



This Week in New York

Covering New York State and City Government

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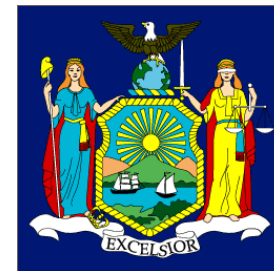
In the News – New York State

New York State Legislative Session



Dean G. Skelos
NYS Senate Majority Leader &
Temporary President

January						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



Sheldon Silver
Speaker of the
Assembly

January 4

2012 Legislative Session Convenes with Governor's State-of-the-State Address

January 9

Start of sessions

January 16

Martin Luther King, Jr. Day

January 17

Final Day for Submission of Executive Budget

■ Indicates session day

■ Indicates legislative activity/budget hearing

2012 State of the State Address

Governor Andrew M. Cuomo will deliver the 2012 State of the State Address in the Empire State Plaza Convention Center on January 4th at 1:30 pm. This is the second time in his two-year tenure that the Governor has opted to utilize the Convention Center which enables more people to view the address. Previous State of the State addresses were delivered in the Assembly Chamber.

Again this year, Governor Cuomo has opened up the speech to "everyone," with a lottery system allocating tickets to attendees. Requests from interested individuals were taken via the Governor's website. Individuals receiving a ticket will be notified via email by January 2nd.

Governor Launches Countdown to Lower Taxes for New Yorkers

MOST MIDDLE CLASS NEW YORKERS WILL SAVE AN ESTIMATED \$300 TO \$400

COUNTDOWN TO LOWEST TAX RATE IN 58 YEARS



FOR MIDDLE CLASS NEW YORKERS



Riding the *out with the old, in with the new* wave of the season, Governor Andrew M. Cuomo this week launched a clock on his website counting down to January 1, when the “lowest tax rates for middle-class New Yorkers in fifty eight years go into effect.”

"New Yorkers will be ringing in the new year with the lowest taxes we have had in 58 years," Governor Cuomo said. "When the lower tax rates for businesses and residents go into effect on January 1, more than four million middle-class New Yorkers will get a tax-break. We hope all New Yorkers will join us in counting down to lower taxes for our State."

In response to strains on the State’s financial health and the prospect of the expiring “Millionaires’ Tax,” Governor Cuomo and the Legislature approved legislation to revamp New York State’s income tax rates. As of January 1st, the following tax bracket structure is in effect:

Income Level	Previous Tax Rate	New Tax Rate
\$40,000 to \$150,000	6.85%	6.45%
\$150,000 to \$300,000	6.85%	6.65%
\$300,000 to \$2 million	7.85% - 8.97%	6.85%
Over \$2 million	8.97%	8.82%

As part of this tax reform, Governor Cuomo has also created the New York State Tax Reform and Fairness Commission to address long term changes to the tax system and create economic growth.

To find information about the new tax rates and to view the countdown clock visit www.governor.ny.gov.

Come January 1st

In addition to the much-publicized tax reform initiative (including revamped income tax rates and exemptions from the MTA surcharge for nonprofits and schools), there are a number of bills that go into effect on January 1st.

For example, enacted in June, New York's property tax cap law goes in to effect January 1, 2012. The law (Chapter 97, L.2011) imposes a cap on the growth of school district and local government property taxes of two percent or the Consumer Price Index (CPI), whichever is lower. Although not effective until the new year, the property tax cap has garnered much attention since its enactment as both a "historic" reform measure and an unachievable mandate. A number of localities across the state have made the necessary political moves to override the cap.

The Senate Republicans have released a listing of other laws that take effect at the beginning of 2012, including:

- ❑ **ORALLY ADMINISTERED CHEMOTHERAPY COVERAGE** -- Chapter 559, L.2011 requires health insurance plans in New York State to cover orally administered chemotherapy treatments. The law ensures that chemotherapy treatment, no matter how administered, is covered by insurance companies.
- ❑ **ROADWAY SAFETY** – Chapter 458, L.2011 requires drivers to exercise additional caution when approaching, overtaking, or passing any hazard vehicle. Current law requires drivers to move over to adjacent lanes when approaching or passing an emergency vehicle on the side of the road, but not for other hazard vehicles.

