

# **SUMMARY OF 2017 SENATE LEGISLATIVE ACTION**

## **2017-2018 NEW YORK STATE BUDGET**

The New York State 2017-18 State Budget reflects the Senate Republican Conference's pledge to improve the economic opportunities and quality of life for all New Yorkers. The budget plan stays within the state's self-imposed two percent spending cap for the seventh consecutive year – fiscal discipline that has already saved New York taxpayers a cumulative total of approximately **\$41 billion**.

The budget delivers on priorities charted by the Senate Republicans, including: promoting economic development through reforms to workers' compensation and expanding ride-sharing throughout the entire state; strengthening our infrastructure by making the largest single investment in clean water in New York's history and significantly increasing funds to fix our aging roads and bridges; making college more affordable, and supporting fair wages for direct care and clinical professionals, among many other accomplishments.

### ***HIGHLIGHTS OF THE 2017-2018 BUDGET***

#### **PROMOTING ECONOMIC DEVELOPMENT**

##### **Reforms to Workers' Compensation**

The Senate successfully led the fight for the most significant workers' compensation reform in a decade. This top Senate budget priority will help businesses, local governments, and not-for-profits continue to achieve meaningful savings, while also enhancing the protections in place for injured workers.

The measures will make it more affordable to do business in New York, with employers expected to see savings this year in the form of rebates and hundreds of millions of dollars more in ongoing annual savings on premium costs after reforms are fully implemented. As a result of these reforms, the New York State Workers' Compensation Board reduced rates this year by 4.5 percent, saving businesses approximately **\$400 million** this year alone.

##### **Savings for Employers:**

- **Reforming Temporary Benefit Timeframes:** While 2007's workers' compensation reforms capped the number of years an injured employee could be eligible for permanent benefits, injured workers are currently eligible to receive temporary benefits over several years. The new budget institutes a general rule of 2.5 years for an employee to claim temporary benefits, subject to the "safety valve" (detailed below) that allows an injured worker to not lose benefits if they still need them. As a result, employer contributions are expected to be reduced by approximately **\$350 million** each year;
- **New Medical Impairment Guidelines for Scheduled Loss of Use Awards:** The budget requires the state Workers' Compensation Board (WCB) to issue new medical impairment guidelines by the

end of this year. The guidelines would also be updated – for the first time in decades for some injuries - to reflect advances in modern medicine that enhance healing and result in better outcomes for patients. The new guidelines are expected to save employers hundreds of millions of dollars each year;

- Creation of a Prescription Drug Formulary: Doctors would be able to consult a new, comprehensive list of high-quality, cost-effective medications that are pre-approved to be prescribed and dispensed to injured workers. In addition, the formulary would include non-preferred drugs that can be prescribed with prior approval to ensure the worker gets the most appropriate care; and
- Rebates for Current Year's Premiums: Since employers have already begun paying premiums based on the 2017's workers' compensation premium estimates, businesses will receive a rebate at the end of the year once administrators calculate final year-end savings.

### **Increased Protections for Injured Employees:**

- Expanded Safety Net for Those Most Seriously Injured: Currently, only workers determined to be more than 80 percent injured qualify to apply for extended permanent benefits once the original benefits expire. The budget increases eligibility by including workers determined to be more than 75 percent injured;
- "Safety Valve" for Temporary Benefits: If an injured worker can demonstrate they continue to need temporary benefits while healing from an injury, the budget would allow them to apply to the state WCB to continue those benefits; and
- Common-Sense Reform of Permanent Benefit Requirements: For workers who receive permanent benefits and cannot enter the job market because of their injury, the budget would enable them to continue to receive benefits and relieve them of the requirement to stay attached to the labor market.

### **Expanding Ride-sharing**

The enacted budget provides ride-sharing companies with the ability to expand operations outside of New York City, creating new jobs and offering more safe, reliable transportation options to communities and visitors upstate and on Long Island.

In addition, the Senate passed bill [S5814](#), sponsored by Senator Michael Ranzenhofer, and later signed by the Governor that will allow ride-sharing to be available 10 days before its scheduled implementation under the budget agreement, and ready for Fourth of July celebrations.

The Senate also passed bill [S6782](#), sponsored by Senator Thomas Croci and passed by both houses, to prevent Level 1 sex offenders from being drivers for ride-sharing companies, protecting customer safety.

### **Rejecting Tax and Fee Increases**

The final budget rejects \$400 million in several onerous taxes and fee increases put forth by Governor Cuomo, including \$100 million in proposed DMV fees and a \$136 million tax on purchases that New Yorkers make on the Internet.

## **STRENGTHENING OUR INFRASTRUCTURE**

### **The Largest Single Investment in Clean Water in New York's History**

The budget makes a historic investment of \$2.5 billion to ensure all New Yorkers have access to

clean, safe drinking water. The Senate is leading the charge to ensure the state provides the resources necessary to address extensive water quality issues and infrastructure needs across the state. The final budget includes:

- **\$1 billion** for a new Water Infrastructure Improvement Act of 2017 to fund municipal water infrastructure projects over the next five years;
- **\$245 million** for the Water Quality Improvement Program grants;
- **\$150 million** for a new intermunicipal water infrastructure grant program to help fund projects that serve multiple municipalities and promote cost savings;
- **\$100 million** in new funding for municipal water quality projects that would not currently qualify for existing state grants;
- **\$75 million** for a new state rebate program to incentivize the replacement of failing septic systems and cesspools;
- **\$20 million** for the replacement of lead pipes, with preferences given to communities with a high percentage of elevated childhood lead blood levels;
- **\$100 million** over five years for the state Superfund program to be used for clean water projects; and **\$30 million** over five years for solid waste and drinking water mitigation and remediation projects;
- **\$10 million** for a new emergency infrastructure loan program to repair breaches of infrastructure that causes an imminent threat to the public health or the environment; and
- Funding for new measures to control point-source pollution, protect water sources, promote green infrastructure, address water contamination, and improve data collection to better track water quality information; and
- **\$275 million** in continued funding for Clean Water and Drinking Water State Revolving Funds.

### **Support for \$300 Million in Environmental Protection Funding**

The budget continues the state's record commitment to the protection of natural resources with **\$300 million** for the Environmental Protection Fund (EPF). The EPF helps protect water resources through the preservation of open spaces and upgrading sewage treatment plants, among many other environmental initiatives. To further support clean water projects, **\$20 million** from the EPF will help support existing funding in the Water Quality Improvement Program.

### **Clean Water Protections**

As proposed by the Senate's Health and Environmental Conservation committees earlier this year, the final budget creates the Emerging Contaminant Monitoring Act to require all public water systems to test for unregulated contaminants identified by the Department of Health that are known, or anticipated to be present in drinking water, including PFOA, PFOS and 1,4-Dioxane. A new Drinking Water Quality Council is also established in the budget after being advocated by the Senate and will bring together experts to review existing evidence, study contaminants of concern, and make recommendations to the Department of Health regarding drinking water safety, including state-specific thresholds and public notice procedures.

### **Increased Support for Transportation Infrastructure**

The budget includes significant increases for transportation infrastructure that were successfully advocated for by the Senate. The budget maintains fairness in funding and a more equitable and regionally balanced transportation plan. An increase of nearly **\$1.7 billion** over last year brings the total transportation funding to **\$29 billion**, including **\$2 billion** for the Thruway Authority. The budget includes:

- An approximately **\$1.5 billion** increase this year to accelerate road and bridge projects throughout the state;
- **\$65 million** increase for a total of **\$503 million** this year and **\$2.4 billion** over five years for the Consolidated Local Street and Highway Program (CHIPS), with the additional funding earmarked for Extreme Winter Recovery;
- **\$50 million** increase for the local BRIDGE NY program for a total of **\$150 million** this year and **\$550 million** over five years, including **\$70 million** earmarked for culverts);
- **\$20 million** increase for a total of **\$104 million** this year and **\$417 million** over five years for non-MTA downstate and upstate transit systems capital; and
- **\$10 million** increase for a total of **\$27 million** this year and **\$292 million** over five years for aviation.

In addition, the budget includes:

- **\$10 million** in additional funding (total: **\$512 million** this year) for non-MTA downstate and upstate transit systems operating aid;
- **\$4 million** this year in operating aid for rural transit systems;
- Continued funding for the local PAVE NY program to help fix New York's roads (total: **\$100 million** this year; **\$500 million** over five years); and
- **\$352 million** for rail freight over five years.

### **CONTINUING AND EXPANDING TAX RELIEF FOR NEW YORKERS**

#### **Full Funding for STAR**

This year, more than **\$3.15 billion** will be used to fund New York's STAR and Enhanced STAR property tax programs, and changes were made to ensure the state's STAR payments to taxpayers are made on time. To date, STAR and Enhanced STAR have delivered significant tax relief to millions of middle-class families and senior citizens statewide.

#### **Blocked the Capping of Taxpayers' STAR Savings**

The Senate succeeded in blocking an Executive Budget proposal to cap the amount of savings property owners receive for STAR at this current year's levels. As a result, the final budget saves local taxpayers an estimated **\$50 million** this year and nearly **\$700 million** over five years.

#### **Delivering Another Round of Rebate Checks to Property Taxpayers**

The 2017-18 State Budget fully funds another installment of property tax rebate checks, providing millions of homeowners with **\$453 million** in direct, much-needed tax relief through a check in the mail. When combined with the STAR and Enhanced STAR programs, these checks will bring total property tax relief in this year's budget to **\$3.6 billion**.

#### **New Tax Relief for Working Parents**

The budget includes **\$47 million** in additional tax relief for working families' child care expenses. The state's Child and Dependent Care Tax Credit is expanded for taxpayers with incomes between \$50,000 and \$150,000 and the current cap on child care expenses would rise from \$6,000 to a maximum of \$9,000 (depending on the number of children) for families with up to five children.

#### **Protecting the Middle Class Tax Cut**

The Senate ensured that the Middle Class Income Tax Cut created by the Senate last year remained untouched in this budget. By 2025 when the tax cut is fully phased in, it will bring tax rates down to the

lowest rate since 1948 – providing an average savings to individuals and tens of thousands of small businesses of **\$700 per taxpayer per year**, for an annual total savings of **\$4.2 billion**.

### **Tax Relief for Employers**

The Senate also fought to include millions in tax credits for employers all across the state, including: **\$40 million** for a five-year extension of the New York Youth Jobs Program; **\$10 million** for the Empire State Apprenticeship Tax Credit Program; and **\$5 million** for the Employee Training Incentive Program, to expand the program to include incumbent worker training and training for employees of life science companies.

## **MAKING NEW YORK MORE AFFORDABLE**

### **Enhancing College Affordability**

The budget modifies and strengthens the Governor’s original “free college tuition plan” in a number of smart and responsible ways consistent with what the Senate has advocated for in recent years to help make college more affordable and accessible for more middle class New Yorkers, including:

- Providing a record-high level of Tuition Assistance Program (TAP) funding - more than **\$1.1 billion** this year – and helping more than 25,000 additional students better afford the cost of a college education;
- Adding **\$19 million** for a new Enhanced Tuition Award initiative specifically designed to help students at private colleges and universities;
- Helping public college students participating in the new program by providing up to **\$5,500 per student**, with SUNY and CUNY committing to waive remaining tuition costs if students follow the program’s requirements;
- Creating key measures to promote student responsibility, including minimum GPA standards, steps to enhance on-time graduation, and a requirement that participants live and work in New York after graduation;
- Delivering **\$3.1 million** in tuition assistance for part-time community college students – a step that will help working parents.

To continue supporting New York’s public universities, the budget also:

- Includes new language guaranteeing state support of SUNY and CUNY in future years;
- Launches the largest infrastructure program for SUNY and CUNY campuses in years -- updating and improving campuses across the state; and
- Ensures strong support for community colleges, including a \$50 increase per full time equivalent (FTE).

### **Supporting Fair Wages for Direct Care and Clinical Professionals**

After the Senate advocated for funding that was absent from the Executive Budget proposal, the final budget provides a **\$146 million multi-year boost** in wages to compensate direct care and other clinical professionals for the important work they do in caring for our most vulnerable adults. The funding helps appropriately adjust salaries at not-for-profits that employ workers who provide services for individuals with disabilities, as well as staff at not-for-profits under the purview of the Office of Alcohol and Substance Abuse Services and the Office of Mental Health.

The new funding breaks down to **\$55.5 million** in additional wage compensation for direct care staff in the 2017-18 fiscal year, followed by an additional **\$90 million** starting next year that would include clinical staff as well.

## **RECORD FUNDING FOR LOCAL SCHOOLS**

The enacted budget includes a record level of school aid funding of approximately **\$26 billion**. This is an approximately **\$1.1 billion** increase over last year, equating to **4.4 percent**, and continues the growth of education funding at twice the rate of the rest of the budget. New York State's total commitment to supporting public education, when combined with the STAR school tax relief program, will be approximately **\$29 billion** this year. Education funding highlights include:

- The Senate rejecting the Executive Budget's proposal to eliminate the Foundation Aid phase-in and securing an additional **\$272 million** in Foundation Aid, bringing the year-to-year increase to **\$700 million** and total funding to **\$17.2 billion** -- ensuring that every school district will see an increase in funding of at least **2.74 percent**;
- Increasing funding in tuition payments and facilities aid for charter schools;
- Adding **\$14 million** for nonpublic school mandated costs, including **\$7 million** for immunization mandates;
- Providing **\$25 million** in Smart School Technology funding and **\$5 million** to support STEM in nonpublic schools; and
- Securing an additional **\$25 million** in new funding for nonpublic schools, day cares, and community centers at risk for hate crimes.

This education support builds on the Senate's record of delivering for schools and ensuring all students have the resources they need to succeed.

## **PLANNING FOR NEW YORK'S ECONOMIC FUTURE**

### **Record Workforce Development Funding**

The Senate fought for record funding of **\$260 million** in this year's enacted budget for dozens of job training and workforce development initiatives, nearly all of which were advocated for by the Senate's Task Force on Workforce Development. Highlights include:

- Tax Credits for Employers, including **\$40 million** for a five-year extension of the New York Youth Jobs Program; **\$10 million** for the Empire State Apprenticeship Tax Credit Program; **\$5 million** for the Employee Training Incentive Program, which also expands the program to include incumbent worker training and training for employees of life science companies;
- More than **\$160 million** for education initiatives, including helping individuals obtain high school diplomas, the Consortium for Workforce Education; Teachers of Tomorrow; Teacher Resource and Computer Training Centers; the Computer Science Master Teacher Program; and professional development resources;
- Nearly **\$4 million** for the Workforce Development Institute (WDI) – a highly successful not-for-profit that works with businesses and the AFL-CIO to provide focused training of workers and for workforce transition support to help stop the outsourcing of jobs to other states – and **\$3 million** for the WDI Manufacturing Initiative.
- Support for CUNY workforce development, including \$2 million for the CUNY Apprentice program; and **\$2 million** for the Job Linkage program to provide certificate programs and increase job placement rates;

- Support for SUNY workforce development, including **\$3 million** for the SUNY Apprentice Program, **\$3 million** for Job Linkage, and a **\$1.5 million** increase secured by the Senate for Small Business Development Centers (total: **\$3.5 million**);
- Significant funding for the Building Trades Pre-Apprenticeship Program; the Logger Job Training Program; long-term care training; the Displaced Homemaker Program; youth-related initiatives; Beginning Farmers; and programs for unemployed veterans.

### **Growing New York's Agriculture From the Ground Up**

Once again, the Senate succeeded in restoring nearly **\$10 million** to fund initiatives not included in the Executive Budget, for a total of **\$51 million** that will give New York farmers a leading edge over other states to continue growing our agriculture industry. Dozens of programs - investments in cutting-edge agricultural research, support for the next generation of family farmers, environmental stewardship, and protections for plant, animal, and public health – will be funded, with significant increases including:

- **\$1.5 million** (for a total of **\$1.9 million**) for the Farm Viability Institute to help New York's farmers become more profitable and to improve the long-term economic viability and sustainability of farms, the food system, and the communities which they serve;
- **\$1 million** (for a total of **\$9.3 million**) for Agri Business Child Development, to provide quality early childhood education and social services to farm workers and other eligible families;
- **\$1 million** (for a total of **\$5.4 million**) for the Cornell Diagnostic Lab;
- **\$800,000** (for a total of **\$1.2 million**) for FarmNet, Farm Family Assistance; and
- **\$300,000** (for a total of **\$842,000**) to expand FFA and help prepare young New Yorkers to become leaders in agriculture.

### **Helping the Hungry Through Farming**

The Senate succeeded in including “Farm-to-Food-Bank” in the final budget after last year's legislation was vetoed. More fresh, New York-grown produce will be available to help feed the hungry by allowing farmers to claim a tax credit for produce and other farm product donations to food banks or other emergency food programs.

## **PROTECTING NEW YORKERS' HEALTH AND SAFETY**

### **Record Levels of Funding to Fight Heroin and Opioid Addiction**

This year, the Senate's Joint Task Force on Heroin and Opioid Addiction is continuing its work addressing the drug epidemic by securing **\$214 million** in this year's budget – a record-high level of funding. This will be used to strengthen prevention, treatment, recovery and education services across the state.

### **Creating Healthier Communities**

The budget includes **\$500 million** for the Health Care Facility Transformation Program to support capital improvements at hospitals, other health care facilities and community-based providers, and provides an opportunity for increased eligibility throughout the state. In addition, the budget includes:

- **\$24 million** for cancer services;
- **\$12 million** for chronic disease prevention (including diabetes, asthma, and hypertension);
- **\$26 million** for Nutritional Information for Women, Infants and Children;
- **\$27 million** for maternal and child health programs, and also includes language to provide Medicaid coverage for donor breast milk to help prevent deadly complications faced by premature infants in neonatal ICUs;

- **\$475,000** for women’s health initiatives;
- **\$400,000** for funding to address Lyme and other tick-borne diseases through research, education, and prevention efforts;
- **\$283,000** for the Adelphi Breast Cancer Support Program;
- **\$8.5 million** in additional funding of the Spinal Cord Injury Research Board;
- **\$9 million** for the Doctors Across New York Program; and
- **\$1.3 million** to support organ donation.

### **Supporting Seniors**

The budget boosts support for a wide array of programs and initiatives that serve seniors, including funding for the following:

- **\$50 million** for the Expanded In-home Services for the Elderly Program;
- **\$29 million** for Community Services for the Elderly Program;
- **\$27 million** for the Wellness in Nutrition Program;
- **\$27 million** for Alzheimer’s and other dementia-related programs;
- **\$1.2 million** for elder abuse prevention initiatives to protect vulnerable senior citizens from abuse;
- **\$250,000** for Older Adults Technology Services;
- **\$86,000** for the New York Foundation for Seniors Home Sharing and Respite; and
- **\$32,000** for the Senior Action Council Hotline.

### **Helping Our Veterans:**

The State Budget for 2017-18 reflects the Senate Republican Conference’s unwavering support for the heroic service men and women who have sacrificed so much on behalf of our nation. Veterans-related budget increases include:

- **\$1 million** in new funding for veteran-to-veteran support services run by veterans service organizations;
- **\$310,000** (total: **\$3.1 million**) for the Joseph P. Dwyer Veteran Peer-to-Peer Program;
- **\$250,000** increase (total: **\$500,000**) for the Veterans Outreach Center in Monroe County;
- **\$120,000** in new funding for Veterans of Foreign Wars NYS Chapter Field Service Operations;
- **\$10,000** (total: **\$50,000**) for the Vietnam Veterans of America New York State Council;
- **\$500,000** for the NYS Defenders Association Veterans Defense Program;
- **\$200,000** for Legal Services of the Hudson Valley Veterans and Military Families Advocacy Project;
- **\$200,000** for Warrior Salute;
- **\$100,000** for the Veterans Justice Project;
- **\$100,000** for the SAGE Veterans Project;
- **\$200,000** for Helmets-to-Hardhats; and
- **\$25,000** for the Veterans Miracle Center.

### **Keeping Communities Safer**

Supporting law enforcement and keeping our communities safe and free from harm have always been among the Senate’s most critical priorities. The new 2017-18 State Budget reflects that commitment in a number of ways:

- In his Executive Budget, Governor Cuomo included a so-called “raise the age” proposal that raised significant public safety concerns. In the final enacted budget, the Senate worked to ensure that violent crimes, sex crimes, and other major offenses will still be treated as serious crimes to



be handled by the Criminal Court system. We also worked to address and minimize the potential cost and logistical problems that the Governor's original plan would have caused for local courts and law enforcement;

- **\$2.2 million** in funding to provide support, protection and services to domestic violence victims;
- **\$8.2 million** for Rape Crisis Centers to help victims of rape and sexual assault;
- **\$1 million** to the New York State Police for a new Hate Crimes Task Force;
- **\$2.89 million** to support important local criminal justice initiatives in communities across the state;
- A new measure which ensures parity for law enforcement statewide by providing an accidental disability pension of three-quarters salary for all New York City Police Officers who suffer line-of-duty injuries; and
- A new measure that increases reimbursable expenses to certain vulnerable crime victims, including those who are elderly, incompetent, or physically disabled.

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## **TAX AND MANDATE RELIEF**

### *2017-18 State Budget Tax and Mandate Relief Highlights:*

#### **Preserving the Middle Class Tax Cut**

The Senate ensured that millions of middle class New Yorkers will continue to be eligible for a tax cut that will bring middle class income taxes down to the lowest rate since 1948 by 2025. When the tax cut is fully phased in that year, individuals and tens of thousands of small businesses will see an average savings of **\$700 per year**, for an annual total savings of **\$4.2 billion**. Without this tax reduction, taxpayers would have seen their taxes increase on average by \$155 a year - for an annual total of \$700 million - when the current tax rate expires in 2018.

#### **New Tax Relief for Working Parents**

The budget includes **\$47 million** in additional tax relief for working families' child care expenses. The state's Child and Dependent Care Tax Credit is expanded for taxpayers with incomes between \$50,000 and \$150,000 and the current cap on child care expenses would rise from \$6,000 to a maximum of \$9,000 (depending on the number of children) for families with up to five children.

*Tax and mandate relief legislation includes:*

#### **New York State's Property Tax Cap**

The property tax cap was enacted in 2011 due to Senate Republican efforts to reduce New Yorkers' tax burden. The cap limits the annual growth of property taxes levied by local governments and school districts to two percent or the rate of inflation, whichever is less.

Since 2012, the vast majority of all school districts and municipalities have kept tax levy increases at or below the cap, leading to significant property tax savings for residents and businesses. Taxpayers have saved **\$23 billion** over the last six years of its implementation, and will save over **\$66.4 billion** cumulatively over the first 10 years.

Last year, the Senate successfully sought and the Legislature enacted an extension to the tax cap for another five years. The Senate's 2017-18 budget resolution and a bill passed this year took it one step further by proposing to make it permanent to bring further certainty to taxpayers and businesses. [S1207](#), sponsored by Senate Majority Leader John J. Flanagan

Taxpayers throughout New York have been able to see the benefits of the property tax cap – except in New York City where a cap is not in place.

#### **Property Tax Cap for New York City**

The Senate's one-house budget included a measure to give needed tax relief to residents and businesses in New York City by capping the growth of property taxes – consistent with the property tax cap in all other regions of the state. A cap would limit future tax increases to provide real savings to taxpayers that would create jobs by lowering the cost of doing business, encourage affordable and supportive housing construction, and give more financial security to small businesses and residents on fixed incomes.

#### **Tax Relief Measure for NYC Small Businesses and Middle Class**

A moratorium on New York City's Bag Tax was enacted this year to stop the City's regressive tax on carry-out merchandise bags and enable consumers to keep more of their hard-earned money. The

enactment of the moratorium now ensures the City's law implementing the bag tax is defeated, removing an unnecessary burden on low- and middle-income New York City residents. The bag tax could only be reauthorized by a new City Council with members who begin their terms on or after January 1, 2018. [S4158](#), Chapter 7, sponsored by Senator Simcha Felder

This is the second time state legislative pressure and a public outcry helped successfully defeat the bag tax's implementation. When New York City first enacted legislation last year to create the five-cent tax, it was originally slated to go into effect in October. However, a state Senate hearing, followed by approval of a bill in the Senate prohibiting such taxes, and a resulting public outcry led the City to delay implementation until February 15, 2017.

### **Helping First Time Homebuyers Save for a Home:**

The Senate passed legislation establishing the New York State First Home Savings Program. This program allows first-time homebuyers to establish an account for the purchase of their first home, using a deduction against their personal income taxes of up to \$5,000 for individuals and \$10,000 for married couples. This legislation is a responsible way to incentivize the dream of home ownership and help the housing market rebound. It will also stimulate the local economy and create jobs by increasing the demand for single-family homes, townhouses, condominiums and cooperative housing units in New York State. [S4058B](#), passed both houses, sponsored by Senator Betty Little

### **Increasing Tax Savings for Retirees**

The Senate passed a bill to double the exempt amount of private pensions and retirement income, increasing it for the first time since 1981 and saving approximately \$275 million annually. For 35 years, seniors have been able to claim the first \$20,000 of pension or retirement income as exempt income. This bill increases that exempt amount to \$25,000 for the 2017 taxable year, to \$30,000 for the 2018 taxable year, to \$35,000 for the 2019 taxable year, and to \$40,000 in the 2020 and subsequent taxable years. This would provide tax relief to more than 375,000 seniors, would save taxpayers hundreds of dollars, and encourages retirees to remain in New York State during their retirement years. [S414](#), sponsored by Senator Simcha Felder

### **STAR Program Compensation Measure**

The Senate passed legislation to compensate property taxpayers who are owed money by the state after last year's changes to the School Tax Relief (STAR) program. The Senate estimates the average basic STAR benefit is \$840 per eligible homeowner and the average senior STAR benefit is \$1,555, and many property owners need that money to pay their taxes on time. This legislation would require STAR checks to be postmarked by September 15 to allow taxpayers adequate time to pay their school tax bills, and require added interest for any late payment penalty imposed by a school district plus interest of three percent annually for checks postmarked after September 15. [S3505](#), sponsored by Senator Catharine Young

### **Doubling the Existing Farm Workforce Retention Credit**

The Senate passed a measure to help farmers meet consumer demands with a strong and steady workforce. The bill increases the Farm Workforce Retention Credit to \$500 per eligible employee this year, and \$1,200 per employee when fully effective, saving farmers an estimated \$60 million when fully implemented. [S2905](#), sponsored by Senator Patty Ritchie.

