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# NY RISING

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# **NY RISING**

**2013 State of the State  
Governor Andrew M. Cuomo**



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## **GOVERNOR ANDREW M. CUOMO NY RISING**

Two years ago, I said we were at a crossroads; that New York needed to chart a new course and begin a journey to rebuild our state. It was imperative that we restore the public trust and renew the dream and reverse decades of decline.

We started a New York comeback. The core elements of a New NY are: attract good jobs and economic growth; create a world-class education system that prepares the next generation for the future; establish fiscal integrity and discipline; and restore New York as the progressive capital of the nation.

As Al Smith said, “Let’s look at the record.”

Gone is the obstructionist state bureaucratic culture; replaced with a new “entrepreneurial government.”

Gone is the tax capital mentality; replaced with a property tax cap, a new pension system (Tier VI) and the lowest middle class tax rates in 58 years.

Gone is the anti-business mentality; replaced with regional collaboratives and a new public-private partnership.

Gone is the political gridlock; replaced with a government that works for the people.

Our State Capitol is restored physically and symbolically, and our government is performing better than it has in decades.

We set out to bridge the divide between yesterday and tomorrow, what was and what can be, dysfunction and performance, cynicism and trust, gridlock and cooperation to make government work.

And we are.

Look at our progress on replacing the Tappan Zee Bridge. We did in one year what was only talked about for the past ten years. The new Tappan Zee Bridge is BIG, BOLD and BEAUTIFUL.

My friends, I would like to say that our job is done. But, we have much more to do.

The national economy is better than it was, but it is not driving recovery at a fast enough pace.

Our mantle as the progressive capital is a continuing responsibility.

Upstate New York needs more investment.

All children are not being educated to the fullest.

Women are not treated equally and fairly.

Mother Nature has not been kind to us.

But our accomplishments over the past two years show us that one thing is clear: We can defy the odds and deny the naysayers. We can accomplish anything together.

So let us begin.





# **1. Economic Development**

For too long, New York State's economy lagged behind much of the nation. Our state had experienced substantial job losses and the exodus of businesses. State government struggled under staggering budget deficits and failed economic development policies. Changing the future of our state required reviving our economy. Governor Cuomo's top priority from the day he took office has been strengthening New York's economy and creating jobs.

To achieve that goal, the Governor thoroughly redesigned the State's economic development strategies through the creation of Regional Economic Development Councils, which replace top-down development strategy with an approach that enables each region of the state to shape its own economic

future. The ten Regional Councils brought together stakeholders from labor, business, and academia to develop long-term strategic plans based on each region's specific priorities and unique resources. The Governor also realigned State resources and regulations to support the Regional Councils and eliminate barriers to economic development. These Councils were part of a process that awarded \$785 million in grants for job creation and community development in 2011, and \$738 million in new State funding and tax incentives in 2012.

The New York Works program, a centerpiece of the Governor's Open for Business agenda, exemplifies an entrepreneurial model of government. New York Works fosters an innovative and synergistic strategy between government and the private sector, allowing the State to leverage scarce resources by generating significant private-sector investment. The New York Works Task Force, composed of leading finance, labor, planning, and transportation professionals, is charged with reinventing state economic development by coordinating capital plans across 45 agencies and authorities, overseeing investment in projects, and accelerating hundreds of vital projects across the state,

including improving 55 parks and historic sites, inspecting and repairing 114 dams and flood protection and coastal erosion projects, repairing 2,100 miles of roads, and improving more than 100 bridges.

Governor Cuomo, working with the State Legislature, enacted a new law allowing the use of design-build techniques on New York Works projects.<sup>1</sup> This streamlines the contracting process by holding a single contractor accountable for both the design of the project and its actual construction, with the potential to save 9 to 12 months on the project timeline for bridge repair and construction.

The centerpiece of the New York Works infrastructure program is the replacement of the Governor Malcolm Wilson Tappan Zee Bridge in the Hudson Valley, which has been needed for years. Plans for a new bridge were announced more than ten years ago. The State held 430 public meetings and explored 150 different bridge concepts. But New Yorkers still had not seen any results. Governor Cuomo put forward a plan for a new bridge that considered the future transit needs of the region; the plan increases lanes for drivers, creates emergency lanes and shoulders to handle accidents, includes a pedestrian and bike lane for the

benefit of local communities, and will boost the economy of the region by creating and sustaining 45,000 jobs. And about one year later, on December 17, 2012, the Thruway Authority awarded a contract for the new bridge at a cost \$800 million less than the next lowest bidder and approximately \$2 billion less than the original estimate. Work on construction will begin in 2013.

New York's typically high energy costs have long been a barrier to growth of the state economy. The Energy Highway initiative, introduced in the 2012 State of the State address, is a centerpiece of the Governor's Power NY agenda, which was put in place to ensure that New York's energy grid is the most advanced in the nation and to promote increased business investment in the state. In October 2012, the Energy Highway Blueprint was launched, identifying specific actions to modernize and expand the state's electric infrastructure. The comprehensive plan, supported by up to \$5.7 billion in public and private investments, will add up to 3,200 megawatts of additional electric generation and transmission capacity and clean power generation.

Knowing that New York's future economy lies in innovation and high-technology as well as in the traditional transportation of goods and people, Governor Cuomo also launched NYSUNY 2020—a sustained, competition-based model to support job growth through our universities. The NYSUNY 2020 Challenge Grant Program, a joint program between the Governor and the State University of New York (SUNY), supports individualized long-term economic development plans on SUNY campuses and in the surrounding communities. The program enhances SUNY's academic mission, maintains academic affordability, and places college campuses across New York at the center of the state's regionally based economic revitalization strategy. The 2012-13 budget included capital funding in the amount of \$60 million for a second round of up to 12 challenge grants funded by the State and SUNY.

The model follows a strategy Governor Cuomo announced in a landmark deal that signaled an important change in the direction of the state. In September 2011, the State entered into an agreement for a joint \$4.4 billion investment with five international technology companies, including IBM and Intel, that

would make New York the international center of next-generation computer chip technology. The investment will establish research and development facilities throughout the state, creating and retaining nearly 7,000 jobs.

New York's diverse economy is driven by other industries as well. Tourism, for example, is a significant contributor to the economy of New York, directly supporting nearly 500,000 jobs and generating tens of billions of dollars in revenue for New York businesses. To support the state's tourism industry in 2012, Governor Cuomo launched summer and fall advertising campaigns that used the iconic "I Love NY" logo to promote New York's unmatched vacation destinations, and also launched the "Path Through History" initiative to better highlight New York's rich heritage.

Another economic mainstay is New York's film and television industry, one of the most robust in the nation, and supporting hundreds of thousands of jobs and billions of dollars in economic impact. In July, Governor Cuomo signed legislation to help attract post-production work to the state, particularly upstate communities. A number of major film and television

productions have cited the State's program as a leading factor in their decision to film and produce in New York.

No element of New York's economy is more important than small businesses, which compose 98 percent of all businesses and employ more than half of the private sector workforce in New York. To support the development of small businesses, Governor Cuomo created a statewide small business outreach initiative to help this vital sector grow.

Helping emerging businesses is also at the heart of New York's support for the burgeoning Greek yogurt industry. Greek yogurt has become wildly popular across America, and New York State has quickly become the yogurt capital: since 2000, the number of yogurt processing plants in New York has more than doubled, and over the past six years the amount of milk used to make yogurt in New York increased from 158 million pounds to about 1.2 billion pounds. Governor Cuomo hosted New York's first Yogurt Summit to hear first-hand from industry leaders, farmers, and other stakeholders about ways to remove barriers and support further growth of the industry, and announced new actions to help dairy farmers increase milk production, better manage the large amount of waste

produced by cows, and save money on energy costs by turning waste into a renewable source of energy.

The approach worked so well that the Governor applied this same technique to supporting New York's 450 wineries, breweries, distilleries, and cideries, which account for more than \$22 billion in economic impact each year and support tens of thousands of jobs statewide. The Governor signed a legislative package providing critical incentives and tax relief for New York State's craft and farm brewers, which support more than \$200 million of annual economic activity. Following the State's first Wine, Beer and Spirits Summit, which again brought experts and government officials together, the Governor announced plans for a new marketing campaign to promote production, sales and tourism, as well as a series of regulatory reforms that will significantly reduce business costs for beverage producers.

### **Higher Education Centers as Job Generators**

This year's economic development program will build upon the work of the Regional Economic Development Councils as well as the partnership with

higher education, because New York's one-two punch is jobs and education.

### **The Challenge: Tech Transfer—from Academia to Commercialization**

The knowledge-based economy and global competition make it more important than ever that New York State becomes the leader in innovation and new business creation. New York possesses one of the best-educated workforces, due to the state's many colleges, universities and other research institutions that lead the nation.



***Many of the country's most significant high-tech economic clusters owe their success to technology transfer. Since the research at Stanford University and the University of California at Berkeley spawned Silicon Valley in the 1950s, a number of highly successful university-driven economies have emerged in the U.S.***

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In fact, New York has all of the ingredients to make this state the leader in economic opportunity if we harness our assets more effectively by facilitating the process of commercializing academic ideas or

inventions and building companies around them. This is a process that can be broadly described as “technology transfer” or “tech transfer.”

Many of the country’s most significant high-tech economic clusters owe their success to technology transfer. Since research at Stanford University and the University of California at Berkeley spawned Silicon Valley in the 1950s,<sup>2</sup> a number of highly successful university-driven economies have emerged in the U.S. These include Research Triangle Park in North Carolina, which is driven by the three research universities there; Austin, Texas, whose success is tied to the University of Texas at Austin; and Cambridge, Massachusetts, as a result of work done at Harvard University and the Massachusetts Institute of Technology. The economic strength of these regions is the direct result of the creation of a comprehensive technology transfer infrastructure, which includes state-of-the-art research and development, the licensing of patented inventions, pilot prototyping, workforce training, and partnership with industry.

Although there have been some noteworthy success stories, New York has not done as good a job as these other areas in leveraging its research strengths to drive economic growth.<sup>3</sup> A 2010 Report by the Task Force on Diversifying the New York State Economy



***New York only ranks  
22<sup>nd</sup> in industry  
sponsored research  
compared to North  
Carolina, which is 1<sup>st</sup>.***

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through Industry-Higher Education Partnerships<sup>4</sup> found that while New York was near the top nationally in total research expenditures, it lagged significantly behind other states in successfully commercializing those research ideas.



## Troubling “Tech Transfer” Facts

<b>1.</b>	New York universities rank <i>second</i> nationally in total research spending with nearly \$4 billion spent annually (California ranks first with \$6.5 billion), but <u>only 4.6% of that total is sponsored by industry, ranking New York 22nd among states</u> (North Carolina ranks first with 13.6%, the national average is 5.4%). <sup>5</sup>
<b>2.</b>	New York attracts <u>only 4% of the nation’s venture capital investment</u> (California attracts 47%). <sup>6</sup>
<b>3.</b>	New York’s colleges incubate fewer new companies, with 35 start-ups launched in 2007 (California schools had 58 and Massachusetts schools, 60). <sup>7</sup>
<b>4.</b>	New York is home to relatively few fast-growing technology companies, with 11 of the companies on the Deloitte Technology Fast 500 List (as compared with California’s 169 and Massachusetts’ 46). <sup>8</sup>

The most notable success story in commercializing research in New York State is probably the College of Nanoscale Science and Engineering (“CNSE”) at the State University at Albany. CNSE has become a major economic driver in the Capital Region and beyond.<sup>9</sup> This economic cluster stretches from the IBM Hudson Valley Research Park in East Fishkill through CNSE, to the Global Foundries computer-chip fabrication plant in Saratoga County. There is no better evidence of the power of an economic cluster to spur growth than Governor Cuomo’s success in attracting a multi-billion dollar private investment to create the next-generation nanotechnology microprocessor.<sup>10</sup>

The job-creating potential of business-academic partnerships was a critical component of Governor Cuomo’s NYSUNY 2020 program, which guaranteed steady funding for public institutions of higher education throughout the state while creating more predictable tuition rates and offered Challenge Grants to SUNY schools that successfully developed plans to invest in research facilities designed to support job creation and economic development.<sup>11</sup>

To further energize economic growth, Governor Cuomo is proposing a bold program to accelerate the

commercialization of good ideas and the creation of new businesses to take them to market. These steps will remove barriers between the laboratory and the marketplace through cluster- or technology-focused business incubators, better linking of academia and businesses to develop commercially-viable ideas, engagement of successful entrepreneurs as export mentors, improved access to critical early-stage funding, and tax incentives to build the resulting companies here in New York.

The Governor's plan will take the following multi-pronged approach:

***Create "Innovation Hot Spots"***

To facilitate growth, Governor Cuomo will launch the Innovation Hot Spots Program. The program will create or designate ten higher education-private sector high-tech innovation incubators for start-up companies through a competition. Each Regional Economic Development Council will designate a newly created or existing incubator program as the Innovation Hot Spot for the region, and five winners among the REDC

regions will be designated annually for two years and receive benefits and support.<sup>12</sup>

### ***Hot Spots will be Tax-Free Zones***

Winning Innovation Hot Spots will be tax-free zones, where start-ups and other businesses will not be subject to business, real property, and sales taxes. To help keep entrepreneurs and companies in New York as they grow, any company that emerges from the incubator will be considered part of tax-free Innovation Hot Spots under which neither these companies nor their full-time employees will pay designated taxes for the first five years of the companies' existence.

These incubators will help to foster innovation by offering inventors and entrepreneurs a low-cost and supportive environment in which to work. Winning hot spots will provide start-ups with growth support funding through a one-stop shop for services such as legal and accounting, as well as with office space, networking and other technical assistance.

***Changing the Culture of Academic Commercialization  
in New York: Create the Innovation NY Network***

Culture and regulations can be major barriers to commercialization of academic ideas in New York. Therefore, to break down these barriers Governor Cuomo proposes creating the Innovation NY Network—based, in part, on the CONNECT model in San Diego<sup>13</sup>—to build collaborations among academics, venture capitalists, business leaders, patent lawyers and other professionals and entrepreneurs to facilitate and grow the commercialization process. The Innovation NY Network will also examine regulations around intellectual property and other regulatory barriers that slow or thwart commercialization efforts.

Governor Cuomo has tasked Jim Simons, mathematician and investor; Dr. David Skorton, President of Cornell University; and Dr. Tim Killeen, President of the SUNY Research Foundation, to be the Innovation NY Network organizing members.

### ***Foster Investment through a NYS Innovation Venture Capital Fund***

The State will foster these hot spots and other commercialization efforts through a \$50 million Innovation Venture Capital Fund.<sup>14</sup> This fund will provide incentives for successful start-ups to stay in the state and grow, including small “angel” investments to overcome the “valley of death” issue many of these companies face.<sup>15</sup>

Support from the Innovation Venture Capital Fund will help these entrepreneurs make the transition from research and other ideas through prototyping and ultimately to the creation of marketable products by providing critical seed and early-stage funding to bridge the gap to a point where these entrepreneurs can attract institutional venture capital.<sup>16</sup>

## **Reducing Business Costs: Workers' Compensation and Unemployment Insurance Reform**

### ***Reforming the State's Unemployment Insurance System***

New York State's Unemployment Insurance ("UI") system is broken. For the past four years, the State's UI system has not had enough funds to pay for claims filed by unemployed workers. As a result, the State has been forced to borrow funds from the federal government to cover the difference, and employers are saddled with paying a \$3.5 billion debt with interest.<sup>17</sup> In fact, only one state has borrowed more from the federal government to cover claims. The Governor is proposing significant reforms that will make the system sustainable, self-correcting and modern for the first time in the history of the State.

As currently designed, the State's UI system cannot withstand fluctuations in the economy without borrowing from the federal government, exposing employers to significant and unpredictable liabilities. In fact, the system has been either insolvent or on the brink of insolvency for over a decade. Further, the system is out of sync with current economic realities,

with benefits to workers remaining stagnant since 1999. Thirty states have a higher maximum benefit than New York, including New Jersey, Connecticut, and Massachusetts, who have a maximum benefit of \$611, \$648, and \$979, respectively.<sup>18</sup>

The Governor proposes reforming the system through a variety of measures. With an updated financing plan, employers will pay off the federal debt by 2016, rather than 2018, thereby saving businesses \$180 million in interest assessments. Doing so also enables the State to begin building reserves in the trust fund at an earlier date. Further, the State will build and maintain reserves sufficient to pay claims as the economy fluctuates. This measure provides employers with predictability, because it decreases the risk of having to borrow to cover future claims. Importantly, the reforms will decrease cost to employers by a total of approximately \$400 million.

The State will also realign incentives to increase claimants' likelihood of finding work and make it more difficult for bad actors to misuse the system. In this regard, we will also recalibrate and refocus tools in the system to combat, discourage, and penalize fraud. Not only will this reform increase revenue, it will also result

in system savings. This proposed reform will also bring relief to employers long frustrated by unfair and inequitable UI charges precipitated by former employees who have resigned voluntarily or have been terminated for misconduct. Finally, the proposed modifications will bring New York's system and benefits into alignment with those of other states to improve competitiveness with our neighbors.

The State's UI system is in desperate need of reform for both employers and workers. The Governor's proposal brings needed relief and creates a system that will endure and serve New Yorkers well for generations.

### ***Providing Workers' Compensation Relief to Businesses***

Within the first year of his administration, Governor Cuomo fully implemented the legislative workers' compensation reforms passed in 2007, increased administrative efficiency, and improved medical care to injured workers. However, significant improvements to the New York State workers' compensation system are still needed to restore the State as a national model. The Governor has cultivated

an environment of continuous improvement and laid out a comprehensive plan to vastly improve the workers' compensation system in New York. In 2011, he launched a modernization program that will leverage modern technology, national standards, and reengineered business processes to improve service quality and reduce costs in New York.

In addition to those efforts, the Governor plans to introduce legislation that will continue to reduce the cost and improve the administration of workers' compensation for New York's businesses and workers.

The legislation will:

- Provide savings to New York State's employers;
- Eliminate unnecessary friction in the system;
- Alleviate, and ultimately resolve, the burden facing employers who are members of an insolvent Group Self-Insurance Trust ("GSIT");
- Simplify and reduce assessments on employers;
- Promote system-wide transparency, efficiency, equity, and consistency; and
- Create more competition in the insurance marketplace.

This legislation achieves these benefits by, among other things, closing unnecessary funds, establishing a bonding program, and establishing a pass-through assessment process.



***The proposal to reform the Workers' Compensation and Unemployment Insurance programs will result in \$1.3 billion in savings to businesses.***

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***Providing Relief to Businesses and Protecting Injured Workers by Resolving Employer Group Self-Insurance Trust Liability***

Governor Cuomo's proposal will enable 10,000 businesses to reasonably settle their existing claim liabilities with the State and simultaneously protect future benefits of injured workers. Beginning in 2006, due to the negligence of many involved in the group trust business, a large number<sup>19</sup> of group self-insurance trusts ("GSIT") began to default. Statutory changes<sup>20</sup> in 2008 enhanced the Workers' Compensation Board's ability to pursue action against responsible parties. The 2011 Executive Budget effectively capped the potential

for future defaults by closing the group self-insurance trust program to all but the healthiest GSITs. However, the defaulted trusts (and, as a result, the State) are still saddled with significant liabilities.

A system-wide solution is required to minimize the potential costs of doing business in New York currently faced by healthy self-insurers, and to provide the 10,000 businesses that are affected by GSIT insolvencies with repayment mechanisms that feature easily attainable repayment options resulting in final releases. The Governor's proposed legislation will implement a bonding program and the proceeds of the bond sale will go to purchase assumption of liability policies for claims associated with defaulted GSITs. The State can then offer much more flexible repayment plans that will ultimately result in settlement and release for insolvent GSIT members. The legislation will provide immediate savings to these employers, capping employers' outstanding liabilities and giving employers an opportunity to resolve their respective obligations.

***Increasing Cost Predictability, Financial Sustainability and Transparency with a Pass-Through Assessment***

The Governor's proposed legislation makes workers' compensation assessments more equitable and transparent, thus producing a more efficient marketplace. Over the life of the workers' compensation system, separate assessments have been established and annually charged to New York businesses to fund a variety of expenses. These various assessments are billed separately by the State, creating an overly complicated process to fund the workers' compensation system. Additionally, what a particular business pays in assessments differs depending on how a business chooses to insure its workers.

The Governor is committed to maintaining the current competitive marketplace for workers' compensation coverage. However, the existing assessment process places a disproportionate burden on long-term self-insurers and does not permit employers to easily change coverage types.

Therefore, the Governor's proposal will combine all of the workers' compensation assessments into one assessment<sup>21</sup> and create a single process for calculating

assessments irrespective of how an employer maintains workers' compensation coverage. The assessment will be calculated based on the overall anticipated yearly expenses of the workers' compensation system and will be assessed upon all employers based on an equitable and transparent formula. Additionally, the calculation of a single assessment rate will be more efficient for the State to administer and will lessen the carriers' administrative burden of assessment collection and payment.

### ***Reducing Costs for All Stakeholders by Closing Unnecessary Funds***

The legislation reduces costs for New York businesses by closing unnecessary funds. For example, the legislation would close the fund for reopened cases to generate an immediate annual assessment savings to New York State employers of approximately \$300 million.<sup>22</sup>

The proposal is a part of the Governor's long-term plan to improve the workers' compensation system in New York State. It will provide greater transparency, equity and security to all stakeholders without infringing upon the rights of injured workers.

## **Economy of Tomorrow: Make New York the Leader in the Clean Tech Economy**

Governor Cuomo has implemented innovative policies to spur the clean tech economy, including the NY-Sun solar program, the first statewide on-bill energy efficiency financing program in the nation, and a permanent Article X energy siting law that included carbon dioxide emission standards. Governor Cuomo will continue his bold clean tech economy program with the following proposals.

### ***Create a \$1 Billion Green Bank to Leverage Public Dollars with a Private Sector Match to Spur the Clean Tech Economy***

New York State needs an expanded and diversified supply of clean energy to move ahead in the 21<sup>st</sup> century. While the effects of climate change are sufficient reason to go forward on this front, the added promise of uniquely beneficial job creation<sup>23</sup> and a diminished reliance on external energy sources make the pursuit of a clean economy a critically important goal.

Governor Cuomo proposes to create a \$1 billion NY Green Bank to leverage public dollars with a private-sector match to spur the clean economy. A NY Green Bank offers a cost-effective market mechanism to capitalize on this opportunity, unleashing green technologies and the many benefits that will come with them.<sup>24</sup> The NY Green Bank staff would also serve a coordinating role to enhance the collective strength of all State clean energy programs, including those outside their immediate purview. Currently, various New York State entities collect and spend \$1.4 billion<sup>25</sup> per year on renewables and energy efficiency. Approximately 80 percent of this funding—or \$1.15 billion—comes in the form of one-time subsidies. In spite of this level of spending, the State is far from realizing its clean energy goals.<sup>26</sup> So while subsidies are important, it is becoming evident that they alone cannot achieve the level of clean energy deployment necessary.

Our state has a track record of being at the forefront of environmental and energy policy innovations. Notable among them is the Regional Greenhouse Gas Initiative, which lowers carbon emissions through the use of a market-based cap-and-trade system.<sup>27</sup> The NY Green Bank is another forward-

looking way for our state to lead on energy policy and improve our residents' economic prospects and quality of life. The benefits of early innovation will be tremendous, as we see states around the nation moving quickly to catalyze their clean and renewable energy sectors.<sup>28</sup> In Connecticut, a Green Bank bill passed in the state legislature with significant bipartisan support, which is an important indication of this idea's promise and broad appeal.<sup>29</sup>

The NY Green Bank would overcome a number of obstacles and uncertainties in the clean energy sector, including unstable federal funding and policy,<sup>30</sup> uncoordinated action and disparate one-time subsidies at the state level, a lack of appropriate financial instruments,<sup>31</sup> and apprehension in the investor community.<sup>32</sup> The lowering of other barriers would enable clean energy markets to function more fluidly, connecting green projects with investors and capital. Product awareness would be raised, contract processes standardized to reduce transaction costs, and informational deficiencies about loan performance for energy efficiency mitigated. Smaller green technology projects that individually may not be large enough to attract capital can also be aggregated.

The NY Green Bank leverages private capital in a fashion that mitigates investment risk, catalyzes market activity and lowers borrowing costs, in turn bringing down the prices paid by consumers. Through the use of bonding, loans and various credit enhancements (e.g., loan loss reserves and guarantees), a Green Bank is a fiscally practical option in a time of severe budget conditions. Many public credit and investment programs require only a small amount of government funds, even holding taxpayers harmless or acting as money makers.<sup>33</sup> And along with these benefits, the long-term public and social benefits of a robust and clean economy are virtually incalculable.



***NYS collects and spends approximately \$1.4 billion annually on energy efficiency and renewable energy, and, despite all of this spending, NYS is not on track to achieve its clean energy goals.***

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### **Summary of Benefits of Creating a Green Bank**

1. Hasten the transition to a clean economy and environment in New York State by lowering capital costs and bringing green energy to scale.
2. Lower consumer prices for renewable and efficient energy sources.
3. Bring well-paying jobs to New York State that support employment across skill and education levels.
4. Build an integrated state approach to clean energy investment and innovation.
5. Hold taxpayers harmless while encouraging more vibrant private market activity in clean energy.
6. Making the exchange of information and capital more fluid in the clean energy market (contract standardization, information dissemination, etc.).

To fund the Bank, a portion of Energy Efficiency Portfolio Standards, Renewable Portfolio Standards, and/or System Benefit Charge funds will be leveraged to attract private investment, and the State will support new borrowing by the Green Bank to support loans for energy efficiency improvements. In addition to its loan

and intermediary roles, the Bank will engage in contract standardization, data collection and dissemination, and project aggregation so that green opportunities can be matched with green investments.

### ***Extend the NY-Sun Solar Jobs Program***

Last year Governor Cuomo created the NY-Sun solar jobs program to bolster the use of solar power in New York, while also protecting the ratepayer. The goal of NY-Sun is to install twice as much customer-sited solar photovoltaic capacity in 2012 as was added in 2011, and to quadruple the 2011 amount in 2013. The NY-Sun program is authorized through 2015. This year, Governor Cuomo proposes<sup>34</sup> to extend the successful NY-Sun program, continuing through 2023 the existing annual funding levels established under the program.<sup>35</sup>



***The long-term solar jobs program will be funded at \$150 million annually for ten years to increase solar panel installations for homes and businesses.***

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The extended solar jobs program will provide longer program certainty to solar developers than

current programs, funded through 2015, and is expected to attract significant private investment in solar photovoltaic systems, enable the sustainable development of a robust solar power industry in New York, create well-paying skilled jobs, improve the reliability of the electric grid, and reduce air pollution.

The NY Sun Act provides administrative flexibility to the New York State Energy Research and Development Authority (NYSERDA) and our other energy agencies and authorities to design the most cost-effective programs and to respond to changing market conditions. The Act will also require that incentives take into consideration a number of key features that will maximize benefits to New York. First, programs will need to attract a diversity of project sizes, which will in turn support a diverse set of residential and commercial customers and a diverse set of large and small solar businesses. Second, incentive structures will take into account the value of solar photovoltaic systems that are assembled in New York State to encourage installers to support in-state suppliers. Third, the programs will take into consideration areas of the grid that could benefit the most from distributed solar generation (e.g., areas where improvements to local transmission and

distribution systems could be avoided or delayed by solar installations).

The long-term commitment to solar energy represented by NY-Sun will make New York State a leader nationally in solar development.

### ***Create the Charge NY Plan***

It is projected that with the adoption of a supportive set of policies,<sup>36</sup> the number of plug-in electric vehicles (PEVs) on the road in New York State could increase from less than 3,000 today to 30,000-40,000 in 2018 and one million in 2025.<sup>37</sup> Accelerating the replacement of less fuel efficient vehicles with PEVs benefits air quality and public health, reduces carbon and other emissions that contribute to climate change, and supports energy security efforts. The State can foster consumer transition to plug-in electric vehicles through a combination of PEV charging installations, consumer incentives and education, and regulatory reform.<sup>38</sup>

Our policy focus is to provide effective support for PEV ownership and use over the next five years in order to lay a foundation for greater private investment

and deployment in the future. Increasing PEV ownership requires increasing the availability of charging stations. To support 40,000 PEV vehicle sales in New York over the next five years, the state would need over 3,000 charging stations based on Electric Power Research Institute calculations. There are currently about 800 installed or planned electrified parking spaces in the state.

The Governor's proposed initiative calls for \$50 million spent over five years, including funding from the New York Power Authority (NYPA), NYSEERDA, and tax credits to create a statewide network of 3,000 public and workplace charging stations, and funding primarily from investor-owned utilities for incentives for PEV deployment.

EV-readiness requires supporting PEV purchases, use, and education through a wide variety of channels. New York State will increase its EV-readiness by:

- **Installing more than 2,500 public and workplace charging stations statewide by 2018 in areas where PEV users drive.** This includes municipal and private parking lots, transit stations and park-and-ride lots, retail and tourist destinations, major travel corridors, and

workplaces of all sizes, including state government lots.

- **Reforming regulations at the State and local level to facilitate PEV charging.** At the State level, this includes providing utility time-of-use rates which are practical and beneficial to PEV owners, creating utility rebates for PEVs and/or charging equipment, and clarifying ownership of public charging stations and billing mechanisms available to them. At the local level, this requires streamlining permitting for charging stations and updating zoning, parking ordinances and building codes to encourage charging station installations.
- **Educating consumers and policymakers about the benefits of PEVs.** Many drivers currently have only a vague understanding of plug-in electric vehicles. Similarly, many local policymakers currently do not know what they can do to help bring PEVs to their communities. Greater public outreach and education is necessary to build comfort with PEVs.<sup>39</sup>
- **Demonstrating benefits of PEV technologies in the State fleet. The State fleet can be used to test and demonstrate advanced PEV technologies to the public.** Some fleets of government or commercial vehicles could benefit from technologies such as battery swapping, whereby vehicles can be “refueled” by replacing the battery, rather than recharging it. This approach (which to date is utilized only by Renault and available in some European

markets), significantly reduces the time necessary for recharging. Similarly, strategically locating “fast charging” stations, which are capable of charging vehicles to 80 percent capacity within 30 minutes, would be useful for State vehicles that travel consistent long-distance routes, as well as the driving public.

### ***Create a Cabinet-Level Energy Czar***

Energy is the engine of any modern economy. Without it, everything comes to a halt. As our recent storms have shown us, we need a more resilient energy infrastructure; we need to reduce our consumption of energy that contributes to climate change; and, we must do all of this while keeping rates down. To achieve this goal we must develop a self-sustaining clean energy economy that will deliver both new jobs and cleaner air.

New York has immense resources, nationally recognized clean energy programs, and some of the smartest, most innovative, and hardest-working people in the world.

To plan and execute this strategy, Governor Cuomo has asked Richard Kauffman to join his Cabinet as Chairman for Energy Policy and Finance for New York State. Mr. Kauffman has worked in energy and

finance at the highest levels in both the public and private sector. A senior advisor to the nation's Secretary of Energy Steven Chu, Mr. Kauffman is one of the country's leading experts in private sector investment in clean energy.

Mr. Kauffman was Chief Executive Officer of Good Energies, Inc., a leading investor in renewable energy and energy efficiency technologies. He was previously a partner at Goldman Sachs, where he chaired the Global Financing Group. He also served as co-head of banking at Morgan Stanley.

Mr. Kauffman will direct the state's energy policy through a newly formed energy subcabinet. One of his first responsibilities will be to develop the Governor's newly proposed NY Green Bank. Mr. Kauffman will be a significant addition to State government, and another example of New York's ability to attract the most stellar talent in the field.

## **Preparing the Workforce of Today and Tomorrow**

Our current workforce training is from a different era, and we must now retool our efforts to better match and train our workforce for the jobs of today and tomorrow.

Employers today are in need of workers with the particular skills to meet their specific needs and our job training must be designed to work with employers to produce the trained personnel they need.

This need has resulted in employers moving jobs from overseas back to the U.S. in search of highly skilled labor. We are seeing that trend bear fruit here in New York already:

- Samsung and TSMC became part of the Global 450 Consortium at the Albany Nano Complex.
- D'Addario & Company, a 4th generation Long Island manufacturer of musical instruments and accessories, brought printing and guitar strap operations back from overseas.
- Alpina Foods from Columbia opened a yogurt manufacturing operation in the Genessee Valley Agri-business park.

Creating economic opportunity for New York State employers and job-seekers requires an education

and training system that is driven by employer demand and aligned with available and emerging job openings.



***As of the end of August, New York State private-sector employers had an estimated 210,000 unfilled jobs. Almost half of U.S. companies report difficulty filling job openings—often due to a mismatch between the skills of the labor force and the specific needs of employers.***

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As of the end of August, New York State private-sector employers had an estimated 210,000 unfilled jobs.<sup>40</sup> Almost half of U.S. companies report difficulty filling job openings.<sup>41</sup> These facts point to a mismatch between the skills of the labor force and the specific needs of employers. They also suggest a significant opportunity for New York State residents and employers if we can effectively link job-seekers with the skills they need to succeed in today's economy.

Looking beyond existing job openings, the State's second challenge is to prepare its workforce for the jobs of the future. Between 2008 and 2018, occupations requiring at least an associate degree are projected to grow more than three times faster than those requiring

only short-, moderate-, or long-term on-the-job training.<sup>42</sup> New York will create 2.8 million job vacancies from 2008 to 2018 both from new jobs and from job openings due to retirement. Of these job vacancies, 1.8 million will be for workers with postsecondary credentials, 750,000 for high school graduates and only 287,000 for high school dropouts.<sup>43</sup>

**Chart 1.1: Estimated NYS Job Openings**

Industry	Estimated NYS Openings
Total private	210,000
Construction	4,000
Manufacturing	10,000
Trade, transportation, and utilities	36,000
Retail trade	22,000
Professional and business services	47,000
Educational and health services	57,000
Health care and social assistance	47,000
Leisure and hospitality	24,000
Arts, entertainment, and recreation	4,000
Accommodation and food services	20,000

Source: Bureau of Labor Statistics Job Openings and Labor Turnover Survey, August 2012.

We must train our workforce to fill existing job openings, and also realign the state’s education and training systems so that we are preparing New Yorkers for the jobs of today as well as those that will be in demand over the next five to 10 years.

## Create the Next Generation Job Linkage Program

New York State enacted legislation in 1948 to establish our community colleges under the new State University of New York system. As first envisioned, community colleges were created in direct coordination to existing industry needs for technical workers with education beyond a high school degree. The language used to describe this system at the time still resonates today: “All of this movement is a natural outcome in a society whose economy stems from high technological development.”<sup>44</sup>

Sixty-five years later, SUNY’s 30 community colleges enroll more than 242,000 students<sup>45</sup>—one-third of whom are enrolled in workforce-focused degrees and credentials<sup>46</sup>—and CUNY’s seven community colleges enroll nearly

100,000 students, with more than half in workforce programs.



***As first envisioned, community colleges were created in direct coordination to existing industry needs for technical workers with education beyond a high school degree.***

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It is time once again to modernize and realign our education system so we train students to succeed in today's high-skills economy. We must reimagine our SUNY and CUNY community colleges to train students for jobs identified in partnership with the Regional Economic Development Councils and private employers.

