



This Week in New York

Covering New York State and City Government

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March 24, 2017 Edition



In the News – New York State

Budget Negotiations Come Down to the Wire

5 Session Days Remain Before the Start of the New Fiscal Year

March						
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26	27	28	29	30	31	1



Indicates Session Day



Indicates Start of Fiscal Year

The days leading up to the start of New York’s fiscal year are quickly dwindling. April 1st looms large on calendars across the State and stakeholders are wondering if 2017 will be the year of a *truly* late budget in the Governor Andrew Cuomo era.

After a grand slam of on-time budgets since taking office, Governor Cuomo has brought in spending plans on April 1st (deadline is midnight on the 31st). The 2015 budget came in the early morning hours of April 1st, with the Assembly passing the final bill around 3 a.m. In 2016, the budget agreement press conference was held at 8:30 p.m. on March 31, leaving the Legislature no chance of making the midnight deadline. The Assembly closed down the budget well into April 1st.

With one week to go, New York’s 2017-2018 fiscal plan is in jeopardy of being the Administration’s latest. The legislative budget conference committees kicked off the public portion of the legislative budget negotiations on Monday. The General Budget Conference Committee, “the mothership”, opened the hearings with both of the leaders outlining the priorities of each house: raising the age of criminal responsibility for Assembly Speaker Carl Heastie, authorizing ride-hailing for Assembly Republican leader Brian Kolb, and reforming workers’ compensation insurance for Senate Majority Leader John Flanagan.

Each of those issues face some significant challenges. The Senate and Assembly do, however, agree that any shortfalls created by federal actions should be addressed by the Legislature and the Governor, not solely the Governor, as proposed in the Executive Budget.

“We are generally in agreement that there should [be respect for the] prerogative of the Legislature both in the Senate and the Assembly,” Senator Flanagan explained.

The 500 lb. gorilla in the room, than everyone is talking about, is the federal budget and the repeal of Affordable Care Act. According to Governor Cuomo, in New York, 2.7 million New Yorkers would be impacted. The reduction in Medicaid spending will have a significant impact on funding for nursing homes, home care, and hospitals, putting 7 million New Yorkers at risk. Congressmen Chris Collins and John Faso have introduced an amendment that would ban federal reimbursement for state Medicaid funds for local governments outside of New York City, cutting Medicaid for these local governments by \$2.3 billion. When added to the \$4.5 billion cost of the Affordable Care Act over the next four years, the total cost to the State would rise to \$6.9 billion. The Medicaid cost would not take effect until 2020.

Assembly Speaker Carl Heastie referred to the proposal as a “kick in the stomach.” Governor Cuomo is looking into the possibility of legal actions against the federal government.

The possibility of an on-time budget that includes Raise the Age, ride sharing, workers compensation reform, and a solution to the looming Medicaid shortfall is becoming more and more remote. As the leaders grapple with these issues, they are also grappling with the very real possibility that (1) some of the unresolved issues may have to be tabled to reach the spending plan deadline; or (2) reaching a comprehensive deal may require the Governor agree to a late budget.

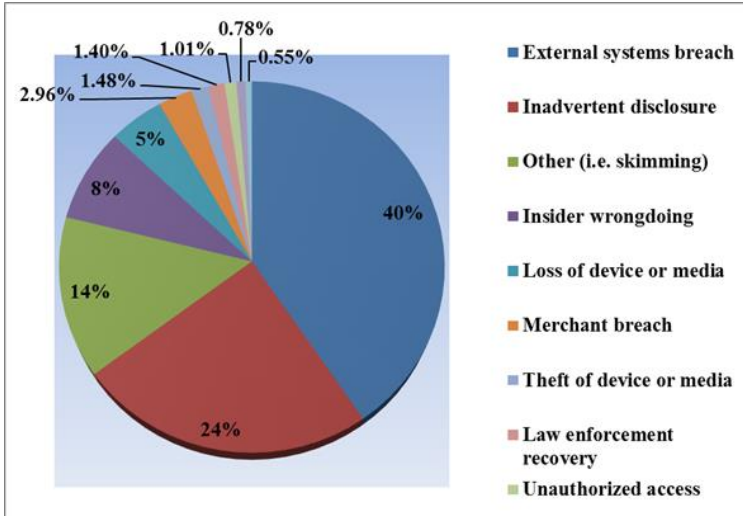
Seven days remain until the start of the news fiscal year. Senator John DeFrancisco projected that there would be "much longer budget discussions" beyond next week. Or somehow, Governor Cuomo and the Legislative leaders pull a budget rabbit out of New York's hat.

