



NEW YORK STATE SENATOR

Owen H. Johnson

# Summary of 2012 Senate Legislative Action

Owen H. Johnson

June 22, 2012

ISSUE:

- [Legislature](#)

Note: PBH = Bill passed both houses

## **2012-2013 NEW YORK STATE BUDGET**

For the second consecutive year, the New York State Senate completed an early passage of the state budget. The 2012-13 state budget achieved the Senate Republicans' goals of reducing state spending, not raising taxes and creating new private sector jobs.

Highlights include:

### **STATE SPENDING GROWTH HELD UNDER TWO PERCENT**

> The \$133.4 billion spending plan reduced all-funds spending for the second year in

a row. In addition, the budget limited growth in state operations spending to 1.9 percent, which is less than the two percent spending cap passed last year by Senate Republicans and enacted for local government and school district budgets.

> The budget eliminated a \$2 billion deficit without raising taxes and fees. The budget reduced next year's projected budget deficit to \$950 million. It is the first time in decades that the projected budget gap has been less than a billion dollars.

> The budget made state government smaller by consolidating a number of state agencies, eliminating or repealing various councils, boards, commissions and committees that are no longer delivering for taxpayers, and providing for other reforms, consolidations and efficiencies to reduce government costs.

### **NO NEW OR INCREASED TAXES OR FEES**

> For the second straight year, the budget did not include any new or increased taxes or fees.

> In December, 2011, the Senate enacted the Middle Class Tax Cut and Job Creation Plan that reduced tax rates for middle class taxpayers to their lowest levels in more than 50 years. About 4.4 million middle-class taxpayers will receive \$690 million in personal income tax relief. (Chapter 56, Laws of 2011)

> Also in December, the Senate eliminated the MTA payroll tax for 80 percent of businesses that paid the tax. (Chapter 56, Laws of 2011)

> The December 2011 tax cut package also cut taxes paid by upstate manufacturing companies by \$25 million.

### **JOB CREATION**

> The budget created the "NY Works" program to rebuild the state's roads, highways, and bridges and fund other critical infrastructure projects to create thousands of new jobs and get our economy back on track.

- > The budget included \$150 million for the second round of Regional Council economic development awards funding to rebuild regional economies.
- > The budget included \$110 million in capital funding for economic development grants under the NYSUNY 2020 program. When combined with an equal share from SUNY, the University's 60 campuses, excluding the university centers, will compete for three \$20 million challenge grants.

## **EDUCATION**

- > The budget included a total of \$20.4 billion in aid to education, including an increase in school aid of \$805 million - a four percent increase. Much of the increase is targeted for high needs school districts.
- > The budget achieved regional balance in school aid and ensures that every region of the state is treated fairly and equitably.
- > For higher education, \$27.8 million was included for three SUNY teaching hospitals.
- > Aid to community colleges was increased by \$150 per full-time equivalent student for a total of \$9.1 million additional funding for CUNY community colleges and \$22.1 million for SUNY community colleges.
- > The Senate successfully fought to include increased support of \$7 million to fund mandates at nonpublic schools.
- > Libraries will receive an additional \$3.6 million in state aid.

## **HEALTH CARE**

- > The budget provided \$30.6 million to restore the EPIC program. Under the new plan, prescriptions will continue to be paid by Medicare Part D, but EPIC will pay the Medicare Part D co-payment, which will range from \$3 to no more than \$20. This EPIC restoration was a budget priority for Senate Republicans.
- > The budget restored \$5 million for the Tobacco Control and Prevention Program.

## **TRANSPORTATION**

- > The MTA's five-year Capital Plan is now fully funded at \$22.2 billion and will fund several large-scale projects such as the Eastside Access for the Long Island Rail Road.
- > The budget authorized a Capital Plan for \$4.5 billion in state and federal road and bridge funding for 2012-13, including \$1.17 billion for NY Works transportation projects. There is also a commitment for an additional \$100 million in DOT capital spending in each of the next two years.
- > The budget included a commitment to get the MTA Capital Plan and DOT Capital Plan back on the same track to ensure regional parity and fairness.
- > Senate Republicans secured a commitment to keep all 11 DOT regional offices open to ensure the unique transportation needs of every region are met.
- > The budget provided \$39.7 million in Marchiselli aid for local bridge projects and \$363.1 million for the CHIPS program for local road improvement projects.

## **CRIMINAL JUSTICE**

- > The budget included \$1.5 million to fund grants for targeted drug, violence, crime control, and treatment and prevention programs, \$1.2 million for programs to combat domestic violence, and \$650,000 for legal services related to domestic violence.

## **ENVIRONMENTAL PROTECTION**

- > Funding for the Environmental Protection Fund was maintained at \$134 million.
- > \$89 million was included in the budget to fund major rehabilitation projects and improvements at 48 state parks.
- > The budget included \$102 million for repairs to dams and flood control infrastructure. In December, the Legislature approved \$50 million to provide flood relief aid to businesses and localities that suffered damage from storms and flooding

in 2011.

## **TAX RELIEF AND MANDATE RELIEF**

### **MIDDLE CLASS TAX CUT AND JOB CREATION PLAN**

In December 2011, the Legislature enacted the Middle Class Tax Cut and Job Creation Plan that reduced tax rates for middle class taxpayers to their lowest levels in more than 50 years. About 4.4 million middle class taxpayers will receive \$690 million in personal income tax relief.

In addition, the Middle Class Tax Cut and Job Creation Plan: eliminated the MTA payroll tax for 80 percent of businesses that paid the tax; cut taxes paid by manufacturing companies outside the MTA region by \$25 million; and implemented inflation indexing by adjusting the income brackets and the standard deduction for the rate of inflation, eliminating “bracket creep,” and providing about \$440 million in tax savings over two years for every New Yorker that pays the personal income tax. (Chapter 56, Laws of 2011)

### **NEW JOBS-NY JOB CREATION PROGRAM**

The Senate Republican NEW JOBS-NY plan included many business tax relief proposals that would help businesses grow and create new jobs. Highlights of the program included the following:

- Eliminating Taxes on New York Manufacturers: The plan would spur creation of thousands of manufacturing jobs by eliminating income taxes paid by manufacturers over a three-year period (\$495 million in tax relief).
- 20 Percent Corporate Tax Cut for Small Businesses: This cut in the corporate tax rate will save nearly 200,000 small businesses \$49 million.
- 10 Percent Personal Income Tax Credit for Small Businesses: This tax cut would save 800,000 small businesses \$80 million.
- Significant Energy Tax Cut: The legislation accelerates the phase-out of the 500-percent energy tax hike Senate Democrats previously approved in 2009.
- New Incentives for Each New Job Created: The bill includes new job creating incentives that would give businesses a tax credit of up to \$5,000 for each new job

they create; up to an \$8,000 credit if the new job goes to someone on unemployment; up to a \$10,000 credit if a business hires a returning military veteran.

- Help for New York's Small Brewers: The plan includes a new Production Credit and Label Registration Credit for New York's vibrant craft brewing industry.
- A new "angel investor" tax credit to encourage investments in start-up businesses.
- Increases the post production tax credit from 10 percent to 30 percent.  
(S7448 Senator Dean Skelos R, Rockville Centre)

## **MANDATE RELIEF FOR LOCAL GOVERNMENTS AND PROPERTY TAXPAYERS**

Since January 1, 2011, the Senate has adopted over 60 mandate relief proposals, and more than 40 of them have become law. Major local savings initiatives passed in 2012 include:

### **Pension Reform**

A new public employee pension Tier 6 was enacted that includes new employee contribution rates, an increase of the retirement age, additional vesting requirements and other cost saving measures. The estimated savings for the state and local governments and New York City are more than \$80 billion over 30 years. (Chapter 18, Laws of 2012)

### **State Takeover of Medicaid Growth Cap**

The 2012-13 state budget phases in a full state takeover of the county share of growth in Medicaid spending, resulting in \$1.2 billion in savings over the next five years for counties, the City of New York and local property taxpayers.