How will we accomplish this critical challenge? By following two main objectives:

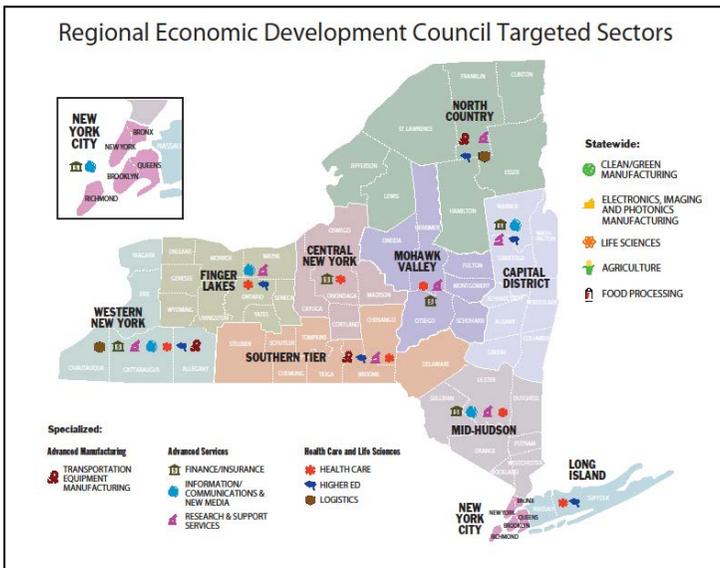
First, build regional partnerships with employers and Regional Economic Development Councils to train for unfilled and high-demand jobs.

Second, start paying for performance based upon student success—like models pioneered in Florida and now found in other states like Ohio and Washington.

### ***Partnering with the Regional Economic Development Councils and Local Employers***

In order to prepare students for high-demand careers, community colleges need real-time information about the positions employers are trying to fill and the skills their workers need.

This effort will build on the success of the Regional Economic Development Councils, which have already identified key economic growth sectors and will help forge even deeper relationships between community colleges and regional employers—so that students can go straight from education into a job.<sup>47</sup>



New York already features powerful examples of the economic potential of this approach.

- In September, Monroe Community College led an effort by SUNY’s Community Colleges, hundreds of employers and other partners to win a \$14.6 million federal grant to design, implement, and deliver a strategic approach to job training and education for high-need industries including nanotechnology and advanced manufacturing.

- The Finger Lakes Community College offers a state-of-the-art viticulture and wine technology program that capitalized on the Finger Lakes Region’s world-renowned wine industry by providing training required in the viticulture industry.
- In 2011, CUNY launched The New Community College—the university’s first new community college in more than four decades—specifically designed to connect field experience with classroom learning and focus on fast-growing fields like health information technology and information technology.<sup>48</sup>

***Paying for Performance: Funding Based Upon Student Success***

Currently, community colleges receive State funds for every student they enroll regardless of whether the program is actually preparing students for available jobs or future economic opportunity.<sup>49</sup> Governor Cuomo proposes to change the paradigm of



***New York State will introduce performance funding for the SUNY Community Colleges—an approach that is paying dividends for other states.***

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State funding for colleges based on performance of student success in the economy.

We will reimagine the system in two ways:

- First, in order to qualify for State funding, community college workforce and vocational programs will be required to be offered in partnership with employers and be focused on high-demand jobs that need to be filled now or that labor market data and the Regional Councils prioritize as helping to prepare for the future.<sup>50</sup>
- Second, New York State will introduce performance funding for the community colleges—an approach that is paying dividends for states like Ohio and Indiana.

For example, Florida—which was a national leader on this issue—rewarded community colleges whose students earn industry certifications and were hired in good-paying jobs.<sup>51</sup> Washington State and Ohio base performance on:

- Building towards college-level skills for remedial students.
- First-year student retention or other measures of progress.
- Earning a degree or certificate or transferring to a four-year institution.<sup>52</sup>



**According to the national policy organization Jobs for the Future, states should consider six elements in developing community college performance funding systems:**

<b>1.</b>	Reward both progress and completion
<b>2.</b>	Protect the academically and economically vulnerable—i.e., do not create a disincentive for community colleges to enroll the students who need help the most
<b>3.</b>	Make the incentive big enough to change institutional behavior
<b>4.</b>	Implement the new funding formula gradually and with predictability
<b>5.</b>	Get buy-in from key stakeholders, including faculty
<b>6.</b>	Introduce performance-based funding in the context of a strategy to improve the performance and efficiency of higher education <sup>53</sup>

New York State's performance funding<sup>54</sup> will begin rewarding community colleges that focus on careers that are in demand by employers in their region,

help students graduate on time with an industry-recognized degree or certificate, and enable students to find or advance in good-paying jobs in their chosen occupation.

### ***Listening to Employers***

It's not enough for community colleges to offer programs in the right industry sectors. They also need to teach the real skills needed (e.g., not just software engineers, but software engineers who are proficient in a certain programming language). The only way to do that is to have employers be part of an ongoing partnership with their local community college. This administration will ensure that community college programs have Advisory Committees that are made up primarily of employers, are aligned with the Regional Councils, and that actually help to shape curriculum, recruitment, placement and evaluation of vocational and training programs—keeping the programs up-to-date so that they evolve with employers' needs.

## ***Reimagining the State's Workforce Development System to Meet the Needs of 21<sup>st</sup> Century Employers and Job-Seekers***

Linking New Yorkers to available jobs must extend beyond the community colleges. It is time to reform the State's workforce training system so that it too works better for job-seekers and employers. New York will reimagine workforce development based on the following principles:

- **Performance:** The State will demand accountability at every level of the workforce system: from state agencies to local Workforce Investment Boards to training providers. Performance will be based first and foremost on whether participants successfully complete training programs that meet the needs of employers and get jobs or advance in a career.
- **Alignment:** The State will target its resources to helping employers fill current jobs and to prepare for the careers of the future. This requires making decisions based on real partnerships with employers and Regional Economic Development Councils and based on data about current and projected job growth and the skills required to fill them.
- **Customer Service:** The State will break down bureaucracy in order to help employers find the qualified workforce they need and to help job-seekers and workers build their skills.

## **Additional Focus on Upstate Economic Development**

We need to continue to focus on Upstate. After decades of decline Upstate needs a major economic boost. Although Governor Cuomo has already done a tremendous amount to revitalize Upstate—the Buffalo Billion, Regional Economic Development Councils, Energy Highway, property tax cap, agricultural initiatives—there is more to be done.

**Chart 1.2: Upstate Lags: Regional Job Growth Over the Past 10 Years<sup>55</sup>**



Source: Economic Modeling Specialists Intl.

### ***Market New York***

Currently, there is no real or coordinated marketing plan for Upstate New York, which has hindered the pace and strength of economic recovery.

Governor Cuomo will create a Market NY program, a new, multifaceted marketing plan to bolster Upstate growth.

***Create the “Taste-NY” Program—Duty-Free Stores to Promote NY-Grown and Produced Products***

New York State’s vibrant agricultural sector is a key component of the state economy, meriting an important place in our economic development agenda. The agriculture sector promotes other economic synergies, as illustrated by the burgeoning Greek yogurt industry and the wine, beer and spirits industries.

New York State has a thriving agricultural and gourmet food economy that produces everything from wine to maple syrup to meats to artisanal chocolates, production that occurs in both rural and urban communities across the state. Yet there is much more that can be done to promote those New York products, provide a consistent market for local producers, and support our tourism industry as well by making New York an unparalleled destination for fine foods.

Promoting New York State’s local-grown and produced products more aggressively can expand markets for our growers and producers, improve rural

economies,<sup>56</sup> encourage healthier food consumption among our citizens, and have a positive effect on energy consumption by reducing the travel distance for foods in our markets.

In support of these objectives, Governor Cuomo will establish duty-free full retail “Taste-NY” stores around New York.

The Taste-NY program will be a comprehensive strategy that combines bricks-and-mortar retail venues with aggressive branding and marketing, especially in supermarkets. In high traffic rest areas, train stations and airports New York, the State will establish “Taste-NY”-branded retail stores, carts, and next-generation luxury vending machines to sell predominantly New York State products.

Significantly, these retail outlets would sell their products free of all sales tax to the consumer. These outlets will sell the full range of New York products—packaged foods (yogurt, juices, bottled water, cheese, ice cream, honey, meats, maple syrup, pasta, syrups, sauces, jams); prepared foods using ingredients sourced from local farms; beverages; local farm produce; and wine and craft beer (where appropriate). Each outlet

will have a distinctive branded appearance, style, and logo to set them apart.

In certain locations, a branded café or restaurant will serve prepared foods to provide healthy, locally-sourced options for families seeking such an alternative especially when traveling. Instead of fast food alone, parents will have an opportunity to buy healthy, locally-sourced food for their children and themselves and do so tax-free.

In addition, the State will work with grocery stores, farms, and other existing outlets to adopt the Taste-NY branding to sell New York State products in a coordinated fashion to maximize the initiative's potential impact. Such a targeted approach to branding has worked well elsewhere.<sup>57</sup> When combined with the



***Taste-NY retail outlets will sell New York grown and produced products tax-free to the consumer.***

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quality and breadth of products made in New York State, the tax-free retail outlets will super-charge the marketing and sale of these products.

The Taste-NY initiative will have numerous benefits. First and foremost, it will benefit New York's agricultural producers. Small growers have difficulty due to fluctuations in yield and growing season conditions. Having a reliable marketing outlet not only helps to address this challenge, but also encourages crop and food product experimentation.<sup>58</sup> A program of this type can also help supply some of the marketing and intermediary distribution activity for small growers, reducing the need for these growers to choose between spending time on improving production or finding markets.<sup>59</sup> The program will enhance the state's brand for high quality food production, with subsequent reputational gains for all New York State food producers.

Taste-NY will also promote tourism in the state as it will both enhance the experience of tourists who shop or eat at the new outlets and indelibly link New York State with fine foods in people's minds for decades to come. Over time, New York's tourism industry will

benefit from that linkage in virtually every part of the state.

In promoting locally produced goods, the program will even have an indirect impact on energy use. Energy costs can be significantly reduced by the consumption of locally grown food products.<sup>60</sup> Finally, New York producers and growers will benefit by increased regional exposure, and direct market enterprises—like wineries and farm markets—will likely see enhanced agri-tourism. New entrants into agricultural markets can gain visibility through the Taste-NY stores, giving them support in the start-up phase of their farming business.

### ***Market Regional Attractions***

Under Market NY, the State will market regional attractions. Currently, the State provides funds to county-specific marketing efforts, which results in counties in the same region competing, not coordinating, with each other and no regional synergy. Under Market NY, regions will collaborate instead of compete.

Moreover, under Market NY, a \$5 million advertising competition will be held for the best regional marketing plans.

### ***Special Events Marketing Campaign***

Also, under Market NY, there will be a marketing campaign around special events. Our challenge is to reintroduce people to the beauty and assets of Upstate New York because if people experience the beauty of Upstate New York, they will come back.

This strategy will focus on current special events and help create new events to highlight Upstate.

### ***The Adirondack Challenge***

Everyone knows New York's Adirondack Park is a fantastic destination for outdoor recreation—bigger even than Yosemite, Yellowstone, Glacier, Grand Canyon and Great Smoky Mountains National Parks combined—home to the High Peaks and thousands of trails that take you to spectacular views.

But the Park also has some of the best whitewater rafting and flat-water paddling in the

nation. The Park boasts 3,000 lakes and ponds, and 30,000 miles of rivers and streams that offer world-class fishing, canoeing and kayaking, and the most challenging whitewater rafting east of the Rockies.<sup>61</sup>

This year, the State will sponsor a national rafting and paddling competition called The Adirondack Challenge.

This new event will focus the world's attention on the unparalleled natural beauty and recreational opportunities of the Adirondacks to attract tourists to Upstate New York.

### ***Increase Upstate Tourism through Destination Resorts/Casino Gaming***

We can also revitalize the Upstate economy by increasing tourism through destination resorts and casinos. Some may say the State is not in the casino business, but nothing could be farther from the truth. The fact is that gaming already exists throughout New York State. Native Americans have five casinos, and there are nine racinos at the race tracks in New York State.<sup>62</sup> In fact, New York State now has more than 29,000 electronic gambling machines,<sup>63</sup> which is more

than Atlantic City<sup>64</sup> and more than any state in the Northeast or Mideast.<sup>65</sup>

New York has three gaming facilities with over 4,000 machines.<sup>66</sup> No casino in Atlantic City, Pennsylvania, or Nevada has over 4,000 machines.<sup>67</sup> We don't fully realize it, regulate it, or capitalize on it, but we have gaming.



***The fact is that gaming already exists throughout the state, but the state is unable to fully capitalize on it.***

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New York State is also surrounded by gambling. States and Canadian provinces<sup>68</sup> just across our borders have legalized casino gambling, and they are the beneficiaries of the tourism, revenue, and good jobs that could and should be in New York. In fact, there are 39 casinos in adjacent states and provinces, and this does not even include the three casinos that are likely coming to Massachusetts, 9,508 slot machines at 14 racetracks in Ontario, and 12,000 Video Lottery Terminals (VLT's) in 2,000 facilities in Quebec.

The State Legislature gave first passage to a Constitutional amendment, which calls for a maximum

of seven casinos in New York State.<sup>69</sup> This year, the Governor will propose a Phase One casino gaming plan to go along with the measure, which must again be resubmitted and approved by the Legislature in 2013 and will then be subject to ratification by the electorate.<sup>70</sup> Governor Cuomo proposes the following elements for the casino gaming plan:

- Begin by locating up to three casinos in Upstate New York.
- No casinos will be located in New York City—the plan is to bring downstate New Yorkers and other visitors to Upstate.
- The Gaming Commission will pick the best locations and the plan must have local government and community support.
- Any revenue raised under the plan will be split 90 percent for education and 10 percent for local property tax relief.

Casino gaming has significant potential to be a major economic engine for New York State. It is estimated that over \$1 billion of economic activity can be generated from casino gaming,<sup>71</sup> and passing a Constitutional amendment would allow New York to maximize and rationalize its opportunities. Limiting casino gambling to no more than seven facilities also

guarantees there will not be an excessive proliferation of casinos within New York State.





## 2. Education

Governor Cuomo has made it his mission to ensure that all New York students receive a quality education. To retain our status as a world leader and strengthen our economic future, we must do more to meet the educational needs of our students—and we must do it better. We have made progress over the last two years, but there remains much work to be done.

New York’s education system has committed teachers and principals; it also has some of the nation’s highest-achieving schools. However, we still face many challenges. Although New York spends more money per student than any other state,<sup>72</sup> New York’s overall performance levels trail the nation and fall short of

ensuring that all students are prepared for college and careers.

 <b>Troubling Facts about New York's Education System</b>	
<b>1.</b>	Only 36 percent of New York's 4th and 8th graders are on-grade-level in reading. <sup>73</sup>
<b>2.</b>	Only 35 percent of 4th graders and 30 percent of 8th graders are on-grade-level in math. <sup>74</sup>
<b>3.</b>	Of the Class of 2011, just one in three students graduated from high school ready for college and high-skill careers. <sup>75</sup>
<b>4.</b>	More than one in four students failed to graduate on time or did not graduate at all. <sup>76</sup>

This failure does not represent the best of who we are as New Yorkers and what we are capable of achieving when we work together to do more and better for our children.

In April 2012, Governor Cuomo convened the New NY Education Reform Commission.<sup>77</sup> Governor Cuomo's charge was clear and comprehensive: develop

an actionable course of reforms based on proven models of success from within New York as well as from other states and nations—to provide the level of educational excellence that New York’s children deserve, that our state’s future economy demands, and that our taxpayers can afford.

Building on the major improvements implemented to date including historic teacher evaluation and property tax cap reforms, the Commission brought together state and nationally-recognized education, community, and business leaders. The Action Plan recently presented to the Governor by the Commission provides a set of recommendations geared towards better educating students and preparing them to enter the workforce.

Governor Cuomo will begin to implement those recommendations with the greatest potential to help our children and youth succeed from cradle to career. Looking ahead, Governor Cuomo’s efforts will focus on:

- Extending learning time and opportunities for students;
- Providing quality full-day pre-kindergarten programs in the highest need communities;

- Strengthening support systems for children and families through Community School models;
- Expanding and replicating successful Early College High School models;
- Recruiting the best and brightest educators into our schools and instituting stricter standards for entry into the profession;
- Paying for performance of the highest-performing teachers;
- Establishing Innovation Zones to enhance the use of technology in teaching and learning;
- Creating a performance management system to improve accountability and transparency; and
- Incentivizing school district consolidation, regionalization, and shared services.

### **More Learning Time: Extending the School Day and/or Year**

Research shows that students who have more time to learn have higher academic achievement than their peers.<sup>78</sup> This is apparent in schools across New York State, where quality learning time has been successfully and creatively expanded, resulting in significant student performance gains, especially in low-income communities.

To help close the achievement gap, we must ensure that our students spend more time learning. As the Commission correctly noted, we cannot continue to run our schools under agrarian and factory traditions. U.S. Secretary of Education Arne Duncan recently stated that:

“If we are serious about closing achievement gaps, if we’re serious about turning around underperforming schools, we can’t just keep doing business as usual. The fact that our school calendar is still based upon the agrarian economy is stunning to me. And the fact that we have been so slow to move is just absolutely unacceptable.”<sup>79</sup>

**Chart 2.1. Length of School Days in Other Countries<sup>80</sup>**

Country	Number of Instructional Days in a School Year	PISA Reading Score/ Rank	PISA Math Score/ Rank	PISA Science Score/ Rank <sup>81</sup>
South Korea	205.9	1	1	3
Canada	190	3	5	5
United States*	179.9	14	25	17

\*New York State law requires that there be at least 180 days in the school year in order to qualify for full State aid.<sup>82</sup>

In New York, the Harlem Children’s Zone (HCZ) averages 30 percent more school time than the typical public school and has closed the achievement gap in

math and reading for elementary and middle school students. Based on the results of a recent study, the longer day at HCZ has also helped high school students achieve higher Regents scores, resulted in dramatically reduced pregnancy rates, and raised rates of college acceptance for students.<sup>83</sup>

Massachusetts' successful Expanded Learning Time Initiative, which added 300 more instructional hours annually for students, has significantly increased achievement for low-income students since its inception in 2006. Students from the 19 high-needs schools that participated in the Massachusetts initiative have seen a 20 percent increase in math scores, an 8 percent increase in reading scores, and a 9 percent increase in science scores.<sup>84</sup>

In an effort to replicate successful models and adopt the Commission's recommendation to provide an incentive for school districts to add more time to their school calendar for academic programs, Governor Cuomo proposes a new competitive grant program. This competitive program will be for schools that develop initiatives to improve student achievement with the following features:

- Like the successful Massachusetts model, we will leave the development of specific plans to the school districts based on rigorous criteria.
- Proposals must extend learning time by at least 25 percent and demonstrate that it will result in better outcomes for students.
- In addition to adding more time, extended learning plans will be part of a comprehensive initiative to transform the entire school day and make better use of the time taxpayers already pay for.
- Quality extended learning time requires school leadership and unions to re-imagine the way the school day is structured and how instruction is delivered, and to negotiate agreements to maximize the impact of more instructional time.



***Massachusetts' successful Expanded Learning Time Initiative, which added 300 more instructional hours annually for students, has significantly increased achievement, with a 20 percent increase in math scores.***

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Just as Governor Cuomo changed the paradigm in school funding to incentivize performance by awarding performance improvement and management

efficiency grants, an extended learning time competitive grant will continue this trend by investing in innovative approaches to boost student achievement, maximize our return on investment, and provide models for success.

### **Full-Day Pre-kindergarten Program for the Highest Needs Students**

In order to increase student success, the State must support our children from the start by enriching the early years of their development. As recommended by the Commission, Governor Cuomo will propose investing in high quality, full-day pre-kindergarten for our state's highest-need students.

Decades of research show that early childhood education has a major and long-lasting impact on children: narrowing the achievement gap, improving high school graduation rates, increasing wages, and reducing costs for remedial education, social services, health care, and incarceration. A study published in the Journal of the American Medical Association found that children who attend full-day pre-kindergarten:

- Perform 25 percent better on math exams by the second grade, and 20 percent better on English

exams than those who did not attend full-day pre-kindergarten;

- Are nearly 30 percent more likely to graduate from high school;
- Are 40 percent less likely to repeat a grade; and
- Are 32 percent less likely to be arrested as a juvenile.<sup>85</sup>



***Decades of research show early childhood education has a major and long-lasting impact on children—narrowing the achievement gap, improving high school graduation rates, increasing wages, and reducing costs for remedial education, social services, health care, and incarceration.***

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New York State currently authorizes a universal pre-kindergarten program; however, most of these programs provide about 2.5 hours of learning time through half-day programs.<sup>86</sup> Expanding to full-day, or at least 5 hours, will provide a better education success trajectory for the highest need students and reduce long-term costs to taxpayers.

Governor Cuomo will propose a robust full-day pre-kindergarten program for the Empire State that is targeted toward our highest need students in the lowest wealth districts and funded via a grant process limited to effective, research-based early learning models. These new resources will be invested in the communities and schools where they are most urgently needed to help close the achievement gap and to prepare our children earlier for success. Selected programs will maintain quality and performance measures, have capacity to implement early learning Common Core State Standards, and align with existing local school system efforts.

### **Better Teachers and Principals**

As the Commission also noted, nothing we do to increase student achievement can surpass the impact of an effective teacher in every classroom and a qualified principal in every school. Research suggests that teachers account for one-third of a school's total impact on student achievement and that principal leadership accounts for 25 percent.<sup>87</sup>

Effective teachers and principals are essential for student achievement. Therefore, we must recruit and retain only the best and brightest to educate our children, provide our teachers and principals with the support they need to be successful, and continue to recognize and reward them throughout their career.

Among the recommendations made by the Commission to help us achieve these goals are:

- Increasing admission requirements for all SUNY and CUNY teacher preparation programs, building off of leading countries like Finland that recruit teachers from the top of their graduating class;
- Requiring teachers to participate in more frequent and higher quality student-teaching in school settings before earning certification, thereby gaining real-world classroom experience; and
- Creating a “bar exam for teachers” to emphasize that teachers are professionals and should be held to the highest standards from the start. New York State is already revising its teacher certification test; we must double down with a commitment to re-examine our entry standards on an ongoing basis to respond to the expectations and demands for what teachers have to know and be able to do in order to be successful with their students.

## **A Success Story: The Teacher and Principal Evaluation System**

Maintaining the State's commitment to advancing public education reform, Governor Cuomo will continue to require districts to implement teacher and principal evaluation plans. We will once again make a district's school aid increase contingent upon the local adoption of the statewide teacher evaluation systems agreed to by school districts and union leadership.

Governor Cuomo's groundbreaking evaluation system announced last year is based on multiple performance

measures, including student achievement and rigorous classroom observations, and



***As of now, 99 percent of school districts have submitted evaluation plans.***

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was accompanied by legislation to ensure that parents and the public have access to critical information about how the teachers, principals, and schools charged with educating our children are performing. Together, these accomplishments represent a historic step forward in

making New York a national leader on educator accountability.

### **Better Teachers and Principals: Rewarding High Performing Educators**

To demonstrate a commitment to retaining, developing and rewarding the highest caliber educators possible, Governor Cuomo will expand professional development opportunities and performance incentives for our top performing teachers in selected regions around the State. Jim Simons' successful Math for America (MfA) program offers a model for how New York State can provide our best teachers with the opportunity to further develop their expertise, share best practices, and earn financial incentives.

Governor Cuomo proposes replicating the Math for America program in New York. The program will reward high-performing "master teachers" with \$15,000 in supplemental income annually for four years. These "master teachers" will train other teachers to improve performance in the classroom.

With a mission to improve mathematics and science education in U.S. public secondary schools by

building a corps of outstanding STEM teachers and leaders, MfA attracts talented educators in high-need disciplines, provides them with additional stipends as they hone their craft, and creates a network of continuing professional development as participants collaborate even after they graduate.<sup>88</sup> With nearly 600 corps members across its programs in New York City, Berkeley, Boston, Los Angeles, San Diego, Utah, and Washington, D.C., MfA not only enhances the professional experiences of those who participate in the program but also directly benefits the thousands of students that they teach.

### **Integrating Social Services and Schools by Expanding Community Schools**

New York also has the opportunity to become a national leader in providing targeted, integrated services that address children's health, nutrition, security, and family needs as part of a comprehensive strategy to increase achievement and provide New York's youth with the tools for lifelong success.

Since the Cincinnati Public School system adopted a Community Schools model, 4<sup>th</sup> grade reading scores increased by 15 percentage points and 4<sup>th</sup> grade math scores increased by 18 percentage points between 2004-05 and 2010-11. In addition, the graduation rate of the Cincinnati Public School system has risen 10 percentage points from 72 percent in 2003-04 to 82 percent in 2010-11.<sup>89</sup>



***“The Harlem Children’s Zone, or HCZ, a 100-block community revitalization effort, was launched in 2001 under the premise that raising student achievement is impossible if more pressing health and socio-emotional needs are not being met.... HCZ health and wellness programs include an Asthma Initiative, Healthy Living Initiative, and foster care prevention and family strengthening programs.... President Barack Obama has called it ‘an all-encompassing, all-hands-on-deck, anti-poverty effort that is literally saving a generation of children.’”***

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Here in New York, Commission member Geoff Canada is the driving force behind a national model called the Harlem Children’s Zone. In a recent study, the

Center for American Progress noted that “the Harlem Children’s Zone, or HCZ, a 100-block community revitalization effort, was launched in 2001 under the premise that raising student achievement is impossible if more pressing health and socio-emotional needs are not being met.... HCZ health and wellness programs include an Asthma Initiative, Healthy Living Initiative, and foster care prevention and family strengthening programs.... President Barack Obama has called it ‘an all-encompassing, all-hands-on-deck, anti-poverty effort that is literally saving a generation of children.’”

In recognition of such successful efforts as those undertaken in New York and Cincinnati, the Commission recommended that New York State create a statewide Community Schools model to better integrate public, nonprofit and private resources and services, and use schools as hubs to bring essential support services directly to students and their families. Governor Cuomo will launch an effort that fuses the best aspects of successful programs such as Cincinnati Community Schools, The Harlem Children’s Zone, Say Yes to Education, and the Strive Network to achieve similar improvements in student performance and system alignment. We will provide competitive grant

funds to assist school districts in high-need communities across the state to focus all available resources on student success, ranging from academics to health, nutrition, safety and counseling services.

This effort epitomizes Governor Cuomo's commitment to do more and better for our students, maximizing our return on existing programs and investments while achieving better results. This Community Schools competitive grant will require that school districts collaborate with local government and nonprofit partners to provide health, mental health, legal, and other supports within the school building in order to most effectively reach those students and families in need.



***Governor Cuomo will launch an effort that fuses the best aspects of successful programs such as Cincinnati Community Schools, The Harlem Children's Zone, Say Yes to Education, and the Strive Network to achieve similar improvements in student performance and system alignment.***

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The competitive grant will be based on performance, requiring schools to get results and

supporting these efforts by realigning existing Federal, State and local resources and programs. Grants will enable communities to better coordinate students' health and social service needs in schools, as well as encouraging local philanthropic and private-sector funding to ultimately sustain these efforts.

### **Create a Performance Management System**

To support our efforts to increase student achievement and educator accountability, we need better ways to track our progress, identify areas of strength and weakness throughout our public education system, and increase our State's return on investment. The Governor proposes creating a new and stronger performance management system in the upcoming year to fulfill our promise to do more and better for our children from cradle to career.

### **Expanding Innovative Ways to Make Students College and Career Ready**

The ultimate goal is to ensure that every young person that graduates from high school is well-equipped and prepared for college and the workforce.

Early College High Schools (ECHS) and high-quality Career and Technical Education (CTE) programs are successful models that have led students from underprivileged backgrounds to complete high school while simultaneously earning an associate degree or up to two years of college credit.

New York State is already a national leader in this area, with 23 ECHS programs educating 5,600 students across the state through various public-private partnerships.<sup>90</sup> For example, New York City's ECHS programs have been in existence for 10 years, serve a student body that is 90 percent minority, and have an average graduation rate of 85 percent.<sup>91</sup>

The State currently spends \$2 million annually on ECHS programs, which is matched by Bill and Melinda Gates Foundation funding.<sup>92</sup> In the upcoming budget, Governor Cuomo will launch an Early College High School Challenge Grant to attract private support and replicate successful ECHS models. These resources will make it possible to continue existing successful programs and start new initiatives across New York State that prepare students for success in college and beyond.

## Create Innovation Zones

Technology has transformed virtually every aspect of American life and can serve as a valuable tool



***Technology has transformed virtually every aspect of American life and can serve as a valuable tool in our efforts to do more and better in public education.***

in our efforts to do more and better in public education. Building on the

Commission's recommendation to improve the education pipeline through innovative use of technology, Governor Cuomo is proposing the creation of Innovation

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Zones to provide schools with transformative technology to increase student achievement.

Through a competitive grant awarded to school districts that propose innovative ways to use technology to enhance curriculum and to improve student learning, New York State will provide educators with the tools to personalize instruction, engage students, and create access to learning opportunities that would otherwise be impossible. Technology holds the potential to make learning more accessible to

students, expand educational experiences beyond the traditional school day and inform and engage parents as critical partners in the student learning process.

### **Continue to Find Efficiencies through Shared Services, Regionalization, and Consolidation**

The *New NY Education Reform Commission* made clear that the State must continue to promote increased access to educational opportunities by encouraging school district restructuring through consolidation and regionalization. More than half of New York's nearly 700 school districts educate fewer than 2,000 students each, and yet many have their own administration and back office functions, often leading to unnecessary duplication and expense.<sup>93</sup>

Governor Cuomo will empower citizens to consolidate and regionalize school districts in the same way he encouraged local government consolidations to streamline services under his *New NY Government Reorganize and Citizen Empowerment Act*.<sup>94</sup> Moreover, Governor Cuomo proposes the review of existing incentives for consolidation to determine if they should be restructured or enhanced.

## **Another Round of NYSUNY 2020, and a New NYCUNY 2020**

New York State's world-class colleges and universities are a key part of Governor Cuomo's strategy for attracting businesses and growing jobs here in New York State. Research shows that colleges and universities can strategically fill two critical needs for emerging industries:

- Advancing innovation with new technologies, new processes, new products, and new ideas that all fuel knowledge creation; and
- Providing knowledge transfer, housing a culture for employers and entrepreneurs to gain the tools, strategies, and supports needed to develop and refine their business.<sup>95</sup>

New York has been at the forefront of this trend with a long and fruitful history of university-industry collaborations. Governor Cuomo will continue to spur economic development through the State's public higher education system with a third round of competitive NYSUNY 2020 grants. The first round of NYSUNY 2020 at each university center inspired new thinking and attracted large regional interest and private support, including:

- The University at Buffalo is dramatically expanding research while revitalizing downtown Buffalo with the relocation of the University's medical facilities in coordination with the region's largest hospital network.<sup>96</sup>
- Stony Brook University combined its grant with a \$150 million gift from the Simons Foundation, one of the largest gifts to any public higher education institution, to build a Medical and Research Translation Building on top of their School of Medicine to greatly enhance cancer research and neuroscience.<sup>97</sup>
- Binghamton University will construct a state-of-the-art Smart Energy Research and Development Facility with an estimated economic impact of over \$77 million annually.<sup>98</sup>
- The University at Albany will establish an Emerging Technology and Entrepreneurship Complex to capitalize on discoveries to be brought to market from a wide array of research specialties.<sup>99</sup>

Each plan encompasses a strategy for a rational tuition plan for students, enrollment growth, private support, expansion of diversity programing, and additional research and teaching faculty hires alongside their signature capital expansion plans.

The second round of NYSUNY 2020 attracted innovative submissions with an extraordinary amount

of collaboration between campuses across the SUNY system. NYSUNY 2020 Round III and NYCUNY 2020 will offer additional grants for 2- and 4-year colleges and universities within both the SUNY and CUNY systems. Projects will be selected in a competitive manner based on economic impact, advancement of academic goals, innovation, and collaboration. These programs will continue Governor Cuomo's place-based regional economic development initiative, linking the knowledge and innovation of higher education to regional economic revitalization through large and small businesses.

This is what it will take to ensure our children's and our state's future. We can, we must, and we will get it done. With a renewed focus on student achievement from cradle to career, we will make New York State a national model for educational excellence and provide our children and youth with the tools and skills they need to be successful in life.



## **3. Progressive Agenda**

New York has a long history of being a beacon for progressive change, from the birthplace of the movement for women’s rights, to worker protections, to decent, affordable housing, intelligent environmental protection and safe energy sources; and the list goes on. A central goal of Governor Cuomo’s administration is to restore New York to its rightful place as the progressive capital of the nation. We will achieve this goal by drawing strength from the people of New York, and continuing to forge a path forward by engaging citizens in the process of governing every step of the way.

In June, 2011, New York passed the Marriage Equality Act, and became the largest and most influential state in the nation to extend marriage

equality to same-sex couples. To achieve this, the Governor formed a bipartisan coalition of organizers and supporters to overcome the defeat the bill had suffered in 2009. For Governor Cuomo, the fight for marriage equality was never just a struggle for rights and benefits under the law. It was a fight for ideals that are fundamental to our democracy—equity and respect for everyone. It was about providing same-sex couples with all the rights afforded to heterosexual couples, the ability to protect and care for one another, the freedom to express their lifelong commitment to each other, and the dignity of having their relationships recognized by the state they call home.

Governor Cuomo also has worked to bring justice and fairness to the criminal justice system. The Governor committed to the greater use of preventive services and community-based alternatives to incarceration to help juvenile offenders turn the corner to become productive adults.

Economic opportunity for all New Yorkers has also been a priority for Governor Cuomo since his first State of the State address. He has committed to increasing the utilization of minority- and women-owned businesses (MWBs) in State contracting to 20

percent and solidified that commitment by creating a team to identify opportunities for MWBEs and address barriers. As part of this effort, the State streamlined the procedures for obtaining certification as an MWBE, creating a single application for certification with the State of New York, the City of New York and the Port Authority of New York/New Jersey, and expediting what was once a slow and complex process so applicants can now complete the certification process on-line. These changes increased the pool of certified MWBEs by 15 percent as of December 2012.

The State also launched a new one-stop contracting system that enables MWBEs and other small businesses to find and bid on contract opportunities; establish contact with prime contractors seeking their service; and learn about State programs that will strengthen their businesses. A comprehensive system enables MWBEs to exchange information, ideas, and available resources to grow their business. Further, a new statewide surety bond assistance program provides financial assistance in the form of credit support to help small and minority-and-women-owned businesses secure surety bonds and State contracts.

Progress on an array of other issues also speaks to our values as a state. Building our communities as part of a society rooted in opportunity, fairness, and justice was an important part of the achievements of the past two years, as well as the work ahead. To assist New Yorkers who are most in need, the Governor increased public assistance grants by 10 percent this year, fulfilling the final phase of a multi-year commitment to increase aid to needy New Yorkers. New York ended the finger imaging requirement for federal SNAP (food stamp) benefits in order to better combat hunger, particularly among children. And with Governor Cuomo's leadership, New York created and then expanded the FreshConnect program, to help ensure that all New Yorkers have access to fresh, healthy, local, and affordable food.

