In the News – New York State

How Was Your Week?

If it’s possible, this week’s return of the New York State Legislature brought more unrest to the State Capitol than the budget scramble which preceded the Legislature’s break.

Prior to the holiday break, legislative staffs worked around the clock to craft a plan for each house to pass before adjourning. The bleary-eyed staff members delivered and the members of the Legislature left Albany vowing to work on a unified budget during the break. However, their return sparked more controversy and a seemingly larger rift than the release of respective spending plans which were billions of dollars apart. In fact, the week’s rumors and innuendo left many observers wondering what was actually accomplished during the Legislature’s 48 hour return.

What Did Not Get Done

► Agreement on Major or Minor Budget Provisions or Whether to Meet At All
  • No “Leaders Meetings” held this week.
  • Governor asserted that Legislative Leaders would not take his calls.
  • Assembly Speaker and Governor met on Thursday, but no resolution of budget issues.

► Assignment of Conference Committee Members or Meetings
  • Although both houses have presented a framework for its budget proposals, legislative conference committee members have not been named.

► Agreement on What to do About NYC OTB
  • With the April 11th shut down date growing near, the Assembly is scrambling to put together a plan to be ratified early next week.

► Agreement on Construction Payments in Emergency Spending
  • Legislators on both sides of the aisle have come out in opposition to the Governor’s delayed payments. However, the Governor has not indicated that the upcoming emergency spending bills will release funds for the projects.

► Agreement on State Employee Raises Due April 1st
  • Fully acknowledging that a “deal is a deal,” legislators on both sides of the aisle have come out in both support and opposition to the Governor’s delayed payments. Comments range from “we should all share the pain” to “we cannot take the bread off their tables in these tough economic times.”
What Did Get Done

Passed Both Houses
S5111 Senator Breslin -- Allow municipalities to offer the New York State health Insurance Plan (NYSHIP) to volunteer firefighters and ambulance company workers.

A5985A M. of A. Glick -- Eliminates the 21-year limit for the duration of pet trusts.

A7899A M. of A. Jeffries -- Clarifies the way a non-marital child can establish status to inherit from his or her father.

A8394 M. of A. Weinstein -- Grants jurisdiction to entertain certain declaratory judgment actions commenced pursuant to the fee dispute resolution program.

A9872 M. of A. Towns -- Makes the check cashing exemption for national banks and other regulated entities permanent.

A9955 M. of A. Silver -- Authorizes Manhattan Youth Recreations and Resources, Inc. to file an application for exemption from real property taxes.

Passed Assembly
A1567 M. of A. Brodsky -- Authorizes shareholders to attend meetings via remote communication and to be deemed present for voting purposes.

A5193B M. of A. Brodsky -- Establishes the maximum annual fee that licensed nuclear electric generating facilities are liable for in relation to emergency preparedness plans.

A6371A M. of A. Hyer-Spencer -- Allows agencies to charge for postage when records are mailed through a FOIL request; agencies may waive fees for the reproduction of records.

A6509B M. of A. Naomi Rivera -- Relates to providing unlisted numbers for domestic violence victims.

A8392B M. of A. Weinstein -- Makes technical corrections to provisions establishing powers of attorney for financial estate planning.

A8684A M. of A. Weinstein -- Requires every transfer or assignment of an interest in a recorded mortgage to be recorded with the county clerk or city register.

Passed Senate
S716 Senator Craig Johnson -- Authorizes Vaishnav Temple of New York to file an application for exemption from real property taxes for certain land.

S6277 Senator Stachowski -- Designates a portion of the state highway system as the "National Veterans Highway."
S6303 Senator Aubertine – Provides good faith donors of canned or perishable food to a bona fide charitable organization protection from civil or criminal liability.

S6816B Senator Stachowski -- Allows all brewers and distributors of beer and malt beverages to opt for either an annual tastings permit or a three day tasting permit.

Even the “Routine” Has Become Contentious

Budget Extenders Draw Ire, Lawsuits

New York State has a history of contentious budget negotiations with the legislative leaders and the Governor heaping the blame of overspending on the other. Governors Hugh Carey, Mario Cuomo, George Pataki, and Eliot Spitzer all did their share of finger pointing at their legislative counterparts. However, this year New York has brought the political sparring to a new level.

Not only do the leaders disagree on the overall spending plan, the contents of the emergency spending bills – bills to keep government working two weeks at a time – have now become the “detail devils.”

