

Preliminary

2018

Legislative Wrap-Up



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2018 Legislative Wrap Up Summary

The 2018 legislative session will be remembered for a litany of legislative and policy successes accomplished by members of the Senate Democratic Conference. While the total number of bills passed in the Senate declined this year, Senate Democratic Conference members saw a conference-wide uptick in legislation and consequently gained new opportunities to achieve long-held legislative goals. Most importantly, many of the bills passed by Conference members will positively impact the lives of constituents and New Yorkers around the state. Some of the most noteworthy measures include:

- *Prohibiting smoking* within 100 feet of public libraries;
- *Expanding the plain language requirement for consumer contracts* from contracts worth up to \$50,000 to contracts worth up to \$100,000;
- *Promoting clear information for families of residents of nursing homes* by requiring notice when a Temporary Operator is installed to manage a nursing home or assisted living facility;
- *Studying wage disparities* on the basis of race and sex within the public sector;
- *Supporting small businesses and worker cooperatives* through grant funding, micro-lending, and further state support;
- *Establishing tax credits to support disabled individuals* through retrofitting non-accessible buildings and incentivizing the hiring of disabled individuals by small businesses;
- *Creating a hotline to report the location of potholes* to ensure repair work is directed to the right places;
- *Promoting career and technical education* through data driven analysis;
- *Eliminating the overtime cap* for New York City Transit Authority employees;
- *Studying the use of a New York City seawall* to protect the City from rising sea levels;
- *Requiring disclosure of water usage* in plain english to various communities in Long Island and Westchester County;
- *Providing free feminine hygiene products* to inmates in correctional facilities; and
- *Promoting the construction of a new Hudson River Tunnel crossing* by securing a permanent easement in the future transit corridor.

With broad agreement on strongly supported goals, the Senate Democratic Conference used an aggressive strategy of hostile amendments designed to bring issues of critical importance into focus within the Senate Chamber. Senators debated and voted on critical priorities through Democratic-sponsored amendments such as:

- Supporting the *reproductive health and contraceptive coverage*;
- Enacting the *Child Victims Act*;
- Supporting the *DREAM Act*;
- Protecting New Yorkers from *gun violence*;
- Enacting comprehensive *voting rights and campaign finance reform*; and
- Uncoupling *teacher evaluations* from standardized test results.

The votes and advocacy of Senate Democratic Conference members can also be credited for ensuring core progressive accomplishments in this year's Enacted Budget. This year's Enacted Budget saw the enactment or creation of; the first phase of an *MTA Rescue Plan* that includes a

surcharge on for-hire vehicle rides; *Additional state support for the New York City Housing Authority* and enactment of Design-Build authority to speed further repairs; *Comprehensive sexual harassment legislation* including new rights for independent contractors and a requirement that all employers enact internal anti-harassment policies; *Support for public-sector unions in response to the Janus case*; *Extension of the time required to save rape kits* from 30 days to 20 years; *a public option pension plan* that allows private sector employees to opt into a retirement savings account managed by the state; and a plan to *combat the Trump Tax cuts* through tax workarounds that restore lost tax benefits taken away from New Yorkers by the federal government.

While many critical issues were left unaddressed, the Senate Democratic Conference increasingly drove the business of the chamber and secured victories on many core legislative priorities . This year's session was a clear and emphatic step towards a Democratic Majority and the accomplishment of long-held Democratic policy goals. In a complex political environment produced by this year's events, the Senate Democratic Conference's members seized a new opportunity to ensure New Yorkers voices were heard and real-word problems were addressed in thoughtful and productive ways.

2018 Policy Group Summary

In October 2015, Democratic Conference Leader Andrea Stewart-Cousins launched the Democratic Policy Group to develop policy initiatives to serve all New Yorkers. The group, chaired by Senator Brad Hoylman, with Senators Leroy Comrie, Velmanette Montgomery, Kevin Parker, Diane Savino, José M. Serrano, and David Valesky, works with the entire Democratic Conference to identify and advance practical solutions to the most pressing problems facing New Yorkers today.

Since its start, the Policy Group has worked with the Conference on reports, forums, press, and regional events. The Policy Group has also worked on bills in related legislative packages. During the 2018 session, the Policy Group worked with the Conference to address critical statewide issues such as voting reform, the Child Victims Act, the State DREAM Act, and the crushing burden of property taxes on New York families.

Voting Reform

On May 1, 2018, the Policy Group released its report, *Why Don't More New Yorkers Vote?*, on the subject of voting rights in New York state. Using data from a new survey conducted by Senate Democratic Conference staff, the Policy Group identified some of the key reasons why New York ranks just 41st in turnout in the nation. The survey identified several important reasons why turnout is so low: registered voters stated that they missed one or more elections because of work or school obligations, because they were caring for a family member or child, because of bad weather on Election Day, because of an unforeseen illness or disability, because they did not know the date of the election, or because they could not get an absentee ballot.

To combat these problems, the Policy Group proposed the enactment of numerous bills that would strengthen access to the ballot. The proposed legislation would: (1) establish early voting; (2) start the process of amending the State Constitution to permit no-excuse absentee voting; (3) establish automatic voter registration; (4) allow 16- and 17-year olds to pre-register to vote; (5) shorten the deadline for party enrollment; (6) lengthen primary polling hours in Upstate counties; (7) consolidate the federal and state primaries; (8) make important voting information available in more languages; and (9) require mailed notice to voters before primary, special, and general elections.

Child Victims Act

The Policy Group worked with the Senate Democratic Conference to continue to promote the long overdue Child Victims Act with its briefing *Don't Put a Cap on Justice: Why the Child Victims Act is Worth It*. The Child Victims Act (S.6575/Hoylman) would provide new and expanded remedies for victims of child sex abuse in New York by (1) extending the statute of limitations for criminal prosecutions to age 28; (2) extending the statute of limitations for civil actions based on child sexual abuse to age 50; (3) create a one-year period where presently time-barred claims could be revived; (4) permit claims against public and private institutions; and (5) provide for training of judges handling cases involving child sex abuse.

The Child Victims Act is an important measure which would bring much-needed and well-deserved justice for survivors, whose claims often become time-barred long before the average age at which victims report abuse. It would help identify hidden child predators by allowing for more fulsome discovery in litigation. It would also shift costs to responsible parties, away from the State and towards the actual perpetrators of abuse. Indeed, the Child Victims Act could help save the State as much as \$350 million from the Medicaid budget. Finally, the briefing also discussed a proposed fund established with monies taken from civil asset forfeiture funds, which the Policy Group and Senate Democratic Conference believe to be insufficient, since it would cap damages at an unfairly low level, would divert funds from other productive uses, and would deny survivors their right to a day in court.

State DREAM Act

The Policy Group worked with the Senate Democratic Conference to draft a briefing, *Keeping the Promise of New York: The Economic Case for the New York State DREAM Act*, to promote another long-overdue piece of legislation. The State DREAM Act (S471C/Peralta), would allow undocumented students to be eligible for state financial aid, fighting back against the Trump Administration's unprecedented attack against hardworking New Yorkers who have lived in the state for nearly all of their lives.

The Policy Group reviewed economic research and data and determined that the enactment of the legislation would more than pay for itself because of the well-proven impact of education of wages and tax revenue. Estimates suggest that over the length of a DREAMer's career, they will pay five to eight times as much back to the State and its localities in taxes as they received as a grant.

Property Taxes

The Policy Group provided background research to the Senate Democratic Conference to help assemble a package of legislation geared towards controlling New York's extremely high property tax burdens and fighting back against the Trump Administration's new cap on State and Local Tax (SALT) deductions.

The package would: (1) implement the Brooks Property Tax Relief Plan, providing significant relief in school districts where more than 50% of the budget is paid through property taxes by increasing State contributions; (2) mitigate damage done by the Trump tax bill by ensuring that deductions in excess of the federal cap remain in place on State tax filings; (3) expand the Senior Citizen Real Property Tax Exemption and the Persons with Disabilities Real Property Tax Exemption; (4) increase the cap on the Senior Citizen Homeowner Exemption and index it to inflation; and (5) freeze property tax bills for New York homeowners once they turn 65.

2018 Hostile Amendments

In 2018, members of the Senate Democratic Conference offered 12 hostile amendments to bills put on the floor by the Senate Republicans. Of those amendments, all but one were ruled by the Presiding Officer to be non-germane, and the decision of the chair was sustained by a majority of the members. On June 5th of this year, while Lieutenant Governor Hochul presided in her role as President of the Senate, Senator Krueger put forth an amendment to a bill by Senator Murphy, to enact the Reproductive Health Act. The amendment was first accepted accepted by the Majority, and then the acceptance was subsequently withdrawn and the underlying bill laid aside for the day.

<u>Date</u>	<u>Bill Number & Blurb</u>	<u>Hostile Amendment & Sponsor</u>	<u>Ruling of the Chair</u>	<u>Vote</u>
February 28, 2018	(S.6963/Larkin) Organ Donation on Hunting, Fishing, and Trapping Licenses	Extreme Risk Protection Orders (Kavanagh); Banning Bump Stocks (Hoylman); Firearm Violence Research Institute (Persaud); Background Checks on Firearms (Gianaris)	Non-Germane	Ayes, 29. The ruling of the chair stands.
March 5, 2018	(S.7810A/Gallivan) Creates a school resource officer program and provides grants to public schools outside of NYC, charter, and non-public schools.	Bans Weapons on School Grounds (Kaminsky); Extreme Risk Protection Orders (Kavanagh); Banning Bump Stocks (Hoylman); Firearm Violence Research Institute (Persaud); Background Checks on Firearms (Gianaris)	Non-Germane	Ayes, 28. The ruling of the chair stands.
March 29, 2018	(S.7505C/Budget) PPGG	Child Victims Act (Hoylman)	Non-Germane	Ayes, 28. The ruling of the chair stands.

March 29, 2018	(S.7505C/ Budget) PPGG	Voter Empowerment Act (Bailey)	Non-Germane	Ayes, 28. The ruling of the chair stands.
March 29, 2018	(S.7505C/ Budget) PPGG	Campaign Finance (Kavanagh)	Non-Germane	Ayes, 28. The ruling of the chair stands.
March 30, 2018	(S.7507C/ Budget) HMH	Reproductive Health Act (Krueger)	Non-Germane	Ayes, 28. The ruling of the chair stands.
March 30, 2018	(S. 7503D/ Budget) Aid to Localities	Dream Act (Peralta)	Non-Germane	Ayes, 28. The ruling of the chair stands.
May 7, 2018	(S.2364/ Murphy) Honesty in Permit Processing Act	Early Voting & Early Voting Fund (Kavanagh) Primary Election Hours (Valesky) No-Fault Absentee Ballot Voting (Comrie); Voting Materials in Russian (Savino); Automated Voter Registration (Parker); Voter Notification Of Special Elections (Benjamin); 16yo Voter Registration (Montgomery);	Non-Germane	Ayes, 29. The ruling of the chair stands.
May 9, 2018	(S.5912C/ Jacobs) Limits the Reasons and Time-Frame an Emergency Rule Can Be Promulgated by an Agency.	APPR (Mayer)	Non-Germane	Ayes, 30. The ruling of the chair stands.

June 5, 2018	(S.299/Murphy) Provides an Increased Penalty for Subsequent Animal Cruelty Violations	Reproductive Health Act (Krueger)	Germane	Amendment was accepted and then withdrawn, the bill was then laid aside for the day.
June 6, 2018	(S.299/Murphy) Provides an Increased Penalty for Subsequent Animal Cruelty Violations	Reproductive Health Act (Krueger)	Non-Germane	Ayes, 31. The ruling of the chair stands.
June 6, 2018	(S.594/Boyle) Adds the Crime of Animal Fighting as a Criminal Act for the Purposes of Enterprise Corruption	Comprehensive Contraceptive Care Coverage Act (Klein)	Non-Germane	Ayes, 31. The ruling of the chair stands.

2018 Senate and Assembly Bill Tally

	2018	2017	2016	2015	2014	2013
Senate Bill Introductions	8,073	6,812	7,156	6,008	6,894	6,001
Senate Bills Reported to Calendar	2,143	2,228	2,013	1,909	1,700	1,655
Senate Bills Passed*	1542	1,895	1,752	1,637	1,457	1,408
Senate Bills Died on Calendar	601	335	263	281	242	255
Assembly Bill Introductions	9,673	8,524	9,444	8,294	9,019	8,321
Assembly Bill Reported to Calendar	1,576	1,258	1,386	1,255	1,415	1,229
Assembly Bills Passed	1,113	998	1,041	1,065	817	1,071
Assembly Bills Died on Calendar	423	269	345	187	268	158
Bills Passed Both Houses	641	606	618	718	658	650
Bills Passed by Democratic Conference Members*	210	151	147	149	124	106
Bills Passed by Republican Conference Members*	1160	1,475	1,409	1,342	1,146	1,118
Bills Passed by Former IDC Conference Members	145	237	196	146	165	142
*Includes Assembly bills handed down to Senate Third Reading Calendar.						

AGING COMMITTEE
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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

State Long-Term Care Ombudsman Regulations Codification to Comply With Federal Requirements

S.9002 (Dilan, Sepulveda)/ A.11050 (Rules [Request of Lupardo, Lifton])

Codification of regulations for the State Long-Term Care Ombudsman to comply with federal mandates.

Proponents: State Office for the Aging (SOFA)

Opponents: None

Senate Vote: 62-0

Assembly Vote: 138-0

Guide for Employers on Informal Caregivers

S.8739 (Sepulveda)/ A.3958 (Dinowitz, Galef, Seawright)

Requires the State Office for the Aging, in conjunction with the Department of Labor, in consultation with community based organizations representing informal caregivers, to provide a guide containing best practices for retaining employees who are informal caregivers. The guide must be updated on a yearly basis, and must contain information regarding supporting such employees so that they can achieve effectiveness both in and out of the workplace. The State Office for the Aging, the Department of Labor, and the Department of State must make these guides available on their websites. Businesses that obtain certification or licensure from DOL or DOS will be provided with a link to the guide, or a paper copy upon request. A nominal fee may be assessed for paper copies requested by individuals who are not business owners.

Proponents: None

Opponents: None

Senate Vote: 60-1 (Ortt)

Assembly Vote: 128-5

Making Tax Abatement Forms for SCRIE/DRIE Available to Seniors in their Communities

S.4555 (Golden, Serino)/ A.6026 (Lupardo, Miller, Ortiz, Crespo, Glick, Mosley, Jaffee, Hooper, O'Donnell, Colton, Blake, Sepulveda, De La Rosa, Davila, Gottfried, Richardson, Barron, Taylor, Wright, Weprin)

Encourages a decentralization of services and assistance related to the application process for the Senior Citizen Rent Increase Exemption (SCRIE) and Disabled Rent Increase Exemption (DRIE) program by requiring that forms and assistance be made available to applicants and participants in their communities. Mandates a plan for facilitating participation of community organizations in the SCRIE/DRIE program.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly Vote: 134-0

**SCRIE and DRIE Outreach, Response Time, and Application Status Requirements
S.4567 (Golden)/ A.6037 (Lupardo, M.G. Miller, Ortiz, Crespo, Glick, Mosley, Seawright,
Colton, Jaffee, Hooper, O'Donnell, Blake, Barron, Sepulveda, Dinowitz, Carroll, De La
Rosa, Davila, Gottfried, Richardson)**

Requires entities that administer SCRIE/DRIE to create an outreach program to identify and reach out to individuals who are eligible for, but are not taking advantage of, this tax abatement program. The program may include, but is not limited to: mailings, advertisements, public service announcements, literature dissemination, internet technology, social media, community outreach, and partnerships with other municipal entities and organizations. Requires the development of a mechanism applicants and participants can use to determine the status of their exemptions and any forms they have filed. Sets specific time limits within which the municipal agency operating the SCRIE/DRIE program would be required to act.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly Vote: 135-1

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

**Reporting Regarding Calls Received During Extended Hours of the Adult Protective
Services Line
S.8533 (Serino)**

Directs the Office of Children and Family Services (OCFS), in conjunction with the State Office for the Aging (SOFA) to submit a report to the Governor and the chairs of the Senate and Assembly committees on aging no later than January 1, 2019, which will include but not be limited to an accounting of the amounts of additional calls received and persons assisted during the extended hours for the Adult Protective Services line authorized and funded pursuant to Chapter 50 of the laws of 2018 enacting the State Operations Budget.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly: No Same As

**Extension of Enhanced STAR exemption to Surviving Disabled Spouses
S.2613-A (Little, Addabbo, Akshar, Avella, Murphy, Ranzenhofer, Ritchie, Robach)/
A.2731-A (Crouch, Morinello, Brabenec)**

Expands existing law to allow a surviving spouse to continue receiving the enhanced STAR exemption, provided that the surviving spouse is 62 years of age or physically disabled.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly: Died in Real Property Taxation

**Capped Real Property School Tax Rate for Those Eligible for Enhanced STAR
S.3195 (LaValle, Gallivan, Murphy, Ritchie, Serino, Seward, Young)/ A.2533 (Englebright, Montesano, Benedetto, Abbate, Paulin)**

Under this legislation, any residential real property owned and occupied by either one of more persons, each of whom is seventy years of age or over and satisfies the criteria for the Enhanced STAR exemption, would be eligible for a capped real property school tax rate. A "capped real property school tax rate" means the lower of: (a) the real property school tax rate established on the taxable status date immediately following the date on which an eligible individual reaches the age of seventy years; or (b) the real property school tax rate established on any taxable status date after an eligible person reaches the age of seventy years. The "capped real property school tax rate" is determined annually for each eligible individual over the age of seventy years.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly: Died in Real Property Taxation

**Reverse Mortgages for Senior Homeowners of Cooperative Units
S.4712 (Klein)/ A.2135 (Dinowitz, Seawright, Cook, Joyner, Otis, Abbate, Gottfried, L. Rosenthal, Crespo, Hooper, Quart, Braunstein)**

This legislation adds cooperative unit to the list of eligible dwellings in which a senior citizen can utilize to receive a reverse mortgage. Per the sponsor, this legislation would level the playing field for many senior citizens whose primary residence is a cooperative unit and live in a high-cost rental market such as New York City.

Proponents: None
Opponents: None
Senate Vote: 59-1 (Sanders)
Assembly: Died in Housing

**Filing Extension for STAR Homeowner Exemption
S.7139 (Griffo)/ A.10775 (Stirpe)**

This legislation amends current law to provide a filing extension for the "enhanced" STAR exemption to initial applicants. This extension will only be granted in the event such applicants have not been granted an extension before and the applicants are otherwise entitled to the exemption.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly: Died in Real Property Taxation

Aging in Place Task Force and Report

S.7250 (Kennedy)/ A.3625 (Abinanti, Sepulveda, Hooper, Barrett, Colton, Simon, Crouch, Jaffee, Gunther, Buchward, Raia, McDonald, Seawright, Mayer, Cook, Otis, Walter, L. Rosenthal, Skartados, Galef)

Establishes the aging in place task force, and provides for its powers and duties. The task force will study how the state can encourage aging in place, including, but not limited to, an examination of infrastructure and transportation improvements; zoning changes to facilitate home care; enhanced nutrition programs and delivery options; improved fraud and abuse protections; expansion of home medical care options; tax incentives; and incentives for private insurance.

Proponents: None

Opponents: None

Senate Vote: 59-2 (Funke, Serino)

Assembly: Died in Aging

Establishment of an Interagency Clearinghouse for Adult Abuse Reporting

S.7557 (Serino)/ A.9845 (Lupardo, Englebright, Mosley, D'Urso, Aubry, Pellegrino, Lifton, Walter)

Provides for the creation of an interagency clearinghouse for the reporting of cases dealing with abuse (sexual, physical, emotional); active, passive or self-neglect; financial exploitation; or other hazardous situations that can be reasonably expected to jeopardize the health and welfare of vulnerable adults.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly: Died in Children and Families

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY**Establishment of Guidelines Related to Reporting Suspected Financial Exploitation**

S.8754 (Sponsors)/ A.6395 (Lupardo, Wright, Sepulveda, Brindisi, McDonald, Hyndman, Wallace, D'Urso, Raia, Barron, Jean-Pierre, Murray, Blake, Hunter, Galef, Jaffee, Colton, McDonough, Taylor)

This legislation requires the Superintendent of the Department of Financial Services (DFS) along with the New York State Office for the Aging (NYSOFA), the Attorney General, representatives of the financial services industry, law enforcement, senior groups, disability groups and district attorneys to develop guidelines related to reporting suspected financial exploitation. The bill also requires development of (a) a training for bank employees concerning the guidelines developed that includes a disability literacy training and (b) a brochure educating bank customers regarding the reporting of financial exploitation and how to report that they are being exploited. This bill also grants immunity from civil liability to a banking institution located or doing business in New York who acts reasonably and in good faith.

Proponents: AARP New York, Alzheimer's Association, New York StateWide Senior Action Council

Opponents: None

Senate: Died in Banks

Assembly Vote: 134-1

Study of Fees and Charges Assessed to Residents of Assisted Living Facilities

S.7707-A (Lanza)/ A.3061 (Dendekker Wallace, Barron)

Directs the Department of Health, in conjunction with the Office of the Aging, to study the fees and charges being assessed to residents of assisted living facilities. The study must review the rate of increase of the fees and charges being assessed to residents of assisted living facilities. The Department of Health and the Office of the Aging is directed to deliver a copy of the findings (and any legislative recommendations) to the Governor, Temporary President of the Senate and Speaker of the Assembly by April 1, 2019.

Proponents: None

Opponents: None

Senate: Died in Aging

Assembly Vote: 134-0

UNRESOLVED ISSUES

Authority for Financial Institutions to Refuse or Delay Disbursement of Funds when Financial Exploitation of Vulnerable Adults is Suspected

S.6736 (Valesky)/ A.6099-A (Lupardo)

Amends both the Social Services Law and Banking Law by granting authorization to "banking institutions" to refuse or delay the disbursement of any funds in the event the banking institution, social services official or law enforcement official has reasonable belief that financial exploitation of a vulnerable adult has occurred or is likely to occur again.

Proponents: NYS Catholic Conference

Opponents: None

Senate: Died in Rules

Assembly: Died in Aging

Reclassification of Rent Controlled Dwelling Retroactive to Time of Decrease in Income of Members of Household of Dwelling

S.5225 (Stavisky)/ A.1338 (Rozic)

Makes rent re-determinations under the Senior Citizens Rent Increase Exemption Program (SCRIE) and the Disability Rent Increase Exemption Program (DRIE) retroactive to the time of the decrease in household income.

Proponents: None

Opponents: None

Senate: Died in Aging

Assembly: Died in Aging

NYSOFA Participant Cost Sharing Authorization**S.5391 (Serino)/ No Same As**

Authorizes the New York State Office for the Aging (SOFA) to implement participant cost sharing for programs administered by NYSOFA that are funded by a state appropriation and/or by federal appropriation to the extent permissible by federal law.

Proponents: New York State Office for the Aging (SOFA)

Opponents: None

Senate: Died in Aging

Assembly: No Same As

Private Pay Protocols for Local Offices for the Aging**S.9055 (Valesky)**

Amends section 203 of the elder law authorizing the Director to implement a private pay program for programs administered by the Office that are funded by a state appropriation.

Proponents: New York State Office for the Aging (SOFA)

Opponents: None

Senate: Died in Rules

Assembly: No Same As

HEARINGS AND FORUMS

Joint Senate Standing Committee on Investigations and Government Operations, Senate Standing Committee on Energy and Telecommunications, and Senate Standing Committee on Aging—*To evaluate the reason behind widespread power outages and slow restoration of power in the Hudson Valley over the last two weeks.* (March 27, 2018)

AGRICULTURE COMMITTEE

Analyst: Katie McNamara

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Reduces the Waiting Period Putting a Healthy, Unidentified Cat Up for Adoption

S.177C (Marchione)/ A.9970B (Jenne)

Reduces the waiting period for a cat to be put up for adoption from five to three days, provided that it is determined to be healthy by a licensed veterinarian, and does not have a collar, tags, tattoo, a microchip, or any other identifying mark. This time reduction does not apply to a euthanasia determination and the reduction in waiting period only applies to cats, not to dogs.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly Vote: 137-3

Establishes Pollinator Friendly Vegetation Guidelines

S.6339A (Ritchie)/ A.8083A (Magee)

Directs the Department of Agriculture and Markets to work with the Department of Environmental Conservation to set forth guidelines on vegetation management plans to be used by any person, corporation, partnership, association or organized group that publicly claims to be pollinator friendly.

Proponents: Environmental Advocates; New York League of Conservation Voters

Opponents: None

Senate Vote: 62-0

Assembly Vote: 137-0

Affordability Provisions in Agricultural Conservation Easements

S.8362A (Ritchie)/ A.10301B (Barrett)

Establishes affordability provisions that may be included in agricultural conservation easements, to ensure farmland is transferred from farmer to farmer at an affordable cost. The easement holder (such as the state, municipality, or land trust) has preferential purchase rights to purchase the farmland at its agricultural use value. This prevents the landowner from selling to a purchaser who does not intend to use the land as farmland. A buyer would need to prove farming experience and income as satisfactory to the Department of Agriculture and Markets to purchase the land. These agreements would be eligible for state assistance payments.

Proponents: New York Farm Bureau; New York League of Conservation Voters; American Farmland Trust

Opponents: None

Senate Vote: 60-0

Assembly Vote: 136-0

Allows for the Sale of Beer or Cider Ice Cream

S.8830 (Seward)/ A.10827 (Magee)

Chapter 189 of the Laws of 2008 permitted the sale of ice cream and other frozen desserts made with wine. These desserts may not contain more than 5% alcohol, must be sold in a sealed package, cannot be sold to anyone under 21, must have appropriate alcohol warnings labeled on the package, must have signage indicating it is ice cream containing alcohol, and retailers must prove compliance to the manufacturer or distributor in order to receive shipments. This legislation expands the existing law to include the sale of beer ice cream and cider ice cream.

Proponents: None

Opponents: None

Senate Vote: 59-0

Assembly Vote: 128-9

Property Tax Exemption for Hopyards

S.8841 (Helming)/ A.10097 (Woerner)

Creates a property tax exemption for hopyards that are seven acres or larger. 20% of the farmland dedicated to hopyards would be eligible for property tax exemptions for six years. The bill requires these hopyards to be located on land that is owned or rented by a newly established farm operation. Existing law already allows for this exemption for orchards and vineyards. Under current law, these locations must have filed for an agricultural assessment. This provision would also apply to hopyards. The legislation is in response to the increased demand for New York-grown hops as a result of the New York State Farm Brewery Law, which as of 2019 will require 60% of the hops used in beer made at licensed farm breweries to be grown New York State.

Proponents: New York Farm Bureau

Opponents: New York School Boards Association

Senate Vote: 60-0

Assembly Vote: 136-0

SIGNIFICANT BILLS THAT PASSED SENATE ONLY

Increases the Penalty for Multiple Convictions of Torturing or Failing to Provide Sustenance to an Animal

S.299 (Murphy)/ A.95 (Paulin)

Provides that a second violation of animal cruelty statutes within five years of a prior conviction would result in a class E felony with any imprisonment imposed being a definite sentence which may not exceed two years. This bill would establish a higher penalty for such subsequent animal cruelty violations than the current penalty for animal cruelty of a class A misdemeanor.

Proponents: None

Opponents: None

Senate Vote: 61-1 (Montgomery)

Assembly: Died in Agriculture

Provides Notice for Public Information Requests Regarding Farm Operations

S.722 (Ortt)/ A.9644 (Jenne)

Requires that a state agency or state entity shall notify the owner of a farm operation within five business days of receiving a Freedom of Information Law (FOIL) request concerning its farm operations. The state agency or state entity shall provide to the farm owner the name and address of the person or entity requesting such records, as well as a description of the requested records.

Proponents: None

Opponents: Environmental Advocates

Senate Vote: 43-17 (Alcantara, Avella, Bailey, Benjamin, Brooks, Carlucci, Comrie, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Krueger, Peralta, Rivera, Sanders, Serrano)

Assembly: Died in Agriculture

Increases the Penalty for Aggravated Cruelty to Animals in the Presence of a Child

S.728 (Ritchie)/ A.3845 (Rosenthal)

Aggravated cruelty to animals is a class E felony imposing a sentence not to exceed 2 years and a fine not to exceed \$5,000 or both. This bill would increase the penalty, imposing a sentence not to exceed 4 years in cases where the aggravated cruelty to an animal was carried out in the presence of a child under the age of eighteen.

Proponents: None

Opponents: None

Senate Vote: 62-1 (Montgomery)

Assembly: Died in Agriculture

Authorizes Use of EBT Technology at Community Supported Agriculture Markets

S.3015 (Ritchie)/ A.9971 (O'Donnell)

New York State law currently provides a Farmers Market Grant Program which, among other eligible expenses, includes expanding access to electronic benefit transfer (EBT) technology for farmers' markets and other non-traditional food access points in food deserts in the state. This program does not explicitly include CSA markets. This bill would allow CSA markets to also apply for state EBT equipment grants.

Proponents: None

Opponents: None

Senate Vote: 59-0

Assembly: Held for Consideration in Agriculture

Codifies the New York State Council on Food Policy

S.3374 (Sanders)/ A.7058 (Thiele)

Codifies the New York State Council on Food Policy and expands its membership from 21 to 35. The NYS Council on Food Policy was created by Executive Order #13 of 2007 and extended by Executive Order #2 of 2011 to develop and make recommendations to the Governor on state regulations, legislation, and budget proposals in the area of food policy; coordinate state agency approach to state food policy issues; and expand the sale of locally grown products.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly: Died in Agriculture

Establishes a Community Gardens Task Force
S.3588A (Comrie)/ A.10566 (Rosenthal)

The Commissioner of Agriculture and Markets is currently authorized to convene a community gardens task force. This bill mandates that such task force convene, and also produce a quinquennial report detailing the state of community gardens in New York and strategies for future community garden development.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly: Died in Agriculture

Expands State Review of Farmers' Markets and Supportive Programs
S.3872 (Comrie)/A.10565 (Rosenthal)

The Department of Agriculture and Markets is required to compile a report every five years demonstrating the numbers and nature of proposals for funding and awards made under various farmers market programs. This bill increases the scope of this report to include: the number and nature of farmers' markets in the state; location and demographic description of food deserts; an assessment of the barriers to establishing markets in such food deserts; and, possible funding sources available to expand farmers' markets into such food deserts.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly: Died in Agriculture

Alternate Propane Suppliers During Weather Emergencies
S.7395D (Tedisco)

Allows consumers and homeowners to request a fill or refill of liquefied petroleum gas (LPG) from an alternate supplier. This would only be permitted under a federal, state, or local state of emergency, or during severe weather or other circumstances that put individuals in imminent risk of death or injury, or which put a building structure at risk of significant damage. The customer would also be required to make a good faith effort under their existing contract, and would only be permitted to contact another supplier if the individual had not received their LPG delivery in a reasonable time.

Proponents: New York Propane Gas Association
Opponents: None
Senate Vote: 60-0
Assembly: No Same As

Develops Regional Farmers Markets to Promote Wholesale of Farm Products

S.7674 (Klein)/ A.9385 (Crespo)

Promotes the expansion of regional farmers markets to promote the direct marketing of farm and food products on a wholesale or bulk sales basis to large volume purchasers. The bill encourages these markets to be located in areas that have poor consumer access to high quality and reasonably priced food and farm products or food deserts whenever possible. This program would be administered by the Department of Agriculture and Markets in conjunction with Empire State Development and the Urban Development Corporation.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: Died in Agriculture

Encourages Supermarkets to Donate Surplus Food

S.8884 (Alcantara)/ A.10981 (Abinanti)

Requires that supermarkets occasionally make excess food available to qualifying charities. Under the bill, excess food is defined as food that is still edible, but is being disposed of due to overstocking, appearance, or labeling. There is no minimum requirement of food to donate, and supermarkets are not required to transport the food.

Proponents: None

Opponents: None

Senate Vote: 60-2 (Helming, Marchione)

Assembly: Died in Agriculture

SIGNIFICANT BILLS THAT PASSED ASSEMBLY ONLY

Alternate Propane Suppliers During Weather Emergencies

S.7986 (Tedisco)/ A.8940A (Santabarbara)

Allows consumers and homeowners to request a fill or refill of liquefied petroleum gas (LPG) from an alternate supplier. This would only be permitted under a federal, state, or local state of emergency, or during severe weather or other circumstances that put individuals in imminent risk of death or injury, or which put a building structure at risk of significant damage. The customer would also be required to make a good faith effort under their existing contract, and would only be permitted to contact another supplier if the individual had not received their LPG delivery in a reasonable time. This bill is similar to S.7395D (Tedisco), but it lacks certain immunity and liability provisions.

Proponents: None

Opponents: None

Senate: Died in Agriculture

Assembly Vote: 102-30

HEARINGS, FORUMS AND TASK FORCES OF NOTE

None

ALCOHOLISM AND DRUG ABUSE COMMITTEE

Analyst: Elizabeth Nowicki

(518) 455-3588

SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

None

SIGNIFICANT BILLS THAT PASSED SENATE ONLY

Defense to Administrative Actions by State Liquor Authority for Selling Alcohol to Minors S.1988 (Klein, Carlucci, DeFrancisco)/ A.5198 (Crespo)

Establishes a defense before the State Liquor Authority for licensees to the charge of selling alcoholic beverages to minors if the licensee (a) possesses an operating age identification scanner; (2) has a policy requiring employees use the scanner in reviewing age verification for the purchase of alcohol; (3) has undergone an alcohol awareness program training and holds a certificate from the program; and (4) has had no violations for selling to minors within the past two years. If a business is successful in asserting this defense, it would not be liable for any administrative or civil fines.

Proponents: None

Opponents: None

Senate Vote: 59-2 (Kaminsky, Kavanagh)

Assembly: Died in Economic Development

Default Judgment for Minor's Possession of Alcoholic Beverage

S.3238 (Ranzenhofer, Funke)/ A.4394 (Schimminger)

Authorizes courts to render default judgments in cases of failure to answer for unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of twenty-one years.

Proponents: NYS Magistrates Association

Opponents: None

Senate Vote: 44-16 (Alcantara, Bailey, Benjamin, Breslin, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Krueger, Montgomery, Peralta, Persaud, Sanders, Sepulveda, Serrano)

Assembly: Died in Codes

Allows For-Profit Substance and Gambling Abuse Programs To Be Eligible To Receive OASAS Funds

S.898-A (Amedore)

This bill would authorize the Office of Alcoholism and Substance Abuse Services to provide operational funding to any business entity, agency, or program – including "for-profit" entities – that provide substance use disorder and/or compulsive gambling treatment, prevention, or recovery programs.

Proponents: None

Opponents: None

Senate Vote: 52-11 (Alcantara, Bailey, Brooks, Hamilton, Hoylman, Krueger, Montgomery, Persaud, Rivera, Sanders, Savino)

Assembly: No Same As

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

None.

UNRESOLVED ISSUES

None.

FORUMS AND HEARINGS

New York State Assembly Committee on Alcoholism and Drug Abuse, Public Hearing on Opioid Overdose Reversal Drugs, May 17, 2018

BANKS COMMITTEE
Analyst: Princy Thomas
(518) 455-2843

SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Directs DFS to Study Online Lending Institutions

S.7294 (Hamilton)/ A.8938 (Zebrowski)

This chapter amendment makes several changes to S.6593B, which passed the Senate last year. It changes this bill from a taskforce to a study directed by DFS to examine and issue a public report on online lending in New York. The chapter amendment requires submission of a report by or before July 1, 2018.

Proponents: None

Opponents: None

Senate Vote: 59-0

Assembly Vote: 124-6

Chapter 61

Directs DFS to Study Pension Loan Advancements

S.7302 (Hamilton)/ A.8950 (Rodriguez)

This is a chapter amendment to S.6161A. This bill extends the deadline for the submission of a report detailing findings on pension loan advancements from January 1, 2018 to January 1, 2019.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly Vote: 103-29

Chapter 23

Extends Check Cashing Exemption for Banks

S.8339 (Phillips)/ A.10523 (Mosley)

This legislation extends provisions of law relating to limiting the check cashing exemption for national banks and other regulated entities from August 1, 2018 to August 1, 2023. The underlying bill provides that where an exempt entity (a bank) decides to conduct check cashing at a separate location, this separate operation will be subject to the general distance standard that applies to the establishment of check cashing operations.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly Vote: 110-31

Directs DFS to Create a Campaign on Joint Deposit and Convenience Accounts
S.6650 (Serino)/ A.10905 (Lupardo)

This bill directs the DFS to develop a public awareness campaign to educate consumers on the different banking services available in the state, specifically those that can assist vulnerable adults in financial planning. This legislation requires that the campaign provide information on the differences between joint deposit and convenience accounts.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly Vote: 137-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Commission to Study a Bank Owned by the State of New York
S.3172 (Sanders)/ A.7545 (Galef)

This bill creates a temporary state commission, the New York State Commission on Establishing a Bank Owned by New York State, to study the feasibility of a bank owned by the State.

Proponents: None
Opponents: None
Senate Vote: 50-11 (Akshar, DeFrancisco, Griffo, Helming, Jacobs, Lanza, Larkin, Murphy, Ortt, Ranzenhofer, Serino)
Assembly: Died in Banks

Requires Agents of Licensed Money Transmitters to Remit Funds
S.352 (Peralta)/ A.6124 (Pichardo)

This legislation requires every agent of a money transmitter to pay all funds owed to the money transmitter in accordance with the terms of their contract. This bill also imposes a civil penalty of three times the licensee's damages when an agent fails to pay the funds due.

Proponents: None.
Opponents: None.
Senate Vote: 60-0
Assembly: Died in Banks

Increases Penalties for Unlicensed Check Cashing
S.2419 (Griffo)/ A.1940 (Peoples-Stokes)

Under current law, a person must be licensed by the New York State Department of Financial Services in order to engage in a check cashing business. The penalty for operating a check cashing business without the appropriate license is a Class A misdemeanor. This bill would raise the penalty for unlicensed check cashing from a Class A misdemeanor to a Class E felony and imposes a fine of \$2,500 for each transaction made in violation of this bill. A Class A misdemeanor is punishable by up to one year in local jail while a Class E felony is punishable by up to four years in State prison.

Proponents: None
Opponents: None
Senate Vote: 61-1 (Kavanagh)
Assembly: Died in Banks

Community Reinvestment Evaluation Exemptions

S.3756 (Savino)

This legislation authorizes a banking organization that has total assets of less than one billion dollars and which received a rating of satisfactory or outstanding in the most recent community reinvestment act examination (by the banking organization's primary federal regulator) to be exempt from a community reinvestment evaluation by the Department of Financial Services.

Proponents: None
Opponents: None
Senate Vote: 50-11 (Bailey, Benjamin, Brooks, Gianaris, Kavanagh, Krueger, Montgomery, Parker, Rivera, Sanders, Stewart-Cousins)
Assembly: No Same As

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

Reporting of Suspected Financial Exploitation

S.8754 (Sepulveda)/ A.6395 (Lupardo)

Requires DFS to develop guidelines relating to reporting suspected financial exploitation.
Provides immunity from any civil or criminal liability to a third party who reports suspected financial abuse.

Proponents: None
Opponents: None
Senate: Died in Banks
Assembly Vote: 134-1

Requires Posting of DFS Toll Free Consumer's Hotline Telephone Number

S.2938 (Hamilton)/ A.3389 (Ortiz)

This legislation requires banking institutions to conspicuously post in public areas of a banking institution the DFS toll free consumer's hotline telephone number.

Proponents: None
Opponents: None
Senate: Died in Rules
Assembly Vote: 113-13

UNRESOLVED ISSUES

Banking Development Districts/ Municipal Deposits

The Legislature did not pass any bill that would include credit unions within the Banking Development Districts program and/or give credit unions access to municipal deposits. The BDD Program was designed to encourage financial institutions to establish branches in economically distressed communities throughout New York State where there is a demonstrated need for banking services. After ten years, the DFS conducted a review of the program and issued a report that stated that the BDD program has fallen short of its potential because eligible financial institutions are choosing not to participate. Several members of this Conference have introduced legislation that would include credit unions as eligible participants in the BDD program and/or give credit unions access to municipal deposits including the following bills: S.5187 (Montgomery)/ A.5776 (Zebrowski); S.9094 (Hamilton)/ A.6949-C (Zebrowski); S.7100 (Kavanagh)/ A.10232 (Jean-Pierre); S.3647 (Parker); and S.4101 (Sanders)/ A.10672 (Steck).

Requires the Licensure of Student Loan Servicers

S.6589 (Hamilton)/ A.7582-A (Zebrowski)

This legislation establishes a regulatory framework to license student loan servicers and provides certain protections to student loan borrowers.

Proponents: None

Opponents: None

Senate: Died in Banks

Assembly: Died in Third Reading

Requires Banks to Pay Checks in the Order Received

S.2797-A (Breslin)/ A.5744-A (Zebrowski)

Provides that every banking institution that maintains checking accounts for customers must pay checks in the order received (within account balance). This bill provides that banks may dishonor checks for insufficient funds, but are required to honor smaller checks within amounts on deposit in the subject account.

Proponents: None

Opponents: None

Senate: Died in Banks

Assembly: Died in Banks

HEARINGS OR FORUMS

None

CHILDREN AND FAMILIES COMMITTEE

Analyst: Tamara Frazier

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Pilot Job and Vocational Skills Training Program for Juvenile Offenders

S.2084 (Comrie)/ A.2449 (Hyndman)

This legislation directs the Department of Labor (DOL), in consultation with the Office of Children and Family Services (OCFS), to develop a pilot program that will provide job and vocational skills training to juvenile delinquents and offenders. The program is to be implemented in three OCFS residential facilities of their choosing. OCFS must consider the following factors in choosing the facilities: existing vocational and job skills training programs, the need for expansion of such programs, average length of stay and age of the youths at the facilities. DOL and OCFS are to work in collaboration with local community organizations operating near the chosen facilities.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly Vote: 130-0

Truancy Allegations for Persons in Need of Supervision and Child Protective Proceedings

S.5714 (Avella)/ A.7557 (Davila)

This legislation, introduced at the request of the Office of Court Administration (OCA), seeks to amend the Family Court Act, as it relates to diversion services for youth in risk of being the subject of a person in need of supervision (PINS) petition. In the event the school district or local educational agency is not the potential petitioner for the youth to receive diversion services, the designated lead agency shall provide notice of any conference with the potential petitioner to the school district or agency. This is to be done in an effort to resolve the truancy or school behavioral problems of the youth and hopefully avoid the need to file a PINS petition.

Proponents: Office of Court Administration

Opponents: None

Senate Vote: 62-0

Assembly Vote: 133-0

Designation of a Caregiver as a Person in Parental Relation (by a Parent or Guardian)

S.6016-A (Avella)/A.7905-A (Jaffee)

This legislation amends current General Obligations Law to provide that a parent of a minor or incapacitated person may designate another person as a person in parental relation to the minor or incapacitated person for a period not exceeding twelve months. Currently, the time period is not to exceed six months in duration if a properly notarized form is in place. If no such form is available, the designation is only in effect for thirty days. This person would have limited power as granted under the Education Law and the General Obligations Law. The designation is to include the treatment, diagnosis, or activities for which consent is authorized; any treatment,

diagnosis or activity for which consent is not authorized; and any other limitations on the duties and responsibilities conveyed by the designation.

Proponents: None

Opponents: New York State School Boards Association

Senate Vote: 61-0

Assembly Vote: 135-0

Chapter 80

**Chapter Amendment Related to Establishment of Child Care Availability Task Force
S.7312 (Avella)/A.9003 (Jaffee)**

This legislation amends Chapter 493 of the laws of 2017, which sets forth the establishment of a child care task force, which is tasked with studying the need for and availability of child care throughout New York State. Some of the major changes are as follows: a) adds two representatives- one from the Executive Chamber and one from the Department of Labor. Also, a representative from OTDA is removed as a chairperson. A representative from OCFS is unchanged; b) calls for an additional thirteen members on the task force, for a total of twenty-five members. In sum, the task force is now comprised of **three chairpersons and twenty-five representatives**; c) the task force will now examine affordable child care (with a focus on the cost of care for families and the factors that contribute to these costs) and access to and availability of subsidized child care (including the identification of barriers eligible families face obtaining or utilizing subsidies); and d) the task force is also directed to look at other factors affecting the availability (or lack thereof) of child care.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly Vote: 135-0

Chapter 33

**Mandated Reporting of Child Abuse in New York State Schools
S.7372B (Gallivan)/A.8485B (Nolan)**

This legislation expands current Education Law to require employees, professional staff members, volunteers, and administrators of any school in New York state to report any oral or written allegations of child abuse. Professional staff includes licensed and registered physical therapists, occupational therapists, speech-language pathologists, teacher aides and school resource officers. Any employee of a person or entity which contracts with a school district to provide transportation services shall promptly report any allegations of child abuse or maltreatment via a written report to the school district superintendent or private school administrator.

Proponents: None

Opponents: None

Senate Vote: 63-0

Assembly Vote: 133-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Local Social Services District Notification to Respondent's Employer

S.1301A (Avella)/ A.10306 (Hevesi)

This legislation amends the Family Court Act to allow the Commissioner of a local social services district (LSSD) to notify a respondent's employer if there is a finding of child abuse, upon the disposition of a child protective proceeding. This applies in the event the respondent has contact with children in the course of his or her employment. Currently, there is no process for employers to be notified when an employee has been found by a court to have abused or neglected a child after the employee has started working. This bill would give LSSDs the option to notify employers.

Proponents: New York Public Welfare Association (NYPWA)

Opponents: None

Senate Vote: 62-0

Assembly: Died in Children and Families

Protection for Children of Abusive Legally Responsible Parents

S.1690 (Avella)

This legislation amends several definitions in the Family Court Act (FCA) and the Social Services Law (SSL) regarding protecting children from parents who abuse other children for whom they are legally responsible. The definition of "aggravated circumstances" is amended to include a parent or a person legally responsible for a child or another child. It also amends the Family Court Act to include proof of "aggravated circumstances", in addition to abuse and neglect of a child, as admissible evidence. Section 384 of Social Services Law is amended to permit a finding of "severe abuse" against a person who is not the parent of the child and also allow a termination of parental rights petition against a person who has severely abused a child, yet is not the parent. Lastly, a petition may be also filed where a child is the child of a respondent who severely or repeatedly abused a child for whom he or she is legally responsible.

Proponents: New York Public Welfare Association (NYPWA)

Opponents: None

Senate Vote: 61-0

Assembly: Died in Children and Families

Mandatory Reporting of Child Abuse to Law Enforcement by Mandated Reporters

S.2158-C (Serino)/ A.11161 (Galef)

This legislation adds a new title to the Social Services Law, as it relates to the persons and officials required to report cases of suspected child abuse to the appropriate law enforcement agencies, when there is reasonable cause to suspect a child is an abused child. Any person in a supervisory capacity with a nonprofit or for-profit organization must make a report to law enforcement anytime they have reasonable cause to believe that a person who they supervise has engaged in the actions set forth above. In addition to these reportable activities, these supervisors would also have to report child abuse of people under 21 years of age who have a "handicapping condition." All reports of suspected child abuse shall be made immediately by telephone or fax on a form supplied by the Office of Children and Family Services (OCFS) to an appropriate law

enforcement agency. Additionally, all telephone reports must be forwarded in writing within twenty-four hours of the oral report. Lastly, all persons and officials required to report cases of suspected child abuse to the appropriate law enforcement agencies are required to complete a training program in the identification and reporting of child abuse.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly: Died in Children and Families

Orders of Protection for Companion Animals

S.2167A (Serino)/ A.668 (Rosenthal)

This bill expands the Family Court Act as it relates to orders of protection for companion animals. Currently, the law provides for an order of protection directing a party to refrain from intentionally injuring or killing, without justification, any companion animal of the petitioner. A "companion animal" is defined as any dog, cat, or any other domesticated animal who receives care from their owner. This bill now prohibits any intentional injury for a companion animal for either party or a designated party as determined by the court.

Proponents: None

Opponents: None

Senate Vote: 63-0

Assembly: Died in Judiciary

Rights of Non-Marital Fathers in Parental Rights Proceedings

S.7888 (Avella)

This bill introduction, at the request of the Chief Administrative Judge, would change the criteria for eligible parties and upon the recommendation of his Family Court Advisory and Rules Committee. Per current Domestic Relations law, in terms of adoption, the court must secure the consent of the following parties: the adoptive child (if over the age of 14 years), the parents or surviving parents (whether adult or infant) of a child conceived or born in wedlock; the mother, and the father. This proposed legislation would change the criteria to now state a father of a child born out-of-wedlock more than 6 months old at the time of the filing of a petition to terminate parental rights, application to execute a judicial surrender, or petition for approval of an extra-judicial surrender.

Proponents: Office of Court Administration

Opponents: None

Senate Vote: 62-0

Assembly: Died in Children and Families Committee

OCFS Staff Training for Employees Working with Runaway/Homeless Youth

S.8885-A (Hoylman)/A.11102 (Ortiz)

This legislation expands current Executive Law as it pertains to the duties and responsibilities of the Office of Children and Family Services (OCFS), in terms of the required training for

employees of all OCFS-approved programs. All employees of approved programs providing care to runaway and/or homeless youth will be required to complete training and instruction in issues related to the demographics of youth who are disproportionately likely to be runaway and/or homeless youth, which may particularly impact LGBT youth. A particular focus should be placed on the following topics: challenges encountered by runaway and/or homeless youth; addressing various forms of discrimination at residential facilities; maintaining confidentiality in sensitive matters; interacting with the families of this population of youth; and effective communication strategies that demonstrates sensitivity to the particular background and identities of the affected youth.

Proponents: None

Opponents: None

Senate Vote: 61-1 (Murphy)

Assembly: Died in Children and Families Committee

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

Notice of Publicly Funded Benefits for Foster Children

S.1772 (Carlucci)/A.7616 (Jaffee)

This legislation directs the Office of Children and Family Services (OCFS) to create regulations requiring authorized agencies in New York State to provide a foster parent with two lists of information. The first list must provide a prospective foster parent, who has expressed interest in adopting a foster child, with information about any publicly funded benefits or services that the foster child is eligible for upon the adoption of such child. The second list must provide a foster parent with a listing of any publicly funded benefits or services that a foster child is currently eligible for, but shall expire upon the adoption of the foster child.

Proponents: None

Opponents: None

Senate: Died in Rules Committee

Assembly Vote: 133-0

Cost Estimation Model for Child Care

S.1455 (Avella)/A.290 (Jaffee)

This legislation requires the Office of Children and Family Services (OCFS) to utilize a cost estimation model when determining the actual cost of childcare. When developing the model, the following cost factors should be taken into account: employee salary and benefits, enrollment levels, facility costs and compliance with statutory and regulatory requirements. In addition, the model shall take into account the cost of providing services at each level of quality. Under this legislation, OCFS would develop the model in consultation with various stakeholders, such as representatives of childcare resource and referral agencies, childcare providers and any state advisory council.

Proponents: Winning Beginning Coalition
Opponents: None
Senate: Died in Finance Committee
Assembly Vote: 131-3

Anchoring of Furniture in Day Care Centers

S.3667-C (Serrano)/A.5284-C (Rosenthal)

This legislation adds a new section to the Social Services law, which would require the anchoring of furniture and electronics in child day care centers, public institutions for children and certain other facilities. All items of large furniture and electronic appliances are to be securely anchored to the floors or walls, using angle braces, anchors or other anchoring devices. Any items that cannot be anchored is to be removed from the facility. In the event of a violation during inspection of the premises by the Office of Children and Family Services (OCFS) or any local social services district (LSSD), written notice must be provided to the operator of the facility and OCFS within ten (10) days of discovery of the violation. If the violation is not corrected immediately, OCFS is authorized to take enforcement action.

Proponents: None
Opponents: None
Senate: Died in Rules
Assembly Vote: 133-1

Grant of Permission to a Custodial Guardian to Make Medical Decisions for the Child

S.6015-A (Avella)/A.7928 (Jaffee)

This legislation amends the Family Court Act to allow a person possessing a lawful custody order to make medical decisions as it relates to the child in their care. Additionally, the bill amends the Public Health Law to now include custodial guardians (non-parents) as persons whose consent is not necessary in the event medical, dental, health or hospital services are needed. This applies to situations where in the physician's judgement, an emergency exists and the person is in immediate need of medical attention and an attempt to obtain consent would result in a delay of treatment. Currently, Public Health Law states that medical, dental, health and hospital services may be provided to anyone without the consent of a parent. This bill would expand the list of persons for which consent is unnecessary.

Proponents: New York State KINCare Coalition
Opponents: None
Senate: Died in Rules Committee
Assembly Vote: 136-0

UNRESOLVED ISSUES

Child Care Subsidy to Allow Parents and Caregivers to Sleep

S.3977-A (Savino)/A.318-A (Jaffee)

This legislation would allow for parents and caretakers, who are otherwise eligible for a childcare subsidy, to receive the subsidy when childcare is necessary for them to sleep because they work a late shift and they have a child who is under the age of six and not in school for a

full school day. This legislation authorizes a subsidy that is sufficient to allow the parent or caregiver to obtain eight hours of sleep. Currently, forty-seven local social services districts (LSSDs) across the state offer this option to parents and caregivers so they can sleep during the day.

Proponents: Empire Justice Center

Opponents: None

Senate: Died in Finance Committee

Assembly: Died in Ways and Means Committee

Licensing, Background Clearances and Training for Child Care Providers (OCFS

Program Bill)

S.8804A (Helming)/ A.11242 (Jaffee)

This bill introduction, at the request of the Office of Children and Family Services (OCFS), calls for several changes to current law as it pertains to legally-exempt child care providers. An "enrolled legally-exempt provider" is defined as a person or entity that is not required to be licensed or registered per OCFS, and enrolled to provide subsidized child care services to eligible families. A "relative enrolled legally-exempt provider" is an enrolled legally-exempt provider who is 18 years of age and older who, by virtue of blood, marriage or court decree, is a grandparent, great-grandparent, a sibling, an aunt or uncle, that is enrolled to provide subsidized child care. The Assembly has similar legislation (A.11055) which has already passed the Assembly 142-0.

Proponents: Office of Children and Families

Opponents: None

Senate: Died in Children and Families Committee

Assembly: Died in Children and Families Committee

HEARINGS AND FORUMS

None

CITIES COMMITTEE
Analyst: Justin Birzon
(518) 455-2495

SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Expands Opportunities for Minority and Women-Owned Businesses (MWBEs) in New York City

S.7293 (Alcantara)/ A.8995 (Hyndman)

This law expands upon New York City's existing MWBE program by amending the law to allow participation by both MWBEs that are certified by the City of New York, as well as MWBEs that are certified by New York State. The underlying law would allow any agency to award contracts for amounts up to \$150,000 to MWBEs without formal competition.

