

**Albany Update for Week of January 30:  
Independent Democratic Conference Grows, While Legislature Dissects Governor's Budget Proposal**

While the temperature outside reminds us we are in the grasp of winter and Punxsutawney Phil predicted we will see another six weeks of it, things are heating up in Albany as the first month of the legislative session passes and the April 1 budget deadline appears on the horizon. Below are some pertinent updates that have transpired in the first few weeks of the Legislative Session.

**Update on Senate: Independent Democratic Conference Gains New Member, Senator Jose Peralta** Last week, Senator Jose Peralta (D-Queens) announced he was leaving the mainline Senate Democratic Conference to join the Senate Independent Democratic Conference. Led by Senator Jeff Klein (D-Bronx), this brings the number of members of the Independent Democratic Conference to eight with the addition of Senator Peralta, who represents the 13<sup>th</sup> Senate District, covering Jackson Heights, Corona, Elmhurst, East Elmhurst, and parts of Woodside and Astoria. A war of words has erupted between the two conferences over the last two weeks, further souring the relations.

In making the decision, Senator Peralta, first elected to the Senate in a special election in March 2010 following the expulsion of Hiram Monserrate, said the "political climate demands that progressive legislators take bold action to deliver for their constituents." The Senator added, "That's why I've decided to join the Independent Democratic Conference, where I can best affect progressive change on issues like affordable housing, higher education, school funding equity, homelessness reforms, economic development, infrastructure upgrades, affordable healthcare, senior citizen protections and so much more."

This latest move does not change the balance of power in the Senate as the Senate Republicans have an alliance with Senator Simcha Felder (D-Bronx) and the Independent Democratic Conference for control of the chamber. For those keeping track of the numbers, the breakdown of the 63-seats is as follows:

- Republicans: 31 seats, which rises to 32 when you factor in Senator Simcha Felder (D-Bronx) who caucuses with Republicans.
- Senate Independent Democratic Conference: 8 seats.
- Senate Mainline Democratic Conference: 23 seats.

**2017-18 Budget Update: Joint Legislative Hearings Under Way; Coming Up Next Week: Mental Hygiene, Taxes, Human Services & Housing and a Special Hearing on Raising the Age of Criminal Responsibility**

Tis the season for all focus to be on the budget, as such, the Legislature and Lobbyists have been poring over the voluminous Executive budget bills. During this phase, numerous Hearings are held - over the course of the last two weeks five such Hearings have been completed in the areas of: higher education, workforce development, local government/general government, public protection, and economic development. There are seven more joint hearings will be held in the next two weeks. On tap for next week, Mental Hygiene on Monday, February 6, Taxes on Tuesday, February 7, Human Services on Wednesday, February 8, and Housing on Thursday, February 9. Scheduled for the week of February 13: Environmental Conservation on Monday, February 13, 2017, Elementary and Secondary Education on Tuesday, February 14, Transportation on Wednesday, February 15, and concluding with Health/Medicaid on Thursday, February 16.

Among the items under the microscope at the higher education joint hearing, Governor's proposals to: (1) provide free tuition at SUNY and CUNY schools for students from families making \$125,000 or less; (2) limiting so-called Bundy Aid to colleges and universities if the annual increase in tuition and fees is below \$500 or the three year average of the Higher Education Price Index, whichever is greater; and, (3) Tuition Assistant Program Awards only be offered to colleges and universities where the annual increase in tuition and fees is below \$500 or the three-year average of the Higher Education Price Index, whichever is

greater. Among the groups expressing opposition and/or concern: The Association of Proprietary Colleges and The Commission on Independent Colleges, the latter of whom provided testimony stating in part, “The Executive Budget’s Excelsior Scholarship proposal, along with its proposed elimination of TAP and Bundy for students who attend private colleges and universities that increase tuition beyond certain levels, means that our successful public/private partnership could be destroyed along with the schools, jobs and communities that this partnership has built.” Meanwhile, these proposals have been the subject of a number of recent articles, letters to the editor and editorials, some of which we highlighted below.

Regarding the hearing on public protection, there was notable testimony regarding raising the age of criminal responsibility from Judge Lawrence Marks, Chief Administrative Director for the Office of Court Administration, noting the court system supports such efforts. Judge Marks added that while the spending plan for the coming fiscal year does not include funding in the court system to accommodate such a change a policy, the Court could shift resources as needed for implementation which is expected to lessen the cases heard in adult courts. On the potential difficulty this could create, Judge Marks said, “That’s a problem we would be happy to take on.”

### **Raise the Age Update**

The Chairs of the Senate Committees on Children and Families and Crime Victims, Crime and Correction, Senators Tony Avella and Patrick Gallivan respectively, are holding a joint hearing on Monday, February 6 regarding “the age of criminal responsibility and its impact in New York State.” Oral testimony is being accepted by invitation only. Meanwhile, Senate Jesse Hamilton (D-Brooklyn), a member of the Independent Democratic Conference, which is making a strong push for the initiative, is planning a number of community events, including a weekly advocacy call on Wednesdays at 2:30 p.m. as well as events in the district: Task Force Meeting on Thursday, February 23, 2017 at 6:30 p.m. at the St. Francis de Sales School for the Deaf and Community Forum on Thursday, April 20, 2017 at 7 p.m. at the Old First Reformed Church.

### **Board of Regents Update**

Fifteen year veteran of the Board of Regents for the Sixth Judicial District Jim Tallon, a former Assemblyman, has announced he will not seek another term on the board. Meanwhile, Board of Regents Vice Chancellor T. Andrew Brown, who represents the Seventh Judicial District, announced he will seek another term, while it’s expected Regent Nan Eileen Mead, representing the 1<sup>st</sup> Judicial District, will also apply for another term, which lasts five years. Board of Regents are selected during a joint session of the Legislature in March.

