

New York State Assembly

Carl E. Heastie

Speaker



Committee on Codes

Joseph R. Lentol

Chair

2016

ANNUAL REPORT



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Codes
COMMITTEES
Rules
Ways & Means
Election Law

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December 15, 2016

Honorable Carl Heastie
Speaker of the Assembly
932 Legislative Office Building
Albany, New York 12248

Re: Annual Report of the Standing Committee on Codes - 2016

Dear Speaker Heastie:

It is with great pleasure that on behalf of the Standing Committee on Codes, I submit to you the committee's 2016 Annual Report highlighting its activities during the second half of the 2015-2016 Legislative Session.

Among the committee's many notable accomplishments was the passage of bills related to curbing the heroin epidemic, ensuring equal access to legal services, and increasing transparency in government. The Assembly also passed a series of bills to provide additional protections for victims of domestic violence. Further, the committee worked with other standing committees to enact legislation to protect children and other vulnerable populations.

The Assembly can be justly proud of our legislative accomplishments which are set forth in this report.

The committee extends its appreciation to you for your support. In addition, I would like to thank the committee members and staff for their hard work during the 2016 Legislative Session.

Sincerely,

A handwritten signature in black ink that reads "Joseph R. Lentol".

Joseph R. Lentol, Chair
Standing Committee on Codes

**2016 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CODES**

Joseph R. Lentol, Chair

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I. Committee Jurisdiction

The New York State Assembly Standing Committee on Codes considers issues and legislation regarding the State's criminal and civil justice system. Most of the legislation considered by the members of the Codes Committee amends the Criminal Procedure Law, the Penal Law, the Civil Practice Law and Rules, as well as selected articles of the Executive Law.

In addition, the Committee's dual reference authority, pursuant to Rule IV § 6 (i) of the Rules of the Assembly of the State of New York, places within its jurisdiction legislation initiated in any of the other Assembly standing committees which imposes or changes any fine, term of imprisonment, forfeiture of rights or property, or other penal sanction, as well as legislation related to the procedure by which such fine, term of imprisonment, forfeiture, or other penal sanction is imposed or changed.

II. Summary of Significant Legislation Reported by the Committee on Codes and Enacted in 2016¹

A. Protecting Vulnerable Populations

Criminalizes Facilitation of Female Genital Mutilation Criminalizes the conduct of individuals who knowingly facilitate female genital mutilation. This law makes it a class A misdemeanor for anyone to intentionally assist in the commission or attempted commission of female genital mutilation. (A.47-A/S.3484-A; Chapter 49)

Peter Falk’s Law Provides that the order of appointment of a guardian shall identify the persons entitled to receive notice of the incapacitated person’s death, funeral arrangements, and may contain provisions regarding persons entitled to receive notice of the incapacitated person’s transfer to a medical facility and persons entitled to visit such person. (A.3461-C/S.5154-C; Chapter 98; Judiciary)

Training of Healthcare Workers Provides for the training of health facility employees in relation to identifying and properly responding to individuals who may be victims of human trafficking. (A.8650-B/S.6835-B; Chapter 408; Health)

Ensures that Law Enforcement Agencies Have Access to Child Abuse Records This is a chapter amendment to Chapter 436 of the Laws of 2015. The new law was enacted in 2015 after law enforcement officers were temporarily denied access to certain child abuse records while searching for a missing child in the Albany area, who was later found deceased. This chapter amendment clarifies the criminal justice agencies that may have access to certain child abuse and neglect records, and it removes provisions of the new law that require state and local agencies to designate specific employees who would review and consider an immediate appeal from a denial of access to records that occurs during an ongoing investigation. (A.9166/S.6384-A; Chapter 13; Children and Families)

¹ Except where noted, legislation cited in this discussion originated in the Committee on Codes. Where such legislation did not so originate, but was dual referenced into the Committee on Codes from another committee and the Codes Committee had substantial impact on such legislation, then the original committee of reference will appear with the bill number. All chapter numbers are chapters of the Laws of 2016. For a complete list of bills that were reviewed by the Committee on Codes that were chaptered, see Appendices C and D.

Requires the Report of Missing Vulnerable Adults Requires that in the event that a police agency receives a report that an adult person is missing from his or her place of residence and whose whereabouts cannot be determined by an individual who would have knowledge of his or her whereabouts, and that such missing adult person has a disability, may be in physical danger, is missing after a catastrophe, may have disappeared involuntarily, or is missing under circumstances where there is a reasonable concern for his or her safety, such police agency would be required to collect information necessary to file an electronic report regarding the missing adult person with the National Crime Information Center (NCIC) register. The police agency would also be required to submit such electronic report to the NCIC register. (A.9957/S.6437-A; Chapter 316; Governmental Operations)

Authorizes OPWDD to Access Criminal History Information Authorizes the Office for People with Developmental Disabilities (OPWDD) developmental centers to have access to criminal history information, as defined in section 845 of the Executive Law, contained in the Central Data Facility established by the Division of Criminal Justice Services (DCJS). The Commissioners of OPWDD and DCJS will have to agree to the terms and conditions of this access. (A.10556/S.7410-A; Chapter 209; Mental Health)

B. Sex Crimes

Testing of Rape Kits Establishes a procedure for the processing and maintenance of all sexual offense evidence kits surrendered to law enforcement and tested at a forensic laboratory. Further, this legislation requires that all law enforcement agencies send the evidence kit for testing within 10 days, and each laboratory must process the kit within 90 days. The legislation also calls for the retroactive testing of sexual offense evidence kits within 120 days of the effective date of this measure. In addition, the forensic labs and the law enforcement agencies will be required to issue a report indicating how many kits they have in their possession, the number that have been processed, and the length of time between when the kit was received and tested. The legislation addresses the need to prevent any backlog of sexual offense evidence kits in New York. (A.10067-A/S.8117; Chapter 500)

C. Substance Abuse Prevention

Allows Defendants to Participate in Treatment Programs Where they Reside Authorizes courts to allow a defendant to participate in an alcohol and substance abuse treatment program in the jurisdiction in which he or she resides, or in any other jurisdiction, as opposed to the jurisdiction in which he or she was arrested. (A.9104-A/S.6322-A; Chapter 315)

Prohibits Courts from Interfering with Medically Assisted Drug Treatments Prohibits a court from requiring the use of any specified type or brand of drug during the course of medically prescribed drug treatments for individuals addicted to heroin and other opioids. (A.9313-C/S.6874-A; Chapter 67)

Increases Involuntary Hold Time for Intoxication Among other items, this legislation increases the involuntary hold time for an intoxicated person, from 48 to 72 hours at a hospital or treatment center. Once the person is stabilized, they must be allowed to leave, even if prior to the 72 hours. Individuals must be seen within 12 hours and there must be a physician present at all times to continue to monitor such person's intoxication. This increased time is meant to address the longer detox period for opioid use. The person must also be provided with discharge planning for continuity of care. (A.10725/S.8137; Chapter 69; Alcoholism and Drug Abuse)

