



NEW YORK STATE SENATOR

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## Summary of 2013 Senate Legislative Action

JACK M. MARTINS June 25, 2013



### **2013-2014 NEW YORK STATE BUDGET**

The New York State Senate approved the 2013-14 state budget that delivers on priorities outlined by the Senate Republican Conference to provide much-needed tax relief for middle-class families, help businesses create jobs, and, for the third consecutive year, the budget keeps spending growth below two percent, which is consistent with the local spending cap that applies to school districts and local governments. It was also the third consecutive budget approved prior to the April 1 deadline.

The budget includes direct tax relief for middle class families in the form of a \$350 Family Tax Relief credit, increases tax breaks for small businesses and includes most elements of the Senate Republican's "Blueprint for Jobs" plan, including the reduction and elimination of the utility tax surcharge beginning next year. The budget also increases state school aid by almost \$1 billion to ease pressure on property taxpayers.

## **HIGHLIGHTS OF THE 2013-2014 BUDGET:**

### **FAMILY TAX RELIEF**

Over the next three years, each New York family with at least one dependent child and a household income between \$40,000 and \$300,000, will receive a Family Tax Relief credit in the amount of \$350. The total tax relief for Middle Class families will be \$1.23 billion over three years, beginning in 2014.

In addition, the budget extends the middle class personal income tax rate reductions enacted in 2011, which were due to expire in 2014. The tax rate reductions provide 4.4 million taxpayers with \$707 million in tax relief per year. The PIT rates are currently at the lowest level in 60 years.

The budget will also continue the inflation indexing approved in 2011, in order to provide taxpayers with a hedge against inflation, and to avoid unintended tax increases that could otherwise happen as a result of normal income growth. The indexing provision will save taxpayers \$230 million next year.

### **CUTTING TAXES, CREATING JOBS**

Early in the budget process, Senate Republicans issued a detailed job creation plan called "Blueprint for Jobs." This comprehensive plan expands the state's economy and make businesses more competitive by cutting taxes, reducing costs, making targeted economic

investments and expanding job training opportunities. The final 2013-14 state budget includes most of the elements of the Senate Republicans' Blueprint for Jobs plan, including:

> Small Business Tax Relief – The budget includes almost \$600 million in tax relief for New York businesses over the next three years, including a reduction in personal income taxes on business income (\$60 million) for hundreds of thousands of small businesses that pay personal income taxes;

> Tax Relief for Manufacturers – The budget reduces the Corporate Tax on manufacturers by 25 percent, helping them reduce costs and compete more effectively.

> Reducing Energy Taxes – Senate Republicans rejected the Governor's proposal to fully extend the 18a energy tax surcharge on all business and residential ratepayers for five years. Instead, the surcharge will be reduced and eliminated over three years starting next year, reducing energy bills for all business and residential ratepayers.

> Helping Our Heroes – The budget creates a tax credit to any business that hires a veteran returning home from military service. The credit will equal 10 percent of wages paid -- increasing to 15 percent of wages if the veteran is disabled;

> Tax Credit for Teen Employees – The budget includes a refundable tax credit for businesses, subject to the minimum wage increase, that hire people under the age of 20, saving businesses \$112 million over three years.

> New York State Incubator Program – The budget includes \$1.25 million to provide operating support for the state's business incubators and to designate 10 business incubators at locations affiliated with higher education institutions as innovation hot spots providing tax benefits for tenant businesses.

- > Expanded Job Training Programs – The budget creates the Next Generation NY Job Linkage program. This initiative will attract and retain tens of thousands of jobs by aligning existing community college degree programs with the current and future needs of individual employers in the community college region. The budget includes \$5 million for this new program.
- > Workers' Compensation and Unemployment Reform – Employers will save \$1.2 billion as a result of reforms to modernize and simplify the state's workers' compensation and unemployment insurance programs. The savings do not impact workers' benefits.
- > Expanded Agriculture Marketing – The Senate Republicans' "Grown in New York" plan to strengthen the state's agriculture industry called for expanded marketing efforts to promote New York-made foods and produce such as maple products, apples, and grapes. The budget creates the new Market-NY initiative to better market New York-grown farm products.
- > SUNY 2020, CUNY 2020 Economic Development programs – Two years ago, Senate Republicans pushed for the creation of the SUNY 2020 program to bolster economic development efforts at SUNY colleges. The 2013-14 state budget includes \$55 million to fund a third round of competitive grants for the SUNY 2020 economic development program and \$55 million to create a similar program for CUNY schools.

## **AID TO EDUCATION**

- > The budget increases statewide aid to education by almost \$1 billion over last year. State school aid will be distributed fairly among every region of the state.
- > The budget raises community college base aid by \$150 per student.
- > Local libraries will receive a state aid increase of \$4 million.

## **TRANSPORTATION AID**

> For the first time in five years, local aid for road and bridge improvement projects will be increased. Senate Republicans successfully fought for a \$75 million increase (21 percent) in funds for the Consolidated Highway Improvement Program (CHIPS). Total CHIPS aid in the budget is \$438 million.

> The budget includes a two-year transportation capital program of \$3.7 billion for highway and bridge, freight and rail, aviation, and transit spending.

> Non-MTA transit services, such as local bus operations, will receive an increase in capital funds of \$21 million, as a result of efforts by Senate Republicans.

### **LOCAL GOVERNMENT MANDATE RELIEF**

> Local governments and school districts will have the option to take advantage of pension reforms included in the budget that would give them short term relief from rising employee pension cost.

> The budget will give county governments an advance of federal aid from the Affordable Care Act of \$86 million this year.

> Villages will receive a total of \$1.5 million in aid to municipalities.

### **PROPERTY TAX RELIEF**

> The budget includes a record amount of property tax relief under the STAR program, a total of \$3.4 billion, a \$143 million increase over last year.

> Of the \$3.4 billion, \$912 million goes to enhanced STAR property tax relief for senior citizen homeowners.

> New York City residents who pay property taxes will receive \$611 million in tax relief through STAR.

## **ENVIRONMENTAL CONSERVATION**

> The budget increases the Environmental Protection Fund by \$19 million for a total of \$153 million.

> The budget includes \$40 million in additional NY Works funding for environmental cleanup projects.