### **Energy Update: Chair of Public Service Commission Leaving**

The Public Service Commission, which regulates utilities in New York including gas and electric, is losing its chair: Audrey Zibelman, who stepping down in March to take a new opportunity in Australia. The Commission is also expected to lose another member, Patricia Acampora, formerly Assemblywoman, who has served for 11 years and is retiring.

## **What’s Being Said**

### **Raising the Age**

“It’s saying that these young people are young people and that’s why we think it should be adjudicated in family court. That’s very important to us and we’d like to see it get done this year — and especially to me personally.” ~  
*Assembly Speaker Carl Heastie*

### **Higher Education**

“Gov. Andrew Cuomo’s goal of making college more affordable for middle class New Yorkers is welcome, but it could have an unintended and unfortunate consequence: threatening the viability, even the existence, of many struggling private institutions of higher learning.” ~ *Albany Times Union Editorial* (2.3.2017)

“Cuomo’s well-intentioned proposal to provide free tuition to some students helps focus attention on higher education and ways to assist families struggling with paying for college. But by limiting educational choices, the proposed program would fail to provide assistance to many New Yorkers and does a disservice to the state’s taxpayers. The governor should expand this exciting new program to provide substantial aid to students at private universities.” ~ Stephen Friedman, President of PACE University in *New York Daily News* (2.1.2017)

“Ninety percent of students attending APC [Association of Proprietary Colleges] member colleges are from New York and more than 90 percent of those students stay in the state after graduation to live and work. These students deserve the same opportunity to reduce their student loan debt as the Governor’s proposal outlines.” ~  
*Donna Gurnett, President and CEO of New York’s Association of Proprietary Colleges* (1.24.2017)

## Legislation Introduced

We make a note a couple of important pieces of legislation introduced:

AB.3977 (Glick)/S.263 (Hoylman) – The bill would establish a prohibition on physicians and mental health professionals from engaging in efforts to change a minor’s sexual orientation (so-called “conversion therapy”) and, furthermore, would define such efforts as professional misconduct. The bills were referred to the Higher Education Committees.

AB.3694 (Gunther) /S.1156 (Ortt) – Known as the Mental Health and Substance Abuse Parity Report Act, the legislation requires the Department of Financial Services to prepare an annual report measuring compliance with federal and state parity laws. This report would be part of the annual Consumer Guide published by the Department. Bills were referred to the Insurance Committees.

Regarding scope of practice:

- AB.2664 (DenDekker)/S.3766 (Robach) – Expands scope of practice of mental health practitioners to include diagnosis of mental illness. Bills were referred to the Higher Education Committees.
- AB. 2783 (Lavine) – Creates licensure for the profession of Athletic Training

## Other Notable News

- Regarding compliance with federal and state parity laws, Attorney General Eric Schneiderman reached a settlement with CIGNA last week, requiring the insurer to remove the prohibition it had for covering claims pertaining to neuropsychological testing of psychiatric conditions and autism spectrum disorder. Under the terms of the settlement, CIGNA is required to pay a penalty of \$50,000, revise its policies and review previously denied claims. For additional information, the press release and settlement can be accessed at: <https://ag.ny.gov/press-release/ag-schneiderman-announces-settlement-cigna-eliminates-policies-which-barred-coverage>.
- Attorney General reached a settlement with for-profit DeVry Education Group, Inc. and two subsidiaries, DeVry University Inc. and DeVry/New York, Inc. regarding allegations the company and subsidiaries misled students with “...exaggerated graduates’ success in finding employment at graduation and contained inadequately substantiated claims about graduates’ salary success.” As part of the settlement, the companies will pay \$2.25 million in consumer restitution and \$500,000 for penalties, fees and costs. For additional information, the press release and settlement can be accessed at: <https://ag.ny.gov/press-release/ag-schneiderman-obtains-settlement-devry-university-providing-225-million-restitution>

Siena College Poll on Governor’s Agenda – Siena College Research Institute surveyed 821 registered voters on the Governor’s signature policy proposals finding (note poll at an error of +/-3.9%):

- 60 percent support proposal to provide free tuition at SUNY and CUNY schools for income-eligible students.

For more information on the level of support for other items on Governor Cuomo’s agenda or for the crosstabs:

<http://www.nystateofpolitics.com/2017/01/siena-poll-broad-support-for-cuomo-agenda-but-his-numbers-remain-flat/>

## Other Press Reports

“Cuomo's pharma proposals face uncertain future” *Politico*, January 26, 2017

<http://www.politico.com/states/new-york/albany/story/2017/01/why-cuomos-pharma-proposals-face-uncertain-future-108973>

“Parents of Young Man Who Died In Prison: It's 'Disgraceful' That State Republicans Haven't Raised The Age” *Village Voice*, January 25, 2017

<http://www.villagevoice.com/news/parents-of-young-man-who-died-in-prison-its-disgraceful-that-state-republicans-havent-raised-the-age-9606675>

“Letter to the Editor from Lawrence Friedman, District Attorney of Genesee County: Raise the age’ issue not so simple,” *The Daily News Online*, January 25, 2017

<http://www.thedailynewsonline.com/bdn06/raise-the-age-issue-not-so-simple-20170125>

“Don’t charge 16- and 17-year-olds as adults, activists say at City Hall rally” *New York Daily News*, January 19, 2017

<http://www.nydailynews.com/new-york/don-charge-16-17-year-olds-adults-activists-urge-article-1.2950773>

“Opinion: Time for New York to do right by Kalief Browder’s family” By Shaun King in *New York Daily News*, January 18, 2017

<http://www.nydailynews.com/news/national/king-time-new-york-kalief-browder-family-article-1.2949297>