



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

March 29, 2019 Edition



## In the News – State



2020  
BUDGET

### Where Things Stand

The 2020 New York State budget negotiations have moved into the final stages and the Senate and Assembly have now engaged in Albany's version of Beat the Clock.

With the April 1st budget deadline three days away, the legislative leaders are focused on closing down the outstanding issues and printing the necessary bills. All budget bills must be properly aged prior to full consideration by the legislature or receive a Message of Necessity from Governor Andrew M. Cuomo.

Three out of the ten remaining agreed-upon budget bills were introduced last night. The Legislature may pass these bills on Sunday, March 31st. The remaining seven bills, if printed by midnight, would be available for passage on Monday, April 1st. One non-controversial budget bill (Debt Service) was passed earlier this week.

Senate Majority Leader Andrea Stewart-Cousins has called Senate session for 10 a.m. on Sunday. The Assembly will return at the call of the Speaker Carl Heastie.

Many of the controversial issues were "intentionally omitted" (e.g. congestion pricing, some of the criminal justice issues) from the printed bills, but may be placed in other budget bill (possibly the Revenue bill) as the negotiations continue. For example, a proposal to extend the currently authorized red light camera program in Nassau County, Suffolk County, New York City, and the cities of Albany, Mt. Vernon, New Rochelle, White Plains, and Yonkers was "intentionally omitted" from the agreed-upon Public Protection/General Government Bill. It was later tacked on to the agreed-upon Transportation/Economic Development Bill.

Highlights of the agreed-upon budget bills include:

- **Nassau Assessment** - provides Nassau County with the local option to phase-in, over a five-year period, the effects of any assessment changes on class one properties that will be reflected on the upcoming 2020-21 assessment roll.
- **Janus 2.0** - prohibits the disclosure of personal information by public employers for all public sector employees, including State and municipal employees.
- **Arbitration continuation** - extends binding arbitration for public safety unions until July 1, 2024.

- **Use of Force** – establishes a Use of Force reporting requirement for instances involving police officers and peace officers.
- **Online voting registration & early voting** – establishes procedures for on-line voter registration and early voting.
- **Plastic Bag Ban** – bans the use of single-use plastic bags effective March 2020 and allows local governments the option to impose a 5-cent fee on paper bags.
- **Dream Act clean up** – addresses technical issues with implementation of Jose Peralta Dream Act.
- **Agency shop fee** - stipulates that public employers & employee organizations are not liable for agency shop fees deducted prior to the Janus Supreme Court decision.

**Agreed-upon Budget Bills Introduced:**

Public Protection/General Govt Language Bill (A2005C/S1505C)

Transportation/Environmental Conservation Language Bill (A2008C/S1508C)

Education Labor Language (A2006C/S1506C)

**Agreed-upon Budget Bills Pending (as of time of publication):**

Aid to Localities (S1503-?/A2003-?)

State Operations (S1500-?/A2000-?)

Capital Projects (S1504-?/A2004-?)

Legislative & Judiciary (S1501-?/A2001-?)

Health/Mental Health Language Bill (S1507-? / A2007-?)

Revenue Bill (S 1509-? / A 2009-?)

Good Govt Bill (S1510?/A2010?)

**Budget Bill Passed Both Houses**

Debt Service (S1502/A2002)



## Chapters of the Laws of 2019

**Chapter 22 -- sponsored by M of A Jones/Senator Breslin** – Reduces the minimum petition signature requirement for all public offices to be filled in 2019, with the exception of offices in New York City, Nassau and Erie Counties to 3.75 percent of the enrolled voters of the party residing within the political unit in which the office or position is to be voted for.

**Chapter 23 -- sponsored by Senator Bailey/M of A** -- Relates to the state commission on prosecutorial conduct.



## Bills Passed by Both Houses



**A460 (Sponsored by M of A Paulin / Senator Hoylman)** -- Relates to adoption by a petitioner where such petitioner's parentage is legally-recognized.

