



This Week in New York

Covering New York State and City Government

*A Publication of Pitta Bishop Del Giorno & Giblin LLC
January 18, 2013 Edition*



In the News – New York State

Here's the Plan

Albany has been a hotbed of activity since the 2013 session opened on January 9th. First Governor Andrew Cuomo took New York's capital by storm with his progressive State of the State Address. Following the Governor's directions, New York legislators hustled to become the nation's leader on gun control. Next week Governor Cuomo will unveil his plan to close the State's \$1 billion deficit and fully fund the progressive agenda outlined in his opening day speech.

The Governor will deliver the 2013-2014 Executive Budget on Tuesday, January 22nd, at 2 p.m. In addition to laying out his plan to pay for his initiatives, the budget will provide details on the Governor's "historic" reforms to the Workers Compensation system and his 10-point Women's agenda.

Governor Cuomo this week downplayed the release of the budget, indicating "I don't think there are going to be any surprises and I think that is the news of the Budget."

"We have had a couple of good Budgets, smart Budgets," the Governor explained. "The normal hectic-ness has been taken out of the process and that is what is good. That is good and I think our projections were just about right so that actually is going to be good. I think of this as more of an opportunity for what we can be doing affirmatively, but there is not going to be any major problems."



Governor Cuomo

Although there may not be "major problems," the question of how initiatives are funded (and what current programs will not be funded or will be cut) remains.

For example, in this week's gun control debate in the Assembly, Codes Chairman Joseph Lentol (D Brooklyn) was called upon to explain what funding mechanism existed to assist the Department of Criminal Justice Service (DCJS) in complying with the additional background check requirements. M of A Lentol explained that bill did not contain additional funding for DCJS and that would have to be included in the 2013-2014 budget.

Similarly, Governor Cuomo will give substance to the funding necessary for:

- Creating of the \$1 billion NY Green Bank to leverage public dollars with a private-sector match
- Launching the \$1 billion NYHouse program – that state’s largest housing program in the last 15 years.
- Establishment of a \$50 million Innovation Venture Capital Funding with Innovation Hot Spots will be tax-free zones, where start-ups and other businesses will not be subject to business, real property, and sales taxes.
- Expanding the NY-SUN program with \$150 million of annual funding for the next ten years to increase solar panel installations for homes and businesses.
- Extending the school day for students;
- Providing full-day pre-kindergarten programs in the highest need communities.

Also next Tuesday, according to published reports, the U.S. Senate will vote on the House of Representative's \$50.4 billion relief package for Superstorm Sandy. These funds will be divided between New York, New Jersey, and Connecticut.

Highlights from the relief package include:

- \$13 billion in mitigation funds, such as \$5.5 billion for Federal Transit Administration, which can be spent on repairs to the Metropolitan Transportation Authority, \$3.5 billion for Army Corps of Engineers, and \$600 million in mitigation funds for the Environmental Protection Agency for drinking water and wastewater treatment needs.
- \$16 billion for Community Development Block Grants that local governments can spend on utilities, roads, hospitals, small businesses and rent subsidies.
- \$11.5 billion for the FEMA Disaster Relief Fund.
- \$3.85 billion for the Department of Housing and Urban Development's community development fund for housing and economic revitalization.
- \$780 million for the Small Business Administration's disaster loan program.
- \$118 million for Amtrak.
- \$234 million for park repairs.

Comptroller DiNapoli Approves Terms of \$3.14 Billion Tappan Zee Bridge Contract



State Comptroller Thomas P. DiNapoli today announced he has approved a \$3.14 billion contract between the state Thruway Authority and Tappan Zee Constructors to design and build the new Tappan Zee bridge.

“Replacing the Tappan Zee Bridge is New York state’s largest single infrastructure project and is vital to our economic prosperity,” Comptroller DiNapoli said. “To protect taxpayers, my office will closely scrutinize the Thruway’s oversight of the construction of the new bridge. The Thruway Authority is responsible for proposing a financing plan and must live up to its commitment to pursue the lowest cost options and ensure that its customers are paying the lowest possible tolls. Every effort must be taken to minimize costs for this project and protect the long-term fiscal health of the Thruway system.”

