



2022 END OF SESSION WRAP UP

The state legislature acted on a large number of bills during the 2022 Legislative Session. In fact, the legislature made history this year; more than 1,000 pieces of legislation were passed by both houses of the legislature. In typical fashion, the legislature passed a hefty amount of bills in the final days and hours of the session. Indeed, the last weeks of session were a remarkably busy time to be an advocate for the Chamber. The following is an overview of our several wins, along with a few losses, which happened during these final weeks of session. As you will see, your Chamber Advocacy Team had a lot of success in blocking bad bills. Because of the support of our Chamber members, our voice is strong.

WINS:

Employee Liens

This proposed legislation would create an employee lien for victims of "wage theft" so that they would be able to secure payment of unpaid wages for work already performed from their employers. This bill is duplicative and unnecessarily arduous as there are both state and federal laws protecting employees from wage and hour violations. To be clear, the Chamber supports the State's enforcement of existing wage and hour laws; however, this legislation goes too far and would undoubtedly have serious consequences for businesses across the state.

The Chamber [opposed](#) this legislation, although the bill passed the Senate, it was not acted upon by the Assembly.

Single Payer Health Care

This proposed legislation would enact the "New York health act" and would establish New York Health. The New York Health Act would result in the largest state tax increase in the history of the United States. This proposed new single payer health care system would require an estimated \$250 billion in new taxes. The Chamber has long supported affordable and comprehensive access to health insurance and a robust health care system without imposing new mandates and taxes. A government run, single payer health care system will not accomplish these goals.

The Chamber [opposed](#) this legislation and the bill failed to advance in the Senate and Assembly.

EV Charging Stations Mandate

This proposed legislation would require electric vehicle charging stations and electric vehicle capable parking spaces in certain new commercial and residential buildings. The Chamber believes that it would be imprudent to enact this bill. The state's economy is volatile, and the legislature should not consider policies that will reduce consumer choice, increase construction costs of residential and commercial properties, and ultimately harm our economy. While the Chamber supports efforts to reduce the carbon intensity of our economy, we believe that the state's energy policies must ensure access to secure, affordable, and reliable energy, protect energy consumers and their choices, and provide meaningful environmental progress.

The Chamber [opposed](#) this legislation, and although the bill passed the Senate, it was not acted upon by the Assembly.

Semiconductor Manufacturing

This legislation amends the Excelsior Jobs Tax Credit Program to include Green CHIPS projects and provides certain special provisions within the program to account for the unique nature of Green CHIPS Projects. This legislation would allow New York State to access Federal CHIPS funding and attract new semiconductor manufacturing and related material supplier projects to locate in New York State.

The Chamber, as well as our affiliate, the Center for Economic Growth (CEG), have been strong supporters of bringing more semiconductor manufacturing back into the United States. Importantly, we have advocated for the state's efforts to attract the research and development hub of the National Semiconductor Technology Center (NSTC). The Chamber has [requested](#) that the Governor signs the bill into law.

State Construction Contracts

This proposed legislation would provide equitable relief to contractors who have sustained unanticipated expenses by reason of construction materials price escalation. Over the last two years the construction industry has been disrupted by unprecedented increases in construction

materials costs, supply-chain bottlenecks, and a tight labor market. The extreme runup in many input costs have caused financial hardship for many contractors and subcontractors. This legislation would remedy this situation.

The Chamber [supported](#) this legislation; it passed both house of the Legislature and we have asked the Governor to sign it into law.

Antitrust / M&A

This proposed legislation relates to actions or practices that establish or maintain a monopoly, monopsony, or restraint of trade, and authorizes a class action lawsuit in the state anti-trust law. The bill would apply significantly increased penalties to violations that constitute the “abuse” of a “dominant position” in the conduct of any business or commerce – key terms that are undefined in the legislation. While it is important for antitrust laws to be enforced against anti-competitive conduct, the resulting vague and broad provisions of this bill would allow enforcement and penalties against business conduct that is clearly pro-competitive and results in consumer benefits. The bill would also significantly expand the opportunity to bring cases under antitrust, by authorizing private class action suits for the recovery of damages. This legislation is rife with issues that would damage small businesses, undermine federalist principles, and violate international anti-competitive norms and agreements.

The Chamber [opposed](#) this legislation, and although the bill passed the Senate, it was not acted upon by the Assembly.

LOSSES:

Wrongful Death

This legislation would permit the families of wrongful death victims to recover compensation for their emotional anguish. Current law regarding wrongful death claims allows recovery for all economic losses arising from the death of a family member, as well as for pain and suffering prior to death. While the grief felt due to the loss of a loved one cannot be disputed, pain and suffering experienced by those not directly injured is not recoverable due to the difficulties in ensuring that juries decide cases based on facts and not sympathy. Emotional losses are speculative. Other causes of action already exist under current law.

The Chamber [opposed](#) this legislation, however, the bill passed both houses of the Legislature. The Chamber has requested that the Governor vetoes the bill.

Unemployment Insurance Trust Fund

Unfortunately, the Governor and the Legislature took no action to address the depleted UI Trust Fund. This inaction will impact all New York State employers and consumers. The COVID-19 pandemic completely upended the Unemployment Insurance system. New York State’s decision to shut down “non-essential businesses” and impose restrictions resulted in massive layoffs. The

private sector shed more than 1.7 million jobs in March 2020, driving unemployment from 4.4 percent to 16.2 percent. Extraordinary amounts of money flowed out of New York's UI Trust Fund to satisfy claims, causing the State to borrow more than \$11 billion from the federal government. The outstanding loan and completely depleted UI Trust Fund have forced all employers into the highest employer contribution rates allowable under New York's UI tax tables, meaning all businesses are paying the highest possible UI tax rate related to the fund balance. With over \$8 billion outstanding on the state's federal UI advance, New York employers are subject to these highest rates for a decade or more. If not addressed by 2025, employers will face rate increase of 45 to 250 percent.

The Chamber has [asked our leaders](#) at the Capitol to address this pressing. We will continue to fight for the resolution of the outstanding debt by the state.