### **Repealing MTA Taxes for Hospitals, Colleges, and Local Governments**

When Democrats were in control of the Senate in 2009, they created a new payroll tax for residents and businesses – including hospitals – in the MTA region which includes Bronx, New York, Kings, Queens, Richmond, Rockland, Nassau, Suffolk, Orange, Putnam, Dutchess, and Westchester counties.

After Republicans regained control of the Senate in 2011, they eliminated the MTA payroll tax for 80 percent of businesses (290,000 employers with payrolls of less than \$1.25 million and 415,000 self-employed taxpayers) and for all public and non-public schools and libraries.

This session the Senate passed three measures to eliminate the MTA payroll tax for hospitals, colleges, and local governments:

- [S2634](#), sponsored by Senator Andrew Lanza, would eliminate the MTA payroll tax for hospitals so they can invest that significant savings in improving health care in the greater New York City metropolitan area. The bill would save hospitals approximately **\$60 million** and would help generate savings which could then be put back into the region's health care system;
- [S4062](#), sponsored by Senator Andrew Lanza, would exempt institutions of higher education from MTA payroll tax; and
- [S4245](#), sponsored by Senator Terrence Murphy, would exempt local governments outside of New York City located within the MTA district from paying the MTA payroll tax.

### **Extending the Enhanced STAR Exemption**

The Senate passed legislation to allow for the continuation of the STAR exemption for individuals upon the loss of a spouse who previously qualified for the program, provided that the surviving spouse is physically disabled as certified by a New York state licensed physician. Surviving spouses who meet the specifications outlined above will be entitled to receive the benefits of the STAR exemption, helping to alleviate the financial burdens remaining after the loss of their significant other. [S2613](#), sponsored by Senator Betty Little

### **Repealing New York's Estate Tax**

The Senate passed a measure that removes a tax that penalizes family-owned and closely-held businesses throughout the state, causing an exodus of many business leaders and the capital they possess to other states. This bill would eliminate the estate tax to encourage residents to remain in New York and continue living and doing business here in the Empire State. The estimated savings from a repeal is more than \$1 billion. [S2884](#), sponsored by Senator James Tedisco

### **Saving Hundreds of Millions in Taxes for Small Businesses and Farms**

The Senate approved legislation to provide significant new tax savings for small businesses and small farms by expanding the existing Personal Income Tax exemption and reducing the Corporate Franchise Tax business income tax rate from 6.5 percent to 2.5 percent over a two-year period. The bill would save a total of \$466 million when fully implemented. [S2120](#), sponsored by Senator Tom O'Mara

## **REDUCING STATE MANDATES ON MUNICIPALITIES AND SCHOOL DISTRICTS**

### **Fully Funding State Mandated Costs**

The Senate passed legislation requiring any state mandated program that is imposed on municipalities to be funded by the state. State mandated programs place local taxpayers and local officials in the position of paying for services that they do not control. State mandated programs also allow the state rather than local

officials to set priorities for the locality. In turn, this forces municipalities to levy more taxes on its residents in order to pay for the mandates. [S2323](#), sponsored by Senator Joseph Griffo

### **Preventing New Mandates After a School Budget Has Passed**

The Senate approved a measure preventing any state mandates creating a new cost for a school district from being imposed after the adoption of that fiscal year's school budget. While the state legislature has been particularly sensitive to school districts' concerns regarding the imposition of unfunded state mandates in recent years, the federal government and the state Education Department continue to impose new fiscal requirements on public schools without regard to their ability to plan for the fiscal implications. Without adequate funding and time to plan for unforeseen costs, some school districts have had to reduce programs, services, and personnel to contend with new unfunded mandates, rather than adjust and plan for any new costs. [S1020](#), sponsored by Senator Rich Funke

### **Creating Flexibility for Mandate Implementation**

The Senate passed a bill promoting mandate relief and flexibility in tailoring regulatory requirements to the specific needs and capabilities of local governments. The bill restores recently expired provisions that streamlined the process for submitting petitions to request approval of an alternate method to meet a regulatory mandate. Regulatory mandates that take a "one-size-fits-all" approach can create hardships, and prevent local governments from pursuing more efficient and cost-effective solutions. [S5791](#), sponsored by Senator Chris Jacobs

### **Lessening County Burdens Relating to District Attorney Salaries**

The Senate passed a measure mandating the state to pay 100 percent of the increase in the costs of local county district attorneys' salaries. Local district attorneys' full-time salaries were recently increased by the New York State Commission on Legislative, Judicial, and Executive Compensation's recent actions on judicial pay. As a result of not providing for additional aid in the Executive Budget proposal, or the final budget, counties must cover this additional cost for full-time district attorneys, which is an approximate 15 percent increase, or about \$30,000 per county. [S519](#), sponsored by Senator Catharine Young

### **Requiring the State to Promptly Reimburse Counties**

The Senate passed legislation helping ensure counties receive reimbursements from the State for mandated programs within a reasonable timeframe. The bill adds counties to the state's existing Prompt Payment Law, requiring interest payments after a set deadline. [S869](#), sponsored by Senator Patty Ritchie

## **HELPING TO ALLEVIATE ADMINISTRATIVE BURDENS ON SCHOOLS**

**Removing Application Requirements for Schools to Provide Preschool Evaluation Services** The Senate passed a bill that would allow school districts to provide preschool evaluation services without wasting staff time in applying for a waiver. School districts regularly provide evaluation of school-age special education students. Similar to any other public or private agency with appropriately licensed or certified professionals, a school district may apply to the Commissioner of Education to be an approved evaluator of preschool special education students. The extra application requirement to the Commissioner is burdensome and unnecessary because school districts currently provide these evaluations for school-age students. [S1694A](#), passed both houses, sponsored by Senator Carl Marcellino

### **Offering Flexibility in Purchasing for Schools Buying Locally Grown Foods**

The Senate approved a measure that extends this authorization to BOCES and municipalities and provides for a multiplier threshold for municipalities to purchase New York State food purchases modeled after the way school districts purchase such products. [S5251B](#), passed both houses, sponsored by Senator Pam Helming

### **Reducing the Frequency of School Risk Assessments**

The Senate approved a bill that would change the requirement for school districts to conduct internal audit risk assessments from annually to biennially. Often, risk assessments can be costly and time-consuming and produce only general results. The intensive review of certain operations is more helpful in identifying specific areas for improvement. This bill would require districts to complete risk assessments every two years and to conduct specific in-depth reviews every year – reducing costs while choosing to focus on the areas that might pose the greatest risks. [S3962](#), sponsored by Senator James L. Seward

### **Reducing Schools’ Duplicative and Onerous Mandatory Internal Annual Audits**

The Senate acted on a measure that would provide that the internal audit function will be optional for school districts, unless a deficiency is found by the Comptroller’s Office in one of their regular audits. In that case, the school district would be required to perform bi-annual internal audits until the next Comptroller’s audit. [S2641](#), sponsored by Senator Michael Ranzenhofer

### **Eliminating Duplicative and Costly Fingerprinting Services**

The Senate approved legislation that would allow schools to contract with third-party providers of student support services to submit and review fingerprinting and background check data, receive results of such checks and any subsequent arrest notifications of employees. Another bill alleviates a heavy burden on school administrators by eliminating the duplicative fingerprinting of school bus drivers and instead authorizing the Department of Motor Vehicles to provide a bus driver’s criminal history information to the Commissioner of Education. [S3479/S1710](#), both sponsored by Senator Carl Marcellino

### **Providing Calendar Flexibility for Small Rural Schools**

The Senate acted on a bill allowing school boards the discretion and flexibility, after thorough review and public comment, to implement an alternative school week schedule where school districts would have the option to maintain the required 180 days of instruction or reduce days of instruction, while attaining the equivalent number of hours of pupil instruction per year. [S4538](#), sponsored by Senator Pam Helming

## **REDUCING GOVERNMENT COSTS TO BRING TAXPAYERS RELIEF**

### **Extending the Ability of Municipalities to Use Grid Notes in Environmental Facility Corp’s (EFC) Short-Term Financing Program**

The Senate took legislative action that would continue to save municipalities money on installment loans from the EFC’s Clean Water State Revolving Fund and Clean Water State Revolving Fund. The measure extends to September 30, 2020, from 2017 provisions relating to bonds or notes bonds issued to the EFC in order to obtain financing from the two funds. After passage in the Assembly, the bill will be sent to the Governor for consideration. [S5384](#), passed both houses, sponsored by Senator Kathy Marchione

### **Reducing Costs for Local Law Enforcement Agencies**

The Senate acted on a bill that allows public safety officials to transfer custody of an inmate to an Office of Mental Health secure facility while such inmate receives mental health treatment. Transferring custody



allows public safety officials to use its resources more efficiently. [S5430](#), passed both houses, sponsored by Senator Patrick Gallivan

### **Saving Ratepayers Money on Utility Costs:**

The Senate passed two bills to help reduce burdensome utility charge increases facing New York's ratepayers. One bill directs the state Public Service Commission to perform a cost benefit analysis of the Reforming the Energy Vision (REV) initiative and its potential to lead to significantly increased electric rates charged to customers. Another would create the Zero Carbon Emission Investment Program to provide nuclear facilities financial assistance to ensure they continue operating and employing thousands of New Yorkers, while preventing the implementation of another costly fee or surcharge to the state's ratepayers. The funding to support the program would come from the New York State Energy Research Development Authority's existing funding streams and prevent millions of dollars in new fees or other charges expected under current policies. [S4423B](#), sponsored by Senator John DeFrancisco / [S6651A](#), sponsored by Senator John J. Flanagan

### **Reducing Local Prison Overcrowding**

The Senate passed a bill that would require parole violators to be transferred to a state correctional facility after 10 business days in a local correctional facility. Currently, those who violate their parole are often held at local facilities while appeals and extensions on hearing the violation are granted by the court. [S744](#), sponsored by Senator Patty Ritchie

### **Allowing Counties to Keep More in DMV Fees**

The Senate approved two measures that would increase the retention percentage collected by counties for certain motor vehicle service fees. One bill requires that 25 percent of the revenue generated from the fees collected for any motor vehicle related service shall be retained by the county clerk. Currently county clerks retain just 12.7 percent of such fees. This bill also requires county clerks retain 60 percent of the \$30 fee established for non-driver identification cards. This is an increase from the current 30 percent retention percentage. In addition, another bill would allow county clerks to retain fees collected for motor vehicle related services through the DMV website. [S1908/S2101](#), both sponsored by Senator Patty Ritchie

### **Creating a New Grant Program to Reduce Municipal Paper Costs**

The Senate passed a measure that reduces the amount of paper used by municipalities, and its associated supply costs. This bill provides grants of up to **\$10,000** to reduce paperwork at the municipal and local levels of government and implement digital alternatives to using paper. [S2883A](#), sponsored by Senator James Tedisco

### **Providing Local Law Enforcement With Resources for Implementing Leandra's Law**

The Senate approved legislation to provide for the necessary direction and adequate funding for the successful implementation of the ignition interlock provisions of 2009's "Leandra's Law". This would include adding the implementation of the ignition interlock program to the functions and funding responsibilities of the County STOP-DWI coordinator and directing that mandatory surcharges imposed and collected for drunk driving be directed to the STOP-DWI Program in the county where the offense occurred. [S4307](#), sponsored by Senator Fred Akshar

### **Continuing to Help Local Governments Save Money**

The Senate passed a bill that eliminates the expiration of a law that currently allows local governments to save on costs by utilizing existing federal, state and local government agency contracts for the purchase of goods and services. The current law is expected to sunset on July 31, 2019. This bill eliminates the sunset



date and allows local governments to plan long-term for future purchases with the opportunity of saving local taxpayers money. [S2947](#), sponsored by Senator Betty Little

## **ECONOMIC DEVELOPMENT AND JOB CREATION**

### *2017-18 State Budget Economic Development and Job Creation Highlights:*

#### **Job Training and Workforce Development**

The Senate successfully fought for record funding of **\$260 million** in this year's enacted budget for dozens of job training and workforce development initiatives, nearly all of which were advocated for by the Senate's Task Force on Workforce Development. Highlights include:

- **Tax Credits for Employers**, including \$40 million for a five-year extension of the New York Youth Jobs Program; \$10 million for the Empire State Apprenticeship Tax Credit Program; \$5 million for the Employee Training Incentive Program, which also expands the program to include incumbent worker training and training for employees of life science companies;
- **More than \$160 million for education initiatives**, including helping individuals obtain high school diplomas, the Consortium for Workforce Education; Teachers of Tomorrow; Teacher Resource and Computer Training Centers; the Computer Science Master Teacher Program; and professional development resources;
- **Nearly \$4 million for the Workforce Development Institute (WDI)** – a highly successful not-for-profit that works with businesses and the AFL-CIO to provide focused training of workers and for workforce transition support to help stop the outsourcing of jobs to other states – and \$3 million for the WDI Manufacturing Initiative.
- **Support for CUNY workforce development**, including \$2 million for the CUNY Apprentice program; and \$2 million for the Job Linkage program to provide certificate programs and increase job placement rates;
- **Support for SUNY workforce development**, including \$3 million for the SUNY Apprentice Program, \$3 million for Job Linkage, and a \$1.5 million increase secured by the Senate for Small Business Development Centers (total: \$3.5 million);
- **Significant funding** for the Building Trades Pre-Apprenticeship Program; the Logger Job Training Program; long-term care training; the Displaced Homemaker Program; youth-related initiatives; Beginning Farmers; and programs for unemployed veterans.

### *Economic Development and Job Creation Legislative Highlights:*

## **WORKFORCE DEVELOPMENT**

#### **Making Information about State Work Programs More Accessible**

The Senate passed a measure to require the New York State Department of Labor (DOL) to publish an annual catalogue listing multiple state and federal funding programs and tax credits for workforce development and preparation, adult education, and skills training. New York spends billions of dollars each year on workforce preparation and adult education, but information on the programs is scarce and difficult to read. This bill would require DOL to put the many different programs in one readily available spot. [S3789](#), passed both houses, sponsored by Senator Elaine Phillips

#### **Encouraging Statewide Participation in Apprenticeships**

The Senate passed legislation that would direct the Commissioner of Education to develop guidelines for use by high school guidance counselors in facilitating student awareness and interest in apprenticeship, pre-apprenticeship, and career and technical education opportunities. This would particularly apply to the hardworking men and women looking to gain footing in the building, construction, manufacturing, and

maritime trades where positions all across the state are often left unfulfilled. [S2124A](#), sponsored by Senator Chris Jacobs

### **Giving Job Opportunities to Those Who Served our Country**

The Senate acted on a bill that would establish the Veteran Career Assistance Program in collaboration with the Division of Veterans Affairs, as well as SUNY and CUNY. Similar to the assistance currently provided to SUNY and CUNY students, this program would assist veterans using their military experiences and skills to build a civilian resume and gain access to employment placement services. [S938](#), by Senator Thomas Croci

### **Establishing the “Retrain and Employ Unemployed Persons Program”**

The Senate approved a measure to direct SUNY and CUNY community colleges to work with local businesses and industry to develop work force training programs that target the unemployed and provide the skills necessary for individuals to obtain jobs in their communities. This bill also provides funding for the initial creation of this program by providing \$500,000 in grants to start and additional incentive funding to those community colleges that successfully place trained individuals in jobs. [S2232](#), sponsored by Senator Kenneth LaValle

### **Investing in our Children’s Immediate Future**

The Senate took legislative action that would expand New York State’s Pathways in Technology Schools (P-TECHs) and Early College High Schools to meet student demand and enhance educational performance. These unique programs prepare students for college-level coursework that promotes future academic performance and enables students to get their high school diplomas while also earning free associate degrees for high-skilled jobs or taking other college-credit-bearing courses. Currently, P-TECHs and Early College High Schools are not codified in state law, but this bill would make them permanent and provide a reliable funding stream that eliminates uncertainty and gives reliability to participating students. [S6087](#), sponsored by Senator Carl Marcellino

### **Attracting Talented Educators Who Prepare the Next Generation**

The Senate passed a bill to help increase access to career and tech programs at BOCES. The bill would increase the current salary cap for BOCES CTE instructors from \$30,000 to \$50,000 phased-in over five years to attract and retain qualified and skilled teachers. [S1469](#), sponsored by Senator Patty Ritchie

### **Recognizing Student Effort in the Workforce**

The Senate passed legislation that would give high school students the opportunity to earn academic credit towards graduation for outside work experience. The legislation recognizes the value of practical experiences high school students may get from jobs, and helps encourage youth for the workforce. [S2104](#), sponsored by Senator Simcha Felder

### **Giving All Veterans the Opportunity to Obtain a Diploma**

The Senate acted on a measure to allow any veteran to be awarded a high school diploma based on their knowledge and experience in service to this country. Current law allows veterans of World War II, the Korean War, and the Vietnam War to receive their high school diplomas upon satisfactory discharge from military service. This measure would extend that opportunity to veterans who have served in the conflicts since Vietnam, giving them another tool to help find meaningful employment and successful careers. [S397B](#), sponsored by Senator Robert Ort

### **Giving Graduates of Higher Education Better Opportunities in the Workforce**

The Senate approved a measure that would enhance degree or certificate programs at community colleges in order to increase successful job placements for students. Regional Community College Councils would consult with and make recommendations to community college boards of trustees on ways to create new degree or certificate programs, or restructure current programs to improve the connections between the skills being taught and the needs of industry. [S2103](#), sponsored by Senator Chris Jacobs

### **CUTTING REGULATIONS, PROMOTING INNOVATION, CREATING JOBS, AND MAKING NEW YORK MORE AFFORDABLE**

#### **Supporting American Jobs**

Imports of cheap iron ore and steel of potentially questionable quality are putting American companies at a competitive disadvantage. The New York Buy American Act will promote the production and use of American-made iron and steel to ensure that New York's most significant infrastructure projects are built with materials that are safe and high-quality, help contribute to local and national economies, create new jobs and protect American workers. The measure requires certain contracts of \$1 million or more to use American-made iron and steel for road or bridge projects directed by the state Department of Transportation, Office of General Services, SUNY Construction Fund, Dormitory Authority of New York State, Metropolitan Transportation Authority, Bridge Authority, and Thruway Authority. The law also includes the creation of a workgroup to study the expansion of manufactured products to include American-made concrete, cement, and aluminum; the cost to capital plans; and the impact on quality and maintenance. [S6639A](#), passed both houses, sponsored by Senator Joseph Robach

#### **Creating the Committee on Technology and Innovation**

Senate Majority Leader John J. Flanagan this year announced the creation of a new committee to support the growth and development of technology businesses statewide and broadening career opportunities for all. The Committee on Technology and Innovation, chaired by Senator George Amedore, will work to strengthen economic development by determining the current and future needs of New York's technology sector and create jobs by increasing access to technology programs. By collaborating with state agencies and non-state sponsors, the committee will work to enhance opportunities to access technology businesses and programs for all New Yorkers.

#### **Helping Small Businesses Innovate and Grow**

The Senate passed a bill that supports small businesses seeking to harness expertise in research and development by creating the New York State "Innovation Vouchers" program. Small businesses would apply to receive dollar-for-dollar matching funds – up to \$50,000 - to acquire expertise from colleges and universities, government laboratories, and public research institutes to implement a proposal. A public-private partnership would be formed, connecting small businesses with research and development facilities to create jobs and innovation in New York. [S817A](#), passed both houses, sponsored by Senator Rich Funke

#### **Creating a State Innovative Energy and Environmental Technology Program**

The Senate approved legislation that provides capital grants of up to \$100,000 to small businesses to encourage and support innovative energy and environmental technology development and commercialization. This legislation would help businesses receive crucial early-stage financing to stimulate the creation of a substantial number of new businesses and jobs in the energy and environmental sector. The development of new products to assist mature industries that are undergoing dramatic changes or facing increasing international competition from lower energy costs and increased regulation would

help retain, and even increase, state employment. Currently, commercialization of these products is often constrained by the lack of early stage financing. [S1120](#), passed both houses, sponsored by Senator Rich Funke

### **Creating an Innovation Center for the State to Test Emerging Technology:**

The Senate passed a bill authorizing the creation of a new “iCenter” within the state Office of Information Technology Services to pilot and test new and emerging technology products that would potentially benefit state operations and reduce government costs. The iCenter would be a one-stop-shop for state agencies to examine new technologies across their operations, saving the state money by allowing government agencies to study and evaluate new technologies before using them. State agencies would have the ability to work in partnership with the private sector through the iCenter to understand best practices and incorporate new perspectives in the calibration of state government’s information technology needs. After receiving feedback from the iCenter, participating vendors would still be required to follow a competitive bidding process as required by existing state technology procurement guidelines. [S1121A](#), passed both houses, sponsored by Senator Rich Funke

### **Helping First Time Homebuyers Save for a Home:**

The Senate passed legislation establishing the New York State First Home Savings Program. This program allows first-time homebuyers to establish an account for the purchase of their first home, using a deduction against their personal income taxes of up to \$5,000 for individuals and \$10,000 for married couples. This legislation is a responsible way to incentivize the dream of home ownership and help the housing market rebound. It will also stimulate the local economy and create jobs by increasing the demand for single-family homes, townhouses, condominiums and cooperative housing units in New York State. [S4058B](#), passed both houses, sponsored by Senator Betty Little

### **Requiring State Agencies to Consider the Impact of New Regulations on Small Businesses and Local Governments**

The Senate passed a measure that requires agencies proposing new rules impacting small businesses and local governments to give due consideration to the practical, legal, and economic or fiscal constraints that may affect their compliance. It also requires agencies to identify the means by which they intend to communicate policy changes. Giving consideration is important because small businesses cannot immediately access funding, retool their physical plants or train employees, and local governments must often observe specific legal and fiscal procedures before acting. Bill [S5719](#), passed both houses, sponsored by Senator Chris Jacobs

### **Creating the Strategic Investment in Workforce Development Program**

The Senate acted on a bill that would create the Strategic Investment in Workforce Development Program to increase collaboration with the Department of Labor, Department of Economic Development, State University of New York (SUNY), City University of New York (CUNY), and state Education Department. The program would identify the training needs of employers, employees, and prospective employees; identify areas of the state or specific industries where a shortage of a skilled workforce is impacting the ability of those areas of the state or industries to remain competitive and innovative; identify methods and models to train and employ youth workers; and identify ways to serve prospective employees that are currently unemployed or underemployed. The program would help fund classroom training, on the job training, curriculum development, and training materials associated with on the job training, skills upgrading, skills retraining, and basic skills training that leads to obtaining appropriate certifications or degrees from accredited institutions, among other uses. Eligible recipients could include

not-for-profits, educational entities, or programs that provide training and skill development. [S6536](#), passed both houses, sponsored by Senator Robert Ort

### **Expanding Eligibility to More Minority- and Women-Owned Businesses**

The Senate passed a bill that would stop penalizing certain successful minority- and women-owned business enterprises (MWBE) by eliminating a maximum net worth requirement for MWBE owners in order to obtain certification from the state. The existing net worth requirement restricts the growth potential of these businesses by not allowing them the benefits of smaller MWBEs to grow and create jobs. [S3018](#), passed both houses, sponsored by Senator Patty Ritchie

### **Promoting Parity in the Farm Beverage Industry**

The Senate passed a bill to create parity in the licenses of the farm based beverage sector for on-premises consumption. Under existing law, the farm-based beverage sector has shared interests, yet there is some lack of consistency among the various farm-based licenses. A current farm distiller's licensee cannot reciprocate sales of New York wine, cider, and beer by the glass or conduct tastings of these products. This bill would help provide parity that is necessary to promote the New York farm beverage industry and support economic growth for state agriculture. [S2481](#), passed both houses, sponsored by Senator George Amedore

### **Helping Businesses in Need Create Jobs**

The Senate approved a measure that would help the state target a percentage of its limited economic development resources to those businesses in greatest need of assistance and with greatest job creation potential. It requires the state's economic development agencies to give preference to small businesses and entrepreneurs when awarding economic development assistance. Agencies would include the Department of Economic Development, the Job Development Authority, and the Urban Development Corporation, which together, control billions of dollars in state funds targeted for business growth and improvement. The bill would also direct each state economic development agency to evaluate applications for financial assistance with the goal of ensuring that small businesses and entrepreneurs receive priority consideration in the award of limited state funds. [S2138](#), sponsored by Senator Sue Serino

### **Giving Energy Users More Control Over Rising Costs**

The Senate passed a bill to enable industrial, commercial, and other large-scale energy users to create self-directed Energy Savings Accounts to invest in on-site energy-efficient facility improvements and allow them to have more control over rising energy costs. The measure allows eligible large energy customers to continue contributing to assessments that fund the state's energy efficiency programs, but gives them the ability to "bank" that funding into Energy Savings Accounts. The money in those accounts would then fund the design, implementation, and verification of energy-saving projects at their own facilities, including wind, solar, geothermal, and anaerobic digestion projects, as well as "distributed" energy resources such as micro grids, rooftop solar, fuel cells and other on-site power supplies and storage. These improvements would help businesses control the impact of future energy rate increases and reduce existing inequities in current energy assessments. [S1225A](#), sponsored by Senator Joseph Griffo

### **Saving Hundreds of Millions in Taxes for Small Businesses and Farms**

The Senate passed a bill that provides significant new tax savings for small businesses and small farms by expanding the existing Personal Income Tax exemption and reducing the Corporate Franchise Tax business income tax rate from 6.5 percent to 2.5 percent over a two-year period. The bill would save a total of **\$466 million** when fully implemented. [S1210](#), sponsored by Senator Tom O'Mara



### **Repealing New York's Estate Tax**

The Senate passed a measure that removes a tax that penalizes family-owned and closely-held businesses throughout the state, causing an exodus of many business leaders and the capital they possess to other states. This bill would eliminate the estate tax to encourage residents to remain in New York and continue living and doing business here in the Empire State. The estimated savings from a repeal is more than \$1 billion. [S2884](#), sponsored by Senator James Tedisco

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### **Reducing Regulatory Fines on Small Businesses**

The Senate acted on legislation that would give first-time offenders of state small business regulations a reprieve from paying fines to help foster a productive relationship between the state and business owners. The measure would prevent the state from fining a small business for a first violation of regulations, unless the agency determines that the violation directly affects public health or safety. The agency then would provide literature or an in-person meeting to inform such small business of its regulations to improve compliance. [S4120A](#), sponsored by Senator Fred Akshar

### **Reducing Regulatory Paperwork for Small Businesses**

The Senate passed a measure that reduces the regulatory burdens on state contractors by changing the frequency for filing a report on workforce demographics and pay levels from monthly to annually. [S6362A](#), sponsored by Senator John DeFrancisco

### **Authorizing Small Business Savings Accounts to Help in Emergencies**

The Senate passed legislation that helps create or retain jobs during times of hardship by allowing small businesses to contribute to a tax-deferred savings account. Contributions to the account could be withdrawn tax-free during times of specified economic hardship, for the purpose of job retention or creation, or times where the Governor deems it a natural disaster to warrant assistance from the federal government. [S3557](#), sponsored by Senator Phil Boyle

### **Establishing a Small Business Liaison Position in State Agencies**

The Senate passed a measure that fosters communication and cooperation by designating an existing state agency employee as a "Small Business Liaison", responsible for providing businesses with a reliable contact. The liaison will give important regulatory information, hear the businesses concerns and advocate on behalf of the business within the agency. It expands on the New York State Workers' Compensation Board's successful implementation of an "Advocate for Business" that connects New York State business owners to help understand the complex workers' compensation system. [S6706](#), sponsored by Senator Fred Akshar

### **Preventing the Abuse of "Emergency" Rulemaking by State Agencies**

The Senate approved a measure that protects small businesses and the public from the growing overuse of emergency rulemaking by state agencies. The bill clearly defines what circumstances constitute an emergency and requires an agency to engage in the regular rulemaking process at the end of the emergency rulemaking period because otherwise the rule will expire. [S5912B](#), sponsored by Senator Chris Jacobs

**Improving Affordable Home Options**

The Senate passed a bill to establish a mobile and manufactured home replacement program. The objective is to improve affordable home options by funding the replacement of older, dilapidated mobile and manufactured homes sited on land owned by the homeowner with new affordable and energy efficient manufactured, modular or site built homes. [S1378](#), sponsored by Senator Betty Little

**Establishing a New York Main Street Development Center**

The Senate acted on legislation to create a state-sponsored Main Street Development Center within the Division of Housing and Community Renewal that would be well-positioned to provide resources and technical assistance to local government entities and investors to coordinate development efforts to revitalize local main streets and downtown areas. [S3940](#), sponsored by Senator Catharine Young

**Saving Jobs at Vernon Downs**

The Senate passed a relief package into the final legislative agreement that saved 300 jobs at Vernon Downs Casino. In addition to helping stabilize this key component of the local economy, schools will also continue to receive \$12 million a year in tax revenue that would have otherwise been lost if the facility shut down. [A40001](#), Chapter 61



## **AGING**

### *2017-18 State Budget Aging Highlights:*

#### **Supporting our Seniors**

The budget boosts support for a wide array of programs and initiatives that serve seniors, including funding for the following:

- **\$125 million** secured by the Senate for the creation of a new program supporting the development or rehabilitation of affordable housing targeted to low-income New Yorkers aged 60 and above;
- **\$50 million** for the Expanded In-home, Case Management and Ancillary Community Services for the Elderly Program (EISEP);
- **\$29 million** for the Community Services for the Elderly Program (CSE);
- **\$27 million** for the Wellness in Nutrition Program (WIN);
- **\$27 million** for Alzheimer's and other dementia related programs;
- **\$1.2 million** to protect vulnerable senior citizens from abuse through elder abuse prevention initiatives, and a new requirement for the state's Office of Victim Services to expand the types of reimbursable expenses to include crimes that result in a "loss of savings" to vulnerable elderly, incompetent, and physically disabled persons, up to \$30,000;
- **\$1.8 million** in additional funding secured by the Legislature to support programs in the state's Office for the Aging;
- **\$250,000** for Older Adults Technology Services;
- **\$86,000** for the New York Foundation for Seniors Home Sharing and Respite; and
- **\$32,000** for the Senior Action Council Hotline.
- Fully funding New York's vital Elderly Pharmaceutical Insurance Coverage (EPIC) program at \$133 million to cover the prescription drug needs of our seniors; and
- Fully funding the state's Enhanced STAR school tax relief program for seniors.

