

NEW YORK STATE

**MAKING
PROGRESS
HAPPEN**

2020 STATE OF THE STATE



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**2020 State of the State
Governor Andrew M. Cuomo**

The Constitution of New York State requires the Governor to deliver an annual message to the Legislature regarding the state of the state. Since taking office, Governor Cuomo has used this opportunity to update New Yorkers on the progress of the State, while laying out a series of priorities for the year. The State of the State proposals are the first step in defining the Governor's agenda in 2020. Additional policies and funding details will be included in the upcoming Governor's Executive Budget.

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1. COMBATTING CLIMATE CHANGE

Under Governor Cuomo, New York is leading the nation in combatting the urgent threat of climate change with ambitious goals and a concrete plan for achieving them: The Green New Deal for New York. Governor Cuomo has also instituted some of the strongest protections in the country for clean air and clean water, signed legislation banning toxins and other pollutants, and moved aggressively to clean up heavily contaminated areas – including:

- Establishing the Climate Leadership and Community Protection Act, the most aggressive climate change law in the country;
- Co-Founded the US Climate Alliance;
- Prohibiting offshore drilling for fossil fuels;
- Prohibiting high-volume hydraulic fracturing;
- Mandating the shut-down of every coal-burning power plant in the State by the end of 2020;
- Committing over \$5 billion in grants for clean drinking water and wastewater infrastructure;

- Completing the \$1.2 billion Bay Park Wastewater Treatment Plant project waterways on Long Island's South Shore;
- Investing a record \$300 million for four consecutive years Environmental Protection Fund, which protects our critical lands and waters across the State;
- Banning single-use plastic bags;
- Completing the largest artificial reef expansion in State history;
- Launching a comprehensive shellfish restoration program to improve water quality, habitat and resilience;
- Establishing a swiftly expanding renewable energy industry in New York State, with over 2,700 megawatts of solar, wind and storage capacity installed since 2011, and another 7,000 megawatts in development;
- Launching the NY Sun Program, providing \$741 million in incentives to leverage over \$4 billion in private investment, helping to install over 2,000 megawatts of solar capacity, enough to power over 244,000 New York homes, and driving down the

cost of solar development in the State by nearly 60 percent;

- Positioning New York to become the hub of the nation's rapidly growing offshore wind industry, with nearly 2,000 megawatts already in development toward the State's nation-leading goal of 9,000 megawatts by 2035;
- Authorizing the first central-business-district tolling plan in the United States;
- Leading the Regional Greenhouse Gas Initiative in reducing the regional emissions cap by 14 percent;
- Signing into law a prohibition on household cleaning products and cosmetics with high levels of 1-4 dioxane and PFAS in firefighting foam;
- Adding more than 150,000 acres of protected forest, wilderness, and park land, including the largest addition to the Adirondack Forest Preserve in more than a century.

Superstorm Sandy, Hurricane Irene and Tropical Storm Lee provided dramatic evidence of the threats New Yorkers face. Since 2011, every county in New York has experienced at least two weather-related disaster declarations, and more than half have suffered five or more

disasters.¹ The Federal and State governments have spent more than \$26 billion in responding to these disasters. Scientists estimate that flooding will cause more than \$50 billion in damage in New York over the next decade.²

The new reality of extreme weather and climate change demands a new response. Investing in environmental restoration is essential to New York's continued economic success. Our floodplains and forests are indispensable natural barriers. They reduce risk to communities from increased flooding and more intense storms by providing a first line of defense, while also providing vital habitat necessary to sustain fish and wildlife species.

Last year, Governor Cuomo launched the Resiliency and Economic Development Initiative (REDI), a \$300 million effort to make communities around Lake Ontario and the St. Lawrence River more resilient in the wake of historic – and repeated – flooding.

Part 1. Pass the \$3 Billion Restore Mother Nature Bond Act

This year, New York will launch Restore Mother Nature, the nation's most aggressive program for significant habitat restoration and flood reduction, funded

in part by a \$3 billion Environmental Bond Act. The program will reduce flood risk and revitalize critical fish and wildlife habitats by connecting streams and waterways, right-sizing culverts and dams, restoring freshwater and tidal wetlands, reclaiming natural floodplains, restocking shellfish populations and upgrading fish hatcheries, preserving open space, conserving more forest areas, replanting more trees, reducing contamination from agricultural and storm water runoff, and expanding renewable energy. By 2030, New Yorkers in every corner of the State will see measurable improvements as a result of resiliency investment and increased or new recreational opportunities. Such uses will include but not be limited to:

- ***Restore Critical Habitats and Reduce Flood Risk:***

New York will establish a Conservation Corridors Program to restore critical habitats for fish and wildlife. This program will restore up to 10,000 acres of freshwater wetlands, including 5,000 urban wetlands, establish riparian buffers for resilience, and reconnect or replant 10,000 miles of stream habitat. The program will also restore natural floodplains and upgrade aging dams, including removal of those that are obsolete. Most habitat-restoration projects will also provide nature-based solutions to reduce the flooding that plagues

communities across the state. In addition, Restore Mother Nature will provide funds to upgrade flood control infrastructure, protect critical facilities, and move people and homes out of harm's way.

- ***Make NY the Top State for Recreational Fishing:***
As part of the Bond Act, New York will invest in its world-class fish hatcheries, the State will triple its walleye fingerling production, produce an additional 500,000 trout and salmon, raise 100,000 cisco for native fish restoration, and bolster development of a hardier strain of brown trout. The Governor's program will also improve New York's network of fishing access sites, hand launch boat sites, and public fishing rights with an emphasis on warm-water streams and rivers.
- ***Fight Harmful Invasive Species, e.g. Algae Blooms:***
The State will work with Clarkson University, SUNY College of Environmental Science and Forestry, and other experts to design and build emergency response equipment that can mitigate or eliminate Harmful Algal Blooms (HAB) in waterways across the State. The State will also work with farmers and communities to reduce the harmful runoff that contributes to some HABs. Exemplifying

Governor Cuomo's commitment to clean water, the State will provide an additional \$9.4 million in grants to upgrade the Lake George wastewater treatment plant to preserve the water quality and natural beauty of Lake George.

- ***Double Reef Acreage to Continue the Largest Artificial Reef Expansion in State History:*** Governor Cuomo has already accomplished the largest artificial reef expansion in New York's history. The State has built 12 artificial reef sites in New York, including two in Long Island Sound, two in Great South Bay, and eight in the Atlantic Ocean. These sites provide new habitats for marine life, and they create superb opportunities for fishing enthusiasts. The next phase is to double reef acreage by expanding seven existing reefs and creating four new artificial reefs in Long Island Sound and the Atlantic Ocean. This expansion will be complete by 2022, resulting in an even stronger and more diverse marine ecosystem.
- ***Plant Nearly 200 million Additional Shellfish on Long Island:*** At one time, Long Island's Great South Bay produced over half of the clams eaten in the United States. Oysters were so plentiful that they

filtered the entirety of New York Harbor every three days. Diminished water quality and over-harvesting decimated these populations. New York has already begun to revitalize the Harbor. Governor Cuomo's Long Island Shellfish Restoration Initiative is capitalizing on this progress by restocking the Bay with oysters and clams. Restore Mother Nature will double the size of this effort.

Proposal. Protect High-Traffic Public Lands for Future Generations

Governor Cuomo has recognized the outstanding value of our public lands and has improved plentiful recreational opportunities for New Yorkers and visitors with programs like Adventure NY, Parks 2020, Outdoors Day and First Time Camper.

As a result, visits to the Catskills and Adirondacks are on the rise. The three busiest trailheads in the Adirondack High Peaks Wilderness saw a 78 percent increase in registered hikers between 2007 and 2017. Trails in the Catskills have seen a 60 percent increase in use over the same period.³ Overall, tourism in the Adirondacks and the Catskills are up 22 percent since 2011.⁴

To preserve these singular natural resources for future generations, New York will develop a framework to balance public use needs, working in collaboration with the State's newly formed Adirondack High Peaks Strategic Planning Advisory Group. The State will form a similar advisory group for the Catskills. In both the Catskills and the Adirondacks, the State will deploy sustainable trail crews to make trails more durable to increased use and analyze and develop new visitor flow solutions to better manage traffic and hikers to provide a more enjoyable, less congested user experience. The State will also initiate education programs to enlist the public in protecting public lands through stewardship practices that minimize the impact to natural resources and ensure positive recreational experiences for future generations.

Proposal. Fight Flooding and Support Sustained Resiliency on Lake Ontario and the St. Lawrence River

In May 2019, Governor Cuomo launched the Lake Ontario Resiliency and Economic Development Initiative (REDI). The REDI Commission – a multi-agency task force, which includes 11 State agency Commissioners – was charged with developing a plan to strengthen critical infrastructure and promote natural solutions along Lake

Ontario and St. Lawrence River waterfronts in order to promote health and safety, as well as, bolstering the region's local economies that are heavily dependent on summer tourism. Governor Cuomo committed \$300 million for REDI, including funding for assistance to homeowners and business resiliency programs.

The REDI Commission identified projects for funding through robust community engagement, involving local stakeholders. The Commission designated 133 sustainable projects for grants, and Governor Cuomo announced the awards in October 2019. In 2020, the State will work with recipients to implement these critical projects.

Part 2. Combat Climate Change & Grow New York's Green Economy: A Win-Win

Last year, Governor Cuomo signed the Climate Leadership and Community Protection Act (CLCPA), codifying his Green New Deal for New York. The CLCPA is the most aggressive plan in the nation for fighting climate change, committing New York to achieve economy-wide carbon neutrality, including reducing greenhouse gas emissions throughout the State by 85 percent by 2050.

Progress toward the CLCPA goals are already well underway. The State has installed or contracted for nearly 10,000 megawatts of solar, wind and storage capacity over the past 10 years, including the largest procurement of offshore wind in the U.S. to date.

With nearly 160,000 clean energy jobs across the State and 8.9 percent clean job growth since 2016—double the statewide average⁵—the State’s nation-leading climate policies are attracting private-sector investment and spurring business creation. New York State is a leader in nearly every green job sector, ranking 3rd among states in jobs for solar, 3rd for energy efficiency, 9th for advanced transportation, 10th for wind, and 4th overall.⁶ Notably, many entry and mid-level clean energy occupations enjoy significant wage premiums compared to workers in other sectors (+32 percent and +12 percent, respectively).⁷ Energy efficiency jobs comprise the largest component of New York’s green economy with over 117,000 people employed.⁸

Proposal. Expand the Electric Vehicle Industry in New York

New York already has the second most efficient transportation sector and lowest CO2 emissions per capita of any state.⁹ New York is a leader in electric vehicles (EVs), thanks to the Charge NY initiative launched by Governor Cuomo in 2013. Charge NY set ambitious goals – 30,000 EVs and 3,000 EV charging stations by the end of 2018 – and exceeded them. Over 45,000 electric vehicles have been purchased in New York since 2013 — more than 48 other states.¹⁰ New York installed roughly 4,000 charging stations over the same period. In addition to supporting private investment in EVs, New York has demonstrated leadership by purchasing EVs for its own fleet.

New York has historically been an innovation leader in the transportation sector. Some of the earliest electric vehicles were built by the Buffalo Electric Vehicle Company in the early 20th century. More recently, the first hybrid electric transit buses were developed here, and New York has been the site of numerous breakthroughs in battery technologies, including those of Binghamton University's Dr. M. Stanley Whittingham, 2019 Nobel Laureate in Chemistry for his work on lithium ion batteries. Today, transportation is evolving quickly, with new developments

in EV technologies for electric, connected, and automated vehicles.

To continue the growth of New York's green economy, and ensure that New Yorkers are able to make an affordable and convenient transition to the low-carbon economy, Governor Cuomo is proposing a four-part electric vehicle initiative, a plan to reduce emissions from residences and commercial buildings, and a major workforce development initiative.

- ***Convene a Blue Ribbon Task Force to Grow the EV Sector:*** Governor Cuomo will convene an EV technology task force led by Dr. Whittingham and co-chaired by NYSERDA to ensure that New York is at the center of the electric vehicle revolution. The task force will develop an action plan for New York's electric vehicle economy, encourage further research and development in the State, and make recommendations to the Governor on how best to expand the transportation innovation economy in New York State.

In addition, Governor Cuomo will propose:

- ***Electrify Upstate Transit Systems:*** Electrifying transit fleets offers a prime opportunity for reducing carbon emissions, protecting public health and creating focused economic development opportunities. The Metropolitan Transit Authority has already committed to purchase only electric buses after 2029 and to fully electrify its fleet by 2040. Now, Governor Cuomo will require five of the largest upstate and suburban transit authorities — that currently operate 1,400 transit busses — to electrify 25 percent of their fleets by 2025 and 100 percent by 2035.¹¹ Two large fleets outside New York City have made substantial investments in compressed natural gas buses, which are materially cleaner than traditional buses. These fleets will take advantage of the full 12-year useful life of these buses prior to transitioning to fully zero emissions buses.
- ***Build a Robust Network of EV Chargers Throughout New York:*** In order to transition smoothly to Electric Vehicles (EVs), New Yorkers need ample publicly available fast-charging

opportunities, and businesses need to be able to affordably install chargers. The Department of Public Service (DPS) will propose a “make-ready” initiative directing utilities to build the grid infrastructure needed to enable the installation of chargers. This infrastructure will make it economically attractive for private operators to install publicly accessible chargers, and to install chargers at workplaces and multi-unit residential buildings. The New York Power Authority (NYPA) will supplement the EV charging industry by providing the initial investment necessary to catalyze demand, and by operating chargers for longer periods in areas where EV demand will not quickly support private charger installation. NYPA, in partnership with New York State Energy and Research Development Authority and private industry, will ensure that 10 or more fast-charging locations are available in every REDC region by the end of 2022, that every travel plaza on the New York State Thruway has charging stations by the end of 2024, and that a total of at least 800 new chargers are installed Statewide over the next five years.

- ***Invest \$100 million in Green Bank Financing to Attract EV-Sector Manufactures and other-related Businesses:*** In order to make sure New York fully benefits from expanding EV, Governor Cuomo proposes the NY Green Bank make \$100 million in financing available to help clean-transportation businesses locate or expand in New York – including qualified EV manufacturers, suppliers or fleet owners, businesses in the EV charger industry – and to encourage installation of charging infrastructure.

Proposal. Green Economy Tax Credits

To foster the expansion of green economy businesses and position New York State to further capitalize on significant projected green economic growth, the State will create a new refundable, discretionary Green Jobs Tax Credit totaling up to 7.5 percent of wages for each net new job created. The State will also create a refundable, discretionary Green Investment Tax Credit totaling up to 5 percent of qualifying new capital investments in connection with qualifying green economy projects, and increasing to up to 8 percent of eligible investment for research and development in qualifying green economy projects.

Proposal. Retrofit Homes and Businesses to Lower Carbon Emissions

Reducing emissions from fossil fuels burned in homes and commercial buildings is a key element of combatting climate change. In 2020, the State will incentivize innovation to bend the curve on fossil fuel consumption in buildings.

NYSERDA will launch a \$30 million Empire Building Retrofit Challenge to demonstrate scalable and replicable solutions for high-profile commercial and multi-family buildings across the State. The Challenge will solicit proposals from property owners, developers, equipment manufacturers, and energy efficiency providers to demonstrate innovative and integrated solutions that can reduce energy consumption and greenhouse gas emissions from commercial and multi-family buildings, and that can be scaled and replicated across the State.

Proposal. Strengthen New York's Position as the Hub of the U.S. Offshore Wind Industry

In 2020, New York State Energy and Research Development Authority (NYSERDA) will issue its second solicitation for offshore wind facilities. This solicitation is

expected to yield at least an additional 1,000 megawatts of clean power, and perhaps substantially more. NYSERDA's solicitation will be designed to capture the rapidly falling costs of offshore wind energy and deliver significant economic value to New Yorkers in the form of affordable, reliable new clean energy, while creating thousands of new jobs in the burgeoning offshore wind industry.

NYSERDA, Department of Transportation (DOT) and Empire State Development (ESD) will also initiate a competitive process to award \$200 million in public investments in port infrastructure improvements. The awards will be structured to maximize accompanying private investment and to attract the manufacturing, assembly and maintenance of offshore wind equipment to New York. The agencies conducted a Request for Expressions of Interest process in 2019, yielding over 10 promising proposals. They will issue a competitive Request for Proposals early in 2020 to build upon the momentum from initial private developer commitments to New York port upgrades of over \$87 million announced in 2019.

Part 3. Expand Renewable Energy Power in New York to Meet Zero-Carbon Emissions by 2040

Governor Cuomo has set New York on course to achieving 70 percent renewable electricity supply by 2030, and zero greenhouse gas emissions from the electricity sector by 2040. Under his leadership, the State has made substantial progress toward these goals with significant investments in solar energy, wind energy and energy storage. Since 2011, solar energy supply has grown faster every year under the NY Sun program, with installations of solar in every county in New York, delivering enough clean electricity to power over 244,000 New York homes and helping to drive down the average cost of solar by nearly 60 percent. 2019 was the strongest year yet with 395 megawatts completed, which is the equivalent of taking over 52,000 cars off the road.

In 2019, Governor Cuomo finalized agreements for two offshore wind farms, Empire Wind and Sunrise Wind that will generate nearly 1,700 megawatts of carbon-free electricity, enough to power over 1 million homes. These projects also create more than 1,600 jobs, with construction, assembly and maintenance facilities expected to come to the Capital Region, Staten Island, Brooklyn and Long Island. The State has also awarded contracts to over

65 land-based renewable energy projects large since 2018 — the most significant state commitment to renewables in the nation. This year, we will continue to grow New York's green energy development.

Proposal. Increase Solar, Onshore Wind and Storage Capacity by More Than 1,000 Megawatts

NYSERDA will make competitive awards to 21 large-scale solar, wind, and energy storage projects across upstate New York, totaling over 1,000 megawatts of renewable capacity and 40 megawatts of energy storage capacity. Taken together, these efforts will spur over \$2.5 billion in private sector investments toward the development, construction and operation of clean energy projects, create over 2,000 short- and long-term jobs, and generate enough renewable electricity annually to power over 350,000 homes. The State commitment to these projects is approximately \$1 billion, paid only when the projects begin to generate renewable electricity after becoming fully permitted and operational. By replacing fossil-fuel energy, these projects will reduce carbon emissions by more than 1.3 million metric tons annually, equivalent to taking nearly 300,000 cars off the road every year. Several of these projects are expected to break

ground in 2020, and all projects are expected to be operational by 2024 after completing all necessary permitting processes.

In addition to NYSERDA's clean energy procurements, the New York Power Authority and the Long Island Power Authority will work with State agencies, authorities, and its customers to competitively contract for clean energy resources to further accelerate progress towards meeting the State's aggressive renewable energy goals.

Proposal. Prepare the Electric Grid for New, Renewable Generation

A successful transition to fully renewable energy will demand substantial improvement to the transmission system and reconfiguration of the electric grid. The State will put together a plan for authorizing and building new transmission capacity to bring clean and renewable power from to areas that need additional electricity capacity, prioritizing using existing rights of way. The plan will include upgrading the grid with smart, new technology that increases the capacity and effectiveness of the system, such as battery storage technology.

Proposal. Provide Assistance to Communities to Spur Redevelopment During Clean Energy Transition

With New York's move to cleaner forms of energy well underway, the State has already taken proactive steps to assist communities that are transitioning away from conventional energy infrastructure they have hosted over the past several decades, including fossil-fuel power plants. The State has implemented a variety of programs, such as the Electric Generation Facility Cessation Mitigation Fund, to ensure a more equitable transition to a clean energy economy. Building on these efforts, it will be critical to support site reuse and other strategies to spur economic development to ensure that these communities will thrive in the move to a clean energy economy.

This year, Governor Cuomo will direct New York agencies to launch a suite of initiatives to provide a first-of-its-kind package of resources, tools and assistance to affected communities and workers. This suite of actions will include:

- A comprehensive, multi-agency inventory of conventional energy facilities to inform statewide needs and identify sites for potential repurposing as engines of clean economic development;

- A Site Reuse Toolkit developed by NYSERDA to aid communities in navigating site reuse and to facilitate productive new uses for retiring infrastructure; and
- \$5 million in turn-key consulting assistance from NYSERDA to provide seamless support for communities that are navigating site retirement, workforce disruptions, and reuse opportunities.

Part 4. Reduce Waste in Our Communities

As we combat climate change, we must also work to make our environment cleaner and greener. With expansion of the Environmental Protection Fund to \$300 million, Governor Cuomo has made unprecedented investment in municipal recycling programs and developing new markets for recovered materials. Four SUNY universities have established a public-private partnership to explore new markets for recycled paper, plastic and glass. Last year, Governor Cuomo spearheaded New York's historic effort to eliminate pollution from plastic bags through a statewide ban on their distribution, which will become effective in March, 2020.

Nonetheless, New York still sends 18 million tons of solid waste to landfills, combustors, or out-of-state disposal

facilities each year. This waste, when landfilled, accounts for up to 38 million metric tons of carbon dioxide equivalent gas emissions, or as much as 14 percent of New York State's carbon emissions.¹² Many municipalities are losing revenue due to the declining value for many recyclables and increased costs of collection. Finally, many types of consumer products require expensive, specialized disposal to avoid environmental damage and public health hazards.

Proposal. Ban Single-Use and Packaging Styrofoam Products

To build on the progress of last year's plastic bag bill, the Governor is proposing new legislation to prohibit the distribution and use of expanded polystyrene, commonly known as Styrofoam, single-use food containers and packaging materials by January 1, 2022. This proposal would ban the distribution and use of expanded polystyrene foam containers used for prepared foods or beverages served by food service establishments, including restaurants, caterers, food trucks, retail food stores, delis and grocery stores. It would also ban the sale of polystyrene loose-fill packaging, commonly known as packing peanuts.

Proposal. Create a Recycling Program for Mattresses and Carpeting

Under Governor Cuomo's leadership, New York State presently administers three existing Extended Producer Responsibility (EPR) programs – e-waste, mercury thermostats and rechargeable batteries – which have diverted over 725 million pounds of difficult-to-manage waste from landfills, reducing the costs and environmental impacts of these products at the end of their useful life. To expand on this success, Governor Cuomo is proposing legislation to expand these takeback programs to two particularly difficult-to-manage products, mattresses and carpets. These Extended Producer Responsibility (EPRs) programs help reduce costs and environmental impacts of these products at the end of their useful life. In addition, the Department of Environmental Conservation will evaluate the need for EPRs for additional products to further reduce waste in landfills.

Proposal. Expand Glass Reuse through the Creation of a Center of Glass Innovation

To help develop the glass recycling techniques of the future, Governor Cuomo is announcing the creation of

the Center of Glass Innovation at the New York State College of Ceramics at Alfred University, which will provide a state-of-the-art collaborative research resource for glass producers in New York State and ultimately, country-wide. The Center would have space for basic and applied research, space for user facilities, and experimental glass tanks to test new methods of melting and production of new glass composition. This will be the only facility in the nation where such opportunities are available.

2. CONTINUE

UNPRECEDENTED ECONOMIC GROWTH

Under Governor Cuomo's leadership, New York State's economy has the highest number of private sector jobs in history at more than 8.3 million. This includes over 1.2 million new private sector jobs added since Governor Cuomo took office. The number of jobs in New York State has grown for 36 consecutive quarters—the longest period of growth in 80 years, driving the unemployment rate down from over 8 percent to 4 percent.

This growth has been shared across the State. Since Governor Cuomo took office, the unemployment rate has been cut by at least half in all 10 regions, including for each of the five boroughs of New York City. To accomplish this, Governor Cuomo has cut taxes and strategically invested in every region of the State. In 2020, the Governor will continue to invest in the long-term economic success of the Empire State.

Part 1: Keep Taxes Low for All New Yorkers

Since the beginning of his tenure, Governor Cuomo has fought for tax fairness for all New Yorkers. The Governor restored broad-based fiscal responsibility to New York State's finances, passing nine timely budgets and holding annual spending growth under 2 percent, a historic low. This fiscal discipline provided the bedrock upon which the Governor has built a fairer, more equitable tax system for all New Yorkers, lowering personal income tax rates for every New Yorker and delivering much-needed relief to small businesses.

Tax rates are lower for every New Yorker since the Governor took office. In fact, the Governor has instituted the lowest middleclass tax rate since 1947, the lowest manufacturers tax rate since 1917, and the lowest corporate tax rate since 1968. Middleclass New Yorkers have also benefitted from the Governor's initiative to cap local property tax rate growth at 2 percent. Initially implemented in 2012, the Governor succeeded in making the cap permanent last year, having already achieved over \$45.6 billion in savings for property taxpayers.

Proposal. Cutting Taxes for Small Businesses

The Governor has aggressively pursued tax relief for New York businesses. The State now enjoys its lowest corporate income tax rate since 1967 at 6.5 percent. The State also has its lowest manufacturers tax rate since 1917, helping to ensure that New York businesses remain competitive and fueling the private sector innovation and investment that lead to job growth. To continue the State's robust economic growth and record of job creation, Governor Cuomo will propose further tax relief for small businesses—businesses that employ half of the state's private sector workforce by:

- ***Reducing Taxes on Small Businesses by 40 Percent:*** Under Governor Cuomo, New York lowered the Corporation Franchise Tax rate from 7.1 percent to 6.5 percent, the State's lowest rate since 1967. The Governor now proposes a further reduction in the rate for small corporate taxpayers (less than 100 employees and less than \$390,000 in income), from 6.5 percent to 4 percent. An estimated 36,000 taxpayers would benefit from this proposal.

- ***Tripling the Current Income Exclusion for Farmers and Sole Proprietors:*** Current law allows sole proprietors and farmers who file under the Personal Income Tax and have less than \$250,000 in net business income or net farm income to reduce their Adjusted Gross Income by five percent of such income, ultimately reducing taxable income and tax liability. The Governor proposes to triple this important benefit for sole proprietors and farmers. An estimated 4,000 farmers and sole proprietors would benefit from this proposal.
- ***Making the Investment Tax Credit Refundable for Farmers:*** Current law allows refundability for the Investment Tax Credit (ITC) only for new businesses. The Governor proposes to make the ITC refundable for taxpayers whose primary source of income is from farming operations, allowing taxpayers to receive the full benefit of their credits earned.
- ***Repealing Penalty on Small Businesses for Underpayment of Estimated Taxes:*** Current law requires New York S corporations to make estimated tax payments if they believe their tax will exceed \$1,000 and are subject to an underpayment

of tax penalty. Out of 400,000 New York S corporations, only 15,000 are required to make these payments. The Governor proposes to eliminate this penalty, benefitting an estimated 15,000 taxpayers.

Proposal. Cut Middle Class Taxes

Governor Cuomo will continue to lower Personal Income Tax rates for middle-class New Yorkers. In 2020, the third year of the multi-year tax cuts enacted in 2016, income tax rates will drop from 6.85 percent to 6.09 percent for taxpayers in the \$40,000 to \$150,000 income bracket, and to 6.41 percent in the \$150,000 to \$300,000 income bracket. These cuts are expected to save New Yorkers over \$1.8 billion this year. Furthermore, income tax rates will continue to drop to 5.5 percent for taxpayers in the \$26,000 to \$150,000 tax bracket and 6 percent in the \$150,000 to \$300,000 bracket. When the cuts are fully phased in, middle class taxpayers will have received an income tax rate cut of up to 20 percent, amounting to a projected \$4.2 billion in annual savings for six million filers by 2025. Those rates will be the State's lowest middle class tax rates in more than 70 years.

Proposal. Promote Access to the Earned Income Credit for Qualifying Taxpayers

The State's Earned Income Tax Credit program provides more than \$1 billion in tax relief to low-income New Yorkers every year. Yet thousands of eligible New Yorkers fail to claim this valuable credit each year. The Governor is proposing legislation that would allow the Department to issue checks to eligible taxpayers for the value of their New York State and New York City EITC, even if they do not claim it on their returns—all without the need to file an amended return. This proposal will ensure New Yorkers receive the money they deserve and are entitled to under our tax laws.

Proposal. Help Taxpayers Meet Their Filing Obligations

New Yorkers with income below \$69,000 are eligible to file their taxes online for free, but this “free file” service is dramatically underutilized. Even worse, public reports last year suggested that some within the tax software industry allegedly used Google advertisement and website features to hide free tax filing options from low-income individuals who are eligible to file their taxes for

free—prompting Governor Cuomo to call for an investigation into their practices. To help taxpayers meet their filing obligations without resorting to expensive tax preparers or software providers, the Department will launch an aggressive new campaign to promote awareness of the free file program. The Department will also expand its innovative “I-File” program, through which Department employees volunteer to assist low-income taxpayers through the filing process.

Proposal. Fight for the Full Deductibility of State and Local Taxes

Governor Cuomo fought the federal tax bill every step of the way while it was under consideration in Congress. Washington's drastic curtailment of the State and Local Tax (SALT) deduction was a financial attack on New Yorkers. We must also be diligent in our efforts to assure fairness by reversing the Federal Government's unjust, unconstitutional taxation of our state through the SALT assault. We passed the first property tax cap in history and they, in one swoop, raised our taxes to send more money to their politically favored states. Our Federal representatives must fight for us. The US Senate must overturn the SALT

assault this year. We will continue to demand the unfair taxation stop, and that it stop now.

Part 2: Invest in Economic Development and Small Businesses in Every Region

Since taking office, Governor Cuomo has been dedicated to ensuring that New York State is “open for business.” The State has implemented more than 200 administrative and regulatory reforms to help in-state businesses increase revenue and expand operations.¹³ Governor Cuomo has also invested significantly in communities—including long-neglected upstate areas—through awards made from bottom-up, Regional Economic Development Councils. In May 2019, these and numerous other initiatives helped New York State to surpass 8.3 million private sector jobs for the first time in history.¹⁴

Proposal. Invest in Round 10 of the Successful Regional Economic Development Councils

Established in 2011 as a centerpiece of the Governor's strategy to jumpstart the economy and create jobs, the Regional Economic Development Councils (REDC) replaced the State's old top-down approach to economic

development with a new process that is community-based and performance-driven. The REDC initiative empowers community, business and academic leaders in each region of the state, to develop strategic and marketing plans specifically tailored to their region's unique strengths and resources.

The State has invested over \$6.9 billion through the REDCs, funding more than 8,300 projects and supporting more than 240,000 jobs across the state. To build on the success of the REDC program, the Governor proposes continuing this regional economic development approach with a tenth round of the REDC process.

Proposal. Invest in the Fifth Round of the Downtown Revitalization Initiative

The Governor has executed four rounds of the extremely successful Downtown Revitalization Initiative (DRI), investing a total of \$400 million to transform 40 downtown neighborhoods into vibrant, livable spaces that attract and retain new residents and visitors.

Strengthened downtowns can spur overall regional growth by encouraging major private sector investment in nearby areas. In many downtown cores, however, revitalization and development interest is deterred by

remnants of historic and concentrated disinvestment, such as abandoned buildings and brownfield sites. The DRI program has helped communities throughout the State overcome these barriers with specific, locally driven interventions. Governor

Cuomo will continue the program with \$100 million for a fifth round of DRI investments.

Proposal. Grow the Upstate Tech Economy

Through investments by Regional Economic Development Counsels, the Downtown Revitalization Initiative, Excelsior Jobs program and other initiatives, Governor Cuomo has made a historic investment the economics of communities across Upstate New York. It is working: the upstate unemployment rate has been cut by more than half since 2010, down to 3.7 percent, and there are more jobs than ever before Upstate at more than 3.1 million. To continue this success, and build economy of the future, Governor Cuomo will continue to foster the growing the Upstate tech economy.

