

INSIDE

Next Week's Calendar

The Legislature is in session Monday, Tuesday, Wednesday next week.

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Legislative News

16 Senate Committee Meetings Announced,

May public hearings.

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Updates from the Governor

Easing pandemic related restrictions

Executive Orders 202.106

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Agency News

AG: Public Safety Money Restored

Comptroller: Overtime Spending All-Time High

NYSERDA: Renewable Energy Funding

Busy Opening Week of May; End of Session Looms

With just 15 session days remaining on the legislative calendar, the first week of May saw a swirl of activity. The Governor announced continued loosening of pandemic restrictions, the legislature acted on the perennially contentious hospital and nursing home staffing ratio issue; the telecom industry sued the state; and hopes for a snowmobile trail system in the Adirondacks met a constitutional roadblock in the courts.

Reopening New York - The Governor announced jointly with the governors of New Jersey and Connecticut that the states would ease the current pandemic restrictions by mid-May. He also announced new guidance related to increasing capacity for vaccinated individuals at large venues. More details and links can be found in our "From the Governor" section.

Hero Act Signed - The Governor signed the bill passed by the legislature two weeks ago, which requires employers to adopt plans for preventing the spread of airborne disease in the workplace. See our "Legislative News" section for details.

Telecom Lawsuit - The NYS Telecommunication Association joined with other trade groups last Friday (April 30) to file a [lawsuit](#) against a measure included in last month's enacted state budget that capped broad-band fees to certain low income customers, prompting the Governor to respond with a tersely worded [statement](#). The lawsuit essentially claims that the state has overstepped its regulatory authority.

Columbia Care - The New York City based medical cannabis company [announced](#) late last week that it has acquired a 34-acre cultivation site in Eastern Long Island. New York lawmakers moved to legalize adult-use cannabis at the end of March. Under the new law ([Chapter 92, L. 2021](#)), the state's currently licensed medical cannabis companies will have an opportunity to also enter the adult-use market.

Staffing Ratios - Bills related to staffing committees in hospitals ([S1168a/A108b](#)) and required staffing levels in nursing homes ([S6346/A7119](#)) were passed by both houses of the legislature on Tuesday. The bills have yet to be delivered to the Governor.

Snowmobile Trail System Blocked - The New York State Court of Appeals [ruled](#) on Tuesday that the construction of a snowmobile trail connecting North Hudson to Newcomb, Minerva and Indian Lake would be a violation of the state constitution's "forever wild" clause related to the preservation of state-owned land (including the Adirondack Park). The project would now need a Constitutional Amendment to proceed. Media [here](#).

Virtual Point & Insurance Reduction Program (PIRP) Courses Authorized - The state Department of Motor Vehicles (DMV) notified PIRP providers on Monday, May 3, that classes may be taught virtually using "established and secure technology" pursuant to certain conditions.



From the Governor

Business Capacity Limits Set to Expire May 16; Broadway to Reopen;

Governor Cuomo [announced](#) business capacities based on a percentage of maximum occupancy will end on May 19. A new distance-based maximum capacity will apply across commercial settings, including retail, food services, gyms and fitness centers, amusement and family entertainment, hair salons, barber shops and other personal care services, among other settings. The Governor also announced that [Broadway](#) will reopen in September.

Outdoor Venue Capacity Limits Lifted

Governor Cuomo [announced](#) that large-scale outdoor event venues will only be limited by the space available for patrons or parties of patrons to maintain the required social distance of 6 feet starting May 19. This will apply to outdoor sports, performing arts and live entertainment, and horse and auto racing venues statewide. Appropriate social distancing, masks and other applicable health protocols will still apply. Governor Cuomo also announced that in large-scale outdoor event venues, fully vaccinated attendees may be spaced next to one another, instead of 6 feet apart, in assigned, seated sections that are designated solely for fully vaccinated individuals.

Executive Orders

Governor Cuomo has issued Executive Order [202.106](#), which continues to ease restaurant capacity restrictions in NYC.

Legislative news

2021 Legislative Session Days

There are 3 scheduled session days next week Monday, Tuesday, Wednesday. You can find the full 2021 Legislative Session calendar [here](#).

Legislative Committees

There are 16 committee meeting announced for the Senate and none for the Assembly announced yet. Meetings can be found here: [live stream available on the Senate website](#), with the Assembly [found here once announced](#).

Legislative Activity

The Legislature passed 93 bills this week while in session.

Passed two weeks ago, the "NY HERO Act" ([S1034b/A2681b](#)) was signed by the Governor this week (Chapter 105). The new law requires employers to adopt plans for preventing the spread of airborne disease in the workplace and will have wide ranging impacts on employers. The accompanying [approval message](#) includes an agreement with the legislature for a chapter amendment related to workplace standards, clarifying timelines, and allowing employers an opportunity to cure violations.

Public Hearings

- ~ May 13th, Assembly Standing Committees on Environmental Conservation, Energy and Climate Change Work Group. Subject: Climate Leadership and Community Protection Act (CLCPA) Implementation.
- ~ May 20th, [Senate Standing Committee on Disabilities](#). Subject: Evaluating the State's response to COVID-19 at certain residential facilities.

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

State Agencies / Courts

From the NYS Attorney General

\$30 Million in Public Safety Grants Restored

The Attorney General [announced](#) the restoration of more than \$30 million in federal funds for public safety that New York receives under the Edward Byrne Memorial Justice Assistance Grant program (Byrne JAG) and the [conclusion of legal challenges against the Trump administration's Department of Justice for denying these funds](#).

From the NYS Supreme Court Appellate Division

The New York State Supreme Court Appellate Division [issued a unanimous ruling](#) finding the Regulation 187 amendment to be unconstitutional. While the decision can be appealed to the New York State Court of Appeals, the decision issued by the Appellate Division reversed a 2019 ruling by Justice Henry Zwack that upheld the New York State Department of Financial Services' authority to issue amendments to Regulation 187 that placed a standard similar to a fiduciary standard on agents selling annuities and life insurance.

From the NYS Comptroller

Overtime in State Agencies Reached All-Time High

The total cost of overtime in 2020 at state agencies reached an all-time high at more than \$850 million, continuing an upward trend over the last decade and spurred on by the COVID-19 pandemic, according to [a report released](#) by the State Comptroller. Total overtime hours of 19 million represent an increase of 3.9 percent while total overtime earnings increased 5.5 percent from 2019.

From the NYS Energy Research & Development Authority (NYSERDA)

NYSERDA in partnership with Rochester Gas & Electric (RG&E) [announced](#) \$3 million in funding for the Future Grid Challenge geared towards helping solve technical challenges utilities face with energy transmission and distribution when incorporating renewable energy sources into the electric grid. Specifically, the funding is available for a project or projects that partner with Avangrid and its subsidiaries, NYSEG and RG&E, to develop technical solutions that forecast and assess system impacts of electric vehicle (EV) and distributed energy resources (DER) in parts of the Southern Tier.