### *Aging and affordable housing legislation includes:*

#### **Providing a Tax Credit for Universal Visitability Designed Homes**

The Senate passed a bill that would help seniors or others with disabilities stay in their communities by providing a tax credit for new or retrofitted principal residences that are universally designed to be accessible and adaptable housing. Universal design changes make homes accessible and user-friendly for senior citizens and others with limited mobility, helping people remain in their communities instead of assisted living facilities or nursing homes. It will also increase the future inventory of residences designed to ensure accessibility. [S2411A](#), passed both houses, sponsored by Senator John DeFrancisco

#### **Streamlining Access to Telehealth for Senior Citizens**

The Senate approved a measure to help give more seniors access to telehealth services by including statewide assisted living facilities, adult homes, continuing care retirement communities, and other senior living residences in the definition of "originating site." Current law has established telehealth parity across the state – this bill would help expand that parity to ensure that seniors can benefit from increased coverage. [S4285](#), passed both houses, sponsored by Senator Sue Serino

#### **Keeping Senior Homes Open and Accessible**

The Senate passed a bill to increase the Social Security Income (SSI) rate adult care facilities receive in order to ensure that these services continue to be available to low-income SSI recipients. By providing incremental increases in the daily rate to these facilities over a two-year period, this legislation will help

more adult care facilities remain operational, keep low-income seniors in the community, and avoid higher Medicaid costs which result when residents are displaced. [S2137A](#), passed both houses, sponsored by Senator Sue Serino

### **Preventing Elder Abuse**

The Senate passed legislation creating guidelines for identifying and reporting suspected self-neglect, abuse, and maltreatment for senior citizens, including common signs and symptoms, screening tools, and questions that can be used by the Office of Aging and other state departments during visits for detection. This legislation would help ensure that the vital relationship between provider and patient is supported as the aging population continues to grow. [S6676](#), passed both houses, sponsored by Senator Sue Serino

### **Defending the Elderly against Deliberate Scammers**

The Senate approved a bill to clarify and establish universal rules related to acts of larceny committed against a mentally disabled person. The bill would protect seniors against theft and give law enforcement more tools to punish those who would knowingly exploit the elderly because of their mental vulnerability. [S6022](#), sponsored by Senator Sue Serino

### **Shielding Elderly New Yorkers from Cruelty**

The Senate passed a measure to require the Office of Children and Family Services to establish a statewide hotline for reporting cases involving various forms of abuse. The hotline services would operate 24/7, and would be responsible for forwarding abuse allegations to appropriate state agencies or local services offices. Information regarding the hotline would be included in the Elder Abuse Public Awareness Campaign. [S2154A](#), sponsored by Senator Sue Serino

### **Preventing the Exploitation of Joint Banking Account Access**

The Senate approved legislation to help curb elder abuse by creating a public awareness campaign to educate vulnerable New Yorkers, including senior citizens, individuals with cognitive disabilities, or others with issues that impair their financial independence on the financial risks associated with joint banking accounts. [S6650](#), sponsored by Senator Sue Serino

### **Preventing Companies from Defrauding Retirees**

The Senate passed legislation to amend the retirement and social security law and the banking law, in relation to pension assignments. Pension advances, or financial transactions that allow a company to give retirees a lump sum of their pension in return for future pension payments, have increasingly been proven to be risky and predatory in nature. This measure would prohibit schemes and devices regularly used by companies, including deposits in joint accounts or authorizations through a power of attorney, to avoid assignment provisions of public pension benefits. [S6431A](#), sponsored by Senator Sue Serino

### **Creating a Program to Meet the Demands of Senior Housing**

The Senate passed legislation to establish the Affordable Senior Housing and Services Program to be administered by the Housing Trust Fund Corporation. This new program was created in the 2017-18 budget after the Senate successfully secured \$125 million for the development or rehabilitation of affordable housing targeted to low-income New Yorkers aged 60 and above. It will help address the demand for safe, decent affordable housing for seniors, while also ensuring that seniors are not unnecessarily placed in more costly and restrictive institutional settings. [S5141](#), sponsored by Senator Betty Little

### **Continuing the Foster Family Care Demonstration Program**

The Senate took legislative action that will extend the expiration date of the Foster Family Care Demonstration Program for an additional four years. The state is constantly trying to find ways to reduce and contain rising Medicaid costs. This program was established as a cost effective community based alternative to care in a residential health care facility by providing room and board, supervision, and assistance of personal care in the home of a participating caregiver when family support is unavailable. [S6081](#), sponsored by Senator Sue Serino

### **Allowing Seniors to Remain Independent and Mobile**

The Senate acted on a measure that would establish an economically sustainable transportation pilot program to help seniors get to medical appointments, go grocery shopping, or run other errands. Through a combination of paid and volunteer drivers, the 5-county pilot could help revitalize senior community engagement and grow to become self-sustaining through consumer fares as well as voluntary community support. [S2155A](#), sponsored by Senator Sue Serino

### **Streamlining and Increasing Senior Participation in SNAP**

The Senate passed legislation that would create an interagency coordinating committee for streamlined services for the aging. The measure is aimed at improving the historically low enrollment of seniors in the Supplemental Nutrition Assistance Plan (SNAP). The pilot project, similar to undertakings by the USDA, would work to simplify applications for seniors and target outreach and public awareness campaigns to ensure eligible seniors are getting the food assistance they need. [S5415A](#), sponsored by Senator Sue Serino

### **Giving the Elderly Community Continued Academic Opportunities**

The Senate passed a bill that would permit persons 65 and older to take State University of New York (SUNY) courses for credit without charge, on a space-available basis. Not only would older students benefit from fully participating in the courses offered at SUNY, but they would bring a broad range of lifetime experiences to the classroom, thereby enriching the education of all students. [S1110](#), sponsored by Senator Simcha Felder

### **Helping Older Veterans Get the Care They Need**

The Senate approved a measure to establish a Veterans' Gerontological Advisory Committee. This measure would address the needs of a state with the second highest veteran population in the country, and an older veteran population whose needs and problems pervade multiple geriatrics and gerontology disciplines. At no cost to the taxpayers, the advisory committee will be able to provide crucial recommendations to the Director of the Office for the Aging on policies, programs, services, and trends affecting the aging veteran population. [S3709](#), sponsored by Senator Michael Ranzenhofer

### **Saving Money for Retirees in Medicare**

The Senate took legislative action to reaffirm the Legislature's intent to hold State retirees harmless for any premium or other charges paid due to enrollment in Medicare. Currently the state reimburses retirees for their Medicare premium charges but not their additional Medicare charges, such as the Medicare Part D Income Related Monthly Adjustment Amount. Any added charges the Federal Government makes would be covered under this measure. [S1612](#), sponsored by Senator Martin Golden

### **Giving Relief to Seniors on the Cost of Water**

The Senate passed a bill that would authorize the New York City water board to grant a 10-percent discount on city water bills to senior citizens and veterans. Double digit water rate increases are hurting

people's budgets, especially our veterans and senior citizens and who are living on fixed incomes and struggling to make ends meet in these tough economic times. This legislation would give some relief to seniors and veterans who should be enjoying their lives instead of worrying about how they are going to pay their next City water bill. [S3543A](#), sponsored by Senator Andrew Lanza

### **Home Repair Help for Seniors**

The Senate approved a measure to create the Residential Emergency Services to Offer Home Repairs to the Elderly Program (RESTORE), which provides financial resources to assist income qualified senior homeowners (age 60 and over) with the cost of emergency home repairs. Eligible senior homeowners could apply through local RESTORE programs for emergency home repair services of up to \$10,000. [S2253](#), sponsored by Senator Betty Little

## **AGRICULTURE**

### *2017-18 State Budget Agriculture Highlights:*

#### **Growing New York's Agriculture from the Ground Up**

Once again the Senate succeeded in restoring nearly **\$10 million** (for a total of **\$51 million**) to fund initiatives not included in the Executive Budget that will give New York farmers a leading edge over other states to continue growing our agriculture industry. This builds upon the Senate's ongoing commitment to agriculture, including its role as the undisputed leader in restoring more than **\$55 million** in proposed state funding cuts since 2011. This funding has helped support investments in cutting-edge agricultural research, education for the next generation of family farmers, environmental stewardship, and protections for plant, animal, and public health. Dozens of programs this year – investments in cutting-edge agricultural research, support for the next generation of family farmers, environmental stewardship, and protections for plant, animal, and public health – will be funded, with significant increases including:

- **\$1.5 million** (for a total of **\$1.9 million**) for the Farm Viability Institute to help New York's farmers become more profitable and to improve the long-term economic viability and sustainability of farms, the food system, and the communities which they serve;
- **\$1 million** (for a total of **\$9.3 million**) for Agri Business Child Development, to provide quality early childhood education and social services to farm workers and other eligible families;
- **\$1 million** (for a total of **\$5.4 million**) for the Cornell Diagnostic Lab;
- **\$800,000** (for a total of **\$1.2 million**) for FarmNet, Farm Family Assistance; and
- **\$300,000** (for a total of **\$842,000**) to expand FFA and help prepare young New Yorkers to become leaders in agriculture.

#### **Helping the Hungry Through Farming**

The Senate succeeded in including "Farm-to-Food-Bank" in the final budget after last year's legislation was vetoed. More fresh, New York-grown produce will be available to help feed the hungry by allowing farmers to claim a tax credit for produce and other farm product donations to food banks or other emergency food programs.

### *Agriculture legislation includes:*

#### **Allowing More Farmers to Qualify for the Farmer's School Tax Credit**

The Senate approved legislation that would allow farmers who rent land from a trust, to which they are a beneficiary, to claim the Farmer's School Tax Credit. There are over 400 farms in New York State classified as "cooperative, estate or trust, institutional" and a significant number of those are trusts. This legislation would ensure that these family farms continue a legacy of good business and provide future generations with the opportunities that previous ones had. [S2899](#), passed both houses, sponsored by Senator Patty Ritchie

#### **Increasing New Farmers' Access to Land**

The Senate acted on a bill that would direct the State Department of Agriculture and Markets to enhance access to viable agricultural land for new and beginning farmers. The agency would work with the Office of General Services to develop an inventory of state-owned real property that may be viable for farming. This would help younger farmers overcome frequent barriers that prevent them from gaining access to land and contribute to the aging of the farming population, such as the complex process of transferring ownership of farms and prohibitive capital costs. [S4900](#), passed both houses, sponsored by Senator Patty Ritchie

### **Establishing a Young Farmer Advisory Board**

The Senate passed a bill that establishes a young farmer agriculture advisory board designed to advise and make recommendations on policies and programs affecting agriculture. Young and beginning farmers play a fundamental role in preventing the threat posed by the gradual aging of farmers and in the future success and growth of New York farms. [S4021](#), passed both houses, sponsored by Senator Patty Ritchie

### **Supporting and Expanding New York's Industrial Hemp Program**

The Senate passed legislation that would ensure that industrial hemp is recognized as an agricultural product and is treated like other agricultural products in the state. The bill would also establish a framework to develop standards and quality benchmarks for industrial hemp seed developed in New York and facilitate and support additional study of industrial hemp and products derived from hemp. Industrial hemp products offer tremendous potential for farmers and manufacturers in New York State as food, fabric, insulation, and carpeting. [S6787](#), passed both houses, sponsored by Senator Tom O'Mara

### **Helping Provide Predictability for Agritourism Proprietors and Consumers**

The Senate passed a measure that will work towards fixing many problems a growing sector of the New York economy is facing. The measure would establish standards to be observed by agritourism business operators and their customers that would limit their liability provided they follow the standards. Under no standards, the cost of liability insurance for farms with agritourism activities is becoming prohibitive, particularly for small farms, making business planning difficult. [S1152A](#), passed both houses, sponsored Senator Robert Ort

### **Lifting Size Restrictions on Wine Ice Cream to Promote New York's Growing Wine Industry**

The Senate acted on a bill to lift the current minimum packaging requirements (at least one pint) for the sale of wine ice cream to meet consumer demand for smaller containers of wine ice cream for weddings, fundraisers, recreational tours and other events. [S4265](#), passed both houses, sponsored by Senator Joseph Griffo

### **Helping Schools Purchase Local Produce**

The Senate passed a bill that allows school districts offering bids for food services to include language that favors local or regional farm producers. This expands the market for local produce, encourages larger distributors to invest in smaller farms, and could help co-ops or farms without the resources to independently participate in a bidding process access local school procurement programs. [S1430](#), sponsored by Senator Patty Ritchie

### **Creating a "Future Agriculture Readiness Marketing" Camp**

The Senate approved a measure to help those new to the agriculture industry gain the valuable knowledge and tools needed to promote their businesses. This legislation would establish F.A.R.M. Camp, or Future Agriculture Readiness Marketing Camp. Offered once yearly to a select group of successful farmer-applicants, this camp will expose selectees to several of the best agriculture programs in the state. Each participant will have access to all that SUNY has to offer, allowing them to develop their business and themselves. An exclusive group of graduates from the program will also be granted additional aid in the form of grant funds to help them make their marketing plan a reality. [S4660](#), sponsored by Senator Patty Ritchie

### **Conserving Productive Land**

The Senate acted on legislation that would create a statewide blueprint for conserving productive land and maintaining the vitality of agricultural production in New York State. The measure would require the state



to propose programs that encourage the growth of emerging trends and practices that might benefit small- to mid-sized farms. [S2479](#), sponsored by Senator Patty Ritchie

### **Creating a Farm Savings Account**

The Senate approved legislation that establishes a tax-deferred Farm Savings Account that will allow farmers to self-insure part of their risk to counteract strong cyclical downturns in the farm economy. Some of the methods used by farmers to help offset losses due to weather or other market forces include delaying the purchase of equipment and the repayment of loans. A farm savings account will offer farmers another management tool to help offset their costs. [S3835](#), sponsored by Senator Patty Ritchie

### **Providing Incentives for Organic Farm Transitions**

The Senate passed a measure that would create a tax credit to offset the cost of producing certain agricultural products that meet any one of several industry standards for crop quality during the three-year transitional period to USDA Organic Certification. This will reduce the uncertainty farmers face when attempting to achieve USDA Organic Certification by providing them with an expanded market for their products and greater financial security during the transition period. The Senate also approved legislation that would create a real property tax exemption for the lands of a farm operation that are transitioning to organic. This credit would foster the growth of these farms and is similar to an existing tax exemption for the replanting of vineyards and orchards. [S4721](#), sponsored by Senator Patty Ritchie / [S562](#), sponsored by Senator Catharine Young

### **Creating the Healthy Options and Community Outreach Program**

The Senate approved a bill to create the Healthy Options and Community Outreach Program to increase public awareness and address the issue of “food deserts” by creating a new tax credit for small grocers and convenience stores that commit to selling healthy food and drinks at their shops. Up to 100 percent of an improvement project’s cost could become eligible for a credit if the owner expands, purchases coolers or shelving for the purposes of selling healthier food options. [S943](#), sponsored by Senator Rich Funke

### **Preserving Farmland**

The Senate passed a measure to encourage farmers - particularly those located in areas of the state with greater development pressure - to participate in farmland preservation efforts and remain stewards of their land for future generations by changing the maximum acreage for agricultural assessment of farm woodlands from 50 acres to 100 acres. [S4535](#), sponsored by Senator Pam Helming

### **Helping Timber Harvesters**

The Senate passed a bill to authorize the Department of Environmental Conservation (DEC) to execute contracts for timber or other forest products valued at under \$50,000 without approval from the state comptroller. Currently, any contract to harvest more than \$10,000 of timber on non-protected state lands must be approved by DEC and the State Comptroller’s office, which can be time consuming and jeopardize timber harvesting timeframes. [S368](#), sponsored by Senator Betty Little

### **Helping Farmers by Giving Them Access to IDAs**

The Senate passed a bill that authorizes industrial development agencies (IDAs) to provide technical and financial assistance to agricultural producers that grow, harvest, or produce agricultural products in this state. In effect, this measure expands the authorization of already existing IDAs – which, under current law can only issue loans and provide technical support to manufacturers, processors, and warehouse of agricultural products – to help these agencies promote job growth in industries that rural areas of the state

already have specialized in such as fruit cultivation, raising of beef and other animals, and other agricultural pursuits. [S2388](#), sponsored by Senator William J. Larkin, Jr.



## **CHILDREN AND FAMILIES**

### *2017-18 State Budget Children and Families Highlights:*

#### **New Tax Relief for Working Parents**

The budget includes **\$47 million** in additional tax relief for working families' child care expenses. The state's Child and Dependent Care Tax Credit is expanded for taxpayers with incomes between \$50,000 and \$150,000 and the current cap on child care expenses would rise from \$6,000 to a maximum of \$9,000 (depending on the number of children) for families with up to five children.

#### **Creating Healthier Communities**

The budget includes **\$500 million** for the Health Care Facility Transformation Program to support capital improvements at hospitals, other health care facilities and community-based providers, and provides an opportunity for increased eligibility throughout the state. In addition, the budget includes:

- **\$24 million** for cancer services;
- **\$12 million** for chronic disease prevention (including diabetes, asthma, and hypertension);
- **\$26 million** for Nutritional Information for Women, Infants and Children;
- **\$27 million** for maternal and child health programs, and also includes language to provide Medicaid coverage for donor breast milk to help prevent deadly complications faced by premature infants in neonatal ICUs;
- **\$475,000** for women's health initiatives;
- **\$400,000** for funding to address Lyme and other tick-borne diseases through research, education, and prevention efforts;
- **\$283,000** for the Adelphi Breast Cancer Support Program;
- **\$8.5 million** in additional funding of the Spinal Cord Injury Research Board;
- **\$9 million** for the Doctors Across New York Program; and
- **\$1.3 million** to support organ donation.

### *Children and families legislation includes:*

#### **Prohibiting Child Marriage in New York**

The Senate passed landmark legislation to prohibit the marriage of minors under 17 years of age and requires 17-year-olds to get court approval for marriage. From 2000-2010, nearly 4,000 children were married in the state, undermining their health, education, and economic opportunities, and increasing the likelihood of experiencing violence. [S4407B](#), Chapter 35, sponsored by Senator Andrew Lanza

#### **Creating Safer Workplaces**

The Senate approved a bill to help address incidents in state Office of Children and Family Services (OCFS) facilities when residents attack staff. The bill creates a new annual report regarding staffing and issues with residents for OCFS facilities to give the Legislature valuable insight into the critical staffing levels of OCFS and would also provide useful data about incidents involving resident misconduct. [S4574A](#), passed both houses, sponsored by Senator Kathy Marchione

#### **Expanding Adoptees' Access to Information**

The Senate passed legislation providing adult adoptees with enhanced access to information that a non-adopted person already has a legal right to obtain. Adult adoptees could request an order through the Court to release a certified copy of the original long-form birth certificate or, when no birth certificate is available, the identifying information of his or her birth parent(s). Birth parents would then be contacted

by the state about the adoptee's request. The birth parent can indicate whether he or she wishes to maintain confidentiality or that they consent to the release of identifying information. If consenting, the parent can designate preferences indicating that the adoptee could contact them directly, contact them only through an intermediary, not be contacted, and/or provide medical or other additional information. [S4845B](#), passed both houses, sponsored by Senator Andrew Lanza

### **Preventing Drug Dealers from Preying on Children**

The Senate passed two bills to help keep illegal drugs out of the hands of children and teens. There has been a recent increase in drug use – especially opiate-based substances – by young adults and teenagers, and with it, an increase in overdoses. Many of these youngsters start experimenting in their teenage years with addicting prescription drugs provided by drug dealers who prey upon young people. The bills include:

- [S3845](#), sponsored by Senator Kathy Marchione, creates the crime of criminal sale of a controlled substance to a child in the first degree, making the sale of a controlled substance by an adult to a minor under the age of 14 a Class A-II felony; and
- [S814](#), sponsored by Senator Martin Golden, increases the penalties for the sale of controlled substances if it occurs on park grounds or playgrounds. Current laws penalize persons who sell controlled substances on the grounds of day care centers and educational facilities, but not park grounds or playgrounds.

