



Legislative Update

News from
Assemblyman
Steve Englebright

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Dear Neighbor,

The 2011 Legislative Session began with the immense challenge of deep recession and a deficit of almost \$11 billion dollars. Six months later, when the budget process and legislative session concluded, the Governor and Legislature had successfully joined their energies to eliminate the deficit, balance the budget on time, and pass significant legislation to both rein in spending and hold down taxes.

One part of this year's legislative package that I focused my effort on was the SUNY 2020 Challenge Grant Program Act. Because Stony Brook is Long Island's largest employer, the financial health of this great university has a magnified impact upon the economic well-being of our area. As described elsewhere in this newsletter, the SB2020 plan is critical to the well-being of both our campus and community at large. I am proud that I helped advance this important measure.

I look forward to next year with a sense of optimism tempered by the reality that we remain in an economically volatile climate. However, this year has proven that when we work together, we can handle difficult times for a better tomorrow.

As always, please call or stop by my local office at 149 Main Street in Setauket. My staff and I are always here to help you with any state issue; providing information on programs; and developing legislative solutions to community problems. My office also offers complimentary notary public service, senior citizen cards, and a selection of informative brochures.

Sincerely,

Steve Englebright
Member of Assembly

New Englebright Laws

Giving Assisted Living Residents a Voice: Chapter 270 of 2011

Long-term care ombudsmen are certified citizen-volunteers who serve in nursing homes and assisted living facilities to advocate for and resolve issues with facilities on behalf of residents and their families. Unfortunately, some assisted living residences were refusing ombudsmen entrance with no legal repercussions.

This new law resolves ambiguity by amending the landmark Assisted Living Act, which was authored by Assemblyman Englebright in 2004. All assisted living residences will now be notified of the requirement to allow long-term care ombudsmen access to their facilities. This measure also authorizes the Long-Term Care Ombudsman Program (LTCOP) to receive and resolve complaints affecting applicants and residents of assisted living residences.

Englebright Extends Child Abuse Reporting Laws: Chapter 91 of 2011

This new law adds directors of overnight, summer day, and traveling day camps to the list of persons mandated to report abuse or maltreatment of children. Before Englebright's bill was signed into law, camp directors were only required to report on-site abuse or maltreatment to the Dept. of Health. Camp directors were not obligated to report abuse or maltreatment that had occurred outside the camp, but should they have chosen to contact the proper authorities on behalf of the child, the camp director could have been subject to civil liability actions such as slander and defamation. Section 419 of the Social Services Law provides immunity for mandated reporters from criminal and civil liability that might result from a good faith reporting of suspected child abuse or maltreatment. To classify camp directors as mandated reporters safeguards both our children and the camp directors who report suspected abuse.



Englebright at Fallen Firefighters Memorial

Assemblyman Englebright at the Fallen Firefighters Memorial Ceremony at the Empire State Plaza in Albany, on October 11th. The names of nine New York firefighters were inscribed in stone this year alongside 2,357 names of firefighters who had previously lost their lives in the line of duty. Assemblyman Englebright called the sacrifice of firemen, "one of the purest and truest forms of selflessness possible. They gave their lives so that we may live."

Reducing the Cost of Residential Solar Power: Chapter 413 of 2011

Assemblyman Englebright has been the Assembly's leading advocate for clean, renewable energy. This new law continues his work by reducing the costs of installation of residential solar systems. All photovoltaic systems currently sold on the market are now required to have equipment to prevent back-feeding power to the grid during power failures. This equipment makes previously required—and expensive—external disconnect switches redundant.

In 2009, the Public Service Commission ruled that all utility companies eliminate the requirement for the external disconnect switch used in residential solar installations. Because the PSC ruling did not have the force of law, Assemblyman Englebright introduced legislation to compel utilities to eliminate their requirement for external disconnect switches. This new law codifies the PSC ruling of 2009, saving homeowners who install solar photovoltaic systems up to \$1400.



Englebright Legislation Permits Construction of Lawrence Aviation Groundwater Treatment Plant (Chapter 39 of 2011)

Assemblyman Englebright and other officials at the ribbon-cutting of the groundwater treatment plant in Port Jefferson built to clean the toxic plume stemming from the Lawrence Aviation Superfund site before it reaches the harbor. The 0.35 acre site at Caroline Park required parkland alienation legislation which was sponsored by Assemblyman Englebright and Senator LaValle. Note, however, that there will be no net loss of public parkland. The parkland dedicated (2.31 acres) in replacement is substantially larger in area and will provide open space for the same purposes that the Caroline Parkland was being used for.

