Profit Independent Arts and Cultural Organizations

New York today began accepting grant applications for its COVID-19 Pandemic Small Business Recovery Grant Program. Small businesses, micro-businesses, and for-profit independent arts and cultural organizations who began operation on or before March 1, 2019 and continue to be in operation as of the date of their application are eligible.

The Small Business Recovery Program was established earlier this year as part of the State Fiscal Year (SFY) 2021-22 Budget and is administered by the New York State Empire State Development Corporation (ESDC). Eligible applicants will be required to show loss of gross receipts or other economic hardship as a result of the COVID-19 pandemic and compliance with COVID-19 health and safety protocols which resulted in business modifications, interruptions, or closures.

More information on the COVID-19 Pandemic Small Business Recovery Grant Program, applicant qualifications and where to apply can be found at nysmallbusinessrecovery.com.

Baseball May Soon be New York's Official State Sport

Governor Andrew Cuomo will soon consider whether baseball will become the official sport of the State of New York. Designating legislation (S5363), sponsored by Senator Peter Oberacker and Assemblyman Michael Benedetto, was passed this week by the Senate and Assembly.

“Baseball is known as our national pastime, but the game has deep roots and a rich history here in New York State,” said Senator Oberacker. “From the National Baseball Hall of Fame and Museum in storied Cooperstown, to the Mets and Yankees – the pinnacles of Major League Baseball, to countless college, high school, and Little League teams, New York State’s connection to baseball history and greatness is undeniable.”

The legislation was sparked by a proposal from Cooperstown Elementary School's 2015-16 fourth grade class. The students were studying New York government and state symbols and realized that New York did not have a state sport. The class reached out to then-Senator James Seward who sponsored by the original legislation.

Legislature Passes Bill to Regulate Pharmacy Benefit Managers

Legislation (S3762) to require pharmacy benefit managers (PBMs) to be licensed by the Insurance Department and conform to standards established by the Insurance and Health Departments has been approved by both houses of the State Legislature. It is sponsored by Senate Insurance Committee Chair Neil Breslin and Assembly Health Insurance Committee Chair Richard Gottfried.

The bill provides that PBMs doing business in New York must register with the Superintendent of Insurance to be licensed, renewable every three years. The Superintendent, in consultation with the Commissioner of Health will establish minimum standards for the issuance of a license, addressing conflicts of interest, deceptive practices, anti-competitive practices, unfair claims practices, and protection of consumers.

Under the legislation, PBMs have a duty to the covered individual and the health plan or provider to perform pharmacy benefit management services with care, skill, prudence, diligence, and professionalism, and for the best interests primarily of the covered individual, and the health plan or provider and require full disclosure to health plans and providers with whom they contract.

Similar legislation was vetoed in 2019. According to the sponsors, the current legislation includes “helpful technical changes that had been proposed by the Governor in chapter amendment discussions.” The legislation now goes to Governor Andrew Cuomo for consideration.

State Senate Confirms Four Members of the Public Service Commission

The State Senate this week confirmed Governor Andrew Cuomo’s nominees to the State Public Service Commission (PSC). The PSC regulates New York’s electric, gas, steam, telecommunications, cable, and water utilities, and sets rates paid by utility customers.

Confirmed to service six-year terms on the PSC are:

- Hon. David Valesky, former State Senator from Rochester.
- John Maggiore, Senior Advisor to Governor Cuomo.
- Hon. James Alesi, former State Senator from (reappointment).
- Rory Christian, formerly with the Environmental Defense Fund.

Citizens Crime Commission Urges City to Focus on Illegal Guns

The Citizens Crime Commission of New York City urged the city and the courts to adopt an emergency plan that would focus on illegal guns at all levels of law enforcement and criminal justice.

In an op-ed piece in *The Daily News*, Richard Aborn outlined an eight-pronged plan which calls for an accelerated court process for illegal gun cases, uniformity of sentencing for illegal gun possession, increased police presence, a multi-prong attack on illegal gun trafficking, and increasing the use of community-based interventions.

Coming Up

New York State

Wednesday June 16th

Joint Public Hearing: The Community Services Block Grant (CSBG) Program,

<https://www.nysenate.gov/calendar/public-hearings/june-16-2021/joint-public-hearing-community-services-block-grant-csbg>, 10 a.m.

New York City

Monday, June 14th

Committee on Housing and Buildings, Remote Hearing (Virtual Room 1), 10 a.m.

Committee on General Welfare, Remote Hearing (Virtual Room 2), 10:30 a.m.

NYC Advisory Commission on Property Tax Reform, Remote Hearing (Virtual Room 3), 6 p.m.

Tuesday, June 15th

Subcommittee on Landmarks, Public Sitings and Dispositions, Remote Hearing (Virtual Room 1), 2 p.m.

Wednesday, June 16th

Committee on Public Housing, Remote Hearing (Virtual Room 2), 10 a.m.

Subcommittee on Zoning and Franchises, Remote Hearing (Virtual Room 1), 10:30 a.m.

Committee on Land Use, Remote Hearing (Virtual Room 1), 11 a.m.

NYC Advisory Commission on Property Tax Reform, Remote Hearing (Virtual Room 3), 6 p.m.

Thursday, June 17th

City Council Stated Meeting, Remote Hearing (Virtual Room 1), 1:30 p.m.

**“We believe in the ideas of family, mutuality,
the sharing of benefits and burdens
for the good of all, feeling one another’s pain,
sharing one another’s blessing
recognizing that at the heart of the matter
we are bound to each other.”
-Mario M. Cuomo-**

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**120 Broadway, 28th Floor
New York, New York 10271**
Telephone (212) 652-3890
Facsimile (212) 652-3891

**111 Washington Avenue, St. 401
Albany, New York 12210**
Telephone (518) 449-3320
Facsimile (518) 449-5812

**25 Hyatt Street, St. 202
Staten Island, New York 10301**
Telephone (718) 943-1050
Facsimile (718) 943-1051

**1220 19th Street NW
Washington, D.C. 20036**
Telephone (202) 964-4753
Facsimile (202) 964-5754