### **DNA Collection Kits**

The budget provides localities with "kits" for DNA collection so they do not have to expend local monies; provides state funding for court ordered post-plea DNA testing for indigent defendants. (Enacted in 2012-2013 Budget; Chapter 53)

### **District Attorney Salary Increase Coverage**

As part of the 2012-13 state budget, the state will reimburse counties for salary increases for District Attorneys. A previous law that increased the salaries of judges mandated a corresponding increase for District Attorneys. This measure will save

counties \$1.2 million in SFY 2012-13. (2012-13 Enacted Budget, Chapter 53)

#### Prison Inmates Required to Make Medical Co-payments

Keeping in line with federal prison system policy, and two thirds of all other states in the nation, the Senate passed a bill which would protect the taxpayers of New York State by requiring state and county correctional facility inmates to make co-payments for health care visits. (S476A, Senator Michael Nozzolio, R-C, Fayette)

#### Authorize Additional Contract Flexibility for Local Governments

The Senate approved legislation that authorizes municipalities and districts to contract for goods and services jointly with federal and any state or other municipalities. This arrangement has proven to reduce administrative and product costs and increase government efficiency. (S5525B, Senator Betty Little R-C-I, Queensbury)

#### Permanent Extension for Use of Lever Voting Machines

A bill passed by the Senate would allow for the use of lever voting machines for school districts, villages and special districts in their respective local elections for two years. This legislation would provide significant relief to local school districts, villages and special districts from the Help America Vote Act (HAVA) mandate that was intended to apply only to Federal Elections that have higher voter turnout and less annual costs to administer elections using optical scan voting machines. (S6296A, PBH Senator Jack Martins, R-C-I, Mineola)

#### Allows For Two or More Counties to Enter Into a Contract for Provision of a County Jail

This legislation would allow, at local option, counties or the state to jointly provide for construction, financing, improvement, and maintenance of a county jail with another county or the state. Sharing in these costs would save counties and local property taxpayer's money. (S2142A, Senator John Bonacic, R,C,I – Mount Hope)

#### Eliminating School District Mandates

The Senate passed legislation that would result in cost savings to school districts by eliminating a significant number of mandates and providing greater flexibility to control costs. (S7783, Senator John Flanagan R-C-I, East Northport)

#### Restore STAR Property Tax Rebates

The Senate approved legislation that would restore the STAR property tax rebate program. The bill would provide \$202 million in property tax relief to senior citizens in the 2012-13 school year and \$1.2 billion in property tax relief to middle class families starting in 2013-14 (S7447, Senator Kenneth LaValle, R-C-I, Port Jefferson)

The Senate passed a bill that would expedite payment of income tax refunds and simplify STAR property tax relief filings for senior citizens. The legislation would eliminate the requirement that senior citizens reapply for the STAR property tax exemption every year. (S1924, Senator Kemp Hannon, R-C-I, Garden City)

The Senate approved a measure that would enable local tax assessors to accept late applications for all exemptions without penalty up to the last day that a taxpayer can pay the first half of their taxes (S3576, Senator Kenneth LaValle, R-C-I, Port Jefferson)

#### Wage Theft Prevention Act Repeal

The Senate repealed the annual notification provisions of the “Wage Theft Prevention Act of 2010” – a duplicative and costly mandate that the previous Senate leadership imposed on employers statewide. This job-killing measure is a perfect example of unnecessary red tape that does nothing to help employees, while also hurting businesses and our economy. (S6063, Senator John DeFrancisco, R-C-I, Syracuse)

#### Prompt Tax Refunds

In an effort to ensure prompt payment of a state income tax refund, the Senate passed a measure that would require the state to pay tax refunds within 30 days of the receipt of a taxpayer’s return, unless there is a discrepancy in the return. Statutorily, the state Department of Taxation and Finance has 45 days to pay out refunds. (S2631, Senator Carl L. Marcellino, R-Syosset)

#### Exempt Libraries from MTA Payroll Tax

The Senate passed legislation that would exempt libraries from the paying the MTA payroll tax. Repealing the tax would save libraries in the downstate MTA region \$1.3 million annually. (S6079A, PBH, Senator Jack Martins (R-C-I, Mineola)

#### Historic Preservation Tax Credit



The Senate approved a measure that would increase the maximum award available under the historic preservation tax credit from \$5 million to \$12 million, and encourage the revitalization of large historic properties throughout Western New York and across the State. (S6134, PBH, Senator Mark Grisanti (R-North Buffalo)).

#### Protecting Homeowners from Higher Assessments

In an effort to protect homeowners, the Senate passed a bill which allows local governments to authorize property tax exemptions for people who make improvements or changes to their homes to accommodate senior relatives or disabled people. The legislation means that homeowners are able to add on to their homes for this purpose without having to pay higher taxes resulting from increased property assessments. (S638, Senator Martin Golden, R-C, Brooklyn)

### **AGRICULTURE**

#### Buy from the Backyard

To promote and support locally grown or produced food, the Senate passed the “Buy From the Backyard Act.” This measure promotes the purchase of food grown or produced locally by requiring state agencies with food contracts to buy at least 20 percent of their food from New York sources. (S2468, Senator Tom Libous, R-C-I, Binghamton)

#### ATVs for agricultural use

The Senate passed a bill aimed at making it easier for drivers to register and use all terrain vehicles (ATVs), especially for agricultural use. The legislation raises the legal weight limit for registering ATVs from 1,000 pounds to 1,500 pounds. This would allow new, larger vehicles, known as utility vehicles (UTVs), to be registered in New York State. (S3318, Senator Patty Ritchie, R-C, Heuvelton)

### **ANIMAL WELFARE**

#### Animal Fighting

In an effort to protect animals, the Senate passed a bill which bans people from owning, selling, or manufacturing animal fighting paraphernalia. (S6774A, PBH, Senator Patty Ritchie, R-C, Heuvelton)

#### Pet Dealers

The Senate passed a bill that would ensure improved health and safety of pets sold in stores. This legislation would provide that any licensed pet dealer must designate a veterinarian to care for animals at the facility, provide isolation for sick pets to prevent spread of disease and illness, and implement an exercise routine for the dogs at the facility. The store also must not sell any animal that has been diagnosed with a congenital condition or contagious disease. (S7268A, PBH, Senator Greg Ball, R-C, Patterson)

#### Animal Control Officer Certification

The Senate approved a measure to implement a training, examination, and certification program for animal control officers. The certification program, to be developed by Agriculture and Markets and the Department of Education, would be available to localities that choose to require animal control officers take the training program. (S2409E, Senator Mark Grisanti, R, North Buffalo)

#### Pet Protection

Noting the importance of family pets to many New Yorkers, the Senate passed a bill to help prevent the theft of pets by increasing the penalties for committing the crime. The bill would make stealing a licensed dog or cat a felony and takes into account the monetary and emotional value of a pet. (S946, Senator Carl L. Marcellino, R, Syosset)

### **CHILDREN AND FAMILIES**

#### Domestic Violence

The Senate passed legislation that will protect victims of domestic violence and establish stronger criminal penalties to punish individuals who commit acts of domestic violence. It includes several important provisions, including:

- > Establishing a domestic violence fatality review team to examine factors involved in deaths or near-deaths related to domestic violence;
- > Expanding factors for bail consideration including prior violations of orders of protection;
- > Creating a new felony-level crime of Aggravated Family Offense, where the defendant and victim are members of the same family or household;
- > Elevating the crime of Harassment from a violation to a Class A misdemeanor, where the defendant and victim are members of the same family or household; and

> Prohibiting a person who was served with an order of protection or charged in the death of a decedent from controlling the disposition of the person's remains. (S7638, PBH, Senator Steve Saland, R-I-C, Poughkeepsie)

### Child Pornography

The Senate passed legislation that would make the viewing of child pornography a felony crime. The bill amends current state law to make a person guilty of a crime when the person knowingly accesses child pornography with the intent to view. The legislation comes after a state Court of Appeals ruling in May 2012 that said viewing child pornography on the Internet is not a crime. This legislation closes that loophole. (S7742, PBH, Senator Marty Golden R-C, Brooklyn)

### Investigating Child Abuse in State Facilities

The Senate passed legislation that would modify current reporting procedures involving the abuse of children in residential care. The measure guarantees that reports of certain abuse will be immediately forwarded to law enforcement. (S6563, Senator Steve Saland, R-I-C, Poughkeepsie)

### Cyber-bullying

The Senate passed legislation that would provide further protections and procedures for students who are bullied or cyberbullied. The legislation clarifies and expands the Dignity for All Students Act, an anti-cyberbullying law enacted in 2010, and creates guidelines for local school districts to develop policies and procedures to address the problem. The bill also clarifies the legal definitions of all forms of threats, intimidation and abuse (verbal and nonverbal); creates new, clear definitions of cyberbullying; applies to all students, without limiting the law to students singled out because of race, color, weight, national origin, ethnic group, religion, disability sexual orientation or gender; and recognizes that cyberbullying that takes place off school grounds still has a negative effect on the school environment and falls within the authority of the school to address. (S7740, PBH, Senator Steve Saland, R-I-C, Poughkeepsie)

### School bus safety

To keep kids getting on and off the bus safer, the Senate passed legislation increasing penalties for illegally passing a stopped school bus. (S3099, Senator John Bonacic, R-C-I, Mount Hope)

## Child Sexual Abuse and Exploitation Prevention Act

Citing new ways that child predators use technology, the Senate passed the Child Sexual Abuse and Exploitation Prevention Act. The bill creates new, tougher crimes for predators who prey on children over the Internet. (S5226A, Senator Steve Saland, R-I-C, Poughkeepsie)

## Body Piercing

The Senate passed a bill that would require minors to obtain consent from a parent or guardian for un-emancipated persons who wish to receive body piercings, other than piercing one's ears (S7446, PBH, Senator Joe Robach (R-C-I, Rochester)

## Sexual Predators at Schools

The Senate approved a measure that would make it a crime for school employees to engage in sexual activity with students, including those who are older than New York's legal age of consent. The bill addresses inappropriate student-school employee relationships by criminalizing sexual conduct between school employees and full-time students of elementary and secondary schools. (S.6714, sponsored by Senator Betty Little , R-C-I, Queensbury)

## Amusement park safety

The Senate passed a measure that will help provide the public with more information about amusement parks, carnivals or county fairs so that they can make informed safety decisions. The bill requires the state and amusement operators to post valuable safety information online and at a ride's location. (S5868A, Senator Pat Gallivan (R-C-I, Elma)

## Indoor Tanning

The Senate passed legislation to help protect teens from the dangers of skin cancer. The legislation would strengthen the state's indoor tanning law by prohibiting teens ages 16 and under from using indoor ultraviolet (UV) tanning devices. (S2917A, PBH, Senator Charles J. Fuschillo, Jr., R-Merrick)

## Banning the Sale of Electronic Cigarettes to Minors

The Senate passed a bill to ban the sale and distribution of electronic cigarettes to anyone under 18 years old. Electronic cigarettes are battery-operated devices that vaporize cartridges filled with nicotine, flavor and other chemicals that the user inhales. They are unregulated and have not been proven to be safe for use.

(S2926B, PBH Senator Owen Johnson, R-C, Babylon)

## **CONSUMER PROTECTION**

### Cadmium

The Senate passed a bill that would prohibit the sale of children's jewelry which may contain harmful levels of cadmium and other hazardous substances. The bill protects children from accidentally ingesting cadmium, often used in inexpensive charm bracelets, pendants and other jewelry. (S4055A, Senator James Alesi R-C-I, Perinton)

### Unit Pricing

In an effort to help keep consumers informed, the Senate passed a bill that would require certain retail chain stores to disclose their unit pricing. This is aimed at making shopping less confusing for customers looking for the best values. The changes would only affect stores with more than \$2.5 million in annual sales. (S7277A, PBH, Senator Mark Grisanti, R-North Buffalo)

### Telemarketing

The Senate gave final legislative passage to a bill that protects New Yorkers from intrusive or unwanted telemarketing practices. The bill regulates all telemarketers who do business in New York, wherever they may be located, and adds new consumer protections from unwelcome prerecorded calls, known as robocalls, from telemarketers. (S7567A, PBH, Senator Lee Zeldin (R-C-I, Shirley)

### Telephone Scams

The Senate passed a bill to stop scammers from charging phone customers who are unwittingly forwarded to additional and costly phone numbers. The bill requires better notification if consumers calling a phone number for information are then prompted to call a second number that charges hefty fees. (S7652, PBH, Senator Mark Grisanti (R, North Buffalo)

### Pay-Per Call Phone Scams

The Senate passed legislation to protect residents from pay-per-call prize schemes that occur when a consumer receives a recorded phone call alerting them that they have won a prize, but ultimately swindle consumers into paying exorbitant

telephone fees which often cost more than the prizes themselves. The bill would make these pay-per-call prize schemes illegal in New York State. (S7595, PBH, Senator Charles Fuschillo, R, Merrick)

#### Credit and Debit Card Number Theft

The Senate passed a bill that makes the theft of credit and debit card numbers a crime. Current law states that the theft of the card itself is a crime and this legislation expands the law to include the theft of the numbers. Someone who steals credit or debit card numbers with the intent to use them would face felony charges. (S1411, Senator Steve Saland R-I-C, Poughkeepsie)

#### Voice Over Internet Protocol

The Senate passed a bill to eliminate state regulation of Voice Over Internet Protocol (VoIP) service in order to facilitate competition to benefit consumers. VoIP uses a broadband Internet connection to transmit voice telecommunications over the Internet. This bill would make it more affordable to expand broadband Internet into rural areas of New York. (S5769, Senator George Maziarz R-C, Newfane)

#### Organized Retail Crime

The Senate passed a package of bills that would crack down on organized retail crime, a growing problem that harms businesses and their customers.