"Jobs Express," a State website for New Yorkers seeking employment, has helped more than 59,000 individuals find work in the ten months since its launch. Jobs Express currently has about 75,000 job openings listed, an increase of more than 10,000 since the Governor announced the site's launch in October 2011. Since its launch, the site has averaged 106,000 hits a month. In January 2012, Governor Cuomo launched a

statewide program to find employment for at-risk youth, offering \$25 million in hiring incentives and \$8 million in training and placement money. The program includes work readiness preparation, occupational training, and digital literacy skills. The program's goals were to hire 8,000 youth and certify 1,000 businesses. As of December 2012, Governor Cuomo exceeded that goal, placing more than 10,000 youth with over 1,800 certified businesses.

In order to make our healthcare system the finest in the nation, the Governor established a statewide Health Exchange, which will significantly reduce the cost of health insurance coverage for individuals, small businesses, and local governments. It will help more than one million uninsured New Yorkers afford coverage. Costs for planning the Exchange will be financed entirely by the federal government. The Governor also allocated over \$300 million in grants to 40 hospitals and nursing homes throughout New York to be used to improve primary and community-based care, and reduce costs by eliminating excess bed capacity and reducing over-reliance on inpatient care in hospitals and nursing homes.

Having access to quality housing, like health care, is essential to families throughout our state. In 2011, New York passed the greatest strengthening of the State's rent laws in 40 years, and to ensure compliance, Governor Cuomo created a new Tenant Protection Unit to enforce landlord obligations to tenants under New York's rent laws. The State worked creatively to protect the continued affordability of housing units created under Mitchell-Lama, and to provide counseling and mediation services to homeowners at risk of losing their homes to foreclosure.

No state knows better than New York the invigorating power that immigration holds for our economy, as well as our social growth. Governor Cuomo created an Office for New Americans to assist legal residents to prosper in our state. More than 25 neighborhood-based Opportunity Centers were opened throughout the state to provide advice and assistance.

Under Governor Cuomo's leadership, New York also created the Justice Center for the Protection of People with Special Needs, which will transform how our state protects the over one million New Yorkers living under the care of six state agencies. The law

establishes the role of Special Prosecutor and Inspector General to investigate reports of abuse and neglect against people with special needs and prosecute allegations of criminal offenses. In addition, the Justice Center will include a 24/7 hotline run by trained professionals and will create a statewide registry of workers who have committed serious acts of abuse to prevent these people from ever working with New Yorkers with disabilities or special needs again.

Governor Cuomo has made the protection of land and parks a hallmark of his first two years in office. The Environmental Protection Fund (EPF) is a permanent funding mechanism for open space and farmland protections, land acquisition, estuary management, waterfront revitalization, and recycling. The Governor has been an ardent supporter of the EPF, and reversing a pattern of steep cuts to the fund in previous years, Governor Cuomo held the EPF steady in his first two budgets. In August, the Governor announced the landmark acquisition of 69,000 acres of the former Finch Pruyn lands in the Adirondacks. This acquisition, made possible through EPF funding, represents the largest addition to the State Forest Preserve in over a century.

While education and economic opportunity are the engine, there is more to New York. There is a social compact. We are a community and our state is based on progressive principles. New York must remain the progressive capital of the nation.

In this tradition, Governor Cuomo had proposed an ambitious agenda for the 2013 Legislative session.

### **We Must Raise the Minimum Wage**

People deserve to be paid fairly and the current minimum wage is unlivable. A minimum wage ensures that the most vulnerable members of the workforce can participate and contribute to a robust and sustainable economy. A reasonable minimum wage increases the standard of living for workers, reduces poverty and incentivizes fair and more efficient business practices.<sup>100</sup>



***Current Min. Wage= Only \$14,616 per year***

**Assumptions: 40 hours per week/ 4.2 weeks in a month/ wages earned each work day**

Nineteen states currently have a higher minimum wage than New York.<sup>101</sup> The minimum wage in New York State is \$7.25 an hour, but this wage, as of 2011, represents only one-quarter of the average hourly wage in the state, which is \$28. Further, this statistic is part of a broader pattern of income inequity that must be addressed in the state.

Since the early 1980s, adjustments to New York's minimum wage have not kept pace with increases in the cost of living. In fact, the purchasing power of the minimum wage in 1970 was over \$10 in today's dollars.<sup>102</sup> The minimum wage in three neighboring states—Connecticut, Vermont, and Massachusetts—is higher than that of New York.

<b>Date of Rise in Minimum Wage</b>	<b>Change In Minimum Wage</b>
April 1, 1991	Increased from \$3.80 to \$4.25
April 1, 2000	Increased from \$4.25 to \$5.15
January 1, 2005	Increased from \$5.15 to \$6.00
January 1, 2006	Increased from \$6.00 to \$6.75
January 1, 2007	Increased from \$6.75 to \$7.15
July 24, 2009	Increase from \$7.15 to \$7.25*

\*Increase in Federal minimum wage

The composition of people collecting minimum wage in New York underscores the need for change. Of all minimum wage workers, over 64 percent are women, 40 percent are minorities, and two thirds are those younger than 30 years old.

To address this problem, Governor Cuomo proposes raising the minimum wage from \$7.25 to \$8.75 an hour. In doing so, we will bring the minimum wage more in line with the cost of living in this state while affording employers the time they need to prepare for the change.<sup>103</sup>



***Governor Cuomo proposes raising the minimum wage from \$7.25 to \$8.75 an hour.***

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Increasing the minimum wage leads to greater economic growth. Low-income individuals spend a larger percentage of their income than higher-income earners and salary increases in low wage occupations lead to increased demand for goods and services.<sup>104</sup> Empirical evidence suggests that an increase of \$1 in the minimum wage generates approximately \$3,000 in

household spending per year.<sup>105</sup> Increased household spending will increase demand for goods and help businesses grow, thereby creating more jobs for New Yorkers.

At a time when Federal and State budgets are constrained by a long economic recovery, increasing the minimum wage is one of the few tools that will grow the economy without increasing government spending. Most importantly, it puts more money back into the pockets of working New Yorkers without raising their taxes.

Raising the minimum wage is the right thing to do. Raising the minimum wage is the fair thing to do. And it's long overdue.

### **The Challenge: Stop and Frisk**

New York State is the safest large state in the country.<sup>106</sup> The storied and remarkable drop in crime began in 1991 and has continued to the present day. The fall has been driven by a variety of innovations and techniques that have reduced not only crime in our neighborhoods, but also the suffering endured by crime victims, survivors and their families.

One of the techniques police have used to prevent crime is to stop and question individuals when, according to the U.S. Supreme Court standard, there is a “reasonable suspicion” of criminal activity.<sup>107</sup> In New York City, this technique and the exponential increase in its use have become controversial. On one side, the strategy is credited, at least in part, with helping in New York City’s dramatic crime drop. On the other, a rising chorus of complaints bears witness to the possibility that the technique threatens to undermine the relationship of trust between the police and the people they are sworn to protect—the core foundation of any civil society.

The statistics show that in 2011, there were 684,330 stops, more than four times the number (160,851) recorded in 2003.<sup>108</sup> While stop and frisk can play an important role in the prevention of crime, there are also significant costs.

First, affected neighborhoods complain that the increasing use of the technique results in a feeling of being occupied rather than protected. As a result, the critical relationship between the police and neighborhood residents is severely, and in some instances irrevocably, undermined. When the

relationship between the community and law enforcement deteriorates, it also reduces the ability of the police to solve crimes, as witnesses refuse to come forward and investigations founder without information.

Second, the complaints and the data show that the stops are largely concentrated in the city's poorest neighborhoods where crime is highest. Those neighborhoods are also neighborhoods in which the populations are largely black and Hispanic. As a result, the stops fall disproportionately on communities of color and, in particular, on the young.<sup>109</sup>

While it is impossible to define the "right number" of stop and frisks, almost 700,000 has to be too many when, according to some reports, "[t]he number of stops of young black men exceed[s] the entire city population of young black men (168,126 as compared to 158,406)"<sup>110</sup> and, once adjusted for repeated stops, 80 percent of 18-19 year old black males are stopped at least once.<sup>111</sup>

## **The Challenge: Marijuana Possession**

Attention and concern over the growth in the use of stop and frisk has been accompanied by a similar concern over the exponential rise in arrests for low-level marijuana possession. Currently, New York State law makes “open view” possession of 25 grams or less of marijuana a misdemeanor punishable by not more than one year in jail, while possession of the same amount of marijuana in the home is a violation—a non-criminal offense punishable by a fine.

This distinction between public and private view possession stems from the passage of The Marijuana Reform Act of 1977.<sup>112</sup> The legislature noted the stigma that attaches to those arrested and the waste of government resources in pursuing activity that is not criminal in nature:

The legislature finds that arrests, criminal prosecutions, and criminal penalties are inappropriate for people who possess small quantities of marijuana for personal use. Every year, this process needlessly scars thousands of lives and wastes millions of dollars in law enforcement resources, while detracting from the prosecution of serious crime.<sup>113</sup>

At the same time that the legislature decriminalized personal possession in the home, it instituted a criminal penalty for the same quantity possessed in “public view.”<sup>114</sup>

In the first full year of enforcement of the separate “open view” marijuana law, there were 514 arrests for the crime. Today, police arrest 100 times more people for this offense and these arrests comprise the single largest category of arrests in New York City, accounting for 15 percent of all NYC arrests and 20 percent of NYC misdemeanors.<sup>115</sup>

**Table 3.1. Arrests for “open view” marijuana possession from 1977 to 2011**

	New York City	Rest of State	New York State Total
1977	38	116	154
1978	102	412	514
1979	122	548	670
1980	388	756	1,144
1981	894	835	1,729
1982	1,119	919	2,038
1983	1,463	1,028	2,491
1984	2,240	1,410	3,650
1985	2,236	1,568	3,804
1986	1,649	1,542	3,191
1987	2,697	1,360	4,057
1988	1,754	1,614	3,368

	New York City	Rest of State	New York State Total
1989	998	1,278	2,276
1990	824	1,187	2,011
1991	704	853	1,557
1992	720	842	1,562
1993	1,362	1,007	2,369
1994	3,018	1,292	4,310
1995	5,538	1,522	7,060
1996	9,142	1,985	11,127
1997	17,614	2,012	19,626
1998	32,567	1,867	34,434
1999	33,473	2,160	35,633
2000	50,825	2,169	52,994
2001	41,244	2,303	43,547
2002	43,267	2,549	45,816
2003	38,158	3,217	41,375
2004	27,176	3,142	30,318
2005	28,880	2,814	31,694
2006	31,075	3,246	34,321
2007	38,153	3,104	41,257
2008	39,437	3,265	42,702
2009	45,577	3,059	48,636
2010	49,457	3,181	52,638
2011	49,800	3,324	53,124

Source: DCJS, Computerized Criminal History system (5/2012). Prepared 6-5-2012<sup>116</sup>

**Table 3.2. Arrests for “open view” marijuana possession in 2011 by Race**

	Black	Hispanic	White	Asian/ Indian	Unknown	Total
New York City	25,746	16,108	6,123	1,352	471	49,800
Rest of State	1,196	668	1,335	26	99	3,324
New York State	26,942	16,776	7,458	1,378	570	53,124

Source: DCJS, Computerized Criminal History system (5/2012). Prepared 6-5-12



***The effects of those arrests fall almost entirely on Black and Hispanic individuals—82 percent—and largely on the young: 52 percent are under 25 and 69 percent are under 30.***

**Table 3.3. Arrests for “open view” marijuana possession in 2011 by Age**

	AGE GROUP				Total
	16 to 19	20 - 24	25-29	30 +	
New York City	11,569	14,321	8,259	15,651	49,800
Rest of State	1,094	1,160	459	611	3,324
New York State	12,663	15,481	8,718	16,262	53,124

Source: DCJS, Computerized Criminal History system (5/2012)

Approximately 10 percent of arrests result in convictions and 72 percent of those arrested had no prior conviction.

**Table 3.4. Convictions for “open view” marijuana possession in 2011 by Race**

	Black	Hispanic	White	Asian/ Indian	Unknown	Total
New York City	3,333	1,550	242	38	28	5,191
Rest of State	201	85	88	2	2	378
Total	3,534	1,635	330	40	30	5,569

Source: DCJS, Computerized Criminal History system (5/2012).  
Includes 77 Youthful Offender adjudications. Prepared 6-5-12

**Table 3.5.: Arrests for “open view” marijuana possession in 2011 by prior conviction status at time of arrest**

	Total	No Prior Convictions		Prior Felony or Misd. Conviction(s)	
	Num.	Num.	Pct.	Num.	Pct.
New York City	49,800	35,584	71%	14,216	29%
Rest of State	3,324	2,506	75%	818	25%
New York State	53,124	38,090	72%	15,034	28%

Source: DCJS, Computerized Criminal History system (5/2012).  
Prior convictions do not include Youthful Offender adjudications. Prepared 6-5-12

The numbers tell a story: overwhelmingly, young people of color are arrested, processed and then released. But, arrest has consequences that persist after release. There is the humiliation of arrest and, in some cases, detention during processing. More enduring is the stigma of the criminal records that can have lasting and deleterious effects on the young person's future. A "drug" arrest can have a significant impact on a person's life and key decisions made by employers, landlords, licensing boards and banks.

The mounting number of arrests without convictions in this area is not cost-free for law enforcement or the public either. A cost-benefit analysis performed by Dr. Harry Levine of Queens College examined the costs to the police and courts of each arrest—approximately \$764 in police and \$336 in court costs. Based on the number of arrests, the analysis concluded that it costs approximately \$75 million a year to support the current practice.<sup>117</sup>

Is it worth the price? Overwhelmingly, the answer is no: not worth it in dollars, in stigma or in impact. In order to fix the inequity in the law while still recognizing that possession in public is different from possession in one's home, the Governor will propose

legislation that makes “open view” possession of marijuana in amounts of 15 grams or less a violation punishable by a fine.

### **Ensuring Fairness in the Justice System**

Fairness and integrity form the foundation of our justice system, and confidence in the legitimacy of the system is essential to maintaining the rule of law. A fairer system is also a more effective system, one that is less likely to wrongly punish the innocent or set the guilty free.

### **Strengthening Eyewitness Identification**

Mistaken eyewitness identification has been cited as the leading contributor to wrongful convictions.<sup>118</sup> Not only do such convictions result in the incarceration of the innocent, but they allow actual perpetrators to remain free. Reducing wrongful convictions is therefore essential to both protecting public safety and ensuring fairness in our criminal justice system.

We can help reduce the number of erroneous identifications by encouraging established best

practices in the administration of identification procedures, including the use of blind or double-blind photo arrays. In a blind or double-blind photo identification procedure, the witness does not know



***Mistaken eyewitness identification has been cited as the leading contributor to wrongful convictions.***

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which of the persons in the photo array police have identified as the suspect, and the administrator of the array either does not know who the suspect is or does not

know where in the array the suspect's photo is located. As a result, there is less potential for the administrator of the array to inadvertently influence the witness, and this improves the reliability of the identification.

Governor Cuomo will propose legislation to permit eyewitness photo identification to be introduced at trial where a blind or double-blind identification procedure has been used, thereby encouraging the use of such procedures by law enforcement. This will bring New York in line with the many states that have already adopted this approach.

## **Recording Criminal Interrogations**

In addition to reducing the risk of misidentification, the State must do more to ensure the integrity and reliability of evidence pertaining to confessions. False confessions have been shown to contribute to wrongful convictions.<sup>119</sup>

In order to help prevent wrongful convictions based on false confessions, as well as to protect law enforcement from erroneous allegations of coercion, interrogations of persons arrested for serious offenses such as homicide, kidnapping and certain sex offenses should be recorded on video. It is time that New York joined the 18 states and District of Columbia that have, either legislatively or by judicial action, implemented this practice.<sup>120</sup>

Currently, Connecticut, Illinois, Maine, Maryland, Missouri, Montana, Nebraska, New Mexico, North Carolina, Ohio, Oregon, Wisconsin, and the District of Columbia have enacted legislation requiring the recording of custodial interrogations. State supreme courts in Alaska, Iowa, Massachusetts, Minnesota, New Hampshire and New Jersey have taken action to require

such recordings. New York must seriously consider legislation to provide these same protections.

Governor Cuomo will propose that videotaped interrogations be required for suspects in serious crimes, including homicides, kidnapping and violent sex crimes.

## **Create the \$1 Billion House NY Program**

Under Governor Cuomo, New York has taken a regional approach to problem-solving and economic growth; a perspective that is essential when it comes to meeting the need for safe and quality affordable housing for all New Yorkers.

In downstate regions, low vacancy rates are accompanied by high demand and high costs, such as in New York City, where 1 in 3 residents spend over half of their income on rent.<sup>121</sup> Across areas of Long Island and New York City, Superstorm Sandy has only made this challenge tougher.

At the same time, some areas upstate have the opposite problem, as communities with vacant and abandoned homes pose significant and very different policy and development challenges.

Since 2011, the State has played a key role in the development of affordable housing across New York as both a source of economic and community development. In fact, New York's housing programs and investments have strengthened during the economic crisis.

Through responsible financing and affordable loan products, New Yorkers have more housing opportunities, healthier homes, and more vibrant communities. Development activities have directly stimulated local economic development and job growth. State agencies, led by NYS Homes and Community Renewal (HCR), have improved customer service and expanded affordable and supportive housing preservation.

This has resulted in HCR-funded projects being engaged in \$3.65 billion worth of construction since 2011, producing an estimated 45,000 full-time jobs during construction.

In addition, to better protect tenants, Governor Cuomo strengthened rent regulation for the first time in decades and created the Tenant Protection Unit to investigate fraud and prosecute landlords who fail to maintain essential services for any of the state's one million rent-regulated tenants.

Starting in 2013, we will take the next critical steps to address New York State's affordable housing challenge; investing \$1 billion to preserve and create more than 14,000 quality affordable housing units

statewide by reallocating and making better use of existing funds.

### ***Investing in Affordable Housing Statewide***

The need for affordable housing has never been greater. Approximately 2.9 million households in New York State are financially insecure in their homes, paying in excess of 30 percent of their incomes for rent or their mortgage.<sup>122</sup> There is a documented shortage of 191,000 affordable units available to extremely low-income New York State households outside of New York City,<sup>123</sup> along with a 356,000-unit shortage of apartments in New York City with monthly rents below \$600.<sup>124</sup>



***Governor Cuomo will take a historic step to address this challenge by launching the state's largest housing program in at least 15 years.***

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Governor Cuomo will take a historic step to address this challenge by launching the state's largest housing program in at least 15 years. This initiative will create or preserve an estimated 5,600 housing units by investing in the most successful affordable housing

programs and creating new programs to meet unfilled needs. Taken together, these investments will help tens of thousands of New Yorkers realize the dream of quality affordable housing while creating jobs and strengthening communities across the state.

### ***Revitalizing New York's Mitchell-Lama Affordable Housing Program***

In addition to creating new housing opportunities, we must also preserve those that already exist. The State's Mitchell-Lama program was created in 1955 to provide affordable housing for middle-income residents, and there are now 44 Mitchell-Lama projects with over 10,400 housing units.

To revitalize this important supply of affordable housing and focus on the needs of these developments, the Mitchell-Lama asset portfolio will be transferred from Empire State Development to NYS Homes and Community Renewal. As a result of this shift, HCR will be able to refinance these housing projects and leverage additional private and public funding to rehabilitate and update 8,700 housing units that are suffering from

deferred maintenance and other physical deficiencies.<sup>125</sup>

### **The REDC Opportunity Agenda**

The Regional Economic Development Councils have redefined the way New York invests in jobs and economic growth by putting in place a community-based, bottom-up approach. A key component of Governor Cuomo's approach to economic development, the Regional Councils are public-private partnerships made up of local experts and stakeholders from business, higher education, local government and non-profit organizations.

Each Regional Council has developed an innovative plan for job creation and economic development, and they have the opportunity to apply for resources to support their regional priorities through an expedited and streamlined process that provides access to dozens of existing programs. Just last month, the Governor announced \$738 million in economic development funding based on the Regional Council strategic plans.

The REDC Opportunity Agenda will build on this success by targeting resources and expertise to help overcome the challenges that prevent poor communities from fully participating in our state's economic revitalization. Each Regional Council will focus on one distressed community and identify strategies that will address the challenges of concentrated poverty and further link the selected community to the region's economic development strategies. Similar to the Regional Council economic development model, every REDC will be able to competitively seek funding through a streamlined process to support its Opportunity Agenda across a range of existing programs—from job training to anti-crime initiatives to affordable housing. In addition, the State will make teams of dynamic AmeriCorps members available to work on projects in Regional Council-selected communities.

Taken together, these economic revitalization and poverty-fighting strategies can have an even more dramatic effect on New York's communities.

## **Achieving Equality for Women: The 10-Point Women's Equality Act**

New York State has a proud history and tradition of leading the nation in progressive ideals and reforms. This is especially so with respect to women's rights. In 1848, the women's suffrage movement was born at the first Women's Rights Convention in Seneca Falls, New York. From that moment in time and continuing through today, the state has been the home of female leaders and visionaries, from Elizabeth Cady Stanton who initiated the first organized women's rights and women's suffrage movements, to Audre Lorde, a leading African-American poet and essayist who gave voice to women's issues, and Gloria Steinem, the journalist, author and activist. These New Yorkers have served as role models for not only their generation but for every generation to come.

Over the years, New York has fallen behind in its role as a progressive leader on women's rights. Today, statistics clearly show that women in New York State are not treated equally to men. Study after study shows gender inequality in our communities where women are paid less than men for the same work, women face

discrimination in the workplace based on family status and pregnancy, and women face discrimination in housing because of their source of income or domestic violence status.<sup>126</sup> Further, the State still maintains antiquated laws on reproductive health and safety.

Governor Cuomo plans to address this disparity by advancing legislation and policies that break down barriers that perpetuate discrimination and inequality based on gender. New York has served as a model for equality and fairness on several issues including women's rights. The Governor's plan will return the State to its rightful place as a leader on women's equality with the 10-Point Women's Equality Act.

### ***Shatter the Glass Ceiling: Achieve Pay Equity***

Wage disparities have a detrimental effect on society. Individuals are put at an economic disadvantage because of characteristics that bear no relationship to their job performance. Such disparities prevent maximum utilization of labor in the state economy. Additionally, policies adopted by employers that discourage or prohibit employees from sharing

information about their earnings can contribute to unjust wage disparities going undetected.

Under the New York State Human Rights Law, it is unlawful for an employer to discriminate against an



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individual in compensation or in terms, conditions or privileges of employment on the basis of sex and other protected classes.<sup>127</sup> Under the New York Labor Law's Equal Pay provision, an

employee may not be paid differently than an employee of the opposite sex in the same establishment where the employees perform equal work, the performance of the job requires equal skill, effort, and responsibility, and the job is performed under similar working conditions. The rule is subject to several exceptions including payments made through a seniority system, a merit system, a system which measures earnings by quantity or quality of production, or any other factor other than sex.<sup>128</sup>

Despite these protections, women in New York earn 84 percent of what men earn and jobs traditionally held by women pay significantly less than jobs predominately employing men. This wage gap is even more severe for African-American and Hispanic women, who earn 66 percent and 55 percent of that earned by non-Hispanic men in New York State, respectively.<sup>129</sup> In New York, on average, a woman working full time is paid \$42,113 per year, while a man working full time is paid \$50,388 per year. This creates a wage gap of \$8,275 between full-time working men and women in the state.<sup>130</sup>

This wage gap results in a real, economic impact on the lives of millions of women in the state. Specifically, single female headed households with children under the age of 5 represent the highest percentage of people whose income falls below the poverty level.<sup>131</sup> Over 36 percent of female households with children under 18 years old had income below the poverty level. The number jumps to 42.2 percent for female householders with children under 5 years old.<sup>132</sup> Women are clustered in low paying jobs such as childcare, textile, apparel/furnishing and cashier with salary ranges from \$11,000 to \$20,000.<sup>133</sup>

By toughening the existing law, we can ensure that New York is able to achieve actual pay equity between men and women.

First, Governor Cuomo proposes amending the existing law to ensure that women receive the wages they were always entitled to, as well as provide for increased additional damages. Currently, individuals are entitled to the back wages they would have earned had they been paid on an equal basis, plus attorney's fees and statutory interest. The plaintiff is also entitled to an additional amount of liquidated damages that is equal to 100 percent of the back wages due. We will increase that award of liquidated damages to 300 percent of the back wages. Doing so will make women whole and at the same time encourage all employers to evaluate their current practices.

Second, Governor Cuomo will propose redefining the exceptions that are currently in the law. Under the current law, the exceptions are so broad that employers are essentially able to point to any factor in an attempt to avoid liability. This makes proving liability or winning cases very difficult for plaintiffs. The Governor proposes tightening these exceptions so that pay differentials are excused only where the employer can

show that the differential is truly caused by something other than sex and is related to job performance and is consistent with business necessity.

Third, Governor Cuomo proposes prohibiting employers from terminating or retaliating against employees who share wage information. Policies against sharing wage information, essentially deny women workers the ability to discover whether their wages are unequal to their male counterparts. Accordingly, without this protection, wage disparities will persist undetected.

By amending State law, New York will provide greater protection against wage disparity than that offered by any of New York State's neighbors, and will solidify New York's place as a progressive leader for women's rights.

### ***Stop Sexual Harassment in All Workplaces***

Sexual harassment disproportionately affects women in the workplace. In 2011, women filed 75 percent of all sexual harassment complaints filed at the New York State Division of Human Rights<sup>134</sup> and 83 percent of all sexual harassment complaints filed at the

Equal Employment Opportunity Commission.<sup>135</sup> However, those working for employers with fewer than 4 employees cannot file a complaint with the State, because small employers are currently exempt from the provisions of State law that prohibit harassment—and more than 60 percent of the state’s private employers have fewer than 4 employees.<sup>136</sup>

We will amend the law to protect workers from sexual and other forms of harassment regardless of the size of the workplace. Under the amended law, an employee of any business, large or small, may file a complaint for sexual harassment.

***Allow for the Recovery of Attorneys’ Fees in Employment and Credit and Lending Cases***

Employment and credit and lending discrimination disproportionately impacts women. Approximately 77 percent of employment cases filed with the State involve claims by women.<sup>137</sup> Similarly, the majority of credit and lending discrimination cases are filed by women.<sup>138</sup>

Under existing law, an individual cannot recover attorneys’ fees for employment and credit and lending

discrimination cases even after proving discrimination at trial. As a result (a) many who are discriminated against but cannot afford to hire an attorney never seek redress; (b) those who hire an attorney on a contingency fee arrangement are not “made whole” for their losses because they must pay for their attorneys out of their recovery; and (c) some who cannot afford to hire an attorney, but who try to do so on a contingency basis, are unsuccessful because the case is either too small or too risky.

In order to ensure that victims of employment and credit and lending discrimination—most of whom are women—have an opportunity to vindicate their rights, Governor Cuomo proposes amending the law to include a provision for reasonable attorneys’ fees for successful litigants. Doing so will recast New York State as a progressive leader by providing much-needed aid to victims of employment and credit and lending discrimination.

### ***Strengthen Human Trafficking Laws***

Human trafficking is a crime that exploits vulnerable individuals through force, fraud or coercion.

For both sex and labor trafficking, victims are made to act against their will and in many cases, are forced or coerced into committing crimes. For victims of sex trafficking, who are almost always women, the crime is often prostitution.<sup>139</sup>

While New York has one of the most comprehensive anti-human trafficking laws in the country, Governor Cuomo proposes strengthening the existing law to (a) remove the requirements that “coercion” be proven when the victims are minors; (b) increase penalties for trafficking; and (c) create an affirmative defense in prostitution prosecutions that the defendant’s participation was a result of having been a sex trafficking victim.

These amendments will deter human trafficking, make prosecution and enforcement more effective, and solidify New York’s status as a leader among the states in protecting vulnerable individuals subject to exploitation.

### ***End Family Status Discrimination***

Women with children are less likely to be recommended for hire and promoted, and, in most

cases, are offered less in salary than similarly situated men.<sup>140</sup> This type of discrimination impacts those who are perhaps most in need—70 percent of children living with single mothers are poor or low income.<sup>141</sup>

Currently, State law protects against family status discrimination in housing, but not employment.



***Women with children are less likely to be recommended for hire and promoted, and, in most cases, are offered less in salary than similarly situated men.***

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Governor Cuomo proposes prohibiting employers from denying work or promotions to workers simply because they have children. By amending the law, New York will lead the nation by example in becoming the fifth state in the nation, and the first in the Tri-State area, to protect workers against discrimination in the workplace based on family status.

### ***Stop Source of Income Discrimination***

Female-headed households account for 76 percent of all housing choice vouchers issued, including Section 8 vouchers.<sup>142</sup> Many households suffer discrimination by landlords who are unwilling to rent to

voucher holders.<sup>143</sup> For housing vouchers to be meaningful, enough units must be made available for tenants. Providing this protection is invaluable in maximizing a voucher family's ability to secure safe and decent housing.

Governor Cuomo will propose amending the Human Rights Law to prohibit landlords from discriminating against tenants based on lawful sources of income.

### ***Stop Housing Discrimination for Victims of Domestic Violence***

Discrimination against victims of domestic violence is almost always discrimination against women. Of all victims of domestic violence, 85 percent are women;<sup>144</sup> an estimated 1.3 million women are victims of assault by an intimate partner each year,<sup>145</sup> and about 1 in 4 women will experience intimate partner violence in their lifetimes.<sup>146</sup>

Under current state law, victims of domestic violence have no protection from discrimination in housing. As a result, landlords can evict victims of domestic violence under zero-tolerance policies, citing

the violence of a household member, guest, or other persons under the victim’s “control.”

Governor Cuomo will propose amending the Human Rights Law to protect victims of domestic violence from discrimination when they attempt to purchase, rent, lease, or inhabit housing. Further, we will prohibit landlords or their agents from inquiring about domestic violence victim status, as well as create an eviction defense in housing court requiring judges to consider facts related to domestic violence in their decision-making.

By doing so, New York State will become the first state amongst its neighbors, and only the fifth state in the nation, to prohibit housing discrimination based upon domestic violence victim status.

### ***Stop Pregnancy Discrimination Once and For All***

While pregnancy is not a disability, some pregnancies can result in impairment requiring accommodation. In order to adequately protect the rights of pregnant workers, it is necessary to create a specific protection in the Human Rights Law requiring employers to provide a reasonable accommodation for

pregnancy-related conditions, unless doing so would create an undue hardship. While the Division of Human Rights has interpreted the sex and disability protections of the Human Rights Law as to encompass pregnancy-related conditions, recent Court decisions have contributed to the already considerable confusion as to the availability and extent of this protection.

Once amended, New York State law will serve as a model for all other states in the nation seeking to protect pregnant women from discrimination in the workplace.

***Protect Victims of Domestic Violence by  
Strengthening Order of Protection Laws***

As stated above, discrimination against victims of domestic violence is almost always discrimination against women. However, women face too many obstacles in securing protection from their abusers. For example, requiring domestic violence victims to be in physical proximity with their abuser in court may be traumatic, unsafe, intimidating, and may ultimately influence testimony.

To protect victims of domestic violence, and ensure that they are able to secure much-needed Orders of Protection, we will make sure that they be permitted to provide all required testimony by video-conference. New York State will be one of the first states in the nation to use video-conference technology to ensure that trauma, fear, and intimidation will not prevent the abused from obtaining an Order of Protection.

***Protect a Woman's Freedom of Choice: Enact the Reproductive Health Act***

New York was a national leader protecting choice even before the Supreme Court's *Roe v. Wade* decision. Governor Cuomo will continue to vigorously



***Governor Cuomo will continue to vigorously protect a woman's right to choose.***

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protect a woman's right to choose. Therefore, he will fight for passage of the Reproductive Health Act, which will protect the fundamental right of reproductive freedom and a woman's right to make private health care decisions. Several other states have already passed similar laws, including California,

Connecticut, Hawaii, Maine, Maryland, Nevada and Washington.

A woman facing an unplanned or problem pregnancy should have the opportunity to make the best decision for herself and her family, whether her decision is continuing the pregnancy, adoption, or abortion.

## **Fighting Hunger in New York**

We fight hunger in New York State through a mix of federal, State, and private-sector programs that make nutritious foods more affordable and available. These assistance programs and complementary private efforts are targeted to families and individuals in particular need, such as families with young children, elderly New Yorkers on fixed incomes, and others with emergency needs arising from economic dislocation, fire or natural disaster.

With leadership from Governor Cuomo and support from the Legislature, significant steps have been taken to extend food assistance to New Yorkers in need, including through innovative methods of bringing fresh farm produce to underserved communities, targeting additional resources to areas hard-hit by storms, and eliminating barriers and expanding outreach to improve program efficiency and effectiveness. But despite this progress, there is still more we can do to use proven strategies to get food assistance where it is needed and bolster our economy at the same time.

Any way you measure it, New Yorkers are not getting enough to eat. New York had a 17.6 percent “food hardship” rate in 2011—meaning nearly 1 in 6 New Yorkers reported they could not afford the food they needed that year—giving us the 28<sup>th</sup> highest food hardship rate among states.<sup>147</sup> Federal government estimates that use a slightly different measure of hunger find 13.3 percent of New York households experiencing low food security and 5.1 percent experiencing very low food security according to the most recent available data.<sup>148</sup> And the situation is even worse in households with children.<sup>149</sup>

More and more New Yorkers are seeking assistance getting the food they need: Over the past five years, the number of New Yorkers receiving help through the federal SNAP (food stamps) program has grown from about 1.7 million to over 3 million, an increase of over 70 percent.<sup>150</sup> State-supported food banks and pantries in New York received over 30 million requests for assistance and served over 190 million meals from 2010 to 2011.<sup>151</sup> In New York City, nearly 80 percent of food pantries and soup kitchens reported an increase in visitors from July 2011 to July 2012, almost nine in ten reported an increase in first

time visitors, and three-fifths reported they ran out of food during that time period, unable to keep up with demand.<sup>152</sup>

The mere fact that any New Yorker goes to bed hungry is unacceptable. But we also know that not having enough to eat leads to serious corollary consequences, multiplying the burden on our most vulnerable populations—particularly young children and the elderly—and increasing long-term social costs.

For children, living without enough to eat jeopardizes physical and mental health, academic achievement, and even long-term life chances. Children living with hunger experience poor physical and mental health and increased hospitalizations.<sup>153</sup> Young children, whose brains are developing quickly, are at particular risk,<sup>154</sup> but all children experience negative consequences: kindergartners without enough food enter school with lower math scores and learn less over the course of the school year.<sup>155</sup> Older children are more likely to repeat a grade, have behavioral problems, and present higher rates of tardiness and absenteeism.<sup>156</sup> And hunger not only jeopardizes children's health and education, but also their ongoing health and even workforce participation as adults.<sup>157</sup>

For the elderly, hunger increases hospitalizations, physician visits and the need for expensive prescription drugs—exacerbating the suffering of those in need and dramatically impacting healthcare costs.<sup>158</sup>

And it is not just lack of food, but a lack of quality food that matters. Too often those who can't afford food also don't have access to healthy food, including fresh fruits and vegetables. Recent survey data shows 9.1 percent of New York households (and 10 percent of households with children) reporting difficulty accessing affordable fresh fruits and vegetables, giving New York the 23<sup>rd</sup> highest rate in the nation.<sup>159</sup> And New York is home to six of the 45 congressional districts with the highest rates of access and affordability problems for fresh fruits and vegetables. Those without resources are often forced to use limited funds for the cheapest food available,<sup>160</sup> and lacking access to healthy food compounds the health and other problems associated with hunger.<sup>161</sup>

## ***A Path to Fight Hunger in New York***

Luckily, the tools needed to fight hunger in New York are right in front of us.

