

2012 New York State Legislative Wrap-Up from State Senator Joseph P. Addabbo, Jr.



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Dear Friend:

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Now that the 2012 New York State legislative session has drawn to a close, I wanted to update you on a number of important initiatives that were approved by the Senate and the Assembly over the course of the last six months. The regular session ended for the year on June 21st, and a number of very positive accomplishments were made in a variety of areas, including health care, consumer protection, education, senior services and veteran's affairs.

In this newsletter, I've listed some of these highlights for your information. While I am pleased with many of these victories, I am disappointed that we had some big "misses" as well. I had hoped, for example, that the Legislature would agree to raise the minimum wage, ban or further suspend hydrofracking, and create a family care insurance program to help working New

Yorkers care for newborn babies or ill relatives. I haven't given up on these issues, and will certainly call attention to them when the Senate returns to the State Capitol for a special legislative session later this year.

In the meantime, please accept my very warmest wishes for a happy and healthy summer. If I may ever be of any assistance to you in the community, please do not hesitate to call on me.

Sincerely,

Joseph P. Addabbo, Jr.
15th Senatorial District

HIGHLIGHTS OF THE 2012 NEW YORK STATE LEGISLATIVE SESSION

AGING ISSUES

\$34.1 million was restored to the Elderly Pharmaceutical Insurance Coverage (EPIC) program to help seniors better afford expensive medications. In addition, benefits provided before and after the coverage gap known as the "donut hole" were restored, and maximum drug co-payments of \$20 will be reinstated in January, 2013. (Approved in State Budget)

A new law makes the Director of the State Office for the Aging a member of the New York State Emergency Services Council. (Signed into law, Chapter 40)

CHILDREN AND FAMILIES

A new law will make it easier for local social service agencies to care for and provide an array of services to destitute children – including those who are orphaned, refugees or children whose only

known parent or guardian is in a coma or suffering from dementia. Changes in the law will also help New York gain access to federal funds dedicated to the care of destitute children. (Signed into law, Chapter 3)

A bill approved by the Legislature requires general hospitals treating newborn babies to offer parents and other caregivers the opportunity to receive the "whooping cough" vaccine and protect their infants from exposure. (S6500/A9381, to be sent to Governor for review)

New legislation prohibits bullying and cyberbullying in public schools, and requires that anti-bullying policies – addressing in-person harassment as well as bullying through electronic means – be developed and enforced to protect children from this growing threat to their mental and physical health. (Signed into law, Chapter 102)

CONSUMER PROTECTION

State agricultural licenses may not be issued to live poultry markets and animal slaughterhouses located within a 1,500 foot radius of a residential dwelling in New York City. (Signed into law, Chapter 25)

A new measure prohibits “pay-per-call” contests where prizes can only be claimed if “winning” consumers return calls to a special phone number and then are charged such high telephone rates that the cost of the call often exceeds the value of the prize. (A4365/S7595, to be sent to Governor for review)

New legislation was passed to combat “remote call forwarding,” a scam where people who call an advertised telephone number to ask for specific information are immediately forwarded to another number, which can result in a hefty fee. The bill requires notification of the fee to callers. (S7652/A4636, to be sent to Governor for review).

Legislation was approved to prohibit prison inmates from working in jobs that enable them to access, collect or perform data processing with Social Security Numbers or any other personally identifying information of New York residents. (A.8375/S7594, to be sent to Governor for review)

To better combat identity theft, a new bill places greater restrictions on companies or other entities that often require consumers to provide their Social Security Numbers (SSNs) as a condition of doing business. SSNs must be supplied by law under a very few circumstances, and consumers are often asked for the information when it isn't needed. (A8992/S6608, to be sent to Governor for review)

Under a new bill, unit pricing would be expanded to more retailers – and particularly to discount chain “dollar” stores – to help consumers comparison shop for household goods. (S7277/A9593, to be sent to Governor for review)

New legislation creates more restrictions on telemarketers, operating inside and outside of New York State, by prohibiting the placement of pre-recorded, unwanted marketing calls from businesses. (S7567/A10569, to be sent to Governor for review).