D. Safety

Tiffany Heitkamp's Law Requires that a court consider prior driving while intoxicated (DWI) convictions when sentencing a defendant for a boating while intoxicated offense. There are no new changes to the existing penalties, but the court would be required to consider these prior DWI convictions which could potentially lead to higher sentences within the statutory range. (A.1597-A/S.3785-A; Chapter 239; Transportation)

Authorizes Tow Trucks to Drive on Shoulders in Emergency Situations Allows tow trucks to drive on the shoulder when dispatched to the scene of an accident by law enforcement, an authority or other department or agency having jurisdiction and all lanes are blocked. The tow truck must still drive with due regard for the safety of others and in compliance with all standards of care imposed to prevent injuries or damage which may result from negligence, recklessness, and intentional misconduct. (A.5643-B/S.4298-B; Chapter 294; Transportation)

Adds Sanitation Vehicles to the Move Over Law Includes sanitation trucks in the definition of hazard vehicle, thereby adding them to the move over law and the section requiring motorists to drive at an appropriate speed when approaching them. They will get a yellow light and when it is on, a vehicle would have to move over. (A.7763-B/S.426-B; Chapter 293; Transportation)

Adds Volunteer First Responders to the Move Over Law Includes volunteer firefighter and first responder vehicles to the move over law. These are vehicles owned by volunteers that have a blue or green light on top. They may only activate the light in an emergency operation. A violation results in a traffic infraction. (A.8702-A/S.7938; Chapter 97; Transportation)

Rail Safety Act of 2016 Establishes a program within the Department of Transportation (DOT) for the joint inspection of traffic signals interconnected with highway-rail grade crossing warning systems. This law also increases penalties on repeat offender drivers at grade crossings who go around, under or through the gate, or do not stop 15 feet from the crossing when lights are flashing and for certain vehicles which are always required to stop. This also modifies the state bridge inspection program to match the federal program. For going around the gate, the penalty for a second violation is increased from \$500 to \$750 and for a third violation is increased from \$750 to \$1,000. For the stopping offenses, the second violation is increased from \$300 to \$500, third violation increased from \$500 to \$750. The look back period for these offenses is increased from 18 to 30 months for going around the gate and the vehicles which are always required to stop. In addition, the general penalty on railroad companies is increased from \$5,000 to \$15,000. (A.10714/S.8119; Chapter 501; Transportation)

E. Health

Authorizes 15-17 Year Olds to Donate Organs and Tissue Authorizes 15-17 year olds to register to donate organs and tissue upon their death and provides that parents or a legal guardian shall be notified and can rescind such decision to donate organs or tissue at the time of death. This law also requires that the parent or legal guardian sign the registration along with the 15-17 year old and that such registration may be submitted by mail, in person, or electronically. (A.4990-B/S.5313-A; Chapter 248; Health)

Exempts Certain Practitioners from Submitting Prescriptions to DOH Exempts practitioners who write less than 25 controlled substance prescriptions in a calendar year from electronically uploading such prescriptions into a Department of Health database. (A.9335-B/S.6779-B; Chapter 350; Health)

Expands the Donate Life Registry Requires that persons enrolling for health insurance under the New York Health Insurance Exchange be offered the opportunity to join the Donate Life registry, so that upon death their organs may be available for transplant. (A.9667-A/S.6952-A; Chapter 40; Health)

F. Weapons

Bans the Possession of Machetes Adds machete to the Penal Law's definition of a deadly weapon. Under the bill, individuals who use a machete as a weapon could face a charge of a class A misdemeanor. "Deadly weapon" is a definitional term used in many Penal Law crimes, such as the crimes of robbery, assault, and possession of a weapon in the fourth degree. (A.8214-B/S.3199-B; Chapter 269)

G. Other Penal and Criminal Procedure Laws

Elevates the Crime of Assaulting a Utility Worker Provides that any act constituting a misdemeanor assault in the third degree pursuant to Penal Law section 120.05 be elevated to a class D violent felony offense if committed against a utility worker. (A.4738-A/S.2251-A; Chapter 267)

Elevates the Crime of Assaulting a Process Server Provides that any act constituting a misdemeanor assault in the third degree pursuant to Penal Law section 120.05 be elevated to a class D violent felony offense if committed against a process server. (A.6772-A/S.2991-A; Chapter 268)

Elevates the Crime of Assaulting a Station or Terminal Cleaner Provides that any act constituting a misdemeanor assault in the third degree pursuant to Penal Law section 120.05 be elevated to a class D violent felony offense if committed against a station or terminal cleaner. (A.10048-B/S.8104-A; Chapter 281)

Requires Coroners to Provide Information Related to Unknown Deceased Persons Requires every county medical examiner and coroner to promptly furnish to the National Missing and Unidentified Persons System created by the Office of Justice Program's National Institute of Justice, in addition to the Division of Criminal Justice Services, with certain information related to deceased persons whose identity is unknown. (A.10278-A/S.7987-A; Chapter 153; Governmental Operations)

Assures Prompt Arraignment This was an Office of Court Administration proposal. This provides for arraignment in a designated alternate court when the town or village court to which the matter would normally be brought is not in session. This legislation is designed to assure more prompt arraignment and to facilitate the presence of appointed counsel to persons unable to afford counsel. (A.10360/S.7209-A; Chapter 492)

H. Protecting Consumers

Increases Fines for Misbranding Fur-bearing Articles of Clothing Increases fines for selling and manufacturing fur-bearing articles of clothing that are not correctly labeled as “real” or “faux” fur. This law increases fine amounts from up to \$500 to up to \$1,000 for a first violation, and from up to \$1,000 to up to \$2,000 for each subsequent violation. (A.1047/S.7815; Chapter 252; Consumer Affairs)

Establishes Standards for Misbranding Certain Fish Defines the fish species “escolar,” “oil fish,” and “white tuna,” and prohibits the sale, offer for sale, distribution, import or export of such species under any other name, scientific or common. The Department of Agriculture and Markets would be authorized to assess a penalty for any willful violation of this provision. This law is targeted at tuna being sold to be served in restaurants. (A.1231-B/S.6842-B; Chapter 300; Agriculture)

Restricts Charges for Terminating Contracts Bans providers of telephone, cellular telephone, television, internet, energy, or water services from charging a fee for early termination of a contract in the event that the contract holder is deceased. There is a civil penalty of up to \$1,000 for providers violating these provisions. (A.8630-A/S.6485-A; Chapter 331; Consumer Affairs)

Requires Telemarketers to Provide Caller ID Information Requires telemarketers to transmit caller identification to each customer who has a caller identification (ID) service, and makes it unlawful for a telemarketer to provide false caller ID information or fail to provide any caller ID information to a consumer who has caller ID services. Providing false caller ID information, or failing to provide caller ID information when required, may result in a civil penalty of not less \$1,000 nor more than \$2,000 for each violation. (A.9457-A/S.6809-B; Chapter 484; Consumer Affairs)