Significant federal and other programs exist to fight hunger but are underutilized or not sufficiently deployed, failing those in need and forgoing millions in federal dollars that could flow into our economy. For example, only about three in four of New Yorkers eligible for federal SNAP (food stamp) benefits currently participate; a rate that ranks New York 33<sup>rd</sup>,<sup>162</sup> and leaves millions of federal dollars on the table each year.

Similarly, only 41.4 percent of New York kids participating in school lunch are also benefiting from school breakfast, ranking New York 40<sup>th</sup> in the nation.<sup>163</sup> Raising that participation rate to 60 percent (in line with the top states in the country) would bring New York an estimated \$53.6 million per year in additional federal funding to help children and their families.<sup>164</sup> This same pattern holds true for other federally-funded programs.<sup>165</sup>

In addition to these federal resources, New York benefits from active and informed participation in

fighting hunger by the private sector, including from our farm community.<sup>166</sup> Existing research and pilot programs show ways to increase participation in federal programs, make meals healthier, and increase use of local farm products.<sup>167</sup> But our significant federal and other resources and proven best practices are not being deployed effectively enough throughout our state.

What is needed is focus, commitment, and a structure to better coordinate the significant resources—both public and private—in our arsenal and ensure that proven best practices are being deployed where they can be most effective. That’s why this year, Governor Cuomo will create a Statewide Anti-Hunger Task Force to work to end hunger in New York by leveraging public-private partnerships to maximize and improve New York’s network of anti-hunger services.

The Task Force will focus on three goals:

- Increasing participation in federally-funded anti-hunger programs (to feed hungry New Yorkers while bringing federal money into our state);
- Increasing the use of New York farm products and healthy foods in anti-hunger programs; and

- Facilitating private sector efforts in partnership with the government to meet the above goals.

Experts agree that a coordinated, statewide effort to increase participation in federal nutrition programs is a win-win strategy for states, allowing New York—at little to no cost to the State—to provide more nutritious food to more people and bring in significant federal dollars to boost local businesses and the state economy.<sup>168</sup>

Other states have seen success implementing this strategy through an action-driven, metrics-oriented task force—often coordinated by the national nonprofit Share Our Strength—that brings together key players from the public and private sectors and focuses on coordinated strategies to increase participation in federal programs.<sup>169</sup>

By implementing and improving on this proven model in New York in partnership with Share Our Strength and other organizations, we can become a national leader in fighting hunger and improving access to healthy food. Through a well-executed task force, Governor Cuomo will ensure that we coordinate and deploy resources effectively and bring proven best

practices to our state to help those in need, decrease long-term social costs, and produce economic benefits for our state.

## **Increasing MWBE Opportunities**

Ensuring the participation of MWBEs in New York State's vibrant economy has been a priority for Governor Cuomo since taking office. He made a commitment early on in his administration to remove the barriers to MWBE participation in State contracting and to increase the utilization of minority and women owned businesses in state contracting to 20 percent. His commitment was re-enforced when he issued Executive Order #8 and established a team to oversee the creation and implementation of State initiatives to increase opportunities for MWBEs in State contracting.<sup>170</sup> With the team, the Governor developed a three-step plan to provide greater economic opportunity and job growth to MWBEs. The plan consists of: (1) creating efficiencies through technological and process improvements, (2) increasing transparency and accountability, and (3) engaging with the MWBE and broader small business community. There have been significant accomplishments in these three areas, as the Governor continues to expand MWBE participation in State contracting.

In October of 2012, the Governor announced and launched a state-of-the art web portal that provides resources and information to New York State agencies, authorities, contractors and the general public. Creating efficiency through technology, the *New New York Contract System* enables current and potential MWBEs to get certified expeditiously; find and bid on contract opportunities; manage their records and submit accountability reports online; establish contact with prime contractors seeking their service; and learn about state programs that will strengthen their business. Additionally, the new system will give contractors and agencies the ability to utilize a searchable database to find certified MWBE firms by various keyword searches; quickly receive compliance notices; and easily submit monthly reports online. This system creates transparency and provides the capability to monitor compliance, a factor that should increase access to contracting opportunities for MWBEs.

The Governor also focused on modernizing the manner in which firms apply for certification, thereby creating a more business-friendly experience. The paper-intensive application process had produced a delay in processing certification applications, many of

which were not being reviewed within the required 90 day period. MWBE firms complained that the process was inefficient and convoluted. As of today, every certification application is being reviewed within 90 days. In addition, there is a record number of New York State certified MWBEs, more than 7,500—a 15 percent increase since July 2011.

The certification process was further improved by providing applicants with the option to simultaneously certify with three entities: the State of New York, the City of New York, and the Port Authority of New York and New Jersey. By creating a single application for certifying MWBE firms across local municipalities, New York State is streamlining and expediting what was once a slow and complex process that hindered business growth. As a result of this agreement, firms will be able to quickly obtain State MWBE certification and to bid on State contracts.

The Governor and the MWBE team identified agency accountability and compliance as another critical issue to achieving greater MWBE participation in State contracts. For the first time in the 30-year history of the program, the Governor secured plans from all executive agencies and authorities outlining

how each will increase MWBE participation in State contracting. Through this unparalleled commitment to enforcement and reporting, the State has laid the foundation to further increasing MWBE participation.

A substantial challenge to MWBE firms seeking State contracts was the lack of clarity and consistency in contract language to hold contractors responsible for meeting their MWBE goals. To remove this barrier to contracting opportunities, the State has implemented model MWBE language that is designed to standardize MWBE provisions in Requests for Proposals and contracts across all state agencies and for the awards made by the Regional Councils. The State also created a new partnership with the Office of the Inspector General to stamp out instances of fraud among firms willfully claiming MWBE status and providing other fraudulent information to the State.

The State increased MWBE economic growth by providing a consistent and comprehensive network of opportunities, including the first surety bond assistance program. In 2012:

- Over 100 small businesses and MWBEs graduated from bond readiness training; and

- Small business and MWBE contractors leveraged approximately \$32 million in surety bonding capacity as a result of New York State training, credit facilitation, and surety bond collateral support.

The Governor's Office has also hosted and participated in more than 200 outreach events and held the largest conference on statewide contract opportunities with over 1,700 attendees this past October.

As he embarks on his next year in office, the Governor pledges to break down more barriers to increase MWBE participation in State contracting and ensure that there is a level playing field in government contracting.

## Creating “CORE” Neighborhoods

Place matters. Where you live determines how you live, for better and for worse. While every New Yorker should have the opportunity to thrive in a safe and stable community, from a supported childhood to a productive adulthood, in New York State distress is concentrated in a small number of neighborhoods. For example:

- In a high crime neighborhood in Rochester an African American man between the ages of 15 and 29 is 33 times more likely to be murdered than in the rest of the nation;<sup>171</sup> the city’s poverty level is more than double the statewide average;<sup>172</sup> and the teen pregnancy rate is almost 4 times the statewide average.<sup>173</sup>
- In Newburgh, the violent crime rate is three times higher than New York City, 37 percent of the population lives below the poverty line,<sup>174</sup> and two-thirds of its residents have no more than a high school diploma.<sup>175</sup>

The State is already pouring enormous resources into these neighborhoods. A survey of just nine State agencies last year revealed that we spent over \$350 million annually, not including the costs of education, temporary assistance and other pooled or locally allocated funding. At the same time that we have

reliably failed for decades to alleviate these problems, in spite of the fact that we actually know what works. A decade of research shows in field after field—crime, education, social services, health—that place-based strategies work and that within a particular place certain kinds of interventions work better than others. Nurse-Family Partnerships, Head Start, mentoring, summer youth programs and others, if knit together from birth to adulthood, inoculate individuals, families and neighborhoods against distress. As a State, however, we do not do enough to link these ideas in an intentional and operational way. For example, the nine agencies invested \$33 million in 60 different programs of which 15 related to crime, 11 to jobs, 16 to health and 18 to housing.

The State can address the key barriers to improving results in these neighborhoods. First, State actors must improve coordination and develop a shared vision for these neighborhoods. Currently, agencies work on the same issues in the same places with the same partners, yet do so independently and are unable to identify what service gaps exist. This lack of coordination misses opportunities to improve outcomes for all of the programs and the communities in which

they operate. Second, the programs and community members also need to connect across sectors. We know that economic deprivation and high crime walk hand in hand, as do prosperity and safety, which means any successful approach must be grounded in work across sectors. Finally, stronger connections must be made vertically, between neighborhoods and the State, and on up to the Federal government.

State government funding is often allocated in a way that prevents a focus on a specific neighborhood, instead granting broadly to a region, county, or city. Similarly, policy development at the state level can be disconnected from local realities.

The Community, Opportunity, Reinvestment (CORe) initiative will better align state support with local need, while supporting successful community-based efforts, so that together we can make measurable and sustained progress in improving the outcomes in these communities.

The CORe initiative will link up to ten State agencies across several issue areas, including health services, juvenile justice, labor, public safety, child welfare, substance abuse, and economic development.

The CORE initiative will operate primarily at two interconnected levels.

- State COREStat: We will start with a regular review of outcomes from a comprehensive inventory of existing programs; measure them against an index of well-being in the neighborhoods of concern; respond to community input regarding possible improvements in financing structures, policy and regulatory barriers; and identify gaps in existing services. Neighborhood team leaders will join the state group for direct access to decision-makers, and to inform the state about local realities, successes, and challenges. The agencies will identify funds and programs serving CORE neighborhoods, participate in an analysis of the intersection of their goals, and work together to set priorities around future funding decisions. The team will have a shared vision of community improvement.
- Neighborhood COREStat: CORE is being piloted in two communities in 2012, and additional communities will be added in 2013.

The local communities would be given three kinds of resources from the State: 1) a technology solution to individuals with multiple needs in order to engage them earlier and more effectively in services; 2) a community conditions survey tool that will identify opportunities for short-term changes with the real

potential to effect long-term change—starting to drive numbers in the right direction while also further engaging the community; and 3) technical assistance to create and support a local CORE team; strengthening partnerships as an independent entity; and building organizational and leadership capacity. There are several federal initiatives supporting this approach, but no state has yet taken a similar comprehensive look at neighborhood revitalization.

The program is designed to achieve cost savings by reaching individuals earlier so that they avoid the need for services; only supporting programs with measurable outcomes; and eliminating redundancies through close communication with participating neighborhoods and partners.

## **A Focus on Public Health**

The best way to improve the health of New Yorkers and to lower health care cost is to avoid preventable illness and the health care interventions they require. New York already expends considerable resources to support a broad array of public health initiatives and is considered a leader in this effort. However, our programs and policies need to be updated to better respond to the emerging health care issues of an increasingly complex social dynamic. Our resource commitments need to be targeted to areas in which they can have the greatest return on investment.

This year, at Governor Cuomo's direction, the Department of Health engaged local health officials in a joint effort to reform Article 6 of the Public Health Law, which is the statutory basis for supporting the public health activities of county governments and New York City. The comprehensive reform statute that Governor Cuomo will recommend for adoption will be the first major overhaul of Article 6 since its enactment. It will provide administrative relief to counties, modernize program practices, incentivize good performance and strengthen fiscal predictability.

## ***New York to Set the “Gold Standard” for Patient Care***

Over the past two years, we have begun a transformation of our healthcare delivery system to make it more affordable and accessible, and we have focused on delivering high quality care that improves the health of all New Yorkers. This year we will work with hospitals to improve the quality and safety of care provided to patients at key stages of hospital admission, treatment, and discharge. By working together and promoting best practices, we can save lives and improve outcomes for all those seeking care.

One way to do this is by addressing the problem of sepsis. Sepsis is a serious medical condition caused by an overwhelming immune response to infection. When a person has an infection of any kind, even from a small cut, the infection can enter the blood or surrounding tissue where it can grow quickly. In most cases, the body’s immune system can defeat the infection on its own or with simple treatment. In some cases, however, the infection and the body’s immune response trigger a systemic inflammation known as sepsis, that—if not diagnosed and treated early and effectively—can interfere with the function of vital

organs including the heart, liver, and kidneys, and lead to disfigurement, organ failure, and even death.

Sepsis is a huge problem. It strikes at least 750,000 people in the U.S. each year, and has an alarming mortality rate: it is the number one cause of death in U.S. hospitals,<sup>176</sup> and kills as many Americans annually as heart attacks,<sup>177</sup> and more than AIDS, prostate cancer, and breast cancer combined.<sup>178</sup> Recent tragic cases, including in New York, have brought increased attention to this previously little-known issue.<sup>179</sup> Those who survive sepsis often face complex and life-altering after effects, including missing limbs and ongoing organ dysfunction like respiratory distress or kidney failure.<sup>180</sup> Given its severe consequences, sepsis is a huge driver of medical costs, responsible for an estimated \$17 billion annually in national healthcare expenses,<sup>181</sup> and the problem appears to be growing.<sup>182</sup>



***Sepsis is a huge problem. It strikes at least 750,000 people in the U.S. each year, it is the number one cause of death in U.S. hospitals, and kills as many Americans annually as heart attacks, and more than AIDS, prostate cancer, and breast cancer combined.***

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New York has made great strides in preventing hospital-acquired infections that can lead to sepsis, and those important efforts are ongoing.<sup>183</sup> The overwhelming majority of sepsis cases, however, involve patients who arrive at a hospital having already contracted their underlying infection.<sup>184</sup> By definition, prevention of hospital-acquired infections does not apply in the context of patients whose sepsis derives from a pre-existing infection. Efforts to reduce hospital-acquired infections, while valuable, are not sufficient to address the sepsis problem.

We can reduce the catastrophic deaths, life-altering consequences, and high costs of sepsis only by ensuring that hospitals act quickly to diagnose sepsis and begin treatment within the “golden hour” when it can be most effective.<sup>185</sup> It’s not that we don’t know how to treat sepsis, but

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***Experts agree that the solution is basically a “checklist”: a standardized protocol to facilitate quick and accurate diagnosis and fast and effective treatment as soon as any sign of sepsis arises.***

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that appropriate treatment is not being given quickly enough in all cases.

Experts agree that the solution is basically a “checklist”:<sup>186</sup> a standardized protocol to facilitate quick and accurate diagnosis and fast and effective treatment as soon as any sign of sepsis arises. Doing this right can cut the death rate significantly. Evidence-based sepsis recognition and treatment protocols have proven dramatically effective in the few hospital systems where they have been tried. In California, Kaiser Permanente reduced sepsis mortality by more than 40 percent, saving more than 1,400 lives since implementation of evidence-based anti-sepsis protocols in 2008.<sup>187</sup> Intermountain Healthcare’s sepsis initiatives at its Utah-area hospitals reduced sepsis mortality rates from 25 percent to 9 percent, saving 85 lives and \$38 million annually.<sup>188</sup> Here in New York, United Hospital Fund and the Greater New York Hospital Association experienced an 18 percent reduction in sepsis mortality at over 50 hospitals that piloted evidence-based sepsis management protocols from 2011 to 2012.<sup>189</sup>

To date, no state has ensured that these simple protocols are implemented at all hospitals. We will lead the nation and protect all New Yorkers by implementing these proven best practices statewide. Kaiser Permanente and Intermountain’s work show that many

lives can be saved by effective protocols. It is estimated that statewide adoption of effective anti-sepsis protocols in New York could save 5,000 to 8,000 lives per year and reduce other tragic and costly consequences of sepsis.<sup>190</sup> We have seen what works, and it is time to make it work for all New Yorkers.

In 2012, our Department of Health hosted a conference on this issue and has been continually consulting with stakeholders, including hospital systems, to determine how best to address this problem. From this process, it emerged that to fight sepsis effectively based on current evidence and best practices, hospitals should:

- Establish a process for screening patients in all hospital settings to facilitate early recognition of patients with possible sepsis;
- Commence a countdown clock once possible sepsis has been documented; and
- Establish clear time-based goals for providing treatment once sepsis has been identified, aiming for administration of antibiotics within one hour, and full protocol implementation within at least 6 hours.<sup>191</sup>

The evidence shows and experts agree that successful adoption of these procedures at all hospitals

would save lives and, for those who survive, reduce the severity of their injuries.

That is why New York will now lead the nation by being the first state to require all hospitals to adopt best practices for the early identification and treatment of sepsis. Governor Cuomo will direct the Department of Health to propose regulations that will require every hospital in New York State to identify and implement a sepsis recognition and treatment protocol that aligns with proven best practices and is approved by the Department of Health.

The Department will not approve protocols that don't achieve the evidence-based consensus goals described above and will periodically review and re-approve protocols to ensure they keep up with evolving evidence. Since adults and children require different standards of care, we will require procedures to address treatment of both adults and children. Importantly, we will also require all staff with direct patient care responsibilities plus key staff like laboratory and pharmacy technicians to be trained on these protocols. To ensure oversight and facilitate continuing research, we will collect and make available data on implementation and effectiveness.

The time has come for government to act. Experts and advocates have been calling for action on this critical issue for over a decade. All New Yorkers deserve effective implementation of proven sepsis protocols no matter where they seek care. Working together to make this a reality, New York's regulators and healthcare professionals will become a life-saving model for the nation.

Sepsis presents one of the best opportunities for New York to improve patient care, but it is not the only area that deserves attention. Another critical area for improvement is in pediatric hospital care.

Care provided to children and adolescents represents a substantial portion of the care provided by hospitals,<sup>192</sup> and the primary reasons children seek care differ from those of adults.<sup>193</sup> Children have unique needs: their bodies and vital systems function differently than those of adults, and parents and other caregivers play a special role in how they seek and receive care.<sup>194</sup>

Unless our healthcare system recognizes their unique situation, our children won't receive appropriate care. Without information and the opportunity to ask questions of a treating professional, parents can't work

with healthcare professionals to improve the care provided to children. That is why we will find ways to improve quality and oversight in pediatric settings and support shared decision making, through which parents and legal guardians can play a meaningful and informed role in a child's healthcare decisions (with appropriate privacy safeguards) before that child is discharged from the hospital.



## **4. Public Safety**

### **New York State: Safe and Fair**

New York State's achievements in public safety are legendary: over the past ten years alone crime has dropped 18 percent.<sup>195</sup> Today, New York has one of the lowest crime rates in the country, keeping company with Idaho and Rhode Island.<sup>196</sup> We have achieved these public safety successes through our commitment to fairness: reserving the expensive sanction of incarceration for those who pose a danger, but promoting cost-effective community programming for those who do not. Alone among the states in the nation, we have driven down our incarceration rates while also driving down crime rates. Since 2000, the number of

inmates in New York State's custody has declined 21 percent while the incarceration rate has declined 26 percent, putting us in the bottom ten percent in incarceration rates along with Minnesota and Maine.<sup>197</sup>

What got us here is our commitment to smart public safety. This approach relies on science, prediction, and prevention to ensure that we use our criminal justice resources in a targeted and effective way. This strategy promotes a consistent and high bar of justice practices across the state. By doing so we will ensure that we prevent crime and the suffering that goes with it. And, our approach promotes the partnership between law enforcement and the people of this state that they are sworn to protect; a partnership that is the central pillar of a safe and fair society.

As part of our continuing commitment to safety and fairness, Governor Cuomo introduced a bill to expand New York's DNA Databank that the Legislature passed. The use of DNA in the area of criminal justice has proven to be a powerful tool to help prevent crime, convict the guilty, and protect the innocent. Under prior state law, DNA could only be collected for less than half of all convictions in New York, limiting its use in our justice system. Even with these limits, the state's DNA

Databank has provided leads in more than 3,100 convictions.<sup>198</sup> DNA evidence also has helped exonerate 27 innocent New Yorkers.<sup>199</sup>

With this expansion, New York became the first state in the nation to require DNA from anyone convicted of a felony or Penal Law misdemeanor. The new law also provides defendants with improved access to DNA testing both before and after conviction, as well as better access to post-conviction discovery. As a result, the wrongly accused gain a better opportunity to demonstrate their innocence.

While focusing on better tools to prevent crime and to convict the guilty, Governor Cuomo also committed to greater use of preventive services and community-based alternatives to incarceration. These policy tools help juvenile offenders turn the corner and to become productive adults. The Governor made significant reforms to the State's juvenile justice system by downsizing State juvenile facilities by more than 30 percent and investing resources in enhanced services for juveniles who remain in custody. In fiscal year 2011-12, four State residential juvenile facilities were closed and another four were downsized. Additionally, the Tryon Boys Residential Center was closed in January

2011. As the State right-sized its facilities, it also saw significant progress in public safety: between 2009 and 2011, juvenile arrests declined by 12 percent, juvenile detention admissions declined by 17 percent and the number of admissions to State juvenile facilities declined by 36 percent.<sup>200</sup>

In other areas as well, Governor Cuomo has pursued this balanced approach, using science to understand how to promote public safety by ensuring that we apply the right remedy to the right person at the right time. In the Work for Success initiative, a partnership between government officials, non-profits and national experts, we have implemented a “lab” that is focusing on reducing crime through employment. With employment shown to be one of the best antidotes to criminal offending, the Work for Success group is developing a client matching system that would ensure that ex-offenders are put on the path to becoming law-abiding, tax-paying citizens by increasing their job readiness and improving their employment options.

Undergirding this effort are new and innovative ways of using smart cost-benefit analyses to promote the highest rate of public safety at the lowest cost. Over the past year, the State piloted a new computerized

model that helps decision-makers understand how much public safety their investments are buying. The model, Results First, is being developed in partnership with the Pew Charitable Trusts, and helps identify programming that works, as well as problem areas that need correction.<sup>201</sup>

This new, forensic approach also supports the State's commitment to finding new ways of funding cost-effective programming. Early in his term, Governor Cuomo voiced his support for social impact bonds, a new financing mechanism. Social impact bonds, or pay for success contracting, attracts private funding for preventative programming with a promise to investors of a return on investment based on the savings that the programming secures. Making good on that commitment, the State has committed to a partnership with commercial investors who will raise funding for employment programs for ex-offenders that are proven to both increase employment and reduce crime. When successful, this programming will yield savings for the State and local government through avoided prison and jail stays.

The State intends to expand the test of this pay for success method of attracting private funding for

cost-effective preventive programming. This summer, the State issued a Request for Information seeking new ideas for private investment that could be used in a pay for success initiative in several areas, including, place-based strategies, health, education and labor.

Last session was also a landmark year for legislation protecting the vulnerable from abuse. To strengthen our laws against domestic violence and crack down on repeat offenders, Governor Cuomo and the Legislature passed the Domestic Violence Omnibus Act, which upgrades repeat domestic violence offenses to a felony; allows judges to consider risk factors such as firearm possession and violations of restraining orders in determining bail; establishes a statewide fatality review process to help determine ways to reduce domestic violence related deaths; and improves safeguards to protect the locations of victims of domestic violence. Finally, the legislation ensures that domestic violence offenders, even if they are the victim's spouse, cannot control the disposition of a victim's remains for purposes of a funeral or burial.

Governor Cuomo and the Legislature also enacted a new law that will more effectively prohibit Internet access to child pornography and ensure that

child pornography can never be legally possessed in the state. The legislation prohibits individuals from knowingly accessing, with the intent of viewing, child pornography on the Internet. This legislation closes a loophole to provide that an individual intentionally accessing a website to view child pornography can be charged with a class E felony.

In addition, the Governor championed legislation that requires schools to act in cases of cyberbullying that hurt students or disrupt the school environment. The new law requires school districts to establish procedures to address bullying and harassment and requires school districts to have a designated person to receive and investigate reports of bullying. The law also requires school employees who witness harassment to report it within one school day, and it compels school districts to coordinate with law enforcement when appropriate and to provide notice to all school community members of the school's policies and procedures. Finally, the new law requires training on bullying and effective prevention strategies for employees, new teachers, and administrators.

Texting or using a handheld electronic device while driving is dangerous and has led to fatal accidents

in New York State, often involving young people. To crack down on distracted driving and make New York's roadways safer for all, the Governor and Legislature put in place tough new penalties for drivers who use electronic devices while behind the wheel. The law has been an overwhelming success, increasing four-fold the number of tickets given for texting-while-driving violations in the one year since the new measures took effect; bringing the number from more than 4,500 to nearly 21,000 violations per year.

### **We Must Pass a Tough Assault Weapons Ban: The Rest of the Nation will Follow New York**

Guns have both a noble and a tragic tradition in America and in New York State. They are a sign of our nation's fiercely defended independence and self-reliance. Our state is home to the oldest gun manufacturer in the United States, which proudly armed our soldiers in both World Wars. Guns are the tools of our nation's great hunting and sporting traditions.

In the wrong hands, guns are also weapons of untold destruction and heartbreak. As the tragic events

of just the last few weeks in Newtown, CT, and West Webster, NY, have indelibly taught, guns can cut down small children, firefighters and policemen in a moment. Nationwide, almost 70 percent of criminal homicides are committed with guns.<sup>202</sup> Our first responders who put themselves in harm's way each day to protect us are, when feloniously killed, overwhelmingly killed by guns.<sup>203</sup>

And communities of color bear the brunt of the deaths: homicide is the leading cause of death for young black men and the second leading cause of death for young Hispanic men.<sup>204</sup>

Guns not only cost us lives, but they also impose huge economic costs. Emergency rooms treat nearly 500,000 nonfatal gunshot injuries from assaults nationwide, costing an estimated \$2 billion a year, half of which cost is borne by the public.<sup>205</sup> Fear of gun violence invades neighborhoods, causing disruptions in the normal rhythms of life, work and school. That threat depresses property values and puts a drag on economic development.

It does not have to be this way. We can ensure that we promote safe ownership of guns and reduce gun

violence by a sensible combination of legislation and executive action.

Some weapons are so dangerous and some ammunition devices so lethal that we simply cannot afford to continue selling them in our state. With military-style features that are unneeded and unwanted for hunting and sporting purposes, assault weapons are this kind of weapon. And large capacity magazines are this kind of ammunition device. The guns and ammunition used in the recent shootings in West Webster, NY; Newtown, CT; Oak Creek, WI; Aurora, CO; and Tucson, AZ all had either one or both of these kinds of guns or magazines, permitting them to fire multiple rounds in rapid succession without reloading and without giving their victims an opportunity to flee.

Our state has had a ban on assault weapons since 2000, but it is so riddled with loopholes and so difficult to understand that it has become virtually unenforceable. Among other things, while we ban all magazines with a capacity greater than ten rounds of ammunition, we do not ban large capacity magazines manufactured prior to the enactment of the federal assault weapons ban in 1994—magazines with the capacity to hold upwards of 30, 50, or even 100 rounds.

Because magazines are not generally stamped with a serial number or other mark that would identify the date of manufacture, it is virtually impossible for law enforcement to determine whether a large capacity magazine was manufactured prior to 1994, and, as a result, we effectively have no ban in New York State.

In order to fix this problem, Governor Cuomo will propose tightening our assault weapons ban and eliminating large capacity magazines regardless of date of manufacture.

### **One State, One Standard**

Currently, licenses for handguns are issued by the county in which the gun owner lives. With few exceptions, licenses are valid for life. As a result, while certain checks—for example, checks against criminal convictions, involuntary commitment records, convictions for crimes of domestic violence, open orders of protection—are run at the time a license is issued, once a license is obtained, there is no subsequent check to determine whether the holder is still eligible to own a gun. Governor Cuomo will propose a single standard across the state to ensure

that appropriate checks can be run to bar convicted felons and other prohibited people from possessing firearms.

### **Preventing Private Sales to Prohibited Persons**

While New York mandates that individuals buying guns from dealers or at gun shows be checked to determine whether they have a criminal record, suffer from mental illness or otherwise are in a category of persons prohibited from owning guns, no such checks are done when a gun is sold privately. Governor Cuomo will propose requiring that any sale in New York State between private parties be subject to the same background checks.

### **Reporting by Mental Health Professionals**

Governor Cuomo will propose that when a mental health professional determines that a person is likely to engage in conduct that would result in serious harm to self or others, that risk may be reported. If it is concluded that this person is a threat to public safety, the individual's firearm license will be suspended or

revoked and law enforcement will be permitted to remove weapons from the individual's custody.

### **More Efficient Issuance of Licenses**

Currently, waits for licenses in many counties can take up to one year. This is because it is often difficult to get timely and accurate information to process the license and because many of the databases at the county and state levels are still in paper form. In order to assist counties in ensuring that licenses are processed as expeditiously as possible and that accurate information is matched to ensure that dangerous people do not obtain licenses, the State will systematize and synchronize, through a secure web-based interface, the checks performed by county and State offices involved in license issuance.

### **Enhanced Penalties**

To effectively deter the flow and use of illegal guns on our streets, we will propose enhancing penalties for those who illegally buy guns; for those who use guns on school property; and for those who engage in violent and serious drug-related gang activity.

## Gangs and Guns

While crime has dropped dramatically in New York State over the past decade, gun violence is persistent in poor communities across the state and disproportionately affects the African-American and Hispanic communities, as well as the young and women. Moreover, in addition to being a public safety issue, gun violence is also a public health problem costing taxpayers millions of dollars. The following statistics make the point:

- In 2011, 95 percent of persons killed with a firearm in New York City were black or Hispanic (68 percent for the rest of the state).<sup>206</sup>
- Nationally, firearm homicides are the second leading cause of death for kids under 19.<sup>207</sup>
- Cities like Buffalo and Newburgh, and neighborhoods such as Brownsville in the Bronx, report higher rates of shooting incidents than other parts of the state.
- In 2008-10, hospital visits for firearm-related injuries cost \$118.5 million in NYC and \$91.7 million in the rest of the state.<sup>208</sup>

## **Combating Gun Violence in the State's Most Violent Neighborhoods**

The State is currently piloting one strategy and preparing to layer on a second, both of which have been employed to date in approximately 61 jurisdictions across the nation, yielding big reductions in gun violence over a short period of time.<sup>209</sup> Both strategies use as their pivotal moment an “offender notification forum” or “call-in” meeting, in which a united team of law enforcement, community members and service providers deliver a message that conveys facts about the consequences of further violence; a moral message against violence; and a clear choice in the hands of offenders to take responsibility for their future actions.<sup>210</sup>

The first strategy, created by Professor David Kennedy of John Jay College, focuses on crews of violent offenders on the street and relies on focused police work that permits law enforcement to follow through with the consequences (i.e., arrest) promised at the forums. The second strategy, pioneered by Professor Tracey Meares of Yale Law School, focuses on offenders returning to the community from prison and relies on a

saturation of the message through the offenders attending the forum to drive behavior change. Both methods have yielded gun violence reductions of approximately 30 percent within a year of implementation and Meares' strategy showed that five years out, offenders who attended the forums were far less likely to return to prison than those who did not.<sup>211</sup>

The Meares program began operation in New York in July 2012 and is currently in five sites (Albany, Brownsville, Mott Haven, Harlem and Schenectady). During 2013, additional sites will be added with an additional focus on street crews and violence. Together with the United State Attorneys, District Attorneys, police chiefs, local community groups and service providers, we will build on our current project to reach additional cities so that we have covered the most violent neighborhoods in the state. The program is currently being evaluated by Professor Patrick Sharkey of NYU, and the State will invest in an evaluation for the expansion as well as a full-time state coordinator.

## **Staying Ahead of the Game on Dangerous Designer Synthetic Drugs**

In August 2012, the Commissioner of Health signed an Order for Summary Action,<sup>212</sup> effectively banning the sale of bath salts and synthetic marijuana in New York State. Known as “designer drugs,” because they are synthetically manufactured compounds chemically similar to naturally occurring narcotics and hallucinogens, bath salts and synthetic marijuana can be extremely dangerous substances linked to poisoning, accidental death and suicide.<sup>213</sup>

The New York State Public Health and Health Planning Council amended the State Sanitary Code to outlaw the manufacture, distribution, sale and possession of bath salts and synthetic marijuana. This regulation outlawed “classes” of synthetic marijuana, and attached criminal penalties to the violation of the rules. This made law enforcement part of the solution, and opened the door to prosecutions even if manufacturers make alterations to the drug’s chemical structure.

Partnering with local county health departments, the Department of Health conducted over 2,500

compliance checks of retailers throughout the state. The New York State Office of Alcoholism and Substance Abuse Services convened a Synthetic Drug Abuse Summit at which they provided outreach to substance abuse providers throughout the state. The Department of Health complemented these efforts by providing written guidance to the public, practitioners and retailers about the dangers of designer drugs.



***Since 2010, there has been a 2,307 percent increase in emergency visits Upstate as a result of the use of designer synthetic drugs such as bath salts.***

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The New York State Police and the Department of Health have also partnered to stop the retail sale of these substances. They investigate leads submitted by the public through the Governor's Bath Salts hotline (1-888-99SALTS), and work together to improve testing to detect the use of synthetic drugs.

Our swift action is proving successful, and is saving lives. Emergency room visits and calls to our Poison Control Hotline peaked between June and

August of this year. The latest data available show only two emergency room visits statewide for bath salts, and none for synthetic marijuana, during the week ending December 15, 2012, the most recent date in a downward trend. However, we must do more to keep designer drugs off the streets and out of the hands of our children. We must make designer drugs like bath salts and synthetic marijuana Schedule I drugs—on par with heroin, LSD, marijuana, and ecstasy. Therefore, Governor Cuomo will propose legislation to criminalize the sale and possession of these substances, and ensure our laws give us the flexibility to immediately tackle the next iteration of designer drugs so not a single life is lost.

## **New York State Cyber Security Initiative**

Federal government officials at the highest levels have been sounding the alarm in recent months regarding the threat that cyber attacks pose to our nation. In a speech in New York City, Defense Secretary Leon Panetta revealed that cyber intruders have already gained access to some of the nation's critical control systems—systems that run chemical, electric, and water systems—with the intent to cause panic, destruction and loss of life.<sup>214</sup> And in the wake of Hurricane Sandy, Homeland Security Secretary Janet Napolitano warned that the storm's devastating impact on our infrastructure—and the resulting impact on daily life—was merely a preview of the chaos that could be caused by a cyber attack.<sup>215</sup>

In 2012 alone, major cyber attacks were aimed at gas, oil, and banking systems, to name only a few:

- In May 2012, a major cyber attack was aimed squarely at computer networks belonging to US natural gas pipeline companies, according to alerts issued by the US Department of Homeland Security.<sup>216</sup>
- In August 2012, Saudi Arabia's Saudi Aramco, which, at 259.7 billion barrels, manages the world's largest proven conventional crude oil

reserves, said it was hit by a “malicious virus that originated from external sources and affected about 30,000 workstations.” The virus destroyed tens of thousands of Aramco computers. Defense Secretary Panetta cited the attack as the most destructive attack on the private sector to date.<sup>217</sup>

- Last fall, a hacker group in the Middle East disrupted the electronic banking operations of America’s largest financial institutions. Affecting the websites of several U.S. banks, the strikes left customers temporarily unable to access their checking accounts and other services.<sup>218</sup>

These attacks serve as a warning to state and local governments, which are prime targets for cyber attacks. Many critical systems, such as those controlling water, electric, and transportation, are run by state and local entities, or private entities that may be regulated at the state and local levels. In addition, state and local government agency computers contain vast treasure troves of sensitive resident information that can easily be sold by a hacker on the black market and used for financial fraud and identity theft. Particularly as the federal government’s systems become increasingly fortified, state and local systems may become more attractive to hackers.