Just prior to the recent holiday break, Governor David Paterson sent down legislation to pay the state’s bills through April 11th and state workers through April 15th. However, the spending bills did not include construction spending as of April 1 for any new or ongoing projects.

“I’m delaying the money because we don’t have it,” Governor Paterson added. “Right now ... I’m only going to focus on what is absolutely essential, and nothing else.”

More than 500 projects have been impacted statewide. According to published reports, contractors on 12 projects have suspended their work until payments resumed.

The Governor has suggested that the construction crews continue their work, despite the fact that he does not intend to include money for construction in the upcoming extenders.

“It would be easier for them to continue working, because they will eventually get paid,” Paterson said.

Senator John Sampson, head of the Democrat majority, disagrees with the Governor.

“Nothing is more important than creating and protecting jobs,” Senator Sampson explained. “I urge the governor to rethink his decision to withhold construction funds and include in the next appropriation bill sufficient capital spending for construction projects.”
There is little likelihood that the Governor will relent. In fact, this time around Governor Paterson has added delaying pay raises for 130,000 state workers to the extender controversy. On April 1st a 4 percent pay increase took effect for state employees, adding approximately $480 million to New York’s payroll expense. The raises were scheduled to appear in paychecks beginning April 22.

“…We don’t have the resources to pay them right now,” Governor Paterson said. “We are doing everything we can to keep the ship afloat.”

In response, public employee unions are promising contract grievances and litigation and legislators have called the action unjustified.

“It’s unnecessary, hurtful to people who need every cent they earn during these difficult economic times,” Assembly Majority Leader Ron Canestrari said. “I don’t see any justification.”

Add the payments to school districts to the mix and a new political dynamic is starting to develop as State officials are considering rewarding school districts with additional state aid if they can convince unions to accept salary concessions. To date, eight districts across the state have reopened existing contracts to accept pay concessions, according to the New York State School Boards Association.

Governor Paterson said Wednesday he would consider directing more state money to districts whose unions help them save on payroll costs.

"It's certainly apt, I think, that we would be trying to reward the districts where those who make extra sacrifices, so that's certainly a conversation we'd be willing to have," Governor Paterson said, according to published reports.

Meanwhile, legislators are calling upon the state employee labor unions to follow the lead of the school districts.

“At this time of economic crisis, teachers in the Port Washington and Roslyn school districts, which I represent, made a responsible and laudable decision to forgo raises this coming year,” Long Island Senator Craig Johnson explained. “Members of public employee unions should do the same.”
Governor Paterson Announces Request for Grant Applications for Urgent Care Facility for Saint Vincent's

Governor David A. Paterson today announced the release of a Request for Grant Applications (RGA) for the development of a new model of urgent care services in Greenwich Village, in order to continue important medical services in Saint Vincent's Catholic Medical Center (SVCMC) community. The release of the RGA comes as SVCMC prepares for closure of its inpatient hospital.

Hospitals and Diagnostic and Treatment Centers will be eligible to submit proposals to preserve urgent care services that will be diminished as a result of the closure of SVCMC on West Twelfth Street in Lower Manhattan. This project will establish a new model of care, where patients can receive urgent health care services on a walk-in basis. The project will create comprehensive ambulatory care, including basic medical imaging, laboratory services, use of electronic medical records, and accessibility to and the ability to provide rapid transit to full-service emergency room available for life-threatening conditions.

The RGA was issued by DOH and the Dormitory Authority of the State of New York, which jointly administer the HEAL NY Program. Grant applications will be due April 16, 2010. A copy of the HEAL NY Phase 16 Request for Grant Applications and associated application forms can be obtained at www.nyhealth.gov/funding/.

City-based legislators have indicated that the “first and best replacement remains a full acute care hospital and a 24-hour emergency room. Anything less is not a true replacement and merely a stopgap solution.”

In a letter to Governor Paterson, Council Speaker Christine Quinn, City Comptroller John Liu, Public Advocate Bill de Blasio, Borough President Scott Stringer, Congressman Jerrold Nadler, State Senator Daniel Squadron, Assemblymembers Deborah J. Glick and Linda Rosenthal, and NYC Council Member Margaret Chin, asserted that if any provider steps forward with a proposal to open a full service hospital, it must be the first priority. In addition, any provider selected must commit to serving all the populations previously treated by St. Vincent’s, including the uninsured. (According to the letter, Health Committee chairs Senator Thomas Duane and Assemblyman Richard Gottfried also sent letters to the Governor addressing the issue.)