I. Protecting the Environment

Bans the use of Mercury in Tire Balancing Products This fixes a recently enacted environmental law which prohibited the use of the highly toxic chemical mercury in tire balancing products. This law directs the Department of Environmental Conservation to promulgate regulations, no later than April 1, 2018, to prohibit the sale of mercury-added rotational balancing products for use on devices for which a mercury-free alternative is available, and, prohibit a person, after April 1, 2017, from selling or using tire weights if such product contains intentionally-added mercury. Any violation of these provisions would result in a civil penalty not to exceed \$250 for the first violation, \$500 for a second, and \$1,000 for third within 12 months. (A.172-C/S.5322-C; Chapter 312; Environmental Conservation)

J. Miscellaneous Legislation

Creates Special Alcoholic Beverage Licenses Creates a new incubator beer, cider, or wine center license that would authorize the operation of an incubator center to provide individuals with rental space and shared use of equipment and storage facilities for the production of beer, wine, or cider for personal household use and not for resale purposes. This license is only available until December 31, 2017, but may be renewed. (A.1100-B/S.1227-B; Chapter 422; Agriculture)

Authorizes Mixed Martial Arts Authorizes mixed martial arts as a combative sport. The bill details provisions for licensing, regulation, and health and safety of participants and spectators for all combative sports. The bill also would require licensed promoters to hold insurance to cover participants in the event of an accident, as well as hold a bond to ensure adherence to rules and regulations set forth by the Commission. This would not be applicable to the New York National Guard, naval militia, amateurs sponsored by any university, college, or school, a business providing instruction in combative sport, or to any professional wrestling contest or exhibition. (A.2604-C/S.5949-A; Chapter 32; Tourism)

Requires Ambulance Companies to check the Sex Offender Registry Requires ambulance companies and services to check the sex offender registry when an application is received from potential emergency medical technicians or other first responders. (A.3590-B/S.5542-B; Chapter 429; Governmental Operations)

Authorizes the Sale, Distribution, Transportation, and Processing of Hemp Expands the industrial hemp program to allow for the sale, distribution, transportation and processing of industrial hemp and products derived from such hemp. These activities were recently allowed by the federal government. The sale, distribution, or export of hemp grown under this article is prohibited except as authorized by state and federal law and regulations promulgated pursuant to this article. The general penalty in the Agriculture and Markets law is up to a \$600 fine for a first violation and up to \$1,200 for the second and every subsequent violation. (A.9310-A/S.6960-A; Chapter 256; Agriculture)

Increases Penalties for the Use of Ticket Bots Amends the Arts and Cultural Affairs Law to clarify the definition of "ticket bots." The bill would make it unlawful to maintain control of bot software, utilize bot software to purchase tickets, or knowingly resell or offer to resell these tickets. Knowingly utilizing bot software would result in a civil penalty of \$1,500 for each violation and forfeiture of all profits. Maintaining control of bot software would be subject to the existing civil penalty of no less than \$750 and no more than \$1,500 for each violation as well as forfeiture of profits. Reselling a ticket purchased with a bot that was not obtained for personal use would result in a fine of no less than \$500 and no more than \$1,500 for each violation as well as forfeiture of profits. The bill also creates a new class A misdemeanor for a violation of any of these provisions. (A.10713/S.8123; Chapter 472)

Reorganizes Certain Provisions of the Alcohol and Beverage Control Law Amends several sections of the Alcohol Beverage Control Law (ABCL) to address the concerns identified by the Alcoholic Beverage Working Group established last session. Among other changes, this legislation alters the organization of the State Liquor Authority (SLA) from having three commissioners to one chairman and two commissioners and establishes the process of temporary appointment if there is a vacancy for one of the positions. It also permits the use of growlers at wineries, and creates two new licenses: the importer's license, and the craft micro-brewing license. Additionally this legislation authorizes the serving of alcoholic beverages at 10:00 A.M. and creates a permit for establishments in cities with a population under one million to serve between 8:00 and 10:00 A.M. with a limit of 12 permits per year. This legislation is designed to make the SLA more efficient and the ABCL more navigable for New York producers, retailers, and consumers. (A.10728/S.8140; Chapter 297; Economic Development)

Regulates Fantasy Sports Regulates the practice of fantasy sports and provides for background checks to be done for registration applicants. These background checks must be done in accordance with the Correction Law, which requires that prior convictions must be related to the application in order to be considered. The general penalty would apply to any violations, particularly operation without registering. This penalty would include a fine up to \$25,000, and \$25,000 per day that the violation continues. (A.10736/S.8153; Chapter 237; Racing and Wagering)

III. Summary of Significant Legislation Reported by the Committee on Codes in 2016 that the Assembly Passed²

A. Reforming the Criminal Justice System

Transfers the Approval of Plans from the Chief Administrator to ILS This bill has two aims. First, to transfer authority to approve bar association plans for operation of an assigned counsel program or office of conflict defender from the Chief Administrator of the Courts to the Office of Indigent Legal Services (ILS), while ensuring that any plan approved on or before April 1, 2017 would remain in effect unless and until superseded by a plan approved (or disapproved) by the ILS. Second, to require indigent legal service providers and counties to provide ILS with copies of annual reports required to be filed with the Chief Administrator and State Comptroller. This measure is supported by the Office of Court Administration and ILS, and it was included in the Assembly's one-house budget resolution of 2016. (A.6389-A; Passed Assembly)

Increases Law Enforcement Transparency This bill would increase transparency and accountability by requiring the records of routine police activity and certain law enforcement interactions with the public be maintained. Under the bill, the court's chief administrator would be required to compile and publicly publish data on misdemeanor and petty offenses charged in all courts by county. The data would be available on the Office of Court Administration website on a monthly basis and provided to the Governor and the Legislature in an annual report. The bill also requires the chief of every police department, each county sheriff, and the superintendent of state police to promptly report to the Division of Criminal Justice Services any arrest-related death. Under the measure, the division will be required to post this information on a monthly basis on its website and also provide the data to the Governor and the Legislature in an annual report. (A.7698-A/S.6001-A; Passed Assembly)

Speedy Trial Reform This bill would enact reforms of the speedy trial provisions of the Criminal Procedure Law, primarily by allowing the court to inquire as to whether the prosecution is, in fact, ready for trial when the prosecution claims readiness, and thereby stops the speedy trial clock. This bill also would eliminate generalized court congestion, in most circumstances, as a basis for further delay. (A.8296-A/S.5988-A; Passed Assembly)

² Except where noted, legislation cited in this discussion originated in the Committee on Codes. Where such legislation did not so originate, but was dual referenced into the Committee on Codes from another committee and the Codes Committee has substantial impact on such legislation, then the original committee of reference will appear with the bill number. Additionally, legislation that was in fact passed by both Houses will be listed as such. For a complete list of bills that were reviewed by the Committee on Codes that were passed by the Assembly, see Appendices E and F.