Last fall, South Carolina revealed that its Department of Revenue systems were attacked, resulting in the compromise of 3.6 million Social Security numbers, 387,000 credit and debit card numbers, and 657,000 business tax records. At least 11 state tax agencies nationwide have been breached since 2005, however, this is the first believed to be caused by an external attack, rather than an internal accident. Tax agencies are considered prime targets for cyber attackers because they contain the Social Security numbers, personal information, and credit card information of each individual.<sup>219</sup>

Although investments in cyber security can be costly, they are cost-effective; these attacks are even more expensive to remedy than prevent, given the amount of damage they can cause. And while the contours of our nation's response to the growing cyber threat are not yet fully clear, it is certain that governments at all levels will be increasingly involved in cyber security defense, and that state governments will have an important role to play.

In addition to strengthening our own data systems according to best practices, state government must take the lead in guiding municipal and regulated

entities regarding the many systems they control. State and local governments are the first line of defense and, in most cases, the first responders to cyber attacks. We need to ensure that state and local governments are well-aware of the threats and the tools, techniques and tactics used, since they will be the first to see, identify, and detect the threats. All incidents start as local incidents, even if they are of national significance.

We will launch a New York State Cyber Security Initiative, including the creation of a new, first-in-the-nation facility that brings together monitoring of both the cyber and physical aspects of critical infrastructure in New York State. The Cyber Security initiative includes the formation of a small Governor's Cyber Security Advisory Board to advise on the latest research and best practices in order to inform the state's cyber strategy.

Given the intertwined nature of our cyber and physical security, improved integration of cyber and physical infrastructure protection is essential.

Currently, New York State has *separate* intelligence gathering and dissemination centers for our physical and cyber infrastructure:

- The New York State Intelligence Center (NYSIC), administered by the New York State Police, is a statewide criminal intelligence center. A federally-designated “fusion center” (almost all 50 states have one), NYSIC partners with federal (including military), state, local and Tribal governments to gather, process, analyze, and share public safety information and intelligence, including information pertaining to the security of the state’s physical assets.
- The State’s cyber security is handled mainly through the Division of Homeland Security and Emergency Services and the Center for Internet Security (CIS), a non-profit with which the State contracts to monitor a number of agency and authority computer systems. Located near Albany, CIS is also home to the Multi-State Information Sharing and Analysis Center (MS-ISAC), run in conjunction with the U.S. Department of Homeland Security. MS-ISAC has been designated by DHS as the key institution for cyber threat prevention, protection, response and recovery for the nation's state, local, territorial and Tribal governments. MS-ISAC maintains public-private information-sharing partnerships with key participants in critical sectors, who provide, on a regular basis, updates regarding cyber threats that could impact their sectors.

The creation of a new, integrated center will bring the NYSIC and MS-ISAC offices into the same physical location and will include the capability to

receive, analyze and share classified intelligence information. The Center will include New York State police, DHSES-Office of Counter Terrorism, Division of Military and Naval Affairs, and other state and local law enforcement partners, as well as federal agency partners.

This new Center will be the first of its kind in the nation. It will not only improve information sharing between the organizations monitoring cyber and physical security within New York, but will also serve as a central location for collection, analysis, and dissemination of actionable intelligence gathered by partners at the local, state and national levels.

The Governor's Cyber Security Advisory Board will be comprised of recognized experts in the field, including current and former high ranking individuals in relevant government and private sector offices. The group will meet periodically to consult with the Governor and/or administration officials on recent developments in cyber security nationwide and key strategies for securing the state's cyber infrastructure. The Board will partner with administration officials to analyze what the state is and should be doing to ensure that all entities with impact on critical

infrastructure are taking the appropriate cyber security measures. The combination of government and corporate experience on our Advisory Board will help ensure that our State policy is consistent with the principles of government transparency, reasonable regulation, and privacy protection.



## **5. Government Reform**

Years of political dysfunction, ineffective government, and a scandal-ridden environment had led many to lose their faith and trust in Albany. Governor Cuomo recognized that New York was at a crossroads: it could continue down a path of decline or honestly face its problems and tackle them head-on. He recognized that to transform Albany, it was imperative that we make the State government work again. This led to a comprehensive agenda, over the past two years, of sweeping reforms in the financing of state and local government; the independence and transparency of ethics oversight and legislative redistricting; and the efficiency and openness of State government

operations—successes that provide a strong foundation for the work that lies ahead.

The past two years have provided New York taxpayers with State budgets that not only were passed on time, but also included fundamental reforms making it possible to close multibillion dollar deficits with no new taxes, fees, or gimmicks. Eliminating automatic inflators and pegging growth in education and Medicaid spending to rational levels helped restore long-term structural balance. And together with the Governor's work to hold State agency spending flat by redesigning agency operations and eliminating waste, these actions limited spending growth to 2 percent or less for two years running—paying off in an improved outlook by the rating agencies for New York's bonds, which will translate to additional savings for New Yorkers.

Restoring fiscal stability to our state meant also tackling seemingly intractable issues like escalating property taxes and public pension costs. Skyrocketing local property taxes have made it increasingly difficult for middle-class families to stay in their homes and have driven businesses out of our state. New York's statewide property tax cap—enacted in 2011 and spearheaded by Governor Cuomo—succeeded in

holding average property tax growth to 2 percent, which is 60 percent less than the previous 10-year average. Governor Cuomo also led the fight to pass significant pension reforms that will save the State and local governments \$80 billion over the next 30 years, reducing pressures for future property tax increases or layoffs of teachers, firefighters, and police officers. Additional mandate relief by the State—for local governments' share of cost increases and administration of Medicaid—will save counties and New York City \$1.2 billion over five fiscal years.

These fiscal reforms were critical in helping to restore our state's credibility, but alongside the fiscal stability of our government was another crucial issue: the lack of trust in government. Governor Cuomo addressed this challenge from his first day in office.

Through the comprehensive Public Integrity Reform Act of 2011, advanced by Governor Cuomo to bring accountability, transparency, and integrity back to New York State government, state officials are required to make unprecedented disclosure of their income, assets, and outside clients/customers. A public database will provide the fullest disclosure of lobbyist and other meetings with state officials in the country. The new

independent Joint Commission on Public Ethics oversees ethics enforcement and investigations of the Executive branch, the Legislative branch, and lobbyists for the first time in the State's history. Public officials convicted of a felony related to their office are now subject to forfeiting their pension.

Governor Cuomo also led the effort to pass a constitutional amendment and a legal statute that will permanently reform the redistricting process for legislative and congressional districts in New York. Under these reforms, an independent redistricting commission would draw the district lines, with unprecedented and substantial roles for both the minority party conferences and citizens who are not major party members and with greater transparency and public involvement via public hearings and use of the best available technology. The amendment expressly prohibits the partisan gerrymandering that has plagued the redistricting process for over a century.

In addition, a new secure online voter registration service has allowed 100,400 New Yorkers—including nearly 40,000 new voters—to apply to register to vote or to update their address or party

enrollment online rather than having to wait in line or use the mail.

The structure and quality of government operations in prior years also had much to do with New Yorkers' declining regard for Albany. Unplanned accretion of divisions, offices and functions since the last formal restructuring of New York State government, by Al Smith's administration in the 1920's, had generated considerable overlap, duplication and waste. Governor Cuomo's Spending and Government Efficiency (SAGE) Commission, which he outlined during his campaign and implemented early in 2011, has improved the performance, efficiency and accountability of State government, streamlining organizational structure by consolidating entities that have overlapping missions, and advancing operational improvements through shared services, enhanced use of information technology and changes in service delivery mechanisms.

A notable achievement among these reforms was the merger and consolidation of the previously separate State Banking and Insurance departments into a new Department of Financial Services, which is better able to keep pace with the rapid evolution of these industries

and protect consumers and markets from fraud. Already, DFS's actions have led, for example, to the largest money laundering fine ever obtained by a single regulator.<sup>220</sup>

State agencies have been newly mindful of using new techniques and technologies to make government more open, accessible and effective for the taxpayer, from user-friendly websites, and easily accessible mobile apps to real-time updates through social media, such as those employed in New York's new 511NY service to help drivers avoid construction delays. And perhaps nothing is more symbolic of efforts to make New York's government more open and accessible to the people than Governor Cuomo's own efforts to reopen and restore the Capitol building itself: reopening to the public its Second floor, where the Governor's Office is located; removing physical barriers that had surrounded the building for years; directing a series of restoration projects and installing museum-quality exhibits throughout the Capitol, featuring treasured historical items never before accessible to the public; and all the while, completing restoration work years ahead of schedule and cutting costs by millions of dollars.

## **Create Disclose NY to Increase Disclosures of Contributions**

New York should have the most aggressive and comprehensive disclosure requirements in the nation. Political or lobbying contributions of more than \$500 must be disclosed within 48 hours. Current law requires the disclosure every six months to a year or, in some cases, never.

Any and all covered contributions to a PAC, lobbying 501(c)(3), other 501(c) organization, political committee, or political party over \$500 should be disclosed within 48 hours, and within 24 hours near Election Day. Moreover, the laws should be amended to expand and clarify the types of political communications that must be reported to and filed with the Board of Elections by candidates, labor organizations, corporations, political committees, and other entities as well as the contributions made to the entities that paid for such communications.

## **Campaign Finance Reform is Imperative for Rebuilding Trust in Government**

New York State government has been widely discredited for its lax campaign finance restrictions and the dominance of large donors and special interests in campaigns.

Several pressing problems exist in New York's current campaign finance laws that need to be addressed. New York lacks any public financing for statewide or legislative candidates. Not surprisingly, New York's political candidates routinely rely far more upon large donors than do candidates in other states. In the 2006 elections, for example, in only three states did candidates rely on a smaller percentage of small donations (\$1-\$250) than candidates in New York, and in no other state did a smaller percentage of the total population contribute to political campaigns (.05 percent).<sup>221</sup> In 2010, on average only 6 percent of aggregate individual contributions received by candidates for state offices were for amounts of \$250 or less.<sup>222</sup> The problem is not just that elections are too expensive; the problem is that average New Yorkers are

not the main source of campaign funds and thus have a limited voice in our elections.

For most offices, New York State’s contribution “limits” are substantially higher than those of any other state that imposes limits, and they are so high as to ensure that large donors dominate major political campaigns and candidates spend as much time as possible raising money from donors rather than talking with voters about issues.

Further, existing contribution limits are undermined by loopholes. Corporations are limited to political contributions of \$5,000 per year. But because each corporate subsidiary is counted separately, in practice contributions can be much greater. LLCs are treated as individuals under the law, allowing wealthy individuals and special interests to circumvent contribution limits.

Additionally, New York State law fails to require sufficient disclosure of independent political spending—despite the increases in outside spending since *Citizens United*. Moreover, the often blurred lines between issue advocacy and political advocacy should be clarified to ensure robust and timely disclosure.

Finally, the State Board of Elections needs an effective enforcement regime to encourage and facilitate aggressive enforcement of the State's campaign finance laws.

In order to empower middle class New Yorkers and restore public faith in State government, key reforms must be made to the State's approach to campaign financing and disclosure.

### **Public Financing of State Elections**

Two developments in recent years have changed the landscape of campaign finance reform. First, the presidential campaigns of Barack Obama demonstrated more convincingly than ever before that small donors could play a significant role in electing a candidate and shaping public debate.

Second, the U.S. Supreme Court decided in *Citizens United* in 2010 that soft money expenditures by corporations and other third parties for electioneering communications (i.e., communications that reference a candidate) could not be restricted without violating the First Amendment.<sup>223</sup> That ruling has predictably spawned increases in spending on electioneering

communications by such entities that are likely to dominate the airwaves and other advertising venues far more than candidates' spending out of direct contributions.

As a result of these two developments, experts in this area have shifted their focus to a large degree from restricting soft money and candidates' spending to ensuring that average Americans have a robust voice in elections and are not drowned out by such outside expenditures.

In many respects, New York City's existing public financing matching system, the Campaign Finance Program (CFP) administered by the Campaign Finance Board, provides the ideal model for statewide reform. This program leverages contributions raised from New York City residents to provide public matching funds for candidates.<sup>224</sup> The City's public financing program enjoys robust participation by serious, credible candidates. Most notably, public financing has helped to increase the number of contributors overall—and especially the number of small donors—in New York City elections.

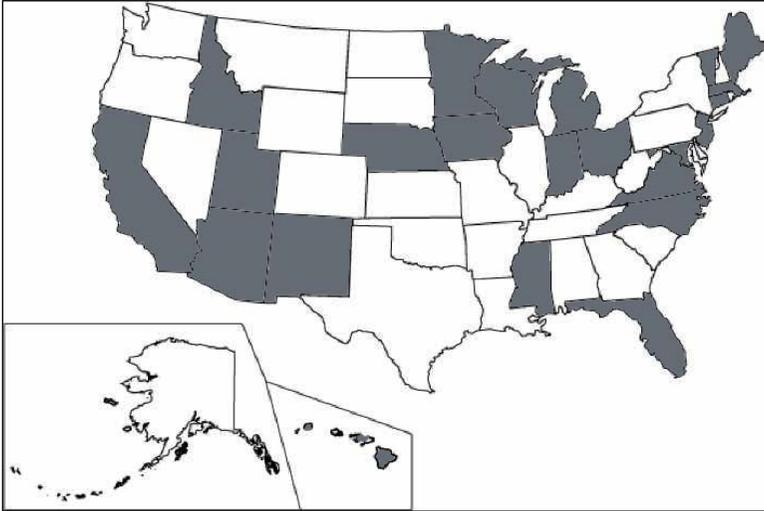
The Campaign Finance Board reported that from

2005 to 2009, the proportion of funds raised by participating candidates from small donors, those who gave \$175 or less, increased by almost 75 percent.<sup>225</sup> This has helped to enable a diverse pool of candidates with substantial grassroots support but little access to large donors to run competitive campaigns. This has boosted competition, particularly in open-seat elections.

During the 2009 elections, CFP had a high participation rate, and it supported 141 candidates who appeared on the primary election ballot, 100 of whom were on the ballot in the general election. CFP disbursed \$27.3 million in public funds to 139 candidates. Further, 101 candidates were seeking city office for the first time, an increase from 2005, when CFP supported 65 first-time candidates.<sup>226</sup>

New York's public financing system need not be a burden on its taxpayers. The system should be funded, in whole or in substantial part, from sources beyond general revenues from taxpayers. Furthermore, under the State campaign finance program, candidates should be required to agree to participate in debates in order to receive public financing.

**Chart 4.1. States with Some Form of Public Financing<sup>227</sup>**



### **Lower Contribution Limits**

New York State's contribution limits for candidates must be lowered generally, with even lower limits for those candidates who receive the benefits of public matching financing. Large contributions to and transfers from political party committee accounts are currently unlimited and should be limited. The current annual limit on aggregate contributions from a contributor to a party or constituted committee should be reduced.

## **New Enforcement Unit**

The State Board of Elections should be provided a new enforcement unit with greater independence to investigate and prosecute violations of the campaign finance and other election laws.

## **Early Voting Ensures Easy and Effective Voting**

Early voting allows voters to visit a Board of Election's office or other satellite voting locations and cast a vote in person prior to Election Day. Early voting strengthens democracy by making it easier and more convenient to vote and promotes higher voter turnout.<sup>228</sup> It also eases the administrative burden on Boards of Elections on election days, and reduces long lines at polling sites.

Early voting is also a form of insurance; the presidential election that occurred immediately after Superstorm Sandy made it clear that a system of early voting in New York would ensure that elections could be more effectively administered during a disaster or crisis. New York has consistently ranked 47 in the nation or worse in voter turnout. Early voting is one of

the most important steps necessary to improve voter turnout by making voting more convenient.

Thirty-two states, plus the District of Columbia, offer some form of early voting.<sup>229</sup> It is time for New York to make a serious effort to increase voter turnout and work toward the more effective administration of elections by adopting this widespread practice.

The time period allowed for early voting is an important piece of any early voting law. Some states begin their period of early voting as long as 45 days before a scheduled Election Day; others begin early voting as late as the Friday before an Election Day. The average start date for early voting among the states is 22 days before Election Day.<sup>230</sup>

Early voting typically ends a few days before Election Day; on the Thursday before the election in three states, the Friday before in nine states, the Saturday before in five states, and the Monday before Election Day in 11 states. In addition, 12 of the 32 early voting states require that early vote centers be open on at least one Saturday or Sunday during the early voting period.

New York should create an early voting system that is at least one week long, and includes the weekend

before a scheduled Election Day. Longer periods of early voting have not shown to be correlated to greater voter turnout, and New York should strike a balance that optimizes convenience for voters without creating unnecessary administrative burdens.<sup>231</sup>

Having satellite polling locations open on a weekend is essential for those individuals whose work and child care schedules do not accommodate taking time off to vote. Furthermore, people focus their attention on elections closer to Election Day, so having early voting available during a weekend near Election Day is critical to a successful system.

The number and location of early voting satellite centers is also critical to early voting's effectiveness. It is essential to have a sufficient number of accessible voting polling locations be made available not only to increase the number of early voters, but to accommodate the needs of voters who do not have ready access to transportation and who have limiting work schedules.

Early in-person polling locations are generally established in places such as libraries, schools, churches, and even commercial locations such as malls or grocery stores. In Nevada, early voting locations

include fixed high traffic locations such as supermarkets, as well as mobile early voting centers, which stay at a neighborhood location like a community center for a few days and then move on to another site to ensure that early voting is available to as many voters as possible. Texas also places satellite locations in malls and other high traffic areas.

In New York, each county should be required by law to have a minimum number of polling sites and to establish polling sites at Boards of Elections, DMVs, and other central community locations.

### **Make Our Ballots More Readable**

New York State's election laws require that all printed ballots used in our elections contain numerous symbols, numbers, and bits of text that clutter the ballot and force elections officials to use miniscule font sizes. Moreover, standard usability conventions such as initial capital letters cannot be used under existing law to make the ballots clearer to voters. It is time for New York to reform its laws to make ballots more readable and more user-friendly. The impact will not only help voters to complete their ballots correctly, but also to

reduce the time it takes to do so and the long lines that often result on Election Day.

### **Create the Financial Restructuring Assistance Program**

Local governments must function well and maintain accountability to their citizens. For too long, voters confronted increasing property taxes and diminished results. Governor Cuomo came into office understanding the need to empower local governments and their citizens by giving them the tools necessary to break this cycle.

The Governor addressed the two primary cost drivers for local governments: pensions—a \$12.2 billion burden for local governments in 2012—and Medicaid spending—an annual \$8 billion strain. The establishment of a new Tier VI in the pension system and the phased-in State assumption of Medicaid costs from local governments will help municipalities save tens of billions of dollars over the coming decades.

The landmark implementation of Citizen Reorganization and Empowerment Grants and tax credits gave New Yorkers the incentive and power to

reshape local governments. These initiatives underpin a Local Government Efficiency program that helps local governments live within their means and drives recurring savings to taxpayers through efficiency initiatives. The design is simple: local governments compete for State funding assistance for efficiency initiatives, and the State provides funding contingent upon demonstration of recurring taxpayer benefit. The programs push aggressive consolidation, a key component of our long-term strategy to reduce the size of government and increase its ability to deliver the services citizens and businesses need at lower cost.

But we must also continue to provide advice and assistance to local governments on how to restructure local finances. Therefore, Governor Cuomo will create the Financial Restructuring Assistance Program, which will be available to all local governments (counties, cities, towns, and villages) to help them restructure their finances. The program will be run by a joint Task Force made up of the Comptroller, Attorney General, Division of Budget, and private-sector restructuring consultants.

## **Create OPEN NY: Using Technology to Promote Transparency, Improve Government Performance, and Enhance Citizen Engagement**

To increase transparency and make government work better, Governor Cuomo will implement Open New York, a transparency initiative he outlined during his campaign for Governor, which will harness technology to show how taxpayer money is being spent, showcase the great resources of the state, and foster productive engagement with government.

As Attorney General, Governor Cuomo used technology to provide unprecedented transparency and accountability in government through Project Sunlight, the State's first-ever online database of information related to campaign finance, lobbying activity, state spending, and State contracts.<sup>232</sup>

Governor Cuomo has continued his commitment to government transparency and performance. His CitizenConnects website has served as an "online town hall" to promote public engagement and provides access to schedules and public meeting information. The comprehensive Tappan Zee Bridge website<sup>233</sup> provides access to all prior project reports along with up-to-date construction information that complements

unprecedented in-person outreach, “TheNewNY.com” provides comprehensive and easy-to-navigate information on starting and maintaining a business in New York State,<sup>234</sup> and the Regional Council website makes public detailed information on economic development projects.<sup>235</sup> This administration uses Twitter, Facebook, and livestreaming video to innovatively and consistently communicate with New Yorkers, something which became invaluable during storm recovery as people who had lost power relied on social media on mobile devices.<sup>236</sup> State agencies are doing their part as well.<sup>237</sup> And of course, historic steps have been taken to increase government transparency beyond the use of technology.<sup>238</sup>

The rise of the Internet, social media, crowd sourcing, and powerful search engines has dramatically changed the way we do business and the way the public looks for and expects information.<sup>239</sup> These tools have unlimited potential to get better, easier-to-understand information to the public faster and more efficiently, allowing the public to make better use of government information in private sector projects and in government collaborations, and to hold government accountable.<sup>240</sup>

Open New York, a coordinated, technology-based initiative, will harness this potential to use technology to increase government efficiency, performance and collaboration as we enter a new era of public participation in government. Our state government possesses vast treasure troves of valuable information and reports: from health, business and public safety data to information on parks, recreation, labor, and transportation. Too often, this information is in government file cabinets, or in documents that aren't electronically searchable, or scattered throughout state agencies and their websites.

Open New York will provide easy, single-stop access to statewide and agency-level data, reports, statistics, compilations and information. Data will be presented in a common, downloadable, easy-to-access format, and will be searchable and mappable. The Open New York web portal will allow researchers, citizens, business and the media direct access to high-value data, which will be continually added to and expanded, so these groups can use the data to innovate for the benefit of all New Yorkers. "App competitions" will enlist the collective genius of our state's students and tech community by asking them to develop practical uses for

state data. Budget data, which is already posted online, will be posted in machine readable and graphical formats, making access easier and more impactful for citizens and researchers alike. Through Open New York, technology will bring government and the people together to build a *New New York*.

Open New York will reap substantial benefits, both through cost savings and improvements in government accountability and collaboration. Providing detailed spending and budget information allows government employees and the public to locate inefficiencies and duplicate expenses.<sup>241</sup> Putting government data online also reduces the expenses associated with producing paper documents in response to Freedom of Information Law (“FOIL”) requests.<sup>242</sup> Benefits come not only from direct use of the data, but also from the return on investment that comes when private citizens and journalists use data to generate useful apps and to evaluate government performance.<sup>243</sup> Quick and efficient data access can also be useful in disaster response and preparation.<sup>244</sup> The benefits of increased online transparency significantly outweigh the costs of putting information online.<sup>245</sup>

New Yorkers want to know their government is investing taxpayer money efficiently in programs and services that are performing for all New Yorkers. It is government's responsibility to provide information to the people it serves through affirmative disclosures. This initiative will build the trust between state government and New Yorkers. Transparency can be driven through technical solutions that the State is committed to deploying with the resources available through the Internet. Above all, Open New York will put a powerful tool for transparency, accountability, and innovation in the hands of New Yorkers and people all around the world through a centralized user-friendly interface.



## 6 ■ Responding to the Crisis

In just two years, New Yorkers have witnessed firsthand the destructive force of three powerful storms that have crippled the state: Irene, Lee and most recently Sandy. Each has taken an immeasurable toll on communities. Precious lives have been lost, and homes and businesses destroyed. Sandy alone was responsible for 60 deaths to date and more than \$30 billion in damage in New York State.

Extreme weather is the new normal. In the past two years, we have had two storms, each with the odds of a 100-year occurrence. Debating why does not lead to solutions — it leads to gridlock. Recent events demand

that we get serious once and for all. We need to act, not simply react.

We must fortify and upgrade the systems that paralyze us when they fail during an emergency. Our electrical power grid and the structures that control it must undergo a fundamental redesign to ensure that customers do not face catastrophic power losses every few years. That means protecting power generation and transmission lines from flooding. But the electrical system is particularly susceptible to interruption from weather; entire above-ground wire networks in heavily wooded areas spelling disaster in virtually every storm, yet little is being done to rectify this obvious vulnerability.

It means building redundancies into our fuel system and putting in place generators and pumping systems that are readily deployable. Actions such as these will avoid panic at the pump, lengthy lines and frustrated motorists.

Cell phone networks and other communications systems must be strengthened to ensure that first responders and citizens never lose the ability to communicate fully and instantly. The power outage

knocked out service in the hardest-hit areas and rendered service elsewhere spotty at best.

And it is clear that improvements are needed in our procedures and practices, not only in our energy and telecommunications infrastructure. Preparing for disasters and responding to emergency events requires collaboration and coordination among local, State and federal authorities; non-governmental organizations; and the private sector. Achieving the most effective response—one that protects public safety and expedites relief and recovery—necessitates clear delineation of roles and responsibilities among all involved.

To help New York State learn from Superstorm Sandy, Governor Cuomo convened four commissions last November: NYS Ready, NYS Respond, NYS 2100 and a Moreland Commission focused on utility performance and oversight.

### ***NYS Ready Commission***

The NYS Ready Commission was tasked with preparing our networks, systems and structures to withstand a major weather event. Co-chaired by Ira M. Millstein, Senior Partner, Weil, Gotshal & Manges LLP,

and Dr. Irwin Redlener, Director of the National Center for Disaster Preparedness at Columbia University's Mailman School of Public Health, the Commission is made up of 35 state and national leaders and experts.

Governor Cuomo charged the NYS Ready Commission with:

- Ensuring that lines of authority are clear and officials have the authority to react rapidly to emergency situations;
- Addressing vulnerabilities in the State's healthcare, energy, communications and other systems;
- Ensuring that new, modified and existing construction is resilient;
- Ensuring the availability of adequate equipment, fuel, food, water and other emergency supplies;
- Ensuring that first responders and other critical personnel are able to communicate efficiently and have access to adequate resources; and
- Ensuring the availability of reliable real-time information for decision-makers.

### ***NYS Respond Commission***

The NYS Respond Commission was tasked with ensuring the ability and capacity to effectively respond

to a natural disaster. The Commission is co-chaired by Thad Allen, Senior Vice President at Booz Allen Hamilton and U.S. Coast Guard Admiral (Retired), and Brad Penuel, Director of the Center for Catastrophe Preparedness and Response at New York University, and is made up of 29 members with diverse areas of expertise.

Governor Cuomo charged the NYS Respond Commission with examining ways to ensure that:

- Sufficient trained personnel can be activated for emergency response and recovery efforts;
- The health and safety of hospital patients and other vulnerable persons are protected during an emergency;
- The public is provided with reliable and timely information;
- Emergency responses are effectively coordinated; and
- Adverse events are rapidly responded to and post-emergency needs such as shelter, food, water, electricity and essential appliances are identified and met.<sup>246</sup>

## ***NYS 2100 Commission***

The NYS2100 Commission reviewed the vulnerabilities faced by the State’s infrastructure systems and have worked to develop specific recommendations that can be implemented to increase New York’s resilience in five main areas: transportation, energy, land use, insurance, and infrastructure finance.

The Commission seeks to:

- Identify immediate actions that should be taken to mitigate or strengthen existing infrastructure systems—some of which suffered damage in the recent storms—to improve normal functioning and to withstand extreme weather more effectively in the future;
- Identify infrastructure projects that would, if realized over a longer term, help to bring not only greater climate resilience but also other significant economic and quality of life benefits to New York State’s communities;
- Assess long-term options for the use of “hard” barriers and natural systems to protect coastal communities;
- Create opportunities to integrate resilience planning, protection and development approaches into New York’s economic development decisions and strategies; and

- Shape reforms in the area of investment, insurance and risk management related to natural disasters and other emergencies.

The Commission is co-chaired by Judith Rodin, President of the Rockefeller Foundation, and Felix G. Rohatyn, former Chairman of the Municipal Assistance Corporation

### ***Moreland Commission***

On November 13, 2012, Governor Cuomo established a commission under the Moreland Act (Section 6 of the New York State Executive Law) to study, examine, investigate, and review the response, preparation, and management of New York’s power utility companies with respect to Superstorm Sandy, Hurricane Irene, Tropical Storm Lee, and the December 2008 Ice Storm and other major storms impacting the State, the adequacy of regulatory oversight of the utilities, and the jurisdiction, responsibility, and mission of the State’s energy agency and authority functions.

The Governor appointed 10 commissioners, two of whom—former New York Attorney General Robert

Abrams and Department of Financial Services Commissioner Benjamin Lawsky—serve as co-chairs.

Due to the urgent need to address the dysfunctional provision of power to the Long Island Power Authority (LIPA) service area and the PSC's lack of rigorous oversight of utility providers in the state, the Moreland Commission issued an Interim Report on January 7, 2013. The findings and recommendations in the Interim Report are based on documents obtained from subpoenas issued to the utilities, testimony of those who operate critical infrastructure such as fuel and telecommunication providers, and data received through witness interviews, public hearings, media coverage and other publicly available materials.

## **We Must Respond to the Crisis**

### ***Lessons Learned from the Storms***

The four commissions did excellent work. The fact is that climate change is real and it is inarguable that the sea is warmer and there is a changing weather pattern. Therefore, we must act now.

## **Lower the Regional Greenhouse Gas Emissions Cap**

We must continue reducing the emissions that cause our climate to change. To avoid unmanageable impacts, we must reduce the emissions that contribute to our changing climate. Building resilience will enable us to manage the remaining inevitable risks that the future will present despite our best efforts to reduce the emissions of heat-trapping gases.

In 2008, New York took a first step in reducing these harmful warming gases when it joined nine other northeastern and mid-Atlantic states in establishing a pioneering multistate program called the Regional Greenhouse Gas Initiative (RGGI).<sup>247</sup> RGGI is the nation's first program to use an innovative market-based mechanism to cap and cost-effectively reduce the carbon dioxide emissions that cause the climate to change. And it is the world's first program to auction the emission credits (rather than give them away for free) and invest the auction proceeds in projects that conserve energy, save consumers money and support the transition to cleaner and more efficient production of electricity. RGGI has received a number of commendations including being awarded the 2012

Prize for Public Service Innovation by the Citizens Budget Commission this past year.<sup>248</sup>

The RGGI program applies to fossil-fuel power plants 25 MW or greater. Power plants subject to the RGGI cap must possess a tradable CO<sub>2</sub> allowance for each ton of CO<sub>2</sub> they emit. They can obtain CO<sub>2</sub> allowances in quarterly CO<sub>2</sub> allowance auctions or through secondary markets. The proceeds from the auction of allowances are invested by the states in energy efficiency and clean energy programs. New York's share of RGGI proceeds is administered by NYSERDA.

By any account, RGGI has been a remarkable success story. From an initial cap of nearly 165 million tons, power plant emissions have dropped to a little over 90 million tons in 2012.<sup>249</sup> In New York, we have reduced emissions from power plants by around 45 percent from 2005 levels.<sup>250</sup> That progress in reducing emissions is due to a number of factors, including the fact that New York has more renewable power than any state east of the Mississippi<sup>251</sup> and we have one of the nation's best energy efficiency programs.<sup>252</sup> Credit must also go to the power companies that have reduced

their own emissions, in part by switching from coal to cleaner-burning natural gas.

Through its participation in RGGI, New York has also demonstrated that environmental progress can also bring economic prosperity. By investing over \$300 million worth of auction proceeds in clean energy programs in New York, we are providing business opportunity and creating jobs in New York, while also reducing overall energy bills. An independent analysis by The Analysis Group, a highly respected energy and economic strategy consulting firm in Boston, concluded that regional investments made in New York over the first 3 years of RGGI are yielding \$326 million in net economic benefit, reducing New Yorkers energy bills by \$200 million and creating around 4,600 jobs for New Yorkers.<sup>253</sup>

As a result of the progress we've made in reducing emissions, the emissions cap is now too high. Some might see that as a criticism, but this is an opportunity to do better. Governor Cuomo will work with the other states in RGGI to strengthen the RGGI program by setting the emissions cap at a level that guarantees that we will continue to reduce emissions below current levels.

New York will also optimize our use of the proceeds that result from the auction of emission credits. Reducing the cap will provide an additional \$100 to 150 million to invest in repowering existing inefficient power plants to reduce carbon emissions and assisting communities that lose a big part of their tax base when coal-fired power plants are retired.<sup>254</sup> We will also invest a portion of those auction proceeds in strengthening our natural infrastructure, to better prepare New York for the storm events like Sandy that will become more serious and frequent as the climate continues to warm.

### **Increase Alternative Local Renewable Power Sources**

Today's power system relies heavily on central power generation plants, primarily powered by fossil fuels, nuclear, and hydroelectric sources based in New York.<sup>255</sup> Power flows almost exclusively in one direction, from power plant to customer. Beyond this, small distributed generators are used in limited applications, primarily for emergency power during grid outages.

New York's grid is aging — 59 percent of the state's generating capacity and 84 percent of transmission facilities were put into operation before 1980, and over 40 percent of the state's transmission lines will require replacement within the next 30 years, at an estimated cost of \$25 billion.<sup>256</sup> This need represents an opportunity to upgrade the transmission system to a distributed smart grid network.

It is important to immediately invest in new construction, replacement, and upgrades to transition the grid to a flexible system that can incorporate and respond to future technologies and clean energy integration, and which minimizes outages during major storms and events. For example, microgrids are clusters of homes and buildings that share a local electric power generation or energy storage device capable of disconnecting from the utility grid, and can provide resiliency during natural disasters when the utility's grid is not operational.

In particular, the modern electric power system must be a dynamic and flexible network that draws from constantly changing sources of electric energy. A smart grid is a dynamic electrical grid consisting of generation and consumption equipment interacting

together to meet the loads on the grid efficiently. Enhanced sensors and controls provide real-time information about outages and usage, provide consumers a greater level of understanding of their energy usage, and enable the deployment of distributed generation, energy storage, and demand response. For instance, during times of peak load, a smart grid can automatically shut-down or temper high energy use appliances in homes and businesses whose occupants have authorized it. If utilities charge prices that vary by time-of-use, reflecting the actual cost of energy production in real-time, coupled with advanced metering, the system efficiency will increase by reducing peak demand (thereby reducing the need to build costly infrastructure to meet peak demand). Under such a rate design, consumers can shift loads to periods of low demand and pay a lower price for electricity which, in turn, will have a system-wide effect of leveling total demand on the system over time and reducing the cost of energy to consumers.

Numerous jobs will also be created through the implementation, operation, and maintenance of smart grid technologies. New York State can and should

become a leader in developing smart grid technologies for the nation.

Smart grids will minimize the impacts of future natural disasters on consumers, by helping to enable individual premises and microgrid “islanding” to provide power to pockets of consumers when central power plants or portions of the transmission and distribution system are inoperable. Enhanced sensors and controls also enable utilization of distributed generation networks. Utilizing distributed generation resources, or on-site power generation, reduces dependence on the electric distribution system that is susceptible to damage during a natural disaster. Distributed generation resources, such as solar and wind, can also contribute to a cleaner electricity supply.

The energy system for the 21st century will seamlessly incorporate distributed generation, microgrids, and plug-in electric vehicles, and we will achieve this by:

- Requiring utilities to accelerate their investments in smart grid technologies across the state;
- Expanding incentive programs administered by NYSERDA to install distributed energy systems,

particularly for critical infrastructure (e.g., hospitals);

- Identifying and resolving barriers that are discouraging microgrid development;
- Aiding electric vehicle deployment through the promotion of charging installations, consumer incentives and education, and regulatory reform; and
- Designing rate structures to reflect real-time energy costs, reducing mandatory hourly pricing thresholds, simplifying the interconnection process for energy storage systems, and modifying standby-charges to encourage energy storage and distributed generation.

