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FOR RELEASE: Immediate, Thursday, June 25, 2015
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SUMMARY OF 2015 SENATE **LEGISLATIVE ACTION**

2015-2016 NEW YORK STATE BUDGET

The New York State 2015-16 State Budget reflects the Senate Republican Conference's commitment to creating a brighter future for communities across the state. This budget plan is the fifth consecutive budget that rejects tax increases and keeps overall spending growth below two percent.

The budget delivers on priorities outlined by the Senate Republicans, including: an overall school aid increase of approximately \$1.4 billion along with dramatic relief from Gap Elimination Adjustment (GEA) cuts; comprehensive education reforms to further improve student performance; tax cuts to help businesses create new job opportunities; and important investments in quality health care and natural resource protection to help improve the quality of life for all New Yorkers.

HIGHLIGHTS OF THE 2015-2016 BUDGET

AID TO EDUCATION

The budget upholds the Senate's commitment to providing schools with the resources they need to help students succeed. Senate Republicans successfully fought to increase school aid by \$1.4 billion – an increase of hundreds of millions of dollars above what the Executive Budget originally proposed – bringing total general support for public schools to \$23.5 billion. The budget distributes school aid fairly and equitably across the state, will help reduce pressure on local property taxpayers, and fully supports important programs and services that help educate our children and ensure that they are college and career ready. When combined with funding for STAR and Enhanced STAR payments to school districts, overall education spending will total nearly \$27 billion.

Education highlights of the 2015-16 State Budget include the following:

GEA – The Gap Elimination Adjustment (GEA) was an unfair school aid cut enacted by Democrats in 2010 when they controlled all three branches of government. Every Senate Republican voted no on the GEA, which has cost school districts significant state aid.

Due largely to the Senate Republican Conference, this year's budget reduces what remains of the GEA cuts by nearly 60 percent, restoring \$603 million. The state has now done away with nearly

85 percent of the original GEA, and the Senate will continue to work towards its full elimination once and for all.

Education Reform – The final budget includes a blueprint for significant, new reforms that will empower parents and teachers, promote excellence in teaching, restructure failing schools, and aggressively address the problems caused by an overemphasis on standardized testing.

In addition, significant parent-centric education reforms first championed by the Senate were enacted ([S6012](#)) to provide greater transparency and accountability, and ensure that the standardized tests are a learning tool. Measures include:

- Empowering both parents and teachers by directing the State Education Department (SED) to release test questions and the corresponding correct answers back to teachers in their respective classrooms by June 1st of each year. This will ensure greater accountability and transparency in testing, while also ensuring that tests are used as a real teaching tool, rather than simply a data collection device;
- Eliminating the “gag” order that has prevented teachers from discussing tests with their students;
- Helping students by enacting new measures to ensure that state exams in grades 3 through 8 are grade-appropriate and time-appropriate;
- Establishing a content review committee to review exam questions to ensure that they are aligned with the standards and are age and grade-level appropriate; and
- Protecting teachers by establishing in the education law a requirement that SED must consider student characteristics (such as English language learners, students with disabilities, students in poverty, and a student’s prior academic history) as factors in the calculation of a teacher’s student growth scores.

The Senate’s original reform proposal, [S5954](#), sponsored by Senator John Flanagan (R-C-I, East Northport) would also empower both parents and teachers by adding an additional 45 days to the time period for public comment on SED’s newly announced standards. Regulations would require a comprehensive SED review – with education stakeholders – of the effectiveness and appropriateness of Common Core standards.

PROPERTY TAX RELIEF

STAR – Senate Republicans led the effort to create the original STAR school property tax relief program for homeowners, fought for creation of the two-percent property tax cap, and initiated the STAR rebate check program which was eliminated by Senate Democrats in 2009. The 2015-16 State Budget will ensure that millions of New Yorkers and their families see meaningful property tax relief this year. The new budget includes nearly \$3.4 billion to help fully fund STAR and Enhanced STAR.

Tax Rebates – As a result of this budget, homeowners across the state will also receive significantly larger property tax freeze rebate checks than last year. Due to additional legislation enacted this year, STAR-eligible homeowners throughout the state will receive \$3.1 billion in new property tax rebates over the next four years, starting in 2016. When the new rebate amounts

are combined with the existing tax freeze check planned for next year, a total of \$900 million in property tax relief checks will be sent – an average of approximately \$350 per eligible homeowner statewide. In 2019-2020, this new tax relief will be fully phased in and a total of \$1.3 billion will be issued to taxpayers.

Local Savings – The \$1.4 billion school aid increase in the new budget – when coupled with ongoing pension and Medicaid reforms that provide savings to local governments – will help reduce the pressure to raise property taxes.

CUTTING TAXES, CREATING JOBS, AND INCREASING ECONOMIC GROWTH

The Senate Republican Conference is committed to helping New York manufacturers compete, grow, and create new jobs. The new budget builds on the progress we have made to revitalize the state's economy by continuing to hold overall spending growth to below two percent, avoiding new tax increases, and providing much-needed economic development funds to every community in the state that needs it.

Bank Settlement Funds – The budget targets several billion dollars in lawsuit settlement funds to help create new jobs throughout all regions of the state by investing in major economic development and transportation projects, including:

- \$1.5 billion for Upstate economic revitalization projects;
- \$150 million for economic development projects on Long Island;
- \$1.3 billion for the Thruway Authority for construction of the new Tappan Zee Bridge and core system projects, assistance that will also help prevent a toll increase;
- \$500 million to develop high-speed internet access;
- \$400 million for health care capital projects in rural communities and encourage mergers between small and large hospitals;
- \$315 million for transportation projects in Oswego, Albany, Ogdensburg, and the Bronx;
- \$150 million for counterterrorism, disaster preparedness, and public safety;
- \$150 million for local government restructuring; and
- \$50 million to redevelop the state fairgrounds in suburban Syracuse and \$50 million for the Southern Tier and Hudson Valley Farm Program.

Downstate Economic Development – Projects in regions not eligible for the \$1.5 billion in Upstate economic development funds or the Buffalo Billion will be eligible for \$400 million made available to support regionally significant economic development initiatives that create or retain private sector jobs.

Energy Tax Cut – The budget lowers energy costs by continuing the acceleration of the phase-out of the 18-a surcharge on utility bills.

Workforce Development – The budget also provides \$5.6 million for the Workforce Development Institute, \$5 million for the Next Generation Job Linkage Program, and supports the State University of New York (SUNY) / City University of New York (CUNY) Workforce

Development Initiative to help employers refine the skills of their new hires and enable more experienced employees to upgrade their skills.

AID TO HIGHER EDUCATION

The new budget provides a \$20 million increase for SUNY and CUNY community colleges by increasing full-time equivalent (FTE) funding by \$100. Base aid will be \$2,597 per FTE for the 2015-16 Fiscal Year. Funding for the Tuition Assistance Program (TAP) is also increased by \$45 million from last year, helping thousands of New Yorkers afford a quality higher education. A new merit scholarship will provide \$500 scholarships to 5,000 eligible students.

TRANSPORTATION AID

The budget provides critically important funding for our roads, bridges, and transit. The unprecedented new investments in our state's infrastructure and transportation not only improve the quality of life for all New Yorkers, but also keep our economy moving.

Bank Settlement Funds – The budget utilizes several billion dollars in lawsuit settlement funds to invest in our roads, bridges, and transit, including:

- \$1.3 billion for the Thruway Authority for construction of the new Tappan Zee Bridge and core system projects, assistance that will also help prevent a toll increase;
- \$315 million for transportation projects in Oswego, Albany, Ogdensburg, and the Bronx.

Transportation – The budget provides approximately \$7.5 billion in state Department of Transportation capital funds over two years to support state-of-the-art infrastructure to carry people, goods, and services, and to keep the economy moving forward. An additional \$4.8 billion will be used to support the operation of public transportation systems across New York State.

Repairing and Replacing Roads and Bridges – The budget includes \$1 billion in additional funds to repair and replace roads and bridges across the state. This is an increase of \$250 million from the Executive Budget proposal of \$750 million.

CHIPS – This year's budget makes a record investment of \$488 million to support important local highway, road, and bridge repair projects, including \$438 million through the Consolidated Local Street and Highway Improvement Program (CHIPS).

Winter Recovery – Local governments will receive \$50 million to address this year's severe winter weather that resulted in a significant number of potholes and road surface damage.

ENVIRONMENTAL CONSERVATION

The 2015-16 State Budget increases funding for local parks and includes \$177 million for the Environmental Protection Fund. This is an increase of \$15 million over last year and will

help ensure clean air and water in communities across the state. In addition, the budget includes \$100 million in new funding for the Brownfields Cleanup Program to encourage cleanups of polluted properties across the state, and extends the program for ten years. It also provides \$200 million in Environmental Facilities Corporation grants to municipalities to repair and replace existing wastewater and drinking water infrastructure, and \$155.4 million in new funding for additional improvements to food control, clean-ups, and environmental restoration projects.

HEALTH CARE

The new budget restores \$23.1 million – 15 percent – in reductions proposed in the Executive Budget to support 41 critical health programs. Among the provisions in the budget were millions of dollars for women’s and family health initiatives, an expanded EPIC program to help our seniors afford their prescription medications, significant investments in health care capital projects in rural communities, and funding for peer-to-peer programs to help veterans coping with the effects of PTSD.

Health care highlights of the 2015-16 State Budget include the following:

- \$25.3 million for Cancer Services Programs;
- \$26.3 million for Nutritional Information for Women, Infants, and Children;
- \$9 million for chronic disease prevention (including diabetes, asthma, and hypertension);
- \$2.3 million for the Prenatal Care Program;
- \$628,000 for Maternal and Child Health, including the Safe Motherhood Initiative;
- \$1.8 million for the Prenatal and Postpartum Home Visitation Program;
- \$10.6 million for Adolescent Pregnancy Prevention; and
- \$283,300 for the Adelphi Breast Cancer Support Program.

The budget included additional funding for the following critical programs:

- \$1.4 million for Women’s Health Services;
- \$600,000 to implement recommendations of the Senate’s Lyme Disease Task Force;
- \$4.6 million in increased funding for Rape Crisis Centers, bringing total funding to \$6.5 million;
- \$1.5 million in additional funding for the Spinal Cord Injury Research Board to bring funding up to a total of \$8.5 million; and
- \$2 million in additional funding for the Doctors Across New York Program.

Rural Health Care – In addition to \$2 million in additional funding for Doctors Across New York, \$400 million in bank settlement funds will support health care capital projects in rural communities and encourage mergers between small and large hospitals. The budget also includes funding to support the following initiatives and programs:

- \$4 million for rural public transportation systems experiencing shortfalls in revenue following the transition to a centralized nonemergency medical transportation manager;
- \$250,000 for the University at Buffalo rural dentistry pilot program;

- \$250,000 for the New York State Dental Association clinic and education services at federally qualified health centers;
- \$400 million in capital funding for geographically isolated hospitals;
- \$7.5 million for critical access hospital funding;
- \$2.7 million for rape crisis centers; and
- \$1 million for increased reimbursement rates for air ambulance services under Medicaid.

Overdose Prevention – The budget included funding and authorizations to help save lives by allowing Narcan to be administered by trained school employees if an emergency overdose situation takes place at a school.

Support for Seniors – New York’s Elderly Pharmaceutical Insurance Coverage (EPIC) program will be fully funded at \$126.5 million to cover the prescription drug needs of seniors. The budget also increases support for a wide array of programs and initiatives that serve seniors, including:

- \$27.8 million for Community Services for the Elderly Program;
- \$50 million for Alzheimer’s programs, comprised of \$25 million this year and another \$25 million next year;
- \$945,000 for Lifespan for Elderly Abuse, Education and Outreach;
- \$172,000 for the New York Foundation for Seniors Home Sharing and Respite; and
- \$63,000 for the Senior Action Council Hotline.

Support for Veterans – The budget includes \$3.2 million for the Joseph P. Dwyer Veteran Peer-to-Peer Program that connects veterans coping with the effects of PTSD and TBI with other veterans in a secure, comfortable atmosphere; \$800,000 for post-traumatic stress treatment and support; and funding for additional initiatives that focus on veterans’ needs.

AGRICULTURE

The final budget adds more than \$12 million to the Executive Budget proposal; restores budget cuts to 33 different programs that support farmers, agricultural technology, and research; and includes funding for key components of the Senate’s “Grown in New York” plan to strengthen connections between farmers and consumers who are increasingly looking to buy locally produced foods.

Grown in New York – The budget supports new programs to connect consumers with locally produced products. It includes more than \$1 million to develop a series of new farm-to-market hubs to help farmers in regions like the North Country move their products more easily to markets in New York City and other urban centers across the state, \$2 million to help bring more locally produced fruits and vegetables to low-income seniors, \$250,000 for farm-to-school initiatives, and \$600,000 to support the expansion of the successful “Harvest NY” program.

Young Farmers – This Senate program is expanded with increased funding for college loan forgiveness and \$1 million to fund grants (up to \$50,000 each). The budget also includes \$200,000 for a new business planning program, administered through Cornell’s FarmNet program, to help beginning farmers get on their feet and ensure future success. There is also

increased support for public school agriculture education, including Future Farmers of America, to encourage the next generation of farmers.

Precision Agriculture –The Commissioner of Agriculture and Markets is required to compile and issue a report on precision agriculture and make recommendations relating to necessary technical support, rural broadband accessibility, and a cost benefit analysis of this approach. Precision agriculture has the potential to save farmers and consumers money by increasing the efficiency of production inputs, such as soil nutrients. The budget provides \$100,000 to undertake this initiative.

Real Property Manufacturers Tax Credit – The budget amends this tax credit to ensure that farms with generational transfer plans that include LLC structures remain eligible for the program.

TAX RELIEF AND MANDATE RELIEF

Legislation:

Extending the Property Tax Cap

The Senate acted on one of its top priorities by passing legislation to extend the highly effective property tax cap. The cap had been set to expire in 2016-2017 but will now be extended to 2019-2020, bringing certainty to taxpayers and businesses.

The property tax cap was enacted in 2011 due to Senate Republican efforts to reduce New Yorkers' tax burden. The cap limits the annual growth of property taxes levied by local governments and school districts to two percent or the rate of inflation, whichever is less. Since 2012, the vast majority of all school districts and municipalities have kept spending increases below the cap, leading to significant property tax savings for residents and businesses.