The representatives asserted that until an acute care facility and a 24-hour emergency room can be secured, we must work to save as many of the services and procedures provided by St. Vincent’s as possible. They demanded that the Governor does not approve “the full closure of St. Vincent’s, or licenses for any new facility, until there is a guarantee of a facility offering a broad range of outpatient services,” including an urgent care center (UCC) that would include the following:
► 24 hour on site care by physicians and other professionals, providing all types of medical care including ambulatory or outpatient surgery.

► Point-of-care tests, On site adequate imaging and phlebotomy.

► Cardiac Care and catheterization.

► Care in relation to SVCMC’s Designated AIDS Center.

In Brief

Bloomberg Takes His Agenda to the People

Mayor Michael R. Bloomberg this week released the fifth annual New York City Card, a credit card sized guide for New York's political donor community outlining the City's Federal and State priorities. The New York City Card, first created in 2006, provides donors with easy-to-reference issues when political candidates are calling for contributions. This year's card lists five of the City's top Federal and State agenda items including:

► **Education:** Urge the State to enact reforms that put New York in the best position to compete for federal Race to the Top funds, including lifting the cap on charter schools.

► **Financial Reform:** Ensure that efforts in Congress to reform the financial industry do not include punitive measures that will undermine an industry that is a cornerstone of the city's and the nation's economy.

► **Illegal Guns:** Urge the State to require microstamping technology in new handguns to help police identify shooting suspects, and urge Congress to close the Gun Show Loophole to prevent criminals from buying guns without background checks.

► **Immigration:** Urge Congress to pass comprehensive immigration reform that honors our history, secures our borders, and improves our economic competitiveness.

► **9/11 Health:** Urge Congress to fund a long-term WTC health care program for responders, workers and survivors.
City Receives Cash Payment Settling “Counterfeit Triangle” Case

Mayor Michael R. Bloomberg this week announced a $800,000 payment to the City that settles the "Counterfeit Triangle" case and reopens a key block of Manhattan's Chinatown. The City will receive the payment from the owners of a single triangular block that was notorious for the sale of counterfeit goods. The lawsuit, a civil nuisance abatement action, was filed after a February 26, 2008 raid that shuttered 32 storefronts selling counterfeit goods. Under the terms of the settlement, the property owners must use the building, bounded by Canal, Centre, and Walker Streets, for legitimate purposes.

In the raids that triggered the lawsuit, the Mayor's Office of Special Enforcement seized counterfeit trademarked products with an estimated street value of over $1 million. As part of the Mayor's Office of Special Enforcement investigation, 42 undercover purchases were made in a series of the buildings' 32 storefronts. The investigation uncovered counterfeits of Coach, Gucci, Dolce & Gabbanna, Dior, Prada, Rolex, Fendi, Burberry, Calvin Klein, Dora the Explorer and Oakley.

Mayor Bloomberg created the Office of Special Enforcement by Executive Order in December, 2006. It replaced the former Office of Midtown Enforcement and expanded its activities to all five boroughs. The Office of Special Enforcement is responsible for coordinating enforcement efforts across City agencies to address quality of life issues related to notorious adult use locations, lawless clubs, trademark counterfeiting bazaars and illegal conversions of apartment buildings into hotels.

New York City Breaks Ground on Staten Island Remediation Project

Project Will Transform Contaminated Site into a 132-Acre Park

Mayor Michael R. Bloomberg, Congressman Michael E. McMahon and Staten Island Borough President James P. Molinaro this week broke ground on a project to remediate the Brookfield Avenue Landfill in Staten Island. The Brookfield Avenue Landfill is a former municipal solid waste disposal site, where toxic materials were illegally dumped in the 1970s. The project will cover the 132-acre solid waste disposal portion of the site with 2 million tons of soil and an impermeable landfill cap and turn the site into parkland. The remaining acres, a mixture of undisturbed land, forest, wetlands and streams, will require no remediation. The remediation work will be completed in 2015 and tree and shrub plantings will be installed by 2017. The $266 million project is funded with $166 million of City funding and $100 million in funding from the New York State Department of Environmental Conservation.