Proponents: City of New York Office of the Mayor

Opponents: None

Senate Vote: 61-0

Assembly Vote: 126-12

Chapter 19

Extends the Deadline to Apply for the Solar Electric Generating System Real Property Tax Abatement

S.8049 (Lanza, Addabbo, Avella, Hamilton, Hoylman, Parker, Persaud, Sepulveda, Valesky)/ A.10150 (Carroll)

This bill provides a two-year extender for solar electric generating systems placed in service in New York City after January 1, 2014 and before January 1, 2021. The current law requires an applicant to file an application for a tax abatement before March 15, 2019 in order to obtain a tax abatement. This legislation would extend that date to March 15, 2021.

Proponents: Environmental Advocates of New York; NY Sustainable Business Council; City of New York Office of the Mayor (2016)

Opponents: None

Senate Vote: 60-0

Assembly Vote: 137-1

Requires Notice to Adjoining Owners of Construction or Demolition Work

S.4519-A (Montgomery, Comrie, Hamilton, Parker)/ A.5823B (Wright)

This law requires the New York City Department of Buildings (NYC DOB) to provide written notification to owners of adjoining property of construction or demolition work at the time when an application for construction or a permit is submitted. The Department must provide proof of insurance together with the permit to the owners of adjoining property 30 days prior to the commencement of the construction or demolition work, except in the event of emergency work.

Proponents: None

Opponents: None

Senate Vote: 54-7 (Akshar, Helming, Funke, Griffo, Marchione, Young, Ortt)

Assembly Vote: 127-9

**Extends the Conversion of Abandoned Property to Affordable Housing in New York City
S.8527 (Little)/ A.10561 (Joyner)**

This bill extends to 2021 a program which authorizes the Civil Court of the City of New York to appoint administrators to operate privately owned buildings that have been effectively abandoned. New York law currently permits the NYC Civil Court to appoint administrators to operate privately owned buildings that have been effectively abandoned by their owners and have created dangerous conditions for tenants still residing in such buildings. Administrators act under court order to collect rents and maintain essential services and repairs. A new owner of an Article 7-A property may apply to have the lien "evaporated" if they enter into a regulatory agreement to provide adequate, safe, and sanitary housing accommodations for persons of low income. NYC's authority to evaporate such liens is set to expire on June 30, 2018, unless it is extended. This legislation would allow the City to continue to transform effectively abandoned buildings, often in dangerous disrepair, into a source of permanent affordable housing, through June 30, 2021.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly Vote: 141-0

**City of Yonkers Bonds and Notes
S.7352 (Sewart-Cousins)/ A.9537 (Pretlow)**

This law extends the marketing limitation on serial bonds/notes of Yonkers from June 30, 2016 to June 30, 2017. The authorization for Yonkers to negotiate the private sales of its bonds or notes is vital to improving the city's financial stability and independence. The city's bonding authority will expire on June 30, 2016 unless it is extended for one year.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly Vote: 111-32

**Extends Reduced New York City Water Charges for Hospitals and Charities
S.8071 (Lanza)/ A.10236 (Ortiz)**

This law extends the current limitations on water charges for hospitals and charitable organizations for an additional two years. The underlying law was set to expire on September 1, 2018. This extension continues the longstanding reduced water rates for hospitals and charities in New York City, and would help ease some financial burdens on these institutions.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly Vote: 133-1

Extending New York City's Bond and Note Authority for One Year
S.8553 (Golden)/ A.10479 (Weinstein)

This law extends for one year the State Finance Law provisions authorizing the City of New York to sell, exchange, and market bonds and notes. This legislation has been extended annually in one form or another since 1986. The City of New York supports this legislation because it enhances the City's options pertaining to capital markets and thus supports the City's ability to finance capital projects. Further, among other reasons, its bond authority is used to benefit MWBE businesses.

Proponents: City of New York Office of the Mayor
Opponents: None
Senate Vote: 60-0
Assembly Vote: 93-42

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Requiring a Police Officer to be Present at New York City Schools During Instructional Hours

S.6798A (Felder, Lanza, Ashar, Bonacic, Funke, Golden, Haelming, Marcellino, Marchione, Murphy, Ortt, Ritchie, Robach, Seward, Tedisco)/ A.9975 (Castorina)

This legislation would require the Police Commissioner to assign a police officer at every school in New York City, whether public or private. The police officer must be present at least one hour prior to the commencement of instructional hours and at least one hour after such hours conclude. This requirement may be waived if the Mayor or the Commissioner of the Police Department of the City of New York determine that a state of emergency exists requiring redeployment of a police officer during the required hours set forth in this law.

Proponents: None
Opponents: United Federation of Teachers, New York State United Teachers, NYC Mayor's Office, NYC Police Commissioner
Senate Vote: 46-14 (Gianaris, Krueger, Peralta, Persaud, Rivera, Kavanaugh, Breslin, Bailey, Alcantara, Benjamin, Hoylman, Dilan, Montgomery, Sanders)
Assembly: Died in Education

School Shooter Drills

S.7845 (Felder, Akshar, Bonacic, Funke, Golden, Helming, Jacobs, Larkin, Marcellino, Marchione, Murphy, Ortt, Ritchie, Robach, Seward, Tedisco)

This legislation requires the principals of all public and private schools to conduct at least two active shooter drills each year. Current law requires at least twelve emergency drills each year, with eight being evacuation drills. The other four drills must be "lock down drills." This legislation would require that two of the existing lock down drills be active shooter drills. The

legislation also provides that the NYS School Safety Improvement Teams shall provide recommendations on how to perform lock down and active shooter drills at a school at the request of the principal of that school. NYS School Safety Teams are composed of representatives from the Division of Homeland Security and Emergency Services, the Division of State Police, the Division of Criminal Justice Services. The teams currently review and assess school safety plans voluntarily submitted by school districts with less than 125,000 residents.

Proponents: None

Opponents: None

Senate Vote: 58-2 (Alcantara, Hoylman)

Assembly: Died in Education

Establishing the New York City Tax Reform Study Commission

S.1379D (Little, Golden, Murphy)

This legislation would establish the New York City Tax Reform Study Commission to provide the governor and legislature with a framework of reforms to the real property taxation system in the city of New York. The study must examine, at a minimum, the class share system, assessment process and tax rate formulae utilized within the city of New York.

Proponents: None

Opponents: New York State School Boards Association; The City of New York Office of the Mayor

Senate Vote: 55-4 (Gianaris, Kavanagh, Krueger, Montgomery)

Assembly: No Same As

Requiring New York City to Collect Discarded Recyclable Materials at City Parks, Playgrounds, Historic Sites and Other Facilities

S.3052 (Serrano, Addabbo, Avella, Bailey, Hoylman, Kreuger, Savino)/ A.4001 (Colton)

This bills would require New York City to establish and implement a program for the collection of recyclable materials at city parks, playgrounds, historic sites, and other recreational facilities. Recyclable material covered under this bill includes, but is not limited to metal, plastic, glass, and paper. The city would be required to install bins for the collection of recyclable materials at recreational facilities, and the City Department of Sanitation must regularly collect the recycled material that is collected in the bins. This bill would allow program participants to apply for grants from the Environmental Protection Fund to support its recycling programs.

Proponents: Environmental Advocates of New York; New York State School Boards Association

Opponents: None

Senate Vote: 61-0

Assembly: Died in Environmental Conservation Committee

Authorizes the Use of Mediation in Land Use Decisions

S.4537 (Helming, Akshar, Larkin, Valesky)/ A.871 (Gunther)

This legislation would authorize local governments to use voluntary mediation as an alternative land use conflict resolution method. Mediation is proposed as a voluntary supplement, not to replace the existing municipal review procedures and decision making by a local government.

Mediation can be an effective vehicle for municipalities in sorting out complex and often controversial, land use issues.

Proponents: New York Conference of Mayors

Opponents: None

Senate Vote: 58-0

Assembly: Died in Local Government

Restaurant Health Standards and Inspections for Bodegas and Delicatessens

S.5823A (Persaud)/ A.8222A (Williams)

This bill is designed to hold local bodegas (defined in the legislation as "a small grocery or convenience store") and delicatessens to the same health standards as restaurants across the city of New York. By including bodegas and delicatessens within "food services establishments," such businesses will be licensed and inspected by the Department of Agriculture and Markets (the Department). The Department is required to inspect each retail food store at least once per twelve months, and the results of such inspections shall be posted in a conspicuous location near each public entrance to the store. In the event that a retail food store fails three consecutive inspections, the Department may, in its discretion, order such establishment to cease all retail operations until it passes inspection.

Proponents: None

Opponents: None

Senate Vote: 61-1 (Akshar)

Assembly: Died in Cities

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

Expands and Extends the New York City School Zone Speed Camera Program

S.6046-C (Peralta, Addabbo, Alcantara, Avella, Bailey, Benjamin, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Golden, Hamilton, Hoylman, Kaminsky, Kavanaugh, Kennedy, Klein, Kreuger, Mayer, Montgomery, Parker, Persaud, Ritchie, Rivera, Sanders, Savino, Sepulveda, Serrano, Stavisky, Stewart-Cousins, Valesky)/ A.7798-C (Glick)

This legislation would expand from 140 to 290 (an additional 150) the number of schools at which photo speed violation monitoring systems that may be utilized under the existing demonstration program. It also proposes to study the effectiveness and adequacy of the current time-of-day limitation, which is one hour before and after each school day. The bill adopts a "radial" definition of "school speed zone," which has the effect of increasing the authorized intersections. This bill would require NYC to install "photo enforced" signs giving notice of the use of speed cameras. Camera placement shall be prioritized based on speed data or the crash history of a school speed zone, subject to certain limitations such as proximity to an off-ramp. The underlying demonstration program is set to expire this year and this legislation proposes to continue it through July 1, 2022.

Proponents: AARP; City of New York; Families for Safe Streets; NYLCV; NYSSBA;
Transportation Alternatives
Opponents: None
Senate: Died on Third Reading
Assembly Vote: 95-43

**Transfer of Development Rights for Sea Level Rise and Flooding Mitigation
S.8493-A (Lavalle, Sepulveda)/ A.11124 (Thiele)**

This bill would expand the transfer of development rights authorization in the General City, General Town, and General Village laws to include the specific purpose to protect lands that are at risk of sea level rise, storm surge, or flooding for all municipalities. Municipalities are currently authorized to transfer development rights for the narrow purposes of protecting natural, scenic, or agricultural qualities of open lands, or to enhance sites of special character or special historical, cultural, economic, or aesthetic value. As applied to sea level rise and flooding, this authorization can help relocate development away from high-risk areas.

Proponents: None
Opponents: None
Senate: Died in Rules
Assembly Vote: 138-0

UNRESOLVED ISSUES

Establishes Additional Requirements for the Official Speed Signs Posted at Each School Location

S.1634-B (Golden, Felder)

This bill would amend the Administrative Code of the city of New York to require 20% of official signs posted at each school location to also include the reduced speed limit, flashing beacons, and a notice that the reduced speed limit is in effect when the beacons are flashing. Each year thereafter, the number of school locations with the new signs would increase by 20%. The law currently requires the New York City Commissioner of Transportation to set speed limits between fifteen and twenty miles per hour at fifty new locations annually, on highways passing any school building, entrance, or exit of a school if such school has at least 250 students at or below twelfth grade level.

Proponents: None
Opponents: New York State School Boards Association
Senate Vote: Bill Lost 30-28 (Alcantara, Bailey, Benjamin, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Kaminsky, Krueger, Hamilton, Hoylman, Kavanaugh, Kennedy, Klein, Montgomery, Parker, Peralta, Persaud, Sanders, Savino, Sepulveda, Serrano, Stavisky, Stewart-Cousins, Valesky)
Assembly: No Same As

HEARINGS AND FORUMS

None

CIVIL SERVICE AND PENSIONS COMMITTEE

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Directs the President of the Civil Service Commission to Study and Publish a Report Evaluating Wage Disparities Among Public Employers

S.3262 (Parker, Bailey, Kennedy)/ A.2549 (Lifton)

This bill directs the president of the civil service commission to study and publish a report evaluating public employers' wage disparities related to the job titles segregated by the gender, race, and/or national origin of the employees in the title. The study shall include, but not be limited to: the extent of wage disparities among titles or classifications of equal value, the extent of segregation of titles or classifications by gender, race and national origin, the identification of segregated titles or classifications that are equivalent and of comparable worth, the extent of wage disparities in segregated titles or classifications that are equivalent and of comparable worth. and, the need for adjustment of wage rates for equivalent job titles or position classifications to provide compensation of comparable worth. The report must be submitted to the Governor and the Legislature by January 1, 2019.

Proponents: None

Opponents: None

Senate Vote: 59- 2 (Akshar, Ortt)

Assembly Vote: 99-33

Relates to the Definition of Overtime Ceiling

S.5731-A (Parker, Addabbo, Alcantara, Avella, Bailey, Hamilton, Persaud, Sanders, Savino, Serrano, Stavisky)/ A.7599-A (Abbate)

This legislation would eliminate the current cap on overtime pay being included as part of Final Average Salary calculation for Tier VI members employed by the New York City Transit Authority. No more than \$15,000 (plus yearly increases starting in 2012 tied to inflation) can be included for the purposes of determining a yearly salary under Tier VI, but this legislation would eliminate the cap for members of a pension plan authorized by Section 604-b of the Retirement and Social Security Law, which in practice is the members of a 25/55 (years of service and minimum age for retirement) plan available to NYCTA employees. As a result, those employees would earn higher pensions because it would be likely that some of those individuals would earn more than \$15,000 a year in overtime, thus increasing the calculation for their final average salary.

Proponents: TWU Local 100

Opponents: None

Senate Vote: 60-2 (Marchione, Ortt)

Assembly Vote: 126- 12

Relates to Employees Classified as the Triborough Bridge and Tunnel Authority Superior Officers Benevolent Association of an MTA-Employer and the Resolution of Disputes in the Course of Collective Negotiation

S.5815 (Golden)/ A.8006 (Abbate)

This legislation would apply the provisions of the Taylor Law that allow for binding arbitration of public employee contract disputes to the superior officers of the Triborough Bridge and Tunnel Authority.

Proponents: NYS AFL-CIO

Opponents: None

Senate Vote: 61-0

Assembly Vote: 129-6

Enacts the "State Workforce Injury Reduction Act"

S.6464-A (Addabbo, Avella, Parker)/ A.4933-A (Weprin)

This legislation builds upon current law that requires a yearly report documenting the rate of injuries within different state agencies. Under this legislation, state agencies who have experienced workplace injuries in the previous years would be required to submit an action plan biennially (every other year) starting in 2019, no more than 180 days after the submission of their yearly rate of injury report to the president of the Civil Service Commission. The action plan would document the ways in which the agency intended on reducing the rate of injuries within the workplace. After all the action reports were submitted and no later than 240 days after issuing the initial report, the President of the Civil Service Commissioner would be required to issue an addendum to the report documenting the goals of each agencies to reduce injuries.

Proponents: None

Opponents: None

Senate Vote: 61- 0

Assembly Vote: 143-0

Relates to Replacing All Instances of the Words or Variations of the Words Fireman or Policeman with Gender-Neutral Terms

S.6542-B (Little)/ A.8321-C (Simon)

This legislation changes the word "fireman" to "firefighter" and "policeman" to "police officer". While these words have been previously changed to gender-neutral terms over the years, many sections of law have not been amended for more than 50 years. This legislation provides such an amendment to update the language.

Proponents: City of New York Office of the Mayor

Opponents: None

Senate Vote: 61-0

Assembly Vote: 140-0

Relates to Providing County Correction Officers with a Special Optional Twenty Year Retirement Plan

S.7134 (Ortt, Avella, Hamilton)/ A.10950 (Abbate)

This legislation would create a new, special retirement benefit for county correctional officers and deputy county sheriffs who work in a corrections capacity, at local option. This retirement benefit would provide a 20 year retirement plan (or retired at age 62, whichever comes first), worth 1/40th of final average salary per year of service (i.e., 50% of final average salary for a person who retires with 20 years of service). In addition, a county could opt for an additional benefit of 1/60th of final average salary for every year over 20 years of service up to another 15 years (providing an additional benefit of up to 25%, providing a total maximum benefit of 75% of FAS for 35 years of service). Governor Cuomo vetoed an identical bill in both 2016 and 2017.

Proponents: Nassau County Sheriff's Correction Officers Benevolent Association; American Federation of State, County & Municipal Employees; NYS AFL-CIO; NYS Deputies Association, Inc.

Opponents: None

Senate Vote: 61-0

Assembly Vote: 141-2

Relates to Participants in the World Trade Center Rescue

S.7797-A (Golden, Alcantara, Avella, Peralta, Sepulveda)/ A.10499 (Niou)

This legislation extends several provisions of law that have expired which provide health benefits to workers who were injured or became ill as a result of their work at "Ground Zero." These benefits include special workers' compensation claims and various accidental disability retirement claims for workers in different occupations. For a workers' compensation claim, this legislation re-opens the period of time in which the injury or illness occurred (which is currently cut off as of 2015) for injuries suffered up until September 11, 2017, so long as an application for benefits is received by September 11, 2022. For public employees, this legislation also extends the time for a worker to file an accidental disability retirement application from the soon to expire deadline of September 11, 2018 to September 11, 2022.

Proponents: NYS AFL -CIO; PBA of NYS; PEF

Opponents: None

Senate Vote: 63-0

Assembly Vote: 138-0

Relates to Credit for Unused Sick Leave for Employees of Community Colleges

S.7933 (Benjamin)/ A.10735 (Abbate)

This legislation would allow a state public employee who has accrued up to 1400 hours of sick leave and is separated from state employment to keep their sick leave bank if they are re-employed working at a community college within one year of separation from state service. Under current law, state employees may accrue up to 1400 hours of sick leave and apply those hours to the premiums paid for retiree healthcare if they qualify for such coverage (at least 10 years of employment). This bill would mirror the applicable provisions of private, state-funded colleges to community colleges, which are funded through a combination of state and local support..

Proponents: AFL-CIO; NYSUT
Opponents: None
Senate Vote: 60-2 (DeFrancisco, Ort))
Assembly Vote: 104-35

Relates to Using Excess Basic or Additional Member Contributions to Offset any Deficits in Such Other Contribution Account

S.8497 (Savino)/ A.10696 (Abbate)

This bill amends RSSL to authorize the retirement system to use excess contributions to offset deficits. Specifically, this bill amends the contribution provisions applicable to certain special plans to allow using any excess basic or additional member contributions to offset any deficits in such other contribution account prior to the date of retirement. The bill expands the definition of additional member contributions and basic member contributions by allowing a participant of one of the Special Plans ("Special Plan participant") to use a surplus in their additional member contributions account to offset a deficit in their basic member contributions account and to use a surplus in their basic member contributions account to offset a deficit in his or her additional member contributions account at any point during membership. This bill was introduced at the request of the New York City Employees' Retirement System and its Board of Trustees.

Proponents: AFL-CIO
Opponents: None
Senate Vote: 60-1 (DeFrancisco)
Assembly Vote: 134-2

Relates to Civil Service Provisional Employees in NYC

S.8837-A (Golden, Avella)/ A.11241 (Abbate)

This legislation would extend current policy to continue to reduce the number of provisional New York City employees. Under this bill, the City could offer qualified incumbent examinations ("QIEs") to current provisional employees who have worked for two years or more, if the examination is for one of the titles explicitly covered in this legislation. However, such an examination could not be held if there had previously been an eligible list for such position, or an examination has previously existed but a test was never held. The purpose of this bill, and the 2008 legislation, is to address issues raised by the New York Court of Appeals in its decision in *City of Long Beach v. Civil Service Employees Association*, 8 N.Y.3d 465 (2007).

Proponents: AFSCME DC 37; City of New York Office of the Mayor
Opponents: None
Senate Vote: 60-0
Assembly Vote: 143-0

Provides for the Automatic Enrollment of Employees of the City of New York Eligible to Join the New York City Board of Education Retirement System

S.8844-A (Savino, Avella, Bailey, Sepulveda)/ A.10935-A (Perry)

This bill requires, as of July 1, 2019, that new employees who are eligible for membership in the Board of Education retirement system and that are not a member in the retirement system or any

other public retirement system, to be automatically enrolled in the retirement system, after ninety days of employment.

Proponents: None

Opponents: None

Senate Vote: 61-1 (DeFrancisco)

Assembly Vote: 140-3

Relates to the Qualifications of Fire Chiefs

S.6242-B (Akshar)/ A.8057-B (Abbate)

This legislation establishes new merit requirements for a fire chief under state Civil Service Law. While the term "fire chief" is not defined in this bill, it presumably applies to the top officer in any local fire department. Under this legislation, a Fire Chief would be required to have satisfied the basic requirements of a firefighter, plus completed a supervisory training course prescribed by the state's fire administrator. As there are no current requirements for a Fire Chief, this would impose training requirements for the first time and likely reduce the pool of eligible applicants to those who have primarily worked as a firefighter.

Proponents: Association of Fire Districts of the State of New York; FASNY; NYS Association of Fire Chiefs; NYS AFL-CIO; NYS Professional Fire Fighters Association;

Opponents: None

Senate Vote: 59-1 (Hannon)

Assembly Vote: 126-9

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Relates to a Waiver of Earnings Limitations for Certain Retirees of the New York State and Local Police and Fire Retirement System Employed by the State University

S.7667 (Stavisky)/ A.10119 (Zebrowski)

This legislation would create a new allowable waiver from the provisions of RSSL Section 211, which prohibits re-entering public employment in New York for a state retiree under the age of 65. Under this bill, the Chancellor of SUNY would be authorized to grant a waiver to a Police and Fire Retirement System (PFRS) beneficiary for employment as a SUNY faculty member. Additionally, this bill authorizes the President of a state university community college to give a waiver to a PFRS retiree who is to be employed as a faculty member or as a director of public safety. In contrast, this bill also would restrict the ability of the SUNY Chancellor to provide a waiver for a retired police officer who wishes to serve in a university law enforcement title.

Proponents: AFL-CIO; PBA of NYS

Opponents: None

Senate Vote: 60-0

Assembly: Died in Governmental Employees

Relates to Preserving the Ability of Firefighters and Police Officers to Negotiate Disciplinary Procedures

S.8270-B (Golden)

This bill clarifies that the Taylor Law shall be construed to allow disciplinary proceedings to be negotiated between a collective bargaining representative representing police or fire titles and a public employer. In addition, the bill restores the provisions of any collective bargaining agreements or interest arbitration awards between public employers and public employee organizations relative to discipline that were invalidated by judicial or administrative decisions.

Proponents: AFL-CIO

Opponents: National Right to Work Committee; NYCOM

Senate Vote: 62-0

Assembly: No Same As

Relates to Additional Member Contributions for Certain Members Under the Age of Fifty-Seven Retirement Program

S.8859 (Golden)/ A.11066 (Abbate)

This bill allows NYC participants in the 57/25 program that are carpenters, supervisor carpenter, ship carpenter, supervisor ship carpenter, rigger, dock builder, supervisor dock builder, and general supervisor dock builder who cannot accumulate 25 years of service by the time they reach 57 years old are not required to make additional member contributions that are currently required. In addition, any carpenters that have already made those contributions prior to the effective date of this bill will be refunded the employee portion with interest.

Proponents: NYC District Council of Carpenters

Opponents: None

Senate Vote: 61-1 (Krueger)

Assembly: Died in Governmental Employees

SIGNIFICANT BILL PASSED IN THE ASSEMBLY ONLY

Establishes Policy of Equal Pay for Both Sexes and Equivalent Value of Work and Directs the Taking of Corrective Action

S.5480 (Montgomery)/ A.658 (Rosenthal)

This bill directs the Civil Service Commission to promulgate regulations specifying the methodology for determining equivalent value of work based on skill, effort, responsibility, and working conditions. This bill also requires the president of the civil service commission to report annually on those segregated titles for which wage disparity exists. The Governor would also be required to appropriate monies to ensure wage disparities are corrected.

Proponents: None

Opponents: None

Senate: Died in Civil Service

Assembly Vote: 92-40

Relates to Allowing Certain School Districts and BOCES to Establish a Retirement Contribution Reserve Fund for the Purposes of the NYS Teachers' Retirement System S.4563-A (Golden, Brooks, Carlucci, Kaminsky, Mayer, Valesky)/ A.7353-B (Buchwald)

This is a program bill by the Teachers Retirement System. This legislation would authorize school districts and BOCES districts to establish reserve funds, and would allow such districts to contribute up to 2% of total teacher compensation per year into the fund. No more than 10% of total teacher payroll could be held within the fund at any given time. The purpose of the reserve fund would be to offset contributions to TRS for employee benefits.

Proponents: Lower Hudson Education Coalition; New York State School Boards Association;

Opponents: None

Senate: Died in Civil Service

Assembly Vote: 137-0

UNRESOLVED ISSUES

Relates to Pension Forfeiture for Public Officers Under Section 7 of Article 5 of the State Constitution

S.8036 (Croci, Akshar, Amedore, Boyle, Gallivan, Golden, Helming, Jacobs, Larkin, Marchione, Ortt)

Codifies the pension forfeiture amendment that was recently enacted in the State Constitution, and specifies the terms and provisions for an action to remove a convicted public officers pension or limit the application of that pension to the public officer's family. Under this bill, the DA of the relevant jurisdiction or the Attorney General could bring a forfeiture action, and the AG would bring the action in Albany Supreme Court if the conviction occurred through federal enforcement. The pension action would be undertaken within six months after conviction, and would clearly state the nature of the underlying conviction, the connection to performance of existing public duties, and the amount of pension reduction requested.

Proponents: None

Opponents: None

Senate: Died on Third Reading

Assembly: N/A

HEARINGS AND FORUMS

None

CODES COMMITTEE
Analyst: Dorothy Powell
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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

**Enhances Penalties and Eliminates the Element of Use of Force for Child Sex Trafficking
S.5988-B (Lanza, Avella, Funke, Gallivan, Golden, Hamilton, Helming, Jacobs, Krueger,
Murphy)/ A.6823-C (Paulin)**

Enhances penalties for sex trafficking of children. Eliminates the requirement that the prosecution show that the child was forced into prostitution.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly Vote: 137-0

**Allows Certain Cases to be Moved to Human Trafficking Courts in the Same or an
Adjoining County
S.7836 (Lanza)/ A.9870 (Paulin)**

Allows specialized Human Trafficking Courts to accept cases from anywhere in the same or an adjoining county. Human Trafficking Courts exist in each of the five boroughs of New York City, as well as in Buffalo, Rochester, Syracuse, Yonkers, and Nassau and Suffolk counties.

Proponents: None
Opponents: None
Senate Vote: 63-0
Assembly Vote: 139-0

**Lulu and Leo's Law: Establishes a Misdemeanor for Misrepresentation by, or on Behalf of,
a Caregiver for Children
S.9070-A (Lanza)/A.11128-A (Paulin)**

Establishes a Class A misdemeanor with a limited, six-month sentence for lying about the qualifications of a person applying to provide 15 hours or more of childcare per week.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly Vote: 145-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Criminalizes the Unlawful Dissemination of an Intimate Image of Another

S.642 (Boyle)/ A.877 (Gunther)

Creates the crimes of Unlawful Dissemination of an Intimate Image in the Second Degree, a Class A misdemeanor, and Unlawful Dissemination of an Intimate Image in the First Degree, a Class E felony.

Proponents: None

Opponents: None

Senate Vote: 59-1 (Montgomery)

Assembly: Died in Codes

Establishes a Violent Felony Offender Registry

S.1107 (Young, Helming)/ A.404 (Gunther)

Establishes a violent felony offender registry. This bill would require registration of any person convicted of a violent felony and includes risk level determinations.

Proponents: None

Opponents: NYSCADV

Senate Vote: 42-18 (Alcantara, Bailey, Benjamin, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Serrano, Stavisky)

Assembly: Codes in Corrections

Enacts the Criminal Street Gang Act

S.2410 (Golden, Akshar, Boyle, Croci, Gallivan, Helming, Jacobs, Marchione, Murphy, O'Mara, Ortt, Phillips, Robach, Serino, Tedisco)/ A.5477(Lentol)

Defines "criminal street gang" to mean a group of three or more people having a common name, sign, or symbol, whose members individually or collectively engage in a pattern of criminal activity. Establishes penalties for crimes related to criminal street gang activity and recruitment.

Proponents: None

Opponents: None

Senate Vote: 52-11 (Bailey, Comrie, Dilan, Gianaris, Hoylman, Kavanagh, Montgomery, Peralta, Persaud, Rivera, Sanders)

Assembly: Died in Codes

Class A Misdemeanor for Non-Consensual Dissemination of Sexually Explicit Images

S.2725-A (Griffo, DeFrancisco)/ A.1641-A (Braunstein)

Establishes a Class A misdemeanor for non-consensual dissemination of sexually explicit images, and establishes a similar civil cause of action.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly: Died in Codes

Eliminates the Penetration Element from the Crime of Rape

S.7216-A (Parker)

Removes the requirement that the prosecution be able to prove there was penetration in order to establish a rape charge.

Proponents: District Attorneys Association of the State of New York

Opponents: None

Senate Vote: 62-0

Assembly: Died in Codes

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

Establishes New Criminal Discovery Rules

S.8707 (Bailey)/ A.4360-A (Aubry)

Requires disclosure of discoverable material within 15 days of arraignment and expands the definition of discoverable material. Narrows from current law prosecutors' ability to unilaterally redact certain information.

Proponents: None

Opponents: None

Senate: Died in Codes

Assembly Vote: 94-44

Expands the Availability of Certain Grand Jury Records when No Indictment is Returned

S.5424 (Bailey)/A.9787 (Mosley)

Allows for certain grand jury records to be made public when no indictment is returned. Allows for a Supreme Court judge to be present during certain grand jury proceedings.

Proponents: None

Opponents: None

Senate: Died in Codes

Assembly Vote: 92-52

Eliminates Cash Bail for Misdemeanors and Non-Violent Felonies

A.10137-A (Walker)

Eliminates cash bail for misdemeanors and certain felonies and establishes procedures for reducing pre-trial detention.

Proponents: None

Opponents: None

Senate: No Same As

Assembly Vote: 87-57

UNRESOLVED ISSUES

Eliminates Cash Bail

S.3579-A (Gianaris, Benjamin, Breslin, Dilan, Hamilton, Hoylman, Krueger, Parker, Peralta)/ A.5033-A (O'Donnell)

Entirely eliminates cash bail and establishes procedures to reduce pre-trial detention

Proponents: Interfaith IMPACT of NYS; Just Leadership USA

Opponents: None

Senate: Referred to Codes

Assembly: Referred to Codes

Effective Background Checks Act of 2018: Establishes a 10 Day Background Check Period for Firearms Purchases

S.5808 (Gianaris)

Provides a 10 day window for the completion of background checks prior to firearms purchases. Requires that employees of gun dealers must pass a background check.

Proponents: None

Opponents: None

Senate: Reported by Codes committee 5/15/18, 9-6 (Boyle, Gallivan, Griffo, Lanza, O'Mara, Tedisco), 2 AWR (Akshar, Golden). Referred to Finance

Assembly: No Same As

Enacts Provisions to Enhance Speedy Trial Rules

S.7006-B (Bailey, Addabbo, Alcantara, Breslin, Carlucci, Comrie, Rivera)

Requires courts to ask prosecutors about their readiness for trial and ensures defendants are informed of their speedy trial rights. Requires real-time rulings on whether adjournments count towards the speedy trial times. Prohibits prosecutors from pausing their clock for court delays.

Proponents: Just Leadership USA

Opponents: None

Senate: Referred to Codes

Assembly: No Same As

Implements Automatic Discovery in Criminal Cases

S.7722 (Bailey, Benjamin)/ A.10135 (Blake)

Requires open, automatic discovery in criminal cases. Greatly enhances the amount of material that the prosecution is required to disclose to the defense.

Proponents: AFSCME DC 37, Just Leadership USA

Opponents: None

Senate: Referred to Codes

Assembly: No Same As (similar bill, above, passed 130-0)

HEARINGS AND FORUMS

None

COMMERCE, ECONOMIC DEVELOPMENT AND SMALL BUSINESS COMMITTEE

Analyst: Ryan McLeod

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Directs Empire State Development to Create a Public Awareness Campaign on New York State Businesses

S.622-A (Boyle, Croci, DeFrancisco, Funke, Gallivan, Golden, Helming, Larkin, Little, Murphy, Ranzenhofer, Serino, Seward, Valesky)/ A.6175-A (Schimminger)

This legislation would authorize the Empire State Development Corporation (ESDC) to develop a public awareness campaign promoting New York state businesses no later than January 1, 2020, by any means deemed appropriate, including, but not limited to, internet, radio and print advertising. This campaign includes the creation of the Buy New York Online Networking Directory to connect purchasers with businesses located in New York. The owner of any business located in the state may apply to ESDC to have his or her business included in the directory, which would provide the businesses' address, website, products/services offered, hours of operation, etc.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly Vote: 117-16

Adds Landscape Architecture Services to List of Professional Services Procured Through Qualifications Based Selection Process

S.1330-A (Valesky, Bonacic)/ A.7819-A (Buchwald)

Current law requires a qualifications-based selection (QBS) procurement process to be used by the State to procure architectural services, engineering services, geological services, and land surveying services. QBS is a competitive contract procurement process where the procuring entity evaluates the qualifications of the firms that responded to a Request for Qualifications, selects the most qualified firm, and then negotiates the project scope of work, schedule, budget, and consultant fee. This bills adds landscape architectural services to the list of services requiring a QBS procurement process.

Proponents: American Council of Engineering Companies of NY and American Institute of Architects-NYS

Opponents: None

Senate Vote: 59-0

Assembly Vote: 128-0

Establishment of the New York Seafood Marketing Roundtable

S.7300 (LaValle)/ A.8937 (Thiele)

This chapter amendment repeals the standing task force and creates a more limited NY fishery management and economic development roundtable that must report their findings and recommendations to the Governor and the Legislature by September 30, 2019. The underlying bill established a seafood marketing task force to support and work collaboratively with the NY

fishing community to promote the marketing and sustainability of New York seafood. The roundtable must convene a series of meetings on or before September 1, 2018.

Proponents: None
Opponents: None
Senate Vote: 59-0
Assembly Vote: 135-0

Amends and Reauthorizes the Entrepreneurial Assistance Centers Program

S.3804 (Bailey)/ A.2805 (Thiele)

This bill renames the Entrepreneurial Support Centers to the Entrepreneurship Assistance Centers (EAC); requires an application to be designated an EAC; and increases grants to any group operating an EAC or any consortium of career education agencies and not-for-profit corporations operating an EAC to \$75,000. The EACs provide assistance to primarily minority group members, women, individuals with a disability and dislocated workers and veterans. This bill requires that an organization to submit an application to be designated an EAP; and leaves the rules and regulations regarding the designation to the Department of Economic Development.

Proponents: None
Opponents: None
Senate Vote: 61-0
Assembly Vote: 131-3

Prohibits the Imposition of Regulatory Fines on Small Businesses on the First Violation

S.4120-B (Akshar, Amedore, Bonacic, Croci, Gallivan, Golden, Hannon, Helming, Murphy, Phillips, Ranzenhofer, Seward)/ A.8025-B (McDonald)

Under this bill, no state agency shall fine a small business for a first violation of such agency's regulations except in cases where the agency determines that the violation directly affects public health and safety. In addition, agencies shall offer the small business at least 90 days to cure the violation after providing either literature explaining the agency's rules, or an in-person meeting to inform such small business of its regulations and assistance to help the small business with compliance.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly Vote: 138-0

Establishes the Microenterprise Development Act

S.6892 (Kennedy)/ A.3767(Quart)

This bill establishes a Microenterprise Development program within the Department of Economic Development (DED). The program shall provide microenterprises with financial, business, or technical assistance, including, but not limited to, access to financing, mentoring, training, or acquiring physical space. Also, the Department is authorized to establish a Microenterprise Technical Assistance and Capacity Building grant program to provide assistance in the form of grants of up to five thousand dollars to microenterprise development

organizations. However, the microenterprise development organizations that use these funds are required to provide at least a 1:1 match, with fees, grants, and gifts from public and private sources acceptable for the match. Finally, DED must ensure that no less than half of the funds made available for the program go to low-income individuals whose income is no more than 150% of the poverty line as defined in federal law.

Proponents: None
Opponents: None
Senate Vote: 61-0
Assembly Vote: 126-7

**Increases Public Comment Period for Revised Rulemaking from Thirty to Forty-Five Days
S.6916 (Jacobs)/ A.9643 (Wallace)**

Current State Administrative Procedure Act requires agencies afford the public a minimum of thirty days from the date of publication in the State Register to comment on the proposed revised rule. This bill will extend the comment period for revised proposed rules to a minimum of forty-five days from the date of publication in the State Register, matching the minimum length of the comment period for new proposed rules.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly Vote: 135-0

**Directs All Agencies to Coordinate the Preparation of Small Business Regulation Guides
S.7298 (Carlucci)/ A.8944 (Simotas)**

This chapter amendment amends Chapter 462 of the Laws of 2017. The underlying chapter amended the State Administrative Procedure Act to vest the Division for Small Business (within the Department of Economic Development) with the responsibility of overseeing the process of agency issuance of small business regulation guides. This bill also removes from the Division for Small Business (within the Department of Economic Development) the responsibility for overseeing the process of agency issuance of small business regulation guides.

Proponents: None
Opponents: None
Senate Vote: 59-0
Assembly Vote: 130-0

**Authorizes Licensed Distillers to Engage in Custom Distilling with Non-Licensed Individuals
S.7793-A (Valesky)/ A.10128-A (Schimminger)**

Current Alcohol Beverage Control law authorizes custom manufacturing at beer, cider, and winemaker's centers in New York, but not distilleries. This legislation would authorize farm distilleries to engage in custom liquor production for a non-licensed individual provided that the custom liquor is for the non-licensed individual's personal use, all State Liquor Authority approvals are obtained, and all excise taxes are paid.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly Vote: 135-6

Directs Minority and Women Business Development to Accept DD-214 as an Acceptable Form of Identification

S.7891 (Little)/ A.9886 (Bichotte)

Current regulations and statute do not list out acceptable forms of identification for applicants to the MWBE program to prove their identity. The bill directs the Director of the Division of Minority and Women Business Development (Division) to promulgate rules and regulations to establish a process to allow an applicant to the Minority and Women's Business Enterprise program who was a military service member to confirm their race or ethnicity, date and place of birth, and current address with the submission of the DD Form 214 (DD214). DD214 is a document that veterans receive upon their retirement, separation, or discharge from active duty from the Armed Forces (Air Force, Army, Coast Guard, Marines, and Navy). Of the information this bill seeks to verify, DD214s issued after the Vietnam War era only list the date of birth.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly Vote: 137-0

Establishes a New Certification Classification for the Minority and Women's Business Enterprise Program

S.8870-A (Ritchie)/ A.10744 (Peoples-Stokes)

This bill authorizes the Empire State Development Corporation (ESDC) to create a separate certification classification for MWBE's of businesses that meet all the goals to be a certified MWBE but the personal net worth standard or the small business employee threshold. The bill further directs ESDC to promulgate regulations to list these companies separately from the standard certification, require a demonstrable commitment to diversity practices including internal procurement practices that includes other MWBEs, joint ventures with other MWBEs, mentoring and training programming for other MWBEs, and job training and apprenticeship programs to increase workforce diversity. In addition, contractors must attempt compliance with MWBE participation goals by looking to this new separate list of MWBEs before seeking a partial or full waiver of the MWBE participation goals.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly Vote: 141-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Codifies the Ten Regional Economic Development Councils Established by the Executive S.922-B (Crocì, Akshar, Gallivan, Hannon, Larkin, Murphy, Ortt, Serino)/ A.5405-A (Abinanti)

This bill amends the Economic Development Law to codify the Governor's existing ten Regional Economic Development Councils. The members appointed to serve on the Regional Councils serve at the pleasure of the Governor. This bill also amends the Public Officers Law to require members of the Regional Councils to file financial disclosure forms, and requires them to be subject to the same code of ethics as the Members of the Legislature, employees of state agencies, public authorities and the Legislature are.

Proponents: None

Opponents: None

Senate Vote: 61-1 (Hoylman)

Assembly: Died in Codes

Authorizes State Agencies to Publish Certain Rule-Making Notices Electronically S.1237 (Valesky, Carlucci, DeFrancisco, Gallivan, Helming, Ritchie)/ A.6167 (Schimming)

Under current provisions of the State Administrative Procedure Act ("SAPA"), all notices of proposed rule-making, revised rule-making, adoptions, and the Regulatory Impact Statements ("RIS") and Regulatory Flexibility Analysis ("RFA") must be filed with the Secretary of State for publication in the State Register and copies of rule-making notices must be transmitted to all New York State legislative leaders.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly: Died in Governmental Operations

Establishes Task Force To Review the State Administrative Review Act S.2133 (Gallivan, Carlucci, Felder, Marchione, Murphy, Valesky) / A.5342 (DiPietro)

The State Administrative Procedure Act ("SAPA") defines the obligations and procedures of New York State agencies in the development of rules and regulations as well as how an agency conducts hearings and proceedings. This legislation creates a task force to review and provide recommendations for specific amendments to the SAPA as well as any additional recommendations the task force deems relevant.

Proponents: None

Opponents: None

Senate Vote: 52-11 (Alcantara, Avella, Bailey, Comrie, Hoylman, Kavanaugh, Krueger, Parker, Rivera, Sanders, Serrano)

Assembly: Died in Governmental Operations

Directs Department of Economic Development (“DED”) to Post Information on their Website Relating to MWBE and Small Business Assistance Programs

S.3270-A (Parker, Kennedy)/ A.8537 (Blake)

This legislation directs the DED to post on the department's website information related to New York state programs providing assistance to small businesses or minority and women-owned business enterprises. This legislation gives the Commissioner discretion which programs to feature, provided that the posted information include program descriptions, the type of assistance offered, application information, and contact information or website address for the entity offering such assistance on the department's website. In addition, DED shall post information allowing the public to: search for featured minority and women-owned business enterprises and small businesses assistance programs; complete applications for assistance in obtaining bonding, as well as applications to any other programs providing financial assistance that the department deems feasible; and obtain access to census data from the most recent United States census.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: Died in Economic Development

Enacts the Small Business Negotiated Rulemaking Act

S.4590-A (Jacobs, Murphy)/ A.5777 (Simotas)

This bill establishes a formal negotiated rulemaking process by state agencies. In order to use negotiated rulemaking for a rule, the head of an agency must determine among other things, whether a balanced committee of small businesses and identifiable interests that will be significantly affected by the rule can come to a consensus on a proposed rule that will be the basis for rule proposed by the agency for notice and comment.

Proponents: None

Opponents: None

Senate Vote: 62-1 (Hoylman)

Assembly: Died in Governmental Operations

Grants Distilleries the Same Privileges Held by Breweries, Wineries and Cideries

S.5372 (Valesky, Boyle)

Current law only allows farm distillers to sell NYS labelled beer, NYS labelled cider and NYS labelled wine for off-premises consumption. This legislation will allow farm distillers (a manufacturer of spirits, i.e. gin/bourbon/vodka) to sell any NYS labelled beer, cider, and wine, to be consumed on or off the premises of their distillery. This legislation would extend the same on- and off-premises sales privileges to micro-distillers enjoyed by wineries and breweries, and give them the option of obtaining a full on-premises retail liquor license.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: No Same As

Limits the Reasons and Time-Frame an Emergency Rule Can Be Promulgated by an Agency

S.5912-C (Jacobs, Akshar, DeFrancisco, Marchione, Serino)/ A.8470 (Schimminger)

This legislation would require upon the initial re-adoption of the rule that the agency publish either an assessment of the public comments on the emergency rule or a separate note of proposed rule-making for the rule to make it permanent. If the agency decides to publish an assessment of the public comments, then the rule would be deemed repealed when the initial re-adoption expires at 60 days. If the agency decides to start the permanent rulemaking process, then the emergency rule would then remain in effect for as long as the separate notice of proposed rule-making remains in effect, which by law, can only be for 365 days.

Proponents: None

Opponents: None

Senate Vote: 47-15 (Addabbo, Alcantara, Brooks, Comrie, Dilan, Hoylman, Kavanaugh, Kennedy, Mayer, Montgomery, Peralta, Rivera, Sepulveda, Stavisky, Stewart-Cousins)

Assembly: Died in Governmental Operations

Restores and Enhances START-UP NY Reporting Requirements

S.5985-A (Boyle, DeFrancisco, Akshar, Croci, Helming, Lanza, Murphy, Ortt, Serino)/ A.7427-A (Schimminger)

The SF 2016-2017 Enacted Budget repealed the disclosure obligations and reporting requirements of START-UP NY and replaced it with a comprehensive reporting requirement for all Urban Development Corporation, Empire State Development Corporation (“ESDC”) and Department of Economic Development programs. This legislation restores the separate reporting requirements for the START-UP NY program for both businesses and ESDC, and makes reporting requirements a condition of the eligibility and continued participation in START-UP NY program for businesses.

Proponents: CSEA

Opponents: None

Senate Vote: 62-0

Assembly: Died in Ways and Means

Directs Creation of a Searchable Database of All Economic Development Benefits Awarded By All State Entities

S.6613-B (Croci)

This bill requires ESDC and DED to create and maintain a searchable database of all the economic development benefits and subsidies awarded by or through ESDC worth \$10,000 or more. This bill also authorizes ESDC and DED to request and receive the necessary jobs data from qualified participants, and requires that the database be updated quarterly.

Proponents: CSEA, Reinvent Albany

Opponents: None

Senate Vote: 62-0

Assembly: No Same As

SIGNIFICANT BILLS PASSED IN THE ASSEMBLY ONLY

Requires Publication of the Name and Contact Information of Winning Bidder on State Contracts in State Contract Reporter

S.2842 (Parker)/ A.428 (Bichotte)

Current procurement laws require agencies to inform the Department of Economic Development (DED) about procurement contracts at specific times: when they plan to put out a bid for a procurement contract, when an agency makes a determination of intent to award a procurement contract and when an agency enters into a contract with a sole source provider for more than \$50,000. This bill will require all agencies to announce the awards when the contract signed, and then submit the following information to the Commissioner of Economic Development for inclusion into the State Contract Reporter: the contract, the date of the award of the contract and the name and contact information for each recipient of the contract.

Proponents: None

Opponents: None

Senate: Died in Commerce, Economic Development and Small Business

Assembly Vote: 143-0

UNRESOLVED ISSUES

Extension of Minority and Women's Business Enterprise Program for Five Years

S.8880 (Sanders, Hamilton) / A.10713 (Peoples-Stokes)

This bill would extend the MWBE Program for five years until December 31, 2023, while appropriating \$25 million towards creating a mentor-protégé training program to increase the number of MWBE certified businesses, and a union transition training program to grow the ranks of MWBE certified businesses who can perform as union contractors. This bill also creates a Blue Ribbon Commission to study the MWBE program and make recommendations for improvements to the law and regulations undergirding the program.

Proponents: None

Opponents: None

Senate: Died in Finance.

Assembly: Died in Ways and Means.

HEARINGS AND FORUMS

None

CONSUMER PROTECTION COMMITTEE

Analyst: Princy Thomas

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Licensure of Automobile Brokers

S.7307 (Golden)/ A.9002 (Abbate)

This is a chapter amendment to S.5380B. The chapter amendment excludes from the definition of "automobile broker business" any bona fide employee of a registered dealer while acting for a dealer. It also excludes any national service that collects information for consumers, but does not have contact with consumers or any motor vehicle franchisor, manufacturer, or distributor.

Proponents: Greater New York Auto Dealers Association.

Opponents: None

Senate Vote: 58-1 (Felder)

Assembly Vote: 132-1

Chapter 28

Frequency of Inspections for Articles of Bedding

S.7310 (Peralta)/ A.8939 (Dinowitz)

This is a chapter amendment to S.587A/Peralta. This bill removes the requirement for inspection once every three years at locations where articles of bedding are made, remade, or renovated. Instead, this chapter amendment gives full discretion to the secretary of state to determine frequency of inspections

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly Vote: 120-1

Chapter 31

Makes Several Changes to Theatrical Employment Contracts

S.7324 (Klein)/ A.8999 (Titone)

This is a chapter amendment to S.6369A that passed the Senate last year. This chapter amendment provides a single change from the original bill. This bill requires that in New York City, the Commissioner of Consumer Affairs must first approve certain contracts.

Proponents: None

Opponents: None

Senate Vote: 59-0

Assembly Vote: 133-0

Chapter 39

Requires Disclosure of Customer Service Telephone Numbers by Magazines**S.5517 (Carlucci)/ A.5228 (Dinowitz)**

This legislation requires every publisher of a magazine (that is sold by subscription) to include a customer service telephone number on each billing statement or invoice. This bill requires the customer service telephone number to be printed in a clear and conspicuous form.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly Vote: 118-7

One-Call Notification System**S.6756A (Griffo)/ A.9985 (Paulin)**

This bill would make some changes to the systems as it currently stands. It provides that any local government that contracts with an excavator to excavate underground facilities must require the excavator to complete the one-call notification system training and education program. The A print of this bill pushes the sunset date to October 1, 2021, from the original bill's sunset of October 1, 2020.

Proponents: None

Opponents: None

Senate Vote: 63-0

Assembly Vote: 136-4

Warnings on Ultraviolet Nail Dryers**S.565 (Young)/ A.2276 (Rosenthal)**

This legislation would require the Department of Health to review existing medical literature around the use of ultraviolet nail dryer machines (typically used in nail salons) and promulgate rules for new warnings to consumer about the use of ultraviolet nail dryer machines. If the Department finds evidence of health risks and finds that it is feasible for businesses to post warnings, the Department can require the posting of notices.

Proponents: None

Opponents: None

Senate Vote: 58-2

Assembly Vote: 101-24

Requires Disclosure by Principal Creditors and Debt Collection Agencies**S.3491-A (Bailey)/ A.4903-A (Rosenthal)**

This legislation prohibits principal creditors and/or debt collection agencies from making any representation that a person is required to pay the debt of a family member in a way that contravenes with the Fair Debt Collection Practices Act.

Proponents: None
Opponents: None
Senate Vote: 61-0
Assembly Vote: 106-37

**Prohibits Credit Reporting Agencies from Charging a Fee
S.6886-D (Funke)/ A.8672-B (Buchwald)**

This bill removes provisions that would allow credit-reporting agencies to charge a fee when a customer requests a credit freeze, requests a credit freeze to be lifted temporarily or requests the removal of a credit freeze. Under existing law, residents are not charged for the placement of their first security freeze, but can be charged up to \$5 (except victims of domestic violence) when they seek a second or further credit freeze. In addition, there can be a charge of up to \$5 for the temporary lifting of a credit freeze.

Proponents: None
Opponents: None
Senate Vote: 61-0
Assembly Vote: 138-0

**Makes Several Changes to Rental Vehicle Agreements
S.8389-B (Jacobs)/ A.5270-C (Morelle)**

This legislation removes a cap on the cost of optional vehicle protection in rental vehicle agreements and establishes a new requirement to make a request to inspect vehicle damage within 72 hours of return of a vehicle otherwise waiving that right

Proponents: None
Opponents: New York Trial Lawyers Association
Senate Vote: 60-0
Assembly Vote: 138-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Prohibits Itinerant Vendors from Selling Baby Food, Nonprescription Drugs, Cosmetics and Batteries

S.4048 (Carlucci)/ A.5581 (Schimminger)

This legislation clarifies and expands the items or goods that may not be sold in this state by itinerant vendors (usually those offering items or goods for sale at non-permanent sale sites, such as flea markets, etc.).

Proponents: None
Opponents: None
Senate Vote: 58-1 (Helming)
Assembly: Died in Codes

Enacts the "Toll Payer Protection Act"**S.7344-A (Carlucci)**

This bill establishes the "toll payer protection act" which requires the New York State Thruway Authority to provide an option of notification by text message or email when charged with a cashless toll fee. The notification must provide information i) that the fee has been charged, ii) the entity to which the fee must be paid, and iii) the date when the fee must be paid.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly: No Same As

Regulation of Consumer Litigation Funding**S.9105 (Ortt)**

This bill sets forth regulation of third-party litigation financing by the Department of State. This legislation establishes contract requirements for consumer litigation financing companies, which includes requiring contracts to contain a right of rescission.

Proponents: None

Opponents: None.

Senate Vote: 59-1 (Krueger)

Assembly: No Same As

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY**Requires Human-Trafficking Recognition Training for Employees of Gaming Facilities****S.6893-A (Lanza)/ A.7034-A (Titone)**

This legislation requires employees of gaming facilities to undergo human-trafficking recognition training that addresses the nature of human trafficking, how human trafficking is defined in law, how to identify victims of human trafficking, relief, and recovery options for survivors, and social and legal services available to victims.

Proponents: None

Opponents: None

Senate: Died in Consumer Protection

Assembly Vote: 131-0

Notification of a Security Breach**S.6933-B (Carlucci)/ A.8884-B (Titone)**

This bill protects private information while holding businesses harmless as long as they are taking measures (tailored to the size and nature of their business) to safeguard private information.

Proponents: None
Opponents: None
Senate: Died in Finance
Assembly Vote: 140-0

Bans the Use of Employer Data without Written Consent

S.6577 (Savino)/ A.859-A (Braunstein)

Bans the sale of employment data reports without written consumer consent and provides that employment data reports must include payroll and earnings information, hours worked, consumer history, and health insurance information.

Proponents: None
Opponents: None
Senate: Died in Consumer Protection
Assembly Vote: 124-10

Enacts "Harper's Law"

S.8766-A (Larkin)/ A.7516-C (Zebrowski)

This legislation requires businesses or persons selling new furniture to maintain in stock and prominently display tip restraint devices that are compatible with the furniture. This bill also requires posting a notice in an obvious location that states certain furniture may become unstable and tip over, leading to possible injury or death.

Proponents: None
Opponents: None
Senate: Died in Rules
Assembly Vote: 134-1

UNRESOLVED ISSUES

Prohibits the Sale of Crib Bumper Pads

S.4055-B (Carlucci)/ A.4151-A (Paulin)

This legislation seeks to restrict the use of crib bumper pads in several ways. The bill would prohibit a childcare facility or a place of public accommodation (such as a hotel) from using a crib bumper pad or having any on the premises. Similarly, this bill prohibits retailers from selling or leasing a crib bumper pad within the state.

