

New York State Public Employee Conference



Legislative Committee

2020 Annual Report

**Respectfully submitted,
Bing Markee, Committee Chair**

November 10, 2020

The 2019 Annual Report of the NYSPEC Legislative Committee (posted in the member only sub-menu of our website under “Reports”) was presented at our Annual Meeting in San Juan, Puerto Rico, on Tuesday, December 10, 2019. The report contained treatises with respect to seven legislative measures that NYSPEC had issued formal support memoranda for in 2019. When the report was written, and on the date it was presented, none of those seven measures had been transmitted for gubernatorial action. Subsequently, the governor signed four of those pieces into law, and vetoed three. (This was reported in my brief remarks at our Annual Legislative Breakfast, but is formally reported here in the annual committee report.) Here are the specific results:

- A4432 (Abbate) / S3675 (Gounardes) – Veto 262 (dated 12/20/19)
- A5821-A (Abbate) / S4083 (Gounardes) – Chapter 696 (dated 12/20/19)
- A5940 (Abbate) / S3659 (Gounardes) – Veto 249 (dated 12/20/19)
- S456-B (Benjamin) / A1047-B (Simotas) – Chapter 743 (dated 12/26/19)
- S3813 (Kaplan) / A5820 (Abbate) – Veto 263 (dated 12/20/19)
- S6436 (Montgomery) / A7748 (Rosenthal) – Chapter 741 (dated 12/26/19)
- S6367 (Gounardes) / A7920-A (Abbate) – Chapter 751 (dated 1/1/20)

Please refer to the 2019 Legislative Committee Report for the treatises on each of the above measures.

NYSPEC’s 2020 Legislative Agenda, which was agreed to by NYSPEC’s Board of Directors at the 2019 Annual Meeting, was formalized and printed in the booklet distributed at NYSPEC’s 43rd Annual Legislative Breakfast on Tuesday, February 4th.

The text version of the 2020 Legislative Agenda is posted (as a separate item on the Menu Bar) on NYSPEC’s new website. Notice to the Directors and Legislative Directors regarding our 2020 annual meeting was sent by Chairman Meringolo on October 15th. That notice contained the following language:

“In the interim, please review our existing (2020) Legislative Agenda, which is posted on our website as a separate item on the Menu Bar. In preparation for discussion with respect to finalizing the 2021 agenda, please do this now, or as soon as practicable, to determine whether you wish to propose any changes, additions, deletions, etc.; if you do want to propose changes/additions to the existing language, please prepare same in written form and submit to me via email in advance, as review by General Counsel may be required. If that’s not possible, please have your proposal(s) ready to be discussed and voted on during the meeting. This will minimize the discussion and time it takes to finalize our 2021 agenda. Please keep in mind that from the completion of our annual

meeting, we have just a short period of time to get our 2021 Annual Legislative Breakfast booklet printed by February 2, 2021. As you know, changes not agreed to at the meeting necessitate time consuming back-and-forth communication to facilitate final language all are comfortable with. I believe we will be able to get through this process rather quickly if everyone is prepared in advance.”

At the time of this writing, there have been no submissions.¹

Our annual Legislative Breakfast, with record attendance, was a resounding success again this year. Also, again this year, from the perspective of the Legislative Committee, a highlight of the event was the appearance and remarks by our former Legislative Committee Chair, the venerable Floyd Holloway.

Following our annual Legislative Breakfast each year, the Legislative Committee typically meets a number of times during the scheduled legislative session. A Legislative Committee meeting had been scheduled for Tuesday, March 24th, but it was canceled with the arrival of the COVID-19 coronavirus pandemic. Then the Capital Building and the Legislative Office Building were closed to all but staff for the duration of the scheduled legislative session, so no additional meetings of the Legislative Committee were scheduled.

This year NYSPEC issued three formal memoranda with respect to legislation, all in opposition. Please note that the following synopses are not necessarily listed in any order of priority.

Opposition Memoranda²

A memo was issued opposing S2126-A (Krueger) / A1536-A (Ortiz). This bill would “*amend the retirement and social security law, in relation to limitations on investments of public pension funds; and providing for the repeal of such provisions upon expiration thereof*”.

While this bill has been revised from its initial iteration in late 2019, it is substantively the same. So long as Comptroller DiNapoli, the sole trustee of New York State’s Common Retirement Fund, maintains that its passage would negatively impact the Fund’s assets, NYSPEC’s position has not changed, and we continue to oppose it.

The bill died in committee again this year.

¹ November 10, 2020 update: No proposed changes were submitted prior to the annual meeting

² Memos are posted on NYSPEC’s website under Updates ➡ Memos of Note

A memo was issued opposing S3577-A (Rivera) / A5248-A (Gottfried). This bill would “*amend the public health law and the state finance law, in relation to enacting the “New York health act” and to establishing New York Health*”.

This bill was revised late in the session, prompting a new NYSPEC opposition memo because the new iteration still left unanswered questions, the most important of which to us is the absence of any mechanism to recompense those public employees who have already paid, through reduced salary and benefits accepted as part of collective bargaining agreements negotiated over the course of decades, for their health plans.

The bill died in committee again this year.

A memo was issued opposing S8496 (Bailey) / A10611 (O’Donnell). This bill would “*amend the civil rights law and the public officers law, in relation to the disclosure of law enforcement disciplinary records; and to repeal section 50-a of the civil rights law relating thereto*”.

Despite NYSPEC’s and numerous member units’ opposition memoranda, on June 12th Governor Cuomo signed this bill into law as Chapter 96 of 2020.

The COVID-19 death benefit legislation (S8427/A10528) was enacted on May 30, with a message of necessity from the governor.

As regards this whole COVID-19 issue, the following quote is from Chairman Meringolo’s May 29th update to the membership with respect to the passage of the death benefit legislation:

“ ... At this time, on behalf of the Board of Directors and, more important, the hundreds of thousands of public employees who are our members, I take this opportunity to, wholeheartedly, thank the sponsors, Assemblyman Peter Abbate and Senator Andrew Gounardes.

As you know, NYSPEC has worked diligently on this issue since the inception of the proposed legislation almost two months ago. Many of you – and you know who you are – worked earnestly hand-in-hand with me and our leadership team to help foster this favorable outcome. I can’t thank you enough for your efforts, but will do so much more thoroughly in the future.

As you also are aware, we have much more work to do to ensure that those public employees who are affected by this pandemic are appropriately recompensed, and we will work just as diligently to see that through. ...”

Notwithstanding all the subjects outlined in our legislative agenda, NYSPEC's immediate efforts going forward legislatively will be a concentration on COVID-19 issues impacting public employees. Barring any miraculous preventions/cures for this destructive disease, best guess is that the legislature will most likely focus chiefly on it for the foreseeable future.

Finally, because of the unique and unprecedented pandemic situation we all are in, this "annual" legislative report may actually be an interim one, so circumstances may necessitate its updating at year's end. A special session of the legislature following the end of the scheduled session has rarely convened in past years, especially during the few weeks after NYSPEC's convention/annual meeting, which typically occurs in early December. However, 2020 has surprised us in so many ways that we should be ready for anything. Standing by!

I speak not only for myself, but for NYSPEC's long-standing Legislative Director (and former Chairman of the Board) Lou Matarazzo as well: It is an honor and privilege to be part of NYSPEC's efforts to foster legislation on behalf of public employees and their families.

Respectfully submitted,
Bing Markee
Chair, NYSPEC Legislative Committee
November 10, 2020

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