### **Ensure a Skilled Energy Workforce**

There is a lack of young members of the workforce with skills in the energy sector. Several utilities have identified and addressed a major risk affecting their long-term planning, namely the high percentage of employees that are nearing retirement age, and who have a great amount of experience that is hard to transfer to younger employees. In NYPA's case, over 30 percent of its employees are within five years of retirement.<sup>257</sup>

We will employ workforce-development strategies to ensure the availability of skilled professionals to quickly diagnose and replace damaged components and maintain a state of good repair. The State will enhance efforts in workforce training with the following actions:

- Expand energy career training and placement programs;
- Promote awareness of the need for skilled energy workers; and
- Coordinate workforce development among all stakeholders within the energy sector.

Working with NYPA, NYSERDA, and Investor-Owned Utilities, we will create a workforce development program focused on the energy industry. Envisioned as a training program for utilities, and other non-utility energy companies, with modified curricula and equipment tailored to each, this program would be designed to reach out and serve the regional business community, especially manufacturing companies that could share training on the advanced manufacturing equipment and techniques that are critical to global competitiveness with other countries and states.

## **Improve the Resilience of Our Buildings**

The New York State Uniform Fire Prevention and Building Code, known as the Building Code, sets statewide minimum standards for construction. The Building Code is applicable in all municipalities of the state except New York City, which is allowed to maintain its own building and fire prevention code as long as it is at least as restrictive as the State's. Other communities may also adopt code measures more restrictive than the Building Code; approximately 54 communities have adopted some code provisions that exceed the State Building Code standards.

Governor Cuomo proposes updating the Building Code to promote smarter, resilient building performance, as well as increased survivability. These changes would impact new construction and major renovations to existing construction, and should take into account the impact on different geographies and building types and considers factors such as effectiveness for protecting health and safety, as well as cost.

The process for updating the Building Code is deliberative and transparent. It involves review and discussion by the NYS Code Council and a public comment period that includes public hearings.

### **Provide Assistance to Property Owners to Mitigate or Sell Properties in Vulnerable Areas**

The realities of post-storm recovery present an opportunity for communities and individuals to reevaluate previous decisions about where and how to build or rebuild. This reevaluation will involve taking a hard look at the balance of risk and beneficial use of any particular property. The State will use various strategies to assist home- and business-owners whose properties were damaged in Superstorm Sandy to mitigate for the future or, if they choose to do so, to sell their properties and relocate. Using support from the federal government, the State will provide both mitigation assistance and opportunities to sell damaged properties in vulnerable areas, including:

## **Recreate NY-Smart Home Program**

For many property owners, the best form of assistance is support to repair and mitigate their existing homes to better withstand future storms. It is critical that we do not leave our communities as vulnerable to future storms as they were to Superstorm Sandy. In the case of substantially damaged structures inside the 100-year flood plain, such mitigation will often mean elevating the building to ensure that it can better withstand storm surges and flooding. In other cases, it may mean repairing damage and installing stronger protections such as hurricane shutters. The Recreate NY-Smart Home program will provide critical financial assistance to property owners to mitigate their properties for future threats.

## **Recreate NY-Home Buyout Program**

For other property owners, the ordeal of Superstorm Sandy or past storms may lead them to seek opportunities to sell their properties and relocate to a less vulnerable area. In such cases, voluntary relocation may make sense not only for those individuals and their families, but also for the community. In certain cases,

designating an area to use as parkland rather than for residential or commercial structures may protect the community from destruction that could be avoided. This program will facilitate such decisions in the right circumstances.

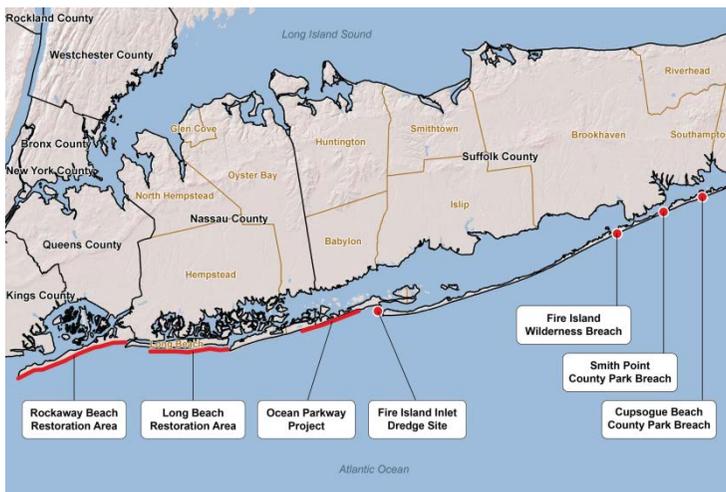
### **Ensure that Healthcare Facilities are Resilient**

The Department of Health's Certificate of Need process reviews applications for new and substantial expansion of hospitals, nursing homes, clinics, home care agencies and hospices.<sup>258</sup> Applications are evaluated based on public need, financial feasibility, character and competence of the applicant, and compliance with building codes. In 2012, the Department of Health reviewed 673 potential projects.

Certificate of Need must be updated to consider location and infrastructure vulnerabilities, along with vulnerability to changing climate conditions, in the process for approving new and substantial expansion of healthcare facilities. Healthcare facility applicants under the Certificate of Need process would be required to address the risks resulting from being in a vulnerable location in order to ensure resiliency.

## Take Immediate Steps to Strengthen Coastal Protections

Sandy caused dunes to disappear and beaches to be dramatically lowered, leaving communities on the Rockaway and Long Beach barrier islands exposed to future storms. We must take immediate action to restore critical dunes and beaches in those areas. This work has already begun.



Sandy was responsible for formation of three new inlets through the barrier islands along the south shore of Long Island that protect communities on the bays behind these islands (See map above). Two of the

new inlets into Moriches Bay have already been closed and monitoring will continue on a third to determine whether it should also be closed. Working with the U.S. Army Corps of Engineers, low spots in dunes will be identified and filled as a short-term preventative measure to prevent future storms from cutting new inlets through other barrier islands.

The public must have access to oceanfront recreational opportunities, which are essential to maintaining the quality of life for downstate New Yorkers. Ocean Parkway, which was damaged in the storm, is a critical access route to Jones Beach and Robert Moses Parks, two of New York's most heavily used recreation destinations. Visitation at Jones Beach is greater than Yellowstone National Park.

With the federal assistance the State has sought, we will nourish the beach and dunes in front of Ocean Parkway to ensure that the public can continue to have access. We will also seek to rebuild heavily damaged shore protection structures at the 192 acres Mt. Loretto Unique Area and the Oakwood Beach neighborhood on Staten Island, at Asharoken on Long Island, and at Roberto Clemente State Park in Harlem, in addition to

the Jones Beach boardwalk and State recreational facilities across the New York Harbor region.

### **Toward a More Resilient New York Harbor**

Superstorm Sandy demonstrated the vulnerability of our dense population and urban centers. One storm surge event caused tens of billions of dollars in damage to New York City and Long Island and revealed that the shoreline was not sufficiently robust to withstand significant storm surge. The harbor's limited coastal defenses failed as water stormed over beaches and bulkheads and into homes, businesses, tunnels, and power substations. History cannot repeat itself and again destroy communities in the Rockaways, Staten Island and the Queens and Brooklyn waterfront.

One can never predict with certainty when a similar event will occur again. But it could be worse. The next major storm could be a hurricane, and sea level rise will further increase the harbor's vulnerability.

The vulnerability of our population centers is due in part to our centuries-old practice of expanding the waterfront and building where swamps, marshes,

and open water existed originally. Sandy demonstrated that a storm surge will return to these low-lying areas. Rising sea levels will have the same effect. Retreating from most of the low-lying areas that were flooded is not a choice. They are home to thousands of people and thousands of businesses.

A long-term strategy to protect these areas, conserving and rebuilding natural systems that were lost to centuries of development and building additional barriers where needed will be developed to provide the needed protection.

Further study is needed to explore viable solutions to rebuild the harbor area's natural defenses, including preserving and building natural areas such as offshore wetlands, island archipelagos and oyster reefs, as well as reinforced man-made protections such as berms and seawalls that mimic nature and may be needed to protect low-lying areas in some locations.

The natural infrastructure can be designed to provide myriad benefits to New Yorkers in addition to flood protection. These natural systems will help to clean the region's water and they can provide attractive natural landscapes and parklands to enjoy and opportunities for recreation. Most important, however,

they must be designed to substantially enhance the region's resilience to storm events and rising sea levels.

Proposals have already been made for this reinforced natural infrastructure system. But what is missing is a critical engineering analysis to determine how much protection these systems will provide against a variety of weather events, including storm surge, hurricanes and other storms, and the sea levels that will continue to rise as the global temperature warms.

Proposals have also been made to build massive multi-billion dollar barriers that are designed to hold back storm surges. One proposal suggests a movable barrier stretching from New Jersey to the Rockaways and another one at the entrance to the East River from Long Island Sound. Undoubtedly, these barriers can be designed to provide enhanced protection to areas behind the barriers, but they can leave areas outside the barriers' protective wall even more vulnerable to flooding diverted by the barriers. They also may have substantial ecological impacts that must be evaluated. And it would be many years before these barriers could be in place. But we should not wait to begin the necessary evaluation. Therefore, we will work with other government partners to timely complete a

comprehensive engineering evaluation of these potential barrier systems.

### **Take Immediate Steps to Protect Transportation Systems Against Future Storm Events**

New York State's transportation infrastructure encompasses a vast network of Interstates, state highways, local roads, public transit systems, waterways, bike networks, and walking facilities. Our transportation systems link to airports and marine ports that connect New York to the rest of the country and the world. Downstate, New York City boasts the most comprehensive and complex transportation network in the country that supports a region of national and global significance. Overall, the State's transportation infrastructure is vital to the health of our economy, environment, and well-being.

Recent severe events, such as Superstorm Sandy, Tropical Storm Lee, Hurricane Irene and the 2010 snowstorm, have revealed vulnerabilities in our transportation infrastructure. Much of it is aging and susceptible to damage from extreme weather events or seismic threats, and many facilities, such as tunnels and

airports, have been built in locations that are increasingly at risk of flooding. Steps must be taken to make the State's transportation infrastructure more resilient to future severe events. To protect and maintain our economy, mobility and public safety, Governor Cuomo has sought federal support to repair and mitigate our transportation systems to better withstand future threats.

The following measures should be taken to make our transportation systems stronger in the face of future storms. With federal assistance, these measures can and will be taken by the MTA and other State agencies and authorities to harden our transportation systems against future threats:

- Flood-proof subways and bus depots with vertical roll-down doors, vent closures, inflatable bladders, and upsized fixed pumps (with back-up power sources);
- Mitigate scour on road and rail bridges with strategically placed riprap and other steps;
- Replace metal culverts with concrete on roads in flood-prone areas;
- Providing elevated or submersible pump control panels, pump feeders, and tide gates to address flooding at vulnerable airports;

- Install reverse flow tide gates to prevent flooding of docks, berths, terminal facilities, and connecting road and rail freight systems, and harden or elevate communication and electrical power infrastructure that services port facilities; and
- Upgrade aged locks and movable dams to allow for reliable management of water levels and maintain embankments to protect surrounding communities from flooding.

### **Harden our Fuel Delivery System**

During Superstorm Sandy, many New Yorkers suffered from an inability to get gasoline or had to endure extreme lines at the pumps. Part of the problem stemmed from challenges in the gasoline distribution network—i.e., getting gas to service stations. But a major factor was that our electricity and fuel networks are deeply interdependent—meaning that when power was out, many gas stations had gas in their tanks but could not get it out of the pumps to sell to customers.

There are over 6,000 service stations in New York State, including more than 1,500 in New York City, Long Island, and Westchester County. We must ensure that gas stations in strategic locations are required to have back-up power capacity because it is essential to

maintaining the ability to distribute fuel during a power outage.

Some states have started to address this need. Florida law requires that major service stations along evacuation routes be pre-wired for back-up power; that any company that owns 10 or more service stations within a single county maintain a certain number of portable generators and be able to install them within 24 hours; and that all gas stations that are newly constructed or that undergo substantial renovations be pre-wired for back-up generators.<sup>259</sup> Louisiana likewise requires that all new and rebuilt gas stations be pre-wired for back-up power.<sup>260</sup>

In addition, we must address the supply challenges that arise in an emergency. Superstorm Sandy dramatically disrupted the fuel distribution capabilities in New York Harbor, which serves New York City, Long Island, Hudson Valley, Albany, New Jersey and parts of New England—cutting fuel by approximately one-third. For several days following Sandy, virtually all of the Harbor's terminals were shut down, significantly slowing normal delivery to customers and gas stations. And long after the storm ended, distribution remained a challenge: from

November 7 to 13, the region's terminals delivered 233,000 barrels per day of gasoline less than their pre-storm norm.<sup>261</sup>

A Strategic Fuel Reserve must be created to protect New York during a fuel shortage or prolonged disruption to the supply chain. Access to a reserve of fuel could provide a way to relieve short-term problems during major weather events or provide supplemental volume in the event of critical supply disruptions—ensuring that first responders and residents alike can access gasoline.

In addition, one pipeline supplying the New York City and Long Island area with gasoline and diesel fuels, Buckeye, is especially critical for fuel to the downstate region. After Sandy, the disruption of gasoline fuel flow into the New York City and Long Island regions for just a few days had an amplified impact over a period of several weeks primarily because the pumping capacity along the Buckeye pipeline is insufficient to allow the system to “catch up” for lost days while pumping to meet the daily requirements of the region. Accordingly, new pump stations (or a “booster”) are required to minimize the impact of short-term disruptions due to a crisis. In addition, NYSERDA must conduct an

assessment of the need for hardening measures at fuel delivery terminals in the region.

## **Harden our Utilities**

Strengthening our critical infrastructure is an essential step to ensure that we will be better prepared for future natural disasters. In our electrical system, such strengthening means that the Public Service Commission must require the utilities to submit plans for the following critical actions:

- strengthening substations against flooding (raised walls, elevated equipment, relocation if necessary);
- reconfiguring network boundaries to separate flood areas from non-flood areas to limit the impact of flooding to a much smaller area;
- elevating critical distribution transformer installations to protect against flooding ;
- replacing the most critical distribution wood poles with steel poles to limit the risk of damage; and
- installing state-of-the-art, remote condition monitoring equipment to allow real-time monitoring of lines without manual inspection.

In addition, installing electric distribution lines and equipment underground can reduce the potential for damage caused by high winds, debris, impact, and lightning strikes. Placing equipment underground can also improve land-use aesthetics and free up land for additional use. Because undergrounding can be cost-prohibitive, it may be more effective to employ it only for portions of a circuit that are harder to access. Utilities will be required to identify best locations for undergrounding for their most critical or most vulnerable distribution lines.

Like the electric system, many parts of New York's natural gas infrastructure have been in use for nearly two centuries. Developed over many decades, there are miles of aging pipeline that are prone to leakage and vulnerable to storm damage (and ground movement). Utilities will be required to accelerate pipeline replacement programs in flood prone areas and to evaluate their infrastructure and prepare plans for strengthening critical systems. This will involve annual review and development of design criteria for the natural gas network, including analysis of incidents, progress and priorities of gas supply providers. Utilities will also be required to install remotely operated

natural gas control valves to limit the impact of any disruptions.

Creating a long-term capital stock of critical equipment throughout the region provides an efficient system of distribution to streamline the delivery and recovery processes. The PSC, NYISO, other regional electric entities, and utilities will work to create a long-term stock of critical equipment by the end of 2013 that is shared and leaves utility companies less exposed to supply bottlenecks, spare parts shortages, and updates in equipment every five years.

### **Strengthen Wastewater Infrastructure**

Assuring basic sanitation in the face of extreme weather is a fundamental pillar of public health. Flooding and storm surges from Lee, Irene, and Sandy resulted in hundreds of millions of dollars of damage to waste water treatment plants and the release of hundreds of millions of gallons of raw and undertreated sewage. To prevent a repeat of this scenario in the short-term, the existing wastewater treatment plants need to be repaired and mitigated to withstand higher flood levels.

While immediate protective measures will be identified and implemented at a number of major treatment facilities, many resiliency elements can be incorporated into treatment plants and collection systems as they are periodically rebuilt. As we rebuild, we must rebuild smarter. More specifically, New York will assess the best measures to improve the resiliency of current and newly constructed treatment facilities, whether through new engineering standards, guidance, or financial incentives. It is also important to find new ways to ensure that vulnerable plants have installed disinfection systems, along with sufficient backup power to maintain operation in the face of a power disruption or significant storm damage. The value of these systems was revealed in the aftermath of Sandy, when many badly damaged waste water plants were still able to operate disinfection treatment systems to kill harmful pathogens in their discharges.

## **We Need to Redesign Our Power System**

### ***Put Enforcement Teeth into the PSC to Improve Oversight and Regulation of State's Utilities***

Based upon a review of the Public Service Law, PSC rules and regulations, past PSC orders, and interviews with New York State Department of Public Service (DPS) personnel, the Moreland Commission found that (i) the PSC does not adequately utilize its existing statutory authority to full effect; and (ii) its existing statutory enforcement authority is inadequate and should be strengthened and updated. Accordingly, the Commission made a series of recommendations to ensure that utilities are held accountable and responsive to regulators and customers.

Among the recommendations that will be adopted are the following:

- The PSC will be statutorily authorized to levy administrative penalties against each utility for violations of PSC orders and regulations or upon a finding that such utility has failed to provide safe and adequate service under a “reasonable business” standard (comparable to the prudence standard). The size of the potential penalties will be increased, and provisions will be adopted to ensure that the penalties are paid out of

shareholder capital and not passed on to ratepayers.

- The PSC will be authorized to issue an order that directs a utility to comply with recommendations made pursuant to management and operations audits.
- The PSC will recommence operational audits at least every five years as currently required under the Public Service Law.
- To implement the strengthened auditing functions of the PSC, consideration will be given to having a dedicated auditing unit to help ensure that the PSC is well-situated to fully exercise its statutory authority and perform both management and operational audits.
- Consideration will also be given to creating a dedicated unit for investigating and enforcing utility compliance with PSC orders and recommendations and with utility tariffs.
- Statutory changes should be considered to explicitly authorize the PSC to formally review the performance of each of the Investor-Owned Utilities to provide safe and adequate service, and order appropriate relief including divestiture of some or all of a utility's assets, subject to both due process standards and the need for continuity of service. To ensure compliance with the recommendations put forth by the PSC after a review, the Commission also recommends the clear establishment of the PSC's

authority to revoke the Certificate of Public Convenience and Necessity.

- DPS staffing and budgetary levels will be reviewed to ensure they are sufficient to carry out the newly-designed core functions of the PSC, and procedures should be reviewed to ensure cross-training of the existing workforce, implementation of performance management standards and technology upgrades. Given the substantial retirements at DPS in recent years, the agency currently is not staffed to the level authorized in the FY 2012-13 budget of 524 full-time employees (FTE). Based upon the additional mandates that the Commission recommends, the DPS staffing authorization will be maintained in the FY 2013-14 budget and DPS will recruit and hire up to the 524 FTE allotment to assist in implementation and enforcement of the new mandates.
- Similar to Sarbanes Oxley where CEOs need to certify the validity of their financial statements, consideration will be given to requiring senior officers of each utility to annually certify to the PSC that the utility is acting in compliance with all applicable State laws, rules, regulations, orders, and procedures, including the statutory requirement to provide safe and adequate service.
- All appointees to the PSC will have demonstrated competence in some aspect of utility regulation as well as a concern for the public well-being.

The Moreland Commission also determined that there are redundant and/or overlapping State energy programs that have contributed to DPS staff (that serves the PSC) deviating from its core mission of regulating utilities for the safety and security of all New Yorkers. One example of this redundancy and deviation is the overlap between DPS and New York State Energy Research and Development Authority (NYSERDA) programs. Thus, DPS and NYSERDA staff functions will be streamlined to form a unified policy-making process that provides coordinated policy direction and implementation, eliminates redundancy, and ensures an efficient and coordinated State energy policy administration.

### ***Abolish the Long Island Power Authority***

When it comes to the Long Island Power Authority, it never worked and it never will. The time has come to abolish LIPA.

The Moreland Commission's Interim Report provides sufficient evidence that LIPA's outsourcing of most of the day-to-day management and operations of its system to National Grid simply does not work. The

bifurcated LIPA-National Grid structure lends itself to mismanagement, a lack of appropriate investment in infrastructure, a lack of accountability to customers and excessive rates. The Interim Report recommended immediate consideration of a single unified structure that both owns the transmission and distribution assets and is entirely responsible for serving LIPA's current service area, and noted that a majority of the Commission believes that privatization is the best option for doing so.

Privatization of LIPA will be pursued, which would entail the disposition of LIPA's assets to a qualified Investor-Owned Utility (IOU) that would serve as the sole utility manager and operator to the existing LIPA service area. This privatization would place the new service provider under the stronger regulatory environment recommended by the Commission, as opposed to remaining a self-regulated entity. The new structure must protect ratepayers and tax consequences must keep rates low.

There is no question that LIPA could be operated much more efficiently than it is today, particularly if it was purchased by an existing electric utility company which could share staff, facilities and systems. The

Commission found that potentially hundreds of millions of dollars in synergy benefits could be achieved in a privatization to offset privatization costs, including efficiencies in the areas of operating and maintenance costs, power supply, fuels management, and contractor fees. These “synergies” could be used to keep rates after a sale in line with currently projected rates. Importantly, under this option, the PSC, as it is with every other investor-owned utility in New York, would be the new entity’s independent regulator, ensuring that any future rate requests are fully justified, plans are in place for storm response and other contingencies, and statewide public policies (e.g., energy efficiency and renewable energy programs) are applied consistently across the state.

## **Effective Emergency Response**

### **Establish a World-Class Emergency Response Network**

While all disasters are local, effective response to a major weather event is by necessity often regional—or even statewide. Hurricanes, blizzards, floods and other major weather events do not respect municipal

boundaries. To the contrary, marshaling and deploying the necessary people, supplies and equipment to prepare and protect New Yorkers requires clear communication and coordinated action across multiple governments: neighboring towns and villages, whole counties and entire regions of the state.

Governor Cuomo proposes creating a Statewide network of unified emergency training, coordination, protocols and communication.

This Statewide network should include:

- Universal protocols for emergency response.
- Essential training and certification for all county and local emergency personnel using these state-of-the-art protocols. SUNY and CUNY should develop a training and certification program that is available on a regular basis and consistent throughout the state.
- Greater operating authority for the State to coordinate local decisions in an emergency to protect public health and safety. For example, decisions relating to issues like gas rationing and curfews may need to be aligned across local boundaries in order to be effective.

In addition to universal protocols, the ability to pre-position personnel and equipment in advance of a major weather event is a key preparedness measure.

Before Superstorm Sandy struck, for example, the State had stockpiled generators, water tankers, chainsaws, piping, light towers, and pumps.

Waiting until after an emergency occurs means taking the risk that needed supplies and equipment could be unavailable due to sudden demand from other states, local governments and private purchases, or that travel conditions might make delivery to critical areas impossible.

Governor Cuomo will establish a Statewide Emergency Stockpile to store food, water, personal care items, generators, light towers, sandbags and other essential goods. To the greatest extent possible, the State should use existing facilities like airport hangars in order to minimize costs.

### **Specialized Training for the National Guard for Emergency Response**

The heroic efforts of police, firefighters, EMS personnel, members of the National Guard, search and rescue and other first responders routinely make the difference between life and death in many severe weather events.

New York State currently has approximately 10,000 Army National Guard and 5,800 Air National Guard service members. During Superstorm Sandy, more than 4,500 National Guard members provided relief and accelerated the recovery.

Governor Cuomo will build on the vital role that the National Guard played in Superstorm Sandy by providing additional specialized training in key emergency response areas like power restoration, search-and-rescue, heavy equipment operation, crowd management and public safety where the Guard's scale, skills and equipment can have a unique and powerful impact on restoring power faster, saving lives and other critical areas.

### **Establish a Statewide Volunteer Network**

Storms like Sandy remind us that we are all in this together. In every impacted community, and in true New York fashion, citizens came together to help one another with emergency and disaster recovery efforts. There were dozens of relief organizations, faith-based and non-profit organizations, and tens of thousands of

citizens who gave their time and money to help their neighbors in need.

Yet many more people wanted to contribute their energy and other resources to the recovery effort but did not know where to turn or how best to match their skills with the existing needs.

We can build on the time-tested tradition of neighbor helping neighbor by casting a broader net to bring in individuals, nonprofit organizations and corporations that do not traditionally engage in disaster relief. This well of untapped resources will help the State meet critical needs in times of upheaval. It will also give every New Yorker a chance to play a meaningful role in the disaster relief effort.

Governor Cuomo will establish a Statewide volunteer corps to mobilize and organize volunteers based on their skills, interests and resources. The corps will recruit and pre-register New Yorkers through a strategic screening process that will categorize volunteers by location, skill and time availability. Volunteers will be able to specify their preference for one-time or on-going commitments; on site, virtual or back up locations; and interest in providing direct service or support services. Registration can be done

through a well-promoted online portal, at regional centers, through corporate recruitment campaigns, and local non-profits. Non-profit and faith-based organizations will also be asked to register and encouraged to post volunteer opportunities on the web portal. Through volunteer-matching, volunteers will have access to information and opportunities to donate their time and resources in a meaningful and coordinated way

### **Establish a “Civilian Emergency Response Corps”**

In the aftermath of Superstorm Sandy, the numbers of response and restoration crews and other skilled civilians who were deployed was staggering. For instance, more than 67,000 workers from 80 companies, from almost every state and from Canada, helped to restore electric service to 10 million customers in the states affected by Superstorm Sandy.<sup>262</sup>

Across New York State, more than 70 percent of the estimated 6 million cubic yards of debris (downed trees, damaged buildings, appliances, vehicles, and other storm damage) had been collected as of December

22. That equals two weeks' worth of all municipal solid waste typically collected from every resident and business in the state.

The ability to even further accelerate these critical recovery response tasks requires an enormous number of skilled workers—and the ability to rapidly put them to work.

Governor Cuomo will create a “Civilian Emergency Response Corps” made up of technical and trades personnel—including electricians, pipefitters, line workers, landscapers, public works personnel, civil engineers and debris removal tradespeople—who can be trained, certified, credentialed and deployed to perform disaster response and recovery related tasks as part of a well-coordinated public/private-sector partnership.

This initiative would help ensure that the necessary skills and expertise are available and can be mobilized and employed at the scale needed to effectively support rapid and cost-effective restoration of essential services and infrastructure.

## **Establish a Private Sector Emergency Response Task Force**

Partnering with the private sector can leverage the extensive expertise and resources of the businesses that operate in New York to rapidly respond to the state's needs in an emergency—from an immediate need for thousands of durable goods to the ability to deploy mobile charging stations for cell phones.

As the International Center for Enterprise Preparedness at New York University found: “By developing a clear program for action in advance of a catastrophe, companies, governments and aid organizations can work together to mobilize private-sector resources when and where they are needed most when disaster strikes.”<sup>263</sup>

A standing Private Sector Emergency Response Task Force made up of chief logistics officers from key industry sectors will be created to plan in advance for the distribution of food, beverages and other supplies and execute the plan in a declared emergency.

The task force would activate immediately in an emergency in coordination with the State Office of

Emergency Management and require only a single call to activate private sector resources statewide.

**Launch a Citizen Education Campaign: Prepared citizens as “in-house first responders”**

Before a disaster even occurs, the State should help residents be prepared with information, resources and supplies. Individual preparedness and planning—from home stockpiles of food, water and batteries to battery-free crank radios to fuel preparations—will reduce the numbers of families in need, allowing first responders to focus on the New Yorkers who are most vulnerable.

There are many examples of public awareness campaigns that could serve as a model—e.g., seatbelt use, Stop DWI, smoking cessation, and changing batteries in smoke detectors. The State can also work with educators to introduce the topic of family preparedness with age-appropriate material beginning at the elementary-school level.

## **Ensure that Vulnerable Populations Can Receive Help in an Emergency**

Protecting vulnerable populations starts with identifying the people at greatest risk so that they can receive help before, during and after an emergency.

Existing state law allows counties to maintain a registry “in order to meet the special needs of persons who would need assistance during evacuations and sheltering because of physical or mental handicaps.”<sup>264</sup> Currently, 33 counties have these databases in place and four more are in the process of developing one. Several counties used their database before and after Sandy to check on their vulnerable populations. However, it is not clear that this approach alone will ensure that all counties have comprehensive and accurate databases and that they are used effectively when needed.

The use of Vulnerable Population databases will be expanded so first responders, outreach workers, and healthcare and human services personnel can find and serve those who may need assistance.

The voluntary databases could include populations such as the frail elderly, home-bound

individuals, infants and children, people with chronic medical conditions, and people living in extreme poverty, building on existing public, private and non-profit databases to the extent possible—always with an individual’s permission—and respecting privacy, security and other concerns. These databases would be used to conduct outreach to vulnerable populations before, during and following an emergency when they may not have independent access to food, medication and other supplies.

### **Communicating with New Yorkers in an Emergency**

The public has a right to reliable, accurate and timely communication and information before, during, and after severe weather events or other natural disasters.

Text messages have become ubiquitous for instant communication, and in an emergency they can be used to share location-specific information, updates and instructions.

To maximize this important way to reach the public, we will develop a program that will allow mass text messages to be sent to all wireless phones in a

chosen area—whether a single cell tower or a set of towns that have been struck by a severe weather event.

Florida is piloting this approach with a system that makes it possible for the state to send a text message to every cell phone user within whatever geographic area it chooses in order to provide location-specific information following an extreme weather event.

In addition, the State will explore establishing a one-stop disaster recovery communications hub that is integrated with social networking, mobile messaging and chat tools—using all available means to reach New Yorkers. As part of this hub, a website would feature an online real-time mapping tool in order to provide up-to-the-minute information on emergency resources available in a given area; a portal through which the public could access information on service outages; disaster preparedness tips and resources for the general public; and, following a disaster, an easy-to-use resource for finding and requesting financial and other assistance.

This set of tools should be one part of a “Resilient Information System” that maximizes technology to integrate disaster planning, preparedness and response,

and that builds on existing information technology systems to the greatest extent possible.

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## NOTES

<sup>1</sup> Infrastructure Investment Act, enacted December 9, 2011.

<sup>2</sup> Don C. Hoefler, a journalist, coined the term Silicon Valley. *See* <http://smithsonianchips.si.edu/schreiner/hoefler.htm>

<sup>3</sup> In particular, a missed opportunity is working more closely with researchers who receive Small Business Innovation Research grants. We should be tracking these companies as being at the front of the state's innovation pipeline. There have been more than 3,300 grant recipients from New York State in the last 10 years, with the average award being over \$300,000.

<sup>4</sup> *See* Task Force on Diversifying the New York State Economy Through Industry-Higher Education Partnerships *available at* [http://nysstlc.syr.edu/media/documents/2011/2/Task\\_Force\\_Report\\_on\\_Diversifying\\_the\\_NYS\\_Economy.pdf](http://nysstlc.syr.edu/media/documents/2011/2/Task_Force_Report_on_Diversifying_the_NYS_Economy.pdf).

<sup>5</sup> *Ibid.* Only about six in 10 colleges and universities realize revenues that exceed costs for their technology transfer operations.

<sup>6</sup>*Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *See* [http://www.deloitte.com/view/en\\_US/us/Industries/t](http://www.deloitte.com/view/en_US/us/Industries/t)

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technology/technology-  
fast500/89225738ab4cb210VgnVCM3000001c56f00aR  
CRD.htm.

<sup>9</sup> See a history of Albany Nanotech at  
<http://cnse.albany.edu/Home.aspx>

<sup>10</sup> The nanotech cluster that has developed around CNSE already accounts for over \$1 billion annually in salaries and wages and is expected to create or retain more than 20,000 high-tech jobs across New York State (representing more than \$2.5 billion in salaries in wages) by 2015, when the Global Foundries plant reaches full production.

See also Office of Governor Andrew M. Cuomo, "Governor Cuomo Announces \$4.4 Billion Investment by International Technology Group Led by Intel and IBM to Develop Next Generation Computer Chip Technology in New York" *available at* <http://www.governor.ny.gov/press/092711chiptechnologyinvestment>.

<sup>11</sup> For example, the University at Albany's SUNY 2020 grant proposal, recently approved by Governor Cuomo, freed up an initial \$35 million in funds to kick-start various large-scale projects at the campus, including a \$165 million Emerging Technology and Entrepreneurship Complex intended to serve as a matchmaker between cutting-edge research and investment. See Albany Times Union, "UAlbany grant plan gets OK," Dec 14, 2012.

<sup>12</sup> With six Centers of Excellence, six Centers for Advanced Technology and 14 high-tech and bio-

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technology business incubators, the SUNY system has the infrastructure for the “Innovation Hot Spots”.

<sup>13</sup>Since 1985, CONNECT has assisted in the formation and development of more than 3,000 companies. *See* [www.connect.org](http://www.connect.org).

<sup>14</sup> There are several funds that exist to help foster commercialization of ideas. For example, a \$35 million Innovate NY Fund was launched by Governor Cuomo in 2011 and funded support through a Small Business Credit Initiative grant from the federal government to support innovation, job creation, and high growth entrepreneurship throughout the state. These program dollars are administered by selected venture capital funds. *See* <http://www.esd.ny.gov/BusinessPrograms/InnovateNY.html>.

<sup>15</sup> The “valley of death” is the critical period for start-ups between the idea or concept and the company’s ability to generate revenue. *See* Taskforce on Diversifying the NYS Economy Through Industry-Higher Education Partnerships at 9.

<sup>16</sup> The Innovation Venture Capital Fund will also assume responsibility for managing the State's Small Business Technology Investment Fund (SBTIF) (which presently holds \$18 million in privately held investments and publicly traded investments of nearly \$3 million). As these investments are harvested, their proceeds will be added to the Innovate NY Fund.

<sup>17</sup> New York State Department of Labor.

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<sup>18</sup> See United States Department of Labor:  
<http://www.dol.gov/whd/minwage/america.htm>.

<sup>19</sup> The June 29<sup>th</sup>, 2012 semi-annual Insolvent Group Self-Insured Trust Report lists 23 insolvent GSITs and their current outstanding liabilities. *See* <http://www.wcb.ny.gov/content/main/TheBoard/June2012InsolventGSITRpt.pdf>.

<sup>20</sup> NYSL Section 50, subsection 3a, paragraph 5, as amended in 2008, increased the Board's authority to recover losses from former group trust administrators. The amended statute makes misrepresentation of the financial status of a group self-insurance trust a class E felony, imposes civil penalties up to \$20,000 for each violation and allows the Chair to recover damages through civil action including the assessments imposed on other group self-insurance trusts as a result of such misrepresentation.

<sup>21</sup> The pass through assessment will consolidate all existing assessments and cover all expenses associated with the NYS workers' compensation system including the Board's administrative expenses, the Fund for Reopened Cases expenses, the Special Disability Fund expenses, the expenses of the Group Self-Insurance Trust bonding program and Interdepartmental Charges. In addition, pursuant to NYSL Section 50, subsection 5g, when benefits and compensation are unpaid to the insolvency of a self-insurer, these expenses are paid out of the Board's administrative funds and an assessment is levied against all self-insurers, including GSITs, to ensure prompt payment of such benefits and compensation.