A recent [report](#) that looked at the decades-long trends of school tax increases estimates that taxpayers have saved \$7.6 billion over the past four years as a result of the property tax cap. School tax levies have risen by an average of just 2.2 percent annually – the lowest average growth for any comparable period in New York since 1982. Property owners are expected to save a total of \$3.3 billion in 2015-16 alone due to the cap. [S6012](#), Passed Both Houses, Senator John Flanagan (R-C-I, East Northport)

Increasing Tax Relief for Homeowners

STAR-eligible homeowners throughout the state will be eligible for \$3.1 billion in new property tax rebates over the next four years, starting in 2016. When the new rebate amounts are combined with the existing tax freeze check planned for next year, a total of \$900 million in property tax relief checks will be sent – an average of approximately \$350 per eligible homeowner statewide. In 2019-2020, this new tax relief will be fully phased in and a total of \$1.3 billion will be issued to taxpayers. [S6012](#), Passed Both Houses, Senator John Flanagan (R-C-I, East Northport)

Helping Seniors Receive Property Tax Relief

The Senate passed legislation that would increase the maximum income eligibility levels for real property tax exemptions for seniors for the first time since 1994. This measure would allow more senior citizens to receive increased relief from their local real property taxes. [S1074](#), Senator Martin Golden (R-C-I, Brooklyn)

Providing Income Tax Relief for Seniors

The Senate passed legislation that would increase the amount of pension, IRA, and annuity income that is exempt from state income taxes. This would be the first increase of this exemption since 1981. [S2903A](#), Senator Hugh T. Farley (R-C-I, Schenectady)

Expanding Tax Credits to Volunteer Firefighters

The Senate approved a bill that would allow volunteer firefighters and ambulance workers to receive both a tax credit – up to \$200 off their income taxes – and tax exemption, which is generally limited to a maximum \$3,000 reduction in the assessed value of their homes, in recognition of the vital role they play in our communities. [S2727](#), Senator Joseph Griffo (R-C-I, Rome)

Accelerating Taxpayer Refunds

The Senate passed legislation that would ensure timely payment of state income tax refunds. The bill requires the state Department of Taxation and Finance to pay tax refunds within 30 days of receiving a taxpayer's return, unless there is a discrepancy in the return. [S1782](#), Senator Carl Marcellino (R, Syosset)

Stimulating Affordable Housing Investment

The Senate approved a measure that would make the New York State Low Income Tax Credit (SLIC) a refundable tax credit. This bill would stimulate affordable housing development across the state by making the credit more desirable to investors. [S2277](#), Senator Catharine Young (R-C-I, Olean)

Preventing Property Tax Increases Due to Unfunded State Mandates

The Senate passed a bill to help control property tax increases by preventing large unfunded mandates from affecting municipal and school district budgets. The measure would require any state mandated program imposed on municipalities or school districts that creates an additional cost to be funded by the state. This would make it easier for local governments to stay within the property tax cap and provide further relief to taxpayers. [S3144](#), Senator Rich Funke (R-C-I, Fairport)

Incentivizing the Investigation and Prosecution of Medicaid Fraud

The Senate passed a bill that would provide financial incentives to counties and the City of New York to identify and prosecute Medicaid fraud, which would help eliminate waste and abuse. For any successful Medicaid fraud prosecution or settlement, the local government would be able to keep 100 percent of the local share, or 10 percent of the total recovery – whichever is greater. Current law unfairly limits the amounts that local governments may receive from successful Medicaid fraud prosecutions. And, as a result, the full original overpayment is not returned to them. [S3019](#), Senator Catharine Young (R-C-I, Olean)

Providing Mandate Relief to Local Governments

The Senate passed legislation that would alleviate the burden that unfunded mandates place on local governments by requiring the state to provide the funding necessary for municipalities to

implement any new state program, service, or regulation. ([S2295](#)) Senator Joseph Griffo (R-C-I, Rome)

In addition, the Senate approved a bill that would promote mandate relief and flexibility for local governments by tailoring regulatory requirements to meet the specific needs and capabilities of municipalities. These improvements to the regulatory process would promote efficiency and save money for local governments. [S5353A](#), Senator Terrence Murphy (R-C-I, Yorktown)

The Senate also passed a measure that would provide mandate relief to county governments by limiting the temporary detention in local correctional facilities of defendants who have violated their terms of release. Local detention would be limited to three days before the defendants must be transferred to state custody. This legislation would restore the responsibility for housing and detaining state parole violators back to the state and help alleviate the burden on county taxpayers. [S2064A](#), Senator Catharine Young (R-C-I, Olean)

ECONOMIC DEVELOPMENT AND JOB CREATION

2015-16 State Budget Economic Development and Job Creation Highlights:

The budget includes job-creating tax cut proposals that will help small businesses and manufacturers succeed, grow, and help create new job opportunities for every New Yorker, including:

- Targeting several billion dollars in lawsuit settlement funds to help create new jobs throughout all regions of the state by investing in major economic development and transportation projects, including:
 - \$1.5 billion for Upstate economic revitalization projects;
 - \$150 million for economic development projects on Long Island;
 - \$1.3 billion for the Thruway Authority for construction of the new Tappan Zee Bridge and core system projects, assistance that will also help prevent a toll increase;
 - \$500 million to develop high-speed internet access;
 - \$400 million for health care capital projects in rural communities and encourage mergers between small and large hospitals;
 - \$315 million for transportation projects in Oswego, Albany, Ogdensburg, and the Bronx;
 - \$150 million for counter terrorism, disaster preparedness and public safety;
 - \$150 million for local government restructuring; and
 - \$50 million to redevelop the state fairgrounds in suburban Syracuse and \$50 million for the Southern Tier and Hudson Valley Farm Program;
- Providing \$400 million to support regionally significant economic development initiatives that create or retain private sector jobs for regions not eligible for the \$1.5 billion in Upstate economic development funds or the Buffalo Billion;
- Accelerating the phase-out of the 18-a surcharge on utility bills to lower energy costs; and
- Providing \$5.6 million for the Workforce Development Institute, \$5 million for the Next Generation Job Linkage Program, and support for the SUNY / CUNY Workforce Development Initiative to help employers refine the skills of their new hires and enable more experienced employees to upgrade their skills.

Legislation:

Protecting Businesses from Over-zealous State Regulations

The Senate passed legislation to protect businesses from over-zealous state regulations that could hurt the continued growth of the economy. The bill would improve the evaluations performed by the state when assessing the potential impact regulations may have on jobs and employment opportunities by requiring:

- The Commissioners of Labor and Economic Development to review any statement issued by a state agency that finds that a proposed regulation may have a substantial and adverse impact on jobs;
- Agencies to perform additional analysis if they are unable to determine the potential impact of a proposed regulation, and would prevent the state from enacting the regulation until they have performed more analysis;
- Agencies to make methodology, data, and resources available for public review; and
- Job impact reports to include whether or not a significant change in employment is necessary. These reports would also specify whether a new regulation will have an effect on average wage levels, hours, and/or duration of employment, as well as other factors that could represent a substantial adverse impact on workers' incomes and economic security. [S4319](#), Senator Terrence Murphy (R-C-I, Yorktown)

Helping Business Create and Retain Jobs During Economic Hardships

The Senate passed a bill that would allow small businesses with up to 50 employees to create a tax deferred savings account, similar to existing individual retirement accounts. Small businesses would be able to deposit funds into the account tax-free, which could only be withdrawn specifically for the purpose of creating or retaining full-time jobs during an economic downturn or to recover from a natural disaster. [S4376](#), Senator Jack Martins (R, Mineola)

Helping Military Spouses Change Jobs

The Senate passed legislation that would make it easier for military spouses to find reemployment upon moving to New York. Many occupations require a state license with state-specific conditions and processes, which can cause lengthy reemployment delays for military spouses moving between states. This legislation would allow these individuals to obtain a professional license from New York if they can provide a valid license from their home state and if they already meet New York's training requirements. [S2947](#), Senator Patricia Ritchie (R-C, Heuvelton)

Supporting Robust and Vibrant Downtown Districts

The Senate passed a bill that would help stimulate economic development by promoting robust and vibrant downtowns in the state's towns, villages, and cities. This legislation would create a New York Main Street Development Center to act as a clearinghouse where communities across the state can receive guidance and assistance in developing and revitalizing their downtown districts. [S2279](#), Senator Catharine Young (R-C-I, Olean)

Cutting Fees for Asbestos Project Notifications

The Senate passed a bill that would reduce the notification fees for residential asbestos projects, particularly after a natural disaster when demolitions are necessary. Currently, these fees are arbitrarily high and present an unwarranted and unnecessary burden at a time when communities are already facing the challenges of recovery and cleanup after a natural disaster. [S3828](#), Senator Catharine Young (R-C-I, Olean)

Allowing Mixed Martial Arts in New York

The Senate passed legislation for the sixth consecutive year to legalize and regulate mixed martial arts (MMA) competitions in New York State. The bill would authorize professional competitions in New York and give the state Athletic Commission jurisdiction to regulate professional mixed martial arts promotions, participant bouts, and exhibitions. The legislation increases by nearly 700 percent the amount available to fighters to cover medical expenses associated with injuries sustained in the ring, and also enacts a \$1 million insurance coverage benefit in rare cases where fighters sustain life-threatening brain injuries. In addition, the New York Department of State would be required to develop a funding mechanism for providing lifetime care to fighters suffering degenerative brain diseases resulting from injuries that occurred in the ring. These provisions would make New York a national leader in protecting the health and safety of MMA fighters. [S5949A](#), Senator Joseph Griffo (R-C-I, Rome)

Expanding Access to Education for Adult Learners

The Senate passed legislation that would enable public libraries to obtain Employment Preparation Education (EPE) funding for their high school equivalency programs and employment training services that help adults get jobs. By allowing public libraries to apply for and obtain EPE funds, this bill would help to reduce the stigma attached to adult learners and facilitate their employment opportunities by enabling them to attain critical skills in a setting other than a school. [S2895](#), Senator Hugh Farley (R-C, Schenectady)

Protecting Art Authenticators

The Senate approved legislation that would provide better legal protection for art authenticators, who have increasingly been the victims of frivolous and costly lawsuits. The bill creates a legal definition of an art authenticator that includes authors of catalogues raisonné or other scholarly texts in which an opinion as to the authenticity, attribution, or authorship of a work of fine art or visual art multiple is expressed or implied. This definition also expressly excludes anyone with a financial interest in a work of fine art or visual art multiple that is being evaluated, other than those compensated for providing an opinion of authenticity. [S1229A](#), Senator Betty Little (R-C-I, Queensbury)

Requiring a High School Education for Recipients of Public Assistance

The Senate passed legislation that would require anyone under the age of 35 years to engage in the good-faith pursuit of a high school diploma or its equivalent in order to qualify for welfare benefits. A high school education is critical to future career success and responsible civic engagement. The vast majority of jobs require a high school diploma or its equivalent, and those without a high school diploma or GED earn less and experience significantly higher rates of unemployment. The bill would provide local social services districts with broad discretionary authority to exempt individuals from this requirement based on their mental health, disability, work experience, job training, lack of sufficient programs, or other reasonable factors. [S3438](#), Senator Catharine Young (R-C-I, Olean)

AGING

2015-16 State Budget Aging Highlights:

Enhanced STAR Property Tax Relief

The 2015-16 State Budget will ensure that millions of New Yorkers and their families see meaningful property tax relief this year by including \$3.2 billion to help fully fund STAR and Enhanced STAR. In addition, homeowners across the state will receive significantly larger tax freeze rebate checks than last year.

EPIC Expansion

The budget will fully fund at \$126.5 million the Elderly Pharmaceutical Insurance Coverage (EPIC) program to cover the prescription drug needs of seniors.

Community Services

The budget also increases support for a wide array of programs and initiatives that serve seniors in their communities, including:

- \$27.8 million for Community Services for the Elderly Program;
- \$50 million for Alzheimer's programs, including \$25 million for this year and another \$25 million for next year;
- \$945,000 for Lifespan for Elderly Abuse, Education and Outreach;
- \$172,000 for the New York Foundation for Seniors Home Sharing and Respite; and
- \$63,000 for the Senior Action Council Hotline.

Legislation:

Helping Family Caregivers

The Senate passed a bill, the Caregiver Advise, Record, and Enable (CARE) Act, that would reduce future hospitalizations of patients by ensuring that caregivers are involved in and educated about patients' needs and how to best meet them once they leave the hospital. Upon admission to a hospital, a patient would be able to designate a caregiver in the patient's medical record. Prior to the patient's discharge to their residence or transfer to another facility, the hospital would need to notify and offer to meet with the designated caregiver to discuss the patient's plan of care and offer to adequately train the designated caregiver in certain aftercare tasks. This approach would not only improve the quality of care provided to patients once they leave a hospital setting, but it would help reduce an estimated \$17 billion in Medicare funds spent each year nationally on hospital readmissions that would not be needed if patients get the right care. [S676B](#), Passed Both Houses, Senator Kemp Hannon (R, Nassau)

Accessing Home-Based Medical Care

The Senate passed legislation that would extend the authority of nursing homes to operate a physician practice that serves community-based seniors in their homes. Allowing a limited number of nursing homes to test this delivery model would enable the state to judge the impact of home-based services on the elderly and disabled. [S5509](#), Passed Both Houses, Senator Joseph Robach (R-C-I, Rochester)

Supporting Alzheimer's and Dementia Patients and their Caregivers

The Senate approved legislation that would help assist and support individuals with Alzheimer's disease and dementia. The bill would create a program database on the state Office for the Aging website with up-to-date information on programs, methodologies, and services provided statewide for persons suffering from dementia or Alzheimer's disease. This would help facilitate the sharing of information about innovative and successful programs that could be replicated in other areas of the state. [S3968](#), Passed Both Houses, Senator Sue Serino (R-C-I, Hyde Park)

Protecting Senior Citizens from Abuse and Exploitation

The Senate passed a sweeping package of 10 bills to protect vulnerable senior citizens from predatory financial schemes and physical and emotional abuse. The legislation would:

- Broaden the focus of New York State's Committee for the Coordination of Police Services to Elderly Persons by authorizing it to study and evaluate approaches to improving the quality of life for seniors. [S5905](#), Passed Both Houses, Senator Sue Serino (R-C-I, Hyde Park)
- Authorize banks to refuse to carry out a monetary transaction if there is reason to believe that it involves the financial exploitation of an elderly adult. The banking institution may also provide relevant records to law enforcement and social service officials investigating these crimes. [S639](#), Senator David J. Valesky (D, Oneida)
- Expand the definition of a caregiver in penal law in order to protect seniors from individuals who endanger their welfare. This bill would broaden the definition to include someone who assumes responsibility of a vulnerable person without a court order, such as a volunteer caregiver, appointed guardian, or power of attorney, eliminating a crucial barrier to the prosecution of elder abuse. [S641](#), Senator David J. Valesky (D, Oneida)
- Require the state Office of Children and Family Services (OCFS), along with the state Office for the Aging, to collect and analyze data on the mistreatment and neglect of seniors from state and local agencies, create an interagency elder abuse reporting system, and produce a report with recommendations to prevent these offenses from occurring. By requiring OCFS to clarify the definition of elder abuse and examine incidences of senior mistreatment, this legislation would help establish accurate figures to assist state and local agencies in prosecuting these crimes. [S852](#), Senator Jeffrey Klein (D, Bronx/Westchester)

- Increase awareness of the financial exploitation and neglect of senior citizens statewide. The legislation would authorize the state Office for the Aging to conduct a public relations campaign on preventing elder abuse, including its signs and symptoms, potential causes, resources available to assist in its prevention, and assistance with arranging personal care and shelter for the elderly. [S5328A](#), Passed Both Houses, Senator Sue Serino (R-C-I, Hyde Park)
- Allow recorded testimony from certain elderly witnesses to be used as evidence at a later date in a criminal proceeding. Under current law, victims can only be examined conditionally – or record their testimony before a trial begins – if they suffer from a demonstrable physical illness or incapacity. Unfortunately, some victims who appear healthy at the outset of an investigation pass away before the trial begins. [S394](#), Senator Patrick M. Gallivan (R-C-I, Elma)
- Facilitate the prosecution of individuals who financially exploit mentally impaired seniors by allowing prosecutors to obtain patient medical records with a subpoena. This legislation would require prosecutors to show that the patient suffers from a mental disability and that the patient has been the victim of a crime. [S624](#), Senator David J. Valesky (D, Oneida)
- Safeguard against the isolation of the elderly from family and friends by requiring guardians to notify adult children and other close relatives if the elderly individual enters the hospital, if he or she dies, and of burial and funeral information. Adult children would also be able to petition the court for visitation rights if the parent is unreasonably isolated from his or her relatives. [S5154A](#), Senator John DeFrancisco (R-C-I, Syracuse)
- Clarifies that an adult guardian appointed in another state can appear in New York courts, if authorized to do so by the appointing court. The guardian would also be allowed to sell real estate using the same process as guardians appointed in New York, and without having to go through a duplicative state guardianship process. [S5482](#), Passed Both Houses, Senator Kemp Hannon (R, Nassau)
- Extend the Long Term Care Ombudsman Program (LTCOP), which serves as an important advocate for seniors in long-term care facilities such as nursing homes, assisted living facilities, and adult homes. By extending this program, this bill would enable further study on the role of LTCOP and help ensure that seniors are receiving the best, most appropriate care. [S5702](#), Passed Both Houses, Senator Sue Serino (R-C-I, Hyde Park)

AGRICULTURE

2015-16 State Budget Agriculture Highlights:

The final budget adds more than \$12 million to the Executive Budget proposal; restores budget cuts to 33 different programs that support farmers, agricultural technology, and research; and includes funding for key components of the Senate’s “Grown in New York” plan to strengthen connections between farmers and consumers who are increasingly looking to buy locally produced foods.

