



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop Del Giorno & Giblin LLC

January 11, 2013 Edition



In the News – New York State

Coalition Government Dawns in New York



A JOINT MESSAGE FROM SENATOR DEAN SKELOS AND SENATOR JEFF KLEIN

As the
leaders of the
Senate
Majority
Coalition, we
welcome you to
the New York
State Senate



official website. This site is designed to help you
stay informed about your State government.

January 9th marked the beginning of “Coalition Government” in the New York State Senate, as Senator Dean Skelos and Senator Jeff Klein were voted in as leaders of the Senate Majority Coalition.

The Senate met prior to receiving Governor Andrew Cuomo’s State of the State Address to christen the much-publicized Coalition and approve the new Senate Rules. The Rules recognize that the Senate is composed of three conferences- the Republicans, Democrats and IDC; that the Republican conference and IDC together is called the Majority Coalition; and its leaders are the Majority Coalition Leaders. The leaders will share the role of Temporary President of the Senate.

The Coalition has begun to formalize its operational structure. In a radio interview today with Fred Dicker on Talk Radio 1300 AM, Senator Klein outlined some of the procedures:

Q: *Who will be the leader on Monday?*

Senator Klein: *One of the things our State Constitution says is that there needs to be a Temporary President. There is nothing saying there can’t be two Temporary Presidents that rotate. We thought it was just important to make sure the Office of Temporary President was always filled. The real power is the Majority Coalition which consists of myself, the IDC Leader as well as Dean Skelos the Republican Leader. We have to agree on an active list each and every day for the bills that come to the floor. We have to agree on the budget. We have to agree on appointments. That is really where the power is.*

Q: So it is every other day?

Senator Klein: It is every other day. I believe today I am Temporary President.

Q: On Monday do you know who it will be?

Senator Klein: It goes back and forth and we are going to put out a calendar probably by Monday which clearly states who is the Temporary President on any given day. That is the important thing. We have to make sure that position is always filled.

In his response to the State of the State, Senator Skelos acknowledged that “we’re beginning a new journey in the New York State Senate.” Similar to Senator Klein, he was optimistic about the results.

“Our chamber will not be run exclusively by Democrats or Republicans but by a new Senate Majority coalition, made up of Democrats *AND* Republicans who will work together to get things done,” he explained.

The unconventional leadership follows four years of flip-flopping leadership and internal battles, with both Senators Skelos and Klein weathering the political storms. Each leader brings a wealth of professional and legal experience to the table.

Senator Skelos has served in the Senate since 1984 and was tapped to lead its Republican Majority in June 2008. In 2009 and 2010, he served as Senate Minority Leader, as the Democrats held the majority. When the Republicans regained the majority following the 2010 election, Senator Skelos regained the Majority Leader position in 2011.

He is a graduate of Washington College in Maryland and Fordham University School of Law, and has practiced privately.

Senator Klein was first elected to the New York State Senate in 2004 and was appointed as Deputy Majority Leader in 2009. In January 2011, Senator Klein joined the Independent Democratic Conference along with Senators Diane Savino (D-Staten Island/ Brooklyn), David Valesky (D-Oneida), and David Carlucci (D-Rockland). (Senator Malcolm Smith (D Queens) recently joined the coalition.)

Prior to his role in the Senate, Senator Klein served in the New York State Assembly for ten years. He holds a B.A. from Queens College, an M.P.A. from Columbia University's School of International and Public Affairs and a J.D. from the City University of New York Law School and is a partner at the law firm of Klein, Calderoni & Santucci.

Recently appointed Minority Leader Andrea Stewart-Cousins joins Senators Skelos and Klein in leading the Senate. Senator Stewart-Cousins was elected to the State Senate in 2006, narrowly defeating long-serving Senator Nick Spano. Prior to her Senate election, she served for a decade as a Westchester County Legislator. During her tenure (from 1996-2006), she was elected Majority Whip and Vice-Chair.



Senator Stewart-Cousins

Senator Stewart-Cousins earned her Bachelor of Science Degree from Pace University and her teaching credentials in Business Education from Lehman College; as well as a Masters of Public Administration degree from Pace University. Prior to entering public service, she spent twenty years in the private sector, working in sales and marketing for New York Telephone/AT&T for thirteen years and also worked as a reporter and teacher.

In his remarks following the Governor's Address, Senator Skelos set a high bar for the new Senate – calling for passage of the earliest state budget in 30 years.

“In 1983, the budget passed on March 28th – 3 days before the April 1st deadline,” Senator Skelos said. “I’m confident we can beat that by a week...”