Provides for Sealing of Records in Marijuana Possession Cases This bill would amend section 221.05 of the Penal Law, the basic possession of marijuana statute. It would provide that a previous conviction under subdivision one of section 221.10 of the Penal Law would not result in an increase in the maximum fine for a subsequent conviction. Subdivision one of section 221.10 prohibits the knowing and unlawful possession in a public place of marijuana that is burning or open to public view. The bill would also add to the list of offenses included in paragraph (k) of subdivision 3 of section 160.50 of the Criminal Procedure Law for which sealing of records is required upon conviction. The bill would also prohibit a waiver of sealing as part of a plea agreement. Additionally, the bill would allow a person convicted under section 221.10 and in certain circumstances section 221.05 of the Penal Law, prior to the effective date of the bill, to seek to have the record of such conviction sealed. (A.10092/S.8047; Passed Assembly)

State Takeover of Indigent Legal Services Costs Phases in state reimbursement to counties of their costs for indigent defense services, beginning in 2018. State funding would ensure indigent defense services are adequately funded and counties across the state would be relieved of the financial responsibility. (A.10706/S.8114; Passed both Houses)

B. Protecting Vulnerable Populations

Expands Reporting Requirements for Adult Homes This bill would require certain adult home operators to report any death, attempted suicide, or felony crime committed against a resident. The bill expands the current reporting requirement to include operators of enriched housing programs, and it requires such report concerning a felony crime be made to law enforcement as soon as possible, but in any event within 24, rather than the current 48 hours. An operator that intentionally fails to make such a timely report would be guilty of a class A misdemeanor. Additionally, a civil penalty of up to \$1,000 per day could be imposed. (A.3829/S.301; Passed Assembly; Health)

C. Protecting Victims of Domestic Violence

Releasing Domestic Violence Victims from Service Contracts Permits victims of domestic violence to break service contracts with telephone, cable, and television providers without incurring a cancellation fee when they provide a copy of an order of protection, a domestic incident report, a police report, or a signed affidavit. (A.274-A; Passed Assembly; Corporations)

Privacy Protection of Victims of Domestic Violence Requires insurance companies to allow victims of domestic violence to provide an alternate mailing address to receive health insurance related information and would prohibit insurance companies from disclosing to the policy holder where such victim, or the child or children of such victim, are receiving health services. (A.1358; Passed Assembly; Insurance)

Discretionary Sentencing for Victims of Domestic Violence Authorizes a judge to use discretion in sentencing and resentencing defendants who proved that they were victims of domestic violence and that such victimization was a substantial factor in the commission of the offense. (A.4409-B/S.2036-B; Passed Assembly)

Surrender of Weapons in Domestic Violence Cases Requires a court to direct the immediate surrender of handguns and long arms to a law enforcement agency upon a conviction of a misdemeanor crime of domestic violence. The policy basis and constitutionality of this legislation was affirmed by the recent Supreme Court decision in *Voisine v. United States*. (A.5257; Passed Assembly)

D. Protecting Victims

Protecting Victims of Human Trafficking Increases access to safe houses and social and legal services for victims of human trafficking. The bill also provides an affirmative defense to human trafficking victims charged with prostitution. (A.2953-A; Passed Assembly)

E. Sex Crimes

Clarifying Statutes Related to Rape Brings the elements of rape in line with other unlawful sexual acts by removing the penetration requirement in the rape statute. The bill would also expand the definition of rape to include oral and anal sexual contact, which are currently known as “criminal sexual acts.” (A.4959-B; Passed Assembly)

F. Ethics Reform

Expands Requirements for the Annual Statement of Financial Disclosure This bill would require every person who is a statewide elected official, state officer or employee, member of the Legislature, legislative employee, political party chair, or candidate for statewide elected office or for member of the Legislature for any portion of the calendar year to file a financial disclosure statement with the Joint Commission on Public Ethics (JCOPE) or the Legislative Ethics Commission (LEC), as the case may be, regardless of whether such person continues to serve in such capacity on May 15 of the following year. A person who would fail to file such a required report would be subject to a civil penalty of up to \$40,000. Upon referral by JCOPE or the LEC to the appropriate prosecutor, such a violation may be prosecuted as a class A misdemeanor. (A.1080/S.4684; Passed Assembly; Governmental Operations)

Sets Limits on Legislators' Outside Income Restricts the outside income of legislators to services actually rendered and to 40 percent of the annual salary of New York State Supreme Court justices. The bill also establishes rules for work performed, referral fees, conflicts of interest, campaign contributions, and communications with journalists. (A.9535; Passed Assembly)

G. Weapons

Clarifies the Definition of Gravity Knife Changes the definitions of switchblade and gravity knives so as to conform to the definitions found in the United States Code. This change will save thousands of New York workers from being saddled with records for carrying cutting equipment that is necessary for their jobs, around their homes and to perform other lawful tasks. (A.9042-A/S.6483-A; Passed both Houses)

H. Health

Establishes the New York Health Program This bill would establish the New York Health program, a comprehensive system of access to health insurance for New York state residents. There are provisions in the bill that state that information provided to the Department of Health under certain law would not be subject to FOIL or to discovery in civil proceedings. (A.5062-A/S.3525-A; Passed Assembly; Health)

Safe Staffing for Quality Care Act This bill would enact the “Safe Staffing for Quality Care Act” to require acute care facilities and nursing homes to implement certain direct-care nurse-to-patient ratios in all nursing units; sets minimum staffing requirements. Violations would be subject to a civil penalty of up to \$500 for each deficiency for each day that each deficiency continues. An acute care facility could be assessed a civil penalty of up to \$10,000 for each day of non-compliance. Any person or acute care facility that fails to report or falsifies information, or coerces, threatens, intimidates or otherwise influences another person to fail to report or to falsify information required to be reported under the safe staffing requirements, could be assessed a civil penalty of up to \$10,000 for each such incident. The bill includes a private right of action for employees who, if successful, could be awarded costs and reasonable attorney’s fees. (A.8580-A/S.782; Passed Assembly; Health)

I. Other Penal and Criminal Procedure Bills

Rochester Traffic Violation Agency This bill would create a traffic violation agency for the City of Rochester to assist Rochester city court by adjudicating traffic infractions. Currently, Rochester is under the Department of Motor Vehicles Traffic Violations Bureau which does not allow for any plea bargaining. This proposal would allow for plea bargaining. (A.10343-A/S.7949-A; Passed Assembly; Transportation)

J. Protecting Consumers

Prohibits Inappropriate Storage of Bedding This bill would prohibit the transportation, storage or sale of used bedding with new bedding when the used bedding has not been sanitized by a method approved by the Department of Health. A violation under this bill would be a misdemeanor pursuant to existing section 390-d of the General Business Law. In addition, the Attorney General may assess a fine of up to \$1,000 in accordance with existing section 389-c of the General Business Law. (A.309/S.1346; Passed Assembly; Consumer Affairs)

K. Protecting the Environment

New York State Climate and Community Protection Act This bill would seek to mitigate the impacts of climate change in New York. On projects that either receive financial assistance of more than \$100,000 or have a total value of more than \$10 million, building service and construction workers must be compensated according to the prevailing wage rate of the locality, covered by the protections, and can seek enforcement proceedings of that law. Under the bill, sworn statements, which would be required to be filed by contractors and subcontractors, that are false, may be prosecuted as perjury. Any failure to pay service employee wages as stipulated in the wage schedule would be guilty of a class A misdemeanor and upon conviction shall be punished with up to a fine of \$1,000. (A.10342/S.8005; Passed Assembly; Environmental Conservation)

