



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop Del Giorno & Giblin LLC

September 16, 2011 Edition



## *In the News – New York State*



### **Legislative Mill Resumes Grinding**

#### *Governor Mulling the Fate of 126 Initiatives*

This week, the State Legislature sent 126 bills to Governor Andrew Cuomo for his executive action. Governor Cuomo has until September 22<sup>nd</sup> to either approve or veto each of the 126 bills.

With the devastation caused by Hurricane Irene and Tropical Storm Lee, all eyes have been squarely focused on relief efforts. The previous “batch” of bills was delivered to the Governor on August 5. Since that time, only a handful of bills have been sent down.

This week’s delivery leaves 30 two-house-approved bills to be sent down, including the much-publicized New York City taxi bill and the controversial “mail order” pharmacy bill. In total, 676 bills received two-house passage this year. Of those measures, 493 have been approved, 27 vetoed, 126 are in the current “batch” and 30 have yet to be delivered to the Governor. Technically bills can be held by the Legislature until the end of the year at which point they must be transmitted to the Governor.

#### ***Amongst the Bills Delivered to the Governor:***

***A160A Sponsored by M of A Cahill (Senator Larkin)*** -- Permits persons licensed to sell wine at retail for consumption on the premises to sell certain low alcohol beverages.

***A356 Sponsored by M of A Hoyt (Senator Maziarz)*** -- Prohibits state officers and employees from using the thruway system without paying tolls during non-working hours.

***A2129B Sponsored by M of A Lancman (Senator Young)*** -- Enacts the juvenile justice worker protection act relating to the definition of public employers.

***A2349A Sponsored by M of A Weinstein (Senator Saland)*** -- Directs municipal police training council to establish policies and procedures for police officers, relating to investigation of and intervention into sex offenses.

***A3127A Sponsored by M of A O'Donnell (Senator Dilan)*** -- Relates to contracts for transportation of children.

**A4954 Sponsored by M of A Abbate (Senator Golden)** -- Provides continuous health insurance coverage to spouse or dependents of public employees who are injured in the performance of duty or taken ill as a result of duty.

**A5744A Sponsored by M of A Abbate (Rules)** -- Provides that a member with at least 20 years of creditable police or fire service in the retirement system shall not be precluded from any rights.

**A5785 Sponsored by M of A Abbate (Rules)** -- Provides for health insurance and supplemental benefits to retirees of the New York city OTB.

**A6686B Sponsored by M of A Wright (Senator Robach)** -- Relates to the rates of payment for the treatment and care of injured employees.

**A6902A Sponsored by M of A Hevesi (Senator Marcellino)** -- Authorizes records of bodies of deceased persons to be kept by an electronic log.

**A7445 Sponsored by M of A Lavine (Senator Carlucci)** -- Provides a cure period in regulations affecting small businesses and local governments.

**A7480A Sponsored by M of A DenDekker (Senator Golden)** -- Relates to an annual report detailing the use of temporary employees by state agencies and public authorities.

**A7697 Sponsored by M of A Cusick (Senator Zeldin)** -- Requires the development and implementation of a permit process for demonstrations at veteran and veteran family member funerals.

**A7698 Sponsored by M of A Cusick (Senator Griffo)** -- Extends the buffer zone around a religious service, funeral, burial or memorial service.

**A7729 Sponsored by M of A Weinstein (Senator Bonacic)** -- Modifies certain formulas construed to refer to the federal estate and generation-skipping transfer tax on estates of decedents dying during 2010.

**A8179 Sponsored by M of A Gottfried (Senator Hannon)** -- Relates to restricting duties which may be assigned to specialist's assistants in radiology.

**A8188A Sponsored by M of A Gibson (Senator Hannon)** -- Authorizes the dormitory authority to provide financing to the Primary Care Development Corporation for the construction of primary care facilities.

**A8248 Sponsored by M of A Gottfried (Senator Hannon)** -- Provides for the payment of capitated rates for services provided by assisted living programs, whether freestanding or not.

**A8368A Sponsored by M of A Weinstein (Senator Bonacic)** -- Specifies courts and types of actions in which pilot programs will be authorized to permit use of electronic means to commence an action or special proceeding.