Proponents: None
Opponents: None
Senate: Died in Rules
Assembly: Died on Third Reading

Regulation of Chemicals of High Concern to Children

S.6034-A (Avella)/ A.7950-A (Ortiz)

This bill requires the Department of State, the Department of Health, and the Department of Environmental Conservation to post the list of chemicals of high concern to children and priority

chemicals for disclosure on their websites. The determination of the chemicals of high concern to children and priority chemicals for disclosure will be made by the Department of Health in consultation with the Department of Environmental Conservation.

Proponents: None

Opponents: None

Senate: Died in Environmental Conservation

Assembly: Held for Consideration in Consumer Affairs and Protection

Regulation of Consumer Reporting Agencies

S.6878 (Comrie)

Instructs DFS to regulate consumer-reporting agencies by requiring licensing of credit reporting agencies, and allowing the Department to examine the books and records of consumer reporting agencies.

Proponents: None

Opponents: None

Senate: Died in Banks

Assembly: No Same As

Establishes the Crime of Price Gouging

S.7028 (Brooks)/ A.5249 (Dinowitz)

Establishes the crime of price gouging as a violation of law and authorizes district attorneys to pursue violations. This bill removes the requirement that a state of emergency needs to be declared by the governor for the enforcement of the price gouging law to be in effect.

Proponents: None

Opponents: None

Senate: Died in Codes

Assembly: Died on Third Reading

HEARINGS OR FORUMS

Lawsuit Lending: The practice of lawsuit lending has come under fire for the exorbitant interest rates that frequently accompany these loans. The industry has been able to avoid regulations imposed on traditional lenders by arguing that a plaintiff is not obligated to repay their loan if they do not win the case and that their products are not loans but financial products. The Senate Standing Committee on Consumer Protection put forth this hearing to discuss legislative solutions to this issue. This hearing included speakers from the Lawsuit Reform Alliance of New York, the Business Council of New York State, the American Legal Finance Association and other organizations. Senator Alcantara attended this hearing in her capacity as Ranker for Consumer Protection.

CORPORATIONS, PUBLIC AUTHORITIES & COMMISSIONS COMMITTEE

Analyst: Daniel Ranellone

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Paid Time Off for Port Authority Police Who Become Ill or Injured on the Job

S.6274 (Lanza)/ A.6991 (Abbate)

Port Authority of New York/New Jersey ("PA") police officers currently have a contract guarantee of two years' paid time if they are injured on the job, or two and a half years' paid time if they apply for a disability retirement. This legislation provides that PA officers are eligible for full regular salary until the disability arising from the job has ceased.

Proponents: None

Opponents: None

Senate Vote: 59-0

Assembly Vote: 133-2

Authorizes ESDC Assistance for Micro-Businesses Transitioning to Worker Cooperatives

S.6855-A (Bailey)/ A.2804-A (Thiele)

Empire State Development (ESD) currently provides assistance to a host of business entities in the form of a variety of grants, loans, loan guarantees, and other tax exemptions through its Empire State Economic Development Fund. This legislation authorizes ESD to provide loans, loan guarantees, and interest subsidy grants to subsidize loans from lending institutions to facilitate creation of workers cooperatives that promote micro-businesses (defined in the bill as businesses with five or fewer full-time employees).

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 141-0

New public notice to LIPA customers for non-major utility transmission facility siting projects

S.6861-A (LaValle)/ A.8609-A (Thiele)

This legislation requires the Long Island Power Authority (LIPA) to provide public notice via first class mail prior to constructing any non-major utility transmission facility to municipalities in which the facility would be located, to each member of the legislature, and to each utility customer located within 500 feet of a potential utility transmission facility. "Transmission facility" is defined to include electric transmission lines, including associated equipment. It excludes maintenance projects and "major" projects covered under the Public Services Law, which includes facilities with a design capacity of 100 Kilovolts or more that extend for at least 10 miles, or 125 Kilovolts or more that extend for one mile or more.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly Vote: 138-0

**Exempts Land Banks from Partial Year Property Tax Charges Upon Acquiring Title
S.6967 (Valesky)/ A.8881 (Magnarelli)**

This legislation seeks to clarify that land banks are not subject to property taxes for the portion of the tax year prior to their assumption of the property title by providing that the exempt status is effective upon the date of transfer of title to the land bank notwithstanding the applicable taxable status date.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly Vote: 133-0

**Requires MTA to Report on Lead Paint Remediation Efforts for Elevated Subway Stations
S.7292 (Peralta)/ A.8987 (Dinowitz)**

This legislation requires the Metropolitan Transportation Authority (MTA) to issue an annual report identifying all current and planned capital projects involving removal and repainting of lead paint on above-ground or elevated subway stations.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly Vote: 129-0

Expands the Empire State Development Fund to provide financial assistance to drycleaners and nail salons

S.7423 (Avella)/ A.9524 (Kim)

This bill amends the enacting statute authorizing the Empire State Development Fund to authorize ESD to provide grants and flexible financing programs through the Empire State Development Fund to leverage traditional financing options for dry cleaners and nail salons throughout the state for acquisition of non-perchloroethylene machine upgrades and sprinklers, and for mechanical ventilation systems for nail salons.

Proponents: None
Opponents: None
Senate Vote: 61-0
Assembly Vote: 142-2

Transition Process for Abandonment of Cemeteries

S.7835-A (Ranzenhofer)/ A.10515 (Paulin)

This legislation requires non-profit cemeteries to provide six months' notice to the State Cemetery Board and affected municipality if it has insufficient general operating funds or lacks a

board to govern its operations. The Cemetery Board is also directed to notify the municipality within 120 days prior to anticipated abandonment, attempt to find a replacement operator, and provide temporary operating assistance to the cemetery. It also authorizes additional local application for repair and maintenance funds, and limits town liability for damages and injuries on cemetery property before it has assumed responsibility.

Proponents: NYS Association of Cemeteries; Association of Towns of NYS

Opponents: None

Senate Vote: 60-2 (Felder, Kaminsky)

Assembly Vote: 139-0

Extends the Timeline for Providing Public Notice Prior to a Public Hearing on an ESDC Project from 10 to 20 Days

S.7912-A (Comrie)/ A.9993A (Paulin)

This legislation amends the ESD enacting statute to ensure that a community no less than 20 days' notice between publicly announcing a local project and having the public hearing to discuss that project. Legislation requiring ESD to provide 30 days' notice was vetoed twice in previous years.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 104-36

Modifies the Business Incubator & Innovation Hot Spot Support Act

S.7961 (Ranzenhofer)/ A.101015 (Schimminger)

This legislation authorizes incubators to use State support for overhead costs in addition to currently authorized operating expenditures, and permits incubators to be designated as hot spots for purposes of receiving favorable tax treatment.

Proponents: Empire State Development (Departmental); Business Incubator Association of NYS

Opponents: None

Senate Vote: 62-0

Assembly Vote: 133-3

Minimum Membership Requirements for Non-Profits

S.8699 (Gallivan)/ A.10336-A (Paulin)

Under current law, non-profit corporations are allowed to have members, who can have membership rights such as the ability to elect directors to the board. Due to concerns about one-member organizations that can abuse the expenditure of non-profit funds, this legislation requires non-profits that have members to have at least three members. Non-profits that have corporate members can still have one member, so long as the member corporation is controlled by no less than three people itself. Charitable non-profits are not required to have any members.

Proponents: None
Opponents: None
Senate Vote: 58-2 (Kaminsky, Ranzenhofer)
Assembly Vote: 133-1

**Authorizes DASNY Financing Assistance to Support Raise the Age Facilities
S.8808-A (Tedisco)/ A.10756-A (Steck)**

This legislation authorizes DASNY to provide this assistance to regional non-profits formed by two or more counties for purposes of acquiring, financing, constructing, reconstructing, remodeling, enlarging, altering, repairing, operating, managing, leasing, selling, or otherwise disposing of a joint county detention facility.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly Vote: 135-8

**Enacts the Toll Payer Protection Act
S.8946 (Lanza)/ A.9805-A (Abinanti)**

In response to numerous complaints about the cashless toll collection process for motorists who do not have E-Z Pass, this legislation creates a new process requiring additional notice of toll liability, limits late fees and penalties, and delays the enforcement process for cashless toll violations. It also preempts the State's toll scofflaw regulations, requires tolling authorities to create installment plans and a hotline, and prohibits transferring of debts to collection agencies for at least a year. It also creates an amnesty program for MTA toll payers for tolls incurred on or after November 1, 2016.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly Vote: 139-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

**Places Cemetery Operations Under Sole Jurisdiction of State Cemetery Board
S.2894 (Ranzenhofer)/ A.3785 (Dinowitz)**

This legislation clarifies that the jurisdiction for regulating cemetery corporations rests with the Division of Cemeteries and the State Cemetery Board, which is housed within the Department of State. The State Cemetery Board is composed of the Secretary of State, Attorney General, and Commissioner of Health or their designees. This appears to be in response to cases in which cemeteries are losing their challenges to local zoning laws that regulate their attempts to modify their operations, including prohibitions on addition of crematorium without local approval.

Proponents: New York Association of Cemeteries
Opponents: None
Senate Vote: 59-2 (Kavanagh, Hoylman)
Assembly: Died in Corporations

**Unified Economic Development Budget/Database of Deals
S.3354 (Krueger)**

This legislation requires the Division of Budget (DOB) to provide information on any State tax expenditure, grants or loans, or development assistance programs to promote business relocations in its annual tax expenditure report. Development assistance agreements include those executed by the State or by industrial development agencies (IDAs). It also requires use of a standardized application for development assistance.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly: No Same As

**Changes NYC Water Board Composition to Include Appointments by Borough Presidents
S.4091 (Sanders)/ A.4595 (Cusick)**

Under current law, the New York City Mayor appoints all seven members of the New York City Water Board, which sets water rates for the City's users. This legislation modifies the appointments so that the Mayor still appoints two members while the borough presidents would each select one of the other five members.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly: Died in Corporations

**Authorizes Corporate Boards to Hold Shareholder Meetings Remotely
S.6506 (Ranzenhofer)/ A.8009 (Dinowitz)**

This legislation amends the law to permit the board of directors, in its sole discretion, to adopt policies for remote shareholder communication and participation. The legislation further requires that corporations shall implement "reasonable measures" to verify the shareholder's presence and permit participation by remote shareholders.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly: Died in Corporations

Creates Searchable “Database of Deals” for Economic Development Projects

S.6613-B (Croci)

This bill requires ESD and its state agency counterpart - DED - to create and maintain a searchable database of all the economic development benefits and subsidies awarded by or through ESD worth \$10,000 or more.

Proponents: CSEA; Reinvent Albany

Opponents: None

Senate Vote: 62-0

Assembly: No Same As

Expands Information Required Prior to PACB Project Approval

S.7697-A (DeFrancisco)

The Public Authorities Control Board (PACB) serves as a final layer of oversight and approval for large public authorities, including the Dormitory Authority (DASNY) and ESD. While the PABC could theoretically require this information as a matter of course, this legislation explicitly requires that any loan shall include conditions and dates for repayment of state appropriations, job retention/creation terms, the interest rate, information on other contractual restrictions, security required, and the date on which principal would be repaid.

Proponents: CSEA

Opponents: None

Senate Vote: 62-0

Assembly: No Same As

Subjects Municipal Housing Authorities to Regulation by the ABO

S.7913 (Comrie)/ A.10279 (Hyndman)

This legislation adds municipal housing authorities to the list of entities that fall within the purview of the public authorities reform legislation and the Authorities Budget Office, which was created to crease public authority accountability and transparency.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly: Died in Corporations

DASNY Small Business/MWBE Mentoring Program

S.7960 (Ranzenhofer)/ A.11025 (Bichotte)

This legislation authorizes DASNY to establish a mentoring program for small businesses and MWBEs that allow DASNY to set aside up to \$20 million in contracts or five percent of total annual contract value for a competitive bidding program limited to small businesses and MWBEs. DASNY can only use the program if it has three or more qualified bidders and receives reasonable bids.

Proponents: DASNY (Departmental)
Opponents: None
Senate Vote: 60-0
Assembly: Died on Third Reading Calendar

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

Permits Attachment of Personal Liability to Large Shareholders of Foreign LLCs for Wage Theft

S.5966 (Valesky)/ A.5131 (Steck)

New York already imposes potential personal liability on the 10 largest shareholders of business corporations for unpaid wages. This legislation would expand the Limited Liability Company (LLC) Law to clarify that foreign LLCs are also subject to the same rule.

Proponents: None
Opponents: None
Senate: Died in Corporations
Assembly Vote: 134-2

Limits Severance Packages for Public At-Will Employees

A.10076 (Wallace)

This legislation prohibits public authorities from providing severance packages to at-will, non-unionized employees that exceed three months' salary. Further, severance pay cannot be included in retirement benefits calculations. Payments for unused vacation time, sick leave, and sick leave used for life insurance are not considered part of a severance package.

Proponents: None
Opponents: None
Senate: No Same As
Assembly Vote: 132-3

UNRESOLVED ISSUES

Port Authority Reform: While strides were made to subject the Port Authority to FOIL and a less parochial board structure, much of the reform legislation authorized merely codified existing practices. Questions remain over whistleblower protections, tolling practices, and the Authority's focus. This must also be considered in the context of the Authority's expansion to accommodate larger vessels and cargo while promoting more sustainable regional growth and cargo transport. A previous bill that attempted to subject the Port Authority to the same restrictions imposed on other state authorities by the public authorities reform laws of 2005 and 2009, A.812 (Brennan)/S.1429 (Lanza) of 2015, was not reintroduced. Another effort, S.6305 (Lanza), passed the Senate in 2017 but failed to move through either house in 2018. In the 2017 Enacted Budget, the Governor was able to achieve language largely similar to the Executive Budget that proposed creating an inspector general's office at the Port Authority. It ended up covering New York-related transportation matters more broadly instead. There is already an inspector general's office

at the Port Authority, at the MTA, and the State Inspector General already has jurisdiction over DOT and the Thruway.

HEARINGS OR FORUMS

None

CRIME VICTIMS, CRIME AND CORRECTION COMMITTEE

Analyst: Dorothy Powell
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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Calls for a Study of Hepatitis C Among New York's Inmate Population

S.6322 (Hoylman)/ A.8340 (Weprin)

Directs DOCCS to conduct a study regarding the surveillance, prevention, treatment, and prevalence of Hepatitis C among inmates, and to identify any obstacles to effectively detecting, preventing, or treating hepatitis C in this population.

Proponents: None

Opponents: None

Senate Vote: 60-2 (Amedore, Murphy)

Assembly Vote: 138-0

Requires the Board of Parole to Include Certain Demographic Information in its Annual Report

S.8647 (Sepulveda)/ A.2471 (Sepulveda)

Requires the Board of Parole to include age, gender, race, ethnicity, and other demographic information in its annual report.

Proponents: None

Opponents: None

Senate Vote: 58-3 (Akshar, Ortt, Ranzenhofer)

Assembly Vote: 124-5

Requires Free Feminine Hygiene Products be Provided to Female Inmates

S.8821-A (Persaud, Rivera)/ A.588-B (Rosenthal)

Requires DOCCS and local correctional facilities to provide feminine hygiene products to female inmates in State and local facilities at no cost to the inmates.

Proponents: Brooklyn Defender Services, Correctional Association of NY; Hudson Link for Higher Education; Kota Alliance; Prisoner Reentry Institute at John Jay College; The Legal Aid Society; The Osborne Association; Women's Prison Association; ZanaAfrica Foundation.

Opponents: None

Senate Vote: 59-2 (Helming, Ortt)

Assembly Vote: 121-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Criminalizes Housing and Employment of a Sex Offender in Violation of Registration Requirements

S.2595 (Ranzenhofer, DeFrancisco, Felder, Funke, Golden, Larkin, Marchione, Murphy, Ortt, Ritchie, Seward, Young)

Creates the crime of house and/or employing a sex offender who has not complied with registration or verification requirements pursuant to the Sex Offender Registration Act.

Proponents: None

Opponents: None

Senate Vote: 51-12 (Bailey, Comrie, Dilan, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Persaud, Rivera, Sanders, Serrano)

Assembly: No Same As

Extends Time for Redetermination of Denial of Parole and Release on an Indeterminate Sentence for Class A Felonies

S.2997-A (LaValle, DeFrancisco, Funke, Golden, Larkin, O'Mara, Seward, Young)/

A.2350-A (Thiele)

Extends the maximum time a person convicted of a Class A felony must wait for a new parole hearing after a denial, from two years to five years.

Proponents: None

Opponents: None

Senate Vote: 42-21 (Alcantara, Bailey, Benjamin, Breslin, Comrie, Dilan, Gianaris, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Sepulveda, Serrano, Stavisky, Stewart-Cousins)

Assembly: Referred to Correction

Increases Sentences for Second Felonies

S.6038-A (Funke)

Increases penalties for second felony offenders, second violent felony offenders, and second child sexual assault felony offenders.

Proponents: None

Opponents: None

Senate Vote: 49-14 (Alcantara, Bailey, Benjamin, Comrie, Gianaris, Hamilton, Kavanagh, Krueger, Montgomery, Parker, Rivera, Sanders, Sepulveda, Serrano)

Assembly: No Same As

Requires Implementation of a Contraband Screening Plan

S.7582-B (Helming, Akshar, Amedore, DeFrancisco, Funke, Gallivan, Golden, Jacobs, Larkin, Marchione, Murphy, O'Mara, Ortt, Ritchie, Robach, Savino, Young)/ A.9885-A (Woerner)

Requires DOCCS to implement a uniform plan to screen for contraband entering prisons. The plan must include random search of visitors' vehicles upon entering the grounds; the use of a

leashed canine at 12 facilities per week (alternating randomly to include all facilities); searching visitors with a variety of methods, including but not limited to electronic searches, non-backscatter imaging scanners, pat searches, and visual searches; and regular training for staff on current screening methodology.

Proponents: None

Opponents: None

Senate Vote: 48-14 (Benjamin, Breslin, Comrie, Dilan, Gianaris, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Rivera, Sanders, Sepulveda, Serrano)

Assembly: Referred to Correction

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

HALT Solitary Confinement Act; Restricts the Use of Segregated Confinement and Creates Alternative Therapeutic and Rehabilitative Confinement

S.4784-A (Parker)/ A.3080-B (Aubry)

Limits the use of solitary confinement by limiting stays to no more than 15 consecutive days or more than 20 days in a 60 day period and implements criteria for determining permissible use. Creates alternatives to solitary confinement.

Proponents: Campaign for Alternatives to Isolated Confinement; Interfaith IMPACT of NYS

Opponents: None

Senate: Referred to Crime Victims, Crime and Correction

Assembly Vote: 99-45

Requires Housing of Transgender and Intersex Inmates in Facilities that Ensure the Inmate's Health and Safety

S.8709 (Sepulveda)/ A.7653-A (Davila)

Requires transgender and intersex inmates to be housed in a facility that will support their health and safety. Brings New York law in alignment with the federal Prison Rape Elimination Act.

Proponents: None

Opponents: None

Senate: Referred to Crime Victims, Crime and Correction

Assembly Vote: 133-1

UNRESOLVED ISSUES

None

HEARINGS AND FORUMS

None

CULTURAL AFFAIRS COMMITTEE

Analyst: Rachel Ainspan

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES OF THE LEGISLATURE

Designates the Peconic Bay Region as a Heritage Area

S.7762 (LaValle)/ A.9891 (Thiele)

This legislation designates the Peconic Bay Region as a heritage area. Designated heritage areas according to NYS law include urban cultural parks and heritage corridors that reflect the cultural themes of the state's development and will provide educational, inspirational, economic, and recreational benefits for generations. This Region is a major attraction to thousands of visitors and seasonal residents for its rich history, museums, landmarks, beautiful beaches, bays, open spaces, farm fields, distinctive dining options, wineries, and booming downtowns, which offer a wide array of recreational experiences for visitors, and profitable economic opportunities for those who live and work on the East End of Long Island.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 138-0

Creates the People's History Project to Foster the Recognition of Heretofore Overlooked Personages, Sites, and Events of Historical Significance

S.6246-A (Comrie)/ A.6868-A (Dickens)

This legislation creates the people's history project within the Office of Parks, Recreation and Historic Preservation to foster the recognition of heretofore overlooked personages, sites, and events of historical significance. The members of the committee shall be appointed by the Commissioner and shall be representative of academic and professional historians, members of local historical societies and other such groups. Such members of the committee shall reflect the diversity of the residents of this state with regard to race, ethnicity, gender, language, and geographic residence.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 138-0

Extends Effectiveness of Provisions Relating to the Operation of Personal Watercraft and Specialty Prop-Craft

S.8179 (Funke)/ A.10361 (Jones)

This legislation extends an exemption until January 1, 2021, allowing the use of personal watercraft and specialty prop-craft (ex. jet skis) for those who are 18 years of age or older and lease or rent such watercraft, without possessing a boating safety certificate. The user must remain in proximity to the livery's location or participate in a supervised excursion to be authorized under this exemption.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly Vote: 133-1

**Installing Lyme and Tick-Borne Disease Warning Signs at All State-Managed Parks
S.7242 (Serino, Carlucci, Hamilton, Jacobs, LaValle, Little, Phillips, Ritchie, Seward,
Tedisco, Valesky)/ A.8829 (Barrett)**

This legislation directs the Office of Parks, Recreation and Historic Preservation to install and maintain signs at all state-managed parks warning individuals that ticks may be found in such areas, which may result in Lyme disease and other tick-borne diseases. These signs must be located at a minimum at trail entryways and campgrounds.

Proponents: None
Opponents: None
Senate Vote: 61-0
Assembly Vote: 133-10

**Directs the Commissioner of Education to Establish and Implement a Museum Education
Grant Program**

**S.1676-A (Little, Akshar, DeFrancisco, Funke, Helming, Murphy, Ortt, Ranzenhofer,
Robach, Savino, Serrano, Seward)/A.3892-A (Titone)**

This legislation creates a program that directs the commissioner of education to design a program, which offers competitive grants to institutions such as museums, historical societies, nature centers, zoos, botanical gardens, and aquaria that enhance their educational offerings by strengthening the relationship between their collections and related school curricula. Individual grants would be restricted for each applicant to up to \$500,000 per year for a maximum of three years. Total grants are apportioned according to the operating budgets of the various recipients, with 25% dedicated to those with budgets between \$10,000 and \$150,000; 25% to those between \$150,000 and \$500,000; 25% to those between \$500,000 and \$1 million; and 25% to those greater than \$1 million.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly Vote: 143-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

**Authorizes Persons Under the Age of 18 to Participate in Certain Organized Racing and
Competitive Events Involving Snowmobiles**

**S.136 (Little, Akshar, DeFrancisco, Gallivan, Helming, Marchione, O'Mara, Ranzenhofer,
Ritchie, Robach, Seward, Valesky)/ A.4503 (Magee)**

This legislation creates an exemption pertaining to the operation of snowmobiles by children less than 18 years of age. It provides that such children would be allowed to operate a snowmobile operated in an organized race or competitive event upon a closed course, hill climb, or drag race

that is not conducted on a public trail system without adult supervision or a snowmobile safety-training course. These events are typically held under the authority of the Office of Parks, Recreation, and Historic Preservation and insurance is required if a snowmobiler rides anywhere beyond their own property.

Proponents: None

Opponents: None

Senate Vote: 49-13 (Alcantara, Avella, Bailey, Comrie, Hamilton, Hoylman, Kavanagh, Krueger, LaValle, Rivera, Sanders, Serrano, Stavisky)

Assembly: Died in Tourism, Parks, Arts and Sports Development

Prohibits Littering on State Park Lands

S.3053 (Serrano, Addabbo, Carlucci, Rivera)/ A.9661 (O'Donnell)

This legislation prohibits littering on state park lands, making exemptions for reasonable uses of ashes, sand, salt or other material for the purpose of reducing the hazard of, or providing traction on snow, ice or sleet. A penalty for littering on state parks lands and historic sites is a fine not to exceed \$750 and/or not more than 10 hours of community service at a state park, and any subsequent offenses would result in a fine not to exceed \$1,400 and/or not more than 15 hours of community service at a state park.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: Died in Tourism, Parks, Arts and Sports Development

Amistad Commission

S.6323 (Hamilton)/ A.8382 (Perry)

This legislation authorized the Amistad Commission, which was established in 2005 to review state curriculum pertaining to slave trade, to be chaired by the Commissioner of Education as opposed to the Secretary of State.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: Died in Tourism, Parks, Arts and Sports Development

Authorizes the Office of Parks, Recreation and Historic Preservation to Establish a Resident Curator Program for the Rehabilitation of State Park Buildings

S.3198 (Serrano, Savino)/ A.9657 (O'Donnell)

This legislation creates a program to help steer private or non-state funds to finance the rehabilitation and maintenance of aging and deteriorating state properties that are no longer in use. The Resident Curator Program within OPRHP authorizes the Commissioner to enter into a contractual lease agreement of up to 40 years with private individual(s) or not-for profit entities for the purpose of rehabilitating and maintaining the agency's at risk and vacant properties. The terms of the lease require that the lessee resides on the property rehabilitated, and at the end of the lease period, the rehabilitated property would revert back to the State. All leases are subject to all applicable state laws, regulations or requirements applicable to all OPRHP's real property

leases, and the Commissioner of OPRHP is required to consult with the State Board for Historical Preservation prior to entering into a Residential Curator Lease for any at risk property.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: Died in Tourism, Parks, Arts and Sports Development

Requires All Goods, Except Food, Sold at Retail in State Parks, Recreational Facilities and Historic Sites to be Produced in the United States

S.3891 (Funke, Helming)

This legislation requires all goods sold for retail, except food, sold in state parks, recreational facilities and historic sites to be produced in the United States. According to the Office of Parks, Recreation and Historic Preservation (OPRHP) there are a variety of businesses within the Park system, including: restaurants, hotels, golf pro shops, souvenir shops and campstores, hot air balloon rides, white water rafting outlets, and firewood sales. However, the largest impact would likely be on retail souvenir sales which depend on the supply of cheap items for impulse purchases.

Proponents: None

Opponents: None

Senate Vote: 57-3 (Hoylman, Kavanagh, Krueger)

Assembly: Died in Tourism, Parks, Arts and Sports Development

Directs the Council on the Arts to Establish Criteria and Guidelines for the Establishment of State Designated Arts and Cultural Districts

S.3108 (Serrano, Avella, Bailey, Comrie, Hoylman, Parker, Persaud)/ A.392 (Gunther)

This legislation encourages the creation of arts and cultural districts in municipalities or regions in order to promote the area that fosters local cultural development. The NYS Council on the Arts (NYSCA) would also establish a program that designates these clusters for the purposes of tourism and education. NYSCA would also work with the Urban Development Corporation to provide assistance to the districts in applying for federal and non-profit grants, lend marketing expertise, prioritize relevant funding for projects located in designated districts, and identify other state programs and resources that may assist a district's activities.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: Died in Tourism, Parks, Arts and Sports Development

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

Brianna's Law (Requires Individuals to Take a Boating Safety Course in Order to Operate a Mechanically Propelled Vessel on the Navigable Waters)

S.9092 (Boyle, Avella, Bailey, Breslin, Carlucci, Golden, Hannon, Krueger, Lanza, Murphy, Persaud, Phillips, Savino, Sepulveda, Serrano, Stavisky, Valesky)/ A.9806-A (Jean-Pierre)

This legislation requires all individuals, regardless of age, operating mechanically propelled vessels to take a boating safety course and to educate these individuals on the current laws in NYS about boating. This legislation allows for an online option, and therefore provides easy access for tourists.

Proponents: None

Opponents: None

Senate: Died on Third Reading

Assembly Vote: 132-6

Requires that Certain Boats Shall be Equipped with Functioning Marine Carbon Monoxide Detectors

S.5797-C (Brooks, Bailey)/A.8970-B (Jean-Pierre)

This legislation requires no new vessel that has an enclosed accommodation compartment or a vessel that undergoes substantial renovations may be sold or offered for sale unless such vessel is equipped with a new functioning marine carbon monoxide detection system.

Proponents: None

Opponents: None

Senate: Died in Cultural Affairs

Assembly Vote: 136-1

UNRESOLVED ISSUES

Enhancement of Protections for Individuals who are Employed as Art Authenticators in the Visual Arts Community

S.1974 (Little)/ A.5120 (Rosenthal)

This legislation requires a claimant bringing any civil action against an authenticator that arises from the authenticator's opinion or information concerning a work of fine art specify with particularity in the complaint facts sufficient to support each element of the claim or claims asserted. The legislation also stipulates that the authenticator shall be entitled to recover reasonable attorney's fees, costs and expenses if the authenticator prevails in the civil action.

Proponents: NYC Bar Association; American Society of Appraisers; Art Dealers Association of America; National Academy Museum and School and the International Foundation for Art Research (in the past)

Opponents: None

Senate: Died on Third Reading

Assembly: Died in Tourism, Parks, Arts and Sports Development

Directs the Commissioner of Parks, Recreation and Historic Preservation to Cooperate with Municipalities in Establishing Adopt-a-Park Programs

S.205 (Marchione, Alcantara, DeFrancisco, Ranzenhofer, Ritchie, Tedisco)/ A.6675 (Englebright)

This legislation expands the adopt-a-municipal-park program by authorizing permissible duties to include volunteer groups providing services that may include: remediating vandalism; preserving wetlands; cleaning and maintaining park property; establishing and maintaining nature trails and dog runs; planting and maintaining flower beds; or otherwise improving and maintaining the natural beauty of the park. The language clarifies that municipalities shall not be liable from injuries suffered as the result of "reasonable actions" that are "performed in good faith." The legislation also addresses the concern about reducing jobs, by stating that no program should cause the displacement of any current employee, loss of a position, reduction of non-overtime wages or employee benefits, or result in the impairment of existing collective bargaining agreements.

Proponents: None

Opponents: None

Senate: Died on Third Reading

Assembly: Died in Tourism, Parks, Arts and Sports Development

Cleaning of Playground Equipment After Pesticide Exposure

S.8477-A (Serrano)/ A.10879-A (Rosenthal)

This legislation requires all playground equipment, operated by a municipality or the state office of parks, recreation and historic preservation, be cleaned within 24 hours of pesticide applications that are less than the minimum prescribed distance from the equipment. The Department of Health and the Department of Environmental Conservation would be charged with setting the minimum distance as well as method for cleaning. The municipality or OPRHP shall make a reasonable effort to clean the equipment immediately following pesticide application, but shall be required to clean the equipment within 24 hours of the application. The Department of Environmental Conservation and the Department of Health shall establish the best practice for cleaning playground equipment to remove pesticide residue.

Proponents: None

Opponents: None

Senate: Died in Cultural Affairs

Assembly: Died in Tourism, Parks, Arts and Sports Development

HEARINGS AND FORUMS

None

EDUCATION COMMITTEE

Analyst: Amanda Godkin

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

**Data on Ninth Grade Students Attending CTE Courses in the Big 5 School Districts
S.8749 (Sepulveda)/ A.381 (Nolan)**

This bill requires the commissioner of education to collect data with respect to ninth grade students attending a Big 5 school district, who are enrolled in CTE courses.

Proponents: NYSUT

Opponents: None

Senate Vote: 59-0

Assembly Vote: 134-0

Adjusts the Salary Cap of BOCES District Superintendents

S.3203-A (DeFrancisco)/ A.2112-A (Nolan)

This bill would adjust the salary cap of BOCES District Superintendents to 98% of the Education Commissioner's 2018-19 salary. Currently, the cap is 98% of the commissioner's 2003-04 salary.

Proponents: Council of School Superintendents, NYS School Board Association

Opponents: None

Senate Vote: 61-0

Assembly Vote: 130-0

**Provides Reimbursement to School Districts Outside of NYC for Supplemental Basic
Tuition in the Current School Year, as Opposed to the Following School Year**

S.6551-C (Jacobs) / A.7966-C (Peoples-Stokes)

This bill would advance the payment of supplemental basic tuition aid to the current school year for school districts outside of New York City beginning in the 2018-19 SY. Currently, there is a one year lag for reimbursement payments made to school districts.

Proponents: NYSUT, Conference of Big 5 School Districts, Council of School Superintendents, NYS School Boards Association

Opponents: None

Senate Vote: 61-0

Assembly Vote: 134-1

**Makes Conforming Changes to Election of Members to the City School District of the City
of Albany to Provide Consistency with Ch. 84 of the Laws of 2017**

S.7432-A (Breslin)/ A.09040-A (Fahy)

This bill makes a number of conforming changes to repeal and remove sections of law that reflect Albany City School district's prior school board election process.

Proponents: NYSUT; NYS School Boards Association
Opponents: None
Senate Vote: 62-0
Assembly Vote: 138-0

**Aid for School Districts to Expand to Full-Day Kindergarten
S.700-B (Carlucci)/ A.01625-B (Zebrowski)**

This bill provides school districts that have half-day or no kindergarten programs in the 2017-18 school year with funding over a five year period to transition to full-day kindergarten. The bill affects the following districts: North Rockland, Brighton, Pittsford, Washingtonville and Shenendehowa.

Proponents: NYSUT; NYS School Boards Association
Opponents: None
Senate Vote: 58-0
Assembly Vote: 133-0

**Allows SED and Department of Social Services to Develop Multiple Methodologies for
Special Act Schools and 853 Schools
S.4530-A (Murphy)/ A.05618-A (Abinanti)**

This bill would allow the commissioners of Education and Social Services to develop multiple methodologies for tuition and maintenance for 853 and Special Act schools. Current law allows the commissioners to establish a single methodology for these schools.

Proponents: NYS School Boards Association
Opponents: None
Senate Vote: 62-0
Assembly Vote: 144-0

**Allows a Prior Tenured School Administrator to have Shorter Probationary Period
S.6090-A (Marcellino)/ A.08108-A (Abbate)**

This bill would allow school administrators with prior tenure in another school district to be eligible for a shorter probationary period of three years in a new school district, outside of the Big 5 school districts.

Proponents: None
Opposition: NYS School Boards Association
Senate Vote: 60-1 (DeFrancisco)
Assembly Vote: 142-1

**Requires District Attorneys to Immediately Notify the School where an Accusatory
Instrument is Filed Against an Employee of the School, on Allegations of a Sex Offense
S.6597-B (Serino)/ A.08382-B (Galef)**

This bill requires the district attorney to immediately notify the school where an accusatory instrument is filed against an employee of the school, on allegations of a sex offense which, if convicted, would require the individual to register as a sex offender.

Proponents: Council of School Superintendents; NYS School Boards Association

Opponents: None

Senate Vote: 62-0

Assembly Vote: 139-0

Exempts BOCES Capital Expenditures from the 2% Tax Cap Calculation

S.7730 (Murphy)/ A.09825 (Galef)

This bill would clarify that BOCES construction costs would be excluded from the tax cap calculation, so long as a majority of voters in the district approve such exclusion. Since the tax cap was enacted, school districts have had the authority to exclude their own capital expenditures from the tax cap calculation. Districts are prohibited, however, from excluding BOCES capital costs.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly Vote: 143-1

Directs SED to Conduct a Study on the Effects of Trauma on Child Development and Learning

S.8000-B (Bailey)/ A.10063-B (Joyner)

This bill requires the commissioner of education to conduct a study on the effects of trauma on child development and learning and issue a report to the Governor, and majority and minority leaders of the Senate and Assembly within one year of the effective date.

Proponents: None

Opponents: NYS School Boards Association

Senate Vote: 62-0

Assembly Vote: 142-0

Calculation of Nonpublic Schools' Eligibility to Receive Aid

S.8175 (Marcellino)/ A.9903 (Cusick)

This bill provides that nonpublic schools would be eligible to receive aid based on the number of days or portion of days attendance is taken and either a 5.0/5.5 hour instructional day or another work day as certified by the nonpublic school.

Proponents: NYS Catholic Conference

Opponents: None

Senate Vote: 62-0

Assembly Vote: 144-0

Increases the Penalty for Standardized Testing Companies that Violate Education Law and Expands the Exception for Disclosure to Include the ACT Exam

S.8639-C (LaValle)/ A.11022-A (Magnarelli)

This bill increases the penalty that standardized test companies must pay where such company violates this article of law, related to the failure to properly disclose tests, notice of the exam, testing accommodations, etc. Such penalty is increased from \$500 to \$1,000 per violation. This bill would expand the disclosure exception to apply to the ACT exam, and its parent company ACT Inc and. would amend the SAT's disclosure exception to parity the new ACT exam disclosure.

Proponents: None

Opponents: None

Senate Vote: 59-0

Assembly Vote: 137-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

APPR/Charter Schools/Substantial Equivalency for Nonpublic Schools

S.8992 (Flanagan)

This bill repeals the current annual professional performance review (APPR) process for teachers and principals and replaces it with a new APPR system that is subject to collective bargaining agreement. Under this bill, collectively bargained APPR may not unnecessarily increase the number of tests that students must take. The bill allows SED to issue guidelines to help school districts determine the content of such APPRs. This bill increases the statewide number of charter schools from 460 to 560, and requires that 98 of these new charters to operate in NYC. This bill amends the substantial equivalency legislation that was enacted as part of the 2018-19 final budget.

Proponents: None

Opponents: NYSUT

Senate Vote: 35-25 (Alcantara, Avella, Bailey, Benjamin, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Kennedy, Krueger, Mayer, Montgomery, Peralta, Persaud, Sanders, Sepulveda, Serrano, Stavisky, Stewart-Cousins)

Assembly: No Same As

Continuing School District Suspensions

S.1146-A (Marcellino)

This bill grants school district officials the authority to continue long-term suspension imposed by another district to a transfer-student into the new district, if the suspension resulted from a pupil who was physically violent, committed sexual assault, or possessed/used a weapon on school grounds at the previous school.

Proponents: NYS School Boards Association, Council of School Superintendents

Opponents: None

Senate Vote: 43-20 (Alcantara, Bailey, Benjamin, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Sepulveda, Serrano, Stavisky, Stewart-Cousins)

Assembly: No Same As

Establishes CTE Diplomas for a Course of Study for a Career or Trade

S.2109-A (Felder)/ A.7972-A (Hyndman)

This bill would establish a Career and Technical Education (CTE) pathway to a high school diploma that would result in a Regents diploma

Proponents: None

Opponents: NYS School Boards Association, Council of School Superintendents

Senate Vote: 41-21 (Alcantara, Bailey, Benjamin, Breslin, Comrie, Dilan, Gianaris, Hoylman, Kavanagh, Klein, Krueger, Mayer, Montgomery, Peralta, Persaud, Rivera, Sanders, Savino, Sepulveda, Serrano, Stavisky)

Assembly: Died in Assembly Education

Increases the Earnings Limitation for Retired Police Officers Employed as School Resource Officers to \$50,000

S.7791 (Gallivan)/ A.10884 (Hawley)

This bill would increase the earning limitation for a retired police officer working as a school resource officer from \$30,000 to \$50,000. Part of the Republican school safety package.

Proponents: None

Opposition: None

Senate Vote: 60-0

Assembly: Died in Assembly Governmental Operations

School Resource Officer Program and Grant Funding

S.7810-A (Gallivan)/ A.10885 (Hawley)

This bill creates the school resource officer program and explicitly allows for school resource officers to possess firearms. The bill also provides for grant funding of this program to public schools outside of NYC, charter, and non-public schools. Part of the Republican school safety package.

Proponents: None

Opponents: None

Senate Vote: 41-19 (Alcantara, Avella, Bailey, Benjamin, Comrie, Gianaris, Hamilton, Hoylman, Kavanagh, Klein, Krueger, Montgomery, Peralta, Rivera, Sanders, Savino, Serrano, Stavisky, Stewart-Cousins)

Assembly: Died in Assembly Education

School Resource Officer Program and Expense Based Funding

S.7811-A (Gallivan)

This bill creates the school resource officer program and is substantially similar to S7810A with the difference being how the program is funded. This bill provides for protection aid to fund this program to public schools outside of NYC, charter, and non-public schools as expense based aid to school districts. The bill also explicitly allows for school resource officers to possess firearms. Part of the Republican school safety package.

Proponents: None

Opponents: None

Senate Vote: 41-19 (Alcantara, Avella, Bailey, Benjamin, Comrie, Gianaris, Hamilton, Hoylman, Kavanagh, Klein, Krueger, Montgomery, Peralta, Persaud, Rivera, Sanders, Savino, Serrano, Stewart-Cousins)

Assembly: No Same As

Security Review and Assessments and Funding to Implement Recommendations

S.7832 (Crocì)

This bill would allow New York State school safety improvement teams to request the the New York State Division of Homeland Security and Emergency Services to review any schools safety plan and recommend how an educational setting can improve its security. School districts and nonpublic schools shall be eligible for reimbursement for any recommendations that are implemented. Part of the Republican school safety package.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly: No Same As

Establishes Active Shooter Drills in Educational Institutions

S.7845 (Felder)

This legislation requires all public and private schools to conduct at least two active shooter drills each year. Current law requires at least twelve emergency drills each year, with eight being evacuation drills. The other four drills must be "lock down drills." This legislation would require that two of the existing lock down drills be active shooter drills.

Proponents: None

Opponents: None

Senate Vote: 58-2 (Alcantara, Hoylman)

Assembly: No Same As

Smart Schools Bond Act Application Reviews & Payments

S.7846 (Phillips)/ A.10156 (Barrett)

This bill requires Smart Schools Review Board to meet monthly, notify school districts of application status, and make payments within 30 days of project approval. Part of the Republican school safety package

Proponents: None

Opponents: None
Senate Vote: 60-0
Assembly: Died in Assembly Education

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

APPR Teacher Evaluations

S.8301 (Marcellino)/ A.10475 (Nolan)

This bill alters teacher and principal evaluations, by removing the current requirement that grade 3-8 state exams be used as part of a teacher or principal's evaluation, and requires any assessments used as part of teacher evaluations to be subject to collective bargaining.

Proponents: NYSUT; Rural Schools Association of NYS; School Administrators Association
Opponents: Educators for Excellence NY; NYS School Boards Association (Amendment Requested); Council of School Superintendents;
Senate: Died in Senate Rules
Assembly Vote: 133-1

Teacher Retirement System Reserve Fund

S.4563-A (Golden)/ A.7353-B (Buchwald)

This bill provides participating employers of the New York State Teachers' Retirement System (NYSTRS) the option to establish a retirement contribution reserve sub-fund within the New York State and Local Employees' Retirement System for purposes of contributions for NYSTRS.

Proponents: Lower Hudson Education Coalition; NYS School Boards Association
Opponents: None
Senate: Died in Senate Civil Service
Assembly Vote: 137-0

UNRESOLVED ISSUES

NYC Specialized High School Admission Test

S.8503-A (Parker)/ A.10427-A (Barron)

This bill seeks to improve diversity at specialized high schools by expanding the Discovery program to help disadvantaged students gain admission to specialized high schools, while also eliminating the use of the single-admission test over a three-year period.

Proponents: NYC Mayor's Office
Opponents: Brooklyn Tech and Stuyvesant High School Alumni Associations
Senate: Died in Senate Education
Assembly: Died in Assembly Rules

HEARINGS AND FORUMS

None

ELECTIONS COMMITTEE

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Requires the Fall 2018 Primary to be Held on Thursday, September 13, 2018, and the Political Calendar to be Adjusted Accordingly

S.7597 (Felder, Alcantara, Hamilton, Kaminsky, Kavanaugh, Phillips)/ A.8917-A (Carroll)

This law requires that a primary will not be held on the first Tuesday after the first Monday in September, and any written communication to voters by mail shall contain a conspicuous notice in all capital letters and bold font notifying the voter of the primary date change. It also amends the Election Law to move the primary from September 11th, 2018 due to the Jewish holiday of Rosh Hashanah and anniversary of the September 9/11 attacks.

Proponents: None

Opponents: None

Senate Vote: 59-0

Assembly Vote: 134-0

Chapter 3

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Russian Interpreters at Certain Polling Locations in New York City.

S.223 (Golden, Alcantara)/ A.3904 (Colton)

This legislation requires the Board of Elections to provide Russian interpreters at polling locations in New York City in any county where at least 5% of the population speaks Russian as their first language. This bill would primarily affect polling locations in and around the communities of Brighton Beach, Marine Park, Gravesend, and Sheepshead Bay in Kings County. Under current law, Russian interpreters are not required to be made available at any polling locations in the state.

Proponents: None

Opponents: None

Senate Vote: 61-1 (DeFrancisco)

Assembly: Died in Election Law Committee

Counting of Ballots of Deceased Military Personnel

S.944 (Crocini, Carlucci, Funke, Helming, Larkin, Marchione, Ort, Ritchie)/ A.4342 (Ortiz)

This legislation would require absentee or military ballots of any active duty service member to be counted if the service member dies before the date of the election due to combat operations.

Proponents: None

Opponents: None

Senate Vote: 53-9 (Comrie, Dilan, Gianaris, Hoylman, Krueger, Montgomery, Persaud, Rivera, Stavisky)

Assembly: Died in Election Law

Sealing Voter Registration Records of Victims of Sexual Violence

**S.1445 (Funke, Akshar, Croci, Gallivan, Kennedy, Marchione, Robach, Savino, Serino)/
A.8000 (Thiele)**

This bill would enable victims of sexual violence to file a petition in state Supreme Court to seal his or her voter registration record from public access. After review and consideration of the petition, the Court may issue an order requiring that any registration record kept or maintained by the county board of elections be kept separate and apart from other registration records and not made available to the public through a Freedom of Information Law (FOIL) request.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: Died in Election Law Committee

Constitutional Amendment Includes Ballot Referendum Language In Enabling Resolution

S.4757 (Griffo, Phillips)/ A.8392 (Lentol)

This bill would amend Election Law to require that the text of any amendment, proposition, or question that is submitted on a statewide referendum be included in the text of the enabling legislation that proposes such idea. Under current law, the form of any proposed amendment is drafted by the State Board of Elections in consultation with the Attorney General's office. The language must "consist of only an abbreviated title indicating generally and briefly, and in a clear and coherent manner using words with common and every-day meanings, the subject matter of the amendment, proposition, or question." This legislation would expand the the description from a mere abbreviated title, to rather include the full text of the amendment, proposition, or question that is submitted on a statewide referendum.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly: Died in Election Law Committee

Prohibition on Contributions by Executive Appointees

S.8404 (Ranzenhofer)/ A.10850 (Abinanti)

This legislation would prohibit campaign contributions from gubernatorial executive appointees to the governor's campaign committee. There is currently no law in place that explicitly prohibits gubernatorial appointees, family members, or designees from contributing to the campaign committee of the Governor. This bill is aimed to reduce opportunities for "pay to play" politics by restoring the public trust in the Executive appointment process.

Proponents: None
Opponents: None
Senate Vote: 60-2 (Sanders, Savino)
Assembly: Died in Election Law Committee

**Limits Campaign Contributions From Those Persons or Entities Applying for Grants, Funding, or Licenses From The State, Local Municipalities or Agencies Thereof
S.8409 (Ranzenhofer)**

This legislation would amend the Election Law to establish new campaign contribution restrictions for individuals or businesses seeking to do business with the state, a local government, and those entities associated with state or local governments. This would include any department, board, bureau, commission, division, office, council, committee or officer of a municipality as well as local Industrial Development Agencies and local public benefit corporations.

Proponents: None
Opponents: None
Senate Vote: 60-2 (Sanders, Savino)
Assembly: No Same As

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

**Banning Lobbyists from Making Political Loans
S.9016 (Serino, Akshar)/ A.3036-B (Abinanti)**

This legislation would prohibit lobbyists, political action committees, and labor unions from making loans to candidates or political committees, unless the lobbyist themselves is a candidate for office. The Election Law currently permits loans to be made to a candidate or political committee, other than a constituted committee, from any person, firm, association or corporation. If the loan is not repaid by the date of the election, whether in whole or in part, then the outstanding sum shall be deemed a political contribution.

Proponents: None
Opponents: None
Senate: Died in Rules
Assembly Vote: 145-0

**Computer Generated Registration Lists
S.2788 (Akshar, Alcantara, Avella, Bailey, Carlucci, Comrie, Dilan, Hamilton, Hoylman, Kaminsky, Kavanaugh, Klein, Krueger, Montgomery, Peralta, Savino, Valesky)/ A.5547 (Cusick)**

This legislation would authorize the local board of elections to use a computer generated registration list in lieu of registration poll records to establish a person's eligibility to vote on Election Day.

Proponents: None
Opponents: None
Senate: Died in Elections
Assembly Vote: 125-11

**Closes the “Limited Liability Company Loophole” for Political Contributions
S.7149 (Kavanaugh, Dilan, Krueger, Mayer, Peralta)/ A.9758-A (Simon)**

This proposal would define Limited Liability Companies (LLCs) as corporations, effectively reducing their contribution limits to \$5,000 in the aggregate each year. Under current law, LLCs are treated as individuals for purposes of campaign contribution limits and therefore subject to a much higher limit. The bill also requires the identity of all direct and indirect LLC owners/contributors be disclosed and any contributions made by the LLC be attributed to each member, in proportion to that member's ownership interest. Such information must be filed with the State Board of Elections by December 31st of each year.

Proponents: None
Opponents: None
Senate: Died in Rules
Assembly Vote: 123-11

**Requires Absentee Ballots Be Sent To Military Personnel For School District/Budget Votes
S.2976-A (Lavalle, Avella)/ A.11052 (Thiele)**

This bill would amend the Election Law to require absentee ballots to be sent to military voters for any common, union free, central, or central high school election for which absentee ballots are required to be provided. Under current law, ballots are mailed to military voters for primary and general elections, as well as before a city of Buffalo school district vote or a NYC community school board district vote. Military voters should also receive ballots at least 14 days before a village election.

Proponents: None
Opponents: New York State School Boards Association
Senate: Died in Rules
Assembly Vote: 136-1

**Authorizing Ballot-by-Mail for All Persons
S.840 (Comrie, Addabbo, Alcantara, Avella, Bailey, Breslin, Carlucci, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanaugh, Kennedy, Klein, Krueger, Mayer, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Savino, Sepulveda, Serrano, Stavisky)/ A.7623 (Vanel)**

This concurrent resolution would amend the New York State Constitution to allow any New York voter to vote by mail without declaring any special reason for doing so. Currently, the New York State Constitution only allows absentee voting if a person expects to be absent from the county in which they live, or the City of New York, or because of illness for physical disability.

Proponents: None
Opponents: None
Senate: Died in Judiciary Committee
Assembly Vote: 118-16

Absentee Voting

S.8320 (Comrie)/ A.4920 (Weprin)

This bill would authorize the board of elections to receive applications for absentee ballots up to the day before an election. Currently the Election Law requires applications to be mailed not later than seven days before an election.

Proponents: None
Opponents: None
Senate: Died in Elections Committee
Assembly Vote: 112-24

Include Voter E-Mail Address with Voter Registration Data

S.7754 (Carlucci)/ A.1057 (Galef)

This legislation would provide for the inclusion, at a voter's option, of an e-mail address in the voter registration application and record. County boards of elections and the board of elections of the City of New York would have the option of sending required notices and communications by e-mail in addition to postal mail. .

Proponents: None
Opponents: None
Senate Vote: Died in Elections
Assembly Vote: 127-5

UNRESOLVED ISSUES

Codify Federal Prohibition on Non-Profits from Engaging in Political Campaigns

S.8366-A (Ranzenhofer) / A.10354-B (Paulin)

This legislation would prohibit non-profit corporations from engaging in political campaigns. The Johnson Amendment already prohibits this sort of activity but recently the United States Congress has taken steps to weaken or even eliminate the prohibition on non-profits engaging in political campaigns. This legislation seeks to codify the current federal law by specifically prohibiting non-profits registered under the Not-for-Profit Corporations Law from participating in, or intervening in any political campaign on behalf of or in opposition to any candidate for public office.

Proponents: New York Council of Nonprofits, Inc.
Opponents: None
Senate: Died in Elections
Assembly: Died in Ways and Means

Early Voting

S.7400-A (Kavanaugh, Stewart-Cousins, Addabbo, Alcantara, Avella, Bailey, Benjamin, Carlucci, Dilan, Gianaris, Hoylman, Hamilton, Kennedy, Kreuger, Mayer, Montgomery, Peralta, Sepulveda, Serrano)

This legislation would establish early voting and the New York state early voting fund, and further provides that beginning the eighth day prior to any election and ending on and including the second day prior to the election a person duly registered and eligible to vote shall be permitted to vote. The Early Voting fund is also established for the purpose of making payments to the board of elections of each county and the city of New York to reimburse any actual costs incurred by such boards of elections to provide polling places for early voting.

Proponents: None

Opponents: None

Senate: Died in Rules

Assembly: No Same As

Enacts the "Voter Empowerment Act"- Omnibus Election Reform Proposals

S.3304-A (Gianaris, Addabbo, Alcantara, Avella, Bailey, Brooks, Benjamin, Carlucci, Comrie, Dilan, Hamilton, Hoylman, Kaminsky, Krueger, Mayer, Montgomery, Parker, Peralta, Rivera, Sepulveda, Serrano, Stavisky, Stewart-Cousins)

This bill enacts the "Voter Empowerment Act of New York" to streamline the process for registering to vote and modernize several laws pertaining to pre-registration of 16 and 17 year olds, changing enrollment, automatic enrollment, and the transfer of registrations, amongst other measures to ensure voter access to the polls. The deadline for voter registration would also be moved to ten days before an election, which is the minimum allowed by law. Under this bill, changes of enrollment would take effect ten (10) days after such changes were applied for.

Proponents: None

Opponents: None

Senate: Died in Rules

Assembly: No Same As

Consolidation of Federal and State Primaries

S.3562-A (Stewart-Cousins, Addabbo, Alcantara, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hoylman, Kavanaugh, Kreuger, Persaud, Sepulveda, Serrano, Stavisky)/ A.9925 (Lavine)

This legislation would move the state primary elections to the 4th Tuesday in June, to merge the Federal and the State primary elections on the same day. To implement the primary election date change, deadlines and due dates would be amended under this legislation. This legislation would bring the state into compliance with the Military Overseas Voter Empowerment (MOVE) Act.

Proponents: None

Opponents: None

Senate: Died in Veterans, Homeland Security and Military Affairs

Assembly: Died in Ways and Means

HEARINGS AND FORUMS

None

ENERGY AND TELECOMMUNICATIONS COMMITTEE

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Reporting Requirements for Various Classifications of Gas Leaks by Utility Corporations S.4264-A (Griffo)/ A.467-A (Paulin)

This bill sets forth requirements for natural gas companies to comply with if a natural gas leak occurs. Currently, there is no law regarding the handling of gas leaks. Under current regulations, gas companies are required to classify leaks of natural gas according to severity, determined by a combination of location and the magnitude of the leak, and maintain such records. However, they are not required to report the leaks to DPS, which relies on periodic audits of the companies to ensure compliance with relevant regulations. DPS does not maintain the records, there are no records readily available to public safety officials. This bill would increase transparency and hold DPS accountable to the legislature.