## **TAX RELIEF AND MANDATE RELIEF**

### **Prompt Payment of Income Tax Refunds**

The New York State Senate passed legislation that would ensure timely payment of state income tax refunds. The bill requires the state to pay tax refunds within 30 days of the receipt of a taxpayer's return, unless there is a discrepancy in the return. (S.3047), Senator Carl L. Marcellino, R, Syosset)

### **Unfunded Mandates**

The Senate approved legislation that would prohibit state mandates on local governments and school districts unless they are fully funded by the state. (S1294), Senator Joseph Griffo, R-C-I, Rome)

### **Incentivizing Counties to Fight Medicaid Fraud**

The Senate passed legislation that would give NYC and counties financial incentives to identify and prosecute Medicaid fraud helping to eliminate fraud, waste and abuse in the state. The bill allows NYC and counties to keep 100% of the local share of any successful Medicaid fraud prosecution or settlement, or 10% of the total recovery, whichever is greater. It is needed because the existing Medicaid payment cap that applies to local governments inadvertently reduced the financial incentive for local governments to root out fraud, waste

and abuse. This would help recover millions of dollars each year from taxpayers and the state while helping counties. (S.2617-A), Senator Cathy Young (R-C-I, Olean)

## **HURRICANE SANDY RELIEF AND RECOVERY**

The Senate passed a comprehensive legislative package that provides relief to people and communities impacted by Hurricane Sandy, aids rebuilding efforts, and increases disaster preparedness. The 22 bills will be integral to providing needed financial assistance to homeowners, businesses, local governments, school districts, and others still recovering from the storm, and give those responsible for disaster response the tools they need to be more effective and efficient.

The bills are:

S5849, PBH, sponsored by Senator Phil Boyle (R-C-I, Suffolk County): enacts the “Superstorm Sandy Assessment Relief Act” to allow eligible municipalities included in the federal disaster declarations (excluding New York City) to offer a real property tax reduction to owners whose properties suffered catastrophic damage during the storm.

S3702B, PBH, sponsored by Senators Andrew Lanza (R-I-C, Staten Island), Martin Golden (R-C, Brooklyn), Diane Savino (D, Staten Island/Brooklyn), and Simcha Felder (D, Brooklyn): allows New York City to offer real property tax relief to city residents whose properties were severely damaged by Hurricane Sandy. Eligible residents would receive a rebate that reflects the reduction in value of the improvements on property for a period of eight months from the date of Hurricane Sandy to the end of the city’s 2013 fiscal year.

S4554A sponsored by Senator Dean G. Skelos (R, Rockville Centre): provides local option to counties within the Hurricane Sandy federal disaster area outside of New York City to grant exemptions for filing fees (or reimbursement if fees have already been paid) associated with

federal Small Business Administration Disaster Loans filed with the county clerk's office. Final Passage.

S5796, PBH, sponsored by Senators Martin Golden (R, Brooklyn) and Diane Savino: Provides local option to New York City to grant exemptions for filing fees (or reimbursement if fees have already been paid) associated with federal Small Business Administration Disaster Loans filed with the county clerk's office that are connected with damage due to Hurricane Sandy.

S5776 sponsored by Senator Jack Martins (R-C-I, Mineola): Permits Industrial Development Agencies (IDA) to include retail projects if a project is located within a county that has been declared a federal disaster area within 18 months of the project's approval by the IDA and the project involves a business directly or indirectly impacted by the disaster.

S3716, PBH, sponsored by Senator Skelos: Expands the financing options available to the City of Long Beach to recover from the destruction caused by Superstorm Sandy. Final Passage.

S4969, PBH, sponsored by Senator Andrew Lanza (R-C-I, Staten Island): Amends a law passed as part of the state budget which requires the New York State Energy Research and Development Authority to develop recommendations about establishing microgrids to now include not-for-profit organizations focused on disaster relief and recovery. Microgrids are a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that acts as a single controllable entity and can connect and disconnect from the grid to enable it to operate in both grid-connected or island-mode. Final Passage.

S5323A, PBH, sponsored by Senator George Maziarz (R-C, Newfane): removes barriers to the efficient deployment of out-of-state infrastructure restoration workers, such as utility and wireless network providers, to expedite the restoration of infrastructure and utilities. Final



Passage.

S4666 sponsored by Senator Golden: Provides for Hurricane Sandy Recovery Funds oversight by requiring the state Division of Budget to maintain a website that provides regularly updated information detailing how Hurricane Sandy recovery monies are being spent.

S3667A sponsored by Senator Savino: requires those performing mold assessment and mold remediation to be licensed by the state, helping to ensure the proper training by those addressing this public health issue.

S2338A sponsored by Senator Jeffrey Klein (D-Bronx/Westchester): Directs the special advisory panel on homeowner insurance/catastrophe coverage to study certain facets of insurance in coastal areas so that homeowners are able to continue accessing a variety of insurance products at affordable prices to cover their diverse insurance and protection needs in the wake of Sandy.

S3850 sponsored by Senator Savino: Provides an incentive for business located in areas with varying levels of flood risk to obtain flood insurance by offering corporate franchise tax and personal income tax credits.

S5790, PBH, sponsored by Senator James Sanders, Jr. (D-Queens): Requires the Division of Homeland Security and Emergency Services to conduct a study regarding the feasibility of installing tornado sirens to add redundancy to warning systems that could be rendered useless due to power loss from major disasters.

S4719 sponsored by Senators Lanza and Savino: Expands the definition of “essential emergency vehicles and personnel” that are exempted from curfews and traffic prohibitions during declared emergencies to include personnel or vehicles of licensed or certified home health agencies or hospices. These individuals require such access in order to provide care

and treatment to individuals in their homes or shelters during emergencies.

S5787, PBH, sponsored by Senators Greg Ball (R-C, Pawling), Carl Marcellino (R, Syosset), and Carlucci: Improves the state's ability to coordinate, prepare, and respond to disaster emergencies by making technical updates to current emergency laws, allowing the state to accept certain non-monetary donations to assist with emergencies, and helping to implement the NY-Text Emergency Alert System.

S5798 sponsored by Senators Golden, Lee Zeldin (R-C-I, Shirley) and Savino: requires the Department of Financial Services to conduct a study of anti-concurrent clauses in homeowners insurance policies with regards to sewer backup coverage. Many people affected by Superstorm Sandy found that anti-concurrent causation clauses in their policies prevented them from receiving coverage for property damage, especially damage to sewer lines. This bill will allow the Legislature to make an informed decision regarding the appropriate future treatment of these clauses in policies for sewer backup insurance coverage.

