



DEMOCRATIC CONFERENCE / COUNSEL AND FINANCE

Date: April 2, 2017
To: Senate Democratic Conference Members
From: Counsel and Finance Staff
Re: Public Protection and General Government Agreed-Upon Budget Superhighlights

The following document includes budget highlights from the agreed-upon Public Protection and General Government Article VII bill.

Codes, Crime Victims, and Public Protection

Identity Theft and Related Crimes - Part C

These provisions are excluded from the PPGG bill. The Executive proposal and the Senate One-House had both included language that would have expanded the range of identity theft crimes to accommodate cases with higher dollar amounts stolen or lost or higher numbers of victims. Similarly, three Cyber Security Enhancements have been intentionally omitted in the three-way budget agreement, including cyber security reports, a new cyber security advisory board and the development of a cyber security defense unit.

State Reimbursement for Public Defender Services - Part D

These provisions are not included in the PPGG bill. All three prior proposals had included provisions to expand State funding of public defender services. The Executive proposal and Senate One-House would have required ILS to devise plans to improve these services, and would require DOB to approve the plans. These proposals would also require the State to reimburse the counties for implementation of these plans. The Assembly One-House included language that mirrors last year's A.10706 (Fahy)/S.8114 (DeFrancisco), which passed both houses unanimously and would have required a gradual state takeover of public defender services. The Senate Democratic Conference supports including A.10706/S.8114 (which is currently pending in the Senate as A.1903, Fahy) in this year's budget.

Hate Crimes Task Force – Part F

The Hate Crimes Task Force is accepted in the final budget agreement. Like the Governor's proposal and the Assembly One-House, the task force will be required to work with the Division of Human Rights and the Division of Criminal Justice Services to inform the public of their rights, and to make reports regarding hate crimes. Like the Senate One-House, the task force will be required to work with local law enforcement "when at all possible."

Victims' Services Awards – Parts G and H

The agreed-upon Article VII language accepts the Governor's proposals regarding increased eligibility for Victims' Services awards, including increased eligibility for common domestic violence crimes and loss of savings for elderly and mentally and physically incapacitated victims of financial crimes.

Miscellaneous Provisions/Omissions

- Decriminalization of small amounts of marijuana in public is omitted.
- Admissibility of photo arrays and mandated recording of interrogations is omitted.
- The sentencing reform provisions proposed by the Governor and the Assembly, including eliminating indeterminate sentences for most felonies, are omitted.
- There are no speedy trial provisions included in the agreed-upon Article VII language. Neither the Governor's proposal nor the Senate One-House included speedy trial reform. The Assembly One-House included language that mirrors Kalief's Law, S.1998-A (Squadron), which would increase court oversight of the speedy trial period among other provisions. The Senate Democratic Conference strongly supports this legislation.

Judiciary

Interest on Judgement Accounts- Part R

The agreed-upon bill omits the Governor's proposal to tie the interest rate on judgments against municipal corporations, public housing authorities, the state, and other public corporations to federal interest rates. Current law sets the interest rate at 9% and this proposal would have allowed it to be substantially lower. The Senate and Assembly both rejected this proposal in their one-house budgets.

Translation of Orders of Protection- Part BB

The agreed-upon bill includes a new proposal directing the Office of Court Administration (OCA) to make translation services into the appropriate language available for orders of protection to the parties in all family and supreme courts, with modifications. The original Senate proposal included in the one-house budget had included criminal courts, while this bill only requires a pilot in some counties for criminal courts.

This bill is limited to providing translation services for the ten most frequently used languages in the courts of each judicial department and any additional languages the chief administrator of the courts deems appropriate. The agreed-upon bill phases the number of languages required in, with three languages required by 1/1/18, three more languages by 6/30/19, and the final four languages by 12/31/20. The Senate's proposal had required translation for any language where the court assigned an interpreter. The Court System has interpreters available in over 27 languages, including several Chinese dialects and Gaelic.

The agreed-upon bill requires the court to read the essential terms of the order aloud into the

record and the court-appointed interpreter to interpret the same terms. The Senate’s proposal allowed the translation to be by the interpreter, with computer software, or by some other method. Each party in the proceeding will receive a copy of the translated order and the original English-language order. The translated interpretation of the order would not affect the validity or enforceability of the order.

The agreed-upon bill requires the Chief Administrator of the Courts to submit a report evaluating the technical and operational issues involved in translating the orders by 4/1/18 and a report on the availability and use of translation services in the courts for orders of protection, including recommendations for further legislation, by 4/1/19.

Finally, this bill directs the OCA to develop two pilot programs. The first would be in one town or village court within each judicial district to develop best practices for the use of written translation and interpretation services for orders of protection in the justice courts. The second would be in one county in New York City and two counties outside the city to develop best practices for written translation and interpretation services for orders of protection in the state-paid criminal courts. OCA would include evaluations of these pilots in its required 2018 report on the technical and operational issues involved in the translations.

In previous years, two competing versions of this bill have passed the Senate and Assembly. The Senate version (sponsored by Senator Espaillat) allowed for orders of protection to be translated in a standardized and default text language, whereas the Assembly version required individualized orders of protection be read into the record by the interpreter. This provision was originally Part PP of the Senate one-house and is similar to S790-A by Senator Alcantara.

Local Government

County Wide Shared Services Property Tax Savings Plan- Part U

The agreed-upon bill omits the Governor’s plan to have counties create plans to reduce property taxes through shared services among local governments. Counties would have submitted the plan to voters in 2017, and, if the plan failed, again in 2018 after revisions. It should be noted that the Majority has suggested that this item might creep into a final bill further down the line.