One bill defines Organized Retail Crime as the theft of retail merchandise with an aggregated value of \$1,000, and classifies it as grand larceny in the fourth degree, punishable by up to four years in prison. (S6956A, Senator Lee Zeldin, R-C-I, Shirley)

Another measure grants jurisdiction to any county when at least one of the crimes constituting a pattern occurs within the county. Under this legislation, one district court would be granted jurisdiction over all criminal offenses, persons, and property that form the pattern of criminal offenses. (S6958C, Senator Lee Zeldin R-C-I, Shirley)

Another bill passed creates a Class C felony, punishable by up to 15 years in prison, for individuals who lead retail theft crime rings. (S6959B, Senator Lee Zeldin R-C-I, Shirley)

One measure makes it a Class B misdemeanor to use an access device, such as a

counterfeit or fraudulently obtained credit card, account number or gift card, with the intent to defraud, as part of an organized retail crime operation. (S6954B, Senator Lee Zeldin R-C-I, Shirley)

The last bill in the package makes it a crime to use an emergency exit to facilitate a theft from a retail establishment. Thieves have been known to hide in retail stores and wait for all employees to leave before removing large amounts of goods through emergency exits. This bill would make this crime grand larceny in the fourth degree. (S6957B, Senator Lee Zeldin R-C-I, Shirley)

## **CRIME AND CORRECTIONS**

### Expansion of the DNA Databank

The Senate passed legislation for the largest expansion of the state's DNA databank since it was created in 1994. The legislation mirrors the databank expansion law that was enacted as part of the 2012-13 state budget that requires people convicted of all felonies, as well as all misdemeanors in the penal law, to submit DNA samples. (Chapter 19, Laws of 2012, Senator Steve Saland R-I-C, Poughkeepsie, and Senator Martin Golden, R-C, Brooklyn)

### Domestic Violence

The Senate approved legislation that will protect victims of domestic violence and establish stronger criminal penalties to punish individuals who commit acts of domestic violence. It includes several important provisions, including:

- > Establishing a domestic violence fatality review team to examine factors involved in deaths or near-deaths related to domestic violence;
- > Expanding factors for bail consideration including prior violations of orders of protection;
- > Creating a new felony-level crime of Aggravated Family Offense, where the defendant and victim are members of the same family or household;
- > Elevating the crime of Harassment from a violation to a Class A misdemeanor, where the defendant and victim are members of the same family or household; and
- > Prohibiting a person who was served with an order of protection or charged in the death of a decedent from controlling the disposition of the person's remains (S7638, PBH, Senator Steve Saland, R-I-C, Poughkeepsie)

### Banning Synthetic Marijuana and Bath Salts

The Senate passed legislation to criminalize the sale and possession of synthetic marijuana. The bill would also criminalize the sale and possession of hallucinogenic chemicals deceptively called “bath salts”. In addition to potential health risks facing those who use the chemicals, the use of synthetic marijuana and “bath salts” has also been implicated in serious criminal activity. (S6694, Senator John Flanagan, R-C-I, East Northport)

#### Strengthening Leandra’s Law to Stop Repeat Drunk Drivers

The Senate passed legislation to strengthen Leandra’s Law. The legislation would ensure that offenders comply with the provision of the law requiring them to use ignition interlocks. Leandra’s Law was passed in 2009 following the death of 11 year-old Leandra Rosado, who was killed while riding in a car driven by her friend’s intoxicated mother. As part of Leandra’s Law, all convicted DWI offenders must install and use an ignition interlock in all vehicles they own or operate for a period of at least six months after their DWI conviction. Ignition interlocks are breath test devices linked to a vehicle’s ignition system which prevent the car from starting if alcohol is detected in the driver’s breath. (S6636, Senator Charles J. Fuschillo, Jr., R, Merrick)

#### Penalties for Sex Offenses

The Senate passed a bill that would require consecutive prison sentences for each separate act of rape when an individual is convicted of multiple counts. (S1826, Senator Dean Skelos, R, Rockville Centre)

#### Child Pornography

The Senate passed legislation that would make the viewing of child pornography a felony crime. The bill amends current state law to make a person guilty of a crime when the person knowingly accesses child pornography with the intent to view. The legislation comes after a state Court of Appeals ruling in May 2012 that said viewing child pornography on the Internet is not a crime. This legislation closes that loophole. (S7742, PBH, Senator Martin Golden, R-C, Brooklyn)

#### Sexual Predators at Schools

The Senate passed legislation that would make it a crime for school employees to engage in sexual activity with students, including those who are older than New York’s legal age of consent. The bill addresses inappropriate student-school employee relationships by criminalizing sexual conduct between school employees



and full-time students of elementary and secondary schools (S6714, Senator Betty Little, R-C-I, Queensbury)

#### Ban on Salvia Divinorum

The Senate passed a measure to ban the sale of the legal hallucinogen salvia divinorum, a psychoactive plant from the mint family that is currently available without age restrictions on the Internet and in stores. (S1833, Senator John Flanagan, R-C-I, East Northport)

#### Child Sexual Abuse and Exploitation Prevention Act

The State Senate passed the Child Sexual Abuse and Exploitation Prevention Act. The bill creates new, tougher crimes for predators who prey on children over the Internet. (S5226A, Senator Steve Saland, R-I-C, Poughkeepsie)

#### Federal Trials Relating to Terrorism

The Senate approved legislation that would prohibit New York State, and local funds, from being use for any trial of enemy combatants for acts of terrorism at any federal court in the state of New York. This measure is in response to the Obama Administration's decision to conduct any enemy combatant terrorist trials in federal civilian court. (S3871, Senator Andrew Lanza R-I, Staten Island)

#### Strengthening Penalties for Gun Crimes

The Senate continues to combat gun crimes and enhance penalties for gun crimes that endanger children by passing bills strengthening penalties for these offenses.

One measure would amend the definition of criminal use of a firearm in the first degree to include displaying a firearm in the commission of any and all felonies, rather than just certain felonies. The bill would upgrade all instances of criminal use of a firearm to a class B violent felony, which carries a sentence of up to 25 years in prison (S1407B, Senator Martin Golden, R-C, Brooklyn)

The second bill increases the sentence by an additional two-and-one-half years for the offenses of criminal possession of a weapon and criminal sale of a firearm when the offenses happen at the residence of a child under 14; and by an additional five years if a child under 14 is home when the crime takes place (S2169A, Senator Martin Golden, R-C, Brooklyn)

### Strengthening penalties for robberies

The Senate passed legislation that would increase penalties for criminals who attempt robberies with devices appearing to be bombs or explosives. The bill was developed in collaboration with law enforcement. It would elevate the criminal charge from third degree to first or second degree robbery (S720A, Senator Joe Robach, R-C-I, Rochester)

### Sex Offender Registry

The Senate passed a measure requiring the Department of Criminal Justice Services' (DCJS) website that provides the sex offender registry to be searchable by the zip-code of a sex offender's employer. The legislation will help keep the public safer and informed. Currently, the database is searchable by the offender's address but there is no way for parents or families to know if a sex offender works in their neighborhood. (S5288A, Senator Andrew Lanza, R-I, Staten Island)

### Abbagail's Law

The Senate passed a bill to create new penalties for individuals supervising another driver while also under the influence of alcohol or drugs. Abbagail's Law is named after an eight-year-old girl who died in a car accident caused by an inexperienced driver who was supervised by a parent under the influence of alcohol. (S164, Senator George Mazarz, R-C, Newfane)

### Stalking

In an effort to protect victims of stalking, the Senate passed a bill that would increase the penalties for stalking. An estimated 3.4 million people are victims of stalking in the United States each year. (S924A, Senator Carl L. Marcellino, R-Syosset)

### Tiffany's Law

The Senate passed "Tiffany's Law " to require all prior convictions of operating a vehicle while intoxicated, whether it be an automobile (DWI), snowmobile (SWI), or all-terrain vehicle, be considered during sentencing of a subsequent Boating While Intoxicated (BWI) conviction. In turn, any person convicted of BWI would have that charge considered during any subsequent DWI, SWI or ATV offense. "Tiffany's Law" is named after Tiffany Heitkamp, a young Syracuse-area woman who was killed in