S3736B, PBH, sponsored by Senator Joseph Addabbo, Jr. (D-Queens): Helps residents in Breezy Point, Queens, rebuild by waiving the requirement that a permit be granted for reconstruction of a building that has suffered substantial damage caused by Hurricane Sandy, provided the construction has sprinklers in accordance with the local building and fire code. The unique layout of Breezy Point required this additional permit because homes do not have mapped street frontage. Final Passage

S4725, PBH, sponsored by the Rules Committee: Allows a municipality to have some flexibility in addressing Hurricane Sandy costs by repaying inter-fund advances made for Sandy-related expenses by the end of the next succeeding fiscal year. Current law requires municipalities to repay inter-fund advances by the close of the fiscal year in which the

advance was made. Final Passage

S4726, PBH, sponsored by the Rules Committee: Authorizes local governments and school districts impacted by Hurricane Sandy to expend and temporarily transfer reserve funds for Sandy-related expenses. Any transfer made pursuant to this provision would be required to be reimbursed over a five-year period, starting with the fiscal year following the transfer, with at least 20 percent of the transferred funds reimbursed each year during the five-year period. Final Passage

S4729, PBH, sponsored by the Rules Committee: Provides additional financing options to municipalities, school districts, and fire districts by giving them the authority to issue serial bonds to finance certain extraordinary expenses necessitated by Hurricane Sandy, similar to what was offered for communities impacted by Hurricane Irene/Tropical Storm Lee. Final Passage

S4778B sponsored by Senator Golden: Establishes an executive statewide plan for natural disaster emergency procedure that allows state and local officials to act cooperatively and efficiently in the event that the state is affected by extreme weather or other such natural disaster. It will also provide the public with a clear, concise, and effective set of guidelines for how to prepare for these types of disasters.

S5407 sponsored by Senator Klein: The last measure directs the state to examine, evaluate, and make recommendations about establishing an office of risk assessment and management. The risk manager would help anticipate, curtail, and minimize future state liabilities due to personal injury of its employees and the general public or the physical damage to property that occurs during the normal course of state operations or as a consequence of a natural disaster or catastrophic weather event.

In addition to these measures, the 2013-14 state budget included several Hurricane Sandy-related items including: providing the appropriation authority to implement federal funding for Sandy recovery efforts; requiring gas stations to install generators or pre-wiring for generators; requiring the state to develop recommendations for the establishment of micro-grids to assist in disaster relief and recovery; and providing the Public Service Commission with additional oversight and enforcement authority for certain electric utilities.

## **AGING**

### **Seniors' STAR Tax Relief**

Under this year's enacted budget, there is a record \$3.4 billion of property tax relief under the STAR program. Of that, \$912 million goes to enhanced STAR property tax relief for senior citizen homeowners.

### **EPIC Prescription Drug Assistance**

The budget includes full funding for \$195.9 million for New York's EPIC program, which provides low-cost prescription drug coverage for more than 270,000 senior citizens.

A number of other programs that benefit older New Yorkers are supported by this year's budget including additional funding for:

\$500,000 – Elderly Abuse Education and Outreach Program

\$200,000—Social Model Adult Day Services Program

\$200,000—Transportation Services for the Elderly

\$200,000—New funding for the Lifespan for Elderly Abuse Education and Outreach Program

\$200,000—New funding for the Council of Senior Centers and Services of New York City for the Older Adult Supplemental and Nutrition Assistance Program (SNAP) initiative.

### **Caring for the Elderly**

The Senate gave final passage to a bill that would help make it easier and less expensive for legal guardians caring for the elderly or other relatives living out-of-state to carry out their responsibilities. The measure assists New Yorkers caring for adults in other states, as well as out-of-state individuals caring for elderly New Yorkers when they seek approval to fulfill health care, financial, and other legal responsibilities across state lines. It would create a registration form that would be used uniformly by participating states. (PBH, S2534, Senator Kemp Hannon, R- Nassau)

## **CHILDREN AND FAMILIES**

### **Family Tax Relief Act**

As part of its state budget resolution, the Senate approved the Family Tax Relief Act, a package of tax relief and reform measures designed to provide a major economic boost to New York's struggling middle class families.

The Senate Republican plan would increase tax breaks that have not kept pace with inflation, and, in some instances, haven't been adjusted for more than 25 years. The plan also would restore the STAR property tax rebate check program to provide real and direct relief to millions of New Yorkers who pay some of the highest property taxes in the country.

The Senate Republican Family Tax Relief Act includes the following:

### **Increase Dependent Exemption**

> Increase the Dependent Exemption from \$1,000 to \$2,020 per dependent;

> Dependent Exemption last increased in 1987.

### **Increase Dependent Care Credit**

> The Dependent Care Credit, which is a percentage of the federal credit, allows taxpayers a tax credit for the expenses incurred for the care of a child;

> Dependent Care Credit last increased in 1999;

> Our plan would increase the percentage range of the federal child care credit that parents can receive, from 20 percent to 110 percent (depending on income), to 27 percent to 150 percent of the federal child care credit.

### **Increase Child Tax Credit**

> Increase the maximum Child Tax Credit from \$330 to \$375 to adjust for inflation;

> Child Tax Credit last amended in 2006;

> Our plan increases the Child Tax Credit from 33 percent of the federal child tax credit to 37.5 percent;

> In New York State, married-joint filers with income less than \$130,000 (federal), who have a child that is between the ages of 4 and 16, can receive the credit;

> Provide an additional \$500 Child Tax Credit per family.

### **Restore STAR Property Tax Rebate Checks**

> Restore the STAR Rebate Check Program to provide an estimated additional \$1.4 billion in tax relief; This would provide real and direct relief to millions of people across the state, including seniors and middle class families.

### **Passing a Stopped School Bus**

The Senate passed a bill that would increase the fines for passing a stopped school bus. The bill also requires criminal penalties for drivers who injure or kill a person by doing so. (S.1064), Senator George Maziarz (R-C, Newfane).