Proponents: None

Opponents: None

Senate Vote: 60- 0

Assembly Vote: 93-33

Requires Gas and Electric Corporations to Notify Residential Customers of their Right to Request an Actual Meter Reading Upon the Discontinuation of Service

S.3644 (Parker, Carlucci)/ A.2451 (Simotas)

This bill amends section 39 of the Public Service Law to require gas and electric corporations of their right to request an actual meter reading upon the discontinuation of service. Current law allows gas or utility corporations, in certain instances, to bill customers based on their estimated usage. This bill would require utilities to notify customers of their right to request an actual meter reading upon discontinuation of service. An estimated bill is when your gas or electricity supplier predicts the amount of power you would have used that month based on your usage from the previous year compared to an actual meter reading where the corporation physically reads your meter in real time. Estimated billing practices have the potential to result in customer overcharges that fail to be corrected and properly refunded when a customer relocates.

Proponents: None

Opponents: None

Senate Vote: 59-0

Assembly Vote: 129-1

Authorizes NYSERDA to Study Significantly Improving High-Performance Efficiency in Commercial Offices

S.6160 (Parker)/ A.6255 (Walker)

This bill would authorize NYSERDA to consult with the Public Service Commission, the federally designated bulk system operator, electric corporations, and public power authorities to study ways to significantly improve high-performance energy efficiency for commercial office

buildings in a cost-effective way. The study must include, first, the feasibility of significantly improving energy efficiency in commercial buildings through the design and construction, by owners and tenants, of separate spaces with high-performance efficiency measures. Second, the feasibility of encouraging owners and tenants to implement high-performance efficiency measures in separate spaces. Finally, the feasibility of encouraging the cooperation of commercial office buildings in aggregating electrical load and usage utilizing demand response programs, whether utility-based or operated by the federally designated bulk system operator charged with maintaining the state's high-voltage transmission system.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 136-2

Requires Gas and Electric Corporations, the New York Power Authority (NYPA) and the Long Island Power Authority (LIPA) to Provide an Annual Transparency Statement to Customers

S.6335-C (Griffo, Croci, Phillips)/ A.8288-B (Paulin)

Current law requires that the bills to residential consumers sent out by combination gas and electric companies adequately explain the charges for service in clear and understandable form and language. This bill would require combination gas and electric corporations, NYPA, and LIPA send their ratepayers an annual transparency statement detailing certain charges on a gross basis included in the delivery portion of their utility bill. The charges must be broken out to include the following information: (1) property taxes; (2) sales and compensating use taxes; (3) cost and expense of the 18a surcharge; (4) gross receipts taxes; (5) franchise and income taxes; (6) MTA payroll tax; (7) fees mandated by the PSC, including costs from the implementation of REV, energy efficiency programs, distributed energy resources, and zero emissions credits.

Proponents: None

Opponents: None

Senate Vote: 63-0

Assembly Vote: 131-0

Requires water works corporations and municipal water systems to annually calculate and submit to the public service commission their water cost index

S.8225 (Ranzenhofer) / A.7183-A (Zebrowski)

This bill requires all water works corporations and municipal water systems to annually calculate their water cost index (WCI) and report that to the PSC. The bill defines "water cost index" as the annual cost of water for an average single family household served by a water works corporation or municipal water system. In addition, the bill requires that the WCI will be calculated using uniform factors developed by the PSC including, but not limited to, usage, fees, applicable taxes, meter size, and seasonal rate structures. The PSC is required to establish a calculation method within six months of enactment of this bill. Finally, Annually, by December thirty-first, the PSC must publish a report on the water cost index of each applicable water works corporation and municipal water system of the preceding calendar year.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly Vote: 131-0

Relates to Prohibiting a Commercial Landlord from Interfering with the Installation of Telephone Corporation Facilities upon his or her Property or Premises

S.8311-A (Griffo, Sepulveda)/ A.8010-B (Dinowitz)

This bill prohibits landlords from preventing tenants from accessing telecommunication services (the internet) in their rental units. Currently, the public service law addresses the similar issue for cable television companies in section 228. This bill affords the same right-of-access to telecommunications companies. This bill also allows the landlord to require the costs of such installation be covered by the telecommunication company, up to the customers premises. This legislation aims to increase consumer choice by allowing equal access to buildings. The bill amends the Public Service Law and specifies that the landlord shall not interfere with installations of telephone corporation facilities but also lines out requirements to protect the landlord's property. The A-print revises for clarification purposes by adding "commercial" so it reads "commercial landlord-tenant relationship", "commercial property", "commercial tenant", and "commercial building."

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly Vote: 138-0

Relates to the Energy Storage Deployment Policy

S.8602-A (Griffo)/ A.11099 (Cusick)

The bill requires, by December 31, 2018, that the Public Service Commission (PSC) establish by order, rules and regulations a 2030 energy storage goal for the State and a deployment policy for reaching such goal. The bill requires the PSC to work in consultation with NYSERDA and NYISO to establish the policy and administer deployment. This also requires that any procurement for this purpose be awarded through a competitive process. Energy storage is the capture of energy produced at one time for use at a later time. A device that stores energy is sometimes called an accumulator or battery. Energy storage involves converting energy from forms that are difficult to store to more conveniently or economically storable forms. Some technologies provide short-term energy storage, while others last much longer. Improving NY's energy storage capacity will greatly help and encourage further development of renewable energy throughout the state.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly Vote: 143-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Eliminates the 18-a Assessment and Funds the PSC/DPS through the General Fund

S.8407 (Griffo, Funke)

This bill would eliminate the 18-a assessment that currently funds the Public Service Commission and the Department of Public Service. The "18-a assessment" is an assessment pursuant to section 18-a of the Public Service Law which is a tax on all public utilities to pay for the costs of the PSC/DPS. Public utility companies include municipalities, corporations (including the power authority of the state of New York), and persons subject to the commission's regulation.

Proponents: None

Opponents: None

Senate Vote: 58-4 (Comrie, Kavanaugh, Hoylman, Rivera)

Assembly: No Same As

Phase Out of the Tax on Gross Income from the Transportation, Transmission, and Distribution of Gas and Electricity.

S8399 (Griffo, Funke)

In general, article 9 Taxes apply to transportation and transmission companies, telecommunications companies, and utility services providers. Currently, there is a 2% tax on utility service providers for gross income derived from the transportation, transmission or distribution of gas or electricity. This bill fully phases out the tax on the utility companies over the course of three years. Currently, if you are a utility doing business in New York State, you are subject to tax under Article 9, section 186-a if you are subject to the supervision of the New York State Department of Public Service, and transport, transmit, or distribute gas or electricity, by means of mains, pipes, or wires for ultimate consumption or use by the purchaser in this state.

Proponents: None

Opponents: None

Senate Vote: 61-1 (Krueger)

Assembly: No Same As

Relates to Maintaining the Continued Viability of the State's Existing Large-Scale, Renewable Energy Resources

S.5549-C (Griffo, Addabbo, Alcantara, Avella, Bailey, Breslin, Brooks, Carlucci, Hamilton, Hoylman, Kennedy, Klein, Krueger, Parker, Savino, Sepulveda, Serrano, Stavisky)/

A.7275-C (Jenne)

This bill establishes a Tier 2 REC program that will provide incentives to pre-existing renewable energy sources in the state that do not currently receive the benefits under the Governor's Clean Energy Standard. This bill will require NYSERDA to compensate existing large-scale renewable energy producers at a rate of 75% of the weighted average cost per REC that NYSERDA pays to acquire Tier 1 RECs from new renewables in the previous year.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly: No Same As

Requires the Public Service Commission to Retain an Independent Auditor to Conduct Audits of Private Water Utility Companies

S.6862-A (Marcellino, Carlucci)/ A.8740-A (Montesano)

This bill would requires the PSC to retain an independent auditor to conduct audits of private water utility companies prior to and after rate changes are approved by the public service commission. Under current law, the Public Service Commission (PSC) may to examine the books of any water works corporation in the State, and gives them the power to subpoena any accounts, books, contracts, records, documents, memoranda and papers of any such corporation.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly: No Same As

Directs the Department of State and Public Service Commission to Study and Report Upon Disclosure by Utilities to Credit Reporting Agencies of Late Payments

S.5039 (Parker)/ A.1056 (Rozic)

This bill directs the department of state and the public service commission to study and report upon the prevalence of the disclosure by public utilities, cable television companies and cellular telephone service providers to credit reporting agencies of late payments and defaults in payment of fees and charges by consumers. This bill would requires DOS and the PSC to study the prevalence of utility, cable, and telephone service providers reporting customer payment information to consumer reporting agencies. In addition, the PSC and DOS would be tasked with making recommendations on the regulatory and statutory provisions necessary to protect consumers in this area and issuing a report to the Governor and Legislature by December 31, 2018.

Proponents: None
Opponents: None
Senate Vote: 61-1 (Little)
Assembly: No Same As

Establishes the New York State Clean Energy Tech Production Program

S.1225-B (Griffo, Carlucci)/ A.1705-B (Woerner)

Currently, energy efficiency programs are largely paid for by ratepayers in the form of the System Benefits Charge on their bills or a small amount embedded in their rates. These fees are aggregated to fund cost-effective energy efficiency programs and projects across all sectors. This bill would change that dramatically for industrial, commercial and large users of energy. This bill, first, directs the Public Service Commission to begin a proceeding to establish a self-direct program for industrial, commercial and large energy users. The self-direct program would be used to stimulate the growth and adoption of more efficient use of energy, greater use of

advanced energy management products, deeper penetration of renewable energy resources such as wind, solar, geothermal, and anaerobic digestion, wider deployment of "distributed" energy resources, such as micro grids, roof-top solar, fuel cells and other on-site power supplies, and storage.

Proponents: None

Opponents: None

Senate Vote: 52-10 (Comrie, Krueger, Bailey, Alcantara, Hoylman, Rivera, Dilan, Serrano, Sanders, Sepulveda)

Assembly: No Same As

Creates the "Finger Lakes Community Act of 2018"

S.8109-B (Helming, Avella, Hamilton, Sepulveda, Valesky)/ A.11214 (Cusick)

This bill prohibits a waste energy facility from receiving a certificate of environmental compatibility and public need if certain criteria are met. These criteria include: the incineration facility is within the Oswego River/Finger Lakes Watershed; there is at least one landfill or other solid waste management facility permitted by DEC and operating or located within a 50 mile radius of the incineration facility; and the incineration facility is within ten miles of a priority waterbody as designated by DEC.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: No Same As

Relates to the Protection of the Health, Safety and Employment Rights of Employees Suffering Employment Loss as the Result of the Sale or Closure of a Nuclear Electric Generation Facility.

S.8326 (Murphy)

This bill is in response to the recent decision to close Indian Point, a nuclear power plant in Westchester. The bill amends the Public Service Law, the Labor Law and the Public Health Law to enhance existing WARN Act provisions to provide one-year notice to any worker who would be impacted by the closing of a nuclear electric generation facility in Westchester. This bill requires one year advance notice to all workers at a nuclear generation facility, mandatory extensive health screenings for all employees, contractors and sub-contractors working at the facility on the date of issuance of the one year notice, and worker re-training programs for all employees, contractors and subcontractors to be conducted at the facility during the one year advance notice period.

Proponents: None

Opponents: None

Senate Vote: 38-24 (Addabbo, Alcantara, Avella, Bailey, Benjamin, Breslin, Brooks, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Kennedy, Klein, Krueger, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Sepulveda)

Assembly: No Same As

SIGNIFICANT BILL PASSED IN THE ASSEMBLY ONLY

Requires companies to allow victims of domestic violence to cancel contracts when there is a permanent order of protection in place

S.2711 (Parker)/ A.1056 (Rozic)

This bill provides that a local exchange telephone corporation or cable television company shall allow a customer who is under contract, including but not limited to a multi-year or bundle contract, to break such contract without penalty if such customer is a victim of domestic violence, requests release in writing and possesses a permanent order of protection.

Proponents: None

Opponents: AT&T

Senate: Died in Energy and Telecommunications

Assembly Vote: 131-6

Prohibits the Unauthorized Change of a Natural Gas or Electric Service Provider

S.5023 (Krueger, Hamilton, Parker)/ A.5235 (Dinowitz)

This bill prohibits suppliers of natural gas or electric service from changing a customer's supplier of gas or electric service (commonly known as "slamming") unless such supplier complies with requirements established by the public service commission. It also authorizes the commission to establish requirements for customer consent and makes enforcement provisions to punish violators of slamming requirements.

Proponents: None

Opponents: None

Senate: Died in Energy and Telecommunications

Assembly Vote: 137-0

Requires Utility Companies to Include a Notice of Public Hearings Concerning Rate Increases

S.4717 (Brooks, Bailey, Parker, Sanders)/ A.8837 (Jean-Pierre)

This bill requires utility companies to include on their bills notice of any and all public hearings concerning rate increases. Currently, the PSC is required to publish in local newspapers the dates and times of public hearings regarding rate increases. This legislation is intended to address the issue of inadequate notification by requiring utility companies to post the date and place of the hearings on the customer's bill for service. This is a more appropriate method of notifying consumers so that they may plan to attend the hearing or submit comments.

Proponents: None

Opponents: None

Senate: Died in Energy and Telecommunications

Assembly Vote: 137-0

UNRESOLVED ISSUES

Relates to the Protection of the Health, Safety and Employment Rights of Employees Suffering Employment Loss as the Result of the Sale or Closure of a Coal Electric Generation Facility.

S.9038 (Ortt)

The bill amends the Public Service Law, the Labor Law and the Public Health Law to enhance existing WARN Act provisions to provide one-year notice to any worker who would be impacted by the closing of a coal electric generation facility in the state. Under current law, the New York State Worker Adjustment and Retraining Notification (WARN) Act requires businesses to give 90 days written notice of facility closings and mass layoffs. This bill requires one year advance notice to all workers at a coal generation facility; mandatory extensive health screenings for all employees, contractors and subcontractors working at the facility on the date of issuance of the one year notice, and worker retraining programs for all employees, contractors and subcontractors to be conducted at the facility during the one year advance notice period.

Proponents: None

Opponents: EANY

Senate Vote: Bill lost 30-28 (Alcantara, Bailey, Benjamin, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Kennedy, Klein, Krueger, Mayer, Montgomery, Parker, Peralta, Persaud, Sanders, Savino, Sepulveda, Serrano, Stavisky, Stewart-Cousins, Valesky)

Assembly: No Same As

FORUMS AND HEARINGS

None

ENVIRONMENTAL CONSERVATION COMMITTEE

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Water Usage Information on Water Bills in Long Island

S.260-A (Kaminsky)/ A.10881-A (Pellegrino)

Requires public and private purveyors of water in Nassau and Suffolk counties with 10,000 or more customers to list water usage in gallons and cubic feet on customer bills. Information would also include year-to-date usage, a seasonal comparison (fall versus winter, for example) and the previous year's usage for the same time period.

Proponents: None

Opponents: None

Senate Vote: 59-3 (Akshar, Lanza, Young)

Assembly Vote: 143-0

Establishes a New York City Seawall Study Commission

S.6927-A (Addabbo)/ A.8686-A (Barnwell)

Directs the Department of Environmental Conservation (DEC) to create a seawall study commission to identify the feasibility, costs, impacts, and best locations for construction of a seawall or sea gate to protect the City from sea level rise and storm surge along the entire coastline. Additionally, the commission is directed to study the areas of greatest risk and recommend necessary state and local statutory and regulatory changes. The commission is composed of DEC and Department of State commissioners, as well as legislative and gubernatorial and mayoral appointees, as well as recommendations by the Nassau and Suffolk county executives.

Proponents: None

Opponents: None

Senate Vote: 61-1 (Ranzenhofer)

Assembly Vote: 133-0

Pier 52 Art Installation

S.8044-A (Hoylman)/ A.10192-A (Glick)

Amends the Hudson River Park Act to permit the construction of an art installation within the historic footprint of pier 52 consisting of a life-size skeletal replica of pier 52. This art installation would be constructed, donated to the Hudson River Park Trust, and maintained and repaired by the Whitney Museum.

Proponents: None

Opponents: None

Senate Vote: 60-1 (Akshar)

Assembly Vote: 141-0

Food Waste Initiatives Study**S.8693 (Bailey)/ A.11171 (Joyner)**

Authorizes the Department of Environmental Conservation to conduct a study on food waste initiatives throughout the State. The study would include any food waste initiatives implemented or in the planning stages, municipal laws, and scholarly articles and proposals. This report would be produced within 18 months of the effective date of the bill.

Proponents: None

Opponents: None

Senate Vote: 59-2 (Akshar, Ranzenhofer)

Assembly Vote: 143-1

SIGNIFICANT BILLS THAT PASSED SENATE ONLY**Establishes a Paint Stewardship Program****S.881A (O'Mara)/ A.1038A (Stripe)**

Requires by March 1, 2019 all producers of architectural paint to administer (individually or collectively) a post-consumer paint take back program. The program is required to provide a free, permanent collection site within 15 miles of each incorporated city and census designated place in the state and an additional permanent collection site for every 30,000 people located in those areas. This bill had a similar version pass, S.9106 (O'Mara)/A.11245 (Peoples-Stokes), which was intended to be a compromise between the Senate and the Assembly, and had the support of Environmental Advocates. However, the bill died in Rules in the Assembly.

Proponents: New York City Office of the Mayor, New York League of Conservation Voters

Opponents: New York State Trial Lawyers Association, Retail Council of New York

Senate Vote: 57-2 (Benjamin, Krueger)

Assembly: Died in Environmental Conservation

Amends Provisions for Plastic Bag Collection Bins**S.1196 (Avella)**

Requires that plastic bag collection bins at retail stores be placed near the entrance of the store if practicable, and include a sign noting its purpose of collecting plastic bags for recycling. The sign would be size 16 font or larger, and note that grocery store bags, dry-cleaning bags, and newspaper bags all could be recycled there. The bill also requires the bins to be emptied regularly.

Proponents: None

Opponents: None

Senate Vote: 60-2 (DeFrancisco, Gallivan)

Assembly: No Same As

Grants OPRHP the Authority to Operate Camp Santanoni**S.2647 (Little)/ A.2910 (Stec)**

Camp Santanoni is a state historic site within the Adirondack Park in Essex County. The Camp is seeking a transfer of administration from the Department of Environmental Conservation (DEC)

to the Office of Parks, Recreation, and Historic Preservation (OPRHP). OPRHP manages a limited number of historic sites within the Adirondack Park but DEC oversees the vast majority of the Park's 2.7 million acre forest preserve and has a working relationship with the Adirondack Park Agency in implementing park regulations.

Proponents: None

Opponents: Adirondack Council

Senate Vote: 40-21 (Addabbo, Alcantara, Avella, Bailey, Benjamin, Breslin, Brooks, Comrie, Dilan, Hamilton, Hoylman, Kavanagh, Krueger, Mayer, Montgomery, Parker, Rivera, Sanders, Sepulveda, Serrano, Stavisky)

Assembly: Died in Environmental Conservation

Prohibits the Disclosure of Information on Hunting, Fishing, and Trapping Licenses

S.3025 (Ranzenhofer)/ A.895 (Gunther)

Requires that DEC not disclose or release outside of the department any information provided to licensing agents or to DEC by persons applying for hunting, fishing or trapping licenses, permits, stamps, buttons or tags, except for law enforcement or child support enforcement purposes.

Proponents: None

Opponents: None

Senate Vote: 58-4 (Hoylman, Krueger, Rivera, Serrano)

Assembly: Died in Environmental Conservation

Lowers the Age of Universal Hunting Licenses to Twelve from Fourteen

S.3156 (Griffo)/ A.477 (Gunther)

Lowers age restrictions in a number of areas of law including crossbows. Muzzleloader, and big game rifle hunting to grant 12 to 14 year olds greater authorization to hunt. Currently, children aged 12 to 15 (junior hunters) may hunt small game with a rifle and large game with a longbow, if accompanied by a licensed legal guardian over the age of 21 that is designated in writing using a permission form available for print on DEC's website.

Proponents: None

Opponents: None

Senate Vote: 47-13 (Alcantara, Gianaris, Hoylman, Kavanagh, Krueger, LaValle, Marcellino, Parker, Peralta, Rivera, Sanders, Serrano, Stavisky)

Assembly: Died in Environmental Conservation

Authorizes the Transfer of Lifetime Sporting Licenses When the Initial License Holder Dies Before the Age of Twelve

S.3157 (Griffo)/ A.6394 (Brindisi)

Allows for the transfer of a lifetime sporting license when the initial license holder dies before the age of twelve. The transfer would have to take place within three years of such license holder's death and satisfy all other transfer criteria established in law.

Proponents: None

Opponents: None

Senate Vote: 56-5 (Alcantara, Avella, Hoylman, Krueger, Serrano)

Assembly: Died in Environmental Conservation

Permits the Use of Recyclable Beverage Container Packaging

S.6195A (O'Mara)/ A.8045A (Crespo)

Amends the "Bottle Bill" (Chapter 59 of 2009) regarding the sale of beverage containers connected by a separate holding device. The underlying chapter prohibits the sale of beverages connected by a separate holding device unless it decomposes by photodegradation (light) or biodegradation (bacteria and other living organisms). This bill would additionally allow for the sale of beverages connected by holding devices that are made of at least 90% post-consumer recycled high density polyethylene without a hole greater than one and three quarters inches in diameter.

Proponents: None

Opponents: None

Senate Vote: 51-57 (Bailey, Benjamin, Hoylman, Kavanagh, Krueger, Parker, Rivera)

Assembly: Died in Environmental Conservation

Hunting Techniques for Authorized Individuals to Control the Wildlife Population

S.6853-A (DeFrancisco)

Allows certain individuals to: set deer traps and bear traps; use substances or feed to lure deer to feed within 300 feet of a public highway; carry a loaded crossbow, rifle, shotgun, or muzzleloader in a motor vehicle; discharge a firearm, longbow, or crossbow across a public highway; discharge firearm within five hundred feet, a long bow within one hundred fifty feet, or a crossbow within two hundred fifty feet from dwellings, schools, and churches; hunt in Larchmont Harbor and Udall Bay; use a rifle for hunting on Long Island and in Westchester County; and allow use of rifles for hunting larger than .22 caliber in certain circumstances. The individuals this applies to would include an employee of any state, federal or local government agency acting in their official capacity, or any person acting pursuant to a permit issued by the Department of Environmental Conservation.

Proponents: None

Opponents: None

Senate Vote: 39-24 (Addabbo, Alcantara, Avella, Bailey, Benjamin, Boyle, Brooks, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Kennedy, Krueger, Mayer, Montgomery, Parker, Persaud, Rivera, Sanders, Sepulveda, Serrano, Stavisky, Stewart-Cousins)

Assembly: No Same As

SIGNIFICANT BILLS THAT PASSED ASSEMBLY ONLY

Financial Responsibility for the Liability of Major Facilities, Vessels, or Railroads

S.1515 (Avella)/ A.1773 (Fahy)

Requires any bulk petroleum storage facility, vessel, or railroad that handles crude oil to demonstrate to the Department of Environmental Conservation that it possesses adequate

financial security to cover all cleanup and decontamination costs associated with any potential spill or accidents.

Proponents: Environmental Advocates NY

Opponents: None

Senate: Died in Environmental Conservation

Assembly Vote: 129-3

Constitutional Right to Clear Air, Water, and a Healthful Environment

S.5287 (Carlucci)/ A.6279 (Englebright)

Amends the State Constitution's bill of rights to include a right to clean air and water and a healthful environment as a right.

Proponents: Environmental Advocates NY

Opponents: None

Senate: Died in Judiciary

Assembly Vote: 104-26

The New York State Climate and Community Protection Act

S.7971-A (Hoylman)/ A.8270-B (Englebright)

Codifies the Climate Action Council, established by Executive Order No. 24, increases the greenhouse gas emissions goal in that order to 100% (from 1990 levels) by 2050, and sets more specific interim goals. This bill also requires the Department of Environmental Conservation to establish rules and regulations for annual greenhouse gas emission reporting from major emitters, and legally enforceable emissions limit and performance standards.

Proponents: Environmental Advocates NY; Make The Road New York; New York State Nurses Association; NY Renews;

Opponents: Independent Power Producers of New York, Inc.; National Federation of Independent Business; The Business Council

Senate: Died in Environmental Conservation

Assembly Vote: 99-31

Prohibits Off-Shore Drilling

S.8017 (LaValle)/ A.9819 (Englebright)

Prohibits the leasing of state-owned underwater coastal land for oil or natural gas drilling, and prevents the Department of Environmental Conservation and the Office of General Services from authorizing leases that would result in the increase of oil or natural gas production from federal waters.

Proponents: Environmental Advocates NY; New York League of Conservation Voters

Opponents: None

Senate: Died in Environmental Conservation

Assembly Vote: 121-8

Low Nitrogen Fertilizer on Long Island
S.8170 (Hannon)/ A.10276 (Englebright)

Requires the exclusive use of low nitrogen fertilizer, meaning fertilizer containing not more than twelve percent nitrogen by weight, on Long Island. Agricultural use is permitted under this bill. This type of fertilizer may also be referred to as “slow release” fertilizer.

Proponents: Grassroots Environmental Education; Long Island Water Conference; The Nature Conservancy

Opponents: The Scotts Company

Senate: Died in Environmental Conservation

Assembly Vote: 105-24

Prohibits Purse Seines for Menhaden Fishing
S.8570 (LaValle)/ A.10506-A (Englebright)

Prohibits the use of purse seines (a large net) for the harvesting of the Atlantic menhaden in New York waters to prevent over-fishing. The recent revival of menhaden in New York is positive, as it is a key species that is food for other wildlife, such as whales and dolphins.

Proponents: New York League of Conservation Voters; The Nature Conservancy

Opponents: None

Senate: Died in Rules

Assembly Vote: 134-0

UNRESOLVED ISSUES

Plastic Bags
S.8257 (Rules)

Bans the distribution of plastic bags to customers at any point of sale beginning on January 1, 2019. The bill would preempt any existing local laws and vest all authority over single use bags in the State.

Proponents: Governor Cuomo (program bill), New York League of Conservation Voters

Opponents: None

Senate: Died in Rules

Assembly: No Same As

HEARINGS, FORUMS AND TASK FORCES OF NOTE

Plastic Bag Task Force

In March 2017 the Governor announced a New York State Plastic Bag Task Force. The Task Force published its report in January of 2018. The report discusses the negative impacts of plastic bags on the environment, models in other cities and states, and proposes eight suggestions for legislation.

FINANCE COMMITTEE

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Enacted State Operations Budget Bill

S.7500-D/ A.9500-D

The State Operations Enacted Budget Bill for State Fiscal Year 2018-19 included an All Funds appropriation of \$28 billion, an annual change of \$1.3 billion or 5.0%. Of the overall spending for State Operations, \$13.5 billion is for personal service costs, \$5.91 billion non-personal service and \$8.5 billion for fringe benefit costs.

Senate Vote: 59-0

Assembly Vote: 106-22

Chapter 50

Enacted Legislature and Judiciary Budget Bill

S.7501/ A.9501

The Enacted Budget for State Fiscal Year 2018-19 for the Legislative Branch and Judicial Branch provides a total appropriation of \$3.3 billion. The Legislative Branch received an appropriation of \$230.9 million to support operations of the Legislature. The Judicial Branch received an appropriation of \$3.06 billion to support the New York State Unified Court System, which is an increase of \$88.2 million, or 2.9%, from SFY 2017-18. This appropriation consists of an all funds appropriation of \$2.27 billion and a General State Charges appropriation of \$788.6 million.

Senate Vote: 60-0

Assembly Vote: 119-11

Chapter 51

Enacted Debt Service Budget Bill

S.7502/ A.9502

The State Fiscal 2018-19 Enacted Debt Service Budget bill reflects the maximum estimated debt service payments on outstanding bonds and new State-related bond issuance, which must reflect the sale of variable-rate debt. The State Debt Service Budget bill provides the necessary appropriations to fulfill legal requirements in the retirement and payment of interest on outstanding and new State-supported debt. The State Debt Service Budget bill provides the necessary appropriations to fulfill legal requirements in the retirement and payment of interest on outstanding and new State-supported debt. For SFY 2018-19, State debt service appropriations total \$9.835 billion, with State debt service disbursements projected at \$5.689 billion.

Comparatively, these appropriations for SFY 2017-18 totaled \$9.969 billion with disbursements estimated at \$6.635 billion.

Senate Vote: 60-0
Assembly Vote: 107-28
Chapter 52

Enacted Aid to Localities Budget Bill

S.7503-D/ A.9503-D

The Aid to Localities Enacted Budget Bill for State Fiscal Year 2018-19 included All Funds spending of \$66.7 billion, an annual change of \$1.14 billion or 1.7%. Of the overall spending for Aid to Localities, school aid accounts for \$26.5 billion, \$20.3 billion for the Essential Plan for Medicaid, \$3.96 billion for transportation, \$2.45 billion for the School Tax Relief Program, \$2.97 billion for social services, \$2.25 billion for Mental Hygiene and \$5.12 billion in other spending actions. Highlighted appropriations include:

- \$34.4 million for State-funded agricultural Aid to Localities programs;
- \$65.8 million for Department of Economic Development local programs, including:
 - \$13.8 million for Centers for Advanced Technology;
 - \$9.5 million for the Training and Business Assistance Program;
 - \$6 million for the High Technology Matching Grants Program;
 - \$5 million for the New York State Innovation Hot Spots and New York State Incubators; and
 - \$3.6 million for Taste NY.
- \$104.1 million for Urban Development Corporation local programs, including:
 - \$44.5 million for Tourism/Economic Development Promotion;
 - \$26.2 million for the Empire State Economic Development Fund;
 - \$10.3 million for Market NY; and
 - \$4.6 million for the retention of professional football in Western New York.
- \$5 million restoration for the Office of the New Americans;
- \$20.3 billion for the Medicaid Essential Plan;
- \$152.7 billion all funds for Department of Health including:
 - \$50 million for Enhanced Safety Net Hospitals; and
 - \$3.9 million to restore school based health centers to 2016-17 levels.
- \$453.5 million for SUNY Community College base aid;
- \$238.5 million for CUNY Community College base aid;
- \$1.1 Billion for the State's Tuition Assistance Program (TAP) including \$118 million for the Excelsior Scholarship and \$23 million for the Enhanced Tuition Award;
- \$42.6 million for Council on the Arts local grants;
- \$245.6 million for SOFA Aid to Localities programs including \$29 million for Community Services for the Elderly and \$27.5 million for the Wellness in Nutrition Program;
- \$3.4 billion in All Funds support for Office of Children and Family Services aid to localities programs, including:
 - \$635.1 million for Child Welfare Services Programs;
 - \$383.5 million for Foster Care Block Grants;
 - \$285.8 million for Child Care Subsidies;
 - \$187.9 million for Adoption Subsidies;
 - \$100 million for Raise the Age related expenses; and
 - \$22.3 million for Advantage After School Programs.

- \$5.3 billion for Office of Temporary and Disability Assistance Aid to Localities programs, including:
 - \$1.4 billion for TANF Public Assistance;
 - \$308 million for TANF Child Care Subsidies; and
 - \$40 million for the TANF Summer Youth Employment Program.
- \$1.05 billion for Local Government Assistance including \$754 million for AIM;
- \$561.5 million for OASAS local aid;
 - Continues \$200 M commitment for recovery, prevention, and treatment services;
 - \$2 million to fund SAPIS in NYC; and
 - \$1.5 million to establish an independent substance abuse disorder and mental health ombudsman program.
- \$1.5 billion for OMH local programmatic services including
 - \$3.7 million for the Joseph P. Dwyer Veteran Peer to Peer Services Program;
 - \$1M for the School Mental Health Resource Training Center;
 - \$925,000 for Crisis Intervention Teams
- \$2.4 billion in All Funds Support for local OPWDD programs;
 - Provides an additional \$30 million to develop new community based services; \$5 million of which must be used for individuals currently residing at home and whose caregivers are increasingly unable to provide care for them.
- \$207.7 million for DCJS programs including \$44.9 million for Aid to Probation, \$14.3 million for Operation GIVE, \$5.7 million for Alternatives to Incarceration, and \$4.8 million for the establishment or continued operation of SNUG programs;
- \$3.5 billion in operating aid to the MTA including \$194 million from settlement funds as part of the total \$428 million ‘state-share’ of the \$836 million Subway Action Plan; and
- \$530.3 million for non-MTA transit operating aid.

Aid to Localities Chapter Amendment (appears in capital appropriation bill)

School Aid

- \$26.2 billion for school aid, a \$1 billion increase largely comprised of:
 - \$619 million increase in Foundation Aid (\$17.8 billion total);
 - \$240 million increase in expense-base aids; and
 - Changes to the funding formula of Community Schools.
- \$45 million for the Empire State After-School Program
- \$9 million for the Early College High Schools;
- \$20 million for prekindergarten for 3 and 4 year-olds;
- \$4 million for the remaining AP/ IB exams fees for low income students;
- \$3 million for additional Master Teacher Program awards for 115 master teachers;
- \$6 million for the Smart Start Computer Science Program.
- \$5 million provided for Breakfast After the Bell; and
- \$10 million for increased meal reimbursement for local purchasing.

Charter Schools and Non-public Schools

- \$139 million to reimburse school districts for supplemental basic tuition assistance;
- \$6.1 million for Charter School Facilities Aid;
- \$40 million for a charter school bullet aid allocation distributed by Senate resolution;

- \$111.6 million to reimburse nonpublic schools for specified State testing and data-collection activities;
- \$15 million for nonpublic schools for school safety equipment;
- \$15 million related to the payment of salaries for nonpublic school STEM programs; and
- \$7 million for mandated services associated with the State School Immunization Program.

Special Education

- \$1 billion for Preschool Special Education.

Office of Higher Education and the Professions

- \$18.3 million for the Liberty Partnership Program;
- \$35.5 million for the Higher Education Opportunity Program;
- \$15.7 million for the Science and Technology Entry Program;
- \$11.9 million for the Collegiate Science and Technology Entry Program; and
- \$6.0 million for the Foster Youth Initiative.

Senate Vote: 59-0

Assembly Vote: 106-22

Chapter 50

Enacted Capital Projects Budget Bill

S.7504-D/ A.9504-D

The Capital Projects Enacted Budget Bill for State Fiscal Year 2018-19 included All Funds spending of \$14.47 billion, an increase of \$3.83 billion or 36% over last year. The spending amount includes both State and federal funds associated with capital projects funding. Major programmatic appropriations include:

- \$5 million each for DAM second round funding for animal shelter and local fair capital grants;
- \$300 million Environmental Protection Fund;
- \$53.2 million Hudson River Park Trust;
- \$90 million NY Works State Parks;
- \$60 million Olympic Regional Development Authority capital projects;
- \$1.3 billion UDC economic development capital projects;
- \$10 million increase to the Library Construction Fund;
- \$100 million for a third round of the Downtown Revitalization Initiative;
- \$50 million increase to the Health Care Facility Transformation Program;
- \$200 million increase for SUNY Senior Colleges;
- \$35.6 million for a new Fashion Institute of Technology facility;
- \$30 million for an additional round of HeCap grants;
- \$250 million for NYCHA health and safety improvements;
- \$10 million increase for expanded OASAS substance abuse services;
- \$10 million increase for Children's Behavioral Health Services;
- \$104.5 million for non-MTA transit capital assistance;
- \$543 million for CHIPS/Extreme Winter Recovery local transportation assistance;
- \$120 million new capital assistance program for transportation, infrastructure, and economic development projects appropriated through DOT;

- \$1.6 billion for MTA capital projects, including \$174 million for state capital contributions to the Subway Action Plan;
- \$475 million additional appropriation to the State and Municipal Facilities Program (SAM); and
- \$25 million for the Roosevelt Island Capital Program.

Senate Vote: 58-0

Assembly Vote: 123-5

Chapter 51

Enacted Public Protection and General Government Article VII Budget Bill

S.7505-C/ A. 9505-D

The Enacted Public Protection and General Government Enacted Article VII Bill (PPGG) includes several provisions affecting State Agencies and amending Agency programs, including:

- Creates a Complete Count Commission to assist with ensuring accurate counting and preventing undercounts in the 2020 Census, largely reflecting language included in S.5809-A (Klein)/A.4348-A (Crespo);
- Authorizes DASNY to provide financing and technical assistance for juvenile detention or residential facilities certified by OCFS or jointly certified by OCFS and the Commission of Correction;
- Establishes new enterprise funds for state-owned parking lots and garages, for the sale of recyclables, and for special event fees paid by private entities that use space at the Empire State Plaza and Harriman Campus;
- Omits the requirement for all state-paid trial judges to certify monthly that they performed judicial duties at an assigned court location for at least eight hours on each workday, performed authorized duties in an authorized court-related activity at an assigned location, or were on authorized leave;
- Omits the Executive proposal authorizing law enforcement to seize assets involved in a crime only when the defendant has been arrested and authorizes forfeiture of assets only in cases where the defendant was convicted;
- Omits the Executive's Child Victims Act proposal to eliminate the criminal statute of limitations for sexually related felony offenses against a minor, extend the civil statute of limitations for such offenses to fifty years after the offense, eliminate the requirement that a plaintiff file a notice of claim with the state, local government, or school district before suing them for a claim involving a sexually related felony offense, and allow plaintiffs whose claim regarding a sexually related felony offense was time barred to file suit within one year of the budget's effective date;
- Establishes the Secure Choices Savings Program for private sector employees of small businesses, independent contractors and freelancers that do not offer a retirement savings plan; Senator Savino had a similar bill (S.4344-B/A.4982-B (Rodriguez))
- Omits the Executive's proposals that would address public employee benefits and hiring, including hiring flexibility for OITS, cuts to Medicare Part B reimbursements, and elimination of reimbursements for IRMAA retiree beneficiaries;
- Limits eligibility for Citizen Empowerment Tax Credits to local governments formed prior to 2018 and limits aid amounts for villages that vote to dissolve after 2017;
- Retains Legislature approval to authorize adjacent towns to share more than one town justice;

- Omits the Executive proposal to allow municipalities to delegate certain zoning and land use functions to the county government;
- Extends Countywide Shared Services Panels to December 31, 2021, continues eligibility for matching state funding for savings found through the panels, and allows the panels to update and revise their existing plans, rather than having to make a new plan each year;
- Omits major criminal justice reform proposals addressing speedy trial reform, bail reform, and discovery reform;
- Omits proposals to expand various programs for inmates in State prisons including geriatric parole, merit time and limited credit time allowances, pilot work, and study release programs;
- Omits the proposal to expand available licenses for people with criminal convictions;
- Allows district attorneys in New York City to retain a portion of certain financial settlements that are arranged and executed prior to the filing of accusatory instruments;
- Makes sexual contact between a law enforcement officer and a person he or she knows or reasonably should know to be detained or under arrest per se non-consensual;
- Omits the Executive and Senate proposal to prohibit Level Two and Three sex offenders from being placed in temporary housing or homeless shelters that house children, and from being within 1,000 feet of a pre-kindergarten or kindergarten;
- Creates a new Armory Rental Fund to allow DMNA to rent out or otherwise charge for the use of armories by outside entities when they are not in use by New York's military forces, and use receipts for armory maintenance and operations;
- Establishes a Class E felony for sexual coercion, and establishes the crime as an Aggravated Family Offense, a Hate Crime, and a predicate crime for the purposes of elevating the level of stalking; and
- Omits the Executive proposal to address revenge porn.

Senate Vote: 40-20 (Addabbo, Bailey, Benjamin, Breslin, Brooks, Comrie, Dilan, Gianaris, Hoylman, Kaminsky, Kavanagh, Kennedy, Krueger, Montgomery, Parker, Persaud, Rivera, Sanders, Stavisky, Stewart-Cousins)

Assembly Vote: 115-21

Chapter 55

Enacted Education, Labor and Family Assistance Article VII Budget Bill

S.7506-B/ A.9506-B

The Education, Labor and Family Assistance (ELFA) Enacted Article VII Budget Bill included several provisions affecting State Agencies and amending Agency programs, including:

Education

- Rejects \$70M cost shift to school districts for summer school special education funding;
- Modifies Building Aid penalty stretch out to allow more school districts to qualify and to lower the annual penalty repayment from 2% to 1.25% of a school district's Total General Fund Operating Expense;
- Rejects capping expense-based aids like transportation and BOCES at 2%;
- Modifies the full day kindergarten conversion aid proposal to provide for an enhanced three-year phase down in state aid;
- Rejects ending state reimbursement to NYC school district for supplemental charter tuition;
- Rejects establishing a school bus camera program;

- Requires every school district, charter, and non public to develop a plan to prevent meal shaming;
- Modifies the Breakfast after the Bell proposal to allow schools to apply for a waiver from establishing the program for certain instances;
- Requires public schools to provide free feminine hygiene products in school restrooms;
- Requires a report on teacher diversity;
- Requires a workgroup to develop and draft statewide computer science standards for kindergarten through grade 12; and
- Accepts the executive proposal that would allow BOCES to collaborate with non-component school districts to participate in the districts Recovery High School Program.

Human Services

- Extends the Close to Home initiative for five years and eliminates State reimbursement to NYC;
- Rejects closing Ella McQueen Reception Center after 30 days notice; and
- Modifies the shelter savings plan program for NYC, and creates a four year pilot program with annual reporting.

Higher Education

- Creates a SUNY Stony Brook Eastern Long Island Hospital Affiliation escrow fund;
- Creates a teacher loan forgiveness program. Provides awards up to \$5,000 for eligible teachers;
- Extends grant awards for undergraduate students pursuing careers in science, technology, engineering, or mathematics to include students attending private institutions of higher education;
- Allows enhanced tuition awards to be available to students who are enrolled in proprietary (for-profit) colleges;
- Permits NYC firefighters to take one tuition free course at CUNY senior college if it is related to their employment;
- Eliminates the requirement that SUNY and CUNY create a new methodology for calculating chargeback rates;
- Rejects the Dream Act;
- Rejects allowing Non-CPA ownership; and
- Provides Supplemental housing and meals for foster youth not currently enrolled in EIP at SUNY.

Housing

- Modifies Mortgage Insurance Fund to provide \$9 M to the City of Albany;
- Codifies the current Residential Emergency Services to Offer Home Repairs to the Elderly (RESTORE) program; and
- Codifies the Access to Home for Heroes program and expands definition of disabled veteran.

Senate Vote: 53-7 (Comrie, Gianaris, Hoylman, Krueger, Parker, Rivera, Stavisky; Ex: Serrano)

Assembly Vote: 127-8

Chapter 56

Enacted Health and Mental Hygiene Article VII Budget Bill S.7507-C/ A.9507-C

The Health and Mental Hygiene Enacted Article VII included several provisions affecting State Agencies and amending Agency programs, including:

Health

- Rejects new hospital penalties to reduce the hospital quality pool;
- Rejects proposal to reduce capital reimbursement for hospital and nursing homes by 1%;
- Requires a study on the feasibility of designating a burn center in Brooklyn;
- Limits MLTC eligibility to enrollees that requires at least 120 consecutive days of community based long term care and preserves MLTC enrollment for existing enrollees;
- Modifies the Executive proposal to reduce Medicaid quality pool payments by 2% for poor performing nursing homes by exempting financially distressed nursing homes;
- Modifies proposal to require nursing home residents to transition from MLTC to fee for services at 3 months; Executive had proposed 6 months;
- Rejects proposal to eliminate spousal refusal and proposal to reduce community spouse allowance;
- Provides for a prospective 10% increase in Medicaid hospice rates;
- Accepts professional dispensing fee for pharmacists from \$10.00 to \$10.08;
- Rejects elimination of prescriber prevails for fee for service and Medicaid managed care;
- Rejects authorization of Retail Clinics;
- Rejects the proposal to expand the ability for CRNs to practice nurse anesthesia in collaboration with a physician;
- Rejects proposal to expand the powers of OMIG and increase certain civil penalties;
- Establishes an enhanced safety net hospital program which provides increased Medicaid rates to high Medicaid hospitals, public hospitals, sole community hospitals, and critical access hospitals;
- Rejects changes to the Early intervention program;
- Rejects elimination of the Empire Clinical Research Investigator Program;
- Rejects elimination of the resident work hour audit requirements;
- Modifies the Health Care Facility Transformation Program to increase total funding to \$525 M; authorizes \$20M for ALPs; includes ALPs and children's residential treatment facilities within the list of eligible applicants; increases set aside for community based organizations from \$40 M to \$60M;
- Rejects requiring building and code officers to inspect for and abate lead;
- Modifies proposal to increase the storage time for unreported sexual assault kits from 30 days to five years, increases retention time to 20 years and requires the development of a centralized storage location;
- Establishes that hospitals cannot bill sexual assault survivors for the forensic exam;
- Creates a public water system consolidation study;
- Requires audits of PBMs pharmacy records;
- Establishes a program to provide information on substance use disorder and referral services to healthcare providers and expectant mothers;
- Establishes a workgroup to study the barriers to treatment for expectant mothers, newborns, and new parents with a substance abuse disorder;

- Requires that Education materials and information on available programs must be provided to parents of children entering child care, kindergarten or schools that are identified as having elevated blood levels;
- Establishes a statewide plan for identifying and replacing lead service lines;
- Requires a study on asthma and its effects on those living in Manhattan and Brooklyn;
- Prohibits insurers from requiring prior authorization for outpatient substance abuse services;
- Requires insurers to cover donated breast milk for inpatient use for an infant when ordered by a physician;
- Establishes the Opioid Stewardship Program to establish a \$100 M stewardship payment paid by manufacturers and distributors that sell or distribute opioids in the state; and
- Health Plan Financial Reserves (Part FFF of Revenue Bill) – modified to establish a health care transformation fund that will consist of funds paid from contingent reserves.

Mental Hygiene

- Rejects the Executive’s proposal to allow for the restoration to competency of inmates in a jail-based setting;
- Accepts proposal to defer the human services cost of living adjustment for one year;
- Authorizes the Independent Practitioner Services for Individuals with Developmental Disabilities program to be eligible for reimbursement for dually enrolled Medicaid and Medicare recipients;
- Increases timeline for notification to labor organizations from 45 days to 90 days before the closure of State operated Individualized Residential Alternatives;
- Establishes a training program for first responders, firefighters, and police for responding to emergency situations involving people with autism;
- Creates an Independent Substance Use Disorder and Mental Health Ombudsmen to assist consumers and providers with mental health and substance use disorder insurance issues;
- Codifies the certified peer recovery advocate program;
- Creates a children and recovering mothers program to provide assistance to providers treating expectant mothers with substance use disorder during pregnancy; and
- Modifies the social work licensure exemption, to clearly define the services an unlicensed person is able to perform and identifies under which circumstances an unlicensed person is authorized to assist a licensed professional.

Sexual Harassment (Part KK of S.7507-C/A.9507-C)

Enacts a comprehensive set of initiatives addressing sexual harassment in the workplace. The following initiatives were put forward in this proposal agreed-to by the majority conferences and the Governor:

- Bans the use of mandatory arbitration clauses signed after the effective date, except where inconsistent with federal law;
- Holds any officer or employee of the state personally liable for intentional wrongdoing related to sexual harassment;
- Restricts the use of a non-disclosure agreement to settle a case of sexual harassment to situations where the victim had expressed a preference for the confidentiality;
- Requires all employers in the state to adopt a policy and conduct training addressing sexual harassment in the workplace;

- Adds a new provision to the Human Rights Law that would hold employers accountable in a case where they “permit” sexual harassment to occur towards “non-employees” in the workplace. Independent contractors could bring claims of discrimination on the basis of sexual harassment as a result; and
- *Missing Sections:* The Senate Democratic Conference had emphasized other initiatives not included in this legislation, including a strong definition of sexual harassment, addressing harassment in the case of the creation of a hostile work environment by lowering the “pervasive” harassment standard, and providing stronger protections for claims of retaliation for participating in an investigation or complaining of acts of sexual harassment.

Senate Vote: 59-0

Assembly Vote: 106-26

Chapter 59

Enacted Transportation, Economic Development and Environmental Conservation Article VII Budget Bill

S.7508-C/ A.9508-C

The Transportation, Economic Development and Environmental Conservation Enacted Article VII included several provisions affecting State Agencies and amending Agency programs, including:

- Omits all language that would regulate student loan servicers including proposals to allow the DFS to license and regulate student loan servicers and create minimum standards for student debt consultants;
- Prohibits state agencies from taking adverse action against any licensee based on the status of any student loan obligation;
- Requires New York City to provide a local match for the \$50 million State investment in the Hudson River Park Trust;
- Omits proposals to allow NYPA to offer energy management related services to its customers and to authorize NYPA to develop, purchase, and sell renewable energy to its current customers;
- Omits Executive and Senate proposals to reform the State’s private forest tax program and create a new Empire Forests for the Future Initiative;
- Adds lands to the Long Island Central Pine Barrens; resolving an ongoing dispute between local preservationists and solar developers;
- Extends the deadline for the State to meet the standards for the Diesel Emissions Reduction Act by one year to December 31, 2019;
- Directs DEC to set rules and regulations pertaining to bottle and can holders made from post-consumer recycled material content;
- Requires private lactation rooms in all State public buildings;
- Directs DOS and OGS to issue a report on the feasibility of installing at least one adult changing station for persons with a physical disability in public buildings;
- Accepts the Governor’s Women’s Agenda proposal to require all newly constructed (or substantially renovated) buildings open to the public to contain at least one diaper changing station accessible to both male and female occupants on each floor that contains a public toilet;

- Extends the health insurance continuation demonstration program for entertainment industry employees until July 1, 2019;
- Adds “reverse mortgage” to the definition of home loans for purposes of providing expanded foreclosure protections to homeowners;
- Omits the Executive proposal to standardize and impose a uniform wireless facilities siting procedure and fee structure on local governments;
- Amends the Brownfield Opportunity Area program by continuing pre-nomination studies as well as State assistance and allows New York City Community Boards to provide a statement of support for pre-nomination study applications by a community organization in lieu of a statement of support from the City;
- Eliminates the local share requirement for federal Community Development Block Grants;
- Authorizes the Dormitory Authority to provide financing assistance to any non-for-profit affiliates or members of the Cerebral Palsy Associations of New York State;
- Extends the autonomous vehicle pilot program for an additional year until April 1, 2019, and requires DMV to submit an additional implementation report;
- Modifies the Executive proposal to eliminate direct state police supervision of autonomous vehicles, by instead permitting the Superintendent of State Police to prescribe the manner and form of the direct supervision. Also requires a law enforcement interaction plan to inform law enforcement and first responders on handling autonomous vehicles in emergency and traffic enforcement situations;
- Omits the Executive proposal to expand and extend the State’s design-build law;
- Rejects expanding State highway rest stops permissible uses to include commercial purposes;
- Rejects exempting the Thruway Authority from public competitive bidding requirements for property disposal with respect to its fiber optic system;
- Rejects an omnibus traffic safety bill, including mandatory seatbelt use for all motor vehicle passengers; and
- Rejects an internet-based “five-hour” training and exam program for driver license applicants.

Senate Vote: 52-8 (Comrie, Gianaris, Hoylman, Kavanagh, Krueger, Parker, Rivera, Sanders)

Assembly Vote: 115-19

Chapter 58

Enacted Revenue Article VII Budget Bill

S.7509-C/ A.9509-C

The Enacted Revenue Article VII included several provisions affecting State Agencies, changing current Agency programs and adjusting the State’s tax structure. The Revenue bill also served as the FY 2018-19 “Big Ugly” housing agreements across a number of issue areas that were excluded from their original article VII bill of placement. Highlighted provisions include:

Criminal Justice

- Authorizes Design-Build to expedite the closure and replacement of Rikers Island.

Education

- Requires school-level budget reporting and mandates, at first, certain larger school districts, then all school districts in the state, to submit an annual statement to SED and DOB by the

2020-21 SY. Budget reports shall provide the total funding allocation for each school and failure to submit could result in the loss of state aid increases;

- Accepts the Executive proposal of foundation aid formula without providing for a full phase-in. Includes community schools set aside;
- Rejects Executive proposals to end state reimbursement to the NYC School District for supplemental charter tuition, and cap State reimbursement to NYC for charters facilities aid at \$10 million annually and expand eligible expenses; and
- Amends the provisions of the Education Law dealing with substantial equivalency to require SED to consider, among other things, a list of factors when making substantial equivalency determinations.

Economic Development

- Provides a straight extender of Article 15-A of the Executive Law until December 31, 2019, rejecting the Executive's proposals to amend the State's MWBE program.

Environment/Energy

- Transfers \$23 million from Regional Greenhouse Gas Initiative (RGGI) carbon auction proceeds to the general fund.

Health

- Rejects 14% surcharge on the net underwriting gains for health insurance companies;
- Creates a ceiling for the amount of financial reserves a prepaid non-profit Medicaid managed care plan (specifically, prepaid health services plans) may retain -set at 150% of the plans mandatory contingent minimum reserves. If the plan exceeds the ceiling for two consecutive quarters, the Commissioner of Health may "redeploy" a maximum of \$750 million in excess reserves into a newly created "Health Care Transformation Fund." The revenue of this fund may be transferred by the Director of the Budget to any other fund "to support health care delivery;" and
- Includes a chapter amendment to Healthcare Transformation Capital Program Funding contained in the HMF budget that increases the amount of funding available for the program to \$525 million (from \$475 million).

Human Services

- Statutorily raises the personal needs allowance and monthly Supplemental Security Income standard of need for various New Yorkers; and
- Extends outside of NYC authorization to all local social services districts to opt in to limit a public assistance recipient's rental contribution to 30% of their unearned/earned income if the recipient is diagnosed with HIV or AIDS.

Judiciary

- Rejects the Executive proposal to require purchasers or transferees of a co-op apartment, or a controlling interest in an entity with an interest in real property, to file a real property transfer report with the Department of Taxation; and
- Create five new Supreme Court Justices. One Justice will be added in each of the 9th through 13th districts.

Labor and Workforce

- Agency Dues in the Public Sector: The Enacted Budget includes new language that would provide operational assistance to public sector labor unions in advance of the impacts of the *Janus vs. AFSCME* case at the U.S. Supreme Court. This provision would end the so-called “duty of fair representation” doctrine for public sector unions, which requires unions to equally represent both members and non-members in arbitration and collective bargaining matters; and
- Youth Jobs Tax Credit: Increases the total value of credits available to employees by 50%.

Legislature and General Government

- Extends seven additional Assembly stipend payments set to expire on December 31, 2018.

Campaign/Election Reforms & Pay Commission

- Requires Disclosure of Online Political Communications & Digital Ads; and
- Creates a compensation committee to examine, evaluate, and make recommendations for compensation, benefits, and lulus for members of the Legislature, statewide elected officials, and certain state officers. The Committee will consist of the Chief Judge of the Court of Appeals, the State Comptroller, the Chair of the SUNY Board of Trustees (H. Carl McCall), NYC Comptroller Scott Stringer, and the CUNY Board of Trustees Chair (Bill Thompson).