The NY Association of Towns, Association of Counties, and Conference of Mayors all opposed the proposal. NYSAC supports shared services in general, but rejected the Governor’s plan as presented as incomplete in scope. NYSAC would prefer that the State pay for State-mandated programs. CSEA also opposed the measure. The County Executives of Nassau, Suffolk, Onondaga, Broome, and Rockland, as well as the County Legislature Chairs of Oswego, Cayuga, and Cortland all endorsed the Governor’s plan.

One House Positions: Senate & Assembly rejected. SDC “supports the general idea of cost saving measures, as long as critical services and resources are preserved.”

Increases the Land Bank Total- Part DD

The agreed-upon PPGG Article VII language adds a new provision that increases the cap on State-authorized land banks from 20 to 25. In 2011, the State authorized municipalities to create land banks that would be empowered to take control of vacant or abandoned properties in order to redevelop and restore them to property tax rolls. This legislation would increase the cap on the number of land banks that can be authorized from 20 to 25. The cap was reached in 2016. However, there are currently 19 active land banks, and the Attorney General's Office also confirms that their list is at 19 total. The New York Conference of Mayors reports that the twentieth land bank was registered in 2017. Identical legislation passed the Senate 61-0 on 2/28 (S.1897/Young).

Spring Valley Real Property Tax Exemptions- Part TT

The final PPGG budget bill includes a new provision granting residents of the village of Spring Valley (in Rockland County) real property tax exemptions available to senior citizens and veterans, where the local law authorizing the exemptions was not enacted in time for the 2016-17 assessment rolls pursuant to sections 467 and 458 of the Real Property Tax Law. Spring Valley adopted the enabling local law (LL 1-2017) after the taxable date for the 2016-17 assessment and therefore cannot apply the real property tax exemptions by law for the 2016-17 assessment rolls. Related to this, in December Spring Valley abolished its tax assessor's office, and so the village now uses the assessments of the towns of Clarkstown and Ramapo.

It should also be noted that Spring Valley has been at the center of several ethics investigations and criminal charges, including the conviction of former mayor Noramie Jasmin and Deputy Mayor Joseph Desmaret, as well as the current corruption charge against the Spring Valley building inspector for taking bribes to assist unlawful buildings in the East Ramapo section of Spring Valley.

Miscellaneous/Omitted

- Rejects the Senate Majority's proposal creating an evidentiary presumption that certain cancers are caused by volunteer firefighter service for the purposes of the volunteer firefighters benefit law. The presumption would have attached after five to ten years of service, depending on the type of cancer. Municipalities could have opted out of the presumption through a local law or resolution. This was Part TT of the Senate one-house.
- Rejects the Senate proposal to merge the town courts of Erin & Chemung (Part BB of one house).
- Rejects the Senate proposal to make provisions allowing shared purchasing among political subdivisions ("piggybacking") permanent. The provisions are set to expire in 2019. (Part EE of one-house).
- Rejects the Assembly's proposal to increase AIM Base Level Grants by \$50 million (Part FF of one house).
- Rejects the Assembly's proposal to authorized assigned counsel in criminal action appeals to make motions to vacate a judgment, set aside a sentence, or for writ of error. (Part MM of one house).

- Rejects the Assembly’s proposal to define prior year aid for villages as the amount of assistance received in 2016-17 (Part NN of one-house).
- Rejects the Senate’s proposal for a study by Westchester County on reutilization of Indian Point (Part QQ of one house – addressed in Part RR the TED bill).
- The Senate’s proposal for funding to local government entities with shuttered power plants was moved to Part QQ of TED (originally Part RR of PPGG one house).

Transportation

Autonomous Vehicles- Part FF

The agreed-upon PPGG Article VII legislation includes new language authorizing the Department of Motor Vehicles (DMV) to approve demonstrations and testing of autonomous motor vehicles (self-driving cars) on public highways. Demonstrations and testing are only allowed under “direct supervision” of the State Police. A licensed driver must be present within the vehicle while it is being operated, the car must adhere to Federal and State motor vehicle safety standards, and the motor vehicle must have “financial security” of no less than \$5 million. The vehicles are explicitly required to adhere to no-fault insurance and accident reporting laws by the language. DMV must report on this testing in consultation with the State Police describing the testing, locations, safety impacts, no later than June 1, 2018. This legislation is authorized for one year, and expires April 1, 2018.

\$3 million New York City Traffic Adjudication Sweep- Part GG

The agreed-upon PPGG Article VII language provides for a \$3 million annual transfer of fines collected in New York City under its traffic adjudication program, which is administered by the State DMV. This revenue would be deposited in the State’s General Fund, ostensibly to offset DMV’s IT expenses related to the program. This legislation was originally included in Part F of the TED bill. It has been amended to add a sunset on April 1, 2019. New York City opposed this sweep in its budget letter.

Miscellaneous Items

LATFOR One Year Extender - Part CC

A new Part CC to extend, for one additional year, the Legislative Task Force on Demographic Reapportionment ("LATFOR") has been added to PPGG. LATFOR's existence was last extended in the 2015-16 enacted budget. The Task Force aids the Legislature by providing technical plans for meeting the requirements of the legislative timetables for the reapportionment of Senate, Assembly, and Congressional districts.

Omitted Executive Budget Proposals

- Rebranding/reform of START-UP NY (Part X)
- Buy American (Part J)

- Healthcare cuts for state retirees (Parts S and T)
- Reforms to the State Insurance Fund (Parts O and P)
- OITS hiring flexibility (Part Q)
- Part-time work allowance during unemployment benefits period (Part Y)
- Human Rights Law application to public schools (Part V)
- Sweeps from Regional Greenhouse Gas Emissions auction proceeds totaling \$23 million transferred to the general fund (Part Z)