



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-

In the News – New York State



Attorney General James Announces Proposed \$26 Billion Global Agreement with Opioid Distributors/Manufacturer

*New York to Receive Up to \$1.25 Billion Under Settlements
with Johnson & Johnson, McKesson, Cardinal Health, and Amerisource Bergen*

New York Attorney General Letitia James this week announced a proposed \$26 billion agreement to resolve claims against three of the nation’s largest drug distributors — McKesson Corporation, Cardinal Health Inc., and Amerisource Bergen Drug Corporation — as well as one of the nation’s largest drug manufacturers — Johnson & Johnson (J&J) — over the companies’ roles in creating and fueling the opioid epidemic.

Under the agreement, New York will receive up to \$1.25 billion from Johnson & Johnson, McKesson, Cardinal Health, and Amerisource Bergen to fund prevention, treatment, and recovery programs. In addition, the proposed agreement requires industry changes that aim to end the opioid epidemic and prevent this type of crisis from occurring again. Specifically, Johnson & Johnson will stop the sale of opioids nationwide, and McKesson, Cardinal Health, and Amerisource Bergen are agreeing to coordinate and share their data with an independent monitor.

“The numerous companies that manufactured and distributed opioids across the nation did so without regard to life or even the national crisis they were helping to fuel,” said Attorney General James. “Johnson & Johnson, McKesson, Cardinal Health, and Amerisource Bergen not only helped light the match, but continued to fuel the fire of opioid addiction for more than two decades.”



The proposed global agreement — if approved by a substantial number of states and local governments across the country — would resolve the claims of nearly 4,000 entities that have filed lawsuits in federal and state courts against the four companies. New York has already signed on to agreement, while other states have 30 days to sign onto the deal. Local governments in the participating states will have up to 150 days to join. States and their local governments will receive maximum payments if each state and its local governments support the agreement.

The New York State share of the funding includes:

- **McKesson, Cardinal Health, and Amerisource Bergen** will pay New York State a total of up to \$1,179,251,066.68, of which more than \$1 billion will go towards abatement. Payments will start in two months and will continue over the course of the next 17 years. The majority of the \$1.1 billion payment will be a guaranteed, base payment, with the remaining funds earmarked as incentive payments to be paid if New York maximally bars, resolves, or releases current and future subdivision litigation. The majority of funds will be allocated and tracked at a regional level to communities across the state that have been most impacted by the opioid epidemic.
- **Johnson & Johnson** will pay New York state a total of up to \$229,862,769.25, with payments made over the course of nine years.



Chapters of the Laws of 2021

Chapter 241 -- Sponsored by M of A Jacobson/Senator Mayer -- Requires the State Board of Elections to post at the entrance of the old polling location a notice on yellow paper informing voters that the polling place has been moved and the street address of the new location.

Chapter 246 -- Sponsored by M of A Hevesi/Senator Persaud -- Established the definition of “kinship caregiver.”

Chapter 249 -- Sponsored by M of A Bichotte Hermelyn/Senator Jackson -- Allows electronic applications for absentee ballots through December 31, 2021.

Chapter 250 -- Sponsored by M of A Bichotte Hermelyn/Senator Gianaris -- Eliminates the need to request an absentee ballot via a signed absentee ballot application and allows absentee ballots with a postmark/cancellation mark by the day of election to be rendered a timely ballot.

Chapter 260 -- Sponsored by M of A Cusick/Senator Myrie -- Increases the number of registrants an election district may contain with the approval of the county board of elections.

Chapter 261 -- Sponsored by M of A Paulin/Senator Comrie -- Authorizes the metropolitan transportation authority and its subsidiaries to fingerprint applicants for employment and to obtain criminal histories of such applicants.

Chapter 265 -- Sponsored by M of A Pheffer Amato/Senator Kavanagh -- Requires limited-profit housing companies (Mitchell-Lama housing companies), to provide a written statement of the current value of a tenant-cooperator's shares and equity in the housing company upon request of the tenant-cooperator.

Chapter 267 -- Sponsored by M of A Paulin/M of A Comrie -- Allows the Metropolitan Transportation Authority MTA to use electronic bidding for public work contracts.

Chapter 273 -- Sponsored by Senator Myrie/M of A Taylor -- Requires that time deadlines for mailing absentee ballot applications must take account of USPS guidelines for ensuring the timely delivery of mail.