2006 while riding in a boat being operated by an intoxicated driver. (S2860A, Senator John A. DeFrancisco, R-C-I, Syracuse)

### Jilly's Law

The Senate passed a law which gives courts the ability to consider a greater number of issues—including victims' safety—when setting bail. The bill, also known as "Jilly's Law," is named for Jill Cahill who was killed in 1998 by her husband who was out on bail despite his repeated efforts to harm her. (S259, Senator George Maziarz R-C, Newfane)

### Gang Recruitment on School Grounds

The Senate passed a bill making it a felony to recruit street gang members on school grounds. The measure is intended to address the rising criminal activity on the part of street gangs. Gang activity on city streets can make its way into schools, putting students and staff at risk. This legislation seeks to provide a safe haven for juveniles by making it more difficult for gang leaders to actively recruit and solicit children in and around schools. (S2940, Senator Andrew Lanza R-I, Staten Island)

### Increasing Prison Sentences

The Senate passed a bill that requires persistent violent felony offenders be sentenced to life imprisonment without parole. The bill recognizes that persistent violent offenders are most likely to commit violent crimes again and would ensure that violent, recidivist criminals are permanently prevented from posing a danger to society. (S1539, Senator Dean Skelos, R, Rockville Centre)

### Maximum Sentence for Violent Felons

The Senate passed legislation to require certain violent felons to serve their maximum prison term if there is evidence that their release would pose an imminent threat to society. The bill would help protect the public by keeping repeat offenders off the streets and limit "good behavior" and other rewards from reducing the time spent in prison. (S6020A), sponsored by Senator Joseph Griffo, R-C, Rome)

### Bail Reform

The Senate passed legislation that gives judges the ability to consider well-established risk factors in determining bail or recognizance in domestic violence cases so that a victim and their family can be further protected from an assailant.

The bill would allow the history of violence or threats of violence, prior orders of protection, and the accused's access to guns to be considered by a judge, potentially affecting their release conditions and sparing many victims and their children additional harm or even death. (S1414A, Senator Steve Saland, R-I-C, Poughkeepsie)

#### Closing Son of Sam Loophole

The Senate passed legislation that closes a loophole in the "Son of Sam" law to further restrict a criminal's ability to profit from their crimes. The bill corrects a longstanding flaw in the state's existing "Son of Sam" law by preventing all criminals, regardless of their final plea or conviction, from commercially exploiting their crime. (S4393A, Senator John Flanagan, R-C-I, East Northport)

#### Credit and Debit Card Number Theft

The Senate passed a bill that makes the theft of credit and debit card numbers a crime. Current law states that the theft of the card itself is a crime and this legislation expands the law to include the theft of the numbers. Someone who steals credit or debit card numbers with the intent to use them would face felony charges. (S1411, Senator Steve Saland R-I-C, Poughkeepsie)

#### Mark's Law

The Senate passed a bill to make the killing of emergency first responders first degree murder, punishable by the stiffest penalty allowed by law - life without parole. The bill, known as "Mark's Law," was introduced in memory of Mark Davis, the emergency medical technician who was shot to death while responding to a call for help in Cape Vincent on January 30, 2009. (S4717B, Senator Patty Ritchie, R-C, Huevelton)

#### Hazing

The Senate passed legislation to prevent the tragic injuries and deaths that can occur due to hazing at colleges and universities. The bill would help cut down on hazing by strengthening a college or university's enforcement authority and increasing awareness of the consequences of hazing, underage drinking, and illegal drug use. (S1937, Senator Kenneth LaValle, R-C-I, Port Jefferson)

#### Drunk Driving

The Senate passed legislation that would require certain drivers convicted of drunk

driving to take a motor vehicle accident prevention course. The bill requires drivers convicted of a drunk driving offense to take the motor vehicle accident prevention course if they have previously been convicted of drunk driving, or refuse to take a chemical test, or have accumulated more than six points on their license. (S4740C, sponsored by Senator Owen H. Johnson, R-C, Babylon)

#### Racing in the Street

The Senate passed legislation to increase penalties for unlawful high-speed car racing which has caused numerous accidents across the state, including the deaths of a 17-year-old Staten Island girl and a 5-year-old Queens boy. Michelle and Jordan's Law stems from tragic crashes involving suspected drag racing at excessive speeds. (S2938A, Senator Andrew Lanza, R-I, Staten Island)

#### "Three-Strikes" Legislation

The Senate passed legislation that would keep the most dangerous, violent, repeat criminals behind bars and out of our communities. The bill requires persistent violent felony offenders be sentenced to life imprisonment without parole. This bill recognizes that persistent violent offenders are most likely to commit violent crimes again and would ensure that violent, recidivist criminals are permanently prevented from posing a danger to society. (S1539, Senator Dean Skelos, R, Rockville Centre)

#### Protecting the Elderly and Disabled

The Senate responded to the need for increased protection against financial exploitation of elderly and vulnerable adults by passing legislation to make such actions a crime. The legislation gives district attorneys and police the tools they need to prosecute instances of financial exploitation of vulnerable elderly or people with physical or mental disabilities. (S6712, Senator Patrick M. Gallivan, R-C-I, Elma)

#### Computer Tampering

The Senate approved a measure that would create stiffer penalties for computer tampering. With the increasing use of computers to perform everyday tasks, this legislation cracks down on criminals who steal information for malicious use. Computer-related crimes costs businesses, banks and individuals millions of dollars every year. (S2936, Senator Andrew Lanza, R-I, Staten Island)

#### Dangerous Driving

The Senate passed two measures to crack down on dangerous driving. One piece

of legislation passed would require breathalyzer tests for drivers involved in accidents causing serious physical injury or death. (S562, Senator Joseph Robach, R-C-I, Rochester)

A second bill would toughen criminal penalties for motorists who injure or kill pedestrians or other drivers as a result of dangerous and unlawful driving. (S1835, Senator John Flanagan, R-C-I, East Northport)

### Organized Retail Crime

The Senate passed a package of bills that would crack down on organized retail crime, a growing problem that harms businesses and their customers.

One bill defines Organized Retail Crime as the “theft of retail merchandise with an aggregated value of \$1,000, and classifies it as grand larceny in the fourth degree, punishable by up to four years in prison. (S6956A, Senator Lee Zeldin, R-C-I, Shirley)

Another measure grants jurisdiction to any county when at least one of the crimes constituting a pattern occurs within the county. Under this legislation, one district court would be granted jurisdiction over all criminal offenses, persons, and property that form the pattern of criminal offenses. (S6958C)

Another bill passed creates a Class C felony, punishable by up to 15 years in prison, for individuals who lead retail theft crime rings. (S6959B Senator Lee Zeldin, R-C-I, Shirley)

One measure makes it a Class B misdemeanor to use an access device, such as a counterfeit or fraudulently obtained credit card, account number or gift card, with the intent to defraud, as part of an organized retail crime operation. (S6954B Senator Lee Zeldin, R-C-I, Shirley)

The last bill in the packages makes it a crime to use an emergency exit to facilitate a theft from a retail establishment. Thieves have been known to hide in retail stores and wait for all employees to leave before removing large amounts of goods through emergency exits. This bill would make this crime grand larceny in the fourth degree. (S6957B)

## Protecting Social Service Workers

The Senate passed legislation to enhance the criminal penalties for assaulting employees of a county social services district while in performance of their duties. In April, the City of New York released the latest data on social service workers assaulted on the job. Last year, 61 employees of the City's three social services agencies were assaulted while performing their job duties, a 10 percent increase from 56 assaults in 2010. (S7720, PBH, Senator Marty Golden, R-C, Brooklyn)

## **ECONOMIC DEVELOPMENT AND JOB CREATION**

### New Jobs-NY Job Creation Plan

The Senate passed the 2012 NEW JOBS-NY Job Creation Plan. The Senate's plan will help create thousands of new private sector jobs by delivering tax relief to small businesses and manufacturers, reducing energy costs, and enacting major fiscal reforms to make New York State more economically competitive.