NY AG Receives Record Number of Data Breach Notices in 2016

Hacking Drives Data Breaches Up By 60%, Exposing Info Of 1.6 Million New Yorkers

The State Attorney General received a record number of data breach notices in 2016. Almost 1,300 reported data breaches were reported in 2016, representing a 60 percent increase over the previous year. The breaches exposed the personal records of 1.6 million New Yorkers in 2016, representing a threefold increase over the prior year.

Analysis conducted by the Attorney General's office revealed that the exposed information consisted overwhelmingly of social security numbers and financial account information. The Attorney General's Office surmised that hacking and inadvertent disclosure were the two leading causes of data security breaches.



Source: NYS Attorney General

In 2016, hacking accounted for more than 40% of data security breaches. 519 notices reported unauthorized outside access of computerized data (see Figures 1 and 2). In the OAG’s 2014 report, hacking similarly represented the leading cause of all data breaches from 2006 to 2013. This past year however, employee negligence, which consists of a combination of inadvertent exposure of records, insider wrongdoing, and the loss of a device or media, nearly tied hacking by accounting for approximately 37% of breaches.

According to the Attorney General, the most frequently acquired information in 2016 was Social Security numbers and financial account information, which together accounted for 81% of breaches in New York. Other records such as driver’s license numbers (8%), date of birth (7%) and password/account information (2%) (see Figure 4) together accounted for 1,284,037 of exposed personal records in 2016.

Information Acquired	Number of Breaches (% of Total)	NY Personal Records Exposed (% of Total)
Social security number	755 (45.70%)	1,342,334 (42.36%)
Financial information	582 (35.23%)	510,930 (16.12%)
Driver license number	134 (8.11%)	124,819 (3.94%)
Personal information	121 (7.32%)	1,137,667 (35.90%)
Password/account information	34 (2.06%)	21,551 (0.68%)
Unknown/not determined	14 (0.85%)	181 (0.01%)
Other	12 (0.73%)	31,403 (0.99%)
Total	1,574	3,168,885

While 2016 saw a 59% increase in the total number of reported breaches, only two mega-breaches figured among them, the Attorney General’s office found. Comparatively, 28 mega-breaches were reported to the OAG between 2006 and 2013. On October 12, 2016, Newkirk Products, Inc., a business associate of Capital District Physicians’ Health Plan, Inc., CDPHP Universal Benefits, Inc., and Capital District Physicians’ Healthcare Network, Inc., reported exposing the personal health information of 761,782 New Yorkers. The next largest breach, reported on January 13, 2016, was at HSBC bank. It exposed the financial, personal, and social security information of 251,201 New Yorkers. Additionally, breaches at Eddie Bauer and Emblem Health reportedly affected 60,205 and 55,664 New Yorkers in August and November, respectively.

Cuomo Administration Appointments

Governor Andrew Cuomo this week announced the following appointments to his Administration:

Carolyn Pokorny has been appointed Chief Special Counsel for Ethics, Risk and Compliance. Most recently, she served as Deputy Chief of Staff and Counselor to U.S. Attorney General Loretta E. Lynch. Prior, she spent nearly fifteen years with the U.S. Attorney's Office in Brooklyn, where she held a number of leadership positions, including Deputy Chief of the Criminal Division. Pokorny began her career as a prosecutor in the Bronx District Attorney's Office and then clerked for federal judge Arthur D. Spatt on Long Island. She has a B.A. from New York University, and a J.D. from Brooklyn Law School.

Christopher O'Brien has been appointed Director of Special Projects. Previously, Mr. O'Brien worked at Xerox Legal and Compliance Solutions for more than ten years, most recently as Senior Vice President and Chief Operating Officer. Prior, he worked in public service as Deputy Commissioner and General Counsel of the New York State Department of Taxation and Finance. Before that, he served as Senior Assistant Counsel to Governor George E. Pataki. Mr. O'Brien received his J.D. from Albany Law School and a B.A. from Hobart College.