Housing, Construction and Community Development

- Authorizes the following uses of excess MIF reserves: Rural Rental Assistance (\$24.6m), Neighborhood Preservation Programs (\$8.5m), Rural Preservation Programs (\$3.5m), Homeless Housing Programs (\$8.3m), Homeless Housing and Assistance Corporation (\$2m), and the City of Albany (\$9m);
- Accepts the Assembly design-build proposal for NYCHA, which is also included in similar legislation sponsored by Senator Bailey. This provision includes MWBE requirements and project labor contract provisions and would designate these projects as “public works;” and
- Authorizes the governor to issue an executive order to govern the examination and remediation of conditions, including the construction or reconstruction of residential properties owned by NYCHA and the development and implementation of a plan for remediation.

Local Government

- Rejects the Executive proposal to freeze School Tax Relief (STAR) benefits by capping benefit growth at 0%;
- Mandates participation in the Income Verification Program for Enhanced STAR recipients (senior citizens) and eliminate the option for recipients to prove their income by bringing an income tax return to the assessor’s office as part of the annual renewal application;
- Makes various other changes to the STAR program including: require county consent for local governments allowing partial payments of property taxes where the county provides property tax collection services; prevent married couples from claiming STAR benefits on two houses; extend the deadline for DTF to apply inflation indexes to Enhanced STAR amounts in districts levying taxes on prior year assessment rolls; and allow municipalities to grant a 5-day extension on property tax payment deadlines for Enhanced STAR Credit recipients;

- Rejects the Executive proposal to cap the growth of property taxes on state-owned lands at 2% or the rate of inflation, whichever is less;
- Increases funds available to assist local governments and school districts where an electric generating facility closed from \$45 million to \$69 million; and
- Provides flexibility in the use of funds between different grant programs within the Lake Ontario Flood Relief program.

Transportation and Public Authorities

- Moves Payroll Mobility Tax revenues off-budget and shifts roughly \$24 million in DMV revenue streams to the General Fund to cover operating costs to implement a shift of roughly \$390 million of operating expenses from the Dedicated Highway and Bridge Trust Fund to the General Fund;
- Requires the State and City to fund the \$836 million Subway Action Plan, requiring that each entity is responsible for a \$418 million share;
- Includes language declaring Penn Station to present an unreasonable safety risk to the public, and provides that the MTA and UDC should coordinate and consult with elected officials and local community and business leaders on this pressing concern. Language also indicates that the State will provide funds to UDC to begin the planning of any such redevelopment;
- Includes the \$65 million reduction in support for the MTA, the \$17.4 million sweep from the downstate transit operating assistance fund to the Capital Projects Fund, and the \$265 million in transfer authority from the General Fund to the Highway and Bridge Trust Fund. This is a roughly \$478 million reduction from the transfer amount designated in the 2017 Enacted Budget Capital & Financing Plan; and
- Extends Design Build to NYC BQE construction with certain DOT approvals.

Racing, Gaming & Wagering

- Permits NYRA to deduct 90 days worth of actual operating expenses rather than just 45 days from the amount of money sent to the state as part of NYRA's franchise fee;
- Rejects providing NYRA authorization to conduct thoroughbred racing at Belmont Park;
- Creates a new committee to review equine testing and research;
- Denies the Executive proposal to allow funds from the Thoroughbred Breeding and Development fund as well as the Agriculture and NYS Horse Breeding Development fund ("Breeding Fund") to be used for the aftercare of retired racehorses, up to 3%;
- Extends the state's current simulcasting rates for another year;
- Rejects the Executive proposal amending various statutes that set the tax rates for Video Lottery Terminals (VLT) and the distribution of monies derived from Video Lottery Gaming;
- Allows NYRA to establish a separate account for the New York Thoroughbred Horsemen's Association to use as collateral to secure workers' compensation insurance coverage. The funds would come from the unpaid purse cushion, and the amount to be transferred would be agreed upon by NYRA and NYTHA;
- Allows OTBs to distribute net revenue to counties on a date of their choosing, as determined at their respective organizational meetings. Local counties within an OTB region would have to approve of this new distribution calendar; and
- Extends the capital awards matching grant proposal for VLT for one additional year.

Revenue and Taxes

Executive Proposals Accepted in the Enacted Budget

- Provides for employee wage reporting consistency between DTF and DOL: requires employers to file individual employee gross wages and withholding amounts on a quarterly basis instead of on annual basis;
- Eliminates the requirement that businesses pay sales tax on food they resell and then apply for a tax credit from the state. Under this proposal, food service businesses would be able to purchase all products that they resell tax-free;
- Allows warrantless tax debt to be assessed against unclaimed funds: gives the state the ability to collect fixed and final tax debt from the unclaimed funds held by the state Comptroller without filing a warrant;
- Maintains the current Empire State Child Credit benefit by using the calculation for the credit that was effective before the federal tax reform of December of 2017. The federal changes altered the refundability, eligible income ranges and value of the child credit. The proposal eliminates the adverse fiscal impact (estimated at \$500 million) that this component would otherwise have on the state;
- Extends the Hire-a-Veteran Tax Credit for two years. The credit available to employers is capped at \$5,000 for each veteran hired, but that amount rises to \$15,000 for each disabled veteran hired;
- Relieves non-controlling and non-managing members of limited liability corporations (LLCs) or limited partnerships (LPs) from liability for the entire sales tax debt of the business. The current statutory obligation is to hold all owners of the LLC or LP equally responsible for the sales tax debt. This proposal codifies current Tax Department practice; and
- Decouples from certain personal income tax provisions in the federal tax code to allow taxpayers to utilize all the itemized deductions that were available in 2017. Additionally, the provision would preserve the standard deduction for single filers.

Executive Proposals Modified in the Enacted Budget

- Extends the statute of limitations on amended tax returns to one year;
- Clarifies residency requirements for taxpayers that spend part of the year as a resident and part of the year as a non-resident to apply prospectively;
- Ensures that repatriated income taxed according to the 2017 Federal Tax reform cannot be used as a deduction and exemption. These modifications decouple the Federal tax structure for Gilti provisions (global intangible low-tax income) so business can continue to receive the exemption at the state level. This modification also decouples from the Federal Tax Act on deduction for FDIC expenses;
- Creates State charitable funds for education and health care by including SUNY, CUNY, and DOH foundations; and
- Modifies the Employer Compensation Expense Tax (ECET) system. Accepts the Executive proposal and modifies the procedure for employer election.

Executive Proposals Omitted in the Enacted Budget

- Requires manufactured home park owners/operators to report additional information to the Department of Housing and Department of Taxation and Finance;

- Closes the carried interest tax loophole and the tax carried interest income of hedge fund and private equity investors as ordinary income;
- Provides DTF with the right to appeal adverse Tax Appeals Tribunal decisions;
- Defers business related tax-credit claims;
- Amends the refund and joint liability provisions of the real estate transfer tax;
- Improves cigar tax enforcement;
- Discontinues the energy services company sales tax exemption to collect sales tax from businesses that purchase energy from Energy Service Companies (ESCOs);
- Increases the sales tax exemption for vending machines from \$1.50 to \$2.00 only for machines that have the option to collect payment from a credit or debit card; and
- Implements an Internet fairness conformity tax.

New Items Added to the Enacted Budget

- Low Income Housing Credit Transferability: allows the allocation of the credit to investors in a different proportion than their pro rata share of the business, as well as investors without ownership in the company. The goal is to increase demand for the credit and therefore investment in low-income housing projects;
- NYC Personal Income Tax Technical Fix: provides language to conform a tax section that was not extended in conformity with other bill parts in the June 2017 omnibus bill;
- Historic Properties Rehabilitation Tax Credit: extends this credit for an additional five years, while decoupling from the federal tax provisions that reduced the effective value of the credit;
- Charitable Contributions Deduction from NYC PIT: allows charitable contributions to the State charitable funds for education and health to be deducted from NYC Personal Income Tax; and
- Online Tax System for Reimbursement Claims: the Tax Department shall be required to set up an application system for taxpayers to submit claims for reimbursements of payments of interest on fixed and final underpayments of federal tax liability for the 2019, 2020, and 2021 tax year.

Senate Vote: 52-6 (Amedore, Hoylman, Marchione, Ortt, Serino, Tedisco)

Assembly Vote: 86-42

Chapter: 59

Creates a Disabled Person Retrofit Tax Credit

S.2829-A (Parker)/ A.5333-A (Weprin)

Creates a disabled person retrofit tax credit equal to 30% of the cost of installing accessibility improvements in a taxpayer's primary residence. This amount may total up to \$5,000 aggregate over taxpayer's lifetime and \$1 million aggregate credits statewide. Accessibility improvements may include no-step entrances, interior door widening, reinforcement of bathroom walls for the installation of grab bars, and moving light switches and outlets.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 136-0

Tax Credit for Costs of Removing Cock Lofts and Insurance Rate Reduction
S.3065-B (Addabbo)/ A.1878-B (Lentol)

This bill amends the state Tax Law to provide a tax credit for individuals who repair fire hazards commonly referred to as cock lofts. The credit would be in an amount equal to 25% of the costs of performing the actual repairs, up to \$5,000. Cock lofts are small lofts or attics that are completely enclosed between rafters above the highest finished ceiling of a building. The bill also directs the Department of Financial Services Superintendent to reduce fire insurance premiums for those property owners who install smoke detecting alarm systems in cock lofts. The superintendent would be required to establish standards for smoke detecting alarm devices in cock lofts, including the safe and secure installation.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 144-0

Establishes a Small Business Tax Credit for the Employment of Disabled Persons
S.3688-A (Addabbo)/ A.1369-A (Cusick)

This bill creates a tax credit for businesses with less than 100 employees that hire a person with a disability. The credit equals \$5,000 per employee, up to \$25,000. There is a \$5 million statewide cap on the aggregate amount of credits claimed in any one year, with taxpayer applications that exceed the cap treated as being applied for on the first day of the subsequent year. The bill specifies physical, mental or medical impairments that would qualify an employee for the credit and further stipulates that the employee must work at least 35 hours per week for at least 12 months.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly Vote: 135-1

Department of State Reporting on Gender in Appointed Policymaking Positions
S.3810 (Bailey)/ A.5487 Seawright

This bill requires the secretary of state to compile, make public and keep current information regarding gender and length of employment in position of persons subjected to financial disclosure under the public officers law and who hold policy-making positions.

Proponents: None

Opponents: None

Senate Vote: 60-1 (Akshar)

Assembly Vote: 136-0

Creates a Centralized Library System for Procurement of Books and Non-Library Materials

S.6424-A (Ritchie)/ A.7265-A (Abinanti)

This bill would allow for the establishment of a centralized library system for the procurement of books and non-print library materials and related ancillary services at the lowest possible cost through the combined market power of state agencies. For a fee, not-for-profit organizations, local governments, and state agencies would be able to reduce costs through use of the purchase power of the centralized system.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly Vote: 144-0

Reforms Various Procurement Procedures

S.6452 (DeFrancisco)/ A.8156 (Peoples-Stokes)

This legislation authorizes the State Comptroller to excuse nonmaterial deviations in a procurement. It would require reporting on the savings achieved from all contracts established as a centralized contract through the Office of General Services. It would increase the threshold from \$10,000 to \$25,000 for revenue contracts requiring pre-review by the State Comptroller and provide that for contracts where consideration cannot be determined in terms of monetary value, it shall be valued in terms of intrinsic value. The bill clarifies the use of "Piggyback" contracts to ensure that agencies using the contracts of other entities (local, state, or federal) comply with the intent of the original contract as well as the mechanism for vendor selection in the case of contracts with multiple award options.

Proponents: None

Opponents: None

Senate Vote: 59-0

Assembly Vote: 141-0

Damages to Contracts Occasioned by Delay

S.6686 (Ranzenhofer)/ A.7945-A (Kim)

This legislation requires state agencies, localities, public authorities, school districts and other special districts to include a clause in public contracts allowing a contractor, subcontractor, or materialman to make a claim for additional costs arising from delays caused by the public entity's act or omission. The contractor must provide a notice of claim within 15 days after the contractor knew the facts which formed the claim's basis. When submitting a claim, the contractor is required to certify that the supporting data is accurate to the best of his or her knowledge and the amount of the claim believed to be the public owner's liability.

Proponents: Associated Builders and Contractors - Empire State Chapter, Associated General Contractors of NYS (AGC-NYS), Contractors Coalition; New York Electrical Contractors Association Inc. (NYECA), NY Construction Alliance, and Subcontractors Trade Association

Opponents: The City of NY Office of the Mayor, NYCOM, CUNY, NYSSBA and the American Institute of Architects NYS

Senate Vote: 59-0

Assembly Vote: 103-40

Establishes a Lyme and Tick-Borne Disease Working Group**S.7170-A (Serino)/ A.8900-A (Hunter)**

Creates a Lyme and tick-borne working group that would be responsible for reviewing current practices for diagnosis, treatment, and prevention of Lyme and tick-borne diseases. In addition, this working group would also be responsible for making recommendations on the delivery of patient care, collaborating with County health departments on effective strategies, data collection and reporting of Lyme and tick-borne diseases, and issuing a report on the working groups findings by May 1, 2019.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 143-0

Provides SUNY and CUNY with Capital Project Funding Equal to Need**S.7236 (LaValle)/ A.10631 (Glick)**

This bill would provide, within the State Budget, that SUNY and CUNY receive Capital Project Aid equal to the need of the campus. It is current practice of the Governor and Legislature to provide only a portion of SUNY and CUNY's budget request. This bill would provide aid equal to the request and the need of the individual campuses. Previous versions of the bill were vetoed by the Executive.

Proponents: SUNY; CUNY; NYSUT

Opponents: None

Senate Vote: 60-0

Assembly Vote: 138-0

Allows Deduction of Transportation Benefits from Business Income for State Tax Purposes**S.8831 (Ranzenhofer)/ A.11051 (Rules - Paulin)**

In the Tax Cuts and Jobs Act, Congress removed "qualified transportation fringe" spending from deductible business expenses and included it as taxable "unrelated business taxable income." Qualified transportation fringe includes transit passes, qualified parking, qualified bicycle commuting reimbursements, and certain buses. This bill allows a business to continue deducting spending on qualified transportation fringe for New York State tax purposes.

Proponents: Safe Horizon

Opponents: None

Senate Vote: 62-0

Assembly Vote: 140-0

Radon Task Force**S.8845-A (Akshar) / A.10774-A (Lupardo)**

Creates the Radon Task Force to develop a comprehensive study on ways to prevent human exposure to radon gas. The Task Force would also review the need for interagency coordination, public education, and outreach and prevention programs, as well as the need for training,

education and possible licensing of radon service providers. A final report detailing the Task Force findings and recommendations is required by April 1, 2019.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly Vote: 141-0

Alcoholic Beverage Tasting Sales Tax Exemption and Regulation

S.9040 (Gallivan)/ A.11203 (Magee)

Under current law, alcoholic beverages furnished at tastings are exempt from sales taxes. This legislation provides for limits on that exemption, assigns liability for any actions arising out of the tasting, and prohibits persons under 21 from serving samples at the tastings. The legislation disqualifies distilleries (but not farm distilleries) from the exemption and adds micro-breweries. It clarifies that beer, cider, and liquor samples are exempt, but not beer products, cider products, or liquor products. It clarifies that the license holder may directly offer the samples, not just the official agent of the license holder, and the licensee may charge the consumer for the samples. This bill limits the exemption to tastings held on the premises of the manufacturer licensee.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly Vote: 141-3

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Establishes an Annual Spending Growth Cap and Increases the Maximum Capacity of the Rainy Day Fund

S.365 (Robach)

This bill limits the increase in aggregate State budget spending for the State Operating Funds (SOF) category (General Fund, Debt Service Funds, and Special Revenue Funds) to the average of the three previous annual consumer price rates over the previous year's aggregate SOF spending. This bill mandates that the budget introduced by the Executive also adheres to the State spending cap. Annual increases in spending may exceed the cap if an emergency is declared and the Legislature authorizes the increase by a 2/3 majority. This bill also increases the maximum amount of the balance of the Rainy Day Reserve Fund that may be deposited from 3% to 10% of aggregate State General Fund spending.

Proponents: None
Opponents: None
Senate Vote: 41-20 (Alcantara, Avella, Bailey, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Savino, Serrano, Stavisky, Stewart-Cousins)
Assembly: No Same As

Requires Individuals Arrested in Connection with Certain Felonies to Submit a DNA Sample

S.616 (Boyle)

This bill mandates local law enforcement collect a person's DNA sample when the person is arrested or detained on sexual offense charge(s), and the case involves a victim under the age of 13 years old. The local law enforcement would be responsible for storing and delivering the DNA to the Division of Criminal Justice Services.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: No Same As

Amends the Iran Divestment Act of 2012

S. 923 (Croci)/ A.1648 (Rozic)

This bill amends the existing statute to reflect the current relationship with Iran and its nuclear program. This bill would keep in place the previously enacted sanctions enacted by New York State against financial and energy interests in Iran.

Proponents: None

Opponents: None

Senate Vote: 63-0

Assembly: Died in Governmental Operations Committee

Regional MWBE Compliance Requirements

S.1126-A (Akshar)/ A.1549-A (Crouch)

This bill provides that state contracting agencies should only require a contractor to comply with the provisions of this section at a rate that correlates with the percentage of certified minority and women-owned business enterprises in that industry in the economic development region where the contract is to be performed.

Proponents: None

Opponents: None

Senate Vote: 32-31 (Addabbo, Alcantara, Avella, Bailey, Benjamin, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Kennedy, Klein, Krueger, Mayer, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Savino, Sepulveda, Serrano, Stavisky, Stewart-Cousins, Valesky)

Assembly: Died in Governmental Operations Committee

Creates Separate Accounts for each of the State University of New York Hospitals

S.2211-A (LaValle)

This bill would create separate accounts within the Finance Law for each of the three SUNY hospitals. This would ensure that the hospitals would only be supported through self-generated revenues and funds provided by the State. This would address the concerns that the revenues of the other two hospitals were subsidizing the operation of SUNY Downstate Medical.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly: Died in Ways and Means

Honesty in Permit Processing Act

S.2364 (Murphy)/ A.1639 (Woerner)

This bill would create the "honesty in permit processing act," requiring state agencies to report on the average application processing time for each specific type of permit offered as well as the shortest and longest processing times for each specific type of permit application. This information should be available on each agency's internet homepage as well as on the cover page of each permit application. This legislation further requires each agency to fully refund all application fees should an issuance or denial determination fail to be reached within 134% of the average processing time for each specific type of permit offered.

Proponents: None available
Opponents: None available
Senate Vote: 54-8 (Comrie, Krueger, Montgomery, Serrano, Bailey, Kavanagh, Hoylman, Rivera)
Assembly: Died in Governmental Operations Committee

Relates to Purchasing Restrictions and Persons Boycotting American Allies

S.2492-A (Phillips)

This legislation would prohibit the state from contracting with and investing state pension funds with or in a company or person who participates in a boycott of an American allied nation. Ninety days after the passage of this bill, the Commissioner of Taxation and Finance is required to compile and make public, a list of persons and businesses engaged in or promoting the boycotting of an allied country. Those on the compiled list are ineligible for State contracts and cannot receive investment monies or assets of the common retirement fund. In order to be removed from the list, they must prove that the boycotting has been permanently stopped, or have obtained a court order from the Supreme Court. Additionally, the Comptroller must sell, withdraw or divest from companies in which violate the standards of this bill. Exceptions can be made if an organization supplies a commodity or service without which a state agency cannot function.

Proponents: None available
Opponents: None available
Senate Vote: 56-6 (Krueger, Montgomery, Sanders, Hoylman, Rivera, Sepulveda)
Assembly: No Same As

Teen Driver Safety Commission

S.2632 (Lanza)/ A.1009 (Cusick)

This bill creates the teen driver safety commission consisting of 12 members; requires the commission to study, examine and review the issue of teen driver safety; and requires the commission to report its findings, conclusions and recommendations.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly: Died in Transportation Committee

New York State Procurement Integrity Act

S.3984-A (DeFrancisco)/ A.6355-A (Peoples-Stokes)

This legislation restores the Office of the State Comptroller's contract oversight of SUNY, CUNY, and OGS centralized contracts, as removed in 2011 and 2012, and provides additional procurement restrictions and transparency requirements.

Proponents: The Citizens Union of the City of New York; The Citizens Budget Commission; CSEA; the New York Common Cause; the Fiscal Policy Institute.
Opponents: The State University of New York
Senate Vote: 60-2 (Klein, Savino)
Assembly: Died in Governmental Operations Committee

Clarifies the Meaning of Substantial Completion to Ensure the Timely Correspondence and Finish of Construction Projects

S.4267-A (Defrancisco)/ A.6572-A (Cusick)

Amends the State Finance and the General Municipal Laws to provide a definition of "substantial completion." Provides that no later than 45 business days after the date when the project has reached substantial completion, the public owner must submit to the contractor a written list describing all remaining items to be completed by the contractor. The contractor, in turn, must provide within seven calendar days a written list of items to be completed to all subcontractors from whom the contractor is withholding retainage.

Proponents: New York Electrical Contractors Association Inc.
Opponents: NYCOM; NYSSBA; The Council of School Superintendents; 2016 (S6315-A): New York State School Boards Association; The New York State Association of School Business Officials
Senate Vote: 62-0
Assembly: Died in Rules Committee

Community Board Authorization for the Waterfront Revitalization Program

S.4489 (Montgomery, Avella, Comrie, Kavanagh, Lanza)/ A.2407 Ortiz

This bill makes community boards eligible for the local waterfront revitalization program, which provides waterfront planning and development grants to villages, towns, and cities located along the State's coast and designated inland waterways.

Proponents: None
Opponents: None
Senate Vote: 61-0
Assembly: Died in Ways and Means

Allows Electronic Communication with Regard to Abandoned Property**S.5059 (Valesky)**

Allows an apparent owner's demonstration of interest in property held by the Comptroller's Office of Unclaimed Funds (OUF) to be in a variety of forms, including written correspondence; a telephonic or Voice Over Internet Protocol (VOIP) communication; a transaction effected through an Automated Clearing House (ACH) or similar electronic funds processing method; signing on to a password protected account; or effecting an automated transaction that has been authorized by the owner.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: Died in Ways and Means

Relates to the Compensation and Medical Expenses of certain Injured State Employees**S.6348 (Robach)**

This bill would require the State to pay an employee's regular salary for the duration of such employee's leave when he or she is injured in the performance of his or her duties or is taken sick resulting therefrom. In addition, the State would be required to cover for all medical treatment and hospital care, and the State would be authorized to seek reimbursement for these costs from applicable third parties. These protections are for employees in the parole revocation specialist title series, revenue crime specialist title series, or investigative officer title series.

Proponents: None

Opponents: None

Senate Vote: 63-0

Assembly: No Same As

Prohibits the Transfer of Dedicated Highway and Bridge Trust Fund Balances to the General Fund.**S.6489 (Jacobs)**

This legislation would prohibit any state officer from diverting funds from the DHBTF into the state General Fund or any other fund, for the support of another governmental purpose. No diversion can occur contrary to this new section, unless a statute is enacted into law authorizing the diversion. If legislation is passed to permit this, then a diversion impact statement must be included, including the amount of the diversion from the fund, the cumulative amount of diversion from the fund since inception, as well as the date/dates it will occur.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly: No Same As

Soil and Water Conservation District Authorization for the Waterfront Revitalization Program

S.7799 (Helming, Avella, Bonacic, Marchione, Seward)/ A.11194 Rules (Woerner)

This bill makes soil and water conservation districts eligible for the local waterfront revitalization program, which provides waterfront planning and development grants to villages, towns, and cities located along the State's coast and designated inland waterways.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: Died in Environmental Conservation Committee

Relates to Authorizing Funds to Municipalities from the UDC in the Case of Certain Tax Certiorari Challenges or Agreed Upon Settlements and Permits Tax Certiorari Stabilization Reserve Funds

S.8235-A (Flanagan) / A.10496 (Lavine)

This bill would allow municipalities and school districts that either face judgments or agree to settlements with Long Island Power Authority (LIPA) from its tax certiorari challenges to access the Electric Generating Facility Cessation Mitigation Fund and to allow the school districts that would be impacted by any judgment or settlement between the municipalities and LIPA to receive funds from the same program.

Proponents: None

Opponents: Environmental Advocates of New York

Senate Vote: 36-26 (Addabbo, Alcantara, Avella, Bailey, Benjamin, Breslin, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kavanagh, Kennedy, Klein, Krueger, Mayer, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Sepulveda, Stewart-Cousins, Valesky)

Assembly: Died in Ways and Means

Restores the NYS Tax Exempt Status of Deductions Relating to Intangible Asset Earnings Held Off Shore

S.8991-A (Flanagan)

This measure maintains New York State's tax treatment of multinational financial services corporations regarding income producing foreign (overseas) intangible assets (otherwise known as GILTI). The Federal Tax Reform Act of 2017 created a new Section 951(A), which replaced the previous Section 951 (a). State Law still references Section 951 (a). By creating this new Section in Federal Tax Law, the exemption at the State level was eliminated. Intangible assets generally mean products and/or services such as copyrights, patents, and trademarks. This new legislation restores the deductibility (exemptions), at the New York State level, of income producing foreign intangible assets related to controlled foreign corporations (CFC's) of the financial services industry. This measure also applies to New York City corporate taxpayers.

Proponents: None

Opponents: None

Senate Vote: 59-3 (Hoylman, Krueger, Rivera)

Assembly Vote: No Same As

Decouples State Tax Law from Federal Tax Law Regarding Deductions Allowed for FDIC Premium Payments

S.9029 (Phillips)

The enacted Federal Tax Reform bill (PL-115-97) eliminated the deduction for banks with more than \$50 billion in assets, and limits the deduction for banks with assets of \$10 billion to \$50 billion. Banks with assets of less than \$10 billion will still be able to write off their deposit insurance premiums. For corporate taxpayers, this measure de-couples from the 2017 Federal Tax Reform Act that disallowed the deductibility of Federal Deposit Insurance Corporation (FDIC) premium payments. This measure would restore the deductibility of the premium payments previously afforded corporate taxpayers at the State level. This language would restore, at the State level, tax deductions previously allowed corporate taxpayers related to FDIC premium payments. This bill applies to NYC taxpayers also.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: No Same As

Restores the Deductibility of Business Interest Expenses for Corporate Taxpayers

S.9030-A (O'Mara)

The Federal Tax Reform Act of 2017 capped the deduction of business interest expenses at 30% of the previously allowed amount. This measure decouples State Tax Law from the Federal IRC. This measure restores full deductibility of business interest expenses for NYS Corporate Franchise Tax (Article 9-A) taxpayers when filing NYS returns. This measure applies to NYC taxpayers also.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: No Same As

Decouples State Tax Law from Federal Tax Law Regarding the Transition Tax for Partnerships Taxed Under the NYS Personal Income Tax

S.9052 (Flanagan)

This measure decouples State Tax Law from the Federal Tax Reform legislation enacted in December 2017 regarding the taxation of partnerships under the State's Personal Income Tax (Article 22) pertaining to repatriation of assets held in overseas accounts. As part of the 2017 Federal tax reform legislation, overseas deposits held in overseas accounts were subject to a new Federal repatriation tax ("transition tax"). To help offset this new Federal tax, corporate rates were lowered and certain exemptions were enacted at the Federal level. In the context of international law, the Federal Tax Reform Act largely eliminates deferred taxation of foreign income within US held multi-nationals. Under the new Federal Law, income is generally taxed as earned or is permanently exempt from US taxation. As a transition to the new rules, existing untaxed earnings of corporations are deemed repatriated and taxed at a reduced rate. This bill

would allow NY partnerships to be taxed at the State level only on the actual amount of the annually repatriated income over many years - not on the entire set of assets held overseas.

Proponents: None

Opponents: None

Senate Vote: 58-4 (Hoylman, Krueger, Rivera, Sepulveda)

Assembly: No Same As

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

Creates a Mechanism for Taxpayers to Contribute on their Tax Return to the Homeless Housing and Assistance Fund

A.170-A (Gantt)

This bill would authorize individuals to elect to contribute to the Housing Assistance Fund for Homeless Housing Projects by indicating such on the individual's personal income tax return. Any such funds credited to the account would only be used for the Housing Assistance Fund and could not be credited to the general fund.

Proponents: None

Opponents: None

Senate: No Same As

Assembly Vote: 119-19

Relates to Minority and Women-Owned Business Enterprises

S.3807 (Bailey)/ A.702 (Rodriguez)

This bill requires MWBE post completion certifications to be completed, under penalty of perjury, that the MWBE actually performed the work, performed the services, or delivered the materials, and other provisions for the purpose to reduce fraud and misuse of the Minority and Women-owned Business Enterprise (MWBE) Program.

Proponents: None

Opponents: None

Senate: Died in Finance Committee

Assembly Vote: 130-3

Creates Minority and Women-Owned Business Enterprise Regional Advocates

S.3350 (Bailey)/ A.5177 (Titus)

This bill creates a minority and women-owned business enterprise regional advocates for the purpose of providing technical, managerial, financial and other business assistance for certified businesses and applicants.

Proponents: None

Opponents: None

Senate Vote: Died in Finance Committee

Assembly Vote: 133-4

Expands the Definition of "Minority Group Member" for Purposes of Participation by Minority Group Members and Women with Respect to State Contracts
S.7858 (Alcantara)/ A.9820 (Bichotte)

This bill expands the definition of minority and women-owned business enterprises to include "Latino."

Proponents: None

Opponents: None

Senate: Died in Finance

Assembly Vote: 135-0

Provides a Tax Credit for Universal Visitability
A.10668 (Lavine)

This bill provides a tax credit for either new or retrofitted principal residences which are universally designed to be accessible and adaptable housing. The bill would provide a one-time tax credit of up to \$2,750 for a newly constructed principal residence or 50% of the amount expended (not to exceed \$2,750) for a renovated principal residence, for accessible and adaptable housing. This bill is an incentive for universal design changes for new and renovated housing to keep accessibility in mind in designing and renovating housing for senior citizens.

Proponents: None

Opponents: None

Senate: No Same As

Assembly Vote: 135-0

UNRESOLVED ISSUES

Appropriates \$36 Million for Early College High School and P-TECH Programs
S.1131-C (Marcellino)

This bill would provide \$13 million for school districts to fund Early College High School programs, and \$23 million for districts to fund P-TECH programs. School districts would receive funding for a 7-year cycle for P-TECH programs while districts choosing to operate an early college high school program would receive funding in 5-year cycles. There are about 50 P-TECH and Early College High School programs in the State.

Proponents: None

Opponents: None

Senate: Died in Finance

Assembly: No Same As

Office of Risk Assessment and Management
S.4070-A (Klein)

This bill is a legislative response to the series of storms New York State experienced in recent years and concern that the prospective effects of climate change will continue this trend. This bill would direct the Office of General Services ("OGS") to conduct a study on whether it is feasible and appropriate to create an Office of Risk Management and Assessment within OGS. The Risk

Management office would be tasked with evaluating the State's potential for exposure to negligence and to find ways to minimize such exposure. It would also set up "business continuity programs" so that critical state functions would continue during a serious event. The sponsor cites the extremely high cost to the state of civil actions litigated in the Court of Claims. The Office of Risk Assessment and Management would be a step towards reducing these costs.

Proponents: None

Opponents: None

Senate: Died in Finance Committee

Assembly: No Same As

Prohibits State Agencies or Public Authorities from Contracting for Goods or Services with a Subsidiary

S.5571 (Hannon)

This bill would disqualify any entity or subsidiary thereof from contracting with a state department, board, bureau, commission, division, office, council, committee or public authority when the entity or subsidiary also provides consulting services or products relating to the activity regulated by the agency or authority for which it seeks to contract. New York State agencies frequently outsource certain obligations and/or responsibilities to outside firms via contracts. It is important that the companies performing such tasks do not have a self-interest in the activity for which they are contracted. This legislation would preclude such advantages by excluding any entity from state contracts when the entity also provides the same goods and/or services related to the activity that the agency seeks to contract.

Proponents: None

Opponents: None

Senate: Died on Third Reading

Assembly: No Same As

Establishes the State Procurement and Public Work Oversight Panel

S.8900 (DeFrancisco)

This legislation would create a five member State Procurement and Oversight Panel. The Governor, Attorney General, the Comptroller, the Temporary President of the Senate and the Speaker of the Assembly would appoint one member each. The panel would make recommendations to the Legislature on a series of subjective issues such as the "wise and prudent" use of public money and guard against favoritism, improvidence, and extravagance. The panel would additionally be tasked with reviewing the public works and procurements process. This evaluation would take place at any time during the procurement not limited to the final award.

Proponents: None

Opponents: None

Senate: Died on Third Reading

Assembly: No Same As

HEARINGS AND FORUMS

None

HEALTH COMMITTEE

Analyst: Daniel Leinung

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Living Donor Protection Act of 2018

S.2496-B (Hannon, Akshar, Alcantara, Amedore, Avella, Brooks, Carlucci, DeFrancisco, Flanagan, Funke, Gallivan, Hamilton, Helming, Jacobs, Kaminsky, Larkin, Marchione, O'Mara, Ortt, Ranzenhofer, Serino, Seward, Valesky, Young)/ A.297-C (Gunther)

Requires the Commissioner of Health to develop and distribute informational materials relating to live donation of organs and tissue in print form and on the Department of Health's website. The materials must include information on the benefits of live organ and tissue donation, the impact of organ and tissue donation on the donor's access to insurance and other assistance, the tax benefits associated with organ and tissue donation, and the other protections and benefits. The bill also prohibits any insurer from discriminating against an insured person by denying or limiting coverage on the basis that the insured is a living organ or tissue donor, and expands the definition of "serious health condition" under the Workers' Compensation Law to include organ and tissue donation surgery so that these procedures are covered under the paid family leave provisions.

Proponents: HANYS

Opponents: None

Senate Vote: 62-0

Assembly Vote: 143-0

Use of Body Imaging Scanners at Correctional Facilities

S.5337 (Hannon, Gallivan, Akshar, Boyle, Larkin, Phillips)/ A.6838 (Weprin)

Authorizes the use of body imaging scanning equipment for the screening of inmates at a correctional facility as part of the facilities security program. Inmates would only be allowed to be exposed to 50% of the annual exposure limits. Pregnant women will not be subject to scanning at any time. Both licensed and unlicensed personnel would be authorized to operate the body scanning equipment and any unlicensed personnel would be required to undergo a training course on an annual basis. Every correctional facility that uses these body scanners must keep records of its use and submit an annual report to DOH and the legislature.

Proponents: New York City Office of the Mayor

Opponents: None

Senate Vote: 60-1 (Hoylman)

Assembly Vote: 118-17

Prohibits Persons Under 18 Years Old from Using Tanning Facilities

S.5585-A (Boyle, Alcantara, Avella, Bailey, Breslin, Brooks, Comrie, Hamilton, Kaminsky, Kennedy, Krueger, Persaud, Robach, Sepulveda, Stavisky)/ A.7218-A (Jaffe)

Prohibits any owner or employee of a tanning facility from permitting any person under 18 years of age from using a ultraviolet radiation device (tanning bed). Current law prohibits the use of

tanning beds by anyone under 17 years old and requires written parental consent for those 17 years of age. Penalties for violating these provisions under current law include the possible revocation or suspension of a tanning facilities license, or a penalty of up to \$250.

Proponents: American Cancer Society Cancer Action Network; Columbia University Medical Center; Health Plan Association; Medical Society of the State of NY

Opponents: None

Senate Vote: 59-2 (Funke, Ranzenhofer)

Assembly Vote: 107-19

Prohibits Cost Sharing For Prostate Cancer Screening

S.6882-A (Tedisco, Hannon, Larkin, Marchione)/ A.8683-A (Gottfried)

Prohibits insurance policies that cover diagnostic screening for prostate cancer from requiring cost-sharing in the form of deductibles, co-insurance, or co-pays for these screenings for men with a higher risk of prostate cancer. While every insurance policy that provides physician services, major medical, or similar comprehensive coverage must cover screenings for prostate cancer in men having a prior history of prostate cancer, men 40 and over with a family history and all men 50 and over this bill would prohibit these insurance contracts from having these services be subject to cost-sharing for patients.

Proponents: None

Opponents: Business Council

Senate Vote: 62-0

Assembly Vote: 140-2

Increases Transparency of Pharmacy Benefit Managers

S.6940 (Hannon, Addabbo, Akshar, Avella, Carlucci, Felder, Golden, Hamilton, Jacobs, Krueger, Larkin, Marchione, Murphy, Stavisky, Valesky, Young)/ A.8781 (Rosenthal)

Prohibits pharmacy benefit managers (PBM) from including in a pharmacy contract any provision that prohibits a pharmacy from disclosing to consumers the cost of prescription medication, the availability of alternative medications or alternative means of purchasing prescription medications, such as paying out-of-pocket. The bill also prohibits pharmacy benefit managers from collecting copayments from consumers of prescription medications that exceeds the total submitted charges to the pharmacy that the pharmacy is paid. If the consumer does make a copay that is above the charge the pharmacy is paid, the PBM cannot recoup that cost from the pharmacy.

Proponents: Health Care For All NY

Opponents: Blue Cross and Blue Shield Plans; Pharmaceutical Care Management Association

Senate Vote: 60-0

Assembly Vote: 135-0

Smoking Restrictions at Child Care Facilities in Private Homes

S.7522-A (Hannon)/ A.397-B (Gunther)

Under current law, the "Clean Indoor Air Act" prohibits smoking or "vaping" in any child care facility, but includes an exception for services provided in a private home when children are not

present. This bill would amend that exception to clarify that smoking is only allowed in any rooms that are not used for child care services if the children are not present and the private home is not required to be licensed or registered with the Office of Children and Family Services (OCFS). If the private home is required to be licensed or registered with OCFS to provide child care services, then smoking is not allowed in any room in the facility regardless of whether children are present.

Proponents: CAMPS

Opponents: None

Senate Vote: 60-0

Assembly Vote: 134-1

Nurse Practitioners Authorized to Witness Healthcare Proxy

S.7713-B (Hannon, Akshar, Avella, Helming, Peralta, Robach, Valesky)/ A.10345-A (Gottfried)

Expands the list of qualified professionals that may be involved in determining whether a patient has capacity for the execution of a health care proxy to include nurse practitioners and psychiatric nurse practitioners. Under current law, only a physician or psychiatrist can witness a patient's execution of a health care proxy if they reside in a mental hygiene facility, serve as a patient's health care agent, or determine if a patient lacks capacity to execute a health care proxy.

Proponents: Greater NY Hospital Association; Nurse Practitioner Association of New York State

Opponents: None

Senate Vote: 57-4 (Alcantara, Felder, Klein, Savino)

Assembly Vote: 133-5

Hospice Services For Residents of Assisted Living Programs

S.8535-A (Hannon, Ortt)/ A.10459-A (Lupardo)

Authorizes people who are currently receiving care through assisted living programs to access and receive hospice services from a hospice provider while still being able to remain in the assisted living program. The bill also authorizes the Commissioner of Health to modify the scope of personal care services provided by hospice and assisted living programs to avoid duplication of services. Under current Medicaid policy, terminally ill residents of Assisted Living Programs are not eligible for hospice care because ALP services do not include hospice care. Therefore, the resident must often times transfer/leave their ALP facility and be placed in a nursing home to be eligible for hospice services under Medicaid. This bill seeks to close this loophole and allow ALP patients to remain in the program while receiving hospice care.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 139-0

Sexual Assault Survivor Bill of Rights

S.8977 (Hannon, Murphy)/ A.8401-C (Simotas)

Establishes the sexual assault survivor bill of rights for the purpose of informing a sexual offense survivor of their rights under state law. The bill of rights must be created by the Department of Health in consultation with the Division of Criminal Justice Services, the Office of Victim Services, hospitals, health care providers and victim advocacy organizations. Before a medical facility commences a physical exam of a sexual offense survivor, or a police agency interviews a survivor, the survivor must be informed of his/her rights and provided a copy of the sexual assault survivor bill of rights. The bill of rights must be published on DOH's website in at least 10 languages.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 134-0

Medical Marijuana as Alternative For Opioids

S.8987-A (Amedore, Hannon, Akshar, Jacobs, Murphy, Phillips)/ A.110011-B (Gottfried)

Expands the list of conditions eligible for the prescription of medical marijuana to include pain that degrades health and functional capability where the use of medical marijuana is an alternative to opioid use and for substance use disorder. The current list of conditions include cancer, multiple sclerosis, epilepsy, HIV/AIDS, Parkinson's disease, spinal cord injuries, inflammatory bowel disease, neuropathies, Huntington's disease, and post-traumatic stress disorder.

Proponents: Curaleaf

Opponents: None

Senate Vote: 62-0

Assembly Vote: 127-16

Drug Take Back Act

S.9100 (Hannon, O'Mara, Addabbo, Avella, Bailey, Breslin, Carlucci, Funke, Hamilton, Kaminsky, Kavanagh, Klein, Marcellino, Mayer, Murphy, Phillips, Ranzenhofer, Sepulveda, Serrano)/ A.8576-B (Gunther)

Enacts the Drug Take Back Act that requires pharmaceutical manufacturers to create a drug take back program where consumers can return or recycle their unwanted or unused prescription and non-prescription drugs. The drug manufacturers must either operate a drug take back program, contract with a drug take back organization, or enter into an agreement with the state Department of Health operated program. The manufacturer is responsible for the costs associated with collecting, transporting, and disposing or recycling of prescription and non-prescription drugs. Chain pharmacies (those that operate ten or more locations) must offer on-site collection receptacles or provide vouchers for prepaid envelopes that also includes information on drug take back and safe drug disposal methods. In addition, "repackers" and wholesalers are not considered manufacturers for the purposes of the Drug Take Back Act. Penalties for violating this program results in fines of up to \$2,000. Each day in violation constitutes a separate violation and may result in fines of up to \$5,000 per day.

Proponents: Environmental Advocates of NY; NYLCV; Retail Council of NYS

Opponents: None

Senate Vote: 62-0

Assembly Vote: 143-0

SIGNIFICANT BILLS THAT PASSED SENATE ONLY

Expands Doctors Across NY Program to Include Dentists

S.3939-A (Young, Helming, Kennedy, Larkin, Ortt, Ranzenhofer, Ritchie)/ A.5279-A (Aubry)

Gives discretionary authority to the Commissioner of Health to include dentists in the Doctors Across New York program, and renames existing related programs under the state Public Health Law accordingly--the Physician and/or Dentist Loan Repayment Program; and Physician and/or Dentist Practice Support.

Proponents: None

Opponents: None

Senate Vote: 59-0

Assembly: Died in Health

Mandatory Patient Counseling Before Prescribing an Opioid

S.5670 (Akshar)/ A.8538 (Rosenthal)

Prohibits a healthcare professional from issuing a schedule II opioid prescription without consulting with the patient regarding dangers of opioids. This information must include the quantity of opioids dispensed and risks associated with addiction. The healthcare professional must also document the reason for prescribing opioids in the patient's medical record.

Proponents: None

Opponents: Medical Society of State of NY

Senate Vote: 61-0

Assembly: Died in Higher Education

Limits on Prescribing Opioids to a Minor

S.5949 (Akshar, Funke, Helming, O'Mara, Phillips, Ranzenhofer, Ritchie)/ A.8523 (Rosenthal)

Prohibits a healthcare practitioner from prescribing more than a seven day supply of a controlled substance containing an opioid to a minor. A practitioner, before issuing the prescription, must assess whether the minor is suffering (or has suffered) from a substance abuse disorder, discuss the risks of addiction and overdose associated with controlled substances, and obtain written consent from the minor patient's parent or guardian for the prescription on a form created by the Commissioner.

Proponents: None
Opponents: None
Senate Vote: 63-0
Assembly: Died in Higher Education

Expands Tobacco Prevention Programs to Include Electronic Cigarettes

S.8609-A (Hannon)/ A.11211 (Rosenthal, L.)

Expands the Department of Health's tobacco prevention and control education programs to include the use of liquid nicotine and electronic cigarettes. The bill also amends the Tax Law to require vendors of electronic cigarettes, that are not already licensed to sell tobacco products, to register with the tax department so that the Enforcement Unit can better investigate under-age electronic cigarette sales.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly: Died in Health

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

Reproductive Health Act

S.2796 (Krueger, Stewart-Cousins, Alcantara, Avella, Bailey, Benjamin, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Kennedy, Klein, Mayer, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Savino, Serrano, Squadron, Stavisky, Valesky)/ A.1748 (Glick)

Authorizes licensed healthcare practitioners acting within their scope of practice to perform an abortion upon a patient within 24 weeks of the commencement of the pregnancy. An abortion may be performed after 24 weeks if in the reasonable and good faith professional judgment of the healthcare practitioner there is an absence of fetal viability, or the patient's life or health is in danger. This bill also removes provisions related to abortion from the penal and criminal procedure law. Specifically, the bill removes performing an "illegal" abortion from the crimes of homicide and manslaughter in the 1st and 2nd degrees. In addition, references to abortion are removed from provisions in the criminal procedure law, county law and judiciary law. Provisions requiring abortions be performed in hospitals after the 12th week of pregnancy and a prohibition on advertising contraception are also removed.

Proponents: American Congress of Obstetricians and Gynecologists, District 11; City of New York Office of the Mayor; District Council 37; NYC Bar; NYCLU; NYS Association of Licensed Midwives; NYS Bipartisan Pro-Choice Legislative Caucus; Planned Parenthood Empire State Acts; Reform Jewish Voice of New York State
Opponents: New Yorkers for Constitutional Freedoms
Senate: Defeated in Health Committee via Motion for Committee Consideration
Assembly Vote: 93-44

New York Health Plan

S.4840-A (Rivera, Addabbo, Alcantara, Avella, Bailey, Benjamin, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Kennedy, Klein, Krueger, Mayer, Montgomery, Parker, Peralta, Persaud, Sanders, Savino, Sepulveda, Serrano, Stavisky, Stewart-Cousins, Valesky)/ A.4738 (Gottfried)

Creates a single payer health plan for all New Yorkers regardless of age, income, wealth, employment, or other status. There would be no premium, deductible or co-pays as coverage would be funded through existing state/federal funds, a payroll tax, and taxes on investments.

Proponents: Bailey House; Brooklyn Kindergarten Society; Chinese-American Planning Council, Inc.; Early Childhood Education Quality Council (ECEQC); Forestdale, Inc.; FPWA; Hispanic Federation; Housing and Services, Inc.; New York State Nurses Association; NYS Association of Licensed Midwives; Unity House.

Opponents: New York Health Plan Association

Senate: Died in Health

Assembly Vote: 91-46

UNRESOLVED ISSUES

Medical Aid in Dying

S.3151 (Savino, Alcantara, Hoylman)/ A.2383 (Paulin)

Allows a physician to prescribe and supply medication to a terminally-ill patient to self-administer for the purposes ending a patient's life. The physician must follow strict guidelines and procedures and if he/she does so, witnesses must be present, and the physician will not be subject to civil or criminal liability or professional disciplinary action.

Proponents: None

Opponents: Hospice and Palliative Care Association of NYS

Senate: Died in Health Committee

Assembly: Reported from Health Committee. Died in Codes Committee

Safe Staffing For Quality Care Act

S.3330 (Hannon, Addabbo, Alcantara, Avella, Bailey, Benjamin, Bonacic, Boyle, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Griffo, Hamilton, Hoylman, Jacobs, Kaminsky, Kavanagh, Kennedy, Krueger, Lanza, Larkin, Mayer, Montgomery, Murphy, Parker, Peralta, Persaud, Robach, Sanders, Sepulveda, Serino, Serrano, Stavisky)/ A.1532 (Gunther)

Requires all acute care facilities and nursing homes to comply with regulations that establish standards for appropriate staffing ratios of nursing and unlicensed direct care staff. Operating certificates would not be able to be issued to any acute care facility without the annual submission of a documented staffing plan and written certification that the submitted staffing plan is sufficient to provide adequate and appropriate delivery of health care services.

Proponents: NYSTLA, CSA Retiree Chapter; NYS Nurses Association; NYSUT Health Care Professionals; PEF

Opponents: Greater New York Hospital Association; HANYS; Leading Age NY; Rochester Regional Healthcare Advocates; Unshackle Upstate; Village Care

Senate: Died in Health

Assembly: Reported from Health. Died in Codes.

Medical Marijuana Expansion Bills

There are several bills that seek to expand the medical marijuana program including:

- S.1087 (Rivera)/ A.6009 (Gottfried) - allows for “smokeable” medical marijuana;
- S.7563 (Savino)/ A.8915 (Gottfried) - expands program to allow all licensed healthcare professionals that are authorized to write prescriptions to prescribe medical marijuana;
- S.7755 (Savino)/ A.8904 (Gottfried) - eases restrictions on prescribing medical marijuana for “serious conditions” to be the prescriber’s personal opinion that it will provide therapeutic or palliative benefits;
- S.8191A (Benjamin)/ No Same As - allows schools and mental health facilities to administer medical marijuana to students/residents;
- S.8722 (Savino)/ A.10104 (Paulin) - authorizes veterinarians to prescribe and administer medical marijuana to animals;
- S.9113 (Savino) - expands list of practitioners authorized to certify patients and prescribe medical marijuana, allows facility caregivers to possess and administer marijuana, expands laboratory testing for medical marijuana, authorizes registered organizations to operate up to 14 dispensing sites, and authorizes medical marijuana research

FORUMS AND HEARINGS

Roundtable: Improving New York State’s Article 81 Guardianship System, Albany, NY January 8, 2018 (Joint Hearing with Judiciary Committee).

Roundtable: Discussion on Limiting Sale and Use of Nonagricultural Low Nitrogen Fertilizer on Long Island - Farmingdale NY, May 29, 2018.

Senate Task Force on Lyme and Tick-Borne Diseases – Multiple hearings throughout the State.

Joint Task Force on Heroin and Opioid Addiction – Multiple forums throughout the State.

HIGHER EDUCATION COMMITTEE

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Lease of Lands of Stony Brook University to the Southampton Hospital Association

S.9103-A (LaValle)/ A.11244 (Thiele)

The bill allows SUNY to provide up to a hundred (100) year lease of without fee to certain grounds and facilities of the campus of the State University of New York at Stony Brook to the Southampton Hospital Association. This lease is subject to approval by the director of the division of the budget, the attorney general, and the state comptroller. This version of the bill also protects current classified public employees who work on the grounds subject to the lease from being replaced by private employees; it does not however protect unclassified workers.

Proponents: SUNY; 1199 SEIU United Healthcare Workers East

Opponents: NYSUT; UUP; CSEA; PEF

Senate Vote: 50-10 (Alcantara, Avella, Benjamin, Comrie, Krueger, Peralta, Sanders, Savino, Sepulveda, Stavisky)

Assembly Vote: 139-0

UUP Collective Bargaining Pay Agreement with the State

S.9101 (LaValle)/ A.11227 (Abbate)

This bill implements the terms of a collective bargaining agreement between the Executive Branch of the State of New York and the United University Professions (UUP), the employee organization certified to represent members of the Unit. The agreement between the state and UUP provides for salary increase to both certain incumbents in the professional service at SUNY and work at SUNY who are excluded from collective bargaining. The prior agreement between UUP and the executive branch of the state covering these employees expired on July 1, 2016. This new Agreement will cover from the expiration of the last agreement July 2, 2016 through July 1, 2022.

Proponents: NYSUT; UUP

Opponents: None

Senate Vote: 60-0

Assembly Vote: 142-0

Enhanced Maintenance of Effort Provisions

S.7259-A (LaValle, Addabbo, Avella, Funke, Hamilton)/ A.10620 (Glick)

This bill would enhance the Maintenance of Effort (MOE) provisions by expanding the definition of the current MOE provision to include the SUNY Health Science Centers and all SUNY and CUNY mandatory costs. Included mandatory costs would be collective bargaining costs and other non-personal services costs such as utility costs, building rentals and other inflationary expenses incurred, beginning in state fiscal year 2017-18 in an amount no less than the amounts separately appropriated and made available in the prior fiscal year.

Proponents: NYS PEF; NYSUT; SUNY

Opponents: None

Senate Vote: 60-0

Assembly Vote: 141-0

Requires Five- Year SUNY and CUNY Capital Plans

S.7236 (LaValle, Addabbo, Avella, Hamilton)/ A.10631 (Glick)

This legislation requires that beginning on April 1, 2019, and every 5th fiscal year thereafter, the budget include a five-year capital plan for SUNY and CUNY. Annual appropriations must cover 100% of the annual critical maintenance needs identified by SUNY and CUNY. Funds for new projects and initiatives may not be counted towards the critical maintenance requirement. If the full cost of critical maintenance cannot be funded due to state debt cap, the director of budget must develop a five-year capital plan to reduce the facility condition index.

Proponents: NYSUT; SUNY

Opponents: None

Senate Vote: 62-0

Assembly Vote: 138-0

Out-of-State Sports Team Physicians Medical Practice

S.4375-A (Funke, Bonacic, Croci, DeFrancisco, Gallivan, Golden, Marchione, Murphy, Ranzenhofer, Robach, Savino)/ A.7237-B (Cusick)

This bill permits physicians employed by written agreement with a traveling sports team to practice medicine in New York State in connection with such team if licensed and in good standing in another state. A physician may receive an exemption to practice in NYS for up to 5 days before the start of the sporting event their team is traveling into the state for and 3 days after the time the sporting event has concluded.

Proponents: New York State Society of Orthopaedic Surgeons

Opponents: None

Senate Vote: 61-0

Assembly Vote: 138-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

NYS Education Choice Tuition Savings Program

S.7783-A (Golden, O'Mara, Funke)

This bill changes the New York State College Choice Tuition Savings Program to the Education Choice Savings Program. The bill would allow individuals to withdraw without penalty from their 529 savings account without penalty, not only funds to pay for higher education qualified expenses, but also funds for nonpublic elementary and secondary school tuition costs.

Proponents: New York State Catholic Conference

Opponents: NYS Council of School Superintendents; NYS School Boards Association; NYSUT

Senate Vote: 46-16 (Alcantara, Avella, Bailey, Benjamin, Brooks, Carlucci, Comrie, Gianaris, Krueger, Mayer, Montgomery, Parker, Peralta, Rivera, Sanders, Stavisky)

Assembly: No Same As

Licensure of School Psychologists

S.692-D (Ortt, Carlucci, Gallivan, Hamilton, Helming, Ritchie)/ A.1132-D (Rosenthal L)

This bill provides licensure for school psychologists, defines their scope, and sets forth the education and experience requirements for licensure. The bill also establishes representation on the existing State Board of Psychology, establishes limited permits, and provides exemptions for some individuals who meet all other requirements for licensure, except the examination requirements.