Provides for Rewards Leading to Conviction of Individuals that Threaten Endangered Species This bill would authorize rewards of up to \$25,000 for information which leads to the detection, arrest and conviction of a person guilty of a felony or misdemeanor related to endangered or threatened species. This bill would also increase the endangered or threatened species civil penalty. The bill would require the Department of Environmental Conservation to increase public awareness regarding the importance of protecting endangered and threatened species, to publicize laws protecting such species, and increase awareness of the existence of a reward. (A.10471/S.7963; Passed Assembly; Environmental Conservation)

L. Miscellaneous Legislation

Requires the Licensing of Elevator Workers This bill would establish a licensing mechanism for elevator contractors, mechanics and inspectors and prescribes the application procedure and requirements to obtain such licenses. It would also require a permit to be issued for work on elevators. There are exemptions from the licensing or permitting requirements in the case of an emergency when the public is put at risk. The penalty for a violation of this article is a \$1000 civil penalty for a first violation or \$2,000 penalty for a second or subsequent violation within three years or, if the violation resulted in a serious risk to the health or safety of an individual or individuals the civil penalty may be increased to \$5,000. (A.1787-C/S.1945-B; Passed Assembly; Labor)

Requires Nurses to Obtain Bachelor's Degrees This bill would require nurses to obtain a bachelor's degree within 10 years of their initial licensure. The State Education Department could issue conditional registrations to individuals who fail to obtain a bachelor's degree, but agree to meet the additional requirement within one year. The bill would exempt a student entering a general bachelor's program preparing registered practical nurses (RPN) after the effective date of this act, students currently enrolled in, or having an application pending in, a program preparing registered nurses as of the effective date of this act, or any person already licensed as a RPN or an unlicensed graduate practical nurse who is eligible to take the National Council Licensure Examination as of the effective date of this act from these provisions. (A.3945/S.2145; Passed Assembly; Higher Education)

Requires Foreclosed Properties to be Maintained This is an Attorney General's Program Bill. The bill would amend the Real Property Actions and Proceedings Law to expand the existing duty of mortgagees to maintain residential properties that are vacant and abandoned to include pre-foreclosure vacant and abandoned property. It would establish a special foreclosure proceeding for vacant and abandoned residential real property. (A.6932-A/S.4781-A; Passed Assembly; Judiciary)

IV. Summary of Significant Original Codes Bills and Bills Dual Referenced to the Committee on Codes that the Governor Vetoes³

- 1. Designates Javits Center Security Personnel as Peace Officers** This bill would designate the security personnel of the Jacob J. Javits Convention Center as peace officers. The Javits Center is owned by the New York Convention Center Operation Corporation (NYCCOC) organized under the Empire Development Plan. It is a quasi-private corporation, with boards of directors appointed by elected officials, overseeing both publicly and privately-operated systems. The employees at the Javits Center are state employees who are unionized. The center is 840,000 square feet and has 2 million visitors annually. It has increasingly become a site of concern for terrorism and requires the authority to make arrests and search belongings without a warrant. (A.9216/S.6945; Veto 219)
- 2. Ensures Homebound Patients Receive Services during Emergencies** This bill would ensure that certain medical personnel, home health care aides, and hospice personnel have access to homebound patients during an emergency or disaster in the City of New York, including during curfew hours. (A.9381-B/S.6692-B; Veto 279; Governmental Operations)
- 3. Designates Court Officers in Port Chester as Peace Officers** This bill would make the employees of the village court of the Village of Port Chester as peace officers. This bill would require such employees designated as peace officers to be uniformed. There are analogous provisions in the current peace officer statute designating court employees with peace officer status. (A.9534/S.6578; Veto 217)

³ Veto Memo numbers refer to those issued in 2016. Except where noted, legislation cited in this discussion originated in the Committee on Codes. Where such legislation did not so originate, but was dual referenced into the Committee on Codes from another committee and the Codes Committee has substantial impact on such legislation, then the original committee of reference will appear with the bill number. For a complete list of bills that were reviewed by the Committee on Codes and that were vetoed by the Governor, see Appendices G and H.

4. **Clarifies SLA's Authority in Revocations of Licenses** This bill would create clear guidelines for when the State Liquor Association (SLA) could revoke or suspend an individual's license or permit for violations in another state. This bill establishes that the SLA can only revoke or suspend a license for other state violations in a limited number of circumstances. These include where an individual has had an opportunity to be heard in that state, or has had repeated violations in that state, or the licensee has failed to pay taxes in the other state, or if the offense includes selling to minors. The purpose of this bill is to clarify when a licensee's out of state conduct impacts his or her license status in New York. (A.10248/S.7728; Veto 223; Economic Development)

5. **Suffolk County Felony Youth Part Demonstration Program** This bill would direct the Division of Criminal Justice Services and the Office of Children and Family Services (OCFS) to create a demonstration program that would establish a felony youth part in Suffolk County and provide services through OCFS. The intent of this legislation is to provide services in a Suffolk County felony youth part that are provided by OCFS to 16 and 17 year olds already. It would also require OCFS to make a report after two years to the Legislature and the governor on the results of this program and whether it should be replicated. (A.10291/S.6864-A; Veto 282)

6. **Provides Patient Access to Tamper-Resistant Opioids** This bill would add a new section to the Insurance Law to require insurers to provide access to abuse deterrent opioid analgesic drugs by requiring that a minimum of one opioid abuse deterrent drug be covered by health insurance plans with no cost sharing provisions and to ensure that a patient is not required to take a non-abuse deterrent opioid prior to an abuse deterrent opioid. An abuse deterrent opioid is a new type of drug that is developed by the federal Food and Drug Administration using abuse deterrent technologies as opposed to pure pain relief functions. They are formulated to make it more difficult to alter the drug product for purposes of misuse. This legislation reflects the Legislature's effort to address the current heroin epidemic. (A.10478/S.6962-A; Veto 283; Insurance)

Appendix A: 2016 Committee Workload Summary

<u>Final Action</u>	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>TOTAL</u>
Bills Reported with or without Amendment			
To Floor; Not Returning to Committee	147	0	147
To Ways and Means	93	0	93
To Rules	139	0	139
TOTAL	379	0	379
<hr/>			
Bills Having Committee Reference Changed			
To Corrections Committee	1	0	1
TOTAL	1	0	1
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Senate Bills Substituted or Recalled			
SUBSTITUED	-	41	41
RECALLED	-	1	1
TOTAL	-	42	42
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Bills Never Reported, Held in Committee	754	187	941
Bills Never Reported, Held for Consideration (with roll call vote)	103	0	103
Bills Having Enacting Clauses Stricken	32	0	32
TOTAL BILLS IN COMMITTEE	1,269	229	1,498
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Total Number of Committee Meetings Held: 19