**A2002 (Budget / Budget S1502)** -- DEBT SERVICE FUND--GENERAL DEBT SERVICE FUND.

**A3471 (Sponsored by M of A Zebrowski / Senator Kaplan)** -- Decreases the amount of alcohol in a person's system necessary to be considered to be intoxicated while hunting.

**A3487 (Sponsored by M of A Simon / Senator Kaplan)** -- Relates to permitting combination last name changes to occur when separated by a space.

**A4959 (Sponsored by M of A Cusick / Senator Lanza)** -- Extends the moratorium on the issuance of environmental safety certificates for facilities and routes for the transportation of liquefied natural or petroleum gas.

**A5842 (Sponsored by M of A Nolan / Senator Gallivan)** -- Relates to child abuse in an educational setting.

**S1263 (Sponsored by Senator Metzger / M of A Schimminger)** -- Relates to taxation of mead and mead products.

**S1799 (Sponsored by Senator Rivera / M of A Bichotte)** -- Authorizes expedited partner therapy for certain sexually transmitted infections.

**S2497 (Sponsored by Senator Kennedy / M of A Magnarelli)** -- Prohibits a child less than ten years of age from being left unattended in a motor vehicle under conditions presenting substantial risk.

**S3585 (Sponsored by Senator Parker / M of A Pichardo)** -- Requires gas and electric utilities to make available to landlords upon request information concerning gas and electric charges incurred for residential premises.

**S4182 (Sponsored by Senator Salazar / M of A Magnarelli)** -- Relates to inspecting, securing and maintaining vacant and abandoned residential real property

# New York State Comptroller DiNapoli: Wall Street Profits Rose in 2018, But Bonuses Fell

Securities industry profits in 2018 were 11 percent higher than the previous year, but the average bonus paid to industry employees in New York City declined by almost 17 percent to \$153,700, according to an estimate released today by New York State Comptroller Thomas DiNapoli.

Profits totaled \$27.3 billion in 2018 — up from \$24.5 billion in 2017. Employment in New York City’s securities industry increased by 4,700 in 2018 to 181,300 jobs.

The 2018 bonus pool for securities industry employees who work in New York City declined by 14 percent during the traditional December-March bonus season to an estimated \$27.5 billion. The bonus pool in 2017 was \$32.1 billion, the largest since the 2007 financial crisis.

The average bonus per employee in 2018, according to the Comptroller, because the pool was shared among a larger number of employees. In 2017, the average bonus grew by an estimated 18 percent to \$184,400, driven in part by changes in the federal tax code that encouraged firms to move up payments to December 2017. The acceleration of payments into 2017 could have contributed to the decline in 2018.

New York City’s budget assumes that the bonus pool for securities industry employees in the city will decline by more than 9 percent in CFY 2019. Based on Comptroller DiNapoli’s estimate, tax revenue from bonuses could be slightly less than expected by the city.

## NEW YORK CITY Securities Industry Bonus Pool and Average Bonus

Year	Bonus Pool (\$B)	Change (percent)	Average Bonus (dollars)	Change (percent)	Year	Bonus Pool (\$B)	Change (percent)	Average Bonus (dollars)	Change (percent)
1989	1.9	-6%	13,300	0%	2004	18.6	18%	113,500	14%
1990	2.1	10%	15,500	17%	2005	25.6	38%	149,800	32%
1991	4.1	96%	31,100	100%	2006	34.3	34%	191,400	28%
1992	4.9	18%	36,200	16%	2007	33.0	-4%	177,800	-7%
1993	5.8	18%	39,700	10%	2008	17.6	-47%	100,900	-43%
1994	4.9	-16%	32,200	-19%	2009	22.5	28%	140,600	39%
1995	6.2	27%	41,400	29%	2010	22.8	2%	139,000	-1%
1996	9.8	59%	63,900	54%	2011	18.5	-19%	111,400	-20%
1997	11.2	14%	67,800	6%	2012	23.2	26%	142,900	28%
1998	9.1	-19%	53,000	-22%	2013	27.6	19%	169,800	19%
1999	13.5	49%	75,000	41%	2014	26.7	-3%	160,300	-6%
2000	19.5	44%	100,500	34%	2015	23.4	-12%	136,800	-15%
2001	13.0	-33%	74,100	-26%	2016	26.8	14%	156,800	15%
2002	9.8	-25%	60,900	-18%	2017	32.1	20%	184,400	18%
2003	15.8	61%	99,900	64%	2018	27.5	-14%	153,700	-17%

