

INSIDE

Next Week's Calendar

Session on Monday, Tuesday, Wednesday, and Thursday next week.

Legislative News

Committee Meetings, Nursing home bills pass, data excise tax introduced.

Updates from the Governor

Plug Power investment

Housing discrimination

Funding for technology upgrades in schools

Required coverage of fertility treatment

Agency News

NYSAG moves to protect against ghost guns

NYS Comptroller asks for data on racial equity for companies held in the NYS Retirement Fund

NYSED warns against phishing scams for licensed professionals

Marching toward a Budget Deadline

As the April 1 deadline to enact a New York State Budget agreement makes an appearance on the horizon, the legislature and the Governor worked through a couple of milestones this week, moving closer to the next phase of the negotiating process. Typically, as we move into March, the focus shifts to budget negotiations. That being said, the vaccination of eligible New Yorkers continued this week with the FDA moving closer to approving another vaccine, a neighboring state legalized adult-use Cannabis, and the Governor faced renewed allegations of misconduct.

NYS BUDGET:

- **Budget Revenue Forecasts released** - One of the milestones toward the annual April 1 budget enactment deadline is the release of state Revenue Forecasts from each house of the legislature. The Senate and Assembly released their revenue forecasts on Tuesday, February 23. As in most years the houses' estimates differ from each other, and from the Governor's. The Senate's FY 2022 estimate of all funds receipts is \$1.9 billion higher than the Executive Budget Financial Plan, while the Assembly projection is \$3.534 billion higher. A consensus on revenues between the two houses and the Governor must be met and released on March 1 (State Finance Law, Section 23). If an agreement is not made then the state Comptroller would be required to provide his estimates on or before March 5. The Senate forecast can be accessed [here](#), and the Assembly [here](#).
- As the **budget process** moves into March, the timeline becomes more active and condensed. One house bill introductions typically fall within the 2nd week of the month and around the same time the legislature and the Governor will settle on available funds above projected expenditures. The introduction of one house bills establishes the houses' positions and will also signify the beginning of three-way negotiations and Joint Conference Committee meetings.
- **Legislative Budget Hearings concluded** with the February 25 health hearing. Under intense scrutiny by legislators, the state's Health Commissioner maintained his stance regarding the impact COVID on the nursing home population. Submitted testimony and archived video for the health hearing and the rest of the legislative hearing can be accessed [here](#).

Johnson & Johnson COVID-19 Vaccine - The vaccine advisory committee to the FDA, the Vaccines and Biological Products Advisory Committee (VRBPAC), is scheduled to [meet today](#) (Friday, February 26, 2021) to evaluate J&J's single dose vaccine. If the Committee recommends emergency approval by the FDA, it is then reviewed by the CDC's vaccine panel, the Advisory Committee on Immunization Practices (ACIP). The [ACIP is scheduled to meet on Sunday](#).

New Jersey cannabis legalization - New Jersey's Governor Phil Murphy signed legislation on Monday to legalize adult use cannabis. The bill is [here](#) and Monday's press release from the Governor is [here](#).



From NYS Governor Cuomo

Plug Power to Invest in Genesee County

Governor Cuomo [announced](#) that alternative energy technology provider Plug Power will invest \$290 million in the construction of a green hydrogen fuel production facility and electric substation at the Western New York Science, Technology and Advanced Manufacturing Park, Genesee County.

Combating Housing Discrimination

Governor Cuomo [announced](#) the State is partnering with nonprofit organizations to deploy undercover testers across the state to identify discrimination in home rental and sale transactions. The program will be administered by New York State Homes and Community Renewal.

School Technology Upgrades

Governor Cuomo [announced](#) the approval of 78 Smart Schools Investment Plans (\$59.9 million) aimed at improving school security and reimagining teaching and learning for the 21st century.

