



This Week in New York

Covering New York State and City Government

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December 8, 2017 Edition



In the News – New York State

Empire State Development

MWBE
Minority Women Business Enterprise

Assembly Begins Conversation on New York's Minority and Women-Owned Enterprise Program

The New York Assembly this week began the public discussions on the future of the State's Minority and Women-Owned Business Enterprise Program at a hearing held by the Government Operations Committee chaired by Assemblymember Crystal People-Stokes.

The program statute, which requires the state to award a minimum percentage of contracts to businesses owned by minorities or women, expires in April of this year. The hearing was held to provide recommendations to the Article 15-A MWBE Program and the 2016 MWBE Disparity Study.

"This is a critical time for MWBE's" said Assemblymember Rodneyse Bichotte, chair of the Oversight of Minority Women-Owned Business Enterprises (MWBES) Subcommittee. "There has been some progress within New York State regarding programs and having MWBE's gaining access to government contracts. However, April 2018 is right around the corner. This is the time for us enhance and create a more robust MWBE Program."

Among the issues highlighted at the hearing were:

Percentage of MWBE contracting for State agencies.

Currently, the statute does not lay out a specific percentage. New York State had an initial goal of 10 percent. Governor Andrew Cuomo raised the state's goal from 10 percent to 30 percent.

Contractors assert that the 30 percent threshold is not feasible in all parts of the state. The Senate this year passed legislation (S1126-A/A1549-A) which would adjust the 30 percent goal in parts of the state where there aren't very many MWBEs certified to perform work.

"There's no question that we're frustrated with the 30 percent goal being arbitrarily imposed on nearly every project without consideration of the realities or barriers to utilization inherent in such projects," said Joseph Hogan of the Associated General Contractors at the hearing.

Personal Net Worth Cap

2010 amendments to the MWBE law limited the program to companies that have fewer than 300 employees and are owned by a minority or woman with a net worth of less than \$3.5 million. WMBE proponents assert that this provision stunts the growth and potential of the companies and undermines the program.

Earlier this year, the Legislature approved (A2819/S3018 - sponsored by Assemblymember Bichotte and state Senator Patty Ritchie) which would remove the cap. The bill has not yet been delivered to Governor Cuomo for consideration.

"Having this cap on personal net worth for women and minority firms sends a very negative message to the individuals who have historically been discriminated against that we should only grow to a certain size of professional or personal wealth and then stop," said Deborah Bradley of the Women Builders Council. "It communicates to MW firms that we should limit our size, our potential growth, success [and] influence."

In response to questions regarding a perceived "reluctance" on Governor Cuomo's part, Empire State Development Corporation Vice President, Lourdes Zapata, indicated that the Governor is weighing the impact of the bill.

"I wouldn't express the governor's position as reluctance; I would express it as concern with the sustainability and integrity of the program and making sure that we do not inadvertently create any more challenges to the program," she explained. "He has not made a decision as to whether to sign this legislation at this point."

If the Bichotte-Ritchie bill is not enacted, Assemblymember Bichotte indicated that it would be part of the 2018 MWBE program negotiations. .

Other issues impacting MWBE's for consideration include bringing developers who receive 421a tax abatements under MWBE hiring standards and removal of the State's Scaffold law to alleviate pressure on new businesses.

Bill Delivered to the Governor

A1250 (Sponsored by M of A Buchwald/Senator Ranzenhofer) -- Requires the MTA to publish the proposed capital program plan on their website.

A1310 (Sponsored by M of A Zebrowski/ Senator Carlucci) -- Relates to code enforcement officer training and certification.

A1620 (Sponsored by M of A Hevesi / Senator Robach) -- Relates to providing conditional renewal notices to policyholders; at least thirty days' notice.

A1808A (Sponsored by M of A Morelle/ Senator LaValle) -- Relates to the New York state science, technology, engineering and mathematics incentive program.

A1839B (Sponsored by M of A Rosenthal L/ Senator Tedisco) -- Directs the commissioner to establish standards regarding microchip technology used for identification of companion animals.

A1956 (Sponsored by M of A Bronson/ Senator Phillips) -- Requires the department of labor to publish a catalogue of workforce development funding programs.

A1982 (Sponsored by M of A Paulin/ Senator Hannon) -- Enacts the "Crohn's and colitis fairness act".