According to the Comptroller, his contract approval does not constitute approval of any financial plan, toll increase or debt issuance. The Comptroller’s office will examine these matters separately and will monitor and audit the Thruway’s finances to hold the Authority accountable on issues of transparency, fiscal stability and operational efficiency.

The 66-month contract was won by Tappan Zee Constructors, a joint venture of Fluor Enterprises, Inc., American Bridge Company, Granite Construction Northeast, Inc. and Traylor Bros., Inc. The Thruway Authority received three bids for the project.

The approved contract takes effect immediately

Jenny Rivera, Professor at CUNY Law School, Nominated to Serve on NYS Court of Appeals

Governor Andrew M. Cuomo this week nominated Jenny Rivera, Professor at the City University of New York School of Law, to serve on the New York State Court of Appeals.



Professor Rivera

Professor Rivera served as Commissioner of the NYC Commission on Human Rights from 2002 to 2007 and then joined the Office of New York State Attorney General Andrew Cuomo as Special Deputy Attorney General for Civil Rights. Her past public service includes positions as a staff attorney at Legal Aid Society of New York City, as an Associate Counsel for the Puerto Rican Legal Defense and Education Fund, and as a law clerk to the Honorable Sonia Sotomayor at the U.S. District Court for the Southern District of New York.

Rivera joined the faculty of CUNY School of Law in 1997 and is the founder and director of the school's Center on Latino and Latina Rights and Equality.

"Throughout her career, Professor Rivera has worked to defend the legal rights of all New Yorkers and make our state a fairer, more just place to live," Governor Cuomo said. "As a Judge on the Court of Appeals, Professor Rivera's legal expertise and passion for social justice will serve all New Yorkers well, and I am proud to send her nomination to the Senate today."

She is a graduate of Princeton University, and received her J.D. from the New York University School of Law and her LL.M, from Columbia University School of Law.

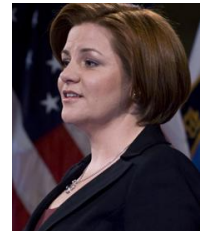
If confirmed by the state Senate, Professor Rivera would replace Carmen Beauchamp Ciparick who stepped down from the bench on December 31th after reaching the mandatory retirement age of 70. Under the State Constitution, the Senate is required to begin confirmation hearings within one month of the Governor's nomination.

In the News – New York City

Speaker Quinn Releases Education Agenda

Against the backdrop of New York City's potential loss \$450 million in state and federal school aid due to stalled labor negotiations, Council Speaker Christine Quinn outlined her "vision" for the City's schools.

"If we want to keep NYC a place of opportunity for middle class families, and if we want to make it a place where people can realize the American Dream, moving their family into the middle class, we need a public education system that prepares every student for the jobs of the 21st century," Speaker Quinn said in releasing her multi-point plan at speech yesterday at the New School.



Speaker Quinn

Mayor Michael Bloomberg and United Federation of Teachers Head Michael Mulgrew dueled and exchanged blame for the stalled negotiations on the City's teacher evaluation system. Thursday's deadline came and went without an agreement. Failure to agree could cost the City \$450 million in federal and state aid.

Speaker Quinn asserted that her proposals are estimated to cost less than \$300 million and could be funded by making "better use of existing resources," such as the \$1.2 billion the Department of Education spends each year on contracts and consultants.