Grown in New York – The budget supports new programs to connect consumers with locally produced products. It includes more than \$1 million to develop a series of new farm-to-market hubs to help farmers in regions like the North Country move their products more easily to markets in New York City and other urban centers across the state, \$2 million to help bring more locally produced fruits and vegetables to low-income seniors, \$250,000 for farm-to-school initiatives, and \$600,000 to support the expansion of the successful “Harvest NY” program.

Young Farmers – This Senate program is expanded with increased funding for college loan forgiveness and \$1 million to fund grants (up to \$50,000 each). The budget also includes \$200,000 for a new business planning program, administered through Cornell’s FarmNet program, to help beginning farmers get on their feet and ensure future success. There is also increased support for public school agriculture education, including Future Farmers of America, to encourage the next generation of farmers.

Rural Health Care – In addition to \$2 million in additional funding for Doctors Across New York, \$400 million in bank settlement funds will support health care capital projects in rural communities and encourage mergers between small and large hospitals. The budget also includes funding to support the following initiatives and programs:

- \$4 million for rural public transportation systems experiencing shortfalls in revenue following the transition to a centralized nonemergency medical transportation manager;
- \$250,000 for the University at Buffalo rural dentistry pilot program;
- \$250,000 for the New York State Dental Association clinic and education services at federally qualified health centers;
- \$400 million in capital funding for geographically isolated hospitals;
- \$7.5 million for critical access hospital funding;
- \$2.7 million for rape crisis centers; and
- \$1 million for increased reimbursement rates for air ambulance services under Medicaid.

Precision Agriculture –The Commissioner of Agriculture and Markets is required to compile and issue a report on precision agriculture and make recommendations relating to necessary technical support, rural broadband accessibility, and a cost benefit analysis of this approach. Precision agriculture has the potential to save farmers and consumers money by increasing the efficiency of production inputs, such as soil nutrients. The budget provides \$100,000 to undertake this initiative.

Real Property Manufacturers Tax Credit – The budget amends this tax credit to ensure that farms with generational transfer plans that include LLC structures remain eligible for the program.

Legislation:

Helping Local Farmers

The Senate passed legislation that would connect local farmers and agricultural businesses to Industrial Development Agencies (IDAs), giving them additional resources to promote economic growth and increase job creation. Under current law, IDAs can issue loans and provide technical support to manufacturers, processors, and warehouseers of agricultural products, but not to those businesses that directly grow, harvest, or collect agricultural products. Expanding the authorization of already existing IDAs, many of which are located in rural areas, would help promote job growth in industries such as fruit cultivation, raising of beef and other animals, and other agricultural pursuits. [S2250](#), Senator William Larkin (R-C, Cornwall-on-Hudson)

Improving New York’s Agriculture Industry

The Senate passed legislation that would provide new and beginning farmers with enhanced access to viable agricultural land. It would also direct the state Commissioner of the Office of General Services to work with the Commissioner of Agriculture and Markets to develop an inventory of state-owned real property that may be viable for farming and that could be of interest to farmers. [S1824](#), Passed Both Houses, Senator Patricia Ritchie (R-C, Heuvelton)

The Senate also passed a bill that would establish a beginning farmer revolving loan fund to attract young people to farming and encourage them to consider a career in the agricultural industry. [S1793](#), Senator Patricia Ritchie (R-C, Heuvelton)

Five additional measures to help existing farmers and agricultural business further succeed were also acted upon:

- [S3441](#), Passed Both Houses, sponsored by Senator Catharine Young (R-C-I, Olean): creates the Urban and Regional Farmers' Market Facilities Construction Program to help with the planning and development of urban and regional farmers' market facilities. Farmers' markets benefit consumers by allowing them to buy fresh produce and items directly from farmers while also helping to bring people into local businesses within the cities.
- [S3678A](#), sponsored by Senator Rich Funke (R-C-I, Fairport): creates a Farm Investment Fund to provide grants to farmers for the purposes of updating and improving their farm and farm practices including, but not limited to, infrastructure, equipment, and marketing of farm products. The Farm Investment Fund would issue grants of up to \$50,000 and the allotment would come from the general fund allocated to the Empire State Development Corporation.

- [S2673](#), Passed Both Houses, sponsored by Senator Patricia Ritchie (R-C, Heuvelton): gives the Commissioner of Agriculture and Markets the power to establish a Food Safety Compliance Program to assist farmers in complying with changes in federal food safety regulations. The program would provide a variety of technical assistance to farmers including information and education programs, and referrals to help farmers develop or modify farming, food processing, and manufacturing practices in compliance with the current federal law.
- [S5199](#), sponsored by Senator Patricia Ritchie (R-C, Heuvelton): establishes a revolving loan program to provide farmers throughout New York State with low-interest loans so that they can upgrade their electricity to three-phase power. Three-phase power refers to three wire alternating current (AC) power circuits and upgrading to this type of power, from single or dual power, is extremely expensive. This bill would help farmers with the financial assistance they need to help cover the cost of this necessary upgrade.
- [S1835B](#), sponsored by Senator Patricia Ritchie (R-C, Heuvelton): expands a tax exemption for agricultural and horticultural structures and buildings to include commercial equine operations.

Growing the Walnut and Birch Syrup Industries

The Senate approved a bill that would establish purity and quality requirements for birch and walnut syrups and sugars, similar to those that currently exist for maple. This legislation would help grow the walnut and birch syrup industries by safeguarding consumers from inferior products and by helping to protect producers from unfair competition posed by those making imitation syrups. [S3669](#), Passed Both Houses, Senator Patricia Ritchie (R-C, Heuvelton)

Exempting ATV Registration When Used Exclusively on Owner's Property

The Senate passed a bill that would grant a registration exemption to individuals who operate ATVs entirely on their own property – a benefit that is already provided for snowmobile owners. Many rural New Yorkers, especially farmers, own and utilize ATVs without ever driving off their own private property, yet they remain subject to state Department of Motor Vehicle (DMV) registration requirements. [S3076](#), Senator Catharine Young (R-I-C, Olean)

Assisting Districts with Waterfront Revitalization Plans

The Senate passed legislation that would allow districts to apply for, receive, and utilize funding for the development and implementation of waterfront revitalization plans. Districts often collaborate with several local governments on such plans, filling a resource gap, particularly in rural counties. The bill would streamline this already existing function for districts. [S1361](#), Senator Catharine Young (R-C-I, Olean)

Strengthening Right to Farm Laws

The Senate approved a bill that would include retail farm operations within the definition of “sound agricultural practice.” The commissioner, upon request, may render a binding opinion regarding whether an activity constitutes a “sound agricultural practice.” If it does, the activity would not constitute a private nuisance. This is an important protection because Right to Farm laws deny private nuisance lawsuits against farmers who use sound agricultural practices. [S1368](#), Senator Catharine Young (R-C-I, Olean)

Authorizing Mediation in Land Use Decisions

The Senate approved legislation that would authorize the use of mediation in land use decisions. Mediation would promote timely and effective voluntary, non-binding land use decisions regarding the review and approval of comprehensive plans, rezoning, subdivision plans, site plans, and special use permits. Mediation would supplement, not replace, existing municipal planning and zoning review procedures and decision-making by local governments. [S1394](#), Senator Catharine Young (R-C-I, Olean)

Ensuring Quick Removal of Trees Infested with the Emerald Ash Borer

The Senate passed legislation to clarify that the use of skidder trails and logging equipment necessary for selectively cutting timber are exempted from regulation, and confirms that these exempted activities are still subject to best management practices. This legislation would help ensure a quick removal of trees infested with the emerald ash borer. [S1369](#), Senator Catharine Young (R-C-I, Olean)

Increasing Farm Woodland Eligible for an Agricultural Assessment

The Senate passed legislation that would increase the maximum number of acres of a farm woodland eligible for an agricultural assessment. By including greater acreage for eligibility, farmers would be encouraged to further diversify their operations, engage in conservation practices, and maximize their financial benefit. [S1916](#), Senator Catharine Young (R-C-I, Olean)

Supporting Soil and Water Conservation Districts

The Senate passed a bill that would allow district office costs incurred by Soil and Water Conservation Districts (SWCD) to be reimbursable by the state. Current permissible expenditures reimbursable by the state include the employment of field technicians and managers and the purchase of supplies and equipment. District office space is essential to carrying out services as outlined in SWCD law. [S3548](#), Senator Catharine Young (R-C-I, Olean)

CHILDREN AND FAMILIES

2015-16 State Budget Children and Families Highlights:

The new budget restored \$23.1 million – 15 percent – in reductions proposed in the Executive Budget to support 41 critical health programs. Among the provisions in the budget were millions of dollars for women’s and family health initiatives, an expanded EPIC program to help seniors afford their prescription medications, and significant investments in health care capital projects in rural communities.

Health care highlights of the 2015-16 State Budget include the following:

- \$26.3 million for Nutritional Information for Women, Infants, and Children;
- \$9 million for chronic disease prevention (including diabetes, asthma and hypertension);
- \$2.3 million for the Prenatal Care Program;
- \$628,000 for Maternal and Child Health, including the Safe Motherhood Initiative; and
- \$10.6 million for Adolescent Pregnancy Prevention.

The budget included additional funding for the following critical programs:

- \$600,000 to implement recommendations of the Senate’s Lyme Disease Task Force; and
- \$4.6 million in increased funding for Rape Crisis Centers, bringing total funding to \$6.5 million.

Legislation:

Closing Dangerous Loopholes in Sex Offender Laws

The Senate passed bills to close dangerous loopholes in the laws protecting children and communities from sexual predators. The measures would address critical issues raised by a recent Court of Appeals ruling that prevents local governments from enacting laws restricting sex offenders, as well as the safety concerns highlighted in a recent Senate Coalition joint investigation and report. In “[Keeping Our Children Safe From Sex Offenders](#),” the Senate Coalition uncovered numerous instances of convicted pedophiles living within 1,000 feet of grade schools with pre-kindergarten programs or stand-alone Universal Pre-K programs.

Legislation includes:

- [S3925](#), sponsored by Senator Michael Venditto (R-C-I, Massapequa): addresses the Court of Appeals ruling by enabling municipalities to respond to the needs of their community and create local laws relating to sex offenders. Communities would be able to put additional restrictions in place so long as they are not less restrictive than state laws.
- [S1520](#), sponsored by Senator Jeff Klein (D-Bronx/Westchester): prohibits certain convicted sex offenders from knowingly being within 1,000 feet of any place where pre-kindergarten or kindergarten instruction is provided. The measure also requires the state

Department of Corrections and Community Supervision to receive regular updates of all elementary and secondary school locations to ensure residency restrictions for Level 2 and 3 sex offenders are being followed.

- [S22](#), sponsored by Senator Kenneth LaValle (R-C-I, Port Jefferson): requires schools to distribute information about Level 2 and 3 sex offenders living in a school district to parents of the students. This would give parents extra assurance that each household has valuable information that could protect their children from dangerous predators.
- [S712](#), sponsored by Senator Tony Avella (D, Bayside): reduces the amount of time it takes to make a risk level determination for convicted sex offenders so that they are not placed on probation, discharged, or otherwise released into the community without the necessary protections and registration requirements in place.
- [S2269](#), sponsored by Senator Martin Golden (R-C-I, Brooklyn): prevents convicted Level 1, 2, or 3 sex offenders from residing within 1,000 feet of a building used exclusively as an elementary or high school.
- [S2950](#), sponsored by Senator Terrence Murphy (R-C-I, Yorktown): prohibits a Level 2 or 3 sex offender from residing within 1,500 feet of their victim's residence. In Putnam County, a Level 3 sex offender was released from prison in 2011 and [allowed to live next door](#) to one of his victims, which caused significant emotional distress.
- [S2981](#), sponsored by Senator Robert Ort (R-C-I, North Tonawanda): amends the definition of a residence and requires sex offenders to comply with registration requirements to include any location at which the offender spends more than two days per week.
- [S3811](#), sponsored by Senator Andrew Lanza (R-I-C, Staten Island): increases the information available to the public when a convicted sex offender is in contact with the community. Level 2 and 3 sex offenders would be required to disclose their employment in addition to their residence on the state's registry.
- [S3926](#), sponsored by Senator James L. Seward (R-C-I, Oneonta): protects young children and their caretakers by prohibiting Level 3 sex offenders from entering child care facilities as a condition of their sentencing.

Additional legislation to restrict sex offenders includes:

- [S869](#), sponsored by Senator Michael Ranzenhofer (R-C-I, Amherst): makes it a crime for anyone to knowingly harbor, house, or employ a sex offender who has failed to register or verify residence or employment and fails to contact their local law enforcement agency.
- [S2084](#), sponsored by Senator John Flanagan (R-C-I, East Northport): prohibits a sexually violent or Level 3 sex offender who committed a crime against a child from being

granted custody or unsupervised visitation with a child. These sex offenders would remain ineligible unless they provide clear and convincing evidence that custody or visitation would benefit the child.

- [S1608](#), sponsored by Senator John Bonacic (R-C-I, Mount Hope): requires a sex offender to report multiple residences when the offender is living somewhere part-time. Under current law, offenders are only required to register their primary residence with the Division of Criminal Justice Services. The bill also requires the Division to develop a notification system to report offenders who have multiple residences.
- [S396](#), sponsored by Senator Patrick Gallivan (R-C-I, Elma): requires the commissioner of the state Office for People with Developmental Disabilities to contact local officials and school superintendants when a sex offender is transferred to a community program or residence within their municipality.
- [S833](#), sponsored by Senator Joseph Robach (R-C-I, Rochester): prohibits Level 3 sex offenders from living in student housing on college campuses. The bill would make violation of the provision a class A misdemeanor upon conviction of a first offense, and a class D felony upon conviction for a second or subsequent offense.
- [S845](#), sponsored by Senator Joseph Robach (R-C-I, Rochester): establishes a sex offender public awareness outreach program. This program would provide educational outreach to schools, community groups, and clergy on issues related to sex offenders.
- [S4153](#), sponsored by Senator Kenneth LaValle (R-C-I, Port Jefferson): prevents registered sex offenders from obtaining leadership positions within schools. Under this measure, any person required to register under the Sex Offender Registration Act would be prohibited from being a trustee, principal, officer, or member on a board of education of any public school in any BOCES, city, charter school, or union free, common, or central school district.
- [S2885](#), sponsored by Senator Michael Ranzenhofer (R-C-I, Amherst): prohibits registered sex offenders from living with individuals with developmental disabilities in community residences operated or licensed by the state. The measure strengthens current protections and helps ensure that individuals with developmental disabilities are living in a safe environment.
- [S851](#), sponsored by Senator Jeff Klein (D-Bronx/Westchester): prohibits Level 2 and 3 sex offenders from being placed in temporary and emergency housing or homeless shelters where children are present.

Improving Information About Sexual Predators

The Senate approved several additional bills to increase monitoring of convicted sex offenders and improve access to important information to better notify employers, schools, and concerned members of the community, including:

- [S4765](#), sponsored by Senator Rich Funke (R-C-I, Fairport): makes it a felony for a sex offender to fail to appear at the hearing that will determine his or her risk level. The bill would also eliminate a defense currently available to a sex offender who fails to annually verify their address with the state Department of Criminal Justice Services (DCJS).
- [S4776](#), sponsored by Senator Rich Funke (R-C-I, Fairport): expands access to information about all registered sex offenders available on the DCJS website to expand the utility of the Registry and enhance the safety of New York's most vulnerable citizens.
- [S4511](#), sponsored by Senator Andrew Lanza (R-C-I, Staten Island): requires Level 2 sex offenders to appear in person at a law enforcement agency every year. This measure would help law enforcement confirm that the offender is located at the address previously given and that their appearance has not significantly changed.
- [S3622](#), sponsored by Senator Robert Ort (R-C-I, North Tonawanda): allows law enforcement to disseminate information about a Level 2 sex offender's employment address to vulnerable populations. Currently, Level 2 offenders' employment addresses are included in the online Sex Offender Registry, but law enforcement is only allowed to notify schools and other vulnerable populations of the offender's residence.