New York will continue to propel the Finger Lakes Forward plan by supporting the expansion of three industry-leading high technology companies in the City of Rochester. Cloud management platform company

CloudCheckr is ready to expand its headquarters in the City of Rochester's Downtown Innovation Zone, creating up to 397 new well-paid, high technology jobs. Communication hardware manufacturing specialist Mastodon Design has moved into a 34,000 square-foot facility on Science Parkway, creating up to 235 new jobs. Additionally, Calero Software will significantly grow its operations and create up to 100 new jobs over the next five years in the City of Rochester. Empire State Development will provide a combined \$12 million through the Excelsior Jobs program to support these expansions.

Governor Cuomo will also continue to strengthen the Mohawk Valley and Central New York as a hub of the drone industry. Last year, he announced completion of a first-in-the-nation 50-mile unmanned traffic management "drone corridor" running from Syracuse International Airport to Rome. This facility, built with State support, is the most advanced drone testing corridor in the nation. In 2020, New York will invest \$9 million to establish an unmanned aerial system, or sUAS, experimentation and test facility at Griffiss International Airport in Rome, Oneida County. This "Skydome" will be a year-round indoor sUAS research facility to support the safe experimentation of drone technology and techniques.

In addition, the Governor will continue to support the Syracuse Surge by expanding the Tech Garden in Downtown Syracuse, a highly successful incubator of innovative companies.

New York will continue to find new ways to foster the tech economy across the State. During his June 2019 Solidarity and Trade Mission to Israel, Governor Cuomo announced that New York and Israel reached a \$2 million partnership agreement to foster economic development opportunities between the two states, including a new Smart Cities Innovation Partnership to share innovative technologies, research, talent, and business resources between cities in New York State and Israel. In 2020, the program will select up to five New York State municipalities to serve as Smart City Test Beds, with each inviting innovative companies from New York, the U.S., and Israel to design, test, and apply solutions to each municipality's challenges in a real-world setting. The goal is to attract early-stage companies from both countries to locate and grow in the State, improve local service delivery, and further New York's relationship with an important trade partner and cultural ally.

Proposal. Streamline MWBE Certification Process and Create Statewide Integrated Application Portal

In 2011, Governor Cuomo set a goal of utilizing Minority-and Women Owned Business Enterprises (MWBE) for 20 percent of state contracting. Two years later, that goal was surpassed — and in 2014, Governor Cuomo raised the goal to 30 percent, the highest MWBE utilization target in the nation. During Fiscal Year 2018-2019, the MWBE utilization reached 29.13 percent, the highest recorded rate in New York State and the highest MWBE utilization rate in the country. That year, contracts worth approximately \$3 billion were awarded to minority or women owned businesses. During Governor Cuomo’s tenure, over \$15.9 billion in state contracting dollars have been awarded to MWBEs and more than 7,900 MWBEs have been certified. Additionally, in July 2019, Governor Cuomo signed legislation reauthorizing New York State’s MWBE Program extending the program for an additional five years until 2024.

Governor Cuomo is committed to building on these accomplishments. Currently, a number of different entities within New York State operate MWBE programs, including New York State, New York City, Erie County, the Port Authority of New York and New Jersey, the New York State

Chapter of Women's Business Enterprise National Council, and the New York/New Jersey Minority Supplier Development Council. Each entity has its own individualized application and certification requirements. In order to be competitive for government contracts, many minority and women owned businesses find it necessary to seek multiple certifications, a process that is often very time consuming and involves submitting similar information to several different entities. This process serves as a barrier for far too many minority and women owned businesses that are seeking to contract with government entities in New York State.

In order to tackle this problem, Governor Cuomo will direct Empire State Development's Division of Minority and Women's Business Development to establish a Statewide Integrated MWBE Application Portal. This will allow business owners to apply for any and all MWBE Certification programs in New York using one website and one common application. The portal will also provide applicants with direct assistance from program staff in order to make the process of completing the application as accessible as possible.

Furthermore, the Governor is announcing additional improvements to the MWBE certification process.

- Starting in January 2020, and as part of the reauthorization of the New York State MWBE program, all certifications will be extended from three years to five years;
- The Division of Minority and Women's Business Development will be expanding its internal resources and working with external stakeholders to streamline and reduce the time associated with the application review process; and
- The Division of Minority and Women's Business Development will also release updated information and guidance that explains the certification process and providing increased technical assistance to applicants as they navigate the certification process.

Part 3: Grow Recreation and Tourism

Governor Cuomo has made investing in tourism and recreation a vital piece of his economic development agenda. Under the umbrella of his \$900 million Parks 2020 Initiative, New York has completed more than 800 individual park improvement projects, rebuilding and revitalizing park infrastructure and amenities around the State, and creating four new parks, with a special focus on

underserved and urban communities. In 2012, the Governor opened Four Freedoms Park on Roosevelt Island; in 2015, he opened Buffalo Harbor State Park; in 2017, Hallock State Park Preserve in Suffolk opened to the public, as did the first segment of the Empire State Trail; and in 2019, Governor Cuomo opened Shirley Chisholm State Park in Brooklyn, the largest state park in New York City. Over the past nine years, the State has also added more than 150,000 acres of protected forest, wilderness and park land, including the 69,000-acre Finch-Pruyn lands – the largest addition to the Adirondack Forest Preserve in more than 100 years. The Governor also launched the Adventure New York and Connect Kids to Parks initiatives to increase accessibility to the park system for all.

Due in part to these investments, park attendance has increased by more than one-third since 2010. Park visits hit a record high in 2018, with an estimated 74 million people visiting New York's state parks, historic sites, campgrounds, and trails.

Governor Cuomo has also prioritized supporting the growth of upstate tourism. New York has invested in new tourist destinations across the State, including the National Comedy Center in Jamestown, the Auburn Equal Rights Heritage Center, Legoland Theme Park in Goshen, as well as upgrading existing assets, such as the Hotel Saranac, the

Purple Heart Hall of Honor in New Windsor, and the Olympic complex in and around Lake Placid. Upstate tourism has increased more than 21 percent since 2011. In all, nearly 253 million visitors traveled to New York State in 2018, generating an economic impact of \$114.8 billion - exceeding \$100 billion for the fifth straight year. In addition, visitors generated an all-time high of \$71.8 billion in direct spending.

Proposal. \$300 Million Reimagine the Erie Canal Program

No single piece of infrastructure is more responsible for New York's rise as a state than the storied Erie Canal. The 1817 plan to build a man-made ditch across hundreds of miles of wilderness was unprecedented in its reach, and the Canal's regular expansion over the course of the nineteenth century helped make our nation – while creating cities like Utica, Syracuse, Rome, Schenectady, Buffalo and Rochester. In 1918, New York built on this success by enlarging, rebranding and relocating the original Erie waterway as part of the new New York State Barge Canal system.

In the century since the Barge Canal's debut, commercial shipping along most of the Erie has virtually

disappeared. In its place, Governor Cuomo has recognized the potential value of the waterway and its associated trail as a source of recreation, most recently in the creation of the Empire State Trail – the largest multi-modal trail in the nation, whose east-west portion runs alongside the historic Erie Canal – and in Downtown Revitalization Initiative grants awarded to canal towns.

Yet fully activating the trail, and the waterway that runs along it, remains very much a work in progress. The canal's century-old infrastructure, designed to handle large barges, is oversized for its primary use today – water recreation. Yet it remains largely intact, one of a handful of operations of its size still functional in the world today. Transforming it for today's purposes – not only for recreation but also to address the environmental and climate challenges facing the communities along its banks, including chronic flooding, drought, invasive species, and the degradation of wetlands – will make it economically sustainable into the future.

Building on the findings of the Reimagine the Canal Task Force, Governor Cuomo is recommending the New York Power Authority Board, which now oversees the Canal Corporation as a subsidiary, approve this \$300 million investment over the next five years at the board's January meeting.

The reimagined canal will serve as a destination that integrates the Empire State Trail and Erie Canal in a new program to stimulate tourism and economic development, a tool that can be leveraged to address environmental challenges unknown a century ago, and an asset that will improve the quality of life in communities along the 360-mile spine of the Erie Canal.

A first phase of funding will start this year that will have two parts: a \$100 million economic development fund to invest in communities along the Canal and a separate \$65 million investment in solutions that will help prevent ice jams and related flooding in the Schenectady area.

The remaining \$135 million of the plan's funding will subsequently be allocated to research recommended by the Reimagine Task Force, as well as to solutions related to flood mitigation, invasive species prevention and ecosystem restoration.

In the first phase of the program, a \$100 million economic development fund will support projects that adaptively reuse canal infrastructure to enhance water recreation, tie the Canal's new recreational improvements to the Governor's Empire State Trail, celebrate historic canal structures, and develop unique canalside attractions and activities. Roughly \$25 million of that will be allocated immediately to a set of initial projects:

- ***Connecting Communities:*** The "Brockport Loop" project in Monroe County will connect SUNY College at Brockport to the Empire State Trail and the village of Brockport through the transformation of a canal guard-gate into a pedestrian bridge and overlook, with a supporting grant of \$2 million from the Ralph Wilson Foundation.
- ***Celebrating "Iconic Infrastructure:"*** Interactive, hydro-powered illumination of Canal "movable dams" - initially in Amsterdam and Canajoharie in the Mohawk River valley - will celebrate the Canal's heritage and its history as an engineering marvel.
- ***Expanding Water Recreation:*** A new whitewater destination, at the north end of Cayuga Lake near Seneca Falls, will rely on existing water control infrastructure to construct an active water sports course adjacent to the Montezuma National Wildlife Refuge, to increase eco-tourism and sport visitors to the region.
- ***Adapting Industrial Property for New Uses:*** Winner of the Reimagine the Canals competition, a canalside pocket neighborhood, will be developed by Madison County in Central New York at a former industrial property in Canastota along the Old Erie

Canal - demonstrating a new model for 21st century canalside living.

- ***Developing Destination Accommodations:*** The historic Guy Park Manor, on the Mohawk River in Amsterdam, will be reborn as a hospitality destination and a pedestrian bridge constructed across the already-existing Canal lock will provide access to additional overnight accommodation along the Empire State Trail on the opposite side of the river.

To help mitigate chronic summer and winter flooding in the Mohawk River Valley, an initial allocation of approximately \$65 million will be used for deploying an icebreaker and undertaking dredging and filling in certain portions of the Mohawk to prevent ice jam formation; developing an Ice Jam Monitoring and Early Warning System to better alert communities to potential flooding; and retrofitting the New York Power Authority's Vischer Ferry power dam in Niskayuna to help mitigate summer flooding and ice jams around the Schenectady and Scotia areas, including the historic Stockade District. At the recommendation of the Task Force further studies will be undertaken to better assess additional approaches to both

reducing flood vulnerability in the Mohawk and tackling the rise of aquatic invasive species across the Canal.

The plan also includes establishment of an irrigation district in Western New York to enhance drought resiliency by ensuring that farmers in those counties have reliable access to water during the critical summer growing season. Guaranteed access to water is needed to expand the production of high-value fruits and vegetables, specifically in areas that today cannot access canal water. To ensure water is available during periods of low rainfall, canal outflow infrastructure will be modernized as part of a "smart water management system" that can better respond to changing weather conditions. A new grant program operated by the New York State Department of Agriculture and Markets will underpin additional private-sector investment in irrigation infrastructure.

To create world-class fishing in Western New York, the new plan recommends managing water releases from the Canal to enhance fish habitat, improve angling opportunities, and extend the fall fishing season in Lake Ontario tributaries. It also includes funding to expand public fishing access along key streams in Orleans, Monroe and Niagara Counties. In addition, it identifies a program to divert Canal water to restore and re-nourish wetlands in Central New York that were compromised a century ago by

the Canal's construction. This will allow areas in close proximity to the Montezuma National Wildlife Refuge, a migratory stopover for more than 1 million birds each year, to be significantly enhanced to further attract naturalists, locals, and visitors from throughout the region and beyond.

These initial programs represent the start of something much bigger. Fully preparing New Yorkers for the next century requires further study to identify ways to mitigate summer flooding in the Mohawk, combat invasive species threats across the state, and devise economic development interventions that will provide new sources of revenue and funding both for the Canal and for the towns along its banks. Just as Buffalo's Canalside brought a once-forgotten area of Buffalo's waterfront back to life, the reimagined canal heralds the "third coming" of the Erie Canal – the beginning of a new century for the waterway and a new era of growth and resilience for canalside communities across the state.

Proposal. Growing New York State's World Class Park System with New, Expanded, and Upgraded State Parks

New York State's recreation opportunities are unmatched, with park visitation at records highs, and

Governor Cuomo is committed to continuing to improve and expand the State's network of beautiful public open spaces. The Restore Mother Nature initiative will include two unique and spectacular new parks.

- ***New State Park in Kingston:*** To bolster New York's commitment to creating outdoor recreation opportunities as diverse as its visitors, New York will reimagine the formerly industrial Hudson River waterfront in Kingston by creating a new State Park. The new 508-acre park will protect over a mile of riverfront and create a series of trails ranging from easy walks to challenges for more ambitious hikers.
- ***New Hudson River Recreation Area:*** New York will also create the first linear, water-based park connecting five revitalized Upper Hudson boat launches into the Hudson Eagles State Recreation Area – increasing access to one of our most significant natural and recreational resources. We will improve five state-owned car-top boat launches along the Hudson River from Rensselaer to Hudson to accommodate trailered vessels, create new waterfront “pocket parks” to improve public access to the river, and work with riverfront communities

to upgrade boat launch facilities and revitalize green spaces.

- ***State Park Expansions and Upgrades:*** In addition to the creation of two new parks, State Parks will continue to implement its capital plan. New land acquisitions in the Hudson Valley will add 4,000 acres of land to seven state parks through a \$20.6 million State investment. These parcels will expand trails and vantage points for the public to explore, while also protecting invaluable natural resources such as streams, waterfalls, and rare pitch pine barrens. Other projects will include the renovation and reopening of the pool at Franklin D. Roosevelt State Park in Westchester County. This investment will help meet the growing demand for places for New Yorkers to cool off downstate during the summer months.

Proposal. Rebuild the Recently Destroyed Mid-Station Lodge at Whiteface Mountain

Tourism is vital to the Adirondacks. More than 12 million people visited last year, generating nearly \$1.5 billion in direct visitor spending. This represents nearly a 5 percent spending increase over the previous year, and a 30

percent increase since 2011. Tourism supports over 21,000 jobs in the region and generates more than \$182 million in State and local taxes. Funding to support the State's Olympic Regional Development Authority properties is critical as they are a key regional economic engine.

A recent fire destroyed the Whiteface Mid-Station Lodge a popular spot for skiers to warm up, enjoy a meal, and take in some of the most beautiful views in the Adirondacks.¹⁵ The State will support a \$14 million project to completely rebuild the historic outpost. Rebuilding the 60-year old lodge will ensure that the resort continues to be a successful world-class destination attracting visitors all year round.

Part 4: Supporting New York's Agriculture Industry

Under Governor Cuomo's leadership, New York's capital investments in agriculture have totaled over \$675 million impacting every region of the state. New York has invested \$4.85 million directly to facilitate the Farm-to-School Program and established a higher reimbursement rate for schools serving fresh, nutritious New York-grown food. The Taste NY initiative has boosted local food and agricultural producers and in 2018, helped 1,800 local

companies connect with consumers across the globe and garner over \$17.8 million in annual sales.

New York State Grown & Certified, launched in 2016, has done a tremendous job of helping farmers and small businesses answer the demand for fresh, local food. At the end of the program's second year, over 3,000 farms participated in the program, representing over 775,000 acres of farmland, and the program continues to hold great potential to sell more dairy, produce and other farm commodities.

Farmers, producers, and consumers in New York State have many exciting opportunities ahead of them and Governor Cuomo's partnership and promotion of the industry will help ensure that they thrive.

Proposal. Support the Growth of New York Farms with New Produce Traceability Support

Governor Cuomo has committed to making New York a leader in agricultural practices and safety. In 2016, he created the New York State Grown and Certified program to identify and promote New York producers who adhere to New York's food safety and environmental sustainability programs, and to assure consumers that the

food they are buying is local and produced at a higher-standard.

Currently the Food and Drug Administration (FDA) does not require trace-back or trace-forward plans for produce. Unlike manufactured products, which are traceable through serial numbers, consumers generally cannot identify where their fresh produce was grown. In addition to the health and safety risks, this is costly to our entire supply chain from the producers to retailers.

Governor Cuomo will convene a Blue-Ribbon Task Force on produce traceability to analyze and recommend operating standards for New York growers, producers, and retailers. This will provide consumers with more information about the source of the food they eat and expedite investigations of food borne illness. Further, uniform processes will help protect New York's booming farms – helping to stop foodborne illness before it starts.

In addition, partnering with Cornell University, the Governor will also support food processing training for employees of new food and dairy processors who are entering the national retail market. Food safety standards are becoming more rigorous with the implementation of the Food Safety and Modernization Act which is why proper training on the basics of food safety is vital to secure long-

term success in these industries. A superior level of traceability is needed for the foods we eat.

Proposal. Increase Diversity in New York's Agricultural Industry

Governor Cuomo has consistently funded and grown the agriculture industry in New York State. From the New and Beginning Farmer program to industry summits, branded marketing such as Taste NY, New York Grown and Certified program, the Governor's commitment to the industry is unwavering. In his 2019 State of the State address, the Governor proposed a nation-leading plan to advance racial and gender equity. While New York State has remained committed to both growing the agricultural industry and promoting inclusivity, the New York State agricultural industry remains one of least diverse sectors in the state.

While the Governor has made a stronger commitment to the agricultural sector than any other Governor in history, we must go further.

In order to support minority and women farmers and to ensure our agricultural industries represent an inclusive and viable career path for everyone, Governor Cuomo will direct the Commissioner of Agriculture to

convene a workgroup of diverse stakeholders to develop a strategic plan for supporting diversity and racial equity in New York Agriculture. The Commissioner will submit these recommendations to the Governor by the end of the year.

Proposal. Expand the Use of Locally Produced Food in School Meals

Governor Cuomo has committed to increasing the amount of fresh, local foods served in schools and to connecting New York's farmers to new markets through the Farm- to-School program. In 2018, Farm-to-School was bolstered by the Governor's comprehensive No Student Goes Hungry initiative, which expanded access to free breakfast and increased the reimbursement schools receive for lunches to 25 cents per meal for any district that purchases at least 30 percent of their ingredients from New York farms.

In September 2017, the Governor announced that five school districts in Broome and Tioga Counties were the first to launch a NY Thursdays program in Upstate New York. NY Thursdays ensures that at least one day a week, school lunch menus use locally produced food. It has become a catalyst for supporting and growing local food production, celebrating the connections between

producers and kids, and helping children develop lifelong healthy eating habits. Thirty-eight school districts have participated in a NY Thursday's program.

To expand the NY Thursdays program to schools throughout the State, Governor Cuomo will convene a working group of food system thought leaders to identify new ways to connect local foods with schools. In developing innovative procurement solutions and removing barriers keeping local produce from schools, the group will also consider how to strengthen the tie between agriculture and community. To start, the State will support a pilot program to replace individual-serving milk cartons with bulk milk dispensers in school cafeterias – this will reduce waste and save energy and transportation costs.

Part 5. Supporting New York's Craft Beverage Industry

Governor Cuomo has also taken unprecedented measures to support New York's burgeoning craft beverage industry. New York is now home to more than one thousand craft beverage manufacturers operating in all 62 counties across the state.

Since Governor Cuomo hosted the first Beer, Wine, Spirits, and Cider Summit in 2012, the number of businesses producing craft beverages has more than

doubled, while the number of farm-based manufacturers has increased by over 180 percent. New York now ranks in the top five states in the U.S. for its number of craft beverage producers in every category. The State ranks first in U.S. for the number of hard cider producers, second in craft distillers, third in breweries, and fourth in the country for the total number of wineries.

Proposal. Permit the Sale of Alcohol in Movie Theaters

Governor Cuomo has long championed New York's world-renowned craft beverage industry, which has invigorated main street economies across the State. To that end, he has convened several summits to push the industry forward by means of easing regulatory and administrative burdens, removing unnecessary prohibition era restrictions, and pushing new legislative privileges forward. Under current law, a movie theater may not serve alcoholic beverages to its patrons unless it has a full restaurant, serving meals that patrons eat at a table in their seats. This unnecessarily restrictive requirement is particularly burdensome in today's economy where theaters must invest in new digital technologies at the same time as they are competing with new modes of viewing at home. Moreover, this hurdle deprives hundreds of New York craft

beverage manufacturers of an additional outlet for their products at a time where consumers are interested in buying local products and main street businesses like movie theaters and breweries seek synergies with their neighbors.

Governor Cuomo therefore proposes to amend the Alcoholic Beverage Control Law to remove the requirement that movie theaters serve meals at tables in order to serve alcoholic beverages. Patrons will be allowed one alcoholic beverage per transaction as long as they have tickets to a movie rated PG-13 or higher. This proposal will create new revenue streams for movie theaters while saving them the need to make large capital investments in renovations that may not be in keeping with the traditional style of the theater building.

Proposal. Remove Antiquated Prohibition Era Barriers to Investment in New York State for Alcoholic Beverage Businesses

Under Governor Cuomo's leadership the craft beverage industry has flourished in New York State. Since 2011, New York has risen to fourth in the country in number of wineries, third in breweries, second in distilleries, and first in cideries. The Governor, through

multiple industry summits, enactment of legislative proposals and administrative actions, has created a highly attractive and competitive environment for industry development.

However, an arcane provision of the Alcoholic Beverage Control (ABC) Law called the Tied House Law oftentimes makes opening or relocating a business to New York needlessly difficult. Tied House Laws exist on the state and federal level to prevent manufacturers and wholesalers of alcoholic beverages from exerting undue influence on retail outlets by limiting ownership between the two types of businesses. New York's law, on the books since 1933, achieves this through a blanket prohibition on such business relationships. This approach is more restrictive than that in federal law, which looks at the specifics of the relationship when there is a partial ownership stake and makes no prohibition when ownership is total.

This stricter law has resulted in a number of business ventures – both manufacturing and retail – being denied licenses and the opportunity to do business due to these out-of-date provisions. While several businesses have obtained special legislation in order to invest in these ventures, this process involves an act of the legislature which is uncertain, time consuming, and costly resulting in

countless lost opportunities as businesses simply find other locations to invest in.

Governor Cuomo will continue his message that New York is open for business – removing these needless barriers to investment by amending New York’s Tied House Law to match the federal approach. This will create certainty and promote continued investment in New York breweries and other local alcohol producers.

Proposal. Create the Craft Beverage Workforce of the Future with a New Alcoholic Beverage License for Educational Institutions

Under Governor Cuomo’s leadership, New York’s craft beverage industry has grown significantly. New York had 491 craft manufacturers in 2012 at the time the Governor called the first Wine, Beer and Spirits Summit; in the 7 years since, that number has more than doubled to 1,156. Craft beverage businesses continue to open and expand in New York because of a sustained effort on the part of the administration to reduce administrative burden and to address the competitive needs of the industry.

While there are a small number of post-secondary educational offerings related to craft beverage manufacturing and service, licensing an institution for such

a program under current law is complex. A program which is interested in teaching the production of multiple different types of alcoholic beverages requires a separate license for each – and sometimes multiple licenses for one class of beverage. Furthermore, if such a program is interested in selling the beverages it produces in a restaurant setting, it may need another license and a legislative carve out. These complexities limit the number of educational programs, and thereby limit the training opportunities for the industry.

In order to continue the alcoholic beverage industry's remarkable growth in New York, a necessary component is a skilled workforce. To that end, Governor Cuomo proposes the creation of a post-secondary institution license under the Alcoholic Beverage Control Law. Such a license would remove restrictions and reduce administrative burdens. By allowing an educational institution the privilege of producing any alcoholic beverage under one license and allowing the institution the ability to retail their product under the same license, this proposal will help create the workforce for the future of the craft beverage industry in New York.

3. REBUILDING A NEW N.Y.

Governor Cuomo's \$250 billion infrastructure program has transformed every region of the State. Under the Governor leadership, New York is investing more today in roads and bridges than at any period in our State's history. While the nation's infrastructure continues to deteriorate, Governor Cuomo recognizes that renewal and modernization of transportation infrastructure is fundamental to strengthening the State's economic competitiveness. Infrastructure renewal also affords New York unprecedented opportunities to provide cleaner alternatives, alleviate congestion, reduce air pollution and reduce susceptibility to extreme weather events. In just 2019, we completed the construction of the new \$873 million Kosciuszko Bridge between Brooklyn and Queens, a \$75 transformation of the Sheridan Parkway, a \$34.8 million modernization and expansion of Ithaca Airport, the second new concourse of the new LaGuardia Airport, and a \$150 million new interchange and transit hub at Woodbury Common.

Building upon these historic investments, Governor Cuomo will continue to lead the way on creating a 21st

Century transportation infrastructure that moves New York's economy forward and improves quality of life for our residents and visitors.

**Part 1. Invest in the MTA's Capital Plan to Provide
More Reliable and Accessible Public Transportation
Downstate**

The \$51.5 billion 2020-2024 Capital Program for the Metropolitan Transportation Authority represents the largest investment in MTA infrastructure in state history. The Capital Program is 70 percent larger than the 2015-2019 Program and will revitalize the subway system. It builds on the successful investment of the Subway Action Plan, which was critical to raising on-time Subway performance to 81.8 percent in November 2019, marking the sixth straight month it has registered above 80 percent for the first time since 2013 and a 17 percent improvement from the previous year. The Program prioritizes the essential needs of the system, including improving signal technology, increasing accessibility, addressing quality of life concerns, ensuring investment in the LIRR and Metro-North Railroad, and upgrading bus service. This monumental investment builds on a historic year for the

MTA with the State's passing of key reforms and new dedicated funding streams.

During the last legislative session, the Governor and Legislature secured \$25 billion in financing to directly support the MTA's capital needs. This included Central Business District Tolling, the first program of its kind in the nation, which will generate \$15 billion to support the Capital Program. The Budget also included a progressive tax on high-end real estate sales and eliminated levelled the playing field between brick and mortar retailers and their online counterparts , providing revenues to support an additional \$10 billion.

In addition, New York State has committed an additional \$3 billion investment, to be matched by New York City, to fund the MTA's 2020-2024 Capital Program. This funding will help make the subway system more accessible. This record level of investment is extraordinary, but after generations of the MTA being underfunded and mismanaged, it is necessary and will pay dividends for the future of the system.

When fully implemented, the 2020-2024 Capital Program will revitalize the entire MTA system, from subways to buses, to the Long Island Railroad and Metro North, easing travel for millions of riders so they can get to

work, visit family and friends, or simply enjoy all the region has to offer in safety and on time.

To achieve the Capital Program's ambitious goals, Governor Cuomo also put forward the MTA Transformation Plan, which includes new principles to ensure capital projects move forward speedily, on budget, and in order of priority. This includes reforms to vendor accountability, reorganizing the Authority including Capital Construction and Development, and the use of design build project delivery.

Specifically the Capital Plan will:

- ***Increase Accessibility:*** By investing \$5.2 billion to make 70 subway stations ADA accessible, the largest investment in accessibility in New York City Transit history, stations serving more than 60 percent of riders will be ADA accessible. The selected stations serve various subway lines and diverse communities, with a focus on increasing accessibility in some of the city's fastest-growing neighborhoods and major corridors.
- ***Fund Phase 2 of the New Second Avenue Subway:*** Governor Cuomo has championed the Second Avenue Subway project creating

transformative new travel options for residents of East Harlem and the Bronx increasing the reach, capacity and accessibility of the regional transportation system. The first phase of Second Avenue Subway (SAS) provided three new ADA accessible stations at 72nd, 86th, and 96th Streets, and a rebuilt station at Lexington Ave/63rd St., connecting the upper and far east side of Manhattan to West Midtown, Union Square, Chinatown and on to Coney Island via the existing Broadway Line. Servicing 190,000 riders per day, it has decreased A.M. peak period overcrowding on the Upper East Side portion of the 4, 5 and 6 lines by 40 percent and 26 percent overall. Phase 1 has successfully added capacity, accessibility, and resiliency to the system. Phase 2 will add three new fully accessible stations, and a connection with Metro-North. Serving 300,000 daily riders together with Phase 1, it will further relieve congestion on the 4/5/6 trains, and strengthen access to jobs and education for Harlem and East Harlem residents. Together with 2015-2019 program funding, the 2020-2024 plan provides the entire \$6.9 billion project cost, which is approximately equal between federal and local sources.

- ***Install a State-of-the-Art Subway Signal System:*** MTA and New York City Transit (NYCT) will dramatically accelerate the modernization of its aging signal system. The plan provides funding to modernize signaling on six of the system’s busiest lines: Fulton, Queens Blvd East, Crosstown, 63rd St., Astoria, and Lexington Avenue lines. Signals regulate train movements. Upgrading them to modern standards will allow trains to run closer together safely, resulting in greater reliability and reduced wait times between trains. New lines will be outfitted with state-of-the-art technology that will replace traditional “fixed block” signals, currently one of the leading causes of subway service delays. This investment will provide a needed transformation and modernization of the NYCT subway system.
- ***Improve Penn Station Access – Connecting Metro-North New Haven Line and the East Bronx to Penn Station:*** The 2020-2024 MTA Capital Program fully funds Penn Station Access, which will carry New Haven Line riders as well as residents of the East Bronx directly into Penn Station. This historical investment will reduce travel times while also

providing critical system resiliency if Metro-North's service to Grand Central Station is ever interrupted. The project includes: building four new fully accessible stations in the underserved neighborhoods of Co-op City, Morris Park, Parkchester/Van Nest, and Hunts Point; upgrading power and signal systems; and installing new track, realigning existing track, and replacing railroad bridges to accommodate more trains. Penn Station Access will also provide substantial travel time reductions to Metro-North customers reverse commuting from Manhattan and customers traveling between the Bronx and the northern suburbs, a rapidly growing segment of Metro-North riders.

- ***Complete the Long Island Rail Road East Side Access Project:*** This capital program also includes full funding for completing the East Side Access for Long Island Rail Road (LIRR) into Grand Central Terminal (GCT). Creation of direct LIRR service from the Long Island/Queens corridor into GCT in Manhattan's East Midtown has long been recognized as a long-needed and critical transportation link in the New York Metropolitan region. East Side Access will shorten commutes for

76,000 passengers per day, and will improve the travel experience of 30,000 daily customers who currently arrive at Penn Station on overcrowded trains.

- ***Invest in New Commuter Rail Road Rolling Stock:***

The 2020-2024 Capital Program will support the basic strategic goal of modernizing the aging fleets with hundreds of new commuter rail cars. This plan will begin the replacement of the M-3 fleet on the Metro-North Railroad as well as complete the new locomotive purchase to address reliability challenges for East of Hudson Service that was initiated in the previous Capital Program. LIRR will purchase 12 revenue locomotives and 17 coaches to support the LIRR's non-electrified territory and address peak period service demands. Approximately 20 percent of LIRR riders begin their trips at non-electrified territory stations on the Montauk Branch, the Port Jefferson Branch, the Oyster Bay Branch, and east of Ronkonkoma. This investment will support future projected ridership growth and future service operational needs.

- ***Purchase Thousands of Modern MTA Subway Cars and Buses:*** Since the summer of 2017 when Governor Cuomo declared a State of Emergency for the system, improving the customer experience and on-time performance has been a top priority. The new Capital Program provides for purchases of over 1,900 new subway cars and 2,400 new buses that will allow New York City Transit (NYCT) to retire its oldest cars and modernize and transform the existing fleet. NYCT will receive nearly \$40 billion total in the 2020-2024 Capital Program, more than the size of entire 2015-2019 plan. Thousands of new subway cars will utilize advanced signals being installed throughout the system, bringing enhanced service and improved reliability to New Yorkers. The new capital program will also allow NYCT (in conjunction with MTA Bus) to add 500 zero-emission, all-electric buses to the fleet, replacing older diesel-fueled buses and improving air quality. Investments in these vital service assets will increase the mean distance between failures of both fleets, a vital metric in monitoring fleet performance. This means direct improvement to customer experience.

