

### INSIDE

#### Legislative Calendar

Legislative session has concluded

#### Legislative News

Bills Delivered to the Governor

June Public Hearings

#### From the Governor

Most COVID Restrictions Lifted

NYS Capitol to Reopen

NYS Fair Full Capacity

#### Agency News

AG: ACA Victory in Supreme Court

Comptroller: Financial Picture Improves

### **Capitol Re-opens; Session Successes; Publication Schedule**

*With legislative session having come to a close late last week, this was a relatively quiet week in Albany as members shifted their focus to local primary races (early voting began June 12 and goes through June 20, primary elections are June 22). Some of the bills that passed both the Senate and the Assembly are being delivered to the Governor for his signature or veto, including one that would cover the costs of the impeachment investigation being conducted by the Assembly (S.7237/A.8037, Chapter 152). This is a process that will continue through the end of the year.*

*Also, this week the state marked a milestone in administering COVID-19 vaccinations as the re-opening of the state took a significant step forward, the Comptroller reported significant improvement in the state's financial picture (see our State Agencies Section for details), in a third test of the Affordable Care Act heard by the Supreme Court since the law was enacted in 2010 the nine Justices voted 7-2 to [uphold](#) the law, and areas of downtown Albany were [converted](#) into a temporary movie set for filming portions of an HBO series.*

**Re-opening NY** - As positivity rates continued to [decline](#), the Governor announced on Tuesday that the state has met the vaccine threshold to lift most of the COVID-19 restrictions, including today's re-opening of the Capitol and the Legislative Office Building to the public. More than 70 percent of adult New Yorkers have received at least one dose of the COVID-19 vaccine. See our *From the Governor* section for more details.

**Weekly Update Publication Schedule** - Because there is limited legislative activity during the summer months, the *PSLLC Weekly Update* will be taking a hiatus through August. That being said, as news and activity warrant, we will publish bulletins to update our clients and colleagues (e.g., important bill signings, election news, etc.). Beginning in September the *Update* will publish monthly and then in January 2022, the *Weekly Update* will return.

**Client Advocacy** - Throughout the legislative session PSLLC advocated on several fronts on issues important to our broad, statewide client base. See our *PSLLC Session Accomplishments* section for more details and a brief session summary. We appreciate the efforts and support of all of our clients and look forward to continuing advocacy efforts during the off-session and as the Executive begins to consider budget priorities in the fall.



## From the Governor

### **Governor Cuomo Announces Restrictions Across Most Settings Lifted**

Governor Cuomo [announced](#) many COVID-19 restrictions are now lifted due to New York hitting the 70% vaccination threshold. Among other commercial settings, restrictions were lifted on retail, food services, offices, gyms and fitness centers, amusement and family entertainment, hair salons, barber shops and personal care services.

### **Governor Cuomo Announces Reopening of State Capitol**

Governor Andrew M. Cuomo [announced](#) that with 70 percent of New Yorkers aged 18 or older having received the first dose of their COVID-19 vaccination series, the Empire State Plaza Complex, which includes the New York State Capitol and the Legislative Office Building, will reopen to the public June 18.

### **Governor Cuomo Announces 2021 New York State Fair to Reopen at 100% Capacity**

Governor Andrew M. Cuomo [announced](#) the 2021 New York State Fair, an end-of-summer celebration at the New York State Fairgrounds from August 20 to September 6 in Syracuse, will increase capacity to 100 percent and reopen many popular buildings with additional vendors, given the significant progress New Yorkers have made against COVID-19.

### **Executive Orders**

Governor Cuomo has issued [Executive Order \(EO\) 202.111](#), which officially ended the capacity limits for indoor residential gatherings, indoor social gatherings such as events, arts, entertainment venues and other large scale venues.

## Legislative news

### **2021 Legislative Session**

While the 2021 Legislative Session has concluded, there remains the possibility of members returning to Albany before the beginning of the 2022 session.

### **Legislative Activity**

With session coming to an end for the time being, the attention shifts to bills that passed in both houses of the Legislature as they begin to be sent to the Governor where he will either sign them into law or veto them.

Over the last week, 40 bills were delivered to the Governor including the following:

- [S.6431\(Brouk\)/A.7405 \(Bronson\)](#) - Extends for one-year certain exemptions from professional licensure requirements for persons employed as mental health practitioners, psychologists and social workers in a program or service operated, regulated, funded, or approved by the department of mental hygiene, the office of children and family services, or a local governmental unit or social services district.
- [S.6679 \(May\)/A.7501\(Stirpe\)](#) - Extends the reporting deadline of the advisory panel on employee-owned enterprises to 2023.
- [S.6801 \(Rivera\)/A.7659\(Buttenschon\)](#) - Extends until 2023, provisions of law that make consumers aware of changes to network coverage under their health plan.

### **Public Hearings**

~June 21<sup>st</sup>, Assembly Standing Committees on Alcoholism and Drug Abuse; Mental Health. Subject: Integrating services offered by the Office of Addiction Services and Supports and the Office of Mental Health.

~July 12<sup>th</sup>, Senate Standing Committee on Ethics and Internal Governance. Subject: New York State's system of ethics oversight and enforcement.

~July 13<sup>th</sup>, Senate Standing Committee on Aging, Health, and Labor. Subject: Homecare Workforce - Challenges and Solutions.

~July 20<sup>th</sup>. Senate Standing Committee on Aging, Health, and Labor. Subject: Nursing Home and Assisted Living Workforce.