Chapter 276 -- Sponsored by Senator May/M of A Niou -- Allows a candidate who has lost a primary to be removed from the ballot as a candidate for a different party.

Chapter 279 -- Sponsored by Senator Cooney/M of A Lunsford -- Requires the boards of elections to mail or deliver absentee ballots to voters residing in nursing homes, residential care facilities, and other facilities under the jurisdiction of the department of mental hygiene, in the same matter as absentee ballots are delivered to other absentee voters. Inspectors shall not physically visit or deliver ballots to these facilities for any election prior to December 1, 2021.

Chapter 289 -- Sponsored by Senator Brouk/M of A Abinanti -- Allows children's overnight camps, summer day camps, traveling summer day camps and camps for children with developmental disabilities to employ certain licensed professionals in order to better serve the mental and physical needs of children during their summer camp experience.

Chapter 306 -- Sponsored by Senator Salazar/M of A Ramos -- Increases the age of consent for purposes of marriage to the age of eighteen.

Bills Currently in the Governor's Office

A6155A -- Sponsored by M of A Magnarelli/Senator Kennedy -- Permits signs, placards or other displays to provide notice that school bus photo violation monitoring systems are in use.

A7124 Sponsored by M of A Joyner/Senator Gounardes -- Relates to increasing certain special accidental death benefits.

S672 -- Sponsored by Senator Sanders/M of A Reyes -- Relates to a civil cause of action for human trafficking.

S1239 -- Sponsored by Senator Mayer/M of A Benedetto -- Relates to allowing the administration of certain prescribed medications by trained unlicensed school personnel.

S1556 -- Sponsored by Senator Parker/M of A Cahill -- Relates to utility membership dues used for lobbying activities.

S4165A -- Sponsored by Senator Bailey/M of A Pichardo -- Relates to the publication of information regarding waivers of compliance with state contract provisions concerning minority and women-owned business enterprise participation requirements.

S5363 -- Sponsored by Senator Oberacker/M of A Benedetto -- Designates baseball the official sport of the state of New York.

S7100 -- Sponsored by Senator Gounardes/M of A Abbate -- Relates to the reduction in provisional appointment by the New York city department of citywide administrative services.

S7135A -- Sponsored by Senator Ramos/M of A Zinerman -- Authorizes the service of notice by electronic communication.

In the News – City



COBA Hits the NYC Correction Department and the NYS Labor Department with a Hostile and Unsafe Work Environment Lawsuit

The Suit Includes Numerous First-Hand Accounts of DOC Managers Denying Officers Medical Attention, Prohibiting Female Officers from Pumping Breast Milk, Denying Bathroom Breaks, and Access to Food and Water, All While Forcing Officers to Work as Many as Twenty-Five Hours or More

The Corrections Officers' Benevolent Association (COBA), the second-largest law enforcement union in the City of New York, has filed an Article 78 petition in Queens State Supreme Court against the New York City Department of Correction (DOC) and the New York State Department of Labor (DOL), alleging that New York City Correction Officers have been forced to work in a hostile and extremely unsafe work environment.

The suit contains numerous first-hand accounts of the working conditions that Correction Officers have been subjected to, including but not limited to: the denial of meal and bathroom breaks, denying access to water, protective equipment, breast-feeding accommodations, and medical attention. These conditions have worsened steadily as hundreds of Correction Officers are forced to work 25 consecutive hours or more due to the worsening staffing shortage.

"In my twenty-two years working in the New York City Department of Correction, I have never seen such deplorable working conditions for our members-conditions that have been made even worse by the continued indifference of the top brass at our agency," COBA President Benny Boscio Jr. explained. "Just over a year ago, our officers risked everything to perform essential services during the pandemic-services that undoubtedly prevented a major catastrophe in our jails. Here we are a year later, and rather than supporting our officers and providing them with basic rights all workers are afforded, this agency has created a hostile and unsafe work environment, which has led to over 1,000 Correction Officers resigning over the past two years. What was once considered a solid career path is now a daily nightmare for the men and women who work tirelessly to keep this city safe."