*The Senate also passed a comprehensive package of legislation to help communities throughout the state combat heroin and opioid use – go to page 61 for more information.*

### **Allowing Hair Follicle Testing in CPS Investigations**

The Senate passed a bill that would require hair follicle testing of an infant or toddler under the age of three who is in the vicinity of parent or guardian who is arrested on a drug charge. The legislation, known as Kayleigh Mae's Law, is named after a 13-month-old child in Washington County who died in 2015 after being given heroin and cocaine for 10 months after birth. For children who are not yet old enough to speak, the hair follicle test would give a new tool for child protective investigations to help determine if a child's health is at risk from illegal drug exposure. [S137](#), sponsored by Senator Betty Little

### **Shielding Those Who are Targeted by Pornographic Defamation**

The Senate approved a measure that would make the dissemination of unlawful surveillance or other images to a porn website without consent a class A misdemeanor. This bill provides protection from technological predators, specifically pedophiles, whose activities previously had not been determined to be illegal or criminal. [S457](#), sponsored by Senator Catharine Young

### **Defending the Well-being of Imperiled Children**

The Senate passed a bill to significantly strengthen the charge of Endangering the Welfare of a Child from a misdemeanor to a felony offense. Under current law, only misdemeanor penalties can be imposed, regardless of the severity of physical or mental abuse of a child under 17 years old. [S2619](#), sponsored by Senator Andrew Lanza

### **Empowering Victims Against Their Predators**

The Senate took legislative action to protect victims of sexual violence from the potential for repeat attacks by increasing their privacy and enabling them to have their voter records sealed. The victim would be able to do this by petitioning their County Supreme Court, where a judge could issue an order requiring confidentiality of the records. [S1445](#), sponsored by Senator Rich Funke

### **Protecting Victims of Sexual Abuse**

The Senate passed legislation that would ensure that victim and witness statements made to authorities regarding sexual abuse remain private and are not subject to disclosure to the general public through the Freedom of Information Law (FOIL). Victims of sexual abuse, as well as witnesses, are often reluctant to disclose abuse because they fear, among other things, embarrassment and retaliation for reporting it to the authorities. Making their reports publicly available and viewable by the media, sexual predators and cyberbullies would potentially deter them from reporting abuse. [S6420](#), sponsored by Senator Elaine Phillips

### **Making the Murder of a Child Under 12 a First Degree Offense**

The Senate passed legislation that would allow the most severe punishment for those who purposely take the life of a child, provided that the victim is under the age of 12. Under current law the murder of a child is not first degree murder unless it is accompanied by certain aggravating factors. [S883A](#), sponsored by Senator Martin Golden

### **Increasing Protection At Domestic Violence Shelters**

The Senate passed a bill that would provide expanded protections to employees of domestic violence shelters or those seeking their services by strengthening penalties for assaults at shelters. [S4311](#), sponsored by Senator Pam Helming

### **Deterring People Who Harbor Sex Offenders**

The Senate approved a bill that would amend current law to find any person who knowingly harbors, houses or employs a defaulting sex offender and who fails to contact law enforcement regarding the offender is guilty of a class A misdemeanor. [S2595](#), sponsored by Senator Michael Ranzenhofer

### **Keeping Sex Offenders Away From Children**

The Senate passed a measure to increase penalties for the failure of a sex offender to register or follow the standards of the Sex Offender Registration Act, or to work on an ice cream truck, a class D felony. [S3030](#), sponsored by Senator Pam Helming

### **Protecting College Students From Dangerous Sex Offenders**

The Senate approved legislation that would prohibit level three sex offenders from living in college housing. College students on-campus generally live in very close quarters on their own for the first time. This measure takes into account that their safety could be compromised when they share living space with people they do not know anything about. [S1009](#), sponsored by Senator Joseph Robach

### **Increasing Penalties for False Reports of Missing Children**

The Senate passed a bill that would establish a class E felony for dissemination of false missing child information. There have been many instances of deceitful Amber Alerts across the country that have prompted costly and detrimental investigations by law enforcement agencies. This bill would hold accountable those who commit this new crime. [S2630](#), sponsored by Senator Andrew Lanza

### **Raising Awareness and Keeping Track of Dangerous Sex Offenders**

The Senate took legislative action to require level three sex offenders who have been convicted of violent crimes against children to wear an electronic monitoring device for life. The bill would also require the cost of the monitoring device to be absorbed by the sexual offender – not the state or local municipality. [S296](#), sponsored by Senator Joseph Robach

### **Keeping Dangerous Sex Offenders Off the Internet**

The Senate approved a bill to prohibit level 2 or 3 sex offenders whose offense was committed against a minor from using the internet. Oftentimes these types of sex offenders can use the internet as a means to pursue further victims. This measure would punish the offenders for violating this order. [S5321](#), sponsored by Senator Terrence Murphy

### **Monitoring Registered Sex Offenders**

The Senate passed a measure that would create a definition of residence under the sex offender registry act. It would be defined as any place of abode, domicile, or inhabitation where a convicted sex offender spends or intends to spend more than two days a week, closing a longstanding loophole that allows sex offenders to move around without being properly tracked. [S399](#), sponsored by Senator Robert Ort

### **Increasing Public Awareness of Sex Offenders' Workplaces**

The Senate took legislative action that would provide the public with the ability to easily get important information about sex offenders in their communities. The bill would allow the state's Sex Offender Registry information to be searchable by the zip code of a registrant's employment. In New York, there is currently no way for parents, guardians, and those who care for children to find out if a convicted registered sex offender may be working in their neighborhood. [S4059](#), sponsored by Senator Andrew Lanza

### **Taking Pedophiles Off the Streets**

The Senate acted on legislation that would increase the penalties for use of a child in sexual performances, and provide for consecutive sentencing upon certain multiple convictions. Specifically it would increase the age from 16 to 18 for application of existing sexual performance crimes; create crimes of use of a child in a sexual performance in the first degree, promoting an obscene sexual performance by a child in the first degree, and promoting a sexual performance by a child in the first degree; and provide for consecutive sentencing upon certain multiple convictions. [S716](#), sponsored by Senator David Carlucci

### **Making our Subways and Other Public Transportation Safe**

The Senate approved a bill that would create the penalty of aggravated sexual contact in the first degree as a class D felony, and include public lewdness while a passenger on public transportation as a class A misdemeanor. [S3861](#), sponsored by Senator Diane Savino

### **Closing Dangerous Loopholes in Sex Offender Laws**

The Senate passed a bill that would ban all sex offenders from being drivers for ride-sharing companies. Previously the law disbarred only Level 2 or 3 sex offenders from obtaining a permit. Level 1 offenders were inexplicably allowed to be ride-sharing drivers due to a loophole – a danger to all communities' health and safety. This bill would correct that. [S5641A](#), sponsored by Senator Thomas Croci

### **Increasing Community Awareness of Sex Offender Placements**

The Senate approved legislation that would require the state to notify government officials and school leaders when sex offenders are transferred from a state facility to a community program or residence in their municipality. Notification must take place no later than 10 calendar days prior to the transfer. [S2132](#), sponsored by Senator Patrick Gallivan

### **Protecting School Students from Sexual Abuse**

The Senate passed legislation providing that an elementary or secondary student shall not have the capacity to consent to sexual conduct with a school employee. The bill defines a school employee and states that they will be charged if sexual conduct occurs with a student at the same school. [S2582](#), sponsored by Senator Betty Little. The Senate also passed legislation [S2178](#), sponsored by Senator Rich Funke, to enable municipalities to respond to the needs of their community and create local laws relating to sex offenders. Communities would be able to put additional restrictions in place so long as they are not less restrictive than state laws.

### **Protecting Children and Communities from Sexual Predators**

The Senate passed additional legislation to protect children and communities from sex offenders.

- Legislation that would ensure that young children are not being cared for by felons with a history of serious crimes including sexual abuse of children. This legislation requires the Office of Child and Family Services (OCFS) to deny the license or employment application if a background check reveals any felony convictions in New York State or any other jurisdiction for a sex offense, a crime against a child, a crime involving violence, or if a conviction for a felony drug-related offense occurred within the past five years. [S33](#), sponsored by Senator Martin Golden; and
- A bill that would increase penalties for the failure of a sex offender to register or follow the standards of the Sex Offender Registration Act, or to work on an ice cream truck, a class D felony. [S3030](#), sponsored by Senator Pam Helming

### **Preventing Nicotine Addiction in Children**

The Senate passed two bills to curb usage of e-cigarettes – mechanical devices that deliver vapor inhaled by a user, and typically delivers addictive nicotine through an unregulated electronic device. The Surgeon General reported in 2016 that e-cigarette use had surpassed conventional cigarette use among youth in America, with over 3 million middle and high school students stating in a national survey that they had used the products in the previous 30 days. Principal risks of e-cigarette use include adverse health effects, nicotine addiction, potential gateway drug status, and the renormalization of smoking, specifically amongst minors. The bills include:

- [S1223](#), sponsored by Senator Fred Akshar, would prohibit the free distribution of e-cigarettes to anyone under 18 years old. Despite current law prohibiting the sale of e-cigarettes to minors, manufacturers are able to take advantage of a loophole that allows them to distribute free samples of their products to minors – a particular problem at music festivals and other large events; and
- [S750](#), passed both houses, sponsored by Senator Patty Ritchie, would discourage smoking by children by prohibiting e-cigarette use on school grounds. While many school grounds are already designated as “tobacco-free,” e-cigarettes don’t contain tobacco. This measure would help schools continue to restrict youth from using e-cigarettes at school.

### **Protecting Infants With Rear-Facing Car Seats**

The Senate approved legislation to help protect children in car crashes. The bill would require most children under the age of two to be secured in a rear-facing child restraint system. This is consistent with the America Academy of Pediatrics’ recommendation that rear-facing car seats help address the risks to a child’s health and safety in the event of a crash. [S6523](#), passed both houses, sponsored by Senator Joseph Robach

### **Regulating Workload Standards for Child Protective Service Employees**

The Senate passed a bill that would help protect the state’s most vulnerable children by establishing workload standards for child protective services (CPS) workers. Full-time CPS workers would have no



more than 15 active cases to help further ensure effective investigations of child abuse and maltreatment. [S3146](#), passed both houses, sponsored by Senator Martin Golden

### **Maintaining the Western New York Children's Psychiatric Center as a Separate and Distinct Entity**

The Senate approved a bill to prohibit the Western New York Children's Psychiatric Center from being collocated or merged with any other facility. Aside from the health facility having been constantly rated top tier by the Joint Commission on Accredited Health Care, its rural and environmentally friendly location has been therapeutic for children with mental health disorders; moving this facility would create long-term aggregate losses to the state and harm its most vulnerable populations. [S4630](#), passed both houses, sponsored by Senator Patrick Gallivan

### **Closing Communication Gaps Between Agencies Responsible for Foster Care**

The Senate approved a measure that requires the notification of agencies placing foster children when there are reports of suspected abuse or maltreatment at homes where children have been placed. This would prevent the unwitting placement of additional children in situations that risk subjecting them to abuse or maltreatment. The measure requires that the authorized agency and any social services district charged with the care, custody or guardianship of a child receive a copy of a report of a child's suspected abuse or maltreatment where the authorized agency is not the social services district in which the home is located. [S4172](#), sponsored by Senator Patrick Gallivan

### **Protecting Children from Being Left in Cars Unattended**

The Senate passed a bill that would prohibit children under the age of eight from being left in cars without supervision. The bill would help keep young children safe from life-threatening conditions that can occur in cars during warmer and cooler weather conditions. Between 1994 and 2016, over [800 children have died](#) of heat stroke from being left in cars. [S5631](#), sponsored by Senator John DeFrancisco

### **Investigating Illegally Operating Child Day Care Services**

The Senate passed a measure that will help reduce the number of illegal or non-compliant child care operators. The bill requires the Office of Children and Family Services (OCFS) to periodically review – at least once a month – child care services that are advertised on the Internet. Currently, there is no affirmative duty for OCFS to investigate without a registered complaint, and this bill will help to identify the number of noncompliant or illegal child care programs operating. [S6450](#), sponsored by Senator Martin Golden

### **Medical Assistance Coverage for Donor Breast Milk**

The Senate passed a measure that would help prevent the death of high-risk babies that are born prematurely by requiring medical assistance coverage for the cost of donor breast milk in certain circumstances. Currently, donated breast milk is not covered by insurance companies or Medicaid and is expensive - costing approximately five dollars per ounce. Allowing insurance coverage would help make breast milk more readily available to families and promote healthier growth for premature infants. This measure was ultimately enacted in the 2017-18 budget. [S4526](#), sponsored by Senator Kemp Hannon

### **Promoting the Adoption of Special Needs Children**

The Senate passed legislation that examines the effect potential medical and other costs and fees might have in preventing more people from adopting a child with special needs by helping the state better understand the impact a financial incentive in the form of a tax credit for special needs adoptions. The bill directs the Office of Children and Family Services and Department of Taxation and Finance to complete a

report on the impact of a tax deduction for expenses attributed to adopting a special needs child, such as adoption fees, medical, legal fees, and court costs. [S4492](#), passed both houses, sponsored by Senator Martin Golden

### **Continuing the Foster Family Care Demonstration Program**

The Senate passed a bill that will extend the Foster Family Care Demonstration Program for an additional four years. The State is constantly trying to find ways to reduce and contain rising Medicaid costs. This program was established as a cost-effective community-based alternative to care in a residential health care facility by providing room and board, supervision, and assistance of personal care in the home of a participating caregiver when family support is unavailable. [S6081](#), passed both houses, sponsored by Senator Sue Serino

### **Preventing Cyberbullying**

The Senate approved a bill to make it a crime to knowingly and repeatedly cyberbully a minor. With increasing accessibility to electronic means of communication, bullying has transformed from a predominantly school-based issue to a broader societal problem, going beyond the classroom to bullying on the job, on athletic teams and through the Internet. [S2318A](#), sponsored by Senator Michael Ranzenhofer

### **Creating Jacobe's Law to Stop Student Harassment**

The Senate passed a bill to help ensure that schools notify parents when a child is being threatened by a bully. Under "Jacobese's Law," school employees charged with receiving reports of harassment, bullying or discrimination must make a reasonable and good faith effort to contact the parents or guardians of the students involved in an incident of bullying or harassment. [S1355B](#), sponsored by Senator James Tedisco

### **Creating Safer Schools**

The Senate passed two additional bills that would help protect children from potential predators at their schools:

- [S5207](#), sponsored by Senator Carl Marcellino, requires the fingerprinting of prospective employees of private special education schools - significantly diminishing the possibility of a person who has a criminal history from gaining employment in a school, while also providing law enforcement with greater flexibility in bringing a person to justice if such person commits a fraud; and
- [S6211](#), sponsored by Senator Andrew Lanza, creates new "Gang Free School Zones" and establishes a class D felony charge for gang members who seek to recruit new members on school grounds. Gang activity in and around schools puts students and staff at risk.

### **Helping Homeless Children Succeed in School**

The Senate passed a bill that would help ensure homeless children are receiving necessary support in schools to promote educational success by increasing the understanding about educational barriers. The bill allows data collection on the academic performance and educational outcomes of homeless students, and require the state Commissioner of Education to develop homeless education policy in collaboration with experts from not-for-profit organizations on how to better provide support services to homeless students. [S2106B](#), sponsored by Senator Simcha Felder

### **Codifying the Family Court CASA Program to Help Best Serve Children**

The Senate passed legislation to establish the Court Appointed Special Advocates program (CASA) in statute and codify existing Office of Court Administration (OCA) rules pertaining to CASA. The program

was established by OCA in 1991 under the Task Force on Permanency Planning to promote and support trained community volunteer advocacy programs. All CASA programs strive to achieve the same goal: to ensure that every abused and neglected child be placed in a safe, permanent home while taking into consideration each of their emotional, educational and physical needs. Passing this legislation makes clear the Legislature's support for the program, provides a consistent interpretation of CASA's role within the Family Court and strengthens CASA's standing in its important work on behalf of abused and neglected children in the State's foster care system. [S2059](#), sponsored by Senator John Bonacic



## **CONSUMER PROTECTION**

*Consumer protection legislation includes:*

### **Expanding the Rights of Cancer Patients Through “Date of Discovery”**

The Senate passed a measure to expand a patient’s rights to pursue malpractice claims if they later learned of a malignant tumor or cancer that should not have been missed by their doctor. The bill amends the statute of limitations for malpractice lawsuits to include a “Discovery of injury” rule for the failure to diagnose cancer or a malignant tumor by a negligent doctor. To pursue legal action, a patient would be allowed two-and-a-half years from the date a patient discovered, or should have discovered, that they were a victim of malpractice. The bill passed this year would give patients with cancer or malignant tumors the ability to seek a malpractice claim when they discover negligence. [S6800](#), passed both houses, sponsored by Senator John DeFrancisco

### **Protecting Infants With Rear-Facing Car Seats**

The Senate approved legislation to help protect children in car crashes. The bill would require most children under the age of two to be secured in a rear-facing child restraint system. This is consistent with the America Academy of Pediatrics’ recommendation that rear-facing car seats help address the risks to a child’s health and safety in the event of a crash. [S6523](#), passed both houses, sponsored by Senator Joseph Robach

### **Banning X Lite Guardrail from State and Local Highways**

The Senate passed a measure which would direct the Commissioner of Transportation to prohibit the use and installation of the deadly “X Lite” guardrail, and remove any currently in use. The bill stems from the death of Hannah Eimers, a 17-year-old originally from Fredonia, who was killed in a November 2016 traffic accident in Tennessee when her vehicle left Interstate 75, crossed into the median and struck the guardrail end terminal. Instead of re-directing the car, the mechanism penetrated the driver’s seat area, killing Hannah instantly. The New York State Department of Transportation (DOT) called for the temporary removal of X Lite from the list of approved products for use along New York’s roadways – this bill would make it a permanent ban. [S5427A](#), sponsored by Senator Catharine Young

The Senate also passed a bill that would also direct the DOT to study and report on the removal and use of X Lite guardrails and rail caps. [S6096A](#), sponsored by Senator Catharine Young

### **Guidance to Remove Disruptive Campers**

The Senate approved legislation that would provide legal guidance for the removal of disruptive guests from campgrounds. Hotels and motels have an eviction process, but campgrounds do not. The measure would add a new section to the Real Property Law to define campgrounds and campground owner and provide for the removal of persons from a campground who, among other things, creates a disturbance or violates a law. The proposed law also would provide for the return of pre-paid fees and the disposal of property belonging of persons who are removed from a campground or abandon property on a campground. [S1317](#), sponsored by Senator Betty Little

## **CRIME AND PUBLIC SAFETY**

### *2017-18 State Budget Crime and Corrections Highlights:*

#### **Keeping the Public Safe**

Supporting law enforcement and ensuring safe communities for all have always been among the Senate's most important priorities. The 2017-18 State Budget reflects that commitment in a number of ways:

- In his Executive Budget, Governor Cuomo included a so-called “raise the age” proposal that raised significant public safety concerns. In the final enacted budget, the Senate worked to ensure that violent crimes, sex crimes, and other major offenses will still be treated as serious crimes to be handled by the Criminal Court system. We also worked to address and minimize the potential cost and logistical problems that the Governor's original plan would have caused for local courts and law enforcement;
- **\$2.2 million** in funding to provide support, protection and services to domestic violence victims;
- **\$8.7 million** for Rape Crisis Centers to help victims of rape and sexual assault;
- **\$1 million** to the New York State Police for a new Hate Crimes Task Force;
- **\$2.89 million** to support important local criminal justice initiatives in communities across the state;
- A new measure which ensures parity for law enforcement statewide by providing an accidental disability pension of three-quarters salary for all New York City Police Officers who suffer line-of-duty injuries;
- A new measure that increases reimbursable expenses to certain vulnerable crime victims, including those who are elderly, incompetent, or physically disabled; and
- The Senate's crucial role in securing an additional **\$25 million** in new funding for nonpublic schools, day cares, and community centers at risk for hate crimes.

### *Crime and corrections legislation includes:*

#### **Improving Coordination in Preventing Domestic Violence**

The Senate approved a measure that adds the state police and Office of Victim Services as new members to the state's Domestic Violence Fatality Review team. The new members would bring law enforcement and victim advocate experience to enhance the development of policies for effective intervention, public education, and advocacy, and facilitate and assure communication and coordination of efforts among state agencies and all levels of government in ending domestic violence. [S5394A](#), passed both houses, sponsored by Senator James Tedisco

#### **Protecting New Yorkers From Terrorist Activity**

The Senate passed multiple measures to protect New Yorkers from terrorist and criminal activities. The legislation strengthens the state's existing laws dealing with cyberterrorism, terrorist recruitment, financial support for terrorist activities, and threats rooted in terrorism that are made against police officers. Legislation includes:

- [S953](#), sponsored by Senator Thomas Croci, would create a new crime for when a person intends to cause widespread financial harm or commits a larceny offense against more than 10 people using a computer or related technology. It also prohibits the use of cyberterrorism to cause mass injury or damage, or to intimidate, coerce, or influence a civilian population or government;
- [S956](#), sponsored by Senator Thomas Croci, would increase criminal penalties for soliciting or providing support for an act of terrorism. One of the biggest sources of funding for terrorist

organizations is through money laundering and credit card fraud and this measure would help deter and penalize those who financially support terrorism;

- [S1984](#), sponsored by Senator Patrick Gallivan, would strengthen existing penalties by creating a new crime when a terrorist threat is made against a police officer;
- [S1292](#), sponsored by Senator Carl Marcellino, would help prevent and punish those who engage in recruitment activity to get new members that will carry out terrorist acts. The measure creates the crime of terrorism recruitment when a person recruits, solicits, requests, commands, importunes, or otherwise attempts to cause another person to engage in terrorist activities;
- [S924](#), sponsored by Senator Thomas Croci, would establish the New York State Cyber Security Initiative to ensure that the state has a proper cyber security defense system in place, and would include: the New York State Cyber Security Sharing and Threat Prevention Program to increase the quality and readiness of cyber threat information that will be shared by the state with the public and private sectors; a New York State Cyber Security Partnership Program to improve, develop, and implement risk-based standards for government, private sector businesses, and individual citizens; and the New York State Cyber Security Advisory Board, to assist the state in making recommendations and finding ways to protect its critical infrastructure and information systems; and
- [S954](#), sponsored by Senator Thomas Croci, would create a new crime if someone uses a computer or device to carry out a cyber attack that causes financial harm in excess of \$100,000 to another person, partnership, or corporation. It also strengthens penalties for the crime of criminal possession of computer related material.

### **New York State Terrorist Registry Act**

The Senate also approved a measure that would establish a state wide terrorist registry requiring terrorists convicted of a state or federal crime of terrorism, or who have committed a “Verifiable Act of Terrorism,” to register with the Division of Criminal Justice Services and have their non-confidential information made publicly available. This measure would provide state and federal authorities with a powerful new tool to prevent future terrorist attacks, as well as provide terrorists with a serious disincentive to commit another act of terrorism within New York State. For those who fail to register or verify with the state’s terrorist registry, it would be a Class A-I felony. [S3450](#), sponsored by Senator Thomas Croci

### **Reinforcing New York’s Iran Divestment Act**

The Senate passed legislation to guarantee that New York’s Iran Divestment Act of 2012 remains in place regardless of the recent presidential agreement with Iran that could jeopardize the effectiveness of the state’s law. The 2012 Act takes a stand against a country that is a known sponsor of terrorism, threatens American citizens, and jeopardizes the safety and security of Israel - one of our nation’s closest allies – by imposing limitations on vendors that do business with the Iranian energy and financial sectors and seek contracts with New York State agencies, SUNY, CUNY, public authorities and local governments. This bill ensures that the Act’s important provisions will remain in effect in New York to prevent the financial support of Iran’s tyrannical government unless the United States Senate approves a treaty to the contrary. [S923](#), sponsored by Senator Thomas Croci

### **Community Heroes Protection Act**

The Senate took legislative action to make crimes explicitly committed against law enforcement and first responders punishable as hate crimes. The measure was inspired by the many brave men and women in uniform who have lost their lives, were injured, or targeted simply because of their jobs as community protectors. The Act would classify certain crimes against first responders, such as law enforcement officers, firefighters, and emergency medical services personnel as hate crimes. These offenses are

designated as hate crimes only if they are intentionally aimed at first responders based on the profile of their career. [S1114A](#), sponsored by Senator Fred Akshar

### **Criminalizing the Act of Inciting Violence Against Police Officers**

The Senate passed a measure that would create the new crime of inciting violence against a police officer, a new class D felony. In recent years, there has been an increase in violent crimes committed against police officers and this measure would help prevent individuals from deliberately inciting violence targeting law enforcement. [S2566](#), sponsored by Senator Pam Helming

### **Protecting Military Service Members**

- [S927](#) establishes a class D felony for the crime of inciting violence against both active duty and reserve military service members in an effort to curb the destructive trend of targeting those who have made a career out of protecting the citizens of this country; and
- [S955](#) makes it a class C felony to commit assault against an active-duty soldier if the accused's intent was to prevent that soldier from performing their lawful duty. Both measures are sponsored by Senator Thomas Croci.

### **Increasing Penalties for Violence Towards Police and Peace Officers**

The Senate passed a bill that would increase the penalties for certain violent offenses involving police or peace officers. The measure addresses the risks consistently violent felons pose to the public by authorizing a sentence of life without parole when a criminal commits an aggravated assault on a police or peace officer and has previously been convicted of two violent felonies that are classified as Class B or greater. [S232](#), sponsored by Senator Martin Golden

### **Criminal Street Gang Enforcement and Prevention Act**

The Senate passed a bill to fight the deadly criminal behavior of gangs throughout New York with better prosecutorial powers against gang violence and proactive community outreach to stop gang recruitment. The legislation legally defines criminal street gangs in New York's penal statutes, giving prosecutors more options when charging offenders. Classifying and identifying this type of criminal activity will also help law enforcement better track gangs. Penalties are increased and new felonies are created for individuals who benefit from gang activity, participate in gang activity, and recruit youth or adults to participate in gang activities. In addition, schools would consult with the state Division Criminal Justice Services to implement a model curriculum focused on gang violence prevention. This will help educators interact in a positive manner with children and their parents to assist in developing positive values, self-esteem, knowledge, and skills that can lead to productive, gang-free, and drug-free lives. [S2410](#), sponsored by Senator Martin Golden

### **Protecting Communities From Violent Felons**

The Senate passed a bill to authorize the state Board of Parole to require a violent felony offender to serve his or her maximum term if they pose an imminent threat to society and also authorizes the withholding of good behavior allowances. Under current law, the Board of Parole does not have authorization to grant or deny a conditional release, and this becomes problematic when evidence exists that an inmate poses a danger to the community. [S2730](#), sponsored by Senator Joseph Griffo

### **Increasing Penalties for Aiming Laser Pointers at Aircraft**

The Senate passed a measure to further prevent the extremely dangerous activity of directing laser pointers at aircraft. The bill provides state and local law enforcement with greater authority to prevent and

punish individuals who use laser pointers that can distract pilots and endanger airline safety. [S2727](#), sponsored by Senator Joseph Griffo

### **Increasing Enforcement Against Drunk Drivers**

The Senate passed a bill that provides a mechanism for greater enforcement of driving while intoxicated and driving while ability impaired laws involving motor vehicle accidents. Under the current system, New York State has been found to test a small amount of surviving drivers who were involved in fatal crashes for their blood alcohol concentration. This legislation requires a mandatory chemical test to be performed when there is serious personal injury or death as a result of a motor vehicle accident. [S5562A](#), passed both houses, sponsored by Senator Pam Helming

### **Incentivizing the Investigation and Prosecution of Medicaid Fraud**

The Senate passed a bill that would provide financial incentives to counties and the City of New York to identify and prosecute Medicaid fraud, which would help eliminate waste and abuse. For any successful Medicaid fraud prosecution or settlement, the local government would be able to keep 100 percent of the local share, or 10 percent of the total recovery – whichever is greater.

