



NEW YORK STATE SENATOR

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## Net Energy Metering Law Highlights Laws to Take Effect January 1, 2009

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The new net metering law (Chapter 483, L. 2008, will allow an expanded number of customers to take part in net metering for renewable electric generating systems. Net metering allows a utility customer with an on-site electric generating system to send excess power that they generate back to the utility grid, receiving a credit on future electric bills. If after one year there is a positive balance, the corporation will pay residential and agricultural customer-generators the balance. The law expands net metering for residential and farm service customer-generators from 100kW to 500kW for wind or solar generated power and allows commercial customer-generators to net meter such energy up to 2MW or the customer's historic peak load, whichever is less. In addition to net metering, new laws taking effect on January 1, 2009 including the following: Affordable Housing / Nassau & Suffolk Counties - Chapter 444, L. 2008 States that when a developer makes an application to a local government to build 5 or more residential units in Nassau or Suffolk Counties, the local government shall require one of the following, in exchange for a density bonus of at least 10% or other incentives: the set aside of at least 10% of those units for "affordable workforce housing," defined as housing for individuals or families at or below 130% of Long Island's median income; or the construction of the required affordable units on other land within the same municipality; or the payment of a fee for each affordable unit that the developer would have been required to construct. Sets the fee at equal to two times the median income for a

family of four on Long Island. It provides that in cases where the fee exceeds the appraised value of the building lot, the fee shall equal the appraised value of the lot. Harness Racing - Chapter 18, L. 2008, §102-a Amends provisions setting forth the minimum race date and layout requirements that must be met as preconditions to the issuance of a license for harness racing facilities; a part of a larger bill that took effect February 19, 2008, relating to the oversight of racing in the State (which, among other provisions, authorized the New York Racing Association, Inc. (NYRA) to conduct racing at Aqueduct, Belmont, and Saratoga racetracks for 25 years, clarified that the State owns all the land underlying the racetracks, reconstituted the NYRA Board of Directors, and created a Franchise Oversight Board (FOB).

Medical Home Demo Programs - Chapter 57, L. 2008, Part OO, §16 As part of the 2008-09 Budget, directs the Commissioner of Health to establish two new Medical Home Demonstration Programs, one each in Nassau and Onondaga Counties, to evaluate the effectiveness of the medical home concept that includes preventative care, improving health care delivery, and providing treatment of patients with chronic medical conditions.

Medicaid for Children in Foster Care - Chapter 58, L. 2008, Part C, §40 (S. 6808-C, Budget) As part of the 2008-09 Budget, grants Medicaid eligibility to a child who is under 21 years of age and was in foster care on his or her 18th birthday, as long as federal Medicaid funding is available for such purpose.

Auto Insurance Flexible Rating - Chapter 136, L. 2008, §12 & 13 As part of a larger bill relating to the New York Property Insurance Underwriting Association (NYPIUA), enacts new provisions authorizing flexible rating for nonbusiness automobile insurance policies.

Workers' Comp Assessment on Self-Insurers - Chapter 139, L. 2008, §3 (S. 8708, Rules) Changes calculations for the assessment imposed by the Workers' Compensation Board on individual self-insurers and group self-insurers for expenses related to the Board's administration of provisions of law relating to them, to be on the basis of percentage of "indemnity" (cash) Workers' Compensation benefits of all self-insureds paid to injured employees of that employer, rather than a "pure premium" basis of percentage of total payroll among all self-insured employers within that occupational class.

