

(4.2.20) See below for some highlights from the SFY 2021 Budget, sent on behalf of the Brown & Weinraub team:

COVID-19

Public Health Emergency Charitable Gifts Trust Fund

The budget establishes a trust fund for the state to receive monetary grants, gifts or bequests to be spent only for goods and services necessary to respond to a public health disaster emergency or in response to such a disaster.

Special Appropriations

- \$4 Billion Special Public Health Emergency appropriation can be used for personnel, equipment, supplies, travel and training; a portion can be for aid to municipalities, school districts and “eligible nonprofit organizations”
- \$25 Billion Special Emergency appropriation to be used to apportion any Federal Aid made available to the State to meet the crisis
- \$1 Billion Special Emergency appropriation may be used to meet State expenses associated with the crisis.

More Clarity on COVID-19 \$11 billion

The language in the budget authorizing the \$8 billion in new bonds and \$3 billion in a letter of credit, directs the funds to the State General Fund for general cash flow purposes. They are in direct response to the crisis and the associated delay in tax receipts caused by moving the income tax due date to July 15. They will not directly help either the hospitals or municipalities , but indirectly may help by allowing the payment of various appropriations slated for both.

Both financial instruments will be backed by the personal income tax revenues and for the first time not subject to the State’s bonding cap. They are intended to be short term. The Dormitory and ESDC are authorized to issue the bonds and enter into the line of credit.

EMPLOYER PROVISIONS

Paid Sick Leave for Working New Yorkers: The Enacted Budget will require all employers to provide their employees with sick leave — 7 days of paid leave for large employers (at least 100 employees), 5 days of paid leave for medium-sized employers (5-99 employees), and 5 days per year of unpaid leave for small employers (fewer than 5 employees). Employees will start accruing leave time in September and can begin to use it on January 1, 2021.

Changes to Time off for Voting: The Enacted Budget lessens the requirement on employers to provide paid time off to employees to vote.

ECONOMIC DEVELOPMENT

Regional Economic Development Councils (REDCs): The Enacted Budget proposes a tenth round of the REDC awards totaling \$150 million.

START-UP NY: The application period for START-UP NY has been extended through 2025. Companies looking to participate previously had to apply to the campus hosting the START-UP NY tax free area by December 31st, 2020.

State and Municipal Assistance Program (SAM): No new funding is provided for this discretionary capital program, but prior year funding remains available to meet existing commitments.

ENVIRONMENT

New Environmental Bond Act: The Enacted Budget includes a \$3 billion Restore Mother Nature Bond Act which will reduce flood risk, invest in resilient infrastructure and revitalize critical fish and wildlife habitats. The Bond Act will go before the voters in November.

Ban on Single Use and Packaging Styrofoam Products: The Budget includes 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, with colleges and universities specifically defined as food service establishments. It would also ban the sale of polystyrene loose-fill packaging, commonly known as packing peanuts.

Accelerated Renewable Energy Growth & Community Benefit Act: The Budget includes a streamlined process for building renewable energy projects across the state and ensuring the efficient transport of clean to places where it is needed

OTHER

Bail Reform: The list of crimes for which judges could require cash bail has been expanded.

Changing the State Seal/Flag: The State Seal will be changed to add the words Excelsior and E Pluribus Unum.

Public Financing of Campaigns: Establishes a system for public financing of political campaign to encourage participation by qualified candidates and reduce fundraising burden for candidates and officeholders.

E-Cigarettes/Vaping: Bans sale of flavored products; Requires disclosure of ingredients of E-Cigarette and Vapor products; Restricts advertising; Establishes an electronic cigarette and vaping prevention, awareness and control program.

Trusted Traveler Programs: Allows sharing of DMV information for individual seeking acceptance into trusted traveler program.

Marijuana Legalization: Agreement was not reached to legalize marijuana use in New York State.

Statement of Sexual Harassment and Reports of Sexual Harassment in Bids: The Executive Budget proposed that every competitive bid made to the state include information on judgements or administrative rulings against the bidder from allegations of sexual harassment during the preceding year. The proposal was not enacted.