## State Agencies

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

#### **Attorney General James on upholding the Affordable Care Act**

New York [Attorney General Letitia James](#) touted her efforts along with a coalition that included 20 states and the District of Columbia after the United States Supreme Court rejected a challenge to strike down the Patient Protection and Affordable Care Act (ACA) in the case *California v. Texas*. The coalition defended the ACA against a lawsuit brought by a Texas-led state coalition that sought to dismantle the health care reform law. Ultimately, the Supreme Court ruled that the Texas-led coalition opposing the ACA failed to establish standing in bringing the lawsuit.

### **From the NYS Comptroller**

#### **NYS Financial Picture Improving**

State tax receipts [through the first two months of State Fiscal Year](#) (SFY) 2021-22 were \$4 billion higher than forecast in the Enacted Budget Financial Plan, according to the monthly [State Cash Report](#) released by New York State Comptroller Thomas P. DiNapoli. [Local sales tax collections](#) in May increased by 57.8 percent over the same month in 2020, the highest one month increase in recent history, according to the Comptroller. Collections totaled \$1.4 billion, up \$530 million from May of last year.

## PSLLC Session Accomplishments

### **Session Summary:**

The 2021 Legislative Session was unique in many aspects as the State continued to work through the challenges of the COVID-19 pandemic. Meetings with lawmakers and agencies were conducted on a virtual audio/video platform or by phone. While this presented a myriad of challenges and logistical issues, by and large all interactions were accomplished with minimal hiccups and we found lawmakers, their staff, and state agencies accessible and willing participants. In addition, for the first time in more than half a century both houses of the legislature hold a veto proof majority which, at least to some degree, changed the dynamic in how the two houses approached this year's session, allowing members to support initiatives that may have in the past been perceived as non-starters and likely ripe for a gubernatorial veto.

From January to the end of session on June 10 (the Assembly adjourned early on June 11) 892 bills passed both houses (461 in the final week of the session), 152 of which had been signed by the Governor by June 17; there were 1721 other bills that were passed by either the Senate or the Assembly. In addition, in the final days 145 gubernatorial appointments were confirmed by the Senate.

While the legislative session has officially ended, the leaders of both houses left open the possibility of returning to Albany to address items that eluded consensus this week such as the restructuring of MTA leadership proposed by the Governor and subsequent appointments, and the nomination/confirmation of the chair of the Cannabis Control Board and the four board members, along with the executive director for the [Office of Cannabis Management](#) for the state's newly minted Cannabis program.

## **Looking forward to 2022:**

Barring a return of COVID-19 surges, the 2022 session is very likely to feature a return of in-person meetings and advocacy as the re-opening of New York continues. The session will also be colored by the fact that it will be an election year, and all seats in both the Senate and Assembly will be up for election.

## **Client victories:**

Park Strategies, LLC lobbied on a wide range of issues for the firm's broad client base and subsequently were successful in many areas. As is always the case, the annual end of session does not conclude our efforts, which will continue through the coming months as the Governor considers bills that will be delivered to his desk for signature or veto. Below are a number of successes, and we thank the public officials and respective staff for the opportunity to be heard on these and other issues important to our clients, and for their hard work throughout a legislative session that has been logistically challenging and faced a wide range of difficult issues.

**The Marihuana Regulation and Taxation Act ([S.854A/A.1248A](#), Chapter 92 Laws of 2021)** - Establishes a new law regulating the sale and recreational use of Cannabis (Cannabis Law). Adults 21-years-of-age or older would be allowed to possess and purchase cannabis products. The law establishes the regulatory framework for licensed cultivators, distributors, and retailers and will allow individuals to grow a limited number of plants for personal use. The language also includes provisions related to social and economic equity. Under the law, a new Office of Cannabis Management is established with provisions for an executive director and a 13-member advisory board. The law also provides for the establishment of the Cannabis Control Board including the appointment of a chair and members, and brings current law related to medical cannabis and hemp under its umbrella.

**Boating Liability ([S.1307/A.955](#), Chapter 113 Laws of 2021)** - Modifies last year's boating safety course law which mandates insurers to provide premium discounts to boat-owner insureds who take a safety course. The Park Strategies Team prevailed in pushing through the passage of this chapter amendment which eliminates the discount requirement by now giving insurers the discretion to provide an actuarially appropriate reduction in premium to insureds who complete such a course.

**Construction Advisory Council ([S.4323C/A.6232C](#), Passed Both Houses)** - Creates a construction industry advisory council on public contracts. The council must hold at least 3 regional meetings, which will address substantial completion, retainage, damages incurred by contractors due to payment delays by public contract owners, and MWBE issues.

**Electronic Delivery ([S.653A/A.651A](#), Passed Both Houses)** - Authorizes Property and Casualty insurers to electronically deliver insurance notices and documents with the consent of their policyholders.

**Excess Disability Insurance ([S.5760A/A.3222A](#), Passed Both Houses)** - Established a new coverage in New York that provides insured businesses with the funds necessary to continue business operations when an individual key to the financial success of the enterprise becomes disabled and cannot fully participate in the conduct of the business as an income-stream producer. Excess line brokers are now authorized to secure this insurance in the excess lines market, supplying them with a new source of revenue generated by this innovative coverage.

**Tandem Access ([S.6332/A.7417](#), Passed Both Houses)** - Remedies an unintended consequence of cashless tolling that negatively impacted double tandem trucks utilizing Exit 25-A on the NYS Thruway.

**Temporary Liquor Licenses for NYC ([S.2743/ A.3909](#), Passed Both Houses)** - Allows bars and restaurants in New York City to obtain a temporary liquor license while they await final approval from the state. Currently, establishments outside New York City are able to obtain such temporary permits to sell alcohol within 30 days of submitting an application for a permanent license to the state Liquor Authority. This proposal would bring New York City into alignment with the rest of the state and allow businesses to bypass a six-month waiting period while their application is reviewed by the state.