Police Officer Recruitment / Diversity

Awareness - Chapter 155, L. 2008 Requires the Municipal Police Training Council at the Division of Criminal Justice Services to develop procedures to enhance police officer recruitment efforts and to increase police awareness of racial, ethnic, religious, gender, and other diversity issues. Surrogate Decision-Making Committees - Chapter 198, L. 2008 Allows persons otherwise eligible for the Surrogate Decision-Making Committee (SDMC) Program, notwithstanding their discharge from a facility and program provided, funded, or approved by an office of the Department of Mental Hygiene, to use the SDMC without having previously been the subject of an SDMC determination. Council on Alcoholism and Substance Abuse - Chapter 259, L. 2008 Changes the membership on the Advisory Council on Alcoholism and Substance Abuse Services, by increasing the number of consumer representatives and allowing for one service provider member to be a provider of services to problem gamblers. Council on Underage Alcohol Consumption - Chapter 275, L. 2008) Moves the Advisory Council on Underage Alcohol Consumption from the Executive Department to the Office of Alcoholism and Substance Abuse Services. Telecommunication Excise Taxes - Chapter 297, L. 2008 Exempts providers of telecommunication services with certificates of resale from excise taxes on telecommunication services. Small Estates Definition - Chapter 300, L. 2008 Increases the maximum gross value of an estate defined as a small estate from \$20,000 to \$30,000. Tax Exempt Vacant Land in Manhattan - Chapter 332, L. 2008 Removes the property tax exemption on vacant land located in Manhattan above 110th Street, which allows such land to be taxed at the same rate as all other vacant land in Manhattan. Autism Spectrum Disorders Screening - Chapter 335, L. 2008 Directs the Commissioner of Health to establish best practice protocols for the early screening of children for autism spectrum disorders. Roadway Safety / Farm Equipment - Chapter 350, L. 2008 Directs the Governor's Traffic Safety Committee, with the cooperation of the Department of Motor Vehicles, the Department of Transportation, the Department of Agriculture and Markets, and the Division of State Police, to develop and implement a public outreach campaign regarding roadway safety pertaining to farm tractors and farm equipment; establishes lighting requirements for

such slow-moving vehicles that will apply from 1/2-hour before sunset to 1/2-hour after sunrise and during periods of low visibility. Donate Life Registry / Voter Enrollment - Chapter 362, L. 2008 Provides for registration in the New York State Donate Life Registry for organ and tissue donations on application forms for voter enrollment. Independent Livery Driver Benefit Fund - Chapter 392, L. 2008, §1-12 (S. 8715, Rules) Establishes an Independent Livery Driver Benefit Fund to provide Workers' Compensation coverage for livery cab drivers who are deemed to be independent contractors rather than employees (effective January 1, 2009, with certain provisions effective January 1, 2010). Special Improvement Districts - Chapter 421, L. 2008 Increases the accountability of special improvement districts that are governed by separate boards of commissioners by establishing a uniform date for public hearings conducted by any such board on district budget estimates before the estimates are submitted to the town budget officer, and by requiring the posting of budget estimates, annual financial reports, public notices, and audit reports on the web sites of both the district and town in which the district is located, if such web sites are maintained. Consumer Bill of Rights / Tax Preparers - Chapter 432, L. 2008 Creates a consumer bill of rights regarding tax preparers, and requires the Department of Taxation and Finance to produce an informational flier. Real Estate Broker's Commission - Chapter 436, L. 2008 Requires a seller of real estate to deposit with the county recording officer the lesser of the proceeds from the sale or lease of real property or conveyance of any interest in a cooperative apartment, or the real estate broker's commission, when such commission is not paid to the broker at or before the closing, and an "affidavit of entitlement to the commission for completed brokerage services" has been recorded prior to the delivery of the deed; requires service of such affidavit of entitlement upon the seller. Physician Profile Updates - Chapter 477, L. 2008, §20 & 22 In a larger bill that strengthens the authority of the Board for Professional Medical Conduct to discipline physicians and enhances infection control training and practices, prohibits any physician from being reregistered unless he/she attests that he or she has updated his or her physician profile (as required by the new law, beginning November 3,

2008), and requires that the Commissioner of Health develop and transmit to physicians a pamphlet describing a variety of Department programs and initiatives, including smoking cessation programs, public health insurance programs, health and quality improvement information, the Patient Safety Center, and physician profiles, to be made available to their patients. Motor Vehicle Franchisors - Chapter 490, L. 2008 Limits the conditions which a motor vehicle franchisor may impose upon motor vehicle dealers; prohibits the placement of a franchised motor vehicle dealer close to another franchised dealer of the same brand of motor vehicles; grants stay of a franchise when there is a challenge to it; requires dealer discounts and incentive to be in writing and clearly described and available; requires franchisors to provide parts and sale incentives to dealers; prohibits franchisors from controlling the sale of a dealer. Bethpage/Hicksville Water District Elections - Chapter 514, L. 2008 Makes the second Tuesday in December the date for the election of commissioners for the Bethpage and Hicksville water districts. Agricultural Districts / Composting & Mulching - Chapter 536, L. 2008 Provides that certain composting and mulching operations shall be included in "farm operations" for the purposes of agricultural districts. Long-Term Care Insurance Contracts - Chapter 572, L. 2008 Provides for disclosure of certain terms of coverage provided in a long-term care insurance contract such as maximum daily benefits provided by the policy, protections provided by the policy against inflation, and the cost of the daily private pay rate at covered health care facilities.