Proposal. Expand Penn Station Southward and Create the Empire Station District

Throughout his administration, Governor Cuomo has invested significantly to improve the facilities of Pennsylvania (Penn) Station, New York City's transportation hub and America's busiest passenger transportation facility. Planned or completed investments have included opening the new West End Concourse in 2017; developing the Moynihan Train Hall – a new, 255,000 square foot train hall for LIRR and Amtrak passengers that will open by the end of 2020; doubling the size of the Long Island Railroad (LIRR) corridor with uniform, 18-foot-high ceilings; and creating a new, grand LIRR entrance on 33rd Street and 7th Avenue as an iconic gateway to the facility.

Despite these significant improvements, to most travelers, much of Penn is still a confusing subterranean maze plagued by aging infrastructure and multiple design and operational deficiencies. The area surrounding Penn has overcrowded sidewalks and hidden subway entrances, and Penn's facilities are still well beyond capacity with only 21 tracks, leading to passenger overcrowding, narrow platforms and poor accessibility. These issues will only become more acute in the coming years as Penn

experiences a growing passenger load from growth on the West Side at Hudson Yards.

In response to these challenges, Governor Cuomo proposes to redevelop the full city block south of Penn Station to add rail capacity. This expansion would increase overall track capacity by nearly 40 percent by adding at least 8 new tracks to the existing 21 tracks, dramatically increase passenger terminal capacity, ease congestion with widened sidewalks and prominent subway entrances, and add new development opportunities on adjoining parcels that will transform the area into a modern, transit-oriented central business district called “the Empire Station District.” As part of this plan, Governor Cuomo further proposes to explore acquiring Madison Square Garden Theater to create a new 8th Avenue entrance to Penn Station.

Together, these actions will combine the Moynihan Train Hall, Penn Station and the new Penn South city block into one, interconnected Empire Station District.

Part 2: Continued Infrastructure Investment Across the State

Proposal. Upstate Airport Economic Development and Revitalization Competition Round 2

Airports are the front doors to the Empire State and are an integral part of the State's transportation system and long-term economic development strategy, spurring commerce and tourism in every region. New York's network of airports is one of the largest in the nation, handling over 100 million passengers per year, according to the Federal Aviation Administration.

Across the country, airports have been decaying, with federal and local leaders unable to find the will to invest in needed transportation infrastructure. However, New York has been taking a different path, investing in airports as an essential key to the long-term economic growth for across the State. In 2016, the Governor announced \$200 million in funding for an Upstate Airport Economic Development and Revitalization grant program. This initiative has transformed commercial passenger and cargo service airports across the state, including:

- ***Elmira Corning Regional Airport:*** A \$61.5 million project to completely reimagine the airport. The

redesigned airport features a larger terminal with approximately 60 percent more floor space, 300 additional parking spaces, new food and beverage options and an additional jet bridge that eliminates the need for travelers to walk across the tarmac to reach their planes.

- ***Greater Rochester International Airport:*** A \$79.4 million project to transform the Monroe County facility including a wide-scale redesign of the airport's terminal building to feature new shopping and dining options for travelers, including a "Taste of Rochester" restaurant, as well as enhanced accessibility and security measures. The project also included a state-of-the-art canopy that helps to protect the roadway outside the terminal from snow and ice during the winter and provides protection for people waiting curbside.
- ***Syracuse Hancock International Airport:*** A \$62.4 million project to revitalize Central New York's largest commercial aviation facility. The Airport's new and improved features include a larger terminal, modern ticketing and baggage handling processes and equipment, a new exterior façade, and two renovated glass pedestrian bridges.

- ***Plattsburgh International Airport:*** A \$42.9 million project to transform the underutilized former military facility into a state-of-the-art transportation and economic development hub.
- ***Ithaca Tompkins Regional Airport:*** A \$34.8 million project to modernize and expand the airport. The new, revitalized facility offers passengers contemporary amenities, including a larger terminal with new passenger terminal gates and boarding bridges, and enhanced security measures.
- ***Albany International Airport:*** A \$42.1 million project to modernize the facility including a new parking garage, parking access improvements, and terminal rehabilitation and vastly improved passenger amenities. The airport funding complements the new \$50 million Albany Airport Connector between the airport and the Adirondack Northway (I-87) in the Town of Colonie to ease traffic congestion and provide a more direct route to the airport. That project will be completed in 2020.

The Governor is announcing a second round of funding for Upstate Airport Economic Development and Revitalization in 2020. Airports across the state will be encouraged to

submit proposals to enhance safety and economic development, improve airport operations and access, reduce environmental impact, and create better passenger experiences. By transforming our airports into state-of-the-art transportation hubs, we are laying the foundation for economic growth in every region of the State for the decades to come.

Proposal. Develop an Innovative Strategy to Build High Speed Rail in New York

No other Governor in America has demonstrated a stronger commitment to infrastructure improvements than Governor Cuomo. Major infrastructure projects that, for decades many thought could not be done successfully, have been completed under this administration, including the new Governor Mario M. Cuomo Bridge and repairs to the L Train with the first phase completed ahead of schedule. These types of large-scale, complicated projects required true leadership and a willingness to push through the barriers that left these projects dormant for so long.

High-speed rail has been merely a concept in New York State, even while the rest of the world has built thousands of miles of high-speed rail. For decades, studies have concluded high speed rail in New York will cost too

much and will take too long, while lines across the State continue to average a mere 51 miles per hour. The Governor proved that purportedly impossible tasks can be accomplished when the right people bring creative thinking to these problems. He convened an outside team of experts to rethink the plan to repair the L Train Tunnel. The team found a way to repair the tunnel without shutting down service and completed the first phase ahead of schedule.

This is why the Governor is convening a team of forward-thinking experts and engineers to reexamine past high-speed rail plans, question and rethink every assumption and method, and recommend a new plan for how to build faster, greener, more reliable high-speed rail in New York.

Proposal. Make the “New York Buy American” Act Permanent

Since taking office, Governor Cuomo has been committed to investing in New York State’s infrastructure and workforce. In December 2017, Governor Cuomo signed the “New York Buy American” Act. This Act requires the Department of Transportation, Thruway Authority, Metropolitan Transportation Authority, Office of General

Services, SUNY Construction Fund and Dormitory Authority of the State of New York to include a contract provision requiring the use of American-made structural iron and structural steel for all surface road and bridge projects with contracts worth more than \$1 million. Since its enactment, several of the state's largest infrastructure projects have used American made structural iron and steel, including 110,000 tons of steel for the Mario M. Cuomo Bridge, 6,850 tons of steel for the first two phases of the Kosciuszko Bridge and 11,500 tons of steel for the Kew Gardens Interchange. Building these projects with high-quality, safer steel made by American workers has also helped in creating thousands of union jobs.

While this law is set to expire in April 2020, New York is continuing to build transformative infrastructure projects across the state. For this reason, Governor Cuomo proposes making the Buy American Act a permanent fixture in New York State. By requiring State agencies to use high-quality American-made structural iron and steel, we will continue to create union jobs and ensure our infrastructure projects will last long into the future.

Proposal. Ensure Cellular Coverage across New York State

In 2015, Governor Cuomo launched the \$500 million New NY Broadband Program to achieve statewide high-speed Internet access. As a result of the historic \$1 billion public/private investment catalyzed by the program, New York leads the nation in rural broadband deployment – addressing over 2.4 million locations in unserved and underserved areas across the state and ensuring that more than 99 percent of New Yorkers will have access to wired broadband.

Notwithstanding this progress, many areas in the State lack adequate cellular service coverage. Reliable cellular service is critical in order to have access to information, public safety, and economic growth. Additionally, New York’s success at driving record tourism across the state has further underscored the need for improved coverage in those regions.

Governor Cuomo will launch a comprehensive plan to put New York on a path to full cellular service coverage.

- The Governor will name a State Cellular Coverage Director at Empire State Development to develop “wireless coverage implementation plans” for the areas of the State with significant

pockets of unreliable or gaps in cellular service coverage. In particular, the Director will be tasked with focusing on an estimated 1,950 miles of major roadways lacking service. This will include efforts to close coverage gaps on all interstate, U.S., and state highways, and significant “connectors” serving major tourist areas – the most aggressive State effort to advance rural cellular deployment in the nation.

- For those areas determined by the State Cellular Coverage Director to have significant pockets of unreliable cell coverage in the state, a series of regulatory improvements will be proposed to promote private cellular infrastructure in those areas. This includes:
 - Implementing the use of “batch-permitting” for approval of multiple cellular projects with a single application within the area lacking adequate cellular service;
 - Establishing “shot clocks,” for common forms of cellular deployments on State land and rights of way and designate priority corridors; and
 - Promulgating model permitting ordinance, siting requirements, and master-lease

agreements for cellular infrastructure deployments in areas of State without adequate cell service.

- As part of this effort to improve cellular coverage statewide, Governor Cuomo will also advance legislation to standardize the permitting of next generation small cell technology on municipal-owned infrastructure.

Governor Cuomo will direct the State Cellular Coverage Director to work with other agencies including the Department of Public Service, the New York Power Authority, the Long Island Power Authority, the Division of Homeland Security & Emergency Services, the New York State Police, the Department of Transportation, the New York State Thruway Authority, the Office of General Services, the State University of New York, the Office of Parks, Recreation and Historic Preservation, the Department of Environmental Conservation, the Department of State, and the Adirondack Park Agency when developing the implementation plans.

Proposal. Reimagine the Buffalo Skyway and Improve Access to Buffalo's Waterfront

Under Governor Cuomo's leadership, Buffalo's downtown has come to life. The creation of Buffalo Harbor State Park, Wilkeson Point, the Outer Harbor Access Project and other innovations have activated a previously neglected portion of Buffalo's waterfront, while improvements to Canalside have increased visitation from 150,000 in 2010 to 1.5 million last year. The desire to live, work and play downtown is on the rise, especially among millennials, the population of which has increased in Erie County by 21 percent since 2010, after declining by nearly 9 percent over the previous decade. Meanwhile, the downtown Buffalo housing market has never been stronger, with median home sale prices up nearly 40 percent since 2011.

However, a key piece of infrastructure literally stands in the way of these sociodemographic shifts - the Skyway. Last September, Governor Cuomo's challenge to reimagine the Buffalo Skyway Corridor – a four-mile, four-lane limited access expressway along Lake Erie and passing over the Buffalo River – resulted in a winning proposal that is helping to inform a clear vision for Buffalo's waterfront

based on placemaking and economic development opportunities.

Over the coming year, required environmental reviews will continue, with the goal of completing review during the first half of 2021 and beginning final design shortly thereafter. By removing the Skyway and investing in new infrastructure, New York State will free up over a dozen acres in downtown Buffalo and over 75 additional acres along the four-mile corridor, allowing Buffalo to capitalize on the City's most unique asset – its waterfront.

In addition, the State will develop Canalside's North Aud Block, featuring mixed use residential and commercial buildings and a piazza for public use. This also includes the rail station that is forthcoming in Buffalo and its coordination with the new North Aud Block neighborhood.

4. OPPORTUNITY AGENDA

Since the day he took office, Governor Cuomo has worked to drastically rebalance the workplace power dynamic, shining a light into the darkest corners, identifying and halting egregious practices, lifting up all workers and returning rights to those who've been disenfranchised for generations. This administration has achieved massive reforms many thought impossible just a decade ago – initiatives like the nation's first statewide \$15 minimum wage, the nation's strongest and most comprehensive Paid Family Leave policy, new rights and protections for farm workers, initiatives to help close the gender wage gap, the nation's most comprehensive workplace sexual harassment protections, unparalleled investments in training the future workforce and more.

However, the Governor also recognizes that the workplace as we have known it for centuries is changing. What people consider work itself is changing. While technology has allowed us to work smarter and faster, birthed exciting innovative businesses, and created massive potential for new job growth and innovation, it has also blurred lines and begun eroding some of the basic

tenants of how society supports its workers how individuals are protected while working. The labor movement was born in New York in the wake of the Triangle Shirtwaist Factory fire, and New York will remain the leader of this movement by taking on these issues.

Part 1: Supporting New York Workers

Proposal. Guarantee Paid Sick Leave for Working New Yorkers

From enacting a \$15 minimum wage that raised income for 1.5 million New Yorkers to passing the nation's strongest Paid Family Leave program, benefiting 128,000 New Yorkers in the first year, Governor Cuomo has led the way on progressive policies that uplift workers and their families. These groundbreaking laws seek to ensure that New Yorkers are able to care for their family without jeopardizing their economic security. Yet, today in New York State approximately 1.3 million New Yorkers must risk their economic security to care for themselves.

Without the ability to earn job-protected sick time, working people and their families can face serious financial consequences. Nearly one in four workers report that they have lost a job or were threatened with losing their job

because they needed to take sick time.¹⁶ The failure to allow workers to earn sick time is especially harmful to mothers, who often face an impossible choice between losing a paycheck or even a job and staying home to care for an ill child. Without job-protected sick leave, millions of women are forced to choose between their economic stability, health care, and that of their family.

Moreover, employees who go to work sick endanger the health and productivity of other workers – as well as customers and the public. In the restaurant industry, for example, the vast majority of workers – 88 percent – lack access to paid sick days, and nearly two-thirds of servers and cooks – 63 percent – report that they have served or cooked while ill.¹⁷ Often these workers cannot afford to lose a day's pay or worse, their job.

To further empower New York's low-wage workers, and protect all consumers in the State, Governor Cuomo will ensure that all working New Yorkers have access to sick leave. Businesses with five to ninety-nine employees will provide their employees at least five days of job-protected paid sick leave per year and businesses with 100 employees or more will provide at least seven days of paid sick leave per year. Smaller businesses with four or fewer employees will guarantee five days of job-protected unpaid sick leave to their employees every year. Businesses

already providing paid sick leave will be able to continue their current practices. The implementation of guaranteed paid sick leave echoes the promise of a secure and thriving workforce.

Proposal. Protecting Workers in the Gig Economy

Under Governor Cuomo's leadership, New York has enacted unprecedented employee protections and rights, Paid Family Leave, minimum wage, union rights. But predictably, corporations are trying to avoid these measures.

This year more than 40 percent of the workforce will be in jobs related to the new "gig economy."¹⁸ This emerging sector has spurred exciting consumer innovations valued by many New Yorkers. However, many of the gig economy workers are excluded from the progress New York has enacted because the law has not caught up with changes in the economy. Corporations avoid fair pay and benefits, increasing their profits at the expense of the employee and the taxpayer.

New York's workplaces are operating under a legal infrastructure that is over 100 years old¹⁹ and failing. New York will make sure that the rules of the road keep up.

To continue supporting the best workplaces for workers and employers, Governor Cuomo will introduce legislation to make sure all of New York's workers have necessary benefits and protections.

Proposal. Enact Comprehensive E-Bike Legislation and Introduce Safe and Environmentally Friendly E-Scooter Legislation

As new technology emerges, we must encourage innovation without compromising on safety or harming the users of this technology. The patchwork of regulation that exists for e-bikes has been disproportionately enforced against delivery drivers, which must end. We will introduce comprehensive e-bike language that will deliver justice for delivery workers. We will also introduce legislation that ensures that sustainable vehicle alternatives such as e-scooters keep riders, pedestrians, and drivers safe.

Proposal. Enact Stronger Wage Lien Laws

New York has among the strongest laws in the nation with respect to wage theft. Often, judgments are difficult to collect when a worker has prevailed in court. The current laws create barriers in enforcement of that

judgment. A lien is a strong legal remedy that will allow a victim to ensure that a judgment can ultimately be paid, before issuance of a judgment. This year, Governor Cuomo will propose legislation to ensure that in cases where a claim would not be collected, that a judge could authorize the placement of a lien to ensure that victims can be made whole.

Part 2: Bringing New Yorkers Out of Poverty

Proposal. Fight Childhood Poverty

Governor Cuomo has taken a comprehensive, cross-sector approach to fight for the most vulnerable New Yorkers by creating economic opportunity for all, pushing for an expansion of early childhood programming and wraparound services, and focusing increased attention on addressing the social determinants of health.

Since taking office, the Governor created the Anti-Hunger Task Force to provide essential input in New York's ongoing efforts to eliminate hunger, launched the \$25 million Empire State Poverty Reduction Initiative (ESPRI) to address regional pockets of poverty across the state, and made history when he signed into law the nation's first

statewide \$15 minimum wage plan, raising incomes for 1.5 million New Yorkers.

The Governor has also pushed to ensure a great start for children in New York by more than doubling the State's commitment to pre-kindergarten, launched the Empire State After School program to fund programs in school districts with high needs, and created community schools that offer wraparound services for at-risk students.

In 2017, the Governor launched the First 1,000 Days on Medicaid Initiative in recognition that a child's first three years are the most crucial years of their development. Under this initiative, New York's Medicaid program is working with health, education and other system stakeholders to maximize outcomes on overall health, educational achievement, and economic productivity.

However, too many New Yorkers, especially children, still need our support to lift themselves out of poverty. This year we will continue to invest in our fight against childhood poverty, including the First 1,000 Days Medicaid Initiative, the Community Schools program that funds support such as counseling, health care and other social services to mitigate the impact of poverty on a student's education at high-need schools, and the Empire State After School program.

In addition to continuing these successful programs, Governor Cuomo proposes a significant expansion of the Empire State Child tax credit. Currently this critical credit for low-income families only applies to children 4-16 years old. However, we know that support in the earliest years of a child's life is the most critical for ensuring long-term successful outcomes for the child. We will eliminate this unfair distinction and expand the tax credit to families with children between the ages of 0-3 making under \$50,000. This will provide an average of a \$400 benefit per family to nearly 400,000 working class families with children under four years old – approximately 172,500 families with children over the age of 3 will get an additional benefit and 225,500 families with children 3 and under will get this benefit for the first time.

Proposal. Continue Historic Investments in Affordable Housing

Governor Cuomo has made an unprecedented commitment to affordable housing and will continue to make investments toward achieving the goals of his historic \$20 billion housing plan in FY 2021. The Governor's plan set the ambitious target of creating or preserving 100,000 affordable housing units and 6,000 supportive units. The

State is well on track toward meeting that mark, having already financed the new construction and preservation of more than 60,000 affordable units. Thousands of these units are supportive housing – housing with services that provide stability for some of the state’s most vulnerable populations, including veterans, victims of domestic violence, frail or disabled senior citizens, young adults aging out of foster care, and New Yorkers identified as homeless with special needs, conditions, or other life challenges.²⁰ This significant investment offers a transformational blueprint to address the diversity of housing needs in New York, strengthening protections for tenants and creating new opportunities for low-to-moderate income households.

The Governor is committed to building upon this progress in FY 2021 through the continued development of affordable housing to meet the needs of communities in every corner of the state. In the coming year, the Governor plans to diversify the State’s affordable housing initiatives, expanding the State’s efforts to manufactured home parks, addressing the urban blight in the state’s upstate cities, and helping families continue to move to neighborhoods of opportunity. Additionally, the State will continue to prioritize community renewal and revitalization, supporting projects that are part of coordinated

neighborhood plans, integrate access to transportation, and that are developed through inclusive, transparent processes in which community members have been able to participate. This increased access to housing goes hand in hand with the Governor's economic development efforts across the state, building neighborhoods where people have access to jobs and can afford to grow roots and a family.

Proposal. Expand Access to Safe and Affordable Banking Services, Credit, and Financial Education

Governor Cuomo has been a strong advocate for expanding access to critical financial services, like banking and credit, for marginalized New York communities. Under the Governor's leadership, Empire State Development has used the \$50 million Small Business Revolving Loan Fund²¹ to make substantial loans to Community Development Financial Institutions (CDFIs) that serve underserved communities throughout the State. Further, the Department of Financial Services' Banking Development District program has enabled the opening of brick and mortar banks in more than fifty underserved communities across New York State.²²

Despite this progress, too many New Yorkers, particularly lower-income citizens, communities of color, and immigrants, have difficulty accessing basic banking services and credit for small businesses. Too few quality financial services options exist for the low- and moderate-income communities in New York that need them the most. According to data published by the FDIC,²³ approximately 25 percent of New York households are unbanked or have accounts but still use costly non-bank services for their financial needs. In New York, this can mean banking deserts with no brick and mortar banks for miles in rural communities – or underserved urban centers where residents must rely on costly check cashing services. Consequently, many New Yorkers find that they must pay high transaction fees just to access their weekly wages and are left vulnerable to predatory lending practices and financial insecurity.

The lack of services is compounded by difficulty in obtaining free financial counseling or improving financial literacy. Even in communities where these services are available, it is difficult for consumers to identify and access them, as the information is spread across multiple platforms and providers and is not always available to New Yorkers for whom English is not their first language. When consumers have access to safe and affordable financial

products and counselors who can educate and guide them, they are better equipped to build wealth and improve their credit and are less susceptible to financial scams.

This year, the Governor will propose a sweeping financial access and inclusion agenda that builds on the work his administration has done to expand access to safe and affordable banking services, credit, and financial education.

- First, the Governor will propose the creation of the Excelsior Banking Network, which will increase access to safe, affordable bank accounts and small-dollar loans in underserved low-income communities across the State. The State will provide \$25 million in new funding over five years for New York's CDFI Fund, to be used in accordance with State criteria for expanding financial inclusion. CDFIs are local financial service providers with locations in all regions of New York State, and often are the sole provider of banking and other financial services in low-income communities that are not served by traditional banks and financial institutions. Under the Governor's proposal, participating CDFIs will leverage this funding up to an aggregate of \$300 million in targeted investment in underserved communities New York. Under the

Governor's proposal, CDFIs will work closely with the Department of Financial Services and other state agencies to create an accessible, statewide network of safe and affordable banking services and financial literacy programs. This network will engage in outreach and education to the unbanked as well as expand microcredit available to MWBEs and other small businesses and expand access to financial literacy programs.

- Second, the Governor will propose the creation of a statewide Office of Financial Inclusion and Empowerment to meet the financial services needs of low- and middle- income New Yorkers across the state. There is currently no single-stop state resource where New Yorkers anywhere in the state can find help for their financial access and empowerment needs. Based at the Department of Financial Services, the office will maintain a centralized list of financial services counseling providers – across housing, student loan, debt, and general financial literacy – throughout the State and coordinate state and local services aimed at expanding access to credit and enhancing financial empowerment. The office will also incubate new programs to provide expand access to safe and

affordable banking services, credit, and financial education, coordinate public-private partnerships, and foster provision of high-quality, low-cost financial products statewide.

Part 3: Expanding New York's \$175 Million Workforce Development Initiative to Meet Emerging Job Demand

Governor Cuomo has made New York a national leader in ensuring access to high-quality jobs through the historic \$175 million Workforce Development Initiative, providing funding to train more than 3,000 New Yorkers with in-demand skills to date. In addition, the Governor has invested \$430 million this year alone into career and technical education programs, including apprenticeships and the state's nation-leading P-Tech/Early College High School training programs.

Proposal. Launch the First-in-the-Nation Future of Work Centers

Under Governor Cuomo's leadership, the State of New York has invested a record sum into our higher education system. Governor Cuomo created the Excelsior

Scholarship to ensure that more New Yorkers can attend college tuition-free, and Governor Cuomo's Workforce Development Initiative is investing a record \$175 million to ensure all New Yorkers can access meaningful job training opportunities. But with unemployment at historic lows across many parts of New York, state employers are increasingly looking for nimbler ways to ensure they have employees with in-demand skills.

To address this challenge, Governor Cuomo will build on the success of the Northland Workforce Training Center in Buffalo and the newly announced Workforce Training Center in Syracuse, and establish two nation-leading Future of Work Centers. These Future of Work Centers will partner with the private sector, community organizations and SUNY / CUNY, and create new short-term, non-degree credential and micro-credential programs to quickly address employer skill needs, both for existing workers as well as new workers. A recent Strada, Gallup, and Lumina Foundation study found that adults with a post-secondary credential have higher employment rates than those who do not (85 percent compared to 78 percent) and have a wage premium of approximately \$15,000.²⁴

Each Future of Work Center will be supported by start-up funds for three years to recruit business engagement professionals and best-in-class curriculum developers, engage faculty at local higher education programs, and deploy innovative marketing to target employers and prospective students for successful outcomes. The Future of Work Centers will be designated by fall 2020 through a competitive process, coordinated by the Governor's Office of Workforce Development.

**Proposal. Invest \$14 Million in Apprenticeship
Expansion across New York State**

Governor Cuomo made a bold commitment in 2019 to double apprenticeships in high-growth fields and the number of women in apprenticeships by 2025. To meet that goal, New York has directed \$25 million to dramatically grow apprenticeship and pre-apprenticeship programs over the past three years through SUNY, CUNY and the New York State Department of Labor, and New York has established the Empire State Apprenticeship Tax Credit. These efforts have resulted in more than 300 new Registered Apprenticeship Programs being created over the past three years, the majority of which are in new

sectors, and nearly 30 new occupations that are eligible for Registered Apprenticeship.

To ensure apprenticeship opportunities continue to meet the needs of both New York's businesses and New York's underserved communities, New York State will invest \$14 million into expanding apprenticeship opportunities across the State this year. The Governor's Office of Workforce Development, the New York State Department of Labor, SUNY, and CUNY will utilize the Regional Economic Development Council workforce plans in making program decisions.

Proposal: Train Workers for the Green Economy

New York's booming green economy has created a significant demand for trained workers to work in in the State's growing solar, energy efficiency, transportation, and wind sectors, among others. New York will create an industry-driven green jobs training program to address the need for an energy workforce.

- ***Statewide Auto Tech Training:*** In April 2019, Governor Cuomo announced the formation of the Excelsior Automotive Technician Task Force to address the severe shortage of auto technicians and provide quality career opportunities for New

Yorkers. This year, the Task Force will broaden the scope of its work to include electric vehicles. Starting in 2020, all 13 public colleges in New York that have an automotive program will enroll at least one instructor in Hudson Valley Community College's five-day Electric Vehicle Train the Trainer Program. The course will allow participating instructors to train automotive technicians in their home regions, including fleet mechanics of state agencies, local municipalities, and transit authorities on the basics of Electric Vehicle (EV) operation and repair applied to a variety of vehicles. When fully implemented, this program will be capable of training up to 2,000 students annually, and students and technicians in every region will be able annually to learn from EV experts at a local facility.

- ***Clean Energy Workforce Training:*** New York State will also invest an additional \$40 million — for a total investment of \$100 million — over the next five years to build a talent pipeline of clean energy workers and provide the existing workforce with opportunities to enhance their skills. This includes training on clean heating, energy efficiency, solar energy and energy storage markets — critical areas

of our clean energy economy. NYSERDA in concert with the Governor's Office of Workforce Development will build partnerships with industry to ensure that workers are not only trained but placed in jobs through on-the-job training for new workers, supporting internships and career pathway initiatives.

- ***Launch The New Offshore Wind Training Institute:*** To support New York's growing offshore wind industry, SUNY Farmingdale and Stony Brook will formally solicit partners for the \$20 million Offshore Wind Training Institute, so that training can begin in 2021, when the industry is expected to need a significant number of new skilled employees.
- ***Solar Energy Corps to Solarize State Parks:*** The Office of Parks, Recreation and Historic Preservation and the Department of Environmental Conservation will partner with Hudson Valley Community College, Alfred State University, Excelsior Corps, and Job Corps to create a Solar Energy Corps (SEC). SEC students will be trained to install solar energy equipment, and will build solar arrays in State Park and DEC facilities across the state with the goal of half of the electricity used in

State Parks generated by solar installations; today, State Parks use solar generation for only 4 percent of their power. The program's combined course work and on-the-job training will be designed in partnership with industry leaders to help ensure that ECC participants are ready to work in either the public or private sector.

Proposal. Creating the State's First Comprehensive Education and Training Center

Under Governor Cuomo, New York has been laser focused on preparing students to excel in a more technology driven and ever-changing workforce. Investing in programs that understand the connection between K-12 education, higher education and workforce training aligned with local economic development is critical to identifying how to best deploy resources. For example, the Northland Center in Buffalo provides education and workforce training for students while reducing barriers to enrolling and completing post-secondary education, and P-Techs that enable high school students to graduate with high school diplomas and associate degrees in high need fields and a potential job or academic pathway when they graduate.

This year Governor Cuomo is proposing creating a comprehensive education and workforce training center to meet science, technology, engineering, the arts and mathematics job demand in Syracuse. The multipurpose facility will house a regional high school and a worker training and apprenticeship program administered by SUNY Empire State College and in partnership with other local colleges and universities. The school will provide specialized educational opportunities to ninth through twelfth graders residing in the City of Syracuse, the Onondaga-Cortland-Madison Board of Cooperative Educational Services region and the rest of Central New York, and will ultimately serve approximately 1,000 students, with 250 students per grade. The curriculum will be developed by local colleges including Syracuse University, Le Moyne College and Onondaga Community College.

The Governor is also including a new state of the art workforce training program that will offer high school equivalency, advanced technical certification and college degrees. The program will prepare school graduates and any member of the community to enter emerging sectors by training them in applicable skills in advanced technology gained through apprenticeships with businesses across Central New York.

The Governor has committed to providing \$71.4 million for the project to renovate the Central High School Building in downtown Syracuse, covering 98 percent of the renovation's estimated cost, so that this innovative new school can open to students in 2021.

Part 4. Protecting Consumers

Throughout his career, Governor Cuomo has fought to protect consumers from fraud. He signed nation-leading laws to address consumer data breaches at credit reporting agencies, taken strong enforcement action predatory payday lenders illegally lending in New York, enacted new oversight and protections over mortgage and student loan servicers, and enacted first-in-the-nation regulations to protect consumers and financial institutions from cyber-attacks. The Governor has showed that a state can be home to both the nation's strongest consumer protections and remain the financial capital of the world.

Under the Trump Administration's rolling back of consumer protections and regulations, Americans are more exposed to predatory and abusive practices than at any time since the 2008 financial crisis. Accordingly, Governor Cuomo will continue to fight for the most robust consumer protections in the nation. In 2020, Governor Cuomo will

continue to stop those who try to take advantage of New Yorkers.

Proposal. Stopping Nuisance Robocalls

Governor Cuomo has consistently fought to protect consumers and combat illegal telemarketing calls and robocalls invading the lives of New Yorkers. Governor Cuomo has mobilized the Division of Consumer Protection to warn consumers about telemarketing scams, facilitated same-day consumer complaint filing, and increased transparency in Do Not Call Law enforcement by publicly posting settlements with violators.²⁵

Nonetheless, troubling technological advancements are increasingly being used by telemarketers and scammers to disguise their calls using unauthorized caller ID numbers to falsely appear on a recipient's caller ID display as if they are coming from a local, known, or trusted source. This practice, commonly known as "neighborhood spoofing," is proliferating, and nefarious actors are using it to reach unsuspecting consumers, perpetrate scams, and evade law enforcement.

Nationally, experts projected that in 2019 over 45 percent of all mobile phone traffic would be robocalls or scam calls,²⁶ and it is estimated that 10.4 million robocalls

are being delivered to New Yorkers daily.²⁷ The robocall scourge fueled by spoofing technologies provides an insidious gateway for fraudsters and unscrupulous telemarketers, acting as wolves in sheep's clothing, to scam vulnerable New Yorkers and rob us all of our ability to trust incoming calls. For example, many older New Yorkers have fallen victim to a scam where they were tricked out of money based on a neighbor-spoof featuring a caller pretending to be a grandchild in need. Losses are frequently in the thousands of dollars for these horrendous "Grandparent Scams."

This year, Governor Cuomo will propose a three-part nation-leading legislation to unmask and fight back against these bad actors and their egregious practices of spoofing and robocalling. The legislation will:

- ***Require telephone providers to block robocalls or be held responsible:*** New York consumers pay phone providers money every month for their service, yet these companies allow millions of abusive and deceptive calls to pass onto their consumers every day. Under the Governor's proposal, telecommunication providers will be required to deploy the best robocall blocking technology available to consumers by default. Right

now, some companies offer the technology only upon request, if at all.