Appendix B: Schedule of 2016 Codes Committee Meetings

<u>Month</u>	<u>Date</u>	<u>Day</u>
January	21	Thursday
February	2	Tuesday
February	9	Tuesday
February	25	Thursday
March	1	Tuesday
March	8	Tuesday
March	14	Monday
March	22	Tuesday
March	29	Tuesday
April	5	Tuesday
April	11	Monday
May	4	Wednesday
May	17	Tuesday
May	24	Tuesday
June	6	Monday
June	8	Wednesday
June	14	Tuesday
June	15	Wednesday
June	16	Thursday

Total Number of Committee Meetings Held: 19

Appendix C: Codes Laws of 2016

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.47-A	49	Paulin	Relates to facilitating female genital mutilation
A.4738-A	267	Moya	Elevates assault of a utility worker to the class D felony of assault in the second degree
A.6772-A	268	Pretlow	Includes within the class D felony of assault in the second degree, the intentional causing of physical injury to a process server to obstruct the server's duty
A.8214-B	269	Weprin	Includes the possession of a machete within the class A misdemeanor of criminal possession of a weapon in the fourth degree
A.9104-A	315	Gunther	Relates to authorizing alcohol and substance abuse treatment in another jurisdiction for defendants in judicial diversion programs
A.9313-C	67	Rosenthal	Prohibits courts from conditioning release of an eligible defendant into a judicial diversion program upon treatment using any specified type or brand of drug
A.9455	458	Gunther	Relates to the sale and possession of fireworks in certain cities
A.9522	459	Richardson	Authorizes a sentencing court to consider an application for poor person relief on appeal
A.10048-B	281	Richardson	Includes within the class D felony of assault in the second degree, the intentional causing of physical injury to a station cleaner or terminal cleaner

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.10067-A	500	Simotas	Provides for the processing of and maintenance of sexual offense evidence kits
A.10360	492	Lentol	Relates to off-hours arraignment parts in counties outside the City of New York
A.10707	471	Rules/Glick	Relates to authorizing certain advanced home health aides to perform certain advanced tasks
A.10713	472	Rules/Crespo	Relates to automated ticket purchasing software

Appendix D: Dual Referenced Laws of 2016

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.1047	252	Rosenthal	Increases fines for misbranding of fur-bearing articles of clothing
A.1100-B	422	Magee	Relates to the licensing of custom beermakers, custom cidermakers, and custom winemakers
A.1231-B	300	Jaffee	Relates to the misbranding of certain fish species
A.1597-A	239	Magnarelli	Makes certain convictions for operating under the influence predicates for other operating under the influence convictions
A.2604-C	32	Morelle	Establishes protocols for combative sports; authorizes mixed martial arts events in this state
A.3461-C	98	Magnarelli	Enacts "Peter Falk's law" relating to guardianship duties
A.3590-B	429	Skoufis	Relates to qualifications to serve as an emergency medical technician
A.4990-B	248	Ortiz	Authorizes persons 16 years of age or older to make an anatomical gift
A.5580	327	Fahy	Relates to cider sold at retail for consumption
A.5643-B	294	DenDekker	Authorizes emergency vehicles and tow trucks to travel on shoulders or slopes of controlled-access highways
A.6372-D	247	Simanowitz	Prohibits, in New York City, delivery of an unclaimed body to a university, college, school or institute, unless consent of the deceased or person authorized to control disposition has been granted

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.6801-B	475	Lentol	Relates to private school agent's certificates
A.6857-A	336	Crespo	Relates to definition of "for cause" in instances of revocation of licenses
A.7253	365	Weinstein	Relates to providing additional enforcement mechanisms for collection of spousal or child support
A.7270	166	Thiele	Relates to blackfish or tautog
A.7307	405	Lupardo	Proscribes indemnity agreements in motor carrier transportation contracts
A.7478	285	Goodell	Directs the state liquor authority to issue a farm winery license to the Concord Grape Belt Heritage Association Inc. Grape Discovery Center in the Town of Westfield, County of Chautauqua
A.7571-B	363	Thiele	Relates to method of collection of charges by the Suffolk County Water Authority
A.7738-A	236	Magnarelli	Requires insurers to provide and retain a signed notice to claimants in relation to insured's right to have a vehicle repaired in the shop of his/her choice
A.7763-B	293	DenDekker	Includes vehicles operated by sanitation workers in the definition of hazard vehicle
A.7960-A	328	Magee	Authorizes farm brewery licensee to sell wine and spirits manufactured by a licensed farm winery or distillery
A.8116-C	451	Perry	Allows certain entities to convert their status of filing as a not-for-profit organization to a for-profit entity
A.8139-D	339	Schimmel	Relates to method of collection of charges by the Water Authority of Great Neck North

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.8596-A	173	Woerner	Authorizes the Washington and Essex county correctional facilities to also be used for the detention of persons under arrest being held for arraignment in any court located in each such county
A.8630-A	331	Gunther	Prohibits providers from imposing a fee for termination or early cancellation of certain service contracts in the event a customer has deceased before the end of such contract
A.8650-B	408	Paulin	Relates to the identification and assessment of human trafficking victims
A.8671-A	6	Zebrowski	Relates to the promulgation of rules and regulations for tattoo studios and body piercing studios
A.8699	75	Hunter	Extends time limitations for certain actions
A.8702-A	97	Magnarelli	Relates to the operation of vehicles when approaching a parked, stopped or standing authorized emergency or hazard vehicle or volunteer first responder
A.8704-C	396	Rosenthal	Relates to prohibiting advertising for the use of dwelling units in a class A multiple dwelling
A.9056	409	Lupardo	Relates to the consumption of alcohol by students under the age of twenty-one who are enrolled in certain courses of study
A.9163	17	Perry	Relates to the restraint of pregnant female prisoners during childbirth
A.9164	15	Gottfried	Relates to the definition of "affiliate" for the purposes of licensed operators of adult care and assisted living facilities
A.9166	13	Fahy	Relates to the statewide central register of child abuse and maltreatment; repealer

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.9178	14	Lupardo	Relates to participation by children in permanency hearings
A.9242-A	95	Stec	Authorizes health care professionals licensed in other jurisdictions and appointed by World Triathlon Corporation to practice in this state at a triathlon
A.9249	16	DenDekker	Prohibits any municipality from collecting a fine, penalty, or forfeiture when the charge of a violation of the vehicle and traffic law is dismissed
A.9310-A	256	Lupardo	Authorizes the sale, distribution, transportation, and processing of industrial hemp
A.9323	349	Ryan	Relates to the issuance of a retail license for on-premises consumption for certain premises in the County of Erie
A.9335-B	350	Gottfried	Relates to electronic prescriptions
A.9357	373	Abinanti	Relates to the use of epinephrine auto-injector devices
A.9369	189	Butler	Relates to authorizing the Fulton County correctional facility to also be used for the detention of persons under arrest being held for arraignment in any court located in the County of Fulton
A.9376-A	303	Magnarelli	Exempts certain parcels of land from the provisions of law which generally restrict manufacturers, wholesalers and retailers from sharing an interest in a liquor license
A.9450	39	Glick	Extends health care professionals' authorizations to practice in this state at an event sanctioned by New York Road Runners