Addressing the Use of the Internet to Promote Child Sexual Abuse

The Senate passed a bill to help New York State combat child sexual abuse, particularly when predators use technology to promote their sexual crimes against children. The legislation creates a new crime of promoting a sex offense against a child, making the offense a class B violent felony, and possessing a sex offense against a child, making it a class C violent felony. By establishing these new crimes to directly address the solicitation and/or participation in acts by other Internet users (i.e. instant message, e-mail, blog, etc.), this bill accurately reflects the full scope of injury inflicted by Internet sex crimes against children. [S3212](#), Senator Catharine Young (R-C-I, Olean)

“Protect Our Children Act”

The Senate passed a bill that would help ensure appropriate punishment for cruel and repeated maltreatment. This bill creates the offenses of aggravated murder of a child; aggravated abuse of a child in the third degree; aggravated abuse of a child in the second degree; aggravated abuse of a child in the first degree; aggravated manslaughter of a child; aggravated endangering the welfare of a child; aggravated murder of a child; obstructing the location of a missing child; and concealment of a death. [S2964A](#), Senator Robert Ort (R-C-I, North Tonawanda)

Preventing Child Abuse

The Senate passed a bill that would establish a temporary state commission to study child abuse prevention and make recommendations for implementing child abuse prevention programs. By examining the accessibility of prevention programs, as well as strategies for expanding these

services to more families across the state, the temporary commission would more effectively protect children while saving the state considerable fiscal resources. [S824](#), Senator Martin Golden (R-C-I, Brooklyn)

Increasing Penalties for Child Endangerment

The Senate passed legislation that makes it a class D violent felony offense, punishable by up to seven years in prison, if a person has been previously charged with child endangerment. Under current law, the crime is a misdemeanor offense no matter how many times an individual has been charged with that crime in the past. [S3362](#), Senator Andrew Lanza (R-C-I, Staten Island)

Access to Missing Child Case Information

The Senate passed legislation that would expedite access to critical information in a missing child case. The bill, which is in response to a recent tragic child abuse case in Albany County, would clarify existing law by specifying that Child Protective Services (CPS) records can be released to expedite an investigation when law enforcement is investigating a missing child and there is reason to believe that a parent, guardian, or other person legally responsible for the child is the subject of a report of child abuse or maltreatment. If CPS denies the request, law enforcement agencies can request an administrative review by the state Office of Children and Family Services, which would then have the ability to overturn a decision by the county CPS. [S3520A](#), Passed Both Houses, Senator George A. Amedore, Jr. (R-C-I, Rotterdam)

Criminal Street Gang Act

The Senate approved a measure that would prosecute and prevent street gang recruitment of children by making the solicitation of minors on school grounds a class C felony, punishable up to 15 years in prison, and the solicitation of minors outside school grounds a class D felony, punishable up to seven years. [S1701](#), Senator Martin Golden (R-C-I, Brooklyn)

Creating a Child Care Regulatory Review Task Force

The Senate passed legislation that would create a child care regulatory review task force consisting of relevant state agencies to identify ways to streamline and maintain compliance with the various federal and state regulatory, licensing, and quality enhancement program requirements of child care providers. [S5091](#), Passed Both Houses, Senator Patricia Ritchie (R-C, Heuvelton)

Helping Patients Receive Child Care Assistance

The Senate passed a bill that would create a simpler application form for people applying for child care assistance. This benefit would help support parents and guardians who are working and would like to continue to work but would not otherwise have the opportunity without child care assistance. [S5419](#), Passed Both Houses, Senator Sue Serino (R-C-I, Hyde Park)

Preventing Felons from Working in Child Day Care Programs

The Senate passed legislation that would prohibit convicted criminals from working in child day care programs. Under this bill, if a person has been convicted of a felony because of a sex offense, crime against a child, or crime involving violence, or a conviction for a felony drug-related offense within the past five years, they would be denied an operating license and employment at a child day care facility. The bill also removes the Office of Children and Family Services' existing discretion to permit criminals to participate in child day care programs. [S1472A](#), Senator Martin Golden (R-C-I, Brooklyn)

Ensuring Access to High-Quality After-School Programs

The Senate passed legislation that would help ensure that all youth have access to high-quality after-school programs. It eliminates inconsistent requirements in the child care regulations to make them consistent with current public school building regulations, thereby allowing third parties to continue offering school-aged children much needed after-school programming within school buildings across New York. [S5627](#), Passed Both Houses, Senator Simcha Felder (D, Brooklyn)

Protecting Good Samaritans Who Rescue Children Trapped in Cars

The Senate approved a bill that would help prevent children from dying when trapped inside an overheated car. This legislation would allow an individual to legally break a window or forcibly enter a parked car without liability if there is a reasonable belief that these actions would help a child, under the age of eight years old, who would suffer harm if not immediately removed from the vehicle. Anyone who forcibly enters the vehicle to rescue a child must also notify 911 or first responders immediately before or immediately after entering the vehicle and remain with the child on-site until help arrives. [S240](#), Senator Jack Martins (R-C-I, Mineola)

Preventing Unauthorized Sales of Children's Items

The Senate approved a measure that would establish a new law to prevent itinerant vendors from selling baby food and other items, including nonprescription drugs, cosmetics, and batteries. When these items are sold for resale at flea markets and other unauthorized vendors, they risk becoming compromised by sunlight and heat, and put the health and safety of children at risk. [S3840](#), Senator Michael Venditto (R-C-I, Massapequa)

Helping Pregnant Women Obtain Health Insurance

The Senate passed a bill that would help pregnant women obtain health insurance by permitting them to enroll in the state health insurance exchange at any time. [S5972](#), Passed Both Houses, Senator James L. Seward (R-C-I, Oneonta)

Keeping Military Families Together

The Senate passed legislation that would prevent a military member's deployment or probability of deployment from being a detrimental factor when determining child custody if a suitable child care plan is presented. [S3297](#) Senator Michael Ranzenhofer (R-C-I, Amherst)

Emergency Contact Registry for Victims of Motor Accidents

The Senate passed a bill that would authorize the state Department of Motor Vehicles to create an online "next of kin" registry to help police officers quickly notify the emergency contacts of a victim of a motor accident resulting in physical injury, incapacitation, or death. Motorists would be able to add to the website information, such as phone numbers and addresses, of key people who should be contacted in the event of such an emergency. [S2396](#), Senator Patricia Ritchie (R-C, Heuvelton)

Expanding Access to Healthy, Nutritious Foods in Underserved Communities

The Senate passed legislation that would identify and evaluate barriers that limit access to healthy, nutritional, and affordable food for lower-income residents in underserved communities and find ways to assist local food retail businesses. By assisting these businesses, this bill would help underserved communities gain access to more affordable and nutritious foods, which would not only improve their quality of life, but also limit negative impacts on public health and associated medical costs. Potential opportunities for farmers to expand market opportunities by selling locally-grown or -produced food products would also be identified. [S5806](#), Passed Both Houses, Senator Kathleen Marchione (R-C, Halfmoon)

Stimulating Affordable Housing Investment

The Senate approved a measure that would make the New York State Low Income Tax Credit (SLIC) a refundable tax credit. This bill would stimulate affordable housing development across the state by making the credit more desirable to investors. [S2277](#), Senator Catharine Young (R-C-I, Olean)

CONSUMER PROTECTION

Legislation:

Cracking Down on Auto Fraud

The Senate passed legislation that removes the incentive to stage automobile accidents by permitting auto insurance companies to cancel newly issued private passenger automobile insurance policies. The bill would allow retroactive cancellation of the policy if a payment is made with insufficient funds or the identity used to procure the policy turns out to be fraudulent. [S1471A](#), Passed Both Houses, Senator Martin Golden (R-C-I, Brooklyn)

In addition, the Senate approved a measure that would create new crimes for those who stage a motor vehicle accident. The new crimes created by this legislation would make it a: class B felony if a person causes serious personal injury or death to another person other than a participant while staging an accident; class C felony if a person is found guilty of staging a motor vehicle accident and has been previously convicted of an insurance fraud crime within the past five years; and class D felony if a person operating a motor vehicle intentionally causes a collision to commit insurance fraud or arranges to have another person intentionally cause a collision. [S3511](#), Senator James L. Seward (R-C-I, Oneonta)

Notifying Drivers of Auto Recalls

The Senate approved legislation that would require registered vehicle owners to be notified of any manufacturer recalls during their annual motor vehicle inspection. If the official inspection station finds that the motor vehicle is the subject of a safety recall, the owner would be notified in writing on the Vehicle Inspection Report that the automobile may be repaired at an authorized manufacturer dealer at no charge. [S4296B](#), Senator Betty Little (R-C-I, Queensbury)

Curtailing Costly Retail Theft

The Senate passed legislation to crack down on criminals who try to avoid harsher penalties by committing retail thefts in multiple counties. The bill would allow any county in the state to prosecute someone who participates in a pattern of organized retail theft when at least one of the offenses occurs in a neighboring county. [S3822](#), Senator Michael Venditto (R-C-I, Massapequa)

Protecting Nail Salon Workers and Consumers

The Senate passed legislation that would foster a safe and healthy environment for both nail salon workers and consumers. The bill would provide the necessary tools to close down unlicensed or uninsured nail salon activities, create a formalized trainee program for those employed in nail salons, and require nail salon owners to provide health and safety protections for their employees. [S5966](#), Passed Both Houses, Senator Michael Venditto (R-C-I, Massapequa)

The Senate also passed a bill that would require the state Department of Health to review the safety of ultraviolet (UV) nail dryers and authorize the state to regulate the use of these devices. A recent article in [JAMA Dermatology](#) found UV lamps to be a contributing factor for two

women who developed skin cancer on their hands – stemming from use of these lamps in nail salons. [S1982A](#), Senator Catharine Young (R-C-I, Olean)

Protecting Consumers from Unauthorized Sale of Children’s Items

The Senate approved a measure that would establish a new law to prevent itinerant vendors from selling baby food and other items, including nonprescription drugs, cosmetics, and batteries. When these items are sold for resale at flea markets and other unauthorized vendors, they risk becoming compromised by sunlight and heat, and put the health and safety of children at risk. [S3840](#), Senator Michael Venditto (R-C-I, Massapequa)

Protecting Animals

In May, the fifth annual Animal Advocacy Day, co-sponsored by Senator Phil Boyle (R-C-I, Suffolk County) and Senator Sue Serino (R-C-I, Hyde Park), was held at the Capitol. Legislation was passed to protect animals from harm and cruelty, including:

- [S4641](#), sponsored by Senator Patricia Ritchie (R-C, Heuvelton): increases the potential jail time, from two years to four, when acts of cruelty against animals are committed in front of children.
- [S410](#), sponsored by Senator Carl Marcellino (R, Syosset): increases the maximum fine for the misdemeanor of abandonment of animals from \$1,000 to \$2,000.
- [S2102](#), sponsored by Senator Kenneth LaValle (R-C-I, Port Jefferson): raises the penalties for leaving a companion animal in a vehicle during times of extreme hot or cold temperatures.
- [S3850](#), sponsored by Senator Andrew Lanza (R-C-I, Staten Island): allows domestic companion animals to board any public transportation or public transportation service in the event of a state of emergency and evacuation. This legislation would coincide with recently-enacted New Jersey law ([Chapter 265 of 2013](#)) to provide the same protections to residents of both states.
- [S98](#), sponsored by Senator Phil Boyle (R-C-I, Suffolk County): requires dogs and cats that have worked in higher education research facilities or facilities that provide research in collaboration with higher education institutions to be offered for placement with non-profit animal rescue and shelter organizations prior to euthanization.

Allowing Customers to Bring Dogs Into Outdoor Dining Areas

In addition, the Senate passed a bill that would change the state health law to allow food service establishments to offer their customers the ability to bring their pet dogs into outdoor dining areas. The measure would permit customers to bring their pet dogs into outdoor dining areas of restaurants that wish to provide this service, as long as the restaurant can ensure that there will be no contamination of food and tainted utensils or equipment. [S4327A](#), Passed Both Houses, Senator Kemp Hannon (R, Nassau)

CRIME AND CORRECTIONS

Legislation:

Cracking Down on Cyber Terrorism

The Senate passed the following legislation to crack down on cyber terrorism and its rapidly increasing threat to New York State's security and finances. The bills would:

- Establish the New York State Cyber Security Initiative to ensure that the state has a proper cyber security defense system in place. The proposed measure includes a Cyber Security Advisory Board to advise the state on developments in cyber security and recommend steps to protect the state's infrastructure and information systems; a Cyber Security Sharing and Threat Prevention Program to increase the state's quality and readiness of cyber threat information that will be shared with the public and private sectors; and a Cyber Security Critical Infrastructure Risk Assessment Report to seek recommendations from experts to identify and combat security threats facing the state, its businesses, and its citizens. [S3407](#), Senator Thomas Croci (R, Sayville)
- Make it a class A felony for any person found guilty of intimidating, coercing, or affecting the public or a government entity by causing mass injury, damage, or debilitation of people or their property, including computers and related programs, data network, or material. A new class C felony would include anyone who uses a computer to cause serious financial harm affecting more than 10 people. [S3404](#), Senator Thomas Croci (R, Sayville)
- Make it a class B felony for those who use a computer or device to carry out a cyber attack when such an attack causes financial harm in excess of \$100,000 to another person, partnership, or corporation, individually or collectively. [S3406](#), Senator Thomas Croci (R, Sayville)
- Require the Division of Homeland Security and Emergency Services to work with the Superintendent of State Police, the Chief Information Officer, and the President of the Center for Internet Security to complete a comprehensive review of New York's cyber security measures every five years, and create a sequential report to summarize its findings. The report would identify the state's security needs and detail how those needs are being met to ensure that the best security practices are in place to protect New Yorkers from cyber terrorism. [S3405](#), Senator Thomas Croci (R, Sayville)

Prohibiting Unlawful Surveillance of Recreational Activities

The Senate passed legislation that would help protect the privacy of people who wish to enjoy recreational activities in their own backyard. The legislation would close a loophole in "Stephanie's Law," which restricts unlawful surveillance of private property, by establishing a right to sue for damages for the unauthorized video recording of a residential premise. A person would be guilty of this action if he or she intentionally uses or installs a video camera to tape an

adjoining residential property owner's backyard without that owner's written consent. [S2318](#), Senator Catharine Young (R-C-I, Olean)

Protecting People from Unlawful Dissemination of their Image on the Internet

The Senate approved a bill that would prohibit the dissemination of a person's image to an obscene Internet website without that individual's knowledge or consent. The penalty for this crime would be a class A misdemeanor. [S2990](#), Senator Catharine Young (R-C-I, Olean)

Addressing Use of the Internet to Promote Child Sexual Abuse

The Senate passed a bill to help New York State combat child sexual abuse, particularly when predators use technology to promote their sexual crimes against children. The legislation creates a new crime of promoting a sex offense against a child, making the offense a class B violent felony, and possessing a sex offense against a child, making it a class C violent felony. By establishing these new crimes to directly address the solicitation and/or participation in acts by other Internet users (i.e. instant message, e-mail, blog, etc.), this bill accurately reflects the full scope of injury inflicted by Internet sex crimes against children. [S3212](#), Senator Catharine Young (R-C-I, Olean)

Increasing Penalties for Child Endangerment

The Senate passed legislation that makes it a class D violent felony offense, punishable by up to seven years in prison, if a person has been previously charged with child endangerment. Under current law, the crime is a misdemeanor offense no matter how many times an individual has been charged with that crime in the past. [S3362](#), Senator Andrew Lanza (R-C-I, Staten Island)