The Brookfield site was operated by the Department of Sanitation from 1966 to 1980. During that time, the site operated 24-hours per day, six days a week, and accepted approximately 1,000 tons of solid waste per day. The New York State Department of Environmental Conservation determined that liquid and hazardous industrial wastes were illegally dumped at the landfill in the 1970s and, in 1986, classified the landfill as a Class II Inactive Hazardous Waste Disposal Site.
The Mayor also was joined at the ground breaking by State Senator Andrew J. Lanza, Assemblyman Lou Tobacco, and City Council Members James S. Oddo and Vincent M. Ignizio.

**Coming Up**

**New York City**

**Monday, April 12th**

*Committee on Consumer Affairs*, Council Chambers - City Hall, 10 a.m.
- **T2010-0586** A Local Law to amend the administrative code of the city of New York, in relation to sound reproduction devices on sight-seeing buses.
- **Int 0035-2010** A Local Law to amend the administrative code of the city of New York, in relation to the regulation of horse drawn cabs and repealing section 17-333 of the administrative code.

*Committee on Governmental Operations*, 250 Broadway - Hearing Room, 14th Fl., 1 p.m.
- **Int 0130-2010** A Local Law to amend the administrative code of the City of New York, in relation to requiring the Corporation Counsel to submit quarterly reports to the City Council, Comptroller and Civilian Complaint Review Board detailing the number and disposition of civil actions filed against the New York City Police Department.

**Tuesday, April 13th**

*Subcommittee on Zoning and Franchises*, Council Chambers - City Hall, 9:45 a.m.

*Committee on Land Use*, Council Chambers - City Hall, 10 a.m.

*Committee on Civil Service and Labor*, 250 Broadway - Hearing Room, 14th Fl., 1 p.m.
- **Int 0024-2010** A Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for certain persons retired from employment by the board of education.

*Committee on Health*, 250 Broadway - Hearing Room, 16th Fl., 1 p.m.
- **Res 0039-2010** Resolution urging the United States Congress to reintroduce and pass legislation that would amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases.
- **Res 0080-2010** Resolution calling upon the United States Food and Drug Administration to reverse their longstanding prohibition on homosexual men donating blood.
Wednesday April, 14th

Committee on Finance, Council Chambers - City Hall, 10 a.m.
- Int 0128-2010 Budget Extender
  - A Local Law in relation to the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor’s executive budget, the date of publication of a report by the director of the independent budget office analyzing the executive budget, the date by which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to hav

- T2010-0602 Dept of Education’s expense budget in FY’10. (MN -3)
  - Communication from the Office of Management & Budget – Pursuant to Section 107(b) of the New York City Charter, transfer City funds between various units of appropriation within the Department of Education’s expense budget in fiscal year 2010. (MN -3)

Committee on Rules, Privileges and Elections, Council Chambers - City Hall, 10:30 a.m.
- M 0030-2010 Communication from the Mayor - Submitting the name of Matthew W. Daus to the Council regarding his appointment to the New York City Civil Service Commission.
- M 0032-2010 Communication from the Mayor - Submitting the name of Diana Chapin to the Council regarding her reappointment to the Landmarks Preservation Commission.
- M 0033-2010 Communication from the Mayor - Submitting the name of Elizabeth Ryan to the Council regarding her reappointment to the Landmarks Preservation Commission.
- M 0034-2010 Communication from the Mayor - Submitting the name of Pablo Vengoechea to the Council regarding his reappointment to the Landmarks Preservation Commission.

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

Thursday April 15, 2010
Committee on Parks and Recreation, 250 Broadway - Hearing Room, 14th Fl., 10 a.m.
- Int 0123-2010 A Local Law to amend the administrative code of the city of New York, in relation to the surface areas of playgrounds and playing fields.

Committee on Public Housing, Council Chambers - City Hall, 10 a.m.
- T2010-0599 Oversight - NYCHA’s Utility Costs and Its Efforts to Reduce Energy Consumption.

Committee on Technology, 250 Broadway - Hearing Room, 16th Fl., 10 a.m.
- T2010-0232 Oversight - NYC Media (NYC-TV)

Committee on Environmental Protection, 250 Broadway - Hearing Room, 14th Fl., 1 p.m.
- T2010-0607 Oversight - Invasive Species Control in New York
Committee on General Welfare, Council Chambers - City Hall, 1 p.m.
• T2010-0594 Oversight - Update on DHS’ Advantage NY and Home Base Programs

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