- ***Require rapid implementation of call authentication technology to flag questionable callers:*** Under the Governor's proposal, every telephone service provider will be required to fully implement STIR/SHAKEN protocol, an industry-based call authentication protocol as soon as possible. The STIR/SHAKEN protocol was developed by the telecommunications industry to provide additional caller ID information on all phone numbers, including those not originating from New York numbers, and warn consumers of potential scams and robocalls. Most telephone service providers previously committed to deploying this technology but to date many have shown little to no progress on implementation.
- ***Create new penalties against telecom companies that don't comply and double penalties against robocallers for "Do Not Call" Law Violations:*** Telecom companies that fail to best efforts to stop robocalls will be held accountable and subject to investigation and fines of up to \$100,000 a day by the Department of Public Service or the State

Division of Consumer Protection. In addition, the Governor is proposing doubling the current maximum fines for bad actors who make unsolicited calls in violation of the "Do Not Call" Law from \$11,000 per call to up to \$22,000 per call.

Proposal. Ensure the Strongest Net Neutrality Protections for All New Yorkers

In support of New York's significant investment in broadband access through the New NY Broadband Program ²⁸ and recognizing the Internet's critical importance for innovation and the free exchange of ideas, Governor Cuomo took strong executive action in January 2018 to defend an open Internet in New York State. The executive order directed State agencies to contract only with Internet Service Providers (ISPs) that strictly adhere to net neutrality principles.

Governor Cuomo's order responded to the Federal Communications Commission's (FCC) December 2017 decision²⁹ to repeal the federal government's 2015 net neutrality rules.³⁰ This decision, under the leadership of an FCC Chairman appointed by President Trump, continues to threaten consumers, small businesses, and the free exchange of ideas online. In an era defined by access to

information, the decision strikes at the core values of American democracy. In the absence of federal leadership on this serious issue, it is incumbent that the State act decisively to protect an open Internet for all New Yorkers, no matter how they access the Internet.

Governor Cuomo proposes to adopt the strongest statewide net neutrality protections in the United States. As part of this proposal, the Governor will introduce legislation to prevent the blocking, throttling and paid prioritization of online content — practices that undermine a free and open internet. The legislation will also prohibit so-called "zero-rating" practices, which penalize consumers for accessing content or applications that are not preferred by their internet provider. It will also codify into law Governor Cuomo's 2018 Executive Order mandating that state government entities may not enter into contracts with internet service providers unless they follow net neutrality principles.

Governor Cuomo's proposal will empower the State Department of Public Service to hold mobile and fixed internet providers accountable to these nation-leading consumer protections and ensure transparency in this industry. It will require internet service providers to disclose their network management practices to the public. Service providers will also be required to annually certify

their compliance with New York's net neutrality rules. The Department of Public Service will be empowered to investigate and fine providers who violate these provisions.

End users of these services would be authorized to hold companies to account through the judicial system as well, as the legislation would allow for a private right of action against any company violating net neutrality provisions.

Taken together, these protections exceed the net neutrality standards established by the Federal Communications Commission in 2015, which the Trump administration subsequently repealed in 2017.

Proposal. License and Regulate Debt Collection Companies

Under Governor Cuomo, New York has been a national leader in fighting back against predatory and deceptive practices by debt collection companies. New York has shut down numerous unscrupulous debt collection firms, obtained remediation on behalf of injured consumers, educated and empowered consumers to recognize when they are targeted for debts they do not owe, and adopted robust regulations to prevent abusive debt collection practices. Moreover, in 2019 the Governor

signed legislation to protect the State's 2.8 million student borrowers from abusive companies that service and collect student debt.

Despite these efforts, abuses persist both in New York and across the nation. An estimated 32 percent of American adults,³¹ including 25 percent of New Yorkers,³² have a debt that is subject to collections. Harassing, abusive, and deceptive debt collection practices has been the most frequent complaint to the Federal Trade Commission for three of the past four years. Communities with a higher rate of lower income and minority households are disproportionately the target of debt collection efforts, with 45 percent of borrowers in predominantly non-white areas holding debt in collection, compared to 27 percent of borrowers in predominantly white areas.³³ The judgment rate in debt collection lawsuits is 40 percent higher in black neighborhoods than non-black neighborhoods and debtors living in black-majority zip codes are twice as likely to have their bankruptcy cases dismissed than those living in mostly white zip codes.³⁴

Debt collection continues to be a major industry in the United States, bringing in an estimated \$11 billion in revenue in 2019 across America and too often relying on deceptive and abusive practices³⁵ – so much so that in 2018

alone, federal authorities received almost a half million consumer complaints about debt collectors.³⁶ This past year in Buffalo, a debt collection firm was shut down and ordered to pay \$66 million in penalties and restitution for engaging in predatory practices including deception, threats and harassment.³⁷

The State licenses barbers, home inspectors and used car dealers, and yet despite the growth and problematic history of this industry, New York does not license or adequately regulate debt collectors.

The Governor will propose legislation to give the Department of Financial Services (DFS) authority to license debt collection entities, and empower DFS to examine and investigate suspected abuses, including by requiring the submission of information to DFS, and authorizing DFS investigators to enter a debt collector's office at any time to review its books and records. This new oversight authority would also allow the Department to bring punitive administrative actions against unscrupulous debt collectors, potentially resulting in significant fines or the loss of their license to operate in New York. The proposal will also combat schemes intended to defraud people into paying debts they do not owe.

Additionally, Governor Cuomo will propose legislation ensuring that lenders cannot require consumers

from signing abusive use of confessions of judgment that waive their right to a day in court. A confession of judgment gives lenders—if they claim the borrower missed a payment— unfettered power to go into court, get a judgment from a clerk, and empty the consumer’s bank account. There is no notice to the borrower, no hearing, and no proof required. Recent reports found that “cash-advance companies have secured more than 25,000 judgments in New York since 2012,” exploiting New Yorkers.³⁸ Under this proposal, New York will codify a Federal Trade Commission rule that prohibits confessions of judgment in consumer loans.

Proposal. Fighting Elder Financial Fraud

Governor Cuomo has consistently fought to protect older persons against financial exploitation. Under his leadership, the Department of Financial Services has conducted training for financial institutions across the State to protect against fraud targeting the elderly.

While current law permits a financial institution to place a hold on a bank account for suspected financial exploitation of a vulnerable person, banks, fearing potential civil liability if they institute such a hold, have hesitated to act on such a suspicion. Elder abuse, in particular financial

exploitation of older persons, is a serious concern. A 2014 study estimated that elder fraud victims have lost an average of \$30,000 due to financial exploitation.³⁹ Despite such substantial financial losses and resulting suffering, the financial exploitation of elders is persistently underreported and under-recognized.

Governor Cuomo will propose that New York financial institutions report to the New York Office of Children and Family Services when a hold is placed on an elderly consumer's transaction or account due to a suspicion of elder financial abuse. The proposal would create parameters for the holds and provide financial institutions and employees with immunity from civil liability for holding transactions and reporting when there is a reasonable suspicion of elder financial abuse.

Proposal. Protecting New York Consumers from Unfair and Abusive Practices by Strengthening New York's Consumer Protection Laws

Under Governor Cuomo's administration, New York State has been a national leader in protecting consumers, particularly defending New Yorkers from abusive practices in the financial services markets. The Department of Financial Services (DFS), established by Governor Cuomo

in 2011, has brought actions that have produced billions of dollars in penalties to punish wrongdoing and returned more than \$100 million to New York consumers victimized by predatory and abusive practices.

The Trump Administration, however, is often working against these efforts. The Consumer Financial Protection Bureau (CFPB) has recently rolled back key federal consumer financial protections and scaled-back enforcement efforts in critical areas including payday lending, predatory student loans, and discrimination in the provision of financial services. This is particularly troubling as new and sophisticated financial products flood the marketplace and consumer debt reaches record levels.

Predatory and unfair lending and financial practices are disproportionally targeted at communities with a greater percentage of minority households, low income individuals, and the elderly – the vulnerable communities that are most in need of robust consumer protection. According to a report by the National Bureau of Economic Research, Hispanic Americans are 78 percent more likely to be given a high-cost mortgage, and black Americans are 105 percent more likely.⁴⁰ An applicant for credit who is a person of color is frequently either denied or gets much worse terms than a white borrower. According to the National Fair Housing Alliance, non-white applicants,

despite being as qualified or more financially qualified than white applicants, are 60 percent of the time offered higher-priced car loans, adding an additional \$2,662 in costs.⁴¹ More expensive products with worse terms for borrowers exacerbates existing wealth disparities, and the US Census Bureau estimates that the average black household has a net worth of \$12,780, whereas the average white household has a net worth of \$139,300.⁴²

Governor Cuomo is proposing a broad consumer protection agenda to enable New York to respond effectively to the absence of federal consumer protection enforcement and ensure New York consumers are fully protected from new predatory financial products flooding the marketplace.

- ***Stop Unfair, Deceptive, and Abusive Acts and Practices:*** Current state law protects consumers from “intentional fraud or intentional misrepresentation of a material fact” regarding financial products or services, but does not empower state authorities to bring the type of enforcement actions that federal authorities can bring for a broad range of unfair, deceptive, abusive acts and practices. The Governor proposes making New York State consumer protection law consistent with federal law.

- ***Eliminate Exemptions for Consumer Financial Products and Services:*** While the Financial Services Law (FSL) authorizes enforcement actions related to financial products or services offered by unlicensed entities, current law exempts many consumer products and services from state oversight. The proposal eliminates these unnecessary exemptions. With the current federal administration reducing the number and breadth of enforcement actions brought by the CFPB, it is crucial that state consumer protection laws apply to all the same consumer products and services subject to Dodd-Frank.
- ***Closing Loopholes and Creating a Level Playing Field for Regulated Entities:*** Under current law, supervised entities that are licensed under the Insurance Law or Banking Law are required to pay assessments to DFS to cover the cost of examination and oversight. Entities licensed under the FSL (e.g. virtual currency entities) are not required to pay such assessments, despite being subject to similar examination and oversight requirements. The Governor proposes to amend the FSL to place such

entities on an even footing with other financial services companies.

- ***Fines that effectively deter illegal conduct:*** Fines should protect consumers by serving as a deterrent to illegal behavior rather than as simply a cost of doing business. Under current Insurance Law, violations are subject to a maximum penalty of only \$1,000 per offense. That means, for example, that an insurer that conceals its financial condition, thus endangering thousands of consumers, potentially may be subject to a mere \$1,000 fine given the "per violation" language of the statute. To effectively deter unlawful behavior, the Governor proposes amending the Insurance Law to increase these fines. In addition, to parallel federal enforcement penalties and ensure that bad actors cannot profit from violations, the Governor proposes - instead of the current FSL penalty of \$5,000 per violation - capping penalties at the greater of \$5,000, or two times the damages, or the economic gain attributed to the violation, and also add to the FSL explicit authority for DFS to collect restitution and damages.

5. SOCIAL JUSTICE

In New York, our great diversity is our great strength, and throughout America's history New York has shown the nation the way. Governor Cuomo has worked every day to ensure opportunity and justice for all New Yorkers. As part of his 2019 Justice Agenda, he passed the most comprehensive anti-sexual harassment protections in the nation, overhauled the criminal justice to secure the right to a speedy trial, and enacted the Farmworkers Bill of Rights. Building on nine years of concrete social justice initiatives, Governor Cuomo will continue to fight for progressive legislation and necessary funding to advance the rights and opportunities of all New Yorkers.

Part 1: Enacting a Comprehensive Plan to Legalize Adult-Use Cannabis

Under Governor Cuomo's leadership, New York has become a national leader in its approach to cannabis legalization and regulation. The Governor has championed proposals across all cannabis sectors that promote consumer safety and the stringent regulation of cannabis

products, invest in hemp and cannabinoid research, and ensure social and economic justice for those impacted by the failed policy of cannabis prohibition and the war on drugs. In 2014, Governor Cuomo signed the Compassionate Care Act into law, establishing New York State's Medical Marijuana Program, and the Governor has since continued to advance improvements to the program to increase access and improve the quality of care for patients. In addition, in 2015, Governor Cuomo launched the New York State Industrial Hemp Research Pilot which has since grown into one of the most robust and innovative programs in the country.

Proposal. Authorizing Adult-Use Cannabis

In 2018, Governor Cuomo directed the Department of Health to launch a multi-agency study to review the potential impact of regulated cannabis in New York. The study concluded that the positive impact of a regulated cannabis program outweighs the negative aspects. The Governor endorsed the study, created a regulated cannabis workgroup and conducted a series of statewide listening sessions to garner input from communities. From this extensive research and stakeholder engagement, the

Governor introduced the Cannabis Regulation and Taxation Act (CRTA).

For decades, communities of color were disproportionately affected by the unequal enforcement of marijuana laws. Last year we righted that when Governor Cuomo signed legislation to decriminalize cannabis and expunge prior cannabis convictions. Additionally, in 2019, Governor Cuomo held a first in the nation cannabis and vaping summit with governors from neighboring states and agreed to a set of core principles on how to best regulate the cannabis and vaping industries.

Governor Cuomo proposes a comprehensive cannabis program to protect consumers, promote equity, and generate economic development by working with our neighbors New Jersey, Connecticut, and Pennsylvania to coordinate a safe and fair system.

He proposes creating a new Office of Cannabis Management to specialize in cannabis regulation – overseeing the medical, adult-use and hemp programs. The proposal will administer social equity licensing opportunities, develop an egalitarian adult-use market structure, and facilitate market entry through access to capital, technical assistance, and incubation of equity entrepreneurs. The proposal will also correct past harms to

individuals and communities that have disproportionately been impacted by prohibition.

To safeguard public health, the proposal limits the sale of cannabis products to adults 21 and over and establishes stringent quality and safety controls including oversight over the packaging, labeling, advertising, and testing of all cannabis products. Cannabis regulation offers the opportunity to invest in research and direct resources to harm reduction, treatment and prevention providers that have long been underfunded. Further, the proposal includes a statewide education campaign that communicates the health risks of cannabis use for vulnerable populations and educates the public about the dangers of driving while impaired.

Cannabis legalization has the potential to have a significant economic impact on distressed areas in New York creating thousands of new jobs, spurring billions in economic activity and generating an estimated \$300 million in tax revenue when fully implemented.

Proposal. Create the SUNY Global Cannabis Center for Science, Research and Education

In 2019, Governor Cuomo established regulatory framework for the production and sale of hemp and hemp extract in New York State. The measure also requires the hemp industry to test and label their products, protecting consumers from potential harm. It also creates a more streamlined regulatory pathway for hemp products, granted the Department of Agriculture and Markets supervision over hemp growers and the Department of Health supervision over hemp extract; created a registration requirement for sellers of hemp extract products. Finally, the New York State will host a hemp summit in January to develop policies and priorities related to this burgeoning industry.

To support these efforts and ensure that New York has access to the best research on product safety, the Governor proposes creating a first of its kind Center for Global Cannabis Center for Science, Research, and Education. Cannabinoids, such as CBD, are emerging as a focal point for health and wellness, but truly understanding their potential and their limits is critical to both citizen safety and to future policy and product innovation.

The federal government failed Americans with opioids, and we cannot allow that to happen with cannabinoids. Government must protect its citizens by taking an active role in running safety studies, in interpreting the data, and communicating with its citizens, and, as always, New York will lead the way.

Until now, the cannabinoid industry has gone unregulated and unchecked, and there is a dearth of independent research on the science, the safety risks, and the dangers/benefits associated with its potential use. With New York providing global leadership, this Center will approach this complex arena with the attention, sophistication, and granularity it deserves.

The Center will initially focus on three pillars: toxicity, bioavailability, and dosing mechanisms. This emphasis will determine what is safe, what is effective, and what parameters define healthy and safe dosing. It will also reveal how these substances interact with prescription drugs - astonishingly, to date, this has not been done. If a state is to enact cannabis regulations, this area of drug interaction is of first order concern. We plan to create an open source database for drug interactions, accessible to anyone considering the use of cannabinoids. This Center will create a real foundation of scientific knowledge, a safety net for the citizens of New York and the whole

country to allow them to make responsible health and wellness decisions for themselves and their families.

The Center will consist of SUNY, other Universities and experts partners. Its focus on science and research will naturally lead to the creation of university course curricula based on these three pillars. This Center will position New York as a leader in safety, sustainability, production and knowledge in this burgeoning industry.

Part 2: Women's Agenda

From the birth of the women's rights movement in Seneca Falls, New York has always led the charge for gender equality. In 2017, Governor Cuomo launched the first-ever New York State Council on Women and Girls, reflecting this administration's commitment to equal rights and equal opportunity.

Last year, Governor Cuomo launched the 2019 Women's Justice Agenda to improve reproductive, economic and social justice for all New York women, accomplishing several key initiatives as part of the agenda during the legislative session. Among those accomplishments, the Governor signed the Reproductive Health Act and pay equity legislation, enacted sweeping new workplace harassment protections, extended the

statute of limitations for rape in the second degree and third degree and advanced a series of policies to reduce maternal mortality and racial disparities.

While New York has made remarkable progress fighting for the rights and opportunities of women and girls, Governor Cuomo proposes an ambitious new 2020 Women's Agenda to continue to lead the nation in not only protecting, but also advancing women's rights until we achieve true gender equality for all New York women.

Proposal. Pass First-in-the-Nation Inclusive Equal Rights Amendment

Governor Cuomo is deeply proud of New York State's role as a beacon for gender equality in the United States. New York was the site of the Seneca Falls Convention of 1848, and was one of the first states to vote in favor of ratifying the federal Equal Rights Amendment after its passage by the U.S. Congress in 1972. During his time in office, Governor Cuomo has built on this legacy by enacting landmark legislation closing the gender pay gap, enhancing protections against workplace sexual harassment, and ensuring that federal policies will not interrupt access to contraceptive coverage in New York State.

However, the federal Equal Rights Amendment has not yet been ratified, and the New York State Constitution's Equal Rights Amendment only prohibits discrimination based on race, color, creed, or religion. While important, this amendment – which was adopted in 1938 – reflects an outdated conception of equality and must be updated to guarantee much broader anti-discrimination protections for all New Yorkers. As the Trump administration continues its efforts to roll back many hard-fought civil rights at the federal level, it is more important than ever for New York to guarantee these rights in our State constitution.

Therefore, Governor Cuomo will seek to amend the New York State Constitution's Equal Rights Amendment so that New York sets the national standard for how states protect equal rights. The Governor will seek to add sex as a protected class to Section 11 of Article I, ensuring that all New Yorkers, regardless of their gender, are fully protected by the State constitution. Additionally, he will push for the addition of other categories, including ethnicity, national origin, age, disability, sexual orientation, or gender identity so that those critically important protections are also enshrined into the State constitution. By advancing an effective and inclusive Equal Rights Amendment, the Governor's proposal sets New York State on course to

continue its role as a beacon for equality and inclusion for all.

ECONOMIC EQUITY

Proposal. Create a Women's Corporate Leadership Academy

In order to address the persistent gender inequality that remains across corporate America, Governor Cuomo will direct SUNY Empire State College to create a Women's Corporate Leadership Academy. The Academy will promote women's increased participation in American corporate leadership, including on corporate boards, through targeted programming that supports women in preparing for executive and board leadership positions. The Academy will also develop programming for organizations with the goal of creating more institutional equity.

Activities focused on the development of women leaders will address issues such as leadership, communication, networking and self-promotion strategies that address the unique challenges faced by women seeking to advance into executive or board leadership positions. Examples of activities include:

- A focused weekend residency that brings together SUNY Empire State College's faculty experts in leadership and successful women corporate leaders with the women leaders of tomorrow for roundtable discussions, workshops, networking and lectures on the successful leadership in corporate America;
- A virtual women leader's lecture series to connect aspiring woman leaders from across New York and the country to leading female corporate executives and board members; and
- Online credit and non-credit bearing trainings on topics such as leadership, communication, networking and self-promotion skills that award micro-credentials and are stackable into an Empire State College MBA degree.

The center will also develop workshops and trainings for all those interested in promoting gender equity in corporate America. Examples of activities include:

- Online credit and non-credit bearing trainings on how individuals can identify existing institutional and individual sexism within their organizations and strategies for creating more gender equity; and

- A focused two to three-day residency for corporate leaders interested in creating gender equity across their organizations that includes roundtable discussions, workshops and lectures on real-world solutions organizations are implementing to reduce and eliminate sex/gender inequities.

Proposal. Investing in Women Entrepreneurs

Since entering office, Governor Cuomo has continued to advance policies to support women entrepreneurs and women-owned businesses. As part of the State's nation-leading Minority and Women-Owned Business Enterprise (MWBE) program, in Fiscal Year (FY) 2019, MWBEs received contract utilization of over \$1.5 billion – an increase of more than \$1 billion since FY 2011.⁴³ Further, as part of the Governor's Executive Order 162 and Article 15-A legal requirements, for the first time ever, New York State will also soon begin to assess and set aspirational goals seeking to ensure that minimum percentages of the contractor workforces actually performing State work are women.⁴⁴

Initiatives like the above are helping to improve economic opportunities for women entrepreneurs, but significant disparities remain. For example, while New York

State's existing Innovation Venture Capital Fund has invested 40 percent of its funding in women, nationally, a mere two percent of venture funding goes to women-led businesses.⁴⁵ When half of the state's residents lack equitable access to financing, the state's economy is operating at only half of its potential.

As the drivers of New York State's economic strategic planning, Governor Cuomo tasks Empire State Development (ESD) and the Regional Economic Development Councils (REDC) to assess and, as necessary, address the challenges faced by women entrepreneurs. The 2020 REDC Guidebook will require each region to incorporate ways to address these challenges in its strategic plan. In order to implement these strategies, \$20 million of Empire State Development grant funding will be available across ten regions for projects advancing the needs of women entrepreneurs.

Proposal. Improve Representation for Women on Corporate Boards

Governor Cuomo has taken great strides to address workplace inequality in New York State and is committed to closing the gender wage gap. In 2017, the governor directed the Department of Labor to study pay equity in

New York State and issue recommendations on how to close the gender wage gap. This past year Governor Cuomo signed legislation that prohibits employers from asking about an applicant's salary history, enacted a law that mandates equal pay for substantially similar work, and strengthened protections against sexual harassment in the workplace. The Governor has also used his office to empower women leaders through his creation of the Family Empowerment Community College Pilot Program, the Council on Women and Girls, and the Women Lead Fellowship. Each of these pieces of legislation, in addition to the Governor's initiatives, will help ensure that women are granted the same economic and career opportunities that are available to men.

While New York has the one of the narrowest gender wage gap in the country, inequities still exist. Reports show that throughout the nation only approximately 20 percent of corporate board members are women, which is a record high.⁴⁶ Without intervention, this lack of diversity will not solve itself anytime soon. The United States Government Accountability Office issued a report in 2015 based on a national study estimating that it may take over 40 years to achieve gender equality on corporate boards.⁴⁷ This lack of gender parity not only

limits opportunities for women in business careers, but also hinders economic growth and profits.⁴⁸

To address these disparities, Governor Cuomo recently signed legislation that requires the New York State Department of State and the Department of Taxation and Finance to conduct a study of female representation on corporate boards. The agencies will analyze the number of women who currently serve on the boards of directors of all domestic and foreign corporations in the state. The data will provide a comprehensive understanding of the issue that will guide policy decisions designed to address these inequities. This report is the next step in ensuring that New York is on track to eliminate the gender wage gap and to provide truly equal workplace opportunities to women.

Proposal. Prohibit Gender-Based Pricing Discrimination or Banning the “Pink Tax”

During his time in office, Governor Cuomo has demonstrated his commitment to addressing and reducing the gender wage gap. In 2016 the Governor signed legislation that prohibited a tax on menstrual products, making New York one of the first states to ban the so-called “tampon tax.” In 2019, the Governor signed a new law prohibiting employers from asking about or considering an

applicant's salary history when making hiring and promotion decisions, as well as legislation that mandates equal pay for substantially similar work.

A 2016 study that analyzed prices of toys, clothing, personal care products and home health products that were substantially similar.⁴⁹ The study found that 42 percent of the time, products targeted towards women are more expensive than men's, while only 18 percent of the time men pay more. On average, according to the data collected, women's merchandise costs 7 percent more than similar items for men. Personal care products for women – such as razors, shaving cream and deodorants – were found to be priced 13 percent higher than men's products. Haircare products targeted towards women that were substantially similar, except for packaging, cost 48 percent more than those geared for men. Because these products are purchased frequently, the study estimates that the compounding differences “translate into a significant financial burden for women over the cost of their lifetime.”⁵⁰

These cost differences have lasting consequences. The state of California commissioned a study on this issue in 1995 and found that women spend an average of \$1,351 more annually as a result of gender-based pricing discrimination.⁵¹ Women will spend thousands more

throughout the course of their lifetimes than men to get similar products. The higher costs disproportionately impact female disposable incomes and savings. The gender wage gap, which hinders female economic growth and falls more heavily on women of color, is only exacerbated by these price disparities.

To address these disparities, Governor Cuomo will advance legislation to prohibit gender-based pricing discrimination for substantially similar or like kind goods and services. The legislation would require certain service providers to post price lists for standard services and notice that gender-based price discrimination is prohibited under state law. Businesses that violate the law would be subject to civil penalties.

Proposal. Address the Student Loan Debt Crisis' Impact on Women of Color

Student debt is a national crisis that affects nearly 3 million New Yorkers who currently hold over more than \$86 billion in student loan debt – a small portion of the more than 44.5 million Americans who owe more than \$1.6 trillion in educational debt. The student debt crisis disproportionately impacts women, who hold nearly two-thirds of student loan debt, a growing disparity that is

contributed to by the gender pay gap and the fact that women often accrue larger student debt burdens than do men. For women of color, particularly black women, this problem is even worse, with African-American women accruing on average over 50 percent more in educational debt than white men, according to statistics released by American Association of University Women.

Under Governor Cuomo's leadership, New York State has been at the forefront of addressing the student debt crisis. The Governor's Excelsior Scholarship program has helped make college affordable to tens of thousands of middle-class families and in 2019, New York's Department of Financial Services (DFS) launched Step Up For Students, a nation-leading initiative to protect student borrowers from predatory and abusive lending practices.

In 2020, the Governor Cuomo's Council on Women and Girls, DFS, and Essence Communications Inc. will launch a new statewide initiative to address the impact of the student debt crisis experienced by women of color in New York State. As a first step, they will hold roundtable discussions and town hall meetings statewide that are designed to elevate the voices of female student and community leaders of color and raise awareness to the disproportionate impact of the student debt crisis. These events, in addition to raising awareness, will help ensure

student borrowers are aware of their rights and the resources available to them to finance their education, as well as inform the development of a robust policy agenda that will leverage resources across state government to address this important and critical issue.

Proposal. Ensure Pay Equity at State and Local Authorities

Governor Cuomo's efforts to achieve pay equity in the state have led New York to be leaders in this field. As a result of these efforts, New York has the narrowest gender pay gap in the nation. To ensure that this gap continues to narrow, New York recently adopted the Pay Equity Law, which prohibits wage differentials based on protected class status. This legislation, coupled with Governor Cuomo's Executive Order 162 that requires state contractors to submit reports on salary breakdowns within their organizations, helps to promote pay parity for employees throughout the state.

Despite the significant gains New York has made in reducing the gender wage gap, the gap persists. A 2018 report issued by the Department of Labor found that while New York City wages are not often different based on gender, other regions of the state have much larger gaps in

pay. Moreover, in New York State the wages for women overall are nearly equal to the amount men earn, however, when comparing the salaries of white males to women of color, the differences in pay are stark.⁵² Additionally, the extent of New York State Authorities' compliance with the recently enacted legislation that prohibits wage discrimination for substantially similar work is not currently known.

To ensure compliance with this new law among state and local authorities, the Governor and the New York State Authorities Budget Office are announcing a benchmark survey to collect reporting from all authorities on their current pay scales in relation to gender. The survey will collect information about the types of employment taking place at state and local authorities, whether there are gaps or imbalances in pay scales relating to gender and what actions the authorities will take to ensure compliance. Those authorities reporting wage imbalances would be required to establish a plan for compliance within six months. The Authorities Budget Office will also conduct a follow-up to monitor progress and would report its findings to the Governor and the Legislature to help ensure that public authorities are following the letter and spirit of the law.

Proposal. Require Sexual Harassment Data Disclosure from State Contractors

Governor Cuomo is committed to protecting New Yorkers from sexual harassment in the workplace. In 2019, Governor Cuomo increased protections against sexual harassment in the workplace by signing legislation that lowers the standard of proof for sexual harassment claims, making it easier for victims to bring claims against their employers. Governor Cuomo also signed into law protections for domestic workers and independent contractors. These protections build on the Governor's groundbreaking legislation that required sexual harassment training and policies for all New York State businesses and employers.

Despite the sweeping new protections against workplace sexual harassment that the Governor has implemented in recent years, there is still a lack of transparency that persists around the internal cultures within business organizations. This lack of transparency makes it more difficult for employees who are victims of sexual harassment to bring claims and does little to incentivize employers to do all that they can to prevent and respond to sexual harassment in the workplace. Moreover, the State of New York has an interest in ensuring that the

employers that are given state funds are complying with the law and creating a safe work environment for their employees. However, under current law, the state has no real way of knowing this information about the organizations with which it is doing business.

To protect New York State's interest in preventing and responding to sexual harassment, Governor Cuomo proposes measures requiring potential state contractors to provide a report of the number of adverse judgments, adverse administrative rulings and settlements relating to sexual harassment within the past year. The information will be available to state agencies seeking to contract with that entity, and the Office of State Comptroller will submit summary reports of the data annually to the Governor, certain agency heads and the Legislature.

WOMEN'S HEALTH

Proposal. Protect and Maintain Stable Access to Family Planning and Reproductive Health Services in New York State

Governor Cuomo has consistently supported access to high-quality reproductive health care to ensure reproductive rights of women are protected. In 2018, the

Governor signed an Executive Order requiring insurers to cover over the counter emergency contraception and all other contraceptive drugs or devices and provide 12 months of contraceptive at one time, without co-insurance, co-pays or deductibles. In 2019, the Governor signed the Reproductive Health Act, which codified *Roe v. Wade*, decriminalized women's access to abortions and provided protections to doctors who perform abortions.

The New York State Comprehensive Family Planning and Reproductive Health Program (FPP) delivers high-quality comprehensive family planning and reproductive health services to 300,000 low-income, uninsured and underinsured individuals annually. The FPP was historically supported by federal and state funding. However, New York State can no longer accept federal funding to support the program due to changes in federal regulations implemented in July 2019. These regulations prohibit the FPP from funding organizations that provide abortion and related services and prohibit providers from giving full information to pregnant patients about their options. The Trump Administration's unnecessary, unethical and potentially illegal rules for the Title X program undercut the very purpose of the funding itself. Governor Cuomo is committed to pursuing all available

avenues to fight these harmful proposed rules and protect New York's program from attack.

To help ensure New York's values are reflected in the reproductive healthcare its residents can access, this year New York State will launch a state-only funded family planning program building on national best practices. This state funded program will help ensure the continued availability of family planning services and a stable provider network, as well as enable New York State to continue to provide the highest quality family planning care in the nation.

Proposal. Create a New Women's Research Consortium

Governor Cuomo has led the nation in enacting policies to support the equality, rights and health of women and girls. In 2018, Governor Cuomo enacted legislation to require that the State Board of Medicine must include an expert on women's health and an expert on reducing health disparities in its membership. In addition, Governor Cuomo signed into law the Maternal Mortality Task Force, charged with decreasing the numbers of maternal and perinatal deaths in New York.