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<sup>22</sup> New York State Workers' Compensation Board.

<sup>23</sup> The median wage of clean energy jobs is 13 percent higher than the broader U.S. median wage; more than a quarter of clean energy jobs come in manufacturing, providing well-paying employment opportunities for low and medium skilled workers; clean energy jobs are also correlated export values twice the typical U.S. job. *See* Muro, Mark, Jonathan Rothwell and Devashree Saha. 2011. *Sizing the Clean Economy: A National and Regional Green Jobs Assessment*. Washington, DC: The Brookings Institution.

<sup>24</sup> *See* Doug Sims, "Clean Energy Finance 3.0 - The Rise of the State Green Banks" *available at* [http://switchboard.nrdc.org/blogs/dsims/clean\\_energy\\_finance\\_30\\_-\\_the.html](http://switchboard.nrdc.org/blogs/dsims/clean_energy_finance_30_-_the.html).

<sup>25</sup> Approximately \$900 million is collected and deployed annually through a combination of the Public Service Commission, NYSERDA, and the investor owned utilities (IOUs)—all of this money is disbursed in one-time use subsidies; The New York Power Authority (NYPA) and the Long Island Power Authority (LIPA) spend over \$400 million annually on low-cost financing, subsidies, and rebates. NYPA and LIPA apply different standards and metrics from each other and from the rest of the state entities and IOUs; the remaining money is collected from in-state power generators through the Regional Greenhouse Gas Initiative (RGGI) and disbursed by NYSERDA with another set of standards and metrics. Approximately \$50 million of the RGGI

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money has been set aside for on-bill financing for residential energy efficiency projects.

<sup>26</sup> See New York State Department of Public Service. 2011. *Energy Efficiency Standard Program Review White Paper*. Albany, NY: Author; Morris, Jackson and Jordan Stutt. 2012. *Energy Efficiency in New York: Midcourse Status Report of '15 by 15'*. White Plains, NY: Pace Energy and Climate Center.

<sup>27</sup> See Rabe, Barry. 2006. *Second Generation Climate Policies in the American States: Proliferation, Diffusion, and Regionalization*. Washington, DC: The Brookings Institution.

<sup>28</sup> See Berlin, Ken, and Reed Hundt, Mark Muro and Devashree Saha. 2012. *State Clean Energy Finance Banks: New Investment Facilities for Clean Energy Deployment*. Washington, DC: The Brookings Institution.

<sup>29</sup> See Caperton, Richard W. and Bracken Hendricks. 2011. *A Green Bank is the Right Tool for Jobs*. Washington, DC: Center for American Progress.

<sup>30</sup> 62 of 93 of the current federal clean energy finance policies will expire by 2014, resulting in a 75 percent decrease in federal spending, from \$44.3 billion to \$11 billion between 2009 and 2014. See Berlin, Ken, and Reed Hundt, Mark Muro and Devashree Saha. 2012. *State Clean Energy Finance Banks: New Investment Facilities for Clean Energy Deployment*. Washington, DC: The Brookings Institution.

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<sup>31</sup> For example, renewable energy and energy efficiency assets do not currently qualify as real estate that could fit into a REIT or a Master Limited Partnership structure.

<sup>32</sup> Private firms and capital alone are unlikely to make investments with high and riskier short-term costs (“Valley of Death” dynamics) even if there are significant (but distributed) long-term social, technological and environmental benefits (or costs)—correcting market failures in this realm and bringing clean energy technologies to scale and competitive positions (vis-à-vis carbon energy) will be the purview of the public sector. See Newell, Richard G. 2010. The Role of Markets and Policies in Delivering Innovation for Climate Change Mitigation.” *Oxford Review of Economic Policy*, 26(2), pp. 253-69.

See Also Berlin, Ken, and Reed Hundt, Mark Muro and Devashree Saha. 2012. *State Clean Energy Finance Banks: New Investment Facilities for Clean Energy Deployment*. Washington, DC: The Brookings Institution.

<sup>33</sup> Existing government-sponsored investment and credit programs, including the USDA Rural Utilities Service and DOE Loan Guarantee Program, require only a very small percentage (less than 10 percent) of total funds to come from public sources, while other programs such as the Export-Import Bank have actually made money for the public. See Caperton, Richard W. and Bracken Hendricks. 2011. *A Green Bank is the Right Tool for Jobs*. Washington, DC: Center for American Progress.

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<sup>34</sup> The New York Energy Highway Taskforce also recommended extending the NY-SUN program. *See New York Energy Highway Blueprint* (2012), pgs. 69-70 *available at* [http://www.nyenergyhighway.com/PDFs/BluePrint/EBPPT/9C12DE69F8607804AB68476B2A4AF916/Blueprint\\_FINAL\\_3.0\\_11.15.12.pdf](http://www.nyenergyhighway.com/PDFs/BluePrint/EBPPT/9C12DE69F8607804AB68476B2A4AF916/Blueprint_FINAL_3.0_11.15.12.pdf).

<sup>35</sup> Since the program extends existing funding levels for solar energy programs administered by NYSERDA and LIPA, it will not increase electric utility rates for consumers.

<sup>36</sup> Sources: Pike Research, DEC, NYSERDA. Note that the package of programs identified in this proposal will not guarantee this level of sales, but will make it more likely that this level of sales occur in NYS.

<sup>37</sup> See for example, the electric vehicle market forecasts *available at* <http://www.pikeresearch.com/wordpress/wp-content/uploads/2012/12/EVMF-12-Executive-Summary.pdf>.

<sup>38</sup> *See* The Carnegie Endowment for International Peace (CEIP) study “Policy Priorities for Advancing the U.S. Electric Vehicle Market.” *available at* <http://m.ceip.org/2012/09/17/policy-priorities-for-advancing-u.s.-electric-vehicle-market/duix>.

*See Also* TAKING CHARGE: Establishing California Leadership in the Plug-In Electric Vehicle Marketplace, the Plug-in Hybrid & Electric Vehicle (PH&EV) Research Center under a grant from the California Energy Commission.

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<sup>39</sup> *Ibid.*

<sup>40</sup> The estimated number of job openings is based on national numbers calculated by the Bureau of Labor Statistics that are prorated to reflect New York State Data. *See* US Department of Labor, Bureau of Labor statistics, “Job Openings and Labor Turnover Survey –August 2012” *available at* [http://www.bls.gov/news.release/archives/jolts\\_10102012.htm](http://www.bls.gov/news.release/archives/jolts_10102012.htm).

<sup>41</sup>*See* “ManpowerGroup Annual Survey Shows More than Half of U.S. Employers Cannot Find the Right Talent for Open Positions” *available at* <http://www.manpowergroup.com/investors/releasedetail.cfm?ReleaseID=579117>.

*See also* “ManpowerGroup Survey Reveals U.S. Talent Shortages Persist in Skilled Trades, Engineers and IT Staff” *available at* <http://press.manpower.com/press/2012/talent-shortage>.

<sup>42</sup> *See* <http://www.labor.ny.gov/stats/PDFs/Analysis-of-2008-2018-Occupational-Projections-and-Wages.pdf>.

<sup>43</sup> *See* <http://www9.georgetown.edu/grad/gppi/hpi/cew/pdfs/newyork.pdf>.

<sup>44</sup> *See* Jarvie, Lawrence L. (1947). *New Institutes of Applied Arts and Sciences*. Ohio State University Press.

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<sup>45</sup> The SUNY Community College System enrolled 138,357 full-time and 104,005 part-time students for the 2012-2013 academic year. *See* State University of New York, “Community College Admissions Information Summary—2012” *available at* [http://www.suny.edu/student/freshmen\\_admission\\_facts.cfm](http://www.suny.edu/student/freshmen_admission_facts.cfm).

<sup>46</sup> *See* State University of New York, “Delivering on our Promise: SUNY’s Master Plan 2012 and Beyond” *available at* <http://www.suny.edu/sunynews/MasterPlan2012.pdf>.

<sup>47</sup> A potential additional approach is to create 1,000 “Earn and Learn” Manufacturing Apprenticeships, based on the German model, so that workers would receive integrated education and training from community colleges while working for advanced manufacturers. Germany’s well-known apprenticeship model features a dual system of vocational training whereby students enrolled in an apprenticeship program receive workforce training while working within a chosen trade or industry in combination with an academic curriculum provided by a vocational school. Practical, on-the-job training is provided by companies in over 300 trades for 3 to 5 days per week, while the vocational classroom component is taught the remaining 1 to 2 days per week. A New York Earn and Learn Tax Credit would provide a financial incentive for employers who hire trainees participating in a specialized New York State apprenticeship program focusing on advanced manufacturing and other high-demand sectors.

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<sup>48</sup> *See*

<http://www.ncc.cuny.edu/academics/majors.html>.

<sup>49</sup> *See* NYS Education Law, Title 7 Article 126, *available at*

[http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$EDN6304\\$\\$@TXEDN06304+&LIST=LAW+&BROWSER=EXPLORER+&TOKEN=42991624+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$EDN6304$$@TXEDN06304+&LIST=LAW+&BROWSER=EXPLORER+&TOKEN=42991624+&TARGET=VIEW).

<sup>50</sup> There will be no change for non-workforce/vocational two-year degrees that traditionally prepare students to transfer to a 4-year university.

<sup>51</sup> *See* Jacobs, Joanne. (February 24, 2012) *More States Utilize Performance Funding for Higher Education*.

US News and World Report *available at*

<http://www.usnews.com/education/best-colleges/articles/2012/02/24/more-states-utilize-performance-funding-for-higher-education>.

<sup>52</sup> *See*

<http://www.jff.org/sites/default/files/TyingFunding2CmmColleges-042312.pdf>.

<sup>53</sup> *See*

<http://www.jff.org/sites/default/files/TyingFunding2CmmColleges-042312.pdf>.

<sup>54</sup> Performance funds will be in addition to the per-pupil base aid that the State currently provides.

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<sup>55</sup> Data obtained from Economic Modeling Specialists Intl (for years 2002-2012).

<sup>56</sup> See Ikerd, John E. June, (2005). *Eating Local: A Matter of Integrity*. Paper presented at Sierra Club Farm Tour and the Alabama Sustainable Agriculture Network Field Day, Banks, Alabama.

<sup>57</sup> See Patterson, et.al. in, "Targeting tourists with state branding programs," *Agribusiness: An International Journal*, 19, 525-538.

<sup>58</sup> See USDA Economic Research Service 2010.

<sup>59</sup> *Ibid.*

<sup>60</sup> See <http://www.choicesmagazine.org/2006-1/grabbag/2006-1-08.pdf>.

<sup>61</sup> See <http://visitadirondacks.com/what-to-do/recreation/canoeing-kayaking.html>.

<sup>62</sup> The nine racinos are at Aqueduct, Yonkers, Monticello, Saratoga, Vernon, Tioga, Finger Lakes, Batavia, and Buffalo. The five tribal casinos are Akwesasne Mohawk (St. Regis Mohawks), Turning Stone (Oneida Nation), and Seneca Niagara, Seneca Allegany and Seneca Buffalo Creek (three facilities of the Seneca Nation). The Class II facilities are Mohawk Bingo Palace (St. Regis Mohawks) and Seneca Gaming and Entertainment in both Irving and Salamanca (Seneca Nation).

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<sup>63</sup> While the number of machines can and does vary on a daily basis. As of December 8, 2012, the number of video lottery terminals at racinos in New York was 17,209. *See* <http://nylottery.ny.gov/wps/wcm/connect/51387d0044bea8fb8be88b3b1ada7a32/statewide-wkly12.13.12.pdf?MOD=AJPERES&CACHEID=51387d0044bea8fb8be88b3b1ada7a32>.

<sup>64</sup> In November of 2012, there were 26,855 machines in Atlantic City at 12 casino facilities. *See* Monthly Gross Revenue Report, *available at* <http://www.nj.gov/oag/ge/docs/Financials/MGR2012/201211revenue.pdf>.

<sup>65</sup> *See* Miller, R.K. (2011). *Casinos, Gaming and Wagering 2011*. Richard K. Miller and Associates.

<sup>66</sup> As of December 8, 2012, Aqueduct had 5,005 machines, and Yonkers has 4,964 machines. *See* State Lottery website. There are 4,062 slot machines at the Seneca Niagara Casino.

<sup>67</sup> States bordering New York with casinos are Connecticut, New Jersey, and Pennsylvania. Massachusetts also has legalized casinos.

<sup>68</sup> *See* information on Ontario gaming facilities *available at* <http://www.olg.ca/index.jsp>. *See* generally, LOTO-QUÉBEC

*See also* Annual Report 2012, *available at* <http://lotoquebec.com/cms/corporatif/en/the-corporation/documentation/documentation-centre.html>.

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<sup>69</sup> See Assembly Bill No. 9556, same as Senate Bill No. 6734, Governor's Program Bill #30. *available at* [http://www.governor.ny.gov/assets/documents/GPB%20\\_30\\_casinogamblingmemo.pdf](http://www.governor.ny.gov/assets/documents/GPB%20_30_casinogamblingmemo.pdf)

<sup>70</sup> See New York State Constitution Article XIX, §.

<sup>71</sup> See Robin Cooper and Adam Sichko, "New York Casino Games could Attract \$1.5B in Investments," Albany Business Review, December 30, 2011.

For instance, Appleseed, the economic development consulting firm working for the New York Gaming Association, has stated that casino expansion at Yonkers Raceway alone will contribute to \$510 million in economic output and that casino expansion at Aqueduct would lead to \$1.5 billion in economic output. See *Current and Future Economic Impacts of Live Table Gaming*, Studies, February 2012. *available at* [http://saratogacasino.com/Libraries/Enzo\\_s\\_Images/Econ\\_Impact\\_report\\_for\\_NYGA\\_releases.sflb.ashx](http://saratogacasino.com/Libraries/Enzo_s_Images/Econ_Impact_report_for_NYGA_releases.sflb.ashx)

<sup>72</sup> Per pupil spending in New York for fiscal year 2010 was \$18,618. See US Census Bureau, June 2012 available at <http://www2.census.gov/govs/school/10f33pub.pdf>.

<sup>73</sup> See National Center for Education Statistics. (2011). *The Nation's Report Card: Reading 2011* (NCES 2012-457). National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education, Washington, D.C.

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<sup>74</sup> See National Center for Education Statistics. (2011). *The Nation's Report Card: Mathematics 2011* (NCES 2012-458). National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education, Washington, D.C.

<sup>75</sup> See New York State Education Department, Information and Reporting Services. *English Language Arts and Mathematics Aspirational Performance Measure*. June 2012.

<sup>76</sup> See New York State Education Department, Information and Reporting Services. *2007 Cohort Graduation Rates Summary*. June 2012.

<sup>77</sup> See Governor Andrew M. Cuomo, Executive Order 44 of 2012 *available at* <http://www.governor.ny.gov/executiveorder/44>.

<sup>78</sup> See Fisher, C.W., et al. (1980). Teaching behaviors, academic learning time and student achievement: An overview. In C. Denham & A. Lieberman (Eds.). *Time to Learn* (pp. 7-32). Washington, DC: National Institute of Education.

*See Also* Clark, D., & Linn, M.C. (2003). Designing for knowledge integration: The impact of instructional time. *Journal of the Learning Sciences*, 12(4), 451-493.

*See also* Smith, B. (2002). Quantity matters: Annual instructional time in an urban school system. *Educational Administration Quarterly*, 36(5), 652-682.

<sup>79</sup> See Think Together's "What Does School Success Look Like" Annual Report, quoting Secretary

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Duncan available at <http://www.thinktogether.org/wp-content/uploads/2012/03/2011-Annual-Report.pdf>.

<sup>80</sup> See International Perspectives on the Use of Learning Time in High-Performing and Rapidly-Improving Education Systems. A Working Paper: Background for a Convening of International Education Leaders. National Center on Time and Learning. March 2012.

<sup>81</sup> The Program for International Student Assessment (PISA) is a system of international assessments that focuses on 15-year-olds' capabilities in reading literacy, mathematics literacy, and science literacy. PISA also includes measures of general or cross-curricular competencies such as problem solving. PISA emphasizes functional skills that students have acquired as they near the end of compulsory schooling. PISA is coordinated by the Organization for Economic Cooperation and Development. Data for PISA Reading, math and science scores taken from OECD, PISA 2009 Database, countries within OECD Ranking.

<sup>82</sup> The minimum length of the school day is defined in State Education Department regulations (8 N.Y.C.R.R. § 175.5) and the minimum length of the school year in order to receive State funding is defined in State law (N.Y. Educ. Law § 3604).

<sup>83</sup> See Dobbie, W. and Fryer, R., 2011. "Are High-Quality Schools Enough to Increase Achievement Among the Poor? Evidence from the Harlem Children's Zone", *American Economic Journal: Applied Economics*. Volume 3, Issue 3.

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<sup>84</sup> See The Massachusetts Extended Learning Time website *available at* <http://www.mass2020.org/node/3>.

<sup>85</sup> See Frede, E; Jung, K; Barnett, S; and Figueras A. (2009). The APPLES Blossom: Abbott Preschool Program Longitudinal Effects Study (APPLES), Preliminary Results through 2nd Grade. Interim Report.

*See Also* Reynolds, A.J., Temple, J.A., Robertson, D.L., and Mann, E. A. Long Term Effects of an Early Childhood Intervention on Educational Achievement and Juvenile Arrest. A 15 Year Follow-up of Low Income Children in Public Schools. Journal of the American Medical Association. Col 285, No. 18. May 9, 2001.

<sup>86</sup> New York State's \$385 million in funding for Universal Pre-K ("UPK") serves 104,000 children across the State, of which:

- Approximately 79,000 (76 percent) are part-day students and 25,000 (24 percent) are full-day students (with local or other funding supplementing the State's part-day contribution);
- 84,000 (81 percent) are in high-need districts and 32,000 (3 percent) are in low-need school districts, and,
- Those in high-need districts represent 74 percent of the number of students enrolled in public kindergarten in those districts, while

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those in low-need districts represent just 12 percent.

<sup>87</sup> See Leithwood, K., Louis, K. S., Anderson, S., & Wahlstrom, K. (2004). *How Leadership Influences Student Learning*. New York, NY: Wallace Foundation. Marzano, R.J., Waters, T., & McNulty, B. (2005).

*See Also* School Leadership that Works: From Research to Results. Alexandria, VA: Association for Supervision and Curriculum Development.

<sup>88</sup> See Math for America.  
[www.mathforamerica.org](http://www.mathforamerica.org).

<sup>89</sup> See Strive Report Card 2010.  
<http://www.strivetogether.org/wp-content/uploads/2010/11/2010StriveReportCard.pdf>.

<sup>90</sup> See Smart Scholars Early College High School Initiative. *available at*  
[http://www.highered.nysed.gov/kiap/SmartScholarsEarlyCollegeHighSchool\\_000.htm](http://www.highered.nysed.gov/kiap/SmartScholarsEarlyCollegeHighSchool_000.htm).

<sup>91</sup> See Board of Regents Meeting: Higher Education Committee; June 2011 *available at*  
<http://www.regents.nysed.gov/meetings/2011Meeting/s/June2011/611monthmat.html#HE>.

<sup>92</sup> Beginning in 2011, New York State first partnered with the Bill and Melinda Gates Foundation to fund up to \$500,000 per program over a multi-year period for 27 Smart Scholars/Early College High Schools across New York State serving over 4,000

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students. The Gates Foundation provided a \$6 million matching grant to the State's \$6 million commitment to fund this program.

<sup>93</sup> See NYSED Fiscal Profile Data available at [http://www.oms.nysed.gov/faru/Profiles/profiles\\_cover.html](http://www.oms.nysed.gov/faru/Profiles/profiles_cover.html).

<sup>94</sup> See The New NY Government Reorganization and Citizen Empowerment law website *available at* <http://governor.ny.gov/citizenconnects/?q=reforminggovernment/guide-to-consolidating-overlapping-gov>.

<sup>95</sup> See Shaffer, David F. and Wright, David J. (2010). *A New Paradigm for Economic Development: How Higher Education Institutions are Working to Revitalize their Regional and State Economies*. The Nelson A. Rockefeller Institute of Government.

<sup>96</sup> See University at Buffalo's Strategic Plan. 2013. *available at* <http://www.buffalo.edu/ub2020.html>.

<sup>97</sup> See 2011. Stony Brook University; University's SUNY 2020 Plan *available at* <http://www.stonybrook.edu/sb/nysuny/index.html>.

<sup>98</sup> See Binghamton University's SUNY 2020 Plan *available at* <http://www2.binghamton.edu/think/2020execsummary2012.html>.

<sup>99</sup> See University at Albany's SUNY 2020 *available at*

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<http://www.albany.edu/news/images/nysuny2020-narrative-finalL.pdf>.

<sup>100</sup> See Eatwell, John, Ed.; Murray Milgate, Peter Newman (1987). *The New Palgrave: A Dictionary of Economics*. London: The Macmillan Press Limited. The Bureau of Labor Statistics expects that 7 of the top 10 jobs in the next decade will be low-wage, primarily in the home health care, service and retail sectors. Because of this, the minimum wage will play a greater role in shaping the economy.

See Also National Employment Law Project. “A Strong Minimum Wage Can Help Working Families, Businesses and Our Economy Recover” (January 2011), pg. 2 *available at* [http://nelp.3cdn.net/02b725e73dc24e0644\\_0im6bkno9.pdf](http://nelp.3cdn.net/02b725e73dc24e0644_0im6bkno9.pdf).

<sup>101</sup> See the U.S. Department of Labor’s “Minimum Wage Laws in the United States” *available at* [.http://www.dol.gov/whd/minwage/america.htm#.UOEVQHdWpEM](http://www.dol.gov/whd/minwage/america.htm#.UOEVQHdWpEM). Currently, Maine, Vermont, Massachusetts, Connecticut, Ohio, Michigan, Illinois, Montana, Washington Oregon, California, Nevada, Arizona, New Mexico, Colorado, Florida, Rhode Island, Alaska and Missouri have higher minimum wages (Missouri’s just went up as of January 2013). The District of Columbia also has a higher minimum wage.

<sup>102</sup> See Fiscal Policy Institute, “A Welcome Boost for New York: The Case for Raising the Minimum Wage” (January 30, 2012), pg. 1, *available at* [http://www.fiscalpolicy.org/FPI\\_BoostTheEconomyBoostTheMinimumWage\\_20120130.pdf](http://www.fiscalpolicy.org/FPI_BoostTheEconomyBoostTheMinimumWage_20120130.pdf).

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<sup>103</sup> *Ibid*, pg. 10. FPI reports that the benefits of a higher state wage floor will reach beyond low-wage workers and their families, as the increased purchasing power of low-wage workers will pump much-needed demand into local businesses and communities and will create roughly 25,000 new jobs in New York State over three years.

<sup>104</sup> *Ibid*, pg. 13.

<sup>105</sup> After an increase in the minimum wage, spending increases largely focus on durable goods such as automobiles. See Daniel Aaronson, Sumit Agarwal, Eric French. "The Spending and Debt Responses to Minimum Wage Increases." Federal Reserve Bank of Chicago. (February 8, 2011). Pg.2 available at [http://www.chicagofed.org/digital\\_assets/publications/working\\_papers/2007/wp2007\\_23.pdf](http://www.chicagofed.org/digital_assets/publications/working_papers/2007/wp2007_23.pdf)

<sup>106</sup> See <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/tables/table-4>.

<sup>107</sup> See *Terry v. Ohio*, 392 U.S. 1 (1968).

<sup>108</sup> See [http://www.nyc.gov/html/nypd/html/analysis\\_and\\_planning/stop\\_question\\_and\\_frisk\\_report.shtm](http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtm) (*cited in* [http://www.jjay.cuny.edu/web\\_images/PRIMER\\_electronic\\_version.pdf](http://www.jjay.cuny.edu/web_images/PRIMER_electronic_version.pdf) at page 4, citing 2003-2007).

<sup>109</sup> See <http://bigstory.ap.org/article/stop-and-frisk-nyc-decade-rising-numbers>.

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*See also*

<http://www.nytimes.com/interactive/2010/07/11/nyregion/20100711-stop-and-frisk.html?ref=stopandfrisk>.

<sup>110</sup> *See* <http://wnyc.org/blogs/wnyc-news-blog/2012/feb/14/nypds-stop-and-frisk-reaches-record-highs>.

<sup>111</sup> *See* Fagan, Jeffrey, *Street Stops and Broken Windows Revisited: The Demography and Logic of Proactive Policing in a Safe and Changing City*, pages 334-335.

<sup>113</sup> *See* L. 1977, ch. 360, § 1 .

<sup>114</sup> *See* Penal Law § 221.10(1).

<sup>115</sup> *See* DCJS Computerized Criminal History System, December 2012.

<sup>116</sup> PL 221.10(01) became effective on July 29, 1977.

<sup>117</sup> *See* Harry G. Levine and Loren Siegel, \$75 million a Year: The Cost of New York City's Marijuana Arrests. New York: Drug Policy Alliance, March 2011 *available at* [http://www.drugpolicy.org/docUploads/\\_75\\_Million\\_A\\_Year.pdf](http://www.drugpolicy.org/docUploads/_75_Million_A_Year.pdf).

<sup>118</sup> *See* New York State Justice Task Force, *Recommendations for Improving Eyewitness Identifications*, February 2011, *available at*

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[http://www.nyjusticetaskforce.com/2011\\_02\\_01\\_Report\\_ID\\_Reform.pdf](http://www.nyjusticetaskforce.com/2011_02_01_Report_ID_Reform.pdf).

According to the Innocence Project, misidentification played a role in 75 percent of the 301 cases nationwide in which persons convicted were ultimately exonerated as a result of DNA evidence. *See* [http://www.innocenceproject.org/Content/Eyewitness\\_Identification\\_Reform.php](http://www.innocenceproject.org/Content/Eyewitness_Identification_Reform.php).

<sup>119</sup> According to the Innocence Project, approximately 25 percent of convictions overturned through DNA evidence have involved false confessions, admissions or statements to law enforcement. *See* <http://www.innocenceproject.org/fix/False-Confessions.php>.

*See also* New York State Justice Task Force, Recommendations Regarding Electronic Recording of Custodial Interrogations, at page 1, available at <http://www.nyjusticetaskforce.com/ElectronicRecordingOfCustodialInterrogations.pdf>.

<sup>120</sup> *See* [http://www.innocenceproject.org/Content/False\\_Confessions\\_Recording\\_Of\\_Custodial\\_Interrogations.php](http://www.innocenceproject.org/Content/False_Confessions_Recording_Of_Custodial_Interrogations.php).

<sup>121</sup> *See* NYC HPD 2011 Housing Vacancy Survey *available at* <http://www.nyc.gov/html/hpd/downloads/pdf/HPD-2011-HVS-Selected-Findings-Tables.pdf>.

<sup>122</sup> *See* Census Bureau 2011 Community Survey.

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<sup>123</sup> Estimated from the National Housing Preservation Database, *available at* <http://www.preservationdatabase.org>.

<sup>124</sup> See NYC HPD 2011 Housing Vacancy Survey *available at* <http://www.nyc.gov/html/hpd/downloads/pdf/HPD-2011-HVS-Selected-Findings-Tables.pdf>.

<sup>125</sup> This is based on analysis conducted by NYS Homes and Community Renewal staff based on information provided by the NYS Urban Development Corporation.

<sup>126</sup> See *infra* endnotes 124-138 (Statistics, studies and research detailing gender inequality).

<sup>127</sup> H.R.L. § 296.

<sup>128</sup> L.L. § 194.

<sup>129</sup> National Women's Law Center, New York State Fact Sheet, [http://www.nwlc.org/sites/default/files/pdfs/2012equalpay-factsheets/new\\_york\\_equalpaystatefactsheet.pdf](http://www.nwlc.org/sites/default/files/pdfs/2012equalpay-factsheets/new_york_equalpaystatefactsheet.pdf) (citing NWLC calculations from U.S. Census Bureau, 2008-2010 American Community Survey three-year estimates, Tables B20017B, H, I: Median Earnings in the Past 12 Months (in Inflation-Adjusted Dollars) by Sex by Work Experience in the Past 12 Months for the Population 16 Years and Over with Earnings in the Past 12 Months).

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<sup>130</sup> *See*

[http://www.nationalpartnership.org/site/PageNavigator/issues\\_work\\_wagegap\\_map\\_ny.html](http://www.nationalpartnership.org/site/PageNavigator/issues_work_wagegap_map_ny.html).

<sup>131</sup> *See* United States Census Bureau 2009, American Community Survey.

<sup>132</sup> *See* United States Census Bureau, 2009 American Community Survey.

<sup>133</sup> *See* United States Department of Labor, Women's Bureau, Employment Status of Women and Men in 2008.

<sup>134</sup> Statistics compiled by the New York State Division of Human Rights (2012).

<sup>135</sup> Statistics compiled by the Equal Employment Opportunity Commission, *available at* [http://www.eeoc.gov/eeoc/statistics/enforcement/sexual\\_harassment.cfm](http://www.eeoc.gov/eeoc/statistics/enforcement/sexual_harassment.cfm).

<sup>136</sup> Quarterly Census of Employment and Wages, June 2012.

<sup>137</sup> Statistics compiled by the New York State Division of Human Rights (2012).

<sup>138</sup> Statistics compiled by the New York State Division of Human Rights (2012).

<sup>139</sup> *See* Freedom from Innocence, Ending Human Trafficking, *available at*

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<http://freedom4innocence.org/human-trafficking-statistics>.

<sup>140</sup> See Daniel Aloj, *Mother's Face Disadvantages in Getting Hired, Cornell Study Says*, Cornell University News Service, August 4, 2005, available at <http://www.news.cornell.edu/stories/Aug05/soc.mothers.dea.html>.

<sup>141</sup> See Mark Mather, U.S. Children in Single-Mother Families, The Population Reference Bureau, May 2010.

<sup>142</sup> See HUD, 2010 Annual State of Fair Housing Report, Table D.9, p. 111.

<sup>143</sup> See [http://www.nytimes.com/2008/09/20/nyregion/20housing.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2008/09/20/nyregion/20housing.html?pagewanted=all&_r=0).

<sup>144</sup> See National Coalition Against Domestic Violence, Fact Sheet, available at <http://www.ncadv.org/files/DomesticViolenceFactSheet%28National%29.pdf>.

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid.*

<sup>147</sup> Rachel Cooper and Michael Burke, Food Hardship in America 2011: Data for the Nation, States, 100 MSAs and Every Congressional District. Food Research and Action Center, Washington, DC, (Feb. 2012) available at

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[http://frac.org/pdf/food\\_hardship\\_2011\\_report.pdf](http://frac.org/pdf/food_hardship_2011_report.pdf).

Food hardship analysis is based on data recorded annually through a Gallup survey asking respondents whether there were times over the past year “when you did not have enough money to buy food that you or your family needed.”

<sup>148</sup> Coleman-Jensen, Alisha, Mark Nord, Margaret Andrews, and Steven Carlson. Household Food Security in the United States in 2011, ERR-141, U.S. Department of Agriculture, Economic Research Service, September 2012, available at <http://www.ers.usda.gov/media/884525/err141.pdf> (analyzing 2009-2011 data). Low food security means a household had difficulty providing enough food for all members due to insufficient money or other resources for food, and very low food security means that food intake and normal eating patterns in a household were disrupted due to lack of resources. *Id.* Nationally, nearly 18 million or 15 percent of U.S. households were “food insecure” in 2011 and of those, 6.8 million or 5.7 percent of all households had very low food security. *Id.*

<sup>149</sup> *See, e.g.*, Rachel Cooper, Michael Burke, Katie Vinopal, Julia Druhan and Jennifer Adach. Food Hardship in America 2010: Households with and without Children. Food Research and Action Center. August 2011, available at [http://frac.org/pdf/aug2011\\_food\\_hardship\\_report\\_children.pdf](http://frac.org/pdf/aug2011_food_hardship_report_children.pdf) (reporting a 23.3 percent food hardship rate among households with children in New York in 2010, giving New York the 29<sup>th</sup> highest rate among states).

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<sup>150</sup> Food Research and Action Center, September 28, 2012 analysis of USDA data. For the most recent New York and federal data see <http://otda.ny.gov/resources/caseload/> (New York) and <http://www.fns.usda.gov/pd/snapmain.htm> (federal).

<sup>151</sup> Service Provided at Hunger Prevention and Nutrition Assistance Program (HPNAP) Supported Soup Kitchens, Food Pantries and Shelters by Health Department Region and County July 2010 - June 2011, New York State Department of Health (Jul. 2012), available at [http://www.health.ny.gov/statistics/prevention/nutrition/hpnap/services\\_provided.htm](http://www.health.ny.gov/statistics/prevention/nutrition/hpnap/services_provided.htm).

<sup>152</sup> Gail Quets, Astrid Spota, Triada Stampas and Zemen Kidane. Serving Under Stress Post Recession: The State of Food Pantries and Soup Kitchens Today. The Food Bank for New York City. New York. November, 2012, available at [http://www.foodbanknyc.org/files//dmfile/FINAL\\_ServingUnderStressPost-Recession2.pdf](http://www.foodbanknyc.org/files//dmfile/FINAL_ServingUnderStressPost-Recession2.pdf).

<sup>153</sup> For example, children ages 3-8 in food-insecure households were reported by parents to have lower physical function, and children ages 12-17 years reported lower psychosocial function. P.H. Casey, K.L. Szeto, J.M. Robbins, J.E. Stuff, C. Connel, J.M. Gossett, O.M. Simpson. Child Health-Related Quality of Life and Household Food Security. Archives of Pediatric and Adolescent Medicine, 2005; 159: 51-56. According to Children's Health Watch, children in food insecure homes are approximately twice as likely to suffer poor

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health and one-third more likely to be hospitalized. *See* Joyce, Katherine M.; Breen, Amanda; Ettinger de Cuba, Stephanie; Cook, John T.; Barrett, Kathleen W.; Paik, Grace; Rishi, Natasha; Pullen, Bianca; Schiffmiller, Ashley; and Frank, Deborah A. (2012) "Household Hardships, Public Programs, and Their Associations with the Health and Development of Very Young Children: Insights from Children's HealthWatch," *Journal of Applied Research on Children: Informing Policy for Children at Risk*: Vol. 3: Iss. 1, Article 4. Available at: <http://digitalcommons.library.tmc.edu/childrenatrisk/vol3/iss1/4>.

<sup>154</sup> *See* Joyce, Katherine M.; Breen, Amanda; Ettinger de Cuba, Stephanie; Cook, John T.; Barrett, Kathleen W.; Paik, Grace; Rishi, Natasha; Pullen, Bianca; Schiffmiller, Ashley; and Frank, Deborah A. (2012) "Household Hardships, Public Programs, and Their Associations with the Health and Development of Very Young Children: Insights from Children's HealthWatch," *Journal of Applied Research on Children: Informing Policy for Children at Risk*: Vol. 3: Iss. 1, Article 4. Available at: <http://digitalcommons.library.tmc.edu/childrenatrisk/vol3/iss1/4> (finding that children are particularly vulnerable to the dangers of hunger in the first three years of life: a critical period of development when brain and body must meet an urgent biologic timetable requiring very high levels of quality nutrients).