“Protect Our Children Act”

The Senate passed a bill that would help ensure appropriate punishment for cruel and repeated maltreatment. This bill creates the offenses of aggravated murder of a child; aggravated abuse of a child in the third degree; aggravated abuse of a child in the second degree; aggravated abuse of a child in the first degree; aggravated manslaughter of a child; aggravated endangering the welfare of a child; aggravated murder of a child; obstructing the location of a missing child; and concealment of a death. [S2964A](#), Senator Robert Ort (R-C-I, North Tonawanda)

Making Residential Youth Facilities Safer

The Senate passed “Renee’s Law” to protect the staff and youth of group homes and other youth residential facilities. The bill would expand the criminal history and other information available to those employed in the residential facilities where violent young offenders are placed. By increasing access to this information, this measure would enable a thorough evaluation of violent young offenders’ rehabilitation and the risk they pose to the staff and community. [S3071](#), Senator Catharine Young (R-C-I, Olean)

Holding Drivers Who Leave the Scene of an Accident Accountable

The Senate approved a bill that would close a legal loophole and hold intoxicated drivers accountable for leaving the scene of an accident. The current law only requires drivers to report an accident when they know or have reason to know the accident resulted in an injury or property damage. Under this loophole, drunk drivers are able to flee the scene of an accident they caused and later claim they did not know any injury or damage occurred. [S405](#), Senator Patrick M. Gallivan (R-C-I, Elma)

Enforcing a Tougher Penalty for Unlicensed Driving

The Senate passed legislation that would strengthen the penalty for those who operate a vehicle without a license from a violation to a misdemeanor charge of aggravated unlicensed operation of a motor vehicle in the third degree. [S247](#), Senator Jack Martins (R-C-I, Mineola)

Increasing Penalties for Repeat DWI Offenders

The Senate approved legislation that would mandate mandatory jail sentences for repeat DWI offenders. Current law does not require drivers previously convicted of a DWI to spend any time in jail. Under the proposed measure, drunk drivers would be required to serve a minimum of 30 days in jail for their second DWI conviction in 10 years, and a minimum of 90 days in jail if they are convicted of three or more DWI offenses within 10 years. In addition, drivers convicted of their second aggravated DWI in 10 years would face a mandatory 180-day sentence, and drivers convicted of three or more aggravated DWIs would be sentenced to jail for a minimum of one year. These sentences would be in addition to any other penalties imposed by the courts. [S4220](#), Senator John Flanagan (R-C-I, East Northport)

Strengthening Penalties Against Unlicensed Drivers

The Senate passed a bill that would give prosecutors broader discretion to seek a prison term by making it a class E felony to negligently cause the death of another person while operating a vehicle with a suspended or revoked license. [S1600](#), Senator John Bonacic (R-C-I, Mount Hope)

Reducing High-Speed Traffic Fatalities

The Senate passed “Michelle and Jordan’s Law” that would make it a class E felony to receive a second conviction for engaging in an unlawful speed contest or race within 12 months. [S3732](#), Senator Andrew Lanza (R-C-I, Staten Island)

Increasing Penalties for Intoxicated Supervising Drivers

The Senate approved a measure to close a legal loophole that lets intoxicated supervising drivers escape punishment. “Abigail’s Law” increases the penalties against individuals who are under the influence of drugs or alcohol while also supervising drivers with junior licenses or learner’s permits. Abigail Buzard was tragically killed in a car accident when a teenager with a learner’s permit was operating the vehicle under the supervision of Abigail’s intoxicated father. [S2976](#), Senator Robert Ortt (R-C-I, North Tonawanda)

Restricting Drunk Drivers

The Senate passed a bill that would further restrict those convicted of drunk driving who do not comply with ignition interlock device requirements. [S5173](#), Passed Both Houses, Senator Michael Nozzolio (R-C, Fayette)

Holding Repeat DUI Offenders Accountable

The Senate passed legislation that would increase the penalties for repeat Driving Under the Influence (DUI) offenders. Under current law, it is possible to be convicted in separate cases of operating a boat, car, snowmobile, and an all-terrain vehicle while under the influence of drugs or alcohol and to be treated as a first time offender in each case, despite violating four similar laws. This bill would link these various laws together so that a violator's prior DUI offenses are taken into account when the offender is charged and sentenced. [S3785](#), Senator John DeFrancisco (R-C-I, Syracuse)

Strengthening Penalties for Drivers with Suspended or Revoked Licenses

The Senate approved a bill that would create felony charges for individuals who kill or injure someone while driving with a suspended or revoked license. These drivers would face up to four years in prison if they cause serious injury to another person and up to seven years in prison if they take someone's life. Under current law, people driving with suspended or revoked licenses who kill or injure someone face only misdemeanor charges carrying a maximum sentence of 180 days in jail. [S4649A](#), Senator Jack Martins (R, Mineola)

Protecting Senior Citizens from Abuse and Exploitation

The Senate passed a sweeping package of 10 bills to protect vulnerable senior citizens from predatory financial schemes and physical and emotional abuse. For legislation, please see [Aging](#).

Protecting People with Special Needs from Abuse and Neglect

The Senate approved legislation that would improve the state's ability to respond to the abuse or neglect of people with special needs by strengthening the state's ability to prosecute crimes reported to the Justice Center for the Protection of People with Special Needs. Without this legislation, the Justice Center would also need to present these cases before a grand jury in order to obtain jurisdiction to prosecute them. This requirement would likely delay the bringing of charges and potentially put abused and neglected individuals needing care at risk. [S4981](#), Senator Robert Ortt (R-C-I, North Tonawanda)

Protecting Firefighters and Retired Police

The Senate passed two bills to protect first responders and law enforcement professionals who protect our communities:

- [S2977](#), sponsored by Senator Rich Funke (R-C-I, Fairport): makes it a crime to intentionally obstruct a firefighter performing emergency medical care on a sick or injured person. Current law affords firefighters special protections while engaged in a variety of functions during the performance of their official duties. However, the law does not adequately protect firefighters performing emergency medical care.
- [S1827](#), sponsored by Senator Martin Golden (R-C-I, Brooklyn): protects retired police officers by strengthening the penalties for crimes committed by individuals seeking retaliation for being previously arrested by the officer. The measure would make such retaliatory crimes a class B or C violent felony, depending on the extent of the assault, and offer the same protection that the law currently gives active police officers to help discourage felons from seeking revenge against retired officers.

Penalizing Assaults Upon Process Servers

The Senate approved a bill that would make it a class D felony of assault in the second degree to intentionally prevent or obstruct a process server who is performing his or her duties, including through the use of an animal. Process servers play an important role in the legal system by ensuring a defendant's right to due process, but can become the targets of assaults by those to whom they are serving documents. This legislation would help deter assaults on process servers and keep them safe as they perform their duties. [S2991](#), Senator Catharine Young (R-C-I, Olean)

Addressing Drug Use and its Effects

The New York State Senate passed a package of bills to address issues surrounding the increase in heroin and opioid abuse, addiction, and related crimes in New York. The bills are part of a comprehensive legislative package proposed by the bipartisan New York State Senate Joint Task Force on Heroin and Opioid Addiction, co-chaired by Senators Terrence Murphy (R-C-I, Yorktown), George A. Amedore, Jr. (R-C-I, Rotterdam), and Robert Ort (R-C-I, North Tonawanda). For legislation, please see [Health and Mental Hygiene](#).

The Senate also passed the following bills related to curtailing drug use in New York:

- [S1570A](#), Passed Both Houses, sponsored by Senator Kemp Hannon (R, Nassau): helps prevent the abuse and diversion of opioid analgesic drugs by ensuring that abuse-deterrent drugs approved by the U.S. Food and Drug Administration (FDA) are dispensed whenever prescribed, and by prohibiting the substitution of a non-abuse-deterrent opioid without a new prescription from a physician or health care provider. This bill also ensures that insurance coverage does not disadvantage drugs approved by the FDA as abuse-deterrent.
- [S1150](#), sponsored by Senator Tom O'Mara (R-C, Big Flats): deters the growing use of methamphetamine in New York by strengthening penalties for the sale and possession of meth and making them consistent with penalties for crimes involving heroin and cocaine.

- [S994](#), sponsored by Senator Martin Golden (R-I-C, Brooklyn): increases penalties for people who sell drugs in playgrounds and parks, protecting children and their families from the dangers of drug dealers.
- [S3402](#), sponsored by Senator Kemp Hannon (R, Nassau): creates new penalties for the theft, sale, and unauthorized possession of a blank New York State prescription form to prevent drug abuse and the criminal enterprises that help supply drug addictions.
- [S738A](#), sponsored by Senator Joseph Griffo (R-C-I, Rome): makes certain synthetic drugs illegal. The bill would include the drug known as “N-Bomb,” which mimics the effects of LSD as a hallucinogen. These drugs have harrowing effects and in many cases, individuals have overdosed from these chemically-made drugs, which vary widely in potency.

Preventing Criminals from Evading Supervision

The Senate passed legislation that would make it a new crime if someone tampers, damages, or alters court-ordered electronic monitoring equipment in an attempt to interfere with any signal, impulse, or data, and therefore evade police supervision. [S2305](#), Senator Patricia Ritchie (R-C, Heuvelton)

Increasing Penalties for Bank Robbery

The Senate passed legislation which would establish more severe penalties for the robbery of banks and credit unions with hopes of deterring would-be criminals. The proposed legislation would also establish, for the first time, that someone convicted of robbing a bank or credit union could be refused a license or certificate to work as a mortgage broker or banker. [S2715](#), Senator Joseph Griffo (R-C-I, Rome)

Reducing Street Gang Violence

The New York State Criminal Street Gang Act would prosecute and prevent street gang recruitment of children by making the solicitation of minors on school grounds a class C felony, punishable up to fifteen years in prison, and the solicitation of minors outside school grounds a class D felony, punishable up to seven years. [S1701](#), Senator Martin Golden (R-C-I, Brooklyn)

Allowing the Family of a Victim to Read Statements in Court

The Senate passed legislation that would enable judges to allow up to two family members of a victim to address the court at the time of a convicted defendant’s sentencing. Under current law, only one member of a victim’s family may read statements to the court, oftentimes leaving a parent, spouse, or other close family member unable to express their thoughts, and placing judges in the difficult position of having to choose between individuals. [S2993](#), Senator Catharine Young (R-C-I, Olean)

Allowing Statewide Video Arraignments

The Senate passed legislation that would allow courts to electronically arraign defendants being held away from the courthouse. Under current law, criminal suspects placed under arrest must be arraigned by a judge within 24 hours. Geographic barriers and other practical impediments can make in-person arraignments costly and unnecessarily burdensome, especially in rural regions of the state. This legislation would reduce the security risks involved in transporting defendants and serve as a significant cost-serving measure for counties, while preserving defendants' right to a speedy and judicious arraignment. [S3083](#), Senator Catharine Young (R-C-I, Olean)

The Domestic Violence Protection Act – Brittany's Law

The Senate approved The Domestic Violence Protection Act – Brittany's Law to increase the safety and awareness of communities by increasing access to information about convicted violent felons. The bill would create a publicly accessible registry of all individuals convicted of a violent felony and allow local law enforcement to keep track of their location. The legislation also establishes annual registration requirements for offenders to allow local law enforcement agencies and the state to monitor the whereabouts of these individuals. [S513](#), Senator Michael Nozzolio (R-C, Fayette)

Preventing Forcible Touching on Public Transit

The Senate passed legislation that would redefine the crime of forcible touching to include when one subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with the intent to degrade or abuse a passenger on a public bus, train, or subway car. [S3203A](#), Passed Both Houses, Senator Martin Golden (R-C-I, Brooklyn)

EDUCATION

2015-16 State Budget Education Highlights:

The new budget upholds the Senate’s commitment to providing schools with the resources they need to help students succeed. Senate Republicans successfully fought to increase school aid by \$1.4 billion – an increase of hundreds of millions of dollars above what the Executive Budget originally proposed – bringing total general support for public schools to \$23.5 billion. The budget distributes school aid fairly and equitably across the state, will help reduce pressure on local property taxpayers, and fully supports important programs and services that help educate our children and ensure that they are college and career ready. When combined with funding for STAR and Enhanced STAR payments to school districts, overall education spending will total nearly \$27 billion.

Education highlights of the 2015-16 State Budget include the following:

GEA – The Gap Elimination Adjustment (GEA) was an unfair school aid cut enacted by Democrats in 2010 when they controlled all three branches of government. Every Senate Republican voted no on the GEA, which has cost school districts significant state aid.

Due largely to the Senate Republican Conference, this year’s budget reduces what remains of the GEA cuts by nearly 60 percent, restoring \$603 million. The state has now done away with nearly 85 percent of the original GEA, and the Senate will continue to work towards its full elimination once and for all.

Education Reform – The final budget includes a blueprint for significant, new reforms that will empower parents and teachers, promote excellence in teaching, restructure failing schools, and aggressively address the problems caused by an overemphasis on standardized testing.

Legislation:

Creating Parent- and Student-Centric Education Reforms

Significant parent-centric education reforms first championed by the Senate were enacted to provide greater transparency and accountability, and ensure that the standardized tests are a learning tool. Measures include:

- Empowering both parents and teachers by directing the State Education Department (SED) to release test questions and the corresponding correct answers back to teachers in their respective classrooms by June 1st of each year. This will ensure greater accountability and transparency in testing, while also ensuring that tests are used as a real teaching tool, rather than simply a data collection device;
- Eliminating the “gag” order that had prevented teachers from discussing tests with their students;
- Helping students by enacting new measures to ensure that state exams in grades 3 through 8 are grade-appropriate and time-appropriate;

- Establishing a content review committee to review exam questions to ensure that they are aligned with the standards and are age and grade-level appropriate; and
- Protecting teachers by establishing in the education law a requirement that SED must consider student characteristics (such as English language learners, students with disabilities, students in poverty, and a student's prior academic history) as factors in the calculation of a teacher's student growth scores.

[S6012](#), Passed Both Houses, Senator John Flanagan (R-C-I, East Northport)

Increasing Funding to Non-Public Schools

The Senate passed legislation that includes \$250 million in funding for non-public schools to help give all children the opportunity to receive a quality education. This money will be provided over two years to reimburse the costs incurred by private schools for performing state mandated services and implementing the Comprehensive Attendance Program (CAP). [S6012](#), Passed Both Houses, Senator John Flanagan (R-C-I, East Northport)

Reforming Education to Empower Parents and Teachers and Reduce Emphasis on Standardized Tests

The Senate approved a bill that would require an additional 45-day public comment period following the release of the new draft regulations now being put together by the State Education Department (SED) – allowing students, teachers, parents, grandparents and others to make their voices heard on this important statewide education issue. In addition, SED would be required to consider student characteristics, such as English language learners, students with disabilities, students in poverty and a student's prior academic history, as factors in the calculation of a teacher's student growth scores. The reform measures would also require a comprehensive SED review – with education stakeholders – of the effectiveness and appropriateness of Common Core standards.