Sarah Bittleman has been appointed Deputy Director of Special Projects. Previously, she has worked in the U.S. House of Representatives and the U.S. Departments of the Interior and Agriculture, as well as the U.S. Environmental Protection Agency. She holds a J.D. from Tulane University, an M.P.A. from East Carolina University and a B.A. from Union College.

Molly D. Dillon has been appointed Senior Policy Advisor. Prior to joining the Governor's Office, she served in the Obama White House as a Policy Advisor for Urban Affairs, Justice and Opportunity on the Domestic Policy Council. Ms. Dillon holds an M.P.P. from Georgetown University's McCourt School of Public Policy and a B.A. from Johns Hopkins University.

Valery Galasso has been appointed Senior Policy Advisor. Ms. Galasso was a Special Assistant for Legislative Affairs in the White House for Vice President Joseph R. Biden, and a Congressional Liaison for the U.S. Department of Commerce. She holds an M.A. in Public Policy from Johns Hopkins University and a B.A. from the University of Connecticut.

Patrick Oakford has been appointed Senior Policy Advisor. Most recently, Mr. Oakford was a Policy Advisor at the United States Department of Labor. Mr. Oakford received a M.Sc. from the University of Oxford, where he graduated with distinction, and a B.S. from Cornell University.

Mike Perrin has been appointed Deputy Director of State Operations. Mr. Perrin most recently served as Executive Deputy Commissioner of the Office of Temporary and Disability Assistance. In addition, he served as Deputy Commissioner for Administration and Finance at the Division of Homeland Security and Emergency Services. Prior to rejoining state government, Mr. Perrin served in the Office of the County Executive of Albany County for 15 years. Mr. Perrin holds a B.A. from SUNY Oswego.

Kate Dineen has been appointed Chief of Staff to the Director of State Operations. Ms. Dineen most recently served as the Assistant Secretary for the Environment, and previously as the Deputy Executive Director of the Governor's Office of Storm Recovery. Before joining state government, she was U.S. Senator Kirsten Gillibrand's Policy Director. Ms. Dineen holds a Masters in City Planning from the Massachusetts Institute of Technology and a B.A. from Williams College.

Annabel Walsh has been appointed Director of Scheduling for Governor Cuomo. Previously, Ms. Walsh served as the Assistant Director of Scheduling. Ms. Walsh holds a B.A. from New York University.

Joel Wertheimer has been appointed Staff Secretary for Governor Cuomo. Most recently, he served as an Associate Staff Secretary at the Obama White House. He received his J.D. from New York University School of Law and a B.A. from Tufts University.

Jen Darley has been appointed Assistant Director of Executive Operations. Most recently, she was the National Advance Lead at the Hillary for America Campaign. She received a B.A. in Psychology and a B.S. in Business Administration from the University of Delaware.

Jon Weinstein has been appointed Deputy Communications Director for Transportation. Previously, Mr. Weinstein was a Vice President at Mercury Public Affairs. Prior to that, Mr. Weinstein worked as a reporter and anchor with NY1. Mr. Weinstein holds a B.S. from Cornell University and an M.S.J. from Northwestern University's Medill School of Journalism.

Elizabeth Bibi has been appointed Deputy Director of Media Relations. Ms. Bibi most recently served as National Press Advance Desk for Senator Tim Kaine with the Hillary for America campaign. She holds a B.A. from Barnard College.

Andrew Tillman has been appointed Speechwriter for Governor Cuomo. Most recently, he served as a Senior Research Associate and speechwriter for President Obama. Mr. Tillman holds a Ph.D. from the University of Cambridge, an M.A. from Tufts University, and a B.A. from Wake Forest University.

Tim Fullerton has been appointed Director of Digital Communications. Mr. Fullerton most recently served as the Director of National Digital Campaigns at Everytown for Gun Safety. Prior, he was the Director of Digital Strategy for the U.S. Department of the Interior. Mr. Fullerton holds a B.A. from Dickinson College.

Diana Bowen has been appointed Video Producer. Most recently, Ms. Bowen worked on the Hillary for America campaign as the state Filmmaker in Pennsylvania. Ms. Bowen holds a B.A. in Multimedia Journalism from American University.

Joseph Rabito has been appointed Deputy Secretary for Intergovernmental Affairs, after serving as Deputy Director of State Operations for Programs. In addition, Mr. Rabito serves as Executive Deputy Commissioner at the New York State Office of General Services, Deputy Commissioner at New York State Homes and Community Renewal and President of the New York State Housing Trust Fund Corporation, Commissioner of Development & Planning for the City of Albany, and at the U.S. Department of Housing and Urban Development.