Mandated Insurance Coverage of Infertility Services

Governor Cuomo [announced](#) that the Department of Financial Services (DFS) has issued guidance requiring New York health insurers to cover fertility services for all New Yorkers regardless of sexual orientation or gender identity.

Executive Orders

Governor Cuomo issued [Executive Order 202.95](#) which extended EO 202 and each subsequent Executive Order through March 24, 2021. Executive Order 202.95 also implemented new procedures for tracking staff COVID vaccinations in schools.

Legislative news

2021 Legislative Session Days

There is session next week on Monday the 1st, Tuesday the 2nd, Wednesday the 3rd, and Thursday the 4th. You can find the 2021 Legislative Session calendar [here](#).

Legislative Committees

The Senate and Assembly have several committee meetings this week scheduled next week. The Senate will host 12 Committee Meetings ([live stream available on the Senate website](#)), with the Assembly expected to host its own slate of meetings as well ([found here once announced](#)).

Legislative Activity

The legislature passed 50 bills this week focused on primarily on nursing homes, and storm response. On **nursing homes**: [A.2037 \(Dinowitz\)](#) Relates to the publication of nursing home ratings; [S.614B \(May\)](#) Provides for the authorization and regulation of visitation of compassionate care-giving visitors at nursing homes and residential health care facilities; [S.1783 \(Skoufis\)](#) Directs the department of health to establish and implement an infection inspection audit and checklist on residential care facilities, nursing homes and long-term care facilities; [S.4336A \(Rivera\)](#) Relates to directing the commissioner of health to establish a direct patient care ratio reporting and rebate requirement for nursing homes. On **storm response**: [S.1453A \(Parker\)](#) Relates to extending a moratorium on utility termination of services after the COVID-19 state of emergency is lifted or expires; [S.4960 \(Mayer\)](#) Relates to strengthening of utility storm response and compliance. Also of note, Senator Kruger *introduced* a bill ([S.4959](#)) that creates **an excise tax on the collection of consumer data** by commercial data collectors.

The Agencies

From the New York State Attorney General

Attorney General James Fights to Protect New Yorkers from Out-of-State Lawbreaker Seeking to Flood Streets with Dangerous Ghost Guns

New York Attorney General Letitia James has led a coalition of 21 attorneys general from around the nation in fighting a lawsuit that seeks to stop states from enforcing their laws against a company disseminating dangerous 3D-printed gun files on the internet. In an [amicus brief supporting the petitioner in the case *Grewal v. Defense Distributed* before the U.S. Supreme Court](#), Attorney General James leads the coalition in seeking to protect states' efforts to stop Defense Distributed from unlawfully publishing easily-downloadable files on the internet that provide the instructions to build dangerous 3D-printed firearms, including assault weapons. Untraceable firearms are sometimes called "ghost guns" because they lack a serial number or other identifying features.

From the New York State Comptroller

New York State Comptroller Thomas P. DiNapoli [announced](#) that the New York State Common Retirement Fund (Fund) has launched a multi-faceted initiative to hold publicly-traded corporations and their top executives accountable for their diversity, equity and inclusion policies and practices.

DiNapoli said the Fund will file shareholder proposals seeking increased board diversity and disclosure of workforce diversity, and will expand its votes against board members at companies whose boards do not include underrepresented racial minorities, companies that fail to disclose their workforce's racial or ethnic diversity, and companies that refuse to embed diversity in their search for new board directors.

From the New York State Education Department

State Education Department Warns of Phishing Scam Targeting Licensed Professionals

The New York State Education Department is [warning licensed professionals](#) in New York State about a scam involving telephone calls from individuals posing as NYSED Employees or law enforcement officials to defraud and extort victims. The scam is targeting such licensed professionals as physicians and pharmacists, and is seeking the professional's social security number and an immediate bond payment under the guise that the professional's license has been suspended and payment is required to reverse the suspension and avoid further charges. The New York State Education Department will never telephone or fax any individual to request a bond fee or payments related to an ongoing investigation of professional misconduct.