**S587A Sponsored by Senator Klein (M of A Nolan)** -- Directs the NYC School Chancellor to inventory and report on the outdoor schoolyards.

**S2373A Sponsored by Senator Stewart-Cousins (M of A Latimer)** -- Authorizes recording officers to accept conveyance of real property presented for recording as electronic records.

**S2987 Sponsored by Senator LaValle (M of A Canestrari)** -- Authorizes a new type of professional service corporation to be known as a professional service corporation.

**S3402 Sponsored by Senator Golden (M of A Abbate)** -- Authorizes the eight New York state public retirement systems to increase their asset investments in real property to ten percent.

**S3953B Sponsored by Senator Hannon (M of A Nolan)** -- Directs commissioners of education and health to adopt rules and regulations for the treatment and monitoring of students with mild traumatic brain injuries.

**S3988B Sponsored by Senator Lanza (M of A Lopez)** -- Requires coverage of orally administered chemotherapy treatments

**S4308 Sponsored by Senator DeFrancisco (M of A Magnarelli)** -- Allows a professional service limited liability company to be surviving business entity in the case of a merger with a professional service corporation.

**S4563A Sponsored by Senator Savino (M of A Cahill)** -- Relates to the practice of surgical technology and surgical technologists.

**S4844A Sponsored by Senator Maziarz (M of A Gabryszak)** -- Directs the office of parks, recreation and historic preservation to allow Nik Wallenda to traverse the Niagara River Gorge on a high wire.

**S4991B Sponsored by Senator Hannon (M of A Bing)** -- Establishes the clinical information resource access program to provide information to medical institutions and facilities.

**S5558 Sponsored by Senator Ball (M of a Abbate)** -- Provides death benefits and health insurance coverage to eligible survivors of public employees who die while ordered to service in the uniformed services.

**S5637 Sponsored by Senator DeFrancisco (M of A Farrell)** -- Defines and exempts electronic news sources and periodicals from sales and compensating use taxes.

**S5793 Sponsored by Senator McDonald (M of A Ortiz)** -- Relates to providing notice of abuse investigations at mental hygiene agencies.

**S5795 Sponsored by Senator McDonald (M of A Ortiz)** -- Relates to reporting of crimes at mental hygiene facilities.

## *In the News – New York City*

# Comptroller Liu: President Obama's Jobs Bill Will Be a \$9 Billion Boost to NYC

President Obama's American Jobs Act could add more than \$9 billion to New York City's economy and create or maintain over 50,000 jobs, according to an analysis by New York City Comptroller John Liu.

While the information provided by the White House is aggregated at the state level, the Comptroller's Office estimated that New York City will receive approximately 40 percent of New York State's total allocation. The majority of the Act's benefits are designed to be realized immediately in 2012. Specifics of the Comptroller's analysis include:



- Employee Payroll Tax Cut (NYC Impact: \$4.8 billion + 25,000 jobs)  
The payroll tax cut could provide a total benefit of \$4.8 billion to NYC workers and create or preserve 25,000 jobs during 2012. Benefits will vary depending on individual salaries. For example, a worker earning \$25,000 would receive an annual tax cut of just \$775, while a worker earning \$100,000 would receive an annual tax cut of \$3,100.
- Infrastructure Investments (NYC Impact: \$2.3 billion + 17,000 jobs)  
Over time, the plans could provide \$2.3 billion in funds to help modernize the City's transportation, school, and housing infrastructure, thus supporting over 17,000 jobs.
- Local Educational & First-Responder Aid (NYC Impact: \$700 million)  
The aid to prevent the layoffs of teachers and additional support for police officers and firefighters could provide over \$700 million in funding to the City to help restore 3,700 teaching positions and maintain or increase uniformed Police and Fire headcounts.
- Employer Payroll Tax Cut  
The employer payroll tax cut will reduce the employer's payroll tax on the first \$5 million in payroll from 6.2 percent to 3.1 percent.
- Payroll Tax Holiday for Added Workers or Increased Wages  
The payroll tax holiday will eliminate the employer payroll tax on increased payroll from either additional hiring or wage increases.
- Mortgage Refinancing (NYC Impact: \$1.3 billion + 6,700 jobs)  
The program to remove barriers for home owners to refinance their mortgages at today's interest rates could provide \$1.3 billion to New York City homeowners, resulting in an average

annual savings of more than \$6,000 or average monthly savings of \$500 per borrower. These savings are projected to create or preserve up to 6,700 jobs during 2012.