In the News – New York City

City Expands MWBE Program – Advocates Hope State Will Follow Lead

With the release of Governor Andrew Cuomo's pro-economic development and pro-women State of the State agenda, minority and women-owned business enterprise (MWBE) advocates are hopeful that New York will take the City's MWBE program expansion statewide.

The Governor did not outline any specific MWBE proposals in this year's speech. However, the publication released with the address, *NY Rising* chronicled the Governor's past MWBE efforts and noted that “As he embarks on his next year in office, the Governor pledges to break down more barriers to increase MWBE participation in State contracting and ensure that there is a level playing field in government contracting.”

Earlier this month, Mayor Michael R. Bloomberg signed Intro 911A into law. The new law increases the overall value of program-eligible contracts from \$400 million to \$2.2 billion. It also builds upon existing law, updates the City's participation goals, and increases accountability for City agencies to meet their contracting participation goals. Intro 911A goes into effect July 1, 2013.

According to the Council, in 2011, City agencies met less than half of the programs goals. M/WBEs made roughly \$73 million of the targeted \$153 million total sum in contract earnings. In 2010, they made only about \$70 million of the nearly \$313 million goal.

“Introductory Number 911-A improves the Minority and Women Owned Business Enterprise Program by eliminating the \$1 million cap on contracts that are covered by goals for increasing participation in City contracting by businesses owned by minorities and women and enhancing oversight and reporting requirements to ensure that the City is meeting its M/WBE Program goals,” said Mayor Bloomberg in signing the legislation. “Introductory Number 911-A authorizes agencies to set goals for utilization of M/WBEs on contracts above the \$1 million threshold established by the old law. This will more than triple the number of contracts covered by the City’s MWBE Program. MWBEs have won more than \$3 billion in City procurement awards and will now be able to compete more effectively for higher-valued contracts.”

The City proposal is the product of government and stakeholder negotiations. Following a October 2nd hearing, the legislation was revised to address concerns raised by stakeholders. According to the Committee Report on the bill, it was amended to address the following concerns:

➤ *Criteria upon which firms graduate out of the WMBE program.*

The original legislation required graduation once a firm met industry-specific size standards established by the US Small Business Administration for three years. The approved legislation incorporated that requirement and added an additional requirement that a firm receive at least \$ 50 million dollars in City contracts over three years.

➤ *Participation goals established by the 2005 disparity study.*

Advocates expressed concern that minority women, who may face discrimination on the basis of both race/ethnicity and gender, were excluded from the women's category. Upon evaluating its availability and utilization data, the City determined that the participation of minority women in program-eligible contracts could count towards the goals set for Caucasian women. Accordingly, the law now makes clear that when crediting the participation of firms that are dually certified-as minority owned business enterprises and women owned business enterprises-such firms may not be counted towards more than one goal. Under Proposed Int. No. 911-A, the City must report the number and value of contracts awarded to dually certified firms.

➤ *Agency Accountability*

The law requires agency heads (i.e. commissioners) to join their agency M/WBE officers at meetings twice per year.

“For too long, minorities and women have been effectively shut out of City contracts,” said City Council Speaker Christine C. Quinn. “With today’s bill, we level the playing field to give these businesses the access that they deserve. This legislation is important not only because it provides fairness and equal opportunity to MWBEs, but because it will help grow businesses that will provide jobs, spur economic growth, and diversify our economy, and because it will increase competition for city contracts, which will translate into lower costs and increased quality.”

Attached, for your reference, is a copy of the Committee’s report on the specifics of the new law..

NYC Releases First Criminal Justice System Performance Report

The Bloomberg Administration this week released the January 2013 Criminal Justice Indicator Report, detailing information regarding City's criminal justice system including court processing times; detention rates; trends in major crime and incarceration; conviction rates; prison sentences for firearms charges; use of mental health and drug treatment courts; and cases handled by type of indigent defense provider.

Findings in the Indicator Report include:

- New York County had the lowest release rate for felony defendants who presented with the highest risk of failing to return to court.
- Citywide, new felony cases decreased by 22 percent between 2000 and 2011, but the number of cases pending in court over 180 days roughly doubled.
- Queens County had the highest conviction rate for defendants arrested for felonies and violent felonies.
- Richmond County had the highest conviction rate at trial in felony cases.
- New York County had the highest incarceration rates for felony arrests and violent felony arrests.
- Citywide, about 5% of felony cases were resolved with a trial.
- Kings County sends the most defendants to drug treatment courts.
- Queens County and Kings County send the most defendants to mental health treatment courts.