#### **The plan includes:**

- \* **Eliminating Taxes on New York Manufacturers:** The plan would spur creation of thousands of manufacturing jobs by eliminating income taxes paid by manufacturers over a three year period (\$495 million in tax relief).
- \* **20 Percent Corporate Tax Cut for Small Businesses:** This cut in the corporate tax rate will save nearly 200,000 small businesses \$49 million.
- \* **10 Percent Personal Income Tax Credit for Small Businesses:** This tax cut would save 800,000 small businesses \$80 million.
- \* **Significant Energy Tax Cut:** The legislation accelerates the phase-out of the 500 percent energy tax hike Senate Democrats previously approved in 2009.
- \* **New Incentives for Each New Job Created:** The bill includes new job creating incentives that would give businesses a tax credit of up to \$5,000 for each new job they create; up to an \$8,000 credit if the new job goes to someone on unemployment; up to a \$10,000 credit if a business hires a returning military veteran.
- \* **Help for New York's Small Brewers:** The plan includes a new Production Credit and Label Registration Credit for New York's vibrant craft brewing industry.
- \* **A new "angel investor" tax credit to encourage investments in start-up businesses.**
  - \* Increasing the film production industry post-production tax credit from 10

percent to 30 percent.

The NEW JOBS- NY job creation plan also included fiscal reforms to improve New York's business climate. The plan includes a state spending cap; a super-majority vote provision to make any future tax increases more difficult; and new regulatory reforms to reduce red tape for businesses.

(S7448, Senator Dean Skelos, R, Rockville Centre)

### MTA Payroll Tax Repeal

In December 2011, the Senate eliminated the MTA payroll tax for 80 percent of businesses that paid the tax. (Chapter 56, Laws of 2011) The tax was eliminated for 290,000 employers with payrolls of less than \$1.25 million; 415,000 self-employed taxpayers; and all public and non-public schools.

> The December 2011 tax cut package also cut taxes paid by upstate manufacturing companies \$25 million.

### Brewery Bills

The Senate passed three bills to help grow and expand the craft beer industry in New York State. The bill, will protect an important tax benefit for small breweries that produce beer in New York, create a Farm Brewery license that will allow craft brewers to expand their operations through opening restaurants or selling new products and will exempt breweries that produce small batches of beer from paying an annual State Liquor Authority fee.

One measure would provide a refundable corporate franchise and personal income tax credit for beer produced in New York and will exempt breweries that produce beer in batches of 1,500 barrels or less annually (regardless of location) from the \$150 annual label fee. (S7728, PBH, Senator Lee Zeldin, R-C-I, Shirley)

In an effort to increase economic activity, the Senate also passed legislation that will create a farm brewery license to promote growth of craft breweries. The bill will allow craft brewers that use products grown in New York State to operate in a similar manner to the state's farm wineries. The new brewery license will enable breweries that manufacture 60,000 gallons or less annually of New York State labeled beer to sell their products at retail outlets and for off-premises consumption; as well as to open restaurants, conference centers, inns, bed and breakfasts or hotels on or



adjacent to the farm brewery. A licensee may operate up to five branch offices away from the farm brewery. (S7727, PBH, Senator Patty Ritchie, R-C, Heuvelton)

A third bill will exempt farm wineries, farm distilleries and farm breweries from a costly and burdensome tax filing requirement. Currently, the Tax Law requires all beer, wine, and liquor wholesalers in New York to report sales made to restaurants, bars, and other retailers. (S7019, PBH, Senator Patty Ritchie, R-C, Heuvelton)

### Workforce Training For Women

The Senate approved a bill that would add a workforce training program within the state Department of Labor that is specifically intended to help women seek higher paying jobs. The program would include: current information about careers that offer higher salary and compensation; counseling, skills development and training that encourage women to seek jobs with higher earning potential; and referrals to employers offering such jobs. ( S6429A, PBH, Senator Joe Robach, R-C-I, Rochester)

### Asbestos Removal

The Senate passed legislation that will provide an asbestos removal tax credit to encourage the cleanup of old, unsafe properties, and spur investment throughout the State. The costs necessary to safely and legally remediate asbestos from these structures, either for adaptive reuse or demolition and rebuild, are extremely high and only perpetuate blight, abandonment and disinvestment, the lawmaker said. Under terms of the legislation, the credit will cover 20% of costs incurred as a result of asbestos removal, up to \$1 million. (S6524A, Senator Mark Grisanti R-North Buffalo)

## **EDUCATION**

### 2012-2013 Budget

The impact of the 2012-2013 Budget is as follows:

- > The budget included a total of \$20.4 billion in aid to education, including an increase in school aid of \$805 million - a four percent increase. Much of the increase is targeted for high needs school districts.
- > The budget achieved regional balance in school aid and ensures that every region

of the state is treated fairly and equitably.

> For higher education, \$27.8 million was included for three SUNY teaching hospitals.

> The budget included \$30 million in capital funding for a new round of economic development grants under the NYSUNY 2020 program. When combined with an equal share from SUNY, the University's 60 campuses, excluding the university centers, will compete for three \$20 million challenge grants.

> Aid to community colleges was increased by \$150 per full-time equivalent student for a total of \$9.1 million additional funding for CUNY community colleges and \$22.1 million for SUNY community colleges.

> The Senate successfully fought to include increased support of \$7 million to fund mandates at nonpublic schools.

> Libraries will receive an additional \$3.6 million in state aid;

#### Teacher Evaluation Disclosure

The Senate passed a measure requiring the disclosure of the results of annual performance reviews of teachers and principals of public schools. Parents would receive the evaluation of their child's assigned teachers. The measure strikes a balance between protecting the privacy of teachers and parents' right to know how schools and teachers are performing. (S7792 PBH)

#### College Affordability Plan

The Senate passed legislation to help middle-class families and students afford the rapidly increasing cost of a college education. The Senate's 2012 College Affordability Plan would help parents save for higher education for their children and give students and families access to low-interest student loans, as well as clear information about the size of the loan debt they are taking on.