COBA President
Boscio

According to the lawsuit, Correction Officers are dealing with a more violent and aggressive inmate population than ever before. In fact, as noted in the most recent Mayor's Management Report, there has been a 23% increase in inmate assaults against Correction Officers and an increase of 23% amongst inmates who are incarcerated for violent felony crimes. Additionally, the Mayor's Report notes that gang affiliated admissions are up by 6% and that violence amongst inmates is up by 15%.

In July 2020, there were 8,269 Correction Officers working in DOC. At the end of June 2021, there are now 7,651, a decrease of 618. Conversely, in July 2020, there were 3,975 inmates in the DOC jail facilities and at the end of June 2021 there were 5,800 inmates. An increase of 1,825 of the daily inmate population.

COBA's lawsuit asserts that the hazardous and hostile working conditions being perpetuated by the Department of Correction violate Correction Officers' rights guaranteed by New York City Local Laws 185 and 186, and New York State Labor Law Sections 162, 206-C and 200.

The City has until August 23rd to respond to the suit.

Briefs

NYC Mayor Urges Private Sector Employers to Move Toward Vaccination Mandates & Imposes Unvaccinated Health Worker COVID Testing Requirement

Beginning August 2nd, City will require proof of vaccination or weekly COVID-19 tests for employees at city-run health care facilities

New York City Mayor Bill de Blasio today urged private employers to impose mandates aimed at increasing vaccination rates following a jump in the number of COVID-19 cases. Today's call follows the City's "Health Worker COVID-Safe Requirement" announced earlier this week, directing health care workers to either show proof of vaccination or test weekly.

“If anyone is asking my advice, particularly large employers, move toward vaccine mandates now,” Mayor de Blasio said during a WNYC radio interview. “I urge every employer to go to any form of mandate that you’re comfortable with.”

On Wednesday, the Mayor, City Health Commissioner Dr. Dave Chokshi, and NYC Health + Hospitals President and CEO Dr. Mitchell Katz announced that beginning August 2nd the City will require employees of NYC Health + Hospitals and employees working in Department of Health and Mental Hygiene clinical settings to provide either a one-time verification of immunization, or weekly proof of a negative COVID-19 test.

According to published reports, other city workers, including police and firefighters are not subject to similar directives, but the Mayor indicated that he is considering expanding the scope of the mandates. He added that private employers have more latitude than governments to impose the requirements.

Package of NYS Voting Reforms Enacted

Governor Andrew Cuomo signed a package of voting reforms into law, aimed at helping voters, candidates, and boards of elections.

The reforms include:

- **Eliminating signed absentee ballot applications and allowing absentee ballots postmarked by Election Day to be considered timely.** This legislation brings the last day a ballot can be postmarked into line with the deadline for hand-delivered ballots. It allows absentee ballots to be requested by letter rather than a signed absentee ballot application. It also provides that federal write-in absentee ballots, military ballots, special presidential ballots and special federal ballots received after Election Day must contain a postmark, cancellation mark or witness dated Election Day or earlier. Chapter 250.
- **Allowing voters to request absentee ballots through electronic means.** This legislation allows voters to request absentee ballots through electronic means, including email, websites, or other electronic systems. Chapter 249.
- **Requiring boards of elections to post information about changes in polling places.** Under this legislation, when the location of a polling place has changed since the last election, the relevant board of elections will be required to post a notice on yellow paper at the entrance to the old polling place informing voters that the polling place has been moved and providing the address of the new polling place. The notice must be posted on the day of the election or on the first day of early voting before the polls open. Chapter 241.
- **Conforming deadlines for the mailing of applications for absentee ballots to USPS guidelines.** This legislation brings deadlines for the mailing of absentee ballot applications in line with United States Postal Service guidelines for the timely delivery of mail. Mailed applications for absentee ballots must be received by the relevant board of elections no later than the 15th day before the day of an election. Chapter 273.
- **Allowing candidates who have lost primaries to be removed from ballots as candidates for different parties.** This legislation allows a nominee for public office to decline any nomination or nominations after losing a primary for up to 10 days after losing the primary. New York's electoral laws allow candidates to run on multiple party lines, but it was extremely difficult to

decline a nomination prior to the signing of this legislation. This legislation provides an opportunity for candidates to decline nominations after a primary loss. Chapter 276.