Current law limits the amounts that local governments may receive from successful Medicaid fraud prosecutions. [S514](#), sponsored by Senator Catharine Young

### **Protecting Victims of Domestic Violence**

The Senate passed legislation that would further protect victims of domestic violence. The bill would provide stronger protections for vulnerable domestic violence victims by allowing them to testify via closed-circuit television in criminal proceedings. Current law only allows children who are considered vulnerable by a judge to testify via closed-circuit television. This legislation would also give domestic violence victims the option of testifying outside of the physical presence of their abusers to help facilitate cooperation with prosecutions. [S513](#), sponsored by Senator Catharine Young

### **Brittany's Law**

The Senate passed two measures that would enact the Domestic Violence Protection Act, also known as Brittany's Law, a measure that would increase the safety and awareness of communities by increasing access to information about convicted violent felons. The bill would create a publicly accessible registry of all individuals convicted of a violent felony and allow local law enforcement to keep track of their location. Brittany's Law is named for 12-year-old Brittany Passalacqua, who was brutally murdered along with her mother, Helen Buchel, at their home in Geneva, Ontario County, in 2009. The killer, John Edward Brown, was on parole at the time of the murder. He was released early from prison after serving only 2 ½ years for assaulting his infant daughter in 2003. [S65/S64](#), sponsored by Senator Catharine Young

### **Closing Sentencing Loophole for Homicide Offenses**

The Senate passed a measure to help homicide victims and their families receive greater justice when criminals are sentenced by closing a sentencing loophole for a single criminal act that involves two or more offenses, including at least one homicide. Current law requires judges to order sentences to be served concurrently regardless of the number of victims killed in a single criminal act – this bill would permit sentences for two or more crimes to run consecutively. [S2159](#), sponsored by Senator Sue Serino

### **Closing Dangerous Loopholes in Sex Offender Laws**

The Senate passed a bill that would ban all sex offenders from being drivers for ride-sharing companies. Previously the law disbarred only Level 2 or 3 sex offenders from obtaining a permit. Level 1 offenders



were inexplicably allowed to be ride-sharing drivers in a loophole – a danger to all communities’ health and safety. This bill would correct that. [S5641A](#), sponsored by Senator Thomas Croci

### **Enacting Joanne’s Law**

The Senate approved legislation that would require notification of an employer or workplace when a former employee is released from incarceration or has violated his or her probation or parole, if they committed a crime in that workplace. The measure would safeguard employers and employees from potential retaliation from former employees who have committed workplace violence or crimes in the workplace. Notifying an employer would enable a workplace to take the proper measures or precautions to protect themselves and their employees. [S2052](#), sponsored by Senator John Bonacic

### **Authenticating Art Work**

The Senate approved a bill that would provide better legal protection for art authenticators. Frivolous and costly lawsuits have discouraged art authenticators from appraising artwork, negatively impacting the industry. The legislation would create the legal definition of an art authenticator as “a person or entity recognized in the visual arts community as having expertise regarding the artist, work of fine art, or visual art multiple, or a person or entity recognized in the visual arts or scientific community as having expertise in uncovering facts that serve as a direct basis, in whole or in part, for an opinion as to the authenticity, attribution or authorship of a work of fine art or visual art multiple.” [S1974](#), sponsored by Senator Betty Little

### **Offering Property Owners an Innovative, Cost-Effective Method to Mark Property Lines**

The Senate passed legislation that would allow property owners to utilize purple paint markings on trees as an alternative to the current method of defining property lines with posted signs. Several other states have enacted similar laws as a more cost-effective and long lasting alternative to traditional posted signs, which damage trees and are costly to replace. Researchers also indicate that the color purple stands out in a natural setting, is not already used in the forestry industry, and is recognizable for colorblind individuals. [S3994](#), sponsored by Senator James L. Seward

### **Authorizing the Use of Familial DNA Searching in New York**

The Senate passed legislation to allow Familial DNA Searching in New York. The bill would permit police to search the DNA database to find a genetic match of close relatives of an offender – in an effort to help solve a violent crime. (The New York State Commission on Forensic Science recently voted to adopt a Familial Search Policy requiring no further legislative action.) [S2956A](#), sponsored by Senator Phil Boyle

### **Preventing Heinous Crimes Against Children**

The Senate passed the ‘Precious Child Act’ – a measure which would require collection of DNA upon arrest for sexual crimes against a child less than 13-years-old. Currently, DNA is only required for certain crimes upon conviction in New York. In 2013, the U.S. Supreme Court ruled in *Maryland vs. King* that collecting DNA upon arrest for violent crimes does not violate Fourth Amendment rights. [S616](#), sponsored by Senator Phil Boyle

### **Creating “Suzanne’s Law”**

The Senate passed a bill that would increase penalties for assaults and abductions on school grounds by one category higher resulting in stricter penalties and longer prison sentences. The measure is named in honor of Suzanne Lyall of Ballston Spa, who went missing from the University at Albany in 1998, and it covers pre-schools, day care facilities, public and private schools, trade schools and colleges and

universities in New York State. This important public safety legislation sends a message that New York State has zero tolerance toward violent crimes on school grounds. [S2881](#), sponsored by Senator James Tedisco

*The Senate also passed a comprehensive package of legislation to help communities throughout the state combat heroin and opioid use – go to page 61 for more information.*

## EDUCATION

### *2017-18 State Budget Education Highlights:*

The enacted budget includes a record level of school aid funding of approximately **\$26 billion**. This is an approximately **\$1.1 billion** increase over last year, equating to **4.4 percent**, and continues the growth of education funding at twice the rate of the rest of the budget. New York State's total commitment to supporting public education, when combined with the STAR school tax relief program, will be approximately **\$29 billion** this year. Education funding highlights include:

- The Senate rejecting the Executive Budget's proposal to eliminate the Foundation Aid phase-in and securing an additional **\$272 million** in Foundation Aid, bringing the year-to-year increase to **\$700 million** and total funding to **\$17.2 billion** -- ensuring that every school district will see an increase in funding of at least **2.74 percent**;
- Increasing funding in tuition payments and facilities aid for charter schools;
- Adding **\$14 million** for nonpublic school mandated costs, including **\$7 million** for immunization mandates;
- Providing **\$25 million** in Smart School Technology funding and **\$5 million** to support STEM in nonpublic schools;
- Securing an additional **\$25 million** in new funding for nonpublic schools, day cares, and community centers at risk for hate crimes; and
- More than **\$160 million** for education initiatives, including helping individuals obtain high school diplomas, the Consortium for Workforce Education; Teachers of Tomorrow; Teacher Resource and Computer Training Centers; the Computer Science Master Teacher Program; and professional development resources.

This education support builds on the Senate's record of delivering for schools and ensuring all students have the resources they need to succeed.

### *Education legislation includes:*

#### **Improving the Coordination of Care for Special Education Students**

The Senate passed legislation that would help provide transitional services for special education students after aging out of tuition free educational services. Under current law, the Committee on Special Education is required to give written notice to parents that their child is not eligible for tuition free programs after the age of 21 or high school graduation, and provide annual review of their individual education plan. This legislation streamlines the transition process by requiring both notices in an enhanced version of the annual review when the child turns 18 helping to save local school districts' staff time and money, while also better serving students, families, and educational team members. [S1692](#), passed both houses, sponsored by Senator Carl Marcellino

#### **Supporting Libraries and Reading Programs**

The Senate passed a bill to support and promote local libraries and their summer reading programs for children by creating a check-off on corporate and personal income tax return forms so that voluntary contributions can be made into the state's Love Your Library Fund. In addition, another measure directs the state to study the economic impact of public libraries and public library systems in New York. The study would help quantify the significant role more than 7,000 libraries play in the educational, economic, and cultural development of local communities and help guide future resource allocation. [S3023A](#) and [S3010](#), passed both houses, sponsored by Senator Patty Ritchie



### **Increasing Library Access to Capital Financing**

The Senate passed a bill to support and promote local libraries and their summer reading programs for children by creating a check-off on corporate and personal income tax return forms so that voluntary contributions can be made into the state's Love Your Library Fund. In addition, another measure directs the state to study the economic impact of public libraries and public library systems in New York. The study would help quantify the significant role more than 7,000 libraries play in the educational, economic, and cultural development of local communities and help guide future resource allocation. [S3023A/S3010](#), passed both houses, both sponsored by Senator Patty Ritchie

### **Supporting Capital Projects at Local Libraries**

The Senate passed a bill to make it easier for libraries to obtain low-cost financing through the Dormitory Authority of New York (DASNY) for needed capital renovations and improvements. The measure would allow the New York Library Association to bundle together small bonding projects of less than \$5 million per library and to submit them jointly to DASNY for financing. DASNY would be able to pool the individual loans together to achieve a sufficient size to make low cost tax-exempt bond financing available to these libraries. These projects could also benefit from the construction expertise available through the Dormitory Authority's construction service. [S3022](#), sponsored by Senator Patty Ritchie

### **Extending Scholarship Opportunities to Students Attending Private Universities**

The Senate passed a measure that will align the Masters-in-Education Teacher Incentive Scholarship program with other state scholarship programs by permitting its use at private colleges and universities. This legislation would ensure that the program's eligibility operates similarly to other scholarship programs where the funding follows the student. It also doubles as an effort to help lower personal tuition costs to a student and their family for the benefit of a higher education, while also aiding in educating many in the next generation's workforce of teachers. [S2482C](#), passed both houses, sponsored by Senator Kenneth LaValle

### **Expanding Telehealth to Reach Schools and Child Care Providers**

The Senate took legislative action that would allow primary care providers to use telehealth to connect with and provide care to young children while they are in school or at child care providers. Telehealth brings patients and medical services together through online video sessions. Offering this benefit where children spend most of their time would help provide quicker diagnosis and treatment of health and mental health issues for the child, and increase access to medical care in both rural and urban areas. [S3293](#), passed both houses, sponsored by Senator Kemp Hannon

### **Board of Regents Selection Reform and Transparency of Education Policy Actions**

The Senate passed legislation that reforms the selection process for the Board of Regents and increases transparency to help parents and educators have more access to proceedings that help set state education policy.

- [S2750](#), sponsored by Senator Kenneth LaValle, establishes a more equitable and balanced appointment process for the selection of Regents that would require input from both houses of the Legislature. It would require a concurrent resolution from both houses of the Legislature to select the Regents, ensuring the Senate and the Assembly have an equal say in electing members to the board.

### **Expanding Access to Education for Adult Learners**

The Senate passed legislation that would enable public libraries to obtain Employment Preparation Education (EPE) funding. This would help libraries provide high school equivalency programs and employment training services that help adults get jobs. By allowing public libraries to apply for and obtain EPE funds, this bill would make these programs more widely available and help adults advance their education and attain critical skills. [S3021](#), sponsored by Senator Patty Ritchie

### **Ensuring Children Are Being Taught About the History of the Holocaust**

The Senate passed legislation that would require the State Education Commissioner to review school districts' compliance with existing state law that requires them to offer age-appropriate instruction on the Holocaust. The Commissioner's findings would then be detailed in a report to the State Legislature and the Governor. Additionally, the Commissioner would be authorized to develop any regulations necessary to ensure school districts are complying with the law and providing such instruction. [S5530](#), sponsored by Senator Elaine Phillips

### **Permanently Disqualifying School Bus Drivers Who Fail a Random Drug or Alcohol Test**

The Senate passed a bill that provides for the permanent disqualification of school bus drivers who fail random drug or alcohol tests administered according to federal rules and regulations, if such drivers have, in the preceding five years, failed a previous random drug or alcohol test, refused to submit to a chemical test, or been convicted of DWI or DWAI. While most drivers do an excellent job under often difficult situations, it's important to reduce the risk posed by those who have proven that they have a problem with drugs or alcohol and could place students and others in serious jeopardy. [S5865](#), sponsored by Senator Patty Ritchie

### **Prohibiting Sex Offenders From Being Bus Drivers**

The Senate passed a measure that permanently bans anyone who has been convicted of any offense that requires registration as a sex offender from being employed as a school bus driver. Most schools go above and beyond to ensure sex offenders do not gain access to students by their own initiative, however, loopholes exist that could allow someone who has registered as a sex offender to become a school bus driver. This bill serves to remove such loopholes and codifies the prohibition in state law, rather than leaving it up to individual school districts. [S6173](#), sponsored by Senator Sue Serino

### **Disqualifying School Bus Drivers for Certain Offenses Involving Children**

The Senate approved a measure that prohibits individuals who are convicted of certain violent crimes and sexual offenses from being school bus drivers. [S6393](#), sponsored by Senator Patty Ritchie

### **Toughening Fines and Criminal Penalties for Passing a Stopped School Bus**

The Senate passed legislation that increases monetary penalties for passing a school bus and requires that a person who injures someone while passing a school bus be charged with aggravated vehicular assault. If a person is killed in the incident, the driver would be charged with criminally negligent homicide. [S1023](#), sponsored by Senator Rich Funke

The Senate passed another bill that establishes crime of vehicular assault in the third degree where a person, with criminal negligence, causes physical injury to another person while unlawfully overtaking and passing a stopped school bus. The bill also expands other degrees of crime to include unlawfully passing a stopped school bus. [S5733](#), sponsored by Senator Patty Ritchie

### **Cracking Down on Distracted Drivers Who Pass a Stopped School Bus**

The Senate passed a measure that would increase and modify the penalties associated with passing a stopped school bus when using a portable electronic device or mobile telephone. Driving while distracted is bad enough, but a driver that is so focused on their own activities that they are willing to pass a stopped school bus is an extreme hazard. [S5898A](#), sponsored by Senator Ritchie

### **Increasing Penalties for Multiple Convictions of Passing a Stopped School Bus**

The Senate passed a bill that would provide for a 60-day suspension of an individual's drivers' license when the holder is convicted two or more times of passing a stopped school bus within a period of 10 years. This bill makes the penalties for multiple convictions of passing a stopped school bus similar to the stiff penalties of multiple convictions of speeding in a construction zone. [S1064](#), sponsored by Senator John Bonacic

### **Increasing Penalties for Certain Vehicles Passing a Stopped School Buses**

The Senate approved legislation that would increase and modify the penalties associated with passing a stopped school bus by certain vehicles including but not limited to buses, vehicles with 15 or more passengers, and vehicles weighing more than 26,000 pounds. By subjecting drivers that illegally pass a stopped school bus while driving a large vehicle to higher penalties, unsafe behavior can be curbed. [S5897](#), sponsored by Senator Patty Ritchie

### **Raising Awareness of Laws Prohibiting Overtaking and Passing a Stopped School Bus**

The Senate passed legislation that adds a school bus safety component to the pre-licensing driver's education course. By ensuring that drivers are taught from the very beginning the dangers and illegality of passing a stopped school bus, drivers will be empowered to make safer decisions while on the road. [S5974](#), sponsored by Senator Elaine Phillips

### **Creating Safer Schools**

The Senate passed two additional bills that would help protect children from potential predators at their schools:

- Bill [S5207](#), sponsored by Senator Carl Marcellino, requires the fingerprinting of prospective employees of private special education schools - significantly diminishing the possibility of a person who has a criminal history from gaining employment in a school, while also providing law enforcement with greater flexibility in bringing a person to justice if such person commits a fraud.
- Bill [S6211](#), sponsored by Senator Andrew Lanza, creates new "Gang Free School Zones" and establishes a class D felony charge for gang members who seek to recruit new members on school grounds. Gang activity in and around schools puts students and staff at risk.

### **Protecting School Students from Sexual Abuse**

The Senate passed a bill that would provide that an elementary or secondary student shall not have the capacity to consent to sexual conduct with a school employee. The bill defines a school employee and states that they will be charged if sexual conduct occurs with a student at the same school. [S2582](#), sponsored by Senator Betty Little

### **Continuing Mayoral Control of New York City Schools**

The Senate passed a law to extend mayoral control of the New York City school system for two years. The law helps ensure that all of the City's 1.1 million children have the opportunity to receive a first-class education and that charter schools continue to play an important role. [A40001](#), Chapter 61

**Helping Homeless Children Succeed in School**

The Senate passed a bill that would help ensure homeless children are receiving necessary support in schools to promote educational success by reducing educational barriers. The bill allows data collection on the academic performance and educational outcomes of homeless students, and require the state Commissioner of Education to develop homeless education policy in collaboration with experts from not-for-profit organizations on how to better provide support services to homeless students. [S2106B](#), sponsored by Senator Simcha Felder

## **HIGHER EDUCATION**

### *2017-18 State Budget Higher Education Highlights:*

The budget modifies and strengthens the Governor’s original “free college tuition plan” in a number of smart and responsible ways consistent with what the Senate has advocated for in recent years to help make college more affordable and accessible for more middle class New Yorkers, including:

- Providing a record-high level of Tuition Assistance Program (TAP) funding - more than **\$1.1 billion** this year – and helps more than 25,000 additional students better afford the cost of a college education;
- Adding **\$19 million** for a new Enhanced Tuition Award initiative specifically designed to help students at private colleges and universities;
- Helping public college students participating in the new program by providing up to **\$5,500 per student**, with SUNY and CUNY committing to waive remaining tuition costs if students follow the program’s requirements;
- Creating key measures to promote student responsibility, including minimum GPA standards, steps to enhance on-time graduation, and a requirement that participants live and work in New York after graduation;
- Supporting CUNY workforce development, including \$2 million for the CUNY Apprentice program; and **\$2 million** for the Job Linkage program to provide certificate programs and increase job placement rates;
- Supporting SUNY workforce development, including **\$3 million** for the SUNY Apprentice Program, **\$3 million** for Job Linkage, and a **\$1.5 million** increase secured by the Senate for Small Business Development Centers (total: **\$3.5 million**); and
- Delivering **\$3.1 million** in tuition assistance for part-time community college students – a step that will help working parents.

To continue supporting New York’s public universities, the budget also:

- Includes new language guaranteeing state support of SUNY and CUNY in future years;
- Launches the largest infrastructure program for SUNY and CUNY campuses in years -- updating and improving campuses across the state; and
- Ensures strong support for community colleges, including a \$50 increase per full time equivalent (FTE).

### *Higher education legislation includes:*

#### **Providing Public Colleges with Five-Year Capital Plans**

The Senate passed a measure that would provide five-year capital plans for the State University of New York (SUNY) and the City University of New York (CUNY). This bill would incorporate capital planning for SUNY and CUNY into the overall capital plan submitted to the Legislature and would require the Governor to submit five-year capital plans for SUNY and CUNY as part of the Executive Budget. This requirement would ensure that the facilities at the state’s public higher education institutions receive the capital funding necessary to meet their annual critical maintenance needs. [S1625](#), passed both houses, sponsored by Senator Kenneth LaValle

#### **Extending STEM Scholarship Eligibility to Private Colleges**

The Senate passed a bill that will broaden the Science, Technology, Engineering, and Math (STEM) Incentive program to include applicants attending a private college, in addition to SUNY/CUNY schools.

This helps interested students find academic programs tailored to their educational and financial needs. [S2466A](#), passed both houses, sponsored by Senator Kenneth LaValle

### **Extending Scholarship Opportunities to Students Attending Private Universities**

The Senate passed a measure that will align the Masters-in-Education Teacher Incentive Scholarship program with other state scholarship programs by permitting its use at private colleges and universities. This legislation would ensure that the program's eligibility operates similarly to other scholarship programs where the funding follows the student. It also doubles as an effort to help lower personal tuition costs to a student and their family for the benefit of a higher education, while also aiding in educating many in the next generation's workforce of teachers. [S2482C](#), passed both houses, sponsored by Senator Kenneth LaValle

### **Facilitating College Loan Refinancing**

The Senate approved a bill that would help alleviate the burden of student loan debt. The measure creates the New York Student Affordable Refinancing for Tomorrow (New START) program to allow eligible students to refinance their private student loans through the state at a lower interest rate. Students who attended a SUNY or CUNY institution and had private loans would be able to pay back the state based on annual salary and ability to pay. [S2554](#), sponsored by Senator Kenneth LaValle

### **Banning Electronic Sale of Dissertations, Theses, and Term Papers**

The Senate passed legislation that would prevent academic fraud by banning the sale of electronic theses, term papers, and dissertations. The measure would expand current law, which considers the sale or purchase of academically related papers a violation punishable by a fine of up to \$1,000, to include sales or purchases via electronic media such as the Internet. [S3834](#), sponsored by Senator Kenneth LaValle

### **Defunding Student Groups Who Engage in Hate Speech**

The Senate passed legislation that would ban student groups at SUNY, CUNY, or community college campuses from receiving state funding if they engage in hate speech, including advocating boycotts of Israel or other American allies. The bill comes in response to repeated incidents of anti-Semitism on CUNY campuses reportedly perpetrated by the student organization Students for Justice in Palestine. [S2493](#), sponsored by Senator Elaine Phillips

### **Protecting College Students From Dangerous Sex Offenders**

The Senate approved legislation that would prohibit level three sex offenders from living in college housing. College students on-campus generally live in very close quarters on their own for the first time. This measure takes into account that their safety could be compromised when they share living space with people they do not know anything about. [S1009](#), sponsored by Senator Joseph Robach

### **Establishing the "Retrain and Employ Unemployed Persons Program"**

The Senate approved a measure to direct SUNY and CUNY community colleges to work with local businesses and industry to develop work force training programs that target the unemployed and provide the skills necessary for individuals to obtain jobs in their communities. This bill also provides funding for the initial creation of this program by providing \$500,000 grants to start and additional incentive funding to those community colleges that successfully place trained individuals in jobs. [S2232](#), sponsored by Senator Kenneth LaValle

**Giving Graduates of Higher Education Better Opportunities in the Workforce**

The Senate approved a measure that would enhance degree or certificate programs at community colleges in order to increase successful job placements for students. Regional Community College Councils would consult with and make recommendations to community college boards of trustees on ways to create new degree or certificate programs, or restructure current programs to improve the connections between the skills being taught and the needs of industry. [S2103](#), sponsored by Senator Chris Jacobs

## **ENERGY AND ENVIRONMENTAL CONSERVATION**

### *2017-18 State Budget Energy and Environmental Conservation Highlights:*

The enacted budget makes a historic investment of \$2.5 billion to ensure all New Yorkers have access to clean, safe drinking water. The Senate is leading the charge to ensure the state provides the resources necessary to address extensive water quality issues and infrastructure needs across the state. The final budget includes:

- **\$1 billion** for a new Water Infrastructure Improvement Act of 2017 to fund municipal water infrastructure projects over the next five years;
- Continued funding (**\$245 million**) of the Water Quality Improvement Program grants;
- **\$150 million** for a new intermunicipal water infrastructure grant program to help fund projects that serve multiple municipalities and promote cost savings;
- **\$100 million** in new funding for municipal water quality projects that would not currently qualify for existing state grants;
- **\$75 million** for a new state rebate program to incentivize the replacement of failing septic systems and cesspools;
- **\$20 million** for the replacement of lead pipes, with preferences given to communities with a high percentage of elevated childhood lead blood levels;
- **\$100 million** over five years for the state Superfund program to be used for clean water projects; and \$30 million over five years for solid waste and drinking water mitigation and remediation projects;
- **\$10 million** for a new emergency infrastructure loan program to repair breaches of infrastructure that causes an imminent threat to the public health or the environment; and
- Funding for new measures to control point-source pollution, protect water sources, promote green infrastructure, address water contamination, and improve data collection to better track water quality information; and
- **\$275 million** in continued funding for Clean Water and Drinking Water State Revolving Funds.

The enacted budget also continues the state's record commitment to the protection of natural resources with **\$300 million** for the Environmental Protection Fund (EPF). The EPF helps protect water resources through the preservation of open spaces and upgrading sewage treatment plants, among many other environmental initiatives. To further support clean water projects, \$20 million from the EPF will help support existing funding in the Water Quality Improvement Program

As proposed by the Senate's Health and Environmental Conservation committees earlier this year, the final budget creates the Emerging Contaminant Monitoring Act to require all public water systems to test for unregulated contaminants identified by the Department of Health that are known, or anticipated to be present in drinking water, including PFOA, PFOS and 1,4- Dioxane. A new Drinking Water Quality Council is also established in the budget after being advocated by the Senate and will bring together experts to review existing evidence, study contaminants of concern, and make recommendations to the Department of Health regarding drinking water safety, including state specific thresholds and public notice procedures.

*Energy and environmental conservation legislation includes:*



### **Protecting the Hudson River and Surrounding Communities**

With the U.S. Coast Guard proposing to establish new anchorage points across over 90 miles of the Hudson River, the Senate passed legislation aimed at safeguarding the river and local communities against the increased risks associated with the transport of crude oil and other hazardous materials. The bill bolsters the state's ability to exercise its jurisdiction over the river by amending the state's navigation law relating to the establishment of 'tanker-avoidance zones' to consider waterfront communities and significant natural habitats, in addition to navigation safety. [S5197A](#), passed both houses, sponsored by Senator Sue Serino

### **Fixing Failing Septic Systems for New York Homeowners**

The Senate passed legislation to help make it easier for homeowners to access funding available in the Septic System Replacement Fund – a \$75 million state rebate program spearheaded by the Senate in the 2017-18 budget to incentivize the replacement of failing septic systems and cesspools. This measure would allow septic contractors, upon receipt of written authorization from eligible homeowners, to receive reimbursement directly. Direct reimbursement would help maximize participation and ensure that low-income homeowners can also afford to participate. This program is part of the historic \$2.5 billion in clean water projects that was approved in this year's budget. [S6317](#), passed both houses, sponsored by Senator Kemp Hannon

### **Launching an Expanded Recycling Program in State Parks**

The Senate passed a bill to create a streamlined and standardized recycling program in New York State Parks by requiring the Office of Parks to collect any recyclable materials such as plastics, metals, paper, and glass. This will encourage environmental stewardship among the millions of visitors to New York's parks and recreational sites each year and show people from around the world that New York is continuing to be a leader in environmental policies and practices. [S4084A](#), passed both houses, sponsored by Senator Rich Funke

### **Helping Forest Preserve Communities While Protecting the Environment**

The Senate gave the required second passage to a proposed New York State Constitutional amendment to create a 250-acre land bank for the Adirondack and Catskill Parks. The land bank will be utilized to approve important local projects, such as municipal water supply, highway and bridge improvements, public utilities, environmental infrastructure and bicycle pathways on state Forest Preserve lands, without a need to amend the New York State Constitution in each instance. Of critical importance, the amendment includes numerous safeguards protective of Article 14 of the State Constitution. [S2414](#), sponsored by Senator Betty Little

### **Saving Ratepayers Money on Utility Costs**

The Senate passed two bills to help reduce burdensome utility charge increases facing New York's ratepayers. One bill directs the state Public Service Commission to perform a cost benefit analysis of the Reforming the Energy Vision (REV) initiative and its potential to lead to significantly increased electric rates charged to customers. Another would create the Zero Carbon Emission Investment Program to provide nuclear facilities financial assistance to ensure they continue operating and employing thousands of New Yorkers, while preventing the implementation of another costly fee or surcharge to the state's ratepayers. The funding to support the program would come from the New York State Energy Research Development Authority's existing funding streams and prevent millions of dollars in new fees or other charges expected under current policies. [S4423B](#), sponsored by Senator John DeFrancisco / [S6651A](#), sponsored by Senator John J. Flanagan

### **Improving Energy Storage and Supply**

The Senate approved a measure that establishes the Energy Storage Deployment Program which sets up energy storage systems capable of absorbing energy, storing it for a period of time, and thereafter dispatching it. As New York continues to invest in renewable energy, this measure would complement the state's efforts by absorbing and storing energy resources. Storage systems are able to reduce demand for peak hours, boosting the resilience and reliability of the electric grid. Making energy available continuously and resulting in a reduced need for baseload generation. [S5190](#), passed both houses, sponsored by Senator Joseph Griffo

### **Allowing Geothermal Energy to Flourish in New York**

The Senate passed a bill that would include geothermal energy systems within the meaning of the term "qualified energy efficiency services" for purposes of on-bill financing under the Power NY Act of 2011. Geothermal energy systems provide natural and efficient energy, and although New York's resources are extremely compatible with this type of energy, it is expensive to operate. Allowing funding from established sources will increase the use of this type of energy, creating more green jobs and reducing the amount of carbon used to heat buildings. [S688](#), passed both houses, sponsored by Senator Robert Ort

### **Preventing Environmental Crimes**

The Senate approved legislation to deter criminal activity and prevent environmental crimes. This bill would make crimes that result in large-scale environmental damage, either intentionally or recklessly while committing another crime, a class C felony. There are currently no criminal mischief statutes that properly address this type of environmental devastation. [S1007](#), sponsored by Senator Joseph Robach

### **Creating a Paint Stewardship Program**

The Senate passed a measure that would help local governments in their efforts to continue reducing the amount of household hazardous waste in communities. The bill would establish an industry-sponsored Paint Stewardship Program to reduce the costly burden faced by local governments when collecting and disposing of post-consumer paint. Saving local governments approximately \$25 million annually, this legislation directs the state Department of Environmental Conservation (DEC) to create a plan for paint manufacturers and sellers to cover the costs of a statewide, not-for-profit Paint Stewardship Program that establishes agreements to collect, transport, reuse, recycle, and/or burn post-consumer paint at appropriately licensed collection sites and facilities using environmentally sound management practices. [S881](#), sponsored by Senator Tom O'Mara

### **Authorizing Forest Rangers to Establish a Training Program**

The Senate passed legislation to authorize the DEC forest rangers to establish, direct and maintain a program for the purposes of training and credentialing volunteer, wild land search and rescue personnel. This proposal would provide training and credentials for volunteer search and rescue groups so that these groups are encouraged to organize and participate in search and rescue operations. [S138](#), sponsored by Senator Betty Little

### **Defining Integrated Pest Management**

The Senate passed a measure to define Integrated Pest Management (IPM) in order to help encourage a reduction in the amount of pesticides used. IPM is a systematic approach to managing pests that utilizes a diversity of management options to minimize health, environmental, and economic risks and impacts. [S524](#), sponsored by Senator Catharine Young

## **ETHICS AND GOVERNMENT REFORM**

*Ethics and government reform legislation includes:*

### **ETHICS REFORM**

#### **Pension Forfeiture**

Under an agreement with the Governor and Assembly, the Senate passed a joint resolution to strip pensions from corrupt government officials - a Senate priority since the Senate Republican Conference passed pension forfeiture last year. Following a vote by the public on a constitutional amendment, elected officials and policymakers who commit a felony would no longer be eligible for pensions earned during public service. [S418](#), passed both houses, Senator Thomas Croci

#### **Ensuring Outside Income Does Not Conflict with Official Duties**

The Senate and the Assembly passed a joint resolution ([B.404/C.25](#)) stating that any member of the Legislature earning more than \$5,000 income through outside employment must submit a written request for an advisory opinion to the Legislative Ethics Commission to ensure the employment is consistent with the New York State Public Officers Law.