Highlights of the College Affordability Plan include:

- Doubling the existing tuition tax deduction from \$10,000 to \$20,000;
- Doubling the maximum tuition tax credit from \$400 to \$800;
- Creating a four-year, \$12,000 "Stay-in-New-York" tax credit for people who graduate from a college in New York in four years or less; perform volunteer

community service and stay and work in New York for four years. Combined with existing credits, graduates could get up to \$15,200 in total tax relief;

- Establish a new \$100 million Linked Deposit Student Loan program to make low interest student loans available to middle class families. Loan interest rates could be cut in half;
  - Enabling parents to pre-pay current tuition for a SUNY or CUNY school; and
  - Designate the Department of Financial Services to serve as a “truth-in-lending” clearinghouse for reliable information on college loans and interest rates.
- (S7449A, Senator Kenneth P. LaValle R-C-I, Port Jefferson)

## **ENERGY**

### Eliminate Energy Tax Hike

As part of the New Jobs NY job creation plan, the Senate approved the phase-out of the 500 percent hike in the 18a assessment that New Yorkers pay on utility bills that was enacted by Senate Democrats in 2009. By eliminating this tax increase earlier by one year, from 2014 to 2013, this would deliver \$522 million in tax relief to utility ratepayers. (S7448 Senator Dean Skelos R, Rockville Centre)

### Solar Energy Tax Credits

To encourage homeowners to install and use renewable forms of energy, the Senate passed legislation allowing people who lease equipment or purchase power under a written agreement with a third party to receive a solar equipment tax credit. (S149B, PBH, Senator George Maziarz R-C, Newfane)

### Solar Energy Sales Tax Exemption

To spur the installation of more solar energy equipment, the Senate approved a bill to exempt the sale and installation of commercial solar energy systems equipment from state sales taxes. The bill would also allow local municipalities to grant a local sales tax exemption. (S3203B, PBH Senator George Maziarz, R-C, Newfane)

## **ENVIRONMENTAL CONSERVATION**

### 2012-13 State Budget Impact on Environmental Conservation

- > Funding for the Environmental Protection Fund was maintained at \$134 million.

> \$89 million was included in the budget to fund major rehabilitation projects and improvements at 48 state parks.

> The budget included \$102 million for repairs to dams and flood control infrastructure. In December, the Legislature approved \$50 million to provide flood relief aid to businesses and localities that suffered damage from storms and flooding in 2011.

#### Sewage Discharge Notification

The Sewage Pollution Right to Know Act was passed by the Senate to increase the amount of information available to the public when discharges of untreated or partially treated sewage to the state's waterways could affect public health. Current notification procedures have proven inadequate in disseminating information when such discharges occur, raising concerns about the potential exposure to contaminants by those participating in water based recreation like swimming, boating and fishing. (S6268D, PBH, Senator Mark Grisanti, R, North Buffalo)

#### Pesticides

The Senate passed two bills that would reduce the amount of pesticides that are unnecessarily released into the environment. The bills have environmental and economic benefits by reducing the amount of pesticides needing to be applied or disposed of as hazardous waste.

One of the bills recognizes advancements made in commercial application technology which may increase effectiveness while using less pesticides. By allowing commercial applicators to apply less than label rates, the bill helps reduce the total amount of pesticides being applied in New York State communities. (S2887A, Senator Carl L. Marcellino, R-Syosset)

Another bill allows New York's retailers to continue repairing minor damage to containers, under proper conditions, so that the product can be sold and used as intended. The measure helps alleviate concerns with the unnecessary disposal of pesticide products and will continue to significantly reduce the amount of pesticides that are disposed of as hazardous waste. (S6401A, PBH, Senator Mark Grisanti, R-North Buffalo)

#### Mercury in Lightbulbs

The Senate passed legislation that prohibits the sale of light bulbs that contain high levels of mercury – a known hazardous chemical. The bill would protect the environment and public health by reducing the amount of mercury that ends up in homes and the waste stream. (S7004, PBH, Senator Mark Grisanti, R, North Buffalo)

#### Sea Grass

The Senate passed legislation to guard marine habitat and protect the continued viability of commercial and recreational fishing. The legislation establishes the Seagrass Protection Act to address threats to these coastal marine plants that provide critical habitat and nursery grounds for many animals including commercially, recreationally, and ecologically important fish. (S4287, PBH, Senator Owen Johnson, R-C, Babylon)

#### Search and Rescue

The Senate passed legislation that allows for the creation of a training program for volunteers interested in assisting the search and rescue operations of state forest rangers. The bill will enhance the safety of volunteers and the public during search and rescue operations in the Adirondacks, Catskills and other forested communities across the state. (S553, Senator Betty Little (R-C-I, Queensbury)

#### GOVERNMENT REFORM

##### Port Authority Legislation

The Senate passed legislation to ensure the proper functioning of the Port Authority of New York and New Jersey as an open, transparent and accountable interstate authority. The bill is named the Port Authority of New York and New Jersey Transparency and Accountability Act. The Act is part of a bipartisan, bi-state effort designed to create a new system of accountability at the Port Authority. (S5878, Senator Andrew Lanza, R-I, Staten Island)

##### NYRA Reorganization Board

The New York State Racing Franchise Accountability and Transparency Act of 2012 was passed to place the New York Racing Association (NYRA) under temporary public control of the NYRA Reorganization Board in order to reform the association and transform oversight and management of horse racing in New York State. (S7744, PBH, Senator Dean Skelos, R, Rockville Centre)

The Senate passed legislation to create a new website, ResultsNY.gov, that would enable the public to review the performance of government programs to see how effectively agencies are spending tax dollars. People visiting the site could also submit their own suggestions and recommendations on how to stop government waste and reduce state spending. (S3657, Senator Joseph Griffo, R-C, Rome)

#### Honesty in Permit Processing Act

The Senate passed legislation to help professionals and businesses by reducing delays in the issuance of permits, licenses and other approvals needed from state agencies. The Honesty in Permit Processing Act would require state agencies to figure out and publicize the average time it takes to process permits. The bill would then give the agency a certain amount of time past the average to issue a permit or refund the application fee. (S2461, Senator Tom Libous, R-C-I, Binghamton)

#### Iran Divestment

The Senate passed the Iran Divestment Act. The bill would prohibit companies that provide goods, services or credit worth \$20 million or more to Iran's energy industry from entering into or renewing state and local government contracts. The Iran Divestment Act of 2012 was modeled after similar legislation in California and conceived with help from the Jewish Community Relations Council of New York. (Chapter 1, Laws of 2012)

#### Public Assistance Integrity Act

The Senate passed the "Public Assistance Integrity Act" to protect public assistance for welfare recipients from being used to purchase cigarettes, alcoholic beverages, lottery tickets or for casino gambling. Unlike Food Stamps purchases, cash assistance purchases are currently permitted under New York State law. The legislation would also prevent individuals receiving welfare from using their Electronic Benefit Transfer (EBT) card to make ATM withdrawals from certain places, including liquor stores, casinos and strip clubs. (S7671, Senator Tom Libous, R-C-I, Binghamton)

#### Russian-Language Election Materials

The Senate passed a bill to address language barriers affecting New York City's Russian population by requiring all election-related information as required by

federal Voting Rights Act to be printed in Russian. (S7812, PBH Senator David Storobin, R, Brooklyn)

## **HEALTH AND MENTAL HEALTH**

### 2012-2013 Budget

The impact that the 2012-2013 budget has on health care is as follows:

> The budget provided \$30.6 million to restore the EPIC program. Under the new plan, prescriptions will continue to be paid by Medicare Part D, but EPIC will pay the Medicare Part D co-payment, which will range from \$3 to no more than \$20. This EPIC restoration was a budget priority for Senate Republicans.

> The budget restored \$5 million for the Tobacco Control and Prevention Program.