### **Fire Safety**

The Senate passed a bill to promote fire safety by prohibiting the sale and distribution of novelty lighters. The bill would remove novelty lighters - which have features like music, lights, and toy-like designs – from store shelves and prevent them from getting into the hands of children who may not understand the fire risk. (PBH, (S933A), Senator Jack Martins, R-C-I, Mineola)

### **Drugs Near Treatment Facilities**

The Senate passed legislation toughening the penalties for drug dealers who sell to children or near alcohol and drug treatment facilities. The measure makes the sale of drugs by an adult to a child under the age of 14 a felony. (S.988), Senator Jack Martins, R-C-I, Mineola)

### **Sex Offender Bills**

The Senate passed a package of bills cracking down on rapists and sex offenders by creating new crimes and increasing penalties. Legislation ensures significantly longer prison sentences for serial rapists. Under current law, it is possible for a judge to issue concurrent sentences for multiple counts arising from separate and distinct acts of rape. The legislation would require consecutive prison sentences for each separate count of first-degree rape when an individual is convicted of multiple counts, keeping dangerous felons off the streets for as long as possible. (S.1459), Senate Republican Leader Dean Skelos)

Senator Skelos also sponsored a bill (S.1391) that increases the penalty for failure to register or report a change of address by a Level Three Sex Offender.

And the Senate passed legislation that creates new felony-level “Computer Sex Crimes”, which are offenses in which criminals use computers and the Internet to commit sex crimes against children under the age of 17. (S.2510), Senator Joe Robach, R-C-I, Rochester)

### **School Bus Monitor Provisions**

The Senate passed legislation to protect children by preventing people who have been convicted of crimes involving children, sexual-based offenses, and drug offenses from being a school bus monitor. The bill also updates existing laws to include Leandra’s Law convictions in disqualifying a person from being a school bus driver for five years after conviction. (S883), Senator John Bonacic, R,C,I-Mount Hope)

### **Felony-level Endangering the Welfare of a Child**

The Senate also acted on a bill that adds a new crime to protect children. The bill creates the felony crime of endangering the welfare of a child if a person has previously been charged with child endangerment. Currently, the crime is a misdemeanor offense no matter how many times an individual has been charged with that crime in the past. (S749) Senator Charles Fuschillo, Jr., R, Merrick)

### **DWI Bills**

Legislation that requires drunk drivers with multiple DWI convictions to serve jail sentences includes:

\*Drunk drivers convicted of two DWI crimes within ten years would be guilty of a Class E felony, face up to four years in jail and/or a fine between \$1,000-\$5,000, and receive a mandatory minimum jail sentence of 30 days.



\*Drunk drivers with three or more DWI convictions within ten years would be guilty of a class D felony, face up to seven years in jail and/or a fine between \$2,000-\$10,000, and receive a mandatory minimum 90 day jail sentence.

\* Drunk drivers convicted of two aggravated DWI crimes (.18 BAC or higher or DWI with a child in the car) within ten years would be guilty of a Class E felony, face up to four years in jail and/or a fine between \$1,000-\$5,000, and receive a mandatory minimum jail sentence of 180 days.

\*Drunk drivers convicted of three or more aggravated DWI crimes (.18 BAC or higher or DWI with a child in the car) within ten years would be guilty of a class D felony, face up to seven years in jail and/or a fine between \$2,000-\$10,000, and receive a mandatory minimum 1 year jail sentence. (S750) Senator Charles J. Fuschillo, Jr., R-Merrick)

The Senate passed legislation that would require chemical testing of drivers suspected of being under the influence when an accident occurs and results in serious injury or death. (S1446), Senator John Flanagan, R-C-I, East Northport)

The Senate passed “Vince’s Law” to create a new Class C felony, punishable by up to 15 years in prison, if a driver is convicted of three or more DWIs in a 25-year period. Currently, the law for multiple DWIs only includes offenses committed over a 10-year period. (S.4267), Senator John DeFrancisco, R-C-I, Syracuse)

The Senate also passed a bill to require the individual review of each drunk driving offender before issuing a conditional driver’s license. (S.742), Senator Fuschillo)

The Senate passed “Tiffany’s Law, which would require all prior convictions of operating a vehicle while intoxicated, whether it be an automobile (DWI), snowmobile (SWI), or all-terrain vehicle, to be considered during sentencing of a subsequent Boating While

Intoxicated (BWI) conviction. In turn, any person convicted of BWI would have that charge considered during any subsequent DWI, SWI or ATV offense. (S.1790), Senator John A. DeFrancisco, R-C-I, Syracuse)

### **Strengthening Leandra's Law**

The Senate passed legislation to keep convicted drunk drivers from evading ignition interlock device usage. The bill strengthens Leandra's Law with provisions to ensure that more convicted drunk drivers use ignition interlocks as required by law, make it more difficult for drivers to claim they will not operate a car, and increase penalties for individuals who try to escape the law through fraud. (PBH (S5859), sponsored by Senator Charles J. Fuschillo, Jr. R-Merrick)

### **Boating**

The Senate passed a bill toughening the penalties for leaving the scene of a boating accident without making a report. The bill is in response to serious boating accidents that have happened in recent years. (S.339), Senator John DeFrancisco, R-I-C, Syracuse)

### **Violent Felons**

The Senate passed legislation to require certain violent felons to serve their maximum prison term if there is evidence that their release would pose an imminent threat to society. The bill would help protect the public by keeping repeat offenders off the streets and limit "good behavior" and other rewards from reducing the time spent in prison. (S.3871), Senator Joseph Griffo, R,C,I - Rome)

### **Felony-level Aggravated Criminal Conduct**

The Senate passed a bill to stop perpetual repeat offenders who continue to commit misdemeanor crimes establishing a new felony-level crime of aggravated criminal conduct to

bring stronger penalties against those who commit a misdemeanor after having been already convicted for multiple misdemeanors within the past five years. (S1521), Senator Carl L. Marcellino, R, Syosset)

### **Terrorism**

The Senate passed a measure to deter terrorist recruitment and punish those who seek to employ others for their criminal plans. The bill would complement law enforcement's efforts to expose groups who actively seek to engage in terrorist activity by creating a new crime to prosecute those who recruit others to assist them. (S1520), Senator Carl L. Marcellino)

The Senate passed legislation that would require convicted terrorists to serve their full prison sentences by making them ineligible for early release programs. In addition, the bill would also apply to individuals convicted of all homicide crimes, hate crimes, and major drug trafficking crimes. (S4342), Senator Patrick Gallivan, R-C-I, Elma)