#### **Term Limits for State Legislative Leadership**

The Senate passed legislation creating eight-year term limits for the Temporary President of the Senate, Speaker of the Assembly, and minority leaders of both houses. The measure also limits the number of years a legislator can serve as a committee chair. The Senate first voluntarily implemented leadership term limits in 2009 as part of the rules governing the Senate and this bill would codify these rules into law for both the Senate and Assembly. [S1229](#), sponsored by Senator Joseph Griffo

#### **Increasing Government Transparency**

The Senate passed a bill to clarify the laws which could potentially shield so-called “agents of the City” so that individuals or businesses are subjected to the same code of ethics and disclosure laws as the government officials they work for. This measure prohibits businesses that have existing contracts with the state, New York City, or other municipal agencies from also representing private clients (i.e. lobbying) in front of those same government agencies. The bill also gives the public greater access to government communications by preventing efforts to block their disclosure solely on the basis that the materials were exchanged with an “advisor” or “agent”. The bill clarifies inter/intra agency exceptions to the state’s Freedom of Information Law (FOIL) to allow the disclosure of materials and communications made between government officials and advisors or agents who may not have formal government contracts. [S965](#), sponsored by Senator Terrence Murphy

### **GOVERNMENT REFORM**

#### **State Spending Cap**

The Senate passed a bill that would permanently cap state spending, codifying the self-imposed spending restraint demonstrated with the past seven state budgets enacted by the Legislature and Governor. Since Republicans regained the majority in the Senate in 2010, seven responsible on-time budgets have held spending at or below two percent. That self-imposed cap ensured the state was spending only what taxpayers can afford, while investing in education, road and bridge repairs, and other initiatives that create new jobs. Ultimately, capping state spending has saved taxpayers nearly **\$41 billion** on a cumulative basis

since the 2010-2011 budget – including the elimination of a **\$10 billion** deficit inherited from the previous all-Democrat, all-New York City-led government. [S365](#), sponsored by Senator Joseph Robach

#### **Requiring the Court to Issue Reasonable Attorneys’ Fees for Prevailing in FOIL proceedings**

The Senate passed a measure that would establish that in a FOIL proceeding, the court shall assess against an agency reasonable attorney fees and other litigation costs incurred when a person substantially prevails, unless the court finds otherwise. [S2392](#), passed both houses, sponsored by Senator Patrick Gallivan

#### **Setting an August Date for State and Congressional Primaries**

The Senate passed a bill that creates one August primary date for state and Congressional races, saving taxpayers at least \$25 million and bringing the state into compliance with federal election requirements for overseas balloting. This measure would designate the third Tuesday in August as the date to merge the current federal non-presidential primary held in June and the state primary held in September. Fourteen other states hold state and/or Congressional primaries in August. An August primary election date would also ensure that military personnel and New Yorkers living abroad have an opportunity to vote and have their votes counted. [S1115](#), sponsored by Senator Fred Akshar

#### **Supporting Israel and Other U.S. Allies Targeted by Boycotts**

The Senate approved a measure that expands existing state law and prevents New York from inadvertently using state funds to support boycotts and discriminatory economic agendas aimed at Israel or other American allies. The bill would prohibit New York from providing state monies to businesses or individuals that participate in boycotts like the Boycott, Divestment, and Sanctions (BDS) movement aimed at economically harming Israel and the Israeli people. [S2492](#), sponsored by Senator Elaine Phillips

### **CUTTING RED TAPE**

#### **Extending Rulemaking Public Comment Periods**

The Senate passed a bill to extend the period of time for which the notice of proposed rulemaking must appear in the state register from 45 to 60 days. This will provide more time for local governments, small businesses, and individual citizens to perform the substantive and thorough analyses needed to provide meaningful public comment. Federal agencies have similarly extended public comment periods to 60 days in order to allow interested parties the time necessary to submit detailed responses to proposed rules and regulations. [S5795A](#), passed both houses, sponsored by Senator Chris Jacobs

#### **Enhancing Public Access to Regulatory Documents**

The Senate passed a bill to encourage the public to have their voices heard in state government regulatory reforms by requiring the State Administrative Procedures Act (SAPA) to utilize electronic communications in rulemaking notices. Under current law, SAPA requires that state agencies only send out paper mail for these notices, which is outdated and costly. [S5721](#), passed both houses, sponsored Senator Chris Jacobs

#### **Evaluating Job Impacts of Proposed Rules More Efficiently**

The Senate approved a measure to make various improvements to the process for evaluating the potential impact of proposed rules on jobs and employment opportunities. The current process, while useful, does not provide sufficient information on the quality of jobs that could be gained or lost by pursuing various policy choices, and does not guarantee that the most appropriate data and methodologies are used. The bill had passed both houses last year, but was vetoed by the Governor on the basis it would create more work

for agencies. The Senate believes fully evaluating job impacts and ensuring the economy can continue to grow is worth any additional efforts required by state agencies. [S3751](#), sponsored by Senator Terrence Murphy

#### **Allow ARRC to Delay a Proposed Regulation**

The Senate took legislative action that allows the Administrative Regulatory Review Commission (ARRC) to delay the adoption of proposed administrative rules by 90 days. If a proposal raises concerns for possible inconsistencies with statutory authority or legislative intent, or for potentially burdening the economy, state and local government operations, or other regulated/affected parties, the ARRC could seek a delay to allow increased public awareness and participation in the rulemaking process and to seek answers from the agency about the concerns raised. [S6095](#), sponsored by Senator Chris Jacobs

#### **Protecting Job Creators from Bureaucratic Errors**

The Senate would allow businesses to resubmit forms if they accidentally submit an outdated version. This bill would ensure that businesses, especially those with limited resources, would be able to correct the inadvertent submission of outdated state forms within a reasonable period of time without penalty. [S677](#), sponsored by Senator John DeFrancisco

#### **Enhance Compliance Information Available to Businesses**

The Senate passed a measure to increase the ability of businesses to comply with complex state regulations. The measure improves the currently available Small Business Regulation Guide by identifying any sources of information or assistance available to facilitate small business regulatory compliance, and, where appropriate, include information on the most common regulatory violations that small businesses are cited for by the agency and any actions that small businesses can reasonably undertake to minimize or prevent the occurrence of such violations. [S1643](#), passed both houses, sponsored by Senator David Carlucci

## **HEALTH AND MENTAL HYGIENE**

### *2017-18 State Budget Health and Mental Hygiene Highlights:*

This year, the Senate's Joint Task Force on Heroin and Opioid Addiction is continuing its work addressing the drug epidemic by securing **\$214 million** in this year's budget – a record-high level of funding. This will be used to strengthen prevention, treatment, recovery and education services across the state.

The enacted budget includes **\$500 million** for the Health Care Facility Transformation Program to support capital improvements at hospitals, other health care facilities and community-based providers, and provides an opportunity for increased eligibility throughout the state. In addition, the budget includes:

- **\$24 million** for cancer services;
- **\$12 million** for chronic disease prevention (including diabetes, asthma, and hypertension);
- **\$26 million** for Nutritional Information for Women, Infants and Children;
- **\$27 million** for maternal and child health programs, and also includes language to provide Medicaid coverage for donor breast milk to help prevent deadly complications faced by premature infants in neonatal ICUs;
- **\$475,000** for women's health initiatives;
- **\$400,000** for funding to address Lyme and other tick-borne diseases through research, education, and prevention efforts;
- **\$283,000** for the Adelphi Breast Cancer Support Program;
- **\$8.5 million** in additional funding of the Spinal Cord Injury Research Board;
- **\$9 million** for the Doctors Across New York Program; and
- **\$1.3 million** to support organ donation.

### **Supporting Seniors**

The budget boosts support for a wide array of programs and initiatives that serve seniors, including funding for the following:

- **\$50 million** for the Expanded In-home Services for the Elderly Program;
- **\$29 million** for Community Services for the Elderly Program;
- **\$27 million** for the Wellness in Nutrition Program;
- **\$27 million** for Alzheimer's and other dementia related programs;
- **\$1.2 million** for elder abuse prevention initiatives to protect vulnerable senior citizens from abuse;
- **\$250,000** for Older Adults Technology Services;
- **\$86,000** for the New York Foundation for Seniors Home Sharing and Respite; and
- **\$32,000** for the Senior Action Council Hotline.

*Health and mental hygiene legislation includes:*

## **COMBATING HEROIN AND OPIOID ABUSE**

The Senate is at the forefront of New York's efforts to prevent future tragedies and help countless lives rid themselves from the throes of heroin and opioid addiction. Since 2011, laws have been adopted to establish Good Samaritan protections, further expand access to naloxone, create I-STOP, and enhance insurance coverage among others.



In March 2014, the bipartisan New York State Senate Joint Task Force on Heroin and Opioid Addiction was created to examine the alarming rise in use of heroin and opioids that has claimed lives and hurt families across New York State. Following forums held throughout New York State, Task Force members, led by Chair Senator Phil Boyle and Co-Chairs Senator Mike Nozzolio and Senator David Carlucci, secured the enactment of 11 bills signed into law and \$2.25 million in substance abuse funding.

Building on years of success, Senators George Amedore, Chris Jacobs, and Fred Akshar were named as the Task Force Co-Chairs earlier this year and joined with Task Force members to hold a forum in Johnstown, and future forums in Buffalo and Long Island. Medical experts, treatment providers, law enforcement, and affected New Yorkers provide invaluable insights and anecdotal evidence, affording the members the opportunity to understand how legislation could better address this public health crisis.

## **New Proposals to Combat Heroin and Opioid Abuse**

### **Strengthening Enforcement:**

#### **Enacting “Laree’s Law” – Holding Drug Dealers Accountable**

The Senate passed a bill that establishes the crime of homicide by sale of an opiate controlled substance. Currently, a person who provides an illicit drug that results in the death of a user can typically only be charged with criminal sale of a controlled substance, allowing those involved in the illicit drug trade to escape prosecution for the deaths caused by their actions. [S2761](#), sponsored by Senator George Amedore

#### **Creating Drug Free Zones Around Drug or Alcohol Treatment Centers**

The Senate approved legislation to criminalize the sale of a controlled substance on the grounds of a drug or alcohol treatment center, or within 1,000 feet of such facilities. Statistics show that drug dealers often prey on individuals with addictions by sitting in the immediate vicinity of a drug or alcohol treatment center or methadone clinic waiting for people to come out so they can sell them drugs. [S1127](#), sponsored by Senator Fred Akshar

#### **Establishing New Penalties for Heroin Sales**

The Senate acted on a measure to create appropriate level penalties as it relates to heroin sales, taking into account the lighter weight of heroin. Heroin weighs less than other drugs and therefore more doses of heroin are needed to trigger various criminal offenses. [S880](#), sponsored by Senator Robert Ort

#### **Making it Easier to Prosecute Heroin Dealers**

The Senate approved a bill to assist in the prosecution of heroin dealers by creating a presumption that the possession of 50 or more individual packages containing heroin and/or having an aggregate value of \$300 is possession with intent to sell. Currently, dealers can carry large quantities of the drug before triggering a felony charge of possession. [S638](#), sponsored by Senator Phil Boyle

#### **Cracking Down on Black Market Prescription Drugs**

The Senate passed a measure to establish the offense of fraudulent prescription, dispensing and procurement of non-controlled substance prescription medications and devices, and establish the offense of unlawful possession of non-controlled substance prescription medications and devices. The gaps in existing law and the growth of a black market make it self-evident that change is necessary. This bill will address the problem by increasing or establishing criminal penalties that better fit these crimes. [S2814](#), sponsored by Senator Kemp Hannon

## **Prohibiting Dangerous Synthetic Drugs:**

### **Improving the Regulation of Fentanyl**

The Senate approved a bill to add six new derivatives of fentanyl to the controlled substance schedule regulated by the state Department of Health. Fentanyl and fentanyl-combined drugs are a major driver of the many recent overdoses that have occurred across New York State. It is vital for public health and safety to properly regulate this potent drug. [S5884](#), sponsored by Senator Chris Jacobs

### **Cracking Down on The Sale of Carfentanil**

The Senate took legislative action that makes the sale of 2 milligrams or more of Carfentanil a Class A-II felony and the sale of 10 milligrams or more of Carfentanil a Class A-I felony. Carfentanil is synthetic opioid and a schedule II controlled substance, which is 100 times deadlier than fentanyl, and 10,000 times stronger than morphine. [S623](#), sponsored by Senator Phil Boyle

### **Conforming State Controlled Substances With Federal Schedules**

The Senate passed a bill to update the state controlled substances schedules, promoting consistency with the federal schedules and promoting health and safety. Consistency between the state and federal schedules is important to address the prevalence of abuse and misuse of controlled substances. The bill would also add other known dangerous substances to the state's schedule of controlled substances, including a synthetic opioid analgesic, often is known as AH-7921, which can cause a deadly psychoactive reaction. [S5357A](#), sponsored by Senator Kemp Hannon

### **Outlawing Lethal Fentanyl**

The Senate passed a measure that would add new derivatives of fentanyl to the controlled substance schedule and increases criminal penalties for the sale of an opiate containing a fentanyl derivative. Fentanyl is a strong pain medication that is often combined with anesthesia to prevent surgery-related pain. However, it is increasingly being mixed with heroin and other drugs to produce a cheaper and more lethal product. [S933](#), sponsored by Senator Thomas Croci

### **Outlawing Xylazine**

The Senate approved a bill that would designate Xylazine as a controlled substance due to recent instances of this veterinary drug being used to lace heroin. It has emerged as a new threat in the state's battle against the heroin epidemic because the heroin-Xylazine combination is so potent that it can take multiple doses of naloxone to revive an overdose victim, and even this regime is not guaranteed to be effective. Dealers are using this dangerous drug to "enhance" their products, but risks include a dangerous depression of the central nervous system, causing individuals to drift in and out of consciousness, as well as negatively affecting heart function. [S300](#), sponsored by Senator Terrence Murphy

### **Outlawing Flakka**

The Senate passed a bill that would designate Alpha-PVP, also known as "Flakka" or "Gravel" as a controlled substance. Similar to bath salts and methamphetamine, use of this designer drug has been known to cause violent behavior, with side effects including nausea, vomiting, paranoia, hallucinations, delusions, suicidal thoughts, seizures, chest pains, and increased blood pressure and heart rate. [S816](#), sponsored by Senator Rich Funke

### **Outlawing Versions of Synthetic Marijuana**

The Senate took legislative action to classify synthetic marijuana, such as K2, Spike 99, Spice, Yucatan Fire, Genie, Zohai and many others, as Schedule I controlled substances. These legal herb-like products



are laced with a synthetic cannabinoid to produce a high similar to existing controlled substances, but with more dangerous side effects, including hallucinations, vomiting, agitation, increased heart rate, elevated blood pressure and other adverse conditions. Not only does the bill provide for the imposition of criminal sanctions on synthetic pot, but also makes it a felony to sell such products to a minor or on school grounds. Further, these actions would criminalize possession of synthetic pot to deter use by law-abiding individuals who may otherwise be unaware of the harmful effects of these drugs. [S3518](#), sponsored by Senator John J. Flanagan

### **Banning Analog Substances**

The Senate acted on a measure to ban the analog substances of scheduled controlled substances. By expanding the state's ability to ban analog substances, state drug and law enforcement agencies are given another tool to combat the quickly moving world of designer drugs that simply "tweak" an existing scheduled substance in order to avoid criminal prohibitions. [S2722](#), sponsored by Senator Jeffrey Klein

### **Outlawing New Synthetic Opiate**

The Senate approved a bill that would add a new synthetic opiate, U-47700 and commonly referred to as "Pink" to the schedule I opiate list. This inexpensive drug has spread in popularity across the United States and is reportedly eight times more powerful than heroin. [S658](#), sponsored by Senator Tim Kennedy

### **Protecting Children from Drug Abuse:**

#### **Toughening Penalties for Sale of a Controlled Substance to Minors**

The Senate passed legislation to help curb rising drug abuse among high school students and other youth by making the sale of a controlled substance by an adult to a minor under the age of 14 a class A-II felony. [S3845](#), sponsored by Senator Kathy Marchione

#### **Limiting Children's Opioid Exposure**

The Senate approved a bill that would help address the increasing risk of children becoming addicted to opioids and heroin after being prescribed painkillers for medical procedures or illegally sharing extra prescriptions. The bill requires a health practitioner to receive written consent from a minor's parent or legal guardian in order to prescribe a medical treatment containing opioids, as well as to discuss the risks of addiction and dangers of overdose associated with the medication. The bill also limits the prescription for a controlled substance containing an opioid to a seven-day duration unless there is a medical emergency that puts the child's health or safety at risk. [S5949](#), sponsored by Senator Fred Akshar

### **Preventing Addiction and Facilitating Successful Recoveries:**

#### **Caring for Helpless Infants Suffering from Drug Withdrawal**

The Senate approved legislation to establish at least four infant recovery centers in New York state. The pilot program would help care for infants experiencing opioid or other drug withdrawal symptoms as a result of in utero exposure, or neonatal abstinence syndrome (NAS). Babies with NAS require specialized care and are often treated in costly and less focused newborn intensive care units, a problem that could be diverted into the infant recovery centers with the help of this bill. [S2815](#), sponsored by Senator Kemp Hannon

#### **Requiring Patient Counseling Prior to Issuing a Prescription for a Schedule II Opioid**

The Senate passed a measure that would require health care practitioners to consult with a patient regarding the quantity of an opioid prescription and the patient's option to have the prescription written

for a lower quantity. The physician must also inform the patient of the risks associated with taking an opiate medication, and the reason for issuing the medication must be documented in the patient's medical record. [S5670](#), sponsored by Senator Fred Akshar

### **Preventing Predatory and Deceptive Substance Abuse Treatment**

The Senate acted on a bill that would make it a crime to offer to or accept any kickback from an individual or entity that provides substance abuse services in exchange for patient referral and admission. There has been a rise in individuals who aggressively pursue people in need of substance use disorder treatment services and, for a sometimes-extravagant fee, promise admission to treatment programs. For individuals engaging in this predatory behavior, the most desirable patients are those with robust insurance coverage, and out-of-network benefit packages. Patient brokers refer these clients to programs offering the highest rate of "return" to the patient broker, with little or no regard for the patient's specific needs. This predatory practice capitalizes on, and exploits, families' fears while putting patients at risk of inappropriate treatment. [S6544](#), sponsored by Senator Fred Akshar

### **Expanding Access to Funding for State Substance Abuse Services**

The Senate passed a measure to authorize the state Office of Alcoholism and Substance Abuse Services (OASAS) to provide funding to substance use disorder and/or compulsive gambling programs operated by for-profit agencies. Current statute states all funds issued by OASAS to provide addiction prevention, treatment and recovery services must be awarded to non-profit providers. For-profit organizations, which provide similar services are unable to apply for state contracts through OASAS and such restrictions limits competition within the RFP process that would ensure state dollars are being used in the most efficient way possible. [S898](#), sponsored by Senator George Amedore

### **Making the State's Peer Engagement Program Permanent**

The Senate approved legislation that would codify the state's Peer Engagement Program. It provides participant-centered peer-to-peer services that emphasize knowledge and wisdom through lived experiences in which peers are encouraged to share first-hand knowledge of substance abuse, addiction, and recovery to support the recovery goals of individuals who use drugs and/or alcohol. Peer Engagement Specialists coordinate with hospital emergency department personnel to help addicts who have undergone an opioid overdose reversal, or after discharge from another substance abuse-related emergency visit to connect with addiction treatment services. This bill also requires additional coordination between peer engagement specialists and police, fire, or other first responder departments in connecting individuals receiving an opioid overdose reversal with treatment services. [S6509](#), sponsored by Senator Chris Jacobs

### *Other Legislation Passed to Reduce Drug Use and Abuse:*

### **Educating Medical Professionals on Drug Treatment Methods**

The Senate approved a measure that requires a mandatory one-time continuing education course on medication assisted treatment (MAT) for credentialed alcoholism and substance abuse counselors (CASACs). There is a stigma that surrounds the use of MAT to treat substance use disorders. The lack of familiarity, in combination with the stigma surrounding the treatment, is a significant barrier to fighting the opioid epidemic. CASACs are required to take continuing education courses to keep their certification, and this bill would help further that cause. Bill [S981](#), Chapter 2, sponsored by Senator George Amedore

### **Promoting Life-Saving Information Between Hospitals and Prescribers**

The Senate passed a bill that would require hospital and emergency room physicians to notify a patient's prescriber when a patient is being treated for a controlled substance overdose. The measure enhances the effectiveness of the Prescription Monitoring Program (PMP) Registry when prescribing controlled substances by ensuring that vital medical information is shared among health care practitioners. The bill requires an emergency room or hospital practitioner treating a patient with an opioid overdose to consult the PMP registry and notify the patient's prescriber of the overdose. Without such notification of the overdose, it is very possible that the prescriber/practitioner would not know that the patient had suffered an overdose of the opioid. [S2639](#), sponsored by Senator Andrew Lanza

### **Shining a Light on Overdose Histories**

The Senate approved a measure to help facilitate the exchange of health care information with hospitals, office-based surgery practices, and health care providers who accept walk-in patients not regularly seen by the provider. These practitioners would utilize and maintain an electronic health records system that connects to the local regional health information organization, aiding in the prevention of drug abuse by giving these clinics and urgent care centers the ability to see patient records and whether there is a history of drug use or prescriptions. Additionally, these clinics would add details of the visit to the patient's records for any future medical treatment, thereby ensuring the patient receives appropriate care. [S2248](#), sponsored by Senator Kemp Hannon

## **ORGAN DONATION**

Only 27 percent of potential New Yorkers are enrolled in the New York State Donate Life Registry – the lowest rate in the country, whereas nearly 10,000 people are waiting for organ transplants in New York – the third highest rate in the country. The Senate continues to be an advocate for increasing resources and public awareness on the importance of organ and tissue donation through legislation and funding. This year's enacted state budget included \$1.3 million as part of the Senate's ongoing commitment to help New Yorkers' need of lifesaving transplants.