However, recent studies have shown that scientific research still lags behind in ensuring the safety of women. It was not until 2016 that the National Institute of Health required female participants be included in safety trials.⁵³ In addition, one-size-fits all medicine can lead to inaccurate results—for instance, in 2013 after women reported dangerous side effects from the sleep drug Ambien, the FDA issued an advisory recommending that women and men take different dosages of the drug – this is currently the only gender based dosage recommendation.⁵⁴ Dangerous health conditions that disproportionately affect women are often under-researched and devalued, such as uterine fibroids, which black women are three times more likely than white women to experience and with more severe symptoms.⁵⁵ This also includes heart disease – the most common cause of death for women ⁵⁶ – with which 49 percent of black women are diagnosed and that Hispanic women are more likely to develop 10 years earlier than other ethnicities.⁵⁷

To address these disparities in healthcare, Governor Cuomo proposes to create a Women’s Health Research Consortium composed of the state’s leading health and medical research institutes to lead the nation in pioneering research recommendations to advanced medical equity. The Consortium will focus on biomedical research equality

for health conditions like uterine fibroids and heart disease, as well as for things such as industrial toxins in female-dominated industries, such as nail and hair salons. The Consortium is directed to study conditions that only exist in women, such as post-partum depression, menopause, pre-eclampsia, and breast, cervical, and ovarian cancer. It will also prioritize groundbreaking research in infertility and maternal mortality, with a focus on why black women in New York State experience 51.6 deaths per 100,000 live births, compared to 15.9 deaths for white women per 100,000 live births.

The members institutions of the Consortium, under the guidance of a Director, will work together to conduct this innovative research and will issue an annual report of the Consortium's work, including policy recommendations. The Consortium will also host biennial symposia where researchers can share groundbreaking findings designed to address these gender equity gaps. This Consortium will make New York the first state to address sexism in our innovation designs and medical research.

Proposal. Comprehensive Plan to Address Maternal Mortality

Governor Cuomo is committed to improving women's healthcare and reducing maternal mortality in New York State. In April 2018, Governor Cuomo announced a comprehensive effort to target maternal mortality and morbidity. As part of this initiative, the Task Force on Maternal Mortality and Disparate Racial Outcomes convened to outline recommendations to improve maternal health and eliminate racial disparities in outcomes. In August 2019, Governor Cuomo signed legislation creating the Maternal Mortality Review Board, one of the top recommendations from the task force, which will make recommendations to the Department of Health on strategies for preventing future deaths and improving overall health outcomes. Additionally, the FY 2020 Enacted Budget included \$8 million over two years to fund the task force's top recommendations.

While this investment represents an important first step in achieving the goals of the task force, Governor Cuomo recognizes the need to sustain this investment. An ongoing commitment to this work will ensure structural and institutional changes in healthcare systems occur, in

order to create a safer birth experience for mothers and families across New York State.

Recognizing that the factors impacting maternal health are complex, the Governor will continue to invest \$8 million over two years to support:

- Expansion and enhancement of Community Health Worker services across New York State to help additional women and families effectively access continuous and coordinated healthcare. Additionally, the Department of Health will work to enhance Community Healthy Worker services by supporting trainings on removing barriers to healthcare, cultural humility, health literacy and best practices to engage and retain more women of color in the program;
- Implementation of implicit bias training and post-birth training for medical providers. During the Department of Health's statewide listening sessions on maternal mortality, women and families of color consistently reported not being listened to by their healthcare providers and/or experiencing racism in interactions with the healthcare system. Fostering better communication between patients and providers is key to assuring that patients get

appropriate and timely care, which can reduce morbidity and mortality rates. Comprehensive content and materials will be designed, piloted and made available to birthing hospitals to improve maternal outcomes throughout the state;

- Creation of a comprehensive perinatal data warehouse to increase timely access to maternal health data for Regional Perinatal Centers and birthing hospitals and support targeted quality improvement efforts by the State, hospital and healthcare providers;
- Convening of a Maternal Mortality Review Board to review all maternal deaths, identify the causes and subsequently develop strategies to reduce maternal mortality and morbidity in New York State. In parallel, a Maternal Mortality Advisory Council will focus on identifying social determinant and other environmental factors impacting maternal mortality and make recommendations to improve maternal health; and
- A strategic outreach program in key communities across the state to increase the ratio of perinatal healthcare providers who are members of racial and ethnic minority groups.

Proposal. Expanding Access to Fertility Services

New York has a proud history of being the progressive capital of the country and advancing women's empowerment. As part of his commitment to upholding this legacy, Governor Cuomo has fought for people to have access to the reproductive health services they need, when they need them. In 2017, New York State required that all insurers provide fertility services regardless of marital status, sexual orientation or gender identity. In 2018, through the Women's Agenda, Governor Cuomo directed the Department of Financial Services to examine approaches for incorporating insurance coverage for in-vitro fertilization (IVF) into the existing infertility coverage mandate. In 2019, Governor Cuomo signed legislation to expand access to coverage to IVF and medically necessary fertility preservation, extending these benefits to more women in New York State.

Despite this progress, many still have insufficient insurance coverage and are unable to access IVF services. Additionally, there is a lack of awareness of the other benefits the state provides for individuals going through IVF and their families.

Building off the successes of the past years, the Governor will work to expand coverage and raise

awareness of available fertility services. The Governor will encourage employers to offer fertility coverage, ensure that no one is discriminated against for seeking fertility services, and expand awareness of existing benefits.

ENDING GENDER-BASED VIOLENCE

Proposal. Require Uniform, High-Quality Care Standards for all Sexual Assault Survivors

The Governor has strengthened New York State's sexual assault laws by requiring testing for all rape kits reported to law enforcement and expanding evidence retention for rape kits that are not reported to law enforcement from 30 days to 20 years. In 2018, the Governor directed the Department of Health to publish the 'Sexual Assault Victims' Bill of Rights to be provided to every sexual assault survivor before beginning a medical forensic exam or an interview.

Despite all the recent legislative reform to expand the rights of sexual assault victims, inconsistent treatment and improper billing in hospital emergency rooms persists. In some instances, sexual assault victims who gain the courage to seek treatment and evidence collection in a

hospital emergency room may be refused care or transferred to another hospital emergency room.

New York State must ensure that the healthcare system is prepared to provide the highest quality care for victims in every rural, urban and suburban community. To help improve care for sexual assault survivors at hospitals, Governor Cuomo proposes that all hospitals be required to adhere to the same high-quality, victim-centered care standards when treating sexual assault survivors.

Proposal. Support Safe and Healthy Nightlife on Campuses

Under Governor Cuomo's leadership New York has demonstrated a steadfast commitment to ending campus sexual assault once and for all. In 2015 Governor Cuomo signed "Enough is Enough," one of the most aggressive policies nationwide that addresses sexual violence on college campuses. "Enough is Enough" requires all colleges to adopt a set of comprehensive procedures and guidelines to prevent and respond to campus sexual assault. Under "Enough is Enough," the Department of Health receives \$4.5 million annually to fund 52 Rape Crisis and Sexual Violence Programs. These programs provide sexual assault

response and prevention assistance to over 250 colleges and universities throughout the state.

Despite these efforts, little exists to address sexual violence in alcohol-serving establishments in college communities. Bars are an environment conducive to sexual violence, where sexual aggression and hookup culture is more common.⁵⁸ Alcohol lowers inhibition and affects how people interpret social cues. Bar staff can play a crucial role in confronting the issue of sexual violence within these establishments.⁵⁹

Governor Cuomo will introduce legislation to amend the “Enough is Enough” law to implement trainings, created in consultation with the Office for the Prevention of Domestic Violence, on healthy nightlife in college communities. The Governor will also direct the State Liquor Authority to develop a sexual violence prevention module in their Alcohol Awareness Training Program curriculum. These trainings will increase the safety of bars and restaurants in campus communities for patrons, staff and surrounding communities by building awareness, increasing bystander intervention skills and supporting staff to prevent or respond to incidents of sexual assault.

Proposal. Prevent Teen Dating Violence

Teen dating violence is an all-too-common issue for young people. It may consist of use of technology and social media, or of physical, sexual, emotional and other forms of abuse. This abuse can take place in or outside of school, but social media blurs the dividing line, and it can affect teens' schoolwork, employment and extracurricular activities.

Governor Cuomo has consistently championed the prevention of teen dating abuse through the annual recognition of Teen Dating Violence Awareness Month and by dedicating a portion of the State's web presence to raising awareness on this issue. The Governor recognizes that New York State has an obligation and an opportunity to create and deliver information and resources to assist professionals who can provide direct assistance and support to teens.

Building on previous support, the Governor will direct the Office for the Prevention of Domestic Violence to develop and implement a robust training and technical assistance program to address teen dating abuse. The program will focus on at-risk youths and teens in the care of the Division of Juvenile Justice and Opportunities for Youth (DJJOY) and the Community Multi-Services Offices that DJJOY works with to transition youths from residential

placement back into their communities. Last year alone, these offices served over 400 of these at-risk youths and provided them with services and resources designed to help them achieve long-term stability and success. The Office for the Prevention of Domestic Violence will expand current teen dating abuse efforts by developing training, technical assistance and resources or publications for these professionals who work with teens. This effort will help ensure that teens going through difficult times in their lives will have resources and support in preventing and responding to dating violence.

Proposal. Modernize Support to Domestic Violence Victims

During his tenure in office, Governor Cuomo has been a strong advocate for survivors of domestic violence and their families by championing several major initiatives including the passage of the Domestic Violence Survivors' Justice Act, adding a new legal provision regarding family offenses and providing specified funds for domestic violence survivors' housing under the Empire State Supportive Housing Initiative. In 2019, Governor Cuomo directed State leadership to conduct a Listening Tour that provided a forum for domestic violence service providers

throughout the state to discuss the needs and priorities of the survivors and communities they serve. At the conclusion of the Listening Tour, Governor Cuomo convened a Task Force to further analyze these issues and re-envision domestic violence service delivery in New York State.

The Governor's Task Force found that, while the State has historically focused on the provision of emergency shelter as an immediate response there is a critical need to create additional innovative options to better address immediate and long-term service and housing needs of survivors. New approaches must increase the capacity of domestic violence service providers to leverage housing resources, better tailor service needs to each individual survivor, and permit opportunities for them to safely remain in their existing housing and/or community. The Task Force also determined that New York State funding and reporting requirements must provide a more flexible service model and reduce the burdens on service providers.

Based on the Task Force recommendations, Governor Cuomo proposes to pilot an innovative, survivor-centered model that reduces the barriers and challenges to domestic violence service provision in New York State by providing a comprehensive flexible funding model to

support a continuum of services based on each survivor's needs. The proposed model will also support survivors by enhancing systemic responses that hold abusers accountable and decrease their levels of lethality. In addition, Governor Cuomo also proposes the creation of Domestic Violence Regional Councils that will coordinate with the existing New York State Domestic Violence Advisory Council to further the relationships built through the Task Force and enhance communication regarding the needs of survivors, domestic violence programs, and communities.

Proposal. Strengthen Protections for Domestic Violence Victims Seeking a Divorce

Victims of domestic violence often experience economic instability resulting from their abuse. Governor Cuomo has recognized this fact and recently signed into law provisions that guarantee time off for victims of domestic violence to attend court, receive treatment or safety plan, as well as legislation that allows judges to order spousal support while issuing orders of protection. These provisions further help victims maintain economic stability and keep their families safe.

According to the Center for Disease Control and Prevention, female victims of domestic violence lost an average of \$103,767 due to medical expenses, negative effects on productivity and criminal justice costs. Male victims lose an average of \$23,414 over the course of their life because of domestic violence. However, domestic violence is not listed as a specific factor courts must consider while determining equitable distribution of property in a divorce proceeding, despite the fact that domestic violence can have negative long-term consequences on a survivor's career, healthcare costs and economic stability. A vast majority of divorce cases result in a 50/50 distribution of marital property. For victims of domestic violence who may have been physically, emotionally, psychologically or economically harmed because of the power and control of domestic violence, this can result in a distribution that is anything but "equitable."

This year, Governor Cuomo will advance legislation to require courts to specifically consider the effects of domestic violence on the future financial circumstances of each party. This will require a court to examine the circumstances and results of domestic violence, and would allow the court to find that a party has a diminished future ability to make a living due to acts of domestic violence committed against them by the other party. This will

greatly enhance victims' abilities to receive truly equitable distribution.

Proposal. Expansion of Access to Civil Orders of Protection in Family Courts

The Governor has shown a longstanding commitment to protecting the safety of victims of domestic violence, including improving access to orders of protection. In 2016, the Governor signed legislation that established a pilot program in several counties to allow for the electronic filing of petitions and the issuance of temporary orders of protection by audio-visual means. Electronic filing provides emergency relief for victims who find traveling to, or appearing in, the courthouse an undue hardship or a safety risk. The Governor also signed into law a key provision that required the translation of temporary or final orders of protection and directed two pilot projects to develop solutions for language access during the family offense petition process.

Family Court is a civil court, not a criminal court. Yet, the legal construct of family offenses has tied civil relief for domestic violence victims to Penal Law offenses, and therefore criminal definitions of actionable behavior. This is increasingly problematic as the courts have narrowed

the interpretation of certain Penal Law statutes listed as enumerated family offenses and often used in domestic violence cases, and victims are required to meet the elements of these criminal offenses to get the protection they need.

Governor Cuomo proposes a measure allowing Family Courts to issue orders of protection without requiring the petitioner to allege and prove a family offense was committed. The orders of protection could be issued to stop the violence, end the family disruption and/or to obtain protection.

Proposal. Protect Domestic Violence Victims from Gun Violence

Governor Cuomo is committed to ending domestic violence and recognizes that guns are a potentially lethal ingredient in these already dangerous situations. In 2018, the Governor signed legislation to prevent individuals convicted of serious misdemeanors against a domestic partner from obtaining a gun license and to require the immediate surrender of firearms upon such a conviction. New York also requires individuals to surrender firearms if they become subject to a protective order upon a finding that they inflicted physical injury, used or threatened use of

a deadly weapon or behaved in a manner constituting a violent felony.

To continue his commitment to protecting victims of domestic violence, Governor Cuomo proposes:

- ***Allow Law Enforcement to Remove Firearms from the Scene of a Domestic Dispute:*** Between the act giving rise to a charge of domestic violence and a conviction, abusers may continue to have access to their firearms. This time period is critical—a woman is five times more likely to be killed in a domestic violence situation if her abuser has access to a gun, and nearly one million American women have been shot at by an intimate partner in their lifetimes. This measure will ensure that law enforcement has the necessary tools to protect victims from their abusers while prosecution is pending.
- ***Require Law Enforcement to Remove Firearms from the Home of an Individual Who Becomes Subject to a Protective Order Arising Out of a Domestic Dispute:*** When a domestic violence victim secures a protective order, the additional requirements necessary to remove firearms from their abusers (physical injury, use or threatened use

of a deadly weapon or behavior constituting a violent felony) impose a high burden. Eliminating these additional requirements will lower the hurdles for domestic violence victims to get firearms out of the hands of their abusers.

- ***Establish a Domestic Violence Misdemeanor:*** In order for a serious misdemeanor to disqualify an individual from obtaining a New York gun license, courts must go through an additional process to establish a domestic relationship between the victim and abuser. This process has many cumbersome steps, which result in many serious misdemeanors not being properly classified as disqualifying domestic violence convictions for the purposes of New York gun licensing. Further, federal law also disqualifies some individuals convicted of domestic violence misdemeanors from purchasing guns. The federal government relies on New York to flag convictions that are potential domestic violence convictions. When the process to establish a domestic relationship fails, it also impacts the administration of the federal check nationwide. This new misdemeanor crime will ensure that abusers lose access to firearms immediately upon conviction by automatically

designating domestic violence misdemeanors as such and eliminating a separate process to establish a domestic relationship post-conviction.

Proposal. Stop Reproductive Coercion

Governor Cuomo has been a fierce advocate for victims of domestic violence and sexual assault with a long-standing history of signing legislation that supports the rights and protections of victims, holds domestic violence offenders accountable and proactively protects the right to access reproductive healthcare. The Governor also championed the “Enough is Enough” Law and the Reproductive Health Act and created the Office of Women’s Affairs and the Council on Women and Girls.

Numerous people are victims of domestic violence every day. Often the violence they endure includes sexual abuse and sexual and reproductive coercion. This type of abuse has long-lasting impacts on victims’ health. Sexual and reproductive coercion affect pregnancy, prenatal health and maternal and infant mortality and is also related to HIV, AIDS, STIs, substance use disorders and mental health issues.

The Governor proposes the development of partnerships between domestic violence agencies and

sexual and reproductive health clinics to increase awareness of, and identify and respond to, sexual abuse and sexual and reproductive coercion. In identifying and responding to cases of sexual and reproductive coercion, the public health impacts of this type of abuse will be mitigated and survivors will get the services they need and deserve.

Part 3: Protecting the LGBTQ Community

Throughout Governor Cuomo's career, he has been a national leader in championing LGBTQ rights. In 2011, the Governor led the historic charge to make New York State the first large state to pass marriage equality. Building on this historic accomplishment, Governor Cuomo has continued to lead the nation as a champion for LGBTQ rights – signing the Gender Expression Non-Discrimination Act, banning conversion therapy based on gender identity or sexual orientation, and prohibiting the use of "gay and transgender panic" as a legal defense in courts – all key components of Governor Cuomo's 2019 Justice Agenda.

Meanwhile, the federal government has pursued a relentless series of attacks on the LGBTQ community, dismantling years of civil rights progress and rolling back protections for LGBTQ individuals. Across the country,

LGBTQ people still face discrimination, harassment, and violence simply for being who they are. As the birthplace of the modern LGBTQ civil rights movement, New York State refuses to let that stand. Under Governor Cuomo's leadership, New York State will continue to fight to ensure that all New Yorkers, regardless of gender identity or sexual orientation, can live with the dignity and equality they deserve.

Proposal. Legalize Gestational Surrogacy in New York State

Since his first term in office – when he enacted legislation legalizing same-sex marriage in New York State four years before the right was recognized nationally – Governor Cuomo has championed the rights of all New Yorkers to have equal ability to start and raise families in this State.

As both reproductive technology and notions of what constitutes a family have evolved, many same-sex couples, couples with fertility challenges, and single individuals are now able to fulfill their dreams of becoming parents. However, New York State law currently bans the practice of gestational surrogacy and creates legal uncertainty for the parents of children conceived by way of

reproductive technology like artificial insemination or egg donation. This forces many New York families to travel outside of the state to conceive through surrogacy – an expensive step that can also prevent the parents from attending regular doctor’s visits and otherwise participating fully in the pregnancy.⁶⁰

Governor Cuomo is committed to removing these unnecessary, harmful, and costly barriers. This year, once again, he will champion legislation that lifts the ban on gestational surrogacy. The legislation will also establish criteria for surrogacy contracts that provide the strongest protections in the nation for parents and surrogates, ensuring all parties provide informed consent at every step of the process. The legislation would also create a Surrogates’ Bill of Rights, which would ensure the unfettered right of surrogates to make their own health care decisions, including whether to terminate or continue a pregnancy, and that surrogates have access to comprehensive health insurance and independent legal counsel of their choosing, all paid for by the intended parents. The Governor’s legislation will also create a streamlined process for establishing parenthood when one of the individuals is a non-biological parent, a process known as “second parent adoption.”⁶¹ By updating this process, the legislation eliminates the intrusive, expensive,

and time-consuming requirements for recognizing legal parentage and guarantees that all New Yorkers are covered by necessary and commonsense protections when seeking to grow their families. This legislation will ensure that New York not only joins the forty-seven other states that permit gestational surrogacy, but it will guarantee that all parties involved in the process are covered by the strongest and most robust protections in the nation.

Proposal. LGBTQ-Affirming Addiction Services

From the passage of Marriage Equality in 2011 to the signing of the Gender Expression Non-Discrimination Act, Governor Cuomo has consistently fought for LGBTQ New Yorkers and has established the state as a national leader in the fight for LGBTQ rights.

Despite this progress, LGBTQ community still faces disparities in employment, housing, and particularly health care. According to the Substance Abuse and Mental Health Services Administration, between 20 to 30 percent of gay and transgender people abuse substances compared to about 9 percent of the general population.⁶² The high levels of stress from daily discrimination, stigma, and harassment that LGBTQ people endure is a central factor driving these higher rates of substance use.⁶³

Yet when LGBTQ individuals seek access to care for addiction, they face substantial barriers. In a survey conducted by Lambda Legal, more than half of lesbian, gay, or bisexual respondents, and 70 percent of transgender respondents, reported discrimination in health care services.⁶⁴ From disrespectful treatment to outright hostility and even refusal of service, LGBTQ individuals may hide their gender identity and sexual orientation, receive substandard care, or become discouraged from seeking treatment for addiction at all. These barriers result in poorer, dangerous health outcomes for LGBTQ individuals and continue a cycle of addiction.

In order to reduce rates of addiction in the LGBTQ community, Governor Cuomo will direct the New York State Office of Addiction Services and Supports (OASAS) to develop clinical practice standards for addiction treatment programs when working with LGBTQ individuals. In developing these standards, OASAS will outline best practices to ensure an environment that is free from discrimination and understands the link between an individual's addiction, LGBTQ identity, and specific health care needs. OASAS will also implement an accompanying endorsement for programs that meet these standards so that consumers can identify programs that are providing the best quality of care to LGBTQ individuals. These actions

will expand access to quality services for the LGBTQ community and ensure that all New Yorkers receive the life-saving addiction treatment they need.

Proposal. Protecting Access to Transgender Health Care Coverage

Governor Cuomo is a national leader in advancing the rights of transgender and gender nonconforming New Yorkers. In 2019, Governor Cuomo signed the Gender Expression Non-Discrimination Act, which prohibits discrimination on the basis of gender identity and expression under the State's Human Rights Law. Also in 2019, Governor Cuomo enacted legislation banning conversion therapy based on gender identity or sexual orientation and the use of "gay and transgender panic" as a legal defense in courts.

As the federal government continues to rollback health care protections for transgender and gender nonconforming individuals, Governor Cuomo has made New York State a national leader in protecting this basic human right. In November 2019, Governor Cuomo directed the Department of Financial Services to take action to further protect transgender New Yorker's access to medically necessary, life-saving care. The Department of

Financial Services is in the process of advancing those regulations. The Governor has also instructed the Office of Mental Health, pursuant to its new authority under the Mental Health and Substance Use Parity Law, to review and approve clinical review criteria for mental health services, directing insurers to eliminate categorical exclusions for gender affirming services so that individuals receive the medical necessity review they deserve. In 2019, the Governor also directed the Department of Civil Service to eliminate additional barriers to accessing gender-affirming procedures in the Empire Plan, the health plan option for state and local government employees and their family members. The Department of Civil Service is in the process of ensuring that all Empire Plan members are aware of their right to access comprehensive gender affirming health care. Governor Cuomo will continue to take unprecedented steps to ensure that all New Yorkers, regardless of gender identity, have access to medical care.

Proposal. Transgender Cultural Competency Training for New York State Employees

New York is the largest employer in the State and serves as a model for best practices in service delivery and workplace diversity and inclusion. In order to ensure that transgender

and gender nonconforming New Yorkers and State employees can access State services and work in an environment free from discrimination, harassment, or stigma, Governor Cuomo will direct the Governor's Office of Employee Relations to provide cultural competency training regarding gender identity and express to all State employees and to also update mandatory annual trainings to ensure that best practices for transgender and gender nonconforming cultural competency are integrated into all aspects of State training.

Proposal. Extend Data Privacy Protections to LGBTQ Dating Apps

Governor Cuomo is deeply committed to advancing LGBTQ rights and to ensuring that New York States provides equal services to all, regardless of their sexual orientation or gender identity. In 2011, Governor Cuomo led the charge to pass the historic Marriage Equality Act. In 2017, he established a Hate Crimes Task Force and a hotline for individuals to report bias or hate incidents. In 2019, he directed the New York State Department of Civil Service to eliminate any remaining barriers to accessing gender-affirming procedures in the State's Empire health care plan.

In 1996, New York State passed legislation and created the Dating Services Consumer Bill of Rights (DSCBR) which regulated “social referral services” such as dating and matching operations by setting limits on the amount of money customers can be charged and preventing service providers from sharing customers’ private information without their consent. However, the DSCBR defines “social referral services” as those that charge fees to match “members of the opposite sex.” This language has created a loophole through which unequal protections may be provided to individuals seeking to use a social referral service to connect with an individual of the same sex. As a result, LGBTQ New Yorkers are vulnerable of having their personal information shared without their explicit knowledge or consent; a risk that is amplified by the fact that modern dating sites and other forms of “social referral services” are becoming increasingly commonplace.⁶⁵

To close this loophole and ensure the law’s protections apply equally to all New Yorkers, Governor Cuomo will advance legislation to amend the Dating Services Consumer Bill of Rights, to replace “members of the opposite sex” with the word “persons,” in the law’s definition of “social referral services.” The legislation will also extend the law’s coverage to include social referral services that do not charge any fees. These amendments

will ensure that services used by New Yorkers to meet friends and significant others may not provide different protections depending on the sexual orientation or gender identity of the individuals being matched.

Part 4: Protecting Vulnerable Children

Proposal. Reducing Overrepresentation of Minority Children in Foster Care

Racial bias has no place in our child welfare system, and yet, despite the best intentions of child welfare professionals, implicit bias can easily and unconsciously seep into decisions of removal and reunification within the child welfare system. Governor Cuomo is a champion in the fight against inequality in New York State. He is committed to equal treatment for all families who experience the child welfare system regardless of race and ethnicity. The implementation of a “Blind Removal” Process statewide is another step toward ensuring social justice and human rights for the children and families of New York.

National data identifies African-American, Hispanic/Latino, Native American, and Alaska Native children as being consistently and persistently reported to Child Protective Services, placed in out-of-home care,

staying in care longer, and struggling to find a permanent family connection more than children from other racial or ethnic groups.⁶⁶

It is well-researched that children in foster care have been exposed to multiple traumatic events, including being removed from their home and experiencing multiple placements.⁶⁷ A Chapin Hall study found that youth transitioning out of foster care at age 19 faced multiple challenges.⁶⁸ The report states, “too many are neither employed nor in school, have children that they are not able to parent, suffer from persistent mental illness or substance use disorders, find themselves without basic necessities, become homeless, or end up involved with the criminal justice system.”⁶⁹

Blind removal meetings (BRM), a key component of the larger “Blind Removal” Process, aims to have unbiased decision-making in the removal process. To achieve this, a caseworker does not disclose any personal and demographic information about a child or family when information about the case is being presented to key decision-makers prior to a removal being initiated. The goals of a BRM are to have unbiased decision-making in the removal process while still maintaining child safety and reducing the risk of harm, decrease the overall number of children removed, and resolve disproportionality of race in

removals. Office of Children and Family Services (OCFS) has partnered with the University at Albany to create a Blind Removal Process toolkit. This toolkit is designed to aid counties through the process of assessment readiness followed by implementation of the Blind Removal Process. Once finalized, it will be disseminated to all counties across New York State. Implementation will also include incorporating these practices into child protective services and creating implementation teams across the state to support counties.

Proposal. Establish the NYS Foster Care Success Program

Governor Cuomo has taken full advantage of federal resources to create several statewide AmeriCorps programs targeted to specific New York State priorities. In 2015, he created the Excelsior Conservation Corps, now in its fifth successful year of environmental stewardship and service on public lands and in State Parks. Through the New York State AmeriCorps program, the Governor has also used AmeriCorps grants to fight hunger and poverty and assist immigrants statewide. The Governor will now partner with AmeriCorps to address the persistent needs of youth transitioning from foster care into adulthood.

Youth aging out of foster care face tremendous barriers to successful transitions to adulthood, including low rates of college graduation and high rates of homelessness and unemployment upon exiting care.⁷⁰

In 2020, the Governor will create the New York State AmeriCorps Foster Care Success program, enabling 50 youth transitioning from foster care the opportunity to participate in AmeriCorps service and be given intensive and specialized training and “wrap-around” supportive services. Within the first three years of this program, 100 or more of the participants will have successfully transitioned to full-time employment or academic study. Partnerships with SUNY, CUNY, and nonprofits will support the participants on their new career paths, including the opportunity to enroll in the New York State Foster Youth College Success Initiative in order to receive necessary supports and financial assistance that can be used towards tuition, housing, books, meals and other expenses. At the same time, through a year of full-time service, the participants will make New York State and their communities better. Following their service year, the participants will have gained valuable career skills and will have earned a federally funded scholarship that can be used for tuition, loan repayment or other educational expenses.

Proposal. Keep Kids Out of Foster Care with a Kin-First Firewall

Under Governor Cuomo's leadership, New York State has reduced the number of children in foster care by 25 percent and is the only state to provide open-ended reimbursement for preventive services to keep families stable and avoid foster care. The Office of Children and Family Services (OCFS) continues to promote the safety, stability, and well-being of vulnerable children and families, including those impacted by the foster care system.

When a child must be removed from home, kinship caregivers are valuable resources. Kinship caregivers are relatives and family friends with a positive relationship to the child or child's family. Kinship placements that are appropriate, safe and in the child's best interest are preferred because they maintain family connections, reduce trauma, and tend to be more stable than non-kinship placements. Studies show that due to the reduced trauma associated with kin placement, children in kinship care experience fewer behavioral problems and have better mental health than children in non-kinship care.⁷¹ Kinship placements also tend to be more stable than non-kinship placements.⁷² Fewer placement disruptions mean that

children in kinship care also experience greater school stability than children in non-kin foster care.⁷³

Increasing kinship foster care is a critical strategy for children's well-being. OCFS promotes finding family members to care for children in need. Last year, Governor Cuomo signed legislation that established the Family First Transition Fund to support kinship caregivers. This strategy also helps prevent a loss of federal funding under the Family First Prevention Services Act.

To further promote kinship foster care, New York State will mandate that each local social services district establish a Kin-First Firewall policy – a second look at every child removed to ensure that all steps are taken to make the first placement a kinship placement where appropriate. This simple step was tested in successful pilots that resulted in significant increases in kinship placements. For example, in Onondaga County, the percentage of children admitted to relative foster care more than doubled in two years -- from 12 percent of all children admitted to home-based care in 2016 to 32 percent in 2018. Expanding this strategy across the state will result in more children in need finding placement with supportive kin.

Part 5: Supporting New Americans

The United States is a nation of immigrants, and New York State embodies this important American legacy. Today, New York is home to close to 4.5 million immigrants – comprising approximately one-fifth of the state’s population and one-quarter of its labor force – each of whom play a critical role in our state’s economy as well as its rich civic and social diversity.

During his time in office, Governor Cuomo has taken bold, nation-leading action to provide assistance and protection to New York State’s immigrant communities. In 2011, he issued an expansive Executive Order requiring State agencies to provide language access services to New Yorkers with limited English proficiency, and he subsequently launched a program to provide free mobile phone-based English language training to immigrant New Yorkers. In 2013, the Governor established the first-in-the-nation Office for New Americans to help immigrant and new American communities participate in all aspects of New York’s civic and economic life. In 2016, Governor Cuomo launched NaturalizeNY, the first public-private partnership of its kind to encourage and assist eligible immigrants to become U.S. citizens, and in 2017 created the Liberty Defense Project, the nation’s first public-private

immigrant legal defense initiative. In 2019, he launched a Rapid Response Program to provide emergency legal services to immigrants targeted by federal immigration enforcement raids and signed legislation strengthening protections preventing employers from threatening their workers with contacting immigration authorities.

While the Trump administration pursues its cruel and xenophobic policy agenda, Governor Cuomo will continue to use his office to uphold and reinforce the values represented by the Lady in our Harbor.