Finally, the bill would direct the SED to release test questions and the corresponding correct answers to teachers by June 1st of the same school year. Doing so would encourage greater transparency and accountability, and ensure that the standardized tests are a learning tool, not just a data collection device. [S5954](#), Senator John Flanagan (R-C-I, East Northport)

Education Investment Tax Credit

The Senate passed legislation that would promote the highest quality education for all children in New York by expanding financial resources for educational purposes. The Education Investment Tax Credit would provide new incentives in the form of a tax credit for qualified education donations to public schools, scholarship organizations, education funds, and school improvement organizations. Taxpayers would not be allowed to use a qualified contribution as both a charitable itemized deduction and a credit against their New York State income tax. By permitting education entities to accept and receive voluntary cash contributions, the bill would reduce their need for additional tax revenue and encourage voluntary support for education. The bill would also create a credit for the purchase of teaching materials by teachers and homeschoolers. [S1976](#), Senator Martin Golden (R-C-I, Brooklyn)

Expanding Access to Education for Adult Learners

The Senate passed legislation that would enable public libraries to obtain Employment Preparation Education (EPE) funding for their high school equivalency programs and employment training services that help adults get jobs. The EPE program is currently only available to school districts and BOCES to provide educational services to individuals 21 years or older who have dropped out of high school and did not receive their degree, a GED, or a high school equivalency diploma. Libraries offer many of these same services, including English as a Second Language classes, job readiness workshops, and high school equivalency courses. By allowing public libraries to apply for and obtain EPE funds, this bill would help to reduce the stigma attached to adult learners and facilitate their employment opportunities by enabling them to attain critical skills in a setting other than a school. [S2895](#), Senator Hugh Farley (R-C-I, Schenectady)

Encouraging Women and Minorities to Pursue STEM Careers

The Senate passed legislation that would provide science, technology, engineering, and mathematics (STEM) grants to encourage more women and minorities to pursue careers in these fields. A [2010 survey](#) by the Bayer Corporation reported that 77 percent of female and minority chemists and chemical engineers said significant numbers of women and minorities are missing from the nation's STEM workforce because they were not identified, encouraged, or nurtured to pursue STEM studies early on. The bill would help address the concerns raised by this study and others by creating a grant program for state public schools, charters, and BOCES programs to provide STEM programs for grades 6-12, and would be designed to encourage more women and minorities to pursue careers in these areas. [S1960](#), Passed Both Houses, Senator Joseph Robach (R-C-I, Rochester)

HIGHER EDUCATION

Legislation:

Protecting Students from Sexual Assault on College and University Campuses

The Senate unanimously passed crucial legislation to help prevent sexual assaults and provide more support to victims by improving the ability of educational institutions to appropriately respond if a crime occurs. The measure allocates \$10 million in state funding to help implement these new measures by creating a new Sexual Assault Victims Unit within the Division of State Police (\$4.5 million); supporting prevention, education, and victim services provided on campuses by rape crisis centers (\$4.5 million); and by supporting on-campus training, among other related expenses (\$1 million).

In 2014, Senator Kenneth LaValle (R-C-I, Port Jefferson) and members of the Senate Higher Education Committee convened a roundtable of advocates, legislators, college and university officials, and security personnel to examine sexual violence on college campuses. In October, the committee released a [report](#), “Sexual Violence on College Campuses: A New York State Perspective,” that reviewed research, state and federal laws, and best practices and made recommendations for state legislative action – many of which are included in the approved bill. [S5965](#), Passed Both Houses, Senator Kenneth LaValle (R-C-I, Port Jefferson)

Provisions of the legislation include:

- A statewide, uniform definition of affirmative consent to sexual activity, defined as “a knowing, voluntary, and mutual decision among all participants to engage in sexual activity”;
- Amnesty for alcohol and/or drug use to encourage bystanders to report sexual assaults, domestic violence, dating violence, or stalking without the risk of being charged with an alcohol or drug use violation of the institution's code of conduct;
- A Students’ Bill of Rights, distributed annually to the campus community, that includes the opportunity to report a sexual assault to law enforcement or the institution, to be protected from retaliation, and to access services and resources;
- Requirements for institutions to notify students about the rights and resources available to them and how the institution will respond to reports of sexual assault, domestic violence, dating violence, and stalking. Institutions would be required to provide victims with a short statement of their rights at the first instance of disclosure of a sexual assault;
- Options for confidential disclosure by requiring institutions to utilize plain language to notify students about the laws surrounding confidentiality and privacy, to list confidential and private resources that students can reach out to, and to provide technical information about how institutions will respond to requests for confidentiality. The bill also allows privacy in legal challenges to conduct findings, absent a waiver or court determination;

- Year-round, ongoing campaigns to be developed and implemented by institutions about sexual assault, domestic violence, dating violence, and stalking education and prevention. The bill also directs institutions to conduct annual surveys to assess the campus climate and disclose the results without any personally identifying information; and
- Reporting of aggregate data to the State Education Department: requires institutions to annually publish reports of domestic violence, dating violence, stalking, or sexual assault, including the total number of reports received, open and closed investigations, outcomes of such investigations, and penalties imposed on perpetrators.

Funding SUNY and CUNY for the Future

The Senate passed legislation that would provide five-year capital plans for the State University of New York (SUNY) and the City University of New York (CUNY). This bill would incorporate capital planning for SUNY and CUNY into the overall capital plan submitted to the Legislature and would require the Governor to submit five-year capital plans for SUNY and CUNY as part of the Executive Budget. This requirement would ensure that the facilities at the state's public higher education institutions receive the capital funding necessary to meet their annual critical maintenance needs. [S5217](#), Passed Both Houses, Senator Kenneth LaValle (R-C-I, Port Jefferson)

Broadening Educational Opportunities for Firefighters

The Senate passed legislation that would provide additional incentives for young people to enter volunteer fire service at a time when communities are facing a significant shortage of volunteer firefighters across the state. This bill would make volunteer firefighters and ambulance workers eligible to receive academic credit after successfully completing a related internship or independent study program. The programs, which would be implemented by SUNY and community colleges, must include both a service requirement and an academic requirement to ensure that participants are exposed to subject matters such as not-for-profit corporate governance, municipal government, budgeting, and management. [S3126](#), Senator Rich Funke (R-C-I, Fairport)

The Senate also approved a bill that would allow firefighters employed by the New York City Fire Department to attend two tuition-free courses at CUNY. Currently, New York City Police Department officers who are enrolled in a program leading to a baccalaureate or higher degree receive this benefit, but firefighters do not. By extending the tuition waiver to firefighters, this legislation would enable them to pursue an education early in their careers. [S1473](#), Senator Martin Golden (R-C-I, Brooklyn)

Increasing Access to Dental Care

The Senate approved legislation that would increase access to dental care by providing dentists with education loan repayments in exchange for committing to practice in an underserved area of

New York for five years. The bill would expand the successful Doctors Across New York program to include dentists. [S3020A](#), Senator Catharine Young (R-C-I, Olean)

ENERGY

2015-16 State Budget Energy Highlights:

The budget contains measures to strengthen the electrical grid and provide clean, reliable and more affordable power. The New York State Energy Research and Development Authority (NYSERDA) was instructed to provide an unprecedented level of transparency on the levels and uses of “off-budget” funds generated by surcharges on ratepayer bills. In addition, the responsible improvement and reuse of existing power facilities on Long Island will undergo an engineering and cost benefit analysis to meet the goals of environmental improvement, economic development, sustainability, and taxpayer protection.

The budget also strengthens and increases funding for the Green Jobs/Green New York program to help residents and small businesses install and use renewable energy systems and energy efficiency measures through on-bill financing, and provides similar incentive levels for fuel cell systems already offered by NYSERDA for solar and wind systems.

Legislation:

Promoting Fuel Cell Energy Systems

The Senate passed a bill to promote the use of fuel cell energy systems by providing a sales tax exemption similar to what is offered for the installation of wind and solar energy systems. Fuel cells, which commonly provide power to host facilities during power outages, are exceptionally efficient and can stretch available supplies of fuel, reduce energy costs, and help reduce dependence on foreign oil. [S4753A](#), Passed Both Houses, Senator Joseph Griffo (R-C-I, Rome)

Promoting Geothermal Energy

The Senate passed legislation that would promote the use of geothermal energy systems as a natural and renewable energy while also fostering the creation of green jobs. [S2905](#), Passed Both Houses, Senator Robert Ort (R-C-I, North Tonawanda)

ENVIRONMENTAL CONSERVATION

2015-16 State Budget Environmental Conservation Highlights:

The Senate demonstrated its commitment to the environment with significant funding increases and support for important environmental programs. The Environmental Protection Fund (EPF) was increased by \$15 million over last year to a total of \$177 million to help promote conservation of open spaces, improve natural resources, and enhance communities. More than \$173 million in capital funding for state park improvements were also included.

The budget helped address serious environmental infrastructure needs throughout the state by providing \$200 million over the next three years for grants to municipalities to repair and replace existing wastewater and drinking water systems. An additional \$155.4 million in new funding will support other environmental infrastructure improvements including flood control, clean-ups, and environmental restoration projects. Also, the state Brownfield Cleanup Program was extended and amended so that more potentially contaminated sites will be cleaned up and put back to use to build the economy.

Legislation:

Preventing Environmental Crimes

The Senate passed legislation that would make crimes that result in large-scale environmental damage, either intentionally or recklessly, a class C felony. There are currently no criminal mischief statutes that adequately address this type of environmental devastation. [S834](#), sponsored by Senator Joseph Robach (R-C-I, Rochester)

Earth Day Bills

In April, the Senate celebrated Earth Day and passed an extensive package of bills that would create new protections for natural resources, promote energy conservation, help create green jobs, and increase tourism through enhanced recreational opportunities:

- [S1626](#), sponsored by Senator Carl Marcellino (R, Syosset): permits commercial applicators of pesticides to apply pesticides in a dosage, concentration or frequency less than that specified on the labeling. Currently, pesticides registered for use in New York State may be used for agricultural purposes in a dosage, concentration or frequency less than what is specified on the labeling, but commercial pesticide applicators may not. By allowing commercial applicators to apply less than label rates, the total amount of pesticides being applied in New York State will be decreased, providing economic and environmental benefits.
- [S3064](#), sponsored by Senator Catharine Young (R-C-I, Olean): defines Integrated Pest Management (IPM) to help encourage a reduction in the amount of pesticides used. IPM is a systematic approach to managing pests that utilizes a variety of management options to minimize health, environmental, and economic risks and impacts.

- [S3060](#), sponsored by Senator Catharine Young (R-C-I, Olean): mitigates the threats posed to the public under the current system of high volume fracturing waste transport and disposal in New York. The bill requires the incorporation of radioactive screening and rejection criteria in solid waste facility permits for any solid waste facility that accepts waste from oil and gas drilling activities to ensure that oil and waste products do not pose an environmental danger when they come to New York.

GOVERNMENT REFORM

Legislation:

Protecting Businesses from Over-zealous State Regulations

The Senate passed legislation to protect businesses from over-zealous state regulations that could hurt the continued growth of the economy. The bill would improve the evaluations performed by the state when assessing the potential impact regulations may have on jobs and employment opportunities by requiring:

- The Commissioners of Labor and Economic Development to review any statement issued by a state agency that finds that a proposed regulation may have a substantial and adverse impact on jobs;
- Agencies to perform additional analysis if they are unable to determine the potential impact of a proposed regulation, and would prevent the state from enacting the regulation until they have performed more analysis;
- Agencies to make methodology, data, and resources available for public review; and
- Job impact reports to include whether or not a significant change in employment is necessary. These reports would also specify whether a new regulation will have an effect on average wage levels, hours, and/or duration of employment, as well as other factors that could represent a substantial adverse impact on workers' incomes and economic security. [S4319](#), Passed Both Houses, Senator Terrence Murphy (R-C-I, Yorktown)

In addition, the Senate approved a bill that would promote mandate relief and flexibility for local governments by tailoring regulatory requirements to meet the specific needs and capabilities of municipalities. These improvements to the regulatory process would promote efficiency and save money for local governments. [S5353A](#), Senator Terrence Murphy (R-C-I, Yorktown)

Providing Mandate Relief to Local Governments

The Senate passed legislation that would alleviate the burden that unfunded mandates place on local governments by requiring the state to provide the funding necessary for municipalities to implement any new state program, service, or regulation. [S2295](#), Senator Joseph Griffo (R-C-I, Rome)

The Senate also passed a measure that would provide mandate relief to county governments by limiting the temporary detention in local correctional facilities of defendants who have violated their terms of release. Local detention would be limited to three days before the defendants must be transferred to state custody. This legislation would restore the responsibility for housing and detaining state parole violators back to the state and help alleviate the burden on county taxpayers. [S2064A](#), Senator Catharine Young (R-C-I, Olean)

Cutting Red Tape for Local Legislatures

The Senate passed legislation that would authorize local governments to deliver proposed local laws to members of their legislative bodies by means of email rather than paper form. This bill would also preserve the current options allowable under Municipal Home Rule Law, including placing bills on the desks of local government members or delivering the bills by postal mail. [S3018A](#), Passed Both Houses, Senator Catharine Young (R-C-I, Olean)

Fighting Medicaid Fraud

The Senate passed legislation that would create a financial incentive for counties to further investigate and prosecute Medicaid fraud. Under current law, a payment cap limits the amount that local governments can receive after a successful Medicaid fraud prosecution, inadvertently reducing the incentive to root out fraud, waste, and abuse. This bill would ensure that local governments would recoup 100 percent of the local share upon the successful judgment or settlement of Medicaid fraud, or 10 percent of the total recovery, whichever is greater. By encouraging more Medicaid fraud prosecutions, the total costs of the system would be reduced and benefit both taxpayers and the state and local governments. [S3019](#), Senator Catharine Young (R-C-I, Olean)

Expediting FOIL Appeals

The Senate passed legislation that would limit the time state agencies have to appeal certain judgments regarding freedom of information (FOIL) violations. Under current law, a denial of request for records may be overturned by a court, but the agency may file a notice of appeal and has up to nine months to submit the appeal. This delay, in some circumstances, may create an unfairness or a restriction of the rights of an individual. [S1531](#), Passed Both Houses, Senator Mike Ranzenhofer (R-C-I, Amherst)

Reforming Office of Disability Assistance Appeal Hearings

The Senate passed a bill that would enable the Office of Temporary and Disability Assistance (OTDA) to conduct appeals via teleconference or videoconference, as well as utilize independent fair hearing officers. Currently, OTDA must use members of the commissioner's staff to conduct all fair hearings in person, which can lead to delays of several weeks and significant costs. This bill would address the need to cut costs, streamline procedures, and improve the cost-effectiveness of welfare programs in New York, thereby reducing delays and increasing timely hearings. [S3084](#), Senator Catharine Young (R-C-I, Olean)

Promoting Innovative and Effective State Technology

The Senate approved legislation that would authorize a new "iCenter" within the state Office of Information Technology Services to pilot and test new and emerging technology products that would potentially benefit state operations and reduce government costs. The approved legislation would save the state money by allowing government agencies to analyze and assess new

technologies, resulting in better-informed decisions about how to invest their technology dollars. [S3095](#), Senator Rich Funke (R-C-I, Fairport)

Increasing Vote Count Accuracy

The Senate passed legislation to prevent voter disenfranchisement by helping to ensure that votes are counted accurately by a ballot scanner. The bill would prohibit stickers, labels, or pasters from being attached to a write-in ballot. The use of stickers, labels, or pasters can negatively affect a voting system's ability to accurately count votes. When they become heated through the normal running of a scanner, labels or stickers can become detached, reattached to other ballots, or create situations in which subsequent ballots may not be accepted or read by the scanner.

[S1848A](#), Passed Both Houses, Senator Kathleen Marchione (R-C, Halfmoon)

“Sunshine Week”

The Senate passed legislation that would require both houses of the state legislature to implement the Senate's policy of making legislative proceedings more open and transparent. The bill requires the webcasting and archiving of Senate and Assembly committees and hearings, along with the online posting of votes taken in committees or on the floor. [S1909A](#), Senator Carl Marcellino (R, Syosset)

Establishing Term Limits

The Senate passed legislation that would limit the tenure of the Temporary President of the Senate, Speaker of the Assembly, and minority leaders of both houses to eight years. Legislative committee chairs would also be limited to serving no more than eight consecutive years. The Senate first voluntarily implemented leadership term limits in 2009 as part of the rules governing the Senate. Adoption of the measure passed today would make them permanent in law for both the Senate and Assembly. [S2722B](#), Senator Joseph Griffo (R-C-I, Rome)

HEALTH AND MENTAL HYGIENE

2015-2016 State Budget Health and Mental Hygiene Highlights:

The approved state budget includes significant funding increases that support resources for long-term care patients and caregivers. An additional \$50 million will support Alzheimer's programs – \$25 million for this year and another \$25 million for next year – and an increase of more than \$8 million will go to the New York Connects program for a statewide expansion that will give more patients access to long term care options, services, and support. The budget also increased funding for the Community Services for the Elderly Program by \$2.5 million and included an additional \$500,000 for the Long Term Care Ombudsman Program.