CRIMINAL JUSTICE & PUBLIC SAFETY

To catch criminals and help ensure justice for those wrongly accused, New York's DNA Databank was expanded to collect DNA samples from all people convicted of felony offenses as well as all penal law misdemeanors. (Signed into law, Chapter 19)

A new law will provide vital care for victims of sexual assault who are thought to be at risk of infection with HIV/AIDS. Survivors will be provided with appropriate medication to decrease the chances of infection, as well as the opportunity to seek follow-up treatment. (Signed into law, Chapter 39)

The criminal sale and possession of embalming fluid, a highly flammable poison which can be combined with drugs to become a strong hallucinogen, is now illegal in New York State. (Signed into law, Chapter 29)

In a joint effort with the federal government, which is taking economic and other steps in hopes of derailing Iran's nuclear program, New York State will no longer enter into contracts with companies that invest or provide credit to Iran's energy sector unless the needed product or service cannot be attained elsewhere. Local government contractors will also need to certify that they are not investing in the Iranian energy sector when seeking local government contracts. (Signed into law, Chapter 1)

To address a recent decision by the New York State Court of Appeals, legislation was approved to reaffirm that knowingly viewing or accessing child pornography on the Internet is a crime, and specifically a Class E felony offense. (S7742/A10713, to be sent to Governor for review)

Strong new legislation was passed to strengthen the state's response to domestic violence by developing new protections for victims and cracking down on repeat offenders. Penalties are increased for repeat offenses; firearms possession and violations of restraining orders will be considered in determining bail for offenders; abusers will be prevented from claiming the remains of the person they have hurt or killed, and a new statewide Fatality Review Team will be created to find ways to better address family violence. (S7638/A10624, to be sent to Governor for review)

Victims of domestic violence will be able to stay a maximum of 180 days in residential programs, rather than 135 days, to give them more time to secure safe, permanent housing. (A2651/S6308, to be sent to Governor for review)

A new bill requires that up-to-date photographs of level 3 sex offenders, the most dangerous, continue to be made available after their release from prison if their appearance has changed. (S7569/A9229, to be sent to Governor for review) Note: more than 200 bills have been introduced in the Legislature to address public concerns about sex offenders.

PEOPLE WITH DISABILITIES

\$80 million, an increase of \$4 million, will aid pupils in the Office of Mental Health/Office for People with Developmental Disabilities (OPWDD), and OPWDD will receive an extra \$11.5 million, to \$163.5 million, for capital construction projects. (Approved in State Budget)

A new law seeks to significantly expand taxi service in all five boroughs of New York City and increase the number of cabs that are equipped to be accessible for people with disabilities. (Signed into law, Chapter 9)

Legislation seeks to ensure that access aisles around handicapped parking spaces are at least eight feet wide in order to accommodate wheelchairs and other mobility devices used by the disabled. (A3363/S3170, will be sent to Governor for review)

A new Protection of People with Special Needs Act is designed to overhaul and improve the state's system of providing care for people with special needs and disabilities. The measure seeks to better protect and serve more than one million vulnerable children and adults in state operated, certified or licensed facilities and programs. (S.7749/A10721, will be sent to Governor for review)

New legislation designates December 3rd of each year as “International Day of Persons with Disabilities” in New York State. (S6068/A9078, will be sent to Governor for review)

ECONOMIC DEVELOPMENT & JOBS

A new “New York Works Task Force” was established to coordinate state agency capital plans; invest billions of dollars in road, bridge, park and other projects across the state, and create tens of thousands of jobs in the process. \$1.2 billion in new state and federal funding has been allocated for bridge and highway repair alone. (Approved in State Budget)

The State Division of the Lottery and State Racing and Wagering Board have been merged to create the New York Gaming Commission, which is intended to take a comprehensive, responsible approach to the potential expansion of casino gambling. (Approved in State Budget)

To encourage greater historic preservation efforts in New York, new legislation increases the maximum award available under the state's historic preservation tax credit program, which is tied to 20 percent of the project's cost, to \$12 million from \$5 million. (S6134/A9110, to be sent to Governor for review)

In order to reduce state government costs, a new measure requires state agencies, before entering into contracts with outside consultants totaling more than \$500,000, to determine whether the work could be done more cost-effectively with existing state employees. (S7782/A10781, to be sent to Governor for review)

New legislation would enable the Catskill region Off Track Betting (OTB) Corporation to expand into New York City, potentially providing new jobs in the five boroughs. (S5054/A7301). In addition, a bill was approved to reinstate promised health care benefits for New York City OTB retirees who lost their coverage when the corporation dissolved. (S6868/A9869) Both bills are awaiting review by the Governor.