Comptroller Liu asserted that while the Act will “significantly benefit the City's employees, businesses, and government,” it is unclear what specific revenue strategies will be used to finance the tax cuts and spending measures and how this will impact the City.

## *In Brief*

### **Comptroller DiNapoli: NY’s Financial Plan Operating on “Razor Thin” Margin**

Although tax collections for the first five months of state fiscal year (SFY) 2011-12 were \$3.3 billion higher than last year for the same period, the revenue is \$75.7 million below New York’s Financial Plan projections, according to the August 2011 Cash Report released today by New York State Comptroller Thomas P. DiNapoli.

“Revenue collections, as anticipated, have grown from last year,” Comptroller DiNapoli explained, citing that the growth in tax collections was primarily associated with estimated tax settlements based on 2010 earnings that are unlikely to be repeated in the coming months. “Still, the Blue Chip consensus economic forecasts for growth continue to be revised downward, raising concerns for the remainder of the fiscal year. We should be prepared for the possibility that revenue growth may falter, requiring downward adjustments to the Financial Plan.”

The General Fund ended August with a balance of \$1.6 billion, \$0.7 million lower than projected in the Financial Plan updated August 2. Receipts, including transfers, grew \$3.1 billion over last year primarily because of higher personal income tax (PIT) collections in April and \$500 million in delayed refunds that lowered last year’s revenue. PIT collections ended the month \$45.2 million lower than the latest projections

### **September 13<sup>th</sup> Special Election Results**

<b>Race</b>	<b>Winner</b>	<b>Party</b>
9 <sup>th</sup> Congressional District	Bob Turner	Republican
23 <sup>rd</sup> Assembly District	Phil Goldfeder	Democratic
27 <sup>th</sup> Assembly District	Michael Simanowitz	Democratic
54 <sup>th</sup> Assembly District:	Rafael Espinal	Democratic
73 <sup>rd</sup> Assembly District	Dan Quart	Democratic
116 <sup>th</sup> Assembly District	Anthony Brindisi	Democratic
144 <sup>th</sup> Assembly District	Sean Ryan	Democratic

## Federal Disaster Aid Approved for Additional Counties

New York State Residents and small businesses in a total of 28 counties are now eligible to apply for the following assistance: the Individuals and Households Program, Crisis Counseling, Disaster Unemployment Assistance, USDA food coupons and distribution, USDA food commodities, Disaster Legal Services, the Disaster Supplemental Nutrition Assistance Program, and Small Business Administration disaster loans.

The counties currently eligible for assistance from Hurricane Irene are as follows:

Individual Assistance (Assistance to individuals and households): Albany, Bronx, Columbia, Clinton, Delaware, Dutchess, Essex, Greene, Herkimer, Kings, Montgomery, Nassau, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington and Westchester counties.

Public Assistance (Assistance for debris removal, emergency protective actions and the repair or replacement of disaster-damaged facilities): Albany, Bronx, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Greene, Hamilton, Herkimer, Kings, Montgomery, Nassau, New York, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington and Westchester counties. Direct federal assistance is authorized.

The counties currently eligible for assistance from Tropical Storm Lee are as follows:

Individual Assistance (Assistance to individuals and households): Broome, Chenango, Delaware, Otsego, Schenectady and Tioga counties.

All counties in the State of New York are eligible to apply for assistance under the Hazard Mitigation Grant Program (Assistance for actions taken to prevent or reduce long term risk to life and property from natural hazards).

Residents and business owners who sustained losses in the designated counties can begin applying for assistance by registering online at <http://www.DisasterAssistance.gov> or by calling 1-800-621-3362.

## Appliance Program Targeted to Assist Victims of Hurricane Irene and Tropical Storm Lee

New York this week launched an \$8 million appliance grant program for those who sustained property damage as a result of Hurricane Irene and Tropical Storm Lee. The program will help New Yorkers cover the costs of replacing vital household appliances, such as refrigerators, boilers, washing machines and furnaces, damaged by the recent flooding. Grants will be a fixed amount for different appliances and could cover up to 100 percent of the costs of a purchase. If the cost of the appliance exceeds the cap, the program will pay a portion of the total costs up to the cap.