The budget also provided significant funding for programs targeting the heroin crisis, including: \$8.8 million in funding for statewide prevention, treatment, and recovery services; \$450,000 to purchase Narcan kits given out for free to individuals who participate in a Narcan training class; and \$140,000 to finance the cost of Narcan kits for staff and nurses authorized to administer Narcan in the event of a heroin or opioid overdose at school.

In addition, the Senate was successful in including \$600,000 to support Lyme and tick-borne disease research and the state's disease elimination and reduction efforts.

Legislation:

Addressing the Statewide Heroin and Opioid Crisis

The New York State Senate passed a package of bills to address issues surrounding the increase in heroin and opioid abuse, addiction, and related crimes in New York. The bills are part of a comprehensive legislative package proposed by the bipartisan New York State Senate Joint Task Force on Heroin and Opioid Addiction.

The Senate created the Task Force, chaired by Senators Terrence Murphy (R-C-I-Green-SCC, Yorktown), Robert Ort (R, North Tonawanda), and George A. Amedore, Jr. (R-C-I, Rotterdam), to examine the issues created by increased heroin abuse that is causing hundreds of deaths in communities across the state.

The Task Force has held forums in Yorktown, Rochester, Lewiston, and Albany. Additional forums will be planned for more New York communities in the fall. The Task Force will then issue a report with recommendations for further legislative action to address concerns raised by law enforcement, health and mental health experts, victims' advocates, and other stakeholders who participated in the forums.

The Task Force bills passed include:

Providing Additional Resources to Law Enforcement:

- **Improving safety at judicial diversion programs:** Requires a court, in determining a defendant's eligibility for a judicial diversion program for alcohol or substance abuse treatment, to consider the underlying charges and the defendant's propensity for violent conduct. The bill also requires the facility treating a defendant under this diversion program to notify the local law enforcement of the defendant's placement and arrest record, and to submit a security plan to the Division of Criminal Justice Services (DCJS) to provide for the safety of staff residents and the community. Finally, this bill allows a defendant to appear via video conference, and makes unauthorized departure from a rehabilitation facility a class D felony. [S1901](#), Senator John Bonacic (R-C-I, Mount Hope)
- **Facilitating the conviction of drug dealers:** Allows someone to be charged with the crime of intent to sell if they possessed 50 or more packages of a Schedule I opium derivative, or possessed \$300 or more worth of such drugs. Because of the physical nature of heroin, dealers can carry large quantities of the drug before triggering a felony charge of possession. Conversely, due to the nature of heroin use and addiction, most heroin users do not possess more heroin than they intend to use at that time, as someone high on heroin has no impulse control and will continue to consume all heroin available until it is gone. [S100](#), Senator Phil Boyle (R-C-I, Suffolk County)
- **Establishing the crime of homicide by sale of an opioids controlled substance, also known as "Laree's Law":** Allows law enforcement to charge a drug dealer with homicide if a person dies from an opiate controlled substance sold by that dealer. The law specifically targets those who seek to profit from heroin and other opioid sales – not a witness or other person who may have been doing drugs (i.e. a "co-user") with the victim at the time of the accidental overdose. In 2011, New York adopted a "Good Samaritan" law that shields individuals from charges related to an accidental overdose if they try to help the victim by timely reporting the incident. [S4163](#), Senator George A. Amedore, Jr. (R-C-I, Rotterdam)
- **Expanding the crime of operating as a major trafficker:** Helps strengthen the laws relating to major drug traffickers to more accurately reflect the nature of their criminal enterprises and increase successful prosecutions. The bill changes the number of persons needing to be involved and charged as part of a drug organization from four to three. Also, to reflect the low street prices of heroin, the bill lowers the minimum required proceeds from the sale of controlled substances during a 12 month period from \$75,000 to \$25,000. [S4177](#), Senator Terrence Murphy (R-C-I, Yorktown)
- **Criminalizing the illegal transport of opiate controlled substances:** Further criminalizes the illegal transport of an opiate controlled substance when it is transported any distance greater than five miles within the state, or from one county to another county within the state. Under current law, both sale and possession are criminal offenses. By criminalizing the unlawful transport of these dangerous and addictive substances, law enforcement will have an additional tool to prosecute dealers, especially those who travel far distances to increase their profits. [S608](#), Senator Phil Boyle (R-C-I, Suffolk County)

- **Increasing the effectiveness of abuse prevention:** Requires the Department of Health to assign at least one investigator from the Bureau of Narcotics Enforcement to each county within New York City. [S2847](#), Senator Andrew Lanza (R-C-I, Staten Island)

Increasing the Availability and Efficacy of Addiction Treatment:

- **Expanding treatment options for individuals in judicial diversion programs for opioid abuse or dependence:** Provides that under no circumstances shall a defendant who requires treatment for opioid abuse or dependence be deemed to have violated the release conditions on the basis of his or her participation in medically prescribed drug treatments while under the care of a qualified and licensed physician acting within the scope of his or her lawful practice. [S4239B](#), Passed Both Houses, Senator Terrence Murphy (R-C-I, Yorktown)
- **Establishing assisted outpatient treatment for substance use disorders:** Enables a court to order assisted outpatient treatment (AOT) for an individual with a substance use disorder who, due to his or her addiction, poses a threat to him, herself, or others. [S631](#), Senator David Carlucci (D, Rockland/Westchester)
- **Creating Drug-Free Zones upon the grounds of drug or alcohol treatment centers:** Creates "drug-free zones" prohibiting the criminal sale of a controlled substance within 1,000 feet of a drug or alcohol treatment center and methadone clinic, similar to "drug-free zones" for schools. [S4023](#), Senator Dean Skelos (R, Rockville Centre)
- **Establishes the option for a youth, suffering from a substance use disorder, to be adjudicated as a Person In Need of Supervision (PINS):** Provides parents with the ability to file a PINS petition in family court for the potential placement of one's child who is suffering from a substance use disorder into a substance use treatment program. Any detention of the youth in such a program would be for up to 60 days, with the potential for an extension of an additional 90 days. [S3237](#), Senator Jack Martins (R-C-I, Mineola)
- **Creating a Prescription Pain Medication Awareness Program:** Creates a continuing medical education program for practitioners with prescribing privileges. The Department of Health (DOH) and the State Education Department (SED) would establish standards for three hours of biennial instruction on topics including I-STOP requirements, pain management, appropriate prescribing, acute pain management, palliative medicine, addiction screening and treatment, and end-of-life care. Additionally, it allows for the consideration of existing curricula, and establishes exemptions for practitioners who would not require such training due to the nature, area, or specialty of his or her practice. [S4348](#), Senator Kemp Hannon (R, Nassau)
- **Making Kendra's Law permanent:** Improves care for people with serious mental illness and protects the safety of patients and the public by streamlining and improving New York's AOT program (Kendra's Law), along with making it permanent. The experience of thousands of patients, treatment providers, and families who have utilized

Kendra's Law since 1999 point to several areas where the law could be improved to achieve costs savings, promote smoother functioning of the AOT program, and provide easier access to those who stand to benefit from it. [S4722](#), Senator Catharine Young (R-C-I, Olean)

Preventing Opioid Abuse and Overdoses:

- **Preventing the sale of synthetic opioids:** Expands the list of controlled substances in schedules I, II, III, IV, and V to include any controlled substance which is intended for human consumption and is structurally or pharmacologically substantially similar to, or is represented as being similar to heroin, opium, or other opioid-based narcotic. This would help combat the quickly-moving world of designer drugs. [S1640](#), Senator Jeffrey Klein (D, Bronx/Westchester)

The Senate also passed the following bills related to curtailing drug use in New York:

- [S1150](#), sponsored by Senator Tom O'Mara (R-C, Big Flats): deters the growing use of methamphetamine in New York by strengthening penalties for the sale and possession of meth and making them consistent with penalties for crimes involving heroin and cocaine.
- [S994](#), sponsored by Senator Martin Golden (R-I-C, Brooklyn): increases penalties for people who sell drugs in playgrounds and parks, protecting children and their families from the dangers of drug dealers.
- [S3402](#), sponsored by Senator Kemp Hannon (R, Nassau): creates new penalties for the theft, sale, and unauthorized possession of a blank New York State prescription form to prevent drug abuse and the criminal enterprises that help supply drug addictions.
- [S738A](#), Passed Both Houses, sponsored by Senator Joseph Griffo (R-C-I, Rome): makes certain synthetic drugs illegal. The bill would include the drug known as "N-Bomb," which mimics the effects of LSD as a hallucinogen. These drugs have harrowing effects and in many cases, individuals have overdosed from these chemically-made drugs, which vary widely in potency.

Prohibiting the Sale of Powdered or Crystalline Alcohol

The Senate passed legislation that prohibits the sale of any powdered or crystalline alcohol product in the state. Powdered alcohol, which will be marketed and sold as "Palcohol," is a powder that when mixed with six ounces of liquid, creates the equivalent of a standard mixed drink. A potential danger with powdered alcohol is that multiple packets could be misused to form one single, possibly lethal drink. It could also increase the chances of underage drinking and substance abuse. [S1757A](#), Passed Both Houses, Senator Joseph Griffo (R-C-I, Rome)

Prevention, Diagnosis, and Treatment for Lyme and Tick-Borne Diseases

The Senate passed legislation to help stop the spread of Lyme disease across the state. Three bills are sponsored by Senator Sue Serino (R-C-I, Hyde Park), Chair of the Senate Task Force on Lyme and Tick-Borne Diseases, and are part of the Task Force's continuing efforts to promote best practices for reducing public exposure to ticks, as well as identifying and responding to Lyme disease and other tick-borne infections:

- [S5802](#), sponsored by Senator Serino: helps provide homeowners with a reliable source of information on how to protect their properties from ticks. The legislation would require the state Department of Environmental Conservation to develop and annually update guidelines for treating residential properties based on integrated pest management, an approach that uses a variety of pest control techniques to monitor insects while minimizing risks to human health and the environment.
- [S5803](#), sponsored by Senator Serino: authorizes the state Department of Health to design a Lyme and tick-borne disease prevention program that explains how to safely use insect repellents, strategies for tick removal, recommendations for reducing exposure to ticks, and an appropriate course of action for individuals to take once a tick has been removed.
- [S5804](#), sponsored by Senator Serino: authorizes the state Department of Education to collaborate with the state Department of Health to develop instructional materials on tick-borne infections for children. These resources would provide visual guides and other age-appropriate materials to teach children how to safely protect themselves from ticks, as well as identify and react to a tick bite.

Delaying E-Prescribing Requirement

The Senate passed a law that will delay for one year the requirement that doctors and other prescribers begin using solely electronic prescriptions on March 27, 2015. This delay applies specifically to the e-prescribing requirement and in no way affects the other provisions of I-STOP, which have been in effect for several years. [S2486](#), Chapter 13, Senator Kemp Hannon (R, Nassau)

Helping Family Caregivers

The Senate passed a bill, the Caregiver Advise, Record, and Enable (CARE) Act, that would reduce future hospitalizations of patients by ensuring that caregivers are involved in and educated about patients' needs and how to best meet them once they leave the hospital. Upon admission to a hospital, a patient would be able to designate a caregiver in the patient's medical record. Prior to the patient's discharge to their residence or transfer to another facility, the hospital would need to notify and offer to meet with the designated caregiver to discuss the patient's plan of care and offer to adequately train the designated caregiver in certain aftercare tasks. This approach would not only improve the quality of care provided to patients once they leave a hospital setting, but it would help reduce an estimated \$17 billion in Medicare funds

spent each year nationally on hospital readmissions that would not be needed if patients get the right care. [S676B](#), Passed Both Houses, Senator Kemp Hannon (R, Nassau)

Breastfeeding Mothers' Bill of Rights

The Senate passed legislation that would update the Breastfeeding Mothers' Bill of Rights to add a provision that allows women to take reasonable, unpaid breaks at work in order to pump breast milk for up to three years following childbirth. Including this provision in the Breastfeeding Mothers' Bill of Rights, which is publically posted in maternal healthcare facilities, nurseries, maternity floors, and post-delivery rooms, would ensure that women are aware of this right and would prevent employers from discriminating against them based on their decision to express breast milk at work. [S5183](#), Passed Both Houses, Senator Kemp Hannon (R, Nassau)

Helping Pregnant Women Obtain Health Insurance Coverage

The Senate passed a bill that would help pregnant women obtain health insurance by permitting them to enroll in the state health insurance exchange at any time. [S5972](#), Passed Both Houses, Senator James L. Seward (R-C-I, Oneonta)

Protecting Children from Meningitis

The Senate passed legislation that would add vaccination against meningococcal disease to the list of vaccines children must have prior to entering school. Specifically, the bill would require parents to ensure that their children entering, repeating, or transferring into seventh and twelfth grades are vaccinated against the disease (beginning September 1, 2016). [S4324A](#), Passed Both Houses, Senator Kemp Hannon (R, Nassau)

Assisting Ground Zero Workers Suffering from September 11th Related Health Issues

The Senate passed a bill to continue the September 11th Worker Protection Task Force Act for another five years and help those who have been afflicted with a disability as a result of working at the World Trade Center and other sites. The measure would enable the Task Force to continue its work past the current authorization date of June 10, 2015. [S4711](#), Passed Both Houses, Senator Martin Golden (R-C-I, Brooklyn)

Compensating Disabled Volunteer Firefighters

The Senate approved a bill that would help adequately compensate disabled volunteer firefighters for their service by establishing a cost-of-living adjustment to their state benefits. Under current law, volunteer firefighters who are permanently disabled in the course of their service are eligible to receive workers' compensation benefits of up to \$400 per week, regardless of the date of their injury. Inflation can make it difficult to subsist on a fixed income, and this legislation would annually adjust benefits by using the Consumer Price Index. [S1000A](#), Senator Rich Funke (R-C-I, Fairport)

Protecting People with Special Needs from Abuse and Neglect

The Senate approved legislation that would improve the state's ability to respond to the abuse or neglect of people with special needs by strengthening the state's ability to prosecute crimes reported to the Justice Center for the Protection of People with Special Needs. Without this legislation, the Justice Center would also need to present these cases before a grand jury in order to obtain jurisdiction to prosecute them. This requirement would likely delay the bringing of charges and potentially put abused and neglected individuals needing care at risk. [S4981](#), Senator Robert Ortt (R-C-I, North Tonawanda)

Increasing Access to Medical Information About Relatives in State Care

The Senate passed a bill that would allow family members to obtain important medical information about deceased relatives with special needs, while also protecting patient privacy. By authorizing the state Office of Mental Health to release pertinent medical information after a relative in a medical health facility dies, this measure would enable family members to receive a certain amount of closure, as well as learn about any possible hereditary medical conditions. [S4973](#), Senator Robert Ortt (R-C-I, North Tonawanda)

Employing State Psychiatrists During “Kendra’s Law” Hearings

The Senate passed a bill that would allow the use of a psychiatrist, employed by the state, to testify in court during “Kendra's Law” hearings in counties with populations under 80,000. Kendra's Law, which provides for assisted outpatient treatment for certain people with mental illness, requires a psychiatrist to be in court for hearings scheduled by the judge within 72 hours of a petition being filed. In more rural areas of the state, finding a psychiatrist can be very difficult. [S5260](#), Passed Both Houses, Senator John Bonacic (R-C-I, Mount Hope)

Increasing Access to Dental Care

The Senate approved legislation that would increase access to dental care by providing dentists with education loan repayments in exchange for committing to practice in an underserved area of New York for five years. The bill would expand the successful Doctors Across New York program to include dentists. [S3020A](#), Senator Catharine Young (R-C-I, Olean)

Expanding Access to Telehealth Services

The Senate passed legislation that would greatly expand access to health care across the state by providing for the delivery of health care services via telehealth under Medicaid coverage and private insurance parity. Telehealth is the delivery of health-related services using digital information and communication technologies. Under Medicaid provisions of the bill, services would be delivered via telehealth by a telehealth provider when the patient is located at an approved originating site. Private insurers would be directed to provide coverage for services delivered via telehealth, as long as these services and providers of the services are otherwise covered under the patient's contract or policy. [S2405](#), Passed Both Houses, Senator Catharine Young (R-C-I, Olean)

In addition, the Senate approved two bills to ensure that dentists and physical and occupational therapists are included within the coverage of telehealth services under Medicaid. These practitioners would then be able to provide services from a location that is physically distant from the patient in order to benefit the patient where and when the patient needs it most. [S4182](#) and [S5733](#), Passed Both Houses, sponsored by Senator Catharine Young (R-C-I, Olean)

TRANSPORTATION

2015-16 State Budget Transportation Highlights:

The budget provides critically important funding for our roads, bridges, and transit. The unprecedented new investments in our state's infrastructure and transportation not only improve the quality of life for all New Yorkers, but also keep our economy moving.