A2702 (Sponsored by M of A Gottfried/Senator Alcantara) -- Relates to death and felony crime reports in certain adult care facilities.

A2750A (Sponsored by M of A Paulin/Senator Gallivan) -- Establishes that in a FOIL proceeding, the court shall assess against an agency reasonable attorney's fees and other litigation costs incurred when a person substantially prevails unless the court finds otherwise.

A3439 (Sponsored by M of A Dinowitz/Senator Golden) -- Relates to allowing two automatic free transfers for riders using pay-per-ride Metrocards.

A4002A (Sponsored by M of A Glick/Senator Squadron) -- To ensure that two members of the Battery Park City Authority are residents of Battery Park city.

A5616B (Sponsored by M of A Ramos/Senator Little) -- Establishes the New York state first home savings program to authorize first time home buyers to establish savings accounts to buy their first home.

A6826A (Sponsored by M of A Dinowitz/Senator Ranzenhofer) -- Amends the public service law to clarify that a quorum is a majority of the total number of members of the commission and restricts the commission from exercising any powers or duties without a quorum.

A6884B (Sponsored by M of A Abbate/Senator Golden) -- Requiring automobile brokers to be licensed and bonded.

A6903A (Sponsored by M of A Brindisi/Senator Marchione) -- Creates a study by the commissioner of the office of children and family services regarding staffing levels with specific attention to staffing when incidents involving the misconduct of a resident occur.

A7051 (Sponsored by M of A Thiele /Senator LaValle) - Provides for the review of all compensation, including executive pay and all fees to consultants and contractors, which is paid in connection with the Public Service Enterprise Group of Long Island (PSEG-LI) operations services contract with the Long Island Power Authority (LIPA).

A8107 (Sponsored by M of A Bronson/Senator Ortt) -- Establishes within the New York state urban development corporation, the strategic investment in workforce development program to identify and address workforce needs throughout the state.

A8408 (Sponsored by M of A Simotas/Senator Jacobs) -- This bill will ensure that the public has sufficient time to review and comment on proposed rules of state agencies, by increasing the minimum comment period from 45 to 60 days.

A8427A (Sponsored by M of A Morelle/Senator Robach) -- Enacts the "New York Buy American act" which provides that provide that all contracts over \$1 million for the construction and reconstruction of surface roads and bridges awarded by the department of transportation, the office of general services, the State University of New York construction fund, the dormitory authority, the metropolitan transportation authority, the bridge authority, or the thruway authority must include a provision requiring that all structural iron and steel used be made in the United States.

A8514 (Sponsored by M of A Bronson/Senator Murphy) -- Prohibits companies who violate the federal Davis-Bacon act from contracting with the state.

S1616A (Sponsored by Senator Golden/M of A Dinowitz) -- Requires the metropolitan transportation authority to create an expired fare transfer policy.

S3103 (Sponsored by Senator Serrano/M of A Sepulveda) -- Authorizes and directs the NYS DOH, to conduct a study on the high incidence of asthma in the Bronx and to prepare a remedial plan.

S3146 (Sponsored by Senator Golden/M of A Lupardo) -- Directs the office of children and family services to promulgate regulations establishing workload standards for child protective service employees.

S4329A (Sponsored by Senator Gallivan/M of A Schimminger) -- Enacts the "charitable gaming act of 2017".

S5451 (Sponsored by Senator Lanza/M of A Abbate) -- Relates to interviews of any officer or employee of the port authority or its subsidiaries; requires that any interview conducted by the inspector general must be in accordance with any applicable provisions of the current collective bargaining agreement.

S5484A (Sponsored by Senator Golden/ M of A DenDekker) -- provide a special accidental death benefit to the beneficiaries of New York City sanitation workers.

S5559 (Sponsored by Senator Alcantara/M of A Seawright) -- Authorizes and directs the New York state department of health, to conduct a study on the high incidence of asthma in Manhattan and to prepare a remedial plan.

S5562A (Sponsored by Senator Helming/ M of A Benedetto) -- Provides for mandatory testing of breath, blood or urine in the event of a motor vehicle collision resulting in death or injury.

S5661B (Sponsored by Senator Little/M of A Gottfried) -- Establishes the enhanced safety net hospital program to provide for the payment, solely by the state, of enhanced medical assistance payments to hospitals which serve the uninsured or recipients of medical assistance, are public sector hospitals, or are federally designated as critical access or sole community hospitals.