The Senate passed a package of bipartisan bills aimed at encouraging more New Yorkers to become organ and tissue donors and protecting the rights of those who do. The bills focus on enhancing public awareness and removing bureaucratic obstacles and will increase the number of New Yorkers who sign up to help save lives through organ, tissue, bone marrow, and blood donation. Highlights include:

### **Empowering the Transplant Council**

The Senate passed a bill that would allow the Transplant Council to expand its scope and help state organ donation efforts by making annual recommendations to the Commissioner of Health on organ donation, procurement organizations, and organ banks and storage, passed both houses earlier this year. [S2495](#), Chapter 26, sponsored by Senator Kemp Hannon

### **Enacting the Living Donor Protection Act of 2017**

The Senate passed legislation to prevent discrimination against living organ or tissue donors who have or are applying for life, accident, health, or long-term care insurance; designating transplantation preparation and recovery related to donation as "serious health conditions" covered by paid family leave; and directing the Commissioner of Health, in cooperation with the transplant council and other interested parties to develop and distribute information on live organ donation. [S2496](#), sponsored by Senator Kemp Hannon

### **Reimbursing Those for Medical Expenses Related to Organ Donation**

The Senate approved a measure to establish a one-time personal income tax credit for up to \$10,000 for expenses related to a taxpayer donating his or her organs for transplantation. [S2497](#), sponsored by Senator Kemp Hannon

### **Increasing Public Awareness of Organ and Tissue Donation Among Youth**

The Senate passed a measure to allow SUNY, CUNY, and library card applicants to register as an organ donor under an expansion of Lauren's Law, which changed DMV forms to require applicants to choose "yes" or "skip" the question about becoming a donor. [S5283B](#) sponsored by Senator Chris Jacobs

### **Giving Organ Delivery Vehicles Emergency Status**

The Senate also passed legislation to help medical transport teams quickly operate within their necessary and sensitive time frames. The bill would add human organ delivery vehicles to the list of authorized emergency vehicles in the state. [S2162A](#), sponsored by Senator Sue Serino

### **Improving Organ Donation Awareness on State Applications**

The Senate approved legislation that would give the option to applicants for the practice of a profession or occupation, state income tax filers, and applicants registering motor vehicles to register in the Donate Life Registry for organ, eye, and tissue donation. [S474B](#), sponsored by Senator Jose Peralta

### **Helping Families of Organ Donors Save Money**

The Senate took legislative action that allows a taxpayer or the spouse of a taxpayer to deduct costs related to the taxpayer's organ donation, and include child care costs within such allowable costs. [S1475](#), sponsored by Senator David Carlucci

## **COMBATING LYME AND TICK-BORNE DISEASES**

### **Protecting Children from Lyme Disease and Insect-Borne Infections**

The Senate passed a bill that allows parents to give permission to children's overnight, summer day, and travelling summer camps to administer insect repellent to help decrease the risk of Lyme disease and tick-borne infections – a common sense approach to protect young people who are outside more frequently and for much longer periods of time. [S6710A](#), passed both houses, sponsored by Senator Betty Little

### **Long-Term Health Insurance Coverage for Lyme and Other Tick-Borne Related Diseases**

The Senate passed legislation to require the New York State Health Care Quality and Cost Containment Commission to meet each year and submit a report to the Governor and Legislature on the impacts of providing insurance coverage for Lyme and other tick-borne related diseases. Currently, health insurance companies are not required to cover long term treatment for those suffering from chronic Lyme or other related diseases. This bill is a the first major step in establishing a conversation on what can be done to address this issue in New York. [S2168](#), sponsored by Senator Sue Serino

### **Educating Homeowners on Ways to Shield Themselves from Ticks**

The Senate approved a measure to provide homeowners with vital and reliable information on the best way to protect their property from ticks. People should be aware of the EPA's approved pesticides that are recommended for tick prevention and the best methods to use pesticides to better protect both people and pets from exposure to ticks on their property. The bill directs the Commissioner of Environmental Conservation to develop guidelines for best practices in treating residential properties to reduce exposure to ticks. [S2588](#), sponsored by Senator Sue Serino

### **Getting and Keeping Doctors Educated and Trained on Lyme and Tick-Borne Diseases**

The Senate passed a bill that helps ensure medical professionals are properly trained to treat patients with Lyme or other tick-borne diseases. The bill authorizes the Department of Health (DOH) to award grants for graduate medical education in Lyme and tick-borne diseases, designate organizations as centers of excellence for Lyme and tick-borne diseases, and designate Lyme and tick-borne-disease resource centers. [S2621](#), sponsored by Senator Sue Serino

### *Other Important Health Legislation:*

### **Helping Prevent Breast Cancer with 3D Mammography**

The Senate passed a bill to require breast tomosynthesis (3-D mammography) to be covered by health insurance companies in New York State. 3-D mammography has proven to be a more consistent and dependable way of detecting breast cancer, but not all insurers cover this type of screening. Under this bill, insurers would be responsible for providing this type of coverage in an effort to identify breast cancer earlier and potentially save lives. [S4150](#), passed both houses, sponsored by Senator Joseph Griffo

### **Expanding the Rights of Cancer Patients Through “Date of Discovery”**

The Senate passed a measure to expand a patient’s rights to pursue malpractice claims if they later learned of a malignant tumor or cancer that should not have been missed by their doctor. The bill amends the statute of limitations for malpractice lawsuits to include a “Discovery of injury” rule for the failure to diagnose cancer or a malignant tumor by a negligent doctor. To pursue legal action, a patient would be allowed two-and-a-half years from the date a patient discovered, or should have discovered, that they were a victim of malpractice. The bill passed this year would give patients with cancer or malignant tumors the ability to seek a malpractice claim when they discover negligence. [S6800](#), passed both houses, sponsored by Senator John DeFrancisco

### **Extending Kendra’s Law for Five Years**

The Senate passed a measure that will strengthen protection for the public and increase needed medical care for the mentally ill by streamlining and improving New York's Assisted Outpatient Treatment (AOT) program, also known as Kendra’s Law. [S6726](#), Chapter 67, sponsored by Senator Catharine Young

### **Preventing Access to Unused Prescription Drugs**

The Senate approved legislation that requires chain and mail order pharmacies to take back unused prescription medications. According to the National Institute on Drug Abuse, a top reason teens use prescription drugs is that they are easy to get from their parents' medicine cabinets. This requirement would give the state another tool in the fight against prescription drug abuse. [S6750](#), passed both houses, sponsored by Senator Kemp Hannon

### **Preventing the Negative Health Effects of Smoking**

The Senate passed several bills to curb e-cigarette use in New York:

- [S2543A](#), passed both houses, sponsored by Senator Kemp Hannon, would ban the use of electronic cigarettes in indoor areas covered by the Clean Indoor Air Act, as well as certain public outdoor areas where smoking cigarettes is prohibited. The lack of oversight relating to the use of electronic cigarettes is placing individuals at risk because there is little known about the chemical make-up of the liquid nicotine, or the harm to individuals from inhaling the vapor directly or through secondhand exposure. While e-cigarettes can serve as smoking cessation mechanisms, three states and more than 170 municipalities prohibit use of e-cigarettes in other smoke free



environments in order to protect the health and rights of non-smokers who do not wish to be exposed to this secondhand vapor;

- [S750](#), passed both houses, sponsored by Senator Patty Ritchie, would discourage smoking by children by prohibiting e-cigarette use on school grounds. While many school grounds are already designated as “tobacco-free,” e-cigarettes don’t contain tobacco. This measure would help schools continue to restrict youth from using e-cigarettes at school;
- [S1223](#), sponsored by Senator Fred Akshar, would prohibit the free distribution of e-cigarettes to anyone under 18 years old. Despite current law prohibiting the sale of e-cigarettes to minors, manufacturers are able to take advantage of a loophole that allows them to distribute free samples of their products to minors – a particular problem at music festivals and other large events; and
- [S2542A](#), passed both houses, sponsored by Senator Kemp Hannon, would require any person who is not registered with the Department of Taxation and Finance to sell tobacco products and is selling electronic cigarettes to register with the Department. This would close a loophole that allows some retailers of electronic cigarettes who do not also sell tobacco cigarettes to avoid compliance checks that would ensure adherence to current laws.

### **Increasing Access to Lifesaving Automated External Defibrillators (AEDs)**

The Senate approved a measure that allows entities that want to have an AED available, but are required to have a collaborative agreement with a doctor, the ability to now enter into a collaborative agreement with other health care professionals such as physician assistants and nurse practitioners, while maintaining the existing high standards for safety and use. This would allow more access to life saving AEDs at gyms and other public venues that currently have difficulty finding a doctor to enter into such an agreement. [S5718](#), passed both houses, sponsored by Senator Kemp Hannon

### **Raising Awareness of Pediatric Acute-onset Neuropsychiatric Syndrome (PANS)**

The Senate passed legislation to direct the New York State Department of Health to include PANS in its Health Care and Wellness Education and Outreach Program. An advisory council comprising representatives of people with PANS, including family members, and health care providers who specialize in treating the syndrome, would focus on increasing awareness and early detection of the illness through education. [S5750](#), passed both houses, sponsored by Senator Betty Little

### **Establishes the Newborn Health and Safe Sleep Pilot Program**

The Senate approved a measure to create the Newborn Health and Safe Sleep Pilot Program, designed to reduce infant mortality rates across New York State through the use of “baby boxes.” The boxes would provide infants with a secure place to sleep and encourage other safe practices by offering newborn essentials like pacifiers, diapers, and educational materials to parents. The pilot programs will target areas with high infant mortality rates or areas with poor birth outcomes as a way to reduce infant mortality caused by unsafe sleeping practices. [S3867A](#), passed both houses, sponsored by Senator Kemp Hannon

### **Increasing Awareness, Prevention, and Education on Sepsis**

The Senate passed a bill directing the Department of Education, Department of Health, and other health organizations to establish a sepsis awareness and prevention program to educate students, parents, and school personnel on the life-threatening condition. Sepsis affects over 1 million Americans each year – but the infectious disease can be treated successfully if diagnosed early enough. This bill would help raise awareness of prevention and symptoms related to sepsis in the hopes that future tragedies are avoided. [S4971A](#), passed both houses, sponsored by Senator Carl Marcellino

### **Ensuring a Continuity of Care for People with Developmental Disabilities**

The Senate passed a measure that codifies the Care Demonstration Program within the Office for People with Developmental Disabilities (OPWDD). The successful program provides vital support to individuals who may not need residential care but are still in need of community-based programs offered by state employees, and this bill will ensure its services continue. [S5681](#), passed both houses, sponsored by Senator Robert Ort

### **Helping Individuals With Disabilities Manage Medical Costs**

The Senate approved a measure that requires new Medicaid enrollees to be notified of a Pooled Trust option to help manage medical and living expenses. This option allows individuals with disabilities to deposit excess income into a trust so that they can continue to afford crucial medical supplies and services through Medicaid, maintain an income for living expenses and independence, and save the state money by reducing the need to be placed in a nursing facility. [S1241](#), passed both houses, sponsored by Senator Robert Ort

### **Removing the Stigma from Mental Illness**

The Senate passed a bill that would direct the Office of Mental Health (OMH) to create a “Mental Health Matters” license plate available for purchase from the state, which would use the proceeds to create a mental illness anti-stigma fund that provides grants to organizations dedicated to eliminating the stigma attached to mental illness. Building upon years of steps in the right direction by New York, this license plate and fund would increase awareness and help combat stigmas attributed to mental illness. [S1210C](#), passed both houses, sponsored by Senator Robert Ort

### **Expanding Telehealth to Reach Schools and Child Care Providers**

The Senate took legislative action that would allow primary care providers to use telehealth to connect with and provide care to young children while they are in school or at child care providers. Telehealth brings patients and medical services together through online video sessions. Offering this benefit where children spend most of their time would help provide quicker diagnosis and treatment of health and mental health issues for the child, and increase access to medical care in both rural and urban areas. [S3293](#), passed both houses, sponsored by Senator Kemp Hannon

### **Streamlining Access to Telehealth for Senior Citizens**

The Senate approved a measure to help give more seniors access to telehealth services by including statewide assisted living facilities, adult homes, continuing care retirement communities, and other senior living residences in the definition of “originating site.” Current law has established telehealth parity across the state – this bill would help expand that parity to ensure that seniors can benefit from increased coverage. [S4285](#), passed both houses, sponsored by Senator Sue Serino

### **Making the Rural Health Council Permanent**

The Senate passed legislation that would codify in law the state’s Rural Health Council within the Department of Health (DOH) to continue and enhance its role in addressing health care challenges facing less populous parts of the state. [S4741](#), passed both houses, sponsored by Senator Kemp Hannon

### **Giving Firefighters Access to Critical Health Benefits**

The Senate passed a bill to help further protect the health of volunteer firefighters who become sick due to the hazards they encounter from their service to the community. The bill would expand the benefits available to volunteer firefighters when they contract certain illnesses and cancers as a result of their dangerous work. [S1411A](#), passed both houses, sponsored by Senator Joseph Griffo



### **Maintaining the Western New York Children’s Psychiatric Center as a Separate and Distinct Entity**

The Senate approved a bill to prohibit the Western New York Children’s Psychiatric Center from being collocated or merged with any other facility. Aside from the health facility having been constantly rated top tier by the Joint Commission on Accredited Health Care, its rural and environmentally friendly location has been therapeutic for children with mental health disorders; moving this facility would create long-term aggregate losses to the state and harm its most vulnerable populations. [S4630](#), passed both houses, sponsored by Senator Patrick Gallivan

### **Assisting Medical Patients Under Extraordinary Circumstances**

The Senate passed a measure that requires that the State Disaster Preparedness Plan helps ensure medical supplies and medication are delivered to pharmacies, hospitals, and nursing homes located within a disaster area. During Hurricane Sandy the Port Authority closed bridges to Long Island to all but emergency vehicles. In one instance, a medical delivery company was forced to rent an ambulance in order to deliver their shipment of an uncommon drug to a hospitalized patient in dire straits. This measure would help patients affected by declared emergencies have better access to medication and supplies that are potentially lifesaving. [S5998](#), passed both houses, sponsored by Senator Thomas Croci

### **Reducing Health Care Expenses**

The Senate passed legislation to help businesses facing significantly higher health care costs as a result of state regulations that took effect earlier this year by redefining what constitutes a “small group employer.” [S425](#), sponsored by Senator James L. Seward

### **Expanding ‘Doctors Across New York’ to Dentists**

The Senate passes a bill to expand the Doctors Across New York program to include dentists. Access to dental care in underserved areas of the state is a serious public health problem and incorporating dentists into this program will increase access to potentially life-saving dental care for traditionally underserved populations. [S3939](#), sponsored by Senator Catharine Young

### **Providing Victims of Sexual Abuse with a Safe Environment During Chemical Dependence Treatment Services**

The Senate approved a measure, known as Robin’s Law, to require the Office of Mental Health and the Office of Alcoholism and Substance Abuse Services to develop guidelines and procedures ensuring treatment sessions for registered sex offenders and sexual assault victims are conducted separately. This measure would ensure a protected, safe, and clinically sound treatment environment for all patients. [S602](#), sponsored by Senator Phil Boyle

### **Creating a “Survivor Bill of Rights”**

The Senate passed a bill to better inform sexual assault survivors of their various rights to fair and sensitive treatment during the investigation of their crime. The Sexual Assault Survivor Bill of Rights details the right of survivors to consult with and be accompanied by a victim assistance organization during physical exams and interrogations; the right to preventive treatment for HIV; and the right to get notice about the results of their sexual assault evidence kit and the status of their case. The bill also requires the state to study the feasibility of establishing a statewide sexual offense evidence kit tracking system, as a way to streamline law enforcement tracking, create greater transparency and accountability to ensure compliance with the existing law, and provide a way for survivors to check the status of his or her sexual offense evidence kit throughout the entire process, from collection to conviction. [S6428](#), sponsored by Senator Kemp Hannon

## **TRANSPORTATION**

## *2017-18 State Budget Transportation Highlights:*

The budget includes significant increases for transportation infrastructure that were successfully advocated for by the Senate. The budget maintains fairness in funding and a more equitable and regionally balanced transportation plan. An increase of nearly **\$1.7 billion** over last year brings the total transportation funding to **\$29 billion**, including **\$2 billion** for the Thruway Authority. The budget includes:

- An approximately **\$1.5 billion** increase this year to accelerate road and bridge projects throughout the state;
- **\$65 million** increase for a total of **\$503 million** this year and **\$2.4 billion** over five years for the Consolidated Local Street and Highway Program (CHIPS), with the additional funding earmarked for Extreme Winter Recovery;
- **\$50 million** increase for the local BRIDGE NY program for a total of **\$150 million** this year and **\$550 million** over five years, including **\$70 million** earmarked for culverts);
- **\$20 million** increase for a total of **\$104 million** this year and **\$417 million** over five years for non-MTA downstate and upstate transit systems capital; and
- **\$10 million** increase for a total of \$27 million this year and \$292 million over five years for aviation.

In addition, the budget includes:

- **\$10 million** in additional funding (total: **\$512 million** this year) for non-MTA downstate and upstate transit systems operating aid;
- **\$4 million** this year in operating aid for rural transit systems;
- Continued funding for the local PAVE NY program to help fix New York's roads (total: **\$100 million** this year; **\$500 million** over five years); and
- **\$352 million** for rail freight over five years.

The budget also followed through on a Senate promise to allow ridesharing companies to operate outside of New York City, creating new jobs and offering safer, more reliable transportation options to communities and visitors upstate and on Long Island.

In addition, the Senate passed bill [S5814](#), sponsored by Senator Michael Ranzenhofer, and later signed by the Governor that will allow ride-sharing to be available 10 days before its scheduled implementation under the budget agreement, and ready for Fourth of July celebrations.

The Senate also passed [S6782](#), Chapter 60, sponsored by Senator Thomas Croci, to prevent Level 1 sex offenders from being drivers for ride-sharing companies, protecting customer safety.

*Transportation legislation includes:*

### **Increasing Transparency and Accountability at the MTA**

The Senate passed a bill that would require any capital program plans by the Metropolitan Transportation Authority (MTA) that is available to one or more committees or board members to be made available to the public. Under current law, access to the plans are only available to MTA capital program review board members. With tens of billions of dollars at stake, the approval process for any capital program plans would be better served if there was more public participation. [S5159](#), passed both houses, sponsored by Senator Michael Ranzenhofer

### **Establishing the Temporary Advisory Board on Upstate Transit Funding**

The Senate approved legislation that creates an advisory board to help support mobility options for upstate New York residents. The board would study, develop, and make specific recommendations for the growth, stability, and sustainability of state public transit funding options. [S2083A](#), passed both houses, sponsored by Senator Tom O'Mara

### **Allowing Town Boards to Establish Maximum Speed Limits**

The Senate passed legislation that would allow town boards to establish maximum speed limits on certain town highways. The law currently only allows towns with 50,000 in population (approximately 24 towns), suburban class towns (approximately 56 towns), and all cities and villages (without regard to population) to set speed limits within their jurisdiction. [S389](#), sponsored by Senator Betty Little

### **Compensating Penn Station Commuters and Holding Amtrak Responsible**

The Senate passed a measure to withhold New York State's payments to Amtrak, operator of Penn Station, and return the savings to commuters as they continue to experience repeated travel problems that jeopardize jobs and paralyze the region's economy. The bill would authorize the Metropolitan Transportation Authority (MTA) to discontinue all payments to Amtrak as a way of compensating commuters affected by unscheduled delays and cancellations that result from Amtrak's inadequate maintenance. The payments could be withheld until December 31, 2017, unless service for trains arriving and departing at Penn Station is restored to 95-percent on-time performance for at least one month. The monies withheld by MTA would be directed back to commuters in the form of savings on fares. [S6421](#), sponsored by Senator Elaine Phillips

### **Cutting MTA Fares for Veterans**

The Senate passed a measure to recognize the contributions of veterans by making them eligible for an existing reduced fare program through the Metropolitan Transportation Authority (MTA). The bill would extend MTA's half-fare benefit to veterans and help make it more affordable to live in the greater metropolitan area. [S2164](#), sponsored by Senator Sue Serino

### **Increasing Railroad Safety**

The Senate passed a measure to decrease dangerous vehicular accidents at railroad grade crossings by authorizing any municipality to install and operate railroad grade crossing photo violation monitoring devices at any railroad sign or signal. Utilizing the same technology as red light cameras, drivers who fail to adhere to safety signals indicating an approaching train would be fined. This measure would further incentivize drivers to pay particular attention to signs indicating appropriate stopping distances from railroad crossings and thereby prevent serious and deadly accidents. [S2303B](#), sponsored by Senator Terrence Murphy

### **Banning X Lite Guardrail from State and Local Highways**

The Senate passed a measure which would direct the Commissioner of Transportation to prohibit the use and installation of the deadly X Lite Guardrail, and remove any currently in use. The bill stems from the death of Hannah Eimers, a 17-year-old originally from Fredonia, who was killed in a November 2016 traffic accident in Tennessee when her vehicle left Interstate 75, crossed into the median and struck the guardrail end terminal. Instead of re-directing the car, the mechanism penetrated the driver's seat area, killing Hannah instantly. The New York State Department of Transportation called for the temporary removal of X Lite from the list of approved products for use along New York's roadways – this bill would make it a permanent ban. [S5427A](#), sponsored by Senator Catharine Young

The Senate also passed a bill that would also direct the DOT to study and report on the removal and use of X Lite guardrails and rail caps. [S6096A](#), sponsored by Senator Catharine Young

### **Allowing Seniors to Remain Independent and Mobile**

The Senate acted on a measure that would establish an economically sustainable transportation pilot program to help seniors get to medical appointments, go grocery shopping, or run other errands. Through a combination of paid and volunteer drivers, the 5-county pilot could help revitalize senior community engagement and grow to become self-sustaining through consumer fares as well as voluntary community support. [S2155A](#), sponsored by Senator Sue Serino

### **Permanently Disqualifying School Bus Drivers Who Fail a Random Drug or Alcohol Test**

The Senate passed a bill that provides for the permanent disqualification of school bus drivers who fail random drug or alcohol tests administered according to federal rules and regulations, if such drivers have, in the preceding five years, failed a previous random drug or alcohol test, refused to submit to a chemical test, or been convicted of DWI or DWAI. While most drivers do an excellent job under often difficult situations, it's important to reduce the risk posed by those who have proven that they have a problem with drugs or alcohol and could place students and others in serious jeopardy. [S5865](#), sponsored by Senator Patty Ritchie

### **Toughening Fines and Criminal Penalties for Passing a Stopped School Bus**

The Senate passed legislation that increases monetary penalties for passing a school bus and requires that a person who injures someone while passing a school bus be charged with aggravated vehicular assault. If a person is killed in the incident, the driver would be charged with criminally negligent homicide. [S1023](#), passed both houses, sponsored by Rich Funke

The Senate passed another bill that establishes the crime of vehicular assault in the third degree where a person, with criminal negligence, causes physical injury to another person while unlawfully overtaking and passing a stopped school bus. The bill also expands other degrees of crime to include unlawfully passing a stopped school bus. [S5733](#), sponsored by Senator Patty Ritchie

### **Cracking Down on Distracted Drivers Who Pass a Stopped School Bus**

The Senate passed a measure that would increase and modify the penalties associated with passing a stopped school bus when using a portable electronic device or mobile telephone. Driving while distracted is bad enough, but a driver that is so focused on their own activities that they are willing to pass a stopped school bus is an extreme hazard. [S5898A](#), sponsored by Senator Patty Ritchie

### **Increasing Penalties for Multiple Convictions of Passing a Stopped School Bus**

The Senate passed a bill that would provide for a 60-day suspension of an individual's drivers' license when the holder is convicted two or more times of passing a stopped school bus within a period of 10 years. This bill makes the penalties for multiple convictions of passing a stopped school bus similar to the stiff penalties of multiple convictions of speeding in a construction zone. [S1064](#), sponsored by Senator John Bonacic

### **Increasing Penalties for Certain Vehicles Passing a Stopped School Buses**

The Senate approved legislation that would increase and modify the penalties associated with passing a stopped school bus by certain vehicles including but not limited to buses, vehicles with 15 or more passengers, and vehicles weighing more than 26,000 pounds. By subjecting drivers that illegally pass a stopped school bus while driving a large vehicle to higher penalties, unsafe behavior can be curbed. [S5897](#), sponsored by Senator Patty Ritchie

**Raising Awareness of Laws Prohibiting Overtaking and Passing a Stopped School Bus**

The Senate passed legislation that adds a school bus safety component to the pre-licensing driver's education course. By ensuring that drivers are taught from the very beginning the dangers and illegality of passing a stopped school bus, drivers will be empowered to make safer decisions while on the road.

[S5974](#), sponsored by Senator Elaine Phillips

**Enhancing Highway Safety for New Drivers**

The Senate passed a measure that would require new drivers with class DJ or MJ learners' permits to display a special learner's license tag or symbol on the rear window. The practice, which is widespread in other nations around the world, would alert other drivers to use caution when nearing a vehicle operated by a learning driver. [S4547](#), sponsored by Senator James L. Seward

**Reducing Costs for Vintage Snowmobile Owners**

The Senate passed a bill that that would allow owners of vintage snowmobiles to register their sleds for a reduced fee. Since these special snowmobiles are used only for parades and other show events they should be exempt from the portion of the registration fee which is directed to the trail maintenance fund.

[S4454](#), sponsored by Senator James L. Seward

## **SENATE LEADERSHIP ON STORM AND RECOVERY RESPONSE**

Several areas of New York State have been subject to extensive flooding and storm damage that greatly impacted homes, businesses, and infrastructure. A historically wet spring resulted in serious flood damage along major bodies of water – property eroded away, houses sustained damage, businesses were disrupted or forced to close, and infrastructure was broken. However, federal disaster aid or other recourse was often unable to assist with the mounting costs.

As a result, the Senate led the way in passing several initiatives to help provide necessary resources to recover and rebuild.

*Storm and Recovery Legislation includes:*

### **The Lake Ontario-St. Lawrence Seaway Flood Relief and Recovery Grant Program**

The Senate passed legislation creating a new program to provide a total of \$45 million in flood relief and storm funding to address the extensive damage to personal and public property throughout the greater Lake Ontario/St. Lawrence Seaway watersheds between January and August 2017. Grants totaling \$15 million for homeowners; \$15 million for small businesses, neighborhood associations, farms, and not-for-profit corporations; and \$15 million for local governments would be made available to repair direct flood related damage along Lake Ontario, the St. Lawrence River, Seneca Lake, the Seneca River, the Oswego River, the Oneida River, Oneida Lake and Cross Lake.

In addition, the Senate secured \$10 million to help municipalities and special districts in Chautauqua, Cattaraugus, and Allegany counties that sustained direct physical flood-related damage during a severe storm in July 2015, and to help cover damage from a destructive Monroe County windstorm that occurred in March 2017. [A40001](#), Chapter 61

Prior to the law's enactment, the Senate and the Assembly passed [S6783](#), sponsored by Senator Pam Helming, that served as the foundation for the final three-way agreement.