The Senate passed legislation that would increase penalties for criminals who attempt robberies with devices appearing to be bombs or explosives, elevating the criminal charge from third degree to first or second degree robbery. (S1018), Senator Joe Robach, R-C-I, Rochester)

### **Texting and Talking While Driving**

The Senate passed legislation to increase the safety of roads and drivers by strengthening penalties for teens and other new drivers who text or talk on a cell phone while driving. The bill requires the suspension of licenses for newly licensed drivers if they commit distracted driving offenses. (PBH, (S5656), Senators Carl L. Marcellino, R, Syosset, and Charles J. Fuschillo, Jr. R, Merrick)

### **Teresita's Law**

The Senate passed legislation known as Teresita's Law, which makes it a felony if an unlicensed driver causes death to another person. The bill recognizes that the unlicensed operation of a motor vehicle, that ends in death, should be treated as a serious crime. (S.1888), Senator John Bonacic, R-C-I, Mount Hope)

### **Protect Our Children Act**

The Senate approved the "Protect Our Children Act", which would create the new crime of aggravated murder of a child with a sentence of life in prison without parole. The bill would expand an existing law of aggravated abuse of a child which makes it a crime when someone recklessly causes physical injury to a child under the age of 14. (S1721B), Senator Mark Grisanti, R-I, North Buffalo)

### **Aggravated Assault of a Child**

The Senate approved legislation that changes the maximum age of a victim of Aggravated Assault of a Child from less than 11, to less than 14. (S1456), Senator John Flanagan, R-C-I, East Northport)

### **Aggravated Assault Against Police of Peace Officer**

The Senate passed a bill that would increase the penalty for aggravated assault against a police or a peace officer to life without parole when the person convicted has two prior serious violent felonies. (S4445A), Senator Martin Golden, R-C, Brooklyn)

### **Methamphetamines**

The Senate passed a bill that would toughen criminal penalties for the manufacturing of methamphetamines and for the possession of materials used to make methamphetamines. (S3639), Senator Thomas O'Mara, R-C, Big Flats)

### **Gang Recruitment**

The Senate passed a bill making it a felony to recruit street gang members on school grounds. (S2458), Senator Andrew Lanza, R-I, Staten Island)

### **Organized Retail Crime**

The Senate passed a package of legislation that would crack down on anyone participating in Organized Retail Crime. One measure would allow any county in the state to prosecute someone who participates in a pattern of organized retail crimes when at least one of the offenses occurred within their jurisdiction. This bill would give law enforcement officials another tool in curbing organized retail crime. (S2926-B), Senator Lee M. Zeldin, R-C-I, Shirley)

Another measure passed by the Senate would increase the criminal penalties on anyone who uses fraudulent or counterfeit credit cards, account numbers, gift cards, or other devices to illegally gain access to money, goods, or services. In addition to harming retailers, these offenses also harm honest consumers when their account numbers are stolen. This bill cracks down on these thieves by increasing the criminal penalties for retail theft to a Class A misdemeanor, Class E felony, or Class D felony. (S2927-A), Zeldin)

The Senate passed a bill that recognizes the fact that organized retail thieves have been known to hide in retail stores and wait for all employees to leave before removing large amounts of goods through emergency exits or by having a "get-away" car parked outside an emergency exit. The new measure would allow the courts to charge someone with grand larceny in the fourth degree for using an emergency exit in furtherance of organized retail crime. (S2928), Zeldin)

Another measure targets organized retail crime from the top by classifying the leading, organizing, supervising, financing or managing of an organized retail crime enterprise as a Class C felony. (S2929), Zeldin)

The Senate also passed a measure that would create the new crime of “theft of retail merchandise with an aggregated value of \$1,000,” and changes the Penal Law to define this crime as “grand larceny in the fourth degree.” (S2930), Zeldin)

### **Children Left Alone in Vehicles**

The Senate passed a bill that would require children under 8 years old not be left alone in a car without supervision of someone twelve or older when the conditions present a significant risk to the health and safety of a child. The legislation is intended to keep young children safe when conditions, such as hot and cold weather, present a risk to the child. (S.306), Senator Jack Martins, R-C-I, Mineola)

### **Protecting Domestic Violence Victims**

The Senate also passed a bill to protect domestic violence victims while they testify in court against their alleged abusers. The legislation defines domestic violence victims as “vulnerable witnesses” so that they may use closed-circuit televisions to testify. This way the victims would not face the risk of further intimidation by the domestic violence perpetrators by having to see them in person. Currently, statistics indicate that many victims fear coming forward to testify against their abusers because of fear of reprisal. This law would encourage more victims to come forward, increasing the likelihood that they will testify. (S.2205), Senator Cathy Young (R-C-I, Olean)

### **Improving Safety in Public and Private Youth Facilities**

The Senate also passed a bill to enact “Renee’s Law.” This bill takes a comprehensive approach to help address the risks faced by the public, employees and youth in facilities that are certified or operated by the State Office of Children and Families. It ensures a thorough evaluation of a youth's progress and the risk they pose to the community and sets up a system ensuring that if a juvenile delinquent or youthful offender is violent while in state

custody, they will not be placed in less secure settings. It requires better training of youth care workers and provides notification to local law enforcement if a youth goes AWOL. (S2625), Senator Catharine Young (R,C,I-Olean)

### **Strengthening Laws Against Rape**

This bill enacts the "Rape Victims Equality Act." It changes the definition of "sexual intercourse" as it relates to the crime of rape to provide that rape may be established when there is sexual contact rather than actual penetration. It will equalize the disparate punishment for rape and sexual contact offenses under current law; re-labels criminal sexual acts as anal rape and oral rape offenses; and maintains the ability of the court to impose consecutive sentences for multiple violations. It will help insure that rape convictions are more easily secured if there is difficulty in proving penetration when rape evidence is otherwise clear, and will highlight the seriousness of these sexual assaults.

### **ECONOMIC DEVELOPMENT AND JOB CREATION**

#### **START-UP NY Economic Development Program**

The Senate approved a new, significant initiative to create jobs and strengthen the state's economy by establishing the START-UP NY program. The SUNY Tax-Free Areas to Revitalize and Transform Upstate (START-UP) New York program will create tax-free areas around the state's colleges and universities. Tax-free areas will encompass vacant land or space on the campus of SUNY schools and community colleges. Under the program, businesses will be virtually exempt from all taxes for 10 years, including the following:

- > No corporate income and no personal income taxes on business income;
- > No sales and use taxes on personal tangible property and services purchased by businesses;
- > No real property taxes due on property owned by a college or university; and

> Employees working at the business will be authorized to claim a personal income tax deduction equal to the wages earned from the business in the tax-free area.