Rochelle Kelly-Apson has been appointed Director of Downstate Intergovernmental Affairs for Governor Cuomo. She most recently served as Deputy Director of Intergovernmental Affairs at the Office of the New York State Attorney General. Mrs. Kelly-Apson also served as an Organizer for the New York Hotel Trades Council and as a Union Delegate for the Roosevelt Hotel in New York.

Brendan Hughes has been appointed Assistant Secretary for Economic Development. Mr. Hughes previously served as Deputy Commissioner at Empire State Development and in the clean energy sector for the New York State Energy Research and Development Authority. Mr. Hughes received a B.A. in Political Science from Siena College.

Kerri Neifeld has been appointed Assistant Secretary for Human Services. Ms. Neifeld previously served as Assistant Deputy Commissioner at the New York State Office of Temporary and Disability Assistance where she managed the newly-created Division of Shelter Oversight and Compliance; Special Assistant to the Deputy Commissioner at OTDA while serving as a member of Governor Cuomo's inaugural class of Excelsior Service Fellows. Ms. Neifeld holds a B.A. from Elmira College and an M.S.W. from the University at Albany School of Social Welfare.

Rob Gibbon has been appointed Assistant Counsel to the Governor for Transportation. Before working for the Senate, he was Assistant Counsel to the New York State Association of Counties. He received his J.D. from Albany Law School and a B.S. in Business Administration from SUNY Albany.

Penny Lowy has been appointed Appointments Secretary. She most recently served as the Head of Resourcing and the Graduate Program at ICAP NA (Broker and FinTech Company). She holds a B.A. from Stony Brook University.

John Ceretto has been appointed Project Coordinator at the New York State Office of Parks, Recreation and Historic Preservation after serving in the New York State Assembly since 2011. Before serving as an Assemblyman, Mr. Ceretto worked at the State Parks Department's Niagara Gorge Discovery Center for nearly ten years, in the facility's Education Programs Office of Historical Archives. Mr. Ceretto holds an M.S. in Education from Niagara University.

Brendan Fitzgerald has been appointed First Deputy Secretary of State at the New York Department of State. Previously, Mr. Fitzgerald served as Deputy Secretary for General Government and Financial Services; Assistant Secretary for Financial Services, Assistant Secretary for Technology, Operations and Gaming and Special Assistant for Public Finance and Local Government. Mr. Fitzgerald holds a B.A. in English and Philosophy from Siena College.

Michael Volforte has been appointed Director of the Governor's Office of Employee Relations. Mr. Volforte has served at GOER in various positions including Associate Director, Deputy Counsel and Assistant Counsel. He received a J.D. from Albany Law School and a B.A. from St. Lawrence University.

Sarah Coleman has been appointed Deputy Chair and Counsel for the New York State Public Employment Relations Board. Previously, Ms. Coleman served as Senior Counsel for the National Labor Relations Board. Ms. Coleman holds a J.D. from Columbia University School of Law and a B.A. from Boston University.

Jeffrey Pearlman has been appointed Acting Director of the Authorities Budget Office. Previously, Mr. Pearlman served as Chief of Staff and Counsel for Lieutenant Governor Kathy Hochul. Mr. Pearlman holds a J.D. from Albany Law School and a B.A. from SUNY New Paltz.

In the News – New York City



NYC Kicks Off Construction on Major Street Redesigns & NYPD Increased Enforcement Efforts

The City is beginning work on dozens of Vision Zero street redesign and construction safety projects as part of a \$1.6 billion safety initiative. Under the initiative New Yorkers will see new crosswalks, wider sidewalks, pedestrian refuge medians and new protected bicycle lanes in every borough.

According to Mayor Bill de Blasio, the first quarter of 2017 the City has so far seen a 20 percent drop in fatalities, or 8 fewer lives lost, compared to the 48 lost in 2016. To continue that progress, the NYPD has augmented failure to yield and speeding enforcement in the early morning hours, which are the most dangerous during the spring.

As of March 20th, NYPD speeding enforcement is up 17 percent year-to-date, and up 67 percent from 2014. Failure to yield enforcement up 29 percent year-to-date, and up 104 percent from 2014.