The new law provides an extra measure of safety for drivers and workers on the roadside who are performing such activities as helping a stranded or broken-down vehicle, snow removal, or other types of roadway maintenance and construction.

- ❑ **MERCURY PRODUCTS** - Chapter 20, L. 2011 strengthens DEC's authority to ban products that contain mercury.
- ❑ **COMMERCIAL FISHING** - Chapter 383, L.2011 reduces the number of commercial fishing licenses and permits issued by DEC to ensure the economic viability of the commercial and consumer fishing industry.
- ❑ **DENTAL HEALTH** - Chapter 65, L.2011 requires dental health facilities to possess automatic external defibrillators on their premises.
- ❑ **SMOKING DEVICES** - Chapter 131, L.2011 bans the sale of hookahs, water pipes, and shisha to minors.
- ❑ **FIRE COMMISSIONERS** - Chapter 462, L.2011 provides localities with an authorization to remove fire commissioners for dereliction of duties including having an excessive number of unexcused absences from regularly scheduled meetings.

- ❑ **BEAR GALLBLADDERS** - Chapter 468, L.2011 bans the possession and sale of bear gallbladder and bile, a valuable commodity used in some forms of ancient medicine.
- ❑ **DISHWASHING DETERGENT** - Chapter 205, L.2010 bans the sale of household dishwasher detergents that contain phosphorus. A ban on phosphorus dish detergents used by commercial establishments will not take effect until July 1, 2013. The new law also places new limitations on the use of lawn fertilizers that contain phosphorous.

In the News – New York City

Legislation Signed by the Mayor

Mayor Michael Bloomberg this week signed the following bills into law:

Introductory Number 746 (sponsored in conjunction with the Administration by Council Members Dilan, Weprin, Jackson, Mark-Viverito, Lander, Barron, Chin, Crowley, Eugene, Ferreras, Gennaro, Greenfield, Mealy, Palma, Recchia, Rose, Van Bramer, Williams and Halloran) - Requires all newly installed carbon monoxide alarms to have an audible signal that alerts residents when they expire and requires the replacement of carbon monoxide alarms upon their expiration. For those carbon monoxide alarms installed prior to the enactment of this bill, landlords will be required to either replace them on the date of their expiration or six months following enactment of this legislation. Alarms installed after enactment must be replaced upon their expiration.

According to the Mayor, Local Law 7 of 2004 required carbon monoxide alarms to be installed in dwellings. Depending on the manufacturer of these alarms, they have a useful life of five to seven years and many of these alarms installed following the enactment of Local Law 7 are now expiring.

Introductory Number 643-A (sponsored at the request of the Administration by Council Members Recchia, Koo and Greenfield) - Enables the Taxi & Limousine Commission to collect the commercial motor vehicle tax (CMVT) on all medallion taxicabs and on other vehicles licensed by the TLC that are not registered in New York State.

Currently the CMVT is collected for vehicles licensed by the TLC by either the Finance Department in the case of medallion taxicabs or the New York State Department of Motor Vehicles for all other types of vehicles. A significant number of the TLC's licensees have addresses outside the City and State and many of them have not been paying the tax. Introductory Number 643-A transfers the authority to collect the tax from medallion taxicabs from the Finance Department to the TLC. In addition, this bill will authorize the TLC to collect the tax from other licensed vehicles for which the tax is not currently collected from the State Department of Motor Vehicles.

Introductory Number 576-A (sponsored by Council Members Gennaro, Comrie, Fidler, James, Palma, Williams, Mark-Viverito, Brewer, Lappin Van Bramer, Rodriguez, Ulrich, Barron, Crowley, Greenfield, Levin and Jackson) - Requires construction sites to collect concrete washout water for proper disposal.