The Criminal Justice Indicator Report assembles data from across the system to provide insight into the functioning of the system and ways in which it is changing. Data comes from independent judiciary, the five elected District Attorneys and the Special Narcotics Prosecutor, defense providers, the Police Department, the Department of Correction and organizations that provide services and supervision to accused and convicted offenders.

The City anticipates releasing a total of three Indicator Reports during the remainder of the Bloomberg Administration. The following two will be released in July and December 2013 and will include additional data as it becomes available.

In Brief

Governor Cuomo Appoints Energy Policy and Finance Leader

Establishes Energy Sub-Cabinet to Focus on Development of Energy Policy and Grow the Clean Energy Economy

Governor Andrew M. Cuomo this week announced the appointment of Richard L. Kauffman to lead the state's energy policy and energy finance efforts. Mr. Kauffman will join Governor Cuomo's Cabinet as the Chair of a newly formed Energy Policy and Finance Sub-Cabinet.

Among his top priorities as Chair of the Energy Sub-Cabinet will be the establishment of the state's first "green bank" within the New York State Energy Research and Development Authority. The bank will offer loans and grants to further clean energy deployment, coordinate and leverage the State's clean energy spending and alleviate financial market barriers that may impede the flow of private capital to clean energy projects.

A senior advisor to United States Secretary of Energy, Mr. Kauffman is regarded one of the country's leading experts in private sector investment in clean energy. Prior to the U.S. Department of Energy, Mr. Kauffman was Chief Executive Officer of Good Energies, Inc., and a partner of Goldman Sachs where he chaired the Global Financing Group.

He earned a bachelor's degree from Stanford University, a master's degree in international relations from Yale University and a master's degree in public and private management from the Yale School of Management.

Nassau County Police Department to Strengthen Language Access Services

Attorney General Eric T. Schneiderman and the Nassau County Police Department have entered into an agreement to strengthen language access services for County residents who are limited English proficient (LEP). Today's agreement will help bring about the institutionalization of best practices across all of the Department's precincts and ensure that officers will provide interpretation and translation services to LEP individuals.

In cooperation with the Attorney General's Office, the Nassau County Police Department agreed to improve its existing language access policies for individuals who are limited English proficient. Going forward, the Department will provide all necessary interpretation and translation services for victims, witnesses and subjects; take meaningful steps to identify and recruit bilingual officers; conduct training for both current and new officers regarding the revised language access policy and protocols; make available translated materials and public notices; and regularly convene with the Attorney General's Office to discuss the successfulness of its language access program.

M. of A. Morelle Tapped as Majority Leader

Assemblyman Joseph Morelle, D-Rochester, was appointed Wednesday to serve as Majority Leader of the Assembly. The majority leader is responsible for the day-to-day operational duties of the Assembly chamber, including running the floor during debates. He succeeds M. of A. Ron Canestrari who retired at the end of last year.

M. of A. Morelle was first elected to the Assembly in 1990 and has chaired the Assembly Insurance Committee and the committee on Tourism, Small Business and Ethics. He is also Monroe County Democratic Committee chairman. A former small-business owner, he previously served as a member of the Monroe County Legislature. He earned a bachelor's degree from SUNY Geneseo.



M of A Morelle

At the end of last session, M. of A. Morelle introduced legislation to legalize mixed martial arts in New York.

NYC Releases New Emergency Room Guidelines to Prevent Opioid Prescription Painkiller Abuse

The Bloomberg Administration this week issued new voluntary emergency room guidelines for the prescription of opioid painkillers to prevent abuse. The guidelines, which will be used in all of the City's public hospitals, state that the emergency departments will not prescribe long-acting opioid painkillers; can only prescribe up to a three-day supply of opioids; and will not refill lost, stolen or destroyed prescriptions.

The new opioid emergency department prescription guidelines, which hospitals can choose to display in emergency departments, clarify that:

- Emergency departments will not prescribe long-acting opioid painkillers such as extended-release oxycodone, fentanyl patches or methadone.
- In most cases, emergency departments will prescribe no more than a 3-day supply of opioid painkillers.
- Emergency departments will not refill lost, stolen or destroyed prescriptions.
- The posters also include tips to reduce unintended harms of opioid painkillers. The poster is available in English, Spanish, Chinese and Russian. The 11 emergency departments of the New York City Health and Hospitals Corporation, which operates all of the City's public hospitals, have agreed to adopt these guidelines. The Health Department is encouraging private hospitals to adopt these guidelines as well.