A citywide Pedestrian Safety initiative was recently conducted from Monday, March 6, 2017 through Sunday March 12, 2017. During that time, 1,915 Failure to Yield to a Pedestrian summonses were issued (an increase of 121% from the same period last year) and 12,088 other Vision Zero summonses were issued. A total of 17,416 summonses were issued for the initiative.

NYPD has a Speed Enforcement initiative currently underway. It began Monday, March 20th and concludes March 26th. NYPD is in the process of planning two more for April along with other regularly scheduled enforcement blitzes throughout the year.

Bills Signed by the Mayor

Introduction 247-A, sponsored by Council Member Elizabeth Crowley, increases the fines for performing electrical work without a license.

Introduction 267-A, sponsored by Council Member Rosie Mendez, requires DOT to designate parking spaces in municipal parking lots for car-share organizations.

Introduction 748-B, sponsored by Council Member Corey Johnson, requires the City of NY to issue a biennial report on strategies to address drug misuse in NYC.

Introduction 820-A, sponsored by Public Advocate Letitia James, requires DSNY to consider programs that would incentivize recycling in public housing.

Introduction 873-A, sponsored by Council Member Mark Levine, establishes a car-sharing pilot program that reserves some street parking spaces for car-share vehicles.

Introduction 882-A, sponsored by Council Member Helen Rosenthal, requires that a hearing loop – which helps people with hearing loss hear better – be installed for certain capital projects.

Introduction 1071-A, sponsored by Council Member Alan Masiel, requires DOT to conduct a study of private streets.

Introduction 1161-A, sponsored by Council Member Elizabeth Crowley, requires DOHMH to report annually on immunization rates of New Yorkers for Human Papillomavirus.

Introduction 1162-A, sponsored by Council Member Elizabeth Crowley, requires DOHMH to report annually on the use of contraceptives.

Introduction 1172-A, sponsored by Council Member Elizabeth Crowley, requires DOHMH to report annually on maternal mortality.

Introduction 1198-A, sponsored by Council Member Donovan Richards, requires DEP to publish a plan for reducing flooding in Queens Community Districts 12 and 13, and to report annually on progress.

Introduction 1280-B, sponsored by Council Member Chaim Deutsch, requires NYPD to make collision reports available online to individuals involved.

Introduction 1474-A, sponsored by Council Member Ydanis Rodriguez, lowers the tax on the transfer of a taxi medallion.

Introduction 1475-A, sponsored by Council Member Ydanis Rodriguez, removes certain restrictions on the transfer of taxi medallions.

Briefs

Seneca National to End Casino Payment

The Seneca Nation which runs three casinos in western New York (Buffalo, Niagara Falls and Salamanca) this week indicated that it will stop paying a portion of its revenue to state and local governments, saying the agreement has expired.

The 2002 Compact between the State and the Senecas requires the Senecas to pay 25% of its revenue to the state and local government. The Compact runs through 2023. However, the Senecas assert that the payment language expires in 2016, with the last payment due March 31st. The Senecas pay the state about \$110 million a year and smaller amounts to the communities where it has casinos.

In 2013 the State and the Senecas entered into a Memorandum of Understanding regarding the Compact, however, the Senecas asserts that it did not extend any payments.

"The 2013 MOU reached an agreement with the state for their violations of the compact, it did not change the underlying terms of the compact, which is clearly in plain language that the revenue share was for 14 years," said representatives of the Nation, according to published reports.

Governor Andrew Cuomo contends that New York is clearly owed the payments and welcomed the Senecas to discuss the issue.

"Under the terms of the compact, as well as the 2013 Memorandum of Understanding with the Seneca Nation, it's clear this payment structure remains in place. If the new leadership of the nation has questions or a different interpretation of this, they haven't shared them with us, but we're willing to meet and discuss any issues," Governor Cuomo said.

Legislators & Music and Video Game Industries Call on Governor Cuomo to Support Tax Credit

A bipartisan group of State legislators and New York is Music (NYIM)—a coalition of more than 200 music-related organizations and videogame industry professionals from around the State -- are urging Governor Cuomo to join both houses in supporting legislation that will create thousands of jobs in the music production and videogame industries. The bipartisan legislation (S3159/A2670A), passed by both chambers of the Legislature last year, is included in both the Senate and Assembly adopted budget resolutions and provides a refundable tax credit for music production and videogame development throughout the state.