The program will be administered by the New York State Energy Research and Development Authority (NYSERDA) with funding from the American Recovery and Reinvestment Act. Grants will be available for the most critical energy efficient equipment and appliances.

Residents statewide in affected areas will be eligible and must affirm that they have been impacted by Hurricane Irene or Tropical Storm Lee and that these products are not covered by insurance or FEMA assistance. For residents affected by Hurricane Irene, grants on purchases of approved appliances and equipment will be retroactive to Aug. 29, 2011, and for residents affected by Tropical Storm Lee, grants will be retroactive to Sept. 9, 2011.

## **EPA Gives Formal Recognition to NYC's Brownfield Clean-up Program**

The U.S. Environmental Protection Agency (EPA) has formally recognized the New York City Brownfield Clean-up Program – the first time the EPA ever has recognized a municipal brownfield program. The formal EPA recognition enables the City to use Federal brownfield grants for site investigation and clean-up activities.

The New York City Brownfield Clean-up Program began operation in January of 2011 and helps land owners and developers to clean up contaminated properties and facilitates redevelopment. The program is run by the Mayor's Office of Environmental Remediation.

In the program's first seven months, 22 projects have applied to the program and 18 have been approved for clean-up. The remaining four projects are expected to begin by early fall. The 22 projects will remediate a total of 35 lots and will enable 1.25 million square feet of new development, including more than 480,000 square feet of new retail, commercial and office space and 490 units of new housing. Most of the properties have been vacant for several years or more prior to becoming a part of the City's program. The new developments created from previously unusable land are expected to generate more than 1,000 new permanent jobs.

## ***Coming Up***

### ***New York State***

***Tuesday, September 20<sup>th</sup>***

***Congressional and State Legislative Redistricting***

New York State Legislative Task Force on Demographic Research and Reapportionment  
Brooklyn Borough Hall, Community Room, 209 Joralemon Street, Brooklyn, 10 a.m.

***Wednesday, September 21<sup>st</sup>***

***Congressional and State Legislative Redistricting***

New York State Legislative Task Force on Demographic Research and Reapportionment  
Assembly Hearing Room, 250 Broadway, Room 1923, 19th Floor, New York, 10 a.m.

***Economic Development Issues and Potential Partnerships Between the Native American Nations and Tribes with New York State***

Senate Standing Committee on State-Native American Relations

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

Time: 10:00 A.M. – 2:00 P.M.

***Thursday, September 22***

***Congressional and State Legislative Redistricting***

New York State Legislative Task Force on Demographic Research and Reapportionment

Joan & Allen Bernikow Jewish Community Center, 1466 Manor Road, Staten Island, 10 a.m.

***To examine the Long Island Power Authority's in Relation to Hurricane Irene***

Senate Standing Committee on Investigations and Government Operations

Nassau County Building, 1550 Franklin Avenue, Mineola, 9:45 a.m.

***New York City***

***Monday, September 19<sup>th</sup>***

***Subcommittee on Planning, Dispositions and Concessions, 250 Broadway, 16th Fl., 9:45 a.m.***

***Committee on Land Use, 250 Broadway - Committee Rm, 16th Fl., 10 a.m.***

***Committee on Civil Service and Labor, 250 Broadway - Hearing Rm, 16th Fl., 11 a.m.***

T2011-3639 Resolution calling upon Dr. John Howard, Administrator of the World Trade Center Health Program, to examine new evidence indicating a link between exposure to Ground Zero toxins and cancer and reconsider adding coverage for cancers under the James Zadroga 9/11 Health and Compensation Act.

***Committee on Higher Education, 250 Broadway - Committee Rm, 16th Fl., 1 p.m.***

***Oversight CUNY Grove's School of Engineering***

***Committee on Waterfronts, 250 Broadway - Committee Rm, 14th Fl., 1 p.m.***

T2011-3600 Oversight - North River Wastewater Treatment Plant Fire: Assessing Community Outreach and the Impact on Businesses and Recreation.