Businesses will not be eligible if they compete with existing businesses in the community that are not within the tax-free area.

In addition, the legislation broadens the authority of the Mandate Relief Council to permit the council to review and determine whether regulatory mandates on businesses are unsound, burdensome or too costly. Businesses and local governments will be able to request that the renamed Mandate and Regulatory Relief Council conduct such a review of specific statutes, regulations or rules. (S5903, PBH, Senator Tom Libous (R-C-I, Binghamton))

### **Blueprint for Jobs**

The state budget resolution passed by the Senate included the Senate Republicans' Blueprint for Jobs to improve New York's business climate. The plan would, among other things, cut taxes for one million small businesses and reduce energy costs for every business and residential ratepayer in New York.

The "Senate Republican Blueprint for Jobs" plan would provide:

- A Tax Cut for One Million Small Businesses
- Tax Relief for Manufacturers
- Lower Energy Bills for Every New Yorker and Every Business
- Sweeping Reforms to Cut Red Tape and Bureaucracy
- Job Training to Help New Yorkers Secure Good, High-Paying Jobs



- Common-Sense Budget Reforms
- Investment Funding to Help Launch Start-Ups
- Incentives to Revitalize Downtowns and Main Streets
- Help for New York's Veterans to Secure Good-Paying Jobs
- Key Reforms To Reduce the Cost of Doing Business

## **EDUCATION**

The 2013-14 state budget increases aid to education by almost \$1 billion dollars over last year.

The state budget also includes \$55 million to fund a third round of competitive grants for the SUNY 2020 economic development program and \$55 million to create a similar program for CUNY schools.

In addition, the budget raises community college base aid by \$150 per student and increases aid to local libraries by \$4 million.

### **Banning the Sale of Dissertations and Term Papers**

The Senate passed a bill to prevent students from cheating by prohibiting the sale or purchase of dissertations, term papers, and similar academic documents online. The legislation would prevent academic fraud by discouraging Internet-based services from selling educational papers to students. (S2405), Senator Kenneth LaValle, R-C-I, Port Jefferson)

## **ENERGY**

### **2013-1014 State Budget**

As part of the enacted budget, the Senate Republicans rejected the Governor's proposal to fully extend the 18a energy tax surcharge on all business and residential ratepayers for five years. Instead, the surcharge will be reduced and eliminated over three years starting next year, reducing energy bills for all business and residential ratepayers.

### **Environmentally-Friendly Buildings**

The Senate passed an extension of the state's Green Residential Building Grant Program to continue encouraging the construction of environmentally-friendly buildings. "Green" construction includes improved environmental performance in site preparation, water efficiency, energy efficiency, building materials selection, and indoor environmental quality, relative to buildings that are built using typical construction practices. These features often result in a lower utility operating cost for the home over time. (S3977), Senator George D. Maziarz, R-C, Newfane).

The Senate passed a bill to help farms, municipalities and other non-residential customers receive the cost-cutting benefits of remote net metering by clarifying an existing 2011 law. (PBH, (S4514), Senator George D. Maziarz, R-C, Newfane)

### **Energy-efficient Technology**

Another bill would create an energy efficiency loan fund to provide grants and low-interest loans to dairy farms for advanced energy technologies and projects that boost energy efficiency. As family farms continue to struggle with depressed wholesale milk prices, this loan fund would provide low-cost tools to farmers to help purchase high efficiency lighting, high efficiency pumping and cooling equipment, and other energy management systems. (S1081A), Senator George D. Maziarz, R-C, Newfane)

### **Restructuring of the Long Island Power Authority**

The Senate passed a bill that overhauls the Long Island Power Authority (LIPA) to improve performance and increase the utility's accountability to over one million Long Island electricity customers. The measure will privatize LIPA's operations, improve customer service, stabilize rates, enhance emergency response and preparation, reduce the cost of LIPA debt, and increase oversight and transparency. (PBH (S5844))

## **ENVIRONMENTAL CONSERVATION**

2013-1014 State Budget

As part of the enacted budget, the Environmental Protection Fund increased by \$19 million to a total of \$153 million.

The budget also includes \$40 million in additional NY Works funding for environmental cleanup projects.

### **Green Homes**

The Senate passed legislation to encourage the building of more "green" homes by creating a property tax exemption. The bill would help increase demand for environmentally friendly housing by allowing local municipalities to offer a real property tax exemption of 35 percent for a maximum of 20 years. (S1710), Senator Mark Grisanti, R-I, North Buffalo)

### **Damaging the Environment**

The Senate passed legislation that would prosecute those who intentionally or recklessly damage the environment while committing another crime. The bill would deter thieves or other vandals from committing crimes that could result in contamination, and hold those accountable for financial and environmental damage from their actions. (S1016), Senator Joseph Robach, R-C-I, Rochester)

## **Littering on Highways**

The Senate passed legislation that would increase the fines for littering on highways and the lands next to them. The bill doubles the fines for littering. (S.2311), Senator John DeFrancisco, R-I-C, Syracuse)

## **Investing in Solar and Energy Storage**

The Senate passed a bill would help attract and retain these growing industries by providing a clear incentive for businesses to perform research and development and manufacturing and to make capital investments in solar and energy storage manufacturing by providing tax credits. It would create new jobs, increase economic investment, reduce harmful emissions, and help New York meet its goals for renewable energy development. (S2522), Senator George D. Maziarz, R-C, Newfane)

## **GOVERNMENT REFORM**

### **Regulatory Reform Legislation**

The Senate passed legislation that establishes an 11-member, Berger Commission-style joint Task Force to perform a review and make recommendations relating to the necessity for each rule, regulation and public authority. The Task Force would be established every 10 years, beginning in 2014, to review current rules, regulations and public authorities. The panel would make recommendations the following year to eliminate rules and regulations it deems unnecessary. The Task Force recommendations would be binding, unless the Legislature rejected them, all or in part, by concurrent resolution. (S5519A), Senator Joe Griffo)