"Digital gaming should be at least a \$2 and a half billion direct industry in our State, with over 10,000 jobs paying on average over \$100,000 a year. Instead, we have a \$60 million industry that has lost a net of 60 companies in the last five years," said Senator Marty Golden (R-C-I, Brooklyn). "We must correct this and make New York rank supreme in this industry."

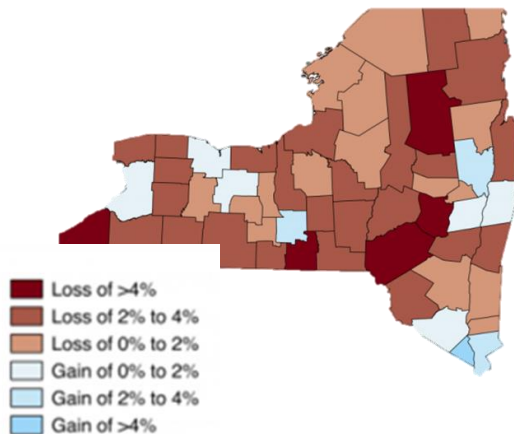
New York State Unemployment Rate Drops to 4.4% in February

In February 2017, New York State's private sector job count increased by 12,300, or 0.2%, to 8,045,400, a new all-time record high, according to preliminary figures released this week by the New York State Department of Labor. New York's statewide unemployment rate decreased from 4.6% to 4.4% in February. The New York City rate declined from 4.5% to 4.3%.

The State's private sector job count is based on a payroll survey of 18,000 New York employers conducted by the U.S. Department of Labor's Bureau of Labor Statistics.

Upstate population drop continues; 46 of 62 NY counties down since 2010

The population of upstate New York declined by 23,434 people between 2015 and 2016, while the population increase downstate slowed markedly below previous levels during the same period, according to the latest U.S. Census Bureau estimates.



During the 12-month period ending last July 1, the downstate region (New York City, Long Island and the lower Hudson Valley) gained a combined total of 21,540 people, less than half the region's increase during the previous year. This brought the total downstate population to 13,465,661, an *increase* of 426,835 since the 2010 census, while the combined population in 50 upstate counties stood at 6,279,628, a *decrease* of 59,648 people since 2010.

NYC Aging

A new report from New York City Comptroller Scott Stringer found the number of New Yorkers over 65 years old surged by 19.2% between 2005 and 2015 — more than triple the rate of growth for the population under age 65.

In addition, the number of New Yorkers aged 65 and older has grown in each borough over the last ten years, with the population growing fastest in Staten Island and the Bronx. By 2040, city planners expect there will be 1.4 million older adults living in New York City.

De Blasio Administration Announces New Revolving Loan Fund To Help M/WBEs Gain Access To Capital

The de Blasio Administration this week launched the Contract Financing Loan Fund this week, allowing M/WBEs to apply for low-interest contract financing loans of up to \$500,000. The loans, offered by the Department of Small Business Services, come with a 3 percent interest rate and include flexible repayment schedules to help M/WBEs increase access to capital and grow their business.

In addition, the Administration unveiled a streamlined application for M/WBE certification and a separate M/WBE certification application for small businesses owned and operated by one person (sole proprietors).

Coming Up

New York State

No meetings scheduled this week

New York City

Monday, March 27th

Committees on General Welfare, Women's Issue, and Juvenile Justice, Council Chambers – City Hall, 10 a.m.

Preliminary Budget Hearing-General Welfare, Women's Issues and Juvenile Justice.

Committee on Sanitation and Solid Waste Management, Committee Room – City Hall, 1 p.m.

Preliminary Budget Hearing-Sanitation and Solid Waste Management.

Tuesday March 28th

Subcommittee on Zoning and Franchises, Committee Room – 250 Broadway 16th Floor, 9:30 a.m.

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

Preliminary Budget Hearing-Transportation.

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

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

Wednesday March 29th

Committee on Land Use, Committee Room – City Hall, 10:30 a.m.

Preliminary Budget Hearing-Land Use.

Committee on Technology, Council Chambers – City Hall, 12 Noon

Preliminary Budget Hearing-Technology.

Int 0564-2014 in relation to online submission of applications for permits licenses and registrations.

Thursday March 30th

Committee on Public Safety, Council Chambers – City Hall, 10 a.m.
Preliminary Budget Hearing-Public Safety.

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