***Tuesday, September 20<sup>th</sup>***

***Committee on Juvenile Justice, RNDC unit at Riker's Island 18-18 Hazen Street East Elmhurst, 10:30 a.m.***

T2011-3556 Tour: RNDC unit at Riker's Island



***Wednesday, September 21<sup>st</sup>***

***Committee on Contracts, 250 Broadway - Committee Rm, 14th Fl., 9:45 AM***

*Proposed Int. No. 624-A* In relation to the procedure governing agency service contracts.

***Committee on Finance, 250 Broadway - Committee Rm, 16th Fl., 10:00 AM***

***Committee on Rules, Privileges and Elections, 250 Broadway - Committee Rm, 16th Fl., 10:30 AM***

*M 0633-2011* Communication from the Mayor - Submitting the name of Paula Berry to the Council regarding her appointment to the Waterfront Management Advisory Board.

*M 0634-2011* Communication from the Mayor - Submitting the name of Edward Kelly to the Council regarding his appointment to the Waterfront Management Advisory Board.

*M 0635-2011* Communication from the Mayor - Submitting the name of Roland Lewis to the Council regarding his appointment to the Waterfront Management Advisory Board.

*M 0636-2011* Communication from the Mayor - Submitting the name of Andrew McGovern to the Council regarding his appointment to the Waterfront Management Advisory Board.

*M 0637-2011* Communication from the Mayor - Submitting the name of Peggy Shepard to the Council regarding her appointment to the Waterfront Management Advisory Board.

*M 0638-2011* Communication from the Staten Island Borough President - Submitting the name of Rayann Besser to the Council regarding her appointment to the New York City Planning Commission.

*T2011-3640* Communication from the Mayor - Submitting the name of Pamela Brier to the Council regarding her reappointment to the Board of Health.

*T2011-3641* Communication from the Mayor - Submitting the name of Dr. Deepthiman Gowda to the Council regarding his appointment to the Board of Health.

*T2011-3642* Communication from the Mayor - Submitting the name of Michael L. Goldblum to the Council as a member of the New York City Landmarks Preservation Commission..

*T2011-3643* Communication from the Mayor - Submitting the name of Elizabeth Ryan to the Council as a member of the New York City Landmarks Preservation Commission.

*T2011-3644* Council Member Michael Nelson - Council Candidate for designation to serve as a member of the New York City Waterfront Management Advisory Board.

***City Council Stated Meeting, Emigrant Savings Bank - 49-51 Chambers Street, 1:30 p.m.***

***Thursday, September 22<sup>nd</sup>***

***Committee on Youth Services, 250 Broadway - Committee Rm, 14th Fl., 10 a.m.***

*Oversight* - Addressing the Needs of New York City's Latino Disconnected Youth.

**Committee on General Welfare, 250 Broadway - Committee Rm, 16th Fl., 10 a.m.**

*Int 0648-2011* In relation to requiring the Human Resources Administration to prominently display all information relating to youths and young adults who apply for public assistance on the agency's website.

*Int 0649-2011* In relation to requiring the Human Resources Administration to create a youth and young adult applicant plan.

*Int 0657-2011* In relation to collecting and reporting data related to youth and young adult access to public assistance.

**Committee on Governmental Operations, 250 Broadway - Committee Rm, 14th Fl., 1 p.m.**

*T2011-2620* Oversight: Evaluating the Board of Elections' Performance in the 2011 Primary Election.

*Res 0671-2011* Resolution calling on the New York State Legislature to pass legislation that would require that paper ballots be designed in a more user-friendly manner.

**Committee on Environmental Protection, 250 Broadway - Committee Rm, 16th Fl., 2 p.m.**

*Oversight* - The Revised Environmental Impact Statement on Hydraulic Fracturing and the New York City Drinking Water Infrastructure

**Friday, September 23<sup>rd</sup>**

**Committees on Parks and Recreation & Immigration, 250 Broadway, 16th Fl., 1 p.m.**

*Oversight* - Concerns Faced by Immigrant New Yorkers Relating to the NYC Parks Department.

**Committee on Education, 250 Broadway - Committee Rm, 14th Fl., 1 p.m.**

*Oversight* - DOE's New School Development Process.

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