Introductory Number 578-A (sponsored by Council Members Gennaro, Fidler, James, Koppell, Palma, Williams, Mark-Viverito, Brewer, Lappin, Van Bramer, Rodriguez, Ulrich, Levin, Barron, Crowley, Greenfield, and Jackson) - Requires a minimum of 30 percent recycled content in all new asphalt used in the City.

Introductory Number 592-A (sponsored by Council Members Chin, Gentile, James, Koppell, Lander, Rose, Williams, Jackson, Arroyo, Levin, Van Bramer, Barron, Eugene, Mark-Viverito, Brewer, Rodriguez, Ulrich, Crowley, and Gennaro) - Requires that all new HVAC units installed within the City have filters that can keep out small particles of 2.5 microns or more.

Introductory Number 720-A (sponsored by Council Members Koslowitz, Lander, Mealy, Van Bramer, Dromm, Rodriguez, Levin, Barron, Gennaro, Greenfield and Koo) - Amends the current regulations relating to bicycle storage in parking garages by giving garage operators the flexibility to safely secure bikes in the way which works best for them while maintaining the required number of spaces.

Introductory Number 563-A (sponsored by Council Members Ignizio, Levin, Greenfield, Arroyo, Brewer, Cabrera, Chin, Dickens, Dromm, Ferreras, Fidler, Gentile, Koslowitz, Lander, Mendez, Palma, Rose, Sanders, Seabrook, Van Bramer, Vann, Williams, Vallone, Nelson, Foster, Vacca, Mark-Viverito, Garodnick, James, Barron, Jackson, Rodriguez, Eugene, Lappin, Weprin, Halloran, Koo, Oddo, Ulrich, Weprin, Crowley and Gennaro) - Requires the Department of Education to notify members of the school community affiliated with a school that has been tested for PCBs that testing has occurred, as well as whether that school has lighting fixtures that contain PCBs in them.

Introductory Number 566-A (sponsored by Council Members Levin, Ignizio, Arroyo, Brewer, Dickens, Dromm, Ferreras, Fidler, Lander, Mendez, Palma, Rose, Seabrook, Van Bramer, Vann, Williams, Vallone, Vacca, Wills, Chin, Nelson, Jackson, Garodnick, Rodriguez, Eugene, Lappin, Weprin, Halloran, Koo, Ulrich, Weprin, Barron, Crowley, Gennaro and Oddo) - Requires the Department of Education to report to the City Council and on its web site information with an update on the Comprehensive Plan: Greener, Healthier Schools for the 21st Century and other PCB-related programs.

According to the Mayor, the City has been working with the U.S. Environmental Protection Agency on the issue of PCBs in schools, and is currently undertaking a pilot study to evaluate the presence of PCBs in schools. In addition, earlier this year, the Administration launched the Comprehensive Plan to improve energy efficiency and environmental quality in more than 700 schools, including the removal of all lighting fixtures that may contain PCBs throughout the entire school system.

According to the Mayor, Introductory 563-A and Introductory 566A will provide communities with information relating to the potential presence of PCBs in lighting fixtures in certain schools, as well as the City's plans to upgrade the lighting in those schools. The City also has a dedicated web site on this issue, which contains both general and school specific information, and members of the public can sign up for regular updates.

In Brief

NYC Parks and Recreation Releases RFP for Operation of Casual Restaurant at Tavern on the Green

Parks & Recreation this week announced the release of a Request for Proposals (RFP) for the operation and maintenance of a high-quality casual restaurant and outdoor café at Tavern on the Green, located in Central Park just west of the Sheep Meadow near 67th Street.

All proposals submitted in response to this RFP must be submitted by no later than Friday, March 30, 2012 at 3:00 p.m. Parks will hold a recommended proposer meeting and site tour on Wednesday, February 1, 2012 at 10:00 a.m.