EDUCATION

New York State schools received \$20.4 billion in state aid this year, an \$805 million increase over last year. The spending plan begins again to phase in Foundation Aid to address inequities in school funding in New York City and throughout the State. (Approved in State Budget)

New York City schools will see an increase of \$292 million over 2011-2012 levels, including \$47 million in Foundation Aid. Non-public schools received a \$7 million increase in Comprehensive Attendance Program (CAP) funds. Universal pre-kindergarten programs received an extra \$4 million, and full-day kindergarten programs saw an increase of \$1.65 million. \$10.2 million was restored for Teacher Resource Centers. (Approved in State Budget)

Library aid was increased by almost \$4 million, and \$14 million was provided for a library capital construction program. \$1.3 million was provided to address the impact of the MTA payroll tax on libraries. (Approved in State Budget)

A new bill would enable public libraries to contract with local Boards of Cooperative Educational Services (BOCES) to share technology and other services. (S7014/A10147, to be sent to Governor for review)

A law was approved to restore yellow school bus service for more than 4,000 7th and 8th grade students throughout New York City who lost this necessary transportation option in May, 2010. (Signed into law, Chapter 42)



Senator Addabbo participates in a meeting of the Senate Select Committee on Libraries.

A new law establishes a statewide teacher and school principal evaluation system in New York (Signed into law, Chapter 21) and a related measure (Signed into law, Chapter 68) governs how educator performance information will be provided to the public and parents.

In an effort to improve services provided to children up to five years old in day care programs, a comprehensive study of current programs, with recommendations for improvement, will be undertaken by the State Education Department, Office of Children and Family Services and Department of Health. (A7591/S5650, to be sent to Governor for review)

New legislation seeks to prohibit smoking within 100 feet of the entrances or exits of any public or private elementary or secondary schools. (A10141/S6854, to be sent to Governor for review)

ENERGY AND ENVIRONMENT

New York's Environmental Protection Fund will escape cuts and is funded at \$134 million to provide resources for environmental projects throughout New York. (Approved in State Budget)

To help provide needed support for the Environmental Protection Fund, legislation was approved to direct a portion of unclaimed returnable bottle deposit revenues to the Fund. (A10519/S7525, to be sent to Governor for review)

The "Sewage Pollution Right to Know Act" was passed to require public notice whenever sewage is discharged into waterways or other areas of communities. (S6268/A10585, to be sent to Governor for review)



Senator Addabbo speaks about the need for a hydrofracking ban at a State Capitol Press Conference.

Legislation was approved to establish a state-level "Adopt-A-Park" program to enable volunteers to help maintain and improve their hometown parks, in coordination with their municipality and the State Office of Parks, Recreation and Historic Preservation – an initiative similar to the New York City program. (A3409/S2686, to be sent to Governor for review)

A bill was passed to provide tax incentives for homeowners who lease and install solar energy equipment (A34/S149), as well as legislation to exempt the installation of commercial solar energy systems from sales and other taxes (S3203/A5522). Both bills are awaiting review by the Governor.

New legislation is designed to encourage the installation of external insulation on New York City multiple dwellings to make them "greener" and more energy efficient. (S6332/A9163, to be sent to the Governor for review)

A new measure requires the New York State Power Authority to study and report upon the best ways to save energy costs in schools, many of which might be appropriate for wind and solar power retrofitting. (S6921/A8527, to be sent to the Governor for review)

HEALTH CARE

In order to address rampant prescription drug abuse in New York State, the Internet System for Tracking Over-Prescribing (I-STOP) Act was approved. The bill establishes an electronic registry, the first of its kind in the nation, to enable doctors, pharmacists and law enforcement to track prescriptions for controlled substances in real time and prevent excessive prescription and refill requests. A disposal program for unused prescription drugs is also created. (S7637/A10623, to be sent to the Governor for review)

To help curb instances of skin cancer and other negative effects of exposure to excessive ultraviolet radiation, children under 16 will no longer be able to use tanning beds, with or without parental consent. (A1074/S2917, to be sent to the Governor for review)