Proponents: Capital Region Alliance for Children with Special Needs; Council of School Superintendents; NY Association of School Psychologists; NYS Alliance for Children with Special Needs; NYS Association of School Business Officials; NYS School Boards Association; School Administrators Association of NYS; Suffolk County Psychological Association; Westchester County Psychological Association.

Opponents: New York State Psychological Association

Senate Vote: 51-11 (Comrie, DeFrancisco, Hamilton, Hoylman, Kaminsky, Kavanagh, Krueger, Parker, Sanders, Sepulveda, Stavisky)

Assembly: Died in Higher Education

Prohibits Colleges from Funding Student Organizations that Boycott Certain Countries

S.2493-A (Phillips, Felder, Kaminsky, Murphy, Ranzenhofer)

This bill would mandate that the state university trustees, the city university trustees, and the board of trustees of each community college adopt rules that would make student groups or organizations ineligible to receive any funding if that student group or organization by its actions sanctions discrimination or intolerance based on race, class, gender, national origin, or religion. Student groups and organizations would be prohibited from promoting, encouraging, or permitting either directly or indirectly discrimination, intolerance, hate speech, or boycotts against a person or group based on race, class, gender, national origin, or religion.

Proponents: None

Opponents: None

Senate Vote: 48-12 (Bailey, Comrie, Dilan, Gianaris, Hoylman, Kavanagh, Krueger, Montgomery, Peralta, Persaud, Sanders, Sepulveda)

Assembly: No Same As

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

DREAM Act

S.471 (Peralta)/ S.3039 (Moya)

This bill would allow undocumented students to be eligible for TAP, scholarships, and opportunity programs if they meet certain criteria. The bill would also create a DREAM Fund,

administered by a newly created DREAM Fund Commission, in order to provide private scholarships to college-bound students who are the children of immigrants.

Proponents: Make the Road NY; New York Immigration Coalition; NY Catholic Conference;
NYSUT; NYC Office of the Mayor

Opponents: None

Senate: Died in Higher Education

Assembly Vote: 89-44

Sexual Orientation Change Efforts

S.263 (Hoylman)/ A.3977 (Glick)

This bill would prohibit a mental health professional, which includes psychologists, social workers, occupational therapists, and medical practitioners (or physicians) as defined in the bill, from engaging in sexual orientation change efforts with patients who are 18 years old or younger. The bill would provide that any sexual orientation change efforts attempted on a patient under 18 years of age by licensed mental health professionals would be considered professional misconduct, subject to disciplinary action.

Proponents: NYSUT; Planned Parenthood; American Academy of Pediatrics; Families Together in New York State; Mental Health Association in New York State, Inc; National Association of Social Workers; New York Association of Psychiatric Rehabilitation Services, Inc.; New York State Psychiatric Association, Inc; The New York State Psychological Association (NYSPA)

Opponents: None

Senate: Died in Mental Health

Assembly Vote: 116-19

UNRESOLVED ISSUES

Licensure of Athletic Trainers

S.1356-B (Funke, Bonacic, Gallivan, Griffo, Hamilton, Larkin, Ortt, Ranzenhofer, Robach)/ A.2783-B (Lavine)

This bill would establish licensure for Athletic Trainers, provide exemptions to certain individuals, require continuing education requirements for Athletic Trainers, and establish a seven member State Committee for Athletic Trainers (AT).

Proponents: NYS Athletic Trainers Association

Opponents: NY Physical Therapist Association; NYSNA

Senate: Died in Rules

Assembly: Died in Higher Education

HEARINGS AND FORUMS

None

HOUSING, CONSTRUCTION, AND COMMUNITY DEVELOPMENT COMMITTEE

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Annual Disclosure on Related-Party Contracts by Co-Op/Condo Directors

S.7279 (Golden)/ A.08993 (Cymbrowitz)

This chapter amendment corrects an inaccurate statutory reference. In 2017, the state enacted the underlying bill that created a new requirement for condominiums and cooperative housing corporations to report any contracts entered into by the Board with a party having a conflict of interest. That bill required that each director be given a copy of Not-for-Profit Law pertaining to transactions by directors with any related party, annually. The underlying legislation was intended to protect shareholders from co-op board members with substantial conflicts of interest regarding related party transactions.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly Vote: 133-0

Chapter 9

New York State First Home Savings Program

S.7316 (Little)/ A.09039 (Ramos)

This legislation repeals the New York State First Home Savings Program, which was passed and chaptered in 2017, and replaces it with a study, per approval memo 43. The New York State First Home Savings Program authorizes individual mortgage savings accounts to make it easier for would-be homebuyers to save for a down payment.

Proponents: None

Opponents: None

Senate Vote: 34-27 (Addabbo, Alcantara, Amedore, Avella, Bailey, Benjamin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Kennedy, Montgomery, Peralta, Persaud, Phillips, Rivera, Sanders, Serrano, Stavisky, Stewart-Cousins)

Assembly Vote: 94-40

PASSED SENATE ONLY

High-Rise Emergency Evacuation Plans for Persons with Disabilities

S.768 (Stewart-Cousins)/ A.10201A (Skoufis)

This bill requires building owners to develop emergency evacuation plans for individuals with disabilities residing in or visiting high-rise buildings. The plans would include drills and staff training, and the establishment of rescue areas. Residents and visitors would be able to add their names, unit address, and the type of assistance they need in an emergency to a list maintained by the building owner as part of the evacuation plan. The bill also establishes a \$500 civil fine on

building owners for knowingly failing to comply with this legislation within one year of the effective date.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: Died on Third Reading

**Prohibits NYCHA from Evicting or Denying Seniors Because They Own Common Pets
S.793 (Alcantara)/ A.07141 (De La Rosa)**

This legislation prohibits the New York City Housing Authority (NYCHA) from denying persons 62 years or older from occupancy based on their ownership of a common household pet, nor may they be evicted based solely on the grounds that the tenant owns and possesses a common household pet.

Proponents: None

Opponents: None

Senate Vote: 59-1 (Gallivan)

Assembly: Died in Housing

**New York City Council to Oversee the Activities of the New York City Housing Authority
S.1989 (Klein, Hamilton)/ A.08968 (Rodriguez)**

This bill authorizes the New York City Council to oversee the activities of the New York City Housing Authority. The bill authorizes the City Council to require, by local law, that the Housing Authority produce reports on its operations or the conditions of its housing projects, including any project based Section 8 voucher buildings. The City Council would create a new standing committee to review NYCHA activities and hold hearings on NYCHA annually.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly: Died in Housing

**Changes to the "Residential Emergency Services Providers to Offer (HOME) Repairs to the Elderly (RESTORE)" Program
S.2253-B (Little, Carlucci, Phillips, Serino)**

This legislation would give specific authorization to the Housing Trust Fund on how to create and operate the home repairs to the elderly (RESTORE) program. The program allows DHCR to contract with entities to issue grants or loans for the actual costs of the Residential Emergency Services to Offer (HOME) Repairs to the Elderly (RESTORE) Program. An appropriation of \$5 million was made as part of the SFY 15-16 budget for a similar program; it is unclear how much of that original funding remains available or if this program would be funded out of that appropriation.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly: No Same As

**HPD Homeowners Improvement Trust Fund and Homeowner Standard Warranty
S.3373 (Sanders)**

This legislation creates the New York City Department of Housing Preservation and Development (HPD) Homeowners Improvement Trust Fund (the Fund) and the HPD Homeowner Standard Warranty. The Fund would be administered by Homes and Community Renewal (HCR). The Fund would pay homeowners for repairs if they are the victim of substandard construction by contractors who are sponsors on an HPD project. The bill provides a written owner warranty for HPD for 2 years for plumbing, electrical, heating, cooling and ventilation systems; and 6 years for material defects relating to building code and zoning resolutions.

Proponents: None
Opponents: None
Senate Vote: 46-16 (Boyle, Little, Ranzenhofer, Tedisco, Helming, Marcellino, Murphy, Seward, DeFrancisco, Griffo, Marshione, Young, Bonacic, Gallivan, LaValle, Serino)
Assembly: No Same As

**Office of Independent Monitor for NYCHA
S.5788 (Klein)**

This legislation creates an Office of Independent Monitor to oversee New York City Housing Authority (NYCHA) activities involving capital assets. The Independent Monitor would oversee all NYCHA construction and development including, new construction, rehabilitation or restoration projects, repairs and site management. If the Independent Monitor found issues, the office would have the authority to direct NYCHA to address them.

Proponents: None
Opponents: None
Senate Vote: 46-13 (Comrie, Gianaris, Krueger, Stavisky, Kavanagh, Persaud, Rivera, Benjamin, Hoylman, Dilan, Montgomery, Parker, Sanders)
Assembly: No Same As

**SCRIE Rollback Act
S.5881-B (Alcantara)**

This legislation would provide the Senior Citizen Rent Increase Exemption (SCRIE) benefit retroactively to seniors from the time they became eligible, at age 62. The rent reduction provided by retroactive eligibility would roll back the rent cap to what it would have been at the time the senior became eligible, but the lookback period would be limited to 2 years.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly: No Same As

PASSED ASSEMBLY ONLY

Establishing Time Restrictions to Remove or Remedy Code Violations & Dangerous Conditions

S.350 (Peralta)/ A.00255 (Dinowitz)

Establishes time restrictions for court issued consent orders for work performance to remove or remedy dangerous conditions or building code violations; permits sixty days for consent orders to be performed by an owner, mortgagee, or lienor of record and further restricts such person from using consent orders more than once.

Proponents: None
Opponents: None
Senate: Died in Housing
Assembly Vote: 133-0

Regulates Rent Increases for Rent Controlled Apartments the Same Way as Rent Stabilized Apartments

S.6925 (Benjamin, Hoylman, Krueger)/ A.00268 (Rosenthal, L.)

This legislation would bring rent controlled apartments in-line with rent stabilized apartments by regulating rent increases and attaching increases to the Rent Guideline Board's annual adjustments.

Proponents: None
Opponents: REBNY
Senate: Died in Housing
Assembly Vote: 98-42

Repeals Vacancy Decontrol

S.3482 (Stewart-Cousins, Addabbo, Alcantara, Avella, Bailey, Benjamin, Dilan, Gianaris, Hamilton, Hoylman, Kavanagh, Krueger, Mayer, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Serrano, Stavisky)/ A.433 (Rosenthal, L.)

This bill would repeal "vacancy de-control" provisions that remove apartments from rent regulation when units are vacated and the legal rent crosses the current high rent threshold. Vacancy de-control is seen by tenant advocates as an incentive for property owners to artificially drive up rent in order to cross the high rent threshold and remove their units from rent regulations.

Proponents: The Upstate/Downstate Housing Justice Coalition, Tenant Advocate Groups
Opponents: REBNY
Senate: Died in Housing
Assembly Vote: 98-41

**Imposes a Penalty Of Up To \$7,500 for Illegal Conversions or Alterations of Buildings
S.6178 (Brooks, Bailey)/ A.01226 (Zebrowski)**

This legislation imposes a new civil penalty of up to \$7,500 on building owners who knew or should have known that the building had been altered or converted, in violation of the Uniform Code. To be held responsible for the alteration under this legislation, the alteration must impede a person's egress from the building during a fire or emergency evacuation.

Proponents: None

Opponents: None

Senate: Died in Housing

Assembly Vote: 135-0

Prohibits an Owner From Adjusting The Amount of Preferential Rent Upon The Renewal of a Lease

S.6527 (Krueger, Addabbo, Alcantara, Avella, Bailey, Benjamin, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kavanagh, Mayer, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Savino, Serrano, Stavisky)/ A.6285 (Cymbrowitz)

This bill prohibits property owners from jumping rents from a preferential rent amount up to the legal rent amount upon a lease renewal. Currently, property owners offer tenants preferential rents when they cannot rent a unit at the full legal rent amount. When the surrounding market improves, however, property owners can jump their rent up to the full legal rent levels when a lease is up for renewal. This bill essentially makes the preferential rent the new legal rent for the unit until the tenant vacates. The bill also institutes a prohibition that a vacancy after a preferential rent lease cannot be the result of the owner's failure to maintain the unit in a habitable condition.

Proponents: None

Opponents: REBNY

Senate: Died in Housing

Assembly Vote: 96-44

Loft Law Extender and Expansion

S.6828-B (Dilan, Alcantara, Avella, Bailey, Comrie, Hamilton, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Rivera, Savino, Sepulveda, Serrano)/ A.8409-B (Glick)

Removes basement and certain window coverage exclusions; removes groups 15, 16 & 17 mixed-use exclusions; removes application deadline; provides new coverage eligibility periods; give the Loft Board the authority to make exclusion determinations; and authorizes civil proceedings to be brought by the city for violations of any rule or regulation promulgated by the Loft Board.

Proponents: NYCLT

Opponents: None

Senate: Died in the Senate

Assembly Vote: 97-41

Amends Major Capital Improvement Rent Increases

S.8089-A (Bailey) / A.08886-A (O'Donnell)

This legislation requires MCI rent surcharges to end when the owner recovers the cost of the MCI. It also provides new guidelines for when an MCI may be levied on a tenant, such that the improvement must be an enhancement or upgrade to the unit and be necessary for the operation or preservation of the building. MCI surcharges may not be approved if the building has outstanding code violations.

Proponents: Tenant Advocate Groups

Opponents: None

Senate: Died in Housing

Assembly Vote: 97-40

Repeals the Vacancy Bonus

S.1593 (Serrano, Addabbo, Alcantara, Avella, Bailey, Benjamin, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kavanagh, Krueger, Mayer, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Savino, Stavisky)/ A.9815 (Pichardo)

The vacancy bonus is the additional rental increase, currently up to 20%, allowed for units that become vacant after a long-term tenant has moved out. Vacancy bonuses can cause rents to rise rapidly and move affordable units out of rent stabilization when they cross the high rent de-control threshold, now \$2,733.75. This legislation repeals the vacancy bonus.

Proponents: Tenant Advocate Groups

Opponents: REBNY

Senate: Died in Housing

Assembly Vote: 95-43

UNRESOLVED ISSUES

Regulates MCIs and Makes Rent Increases Temporary

S.4312 (Krueger, Gianaris, Hamilton, Hoylman, Montgomery, Peralta, Serrano)

This bill creates a regulatory framework for approving rent increases to rent regulated units for major capital improvements (MCIs); ensures that MCI rent increases are temporary surcharges that end when the improvement is paid off, instead of permanent rent increases; and prohibits property owners from double-dipping by collecting both MCI rent increases and NYSERDA grants for the same improvements. Proponents of this bill believe property owners claim MCI expenses far beyond the actual cost of the improvement; charge tenants for the improvement even after the improvement has been paid off; and raise rents for improvement costs that were actually paid for by NYSERDA.

Proponents: Tenant Advocate Groups

Opponents: REBNY

Senate: Died in Housing

Assembly: No Same As

Prohibits Retroactive MCI Rent Increases**S.5945 (Bailey)**

This bill prohibits the temporary retroactive rent increase or surcharge prior to the approval of the MCI application for rent stabilized apartments. Under current law, if the application for a retroactive surcharge is approved, in addition to the increase becoming a part of the tenants' base rent, the landlord is entitled to collect the increase retroactively, between the "effective date" and "collectable date," in the form of a temporary surcharge.

Proponents: None

Opponents: REBNY

Senate: Died in Housing

Assembly: No Same As

Repeals the Urstadt Law**S.3179 (Krueger, Addabbo, Avella, Bailey, Hamilton, Hoylman, Montgomery, Parker, Peralta, Serrano)/ A.5557 (Cymbrowitz)**

The Urstadt Law gives the New York State Legislature virtually exclusive authority to amend New York City rent regulatory laws. This bill would repeal the Urstadt Law so New York City can strengthening rent regulation laws without approval from the state legislature.

Proponents: Tenant Advocate Groups

Opponents: None

Senate: Died in Housing

Assembly: Died in Housing

HEARINGS AND FORUMS

None

INSURANCE COMMITTEE

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Requires insurers and health plans to submit certain data to the Department of Financial Services and the Commissioner of Health to allow for the preparation of an annual Mental Health Parity Report

S. 1156-C (Ortt, Amedore, Boyle, Hamilton, Helming, Marchione, Ritchie, Sepulveda)/

A.3694-C (Gunther)

This legislation requires insurers and health plans to submit certain data to the Department of Financial Services and the Commissioner of Health, as a way of measuring compliance with federal and state mental health and substance abuse parity laws. The data will then be used by the Department of Financial Services to prepare an annual Mental Health Parity report as part of the annual Consumer Guide. The data from each insurer or health plan will include data such as rates of utilization review for mental health and substance use disorder claims as compared to medical and surgical claims, and the rates of appeals of adverse determinations for mental health claims and substance use disorder claims compared with the rates of appeals of adverse determinations for medical and surgical claims.

Proponents: American Foundation For Suicide Prevention

Opponents: None

Senate Vote: 60-0

Assembly Vote: 137-1

Requires Principle-Based Reserving for Life Insurance Policies and Annuity Contracts

S.8978-A (Seward)/ A.11116-A (Cahill)

This legislation requires principle-based reserving for life insurance policies and annuity contracts, it requires the Department of Financial Services to implement a valuation manual for principles-based reserving, and it requires the Department of Financial Services to study the impact of such implementation. This bill would require life insurance companies to calculate reserves for individual and group life insurance policies and annuity contracts using a principle-based valuation established by the valuation manual adopted by the National Association of Insurance Commissioners, NAIC, as modified and as approved by the Superintendent of DFS. This bill also directs DFS to study the implementation of the valuation manual and submit a report regarding such to the legislature no later than five years after the operative date of the valuation manual.

Proponents: Life Insurance Council of New York, Inc.

Opponents: None

Senate Vote: 62-0

Assembly Vote: 144-0

SIGNIFICANT BILLS THAT PASSED SENATE ONLY

Requires the New York State Health Care Quality and Cost Containment Commission to meet and issue a report on coverage for chronic Lyme disease

S.2168-A (Serino, Akshar, Helming, Jacobs, Kennedy, Larkin, Marchione, O'Mara, Phillips, Ritchie, Valesky)

This legislation requires the New York State Health Care Quality and Cost Containment Commission to issue a report to the Governor, Chairs of the Senate and Assembly Insurance Committees, and the Chair of the Senate Task Force on Lyme and Tick-Borne Diseases considering the impact on health insurance costs and quality of legislation requiring coverage of long-term and chronic Lyme disease and other tick-borne diseases. This legislation requires the Commission to meet on the first Monday after the first of January every year to consider outstanding requests or duties.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: No Same As

Authorizes the Superintendent of Department of Financial Services to Investigate Motor Vehicle Insurance Fraud

S.5970 (Klein, Avella, Carlucci, Savino, Valesky)/ A.7782 (Weprin)

This legislation will extend the DFS' authority to receive and investigate reports of insurance fraud in the area of motor vehicle liability insurance, and it requires insurers and those who self-insure to report suspected instances of insurance fraud to DFS.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly: Died in Insurance

Requires Group Health Plans and Health Insurers to Provide Equal Coverage Behavioral Health Services, Including Substance Use Disorder, That They Offer for General Medical or Surgical Services.

S.6663 (Ortt, Amedore, Kennedy, Murphy)/ A.9079 (Gunther)

This bill would amend the Insurance Law to add "substance use disorder" to the parity provisions of the Insurance Law. This bill would require every insurer, policy, health plan, medical expense indemnity corporation, hospital service corporation, or health service corporation that provides coverage for hospital, surgical, or medical care to also provide coverage for substance use disorder treatment and services.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: No Same As

**Insurance Coverage of In Vitro Fertilization and Other Fertility Preservation Treatments
S.8441-B (Phillips, Helming, Akshar, Bonacic, Jacobs, Little, Marchione, O'Mara, Young)**

This legislation would mandate insurance coverage up to \$50,000 for women ages 21 to 44 for in vitro fertilization and fertility preservation treatments, subject to a religious exemption. This bill allows a religious employer to request a contract without coverage for in vitro fertilization used in the treatment of infertility and standard fertility preservation services that are contrary to the religious employer's religious tenets.

Proponents: None

Opponents: New York State Catholic Conference

Senate Vote: 51-9 (Amedore, DeFrancisco, Dilan, Gallivan, Hoylman, Kaminsky, Kavanagh, Krueger, Ortt)

Assembly: No Same As

SIGNIFICANT BILLS THAT PASSED ASSEMBLY ONLY

**Insurance Coverage of In Vitro Fertilization and Other Fertility Preservation Treatments
S.3148-A (Savino, Addabbo, Alcantara, Avella, Bailey, Bonacic, Boyle, Brooks, Carlucci, Comrie, Croci, Funke, Gallivan, Hamilton, Helming, Hoylman, Jacobs, Kaminsky, Parker, Peralta, Persaud, Phillips, Robach, Sanders, Stavisky, Valesky)/ A.2646-A (Simotas, Quart, Bronson, Solages, Braunstein, Bichotte, Steck, Seawright, Simon, Brindisi, Paulin, Barrett, Hevesi, McDonald, Lavine, Cymbrowitz, Mosley, Buchwald, Morelle, Dinowitz, Rozic, Sepulveda, L. Rosenthal, Murray, Otis, Lifton, Jean-Pierre, Pellegrino, Wright, Weprin, Curran, Englebright, Lentol)**

This legislation would mandate insurance coverage up for in vitro fertilization and fertility preservation treatments. As compared to S.8441-B (Phillips), which passed the Senate on June 20, 2018, the coverage provided by this bill is broader, it is not subject to a \$50,000 lifetime coverage cap, there is no religious exemption, and this bill contains an anti-discrimination provision.

Proponents: RESOLVE; NYS Association of Health Underwriters; NY Health Plan Association; American Congress of Obstetricians and Gynecologists, District 11; Coalition to Help Families Struggling With Infertility; American Society for Reproductive Medicine; Northwell Health; Columbia University Medical Center; CNY Fertility; Roswell Park Cancer Institute; Memorial Sloan Kettering Cancer Center; Weill Cornell Medicine

Opponents: New York State Catholic Conference; Buffalo Niagara Partnership; Employer Alliance for Affordable Health Care

Senate: Died in Insurance

Assembly Vote: 117-23

**Provides for an Independent Dispute Resolution Process Regarding Out-Of-Network
Hospital Emergency Services Bills**

S.4241-C (Seward, Amedore, Krueger, Larkin)/ A.7611-C (Cahill, Colton, Arroyo, Jean-Pierre, Taylor, McDonough, Skoufis)

This legislation would provide for an independent dispute resolution process for out-of-network hospital emergency services bills that are viewed as excessive. This legislation provides that

either a health care plan or an out-of-network hospital can submit a dispute regarding a fee or payment for emergency hospital services to an independent dispute resolution entity, which then has 30 days to offer a resolution to the dispute. Health insurers must pay an amount they determine is reasonable upon receiving a hospital emergency services bill, and, after they submit a dispute regarding a fee for payment of non-participating hospital's emergency services, they will pay any additional amounts determined to be reasonable to the hospital

Proponents: Consumers Union; Unshackle Upstate; Center for Medical Consumers; Health Care for All New York; AARP; New York State Conference of Blue Cross and Blue Shield Plans; 32BJ SEIU

Opponents: The Hospital Association of New York State; Greater New York Hospital Association; 1199 SEIU United Healthcare Workers East

Senate: Died on Third Reading

Assembly Vote: 141-0

Enacts the Comprehensive Contraception Coverage Act

A.9957 (Cahill, Seawright, L. Rosenthal, Glick, Jenne, Jaffee, Simotas, Gottfried, Barron, Blake, Barrett, Magnarelli, Bronson, Lavine, Mayer, Carroll, Galef, Otis, Sepulveda, Simon, Hyndman, Morelle, Ramos, D'Urso, Peoples-Stokes, Pichardo, Ortiz, Taylor, Weprin, Perry, Solages, Jean-Pierre, Braunstein, Buchwald, Cook, Hooper, Lifton, Lupardo, Mosley, Rozic, Thiele, Titus)

This legislation enacts the "Comprehensive Contraception Coverage Act" to mandate health insurance policies to cover all FDA-approved contraceptive drugs, devices, and products, as well as voluntary sterilization procedures, contraceptive education and counseling, and related follow up services.

Proponents: None

Opponents: None

Senate: No Same As

Assembly Vote: 101-35

UNRESOLVED ISSUES

None

HEARINGS AND FORUMS

Joint Committee Roundtable by the Senate Standing Committees on Health and Insurance, To Explore Access To And Coverage Of Opioid Antagonists, Such As Naloxone, May 22, 2018

INVESTIGATIONS & GOVERNMENT OPERATIONS COMMITTEE

Analyst: Kenan Kurt

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Creates a Disabled Person Retrofit Tax Credit

S.2829A (Parker)/ A.5333-A (Weprin)

This bill creates a disabled person retrofit income tax credit equal to 30% of the cost of installing accessibility improvements in a taxpayer's primary residence. The bill caps the credit for each taxpayer at \$5,000 over the taxpayer's lifetime and caps the annual amount of the credit at \$1 million in aggregate credits statewide.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 136-0

Residential Structure Fire Prevention Act of 2018

S.3065-B (Addabbo)/ A.5333-A (Weprin)

This bill provides a tax credit for individuals who repair fire hazards commonly referred to as cock lofts. Cock lofts are small lofts or attics that are completely enclosed between rafters above the highest finished ceiling of a building. The credit would be in an amount equal to 25% of the costs of performing the actual repairs, up to \$5,000. The bill directs the Department of Financial Services Superintendent to reduce fire insurance premiums for those property owners who install smoke detecting alarm systems in cock lofts. The bill also requires any state sponsored programs that address housing to include the repair of cock lofts as a qualifying expenditure under any such program.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 144-0

Creates a Small Business Tax Credit for the Employment of Disabled Persons

S.3688-A (Addabbo, Comrie, Dilan, Parker)/ A.1369-A (Cusick)

This bill creates a tax credit for businesses with less than 100 employees that hire a person with a disability. The credit equals \$5,000 per employee, up to \$25,000. There is a \$5 million statewide cap on the aggregate amount of credits claimed in any one year. The employee must work at least 35 hours per week for at least 12 months. The credit cannot reduce the business's tax below zero, but the business can carry over extra credit for up to 5 years.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly Vote: 135-1

Creates Tax Credits for Investments in Rural Business Growth Funds

S.4727-B (Seward, Akshar, Amedore, Bonacic, Croci, Funke, Gallivan, Griffo, Helming, Little, Marchione, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Savino, Serino, Tedisco, Valesky)/ A.4772-C (Woerner)

This legislation creates a new tax credit for large investments in rural businesses and farms through "Rural Business Growth Funds". The Department of Taxation & Finance would approve each fund after examining the Fund's business plan and job creation forecasts. The tax credit would be equal to 65% of the amount of the investment, and it would be non-refundable, though taxpayers could carry the unused portion into future years. The Department would be able to approve an aggregate of \$100 million in "eligible investment authority" or \$65 million in "credit-eligible capital contributions" for all Funds at any given time.

Proponents: None

Opponents: None

Senate Vote: 58-3 (Hoylman, Kavanagh, Krueger)

Assembly Vote: 143-0

Relaxes Residency Requirements for NYC Sanitation Workers

S.5438-A (Golden, Avella)/ A.7070-A (Abbate)

This bill relaxes the requirement that a NYC sanitation worker have five or more years of service in order to take advantage of the residency rule that allows these workers to live outside of New York City. This bill would reduce that requirement to two years.

Proponents: None

Opponents: None

Senate Vote: 52-10 (Comrie, Dilan, Hoylman, Krueger, Montgomery, Parker, Persaud, Rivera, Sanders, Sepulveda)

Assembly Vote: 141-1

Acknowledges the Montaukett Indians

S.7770 (LaValle) / A.9898 (Thiele)

This bill grants official state recognition to the Montaukett Indians. The tribe lost recognition in 1910 when a Suffolk County Supreme Court, and later the appellate division, declared the tribe extinct. The bill would also establish a procedure for the election of tribal leaders and qualifications for voters allowed to participate in said elections. Similar bills have been vetoed by Governor Cuomo in 2013 (Veto 210) and 2017 (Veto 174).

Proponents: Montaukett Indian Tribe

Opponents: None

Senate Vote: 61-0

Assembly Vote: 137-1

Ticket Scalping Reform

S.8501-B (Murphy)/ A.8245-C (O'Donnell)

This bill makes several changes to Article 25 of the Arts and Cultural Affairs Law governing ticket sales and resales, and extends the underlying statute for three years to 2021. The bill

would: a) Regulates speculative ticket sales; b) Requires ticket resale license disclosure on websites and apps; c) Requires certain disclosures on ticket resale websites; d) Revokes ticket resale licenses for using ticket bots; e) Requires disclosure of the total price of the ticket, with service charges stated; f) Authorizes paperless "membership passes" to certain sporting events; g) Requires disclosure when transferring a customer from a primary to secondary ticket sale site; and; h) Prohibits unauthorized use of a venue or artist name in a ticket sale website. The bill did not address the resale of tickets for charitable events or tickets offered to the public for free. It also did not require resellers to make disclosures about the face value of tickets or require sellers to notify consumers what percentage of overall tickets are available to the public.

Proponents: Ticketmaster; Madison Square Garden

Opponents: Consumers Union; NYPIRG

Senate Vote: 51-9 (Dilan, Golden, Hoylman, Krueger, Parker, Persaud, Sanders, Sepulveda, Serrano)

Assembly Vote: 141-2

Provides for Registration of Real Estate Appraisal Management Companies with Department of State

S.9080 (Hamilton, Sepulveda)/ A.10831-A (Zebrowski)

This legislation would provide for the registration and regulation of appraisal management companies (AMCs), entities that provide appraisal management services to creditors or secondary mortgage market participants, in connection with valuing a consumer's real property as security for a consumer credit transaction. This legislation is necessary to keep New York State in compliance with regulations promulgated by the federal Appraisal Subcommittee. This bill would apply to AMCs with 15 or more appraisers in New York or 25 or more appraisers across multiple states.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 143-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Creates a Forestry Stewardship and Habitat Conservation Income Tax Credit

S.138-A (Little, Addabbo, Avella, Bailey, Brooks, Carlucci, Gallivan, Hamilton, Hannon, Hoylman, Murphy, Seward, Valesky)/ A.1874-A (Woerner)

This bill would establish a new forestry stewardship and habitat conservation tax credit. The credit would be equal to 25% of the allowable school, county and town property taxes.

Taxpayers who own land that is subject to an agreement with the DEC where the land is committed to forestry stewardship or habitat conservation would be eligible. Tracts of land must be at least 25 contiguous acres, approved by the DEC, and committed to habitat conservation for at least 5 years.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly: Died in Ways & Means

**Dedicates NYC Hotel Occupancy Tax Revenue to Promoting Tourism in Each Borough
S.479 (Peralta, Sepulveda)**

This bill creates a dedicated funding stream to specifically promote tourism in each New York City borough by re-allocating 4% or \$300,000 per borough, whichever is less, of the amount derived from the hotel occupancy tax imposed in New York City. The funds would be overseen by an entity designated by each borough president and approved by the City Department of Economic Development.

Proponents: None
Opponents: None
Senate Vote: 60-1 (Kavanagh)
Assembly: No Same As

Enacts Small Business Tax Cuts

S.2120-A (O'Mara, Akshar, Bonacic, Boyle, Funke, Gallivan, Helming, Larkin, Marchione, Ortt, Serino, Young)

This bill reduces business and farm taxes by increasing the corporate tax threshold from \$390,000 to \$500,000 and lowering the small business rate to 2.5%, expands the small business exemption to LLCs, partnerships, and S corporations regardless of whether they have employees, increases the small business exemption to 15%, and increases the exemption to 20% for farmers.

Proponents: None
Opponents: None
Senate Vote: 48-14 (Alcantara, Bailey, Comrie, Gianaris, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Rivera, Sanders, Sepulveda, Serrano, Stavisky)
Assembly: No Same As

Creates the Empire State Music Production Credit and Digital Gaming Media Production Credit

S.3159-A (Golden, Breslin)/ A.2670-B (Lentol)

This bill creates two new tax credit programs: the Empire State Music Production Tax Credit and the Digital Gaming Media Tax Credit Program. Each program would allocate \$50 million in tax credits on a first come, first serve basis. The bill would further remove these two types of companies from participating in the Excelsior Jobs Program. The Governor vetoed a similar bill in 2016 (Veto 255).

Proponents: None
Opponents: None
Senate Vote: 56-5 (Akshar, Krueger, Ortt, Robach, Serino)
Assembly: Died in Ways & Means

Exempts Higher Education Institutions from MTA Payroll Tax

S.4062-A (Lanza, Brooks, Carlucci, Larkin, Murphy, Serino)/ A.7235-A (Cusick)

This legislation provides for state reimbursement to all higher education and career education schools for the cost of Metropolitan Commuter Transportation Mobility Tax (a.k.a. MTA Payroll Tax) payments. The MTA Payroll Tax ranges from 0.11% to 0.34%, depending on the overall size of the annual payroll.

Proponents: None

Opponents: None

Senate Vote: 51-10 (Alcantara, Benjamin, Dilan, Gianaris, Hoylman, Kavanagh, Krueger, Montgomery, Persaud, Rivera)

Assembly: Died in Ways & Means

Creates “Leisure and Recreation Districts” for Off-Premises Alcohol Consumption

S.4592-A (Funke, Askhar, Gallivan, Griffo, Helming, Larkin, Ranzenhofer, Ritchie, Savino)/ A.6525-A (Lupardo)

This bill allows patrons of establishments licensed by the State Liquor Authority to remove and carry an open container within the boundaries of an open “leisure district.” The term “leisure district” is left for local municipalities to determine pursuant to local law.

Proponents: None

Opponents: None

Senate Vote: 53-5 (Benjamin, Hoylman, Kavanagh, Krueger, Stavisky)

Assembly: Died in Economic Development

Creates the Empire State Digital Gaming Media Production Credit

S.5887-A (Golden, Breslin)

This bill creates a new tax credit program for companies involved in digital gaming media production. The credit would be the product of 25% and the eligible production costs of one or more qualified digital gaming media productions, though productions outside the Metropolitan Commuter Transportation District would get an extra 10%. The credits would be distributed regionally, up to \$25 million per year.

Proponents: None

Opponents: None

Senate Vote: 57-3 (Akshar, Krueger, Ortt)

Assembly: No Same As

Allows Administrative Regulations Review Commission to Delay Agency Rule Adoption

S.6095 (Jacobs)

This bill amends section 202 of State Administrative Procedure Act to allow the delay of agency rule making by 90 days, so long as two-thirds of the Administrative Regulations Review Commission (ARRC) membership votes in approval. The ARRC is a joint legislative commission that reviews newly proposed rules to examine issues of compliance with legislative intent.

Proponents: None

Opponents: NYPIRG (2014)

Senate Vote: 51-12 (Alcantara, Bailey, Comrie, Gianaris, Hoylman, Krueger, Mayer, Parker, Rivera, Sanders, Savino, Sepulveda)

Assembly: No Same As

Minimum Wage Reimbursement Credit Modification & Extender

S.6793-A (Golden)

This legislation would allow for an employer to collect the minimum wage reimbursement credit for each eligible employee paid no more than 50 cents over the minimum wage. It would also extend the credit from 2018 until 2021.

Proponents: Food Industry Alliance

Opponents: None

Senate Vote: 63-0

Assembly: No Same As

Creates a Tax Credit for Employing People in Drug Rehabilitation

S.7384 (Little, Carlucci)/ A.8830 (Jones)

This bill creates a new tax credit program for employers who employ individuals in certified drug recovery programs, as approved by the Office of Alcohol and Substance Abuse Services ("OASAS") and who work on a full-time basis for the employer for at least 6 months, or four hundred hours. The credit would be worth 35% of the first \$6,000 in qualified wages earned by each qualifying employee. The bill does not set a cap on the number of employees an employer could claim the credit for, or provide a total cap on the amount of credits an employer could claim at the respective business.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly: No same as

Eliminates Income Taxes for Manufacturers Organized as Pass-Through Entities

S.7561-A (O'Mara, Ritchie, Akshar, Amedore, Boyle, Croci, DeFrancisco, Gallivan, Golden, Helming, Jacobs, Larkin, Marchione, Ortt, Seward, Valesky)/ A.10121 (Stirpe)

This bill amends the Tax Law to reduce the corporate franchise tax rate to zero for manufacturers organized as pass-through entities (sole proprietorship, partnership, LLC, S-corporation).

Individuals receiving income from the business would still be able to claim a deduction on their income taxes if the business has an overall loss.

Proponents: None

Opponents: None

Senate Vote: 55-4 (Hoylman, Kavanagh, Krueger, Rivera)

Assembly: Died in Ways & Means

Establishes Time Limits on Acting Heads of Departments**S.7781 (Griffo)/ A.10553 (Ortiz)**

This bill establishes requirements for how long a department head may serve without official Senate confirmation. Under this legislation, acting heads would be limited to 90 days while the Legislature is in session or until 30 days after the start of session if the Legislature is not in session when the vacancy occurs. The legislation also prohibits a person from being acting head more than once, so the Governor could not simply re-appoint an acting head if the time limit expires.

Proponents: None

Opponents: None

Senate Vote: 49-13 (Bailey, Breslin, Brooks, Comrie, Dilan, Gianaris, Hoylman, Kennedy, Krueger, Mayer, Montgomery, Rivera, Sepulveda)

Assembly: Died in Governmental Operations

Increases the Property Tax Relief Credit**S.8398 (Phillips, Carlucci, Funke, Valesky)**

This legislation makes the Property Tax Relief Credit permanent, sets a minimum credit amount at \$200, and increases the amount of the credit based on the percentage of the STAR credit or exemption. The current credit levels for 2019 are as follows: if income is under \$75,000 - 85% of STAR; \$75,000-\$150,000 - 60% of STAR; \$150,000-\$200,000 - 35% of STAR; and \$200,000-\$275,000 - 10% of STAR. For Enhanced STAR recipients (senior citizens with low to moderate income), the credit is 34% of STAR. This legislation sets the credit as follows: if income is under \$75,000 - 100% of STAR; \$75,000-\$150,000 - 75% of STAR; \$150,000-\$200,000 - 43.75% of STAR; and \$200,000-\$275,000 - 12.5% of STAR. For Enhanced STAR recipients (senior citizens with low to moderate income), the credit would be 42.5% of STAR.

Proponents: None

Opponents: None

Senate Vote: 56-6 (Comrie, Hoylman, Krueger, Parker, Rivera, Sanders)

Assembly: No Same As

Requires a 2/3 Vote of the Legislature for New Taxes or Increased Taxes**S.8401 (Serino, Funke)**

This legislation would require a 2/3 supermajority of the Legislature for any bill that increases, extends, imposes, or revives any tax, fee, assessment, surcharge, or any other levy or collection. It would require a similar 2/3 requirement for local governments seeking to impose a new tax or increase an existing tax.

Proponents: None

Opponents: None

Senate Vote: 41-21 (Addabbo, Alcantara, Avella, Bailey, Benjamin, Comrie, Dilan, Gianaris, Hoylman, Kavanagh, Krueger, Mayer, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Serrano, Stavisky, Stewart-Cousins)

Assembly: No Same As

SIGNIFICANT BILLS THAT PASSED ASSEMBLY ONLY

Prohibits Employers from Discriminating Against Victims of Domestic Violence

S.5565-A (Persaud, Breslin, Funke, Krueger, Valesky)/ A.1481-A (Weinstein)

This bill prohibits discrimination in employment based on an employee's domestic violence victim status and requires employers to make reasonable accommodations for victims of domestic violence, such as allowing absences and leaves when necessary, provided the employee gives advance notice where possible.

Proponents: None

Opponents: None

Senate: Died in Investigations & Government Operations

Assembly Vote: 137-1

Requires Employers to Make Conditional Offer of Employment Before Inquiring About Criminal Convictions

S.2425-A (Carlucci, Peralta)/ A.2343 (Aubry)

This legislation makes it unlawful for an employer to ask about a person's criminal conviction history before making a conditional offer of employment. Upon making such an offer and learning of a criminal conviction, the employer may only rescind the offer if the conviction bears a direct relationship to the job or if hiring the person would involve an unreasonable risk to property or safety.

Proponents: None

Opponents: None

Senate: Died in Investigations & Government Operations

Assembly Vote: 88-51

Gender Expression Non-Discrimination Act

S.7010 (Hoylman, Addabbo, Alcantara, Avella, Bailey, Benjamin, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Kaminsky, Kavanagh, Kennedy, Klein, Krueger, Mayer, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Savino, Sepulveda, Serrano, Stavisky, Valesky)/ A.3358 (Gottfried)

The Gender Non-Discrimination Act (GENDA) prohibits discrimination based on gender identity or expression. The bill also includes offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes. The bill protects against discrimination based on "a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender."

Proponents: None

Opponents: None

Senate: Defeated in Investigations & Government Operations 4-5 (Golden, Lanza, Murphy, O'Mara, Phillips)

Assembly Vote: 96-43

Prohibits Discrimination Against Religious Attire**S.1503 (Avella, Alcantara, Kennedy)/ A.4977 (Weprin)**

This bill amends the Executive Law to make it an unlawful discriminatory practice by any employer to discriminate based on the wearing of any attire, clothing, or facial hair in accordance with the requirements of his or her religion.

Proponents: None

Opponents: None

Senate: Died in Investigations & Government Operations

Assembly Vote: 130-5

Establishes an Office of Special Investigation in the Department of Law**A.5617 (Perry)**

This bill would establish a new Office of Special Investigation within the Department of Law, overseen by the Attorney General. The Office would investigate instances where an individual dies following an encounter with a police officer or peace officer and would have jurisdiction to prosecute any alleged offenses committed by the officer.

Proponents: None

Opponents: None

Senate: No Same As

Assembly Vote: 86-57

UNRESOLVED ISSUES

None

HEARINGS & FORUMS

Joint Senate Standing Committee on Investigations & Government Operations, Senate Standing Committee on Energy & Telecommunications, and Senate Standing Committee on Aging Public Hearing – *To evaluate the reason behind widespread power outages and slow restoration of power in the Hudson Valley over the past two weeks (March 27, 2018)*

JUDICIARY COMMITTEE

Analyst: Kenan Kurt
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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Codifies the Court-Appointed Special Advocates Program (CASA)

S.2059-A (Bonacic, Carlucci, Gallivan, Kennedy, Ritchie, Savino, Valesky)/ A.1050-A (Stirpe)

In 2006, the Office of Court Administration established the Court Appointed Special Advocates (CASA) program. This bill codifies the CASA program and the Chief Administrator's ability to regulate the program. CASA programs provide staff and recruit, train, and supervise volunteers appointed by Family Courts to provide unbiased information to the court in child abuse and neglect cases. The volunteers meet with the child, family, foster parents, and service providers to gather information about the child's well-being and monitor implementation of court orders. The CASA program has continuously received an appropriation in the budget for the Office of Court Administration, but has never been formally codified in law.

Proponents: Court Appointed Special Advocates (CASANYs)

Opponents: NY Public Welfare Association, Inc.

Senate Vote: 61-1 (Avella)

Assembly Vote: 115-23

Establishes the Commission on Prosecutorial Conduct

S.2412-D (DeFrancisco, Akshar, Bailey, Boyle, Comrie, Hamilton, Krueger, Parker, Peralta, Persaud, Rivera, Sepulveda)/ A.5285-C (Perry)

This legislation establishes a state Commission of Prosecutorial Conduct with the authority to review the conduct of District Attorneys and Assistant District Attorneys. The commission will have the power to investigate conduct upon a complaint or on its own initiative. It will have subpoena power to investigate misconduct. The commission may determine that the prosecutor be admonished or censured and may recommend to the Governor that a prosecutor be removed from office for cause, or it may dismiss the complaint with notification to the complainant. A prosecutor admonished, censured, or recommended for removal may appeal the commission's decision to the Court of Appeals. The Court of Appeals may suspend a prosecutor with pay while there is a pending commission determination for the prosecutor's removal or retirement, or if the prosecutor is charged with a felony. If the prosecutor is finally convicted, he or she will be removed from office.

Proponents: NYS Catholic Conference; NYS Trial Lawyers Association

Opponents: District Attorneys Association of the State of New York

Senate Vote: 45-12 (Addabbo, Gallivan, Griffo, Hoylman, Kaminsky, Marchione, O'Mara, Ranzenhofer, Ritchie, Seward, Tedisco, Young)

Assembly Vote: 98-46

**Provides Attorney-Client Privilege for Communications to a Lawyer Referral Service
S.5845 (Bonacic, Comrie, Hamilton)/ A.9029 (Dinowitz)**

This bill extends the attorney-client privilege to communications between a person or entity and lawyer referral services. Clients often provide sensitive information to such services so that the service can properly refer them to an appropriate lawyer. The bill does not require the person receiving the communication as part be an attorney, only that the person be a "member or authorized agent of an association or society of attorneys or counselors at law."

Proponents: NYC Bar Association

Opponents: None

Senate Vote: 60-0

Assembly Vote: 121-12

**Authorizes Appointment of Standby Guardian Due to Administrative Separation
S.6217-A (Savino, Golden, Felder, Bailey, Carlucci, Kavanagh, Sanders)/ A.7899-A (Rozic)**

This bill allows parents and guardians of a child to designate a standby guardian in case of the parent's immigration arrest, detention, or deportation and allows the court to provide an attorney for child in designation proceeding.

Proponents: Mayor of NYC; Women's Bar Association of the State of NY

Opponents: None

Senate Vote: 60-0

Assembly Vote: 135-0

Authorizes Special Proceedings Against Certain State Agencies in Petitioner's Judicial District

S.7086 (Kavanagh) / A.1599 (Magnarelli)

Under current law, a person wishing to bring a proceeding against the Regents of the University of the State of New York, the Commissioner of Education, the Commissioner of Taxation & Finance, the Tax Appeals Tribunal (except certain actions), the Public Service Commission, the Commissioner or Department of Transportation (only for certain actions), the Water Resources Board, the Comptroller, or the Department of Agriculture & Markets must bring their case in Albany County Supreme Court. This legislation would allow a person to bring a proceeding against any of these entities, except for the Public Service Commission, in the judicial district where the person lives or has their principal place of business.

Proponents: None

Opponents: None

Senate Vote: 59-2 (Akshar, Murphy)

Assembly Vote: 140-2

Allows Judicial Notice of Information on Google Maps

S.9061 (Gianaris)/ A.11191 (Dinowitz)

This legislation would require courts to take judicial notice of images, maps, locations, distances, calculations, and other information from web mapping services, global satellite imaging sites, or internet mapping tools upon the request of a party. The notice would be established on a

rebuttable presumption, meaning that the other party would have an opportunity to rebut the notice on credible and reliable notice that the information is inaccurate.

Proponents: New York State Trial Lawyers Association

Opponents: None

Senate Vote: 62-0

Assembly Vote: 86-52

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Constitutional Amendment to Prohibit Unfunded Mandates

S.8400 (Jacobs, Funke)

This legislation would amend the State Constitution to prohibit unfunded mandates. The amendment would apply to statutes, executive orders, and agency rules, but would not apply to laws already in effect or extenders of such laws. If a law were found to be an unfunded mandate, it would cease to be mandatory and would instead become voluntary. To enforce the prohibition, the amendment directs the Legislature to create a "Council on Local Mandates".

Proponents: None

Opponents: None

Senate Vote: 54-8 (Avella, Comrie, Gianaris, Hoylman, Krueger, Parker, Rivera, Sanders)

Assembly: No Same As

Constitutional Amendment to Require 2/3 Vote to Increase, Extend, or Impose Any Tax

S.8402 (Serino, Funke)

This legislation would amend the constitution to require a 2/3 supermajority of each house of the Legislature for any bill that increases, extends, imposes, or revives any tax, fee, assessment, surcharge, or any other levy or collection. It would require a similar 2/3 requirement for local governments seeking to impose a new tax or increase an existing tax.

Proponents: None

Opponents: None

Senate Vote: 42-20 (Addabbo, Alcantara, Avella, Bailey, Benjamin, Comrie, Dilan, Gianaris, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Savino, Serrano, Stavisky)

Assembly: No Same As

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

Regulation of Distressed Home Loans

S.6171 (Hamilton, Addabbo, Alcantara, Avella, Bailey, Boyle, Carlucci, Montgomery, Rivera, Sepulveda, Valesky)/ A.1408 (Weinstein)

This legislation adds several new protections and remedies for homeowners under the Home Equity Theft Prevention Act. It also adds additional regulations for distressed property consulting contracts.

Proponents: AARP

Opponents: None

Senate: Died on Third Reading, Reported by Judiciary.

Assembly Vote: 133-0

Uniform Voidable Transactions Act

S.6180-A (Bonacic, Avella)/ A.1853-A (Weinstein)

This legislation enacts the Uniform Voidable Transactions Act (UVTA), which replaces New York's Fraudulent Conveyances Act. The UVTA was most recently updated in 2014 by the National Conference of Commissioners on Uniform State Laws. This legislation is nearly identical to the model UVTA, except this bill allows successful judgment creditors to recover attorneys fees and does not include a section regarding "series organizations," allowing for the creation of separate "protected series" treated as individual legal entities under the UVTA.

Proponents: None

Opponents: None

Senate: Died in Judiciary

Assembly Vote: 135-0

Child Victims Act

S.6575 (Hoylman, Stewart-Cousins, Brooks, Kennedy)/ S.6722 (Rules)/ A.5885-A (Rosenthal)/ A.8421 (Rosenthal)

This version of the Child Victims Act extends the criminal statute of limitations for child sexual abuse by 5 years, extends the civil statute of limitations to the victim's 50th birthday, opens a one-year revival window for previously time-barred claims, and eliminates the notice of claim requirement for claims against government entities.

Proponents: Governor Cuomo

Opponents: New Yorkers for Constitutional Freedoms

Senate: Died in Codes. Similar bill S.809 (Hoylman, Stewart-Cousins) discharged from Judiciary and committed to Rules.

Assembly Vote: 130-10

Revises the Notification of Rights for Victims of Domestic Violence

A.5921 (Weinstein)

Current law requires every police officer, peace officer, and district attorney investigating a family offense to provide the victim with a written notice of their legal rights and remedies. The notice must be available in English and Spanish. The Legislature set the specific wording of the notice in statute, but it has not updated the notice since 1994. This legislation would expand the required languages of the notice to include Chinese and Russian. It also revises the text of the notice to reflect changes in law and make it significantly easier to read.

Proponents: Office of Court Administration; Women's Bar Association of the State of NY
Opponents: None
Senate: No Same As
Assembly Vote: 138-0

Provides for Vacation of an Arbitration Award if Arbitrator Fails to Disclose Affiliation with a Party or Financial Interest

S.8710 (Sepulveda)/ A.6637 (Titone)

This legislation requires arbitrators to be a neutral third party and authorizes courts to vacate an arbitration award where an arbitrator fails to disclose any conflict of interest and a party to the arbitration makes a timely objection.

Proponents: None
Opponents: None
Senate: Died in Judiciary
Assembly Vote: 130-0

Women's Equal Rights Amendment to State Constitution

S.6708 (Alcantara)/ A.7990-A (Seawright)

This state constitutional amendment would add "sex" to the state constitution's equal protection and anti-discrimination clause. Currently, only race, color, creed, and religion are covered.

Proponents: None
Opponents: None
Senate: Died in Judiciary
Assembly Vote: 135-0

Establishes Right of Publicity for Living & Deceased Individuals

S.5857-B (Savino, Akshar, Alcantara, Avella, Benjamin, Croci, Hamilton, Sepulveda)/ A.8155-B (Morelle)

This bill expands the existing right of privacy and creates a right of publicity for deceased individuals banning the use of that person's persona for advertising or trade without consent, enforceable by the individual's estate and successors. The right of publicity would last for 40 years after the person's death. The bill makes exceptions for use in news, artistic works, political works, and fundraising for certain non-profits.

Proponents: Actors' Equity Association; American Federation of Musicians Local 802; American Guild of Musical Artists; Department for Professional Employees, AFL-CIO; Guild of Italian American Actors; International Cinematographers Guild Local 600 IATSE; Motion Picture Studio Mechanics Local 52; NYS AFL-CIO; SAG-AFTRA; United Scenic Artists Local 829; Writers Guild of America East
Opponents: Association of Magazine Media (MPA); NBCUniversal; NYS Broadcasters Association, Inc
Senate: Died in Judiciary
Assembly Vote: 131-9

Establishes Extreme Risk Protection Orders

S.7133-A (Kavanagh, Hoylman, Addabbo, Alcantara, Avella, Bailey, Benjamin, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Kennedy, Klein, Krueger, Mayer, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Savino, Sepulveda, Serrano, Stavisky, Stewart-Cousins, Valesky)/ A.8976-B (Simon)

This legislation allows a police officer, district attorney, or family or household member of a person to seek an "Extreme Risk Protection Order" (ERPO) from a court when the person is likely to engage in conduct that would result in serious harm to themselves or others. The ERPO would prevent the person from purchasing, possessing, or attempting to purchase or possess a firearm.

Proponents: None

Opponents: None

Senate: Died in Codes. Passed Judiciary 19-3 (Amedore, Bonacic, O'Mara); 4 AWR (Jacobs, Lanza, Ranzenhofer, Serino)

Assembly Vote: 115-20

UNRESOLVED ISSUES

Child-Parent Security Act

S.17-A (Hoylman, Alcantara, Avella, Bailey, Dilan, Gianaris, Hamilton, Kaminsky, Kennedy, Parker, Peralta, Rivera, Sanders, Savino, Serrano, Stavisky)/ A.6959-A (Paulin)

This bill legalizes compensated gestational surrogacy where the surrogate does not donate her own egg and has no genetic connection to the baby. The bill also creates a new judgment of parentage that can be obtained before a child is born to make it easier for intended parents to establish legal parentage over a child born through assisted reproductive technologies.

Proponents: Women's Bar Association of the State of NY; Seidelman & Rumbold; Equality NY; Brooklyn Law School LGBT Advocacy Clinic; Cornell Law International Human Rights Clinic

Opponents: New Yorkers for Constitutional Freedoms

Senate: Died in Judiciary

Assembly: Died in Judiciary

HEARINGS & FORUMS

Joint Senate Standing Committee on Health and Senate Standing Committee on Judiciary Roundtable – *To explore how to improve New York State's Article 81 Guardianship System (January 8, 2018)*

LABOR COMMITTEE

Analyst: Eric Katz

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Adds Bereavement to the Paid Family Leave Law

S.8380A (Funke, Carlucci, Valesky)/ A.10639A (Morelle)

Includes bereavement (mourning the death of a family member) to the paid family leave law. This authorizes an employee to take up to the maximum number of weeks of paid leave (up to 12 weeks paid leave at up to 2/3rds of statewide average weekly wages) when mourning the death of a family member immediately after their passing. The bereavement benefit would begin on January 1, 2020.