Highlights of the Speaker's plan include:

- *Establishing the nation's most intensive literacy support program.* Speaker Quinn called for the City to expand the core curriculum to include computer science and for computer science classes to be offered at all New York City public high schools. In addition, she proposed that the City's literacy program should include an integrated pre-k through 3rd grade approach, incorporating literacy instruction in all subject areas, and providing extra support for those students that need it.
- *Appointing a Deputy Mayor for Education and Children* – Under the Speaker's proposal, this office would oversee all agencies that work directly with children to coordinate services.
- *Creating a mentor teacher program* – This program would allow the city's "best educators" to leave the classroom for two years and serve as mentors to help train, guide and teach the newest teachers in the City.
- *Extending the school day* - Speaker Quinn proposed a plan to increase the number of hours students spend in a structured education program, and use "creative" scheduling to make the best use out of all the hours in the school day. Specifically, she proposed extending learning time until 6pm, five days a week for the children in the 100 schools with the highest percentage of students who qualify for free or reduced price lunch.

- *Launching a new online resource to support and educate parents* - The Speaker's proposal includes:

CompStat for Parent 311

Tracking data on the amount of time it takes for a family's concerns to be resolved will provide transparency to an important system and let parents know their concerns are being heard and problems are being solved. Making this information public will provide even further accountability.

Parent University

A new online resource will provide concise, informative video courses on everything from developing school-readiness skills, to making the transition to middle school, to helping children get organized. Additionally, the Speaker announced an expansion of the College Readiness Initiative, which helps parents know what their children need to prepare for college and careers and keep them on track for success.

School Matching

Speaker Quinn announced a partnership with InsideSchools that will create a new online tool that will greatly simplify the school choice process by matching students with the best schools for their individual needs.

- *Replacing textbooks with tablets* - Speaker Quinn proposed moving to a system of online textbooks by providing every student in New York City with a tablet. This will allow for teachers to incorporate videos and interactive multimedia assignments and, according to the Speaker, can be done for the same cost that is currently being spent on textbooks each year.

- *Eliminating field testing and Reduce the Emphasis on Testing* - The Speaker called for the expanded use of portfolio assessments as an alternative to standardized testing. Additionally, she called for the immediate elimination of field testing.
- *Systemwide Success Study & Red Alert System* - Speaker Quinn proposed taking the best practices of successful schools and implementing them system wide, as well as identifying schools in danger of failing years before they are slated to close.

In Brief

Comptroller DiNapoli: State Tax Revenues Up, But Still Lag Projections

Tax collections through December totaling \$46.4 billion were \$48.3 million below the state's latest estimates and \$685.3 million below initial estimates in April. Higher than anticipated personal income tax (PIT) collections in December likely reflect income paid before federal tax increases take effect in 2013 for high income taxpayers, New York State Comptroller Thomas P. DiNapoli said today in releasing the December cash report.

"Tax collections are still not growing at the rate needed to meet year-end projections, and the boost in personal income taxes in December likely won't continue," Comptroller DiNapoli said. "So far the budget has been balanced by spending less and taking advantage of one-time windfalls. With the budget process about to begin again, revenue projections should be realistic so that the budget is not balanced with revenues that won't be there."

The Mid-Year Update to the Financial Plan released by the Division of the Budget on Nov. 28 projected tax growth of 2.9 percent for the year. However, even with higher than anticipated PIT collections in December, All Funds tax collections of \$46.4 billion rose just 1.2 percent, or \$545.4 million, from the same period last year. In order to meet current year-end projections, tax collections will have to grow 7.1 percent in the last three months of the fiscal year. Current projections also do not include estimates of the potential budgetary effects of Hurricane Sandy. Revised projections are expected to be included in the Executive Budget due to be released Tuesday.

The General Fund balance at the end December was \$4.6 billion, \$681.8 million higher than projections. However, a \$2.5 billion School Tax Relief (STAR) payment was delayed from December to January. Had that payment been made as scheduled, the General Fund would have ended the month at \$2.1 billion. Receipts for the year to date were \$308.7 million below projections, and spending was \$990.8 million below projections, primarily in local assistance grants.

