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## FY 2022 NYS Budget Deal Reached

*With the adult-use marijuana bill signed last Wednesday (Chapter 92, L. 2021), the legislature and the Governor returned their focus to finalizing budget negotiations this week, nearly a week beyond the April 1 deadline. Re-opening business as [vaccination efforts](#) continued to ramp up (See Executive Orders in our "From the Governor section"), the Governor's signing of a bill to eliminate COVID era liability protections for health care providers, and more [specifics](#) on misconduct allegations round out the week's highlights. The Legislature is on break until April 19.*

**Budget** - The \$212 billion FY 2022 New York State Budget was finalized Tuesday, with the Senate passing all bills by early Wednesday morning and the Assembly finishing up their work Wednesday evening. The broad spending plan includes tax increases for the state's highest earners, increased corporate taxes, restoration of many of the cuts included in the Governor's January proposal, along with a host of new policy initiatives including those related to [emergency rental assistance](#), local highway aid increases, and establishing [prevailing wage requirements](#) for certain energy projects. Some other highlights of the package are below and perspectives from the legislature and the Governor can be found [here \(Senate Majority\)](#), [here \(Assembly Majority\)](#), and [here \(Governor\)](#). Links to the bills can be found [here](#).

- ~ **Health** - The majority of the health care cuts proposed by the Governor in January were restored in the enacted budget, including Medicaid cuts and cuts to various public health programs. The budget also delays the implementation of [the pharmacy carve out](#) from managed care, authorizes the expansion of the number of CDPAP [Fiscal Intermediaries](#) (FIs) allowed to operate in the state, and sets [parameters for nursing homes](#) on the percentage of revenue that must be spent on direct patient care and resident facing staff (also includes \$64 million for staffing).
- ~ **Mobile Sports Betting (Revenue Part Y)** - The Gaming Commission will issue a Request for Applications (RFA) by July 1 for at least two betting platforms, which is the server that will host the operators or skins that will provide the online betting services.
- ~ **Casino Request For Information (Revenue Part Z)** - The Gaming Commission is tasked with issuing a Request For Information (RFI) related to establishing downstate New York casinos. The non-binding plans submitted in response will serve as a starting point to gauge interest and the potential for future expansion.
- ~ **Corporate Tax Increase (Revenue Part HHH)** - The enacted budget increases the corporate franchise tax rate for a period of three years to 7.25 % for corporations for businesses with an income base greater than \$5 million. The increase is expected to boost all funds revenue for NYS by \$750 million in FY 2022.
- ~ **Unemployment Insurance Ratings (Education, Labor, and Family Assistance Part CC)** - This section prohibits the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in an employer's experience rating charges through December 31, 2021.

**Liability Limitations Eliminated** - A bill repealing liability protections, which had been enacted in the FY 2021 budget (S7506B/A9506B, Chapter 56 L. 2020, [Part GGG](#)) was signed by the Governor on Tuesday (A3397/A5177, Chapter 96 L. 2021). The bill repeals Article 30-D of the public health law.



## From the Governor

### Retroactive Raises for State Workers

New York State [will restore \\$600 million](#) in retroactive general salary increases for state workers. These are contractual raises that had been suspended as a result of the COVID-19 pandemic.

### Carbon-To-Value Research, Technology Transfer, and Commercialization

Governor Cuomo [announced](#) \$10 million to launch the Carbontech Development Initiative, an initiative intended to establish New York State as a world-class hub of carbon-to-value research, technology transfer, and commercialization. The state will be seeking proposals from organizations to design and operate the new entity, which will build out programming, secure sources of funding and engage industry participants, and environmental justice and other disadvantaged communities to drive the innovation needed to capture waste and atmospheric carbon, build out its utilization as valuable products and ultimately facilitate deep decarbonization economy-wide.

### Executive Orders

Governor Cuomo issued Executive Orders [202.100](#) and [202.101](#). These EOs required hospitals to offer and provide COVID vaccinations to eligible patients being transported to nursing homes, adult care or long-term care facilities. They also implemented seating capacity changes as well as changes to the hours of operation for gyms, fitness centers, and dining.

## Legislative news

### 2021 Legislative Session Days

There are 2 scheduled session days next week, however, the Legislature is not expected to return until April 19, extending the break that had been scheduled for this week into next week. You can find the full 2021 Legislative Session calendar [here](#).

### Legislative Committees

No announced Committee Meetings for the Senate or Assembly. If they are announced the meetings can be found here: [live stream available on the Senate website](#), with the Assembly [found here once announced](#).

### Legislative Activity

The legislature passed 10 bills this week, all related to the NYS Budget.

### Public Hearings

- ~ April 13 - [Senate Standing Committee on Agriculture and Labor](#). Subject: Diversifying Agriculture and Addressing Food Justice Alongside Continuing Inequalities in our Food Systems.
- ~ Postponed, New Date TBD - [Senate Standing Committees on Transportation and Corporations, Authorities, and Commissions](#). Subject: East Side Access/East Side Tunnel Project Oversight (MTA/Amtrak).
- ~ April 13 - [Senate Standing Committees on Environmental Conservation and Energy](#). Subject: Climate and Community Investment Act (CCIA).
- ~ April 22 - [Senate Standing Committee on Investigations and Government Operations and Senate Standing Committee on Commerce, Economic Development, and Small Businesses](#). Subject: Primary and Secondary Ticket Marketplaces.

The full legislative public hearing calendar can be accessed [here](#).

## State Agencies

### ***From the NYS Attorney General***

#### **Statement on Excluded Worker Fund - unemployment benefits for undocumented citizens**

"Upon review of the excluded worker legislation in the budget, we believe the Office of the Attorney General's role will be to ensure the integrity of the process by verifying whether the regulations and the process being established are constitutional. These duties are in line with our traditional role, and we look forward to performing them."

### ***From the NYS Comptroller***

#### **Comptroller urges caution in COVID economic recovery/FY 2022 Budget**

"The state Legislature and Governor agreed on a new state budget as the state is struggling to recover from the economic devastation caused by COVID-19. More than a year into the pandemic, the number of cases remains high in New York but the accelerated pace of vaccinations and job growth in many sectors indicate an improving economic outlook. We are not out of the woods, and we must remain cautious as there is still uncertainty about the epidemic and the trajectory and equity of the recovery."

[Full Statement](#)

### ***From the NYS Department of Financial Services***

#### **Waiving Co-Pays for COVID Vaccination to Continue**

Governor Cuomo directed the Department of Financial Services to extend the [emergency regulation](#) requiring all health insurers to waive co-pays for the COVID-19 vaccine until April 30. The extension is intended to help to ensure there are no barriers to New Yorkers accessing the vaccine as the State continues to implement its vaccine administration.

### ***From the NYS Energy Research and Development Authority (NYSERDA)***

#### **Board of Directors Appoints Doreen M. Harris President and CEO**

The New York State Energy Research and Development Authority (NYSERDA) [announced](#) Doreen M. Harris has been appointed President and Chief Executive Officer. Ms. Harris was appointed Acting President and CEO of NYSEERDA in June 2020 succeeding Alicia Barton, who is now CEO of FirstLight Power.