Proposal. Removing Unnecessary Barriers to Obtaining Occupational Licensing

While New York has long welcomed and supported immigrants, some areas of State law continue to present obstacles to employment for immigrant New Yorkers who are lawfully eligible to work in the United States. Several statutes that regulate occupational licensing – including licensing for jobs such as security guards, notaries, and real estate brokers – require that prospective licensees be U.S. citizens or green card holders, despite there being several additional categories of lawful immigrants who are authorized to obtain employment in the United States. This unnecessary requirement restricts job opportunities for

otherwise qualified immigrants – including asylees, refugees, and individuals who have pending immigration applications – who are legally permitted to reside and work in the United States.

Governor Cuomo will resolve this issue by advancing legislation to amend the Executive Law, General Business Law, and Real Property Law to remove the restrictive requirement that prospective occupational licensees be either U.S. citizens or green card holders. This common-sense legislation will build on Governor Cuomo's successful repeal of outdated bans on occupational licensing for individuals with criminal convictions, and will open the doors to many new employment opportunities for hardworking, lawfully-present communities of immigrant New Yorkers.

Proposal. Ensure Accessibility to Public Services No Matter Your English Proficiency

In 2011, Governor Cuomo issued a wide-ranging Executive Order mandating that public-facing Executive State agencies provide interpretation and translation services to New Yorkers with limited English proficiency. Executive Order 26 requires agencies to provide interpretation services free of charge in any language

spoken by a member of the public seeking to access the agencies' services; it also requires agencies to translate vital documents into the top six most commonly-spoken non-English languages in the state, which currently include Spanish, Chinese, Russian, Korean, Haitian Creole, and Bengali. This important initiative breaks down barriers to State services encountered by New Yorkers with limited English proficiency.

In the years since the Governor issued Executive Order 26, however, the language access landscape around New York State has changed and evolved. Some jurisdictions, including New York City and Westchester County, have enacted language access policies more expansive than that provided by the State.⁷⁴ In other areas of the state, limited English proficient New Yorkers have had trouble accessing public services provided by local government entities – including entities, like many Department of Motor Vehicle locations, that administer State services.

To address this issue and ensure that public services are available to all New Yorkers regardless of their level of English proficiency, Governor Cuomo will advance legislation to codify and expand the mandate of Executive Order 26.

Part 6: Honor the 75th Anniversary of New York's Human Rights Law

In 1945, New York became the first state in the nation to enact a broad anti-discrimination law and establish a permanent agency charged with enforcing its protections.⁷⁵ 2020 marks the 75th anniversary of this historic legislation. Under his tenure, Governor Cuomo has continued in the pioneering tradition of the New York State Human Rights Law, championing the rights of all New Yorkers and enacting landmark legislation greatly expanding the already nation-leading protections provided by the law. These important victories include signing the Gender Expression Non-Discrimination Act, strengthening protections against workplace sexual harassment, preventing discrimination on the basis of hair style or texture, and extending the Human Rights Law to cover public schools.

Despite the long and storied history of the New York State Human Rights Law and the Division of Human Rights (DHR), there is more work to be done to make the law stronger and the reach of the agency broader. First, the Division of Human Rights lacks a regular presence in some regions of the state, and while there is a broad network of municipal human rights commissions, there is no

centralized mechanism for coordinating their efforts and activities. Second, there are a number of small but significant gaps in the Human Rights Law that limit the strength and scope of the law in certain circumstances and with regard to specific classes of New Yorkers.

To honor the legacy of the New York State Human Rights Law in its 75th year and ensure that it continues to lead the nation in years to come, Governor Cuomo will:

- Direct the Division of Human Rights to organize the first annual statewide convening of human rights commissions, bringing together DHR and the approximately 60 municipal human rights entities throughout New York State. This annual meeting will bolster local agencies' knowledge of the State Human Rights Law and facilitate regular information sharing and collaboration, creating a stronger statewide infrastructure for the protection of the rights of all New Yorkers.
- Direct the Division of Human Rights to create monthly satellite offices, supplementing the agency's 12 regional offices with "pop-up" locations that will allow more New Yorkers to access information about their rights and file complaints about discrimination.

- Simplify the process of filing a complaint with the Division of Human Rights by advancing legislation to remove the Human Rights Law's requirement that complainants notarize their complaints before submitting them to the agency.
- Provide greater protections to victims and survivors of domestic violence by advancing legislation to amend the Human Rights Law to include domestic violence victims/survivors as a protected class under the law's prohibitions on housing discrimination.

6. KEEPING NEW YORKERS SAFE

Keeping New Yorkers safe remains one of Governor Cuomo's top priorities. In 2019, the Governor enacted measures that built on the nation's strongest gun safety laws, including the establishment of the Red Flag Law, also known as the extreme risk protection order law. The law prevents individuals who show signs of being a threat to themselves or others from purchasing or possessing any kind of firearm and makes New York the first state in the United States to empower its teachers, counselors, and school administrators to prevent school shootings by pursuing court intervention. The Red Flag Law provides all necessary procedural safeguards to guarantee due process while ensuring that tragedies, like the school shooting in Parkland, Florida, are not repeated. Governor Cuomo strengthened the laws requiring the safe storage of firearms, extended the background check waiting period for purchasing a gun, banned deadly bump stocks, and closed a loophole to give law enforcement access to out-of-

state records to help prevent the dangerously mentally ill from obtaining a firearm in New York.

Through Governor Cuomo's continued support, New York State has taken a multi-pronged approach to ending gang violence, by partnering with local communities and law enforcement agencies and supporting and strengthening investments, such as the SNUG and GIVE gun-violence prevention programs, to provide young people with the opportunities they need to help keep them off the streets, away from criminal activity, and engaged in fruitful activities.

As New York continues to be one of the world's most visible beacons of perseverance, tolerance, and public safety, there are those that wish to shatter that which New Yorkers have worked so hard to build. That is why, Governor Cuomo is proposing measures to keep New Yorkers safe and support our law enforcement officers.

Part 1: Combat Rising Hate and Division

Governor Cuomo has made it clear that there is no place for hate in our state even as the rates of hate and biased motivated incidents have spiked nationwide. With initiatives such as the creation of the State Police's Hate Crimes Task Force and the Division of Human Rights'

Discrimination Reporting Hotline, and the new Statewide Hate Crimes Reporting Hotline added in January 2020, the Governor has ensured that all New Yorkers have access to the tools they need to both combat injustice and hate and obtain both civil and law enforcement assistance, should they be the victim of crime or discrimination.

The rise in hate crimes nationally has become an American cancer, anti-American actions that try to challenge the differences and diversity that make up the fabric of not only New York State but the United States. In December of 2019, New York State saw a sharp and unprecedented increase in hate and bias motivated incidents with at least 24 reported crimes in New York City alone. Furthermore, these incidents were specifically anti-Semitic crimes against the Orthodox Jewish community. This record uptick in anti-Semitic incidents throughout New York State show the urgent need for immediate and comprehensive actions against all forms of intolerance, ignorance and hate.

Proposal. Pass the “New York Hate Crime Anti-Terrorism Act”

Governor Cuomo has made it clear that there is no space for hate in our state and continues to take aggressive

steps to ensure that all New Yorkers, regardless of race, religion, sexual orientation, or gender identity are free from violence and discrimination. In 2016, in response to an uptick in reported hate crimes and bias motivated threats, Governor Cuomo created the Hate Crimes Task Force, a joint effort by the State Police, Division of Human Rights, and the Division of Criminal Justice Services to prevent, investigate, prosecute, and monitor hate crimes throughout New York State. This year, the Governor is proposing additional resources for the State Police to increase the capacity of the Hate Crimes Task Force.

The Governor further built upon these actions in 2017 with the creation of the Securing Communities Against Hate Crimes (SCAHC) grant program to enhance the safety and security of the State's nonpublic schools, community centers, and day care centers vulnerable to attack due to their ideology, beliefs, or mission. Since the program's inception, more than 500 such projects have been supported by \$25 million in state funding. The Governor has now made an additional \$45 million available, expanding support to include nonprofit day camps, with grants available for additional security training, cameras, door-hardening, improved lighting, state-of-the-art technology and other related security upgrades at each eligible facility.

Sadly, mass casualty and shooting incidents fueled by hate and bias have become the norm across the nation. Atrocities like the Tree of Life Synagogue / L'Simcha Congregation shooting in Pittsburgh, Pennsylvania and the El Paso shooting in Texas were directly caused by the racism, intolerance, and hate of their perpetrators, sowing fear in countless vulnerable communities. Crimes like these are often difficult to prosecute as a hate crime, denying victims and their families the justice they deserve.

To ensure that all who commit heinous crimes fueled by hate are prosecuted to the fullest extent of the law, Governor Cuomo will introduce the “New York Hate Crime Anti-Terrorism Act.” A first-in-the-nation piece of legislation that will create a “domestic act of terrorism motivated by hate” crime as a new A-1 class felony punishable by up to life in prison without parole. Domestic act of terrorism motivated by hate would apply to individuals over the age of eighteen that:

- Act with the intent to cause the death of five or more people;
- When motivated by the intended victims’ (actual or perceived) race, color, national origin, ancestry, gender, gender identity or expression, religion,

religious practice, age, disability, or sexual orientation; and

- Cause the death of at least one person.

This landmark legislation will position New York to continue to be one of the safest states in the nation and those guilty of committing crimes fueled by hate and prejudice will continue to fail in terrorizing New Yorkers.

Proposal. Battery Park City to develop a plan to expand the Museum of Jewish Heritage

We must also must confront the growing ignorance and intolerance at its roots, and teach young people our civic values and history on diversity. The Governor is directing Battery Park City to develop a plan to expand the Museum of Jewish Heritage – A Living Memorial to the Holocaust, so it can host schoolchildren from all across the state to make a visit to the Museum part of a rounded education.

Part 2: Ensuring the Safety and Security for All

Proposal. Close the Rape Intoxication Loophole

Governor Cuomo has consistently worked to end the culture of abuse of women in terms of sexual harassment, assault and discrimination by strengthening protections for women and survivors of sexual crimes and helping to break down barriers that often prevent survivors from getting justice. This past year, the Governor advanced and signed legislation that extended or eliminated the statutes of limitation for certain sexual offenses, which will make it easier for these cases to be prosecuted and for victims to receive recourse. Governor Cuomo also signed into law provisions that extend rape shield protections for victims of sexual offenses in court. These laws build on the progress of the governor's groundbreaking "Enough is Enough" initiative that ensures that colleges and universities in New York are preventing and responding to sexual assault, dating violence, domestic violence and stalking on campuses.

Currently, the Penal Law does not adequately protect victims of sexual offenses who could not consent to sexual activity due to voluntary intoxication. A person is deemed incapable of consent when he or she is mentally

incapacitated, and mental incapacitation occurs when a person is “rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent”.⁷⁶ The exclusion of incapacitation due to the voluntary ingestion of drugs or alcohol limits the ability to fully prosecute sexual assaults, even under circumstances in which the victim did not and could not consent to sexual activity and such inability to consent was apparent to the abuser.

Just a few years ago in *People v. Johnson*,⁷⁷ the New York Court of Appeals allowed a defendant to vacate his guilty plea to rape in the second degree due to this legal loophole. The victim in this case had no recollection of the rape or any interaction with the defendant, she only recalled drinking in a bar and returning home in a disheveled condition with indications that she had been sexually assaulted. Semen from a rape kit was matched to the defendant’s DNA. Although the case was remitted to the lower court for further proceedings, the victim should not have to suffer the anguish of seeing her abuser’s conviction overturned and the uncertainty of knowing whether he will be held accountable for his crime due to a legal technicality.

New York State Law should not allow rape to be a punishment for drinking alcohol, and for this reason this

year Governor Cuomo will advance legislation rightfully clarifying that a victim's ability to consent is jeopardized whether they were voluntarily or involuntarily intoxicated. The legislation will give prosecutors the ability to ensure that sexual abusers are held accountable for their criminal acts and sexual abuse survivors are able to obtain the justice they deserve. In addition, the legislation will create the charge of rape in the first degree (a B felony) for anyone who engages in sexual intercourse with an individual who they caused to become involuntarily intoxicated.

Proposal. Prevent Sexual Predators from Using Social Media, Dating Apps and Video Games to Exploit Children

Governor Cuomo has consistently supported efforts to identify and prosecute offenders who abuse children and ensure they are held accountable. While serving as New York State's Attorney General Governor Cuomo authored the Electronic Security and Targeting of Online Predators Act e-STOP which requires sex offenders to register and keep up-to-date all current email accounts, screen names and any other internet identifiers with the State Division of Criminal Justice Services (DCJS). The list is then given to certain social networking companies that may purge their

sites of offenders, this enables the entity to prescreen or remove the individual however they are not required to do so. In 2019, e-STOP resulted in the account information of 22,000 registered sex offenders being sent to various social media sites.

Unfortunately, the scourge of sexual abuse online remains a statewide threat, and as the internet and operation of sexual predators online rapidly evolves, so too must the law. A recent Court of Appeals case⁷⁸ held the law did not specify that sex offenders had to disclose that they had a Facebook account if they were using their real name. The Court ruled that the specific language of the law requires the disclosure of the existence of an account, only if the names used are not their real names.

Governor Cuomo will advance legislation to ensure the current law is strengthened to require affirmative disclosure by sex offenders to DCJS of all social media accounts and updating the relevant accounts that must be disclosed. DCJS will send this list to any provider that the offender discloses and the provider will be required to review this data, develop policies on how to use it and release the policy publically to their users. This expansion of the law will further prevent sexual predators from using video game chats, downloadable dating apps and social media to exploit children and adults, which sex offenders

often use to hide their identity, lure victims and exploit children and adults. This legislation would also make it a crime for convicted sex offenders to misrepresent themselves online.

By strengthening the current law and expanding it to include other technological tools used by sexual predators it will give law enforcement and prosecutors the ability to hold sex offenders accountable for their actions and put the protections in place to keep all New Yorkers safe.

Proposal. Ban Repeat and High-Risk Sexual Offenders from MTA Transit Systems

Governor Cuomo has made significant improvements to increase the safety of transit systems in New York. In April of 2018, Governor Cuomo announced the launch of Operation NY SECURE exercises to enhance the security of the State's train lines and improve inter-agency collaboration.⁷⁹ This initiative is led by the State Division of Homeland Security and Emergency Services, in partnership with the State Police, Amtrak and MTA Police, and local law enforcement, and includes explosives detection canine sweeps, increased security presence onboard trains, and platform patrols. In June of 2019, the

Governor announced an agreement to add 500 additional uniformed officers to subway and bus systems in New York City. This partnership – between the State, City, Manhattan District Attorney’s Office, New York City Police Department, and MTA – will enhance public safety for the City’s transit systems and target enforcement efforts to address assault of transit workers and fare evasion. Despite these successes, more should be done to ensure subway riders abide by the MTA’s code of conduct and maintain the proper safety and order of the subway system.

In response to a number of recent MTA incidents involving repeat sex offenders, the Governor will advance legislation to authorize the MTA to issue orders prohibiting individuals who commit repeat sex-related violations of the MTA code of conduct, or who are high-risk sex offenders (Level 3), from using MTA transportation services for a period of three years. Additionally, this proposal will establish a new law for transit-related sex crime where, if convicted, a prohibition order may be imposed by a judge to ensure the safety of the public. Under this proposal, as a condition of pre-trial release, the judge may also issue a temporary prohibition order if good cause is shown that the prohibition is necessary to maintain public safety. Individuals who violate a prohibition order could be charged with Transit Trespass, an A misdemeanor.

Proposal. Permit State Police to Issue Administrative Subpoenas for Certain Online Sexual Offenses Against Children

Governor Cuomo has consistently supported efforts to identify and prosecute offenders who abuse children and ensure they are held accountable. While serving as New York State's Attorney General Governor Cuomo authored legislation that resulted in the removal of more than 24,000 accounts and online profiles linked to registered sex offenders. The Governor signed legislation in 2012 that strengthened the laws against internet access of child pornography. The new law made it a class E felony for any individuals to purposefully access a website with the intent to view child pornography. In 2013, the Governor issued an alert to inform New Yorkers of the growing trend of child identity theft and offer recommendations to protect the personal information of younger individuals. In 2019, Governor Cuomo signed into law the Child Victims Act ensuring those who abuse children are held accountable criminally and civilly.

While the Governor has made great strides in the prosecution of offenders who are involved in online child exploitation, we must go further to protect our children. To

do this, we must provide law enforcement with the necessary tools to be able to act quickly and decisively.

To successfully identify suspects, the New York State Police (NYSP) must first obtain subscriber and customer account records from the service providers utilized to commit the sexual offense being investigated. However, given current legal constraints, the NYSP cannot act assertively to obtain this information, which is only available through the cumbersome process of obtaining a grand jury subpoena through a New York prosecutor or an administrative subpoena through the federal government. This process is operationally inefficient because it involves the additional step of referring the matter out to obtain a subpoena, resulting in the perpetrators escaping arrest or worse, losing precious time thereby allowing child sexual predators to continue their online attack on our children. Indeed, the State Police has encountered situations where the investigative trail has gone cold before subpoenas can be issued, resulting in perpetrators escaping detection and arrest.

The Division of State Police is a key member of the New York State Internet Crimes Against Children Task Force “NYS ICAC”, which is part of a national program designed to combat and investigate technology-facilitated criminal offenses against children, including sexual

exploitation and sexual enticement of minors through online means.

Federal law, specifically the Stored Communications Act at 18 U.S.C. § 2703(c)(2) authorizes governmental entities to use administrative subpoenas to obtain subscriber and customer account records from online service providers, but only if the issuance of an administrative subpoena is specifically authorized by a state statute. Despite the statewide leadership role the NYSP plays in the NYS ICAC, New York has not enacted a statute authorizing the use of administrative subpoenas for this purpose. This legislation would grant the NYSP the authority to invoke an important feature of federal law that is available to provide state and local law enforcement with the capability to detect, investigate, and prevent the online sexual exploitation of children.

Governor Cuomo will push this year for legislative approval to overcome this procedural burden by providing the Superintendent of State Police with administrative subpoena authority for these specific types of investigations. The nature of computer crime investigations requires a rapid, efficient law enforcement response that current state law does not support. These simple and common sense amendments would provide the

NYSP with the investigative tools required to expeditiously investigate these heinous crimes.

Proposal. Ensure that Individuals Who Commit Serious Crimes in Other State Cannot Own a Gun in New York

Governor Cuomo has consistently fought for strong, common-sense gun control. Unfortunately, the interstate nature of firearm sales and transportation present significant challenges for enforcement. Disqualified individuals often seek to purchase guns from states with weaker gun safety laws. Further, a lack of data collection and sharing amongst states makes it difficult to capture a gun license applicant's full background. To address these issues, Governor Cuomo proposes the following actions:

- ***Disqualify individuals from gun ownership if they commit a serious misdemeanor offense in another state:*** New York law currently prohibits individuals from obtaining a gun license if they commit certain New York misdemeanors that are deemed "serious offenses." However, current law does not prohibit an individual from obtaining a New York gun license if they committed similar misdemeanors in another state. To address this

inconsistency, Governor Cuomo is advancing legislation to prohibit individuals from obtaining a gun license who commit serious offenses out-of-state that would disqualify them from obtaining a gun license if committed in New York. This will provide greater consistency in New York's licensing scheme and ensure individuals who are prohibited from purchasing a firearm are not able to do so.

- ***Support and Leverage the New York Crime Gun Tracing Analytics Platform:*** While New York has strong gun control laws, individuals are able to easily obtain guns from states with weaker laws. The Attorney General's Office estimates that 74 percent of crime guns recovered in New York originated out of state and nearly 70 percent of trafficked crime guns originate from states in the so-called "Iron Pipeline."⁸⁰ When law enforcement seizes a gun at a crime scene, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) performs a trace to determine the gun's initial purchaser, firearm dealer, and other identifying information. In 2017, the Attorney General's office created an analytics tool to aggregate and analyze this data. Through the analysis of thousands of crime gun traces, the tool can identify patterns and flag

suspect dealers, straw purchasers, and traffickers. This information is highly valuable for identifying trends, informing investigations, and preventing interstate gun trafficking. The New York State Police will integrate and manage this tool to enhance their crime gun intelligence and enforcement capabilities.

- ***Enhance the Sharing of Crime Gun Information:***

Governor Cuomo is advancing legislation to require all state and local law enforcement agencies in the state to opt in to the ATF's crime gun trace data sharing program and submit crime guns recovered through the ATF's eTrace system. The submission of crime gun information through the eTrace data sharing program will enhance statewide crime gun information and provide a universal benefit to law enforcement agencies in New York. Further, the Governor is proposing legislation to require all state and local law enforcement to collect and submit all ballistics evidence to the National Integrated Ballistics Identification Network (NIBIN). Ballistics evidence – such as shell casings – often prove to be very valuable pieces of evidence at a crime scene. The collection and submission of this evidence to NIBIN provides the requesting agency with trace and fingerprint matches from across the nation.

This greatly expands the amount of information law enforcement has access to and provides a tremendous benefit to an agency's investigations into firearm-involved crimes.

- ***Create a regional crime gun data-sharing agreement with New Jersey, Pennsylvania, and other States and Territories for Gun Safety members:*** Given the inter-state nature of crime, gun information sharing between states is critical to law enforcement's ability to stem the influx of crime guns. New York relies on data from other states to operate its comprehensive licensing scheme and criminal history information provides greater value when aggregated across states. For example, when aggregated, crime gun trace data can reveal dealers who are bad actors, straw purchasers, and traffickers. In recognition of the value of data sharing, in 2018 Governor Cuomo announced the "States for Gun Safety" coalition, a multistate partnership with the goal of improving data sharing between states. To further the coalition's work, Governor Cuomo will direct the New York State Police to enter into a crime gun trace data sharing agreement with coalition states. This data will provide a more comprehensive picture of

trafficking trends and enhance law enforcement investigations.

- ***Share flags from mental health professionals with other states:*** The SAFE Act requires mental health professionals to report individuals who are likely to engage in conduct that would result in serious harm to themselves or others. While most individuals who seek mental health services are unlikely to commit gun crimes, information about those who do pose a risk to themselves or others is critical to ensuring that those at high-risk do not have access to firearms. It is important that New York is able to share this information with other states to protect populations in neighboring states and to prevent individuals from crossing borders to obtain a firearm. To accomplish this, Governor Cuomo is proposing legislation to amend the Mental Hygiene Law to allow New York to share reports of individuals who are a danger to themselves or others with other states.
- ***Promote voluntary, temporary storage of firearms outside of the home:*** Currently, New York's gun owners have limited options for safely storing their firearms outside of the home while

they are moving, traveling, attending college away from home, hosting children for a visit, or caring for a person in crisis or at risk of suicide. Responsible gun owners have long recognized that safe storage measures can keep firearms out of the hands of those who may harm themselves or others, including young children and individuals with mental health or substance use disorders. To reduce accidental and intentional gun-inflicted injuries and deaths, as well as firearm theft, New York is creating an online firearm storage map of law enforcement agencies and federally licensed businesses that offer voluntary, temporary storage. This map will provide users with organization names, addresses, and relevant contact information of potential storage sites, so that gun owners can find convenient locations and contact a listed organization to arrange for short-term storage. Expanding upon a model piloted in Colorado, this map will be the most comprehensive in the nation, pairing outreach from the State Police and DCJS with the latest data analysis and visualization tools from the Regional Gun Violence Research Consortium, which is hosted at the Rockefeller Institute of Government. Through this

proposal, New Yorkers will be better positioned to make informed decisions about where to temporarily store their firearms and prevent needless tragedies.

Proposal. Preventing the Manufacture and Dissemination of Ghost Guns

Governor Cuomo has championed the strongest gun purchasing and licensing laws in the nation. In 2013, the Governor signed the SAFE Act, which, among other things, closed a federal private gun show loophole by requiring a background check for all firearm sales and restricted access to guns for individuals who are likely to cause harm to themselves or others. In 2018, the Governor signed legislation removing firearms from domestic abusers. In 2019, the Governor signed the Red Flag Law, which provides family members, teachers, and law enforcement with a mechanism to apply to have guns temporarily removed from an individual who the courts determine to be a danger to themselves or others.

Despite New York's strong common-sense gun purchasing and licensing laws, new technologies enable individuals to manufacture guns at home and circumvent these laws. Technologies like 3D printers allow individuals

to print plastic guns and readily available “80 percent kits” allow individuals to purchase unfinished gun frames or receivers and manufacture the remaining 20 percent of guns at home. Recognizing the danger these “ghost guns” pose to society, Governor Cuomo signed legislation in 2019 that requires all firearms to be detectable by metal detectors. However, ghost guns remain problematic as they allow individuals to bypass serial number requirements, effectively making ghost guns untraceable. In 2019, the usage of ghost guns in New York increased significantly, with dozens of ghost guns seized by law enforcement across the state. Ghost guns have already been used to commit horrific acts of violence. In 2019, ghost guns were used in a school shooting in California that resulted in the death of two students and injuries to three others.⁸¹

To address the growing concern over ghost guns, Governor Cuomo is advancing comprehensive legislation to prevent access to and use of these weapons. First, this proposal would require individuals to obtain major components of a firearm, rifle or shotgun only through an in-store transaction at a licensed gun dealer. Second, licensed dealers would be required to distribute major components only to individuals who possess valid identification and to log all transactions, and would require all unfinished frames and receivers to have a serial number

issued by DCJS. This serial number would allow law enforcement to trace any gun that is recovered at a crime scene. Third, the proposal would prohibit individuals who cannot legally possess a rifle or shotgun from possessing a major component part that could be used to build a firearm, rifle or shotgun and create new misdemeanor and felony penalties for violating these new provisions.

Proposal. Strengthening State Police Technology Capabilities to Protect New Yorkers

In December 2017, Governor Cuomo's Counterterrorism Advisory Panel conducted an in-depth evaluation of New York's counterterrorism assets, policies, and overall security posture and offered recommendations for how New York can further protect itself from evolving terrorist threats. One of the recommendations⁸² offered by the panel included a review of existing technologies to ensure law enforcement have the best tools at their disposal and existing technologies are used effectively including License Plate Readers (LPRs). LPRs can capture license plate images that allow law enforcement to compare plate numbers against plates of stolen vehicles or vehicles driven by individuals wanted on criminal charges or for the abduction of children and other vulnerable

people. By supporting a wide variety of homeland security and criminal investigations, LPRs have become an invaluable tool to the New York State Police and other law enforcement agencies throughout New York State and across the country.⁸³ Recently, in December 2019, LPRs were used to track and apprehend the perpetrator of a mass stabbing during a Hanukkah celebration in Monsey, New York within hours of the attack.

The current New York State Police LPR network was set up in various sites around the State in 2016 with many reaching their useful life expectancy. Moreover, technology has improved tremendously since 2014, cameras and field control units being produced now far exceed the capabilities of the current LPR network the State Police has come to relied on.

Governor Cuomo will update the current State Police LPR network and expand the system to provide additional coverage across the state. These necessary upgrades and additional LPRs will assist the State Police by reducing valuable time needed to locate missing persons, endangered persons, suspects involved in crimes such as homicide, robbery, sexual assault and those individuals which have a warrant issued for their arrest.

Proposal. Continuing Efforts to Combat MS-13 and Gang Activity

Governor Cuomo vowed to protect Long Island communities from the terrifying violence perpetuated by MS-13 gang members. In 2017, the Governor began implementing a series of effective law enforcement actions, innovative community social programs, and investments in Long Island's public spaces to combat the rising violence, prosecute current members, protect vulnerable youths, and provide safe communal spaces. These efforts have had a significant impact to cut off MS-13's recruitment pipeline. Thanks to this investment of over \$45 million, violent crime in Long Island decreased sharply by almost 29 percent in Nassau County and 28 percent in Suffolk County. Although we have made significant strides, there is still work to be done to ensure that MS-13 and other violent gangs can no longer fill their ranks and instill fear in our communities.

Governor Cuomo will continue the State's investments to combat MS-13 gang violence by supporting successful after-school programs, social services, and job training programs that keep vulnerable youth out of gangs. New York will continue to support the successful Gun Involved Violence Elimination (GIVE) initiative and the SNUG street outreach program, which aims to curb gun

violence and save lives by intervening in the aftermath of shootings to prevent retaliation, working with high-risk youth to connect them to services and programs, and other community engagement initiatives. Further, Governor Cuomo will maintain resources for gang prevention initiatives coordinated between the New York State Police and local law enforcement.

These programs build on the progress New York has made over the past 3 years and ensures that young people have the tools and resources they need to avoid involvement in gangs and have all the opportunities to lead healthy, productive, and safe lives.

Proposal. Strengthen Safety Measures for Occupants of Stretch Limousines and Other For-Hire Commercial Vehicles

Under Governor Cuomo's leadership in 2019, New York enacted the nation's most aggressive laws governing commercial vehicle safety. These new laws provide for increased passenger protections; heightened civil and criminal penalties; and strengthened enforcement provisions, including creating two new Class E felonies for any person causing the death of another while knowingly operating a vehicle that is under suspension for a

Transportation Law violation or without a DOT permit; making it a misdemeanor for any owner/operator that fails to comply with an order to surrender vehicle license plates; authorizing DMV to refuse and revoke registrations for altered vehicles that do not meet federal vehicle safety standards; authorizing DMV to suspend or revoke a public inspection station's license for improperly inspecting a stretch limousine three times in 18 months; creating a new misdemeanor for any owner/operator that tampers or otherwise alters a Federal Motor Vehicle Safety Standard tag; prohibiting limousines with a seating capacity of ten or more passengers from making a U-turn on any public highway; and requiring owners of stretched limousines to conspicuously display at the place of business and in-vehicle a valid DOT permit; vehicle inspection information; and driver licensing credentials.

This year the Governor will propose further reform to ensure there are robust safety protections for limousines and other increased passenger protections. This package of reforms will include legislation requiring that all occupants of a vehicle wear a seatbelt; will increase civil and criminal penalties for violations of a State operating permit, tampering with a federal motor vehicle safety standard tag, or altering or obtaining an invalid State inspection sticker; and will eliminate current statutory exemptions from

operating permits in Transportation Law for vehicles that would otherwise be considered a bus, among other things.

Proposal: Strengthen the Relationship between Local Police and the Communities they Serve

Respect and trust are the foundation of the relationship between police and the community, and they must be reciprocal. The relationship between law enforcement and some local communities is severely stressed following several viral videos showing recent interactions between police and civilians.

The incidents shown in the recent viral videos have demonstrated the need for a credible official who can step in and help look at the root causes of this strained dynamic, identify necessary interventions and develop proposed reforms to improve policing practices, and ultimately help relieve tensions between the two.

To help address this situation, the Governor is proposing a new policy in which the State Attorney General will address tensions in police-community relations and identify solutions to improve that relationship.

Part 3: Supporting Veterans and Law Enforcement Officers

Throughout his time in office, Governor Cuomo has been committed to service our veterans. The veterans that have put their lives on the line to defend our nation must be honored and supported just as they have supported us.

Governor Cuomo has made strengthening services for veterans, active service members and their families a top priority. This past year, Governor Cuomo accounted that SUNY and CUNY will waive application fees for veterans and their spouses. Waiving these application fees will help the brave men and women and their families take the next steps in adapting back to civilian life and will help ensure they have the tools they need to succeed. This announcement builds on the Governor's longstanding commitment to the nearly 750,000 veterans living in New York State.

Under his administration, New York has enacted the nation's largest fund to support service-disabled veteran-owned businesses, certifying over 600 businesses to date; convened the State's first-ever Summit on Veterans and Military Families; launched the Justice for Heroes Initiative to fund legal clinics at law schools that provide assistance to veterans; provided funding for nonprofits that offer

peer-to-peer support for veterans and their families; promoting the Ambassador Carl Spielvogel Fund to boost education opportunities for thousands of military students and their dependents at SUNY campuses and waived the application fee for veterans taking Civil Service exams. Governor Cuomo's efforts have made New York the most veteran-friendly state in America.

In 2020, Governor Cuomo will continue to extend unwavering support to the 750,000 veterans and service members and their families that live in New York.