S5754A (Sponsored by Senator Peralta/M of A Dinowitz) -- Directs the metropolitan transportation authority and New York city transit authority to study and report on the aboveground transit infrastructure of the metropolitan transit authority.

S5770 (Sponsored by Senator Hamilton/ M of A Simon) -- Directs NYS DOH to conduct a study on the high incidence of asthma in Brooklyn and to prepare a remedial plan.

S5925 (Sponsored by Senator Hannon/ M of A Dinowitz) -- Grants excused leave to public officers, employees of the state, county, municipality or school district to undertake screening for cancer.

S6012 (Sponsored by Senator Seward/ M of A Gottfried) -- Relates to services provided by school-based health centers to be provided to medical assistance recipients through managed care programs.

S6089 (Sponsored by Senator Marcellino/ M of A Cusick) -- To clarify that the State Education Department may continue to utilize the instructional time standard as the basis for providing reimbursement to nonpublic schools for their participation in the mandated services aid program.

S6565 (Sponsored by Senator Marchione/ M of A Titone) -- Examines the need for standards for the designation of therapy dogs and relates to the definition and identification of therapy dogs.

S6750 (Sponsored by Senator Hannon/ M of A Gunther) -- Requires chain pharmacies to take back unused medications.

S6768 (Sponsored by Senator Flanagan/ M of A Morelle) -- Requires that all RPNs either have or obtain a bachelor's degree within 10 years of initial licensure

S6788 (Sponsored by Rules/ M of A Hooper) -- Prevents suspensions of step up increases for the employees of the county in the event of a wage freeze declaration by the authority.

In the News – New York City

James Hanley **Commissioner of the Office of Labor Relations**

James Hanley, chief New York City labor negotiator during the Dinkins, Giuliani, and Bloomberg administrations, passed away this week. He was 69.

Mr. Hanley began his public service over 40 years ago, during the Koch administration, as an administrative assistant in the New York City Office of Labor Relations and rose to become Commissioner. He guided New York City labor negotiations for 24 years, retiring in 2014.



Commissioner Hanley with then *Daily News* Civil Service columnist Bill Farrell

Described as a ‘tough but fair’ negotiator, Commissioner Hanley’s style was depicted in a *Daily News* article about organized labor’s united front in the 1999 contract negotiations.

“And, finally, while everyone is together and as strong as a herd of wild mustangs, sooner or later the city’s chief negotiator, “(Cowboy)” Jim Hanley, will find a way to break one from the herd, get a deal and watch as everyone else walks into the corral.”

“As a reporter, you knew if you called Jim Hanley, you may not have been provided with all the information you were looking for, but your calls were always answered,” said Bill Farrell, Pitta Bishop & Del Giorno Communications Director. “He was a man of integrity and grace.”

A graduate of St. Peter’s College, Commissioner Hanley worked as an IBEW Local 3 electrician during and after college. He helped to build the World Trade Center and Co-op City.

Earlier this year, *City and State* honored Commissioner Hanley in its recent *Five Staten Island Labor Influencers Your Need to Know* (September, 2017), noting that “while he was on the other side of the negotiating table with union leaders, he often won their respect with his encyclopedic knowledge.”

Commissioner Hanley is survived by his wife Elizabeth; three sons, Liam, Matthew (Samantha) and Terrence (Jennifer); and four grandchildren.

A wake for Commissioner Hanley will be held at Harmon Funeral Home Saturday and Sunday at Harmon Funeral Home on Forest Ave., on Staten Island. A funeral Mass will be held on Monday at St. Patrick’s Church, on St. Patrick’s Place on Staten Island.



New York Harbor: Healthier Than It's Been in More Than a Century

New York Harbor is cleaner and healthier today than it has been in more than a century, according to the New York City Harbor Water Quality Report by the City Department of Environmental Protection (DEP).

According to DEP, The health of New York Harbor has been monitored continuously since 1909. Currently DEP scientists regularly collect water samples from 89 stations throughout the Harbor and its tributaries, and those samples are analyzed for 27 separate parameters. Key indicators of water quality, including concentrations of bacteria and nitrogen continue to drop, while dissolved oxygen is on the rise.

“Anecdotal evidence of whales, dolphins and seals returning to New York Harbor abound, and our testing confirms that the water in New York Harbor is cleaner today than it has been in more than a century,” said DEP Commissioner Vincent Sapienza.