Proponents: None

Opponents: None

Senate Vote: 61-1 (Ortt)

Assembly Vote: 111-32

Includes Acupuncture for Treatment Coverage Under Workers' Compensation

S.6666 (Amedore)/ A.2023A (Bronson)

This legislation authorizes the care and treatment of injured employees by licensed or certified acupuncturists covered under workers' compensation. The Workers' Compensation Board would be required to prepare a fee schedule for reimbursement rates, and those rates would also take into consideration the differences between a licensed and certified acupuncturist as per their licensing in the Education Law

Proponents: Acupuncture Society of New York

Opponents: None

Senate Vote: 59-0

Assembly Vote: 120-23

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Enacts a Grant Program for New York YouthBuild Entities

S.8073A (Montgomery, Bailey, Benjamin, Breslin, Brooks, Comrie, Hamilton, Hoylman, Kavanagh, Kennedy, Parker, Persaud, Sanders, Stavisky)/ A.13-A (Cahill)

This legislation would authorize a competitive grant program administered by the Department of Labor to support YouthBuild programs in New York. Grants would be funded pursuant to annual budget appropriations. YouthBuild programs provide educational support to at-risk youth aged 16-24 and helps students achieve their GED while learning practical trade skills.

Proponents: NY YouthBuild Coalition
Opponents: None
Senate Vote: 59-1 (Little)
Assembly: Died in Education

**Removes the Exemption for Licensed Mold Assessors/Remediators from NYCHA
S.5696 (Savino)/ A.9779 (Cusick)**

Removes from current law the exemptions allowing NYCHA to avoid hiring licensed personnel to handle mold assessment, remediation, and abatement. The initial licensing requirement was enacted in a 2014 chapter, but all state and local entities including public authorities were provided an exemption based on a 2015 chapter amendment. This legislation removes the exemption from NYCHA based on the current need for mold abatement work and the desire to have licensed personnel to handle this work.

Proponents: NYS AFL-CIO
Opponents: None
Senate Vote: 60-0
Assembly: Died in Labor

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

Prevailing Wage Expansion for Public Works Projects

S.2975A (Murphy, Addabbo, Alcantara, Avella, Bailey, Boyle, Breslin, Brooks, Carlucci, Comrie, Dilan, Funke, Hamilton, Hoylman, Kavanagh, Kennedy, Lanza, Mayer, Peralta, Rivera, Robach, Savino, Sepulveda, Serrano, Stavisky, Valesky)/ A.5498-A (Bronson)

Requires prevailing wage be paid for various projects not currently covered in the definition of public works, including projects paid for or supported by state dollars, tax credits, loan financing, and other quasi-private methods of supporting public works and in-state development.

Proponents: NYS AFL-CIO, NYS Building and Construction Trades Council, NYC Building and Construction Trades Council, NYS Pipe Trades Association, Teamsters Joint Council 16, Northeast Council of Carpenters, NYC District Council of Carpenters, NYS Laborers Union
Opponents: NYS Conference of Mayors, Rent Stabilization Association, New York State Builders Association, Real Estate Board of New York, Business Council of Westchester, Partnership for New York City, Unshackle Upstate
Senate: Reported from Labor, Died in Finance
Assembly Vote: 118-22

Licensing for Elevator Construction, Operation, and Repair Work

S.5137A (Savino, Bonacic, Addabbo, Akshar, Alcantara, Avella, Bailey, Benjamin, Boyle, Breslin, Brooks, Carlucci, Comrie, DeFrancisco, Dilan, Funke, Gallivan, Gianaris, Golden, Griffo, Hamilton, Hannon, Helming, Hoylman, Jacobs, Kaminsky, Kavanagh, Kennedy, Krueger, Lanza, Larkin, Little, Marcellino, Mayer, Montgomery, Murphy, O'Mara, Ortt, Parker, Peralta, Persaud, Phillips, Ritchie, Rivera, Robach, Sanders, Sepulveda, Serrano, Stavisky, Tedisco, Valesky)/ A.5815B (Titus)

Enacts a comprehensive set of laws to regulate elevator repair licensing and safety, including licensing for repair workers by the state by showing either four years of experience or successful completion of an apprenticeship program covered by certain union apprenticeship programs or those meeting state or national Department of Labor standards.

Proponents: Elevator Constructors Union Local 1, NY Electrical Contractors, Association, NYS AFL-CIO, Teamsters Local 237, IBEW Utility Council, NYS Building and Construction Trades Council, NYS Trial Lawyers

Opponents: Real Estate Board of New York, National Elevator Industry, Inc., City of New York

Senate: Reported from Labor, Died in Finance

Assembly Vote: 134-2

New York State Fair Pay Act

S.4482 (Sanders, Avella, Hoylman, Kennedy, Krueger, Parker, Rivera, Serrano)/ A.4696 (Titus)

Establishes enhanced remedies in state law for successful suits against an employer for wage discrimination, including cases of unequal pay among equivalent jobs, and prohibits retaliatory action for filing such a claim or against employees who discuss wages generally.

Proponents: NYS AFL-CIO, PEF

Opponents: None

Senate: Died in Labor

Assembly Vote: 92-41

Prohibits Employers from Seeking Salary Histories

S.6737A (Carlucci, Addabbo, Alcantara, Avella, Bailey, Boyle, Breslin, Dilan, Hamilton, Kaminsky, Kennedy, Krueger, Marchione, Peralta, Persaud, Sanders, Stavisky, Valesky, Young)/ A.2040C (Crespo)

Prohibits an employer from requesting or relying on an employee's salary history for purposes of determining what salary a job applicant may be offered.

Proponents: PowHer NY, A Better Balance, NYCLU

Opponents: Business Council of New York

Senate: Died in Labor.

Assembly Vote: 121-11

Enacts the Boss Bill

S.3791A (Krueger, Avella, Bailey, Carlucci, Dilan, Hoylman, Mayer, Montgomery, Parker, Peralta, Rivera, Sanders, Savino, Serrano, Stavisky)/ A.566-A (Jaffee)

Prohibits an employer from discriminating against an employee in any form based on an employee or their family using health insurance benefits to make reproductive or contraceptive medical decisions.

Proponents: NYS AFL-CIO

Opponents: New Yorkers for Constitutional Freedoms

Senate: Reported from Labor, Died in Insurance

Assembly Vote: 102-34

Establishes a Presumption that Opioid Abuse Leading to Death May Qualify for a Workers' Compensation Benefit in Certain Cases

S.8034 (Alcantara, Savino)/ A.11028 (Jean-Pierre)

Allows a family to qualify for a workers' compensation death benefit when an injured worker dies from an opioid overdose after taking pain medication due to a work-related injury

Proponents: None

Opponents: None

Senate: Died in Labor

Assembly Vote: 83-59

UNRESOLVED ISSUES

Elimination of Tipped Worker Sub-Minimum Wage

S.4405A (Stewart-Cousins, Bailey, Comrie, Dilan, Hamilton, Hoylman, Kavanagh, Parker, Peralta, Persaud, Sanders, Serrano)/ A.6203 (Jaffee)

Eliminates the sub-minimum wage rate for tipped workers in various industries, and requires that all workers be paid no less than the minimum wage rate set by state law.

Proponents: SEIU 32BJ, Make the Road, ROC-United, Alliance for a Greater New York (ALIGN), Community Service Society, Labor-Religion Coalition, Strong Economy for All, Urban Justice Center, the Womens' Organizing Network

Opponents: NYC Hospitality Alliance, Business Council of NY, Partnership for New York City, Unshackle Upstate

Senate: Died in Labor

Assembly: Died in Labor

Farmworkers Fair Labor Practices Act

S.2721 (Alcantara, Peralta, Addabbo, Avella, Bailey, Benjamin, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Kennedy, Klein, Krueger, Mayer, Parker, Persaud, Rivera, Sanders, Savino, Sepulveda, Serrano, Stavisky, Stewart-Cousins)/ A.4189 (Nolan)

Includes farmworkers in various labor protections, including rights to organize and collectively bargain, minimum wage, overtime, one day off per week, unemployment insurance, and workers' compensation.

Proponents: AFL-CIO, Labor-Religion Coalition, NY Daily News

Opponents: Farm Bureau, Business Council of NY

Senate: Reported from Labor, Died in Agriculture

Assembly: Died in Labor

HEARINGS AND FORUMS

None

LOCAL GOVERNMENT COMMITTEE

Analyst: Paul McCarthy

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

OCA Program Bill Regarding Services of Notices of Claim

S.7946 (Marchione)/ A.11044 (Schimminger)

Provides an exception from the requirement to file a certified annual report to the local zone administration board for certified businesses whose benefit period as a qualified empire zone enterprises (QEZE) business enterprise has expired.

Proponents: Empire State Development (Program bill)

Opponents: None

Senate Vote: 55-5 (Avella, Comrie, Gianaris, Hoylman, Krueger)

Assembly Vote: 141-2

Superstorm Sandy Improvement Assessment Exemption Extender

S.7339 (Boyle)/ A.8724 (Jean-Pierre)

Extends a tax exemption for owner occupied residential property in municipalities affected by Superstorm Sandy from March 1, 2018 until March 1, 2020. The property must have been owner occupied by the same owner immediately prior to Superstorm Sandy and immediately after the reconstruction with a certificate of occupancy, and must have already received assessment relief pursuant to Chapter 424 of the laws of 2013 (the Superstorm Sandy assessment relief act).

During the first year of the exemption, owners receive a 100% exemption in the increased value; each year for the following 7 years, the exemption is reduced by 12.5% of the exemption base.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly Vote: 142-0

Certification of State Equalization Rates, Class Ratios, and Class Equalization Rates

S.6958 (Amedore)/ A.8806 (Fahy)

This legislation requires the Office of Real Property Tax Services (ORPTS) to certify the final state equalization rate, class ratios, and class equalization rates at least thirty days before the tax levy date of any municipality to which the rate or ratio applies. Different municipalities have different tax levy dates depending on the jurisdiction's governing charter, which would lead to multiple different deadlines for ORPTS that may be difficult or burdensome to conform to because ORPTS issues hundreds of equalization rates each year at different times of the year.

The legislation appears to require the certification 30 days before the earliest tax levy date in any jurisdiction affected for each equalization rate.

Proponents: None
Opponents: None
Senate Vote: 62-0
Assembly Vote: 137-1

Provides Optional Disability Coverage for County Probation Officers

S.7554 (Gallivan, Akshar)/ A.9667 (Paulin)

Amends section 207-c(1) of the General Municipal Law to include county probation officers among the employees who shall, at county option, receive disability coverage equal to their full salary in the event that they are injured in the performance of their duties. This legislation was vetoed in 2017 due to anticipated costs of \$38 million unaccounted for in the financial plan, and the fact that the Governor feels these benefits should be subject to contract negotiations.

Proponents: New York State Probation Officers Association; Westchester County
Opponents: None
Senate Vote: 61-0
Assembly Vote: 126-1

Farm Building 10-Year Property Tax Exemption Extender

S.8067 (Ritchie, Gallivan, Helming, Ranzenhofer, Seward)/ A.10057 (Magee)

Extends for 10 years the real property tax exemption for structures and buildings essential to agricultural and horticultural use to buildings built prior to January 1, 2029. Under current law, structures and buildings essential to the operation of lands actively devoted to agricultural or horticultural use and actually used and occupied to carry out those operations are exempt for a period of 10 years from any taxation stemming from increased property value resulting from the construction of such structures and buildings.

Proponents: New York Farm Bureau
Opponents: None
Senate Vote: 62-0
Assembly Vote: 130-0

Extends authorization for electronic bidding for public sales

S.8164 (Marchione)/ A.10347 (Magnarelli)

Extends the expiration date of the law relating to electronic bidding (Part X of Chapter 62 of the Laws of 2003) which allows greater flexibility to local governments in conducting public sales of bonds and soliciting bids and offers for purchase contracts by authorizing utilization of current technology to accept bids and offers submitted in an electronic format.

Proponents: NYCOM; NYSSBA
Opponents: None
Senate Vote: 61-0
Assembly Vote: 141-0

Municipal Tax Judgment Financing Extension**S.7855 (Marchione)/ A.10348 (Magnarelli)**

Extends the ability of local governments and school districts to finance large property tax judgments and settlements over a longer period of time from 2018 to 2023. The Local Finance Law generally authorizes municipalities, school districts, and district corporations to contract indebtedness for judgments or settlements and pay those settlements over five years. Chapter 719 of 1980 authorized municipalities, school districts, and district corporations to instead pay the debt for ten, fifteen, or twenty years for judgments from Real Property Tax proceedings, depending on the size of the settlement or judgment.

Proponents: NYSSBA

Opponents: None

Senate Vote: 62-0

Assembly Vote: 138-0

Municipal Bonding Flexibility Extender**S.7856-A (Marchione)/ A.10349 (Magnarelli)**

This bill extends to 2021 certain provisions relating to local government borrowing practices that are set to expire on July 15, 2018. Those provisions allow serial bonds that begin to mature two years after issuance, rather than 18 months; allow redemption of bonds before their date of maturity; allow the issuance of variable rate bonds; allow bond refinancing without a downpayment; requirement for bonds to contain a statement with the rate of interest and date of payment thereof; allow the negotiated private sale and underwriting of bonds, subject to Comptroller regulation; and allow installment purchase contracts.

Proponents: NYSSBA

Opponents: None

Senate Vote: 62-0

Assembly Vote: 138-0

Notice of Tentative Equalization Rates**S.6959 (Amedore, Carlucci, Funke, Gallivan, Phillips)/ A.8805 (Fahy)**

This legislation requires local assessors to provide notice to the local governing body when the tentative equalization rate is more than plus or minus five percentage points from the local level of assessment. The Office of Real Property Tax Services issues state equalization rates for taxing jurisdictions that span multiple local governments, such as some school districts or counties. The legislation requires the assessor to provide notice of the difference in equalization rate to the governing body of any affected town, city, county, or school district within ten days of receiving the rate or of the filing of the tentative assessment roll, whichever is later.

Proponents: None

Opponents: None

Senate Vote: 59-0

Assembly Vote: 94-38

Lemon Law for Fire Vehicles**S.8251 (Robach, Gallivan, Ritchie)/ A.10424 (Wallace)**

Creates a lemon law for municipal fire vehicles and ambulances to provide municipal consumers with direct recourse against fire vehicles or ambulance manufacturers in the event of a breach of warranty of a new vehicle. New fire vehicles must conform to all express warranties during the first 2,000 hours of service or during the period of 2 years following the date of original delivery of the fire vehicle to the municipal consumer, whichever is earlier. New ambulances must conform to all express warranties during the first 18,000 miles of operation or during the period of 2 years following the date of original delivery, whichever is earlier.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 143-0

30 Day Notice for Public Employee Retirees Regarding Changes in Health Plans and Premiums**S.8118 (Tedisco, Kaminsky)/ A.10337 (Abinanti)**

Amends General Municipal Law Section 92 by adding a new subdivision 2-a to require that the governing board of a public corporation give thirty days prior notice of a change in a premium or a substantive change in coverage in a health insurance plan to retired employees or their families who are covered under such plan. Where the contract, plan or amendment is contracted for as part of negotiations between a public corporation and a recognized and certified employee organization, such notice shall be given at the time such health insurance contract is binding on the covered officers, retired employees or families.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 131-12

Limits Public Entities' Indemnification Agreements with Design Professionals from Permitting Damages Beyond Instances Involving Negligence, Recklessness, and Willful Misconduct**S.6622-A (Ranzenhofer, Akshar, Bonacic, Gallivan, Jacobs, Phillips, Robach, Seward)/ A.8293-A (Morelle)**

This legislation amends the General Municipal Law, the Public Authorities Law, and the State Finance Law to provide that indemnification agreements involving design professionals in the Engineering/Land Surveying/Geology, Architecture, and Landscape Architecture fields are void and unenforceable to the extent that damages extend beyond negligence, recklessness, and willful misconduct.

Proponents: None

Opponents: None

Senate Vote: 58-1 (Krueger)

Assembly Vote: 143-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Extends STAR to Small Businesses

S.1116-A (Akshar)/ A.9734 (Thiele)

Extends the benefits of the New York State School Tax Relief Program (STAR) program to small businesses, which are defined in therein as businesses that employ one hundred persons or less. If enacted, this expansion would require the State to subsidize small business school taxes in the same manner as it assists homeowners.

Proponents: None

Opponents: None

Senate Vote: 40-22 (Addabbo, Alcantara, Bailey, Breslin, Comrie, Dilan, Gianaris, Hoylman, Kavanagh, Klein, Krueger, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Savino, Sepulveda, Serrano, Stavisky, Stewart-Cousins)

Assembly: Died in Real Property Taxation

Prohibits Unfunded Mandates on Local Governments

S.1347-A (Funke, Akshar, Bonacic, Brooks, Croci, Gallivan, Helming, Jacobs, Kaminsky, Kennedy, Marchione, Murphy, O'Mara, Phillips, Ritchie, Robach, Savino, Serino)/ A.5059-A (Walter)

Prohibits the passage of unfunded mandates on local governments and school districts by the state legislature. It also adds a new section to Education Law, providing that mandates will not be implemented until a new school budget is adopted, with certain exceptions.

Proponents: New York State School Boards Association; National Federation of Independent Business

Opponents: None

Senate Vote: 53-6 (Alcantara, Bailey, Hoylman, Kavanagh, Montgomery, Parker)

Assembly: Died in Local Governments

Allows Unpaid Fines for Building and Fire Code Violations to be Treated as Unpaid Real Property Taxes by Municipalities

S.3136 (DeFrancisco, Kennedy, Larkin, Marchione)/ A.1720 (Magnarelli)

Authorizes municipalities to adopt a local law allowing for finally adjudicated unpaid fines for building and fire code violations to be treated as unpaid real property taxes by adding the unpaid fines to the tax roll of unpaid taxes. The bill provides an exemption for properties that are the primary residence of the owner.

Proponents: None

Opponents: None

Senate Vote: 60-1 (Montgomery)

Assembly: Died in Real Property Taxation

Residential Redevelopment Inhibited Property Exemption

S.3878 (Ranzenhofer, Akshar, Croci, Serino, Seward)/ A.4450 (Schimminger)

Allows any city, town, or village to adopt a residential redevelopment inhibited property exemption. Under the exemption, owners who develop neglected or abandoned property would not see an increase in property taxes for making improvements to the property, but they would continue to pay the same level of property taxes levied on the property in its current state. The

exemption may not last more than twenty-five years and will be reduced by twelve and one-half percent each of the last eight years of the exemption period. Under current law this exemption is only available to the City of Batavia.

Proponents: NYS Conference of Mayors and Municipal Officials

Opponents: NYS School Boards Association

Senate Vote: 57-5 (Alcantara, Hoylman, Krueger, Rivera, Sanders)

Assembly: Died in Real Property Taxation

Automatic Deduction of Property Tax Payments from Taxpayers' Bank Accounts

S.4081 (Carlucci)/ A.1383 (Zebrowski, Galef)

This bill would permit any taxing jurisdiction that collects taxes to allow taxpayers to automatically deduct property tax payments from the taxpayer's bank accounts. Some jurisdictions already offer some form of online payment for taxes or services. For example, the city of Rochester already offers an option for a Direct Pay Service that allows individuals to pay their water or property tax bills automatically. New York City allows taxpayers to pay their property taxes online through an electronic funds transfer, but the payment is not automatic.

Proponents: None

Opponents: None

Senate Vote: 59-0

Assembly: Died in Ways and Means

Presumption that Cancer was Caused by Service for Paid Firefighters

S.4564 (Golden, Akshar, Marchione) / A.6501 (Abbate)

Creates a presumption that if a paid firefighter contracts a cancer affecting the lymphatic, digestive, hematological, urinary, neurological, breast, reproductive, or prostate systems, or melanoma resulting in total or partial disability or death, then it is presumptive evidence that the cancer was incurred by that firefighter's service. The presumption could be overcome by competent evidence.

Proponents: None

Opponents: NYCOM

Senate Vote: 62-0

Assembly: Died in Ways and Means

Expands Sick Leave Benefits for Officers and Employees with a Qualifying World Trade Center Condition

S.6898-C (Golden, Avella, Carlucci, Gallivan, Kaminsky, Larkin, Murphy)/ A.10498 (Pheffer Amato)

Expands the benefits to New York City employees, and provides the procedure by which public authorities and local governments other than New York City can seek reimbursement from the State for the cost of providing WTC line of duty sick leave. The sponsor also recalled the bill from the Assembly after its initial passage and amended it to remove the requirement that the sick leave claimant must have been employed by the state or a local government at the time he or she worked on WTC rescue/recovery or developed a condition, thus expanding the benefit to people who volunteered on the WTC site.

Proponents: None
Opponents: City of New York Office of the Mayor
Senate Vote: 63-0
Assembly: Died on Third Reading Rules Calendar

**Allows the Creation of Special Districts to Finance General Ambulance Services
S.7443 (Little, Boyle, Funke, Gallivan, Hannon, Marchione, Ortt, Serino, Seward)/ A.9589
(Jones)**

Authorizes any county, city, town, or village, or any municipalities jointly together, to establish a special district to finance general ambulance services, and it requires the Department of Homeland Security and Emergency Services (DHSES), in consultation with the State Office of Fire Prevention and Control, to submit a report on volunteer firefighter and ambulance services staffing.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly: Died in Local Governments

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

Permits Localities to Regulate the Registration and Licensing of Limousines and Livery Vehicles

S.1123-A (Marchione)/ A.682-A (Magnarelli)

This bill amends the General Municipal Law to permit all cities, towns, and villages to regulate through ordinances the registration and licensing of limousines and livery vehicles. This bill does not allow municipalities to limit the number of livery vehicles and limousines to be licensed. This does not affect local governments' existing abilities to regulate taxis.

Proponents: None
Opponents: None
Senate: Died in Local Government
Assembly Vote: 131-2

Requires Citizen Petition Ballot Referenda to be Held at the Next General Election

S.1368 (Carlucci)/ A.1345 (Zebrowski)

This bill will require that all ballot referenda initiated by citizen petition are held at the next general election unless the petition state that it be held at a special election. These citizen initiated measures are often contentious and opposed by the current town government. By moving the referendum to November, the election will be conducted by the county Board of Elections instead of the town, saving taxpayer dollars, eliminating the appearance of impropriety and utilizing regular election procedures. It will also increase citizen participation by holding it on a day when other elections are occurring.

Proponents: None
Opponents: None
Senate: Died in Local Government
Assembly Vote: 125-8

Authorizes the Comptroller, and Each Examiner of Municipal Affairs, to Examine the Financial Affairs of Any Municipal Corporation, IDA, District, Agency, Activity, and Fire Company Under Control of Such Local Government

S.4827 (Marchione, Avella, Carlucci)/ A.3047 (Magnarelli)

Amends the General Municipal Law relating to powers and duties of examiners of municipal affairs. The changes would authorize the comptroller, and each examiner of municipal affairs, to examine the financial affairs of any municipal corporation, industrial development agency, district, agency, activity, and fire company, any other organization except a statewide association of local governments or local government officials. The entity under examination must be under the control of the municipal corporation.

Proponents: None

Opponents: None

Senate: Died in Local Government

Assembly Vote: 134-0

Repeals the STAR Credit and Reinstates the STAR Exemption

S.4733-A (Murphy, Akshar, Brooks, Carlucci, Funke, Gallivan, Gianaris, Helming, Jacobs, Kennedy, Marchione, Ortt, Phillips, Ritchie, Serino, Seward, Stewart-Cousins)/ A.5969-A (Galef)

This bill repeals the STAR Credit program and reinstates the STAR Exemption. The Senate and Assembly included this bill in their one-house budget proposals, and the Senate Democratic Conference supported the bill in its budget letter, but it was not enacted in the final budget. In the 2016 budget, the State transitioned the STAR exemption into a personal income tax credit. The new policy applies only to homeowners first applying for STAR in the 2016-17 school tax year; the law grandfathers in existing STAR Exemption recipients, who will continue to receive the funding as an up-front exemption on their property taxes.

Proponents: None

Opponents: None

Senate: Died in Local Government

Assembly Vote: 136-0

Increases the Temporary Total Disability and Permanent Total Disability Rate for Volunteer Firefighters and Ambulance Workers Injured in the Line of Duty

S.3904-A (Griffo, Bonacic, Brooks, Funke, Helming, Larkin, Ortt, Robach, Seward)/ A.6367-A (Magnarelli)

Provides that the temporary total disability and permanent total disability pay for volunteer firefighters and ambulance workers injured in the line of duty after July 1, 2018, shall be \$650 per week. The last increase to volunteer firefighter and ambulance worker temporary disability pay was in 1992 to \$450 per week for firefighters and \$400 per week for ambulance workers. Permanent disability pay is currently \$600 per week for ambulance workers and firefighters.

Proponents: None

Opponents: NYS Conference of Mayors and Municipal Officials

Senate: Died in Finance

Assembly Vote: 135-0

Adds Green Energy Considerations to the PILOT Program Approval Process
A.9799-B (Hunter, Englebright, Colton, Cook, D’Urso, Sepulveda, Hyndman, Weprin, Blake)

Amends the general municipal law and public authorities law to add consideration of the extent to which an IDA project incorporates renewable energy and energy conservation. Currently, there are no green technology considerations in the PILOT program approval process.

Proponents: None

Opponents: None

Senate: No Same As

Assembly Vote: 124-1

UNRESOLVED ISSUES

OCA Program Bill Regarding Services of Notices of Claim
S.5097 (Marchione)

OCA Program Bill. Allows a notice of claim to proceed even if the plaintiff did not include the name of the employee they wish to sue unless the plaintiff knew or could have discovered the individual's name within the time allowed for service of a notice of claim, and failure to identify the person by name prejudiced the public corporation in its investigation of the claim.

Proponents: Office of Court Administration

Opponents: NYSTLA

Senate: Died in Local Government

Assembly: No Same As

HEARINGS AND FORUMS

Senate Standing Committee on Local Government—*To listen to local governments, local elected officials, and local government advocacy organizations regarding shared services and discuss how Albany can better partner with localities.* (February 12, 2018)

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMITTEE

Analyst: Daniel Leinung

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Requires OPWDD to Develop an Identification Card for Persons with Developmental Disabilities

S.2565-C (Helming, Alcantara, Avella, Brooks)/ A.249-C (Santabarbara)

Requires the Office for People with Developmental Disabilities (OPWDD) to develop an identification card informing readers that the cardholder has a developmental disability. The person with developmental disabilities, in addition to the guardian or caregiver, can request the card from OPWDD upon payment of a fee that is to be set by the OPWDD Commissioner.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 133-0

Mental Health Impacts of Infectious Diseases and Blood-borne Pathogens

S.7171-A (Serino, Hannon, Amedore, Avella, Bonacic, Croci, Helming, Jacobs, Larkin, Little, Marchione, O'Mara, Phillips, Ranzenhofer, Ritchie, Savino, Seward, Tedisco, Valesky)/ A.9019-A (Gunther)

Requires the Commissioner of the Office of Mental Health, in conjunction with the Commissioner of Health, to issue a report examining the mental health impacts of tick-borne diseases and blood-borne pathogens on mental illness rates in New York State. This report must include consideration of how lyme and other tick-borne illnesses may correlate with mental illness, at-risk populations, diagnostic indicators of mental illness to assist healthcare providers, recommendations for intervention and coordinate care for individuals who exhibit mental illness symptoms. This report must be submitted to the Legislature by October 1, 2019.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly Vote: 138-0

Timeframe for Notice of Potential OPWDD Service Reduction

S.7207 (Ortt, Avella)/ A.9563-A (Gunther)

Chapter 83 of 1995 requires the State to give local governments, community organizations, employee labor organizations, managerial employees, and consumer and advocacy groups a notice of any significant reductions of services offered at state operated hospitals and state-operated research institutions at least 12 months prior to commencing the reduction (except at certain large psychiatric centers). This bill would insert language that the notice must be given AT MOST 24 months prior to commencing the proposed service reduction. This bill addresses a veto of 2017 legislation by allowing for up to 24 months (instead of 13 months) to complete the

reduction. However, it is unclear whether the Governor would accept any "maximum timeframe" to commence the reductions.

Proponents: PEF
Opponents: None
Senate Vote: 61-0
Assembly Vote: 141-0

Prohibits Individualized Residential Alternatives from Becoming Private Entities
S.8200 (Marcellino, Avella)/ A.10442 (Gunther)

Prohibits the Office for People with Developmental Disabilities (OPWDD) from changing an individualized residential alternative (IRA) that is operated by the state to one operated by a private entity.

Proponents: None
Opponents: None
Senate Vote: 60-1 (Krueger)
Assembly Vote: 123-17

Hospital Discharges of Patients with Mental Health Disorders
S.8769 (Ortt, Hamilton)/ A.10644 (Gunther)

Requires the Office of Mental Health (OMH), in consultation with the Department of Health (DOH), to develop educational materials on effective discharge planning of individuals with a mental health disorder who are discharged from a hospital. The materials must include information on inpatient/outpatient treatment, how to recognize the need for treatment services, what type and level of treatment is appropriate and what resources are available to individuals. The Commissioners of OMH and DOH must also provide guidance to every hospital on how to use existing, or enact new, policies and procedures for the identification, assessment and referral of individuals with mental health disorders and to establish training programs for licensed medical staff on these policies and procedures.

Proponents: None
Opponents: None
Senate Vote: 59-0
Assembly Vote: 139-0

SIGNIFICANT BILLS THAT PASSED SENATE ONLY

Involuntary Commitment for Risk of Serious Psychiatric Harm
S.446 (Young, Larkin, Ritchie)

Expands the involuntary retention provisions to not only include "serious physical harm" but also "serious psychiatric harm." The bill defines "serious psychiatric harm" as "significantly impairing the person's ability to make an informed decision regarding mental health treatment and posing a substantial risk of severe deterioration of the person's capacity for judgment, reason, or self-management." In addition, this bill expands the definition of "serious physical harm" to also include "conduct demonstrating that the person is unable to meet his or her needs for

nourishment, medical care, shelter, or self-protection without the assistance of others.

Proponents: None

Opponents: None

Senate Vote: 44-15 (Alcantara, Bailey, Benjamin, Brooks, Comrie, Hoylman, Kaminsky, Kavanagh, Krueger, Mayer, Montgomery, Parker, Persaud, Rivera, Sanders)

Assembly: No Same As

Makes Kendra's Law Permanent and Other Changes to The Assisted Outpatient Treatment Law

S.516-B (Young, Addabbo, Akshar, Amedore, Avella, Bonacic, Boyle, DeFrancisco, Felder, Funke, Gallivan, Golden, Griffo, Helming, Lanza, Larkin, Little, Marcellino, Marchione, Murphy, O'Mara, Phillips, Ranzenhofer, Ritchie, Robach, Serino, Stavisky, Valesky)

Repeals Kendra's Law's expiration date and makes several changes to the current Assisted Outpatient Treatment (AOT) program. The bill would require AOT program coordinators to monitor expiring local AOT programs and consider the need for renewal. The role of the AOT program coordinators would be expanded to overseeing the clinical decisions of the local healthcare professionals. This bill also expands the list of those that may bring a petition for a person to enter an AOT program to include a physician or nurse practitioner that is treating the individual, the director of a homeless shelter, directors of hospitals, or superintendents of correctional facilities. In addition, this bill would change the process for lifting orders for AOTs. Currently under Kendra's Law, prior to the expiration of an AOT order, the AOT criteria must be reviewed and if it is determined that the criteria is being met, the order may be extended. Instead, a presumption is created that the order is still needed unless determined otherwise and provides for the extension of the order by a year. However, if the court does not make the determination whether to continue the AOT treatment before the expiration of the AOT order, the order must remain in effect until decided upon by the court.

Proponents: National Alliance on Mental Illness

Opponents: NYS Conference of Local Mental Hygiene Directors

Senate Vote: 56-2 (Krueger, Rivera)

Assembly: No Same As

Assisted Outpatient Treatment For Substance Abusers

S.710 (Carlucci, Bonacic, Boyle, Felder, Gallivan, Golden, Griffo, Hannon, Helming, Lanza, Larkin, Little, Marcellino, Marchione, Murphy, O'Mara, Ranzenhofer, Ritchie, Robach, Savino, Serino, Seward, Valesky, Young)/ A.524 (Gunther)

Creates a process in which a court may order assisted outpatient treatment for substance abusers, similar to the assisted outpatient treatment procedures that are currently in place for seriously mentally ill violent patients.

Proponents: None

Opponents: NYS Conference of Local Mental Hygiene Directors

Senate Vote: 59-1 (Krueger)

Assembly: Died in Alcoholism and Substance Abuse

Legislative Approval for Closure of Certain Mental Health Facilities

S.1113 (Akshar, Avella, Gallivan, Ritchie)/ A.733 (Gunther)

Requires legislative approval for the closure of Office of Mental Health (OMH) operated hospitals, Office for People With Developmental Disabilities (OPWDD), or office of Children and Family Services (OCFS) facilities and institutions. Specifically, the relevant agency must submit a report to the Legislature at least 365 days before the closure or reduction of services is scheduled to occur that sets forth the justification for closing the facility. If the legislature determines that the closure of the facility is "not justified," then the closure cannot move forward without a majority vote in both the Assembly and Senate.

Proponents: CSEA

Opponents: None

Senate Vote: 60-1 (Montgomery)

Assembly: Died in Mental Health

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

Mental Hygiene Legal Service to Residents of Residential Facilities

S.2441 (Parker)/ A.1362 (Cusick)

Requires Mental Hygiene Legal Services (MHLS) to provide legal assistance to residents of a residential healthcare facility (such as nursing homes) who have been directly transferred from a mental health facility and suffer from a serious mental illness.

Proponents: None

Opponents: None

Senate: Died in Mental Health

Assembly Vote: 132-0

Prohibits Sexual Orientation Change Efforts

S.263 (Hoylman, Gianaris, Addabbo, Alcantara, Avella, Bailey, Benjamin, Boyle, Bresline, Brooks, Carlucci, Comrie, Dilan, Hamilton, Kaminsky, Kavanagh, Kennedy, Klein, Krueger, Mayer, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Savino, Sepulveda, Serrano, Stavisky, Valesky)/ A.3977 (Glick)

Prohibits a mental health professional, which includes psychologists, social workers, occupational therapists, and medical practitioners (or physicians) from engaging in sexual orientation change efforts with patients who are 18 years old or younger.

Proponents: American Academy of Pediatrics; Families Together in New York State; Mental Health Association in New York State, Inc; National Association of Social Workers; New York Association of Psychiatric Rehabilitation Services, Inc.; New York State Psychiatric Association, Inc; The New York State Psychological Association (NYSPA)

Opponents: None

Senate: Reported From Higher Education Committee to Mental Health Committee via Notice of Committee Consideration. Died in Mental Health Committee,

Assembly Vote: 116-19

UNRESOLVED ISSUES

Mandated Reporting of Abuse to 911

S.4736-D (Lanza, Addabbo, Akshar, Alcantara, Amedore, Bailey, Bonacic, Boyle, Brooks, Comrie, Dilan, Felder, Funke, Gallivan, Golden, Griffo, Hamilton, Helming, Hoylman, Jacobs, Kaminsky, Kennedy, Krueger, Larkin, Marcellino, Marchione, Montgomery, Murphy, O'Mara, Ortt, Parker, Peralta, Persaud, Phillips, Ritchie, Rivera, Robach, Sanders, Savino, Sepulveda, Serrano, Seward, Stavisky, Tedisco)/ A.6830 (Weprin)

Require "mandated reporters" to report all allegations, observed "reportable incidents," and instances of suspicious and unexplained injuries (broken bones, hematomas, open wounds, black eyes, swollen noses, extreme and questionable bruising, choke marks, burns, unresponsive individuals, and deaths) to a 911 operator and county district attorney in addition to the registry. Further, all medical emergencies that threaten the life, health, and safety of individuals must be reported to 911, except for taunts, derogatory comments, or ridicule (which still must be reported to the registry). Any mandated reporter who knowingly and willfully fails to report non-criminal medical emergencies that threaten the health, safety, or life of individuals served by them to 911, is guilty of a Class E felony.

Proponents: Autism Action Network

Opponents: ASAP, ACL, COMPA, MHANYS, NYAPRS, TCA; CSEA; DDAWNY; ENYDDA; Local 338 RWDSU/UFCW; NYC Fair; NYS PEF; 1199 SEIU United Healthcare Workers East

Senate: Reported from Mental Health to Finance. Died in Finance Committee.

Assembly: Died in Mental Health.

Special Assistant District Attorneys for Justice Center Cases

S.7041A (Ortt)

Requires every district attorney to appoint a special district attorney, who is employed by the Justice Center, to investigate and/or prosecute offenses involving the abuse or neglect of a vulnerable person. The person will receive no additional compensation and have all the duties and responsibilities of a justice center special prosecutor. The sponsor argues that designating a special assistant district attorney for each county to prosecute abuse and neglect crimes would help solve the current constitutional question related to the Justice Center's prosecutorial powers.

Proponents: None

Opponents: Autism Action Network

Senate: Died on 3rd reading

Assembly: No Same As

FORUMS AND HEARINGS

None

RACING, GAMING, & WAGERING
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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Relates to the Qualifications of Members of the Gaming Commission

S.3370 (Sanders)/ A.3076 (Cymbrowitz)

This bills adds a new professional qualification for the NYS Gaming Commission for an individual with expertise in the treatment or prevention of problem gambling. This bill would add a fifth qualifying area of professional expertise for the commissioners: significant experience in the prevention or treatment of problem gambling.

Proponent: None

Opponents: None

Senate Vote: 58-2 (Griffo, Marchione)

Assembly Vote: 135-1

Extends Payments to the Horsemen's Organization

S.7602 (Bonacic)/ A.9687 (Pretlow)

Extends for an additional year withholding of an additional 1% of purse money from races conducted by the New York Racing Association ("NYRA"). Monies derived from the additional 1% withheld from NYRA purses are used to provide for steroid testing in racehorses, a national industry priority. In addition, the funds are also used to offset costs for health and dental benefits for backstretch workers who are members of the New York Thoroughbred Horsemen Association ("NYTHA").

Proponent: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 140-0

Authorizes the Use of Electronic Bell Jar Vending Machines

S.994C (Bonacic)/ A.2303C (Pretlow)

Permits the use of "electronic" bell jar vending machines as a means to supplement revenue generated from traditional bell jar and pull tab games of chance by authorized charitable organizations. Sale or lease of electronic bell jar machines would be prohibited without a license issued by the State Gaming Commission. Concerns were raised that the electronic nature of these machines may violate the exclusivity provisions of Native American gaming compacts.

Proponent: NYS Conference of Private Organizations, VFW

Opponents: Seneca Nation, Oneida Nation

Senate Vote: 44-16 (Alcantara, Bailey, Benjamin, Comrie, Gianaris, Kaminsky, Kavanagh, Kennedy, Klein, Krueger, Persaud, Sanders, Sepulveda, Serrano, Stavisky, Stewart-Cousins)

Assembly Vote: 131-11

Extends the Provisions Relating to the NYS Thoroughbred Breeding and Development Fund

S.7601 (Bonacic)/ A.9686 (Pretlow)

Extends certain provisions relating to the New York state thoroughbred breeding and development fund for one year. Since 2011, these provisions have been extended every year. The statute requires the thoroughbred breeding and development fund to receive payments on a quarterly basis and increased from 50% to 65%, the amount of money the fund could put into breeder awards. In addition, administrative allotments were increased from 4% to 5% and promotional awards were increased from 5% to 6%.

Proponent: NY Thoroughbred Breeders, Inc.

Opponents: None

Senate Vote: 62-0

Assembly Vote: 143-1

Permits Lottery Winners the Option to Remain Anonymous

S.219 (Marchione)/ A.00716 (Gunther)

Prohibits the disclosure of a winner's name and personal information by the State Division of the Lottery upon such winner's written request. The intent of this bill is to shield winners from becoming the target of financial scams and other crimes that too often follow a person's winning the lottery.

Proponent: None

Opponents: None

Senate Vote: 61-1 (Griffo)

Assembly Vote: 140-3

DASNY Financing and Technical Assistance for the New York Racing Association

S.8985A (Phillips)/ A.11213 (Solages)

Adds New York Racing Association, Inc. (NYRA), the non-profit that operates Aqueduct, Belmont, and Saratoga race tracks to the list of entities eligible to receive Dormitory Authority (DASNY) financing and technical assistance. Specifically, DASNY has considerable expertise in construction management and is able to facilitate bond issuances at favorable interest rates for a variety of legislatively enumerated non-profits. NYRA's race tracks are located in Queens, Long Island, and Saratoga Springs. They are some of the oldest race tracks in the country, and DASNY financing and technical assistance will help finance capital upgrades.

Proponent: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 139-1

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Allows Alcoholic Beverages as Prizes in a Game of Chance

S.940-A (Funke)/ A.4568-A (Pretlow)

Permits charitable organizations to offer to give alcoholic beverages as prizes in any game of chance. This bill amends the General Municipal Law to repeal language that explicitly prohibits the offering of any alcoholic beverage as a prize in any game of chance such as a raffle. The bill further notes that when a prize containing alcohol is awarded, no person under the age of 21 may play, operate, or assist in the game.

Proponent: None

Opponents: None

Senate Vote: 59-0

Assembly: Died in Racing and Wagering

Creates a Legislative Task Force on Responsible Gaming

S.3067-A (Addabbo)/ A.3075-A (Cymbrowitz)

Establishes the legislative task force on responsible gaming to develop policies and procedures that foster responsible gaming practices by gaming facilities in New York State. The task force would have to deliver a report to the legislature detailing its findings and recommendations as they pertain to responsible gaming no later than February 1, 2019.

Proponent: None

Opponents: None

Senate Vote: 62-0

Assembly: Died in Ways and Means

Codifies the Racing Fan Advisory Council

S.3158 (Bonacic)/ A.4414-A (Pretlow)

Codifies the existence of the "Racing Fan Advisory Council" which was previously created through a resolution adopted by the New York State Gaming Commission ("Commission"). The Advisory Council would, as its mission, focus efforts on growing the racing fan experience and advise the Commission on issues related to horse racing and pari-mutuel wagering. The council would also be charged with creating an "I Love NY Racing Promotion," among other duties.

Proponent: None

Opponents: None

Senate Vote: 59-1 (Krueger)

Assembly: Died in Racing and Wagering

Allows up to 2 Days per Week of Bingo Games Run by Retirement Communities and Social or Charitable Organizations

S.4174 (Stavisky)/ A.1733 (Hevesi)

Removes the current limitation on the operation of certain bingo games run by retirement communities and social or charitable organizations of no more than 15 days per calendar year,

and replaces it with language allowing bingo for up to 2 days a week. This would effectively increase the number of days bingo could be played from 15 to 104 in any given year.

Proponent: None

Opponents: None

Senate Vote: 63-0

Assembly: Died in racing and wagering

Makes Technical Corrections to Provisions Relating to the Appointment of Stewards at Thoroughbred Races (Departmental Bill #95)

S.5376 (Bonacic)

Allows the NYS Gaming Commission to appoint a steward when one of the initial three cannot perform his or her official duties at a race meet.

Proponent: None

Opponents: None

Senate Vote: 60-0

Assembly: No Same As

Provides for the Calculation of Vendor Fees for the Operation of Video Lottery Gaming at Certain Race Tracks

S.6405 (Bonacic)/ A.7925 (Pretlow)

Amends the statutory payment formula currently used for the calculation of racing support payments from the operation of video lottery gaming at the VLT facilities operated by both the Nassau and Suffolk Off-Track Betting Corporations. This bill ensures that the Nassau OTB "designated" VLTs and the VLTs operated by Suffolk OTB make their racing industry support payments regardless of the performance of the machines operated by Resorts World at Aqueduct. This goal is accomplished by repealing language in current law that references the 2013 levels for racing support levels.

Proponent: New York Thoroughbred Breeders, Inc.

Opponents: None

Senate Vote: 59-1 (Krueger)

Assembly: Died in Ways and Means

Allows the Gaming Commission to Increase the "Free Play" Allowance Credits for Individual Video Lottery Facilities upon Illustration of Benefit to the State

S.6647-B (Helming)/ A.9526-B (Woerner)

Sets the level of "free play" credits allowable under law at VLT facilities to the same rate as exists for commercial casinos that are located within the same region. This bill amends the Tax Law to allow the free play allowance to increase above the statutory 15% threshold for VLT facilities when a commercial casino is given a greater than 15% free play allowance and is located within forty miles of said casino if the casinos are located in development zone 2. This includes all counties except for Nassau, Putnam, Rockland, Suffolk, Westchester, and the city of New York.

Proponent: None
Opponents: None
Senate Vote: 59-1 (Krueger)
Assembly: Died in Ways and Means

**Permits Participation in Games of Bingo by Minors Who are Accompanied by an Adult
S.6837 (Ortt)/ A.8854 (Santabarbara)**

This bill amends section 486 of the General Municipal Law to allow those under the age of eighteen to play bingo, when accompanied by an adult. Under current law, no person under the age of eighteen may play bingo.

Proponent: None
Opponents: None
Senate Vote: 61-1 (Hoylman)
Assembly: Died in Racing and Wagering

Allows Utilization of OTB Capital Acquisition Funds for Salaries and Benefits and Other Expenses

S.8667 (Amedore)

Authorizes Regional Off-Track Betting (OTB) Corporations to use up to \$5 million annually to offset expenses related to salaries and benefits for the corporation's employees of Capital Acquisition Funds (CAF) and permits distributions to municipalities of these funds in a limited manner pursuant to Gaming Commission approval. Under current law, monies within an OTB's capital acquisition fund can only be used for the purpose of financing the acquisition, construction, or equipping of offices, facilities, or premises of the corporation.

Proponent: None
Opponents: None
Senate Vote: 54-6 (Bonacic, Dilan, Hannon, Hoylman, Krueger, Marcellino)
Assembly: No Same As

**Allows Capital Region OTB to Relocate its Simulcasting Demonstration Project
S.8877 (Tedisco)/ A.11064 (Steck)**

Allows Capital Region Off-Track Betting to relocate one of its demonstration projects from Greene County to anywhere within the Capital Region of New York State. This bill allows any of three demonstration projects to be located in the Capital District region, waives the admission fee for the designation of a new demonstration project location, and provides that when a regional harness track located in Saratoga County conducts a live race meeting, the newly designated Capital District region demonstration project will predominantly air the live race meeting. The bill would also codify a partnership between Capital OTB and Saratoga Harness Track whereby the track would receive preferred televising of their races at that location, and in turn increase revenue from Capital OTB, via the new Capital Region OTB demonstration project.

Proponent: None
Opponents: None
Senate Vote: 60-0
Assembly: Died in racing and wagering

**Creates a Local Advisory Board for the Belmont Racetrack Facility
S.8986 (Phillips)**

This bill would create a new local advisory board to advise the state franchise oversight board on matters relevant to the operations and capital improvements of the franchised corporation at the Belmont racetrack facility. Five members each would be selected for 2 year terms by the Senate Temporary President, the Assembly Speaker, and the franchised corporation. Concerns were raised about the lack of SDC input.

Proponent: None
Opponents: None
Senate Vote: 60-1 (Avella)
Assembly: No Same As

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

**Allows Yonkers Raceway to Retain Regional Track Designation and Annual Payments
S.9096 (Addabbo)/ A.11218 (Pretlow)**

Adds tracks located in Westchester County to those tracks which may be considered regional tracks despite having been first licensed after January 1, 1986. This designation is necessary to preserve annual payments that the 199-year-old Yonkers Raceway currently receives if the Gaming Commission approves its sale to MGM Resorts International. Yonkers Raceway has been a regional track since the inception of off track betting, and this bill will prevent the loss of annual payments which currently benefit both the track operator and the horsemen's purse account.

Proponent: None
Opponents: None
Senate: Died on Third Reading
Assembly Vote: 135-4

**Requires a New York State Legend on All Bell Jar Tickets Sold in the State
A.4402 (Pretlow)**

All bell jar tickets sold in New York State must be approved by the New York State Racing and Wagering Board prior to sale to ensure that the game complies with games of chance statutes and the rules and regulations of the Board. In many cases, there are bell jar games that are very similar in name and appearance to an approved game when, in fact, the game has not been approved. Licensed authorized organizations may only sell bell jar tickets that have been approved by the Board. It is often difficult for licensed authorized organizations, which are comprised of volunteers, to keep track of the thousands of approved bell jar tickets and discern between an approved bell jar game and an unapproved one. By requiring an approved New York State legend on approved bell jar tickets, organizations and New York State distributors could

simply look at a ticket to determine if it has been approved for sale in New York, thereby reducing their paperwork load and preventing erroneous purchases of unapproved tickets.

Proponent: None Available

Opponents: None Available

Senate: No Same As

Assembly Vote: 126-5

UNRESOLVED ISSUES

Regulates Sports Betting in New York State in Casinos and on Mobile Devices

S.7900-C (Bonacic)/A.11144-A (Pretlow)

Under this proposal, sports betting would be permitted at authorized casinos and affiliated organizations already licensed to conduct pari-mutuel wagering or video lottery gaming. Sports betting could only be played by those 21 or older who are physically present in the state. Casinos would be authorized to contract with separate third-party agents to conduct any or all aspects of sports wagering, including one electronic platform for mobile sports wagering via the internet and on electronic devices. Sports betting would be taxed at the rate of 8.5% on gross revenue, with 85% deposited into the commercial gaming revenue fund, 5% dedicated to education and treatment programs for problem and compulsive gambling, 5% to cover regulatory cost of the commission, and the remaining 5% towards market origin credits. In addition, 1/5 of 1% of the amount wagered on sporting events, up to a maximum of 2% of gross sports wagering revenue is set aside as royalty fees for the sport leagues. Registered sports governing bodies such as the NBA, NFL, MLB, NHL, NCAA, etc., may apply to the Gaming Commission annually for disbursement of these funds on a pro rata basis based on wagers on each sport to help protect the integrity of its sporting events. The bill removes the current prohibition against betting on college sports.

Proponent: Partnership for NYC, NBA, Major League Baseball, PGA Tour, Western Region OTB, AFSCME, NYSAC, Teamsters Local 237

Opponents: Empire State Harness Horsemen's Alliance, NYers for Constitutional Freedoms

Senate: Reported to Rules

Assembly: Referred to Racing and Wagering

Increases Vendor Fees at Batavia Downs

S.4509-B (Gallivan)/ A.1931-B (People-Stokes)

Amends the Tax Law to increase the vendor/operator fee allowed in law for the Batavia racino by increasing from 15 miles to 40 miles the proximity said facility must be located to a Class III Native American gaming facility in order to receive an enhanced vendor rate/agent commission. This bill amends the Tax Law to effectively increase to 41% the video lottery terminal ("VLT") vendor fee Western Regional OTB retains as the operator of Batavia Downs based on the total revenue wagered at the track after payout of prizes. The bill accomplishes this goal by amending language in the Tax Law that currently applies this enhanced vendor rate to the Monticello Raceway facility in Sullivan County. As written, this bill would only increase the vendor fee for this one racino. Under current law, the Batavia racino has a 35% agent commission/vendor rate.

Proponent: None
Opponents: None
Senate: Committed to Rules
Assembly: Referred to Ways and Means

HEARINGS AND FORUMS

Senate Standing Committee on Racing, Gaming, and Wagering - *Discuss the Potential for Sports Betting in New York State* (January 24, 2018)

RULES COMMITTEE
Analyst: Shelley Andrews
(518) 455-3597

SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Lavern's Law Chapter Amendment

S.7588-A (DeFrancisco)/ A.09633-A (Weinstein)

Provides that where an action or claim is based upon the alleged negligent failure to diagnose cancer or a malignant tumor, whether by act or omission, for the purposes of the commencement of an action or special proceeding, or to the filing of a notice of claim as a condition precedent to commencement of an action or special proceeding within a specified time period, the time in which to commence an action or special proceeding or to file a notice of claim shall not begin to run until the later of either (i) when the person knows or reasonably should have known of such alleged negligent act or omission causing injury, provided, that such action shall be commenced no later than seven years from such alleged negligent act or omission, or (ii) the date of the last treatment where there is continuous treatment for such injury, illness or condition.

Proponents: None

Opponents: None

Senate Vote: 58-1 (Ortt)

Assembly Vote: 125-8

Removing Firearms from Domestic Offenders

S.8121 (Phillips)/ A.10272 (O'Donnell)

Adds 12 new misdemeanor offenses which, when committed against a family or household member, are deemed a serious offense disqualifying an individual from the ability to possess a firearm. The new disqualifying offenses are: assault in the third degree, menacing in the third degree, criminal obstruction of breathing or blood circulation, unlawful imprisonment in the second degree, coercion in the third degree, criminal tampering in the third degree, criminal contempt in the second degree, harassment in the first degree, aggravated harassment in the second degree, criminal trespass in the third degree, criminal trespass in the second degree, arson in the fifth degree, or attempt to commit any of these offenses, when the perpetrator and the victim are members of the same family or household. The bill also requires the surrender of all firearms, including rifles and shotguns, from persons convicted of a felony or other serious offense.

Proponents: None

Opponents: None

Senate Vote: 40-19 (Akshar, Amedore, Bonacic, Boyle, DeFrancisco, Funke, Gallivan, Griffo, Helming, Larkin, Marchione, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Seward, Tedisco, Young)

Assembly Vote: 94-34

**"Toll Payer Protection Act" for Cashless Tolling; MTA Bridge & Tunnel Toll Amnesty
S.8946 (Lanza)/ A.09805-A (Abinanti)**

Add additional notices and consumer protections for cashless tolling liabilities in response to motorists' complaints about the difficulty in navigating the process and delays in receiving notice of the toll liability by the Metropolitan Transportation Authority/Triborough Bridge and Tunnel Authority, Bridge Authority, and Thruway Authority. Limits excessive late fees and removes DMV authority to suspend vehicle registrations for owners with three or more toll violations within a five-year period, or more than \$200 for commercial vehicles. Requires public awareness campaigns on the cashless tolling process as well as websites and toll-free hotlines for tolls or notices of liability due. Directs the Triborough Bridge and Tunnel Authority, which assesses the tolls for the MTA's crossings, to create an amnesty program of at least five weeks in duration for any tolls incurred on or after November 1, 2016 within 90 days of the bill taking effect.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly Vote: 139-0

**Sexual Assault Survivor Bill of Rights
S.8977 (Hannon)/ A.08401-C (Simotas)**

Provides for the establishment of a sexual assault victim bill of rights by the Department of Health in consultation with DCJS and the Office of Victim Services, and for its availability to all survivors of sexual assault and on the DOH website.