Another measure passed by the Senate creates a 19-member joint task force to undertake a thorough review of the 142-page State Administrative Procedure Act (SAPA) and regulatory review process since the Governor's Office of Regulatory Reform has been disbanded for

over two years. This law, which sets out the process used by state agencies to establish rules and regulations, was enacted in 1975 and since then, there has been no comprehensive review of the law. (S5657), Senators Gallivan, Marchione and Carlucci)

The Senate also passed a bill that directs the Governor to repeal at least 1,000 regulations that place a burden on economic development and business by April 1, 2014. This measure was included in the Senate Republican's "Blueprint for Jobs" economic development plan earlier this year. When this process is complete, the Berger Commission-style Task Force will begin its own review of existing rules and regulations. (S5166), Senator Marchione)

Another bill passed by the Senate prohibits state mandates on local governments and school districts unless they are fully funded by the state. (S1294), Senator Griffo)

Another bill would call for more oversight authority in the rulemaking process and would give the Administrative Regulations Review Commission (ARRC) the authority to bring suit against an agency for a regulation that is in violation of state law. (S5161), Senator Marchione)

The Senate also proposed a constitutional amendment to allow the Legislature to invalidate regulations that are not consistent with legislative intent or which are likely to have a substantial unanticipated fiscal impact on the state or local governments. (S3462), Senator James Seward, R-C-I, Oneonta)

The Senate passed a bill that would require the Regents to include certain information with respect to increased costs when altering or amending rules or regulations. (S1564), Senator Kenneth LaValle, R-C-I, Port Jefferson)

The Senate passed a bill that would streamline the license application and renewal process for supermarket chains and other food chain stores. (PBH, (S4302A), Senator Patty Ritchie, R-C, Heuvelton)

The Senate passed a bill that would provide new incentives to facilitate the extension of existing natural gas lines to under-served businesses and consumers to spur economic development and job creation. (S5536), Senator George Maziarz, R-C, Newfane)

The Senate passed a bill that would require state agencies to provide expanded information on the costs and benefits associated with an agency proposal. (S5553), Senator David Valesky, D, Oneida)

The Senate also passed a bill that amends SAPA to authorize a group of businesses that are regulated by a state agency, or a representative of such businesses to petition a state agency for alternate methods of implementing a regulatory mandate that restricts the conducting or management of a business. (S1784), Senator Carlucci)

The Senate passed a bill that would facilitate electronic submission of documents by allowing state agencies to substitute affirmations for sworn oaths in permit applications. (S3246), Senator Carlucci)

Another bill would eliminate the requirement to provide free hard copies of the State Register to entities that opt to receive a free online version instead. (S3245), Senator Carlucci)

Finally, the Senate passed a bill that would require state agencies to actively solicit comments from those who may be adversely affected by a rule proposed by SAPA and seek opinions on the administrative and/or financial burdens it may place on a regulated entity. (S2160), Senator Valesky)

### **ResultsNY.Gov**

The Senate passed legislation to create a new website, ResultsNY.gov, that would enable the public to review the performance of government programs to see how effectively agencies are spending tax dollars. People visiting the site could also submit their own suggestions and

recommendations on how to stop government waste and reduce state spending. (S.2233A), Senator Joseph Griffo, R-C, Rome)

### **Public Assistance Integrity Act**

The Senate passed the “Public Assistance Integrity Act.” The measure would help cut down on the flagrant abuse of EBT (Electronic Benefit Transfer) cards by prohibiting welfare recipients from using cash assistance to purchase tobacco, alcoholic beverages, lottery tickets or to gamble. (S966) Senator Tom Libous, R-C-I, Binghamton)

### **Standardized Assessments**

The State Senate gave final legislative approval of legislation that would standardize the assessment process for taxation on utility transmission properties including wires and poles. Standardizing assessment practices across the state will provide uniformity and predictability important to telecommunication companies and relieve local governments of the obligation and burden of developing and applying complex assessments methodologies. (PBH, (S.2644, Senator Betty Little (R-C-I, Queensbury)

## **HEALTH AND MENTAL HEALTH**

### **Black Market Non-Controlled Prescription Drugs**

The Senate passed a bill that would crack down on the growing black market in non-controlled prescription drugs which puts patients at risk and rips off taxpayers through Medicaid fraud. The legislation makes it a crime to fraudulently prescribe, buy, and sell these types of medications. (S.2942) Senator Kemp Hannon, R-C-I, Garden City)

### **Breast Cancer Research**

The Senate gave final passage to a bill that provides additional resources for breast cancer research. The bill allows funds from the Breast Cancer Research and Education Fund to be used towards breast cancer mapping initiatives. The Fund supports research or educational programs which focus on the causes, prevention, screening, treatment and cure of breast cancer research. This legislation would add breast cancer mapping to the programs which currently include basic, behavioral, clinical, demographic, environmental, epidemiologic and psychosocial research. (PBH, S3768), Hannon)

The Senate also passed a measure to increase access to important information about changes to women's health coverage. The legislation would direct the state Department of Health (DOH) to create a website that provides information about important changes to women's health policy and other resources in New York. (S3817), Hannon)

### **Drug Fraud**

The Senate passed a bill to further curtail the availability of illegal prescription drugs by focusing on other potential suppliers. The bill expands upon current law by also making it a crime for a practitioner or pharmacist to unlawfully dispense controlled substances. This will address the small group of practitioners and pharmacists who operate pill mills or fill prescriptions for controlled substances, such as pain medications, other than in good faith in the course of their practice. (S2941), Senator Hannon)

Another bill passed criminalizes the theft and unlawful possession of a blank official New York state prescription form. The Bureau of Narcotic Enforcement estimates that since 2008, approximately 1.4 million official prescription forms have been stolen from New York City hospitals alone. Current penal laws are insufficient to counter the theft, possession, and sale of blank official prescription forms because authorities cannot prosecute unless someone sells a prescription form. (S2940) Senator Hannon)



## **Pulse Oximetry Screening**

The Senate gave final legislative passage to a bill that would require all birthing facilities to screen newborn babies for congenital heart defects (CHDs) through a process called pulse oximetry screening. The will save lives through earlier detection of possible heart defects. bill (PBH, (S.270B), Senator William Larkin, R-C, Cornwall-on-Hudson)

## **Organ Donation**

The Senate passed a bill aimed at increasing organ donation in New York State. The bill would provide that a non-profit contractor operate the New York State Donate Life Registry in an effort to increase donations. Currently, the organ donation registry is run by the state. New York State is 48th in the nation for organ donation, however, the state has a great need for transplantable organs, eyes, and tissue. This legislation would help New York increase enrollment in the Donate Life Registry by adopting the model of other states with the highest number of donors. (S.5046A), Senator Kemp Hannon)

## **Autism**

The Senate gave final legislative passage to legislation that will ensure individuals with autism are able to receive insurance coverage for applied behavioral analysis (ABA) therapy as intended under New York State's autism insurance reform law.