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.9457	484	Mayer	Relates to the transmission of caller identification information to consumers
A.9568-A	128	McDonald	Relates to the tolling of the statute of limitations relating to personal injury caused by contact with superfund site substances
A.9667-A	40	Gunther	Requires applications for health care coverage through the health benefit exchange to include registration to be an organ donor
A.9674-B	318	Galef	Relates to the exemption of certain parcels of land for alcoholic beverage control purposes
A.9686	48	Bronson	Extends expiration of provisions of judiciary law authorizing referees to determine applications for orders of protection while family court is in session
A.9696	130	DenDekker	Relates to statements made to the state board of parole by the victim of a crime
A.9711-A	487	Buchwald	Limits the amount of time to appeal certain judgments regarding freedom of information violations
A.9759	242	Buchwald	Relates to contact by siblings in child protective, permanency, and termination of parental rights proceedings
A.9762	243	Peoples-Stokes	Relates to awards for burial expenses of crime victims
A.9834	461	Gottfried	Relates to allowing disclosure of confidential HIV related information for research purposes

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.9878-A	258	McDonald	Authorizes the Capital District Transportation Authority to enter into an agreement with certain municipalities relating to the registration and licensing of taxicab vehicles
A.9905-B	480	Gottfried	Directs the commissioner of health to make regulations for the donation and redispensing of unused prescription drugs
A.9910-A	354	Weinstein	Relates to the administration of digital assets
A.9957	316	Barron	Requires police agencies to take reports of missing adults whenever the adult is reported to be missing
A.10020-A	378	Santabarbara	Eliminates restrictions on the removal of human remains from the county in which the death occurred; repealer
A.10071	356	Weinstein	Relates to judicial wellness and assistance committees
A.10081	372	Abbate	Relates to penalties for deceptive trade practices and unlawful acts by an automobile broker business
A.10106-A	210	Hawley	Relates to authorizing the Orleans County jail to also be used for the detention of persons under arrest being held for arraignment in any court located in the County of Orleans
A.10251	260	Englebright	Relates to the incorporation of certain businesses for the purpose of practicing professional geology
A.10269	424	Cymbrowitz	Authorizes an insured to designate a third party to receive cancellation notification
A.10278-A	153	Otis	Relates to the identification of unknown dead and missing persons

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.10364	68	Gottfried	Authorizes the maintenance and use of opioid antagonists at public libraries for the treatment of opioid overdoses
A.10365-B	466	Brennan	Relates to the reform of charitable corporations and trust governance; repealer
A.10382	88	Hyndman	Relates to criminal history record checks for employees of nursing home and home care service agencies
A.10408	497	Harris	Relates to the licensure of pathologists' assistants
A.10551-A	90	Rules/Abinanti	Relates to a residential reassessment exemption for the Town of Greenburgh in the County of Westchester
A.10556	209	Rules/Titone	Authorizes the commissioner of the Office for People with Developmental Disabilities to have access to certain criminal history information
A.10714	501	Rules/ Buchwald	Relates to railroad safety
A.10724	502	Rules/ Gottfried	Relates to HIV-related testing and to screening for certain diseases
A.10725	69	Rules/Steck	Relates to alcohol and substance abuse
A.10728	297	Rules/ Schimminger	Relates to the reorganization of the alcoholic beverage control law; repealer
A.10736	237	Rules/Pretlow	Relates to the registration and regulation of interactive fantasy sports contests

Appendix E: 2016 Codes Bills that Passed the Assembly⁴

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.4409-B	Aubry	Relates to sentencing and resentencing in domestic violence cases
A.6202-C	Fahy	Requires state reimbursement to counties the full amount of expenditures for indigent legal services
A.6389-A	Lentol	Relates to plans for representation of persons accused of a crime or certain parties in family or surrogate's court
A.6945	Walker	Relates to the duties of the district attorney in cases in which the final disposition includes convictions of certain felonies
A.7031-A	Lentol	Permits suspension of jury deliberations for a certain period of time
A.7698-A	Lentol	Relates to the functions of the chief administrator of the courts
A.8296-A	Aubry	Relates to time limits for a speedy trial
A.9042-A*	Quart	Relates to the definitions of a switchblade knife and a gravity knife
A.9519	Mosley	Relates to the availability of pre-sentence reports
A.9535	Heastie	Relates to limits on outside income earned by members of the Legislature, certain campaign contributions, communications with journalists, and monies received and expenditures made by a party committee
A.10092	Peoples-Stokes	Relates to sealing records for certain proceedings
A.10672*	Rules/Moya	Relates to employment agencies, including application for license; procedures; granting of licenses and enforcement of provisions relating thereto

⁴ Bill numbers with an asterisk (*) next to such bill number indicates that such bill passed both Houses.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.10706*	Rules/Fahy	Requires state reimbursement to counties the full amount of expenditures for indigent legal services

Appendix F: 2016 Dual Referenced Bills that Passed the Assembly⁵

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.145-A	Paulin	Requires the commissioner of health to establish and publish a list of generic drug products; repealer
A.270-B	Buchwald	Relates to licenses to purchase, use, or store certain compounds
A.274-A	Rozic	Requires companies to allow victims of domestic violence to cancel contracts when there is a domestic violence incident report, a police report, an order of protection, or a signed affidavit
A.290	Weinstein	Relates to court ordered forensic evaluations and reports in child custody and visitation proceedings
A.309	Dinowitz	Provides for the sanitization of every used mattress or bedding material transported, stored, or sold in the state
A.584-A	Thiele	Relates to liability insurance rate reductions upon completion of a boating safety course or an advanced boating safety course
A.1080	Galef	Relates to filing requirements for the annual statement of financial disclosure
A.1298	Weinstein	Expands the provisions relating to mandatory settlement conferences in residential foreclosure actions
A.1358	Cymbrowitz	Requires health insurers to provide victims of domestic violence with the option of providing alternative contact information
A.1787-C	Wright	Requires the licensing of persons engaged in the design, construction, operation, inspection, maintenance, alteration, and repair of elevators

⁵ Bill numbers with an asterisk (*) next to such bill number indicates that such bill passed both Houses.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.2946	Titone	Relates to expediting actions involving insurance claims for damages resulting from a state disaster emergency
A.3085	Cook	Relates to the suspension of hunting and fishing licenses pursuant to the interstate wildlife violator compact
A.3122	Morelle	Relates to the sale of monuments
A.3174	Peoples-Stokes	Relates to destruction of personal information stored on copiers, facsimile machines, or multifunction devices
A.3391-A	Braunstein	Relates to ground leases
A.3448	Glick	Excludes certain animals from the definition of "wildlife"
A.3829	Gottfried	Relates to death and felony crime reports in certain adult care facilities
A.3866	Brennan	Relates to the right to counsel for persons who receive services through the Office of Mental Health or the Office for People with Developmental Disabilities for certain investigations
A.3945	Morelle	Relates to the educational preparation for practice of professional nursing
A.3957-A	Wright	Relates to rent adjustments for major capital improvements
A.4037-A	Robinson	Establishes the opt in program for reporting of suspected financial exploitation
A.4040-A	Robinson	Requires notice to adjoining owners of construction, excavation, or demolition work
A.4441	Ramos	Relates to the time to file a claim in a toxic tort case
A.5062-A	Gottfried	Provides for establishment of the New York Health Plan