Bank Settlement Funds – The budget utilizes several billion dollars in lawsuit settlement funds to invest in our roads, bridges, and transit, including:

- \$1.3 billion for the Thruway Authority for construction of the new Tappan Zee Bridge and core system projects, assistance that will also help prevent a toll increase; and
- \$315 million for transportation projects in Oswego, Albany, Ogdensburg, and the Bronx.

Transportation – The budget provides approximately \$7.5 billion in state Department of Transportation capital funds over two years to support state-of-the-art infrastructure to carry people, goods, and services, and to keep the economy moving forward. An additional \$4.8 billion will be used to support the operation of public transportation systems across New York State.

Repairing and Replacing Roads and Bridges – The budget includes \$1 billion in additional funds to repair and replace roads and bridges across the state. This is an increase of \$250 million from the Executive Budget proposal of \$750 million.

CHIPS – This year's budget makes a record investment of \$488 million to support important local highway, road, and bridge repair projects, including \$438 million through the Consolidated Local Street and Highway Improvement Program (CHIPS).

Winter Recovery – Local governments will receive \$50 million to address this year's severe winter weather that resulted in a significant number of potholes and road surface damage.

Legislation:

Notifying Drivers of Auto Recalls

The Senate approved legislation that would require registered vehicle owners to be notified of any manufacturer recalls during their annual motor vehicle inspection. If the official inspection station finds that the motor vehicle is the subject of a safety recall, the owner would be notified in writing on the Vehicle Inspection Report that the automobile may be repaired at an authorized manufacturer dealer at no charge. [S4296B](#), Senator Betty Little (R-C-I, Queensbury)

Holding Drivers Who Leave the Scene of an Accident Accountable

The Senate approved a bill that would close a legal loophole and hold intoxicated drivers accountable for leaving the scene of an accident. The current law only requires drivers to report an accident when they know or have reason to know the accident resulted in an injury or

property damage. Under this loophole, drunk drivers are able to flee the scene of an accident they caused and later claim they did not know any injury or damage occurred. [S405](#), Senator Patrick M. Gallivan (R-C-I, Elma)

Enforcing a Tougher Penalty for Unlicensed Driving

The Senate passed legislation that would strengthen the penalty for those who operate a vehicle without a license from a violation to a misdemeanor charge of aggravated unlicensed operation of a motor vehicle in the third degree. [S247](#), Senator Jack Martins (R-C-I, Mineola)

Increasing Penalties for Repeat DWI Offenders

The Senate approved legislation that would mandate mandatory jail sentences for repeat DWI offenders. Current law does not require drivers previously convicted of a DWI to spend any time in jail. Under the proposed measure, drunk drivers would be required to serve a minimum of 30 days in jail for their second DWI conviction in 10 years, and a minimum of 90 days in jail if they are convicted of three or more DWI offenses within 10 years. In addition, drivers convicted of their second aggravated DWI in 10 years would face a mandatory 180-day sentence, and drivers convicted of three or more aggravated DWIs would be sentenced to jail for a minimum of one year. These sentences would be in addition to any other penalties imposed by the courts. [S4220](#), Senator John Flanagan (R-C-I, East Northport)

Strengthening Penalties Against Unlicensed Drivers

The Senate passed a bill that would give prosecutors broader discretion to seek a prison term by making it a class E felony to negligently cause the death of another person while operating a vehicle with a suspended or revoked license. [S1600](#), Senator John Bonacic (R-C-I, Mount Hope)

Reducing High-Speed Traffic Fatalities

The Senate passed “Michelle and Jordan’s Law” that would make it a class E felony to receive a second conviction for engaging in an unlawful speed contest or race within 12 months. [S3732](#), Senator Andrew Lanza (R-C-I, Staten Island)

Increasing Penalties for Intoxicated Supervising Drivers

The Senate approved a measure to close a legal loophole that lets intoxicated supervising drivers escape punishment. “Abigail’s Law” increases the penalties against individuals who are under the influence of drugs or alcohol while also supervising drivers with junior licenses or learner’s permits. Abigail Buzard was tragically killed in a car accident when a teenager with a learner’s permit was operating the vehicle under the supervision of Abigail’s intoxicated father. [S2976](#), Senator Robert Ort (R-C-I, North Tonawanda)

Restricting Drunk Drivers

The Senate passed a bill that would further restrict those convicted of drunk driving who do not comply with ignition interlock device requirements. [S5173](#), Passed Both Houses, Senator Michael Nozzolio (R-C, Fayette)

Holding Repeat DUI Offenders Accountable

The Senate passed legislation that would increase the penalties for repeat Driving Under the Influence (DUI) offenders. Under current law, it is possible to be convicted in separate cases of operating a boat, car, snowmobile, and an all-terrain vehicle while under the influence of drugs or alcohol and to be treated as a first time offender in each case, despite violating four similar laws. This bill would link these various laws together so that a violator's prior DUI offenses are taken into account when the offender is charged and sentenced. [S3785](#), Senator John DeFrancisco (R-C-I, Syracuse)

Strengthening Penalties for Drivers with Suspended or Revoked Licenses

The Senate approved a bill that would create felony charges for individuals who kill or injure someone while driving with a suspended or revoked license. These drivers would face up to four years in prison if they cause serious injury to another person and up to seven years in prison if they take someone's life. Under current law, people driving with suspended or revoked licenses who kill or injure someone face only misdemeanor charges carrying a maximum sentence of 180 days in jail. [S4649A](#), Senator Jack Martins (R, Mineola)

Preventing Forcible Touching on Public Transit

The Senate passed legislation that would redefine the crime of forcible touching to include when one subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with the intent to degrade or abuse a passenger on a public bus, train, or subway car. [S3203A](#), Passed Both Houses, Senator Martin Golden (R-C-I, Brooklyn)

Exempting ATV Registration When Used Exclusively on Owner's Property

The Senate passed a bill that would grant a registration exemption to individuals who operate ATVs entirely on their own property, an exemption that is already provided for snowmobile owners. Many rural New Yorkers, especially farmers, own and utilize ATVs without ever driving off their own private property, yet they remain subject to state Department of Motor Vehicle (DMV) registration requirements. [S3076](#), Senator Catharine Young (R-I-C, Olean)

VETERANS

2015-16 State Budget Veterans Highlights:

The enacted State Budget continues the Senate Majority's unwavering support for our veterans by providing \$3.2 million for the Joseph P. Dwyer Veteran Peer-to-Peer Program, which brings veterans together in a secure, anonymous setting in order to help one another cope with the effects of Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI), and an additional \$800,000 for PTSD treatment and support. The new budget also includes \$500,000 for the NYS Defenders Association's Veteran's Defense Program, \$200,000 for Legal Services of the Hudson Valley's Veterans and Military Families Advocacy Project, and \$250,000 for the American Legion Department of New York to provide burial services for indigent veterans.

Legislation:

Honoring and Helping Veterans in New York

The Senate passed 14 measures dedicated to improving the lives of veterans and honoring them for their exceptional service. The Senate also celebrated the achievements of veterans from across the state during the Senate's annual Veterans' Hall of Fame induction ceremony. The New York State Senate Veterans' Hall of Fame was created to honor and recognize outstanding veterans from the Empire State who have distinguished themselves both in military and civilian life. Information about the 58 veterans inducted into the Hall of Fame can be found at <http://www.nysenate.gov/initiative/honoring-our-veterans>.

Legislation would:

- Make all veterans eligible for 'Operation Recognition,' which allows veterans to be awarded a high school diploma based on the knowledge and experience gained while in the military. [S3408](#) Senator Robert Ort (R-C-I, North Tonawanda)
- Allow those with military service and those who receive an honorable discharge to attend classes at the State University of New York (SUNY) and the City University of New York (CUNY) on a tuition-free audit basis. [S2263](#), Senator Joseph Griffo (R-C-I, Rome)
- Expand the public housing eligibility to veterans and their surviving spouses who served or are serving in United States Armed Forces from September 14, 2001 to December 31, 2016. The legislation also requires public housing authorities to grant preference to eligible veterans or families of veterans who have a military service related disability. [S932](#), Senator Tony Avella (D, Bayside)
- Expand the "Alternative Veterans' Exemption" to include all active members of the military. The bill allows active members of the military to receive the exemption while they serve, instead of the current requirement that makes them wait until their service terminates. [S3134](#), Senator Thomas Croci (R, Sayville)

- Allow absentee ballots cast by service members who die in combat before the date of the scheduled election to be counted toward the election in which they were cast. [S2939](#), Senator Thomas Croci (R, Sayville)
- Allow all veterans who miss a civil service examination during active duty, including training, the opportunity to take a make-up examination. [S4852](#), Passed Both Houses, Senator Thomas Croci (R, Sayville)
- Permit any military personnel scheduled for deployment in less than 30 days to get married within 24 hours of receiving their marriage license. [S862](#), Senator Joseph Robach (R-C-I, Rochester)

Home for Heroes Program

The Senate passed legislation to establish a “Home for Heroes” program that would provide grants to eligible not-for-profits and municipalities to help make homes safer for disabled veterans. The program would encourage these organizations to develop programs to modify the homes of disabled veterans with wheelchair ramps, railings, adjustments to doorways, or other accessibility alterations. [S2316](#), Senator Catharine Young (R-C-I, Olean)

Providing Pension Credits to Veterans

The Senate passed legislation that would allow veterans to obtain up to three years of additional credit toward their state retirement benefits for peacetime military service. Under the measure, veterans must have at least five years of credited service to New York in order to receive this credit. The bill would also remove all existing requirements that military service be performed during certain periods of war or hostilities in order to be eligible for the military service credit program. [S5937](#), Passed Both Houses, Senator William Larkin (R-C, Cornwall-on-Hudson)

Providing Free Hunting, Fishing, and Trapping Licenses to Active Duty Military

The Senate approved a bill that would provide free fishing, hunting, and trapping licenses to active duty members of the armed forces who are residents of New York but are not currently eligible for this benefit because they are stationed out-of-state. If these individuals return to New York for 30 days or less, they would be eligible to obtain a free license. [S3058](#), Senator Catharine Young (R-C-I, Olean)

WOMEN'S ISSUES

Legislation:

Women's Equality Agenda

In its first action of the legislative session, the Senate unanimously passed its Women's Equality Agenda. The Assembly has since acted on all the bills, which include:

- **Preventing Human Trafficking and Protecting Trafficked Victims:** toughens penalties against those who buy and sell young women, men, and children and reduces the stigma defendants may face when they are victims of the massive \$32 billion sex trafficking industry. [S7](#), Passed Both Houses, Senator Andrew Lanza (R-I-C, Staten Island)
- **Ensuring Equal Pay:** ensures that women receive the wages they are entitled to by prohibiting employers from paying employees disparate amounts due to gender. In New York, on average, a woman working full time is paid \$42,2113 per year, while a man working full time is paid \$50,388 per year. This creates a wage gap of \$8,275 between full-time working men and women in the state. [S1](#), Passed Both Houses, Senator Diane Savino (D, Staten Island/Brooklyn)
- **Stopping Discrimination Based on Family Status:** helps working mothers by preventing discrimination in the hiring and promotion of people with families. The bill prohibits employers from denying work or promotions based on family status, such as parents and women who are pregnant. Existing law only prohibits discrimination based on family status in credit and housing but not employment, which can have a negative impact on women with children. [S4](#), Passed Both Houses, Senator Betty Little (R-C-I, Queensbury)
- **Ending Pregnancy Discrimination in the Workplace:** requires employers to provide reasonable accommodations to employees with pregnancy-related medical conditions. Under the provisions of the bill, employers would need to perform a reasonable accommodation analysis for employees with conditions related to pregnancy and childbirth. A pregnancy-related condition would be treated as a temporary disability. Additionally, the measure would codify in law a regulation that an employee must provide medical or other information to verify the existence of the condition. The reasonable accommodation would not have to be granted if it imposed an undue hardship on an employer. [S8](#), Passed Both Houses, Passed Both Houses, Senator Kemp Hannon (R, Nassau)
- **Preventing Housing Discrimination Against Domestic Violence Victims:** prohibits discrimination against domestic violence victims in housing, and, under the provisions of the bill, a violation of this prohibition would be a misdemeanor. The legislation also allows the option of a civil action for a violation of the prohibition. [S5](#), Passed Both Houses, Senator Joseph Robach (R-C-I, Rochester)
- **Prohibiting Sexual Harassment:** ensures that all employees are protected from sexual harassment by applying existing protections to businesses of all sizes. Under current law, people working at businesses with fewer than four employees cannot file a harassment complaint with

the state because small employers are exempt from the law that prohibits harassment. More than 60 percent of the state's private employers have fewer than four employees. [S2](#), Passed Both Houses, Senator David J. Valesky (D, Oneida)

- **Removing Barriers to Remediating Discrimination:** removes barriers to remediating discrimination by allowing successful parties in employment or credit discrimination cases based on sex to recover attorney's fees. [S3](#), Passed Both Houses, Senator Betty Little (R-C-I, Queensbury)
- **Allowing for Electronic Filing of Orders of Protection:** creates a pilot program that would enable 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 to review and update its policies and services for all crime victims in the courts in order to ensure that their needs are being met and that all victims are truly protected. [S6](#), Passed Both Houses, Senator Catharine Young (R-I-C, Olean)

Legislation was enacted into law in 2013 that strengthened orders of protection for domestic violence victims. The measure clarifies that a victim for whom an order of protection is issued cannot be arrested for violating that same order; [S5605](#), Chapter 480 Laws of 2013, Senator Joseph Robach (R-C-I, Rochester).

Protecting Domestic Violence Victims in Court

The Senate approved legislation allowing domestic violence victims to testify in the physical absence of their abusers by closed-circuit television. By offering an alternative forum for victims of domestic violence to serve as witnesses, the legislation seeks to facilitate their willingness to come forward. [S3087](#), Senator Catharine Young (R-C-I, Olean)

Preventing Female Genital Mutilation

The Senate approved a measure to address female genital mutilation that takes place outside of New York. The bill would allow the state to charge a person with female genital mutilation (FGM) if they knowingly removed or caused the removal of a child from New York for the purpose of circumcising, excising, or infibulating the whole or any part of the female genitalia. [S3484](#), Senator Andrew Lanza (R-C-I, Staten Island)

In addition, the Senate passed legislation that would expand the list of topics the Department of Health can include in education and outreach programs for consumers, patients, and health care providers to include female genital mutilation. This bill would help increase the public's awareness regarding the physical, sexual, and psychological consequences of undergoing female genital mutilation. [S3483](#), Passed Both Houses, Senator Andrew Lanza (R-C-I, Staten Island)

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