The bill of rights must include the right of the survivor to consult rape crisis or victim assistance organizations and have a representative accompany the survivor through the sexual offense exam, to have access to no-cost post-exposure treatment therapies, have a healthcare forensic examination completed at no cost and the right to be notified of the option to decline to provide private insurance information, to receive information relating to emergency contraception, to be offered contact information for the police or prosecutorial agency over the sex offense and to be informed of the date the sexual offense kit was analyzed, the right to be informed when there is any change in the status of their case, to decide whether or not to report the offense to law enforcement, and the right to be notified between 10 and 30 days prior to the transfer of a sexual offense evidence kit and the right to have the kit stored for 20 years.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 134-0

**Drug Take Back Act
S.9100 (Hannon)/ A.09576-B Gunther**

The bill requires pharmaceutical manufacturers to create and fund a drug take back program where consumers can return or recycle their unwanted or unused prescription and non-prescription drugs. Chain pharmacies operating ten or more locations must offer on-site collection receptacles or provide prepaid mail back envelopes or other methods approved by the

federal Drug Enforcement Administration. All costs of the pharmacies or other authorized collectors must be reimbursed by the manufacturer.

For any city with a population over 125,000, the Commissioner of Health must establish a distribution plan that ensures on-site collection receptacles and drop box placement are reasonably accessible to all residents. Penalties for violating this program are fines of up to \$2,000, or up to \$5,000 for repeat violations. Each day in violation constitutes a separate violation. Local laws are expressly preempted.

Proponents: Environmental Advocates of NY, NYLCV, Retail Council of NYS

Opponents: None

Senate Vote: 62-0

Assembly Vote: 143-0

Medical Marijuana as Opioid Alternative in Pain Management

S.8987-A (Amedore)/ A.11011-B (Gottfried)

This bill expands the list of conditions eligible for the prescription of medical marijuana to include pain that degrades health and functional capability where the use of medical marijuana is an alternative to opioid use and for substance use disorder. The state's medical marijuana program allows people with specific conditions to purchase and use a form of processed medical marijuana upon certification from a physician that the patient has one or more of several designated conditions. The current list of qualifying conditions include cancer, multiple sclerosis, epilepsy, HIV/AIDS, Parkinson's disease, spinal cord injuries, inflammatory bowel disease, neuropathies, and Huntington's disease. In addition, patients must also have one of the following symptoms associated with the previous listed conditions: cachexia or wasting syndrome, severe or chronic pain, severe nausea, seizures, or severe or persistent muscle spasms. A 2017 chapter expanded the list of conditions to include post-traumatic stress disorder.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 127-16

Lulu and Leo's Law: Fraudulent Child Care Employment Application or Reference

S.9070-A (Lanza)/ A.11125-A (Otis)

Establishes the new class A misdemeanor crime of misrepresentation by, or on behalf of, a caregiver for children when a person knowingly makes a false written application or reference containing a material misrepresentation about a caregiver's background for a person applying to work 15 or more hours per week providing unlicensed child care in the client's home. This crime is punishable by up to 6 months imprisonment.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 145-0

**Real Estate Appraisal Management Company Regulation by Dept. of State
S.9080 (Hamilton)/ A.10831-A (Zebrowski)**

This bill requires the registration and regulation of appraisal management companies (AMCs) that provides appraisal management services to creditors or secondary mortgage market participants in connection with valuing a consumer's real property as security for a consumer credit transaction. The registration requirement would apply to AMCs with 15 or more appraisers in New York State or 25 or more appraisers across multiple states. This legislation keeps New York State in compliance with regulations promulgated by the federal Appraisal Subcommittee (ASC). If New York does not update its regulation of AMCs, the companies will be barred from providing appraisal management services in federally-regulated transactions. The bill will give DOS regulatory authority to bar unethical actors from this industry and ensure that real estate appraisals are conducted independently and free from inappropriate influence and coercion.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 143-0

**Judicial Notice of Internet Mapping Service Information
S.9061 (Gianaris)/ A.11191 (Dinowitz)**

Requires courts to take judicial notice of images, maps, locations, distances, calculations, and other information from web mapping services, like Google Maps, global satellite imaging sites, or Internet mapping tools upon the request of a party. The notice would be established on a rebuttable presumption, meaning that the other party would have an opportunity to rebut the notice on credible and reliable notice that the information is inaccurate. When courts take "judicial notice" of certain facts there is no need to present evidence to a jury to prove their accuracy. Federal courts may already take judicial notice of information on services like Google Maps, such as distances, driving times, and satellite images, under the Federal Rules of Evidence.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 86-52

**New York State Task Force on Digital Currency
S.9013 (Phillips)/ A.08783-B (Vanel)**

Creates the Digital Currency Task Force to provide the Governor and the Legislature with information on the potential effects of the widespread implementation of digital currencies on financial markets in the state. The task force will consist of nine members including three members appointed by the Governor, two by the Senate Temporary President, two by the Assembly Speaker, and one each by the Senate and Assembly Minority Leaders. Members of the task force will also make legislative and regulatory recommendations, if any, to increase transparency and security, enhance consumer protections, and to address the long-term impacts related to the use of cryptocurrency.

Proponent: None
Opponents: None
Senate Vote: 62-0
Assembly Vote: 138-3

**DFS Study of Card Security Issues at ATMs Accepting EVM-enabled Chip Cards
S.9026 (Comrie)/ A.10157-A (Pellegrino)**

This bill directs the Department of Financial Services (DFS) to study and issue a report within 180 days on the security of ATMs that accept EVM-enabled chip cards to determine what additional measures may be necessary and proper to ensure that the cards and corresponding personal data and information of consumers is protected from falling into the hands of others. Specifically, the analysis must include the prevalence of persons leaving their cards behind in the ATM, any correlation with machines which require the card to be entirely inserted inside the machine during the pendency of the transaction, and the availability and efficacy of ATM design features that minimize the need for the card to physically leave the consumer's hand.

Proponent: None
Opponents: None
Senate Vote: 59-3 (Akshar, Griffo, Murphy)
Assembly Vote: 140-1

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

**Jacobe's Law – Parental Notification of Bullying or Harassment at School
S.9074-A (Tedisco)/ A.8114-E (Fahy)**

This bill amends the Dignity for All Students Act (DASA) to require school employees to investigate and verify that a reported incident of harassment, bullying or discrimination has occurred. Upon verification that an incident has occurred, a school counselor, school social worker, school psychologist, school nurse, principal or assistant principal shall discuss with each student involved whether he/she has any health, safety or privacy concerns, and shall make a reasonable and good faith effort to contact their parent/guardian about the incident. Current state law requires that school employees must report all incidents of harassment, bullying or discrimination to school administrators but does not impose a duty to report them to parents, leading to concerns that students' privacy may be compromised.

Proponent: None
Opponents: None
Senate Vote: 60-2 (Krueger, Hoylman)
Assembly: Died in Codes

**Education Omnibus: APPR/Increased Charter School Cap/Substantial Equivalency
S.8992 (Flanagan)**

Repeals and replaces annual professional performance review of classroom teachers and building principals. Increases the number of charters issued 460 to 560, allows re-issuance of zombie charters and requires that 98% of the new charters be issued to operate in NYC. Removes the State Education Department's power under legislation enacted as part of the 2018-2019 State

Budget to determine that a nonpublic school is failing to comply with its obligation to provide students with instruction that is at least substantial equivalent to the instruction given to students at local public schools. Expands the scope of unlawful discriminatory practices under the State Human Rights Law to include all public and private schools. Makes permanent provisions relating to standardized tests not being included on a student's permanent record. Reduces the probationary period for tenure for all teachers and administrators from four years to three.

Proponent: None

Opponents: NYSUT

Senate Vote: 35-25 (Alcantara, Avella, Bailey, Benjamin, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Kennedy, Krueger, Mayer, Montgomery, Peralta, Persaud, Sanders, Sepulveda, Serrano, Stavisky, Stewart-Cousins)
Assembly: No Same As

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

Not applicable

UNRESOLVED ISSUES

Not applicable

SOCIAL SERVICES COMMITTEE

Analyst: Tamara Frazier

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Written Notification of Temporary Operator for Residential Health Care Facilities and Adult Homes

S.766 Stewart-Cousins/ A.8159 (Wright)

This legislation would require the Department of Health (DOH) to provide written notification to residents of all adult homes, enriched housing programs, residences for adults and assisted living programs where a temporary operator has been appointed. Currently, Social Services Law permits the Commissioner to investigate the affairs and management of a facility and also revoke, suspend or limit a facility's operating certificate if deemed necessary. Additionally, DOH is required to maintain a list on their website of all adult homes, enriched housing programs, residences for adults and assisted living programs that have received notice of an enforcement action or pending enforcement action. This legislation would require written notification to all residents of the presence of a temporary operator.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 136-0

Mandated Services for Human Trafficking Victims

S.8305 (Golden)/ A.9566 (Hevesi)

This legislation amends current Social Services law to require the Office of Temporary and Disability Assistance (OTDA) to enter into contracts with non-governmental organizations to provide services to victims of human trafficking, and require those services to include short and long-term safe houses. Current Social Services Law allows OTDA to provide such services, if desired. Services to human trafficking victims include: case management, emergency temporary housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation and translation services, and other employment based services. This proposed language would make the provision of such services mandatory, and also call for them to be culturally competent, to the best extent practicable.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly Vote: 141-0

Allowance of SNAP Benefits to Purchase Multi-Vitamins

S.9008 (Flanagan)/ A.10697 (Hevesi)

This legislation adds a new subdivision to current Social Services Law directing the Office of Temporary and Disability Assistance (OTDA) to apply for a waiver from the federal government, which would allow Supplemental Nutrition Assistance Program (SNAP) recipients

to purchase multi-vitamin dietary supplements using their SNAP benefits. The waiver is to be filed within ninety date after passage of this legislation.

Proponents: None

Opponents: None

Senate Vote: 56-4 (Hoylman, Krueger, Sanders, Sepulveda)

Assembly Vote: 133-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Enactment of “Kayleigh Mae's Law”

S.137 (Little)/ A.3900 (Ortiz)

This legislation amends current language to require an immediate investigation by Child Protective Services (CPS) upon receiving a report of abuse or maltreatment of a child under the age of three, when that child has been in the vicinity of the arrest of their parent or guardian for a controlled substance crime. It also requires that as part of this investigation, within 10 days of receiving the report, CPS must conduct a hair follicle test or other test to determine the presence of controlled substances in the child's system. The bill also amends the Family Court Act to authorize a family court to issue an order, when a report has been made to CPS regarding such cases, to produce the child for the purposes of testing for the presence of controlled substances.

Proponents: None

Opponents: None

Senate Vote: 57-3 (Alcantara, Hoylman, Montgomery)

Assembly: Died in Children and Families

Submission of Evidence at Fair Hearings

S.2130 (Gallivan)/ A.4821 (Titus)

This legislation would amend the Social Services Law to permit social services districts to present evidentiary packages in electronic, rather than paper, format at fair hearings. Under the provisions of this legislation, neither social services districts, applicants nor recipients entitled to appeal would be required to present evidence in electronic format, but they would be permitted to do so. This legislation would also provide for persons entitled to an appeal to the local social services district to be able to request evidentiary packages in paper format either before or at the hearing.

Proponents: Office of the Mayor of the City of New York

Opponents: Empire Justice Center

Senate Vote: 59-0

Assembly: Died in Social Services

Notice to Public Assistance Applicants of Potential Liability for Public Assistance Benefits

S.7227 (Parker)

This bill requires applicants for public assistance to be fully informed by the local social services district (LSSD), both orally and in writing that they may be liable to reimburse the state for

benefits received. Notice of this possible debt is to given to the recipient as part of an informational booklet and as a standalone document on his or her's Rights and Responsibilities.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly: No Same As

Increased Benefits for Enhanced Residential Care Recipients

S.7743 (Serino)/ A.9963 (Brindisi)

Currently, Social Services Law Section 209 sets forth the benefit levels for aged, blind and disabled individuals receiving enhanced residential care. For one individual, the monthly amount is \$1,429, while an eligible couple will receive twice the amount (\$2,858). In the 2017-2018 state budget, the grant levels were increased by \$2 to the current amount of \$1,429 a month. This legislation calls for an increase in the benefit amount, starting in 2018 and increasing each year until 2022. Each year, there is roughly a \$4 increase per day, which amounts to a \$120 monthly increase for individuals and a \$240 monthly increase for couples. Nearly identical legislation (S.6732/A6715B) was vetoed last year by the Governor.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: Died in Social Services

Establishment of Statewide Domestic Violence Accountability Program

S.8599-A (Ranzenhofer)

This legislation directs the director of the Office for the Prevention of Domestic Violence (OPDV) to establish a domestic violence accountability program, which should include both instructional and rehabilitative aspects. The program is to be developed in consultation with providers of domestic violence programs, domestic violence accountability programs and any such professionals that he or she may deem appropriate. This program, which is to consist of at least twenty-six (26) and up to fifty-two (52) sessions between 1 and 1.5 hours, would be required for any defendants convicted of a variety of family offenses. As the course is to be made available in every county across the state, the OPDV Director is to establish a list of approved providers and a schedule of fees to be paid by or on behalf of each participant, which will be used to defray the ongoing costs of the program.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly: Died in Social Services

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

Expansion of Crimes Included under Definition in Domestic Violence

S.6293 (Lanza)/ A.1330 (Weinstein)

This legislation expands existing Social Services law to include identity theft, grand larceny or coercion as possible crimes of domestic violence. In Chapter 11 of the Laws of 2011, the law was amended to include the following crimes under the definition of domestic violence: aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, criminal obstruction of breathing or blood circulation, or strangulation. Two years later, chapter 526 of the laws of 2013 added identity theft, grand larceny and coercion to the list of enumerated domestic violence offenses, in recognition that economic abuse by an alleged abuser is a form of domestic violence. As Chapter 526 amended the Family Court Act, Domestic Relations Law and Criminal Procedure law to reflect these changes, the pertinent Social Services sections of law were not amended. This legislation will bring conformity across various sections of law.

Proponents: None

Opponents: None

Senate: Died in Rules

Assembly Vote: 135-0

Human Trafficking Recognition Training Program

A.10869 (Hunter)

This legislation directs any public transportation service to require all customer-facing employee to undergo a human-trafficking recognition training program. The program is to be established by the Division of Criminal Justice Services (DCJS) and the Office of Temporary and Disability Assistance (OTDA), in consultation with the Department of Labor and the state's Interagency Task Force on Human Trafficking.

Proponents: None

Opponents: None

Senate: Died in Rules

Assembly Vote: 137-0

UNRESOLVED ISSUES

Elimination of Statewide Central Register Clearance Fees for Tax Exempt Organizations

S.2127 (Gallivan)/ A.2161 (Morelle)

This legislation exempts federal 501(c) 3 charitable organizations from payment for statewide central register fees. Prior to 2011, there were no clearance fees. However, after 2011, a \$25 fee was imposed for each employee clearance performed to determine if an employment applicant is the subject of a child abuse or maltreatment report. This bill would exempt non-profit organizations from these fees.

Proponents: NYS Alliance of Boys and Girls Clubs, Inc.; NYS YMCA

Opponents: None

Senate: Died in Senate Finance Committee

Assembly: Died in Assembly Children and Families

Authorization to Appoint a Temporary Operator over a Foster Care Agency

S.6742-C (Murphy)

This legislation empowers the commissioner of the Office of Children and Family Services(OCFS) to appoint an established temporary operator over a foster care agency, if OCFS believes the established operator is unable or unwilling to provide quality care and services. This legislation seeks to allow the appointment of a temporary operator to oversee an established operator located in the town of Mount Pleasant (in the county of Westchester).

Proponents: None

Opponents: Jewish Child Care Association (JCCA)

Senate: Died in Rules

Assembly: No Same As

HEARINGS AND FORUMS

Assembly Standing Committee on Health, Assembly Standing Committee on Social Services,
Assembly Committee on Aging- *Adult Care Facilities (September 19 & September 28, 2017)*

Joint Assembly Standing Committee on Social Services, Assembly Standing Committee on
Governmental Operations, Senate Standing Committee on Finance, Senate Standing Committee
on Social Services –*The Community Services Block Grant (CSBG) Program (June 6, 2018)*

TRANSPORTATION COMMITTEE

Analyst: Daniel Ranellone

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES

Expands Pre-Employment and Random Drug and Alcohol Testing to Smaller School Buses S.2587-E (Marcellino, Marchione, Ritchie, Sepulveda)/ A.208-E (Lupardo)

This legislation expands the definition of vehicles subject to mandatory alcohol and drug testing to include smaller school buses that weigh less than 10,000 pounds. It also provides that no school bus driver shall consume a drug, controlled substance or an intoxicating liquor, regardless of its alcoholic content, or be under the influence of an intoxicating liquor or drug, within eight hours before going on duty or operating, or having physical control of a bus. Current law prohibits use of alcohol or drugs six hours prior to operating a bus. Additionally, this bill allows drug and alcohol testing to be reimbursed by State school transportation aid.

Proponents: Amalgamated Transit Union; New York Association for Pupil Transportation

Opponents: None

Senate Vote: 60-0

Assembly Vote: 144-0

Directs DOT to Study Entrance and Exit Ramps on Southern State Parkway S.3137-A (Hannon, Brooks)/ A.6761-A (Solages)

This legislation requires the State Department of Transportation (DOT) to study the configuration of the entrance and exit ramps on the Southern State Parkway to determine the feasibility of implementing safety changes on the parkway and determine potential federal funding availability for such changes.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly Vote: 134-2

Creates Down's Syndrome Awareness Distinctive License Plates and Research Fund S.4013-B (Addabbo, Marchione)/ A.5305-B (Miller MG)

This legislation authorizes and directs the Department of Motor Vehicles (DMV) to issue a distinctive license plate in support of Down's Syndrome Awareness and research, and authorizes an additional \$25 annual service charge. Annual service charges are dedicated to a Down's Syndrome Research Fund which shall be dedicated to Health Department-approved research.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 127-1

MTA Committee on Safety**S.5002 (Bailey)/ A.2319 (Dinowitz)**

This legislation codifies the Metropolitan Transportation Authority's (MTA's) safety committee by putting it into the Authority's enacting statute.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly Vote: 140-3

Requires DOT to Create a Pothole-Reporting Website**S.5079 (Kennedy)/ A.1992 (Abinanti)**

This legislation requires the State Department of Transportation (DOT) to maintain its already existing pothole-reporting hotline, and requires DOT to maintain an interactive website where road users can report potholes that must be publicly reported on the website.

Proponents: None

Opponents: None

Senate Vote: 56-5 (Amedore, Griffo, Kavanagh, Little, Seward)

Assembly Vote: 120-14

Requires MTA to Provide an Extra Transfer for Pay-Per-Ride Metrocard Users**S.7862 (Golden)/ A.9627 (Dinowitz)**

This legislation requires the MTA to provide riders with two free transfers between subways and buses or between buses within two hours of when the fare is paid.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly Vote: 119-20

Requires MTA to Hold Public Hearings Before Transportation Facility Closures**S.8141-A (Benjamin)/ A.10179 (Rosenthal)**

This legislation requires the Metropolitan Transportation Authority (MTA) to hold at least one public hearing no less than 30 days prior to closing a transportation facility for 90 days or longer.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly Vote: 140-1

LaGuardia Air Train Eminent Domain**A.11158 (Aubry)**

This legislation authorizes the Department of Transportation to acquire land, including parkland, necessary to complete the right of way from Willetts Point to the LaGuardia Airport for purposes of enabling the Port Authority to build an air train connecting the two sites. The metes and

bounds include portions of the Grand Central Parkway and Flushing Bay, since the right of way has not yet been finalized.

Proponents: Governor (Program Bill)

Opponents: Riverkeeper; Environmental Advocates (no memo)

Senate Vote: 52-8 (Comrie, Dilan, Hoylman, Kavanagh, Krueger, Robach, Sanders, Sepulveda)

Assembly Vote: 134-1

**Requires Reexamination of Drivers Involved in Accidents Caused by Loss of Consciousness
S.8990 (Young, Hamilton)/ A.11121 (Carroll)**

This legislation requires DMV to retest motorists involved in accidents where a loss of consciousness was reported as a cause, and requires DMV to work with the Department of Health and State Police to review the medical review process and determine how to improve reporting.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 144-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Mandatory Suspension for 2 School Speed Zone Violations

S.336-B (Peralta, Hamilton, Phillips, Sepulveda)/ A.5266-A (Glick)

This legislation adds a mandatory license suspension for drivers convicted of two or more school zone speeding convictions within 18 months.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly: Died in Transportation

Local Road Speed Limit Permission Process

**S.389 (Little, Akshar, Bonacic, Gallivan, Helming, Larkin, Marchione, Ritchie, Seward)/
A.7151 (Jones)**

Authorizes towns to establish maximum speed limits - via local law, ordinance, order, rule or regulation - on town highways that are functionally classified as "local roads."

Proponents: AARP (previous session)

Opponents: None

Senate Vote: 61-0

Assembly: Died in Transportation

School Bus Stop-Arm Enforcement Cameras

S.518-B (Young, Addabbo, Akshar, Avella, Bonacic, Boyle, Funke, Helming, Marchione, Murphy, O'Mara, Peralta, Phillips, Ritchie, Savino, Tedisco, Valesky)/ A.321-B (Magnarelli)

This legislation authorizes school districts to equip their buses with camera enforcement technology to send a fine not to exceed \$250 to motorists who illegally overpass stopped school buses. The bill permits schools to offset their expenses related to installing and operating the cameras with the fine revenues, and permits schools to enter into revenue-sharing agreements with the municipality to which the remainder of the revenue is distributed.

Proponents: Association for Pupil Transportation (previous session)

Opponents: None

Senate Vote: 62-0

Assembly: Died in Codes

Mandates Additional Noise Reporting by NYC Transit Authority

S.1298 (Avella, Parker)

This legislation codifies NYC Transit's requirement to submit annual noise reports, and clarify the expenditures made in furtherance of noise mitigation strategies.

Proponents: None

Opponents: None

Senate Vote: 60-2 (Akshar, Ranzenhofer)

Assembly: No Same As

Directs MTA to Provide Instruction Regarding Falls onto Tracks

S.1682 (Avella)/ A.8536 (Carroll)

This legislation requires the New York City Transit Authority, which operates the subways and much of the bus system, to produce annual reports on noise mitigation efforts and provide an itemized summary of all monies spent, bids requested and received, contracts let, and actual work done on noise abatement programs during the previous period.

Proponents: None

Opponents: None

Senate Vote: 59-1 (DeFrancisco)

Assembly: Died in Corporations

Exempts Clean Fuel Vehicles from First Year of Registration Fees

S.2932-A (Dilan)/ A.6854-A (Crespo)

Waives the first year of registration fees for motor vehicle owners propelled in whole or in part by electricity or which are at least one and a half times as efficient as the average vehicle in the vehicle's weight class.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly: Died in Transportation

**Prohibits One-Person Train Operation of NYC Transit Authority Subways or Trains
S.3406 (Parker, Addabbo, Sanders, Stavisky)/ A.916 (Perry)**

Requires any subway and train operated by the New York City Transit Authority to have at least one conductor on board whenever a subway or train has more than two cars attached to the engine in addition to the train driver or engineer.

Proponents: TWU Local 100
Opponents: None
Senate Vote: 61-0
Assembly: Held for Consideration in Corporations

**Prohibits Children Under 10 from Being Left Unattended in Motor Vehicle
S.5631-B (DeFrancisco)**

This legislation prohibits knowingly or recklessly leaving a child under the age of 10 in a motor vehicle under conditions presenting a substantial health or safety risk. The bill treats the offense as a traffic infraction, punishable by up to \$50 for the first conviction, up to \$100 for two or more convictions within 18 months, and up to \$250 for three or more convictions within 18 months.

Proponents: None
Opponents: None
Senate Vote: 59-0
Assembly: Died on Third Reading Calendar (Debate List)

**Independent Forensic Audit of MTA
S.6303-A (Lanza)**

This bill directs the MTA to contract with a certified public accounting firm for the conducting of an independent forensic audit. MTA estimates an agency-wide audit would cost \$10 million, for which the bill makes no appropriation.

Proponents: None
Opponents: None
Senate Vote: 57-3 (Dilan, Hoylman, Kavanagh)
Assembly: No Same As

Penalties for Bus Companies' Knowing or Negligent Failure to Report Disqualifying Driver Violations

S.6953-A (Klein, Alcantara, Avella, Hamilton, Peralta)

This legislation doubles the fines for motor carriers that knowingly or negligently fail to notify DMV regarding a driver's employment, termination, or disqualification related to a variety of serious traffic offenses. The proposed fine range would be \$1,000-\$5,000 for the first offense,

\$1,000-\$10,000 for two or more offenses, and \$1,500-\$7,500 and \$1,500-\$15,000 for first and subsequent offenses wherein a driver cause personal injury or death to another person. This legislation was proposed in response to the Dahlia crash in Flushing on September 18, 2017.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: No Same As

Requires DMV to Post the Notice to Opt Out of Data-Sharing Agreements Concerning Vehicle Registration Data Prominently on its Website and Registration Forms

S.7215 (Jacobs)

This legislation modifies existing law regarding DMV data-sharing to require DMV to insert a prominently placed disclosure on its main web page and on all vehicle registration forms (including both new registrations and renewals) to ensure that registrants have clear, repeated notice of their ability to opt-out of data-sharing arrangements.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly: No Same As

DOT Study on Motorcycle Helmets

S.7549 (Robach)/ A.43 (Cahill)

This legislation directs DOT to create a study on the effectiveness of motorcycle helmets in preventing injuries and fatalities, including analysis of different helmet types and government and manufacturer guidelines on helmet wearing. The Department of Health has already concluded that helmets are 67% effective in preventing brain injuries in crashes.

Proponents: None

Opponents: None

Senate Vote: 49-11 (Gianaris, Hoylman, Kaminsky, Kavanagh, Krueger, Parker, Phillips, Sanders, Serrano, Stavisky, Stewart-Cousins; Exc: Rivera)

Assembly: Died in Transportation

Renames Mario M. Cuomo Bridge the Mario M. Cuomo Tappan Zee Bridge

S.7671 (DeFrancisco)/ A.8914-A (Byrne)

An end-of-session deal in 2017 renamed the Malcolm Wilson Tappan Zee Bridge to the Governor Mario M. Cuomo Bridge. This legislation would rename it the Governor Mario M. Cuomo Tappan Zee Bridge to re-incorporate the original bridge name.

Proponents: None

Opponents: None

Senate Vote: 40-20 (Alcantara, Bailey, Benjamin, Breslin, Brooks, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Kennedy, Klein, Krueger, Peralta, Persaud, Sanders, Savino, Sepulveda, Serrano; Exc: Addabbo)

Assembly: Died in Transportation

Creates Six-Month Cashless Tolling Amnesty Program and Requires Prominent Posting of Fee Waiver Policies for MTA Crossings

S.7823 (Comrie, Addabbo, Bailey, Brooks, Carlucci, Felder, Persaud, Sanders, Stavisky)/ A.10005 (Pheffer-Amato)

This legislation directs the Triborough Bridge and Tunnel Authority (TBTA or "MTA Bridges & Tunnels") to provide an amnesty program for six months after the bill takes effect. It also prohibits TBTA from charging a penalty that is more than twice the toll due for 90 days after the effective date, and prohibits TBTA from charging more than three times the toll due for the subsequent 90 days after that period expires. It also requires the MTA to post its fee waiver policy prominently on its website.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly: Died in Corporations

Creates New Statutory Classification for Autocycles

S.7857 (Robach, Hamilton)/ A. 8482-A (Lupardo)

"Autocycles" are three-wheeled vehicles that are essentially part-car, part-motorcycle. They are treated as motorcycles in New York, which requires interested buyers to acquire a motorcycle license before operating them. This bill creates a new definition for autocycles and requires them to follow the motorcycle registration process (notwithstanding the motorcycle safety awareness program available for motorcycle license applicants). DMV shall prescribe whether autocycles require one or two license plates, what additional equipment they need, and shall prescribe any different safety inspection procedures required. However, the legislation specifically provides that autocycle operators must wear approved helmets and face shields/goggles unless DMV regulates otherwise, and also requires autocycles to be equipped with rear view mirrors.

Proponents: Polaris Industries

Opponents: None

Senate Vote: 58-2 (Avella, Hoylman)

Assembly: Died in Transportation

Requires Notice Prior to Significant Subway or Bus Service Changes

S.8130 (Comrie)/ A.7109 (Colton)

This legislation adds community boards to the list of entities (which already includes the Mayor and Board of Estimate) to which 30 days' notice must be provided prior to substantial or general service changes for bus and subway routes.

Proponents: None
Opponents: None
Senate Vote: 61-1 (Ranzenhofer)
Assembly: Died in Corporations

Requires Charter Buses to Use Commercial GPS

S.8207 (Hannon, Kaminsky, Phillips)/ A.10551 (DenDekker)

This legislation requires charter buses to use commercial GPS navigation systems, in an attempt to prevent larger commercial motor carriers from using parkways and other highways with low overpasses.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly: Died in Transportation

Exempts Autonomous Vehicle Operation from One-Hand-on-Wheel Law

S.8243 (Robach)/ A.9636 (Morelle)

This legislation provides an exception to the one-hand-on-the-wheel requirement when a vehicle has engaged an automated steering functionality. This bill was debated due to the complexity of the issue and the bill's lack of detail on issues like what automated functions were intended to be exempted and its failure to address liability and insurance issues, as well as the lack of a public hearing process.

Proponents: Toyota (no memo)
Opponents: None
Senate Vote: 53-7 (Avella, Hoylman, Kavanagh, Krueger, Rivera, Sanders, Serrano; Exc: Sepulveda)
Assembly: Died in Transportation

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

School Bus Driver Safety Training Program

S.3276 (Parker, Avella) /A.172 (Gantt)

This legislation directs a portion of mandatory surcharges for traffic infractions to a school bus motorist education fund and directs DMV to create a program to educate motorists on the dangers of overtaking stopped school buses.

Proponents: None
Opponents: None
Senate: Died in Transportation
Assembly Vote: 143-0

NYC Speed Camera Extension/Reforms

S.6046-C (Peralta)/ A.7798-C (Glick)

This legislation increases the authorization for the City to use speed cameras from 140 to 290, modifies the area where the cameras can be used, requires posting of signage to notify motorists of the camera enforcement, and extends the program until 2022.

Proponents: City of New York; Families for Safe Streets; Transportation Alternatives

Opponents: None

Senate: Transferred from Transportation to Cities, where it died in committee

Assembly Vote: 95-43

Buffalo Speed Camera Authorization

S.8746-A (Kennedy, Carlucci)/ A.10810 (Peoples-Stokes)

This legislation authorizes the City of Buffalo to implement a speed camera pilot program at up to 20 school zones. The pilot is authorized for five years.

Proponents: City of Buffalo (no memo); NY Conference of Mayors (NYCOM); NY League of Conservation Voters (NYLCV)

Opponents: None

Senate: Died in Transportation

Assembly Vote: 99-37

UNRESOLVED ISSUES

School Zone Speed Cameras: The Senate ended session without extending New York City's speed camera enforcement program and without authorizing the City of Buffalo to create its own pilot program. The Assembly passed stand-alone bills for each program, and also passed an omnibus bill linking different extenders together (A.11246/Heastie).

MTA: The Metropolitan Transportation Authority's (MTA) systemic failures and congestion issues continue to cause headaches for commuters. The MTA released a Subway Action Plan in July 2017, which sought to address roughly 80% of the causes of major delays through a focus on increased staffing and maintenance. The 2018-19 Adopted Budget required the State and City of New York to fund the \$836 million first phase of the plan equally, established a for-hire vehicle congestion surcharge for for-hire vehicles entering south of 96th Street in Manhattan, and expanded the bus lane camera enforcement system and dedicates revenues collected from the mobile bus camera program to MTA operations. The Adopted Budget also included reporting language for how the MTA will be spending these additional revenues, though the City of New York criticized the MTA and 2018 capital program amendment for its lack of transparency in how it will be spending the money it is now obligated to provide.

Additionally, Phase 2 of the Subway Action Plan, focusing on longer-term capital projects to improve and enhance the system, is projected to cost \$8 billion. Projects and costs have not been identified for this portion of the Subway Action Plan. Additionally, new New York City Transit Authority chief Andy Byford released a proposal in May calling for overhauling the subway's communications systems and station accessibility that would cost roughly \$40 billion over the

next 15 years. Further, the MTA and City are also working on a plan to mitigate a roughly 18-month service stoppage of the L-Train connecting Brooklyn and Manhattan, which will likely entail high-occupancy vehicle lanes on the Williamsburg Bridge and possibly a dedicated bus lane on 14th Street. However, legislation sought by the City and MTA allowing use of camera enforcement for the lane and codifying a mitigation plan did not pass the Senate this session (A.9861-C/Lentol and S.8052-C/Kavanagh).

Autonomous Vehicles: As discussed in the debate on S.8243/Robach, the subject of vehicle automation has not had a hearing in numerous years exploring the implications for vehicle owner liability and insurance, and additional programmatic protections and driver qualifications. A pilot program authorizing State Police-supervised testing was extended for a second year in this year's Adopted Budget.

Requires Seat-Belt Use in Back Seats

S.2928 (Dilan, Boyle, Carlucci, Kennedy)

Requires adults to wear seat belts in the back seats of vehicles, and eliminates the exemption from wearing a seatbelt in for-hire vehicles. Provides that the rider, not the driver is liable for a ticket for not wearing a seatbelt in a for-hire vehicle. The Executive proposed a similar measure in the Executive Budget, and the Senate Majority, which has historically rejected this bill, indicated openness to expanding the universe of backseat riders who must wear seatbelts to 21 years of age.

Proponents: AAA NYS; NYU Langone Medical Center

Opponents: None

Assembly: Previous Same As died in Transportation (similar bill passed in 2013)

Senate: Died in Transportation (similar bill died on Third Reading Calendar in 2013)

Arterial Maintenance for Cities

S.7925 (O'Mara)

New York continues to advocate for an update to the reimbursement schedule for state highways maintained by the cities they occupy for the first time in nearly 30 years (S.7925/O'Mara), but this bill died on the Third Reading Calendar.

HEARINGS OR FORUMS

None

VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS

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SIGNIFICANT BILLS THAT PASSED BOTH HOUSES OF THE LEGISLATURE

Filing Vacancies on a Board of Visitors for State Veterans' Homes

S.6144-B (Crocì, Carlucci)/ A.8703-A (D'Urso)

This legislation allows a majority of a Board of Visitors for veteran's homes operated by the Department of Health to appoint an interim member to the Board to fill vacancies. The interim appointments would have to comply with the requirements of the public health law and would only be authorized if a vacancy has not been filled within 270 days. The Boards of Visitors for public hospitals and state nursing homes consult, advise and work with facility directors with respect to community relations, conditions at facilities, preliminary plans for construction and alterations and programs and activities of the facility.

Proponents: None

Opponents: None

Senate Vote: 58-0

Assembly Vote: 137-0

Veto Memo 264: The Executive states that this legislation attempts to establish a new process to fill temporary vacancies on the board of visitors for state veterans' homes. Specifically, it does not require an appointee to be member of any of the major organizations of war veterans or their women's auxiliaries nor does it provide any assurance that the temporary appointees are properly vetted to protect the health and safety of the residents of the veterans' homes.

Use of Personal Confidential Information Received from Veterans or Family Members of Veterans Receiving Services from the State

S.6610 (Lanza)/A.1206 (Cusick)

This legislation requires all state and local agencies or offices that provide assistance, services, or other care involving health, mental health, family services, criminal justice or employment to ask all clients or patients whether they have ever served in the armed forces or whether a family member has ever served in the armed forces. If affirmative, the provider or representative must inform the individual of assistance and benefits that may be available to them through the Division of Veterans Affairs and local veterans service agencies. Any information obtained as part of this legislation would be confidential material, and may only be used to assist in the diagnosis, treatment, assessment and handling of the veteran or the veteran family member's problem or matter of concern.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly Vote: 135-0

**Issuance of Deer Management Permits for Certain Service-Connected Disabled Veterans
S.723-A (Ortt, Ranzenhofer)/ A.4537-A (Ortiz)**

This legislation provides disabled veterans with easier access to deer hunting permits (Deer Management Permits) through the Department of Environmental Conservation by allowing them to use their expired deer hunting permits as proof of disability. Specifically, disabled veterans who are NYS residents and who have a service-connected disability rated at 40% or greater will receive preference on such permits. This legislation would only require the disabled veteran to provide a letter from the Veteran's Administration with their case number and disability percentage once and will subsequently receive preference on DMP permits without having to show proof of disability annually.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly Vote: 135-0

Establishes a Task Force on Veteran Employment Opportunities

S.936-A (Crocì, Addabbo, Akshar, Avella, Carlucci, Funke, Gallivan, Golden, Hannon, Helming, Kennedy, Larkin, Little, Marchione, Murphy, Ortt, Parker, Phillips, Ranzenhofer, Ritchie, Seward)/ A.4827-A (DenDekker)

This legislation establishes a task force on veteran employment opportunities that would include a members from the Division of Veterans Affairs; Office of General Services; Civil Service Commission; Commissioner of Labor; State University of New York and the City University of New York; the Department of Education; and appointees by the legislature. The task force would host bi-annual public hearings, and generate a report including recommendations on the development of new methods and programs aimed at assisting the state's veterans in finding and maintaining meaningful employment opportunities, an analysis of the current methods and programs, the impact on veteran employment by professional licensing, the impact of veteran contractor programs, the impact of tax credits and municipal grants for hiring unemployed veterans and any private sector initiatives. The legislation would be repealed 10 years from its effective date.

Proponents: None

Opponents: None

Senate Vote: 62-0

Assembly Vote: 135-0

Establishes a New York State Interagency Coordinating Council for Service-Disabled Veterans

S.8864 (Sepulveda)/ A.5931-A (Ramos)

This legislation establishes the New York State Interagency Coordinating Council for Service-Disabled Veterans. A service-disabled veteran is a veteran with a disability that was incurred or aggravated in the line of duty in the active military, naval, or air service. The Council, made up of 11 members will promote the implementation of a comprehensive statewide program of coordinated services for service-disabled veterans that includes: matters pertaining to educational training and retraining services and facilities, health, medical and rehabilitation services and

facilities, employment and re-employment services including small business opportunities, housing options, transportation options, long term care, personal care, day program services, family outreach and other essential services that maximize existing resources and administrative mechanisms; disseminate general information about available services to service-disabled veterans and how such services can be accessed; receive complaints in matters affecting service-disabled veterans and to refer such complaints to the appropriate regulatory agencies where it deems necessary or appropriate; and conduct an ongoing evaluation of the needs of service-disabled veterans.

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly Vote: 136-0

Provides for an Increase in the Rates of Compensation for Gold Star Parents

S.1124-B (Marchione, Akshar, Amedore, Avella, Bonacic, Boyle, Carlucci, Croci, DeFrancisco, Gallivan, Hannon, Helming, Kennedy, Larkin, Ortt, Phillips, Ranzenhofer, Ritchie, Seward)/ A.2799-A (McDonald)

This legislation allows, starting in 2019, the amount of any annuity payable to a Gold Star parent to be the same amount as the annuity payable in the preceding year plus a percentage adjustment equal to the annual percentage increase, if any, for compensation and pension benefits administered by the United States department of veterans' affairs in the previous year. Such percentage increase will be rounded up to the next highest one-tenth of one percent and shall not be less than one percent nor more than four percent. Additionally, the Director of Veterans' Affairs, no later than February 1 of each year, shall publish including posting on the division's website, the amount of the annuity as adjusted payable under these provisions. This legislation additionally removes the \$1,000 annual annuity payment cap per veteran. A Gold Star Parent is any eligible parent whose child was a member of the armed forces and lost their life in an eligible armed conflict, international terrorist attack, or peacekeeping mission

Proponents: None

Opponents: None

Senate Vote: 61-0

Assembly Vote: 144-0

Duties of the Division of Veterans' Affairs Concerning Information about Veterans Received from Nursing Homes and Residential Health Care Facilities

S.8968 (Helming)/ A.9981-A (Wallace)

This legislation includes operators of assisted living, assisted living residences and adult care facilities to those who would be required to advise their residents, identifying themselves as veterans (or spouses of veterans) in writing, of benefits under both federal and state law. The Division of Veterans' Affairs, under this legislation, would also be required to include within its annual report an accounting of the number of forms received by assisted living, assisted living residences and adult care facilities and the specific number of veterans and spouses of veterans linked to applicable benefits.

Proponents: None
Opponents: None
Senate Vote: 60-0
Assembly Vote: 137-0

SIGNIFICANT BILLS THAT PASSED THE SENATE ONLY

Prohibits Local Government Action which Prevents the Enforcement of Federal Laws S.3698 (Crocì, Akshar, DeFrancisco, Golden, Larkin, Marchione, Murphy, O'Mara, Ortt, Seward)/A.2872-A (Murray)

This legislation directs the Division of Homeland Security and Emergency Services (DHSES) to conduct a study of all municipalities and localities, including law enforcement offices and district attorney's offices, to determine whether such entities comply with prohibiting the prevention of enforcing federal laws. Specifically this legislation prohibits any law or policy against compliance with a detainer request issued by an authorized federal law and/or against the ability of the federal government to enter and conduct enforcement activities in jail, such as the U.S. Department of Homeland Security Immigration and Customs Enforcement (I.C.E.). Additionally, state funding would be prohibited for any county, city, town or village, or any agency, office, department or authority, including a sheriff's department, municipal police department or district attorney's office, determined to be in violation of the aforementioned provisions. The NYS Comptroller would be responsible for verifying that the receiving entity is not on the list developed by DHSES in such violation before dispersing or delivering any state funds. This legislation is known as prohibiting "sanctuary city" policies and practices.

Proponents: None
Opponents: None
Senate Vote: 32-29 (Addabbo, Alcantara, Avella, Bailey, Benjamin, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kaminsky, Kavanagh, Kennedy, Klein, Krueger, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Savino, Serrano, Stavisky, Stewart-Cousins, Valesky)
Assembly: Died in Governmental Operations

Acts of Terrorism and the New York State Intelligence Center S.7813-A (Murphy, Akshar, Amedore, Bonacic, Croci, Funke, Golden, Jacobs, Larkin, Marcellino, Marchione, Phillips, Ritchie, Robach, Seward, Tedisco, Young)

This legislation adds shootings to the definition of terrorism in the penal law and codifies the New York State Intelligence Center in the Division of State Police, under the direction of the Governor. The purpose of the Center is to enhance connectivity of federal, state and local partners to the Center and to develop at least 3 regional fusion centers to support information sharing, including entities beyond the law enforcement community including fire, public health, EMS, emergency management, and other relevant entities. The Center collaborates with the Division of Homeland Security and Emergency Preparedness, local state and federal government agencies, the law enforcement sector, schools, immigration agencies, the Attorney General, and the private sector.

Proponents: None

Opponents: None

Senate Vote: 41-17 (Addabbo, Bailey, Benjamin, Breslin, Comrie, Gianaris, Hoylman, Kaminsky, Kavanagh, Krueger, Montgomery, Ortt, Persaud, Rivera, Serrano, Stavisky)

Assembly: Died in Government Operations

Requires the Veterans Health Care Information Program to Provide Information Concerning Health Issues to Veterans' Children and Requires the Department of Corrections and Community Supervision to Maintain Records

S.48-A (Hoylman)

This legislation expands the veterans health care information program within the Department of Health to provide information on health issues associated with military duty, including but not limited to Agent Orange, Gulf War Syndromes, toxic materials or harmful physical agents such as, depleted uranium, and hepatitis C, children of veterans. Currently, the program provides such information to veterans, their surviving spouses and health care providers. Additionally, this legislation requires the Department of Corrections and Community Supervision to collect, maintain, and analyze statistical and other information and data with respect to persons subject to the jurisdiction of the department, including the military background and circumstances, if such person served in the United States armed force.

Proponents: None

Opponents: None

Senate Vote: 60-0

Assembly: Died in Veterans' Affairs

Eligibility of Unemployment Benefits for Spouses who Voluntarily Separate from Employment to Accompany a Spouse who is the Subject of a Military Transfer

S.306 (Murphy, Addabbo, Avella)/ A.4326 (Ortiz)

This legislation would allow a spouse of an active service member to be eligible for unemployment benefits when they must quit their job due to their spouse's military transfer. Unemployment insurance benefits are generally available only to workers who lose their job due to no fault of their own. An employee may be disqualified from receiving unemployment benefits when the reason for leaving employment is employee misconduct and voluntary quitting. Therefore, this legislation would authorize certain employees, spouses of active service members, not classified as having voluntarily quit to still collect unemployment insurance benefits under the aforementioned circumstance.

Proponents: The Jewish War Veterans of the USA Department of New York & Ladies Auxiliary

Opponents: None

Senate Vote: 61-0

Assembly: Died in Labor

Authorizes Free Hunting, Fishing and Trapping Licenses to Residents of the State who are Active Duty Members of the U.S. Armed Forces Regardless of Duty Station

S.854 (Young, Amedore, Avella, Bonacic, Croci, Funke, Helming, Larkin, Marchione, Ranzenhofer)/ A.4991 (Giglio)

This legislation allows any active service member of the United States armed forces to receive a free fishing, hunting and/ or trapping license if they are a resident of the state, regardless of where they are stationed or how long they are in New York. Under current law, the Patriot Plan provides free hunting/big game, fishing and trapping licenses to New York State residents who have the appropriate Sportsmen Education and are active service members of the military who are stationed outside of the state, and have been in New York for less than 30 days on leave or furlough.

Proponents: None

Opponents: None

Senate Vote: 58-4 (Hoylman, Krueger, Sepulveda, Serrano)

Assembly: Died in Environmental Conservation

Ballots of Deceased Military Personnel Counted in Certain Cases

S.944 (Croci, Carlucci, Funke, Helming, Larkin, Marchione, Ortt, Ritchie)/ A.4342 (Ortiz)

This legislation requires absentee ballots that are cast by military personnel who die before the election to be counted toward electoral vote totals for the election for which the ballot was cast. To be counted, the decedent must have been on active duty service and must have died as a result of participating in combat operations before the scheduled election. If enacted, military personnel who died during combat operations would be the only group of people whose votes would count if they die before the election. All others would continue to be disqualified.

Proponents: None

Opponents: None

Senate Vote: 53-9 (Comrie, Dilan, Gianaris, Hoylman, Krueger, Montgomery, Persaud, Rivera, Stavisky)

Assembly: Died in Election Law

Establishes & Enhances Crimes of Cyber-Terrorism

S.953 (Croci, Akshar, Avella, Funke, Golden, Helming, Larkin, Marchione, Murphy, O'Mara, Phillips, Ranzenhofer, Robach Serino)/ A.3311 (DenDekker)

This legislation adds two new crimes of cyber terrorism; cyber terrorism in the first and the second degree. Under this legislation, a person would be guilty of cyber terrorism in the second degree, a class C felony, when a person uses a computer, or other similar technology, with the intent to cause serious, widespread financial harm, or to commit any larceny offense against more than ten people. This definition of terrorism excludes the intent to intimidate, coerce the public, or to influence public policy or opinion. A person would be guilty of cyber terrorism in the first degree, a class A felony, when a person uses a computer, or other similar technology, to injure, damage, destroy, or debilitate persons or property with the intent to intimidate or coerce a civilian population; influence the policy of a unit of government by intimidation or coercion; affect the conduct of a unit of government; or cause mass injury, damage, destruction or debilitation to persons and/or property.

Proponents: None
Opponents: None
Senate Vote: 58-3 (Kavanagh, Krueger, Sanders)
Assembly: Died in Codes

Crime of Soliciting or Providing Support for Terrorism

S.956 (Crocì, Akshar, DeFrancisco, Funke, Gallivan, Helming, Larkin, Marchione, Murphy, O'Mara, Phillips, Robach, Seward)/ A.3272 (DenDekker)

This legislation adds the crime of soliciting or providing support for an act of terrorism in the third degree, and enhances the penalties for soliciting or providing support for an act of terrorism with a total value of less than \$1,000 to a Class D felony when, with intent that material support or resources will be used to plan, prepare, carry out, or assist in an act, concealment of an act, or escape from an act of terrorism, that person raises, solicits, collects or provides material support or resources. Additionally, this legislation modifies the second degree crime of soliciting or providing support for an act of terrorism when a person commits the crime of soliciting or providing support for an act of terrorism in the third degree, and the total value exceeds \$1,000, or any amount using a credit card, is a class C felony. First degree soliciting is enhanced to a Class B felony (from a Class C Felony), and the total value of support must now exceed \$5,000. A Class B Felony carries a maximum sentence of 25 years. A Class C Felony carries a maximum sentence of 15 years. A Class D Felony carries a maximum sentence of 7 years. The minimum sentence for any B,C, or D felony is at least one year, and not more than one-third of the maximum sentence for that felony.

Proponents: None
Opponents: None
Senate Vote: 61-0
Assembly: Died in Codes

Establishes the Crime of Making a Terroristic Threat Against a Police Officer

S.1984 (Gallivan, Akshar, DeFrancisco, Funke, Golden, Helming, Larkin, Murphy, O'Mara, Seward)

This legislation establishes the crime of making a terroristic threat against a police officer. A person would be guilty of this crime when they threaten to commit, or cause to be committed, a specific offense against a police officer that causes a reasonable expectation or fear of the imminent commission of the offense with the intent to intimidate or coerce a civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by murder, assassination or kidnapping. The defense that the defendant did not have the intent or capability of committing the specific offense or that the threat was not made to a person who was a subject of the threat would not be available under this law. This offense would be a class C felony.

Proponents: None
Opponents: None
Senate Vote: 52-9 (Bailey, Comrie, Hoylman, Krueger, Montgomery, Parker, Persaud, Rivera, Sanders)
Assembly: Died in Codes

**Increasing the Amount of State Reimbursement to Local Veterans' Service Agencies
S.8210 (Ortt, Helming, Seward)/ A.10714 (DenDekker)**

This legislation eliminates the county and city mandate to pay for cost of maintenance and operation of respective veterans' service agencies. Under current law, the county and city is responsible for 50% of such expenditures and the state picks up the other half. For a county veterans' service agency with a population up to 100,000, the state would pay for up to \$20,000 annually; for a city veterans' service agency with a population up to 100,000, the state would pay for up to \$20,000 annually; for a county veterans' service agency with a population over 100,000, excluding the population of any city therein which has its own veterans' service agency, the state would pay up to \$20,000 annually, plus an additional \$10,000 for each 100,000 in excess excluding such city and; for a city veterans' agency in a city having a population over 100,000, the state would pay up to \$20,000 annually, plus an additional \$10,000 for each 100,000 in excess.

Proponents: City of New York Office of the Mayor

Opponents: None

Senate Vote: 60-0

Assembly: Died in Veterans

SIGNIFICANT BILLS THAT PASSED THE ASSEMBLY ONLY

**Provides Information on where to Seek Help Regarding Sexual Trauma in the Military
S.1699 (Parker, Addabbo, Bailey, Comrie)/ A.1827 (Fahy)**

This legislation requires the Commissioner of Mental Health to disseminate information to veterans regarding which United States Department of Veterans Affairs Medical Centers, outpatient clinics, community-based outpatient clinics, vet centers or other United States Department of Veterans Affairs facilities veterans can seek treatment, counseling and resources for military sexual trauma experienced while on active duty or during military training. Such information shall be posted on the office's website with a link to the website of the United States Department of Veterans Affairs and a link to the website of the state division of veterans' affairs.

Proponents: None

Opponents: None

Senate: Died in Veterans

Assembly Vote: 133-0

**Requires Facilities Offering Dialysis Services to have an Alternate Generated Power Source for Use During a General Power Outage or Disaster Emergency; Exemptions
S.8795-C (Sepulveda)/ A.4303-B (Peoples-Stokes)**

This legislation requires all facilities offering dialysis services to have an alternate generated power source for use during a general power outage or disaster emergency. An "alternate power source" means equipment that is of a capacity that is capable of providing adequate electricity to operate all equipment necessary to provide individuals with dialysis services which can operate independent of the local electric utility distribution system and provide electricity during a

general power outage or disaster emergency declared by the Governor. A patient's home or other location where the primary purpose of that location is not to provide health care, including a training location that trains patients on dialysis therapies intended to be conducted primarily by one's self in their own home or other location are exempt from this requirement.

Proponents: None

Opponents: None

Senate: Died on Third Reading

Assembly Vote: 144-0

UNRESOLVED ISSUES

Establishes the Private Employers Veterans' Preference Policy Act

S.721 (Ortt, Addabbo, Croci, Larkin, Marchione)/ A.4359 (Cusick)

This legislation authorizes private employers to adopt a veterans preference policy to use during their hiring, promotions, and firing decisions by modifying the Veterans Employment Act. The policy would be required to be in writing and be applied uniformly to employment decisions regarding the hiring or promotion of veterans or the retention of veterans during a reduction in the workforce. Under the current Veterans Employment Act it the policy of the state to use honorably discharged veterans for temporary appointments in state agencies rather than utilizing temporary employment service companies. It is also the responsibility of the Department of Civil Service to create a veteran temporary hiring list. A state agency must select a veteran from the veteran temporary hiring list when making a temporary appointment provided the veteran possesses the applicable skills needed for the temporary assignment.

Proponents: None

Opponents: None

Senate: Died on Third Reading

Assembly: Died in Veterans

Excludes Veterans' Disability Benefits from Probable Aggregate Annual Income

S.1117 (Funke, Sanders)/ A.6973 (Ryan)

This legislation provides that, for purposes of veterans seeking to qualify for public housing, disability benefits paid by the federal government to veterans for service-connected disabilities would be exempt from "probable annual aggregate income". This legislation also provides that disability benefits paid by federal government to veterans for service-connected disabilities would be exempt from the computation of any surcharge against such veterans.

Proponents: None

Opponents: None

Senate: Died on Third Reading

Assembly: Died in Housing

Timely Transmission of Ballots to Military Voters Stationed Overseas

S.3562-A (Stewart-Cousins, Addabbo, Alcantara, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hoylman, Kavanagh, Krueger, Persaud, Sepulveda, Serrano, Stavisky)/ A.9925 (Lavine)

This legislation would move the state primary elections to the 4th Tuesday in June, to merge the Federal and the State primary elections on the same day. To implement the primary election date change, deadlines and due dates would be amended under this legislation. This legislation further amends the Election Law in the following ways: the last day to timely file certificates, petitions, objections or specifications outside of New York City, if sent by mail or overnight delivery service, must be received no later than two business days after the last day to file.

Proponents: None

Opponents: None

Senate: Died in Veterans

Assembly: Died on Third Reading

HEARINGS AND FORUMS

None