According to the release announcing the RFP, At Tavern on the Green, Parks envisions a casual restaurant, outdoor café, and bar that will honor the original design intent of the Olmsted and Vaux park plan and exist in harmony with its naturalistic park setting. The building is currently being restored by the City to a smaller, more historic footprint. The City is performing significant structural and exterior work, allowing a future concessionaire the opportunity to focus on building out the interior to meet their specifications. Parks will evaluate proposals based on several specific criteria listed in the RFP, including the planned operations for the restaurant, the proposer's operating experience, the plans for capital improvements, the fee offered to the City, and the proposer's financial capability.

Hard copies of the RFP can be obtained through Friday, March 30, 2012, between the hours of 9:00 a.m. and 5:00 p.m., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located in the Arsenal at 830 Fifth Avenue, Room 407, just inside Central Park at East 64th Street.

The RFP is also available for download through Friday, March 30, 2012, on Parks' website. To download the RFP, visit www.nyc.gov/parks/businessopportunities.

Empire State Plaza Ice Rink to Open December 31

Governor Andrew M. Cuomo this week announced that the Empire State Plaza ice rink in Albany will reopen to the public beginning on Saturday, December 31 at 11:00 a.m. Opening day will include figure skating demonstrations as well as free skate rentals and free hot chocolate.

The rink was last operated during the winter of 2007-2008 and will be reopened by the Office of General Services this year through a partnership with the Olympic Regional Development Authority (ORDA) and the Lake Placid Regional Winter Sports Committee.

General Rink Information

Hours: Every day from 11 a.m. – 8 p.m.; Closed each day from 3 p.m. – 4 p.m. for maintenance.

Cost to Skate: Free

Skate Rental: \$3 for children under 12 and \$4 for adults.

Counties Get Funding to Offset Ignition Interlock Monitoring Costs Under Leandra's Law

New York State will continue to reimburse counties for a portion of the costs they incur by monitoring convicted drunk drivers who are required to install ignition interlock devices under a provision of the state's Child Passenger Protection Act. The Governor's Traffic Safety Committee (GTSC) has awarded \$3 million to the state Division of Criminal Justice Services (DCJS) to fund the reimbursement; this is the second consecutive year that funds have been made available to offset a portion of these monitoring costs.

The Child Passenger Protection Act, also known as Leandra's Law, took effect Dec. 18, 2009 and has two key provisions:

- Makes it a felony to drive under the influence of alcohol or drugs with a child under the age of 16 in the vehicle.
- Requires that anyone convicted of a misdemeanor or felony drunk driving charge – even first-time offenders and regardless of whether a child under 16 was in the car at the time of the offense – be subject to ignition interlock installation.

The law also requires counties to designate agencies responsible for monitoring drivers ordered by the court to install ignition interlock devices in their vehicles. Grant funding is used to defray these costs.

Statewide, 5,775 convicted drunk drivers installed ignition interlock devices in their vehicles from Aug. 15, 2010, through Sept. 30, 2011, the most recent timeframe for which statistics are available. An interlock device costs between \$75 and \$100 to install, coupled with a monthly fee ranging from \$70 to \$100. Those costs are incurred by the convicted drunk driver.

Coming Up

New York State

Wednesday, January 4th

State of the State Address

Governor Andrew Cuomo

Convention Center, Empire State Plaza, 1:30 p.m.

New York City

Tuesday, January 3rd

Committee on Finance, 250 Broadway - Committee Rm, 16th Fl, 10 a.m.

Int 0644-2011 In relation to the establishment of the Westchester Square business improvement district.

Res 1174-2011 Resolution concerning the increase in the annual expenditure for certain Business Improvement Districts.

Wednesday, January 4th

City Council Stated Meeting – Charter Meeting, Council Chambers - City Hall, 12 p.m.

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To Our Clients and Friends: To request that copies of this publication be sent to a new address or fax number, to unsubscribe, or to comment on its contents, please contact Theresa Cosgrove at tcosgrove@pittabishop.com or at (518) 449-3320.

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