**Note:** The bonus pool is for securities industry (NAICS 523) employees who work in New York City. The 2016 and 2017 bonus pools have been revised to reflect new wage data. The 2018 bonus pool is an estimate and is subject to revision.

**Sources:** Historical bonuses are OSC estimates utilizing data from the NYS Dept. of Labor’s Quarterly Census of Employment and Wages (QCEW) series. The 2018 estimate was derived by OSC from personal income tax withholding collections and reflects cash payments and deferred compensation for which taxes have been withheld. The estimate does not include stock options or other forms of deferred compensation from which taxes have not yet been withheld.

Prepared by the Office of the State Comptroller, March 11, 2019

# *In the News – City*



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

## **Mayor de Blasio Signs Executive Order to Reduce City's Vehicle Fleet**

Mayor Bill de Blasio signed an executive order this week that will eliminate at least 1,000 vehicles from its fleet by June 2021. The order will also reduce the number of take-home vehicles by at least 500 vehicles, curtail the reliance of SUVs in the City fleet, and promote greater vehicle efficiency by using advanced data collection.

With the order, the City estimates it will cut the City's annual fuel consumption by 500,000 gallons, and decreasing annual emissions by 6,300 metric tons of CO<sub>2</sub>. The City's fleet currently has 25,690 on-road vehicles.

“Sustainability isn't about maintaining the status quo, it's about changing the way we live and get around,” said Mayor de Blasio. “Eliminating unnecessary vehicles from our streets and replacing gas-guzzling SUVs with electric cars will bring us one step closer to our carbon emission reduction goals, which means a cleaner New York City for all.”

In addition, the City will increase its goal for daily vehicle usage rate from 67 percent to 80 percent. This means at least 80 percent of the City's fleet should be used daily, except for certain emergency, specialized, or seasonal vehicles.

The Department of Citywide Administrative Services (DCAS) will also review every take-home car currently in the fleet and use data vehicle data to identify usage patterns. Take-home vehicles that are underused will be re-assigned to the agency's fleet pool, which can be used by multiple employees.

Under the executive order, DCAS will replace at least 250 SUVs with electric plug-in sedans. In addition to environmental benefits, electric sedans have significantly lower maintenance costs.

## **Bills Signed by the Mayor**

**Introduction 1064**, sponsored by Council Member Ben Kallos, would require that restaurants in New York City only offer water, sparkling water, flavored water, nonfat or one percent milk, non-dairy milk, 100% fruit or vegetable juice, or fruit or vegetable juice combined with water or carbonated water as the default options included with children's meals. The bill would impose monetary penalties on restaurants that violate this law.



**Introduction 1149**, sponsored by Council Member Ben Kallos, would require the Department of Health and Mental Hygiene (DOHMH) to send owners and operators of cooling towers an electronic reminder prior to the filing deadline for annual certifications with a link to where these certifications can be submitted. This bill would also require cooling tower inspectors to report to DOHMH in real time when certain inspections occur. Finally, this bill would require building owners to make cooling tower inspection results available for public examination.

**Introduction 1158**, sponsored by Council Member Mark Levine, would require the Commissioner of the Department of Health and Mental Hygiene, in consultation with the Department of Buildings, to hold information sessions at least twice annually for building owners regarding maintenance, cleaning, and inspections of cooling towers, and to post the information online.

**Introduction 1164**, sponsored by Council Member Ydanis Rodriguez, would require the Department of Health and Mental Hygiene to report annually to the Council on the results of building cooling tower inspections and make such results available online.