The legislation is in response to regulations implemented by the New York State Department of Financial Services which dramatically limited the number of ABA practitioners that offer therapy that is covered under insurance to individuals with autism. (PBH, (S4862B) Senator Charles J. Fuschillo, Jr., R-Merrick)

## **TRANSPORTATION**

2013-2014 State Budget

Under the enacted budget and for the first time in five years, local aid for road and bridge improvement projects will be increased. Senate Republicans successfully fought for a \$75 million increase (21 percent) in funds for the Consolidated Highway Improvement Program (CHIPS). The budget also includes a two-year transportation capital program of \$3.7 billion for highway and bridge, freight and rail, aviation and transit spending.

Also included in the budget, non-MTA transit services, such as local bus operations, will receive an increase in capital funds of \$21 million.

## **VETERANS**

### **2013-2014 State Budget**

The enacted state budget included a Senate Republican plan called Helping Our Heroes, which creates a tax credit for any business that hires a veteran returning home from military service. The credit will equal 10 percent of wages paid -- increasing to 15 percent of wages if the veteran is disabled.

### **Peer-to-Peer Veterans Counseling**

Earlier this year, the Senate successfully fought to expand the PFC Joseph Dwyer Peer-to-Peer Veterans Counseling Program. The Dwyer Program provides peer-to-peer counseling between veterans who personally understand the effects of Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI).

### **Disabled Veterans**

The Senate passed a bill that would establish a program to provide state contract references for small businesses owned by service disabled veterans. The bill would mirror a highly successful program for federal contracting. Information released by the New York State Department of Labor and the U.S. Census stated that nearly 20 percent of recent veterans

under the age of 30 are unemployed. It was also reported that a staggering 28 percent of Gulf War-II era veterans reported having a service-connected disability. (S2803A), Senator Greg Ball, R-C, Pawling)

### **Veterans Employment Act**

The Senate passed the Veterans Employment Act that would grant veterans the right to temporary appointments by state agencies, rather than using temporary employment service companies. New York State continuously uses temporary employees to supplement the State workforce. Temporary workers can be used to cover an employee's maternity leave, vacation leave vacation tile, or extended sick leave. (PBH, (S5504A), Senator Ball)

### **In-State SUNY Rates for Veterans**

The Senate approved a bill that allows for any person who is serving or has served in active duty of the United States Military to be considered a New York resident for the purpose of paying in-state tuition rates at SUNY colleges and universities. Currently, after serving in active duty, soldiers who choose to come to New York State to study at State University of New York (SUNY) colleges are charged out-of-state tuition. This often results in higher tuition bills because the federal GI bill does not fully cover the cost of out-of-state SUNY tuition.

(S1978), Senator Joseph Robach, R-C-I, Rochester)

### **Veteran's Exemption on Heating Fuel Tax**

The Senate passed legislation that would allow veterans organizations up-front exemptions to state and local sales tax on heating fuel. (S3572), Senator James Seward, R-C-I, Oneonta)

## **WOMEN'S ISSUES**

The New York State Senate passed an historic package of bills that would ensure equal pay for women, strengthen laws against human trafficking, provide greater support and protection for victims of domestic violence, stop sexual harassment, and end discrimination of women in the workplace related to gender, pregnancy, and family status.

The bills would:

**Ensure Pay Equity**—This bill will ensure that women receive the wages they are entitled to by prohibiting employers from paying employees disparate amounts due to gender. – (S5872, sponsored by Senator Diane Savino, D-Staten Island)

**Prohibit Sexual Harassment in the Workplace**— This bill would ensure that all employees are protected from sexual harassment by ensuring that existing protections apply to businesses of all sizes. – (S5873, Senator David Valesky, D-Oneida)

**Remove Barriers to Remediating Discrimination** —This legislation would allow successful parties in employment or credit discrimination cases based on sex to recover attorney’s fees. Approximately 77 percent of sex-based employment discrimination cases filed with New York State are filed by women. (S5874, Senator Elizabeth Little, R-C-I, Queensbury)

**Prohibit Family Status Discrimination** — This bill would prohibit employers from denying work or promotions to workers because they have children. Existing law only prohibits discrimination based on familial status in credit and housing, but not employment -- which can have a negative impact on women with children. (S5875, Senator Elizabeth Little, R-C-I, Queensbury)

**Stop Housing Discrimination** -- – This bill will protect victims of domestic violence from housing discrimination and establishes a task force to study the impact of a source of income, such as housing vouchers, on access to housing. (S5876, Senator Joseph Robach, R-C-

I, Rochester)

Strengthen Orders of Protection -- --This bill makes clear that a victim of domestic violence who has an order of protection against her abuser cannot be accused of violating the order. Currently, domestic violence victims face too many obstacles in securing much needed protection from their abusers. This bill would remove many of those obstacles, and ensure that domestic violence victims get the protection they need. (S5877, Senator Cathy Young, R-I-C, Olean)

Allow for Electronic Filing for Orders of Protection --- The legislation creates a pilot program to allow domestic violence victims to seek temporary orders of protection through electronic means rather than having to appear in person. The bill also requires the Office of Court Administration review and update their policies and services for all crime victims in the courts to make sure that their needs are being met, and so that victims are truly protected. (S5878, Senator Cathy Young, R-I-C, Olean)

Toughen Human Trafficking Laws -- -- This bill strengthens the state's human trafficking laws to ensure more effective enforcement and prosecution and to give additional protections to victims. Among other things, the bill will change age provisions to mirror sex offense statutes and treat prostitution and sex trafficking involving minors as sex offenses; increase criminal penalties for trafficking, particularly when the crime victim is a minor; and create an affirmative defense in prostitution prosecutions if the defendant was a sex trafficking victim. (S5879, Senator Andrew Lanza, R-C-I, Staten Island)

End Pregnancy Discrimination — This legislation requires employers to provide reasonable accommodations to employees with pregnancy-related medical conditions. (S5880, Senator Kemp Hannon (R-C-I, Garden City)