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.5083-D	Paulin	Relates to reporting requirements for various classifications of gas leaks by utility corporations
A.5243-E	Rodriguez	Relates to minority- and women-owned business enterprises
A.5303	Abbate	Requires various public transit authorities and their employees to submit all unresolvable contract negotiations to binding arbitration
A.6175	Abbate	Requires the New York State Power Authority and its employees to submit all unresolvable contract negotiations to binding arbitration
A.6932-A	Weinstein	“Abandoned property neighborhood relief act of 2016”; relates to the duty of the mortgagee or its loan servicing agent to maintain property secured by delinquent mortgage
A.7032-A	Mayer	Provides that where a temporary order of spousal support has not been issued the court may, in addition to issuing a temporary order of protection, issue an order for temporary spousal support
A.7054-A	Rosenthal	Establishes the sober living task force
A.7171-B	Woerner	Relates to the illegal taking of deer
A.7339-A	Brindisi	Relates to home improvement contract provisions
A.7514	Buchwald	Provides that there is no exemption from the requirement of nondiscrimination in advertisements and inquiries for certain rental properties
A.7837-A	Brindisi	Prohibits the use of chemical flame retardants on residential upholstered furniture
A.8135-B	Cahill	Enacts the “comprehensive contraception coverage act” to provide insurance coverage for FDA-approved contraceptive drugs, devices and products

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.8182-A	Titus	Requires the department of health and mental hygiene in New York City to issue a performance summary card to each child care service
A.8226-A	Braunstein	Prohibits emergency service providers from selling patient health information without written consent
A.8487-B	Glick	Relates to equal pay disclosure with respect to state contracts
A.8566-A	Simon	Specifies procedures for the closure of for-profit assisted living residences
A.8580-A	Gunther	Enacts the "safe staffing for quality care act"
A.8719-A	Steck	Relates to specification of objections to designating petitions, independent nominating petitions, certificates of nomination, or ballot access documents
A.9106	Abbate	Extends the expiration of binding arbitration in the resolution of disputes in the course of collective negotiations
A.9186-B	Paulin	Relates to prohibiting the sale of crib bumper pads and the restriction of the use of such pads in certain settings
A.9438	Abbate	Provides paid time off for Port Authority of New York and New Jersey police officers who become ill or injured in the performance of their duties
A.9445-A	Paulin	Relates to the care of animals
A.9544	Dinowitz	Relates to requiring mandatory arbitration clauses in certain consumer contracts to be printed in large font type
A.9545	Dinowitz	Relates to requiring mandatory arbitration clauses in certain consumer contracts to be disclosed to the consumer

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.9754	Simotas	Relates to fair, non-biased compensation
A.9760	Dilan	Clarifies that reasonable accommodation to enable a person with a disability to use and enjoy a dwelling includes the use of an animal to alleviate the symptoms or effects of a disability
A.9761	Dilan	Relates to expanding the scope of unlawful discriminatory practices to include public educational institutions
A.9835-B*	Abinanti	Relates to payments from the New York State Medical Indemnity Fund
A.9939	O'Donnell	Creates the office of the correctional ombudsman
A.9941	Davila	Relates to truancy allegations in persons in need of supervision and child protective proceedings in family court
A.9995	Weinstein	Prohibits contracts for the purchase or lease of consumer goods from restricting venue in an action relating to such contract
A.10129*	Dinowitz	Provides for enhanced protection of water supplies from terrorism and cyber terrorism attacks
A.10136*	Cusick	Relates to notice provisions in public works contracts; requires certain language in contracts; requires a showing of material prejudice
A.10216	Otis	Requires that sanitary gloves be changed after performing certain tasks
A.10235-A	Zebrowski	Establishes a process for the revocation of a code enforcement officer's certificate
A.10243	Cymbrowitz	Enacts the "independent senior housing resident freedom of choice act" to authorize persons in independent housing to receive services they could get at home

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.10341	Weinstein	Relates to adjournments in contemplation of dismissal and suspended judgments in child protective proceedings in the family court
A.10342	Englebright	Enacts the New York State climate and community protection act
A.10343-A	Gantt	Relates to the adjudication of traffic infractions in the City of Rochester
A.10358	Weinstein	Relates to actions involving public petition and participation
A.10442	Cahill	Grants the superintendent of Financial Services additional powers to take action against insurers which are in a hazardous financial condition
A.10470	Cahill	Relates to establishing protections from excessive hospital emergency charges; repealer
A.10471	Englebright	Increases certain penalties and authorizes the payment of rewards for aid in the apprehension and conviction of persons guilty of certain felonies or misdemeanors related to endangered and threatened species

Appendix G: 2016 Codes Bills Vetoed by the Governor

<u>Bill Number</u>	<u>Veto Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.9216	219	Gottfried	Relates to designating certain employees of the Jacob K. Javits Convention Center as peace officers
A.9534	217	Otis	Designates employees of the village court of the Village of Port Chester serving as uniformed court officers as peace officers
A.10291	282	Englebright	Establishes the Suffolk County felony youth part demonstration program

Appendix H: 2016 Dual Referenced Bills Vetoed by the Governor

<u>Bill Number</u>	<u>Veto Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.852	275	Rosenthal	Requires retailers of electronic cigarettes, not otherwise registered with the Department of Taxation and Finance to sell tobacco products, to register with the Department of Health
A.2462-A	212	Bronson	Relates to authorizing the care and treatment of injured employees by duly licensed or certified acupuncturists under the workers' compensation program
A.3939	273	Ceretto	Establishes age sixteen as the minimum age for assisting in the conduct of any game of bingo
A.7784	239	Skoufis	Makes provisions for payment to certain parole officers employed by Department of Corrections and Community Supervision for salary and medical expenses while subject to sickness
A.8076-B	274	Hevesi	Relates to electronic delivery of property/casualty insurance notices and posting property/casualty insurance policies on the internet
A.9381-B	279	Cusick	Relates to comprehensive emergency management provisions for homecare and hospice in counties and in cities with a population of one million or more
A.10190-A	293	O'Donnell	Relates to duties of certain parole officers

<u>Bill Number</u>	<u>Veto Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.10248	223	Steck	Relates to clarifying the basis upon which the state liquor authority has the authority to revoke, suspend or cancel a license or permit
A.10292-A	221	Cahill	Relates to filing a report on examination
A.10478	283	Cusick	Limits the substitution of abuse-deterrent analgesic opioid drug products for analgesic opioids lacking such technology
A.10555	297	Brennan	Relates to the effectiveness of provisions of law relating to prohibiting employees of a not-for-profit corporation from serving as chair of the board