**Introduction 1166**, sponsored by Council Member Rafael Salamanca, would require the Department of Health and Mental Hygiene to conduct a year-long assessment of potential sources of Legionnaires' disease in the city other than cooling towers.

## Briefs

### Senate & Assembly Agree to Janus-Inspired Budget Protections

The Senate and Assembly agreed-upon budget agrees with Governor Andrew Cuomo on a proposal "deeming the disclosure [by state entities] of personal information of public employees as improper practice, unless it relates to union enrollment or compelled by court order or subpoena." The proposed language would codify an Executive Order put forth last year following the Supreme Court's Janus decision. It is intended to prevent anti-union interests from easily reaching public sector union members to encourage them to leave their unions.

### Lawyers at Camba Legal Service Go Out on 24 Hours Strike

Staff from CAMBA Legal Services (CLS) went on strike on Wednesday, March 27 for 24 hours to protest management's continued "intransigence in bargaining a fair employment contract." The union members formed a picket line in front of CLS offices located 885 Flatbush Avenue and at 141 Livingston Street and at CAMBA management offices at 1720 Church Avenue.

The CLS attorneys and support staff have been negotiating their first contracts since unanimously voting to form a union and joining UAW Local 2325 in May 2018. Following more than six months of negotiations, CAMBA management, the members assert, has refused to engage in good faith bargaining on a number of key conditions of employment which are standard for legal services organizations in New York City, including paid parental leave, a step-based salary system for support staff, and competitive pay for all staff.

CAMBA Legal Services, a subdivision of CAMBA, represents indigent clients in Brooklyn and Staten Island in housing, foreclosure, consumer, and immigration law.

### **Upstate NY Casinos Cut Back on Slots**

The State Gaming Commission will allow two of upstate New York's casinos to reduce the minimum number of slot machines they are required to operate on their gaming floors. Resorts World Catskills, near Monticello in Sullivan County will cut its slot minimum from 2,150 to 1,600, a drop of 550, or 26 percent. Tioga Downs, just west of Binghamton in the Southern Tier, will cut its slots from 942 to 882, a drop of 5.3 percent.

Both casinos assert the slot cuts will improve efficiency and free up space on their gaming floors. According to published reports, Tioga Downs owner Jeff Gural said he plans to use the space for sports betting.

### **City Files Lawsuit Against Water-Based Billboard Company**

The de Blasio administration filed a lawsuit against Ballyhoo Media, Inc. for repeatedly violating local laws by displaying Times Square-style billboards on a barge that travels daily along the Manhattan and Brooklyn waterfronts. The lawsuit seeks an injunction to prohibit the company from operating the billboards which, according to the complaint, violate the New York City Zoning Resolution and create a public nuisance. Ballyhoo markets its ability to reach drivers on the West Side Highway and FDR Drive as well as pedestrians, cyclists, ferry passengers, and residents along the water. The lawsuit seeks penalties of up to \$25,000 per violation, per day for the company's repeated and ongoing violations.

# ***Coming Up***

## ***New York State***

***The Legislature is in session Monday, April 1<sup>st</sup> through Wednesday April 3<sup>rd</sup>.***

## *New York City*

*Tuesday April 2<sup>nd</sup>*

*Subcommittee on Zoning and Franchises*, Committee Room – City Hall, 9:30 a.m.

*Committee on Civil Service and Labor*, Committee Room – 250 Broadway, 14<sup>th</sup> Floor, 1 p.m.

*Committee on Transportation*, Committee Room – 250 Broadway, 14<sup>th</sup> Floor, 1 p.m.

*Wednesday April 3<sup>rd</sup>*

*Subcommittee on Landmarks, Public Siting and Maritime Uses*, Committee Room – City Hall

*Committee on Land Use*, Committee Room – City Hall, 10:45 a.m.

*Thursday April 4<sup>th</sup>*

*Committee on Technology*, Committee Room – 250 Broadway, 14<sup>th</sup> Floor, 1 p.m.

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