### **Accelerating Availability of Emergency Infrastructure Funding for Recent Flood Damage**

When flooding first began affecting the Lake Ontario/St. Lawrence Seaway region, the Senate took the lead in acting swiftly to help provide resources to fix infrastructure damaged by flooding and high water levels. The 2017-18 State Budget created the Clean Water Infrastructure Act of 2017 and a new financial assistance program to address water infrastructure emergencies that are imminent hazards to public health, public welfare, the environment. However, the emergency infrastructure funding would not have been available until August 18, 2017 - 120 days after the budget's passage. This new law addresses the urgent need by removing the 120-day waiting period to provide an option for municipalities to seek immediate financial relief from the state. [S5902](#), Chapter 30, sponsored by Senator Pam Helming

### **Creating the Great Lakes Flood Recovery Grant Program**

Prior to the final Senate-Assembly agreement to create the new Lake Ontario-St. Lawrence Seaway Flood Recovery Grant Program, the Senate put forth a measure to create a new \$55 million grant program for flood damage in the areas of the Lake Ontario, Lake Erie, Lake Champlain, and the St. Lawrence Seaway. This funding would have been made available to property owners, businesses, farms, not-for-profit corporations, municipalities, and counties affected by the high water levels affecting upstate. [S6423](#), sponsored by Senator Pam Helming



**Assisting Medical Patients Under Extraordinary Circumstances**

The Senate passed a measure that requires that the State Disaster Preparedness Plan helps ensure medical supplies and medication are delivered to pharmacies, hospitals, and nursing homes located within a disaster area. During Hurricane Sandy the Port Authority closed bridges to Long Island to all but emergency vehicles. In one instance, a medical delivery company was forced to rent an ambulance in order to deliver their shipment of an uncommon drug to a hospitalized patient in dire straits. This measure would help patients affected by declared emergencies have better access to medication and supplies that are potentially lifesaving. [S5998](#), passed both houses, sponsored by Senator Thomas Croci

## **MEASURES TO RECOGNIZE AND HELP VETERANS**

### *2017-18 State Budget Veterans Highlights:*

The State Budget for 2017-18 reflects the Senate Republican Conference's unwavering support for the heroic service men and women who have sacrificed so much on behalf of our nation. Veterans-related budget increases include:

- **\$1 million** in new funding for veteran-to-veteran support services run by Veterans Service Organizations;
- **\$310,000** (total: **\$3.1 million**) for the Joseph P. Dwyer Veteran Peer-to-Peer Program;
- **\$250,000** increase (total: **\$500,000**) for the Veterans Outreach Center in Monroe County;
- **\$120,000** in new funding for Veterans of Foreign Wars NYS Chapter Field Service Operations; and
- **\$10,000** (total: **\$50,000**) for the Vietnam Veterans of America New York State Council.

Other programs receiving funding include:

- **\$500,000** for the NYS Defenders Association Veterans Defense Program;
- **\$200,000** for Legal Services of the Hudson Valley Veterans and Military Families Advocacy Project;
- **\$200,000** for Warrior Salute;
- **\$100,000** for the Veterans Justice Project;
- **\$100,000** for the SAGE Veterans Project;
- **\$200,000** for Helmets-to-Hardhats; and
- **\$25,000** for the Veterans Miracle Center.

### *Veterans' legislation includes:*

#### **Helping the Men and Women Who Served Our Country Secure Employment**

The Senate passed a bill to assist our veteran community in finding and maintaining meaningful employment by waiving the application fee for civil service exams taken by honorably discharged veterans. Waiving the state application fee for taking civil service exams is one way that we can show our gratitude for their service and sacrifice, and encourage these hardworking men and women to enter state government. [S946](#), passed both houses, sponsored by Senator Thomas Croci

#### **Helping Our Veterans Get Better Access to the Benefits They Deserve**

The Senate passed a measure ensuring that the Division of Veterans' Affairs annually reminds assessors to include veterans of wars in Afghanistan and Iraq under eligibility for certain veterans' tax exemptions. This measure would help address several cases statewide where assessors have rejected the application of veterans who have served in Afghanistan and Iraq because they did not realize these brave men and women are covered under the Persian Gulf conflict for purposes of the alternative veterans' real property tax law. [S4730](#), passed both houses, sponsored by Senator William J. Larkin, Jr.

#### **Venerating POW/MIAs at the State Capitol**

The Senate passed a bill that would direct the Commissioner of General Services to place a POW/MIA chair and plaque in the State Capitol to honor United States prisoners of war and those still missing in action. The POW/MIA Chair of Honor would be a simple yet powerful symbol to honor the 91,000 who remain unaccounted for, and remain forever empty as a reminder to all. [S5540](#), passed both houses, sponsored by Senator Andrew Lanza

### **Authorizing Distinctive License Plates for Conspicuous Service Cross Recipients**

The Senate approved a measure that authorizes the Department of Motor Vehicles to issue distinctive license plates to recognize recipients of the New York State Conspicuous Service Cross or their spouse. Conspicuous Service Cross recipients are combat veterans who served with valor, many of whom were wounded in battle while defending our country. This measure would allow these individuals to receive recognition. [S2564C](#), passed both houses, sponsored by Senator Pam Helming

### **Commemorating the Service of Veterans with Personalized License Plates**

The Senate passed a bill that would authorize the issuance of distinctive license plates for veterans while also exempting them from the one-time service and annual registration fees to keep their license plates updated. [S4464](#), sponsored by Senator Chris Jacobs. In addition, the Senate passed a bill to authorize the issuance of distinctive “Iraq War Veteran” or “War in Afghanistan Veteran” license plates as a recognition of their service and sacrifices. [S2139B](#), passed both houses, sponsored by Senator Sue Serino

### **Establishing a Task Force on Veteran Employment Opportunities**

The Senate passed a bill to create a task force to study and improve the job market for veterans. The task force, to be made up of stakeholders within state government, the private sector, and institutions of higher education, will be charged with holding annual public hearings and making recommendations to the legislature regarding ways the state can assist those who served our country in finding and maintaining meaningful employment opportunities. [S936](#), sponsored by Senator Thomas Croci

### **Helping Veterans Afford a Home**

The Senate approved a measure to assist service-related disabled veterans in affording a home by giving those with a VA disability rating of 40 percent or higher a preference in applications to the state’s Affordable Home Ownership Development Program. [S5158](#), sponsored by Senator Michael Ranzenhofer

### **Assisting More Veterans in Applying for Public Housing**

The Senate acted on legislation to expand eligibility for veterans in public housing to include those of recent conflicts, and requires granting of a preference for public housing to veterans or families of veterans who have a military service connected disability. [S1482](#), sponsored by Senator Tony Avella

### **Providing Tax Relief to Reservists Called to Active Duty**

The Senate passed a measure to allow municipalities to offer the alternative veterans’ property tax exemption to members of the military who are currently serving on active duty. Under current law, individuals who are in active military service need to wait until their service in uniform is finished in order to receive the tax benefits extended by participating municipalities. [S959](#), sponsored by Senator Thomas Croci

### **Providing Tax Relief to Reservists Called to Active Duty**

The Senate took legislative action that would allow the governing body of a city, village, town, or county to exempt reservists called to active duty from property taxes. The exemption, which would span the time of active duty, would ease the financial burden that reservists and their families often face when they are called upon to serve. [S2520A](#), sponsored by Senator Patrick Gallivan

### **Extending Property Tax Exemptions to Certain Reservist Veterans**

The Senate passed a bill to would permit towns to offer reserve military veterans who participated in Operation Graphic Hand the alternative veteran property tax exemption. [S5411](#), sponsored by Senator Thomas Croci

### **Ensuring Continuity of Care for Service Members' Families**

The Senate approved legislation that ensures that service members who have dependent family members with developmental disabilities continue to receive services from the state without interruption to guarantee better continuity of care and better outcomes for the individual. [S5807](#), sponsored by Senator Robert Ort

### **Giving All Active Duty Members of the Military Greater Access to State Parks**

The Senate approved a bill that streamlines the process for active duty service members to receive their free Empire Passport for state park usage. Current law requires the Empire Passport to be filled out annually and to be received in the mail, making the entire process lengthy and cumbersome. Active duty service members and their immediate family would instead be eligible for the free pass by providing their military ID upon entry. [S3571](#), sponsored by Senator Fred Akshar

### **Simplifying the Process for Military Personnel to be Married**

The Senate passed a measure to authorize military personnel scheduled for deployment in less than 30 days to get married within 24 hours of receiving their marriage license. Currently the mandatory waiting period of 24 hours for couples to get married is a hindrance to those expected to serve our country overseas and on short notice. [S1013](#), sponsored by Senator Joseph Robach

### **Increasing Availability of Financial Relief for Blind Veterans**

The Senate passed legislation to provide an increase in the base rates of annuities payable to blind veterans and surviving spouses of blind veterans from \$1,000 to \$1,500. It also clarifies the formula for annual increases to take into account the latest federal increase for veterans' annuities. [S200](#), sponsored by Senator Kathy Marchione

### **Advancing Veterans in Civil Service**

The Senate passed legislation that allows qualified veterans to add veterans' credits to civil service competitive examination scores at any point prior to the expiration of the eligible list, including those examinations for appointments and promotions to the state police. [S2387](#) sponsored by Senator William J. Larkin, Jr.

### **Preserving the History of our Veterans**

The Senate approved a measure that prohibits cemeteries from the unauthorized sale of veteran commemorative cemetery markers, flag holders, monuments, statues, or other physical memorabilia that are over 75 years old if the property is currently placed or located within a cemetery. This bill is particularly pertinent to Civil War-era cemetery markers, statues, and monuments because of their age and the ornate style in which they were designed and constructed, which makes them valuable and leads to potential sale by cemetery operators. [S2390](#), sponsored by Senator William J. Larkin, Jr.

### **Cutting Taxes for Veterans with Disabilities**

The Senate approved a bill that helps veterans with disabilities afford their homes. The measure allows municipalities to offer a full property tax exemption for a veteran classified as 100 percent disabled or their unmarried surviving spouse when the veteran's injuries were sustained as a result of military service.

Veterans would be eligible for the exemption by having served in a combat theater or combat zone of operations documented with a United States campaign ribbon or service medal, armed forces expeditionary medal, navy expeditionary medal, marine corps expeditionary medal, or global war on terrorism expeditionary medal. [S2599](#), sponsored by Senator Andrew Lanza

### **Helping Older Veterans Get the Care They Need**

The Senate approved a measure to establish a Veterans' Gerontological Advisory Committee. This measure would address the needs of a state with the second highest veteran population in the country, and an older veteran population whose needs and problems pervade multiple geriatrics and gerontology disciplines. At no cost to the taxpayers, the advisory committee will be able to provide crucial recommendations to the Director of the Office for the Aging on policies, programs, services, and trends affecting the aging veteran population. [S3709](#), sponsored by Senator Michael Ranzenhofer

### **Improving the Lives of Veterans**

The Senate passed two other bills dedicated to improving the lives of veterans in honor of their service to the state and country. Legislation passed that would benefit veterans includes:

- [S1724](#), passed both houses, sponsored by Senator David Carlucci, gives school districts the option to offer real property tax exemptions to eligible veterans; and
- [S397B](#), sponsored by Senator Robert Ort, allows any veteran who has served this nation to be awarded a high school degree based on their knowledge and experience gained while in service.

### **Honoring Older Veterans with Distinguishing Medals**

The Senate passed two bills that would create service medals for Veterans of foreign wars. The bills, sponsored by Senator Kathy Marchione, include:

- [S198](#), which creates a new Korean War Service Medal for military service abroad in the Korean War from June 25, 1950, through July 27, 1953; and
- [S199](#), which creates the Vietnam War Service Medal for military service abroad in the Vietnam War from November 1, 1955, through April 30, 1975.

### **Cutting MTA Fares for Veterans**

The Senate passed a measure to recognize the contributions of veterans by making them eligible for an existing reduced fare program through the Metropolitan Transportation Authority (MTA). The bill would extend MTA's half-fare benefit to veterans and help make it more affordable to live in the greater metropolitan area. [S2164](#), sponsored by Senator Sue Serino

### **Allowing Veterans Organizations to be Eligible for Capital Funding**

The Senate approved a bill to make Veterans organizations, such as the American Legion or Veterans of Foreign Wars (VFW) posts, eligible for funding appropriated to the state and municipal facilities program for the payment of capital costs. Since the elimination of member initiative grants, veterans groups have had significant difficulty raising funds to provide needed maintenance to their facilities. Many organizations help Veterans with their transition to civilian life through job training, counseling and support, healthcare, and providing information on Veteran benefits. [S6085](#), sponsored by Senator Phil Boyle

## **MEASURES TO PROTECT AND SUPPORT WOMEN IN NEW YORK**

This year Senate Majority Leader John J. Flanagan announced the formation of the Senate Republican Women's Caucus and appointed Senator Betty Little as its Chairwoman. The Caucus will address a wide array of public policy matters including making New York more affordable for women and their families, creating career paths and job opportunities for young women and new college graduates, and promoting entrepreneurship and business ownership for women throughout the state, among many other issues. The group played a key role in setting the Senate's legislative agenda for 2017, and will do so in the years to come.

### *2017-18 State Budget Women's Issues Highlights:*

- **\$26 million** for Nutritional Information for Women, Infants and Children;
- **\$27 million** for maternal and child health programs, and also includes language to provide Medicaid coverage for donor breast milk to help prevent deadly complications faced by premature infants in neonatal ICUs;
- **\$475,000** for women's health initiatives;
- **\$283,000** for the Adelphi Breast Cancer Support Program;
- **\$8.5 million** in additional funding of the Spinal Cord Injury Research Board;
- **\$9 million** for the Doctors Across New York Program;
- **\$1.3 million** to support organ donation;
- **\$47 million** in additional tax relief for working families' child care expenses, and expansion of the Child and Dependent Care Tax Credit for taxpayers with incomes between \$50,000 and \$150,000;
- **\$2.2 million** in funding to provide support, protection and services to domestic violence victims; and
- **\$8.2 million** for Rape Crisis Centers to help victims of rape and sexual assault.

### *Legislation Focusing on New York's Women:*

#### **Expanding Eligibility to More Minority- and Women-Owned Businesses**

The Senate passed a bill that would stop penalizing certain successful minority- and women-owned business enterprises (MWBE) by eliminating a maximum net worth requirement for MWBE owners in order to obtain certification from the state. The existing net worth requirement restricts the growth potential of these businesses by not allowing them the benefits of smaller MWBEs to grow and create jobs. [S3018](#), passed both houses, sponsored by Senator Patty Ritchie

#### **Helping Prevent Breast Cancer with 3D Mammography**

The Senate passed a bill that would require breast tomosynthesis (3-D mammography) to be covered by health insurance companies in New York State. 3-D mammography has proven to be a more consistent and dependable way of detecting breast cancer, but not all insurers cover this type of screening. Under this bill, insurers would be responsible for providing this type of coverage in an effort to identify breast cancer earlier and potentially save lives. [S4150](#), passed both houses, sponsored by Senator Joseph Griffo

#### **Expanding the Rights of Cancer Patients Through "Date of Discovery"**

The Senate passed a measure to expand a patient's rights to pursue malpractice claims if they later learned of a malignant tumor or cancer that should not have been missed by their doctor. The bill amends the statute of limitations for malpractice lawsuits to include a "Discovery of injury" rule for the failure to



diagnose cancer or a malignant tumor by a negligent doctor. To pursue legal action, a patient would be allowed two-and-a-half years from the date a patient discovered, or should have discovered, that they were a victim of malpractice. The bill passed this year would give patients with cancer or malignant tumors the ability to seek a malpractice claim when they discover negligence. [S6800](#), passed both houses, sponsored by Senator John DeFrancisco

### **Medical Assistance Coverage for Donor Breast Milk**

The Senate passed a measure to help prevent the death of high-risk babies that are born prematurely by requiring medical assistance coverage for the cost of donor breast milk in certain circumstances. Currently, donated breast milk is not covered by insurance companies or Medicaid and is expensive - costing approximately five dollars per ounce. Allowing insurance coverage would help make breast milk more readily available to families and promote healthier growth for premature infants. This measure was ultimately enacted in the 2017-18 budget. [S4526](#), sponsored by Senator Kemp Hannon

### **Outlawing Revenge Porn**

The Senate passed legislation that would establish the crime of non-consensual dissemination of sexually explicit images, also known as “revenge porn.” Revenge porn is often committed via the internet, sometimes with disparaging descriptions and identifying details, and in an effort to maximize damage against victims. New York’s current distribution of unlawful surveillance only governs photographs taken without the subject’s consent. This bill would make it a class A misdemeanor to disseminate photographs that are captured consensually, oftentimes as part of an intimate, private relationship which are later disclosed by an individual without the consent of the individual photographed. [S2725A](#), sponsored by Senator Joseph Griffo

### **Creating a “Survivor Bill of Rights”**

The Senate passed a bill to better inform sexual assault survivors of their various rights to fair and sensitive treatment during the investigation of their crime. The Sexual Assault Survivor Bill of Rights details the right of survivors to consult with and be accompanied by a victim assistance organization during physical exams and interrogations; the right to preventive treatment for HIV; and the right to get notice about the results of their sexual assault evidence kit and the status of their case. The bill also requires the state to study the feasibility of establishing a statewide sexual offense evidence kit tracking system, as a way to streamline law enforcement tracking, create greater transparency and accountability to ensure compliance with the existing law, and provide a way for survivors to check the status of his or her sexual offense evidence kit throughout the entire process, from collection to conviction. [S6428](#), sponsored by Senator Kemp Hannon

### **Protecting Victims of Domestic Violence**

The Senate passed legislation that would further protect victims of domestic violence. The bill would provide stronger protections for vulnerable domestic violence victims by allowing them to testify via closed-circuit television in criminal proceedings. Current law only allows children who are considered vulnerable by a judge to testify via closed-circuit television. This legislation would also give domestic violence victims the option of testifying outside of the physical presence of their abusers to help facilitate cooperation with prosecutions. [S513](#), sponsored by Senator Catharine Young

### **Brittany’s Law**

The Senate passed two measures to enact the Domestic Violence Protection Act, also known as Brittany’s Law, a measure that would increase the safety and awareness of communities by increasing access to information about convicted violent felons. The bill would create a publicly accessible registry of all



individuals convicted of a violent felony and allow local law enforcement to keep track of their location. Brittany's Law is named for 12-year-old Brittany Passalacqua, who was brutally murdered along with her mother, Helen Buchel, at their home in Geneva, Ontario County, in 2009. The killer, John Edward Brown, was on parole at the time of the murder. He was released early from prison after serving only 2 ½ years for assaulting his infant daughter in 2003. [S65/S64](#), sponsored by Senator Catharine Young

### **Increasing Protection At Domestic Violence Shelters**

The Senate passed a bill that would provide expanded protections to employees of domestic violence shelters or those seeking their services by strengthening penalties for assaults at shelters. [S4311](#), sponsored by Senator Pam Helming

## **HONORING AND THANKING 9/11 RESPONDERS**

### **Honoring 9/11 Heroes and Renaming the Queens Midtown Tunnel After First Responders**

In addition to passing legislation that will combat terrorism, the Senate passed three bills honoring the state's brave first responders and those who lost their lives from the September 11, 2001, terrorist attacks:

- Bill [S415](#), sponsored by Senator Thomas Croci, would rename the Queens Midtown Tunnel the "New York State First Responders Tunnel" in honor of the sacrifices first responders made on 9/11 and the services they continue to perform every day;
- Bill [S230](#), sponsored by Senator Martin Golden, would designate the month of September as Firefighter, Police Officer, and Emergency Medical Technician Appreciation Month in New York to celebrate their efforts and sacrifices to vigilantly serve their communities, both on 9/11 and every day; and
- [S6072](#), sponsored by Senator Kenneth LaValle, would commemorate all the victims of the September 11, 2001, terrorist attacks by creating a distinctive commemorative license plate. Portions of the collected charges would be used for the purpose of providing scholarship money for the families of 9/11 victims.

### **Continuing Health Care for 9/11 Responders**

The Senate passed a bill to prevent officers and employees who participated in the rescue, recovery, or cleanup of the World Trade Center from losing accrued sick leave due to a 9/11-related health condition. Over the last 16 years, many who responded on 9/11 are facing a multitude of health issues that require doctor visits and time off. This bill recognizes their sacrifice and ensures they will continue to have line of duty sick leave so that they can receive treatment and convalesce without loss of their accrued sick leave. [S6398A](#), passed both houses, sponsored by Senator Martin Golden

### **Supporting Public Servants Hurt in the Line of Duty**

The Senate passed legislation to allow New York City's active service police, fire, investigators, corrections, and sanitation members in the city's retirement system to be eligible for disability retirement benefits equating to  $\frac{3}{4}$  of their salary upon becoming eligible for a service pension. Currently, members hurt in the line of duty and still working after reaching retirement age receive no accidental disability benefit beyond his or her service retirement pension, even though they would be eligible if they were injured prior to reaching retirement age. [S6550](#) Senator Martin Golden / [A40001](#), Chapter 61

## **ANIMAL ADVOCACY**

### *2017-18 State Budget Animal Advocacy Funding*

The New York State Senate secured \$5 million for the creation of a Companion Animal Capital Fund. This first of its kind fund will provide humane societies, nonprofits, and municipal shelters with grants for capital projects through a competitive application process.

### *Legislation to Increase Penalties for Animal Abuse and to Help Pet Owners*

#### **Conducting a Study on the Standards for Therapy Dogs**

The Senate passed a bill to conduct a study on the necessity of standards for the certification, training, and evaluation of therapy dogs with the submission of a report by October 1, 2018. This legislation also would update the definition of “therapy dog” and clarify that it is not a service dog, authorize municipalities to grant a license tag for therapy dogs, and make it illegal to knowingly put a false identification tag on a therapy dog. [S6565](#), passed both houses, sponsored by Senator Kathy Marchione

#### **Expanding Tools Available to Stop Animal Fighting**

The Senate passed legislation to place animal fighting on a list of crimes eligible to seek a warrant to conduct electronic eavesdropping or video surveillance. [S611](#), passed both houses, sponsored by Senator Phil Boyle

#### **Establishing Microchipping Standards for Companion Animals**

The Senate passed a bill that would help people reunite with their lost dogs and cats by creating and implementing rules and regulations to standardize microchip technology. Additionally, the bill requires that the registration of microchips and the information gathered be compliant with regulations developed by the state. Lastly, the bill requires organizations receiving a rescued, seized, captured or impounded companion animal to examine the animal. [S4570A](#), passed both houses, sponsored by Senator James Tedisco

#### **Enacting the Elephant Protection Act**

The Senate took legislative action to prohibit the use of elephants in entertainment acts. The measure is meant to safeguard all elephants from the physical and psychological harm potentially inflicted upon them by living conditions, treatment, and cruel methods that are necessary to train elephants to perform. [S2098B](#), passed both houses, sponsored by Senator Terrence Murphy

#### **Prohibiting Violators of “Buster’s Law” from Having a Companion Animal**

The Senate passed a bill that would prohibit a person convicted of Buster’s Law from owning or possessing a companion animal unless authorized by court order, after appropriate psychiatric or psychological testing. Requiring a psychiatric evaluation will help identify behavior problems and ensure more animals are not abused. [S2501](#), sponsored by Senator James Tedisco

#### **Creating “Kirby & Quigley’s Law”**

The Senate approved a bill expanding Buster’s Law to make it a felony, punishable with two years in jail and a \$5,000 fine, for harming a companion animal during the commission of another felony. This enhanced penalty ensures that perpetrators are charged with felony animal cruelty charges when they face other felonies such as burglary. [S1680](#), sponsored by Senator James Tedisco

### **Increasing the Penalty for Multiple Convictions of Animal Cruelty**

The Senate approved a measure that would increase the penalty for multiple convictions of torturing, killing or failing to provide sustenance to an animal to a felony, if convicted within five years from the date of a prior conviction. This will also help protect people as well because animal cruelty is often linked to violence against humans. [S299](#), sponsored by Senator Terrence Murphy

### **Requiring More Inspections for Pet Dealers**

The Senate took legislative action to provide for more frequent inspections of pet dealers which have been charged with or convicted of violations relating to cats and dogs. It requires the Department of Agriculture and Markets, upon the filing of a charge against a pet dealer, to immediately inspect the premises and continue to inspect the premises every two weeks thereafter until a final disposition of the charges. Should the pet dealer be convicted, inspections would be required quarterly. [S302](#), sponsored by Senator Terrence Murphy

### **Designating Animal Fighting as an Enterprise-Crime-Eligible Offense**

The Senate approved a measure to define animal fighting as a criminal act when referring to enterprise corruption. By making animal fighting an enterprise-crime-eligible offense, law enforcement and prosecutors will have more tools available to combat this serious problem. [S594](#), sponsored by Senator Phil Boyle

### **Increasing Penalties for Animal Fighting**

The Senate passed a bill that would increase penalties for violating Buster's Law from the current two years in jail and a \$5,000 fine to four years in prison and a \$10,000 fine. The bill increases prison time for those convicted of organizing the barbaric practice of animal fighting from four years to six years in prison and boosts fines from \$25,000 to \$30,000. It also increases the penalty for those who are knowingly present as a spectator at an animal fight from a misdemeanor with one year in jail and a \$1,000 fine, to two years in prison and a \$10,000 fine. [S1712](#), sponsored by Senator James Tedisco

### **Preventing Animal Abusers from Working at Animal Shelters**

The Senate passed a bill that would prohibit persons convicted of animal cruelty from being a dog or animal control officer, or working at an animal shelter, pound, humane society, animal protective association, or Society for the Prevention of Cruelty to Animals. [S2937](#), sponsored by Senator Patrick Gallivan

### **Improving Shelter Care for Dogs**

The Senate passed a measure that would require impounding organizations to examine the animal and provide care and treatment to relieve pain and suffering, including necessary emergency veterinary care and treatment, parasite control and appropriate vaccinations. The impounding organization must also provide proper shelter, food and potable water. [S5515](#), sponsored by Senator Patrick Gallivan

### **Reducing Holding Time for the Adoption of Stray Cats**

The Senate approved a bill to allow a duly incorporated Society for the Prevention of Cruelty to Animals, humane society, or any municipal pound to put unidentified, stray cats who have been examined by a veterinarian up for adoption after 3 days. Cutting the holding time from 5 to 3 days will help reduce the spread of diseases, which is beneficial to both the animal and animal shelter. [S177B](#), sponsored by Senator Kathy Marchione

**Increasing the Fine for Abandoning an Animal**

The Senate passed a bill that would increase the fine for animal abandonment from \$1,000 to \$2,000. This would help prevent abandoned animals from starving or freezing to death, breeding, spreading disease, or being killed by other animals. [S1137](#), sponsored by Senator Carl Marcellino

**Establishing an Income Tax Credit for Owners of Service Dogs**

The Senate passed legislation that would establish an income tax credit of up to \$1,000 for the owners of service dogs. Service dog is defined as a dog that is a service, guide, hearing, or seeing, or is under the control of the person using or training the to do work or perform tasks to benefit an individual with a disability. [S5938A](#), sponsored by Senator Robert Ort

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