Mayor Bill de Blasio credited the City’s \$1.5 billion Greenway Infrastructure Program with the City’s progress.

By the end of the year there will be nearly 4,000 curbside rain gardens constructed across the city, in addition to green infrastructure managing the stormwater that falls on City parks, playgrounds, schools and housing developments. In 2018, 300 additional sites will be added to the list for the construction of green infrastructure.

DEP is also investing billions of dollars to upgrade the wastewater collection system to ensure the maximum amount of wastewater receives treatment during rainfall, while moving forward with plans to construct overflow retention tanks for the Gowanus Canal, as well as proposing storage tunnels for Newtown Creek and Flushing Bay.

This includes \$240 million to separate the sewer system near the Gowanus Canal, Flushing Bay and Fresh Creek, \$55 million to maximize the flow of wastewater to the treatment plants benefitting Westchester Creek and Flushing Bay, \$455 million for an overflow tank and wetland restoration at Paedergat Basin, \$30 million to construct a new interceptor sewer and improve flow adjacent to Powell’s Cove and Flushing Bay, \$210 million to upgrade a pumping station benefitting Coney Island Creek and \$95 million to reduce overflows into Pugsley Creek. In addition, DEP is in the early stages of a nearly \$1 billion project to build two overflow retention tanks adjacent to the Gowanus Canal, and has proposed storage tunnels, estimated to cost approximately \$3 billion, for Flushing Bay and Newtown Creek.

In order to reduce nitrogen discharges to the Upper East River and Long Island Sound, DEP has also invested \$1 billion to upgrade wastewater treatment plants, making New York City a regional leader in this effort. DEP has also invested nearly \$500 million to reduce nitrogen discharges to Jamaica Bay.

Briefs

Schools Business Officials Report Finds Disparities in Educating Students with Disabilities

New York State "falls short" when it comes to educating students with disabilities, according to a New York State Association of School Business Officials report released this week. According to its findings, performance for students with disabilities is low across the board and is "highly stratified by levels of student poverty and local fiscal capacity."

Autism, speech or language impairments, health impairments and learning disabilities account for the majority of disability diagnoses.

While students with disabilities make up 13 percent of enrollment in the wealthiest 10 percent of school districts, students with disabilities make up 19 percent of enrollment in the poorest 10 percent of districts, according to the report. Learning disabilities account for the differences, as the most frequently diagnosed disability.

Students with learning disabilities account for 4 percent of the student population in the wealthiest districts, and 7 percent in the poorest, according to the report.

Spending on students with disabilities also varies by district. The lowest-need districts spend \$43,635 per special education pupil, while the highest-need districts spend \$25,823 per pupil, according to the report.

Registration for 2018 State of the State Address is Now Open

Registration is now open for the 2018 State of the State Address on January 3 at 1 p.m. at the Empire State Plaza Convention Center in Albany. New Yorkers wishing to attend should register at <https://www.governor.ny.gov/content/2018-state-state-address> . Registration closes on December 15 at 5 p.m.

Seating is limited and tickets are non-transferable. In the event that the number of requests exceeds available seating, attendees will be selected by lottery. Guests will be notified of their selection via email no later than January 1.

New York City Recognized as Global Leader on Mental Health Reform

New York City's efforts to change the culture around mental health and improve New Yorkers' access to services and support have been recognized as a model for cities across the globe by the International City and urban Regional CoLLaborativE (I-CIRCLE). I-CIRCLE has endorsed and will promote the six key guiding principles and framework of \$850 million ThriveNYC program:

- **Change the culture** by making mental health everybody's business and having an open conversation about mental health.
- **Act early** to prevent, intervene more quickly and give New Yorkers more tools to weather challenges.
- **Close treatment gaps** by providing equal access to care for New Yorkers in every neighborhood.
- **Partner with communities** to embrace their wisdom and strength and to collaborate for culturally competent solutions.
- **Use data better** to address gaps and improve programs.
- **Strengthen government's ability to lead** by coordinating an unprecedented effort to support the mental health of all New Yorkers.

Port Authority Approves Construction Funding for New York City Airports & Bridges

The Port Authority of New York/New Jersey Board of Commissioners this week approved an \$8 billion budget for 2018 which includes \$3.4 billion for capital expenditure, \$3.2 billion for operating expenses and \$1.3 billion to service debt.