- **Increasing election district registrant enrollment from 1,150 to 2,000.** This legislation increases the maximum number of voters allowed in each election district from 1,150 to 2,000. The previous limit was set based on the limitations of old lever voting machines, which could only handle 1,000 votes per election. Optical scanners can read and hold up to approximately 4,000 ballots per election. This legislation also provides for additional county party committee representation to accommodate an increase in the size of election districts. Chapter 260.

State Launches \$100 Million NYC Musical and Theatrical Production Tax Credit

New York State this week launched the \$100 million New York City Musical and Theatrical Production Tax Credit, designed to help revitalize the industry and aid the State's continued economic recovery.

According to Governor Andrew Cuomo, this program will "further jump-start" the entertainment industry and help to generate additional tourism activity in New York City. Prior to the pandemic, Broadway theaters welcomed a collective audience of nearly 250,000 people each week, while the industry supported more than 90,000 local jobs and contributed over \$14 billion to the New York City economy annually.

The New York City Musical and Theatrical Production Tax Credit is a two-year program and will offset some of the costs associated with producing a show, including production costs for sets, costumes, wardrobes, makeup, technical support, salaries, sound, lighting and staging. Eligible companies can receive tax credits of 25% of qualified production expenditures. First-year program applicants can receive up to \$3 million per production, with second year applications being eligible for up to \$1.5 million.

All program participants will be required to take part in a New York State diversity and arts job training program and expand opportunities for low-income New Yorkers to access productions at low or no-cost. Highly profitable participating productions will contribute to a cultural access fund overseen by the New York State Council on the Arts.

More information on the program, including the program guidelines and application, is available [here](#).

Governor Signs Legislation Expanding Insurance Coverage for Personal Cell Phones

Governor Andrew Cuomo this week signed legislation (Chapter 307) that will allow New Yorkers to obtain insurance protection for their cell phones through their credit card, debit card, or checking account. Previously, state law did not allow credit or debit card issuers and banks to insure their customers' wireless communication devices.

The legislation, sponsored by Insurance Committee Chairs Senator Neil Breslin and Assemblyman Kevin Cahill, specifically authorizes coverage to protect a cell phone and other wireless communication equipment if it is damaged, lost, stolen, or incurs a breakdown.

FAA Approves LaGuardia AirTrain

The Federal Aviation Administration (FAA) this week issued its decision on the environmental review for the proposed construction of the LaGuardia Airport (LGA) AirTrain, clearing the way for the \$ 2.1 billion project.

This final step, referred to as the [Record of Decision](#), allows the Port Authority of New York and New Jersey to proceed with its proposal to construct a rail system to provide a transit option for air travelers and employees at LGA. The Port Authority will now be able to submit a future application for funding under the Passenger Facility Charge program.



Port Authority has planned the AirTrain to connect LGA to the New York City Transit Subway 7 Line and the Long Island Rail Road Port Washington Branch at Mets-Willets Point. There will also be passenger walkways connecting to the LGA Central Hall, a parking garage connector, public transportation, and ground transportation facilities.

Eric Adams Certified as Winner in NYC Democratic Mayoral Primary

The City Board of Elections this week certified Eric Adams as the winner of the Democratic primary for mayor in New York's first citywide ranked-choice voting election.

Adams, the Brooklyn Borough President, received 404,513 votes or 50.4 percent of the vote. Kathy Garcia, the former City Sanitation Commissioner, received 397,316 votes or 49.6 percent. Adams won by 7,197 votes, 0.8 percent. A margin of under 0.5 percent would have triggered a manual recount.

Adams faces Republican nominee and Guardian Angels founder Curtis Sliwa in the November election.

Coming Up

New York State

Tuesday, July 27th

Homecare Workforce – Challenges and Solutions

Senate Committees on Aging, Health & Labor

Van Buren Hearing Room A, Legislative Office Building, 2nd Floor, Albany, 9 am.

Wednesday, July 28th

To Solicit Testimony on Voting Experiences and Issues from Voters in New York City

Senate Committee on Elections

Medgar Evers College, Founders' Auditorium, 1650 Bedford Avenue, First Floor, Brooklyn, 10 a.m.

New York City

Tuesday, July 27th

Committee on Rules, Privileges and Election, Council Chambers- City Hall, New York, 11 a.m.

Georgia Pestana, appointment as Corporation Counsel.

Thursday, July 29th

Stated Council Meeting, Council Chambers, 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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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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