<sup>155</sup> John Cook and Karen Jeng. *Child Food Insecurity: The Economic Impact on Our Nation*.

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Feeding America and the ConAgra Foods Foundation. Chicago, IL. 2009.

<sup>156</sup> Áine Duggan, Ashley Joy Baughman, Triada Stampas and Nick Buess, *Child Hunger: The Unhealthy Return on Missed Investments*. Food Bank for New York City. 2008. *See also* Madeleine Levin. *Breakfast for Learning: Scientific Research on the Link between Children's Nutrition and Academic Performance*. Food Research and Action Center. Washington, DC. Fall 2011.

<sup>157</sup> *See* Áine Duggan, Ashley Joy Baughman, Triada Stampas and Nick Buess. *Child Hunger: The Unhealthy Return on Missed Investments*. Food Bank for New York City. 2008; Madeleine Levin. *Breakfast for Learning: Scientific Research on the Link between Children's Nutrition and Academic Performance*. Food Research and Action Center. Washington, DC. Fall 2011; Joyce, Katherine M.; Breen, Amanda; Ettinger de Cuba, Stephanie; Cook, John T.; Barrett, Kathleen W.; Paik, Grace; Rishi, Natasha; Pullen, Bianca; Schiffmiller, Ashley; and Frank, Deborah A. (2012) "Household Hardships, Public Programs, and Their Associations with the Health and Development of Very Young Children: Insights from Children's HealthWatch," *Journal of Applied Research on Children: Informing Policy for Children at Risk*: Vol. 3: Iss. 1, Article 4. Available at: <http://digitalcommons.library.tmc.edu/childrenatrisk/vol3/iss1/4>.

<sup>158</sup> *See* *Hunger: An Aging Issue*. Food Bank for New York City, Division of Government Relations, Policy and Research. New York. 2005.

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<sup>159</sup> Jim Weill, Rachel Cooper, Heather Hartline-Grafton, and Michael Burke, *A Half-Empty Plate: Fruit and Vegetable Affordability and Access Challenges in America*. Food Research and Action Center. December 2011, available at [http://frac.org/pdf/half\\_empty\\_plate\\_dec2011.pdf](http://frac.org/pdf/half_empty_plate_dec2011.pdf).

<sup>160</sup> *See, e.g.*, Drewnowski, A. (2009), Obesity, diets, and social inequalities. *Nutrition Reviews*, 67: S36–S39. doi: 10.1111/j.1753-4887.2009.00157.x, available at <http://onlinelibrary.wiley.com/doi/10.1111/j.1753-4887.2009.00157.x/full>.

<sup>161</sup> *See* Larson, N. I., Story, M. T., & Nelson, M. C. (2009). Neighborhood environments: disparities in access to healthy foods in the U.S. *American Journal of Preventive Medicine*, 36(1), 74-81.

<sup>162</sup> *See* Cunyningham, Karen E. “Reaching Those in Need: State Supplemental Nutrition Assistance Program Participation Rates in 2010.” Alexandria, VA: U.S. Department of Agriculture, Food and Nutrition Service, December 2012, available at <http://www.fns.usda.gov/ora/MENU/Published/SNAP/FILES/Participation/Reaching2010.pdf>. For the working poor in New York, only 65 percent of eligible New Yorkers participate, ranking New York 37th. *Id.*

<sup>163</sup> Rachel Cooper and Madeleine Levin, *School Breakfast Scorecard: School Year 2010-2011*. Food Research and Action Center. January 2012, available at

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[http://frac.org/pdf/school breakfast scorecard 2010-2011.pdf](http://frac.org/pdf/school%20breakfast%20scorecard%202010-2011.pdf).

<sup>164</sup> *Id.*

<sup>165</sup> In 2011, only 28.5 percent of kids participating in school lunch also participated in the federal summer meals program – raising that to 40 percent would bring an estimated \$8 million in additional federal funds each year. Rachel Cooper, Signe Anderson and Crystal FitzSimons, *Hunger Doesn't Take a Vacation: Summer Nutrition Status Report 2012*. Food Research and Action Center. June 2012, available at

[http://frac.org/pdf/2012 summer nutrition report.pdf](http://frac.org/pdf/2012%20summer%20nutrition%20report.pdf).

Less than 40 percent of eligible day care facilities participate in the federal Child and Adult Care Feeding Program, which provides federal funds for meals provided to low-income children in daycare. New York State Department of Health data (June 2012).

<sup>166</sup> For example, New York farmers regularly lead the nation in produce donated to food banks and food pantries. *See* New York Farm Bureau, New York Farmers celebrate National Agriculture Day by giving to others, Mar. 8, 2012, available at

<http://www.nyfb.org/img/uploads/file/PR-National%20Ag%20Day%202012.pdf>.

<sup>167</sup> *See, e.g.*, USDA, *Strategies for School Breakfast Expansion*, February 2012, available at

<http://www.fns.usda.gov/cnd/breakfast/expansion/expansionstrategies.htm>; Courtney MacGinley, *No Small Potatoes: Bay Shore Launches one of the Region's*

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Largest Farm to School Projects, Edible EastEnd, April 2012 (describing an innovative collaboration between Long Island's Bay Shore Union Free School District, the New York State Department of Agriculture and Markets and Office of General Services, and Long Island potato farmers to increase service of Long Island potatoes in Long Island Schools); Lisa Fickenscher, Red Rabbit Makes Big Leap, Crains New York Business, Sept. 9, 2012 (describing NYC-based Red Rabbit, a company that uses primarily local ingredients to create healthy school meal components).

<sup>168</sup> See Ellen Vollinger, Crystal FitzSimons, and Madeleine Levin. *Smart Choices in Hard Times: Strategies for States, Communities, and Advocates to Reduce Hunger, Stimulate the Economy, and Sustain Recovery*. Food Research and Action Center. Washington, DC. February 2010, available at [http://frac.org/newsite/wp-content/uploads/2010/05/smartchoices\\_2010.pdf](http://frac.org/newsite/wp-content/uploads/2010/05/smartchoices_2010.pdf); Joel Berg and Joy Moses, *The Case for State Food Action Plans* Laboratories of Food Democracy, Center for American Progress, February 2011, available at [http://www.americanprogress.org/wp-content/uploads/issues/2011/02/pdf/hunger\\_report.pdf](http://www.americanprogress.org/wp-content/uploads/issues/2011/02/pdf/hunger_report.pdf).

<sup>169</sup> For example, in Colorado a partnership between Hunger Free Colorado, Share Our Strength, and the Offices of Governor John Hickenlooper and prior Governor Bill Ritter, has executed a multi-faceted campaign against child hunger that saw increases in the number of breakfasts and summer meals served to students in need. See *Hunger Free Colorado, 2011*

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*Colorado School Breakfast Report* (reporting a 7.33 percent increase from the 2009-2010 to the 2010-2011 school year in the number of low-income students eating a school breakfast for every 100 eating a school lunch); Joel Berg and Joy Moses, *The Case for State Food Action Plans* Laboratories of Food Democracy, Center for American Progress, February 2011, available at [http://www.americanprogress.org/wp-content/uploads/issues/2011/02/pdf/hunger\\_report.pdf](http://www.americanprogress.org/wp-content/uploads/issues/2011/02/pdf/hunger_report.pdf) (reporting a 26.4 percent increase and 202,962 additional meals served in Colorado's summer meal program in 2010 over 2009).

In North Carolina, a similar effort added more than 200 new summer meal sites and served more than 20,000 additional kids from 2011 to 2012. *Share Our Strength* analysis, October 2012. In Connecticut in 2012, 35 new schools offered a school breakfast program, giving breakfast access to an additional 22,000 students. *Id.*

<sup>170</sup> See Governor Andrew M. Cuomo, Executive Order 8 of 2012 *available at* <http://www.governor.ny.gov/executiveorder/8>.

<sup>171</sup> See Presentation of Professor John Klofas, Center for Public Safety Initiatives, Rochester Institute of Technology (2013) (on file with the author).

<sup>172</sup> See <http://www.city-data.com/poverty/poverty-Rochester-New-York.html>.

<sup>173</sup> See <http://www.health.ny.gov/funding/rfa/inactive/10073>

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01230/attach1a.pdf, where zip code 14621 has a rate of 200.66 versus a statewide rate of 56.2.

<sup>174</sup> See <http://www.city-data.com/poverty/poverty-Newburgh-New-York.html>.

<sup>175</sup> See <http://acs-social-city.findthedata.org/q/17512/7073/What-percentage-of-the-Newburgh-New-York-population-finished-high-school>.

<sup>176</sup> See Kaiser-Permanente News Clinical Excellence, Saving Lives Through Better Sepsis Care, April 14, 2011, *available at* <http://xnet.kp.org/newscenter/clinicalexcellence/2011/041411sepsis.html>.

<sup>177</sup> See Rivers E, MD MPH, Early Goal-Directed Therapy in the Treatment of Severe Sepsis and Septic Shock, *N Engl J Med* 2001; 345:1368-1377, November 8, 2001 DOI: 10.1056/NEJMoa010307 *available at* <http://www.nejm.org/doi/full/10.1056/NEJMoa010307#t=article>.

*See Also* Angus DC, Linde-Zwirble WT, Lidicker J, Clermont G, Carcillo J, Pinsky MR. Epidemiology of severe sepsis in the United States: analysis of incidence, outcome, and associated costs of care. *Crit Care Med* 2001;29:1303-1310.

<sup>178</sup> See National Institute of General Medical Sciences, Sepsis Fact Sheet, *available at* [http://www.nigms.nih.gov/Education/factsheet\\_sepsis.htm](http://www.nigms.nih.gov/Education/factsheet_sepsis.htm).

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In New York State there were approximately 52,000 reported cases of sepsis and 10,500 deaths in 2010, as reported by New York State Department of Health, Statewide Planning and Research Cooperative System (SPARCS).

<sup>179</sup> See Jim Dwyer, An Infection, Unnoticed, Turns Unstoppable, N.Y. Times (Jul. 11, 2012); Jim Dwyer, One Boy's Death Moves: In New York State to Action to Prevent Others, N.Y. Times (Dec. 20, 2012).

<sup>180</sup> See Sepsis Alliance, Life After Sepsis, *available at* [http://www.sepsisalliance.org/life\\_after\\_sepsis/](http://www.sepsisalliance.org/life_after_sepsis/)

*See Also* Theodore J. Iwashyna, et. al., Long-term Cognitive Impairment and Functional Disability Among Survivors of Severe Sepsis, *Journal of the American Medical Association*, 304(16):1787-1794 (Oct. 27, 2010) *available at* <http://jama.jamanetwork.com/issue.aspx?journalid=67&issueid=4534&direction=P>.

<sup>181</sup> See Wood KA, Angus DC. Pharmacoeconomic implications of new therapies in sepsis. *PharmacoEconomics*. 2004;22(14):895-906.

<sup>182</sup> See Anne Elixhauser, Ph.D., Bernard Friedman, Ph.D., Elizabeth Stranges, M.S.

Between 1993 and 2009 septicemia related hospital stays more than doubled, increasing by 153% overall, for an average annual increase of 6%. See Healthcare Cost and Utilization Project, Agency for Health Care Research and Quality, Statistical Brief #122 Septicemia in U.S. Hospitals, 2009 (Oct. 2011).

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In New York, sepsis cases have increased approximately 42% and severe sepsis/septic shock cases approximately 70% since 2005, as reported by SPARCS in 2012.

<sup>183</sup> A hospital-acquired infection is an infection that a patient contracts once they are already in the hospital for another reason. New York is a leader in preventing and reducing the risk of hospital-acquired infections and will continue to do all it can to reduce and prevent such infections. New York requires hospitals to establish infection control programs for the prevention, control, investigation and reporting of all communicable disease and increased incidence of infections, including hospital-acquired infections. We require designation of a qualified infection control professional at every hospital and establishment, maintenance and training on infection control protocols, including specialized protocols to reduce and prevent hospital-acquired infection. *See generally* N.Y. Comp. Codes R. & Regs. tit. 10, § 405.11 (2012).

In 2005, New York passed a law requiring hospitals to track and report infection rates for select types of hospital-acquired infections to the State Department of Health (“DOH”), which analyzes the information and produces public reports to improve performance. DOH also funds multihospital quality improvement projects targeted at reducing hospital-acquired infections. Since these programs began, the incidence of targeted hospital-acquired infections has fallen markedly, generating significant cost savings. (For example: between 2007 and 2010, the statewide surgical site infections rate fell by 15 percent generating between \$7.9 and \$23.1 million in cost savings, and the

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infection rate for adult, pediatric, and neonatal ICU central line-associated blood stream infections fell by 37 percent, generating an additional \$7.3 to \$29.4 million in savings). *See* New York State Department of Health. Hospital-Acquired Infections. New York State, 2010, *available at*:

[http://www.health.ny.gov/statistics/facilities/hospital/hospital\\_acquired\\_infections/2010/docs/hospital\\_acquired\\_infection.pdf](http://www.health.ny.gov/statistics/facilities/hospital/hospital_acquired_infections/2010/docs/hospital_acquired_infection.pdf)

*See Also* AHRQ Health Care, Innovations Exchange, Policy Innovation Profile, State-Mandated Tracking and Public Reporting Reduce Incidence and Costs of Common Hospital-Acquired Infections *available at*

<http://www.innovations.ahrq.gov/content.aspx?id=3686>.

<sup>184</sup> *See* Kaiser-Permanente News Clinical Excellence, Saving Lives Through Better Sepsis Care, April 14, 2011, *available at* <http://xnet.kp.org/newscenter/clinicaexcellence/2011/041411sepsis.html>.

*See Also* Alan E. Jones, et. al., Lactate Clearance vs Central Venous Oxygen Saturation as Goals of Early Sepsis Therapy, *Journal of the American Medical Association*, Vol. 303, No. 8, 739, 739 (Feb. 24, 2010).

<sup>185</sup> *See* Kumar, A., et al., Duration of hypotension before initiation of effective antimicrobial therapy is the critical determinant of survival in human septic shock, *Crit Care Med*. 2006 Jun;34(6):1589-96, *available at* <http://www.ncbi.nlm.nih.gov/pubmed/16625125>.

*See Also* Gao F, Melody T, Daniels DF, et al., The impact of compliance with 6-hour and 24-hour sepsis

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bundles on hospital mortality in patients with severe sepsis. *Crit Care* 2005;9:R764-70, available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1414020>.

<sup>186</sup> It is generally understood that checklists of best practices can improve patient care in a variety of medical settings, for example in combatting hospital-acquired infections linked to insertion of certain types of IV lines. *See generally* Atul Gawande, *The Checklist Manifesto* (2011) (describing how checklists can improve professional performance, including in medical contexts).

<sup>187</sup> Kaiser Permanente-Permanente News Center Clinical Excellence, Saving Lives Through Better Sepsis Care, April 14, 2011, *available at* <http://xnet.kp.org/newscenter/clinicalexcellence/2011/041411sepsis.html>.

It is estimated that replicating Kaiser Permanente's success nationally would save an estimated 92,000 lives and over \$1.5 billion in hospital expenditures per year. *See* Shorr AF, Economic Implications of an evidence-based sepsis protocol: Can we improve outcomes and lower costs? *Crit. Car. Med.* 35.(5):1257-1262.2007; Angus DC, et al, Epidemiology of severe sepsis in the United States: analysis of incidence, outcome, and associated costs of care. *Crit Care Med* 29(7), 1303-10.200.

<sup>188</sup> *See* Marc Probst, Intermountain uses innovation to quell sepsis, *ModernHealthcare.com* (June 5, 2012), *available at*

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<http://www.modernhealthcare.com/article/20120605/NEWS/306059979/>.

<sup>189</sup> See United Hospital Fund, STOP Sepsis Collaborative, *available at* [http://www.uhfnyc.org/initiatives/quality\\_improvement/STOP\\_Sepsis](http://www.uhfnyc.org/initiatives/quality_improvement/STOP_Sepsis).

<sup>190</sup> DOH analysis based on results reported by Kaiser Permanente.

<sup>191</sup> See Draft proposed NQF Sepsis treatment bundles CITE (recommending treatment goals to be met within 3 and 6 hours for septic shock); Dellinger, RP, Levy MM, Carle, JM, et al.: Surviving Sepsis Campaign: International guidelines for management of severe sepsis and septic shock: 2008 *available at* <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2249616/>.

*See Also* Surviving Sepsis Campaign, Severe Sepsis Bundles, *available at* <http://www.survivingsepsis.org/Bundles/Pages/default.aspx>.

*See Also* Delos Cosgrove, et. al, Institute of Medicine, A CEO Checklist for High-Value Healthcare (July 2012) at 22-23 and Appendix 1 at xxxii, *available at* <http://www.iom.edu/~media/Files/Perspectives-Files/2012/Discussion-Papers/CEOHIGHVALUECHECKLIST.pdf>.

<sup>192</sup> See Agency for Healthcare Research and Quality, Healthcare Cost & Utilization Project (HCUP) Factbook 4, Care of Children and Adolescents in U.S. Hospitals, *available at*

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<http://archive.ahrq.gov/data/hcup/factbk4/factbk4b.htm#series>.

<sup>193</sup> See

<http://archive.ahrq.gov/data/hcup/factbk4/bk4tab3.htm>.

<sup>194</sup> See Susan Lacey, Janis B. Smith, Karen Cox, Patient Safety and Quality: An Evidence-Based Handbook for Nurses, Chapter 15: Pediatric Safety and Quality, AHRQ Publication No. 08-0043, April 2008. Agency for Healthcare Research and Quality, Rockville, MD, at 1-2, *available at* [http://www.ahrq.gov/qual/nursesfdbk/docs/LaceyS\\_PSQ.pdf](http://www.ahrq.gov/qual/nursesfdbk/docs/LaceyS_PSQ.pdf).

<sup>195</sup> See DCJS Crime in New York State report, October 2012, *available at* <http://www.criminaljustice.ny.gov/crimnet/ojsa/NYSCrimeReport2011.pdf>.

<sup>196</sup> See Bureau of Justice Statistics, Prisoners in 2011, *available at* <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4559>.

<sup>197</sup> Ibid.

<sup>198</sup> Since the creation of the Databank through Nov. 5, 2012, there have been 3,182 convictions in cases that resulted from DNA hits. Based on Data from Division of Criminal Justice Services Office of Forensic Services.

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<sup>199</sup> See

<http://www.innocenceproject.org/news/state.php?state=ny>.

<sup>200</sup> See DCJS Juvenile Justice Annual Update for 2011, *available at* <http://www.criminaljustice.ny.gov/crimnet/ojsa/jjag-report-2011.pdf>.

<sup>201</sup> See

<http://www.pewstates.org/projects/results-first-328069>

<sup>202</sup> FBI *2011 Crime in the United States*. In 2011, there were 12,664 reported homicides in the United States, and 68 percent (8,563) involved firearms.

<sup>203</sup> US Department of Justice, Law Enforcement Officers Kill and Assaulted: Table 27.

<sup>204</sup>

<http://www.cdc.gov/men/lcod/2008/LCODBBlackmales2008.pdf>;  
<http://www.cdc.gov/men/lcod/2008/LCODhispanicmales2008.pdf>.

<sup>205</sup> Phillip J Cook, The medical Costs of Gunshot Wounds, 282(5) *Journal of the Am Med Assn* 447-54 (1999).

<sup>206</sup> DCJS Supplemental Homicide Reports 1-1-13

<sup>207</sup> Center for Disease Control-Injury and Violence: Unintentional Injuries, Violence, and the Health of Young People-Five Leading Causes of Injury, Death, and Number of Injury Deaths, United States-

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2005, Ages 5-19, at

[www.cdc.gov/healthyyouth/injury/facts.htm](http://www.cdc.gov/healthyyouth/injury/facts.htm)

<sup>208</sup> NYSDOH, Bureau of Occupational Health in Injury Prevention: Incidence of Firearm-Related Injury: Deaths, Hospitalizations, and Emergency Department Visits (NYC Residents and Rest of State-Not Including NYC Residents 2008-2010)

<sup>209</sup> National Network for Safe Communities. Launched in 2009 by the Center for Crime Prevention and Control at John Jay College of Criminal Justice, [www.nnscommunities.org](http://www.nnscommunities.org) lists 61 jurisdictions as members who are committed to or implementing strategies to reduce serious crime, shut down overt drug markets, reduce imprisonment, empower disadvantaged communities and/or use existing resources.

<sup>210</sup> National Network for Safe Communities Fact Sheet, at [www.nnscommunities.org](http://www.nnscommunities.org).

<sup>211</sup> Homicide and Gun Violence in Chicago: Evaluation and Summary of the Project Safe Neighborhoods Program. January 2009. [http://www.psnchicago.org/PDFs/2009-PSN-Research-Brief\\_v2.pdf](http://www.psnchicago.org/PDFs/2009-PSN-Research-Brief_v2.pdf)

<sup>212</sup> See The Order for Summary *Action available at* [http://www.health.ny.gov/professionals/narcotic/docs/summary\\_order.pdf](http://www.health.ny.gov/professionals/narcotic/docs/summary_order.pdf).

<sup>213</sup> The New York State Department of Health maintains a comprehensive FAQ document *available at*

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[http://www.health.ny.gov/professionals/narcotic/docs/synthetic\\_drugs\\_faq.pdf](http://www.health.ny.gov/professionals/narcotic/docs/synthetic_drugs_faq.pdf).

<sup>214</sup> *See*

<http://www.cfr.org/cybersecurity/secretary-leon-panettas-speech-cybersecurity/p29262>.

<sup>215</sup> *See* Tony Romm, Janet Napolitano Warns of Cyberattack on Utilities, Politico.com, November 1, 2012, *available at* <http://www.politico.com/news/stories/1012/83124.html>.

<sup>216</sup> *See* [http://www.us-cert.gov/control\\_systems/pdf/ICS-CERT\\_Monthly\\_Monitor\\_Apr2012.pdf](http://www.us-cert.gov/control_systems/pdf/ICS-CERT_Monthly_Monitor_Apr2012.pdf).

*See Also*

[http://www.msnbc.msn.com/id/47310697/ns/technology\\_and\\_science-christian\\_science\\_monitor/t/alerts-say-major-cyber-attack-aimed-gas-pipeline-industry/#.UOYBwqVH2gE](http://www.msnbc.msn.com/id/47310697/ns/technology_and_science-christian_science_monitor/t/alerts-say-major-cyber-attack-aimed-gas-pipeline-industry/#.UOYBwqVH2gE).

<sup>217</sup> *See* [http://www.us-cert.gov/control\\_systems/pdf/ICS-CERT\\_Monthly\\_Monitor\\_Sep2012.pdf](http://www.us-cert.gov/control_systems/pdf/ICS-CERT_Monthly_Monitor_Sep2012.pdf).

*See Also*

<http://www.reuters.com/article/2012/10/12/us-usa-cyber-pentagon-shimoon-idUSBRE89B04Y20121012>.

*See Also*

<http://www.nytimes.com/2012/08/27/technology/saudi-oil-producers-computers-restored-after-cyber-attack.html>.

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<sup>218</sup> See

<http://bits.blogs.nytimes.com/2012/09/26/american-banks-undamaged-by-cyberattacks/>.

<sup>219</sup> See

<http://www.nytimes.com/2012/11/06/us/south-carolina-tax-hacking-puts-other-states-on-alert.html>.

<sup>220</sup> See Standard Chartered PLC settles for \$340 million with the Department of Financial services for violating anti-money laundering laws in its dealing with Iranian clients. See Raisch, W., Statler, M., & Burgi, P. (2007, January 24). *Mobilizing Corporate Resources to Disasters: Toward a Program for Action*. The International Center for Enterprise Preparedness, New York University.

See Also Rappaport, L. (2012, August 15). Bank Settles Iran Money Case. *Wall Street Journal*.

<sup>221</sup> See Anthony Corrado, et al., Reform in an Age of Networked Campaigns, at 24 (CFI, AEI, Brookings 2010).

<sup>222</sup> Data obtained and tabulated by Dr. Michael Malbin.

<sup>223</sup> Notably, *Citizens United* did not address or prohibit restrictions on direct contributions by such corporations or unions to candidates.

<sup>224</sup> See NYC Campaign Finance Board available at [http://www.nyccfb.info/candidates/candidates/overview.aspx?sm=candidates\\_overview](http://www.nyccfb.info/candidates/candidates/overview.aspx?sm=candidates_overview).

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<sup>225</sup> *See*

[http://www.nyccfb.info/PDF/per/2009\\_PER/2009PostElectionReport.pdf](http://www.nyccfb.info/PDF/per/2009_PER/2009PostElectionReport.pdf).

<sup>226</sup> *Ibid.*

<sup>227</sup> According to Common Cause, 14 states provide direct public financing to candidates. An additional ten states provide minimal public financing to candidates and/or political parties, generally funded through taxpayer contributions to political parties through their tax returns. *See* Common Cause “Public Financing in the States”, *available at* <http://www.commoncause.org/site/pp.asp?c=dkLNK1MQIwG&b=4773825> .

<sup>228</sup> *See*

[http://www.projectvote.org/images/publications/2010%20Issues%20in%20Election%20Administration/PV\\_Policy\\_Paper\\_on\\_Early\\_Voting.pdf](http://www.projectvote.org/images/publications/2010%20Issues%20in%20Election%20Administration/PV_Policy_Paper_on_Early_Voting.pdf).

<sup>229</sup> The states that offer some form of early voting are: Alaska, Arizona, Arkansas, California, Colorado, D.C., Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.

<sup>230</sup>*See* <http://www.ncsl.org/legislatures-elections/elections/absentee-and-early-voting.aspx>.

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<sup>231</sup> *See*

[http://www.projectvote.org/images/publications/2010%20Issues%20in%20Election%20Administration/PV\\_Policy\\_Paper\\_on\\_Early\\_Voting.pdf](http://www.projectvote.org/images/publications/2010%20Issues%20in%20Election%20Administration/PV_Policy_Paper_on_Early_Voting.pdf).

<sup>232</sup> Launched in 2007, this website was re-designed and improved in 2010, and can now be found at [www.nyopengovernment.com](http://www.nyopengovernment.com).

<sup>233</sup> *See* <http://www.newnybridge.com/>.

<sup>234</sup> *See* <http://www.thenewny.com/>.

<sup>235</sup> *See* <http://regionalcouncils.ny.gov/>.

<sup>236</sup> *See* Brian Stetler and Jennifer Preston, In Crisis, Public Officials Embrace Social Media, N.Y. Times, Nov. 2, 2012, A15.

<sup>237</sup> The Department of Transportation’s 511 technology provides comprehensive traffic and transit information online, through email and text message, and on mobile apps to help all New Yorkers navigate our great state. Using GIS mapping techniques, the Liquor Authority Mapping Project (“LAMP”) allows residents and businesses to search for and map active and pending liquor licenses throughout the state. The “Oh, Ranger!” State Parks app for iPhone provides anything a visitor needs to know to plan and enjoy a visit to one of our state parks or historic sites.

<sup>238</sup> On Governor Cuomo’s first day in office, he opened the Capitol’s second floor to the public after it was closed off for more than a decade. For the first time,

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the public was invited to attend the State of the State address. Throughout his Administration, Governor Cuomo's Cabinet and deputies have travelled across the state to communicate and hear from New Yorkers, holding public forums and presentations in every region of the state. The Regional Economic Development Councils, the Mandate Relief Council, the New NY Education Commission, the Medicaid Redesign Team, among others have held public forums and engaged professional input from stakeholders in every community. Perhaps most importantly, together with the legislature, we enacted historic ethics reform that created the Joint Commission on Public Ethics, increased disclosure by public officials, and newly required agencies to track entities appearing before them.

<sup>239</sup> As of August 2011, nearly 80 percent of adults and 95 percent of teens in U.S. were using the Internet (up from only 1 in 10 adults in 1995). See Kathryn Zickuhr & Aaron Smith, *Digital Differences*, available at <http://pewinternet.org/Reports/2012/Digital-differences.aspx>

Notably, of adults online, 82 percent have looked for information or completed a transaction on a government website, and 40 percent have used the Internet to access raw data about government spending and activities. See Aaron Smith, *Government Online*, available at [http://pewinternet.org/~media//Files/Reports/2010/PIP\\_Government\\_Online\\_2010\\_with\\_topleft.pdf](http://pewinternet.org/~media//Files/Reports/2010/PIP_Government_Online_2010_with_topleft.pdf).

<sup>240</sup> See Harvard Business School Case Study 9-610-075, *Data.gov* (reviewing the history, rationale, and

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purposes behind the federal government's open data initiative and creation of the website data.gov). As part of a larger open government initiative, the federal government has launched a substantial "open data" portal that provides easy, one-stop access to over 300,000 data sets of government information.

*See Also [www.data.gov](http://www.data.gov).* Other states, cities, and countries are also improving the delivery of government information through a variety of initiatives aimed at putting government data online and encouraging citizens and business to use that data to innovate and to hold government accountable. States and localities that have launched open government/open data initiatives include: Oregon, Illinois, Colorado, Missouri, Hawaii, Oklahoma, Washington, and Maryland, New York City (and the NYC Comptroller), Chicago, Seattle, San Francisco, Baltimore, New Orleans, Austin, and Lexington, KY, among others.

*See Also <http://www.data.gov/opendatasites>* (cataloging state, local and international sites that provide open access to government data sets) *and* Benjamin Davis, Phineas Baxandall and Ryan Pierannunzi, *Following the Money 2012*, at 37 (USPIRG March 2012). Internationally, the UK and Australia are leaders in open government programs.

<sup>241</sup> For example, improved transparency websites led the Texas Comptroller to save \$4.8 million in two years through more efficient administration, led to press inquiries that saved \$19 million in South Dakota, and reduced Utah's spending on bottled water by \$200,000. *See* Benjamin Davis, Phineas Baxandall and Ryan Pierannunzi, *Following the Money 2012*, at 12-13 (USPIRG March 2012).

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<sup>242</sup> *Ibid.* By better using the Internet, Massachusetts has saved \$3 million in printing, paper, and postage alone, and South Carolina has seen FOIL requests decrease by one third.

<sup>243</sup> Washington D.C. estimates that their modest Apps for Democracy contest produced \$2.3 million in new software from an investment of \$50,000 in prize money. *See* <http://www.appsfordemocracy.org/>.

*See Also* Testimony of James A. Hendler, Tetherless World Professor of Computer and Cognitive Science, Rensselaer Polytechnic Institute. Before the Assembly Standing Committee on Governmental Operations, Assembly Standing Committee on Oversight, Analysis and Investigation, Legislative Committee on Government Administration (May 22, 2012).

<sup>244</sup> *See* J. Nicholas Hoover, FEMA To Use Social Media For Emergency Response, Information Week, Jan. 19, 2011, *available at* <http://www.informationweek.com/government/information-management/fema-to-use-social-media-for-emergency-r/229000918>.

<sup>245</sup> *See* Benjamin Davis, Phineas Baxandall and Ryan Pierannunzi, *Following the Money 2012*, at 15 (USPIRG March 2012).

<sup>246</sup> *See* <http://www.governor.ny.gov/press/11152012-Emergency-Preparedness>.

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<sup>247</sup> The states currently participating in RGGI include: NY, CT, DE, MA, MD, ME, NH, NY, RI and VT.

<sup>248</sup> See Citizens Budget Commission Press Release, *available at* <http://www.cbcny.org/cbc-blogs/blogs/regional-greenhouse-gas-initiative-wins-2012-cbc-prize-public-service-innovation>.

*See Also* <http://www.cbcny.org/cbc-blogs/blogs/regional-greenhouse-gas-initiative-wins-2012-cbc-prize-public-service-innovation>.

<sup>249</sup> See <http://www.rggi.org/market/tracking> lists include emissions data reported by the sources, which adds up to approximately 71 million tons for the first three quarters of 2012. Data for the last quarter of 2012 is not available yet, but emissions reported for the 4<sup>th</sup> quarter of 2011 were 20 million tons, for a projected total of 91 million tons (assuming that emissions for 4<sup>th</sup> quarter of 2012 are comparable to fourth quarter of 2011).

Modeling undertaken by RGGI Inc, projects 91 million tons of CO<sub>2</sub> emissions for 2012. Assuming that fourth quarter 2012 emissions are similar to those from the fourth quarter of 2011.

<sup>250</sup> In 2005, emissions from NYS RGGI units totaled 62,718,683 tons. *See* [http://www.rggi.org/historical\\_emissions](http://www.rggi.org/historical_emissions).

Data on 2012 emissions are still preliminary, but it is expected that emissions will be approximately 34 million tons, a reduction of around 45 percent from 2005 levels.

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<sup>251</sup> See U.S. Energy Information Administration, State Renewable Electricity Profiles 2010, March 2012.

<sup>252</sup> See The American Council for an Energy Efficient Economy ranked New York State's energy efficiency programs and policies third best in the country in its annual "State Energy Efficiency Scorecard", available at <http://aceee.org/sector/state-policy/scorecard>.<http://aceee.org/sector/state-policy/scorecard>.

<sup>253</sup> See The Analysis Group, The Economic Impacts of the Regional Greenhouse Gas Initiative on Ten Northeast and Mid-Atlantic States: *Review of the Use of RGGI Auction Proceeds from the First Three-Year Compliance Period*, November 15, 2011.

<sup>254</sup> Modeling conducted for RGGI Inc. projects that leaving the cap at the current level will yield \$540 million in auction proceeds over the next eight years (an average of \$65-70 million per year). If the cap is reduced to 91 million tons, the modeling predicts that proceeds will rise from \$191 million in 2014 to \$209 million in 2020. (Because modeling is an inexact science, a broader range is used in the \$100-150 million estimate.)

<sup>255</sup> According to the New York Independent System Operator, 67 percent of the electric power generating capacity in New York is powered by fossil fuels (coal, oil, natural gas, or combination) Power Trends 2012: [http://www.nyiso.com/public/webdocs/media\\_room/](http://www.nyiso.com/public/webdocs/media_room/)

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[publications presentations/Power Trends/Power Trends/power trends 2012 final.pdf.](#)

<sup>256</sup> New York Independent System Operator, Power Trends 2012.

<sup>257</sup> Statistic based on 2012 management and union employee data from the New York Power Authority.

<sup>258</sup> *See*  
<http://www.health.ny.gov/facilities/cons/>.

<sup>259</sup> *See* 2012 Florida Statutes, Title XXXIII, Section Ch. 526 *available at*  
[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0500-0599/0526/Sections/0526.143.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0526/Sections/0526.143.html).

<sup>260</sup> *See*  
<http://www.legis.state.la.us/lss/lss.asp?doc=670798>.

<sup>261</sup> *See*  
[http://www.eia.gov/special/disruptions/hurricane/sandy/pdf/petroleum\\_terminal\\_survey.pdf](http://www.eia.gov/special/disruptions/hurricane/sandy/pdf/petroleum_terminal_survey.pdf).

<sup>262</sup> *See* Kuhn, Tom. (2012, November 13) *Opposing view: Utility Workers were Heroic*. USA Today, *available at*  
<http://www.usatoday.com/story/opinion/2012/11/12/edison-electric-institute-kuhn/1701313/>.

<sup>263</sup> *See* William Raisch, Matt Statler & Peter Burgi (2007, January 24). *Mobilizing Corporate Resources to*

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*Disasters: Toward a Program for Action.* The International Center for Enterprise Preparedness, New York University.

<sup>264</sup> See <http://www.dhSES.ny.gov/laws-policies/documents/Exec-Law-Art-2-B-2012.pdf>.