Specific allocations include: \$578 million toward an \$8 billion redevelopment of LaGuardia Airport in New York; \$167 million toward a \$2.3 billion redevelopment of Terminal A at Newark Liberty International Airport in New Jersey; and an increase in the budget to raise the roadway of the Bayonne Bridge so that a larger class of container ship can call at the port's busiest terminals in Elizabeth and Newark \$1.69 billion from \$1.3 billion.

Coming Up

New York State

Monday December 11th

Housing for individuals with a mental illness or developmental disability

Assembly Standing Committee on Mental Health

Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

Tuesday December 12th

The Excelsior Scholarship and the Enhanced Tuition Awards Program

Assembly Standing Committee on Higher Education

Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

To elicit comments on what measures the state can implement that will provide a direct economic impact to farmers by enhancing their bottom line

Senate Standing Committee Agriculture

Van Buren Hearing Room A, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

Annual Budget Oversight Hearing on funding of libraries in New York State for fiscal year 2017-2018

Assembly Standing Committee on Libraries and Education Technology

Hamilton Hearing Room B, Legislative Office Building, 2nd Floor, Albany, 11 a.m.

Adequacy of Funding for Prevention, Treatment, and Recovery Services

Assembly Standing Committee on Alcoholism and Drug Abuse

Assembly Hearing Room, 250 Broadway, Room 1924, 19th Floor, New York, 1 p.m.

Wednesday December 13th

Immigrant access to healthcare

Joint Assembly Standing Committee on Health, Puerto Rican/Hispanic Task Force, and Task Force on New Americans

Assembly Hearing Room, 250 Broadway, Room 1924, 19th Floor, New York, 10 a.m.

Thursday December 14th

Supports for foster parents and relative and non-relative caretakers

Assembly Standing Committee on Children and Families

Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 11 a.m.

Oversight of the State Fiscal Year 2017-2018 State Budget for New York State Homes & Community Renewal

Assembly Standing Committee on Housing

Assembly Hearing Room, 250 Broadway, Room 1924, 19th Floor, New York, 11:30 a.m.

Friday December 15th

Department of Transportation Capital Program

Assembly Standing Committee on Transportation

Hamilton Hearing Room B, Legislative Office Building, 2nd Floor, Albany, 10:30 a.m.

New York City

Monday December 11th

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

Committee on Rules, Privileges, and Elections, Council Chambers – City Hall, 10:30 a.m.

City Council State Meeting, Council Chambers, City Hall, 1:30 p.m.

Tuesday December 12th

Committee on Education, The Earth School (P.S. 365M) – 600 East 6th St, New York, 10009, 9:30 a.m.

Committee on Housing and Buildings, Council Chambers – City Hall, 10 a.m.

Committee on Recovery and Resiliency, Committee Room, 16th Floor – 250 Broadway, 1 p.m.

Committee on Civil Service and Labor, Council Chamber – City Hall, 1 p.m.

Wednesday December 13th

Subcommittee on Zoning and Franchises, Committee Room, 16th Floor – City Hall, 9:30 a.m.

Committee on Environmental Protection, Council Chambers – City Hall, 10 a.m.

Subcommittee on Landmarks, Public Siting and Maritime Uses, Committee Room, 16th Floor – 250 Broadway, 11 a.m.

Subcommittee on Planning, Dispositions and Concessions, Committee Room, 16th Floor – 250 Broadway, 1 p.m.

Committee on Governmental Operations, Committee Room – City Hall, 1 p.m.

Committee on General Welfare, Committee Room, 14th Floor – 250 Broadway, 1 p.m.

Committee on Higher Education, Committee Room, 14th Floor – 250 Broadway, 1 p.m.

Thursday December 14th

Committee on Transportation, Council Chambers – City Hall, 10 a.m.

Committee on Waterfronts, Committee Room, 16th Floor – 250 Broadway, 10 a.m.

Committee on Economic Development, Council Chambers – City Hall, 1 p.m.

Committee on Aging, Committee Room, 14th Floor – 250 Broadway, 1 p.m.

Subcommittee on Senior Centers, Committee Room, 14th Floor – 250 Broadway, 1 p.m.

Committee on Public Safety, Committee Room – City Hall, 1 p.m.

Committee on Health, Committee Room – City Hall, 1 p.m.

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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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