Proposal. Expanding Affordable Housing and Wrap-Around Support Services to Address Veteran Homelessness

The Governor recently signed a package of bills to enhance support and bolster protections for New Yorkers who serve or have served in the armed forces, including a mandated report by state agencies to determine the number of homeless persons in New York State who are veterans.

Veterans are more likely to experience homelessness than nonveterans, and many veterans at-risk for homelessness are experiencing post-traumatic stress disorder or substance use disorder, complicating efforts to

get them into stable housing. While significant progress has been made to house veterans over the past decade, more than 700 remain homeless in New York State, all but a few dozen of those residing in emergency homeless shelters.⁸⁴ Nearly 500 more veterans are in transitional housing, a temporary arrangement until they can move into permanent housing.⁸⁵ This is unacceptable and we must do all we can to honor and support those who have put their lives on the line to defend our nation.

The Governor will invest \$5 million to expand permanent supportive housing for homeless veterans through the state's Homeless Housing and Assistance Program (HHAP). Additionally, in areas of the state with a limited supply of affordable housing, New York State Homes and Community Renewal (HCR) will designate needed slots so that homeless veterans with access to rental subsidies, including federal vouchers, can access affordable housing.

The Office of Temporary and Disability Assistance (OTDA) will work with localities and the Division of Veterans' Services to participate in this shared push to end veteran homelessness and develop plans to improve coordination of efforts to ensure that permanent housing is provided to veterans within 90 days of homelessness, and temporary housing and services are provided in the

interim. OTDA will do this by adding a Veteran Homelessness section to the already required Homeless Services Plans submitted by localities every two years. These questions will help OTDA to understand the nature of veteran homelessness in each locality and will enable OTDA to assist the locality to develop a specific plan to end it. By working in partnership, we can achieve a functional end to veteran homelessness in New York State.

Proposal. Invest in a Suicide Prevention and Anti-Stigma Efforts for Veterans, Law Enforcement, Correction Officers, and First Responders

Governor Cuomo has recognized the importance of combating suicide across New York State. With the formation of the New York State Suicide Prevention Task Force in 2017 and our progress since, he has taken steps to ensure that New Yorkers have greater access to effective suicide prevention resources. Recent data indicates that this effort is working as New York State has the lowest suicide mortality rate in the country.⁸⁶ The Governor has also directed state agencies to create partnerships and enhance prevention efforts, but more needs to be done.

While suicide is the 10th leading cause of death in the United States, risks are much greater amongst veterans,

law enforcement, fire fighters, correctional officers, and first responders.⁸⁷ National data show that more law enforcement officers die by suicide than are killed in the line of duty, a fact New Yorkers witnessed with several tragic NYPD officer suicides last year.⁸⁸ Exacerbating the problem is the fact that veterans, first responders, and law enforcement personnel often fail to seek help in times of distress because of the stigma and detriments of seeking mental health assistance in their respective professions.

To address this, the Governor will invest \$1 million to partner with organizations to help veterans, law enforcement, and first responders with suicide prevention efforts. The Governor will also direct state agencies to expand suicide prevention strategies for veterans, law enforcement, correctional officers, and first responders, including a new campaign by the Office of Mental Health to reduce the stigma of mental illness and to help ensure that they are not afraid to come forward when they need to seek help. Additionally, the State will convene a panel of stakeholders and experts at its annual Suicide Prevention Conference to develop and implement strategies for preventing suicide among these special populations.

Proposal. Provide Free College Courses to New York Students, Especially for Veterans and Active Duty Students

Governor Cuomo has supported active duty military, veterans and families of military members through proposals like expansion of the MERIT Scholarship and waiving application fees for veterans and their spouses at SUNY and CUNY.

Governor Cuomo is announcing a new partnership between SUNY and ModernStates.org, a philanthropy that will offer a full library of free online college courses and textbooks for all New Yorkers and will pay the costs for up to 1,000 credit bearing exams for New York veterans and active duty military families who complete Modern States' courses for use at SUNY Empire State College. The credits will be transferable to other SUNY schools.

Modern States offers state-of-the-art courses taught by college professors in all 33 subjects for which there is a credit-bearing CLEP – or College Level Examination Program -- exam from the College Board. The Modern States program has 180,000 registered users to date, and has paid for approximately 30,000 exams for New Yorkers and for students around the world. The Governor's

initiative will help further extend the Freshman Year for Free opportunity to New York's military veterans, active duty military families, and all other students and lifelong learners, allowing them to earn up to one full year of college credit tuition free.

Proposal. Establish New York State's First Veteran's Cemetery

Governor Cuomo's time in office is marked by groundbreaking initiatives to make New York the most veteran-friendly state in nation. Still, New York State remains one of only a handful of states nationwide without a State-operated Veterans Cemetery.⁸⁹ More than 70 percent of New York State's approximately 750,000 veterans are over age 55, and many New York State veterans and their families have for years advocated for the establishment of a State Veterans Cemetery to ensure there is an appropriate final resting place for veterans who call New York home. However, New York State law currently sets forth a confusing and laborious process for the creation of such a cemetery – including the requirement that a tax check-off fund must accumulate 15 years' worth of perpetual care costs before the State can move forward with the site selection process.

In November 2019, on the 100th anniversary of Veterans Day, Governor Cuomo declared his commitment to ensuring the establishment of a State Veterans Cemetery to honor New York's heroes who have made our freedom possible. To accomplish this, Governor Cuomo announced that he would introduce legislation streamlining the veterans' cemetery establishment process outlined in State law, thereby making it easier to access federal funding that will allow the project to move forward. At the same time, Governor Cuomo announced the creation of a committee, chaired by the Director of the New York State Division of Veterans' Services, that will oversee the cemetery site selection and development process. Governor Cuomo's actions ensure that New York State's veterans will have an honored resting place alongside their fellow service members, and that their families – and all New Yorkers – will have a place to commemorate their service to our State and nation.

7. A QUALITY EDUCATION FOR ALL

Providing a quality education for every young person is a fundamental responsibility for the State and Governor Cuomo has fought every day to ensure that all of our students have the support to succeed. Under his leadership, state aid to schools has increased an astonishing 43 percent. In addition to record funding levels for K-12 education, Governor Cuomo has championed additional resources for young children, particularly in high-poverty areas. Since 2013, the Governor has more than doubled the commitment to pre-kindergarten education by providing \$840 million to give over 120,000 3- and 4-year-olds access to pre-kindergarten. Through the Community Schools program, New York provides over \$250 million to high-need schools for critical support like counseling, health care and other social services to mitigate the impact of poverty on a student's education. Additionally, the Governor provided \$55 million to ensure that over 34,000 kids have access to safe and fulfilling after school enrichment activities. He has provided \$88 million to

support 77 Pathways to Technology (P-Tech) Schools and Early College High Schools program, providing students with access to college courses. He has also provided nearly \$6 million so that students do not have to forgo advanced coursework because they cannot afford the cost of an AP or IB exam.

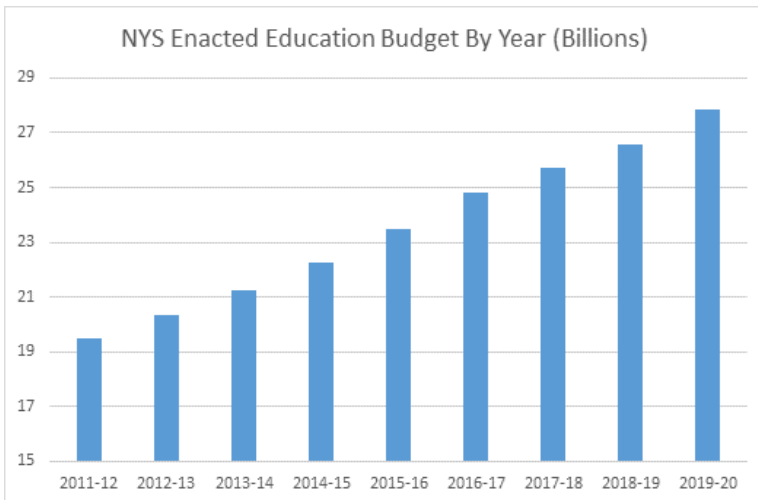
Governor Cuomo has also led the nation in opening access to college. The first-in-the-nation Excelsior Scholarship makes SUNY and CUNY tuition-free for families making up to \$125,000 annually.

These measures have improved education for all New Yorkers, but there is more work to be done, and Governor Cuomo proposes an ambitious agenda to ensure every student has the support to succeed.

Part 1: Ensure a Strong Start for Every New York Student

Proposal. Ensure Districts Distribute State Aid in a More Equitable Manner

Under Governor Cuomo’s leadership, school aid has climbed from \$19.5 billion in FY 2012 to \$27.9 billion in FY 2020, its highest level ever. New York has the highest per student spending in the nation—almost twice the national average.



Currently, nearly 70 percent of all state education aid goes to the neediest districts, however this does not mean that those funds went to the neediest schools in the district. Complicated funding formulas long obscured where the money was going. In 2018, we enacted school-

level transparency on 76 major school districts representing half of all students and this number of districts increased to over 300 this year.

Governor Cuomo will continue to close the funding gap between poor and rich schools by requiring that state education funds go to the neediest schools. These requirements will ensure that districts are funding the neediest schools within the districts. Although the state distributes 70 percent of its funding to the neediest districts, the districts do not always distribute funding to their schools in an equitable manner. In fact, some school districts have schools with significantly higher needs receiving less than the average school in the district. New York will continue to drive funding equity by requiring school districts to disclose, by building, where their funds go.

Proposal. Expand Universal Pre-Kindergarten

Governor Cuomo's expansion of pre-kindergarten across New York State has been unprecedented, New York has more than doubled its commitment to pre-kindergarten growing from \$385 million in 2013 to nearly \$850 million a year. Today, there are over 125,000 three or

four-year-olds in pre-kindergarten.⁹⁰ Over 95 percent of high need school districts have pre-kindergarten.

Early learning can bridge achievement gaps and provide benefits in the earliest stages of youth and throughout adulthood. Studies from the National Institute for Early Education Research show that children who participate in high-quality early childhood education programs have higher cognitive test scores from the toddler years to age 21, higher academic achievement in both reading and math, and are more likely to attend a four-year college and be gainfully employed.⁹¹

For the FY 2021 school year, Governor Cuomo proposes to increase funding for pre-kindergarten to expand access in high-need districts.

Proposal. Support After School Programs in High-Need Communities

Governor Cuomo's Empire State After School Program has provided educational and supportive locations for children to go after school. Over the past 3 years, Governor Cuomo has provided \$55 million to create nearly 35,000 high quality after-school slots in high-need communities. These funds have created safe places for kids to go in areas with high rates of gang violence, have

provided opportunities in STEM and robotics, tutoring and physical activities like swimming. There is an additional \$33 million provided for an additional 16,500 young people through the Advantage Afterschool program. Through two additional programs, Extended Day and Extended Learning Time, we reach an additional 28,500 students. Research suggests that every dollar spent on afterschool has a three dollar return on investment.⁹² Further, a study following over 25,000 students in after-school programs found that participation in high quality afterschool program lowered the dropout risk for students.⁹³ In addition, research has found that for low-income students, the higher the levels of participation in afterschool, the smaller the math achievement gap is between them and their high-income peers.⁹⁴ There is now \$134 million in direct state-support for after-school and extended day programs that reach 80,000 young people.

Despite the significant funding provided by Governor Cuomo, there is still a need for additional after-school slots, especially in communities with high incidence of gang violence. In order to ensure that every child who needs a safe place to go is provided one, the Governor proposes additional funding to create more program slots in high-need communities across the State. This year's grants will also include a prioritization of funds for areas

with high levels of gang involvement and high need communities.

Proposal. Expand We Teach NY to Train More Bilingual Educators

In the 2019, the Governor required the New York State Education Department to create a report to increase teacher diversity. That report found there is a large gap between teachers of color compared to the students of color enrollment. In addition, \$3 million of My Brother's Keeper funds are allocated to the Teacher Opportunity Corps, which specifically focuses on recruiting teachers of color.

In the 2020, the Governor included \$3 million to create the We Teach NY program to strategically recruit 250 new teachers to fill identified needed positions in New York classrooms in 2024.

However, recruiting bilingual teachers has posed to be a problem. Nationally, nearly one in four students speaks a language other than English at home — but only about one in eight teachers. Many school districts in NY seek waivers, as they are able to find a certified bilingual teacher. The federal government identified a statewide shortage in bilingual education in the 2017-18 school year.⁹⁵

This year, the Governor proposes an additional round of the We Teach NY program and to have a set-aside specifically for recruiting bilingual students to become bilingual teachers. The State will partner with SUNY and CUNY and high poverty school districts to identify shortage areas 5-years out as well as diversity needs. High School seniors will apply to program, where they will earn a 4+1 bachelor's and masters in education. They will be matched as a student teacher in high-poverty school where they will gain experience. Students will receive paid educational summer internships, and a living stipend for the master's degree year where they will complete a teacher residency. In addition, they will also be assigned a mentor at a high-poverty school during their college time. Most importantly, they will have a job offer at the end of the five years in a New York State public school. This will help create a pool of new bilingual teachers to address the shortage.

Proposal. Free AP Tests for Disadvantaged Students

Under Governor Cuomo's leadership, New York has ensured that students have access to college courses. The Excelsior scholarship has made college tuition free for families earning up to \$125,000 a year. In addition, Governor Cuomo has ensured that the test exam fee

remains affordable for AP and IB tests, even after the federal government withdrew funding—New York currently invests \$5.8 million to bring the exam fee down to \$5 for low-income students, so that every student can afford to take a test. In addition, in FY20 Budget, New York invested \$1.5 million to support the expansion of advanced and college credit bearing courses in districts that do not currently offer these classes or do so only on a very limited basis. In fact, the number of high poverty students taking the AP exams have increased in New York since we started offering the test subsidy, when it has declined nationally.

Despite these efforts, the gap persists. There are still students who cannot afford to take the AP or IB test and that could be the difference between receiving college credit while in high school or not.

Governor Cuomo will continue to invest funding to ensure that the test fee for AP and IB exams are free for students in poverty.

Proposal. Expand Access to College Courses in High School

Governor Cuomo has led the charge for increasing access to college-level courses in high school through programs like Pathways to Technology Schools (P-TECH)

that provides high school students with a comprehensive 9-14 grade experience, college credits, in some cases an associate's degree, and experiential learning all while in high school. Graduates of P-Tech are provided an opportunity to begin work with a partnering company or business. The Governor has expanded P-Tech to 37 programs and has provided \$60 million to support this growth. He has also expanded funding for Smart Scholars Early College High School Programs. These programs provide college-level courses in high school, exposing students to next-level work. He has provided \$28 million of funding for Smart Scholars Early College High Schools since 2011-12. There are 40 Smart Scholars programs, where students earn on average as many as 60 college credits while still in high school.

Unfortunately, in too many areas, access to these schools or courses are limited. For some districts, they cannot afford the extra teachers or faculty, for others they cannot access the materials, or higher education coursework and support.

In addition, the Governor has invested \$430 million this year alone into career and technical education programs, including apprenticeships and the state's nation-leading P-Tech/Early College High School training programs.

Proposal. Expand the Master Teachers Professional Development Program

In 2013, Governor Cuomo launched the New York State Master Teacher Program to strengthen our nation's STEM education. The Master Teachers award gives selected educators an annual \$15,000 stipend for four years, professional development opportunities and the chance to participate in a supportive environment for the next generation of STEM teachers. As of 2019, the New York State Master Teacher Program is a vibrant network of more than 1,200 outstanding public school teachers throughout the state who share a passion for their own STEM learning and for collaborating with colleagues to inspire the next generation of STEM leaders.

Continuing on this progress, the Governor will fund another round of the Master Teachers program and expand the program to include school counselors and the creation of mental health professional learning communities for teachers and counselors. This will help ensure stability and access to outstanding educators for our students, while expanding the corps of supportive Master Teachers to benefit the profession and ultimately, New York's students.

Proposal. Improve Student Mental Health Support by Creating Trauma Informed Educators

In 2018, New York became the first state to require all schools to teach about mental health in school. In addition, under Governor Cuomo's leadership, the State has funded over \$2.5 million in grants to support stronger mental health in schools, as well as the \$250 million community school commitment. This commitment includes supports for student mental health.

Despite this, a recent survey from the New York Council of School Superintendents listed student mental health at the number one concern of superintendents for the 2019-20 school year⁹⁶. Research has suggested that adverse childhood experiences (ACES), which are traumatic events that happen in childhood, can have serious detrimental effects across the entire life span⁹⁷. In New York State, over 45 percent of children have at least one ACE.⁹⁸ Schools must be better equipped to support the evolving needs of the students.

Governor Cuomo proposes a new grant program for school districts to support local mental health initiatives supporting students. Through a competitive grant schools may apply for grants to support training on various proven approaches to providing mental health support for

students. This includes education and training in trauma-informed care, therapeutic crisis interventions, and other methods to better understand and react to certain behaviors that stem from trauma and ACEs as well as mental health services and professionals. Schools with existing proven programs would be eligible for grants to expand their programs. Economic insecurity is the most common ACE faced by children in New York, so grants will prioritize schools with high number of children in poverty⁹⁹. Through this program, schools will be better prepared to meet the mental health needs of all students.

Proposal. STEM Entrepreneur in Residence

In 2018, Governor Cuomo made the largest state investment in computer science, by launching the Smart Start Program. Smart Start works to expand high-quality computer science education by offering teacher support and resources in computer science and technology, especially for the youngest learners, starting as early as kindergarten and creating a continuum through 8th grade. In addition, the Environmental Justice Fund has included funding to pay for the transportation for Title I schools to visit State Parks. These investments have helped expose many students in high-poverty schools to opportunities

that have enriched their knowledge of possible career paths or interests.

However, students need more to ignite their passion and career interest in STEM. In addition, there is a persistent gender gap, especially in Physics, Computer Science and Engineering. For the 2018 AP exams, despite the fact that in New York State, female students took 55 percent of the exams, this pattern does not continue on a subject-by-subject basis. For Calculus BC female students were only 45 percent of the test takers, only 30 percent of the test takers in Physics: mechanics, and only 27 percent of the test takers in AP Computer Science¹⁰⁰. In addition, many female scientists or engineers say that it was hands-on work, or broad exposure to tools that lead to their interests, and many girls do not have these opportunities. Based on the successful, “If you can see it, you can be it” campaign; our young students must be made aware of the opportunities that exist for them in the STEM field to pursue it.

This is why the Governor proposes to pilot the STEM Entrepreneur in Residence program for the 2020-21 school year for high-need middle schools. Districts will receive a grant to match with a local STEM company that is female or minority owned or led. The funds will expose students to STEM careers and role models succeeding in

their community. The company will bring its leadership and materials to the school for visits, as well as hosting students at the work-site. This will help level the playing field to get all students excited about the possibility of an emerging STEM career.

Part 2: Make College More Affordable

Proposal. Expanding Free College Tuition to More Middle Class Families and Support Opportunity Programs

Governor Cuomo's leadership in higher education includes creating the nation's first free-tuition program the Excelsior Scholarship. The Excelsior Scholarship provides free tuition at SUNY or CUNY schools for thousands of working- and middle-class families making \$125,000 or less. This milestone program opened the doors of higher education to all New Yorkers, while helping these students complete their degrees on time. Under Excelsior, students must be on track to get their Associates Degree in two years, or their Bachelor's Degree in four years. In addition to providing over 20,000 students with free tuition in the first year, the preliminary data is positive. The on-time graduation rate of Excelsior students attending a SUNY and

CUNY community college is twice as high as the typical graduation rate. The on-time graduation rate for Excelsior students at SUNY community colleges is 30 percent compared to the non-Excelsior graduation rate of 11 percent. For CUNY, the on-time graduation rate for Excelsior students in community colleges is 30 percent, compared to 12 percent for non-Excelsior community college students. Additionally, since 2016, SUNY and CUNY have experienced a notable increase in the percentage of full-time freshmen taking 15 credits or more in their first semester – the amount necessary to graduate on time. CUNY increased from 31 percent to 44 percent, while SUNY increased from 54 percent to 58 percent. Overall, more than 230,000 students will go to SUNY or CUNY tuition-free, including students receiving Excelsior Scholarship, TAP, Pell and other financial aid.

More than just tuition, the Governor supported and created additional programs to address the cost of attendance and help student with unique educational challenges. This includes a significant increase in opportunity programs, \$24 million in Open Educational Resources to reduce or eliminate some of the costs of textbooks, and expanding food pantries at SUNY and CUNY to address food insecurity.

To expand this transformational opportunity to more middle class families, Governor Cuomo is proposing to raise the Excelsior eligibility threshold from \$125,000 to \$150,000 of adjusted gross family income for New York's families. By increasing the threshold, more than 230,000, or nearly 58 percent, New York resident students will go to a SUNY or CUNY tuition free.

At the same time, Governor Cuomo will continue to open the door to higher education for disadvantaged, deserving students, who otherwise wouldn't dream of going to college, by investing in our Opportunity Programs and expanding workforce training centers.

Proposal. Require Transparency and Accountability for For-Profit Colleges

Governor Cuomo has created the Excelsior Scholarship for students going to public colleges. The private and for-profit colleges received the Enhanced Tuition Awards to hold tuition costs down. These programs are in addition to the Tuition Assistance Program (TAP), which is the country's largest tuition entitlement program. All of these initiatives are focused on reducing the cost of college for New York's students, especially those students and families with the lowest incomes. Colleges in New York

are primarily public or not-for-profit. These schools are subsidized by the state government and invest any money earned into the education of their students. However, for-profit colleges are not required to do so and profits flow to investors. Therefore, their business model encourages signing students up for classes, not educating them. Numerous studies have found that for-profit colleges correlate to negative outcomes for students, especially low-income, minority, and female students.¹⁰¹¹⁰² Students at for-profit schools in New York are “more likely to have higher debt loads, lower graduation rates, and higher default rates than other students in the state.”¹⁰³ Because New York’s financial aid systems are so generous, many of our students are targeted by bad actors. TAP provides our lowest income students with up to \$5,165 towards tuition, even higher if they attend a SUNY or CUNY school and qualify for the tuition credit. Yet, for many of these for-profit schools, these students and their TAP support are key to their business model. Many for-profit colleges receive nearly 80-90 percent of their funds from taxpayer dollars, yet they do not have the same transparency as public colleges or nonprofit colleges.

Governor Cuomo is proposing a for-profit college accountability that is focused on transparency and outcomes to ensure that our students are well served in

these schools. Many of these schools are receiving \$45 million in TAP funds and, by many metrics including income after graduation, student debt, and loan payback rates, they are not meeting their responsibilities to educate students and prepare them for participation in the workforce. These accountability measurements include basic disclosure of funding and financing including the compensation packages of senior leadership and ownership, including any relevant bonuses and incentives. This proposal will require these for-profit schools to demonstrate positive outcomes for their students. For the 35,000 students in these schools and the \$45 million in taxpayer funds going into these institutions, we need a higher level of accountability and transparency.

Proposal. Stop Unscrupulous Schools that Drain Veterans of the Education Benefits

For Veterans, Governor Cuomo has expanded the MERIT Scholarship to enable more veterans and their families to receive higher education benefits. Governor Cuomo has eliminated application fees at state universities for veterans and their spouses.

For-profit schools disproportionately recruit veterans. Due to a loophole in the federal law, for-profit

schools have been allowed to count veterans' education benefits as privately raised dollars within what is known as the 90/10 rule. Under the rule, for-profit schools must raise at least 10 percent of their revenue from sources other than federal student aid. A willful Congress has allowed veterans' education benefits to be counted as privately raised funding, making veterans' and their generous education benefits, a target for predatory for-profit schools.

To further protect New York's veteran families, the Governor will work the Department of Veteran's Services to bring more transparency to the for-profit schools, identify opportunities to clarify state and federal commitments to education and ensure New York State's veterans' will be protected from unscrupulous actors in the for-profit education space.

Proposal. Expand College Student Enrollment in Supplemental Nutrition Assistance Program (SNAP) Benefits

Governor Cuomo has acted to reduce food insecurity among college students, so they are better able to focus on their studies and attain their college degree.

The Office of Temporary and Disability Assistance (OTDA) will establish policy to make more community

college students eligible for essential SNAP benefits. Absent clarification that is lacking from the federal government, OTDA will establish state policy that community college students engaged at least half-time in career and technical education courses of study are exempt from the requirement to work 20 hours weekly to qualify for SNAP. These students will then be able to apply for and receive SNAP if they otherwise qualify based on available income and other basic eligibility rules that apply to all SNAP households.

This policy change will increase the participation of low-income college students in SNAP, providing them with essential nutritional benefits so they are more likely to obtain their college certification or degree. This degree attainment is expected to lead to a lifetime of higher earnings and resulting well-being.

Proposal. Stop Abusive and Deceptive Practices from Student Loan Debt Relief Companies

Governor Cuomo has championed financial assistance and debt relief for New York students. The Governor's Get on Your Feet Loan Forgiveness Program—the nation's only state-sponsored need-based loan forgiveness program—provides up to 24 months of federal

student loan debt relief to recent New York college graduates, regardless of the degree or profession. The Governor has also provided approximately \$1 billion to students through the Tuition Assistance Program and last year, at the direction of the Governor, Department of Financial Services enacted regulations prescribing standards of conduct for student loan servicing companies.

While the Governor has protected students against scams and unfair behavior, we must go further by regulating one of the most complained of industries – student loan debt relief. Student debt relief companies typically charge student loan borrowers substantial upfront fees and promise to assist them with consolidating multiple student loans into a single loan or alternative repayment arrangements. Borrowers, however, can often achieve the same results through free government programs.

The Governor will propose legislation setting standards for the student loan debt relief industry in New York.

8. HEALTHIER NEW YORK

New York has delivered on the promise that health care is a right for all, not a privilege for the few. Under Governor Cuomo's leadership, over 95 percent of New Yorkers now have quality health insurance, a rate unimaginable not long ago. However, New York does not measure health care simply by insurance coverage rates or doctors' visits. Governor Cuomo has taken a holistic approach to health care, improving public health by encouraging healthy lifestyles like reduced tobacco use and improving air and water quality. New York has also tackled our biggest health challenges head on, like the opioid epidemic that has ravaged communities. Due to comprehensive efforts, opioid overdose deaths in New York State decreased for the first time in a decade, down 13 percent in 2018. In 2020, Governor Cuomo will continue leading the push for a healthier New York.

Part 1: Ensuring Access to Affordable Health Care

Under Governor Cuomo's leadership, New York has drawn closer than ever to providing access to affordable

health care coverage for all New Yorkers. New York was one of the first states to implement its own health insurance exchange under the Affordable Care Act (ACA), the New York State of Health. Premiums have dropped, and the New York State of Health is one of the most robust marketplaces in the nation, with a choice of plans in every county. In 2019, more than 4.7 million New Yorkers got health insurance through the New York State of Health, helping reduce the overall number of uninsured New Yorkers by 1.2 million since 2010.¹⁰⁴ In 2018, New York's uninsured rate reached the lowest point ever recorded at 4.7 percent, compared to 11 percent when Governor Cuomo took office.¹⁰⁵

In 2019, Governor Cuomo codified key ACA protections, including requiring insurers to cover preexisting conditions, and establishing a minimum suite of “essential health benefits” that all insurers must provide.

In 2020, Governor Cuomo will take the next steps to protect the stability of New York's health insurance market and ensure that all New Yorkers have access to affordable health care.

Proposal. Lowering Prescription Drug Prices for All New Yorkers

The cost of prescription drugs is staggering. Net spending for retail prescription drug coverage grew by \$90 billion in four years.¹⁰⁶ This rapid growth is largely attributable to specialty drugs.¹⁰⁷ Due to high cost one in four adults report difficulty affording their medicine,¹⁰⁸ and three in ten adults report not taking their medicines as prescribed at some point in the past year because of the cost.¹⁰⁹ Prescription drug costs are one of the largest drivers of health care premium increases.¹¹⁰

In 2018, the Governor signed legislation allowing pharmacies to offer the best available price to consumers. Previously, pharmacy benefit managers (PBMs) contractually prohibited many pharmacies from alerting customers to instances where the retail price of a prescription medicine is actually less than the insurance copay.

Nevertheless, drug prices have continued their steep climb, leaving many New Yorkers to choose between purchasing their medication and other essential expenses. In just the first half of 2019, manufacturers increased the prices on 3,400 drugs at an average increase of 10.5 percent.¹¹¹ The Governor will introduce a three-point plan

to lower the cost of prescription drugs for all New Yorkers and hold manufactures accountable for unjustifiable, exorbitant increases in drug prices.

- ***Capping Co-Payments on Life-Saving Insulin:*** One drug in particular, insulin, has risen outrageously in price. The cost of insulin, a drug that many New Yorker's need to live, nearly tripled from 2002-2013,¹¹² making it difficult to afford.¹¹³ The devastating impacts of insulin price increases have been widely reported in local, state, and national media outlets. According to the American Diabetes Association's Insulin Affordability Survey, 27 percent of people who use insulin or care for someone who uses insulin had their purchase or use of insulin affected by its cost.¹¹⁴ Poorly controlled diabetes often leads to severe and costly complications. Governor Cuomo will cap the co-payments required of insured patients at \$100 for a one-month supply.
- ***Granting Department of Financial Services (DFS) Additional Enforcement Authority Over Spikes in Drug Costs:*** To control pharmaceutical price increases more broadly, Governor Cuomo will seek legislation empowering the State Department of

Financial Services to investigate significant spikes in prescription drug prices. DFS will be authorized to hold a hearing to demand that manufacturers justify the increase. If the price is deemed unjustified, then DFS would disallow the increase and potentially impose a fine, including rebates to impacted consumers. This builds on DFS authority to set rates for insurance premiums, a significant portion of which are being driven by increases in prescription drug costs.

- ***Lowering Prescription Drug Cost by Importing Canadian Drugs:*** In 2003, Congress enacted legislation permitting States to import drugs originally intended for sale in foreign markets. In December 2019, the federal Department of Health and Human Services finally issued proposed regulations to implement this statute. Governor Cuomo will create the Prescription Importation Commission to work with insurers, consumers, health care providers, and other stakeholders to identify any potential consumer savings from importing drugs from Canada and to compile a list of drugs that could be imported through the program. Any drug importation program must adhere to strict safety standards,

including track and trace requirements to enable the tracing of drugs from manufacturers to pharmacies, labeling requirements that will inform medical professionals and consumers, safeguards to ensure that foreign sellers are registered, importation entry requirements, and post-importation requirements such as procedures for relabeling or recalls.

- ***Registering and Regulating Pharmacy Benefit Managers:*** Governor Cuomo has championed regulation and oversight of the Pharmacy Benefit Managers (PBMs) since 2017 as a mechanism to bring transparency and control to skyrocketing prescription drug costs. PBMs are brokers that negotiate the prices of drugs for insurance plans and self-insured employers. The lack of transparency that shrouds their operations contributes to potential for collusion or conflicts of interest. This year, Governor Cuomo will again propose that PBMs will be required to immediately register with the State, and be subject to regulations requiring disclosure of financial incentives or benefits for promoting the use of certain drugs, as well as other financial arrangements affecting customers. PBMs would be licensed by DFS

beginning later this year. DFS will also have the authority to suspend or revoke a PBMs license for deceptive, unfair, or abusive business practices, or for conduct that violates the standards set by the Department.

Proposal. Provide Medical Cost Transparency to Empower Patients

Under Governor Cuomo, New York has been a national leader in curbing exorbitant surprise medical bills. In 2014, the Governor signed first in the nation legislation to protect consumers from surprise bills for out-of-network costs. In 2019 the Governor signed legislation further expanding these protections.