Coming Up

(As of 4 p.m. Friday)

New York State

Monday January 14th

Session Day

Tuesday January 15th

Session Day

**The Impact of New York State's "I Love New York" Brand Redevelopment
Assembly Standing Committee on Tourism, Parks, Arts, and Sports Development
*Legislative Office Building- Hamilton Hearing Room B, 2nd fl, Albany, 11 a.m.***

Wednesday January 16th

**The Environmental Causes and Effects of Extreme Weather Events
Assembly Standing Committee on Environmental Conservation
*250 Broadway- Assembly Hearing Room 1923, 19th fl, New York, 11 a.m.***

Thursday January 17th

**To Consider Possible Infrastructure and Construction Improvements, Zoning Changes and Beach
Protection When Rebuilding in the Aftermath of Superstorm Sandy to Prevent Destruction from the
Next Big Storm
Senate Standing Committee on Investigations and Government Operations
*1550 Franklin Avenue- Nassau County Office Building, Legislative & Executive Chamber, Mineola,
11a.m.***

Friday January 18th

**Capital Construction Facilities Management and Asset Disposition by the New York City Housing
Authority (NYCHA)
Assembly Standing Committee on Corporations, Authorities and Commissions
*250 Broadway- Assembly Hearing Room 1923, 19th fl, New York, 10:30 a.m.***

New York City

Tuesday January 15th

Committee on Consumer Affairs, 250 Broadway – Committee Rm, 14th fl, 1 p.m.
Int 0690-2011- in relation to amusement arcades.

Wednesday January 16th

Committees on General Welfare, Health, Aging, Mental Health, Developmental Disability, Alcoholism, Drug Abuse, and Disability Services, Fire and Criminal Justice Services, and Public Safety, City Hall – Council Chambers, 10 a.m.

T2013-5706- Oversight – Emergency Planning and Management During and After the Storm: Disaster Management.

Committee on Governmental Operations, 250 Broadway – Committee Rm, 14th fl, 1 p.m.
Int 0978-2012- in relation to the campaign finance board

Thursday January 17th

Subcommittee on Zoning and Franchises, 250 Broadway – Committee Rm, 16th fl, 11 a.m.

Committee on Public Housing, City Hall – Council Chambers, 1 p.m.

T2013-5707- Oversight - Emergency Planning and Management During and After the Storm: NYCHA Emergency Planning and Response.

Friday January 18th

Committee on Women’s Issues, 250 Broadway – Committee Rm, 16th fl, 10 a.m.

Res 1635-2013- Resolution commemorating the 40th anniversary of Roe v. Wade and calling on the United States Congress to support funding for comprehensive reproductive health care.

Committees on Technology, Lower Manhattan Redevelopment, and Consumer Affairs, 250 Broadway – Committee Rm, 16th fl, 1 p.m.

Int 0985-2012- in relation to underground power lines.

T2013-5709- Oversight - Emergency Planning and Management During and After the Storm: Assessing and Improving Public Utility Risk Mitigation Measures.

Disclaimer: The materials in this *This Week in New York* report are provided for informational purposes only and are not intended to be a comprehensive review of legislative or governmental or political developments, to create a client-consultant/lobbyist relationship, or to provide consulting, lobbying or political advice. Readers are cautioned not to attempt to solve specific problems on the basis of information contained in this *This Week in New York*. If consulting, lobbying or government relations advice is required, please consult a professional expert in such matters. The information

contained herein, does not necessarily reflect the opinions of Pitta Bishop Del Giorno & Giblin LLC, or any of its members or employees or its clients. Neither Pitta Bishop Del Giorno & Giblin LLC, nor its members or employees make any warranty, expressed or implied, and assume no legal liability with respect to the information in this report, and do not guarantee that the information is accurate, complete, useful or current. Accordingly, Pitta Bishop Del Giorno & Giblin LLC is not responsible for any claimed damages resulting from any alleged error, inaccuracy, or omission. This communication may be considered an advertisement or solicitation.

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 & Giblin LLC professional with whom you usually work.

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.

This Week in New York is a publication of Pitta Bishop Del Giorno & Giblin LLC.

111 Washington Ave, St. 401
Albany, New York 12210
Telephone (518) 449-3320
Facsimile (518) 449-5812

120 Broadway, 28th Floor
New York, New York 10271
Telephone (212) 652-3890
Facsimile (212) 652-3891

50 Main Street, 10th Floor
White Plains, NY 10606
Telephone (914) 682-2632
Facsimile (914) 663-5180

191 Grand Central Ave.
Amityville, NY 11701
Telephone (516) 742-8930
Facsimile (516) 742-8937