A new bill will permit people whose health insurance policies allow for annual physicals or well care visits to receive these services once every calendar year, regardless of whether 365 days have

passed between these exams. (A397-A/S5850, to be sent to the Governor for review)

Legislation prohibits the sale of electronic cigarettes, which are unregulated and whose health risks have not yet been fully determined, to those under 18. (A9044/S2926, to be sent to the Governor for review)

Insurers will be required to cover breast reconstruction after partial mastectomies under a bill approved by the Legislature. These costs are now covered for full mastectomies. (S3801/A7193, to be sent to the Governor for review)

A bill requires that written notification be given to patients whose mammograms reveal dense breast tissue, which is common and not abnormal, but which may make it more difficult to detect cancer tumors. Patients will be encouraged to consult with their physicians about possible additional screening. (S6769/A9586, to be sent to the Governor for review)

Some pharmacists throughout New York, like those who now provide flu shots to customers, will be able to administer vaccinations to combat the Shingles virus. (A6301/S3808, to be sent to the Governor for review)

HIGHER EDUCATION

Community colleges throughout New York received an extra \$31.3 million through a much-needed base aid increase, and SUNY and CUNY funding was not cut from last year's levels. \$1 million was provided for a CUNY Leads program to help disabled students make wise educational choices and receive needed services. (Approved in State Budget)



Senator Addabbo served as a representative on the Joint State Budget Conference Committee negotiating education funding.

The Tuition Assistance Program (TAP) was increased by \$28 million, and popular opportunity programs – EOP, HEOP, STEP and CSTEP – also had cuts restored. (Approved in State Budget)

TRANSPORTATION

\$770 million is provided for full funding of the next phase of the Metropolitan Transportation Authority (MTA) Capital Plan. (Approved in State Budget)

Legislation was approved to aid motorists who need to purchase and display muni-meter parking receipts on their dashboards, but who get ticketed while in the process of actually purchasing the receipt and coming back to their vehicles to place it in view. (S6727/A9353, to be sent to Governor for review)

VETERANS AFFAIRS

\$1.1 million was provided to fund 25 new treatment beds for veterans struggling with alcohol and chemical abuse. (Approved in State Budget)

New legislation, through coordination among the State Division of Veterans Affairs, Office of Mental Health and Department of Health, seeks to better identify and treat veterans suffering from post traumatic stress disorder and brain injuries. (A2102/S7476, to be sent to the Governor for review)

A new bill requires the State Division of Veterans Affairs to supply a job bank portal on its website providing information about employment opportunities for veterans. (A8932/S7766, to be sent to the Governor for review)

The Veterans Mental Health and Chemical Dependency Act will require the New York State Veterans Affairs Commission to work with various state agencies to better coordinate mental health and substance abuse services for veterans and their families. (A9415/S6640, to be sent to the Governor for review)

A new measure would provide a space for a “veteran” notation on drivers’ licenses and non-driver identification cards, which could be helpful in allowing veterans to claim store discounts and other services offered to former servicemen and servicewomen. (S6799/A9611, to be sent to the Governor for review)



Senator Addabbo discusses the need to address high unemployment rates among returning servicemen and servicewomen at a meeting of the Senate Committee on Veterans, Homeland Security and Military Affairs.

ANIMAL WELFARE

Legislation was passed to establish updated and improved standards of care for pet dealers who sell dogs and cats. Dealers must, among other things, provide isolation areas for dogs and cats that exhibit signs of disease or illness that may be contagious to other animals; designate an attending veterinarian to oversee and provide care for the animals, and implement plans for daily exercise and socialization for the animals. (A697/S7268, to be sent to the Governor for review)

A bill was passed to prohibit the use of cage and box dryers with heating elements in pet grooming facilities. These devices are attached to cages and boxes to aid in drying animals after grooming and function without the use of a person manually holding a dryer. Tragically, many dogs and cats left unattended while these dryers were being used have died or been severely injured. (A7502/S5702, to be sent to the Governor for review)

Legislation was approved to crack down on abusive dog fights, cock fights and other cruel animal competitions – where the animals sometimes fight to the death – by making it a crime to own, possess, sell or manufacture paraphernalia used in these horrific and illegal events. Those convicted under the proposed law would be guilty of a Class B misdemeanor, punishable by up to 90 days in jail, a fine of up to \$500, or both. (A9552/S6774, to be sent to the Governor for review)