However, consumers cannot be fully empowered without reliable information. Existing information is scattered across websites. Consumers cannot easily find what they are looking for, become disheartened, and give up. Consumers need reliable information about costs, quality and their rights as patients, especially for planned services where there is a choice. The cost of planned services can vary widely within a region. For example, the cost of a hip replacement in the same city ranges from \$13,830 to \$26,128. For consumers to be empowered to

find the best health care services they first need to be aware that there is a trusted source of information and that information needs to be presented in a user-friendly and accessible way.

In order to enable consumers to more easily search for health care services, Governor Cuomo will direct the Department of Health, the Department of Financial Services, and the New York State Digital and Media Services Center to create a consumer-friendly website, called NYHealthcareCompare, where New Yorkers will easily be able to find health care costs and quality information. This will empower New Yorkers to become educated consumers of health care services and choose the health care facility that fits their needs. Additionally, the platform will provide consumers with educational resources designed to help consumers know their rights including financial assistance options, what to do about a surprise bill, and more.

Proposal. Expanding Protections from Surprise Medical Bills

Under Governor Cuomo's leadership, New York State has aggressively fought unfair and unreasonable medical billing practices targeting New Yorkers. In 2014

the Governor advanced a landmark law protecting consumers from out-of-network bills for emergency physician services in a hospital and from surprise bills in hospitals and other outpatient settings. The law includes extensive consumer protections, including holding consumers harmless for costs beyond in-network deductibles, co-pays or coinsurance, improved disclosure requirements, enhanced network adequacy requirements, expanded appeal rights, and easier claims submission. From its implementation in March of 2015 through the end of 2018, the law has saved consumers more than \$400 million in emergency services alone, and reduced out-of-network billing in New York by 34 percent overall.¹¹⁵

Although the current law protects consumers from emergency service bills by requiring the insurer to protect the consumer from liability other than their usual out-of-pocket in-network cost sharing (deductibles, copayments and coinsurance), it still allows out-of-network hospitals and doctors to bill the consumer directly for emergency services. Department of Financial Services (DFS) has received complaints from consumers who pay their emergency-services bill without seeking coverage from the insurer first. Indeed, as recently reported by CBS This Morning, a consumer on Long Island received up to \$650,000 in emergency service bills, mostly from two out-

of-network neurosurgeons who told the consumer he needed immediate, emergency back surgery when he did not.

To protect New Yorkers from unfair and unreasonable medical practices the Governor will introduce a three-point plan:

- ***Expand Out of Network Billing Law:*** The Governor will propose amendments to further strengthen New York's nation-leading out-of-network protections by prohibiting all hospitals and emergency doctors from directly billing consumers for out-of-network services. The amendments will also ensure that all hospitals are required to participate in the Independent Dispute Resolution process to fairly and efficiently resolve billing disputes between hospitals and insurers, while keeping the consumer out of the dispute.
- ***Disclosure of Facility Fees:*** Governor Cuomo will require the disclosure of facilities fees that are unreasonably charged to New Yorkers and often not covered by insurance. Often, consumers are charged outpatient facility fees, which is a charge in addition to fees for professional services when the services are provided in physician offices that are

owned or affiliated with a hospital, or that are independent physician practices that perform office-based surgery. This will ensure that consumers are aware of the full costs of a procedure before the procedure has taken place.

- ***Shorten the Statute of Limitations to Collect on Medical Debt:*** Many New Yorkers are burdened by medical debt, the most common cause of insolvency in the country. New York's current 6-year statute of limitations for the collection of medical debt is longer than many other states, leaving New Yorkers vulnerable to law suits for old claims they long thought were paid by their insurance, and where they no longer have good records to defend themselves. To address this issue, Governor Cuomo will propose distinguishing medical debt from other consumer debt and shorten the statute of limitations to collect unpaid medical debt to three years. This will protect consumers from being blindsided with litigation on a claim that they thought was long paid by insurance. Shortening the statute of limitations will level the playing field for patients, ensuring that they don't remain on the hook for claims years after insurance companies and

providers have worked out payment between each other.

Part 2: Combating the Opioid Epidemic

New York is leading the fight against opioid addiction. Since taking office, Governor Cuomo has instituted an aggressive, multi-pronged approach to address the opioid epidemic and has created a nation-leading continuum of addiction care with harm reduction, prevention, education, treatment, and recovery services. New York has expanded access to traditional services, including crisis services, inpatient, outpatient, and residential treatment programs, as well as medication-assisted treatment (MAT), telehealth expansion and mobile treatment and transportation services.

In 2016, Governor Cuomo's Heroin Task Force recommended new, non-traditional services to provide on-demand care to people who use drugs, especially those who are vulnerable to an opioid overdose or have experienced an overdose and are not yet engaged in formal medical or treatment systems. New York established 12 Drug User Health Hubs located throughout the State. These Hubs are trusted resources in their communities, building on decades of syringe exchange programming experience. The

Hubs provide access to buprenorphine as well as other services essential to provide stability for people actively using substances. Other service innovations include recovery centers, youth clubhouses, expanded peer services, Centers of Treatment Innovation and 24/7 open access centers, which provide immediate assessments and referrals to care. These services have helped people in need access care closer to where they live.

The Governor has advanced legislative and regulatory reform to enable people to get treatment faster by eliminating many insurance restrictions, as well as advanced legislation to reduce opioid prescriptions for the initial treatment of acute pain from 30 days to seven days, and legislation to increase training and education for prescribers. He also took action to combat patient brokering and fraudulent addiction treatment services.

Governor Cuomo has also made naloxone more available, and has increased training on its administration. More than 420,000 New Yorkers have been trained and equipped with the opioid overdose reversal medication. Through Governor Cuomo's actions, over 2,600 pharmacies around New York State are now able to dispense naloxone without individuals needing a prescription from their health care provider.

These efforts have helped reverse the trajectory of the opioid epidemic. After years of rising opioid-related overdoses deaths among New York State residents, 2018 finally saw a drop, from 2,170 deaths in 2017, to 1,824 deaths – a nearly 16 percent decrease – according to preliminary State Health Department data covering areas outside New York City. Furthermore, hospitalizations for opioid related overdoses decreased 7.1 percent -- from 3,260 in 2017 to 3,029 in 2018.

Building on this progress, Governor Cuomo is intensifying the State's efforts to reduce opioid addiction even further. In 2020, the State will increase access to MAT, the gold standard of care for treating Opioid Use Disorder, improve continuity of care, and empower law enforcement to protect New Yorkers from dangerous fentanyl analogs.

Proposal. Banning Fentanyl Analogs to Further Combat the Opioid Epidemic

Although the overall number of overdose deaths is declining in New York State, there has been a dramatic increase in overdose deaths due to fentanyl and its analogs. Fentanyl is a very powerful synthetic opioid that is 50 to 100 times more potent than morphine. Compared to 30 milligrams of heroin, just three milligrams of fentanyl can

be fatal. Among New Yorkers outside of New York City, overdose deaths involving fentanyl and its analogs increased 124 percent in 2016 and again by another 28 percent in 2017. Fentanyl analogs are not illegal in New York State. This is because although some analogs are prohibited by the federal government's controlled substances schedule, they are not listed in the State schedule. This gap poses an increasingly large impediment to effective law enforcement. Currently, selling an unscheduled fentanyl analog is not against New York State law, unless the fentanyl analog is mixed with a banned substance.

The Governor will introduce legislation to explicitly designate fentanyl analogs as controlled substances in New York State. This legislation will give police and law enforcement the authority to prosecute the manufacturing, sale, and distribution of these drugs to the fullest extent of the law. The proposed legislation will also give the State Department of Health Commissioner the authority to add additional analogs to the list of controlled substances, enabling the State to stay in front of these deadly substances as they appear on the market.

Proposal. Expanding Access to Medication-Assisted Treatment in Hard to Reach Communities

Under Governor Cuomo's leadership, more New Yorkers than ever have access to Medication-Assisted Treatment (MAT) for Opioid Use Disorder. In combination with counseling, MAT helps people reach and sustain recovery from Opioid Use Disorder. Governor Cuomo has expanded access to MAT both by increasing the number of medical professionals who are designated to prescribe addiction-treatment medication and by expanding the number of settings in which such medication can be prescribed.

He has also introduced innovative care delivery models such as telehealth and the deployment of mobile clinics. These services have expanded access to addiction treatment services for people that may not otherwise engage in care because of transportation and other barriers to accessing treatment. In 2019, the Governor directed DOH to require all hospitals statewide to develop protocols for their emergency departments to address opioid use disorder based on the standard of care for treatment or referral for treatment.

In 2020, the State will take still further steps to expand access to MAT in hard to reach communities.

- ***Expand Access to MAT in Emergency Departments:*** The opioid epidemic is greatly affecting Emergency Departments (EDs). From July 2016 to September 2017 there was a 30 percent increase in visits for opioid overdose. The Governor will propose a multipronged approach in order to better connect ED patients with OUD to ongoing community care. The proposal will expand the Buffalo MATTERS pilot which provides MAT to patients identified with Opioid Use Disorder in Emergency Departments. These individuals will rapidly be transitioned into long-term treatment at a community clinic of their own choosing, all within 24-48 hours. The Department of Health (DOH) and the Office of Addiction Services and Supports (OASAS) will also establish a Buprenorphine prescription voucher program that provides a seven-day emergency supply of MAT as a bridge to insurance coverage and formal care. Finally, the proposals will improve access to MAT by connecting emergency departments with doctors who can prescribe buprenorphine through telehealth.

- ***Expanding Access to Telehealth and Mobile Clinics:*** The Governor will direct OASAS to add ten new mobile clinics, one in each economic development zone statewide. In addition, in order to ensure access to addiction treatment in rural areas of the state, OASAS will provide funds for at least one treatment program in each county across the state to acquire equipment needed for telehealth services.
- ***Expanding Access to MAT in Correctional Settings:*** New York State leads the nation in criminal justice reform and will continue to build upon this success by expanding access to medication-assisted treatment in state correctional settings. Governor Cuomo will direct Department of Corrections and Community Supervision (DOCCS) to expand access to medication-assisted treatment by providing buprenorphine in the seven facilities currently offering methadone. In addition, the Governor will direct DOCCS to seek national certification and accreditation to operate an Opioid Treatment Program (OTP), creating the Nation's first state corrections-operated OTP in the country.

- ***Connect New Yorkers Seeking Addiction Assistance to Peer Support:*** As we continue our efforts to combat the opioid epidemic another area that has been highlighted is how immediate connection to help is essential. To address this concern, Governor Cuomo has ordered OASAS to reorient its existing HOPEline Services to provide a compassionate and supportive resource to find treatment, recovery or other supports. This centralized point of contact will utilize certified recovery peer advocates with lived experiences that can connect individuals with substance use disorders or their families with local resources, general referrals and a live person to speak with who will actively listen, engage and support the caller. OASAS will work with the Office of Children and Family Services to utilize their Human Services Call Center allowing for seamless connection to a peer network that is localized.
- ***Ensure Efficient Access to MAT through Medicaid:*** New York has made significant reforms to ensure that those struggling with opioid use disorder have the opportunity to utilize medication assisted treatment, which has a proven track record at

ensuring long-term recovery. This administration has already required that Medicaid and each plan have one MAT drug per therapeutic class with no prior authorization, and that if there is a prescription or refill for a drug not on the formulary that a five-day supply be given, and prior authorization is completed within 24 hours. There is more to be done. This year, Governor Cuomo will propose a single formulary for Medicaid that will ensure access to medication assisted treatment is granted quickly and efficiently without erecting unnecessary barriers to care.

Part 3: Improving Public Health

Governor Cuomo recognizes that the greatest health challenges are complex and often linked with other societal issues that extend beyond healthcare and traditional public health activities. Under Governor Cuomo's direction, New York was ranked the 11th healthiest state in the nation in the 2019 annual America's Health Rankings report.¹¹⁶

For example, in 2014, Governor Cuomo announced his plan to end the AIDS epidemic (ETE) in New York State. Since then, policies and programs have been implemented to identify persons unaware of their HIV status, link

persons with HIV to care and treatment, and enhance access to pre-exposure prophylaxis, or PrEP, for HIV-negative persons to prevent acquisition of HIV. Since ETE began, new HIV diagnoses, infections, and deaths among persons with HIV have fallen to record lows. ETE efforts have averted more than 500 new HIV infections in the first four years of ETE. Savings to the health care system due to averted infections since ETE began are estimated at more than \$200 million.

New York's success has been driven in recent years by the state's Prevention Agenda, which serves as the blueprint for state and local action to improve public health. To achieve the Prevention Agenda goal of becoming the healthiest state in the nation, New York is focusing increased attention on addressing the social determinants of health and incorporating health-supporting components into a wide range of policies and programs.

Proposal. Crackdown on Illegal Cigarettes Sales

Governor Cuomo has taken unprecedented steps to ensure the health and safety of all New Yorkers by combatting the use of harmful tobacco and nicotine products. In 2017, Governor Cuomo expanded the Clean

Indoor Air Act to prohibit e-cigarette use in nearly every workplace to protect workers and the public from harmful secondhand tobacco smoke and vaping aerosols. In 2019, new legislation required vape product retailers to register with the Department of Taxation and Finance and a 20 percent sales tax on vape products is now being imposed. In November of 2019, the legal age for purchasing tobacco and e-cigarette products was increased to 21, further discouraging youth from accessing tobacco. Moreover, at the Governor's direction, the Department of Taxation and Finance has tripled the number of regulatory inspections of retailers authorized to sell tobacco products from 2018.

Crucially, one byproduct of the aggressive rate of taxation applied to cigarettes in New York – currently, the second highest rate in the nation – is the continuing incentive for unlawful retailers to evade those taxes by breaking the law. Some retailers persist in trafficking cheap untaxed cigarettes, a practice that not only undermines efforts to reduce smoking, but also deprives the State of essential revenue for use in enforcement and public health initiatives. It also places law-abiding retailers at a significant competitive disadvantage. Additionally, although the legal age to purchase tobacco products was raised to 21, youth are still accessing tobacco products.

In order to further reduce smoking rates, ensure the State is not deprived of needed revenue, protect law-abiding retailers from unfair competition, and prevent youth from getting access to tobacco products Governor Cuomo will introduce legislation to give the Department of Taxation and Finance new tools to counter the ability of unscrupulous retailers to continue selling cigarettes, a practice sometimes facilitated by their adoption of complicated corporate ownership structures. The measure will permit the Department of Taxation and Finance to shut-down offending retailers altogether by revoking their authority to collect retail sales and other taxes from customers, a necessary prerequisite to operating any retail business in New York. The proposal will also increase penalties for illegally selling tobacco products to minors. New York will increase the minimum fine for selling tobacco products to underage individuals from \$300 to \$1,000 and extend suspension of registration from six months to one year.

Proposal. Stop Vaping Products from Getting into the Hands of Youth

Governor Cuomo has taken unprecedented steps to ensure the health and safety of all New Yorkers. In 2017,

Governor Cuomo expanded the Clean Indoor Air Act to prohibit e-cigarette use in nearly every workplace to protect workers and the public from harmful secondhand tobacco smoke and vaping aerosols. In September 2019, in response to emerging vaping-associated respiratory illness throughout the country, New York State became the first state in the nation to implement a ban on flavored e-cigarettes. In November of 2019, the legal age for purchasing tobacco and e-cigarette products raised to 21, further discouraging youth from accessing tobacco. Despite this progress, more can be done to protect youth from the dangers of smoking.

From 2014 to 2018 youth use of e-cigarettes increased by 160 percent from 10.5 percent to 27.4 percent. Nearly 40 percent of 12th grade students and 27 percent of high school students are now using e-cigarettes. One in five youth believe e-cigarettes are both harmless and not addictive.¹¹⁷ However, there have been over 2,500 hospitalizations due to e-cigarette or vaping associated respiratory illness since the beginning of the update and 54 deaths have been confirmed.¹¹⁸ This recent outbreak reveals that there is much we do not know about e-cigarettes and there is much more to do to protect all New Yorkers from the dangers of tobacco use.

In response to the growing crisis Governor Cuomo will introduce a comprehensive package to protect youth from tobacco products:

- ***Ban the Sale of Flavored Nicotine Vaping Products:*** The Governor will introduce legislation to prohibit the sale of all flavored electronic cigarettes. Flavored combustible cigarettes, except menthol, were banned by the FDA in 2009 to reduce youth smoking as they were frequently used as a starter product.¹¹⁹ Most e-cigarette users said their first e-cigarette was flavored. Flavors, such as sweet tart, toffee, and bubble gum, make e-cigarettes more attractive and make e-cigarettes more attractive to youth.
- ***Restrict Vaping Ads Targeted to Youth:*** The Governor will introduce legislation to ban all vaping-related ads targeted to youth, including those in more traditional forms of advertising such as newspapers and magazines, as well as in digital formats in periodicals, social media and on websites with significant youth viewership. Advertisers will also not be allowed to make vaping product safety claims or pitch vaping products as smoking cessation options without FDA-approval.

- ***Ban Harmful Unregulated Carrier Oils:*** The Governor will also advance legislation to empower the Department of Health to ban the sale of vaping carrier oils that include chemicals or ingredients that when inhaled through a vaping device are deemed to be dangerous and a significant public health risk.
- ***Limit Online Sale of Vaping Products:*** The current sale of e-liquids and e-cigarettes through online, phone and mail order allows underage youth to purchase products unlawfully and circumvent sales taxes. Therefore, the Governor will advance legislation restricting the online, phone and mail order sale of vaping products and e-cigarettes only to licensed vaping product retailers. Only registered retailers would be allowed to purchase e-cigarettes using those methods. This restriction, which already applies to the sale of conventional tobacco products, will help stop the illegal sale of dangerous vaping products to underage purchasers.
- ***Ending the Sale of Tobacco and E-Cigarette Products in Pharmacies:*** Health care related entities should not be in the business of selling tobacco, the leading cause of preventable death in

New York State. Ending the sale of tobacco and e-cigarette products in pharmacies will reduce the availability, visibility, and social acceptability of tobacco use, especially to youth.

- ***Expand Definition of Place of Employment under the Clean Indoor Air Act:*** Introduce legislation to define indoor space and limit second hand smoke exposure.

Proposal. Enhancing Physician Integrity and Accountability

Governor Cuomo is committed to ensuring the health and safety of all New Yorkers. In 2018, Governor Cuomo signed legislation allowing the Department of Health to suspend the license of a physician charged with a felony, if allowing the physician to continue to practice would pose an imminent danger to the health of the people. This change allowed the Department of Health (DOH) to act far more swiftly, when deemed necessary, to protect patients.

However, current New York State statute has not been updated to reflect modern demands. Under current law DOH is prohibited from confirming the existence of an

investigation, leaving the public without access to critical information. Additionally, physicians licensed in New York remain licensed for life unless some action is taken, even if they move out of state. It is in the public's interest for the Department to have the tools necessary to conduct comprehensive and efficient investigations, while preserving the peer-review foundation and due process rights of the New York State system. There must be confidence within both the physician and patient communities.

The Governor is proposing a comprehensive set of reforms to ensure that the DOH Office of Professional Medical Conduct has adequate and effective tools to investigate, discipline, and monitor physicians, physician assistants, and specialist assistants licensed in New York. The Governor will introduce legislation to:

- Enact periodic renewal requirements in order to maintain their New York State license and ability to practice in New York, reducing the necessity of devoting Office of Professional Medical Conduct (OPMC) resources to investigations of out-of-state bad actors who are licensed, but do not actually practice in New York;

- Update the Public Health Law to strengthen disciplinary oversight, thereby increasing patient safety and public awareness. This update will allow for expeditious removal of individuals who present a risk to the public;
- Ensure that the public can access information if there are concerns with the professional conduct of their health care providers;
- Give OPMC the authority and tools necessary to act swiftly in order to increase patient safety and physician accountability; and
- Ensure that consumers have accurate, up-to-date and accessible information about New York State licensed physicians.

Proposal. Preserving the Effectiveness of Antibiotics

New York State is a national leader in efforts to protect patients from drug resistant infections. In 2016, at Governor Cuomo's direction, the Department of Health launched the New York State Antibiotic Resistance Prevention and Control Task Force to establish a statewide roadmap, and enhance regional collaboration to combat the threat of antibiotic resistance. In 2016, the Governor also launched the \$620 million New York State Life Science

Initiative, to spur the growth of a world-class life science research cluster in New York, as well as expand the state's ability to commercialize this research and grow the economy. In September of 2018, Governor Cuomo announced the Initiative's next major milestone: a groundbreaking partnership between ILÚM Health Solutions, a wholly-owned subsidiary of Merck & Co, OpGen, and the Department of Health (DOH) to develop a state-of-the-art research program to detect, track and manage antimicrobial-resistant infections at healthcare institutions statewide.

Although New York State is a national leader, more can be done to protect New Yorkers from antibiotic resistance. Each year in the U.S., an estimated 2.8 million people become infected with antibiotic resistant bacteria and at least 35,000 people die because of these infections. The health care system has not been able to successfully implement changes that address antibiotic resistance at the pace that is needed. The growth of New York's life science industry creates the tools and capacity to better fight diseases, and addresses important public health needs, such as antibiotic resistance.

Building on this success, Governor Cuomo will launch a statewide initiative to preserve antibiotics, expedite resistance detection through cutting-edge

laboratory technology, and enhance response through advanced digital health solutions:

- ***Increasing awareness and prevention of antibiotic resistance:*** The Governor will propose legislation requiring that clinical staff in all hospitals and nursing homes participate in enhanced antimicrobial resistance and infection prevention and control education.
- ***Enhancing judicious antibiotic use in the community:*** The Governor will direct Department of Agriculture and Markets, in partnership with the Department of Health, to support the implementation, monitoring, and enforcement of the FDA Veterinary Feed Directive requiring that medically important antibiotics administered in livestock feed can only be done under the direction of a licensed veterinarian.
- ***Preserving antibiotics in healthcare settings:*** Require healthcare facilities to have an antibiotic stewardship program (ASP) that meets the CDC's Core Elements for ASPs with requirements to measure antibiotic use and respond to issues of high utilization.

- ***Expediting detection of antibiotic resistance:*** The Governor will expand the DOH-ILÚM Health Solutions information technology pilot that provides rapid notification of new introductions and emerging clusters of antibiotic resistance. The system will include a vast array of antimicrobial resistant organisms and assess burden of disease in the community, nursing homes, and hospitals, as well as detect outbreaks across regions and between different facilities.
- ***Improving the control of antibiotic resistance:*** Enhance existing regional information exchanges to ensure secure exchange of multidrug-resistant organism information on patient interfacility transfers.

9. SAFEGUARDING OUR DEMOCRACY

While the federal government has done everything it can do to disenfranchise voters and run stampede over ethics laws, Governor Cuomo has relentlessly fought to protect our democratic system. In 2019, he signed landmark legislation modernizing New York's voting laws, allowing for eight days of early voting before an election, synchronizing federal and state primary elections, allowing voter preregistration for teenagers and providing for voter registration portability within the state. He has also worked to safeguard undue influence on our elections by expanding the definition of political communication to include paid internet and digital advertisements to make online ads subject to the same transparency requirements of all election advertisements.

Protecting our democracy does not end on Election Day. Those who go to Albany to act in their own self-interest are also a threat to our system of government. The Governor has fought tirelessly for ethics reform in his effort to protect the public's trust in their state government. In his

first year in office, he passed the Public Integrity Reform Act of 2011, which dramatically increased transparency and accountability throughout State government. In 2016, he negotiated an historic agreement to enact critical election, lobbying, and enforcement reforms. One of the many pieces of this bill included first-in-the-nation legislation to curb the power of independent expenditure campaigns and end coordination in political campaigns unleashed by the 2010 Supreme Court case *Citizens United vs. the Federal Election Commission*. In 2019 he closed the LLC loophole to limit political spending by LLCs.

Governor Cuomo will continue to fight to ensure all New Yorkers have their voice heard at the ballot box and that the representatives they choose are then held to the highest standards of integrity.

Proposal. Require Automatic Manual Recounts in Close Elections

In 2019, Governor Cuomo signed landmark legislation strengthening New York State's democracy by transforming election laws and increasing access to the ballot. These milestones included instituting early voting, consolidating federal and state primary dates, and celebrating the passage of resolutions for amendments to

the State Constitution that would allow for same-day voter registration and no-excuse absentee voting by mail.

Currently, the New York State Election Law does not contain any requirement for automatic ballot recounts, even in extremely close elections. While a small handful of counties have their own recount provisions, there is not a standardized process for how recounts are handled in elections across the state.

Public trust in election integrity is never more important than in close and contested elections. To fortify confidence in the integrity of election results in every race around the state, Governor Cuomo will introduce legislation establishing statewide standards for when automatic ballot recounts are triggered and the process for how such recounts will be carried out. The legislation will require automatic manual recounts in all statewide elections in which the margin of victory for a candidate or ballot proposition is 0.2 percent of all votes cast in the contest. It will also require an automatic manual recount in all other elections in which the margin of victory for a candidate or ballot proposition is 0.5 percent of all votes cast.

Proposal. Implement a System of Automatic Voter Registration

Although New Yorkers today are given the opportunity to register to vote when interacting with State agencies, they must affirmatively ask to be registered. However, we should do more to increase participation in our democracy. Automatic voter registration will boost voter registration and turnout in this state and strengthen our democratic process. We will ensure that all automatic voter registration opportunities are available online, and we will enable New Yorkers to simply apply to register to vote on the State Board of Elections website if they choose to do so.

Proposal. Create an Election Security Rapid Response Team

Given the threat posed by cyber attacks on the nation's electoral security, Governor Cuomo has taken a number of threats to safeguard New York's voting system and maintain the integrity of the state's electoral process. In 2018, the Governor announced along with the State Board of Elections and the U.S. Department of Homeland Security a series of tabletop exercises that

helped identify key areas for improvement in cyber incident planning, preparedness, and response through simulation of realistic scenarios attempting to undermine voter confidence, interfere with voting operations, and affect the integrity of elections. As a result of the Governor's successful enhancement of election infrastructure in 2018 and 2019, county boards of election and other county information systems are protected by Intrusion Detection System and Managed Security Services, comprehensive risk assessments are being conducted by the State Board of Elections, and \$5 million has been invested for cybersecurity improvements. Additionally, the New York State Division of Homeland Security and Emergency Services' (DHSES) Cyber Incident Response Team and the State Board's Secure Election Center are providing individualized assistance to counties to help secure their systems and assist with response when incidents occur.

In November 2019, the Governor named leading experts in electoral cyber security as new members of the state's Cyber Security Advisory Board – a panel created in 2013 - to further protect New York ahead of the critical 2020 elections, and issued a directive for the Board to assess the threats to the security and integrity of our elections and recommend steps to bolster election security. The Governor today announced that the 2020 State of the

State agenda will include additional proposals developed as part of the Cyber Security Advisory Board's initial assessment of the threats to the security and integrity of New York's electoral process.

To fully ensure local boards of elections are properly prepared to defend against cyber attacks, the Governor will direct the creation of a Cyber Swat Team consisting of staff with expertise from State Police, DHSES, Department of Financial Services, and other agencies, to work closely with local boards of election to supplement and provide additional support to the work of the State Board's Secure Election Center place ahead of the 2020 election cycle.

Further, recognizing that even if all necessary safeguards are in place that a cyber attack can still occur, the Governor is proposing additional measures to protect the public's trust in election outcomes. The Governor will direct relevant state agencies to work with the State Board and local boards of election to establish in advance of the 2020 elections a comprehensive plan that is ready to be executed immediately if a cyber attack should jeopardize the timely and accurate counting and reporting of all eligible ballots. This proposal will ensure that a comprehensive plan is in place in advance of the election for a fast and responsive approach to ensure the public has

full trust in the election outcome, even if a cyber attack should occur. Under this proposal, local county boards of election and the State Board will work with relevant state agencies to establish well in advance of the election a plan to conduct a quick and efficient recount, if necessary, that provides the public with confidence that even in the face of a cyber attack, that the proper procedures are in place to accurately certify the election outcome.

Proposal. Counting Every New Yorker in the 2020 Census

In 2020, the United States will conduct the national Census, the once-in-a-decade process of obtaining an accurate picture of the nation's population. All U.S. residents are counted, regardless of citizenship or immigration status. The information collected through the Census not only determines the apportionment of representatives in Congress and each state's share of votes in the Electoral College, it also influences the allocation of more than \$1.504 trillion in annual federal funding to the states.

The Census is a fundamental aspect of our democracy, but the 2020 Census is expected to be more costly and difficult than ever before. Identifying "hard to

reach” populations poses a challenge for every national Census; the 2020 Census will be the first one in which New Yorkers will be asked to complete the questionnaire online. That change will create additional barriers for many New Yorkers, including those who are older, reside in rural communities, or who live in poverty.

Governor Cuomo is deeply committed to ensuring that each and every New Yorker is counted in the 2020 Census. When the Trump administration announced its effort to add a xenophobic and discriminatory “citizenship” question to the 2020 Census, the Governor partnered with the New York Attorney General to oppose that change. In June 2019, New York lead a group of 17 other states in convincing the U.S. Supreme Court to block the addition of that question.

Furthermore, the Governor, in early 2019, announced the creation of the New York State Complete Count Commission. The Commission held public hearing across the State, and in October 2019 released a report identifying the challenges for the 2020 Census.¹²⁰ In response to that report, Governor Cuomo announced that New York State will commit up to \$60 million to ensure an accurate and complete count of New Yorkers. As part of that effort, CUNY, SUNY and dozens of other State agencies and authorities committed to leverage available resources and

ongoing contact with the public to develop and deploy up to \$40 million for a statewide Census awareness campaign. For example, the New York Department of Labor's 96 Career Centers as census assistance centers where members of the public will be able to securely complete the questionnaire. In addition, Census information will be displayed and distributed in the over 100 Department of Motor Vehicle offices.

In December 2019, Governor Cuomo also announced New York State would provide up to \$20 million to assist with additional Census outreach. The State will provide grants to and work with more than sixty counties and local governments to identify "trusted voices" and not-for-profit organizations that can focus on engaging "hard to count" communities, including those with high immigrant populations, children under 5 years old, and seniors. Throughout 2020, the State will also target funds specifically towards communities and populations that remain at risk for being undercounted. Collectively, these actions will ensure that every New Yorker is counted, and New York receives its fair share of political representation and federal funding.

Proposal. Streamline and Simplify New York's Court System

Since taking her seat in 2016, Chief Judge Janet DiFiore of the New York State Court of Appeals has thoroughly overhauled administration of New York's complex and intricate court system. Her "Excellence Initiative" has dramatically reduced backlogs, reduced the amount of time civil litigants must wait for trials, and enabled speedy disposition of criminal cases. Chief Judge DiFiore recently proposed a more ambitious series of reforms including consolidation of most trial courts into the existing Supreme Court, creation of a new statewide Municipal Court, and periodic legislative evaluation and, if appropriate, adjustment of the number of judicial departments. Governor Cuomo will work with Chief Judge DiFiore and the Legislature to pursue the efficiency, transparency and fairness goals identified by the Chief Judge.

Proposal. Require Public Officials to Disclose their Tax Returns – Enact "The Nothing to Hide" Act

Every New Yorker takes a leap of faith each time they enter the voting booth – hoping that the person they

elect to represent them will be true to their word and act in the best interests of their constituents. While the vast majority of elected officials do just that, every time someone violates that faith, it leaves a permanent scar on the public's confidence.

Elected officials can help and make a show of good faith – show the public their tax returns so that everyone knows where they are getting their income. With full transparency, the public does not have to wonder if their representatives have unknown, self-serving motivations.

Governor Cuomo will propose the “Nothing to Hide” law to make our government the most transparent in the nation. The law will require that the Governor, the Lieutenant Governor, the Attorney General, the Comptroller, every state commissioner, and every Assemblymember and Senator will make their tax returns public. Further, any elected official in the State who earns over \$100,000 a year will have to do the same. All of these representatives are asked to work for the people, so they should show the receipts to prove it.

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