### Prescription Drug Abuse Legislation

In response to the escalating problem of prescription drug abuse, the Legislature passed legislation that would make significant changes to the way prescription drugs are distributed and monitored in New York State. The bill includes “real time” prescription tracking to provide more information to doctors and pharmacists, in an effort to prevent deaths from abuse of prescription drugs, particularly painkillers. (S7637, PBH, Senator Andrew Lanza, R-I, Staten Island)

### People With Special Needs Act

The Senate passed the Protection of People With Special Needs Act, which reforms and strengthens protections for more than one million state residents with special needs. The bill will enhance the safeguards for children and adults who are particularly vulnerable to abuse and neglect and receive care from human service agencies and programs in New York State. (S7749, PBH, Senator Roy McDonald R-C-I, Saratoga)

### Organ Donation

The Legislature passed a bill to make it easier for New Yorkers to register online to become an organ donor. The state Department of Health is currently authorized by law to offer online electronic registration. This is done through the Department of Motor Vehicles website. It would allow a notice of successful registration to be emailed. It would also allow for the use of an electronic signature to amend or

revoke consent. (S6972, PBH, Senator Kemp Hannon, R-C-I, Garden City)

#### Breast Cancer Patients

The Senate passed legislation that would help some breast cancer patients by requiring insurance companies to cover reconstruction for partial mastectomies. The bill adds partial mastectomies to the law that already covers reconstruction for full mastectomies. It would ensure that breast cancer patients who undergo the partial loss of a breast have reconstruction as an option covered by insurance. (S3801A, PBH, Senator Kenneth LaValle (R-C-I, Port Jefferson)

#### Breast Cancer Prevention

The Senate passed legislation that will provide women with dense breasts the information they need to make decisions regarding their health care. The measure would require that every mammography report given to a patient with dense breast tissue inform the women in plain, non-technical language that she has dense breast tissue and that she should discuss the potential benefit of further screenings with her physician. (S6769B, PBH Senator John J. Flanagan, R-C-I, East Northport)

#### Orally-administered Cancer Treatments

The Senate passed legislation that would require health insurance companies that provide coverage for prescription drugs and cancer chemotherapy treatments to also provide coverage for orally administered anti-cancer medications. (Chapter 12, Laws of 2012, Senator Andrew Lanza, R-I, Staten Island)

#### Protecting Consumers from Unexpected Medical Charges

The Senate passed legislation to reduce costly and unexpected medical charges to health insurance subscribers. The bill establishes consumer protections to prevent surprise medical bills, ensures consumers have adequate access to necessary services, and provides disclosure provisions to ensure consumers understand their obligation under their insurance coverage. It also establishes a basis for out-of-network reimbursement to providers based on an objective data base, ensuring that providers receive fair and appropriate reimbursement for the health care services they provide. (S7745, Senator Kemp Hannon, R-C-I, Garden City)

#### Whooping Cough Vaccine

The Senate approved legislation to require general hospitals that have a newborn nursery or that provide obstetric services to offer vaccination against Bordetella



pertussis (whooping cough) to parents and anticipated caregivers of hospitalized newborns. (S6500, PBH, Senator Kemp Hannon, R-C-I Garden City)

#### HIV/PEP Treatment for Sexual Assault Victims

In an effort to provide treatment to all survivors of sexual assault who are found to be at risk for contracting HIV/AIDs, the Senate passed a bill to enable survivors of sexual assault who have undergone a forensic rape exam, to receive a seven day starter pack of HIV PEP treatment and, with their consent, medical follow up related to the PEP treatment. (Chapter 39, Laws of 2012, Senator Kemp Hannon, R-C- I, Garden City)

### **INSURANCE**

#### Auto Insurance Fraud

The Senate passed a bill that would establish a new felony-level crime of staging a motor vehicle accident. A person who operates a car and intentionally causes a collision with intent to commit insurance fraud would now face the charge of staging a motor vehicle accident. It would be a class D felony, punishable by up to seven years in prison. "Alice's Law" is named after Alice Ross, a 71-year-old wife and grandmother who was killed as the result of a fraud-related, staged auto accident in Queens. (S1685, Senator James L. Seward, R-C-I, Oneonta)

The Senate passed legislation that would make the use of "runners" illegal in New York. A "runner" is a person who receives money for obtaining clients or patients to participate in insurance fraud. The bill is another measure designed to cut down on insurance fraud. (S2004, Senator Dean Skelos R, Rockville Centre)

The Senate passed legislation that would enable insurance companies to retroactively cancel policies taken out by people who commit auto fraud. The bill would allow an insurance company to retroactively cancel an automobile insurance policy in the first sixty days if the initial premium payment is not honored by a bank due to insufficient funds, non-existence of a bank account, or unauthorized use of a bank account. (S4507B, Senator Martin Golden, R-C, Brooklyn)

### **TRANSPORTATION**

The impact of the 2012-13 state budget on transportation includes the following:

- > The MTA's five-year capital plan is fully funded at \$22.2 billion and will fund several large-scale projects such as the Eastside Access for the Long Island Rail Road.
- > The budget authorized a DOT capital plan for \$4.5 billion in state and federal road and bridge funding for 2012-13, including NY Works transportation projects.
- > The budget included a commitment to get the MTA Capital Plan and DOT Capital Plan back on the same track to ensure regional parity and fairness.
- > Senate Republicans secured a commitment to keep all 11 DOT regional offices open to ensure the unique transportation needs of every region are met.
- > The budget provided \$39.7 million in Marchiselli aid for local bridge projects and \$363.1 million for the CHIPS program for local road improvement projects.

#### Wrong-way driving

The Senate has passed legislation that creates felony charges for wrong-way and other reckless drivers. The bill would establish a new crime of aggravated reckless driving. (S3452, Senator Charles J. Fuschillo Jr. R, Merrick)

#### Commuter tax

The Senate passed legislation to allow a personal income tax deduction for a portion of the costs associated with commuting to an employee's place of work to provide savings to commuters who use mass transit. (S2728C, Senator Charles J. Fuschillo, Jr., R-Merrick)

#### Bridge Reform Act

The Senate passed the Bridge and Road Investment and Dedicated Fund Guaranteed Enforcement Reform Act, also known as the BRIDGE Reform Act. The bill would ensure that the dedicated fund goes towards rebuilding, replacing and reconditioning highways and bridges to improve the safety of drivers who travel them. (S1071, sponsored by Senator Tom Libous, R-C, Binghamton)

#### Dangerous Driving

The Senate passed two measures to crack down on dangerous driving. One piece of legislation passed would require breathalyzer tests for drivers involved in accidents causing serious physical injury or death. (S562, Senator Joseph Robach, R-C-I, Rochester)

A second bill would toughen criminal penalties for motorists who injure or kill pedestrians or other drivers as a result of dangerous and unlawful driving. (S1835, Senator John Flanagan, R-C-I, East Northport)

## **VETERANS AND ACTIVE MILITARY ASSISTANCE**

### **Hire A Vet Tax Credit**

The Senate's New Jobs-NY job creation program included an enhanced tax credit of up to \$10,000 to any business that hires a veteran returning home from military service. (S7448 Senator Dean Skelos, R, Rockville Center, and S7661, Senator Greg Ball R-C, Pawling)

### **Disabled Veterans**

The Senate passed legislation that would give greater access to state contracts to veterans who were disabled during their service. The bill would codify for New York an identical and highly successful program adopted for federal contracting. Given the increase in the number of veterans and disabled veterans due to recent overseas conflicts, this bill would provide a small measure of recognition that this group of selfless men and women deserve (S2423, Senator Gregory R. Ball, R-C, Pawling)

### **Veteran Cemetery Markers**

The Senate passed a bill that would prohibit the unauthorized sale of veteran cemetery markers that are over 75 years old, and would create the new crime of desecration of a veteran cemetery plot, grave or burial place. These bills continue the Senate's commitment to maintain the dignity of veterans' cemeteries and commemorative property. (S1504, Senator Bill Larkin, R-C, Cornwall-on-Hudson)

### **Military Marriages**

The Senate approved a measure that waives the 24-hour waiting period for military members to get married after receiving a marriage license. This would apply to

military members who are scheduled for deployment in less than 30 days. (S490, Senator Joe Robach, R-C-I, Rochester)