SUNY Chancellor Appoints Director of the University Center for Academic and Workforce Development

State University of New York Chancellor Nancy L. Zimpher today announced the appointment of Lisa L. McKay as senior assistant provost and director of SUNY's University Center for Academic and Workforce Development (UCAWD). Ms. McKay will begin her new position on January 31th.

UCAWD directs the activities of New York's 10 EOCs, two career counseling and outreach centers, and more than 30 Advanced Technology Training and Information Networking (ATTAIN) Labs. Taken together, these programs provide a broad range of services for academically and economically disadvantaged New Yorkers, providing pathways to post-secondary education and gainful employment, and fostering local economic development.

Ms. McKay currently serves as Director of Educational Opportunity Center (EOC) operations for UCAWD, a position she has held since 2002. Prior, she was facility director for the Arbor Hill Community Center, from 1999–2002. Ms. McKay is a SUNY alumna, with a master's degree in Rehabilitation Counseling from the University at Albany. She received her bachelor's degree in Psychology from Bowie State University.

NY Unemployment Rate Dips Slightly

Unemployment Rates (%)*			
	December 2012*	November 2012	December 2011
United States	7.8	7.8	8.5
New York State	8.2	8.3	8.2
New York City	8.8	8.8	9.1
NYS, outside NYC	7.8	7.9	7.5

*Data are preliminary and subject to change, based on standard procedures outlined by the U.S. Bureau of Labor Statistics.

New York's economy added 34,300 private-sector jobs in December, and the unemployment rate fell from 8.3 percent to 8.2 percent, according to the State Department of Labor.

The state has gained 123,200 private-sector jobs compared to the same

period in 2011. New York's unemployment rate, however, is still above the national average of 7.8 percent.

Coming Up

(As of 4 p.m. Friday)

New York State

Tuesday January 15th

Release of 2013-2014 NYS Executive Budget

Hart Theater, Empire State Plaza, 2 p.m.

Wednesday January 16th

New York State Legislative Session Day

Thursday January 17th

New York State Legislative Session Day

New York City

Tuesday January 22nd

Committee on Transportation, 250 Broadway – Committee Rm, 14th fl, 10 a.m.

Res 1194-2012-Resolution calling upon the New York State Assembly to pass and the Governor to sign legislation amending the New York State Penal Law to establish as a crime the unlawful procurement of clients, patients, or customers, in order to reduce the staging of automobile accidents.

T2013-5735-Oversight - Reducing Auto Insurance Premiums.

Committee on Housing and Buildings, 250 Broadway – Committee Rm, 16th fl, 10 a.m.

T2013-5730-Oversight - Modular Building: The future of prefabricated construction practices in New York City.

Wednesday January 23rd

Committee on Finance, City Hall – Committee Rm, 10 a.m.

T2013-5736- Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

Committee on Rules, Privileges, and Elections, City Hall – Committee Rm, 10:30 a.m.

T2013-5745- Communication from the Mayor - Submitting the name of LaShann M. DeArcy to the Council for its advice and consent regarding her re-appointment to the Taxi and Limousine Commission.

T2013-5747- Communication from the Mayor - Submitting the name of Edward Gonzales to the Council for its advice and consent regarding his re-appointment to the Taxi and Limousine Commission.

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

Thursday January 24th

Committees on Aging, Health, and Mental Health, Developmental Disability, Alcoholism, Drug Abuse, and Disability Services , 250 Broadway – Committee Rm, 16th fl, 10 a.m.

T2013-5712- Oversight - Emergency Planning and Management During and After the Storm: Emergency Preparedness and Response at the City's Healthcare Facilities.

Committee on Juvenile Justice, 250 Broadway – Committee Rm, 14th fl, 1 p.m.
T2012-5431- Oversight - Re-examining ACS' Resident Advocacy Program.

Friday January 18th

Committee on Immigration, 250 Broadway – Committee Rm, 16th fl, 10 a.m.
Int 0982-2012- in relation to persons not to be detained.

Int 0989-2012- in relation to persons not to be detained by the Department of Correction.

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