Englebright Appointed to Chair Committee on Government Operations

Assemblyman Englebright has been appointed chair of the Assembly Committee on Governmental Operations. The jurisdiction of this important committee encompasses a broad range of legislative issues including: public lands and buildings, lobbying and ethics laws, crime victims' rights, human rights, rights of individuals with disabilities, State procurement and technology policies, Freedom of Information and Open Meetings Laws, disaster preparedness, homeland security, redistricting, governmental reform and the organization and operation of the executive and legislative branches of State government.

Englebright to serve on Task Force investigating executive compensation at State funded not-for-profits

Governor Cuomo has appointed Assemblyman Englebright to be the Assembly representative on the new Task Force on Not-For-Profit Entities to investigate the executive compensation levels at not-for-profits that receive taxpayer support. The Governor's action follows reports of startlingly excessive salaries and compensation packages for executives at not-for-profits that depended on state Medicaid funding through the Office of People With Developmental Disabilities (OPWDD) and other State agencies.

The task force is currently awaiting responses to a letter it sent to not-for-profit organizations seeking detailed information about compensation for executives and board members. These organizations play an important role in New York State, often working on behalf of vulnerable populations. However, as these groups are supported by taxpayer dollars, Assemblyman Englebright is working to ensure that money is spent on helping others rather than excessive salary packages. There are currently no state rules governing executive and administrative compensation for not-for-profits that receive state support.

Save Money and Energy with Long Island Green Homes

One of the best ways individual Long Islanders can lower their utility bills and reduce fossil fuel consumption, greenhouse gas emissions, and air pollution is by improving the energy efficiency of their homes.

The Long Island Green Homes program can help homeowners make their homes more energy efficient and less costly to heat and cool. Most Long Island homeowners qualify for a free or reduced-cost comprehensive energy audit that comes with a report detailing how energy efficiency can be improved at a reasonable cost. Additionally, this program offers low-interest loans to assist with the costs of improvements.

To find out more, visit www.longislandgreenhomes.org.

Notable Legislation Passed this Session

Revamped Low Cost Energy Program Will Help LI Companies Create and Retain Jobs (Chapter 60 of 2011)

Two employers in the 4th Assembly District, Mather Memorial Hospital in Port Jefferson and Flagpoles, Inc. in East Setauket, currently receive low cost energy from the Power for Jobs Program. This year the Legislature created the Recharge New York Program to replace and improve upon Power for Jobs. New changes will allow other companies and non-profits to apply for seven-year power contracts that will help spur economic growth and create new jobs in our community.

Under Recharge New York, companies will be awarded power contracts based on capital investment commitments, job retention and creation, and consistency with regional economic development council priorities. Businesses participating in the program must also demonstrate a commitment to maximizing energy efficiency. Assemblyman Englebright will be working to bring power contracts to other local business to retain and create new jobs.

Keeping a Cap on the Rise of Property Taxes (Chapter 97 of 2011)

Local property taxes in New York State grew by 73 percent from 1998 to 2008 – more than twice the rate of inflation during that period. When property taxes are measured as a percentage of home value, the sixteen highest-taxed counties in the nation are all in New York. This measure requires school districts and local governments – including towns, cities, villages, counties, fire districts and all special districts – to cap increases in real property taxes at two percent or the rate of inflation, over the previous year's levy, whichever is less. For school districts, the two-percent cap may be exceeded with 60 percent of a public vote. For local governments, the cap may be exceeded with the approval of 60 percent of the governing body. If a local government or school district is under the limit, up to 1.5 percent of the previous year's levy may be carried over to the next year. In addition, local governments and school districts will be allowed to adjust the tax levy when there is a growth in the property base.

This legislation also includes a mandate relief package that will help reduce the rising cost of local government operations and deliver much needed tax relief to property owners.

Complete Streets: Designing Roadways with People in Mind (Chapter 398 of 2011)

New York State roads are some of the most dangerous in the nation. From 2007 through 2009, 884 pedestrians were killed because of poor road design and lack of amenities such as sidewalks, crossing walks and signals. The new Complete Streets law will assure that as new roads are built and old roads are redesigned, they will be safer for all of us—drivers, walkers, bikers, mass transit users, children, and the elderly.

Most transportation decisions focus on vehicle traffic, largely ignoring other forms of transportation. Under this new law, all Department of Transportation (DOT) Projects would be required to consider the transportation needs of not only motorists, but bicyclists, walkers, and mass transit users through implementation of Complete Streets design. These features include sidewalks, lane striping, crosswalks, and bicycle lanes. They could vary depending on rural, suburban, or urban locations. Complete Streets will reduce air pollution, encourage healthy transportation alternatives, decrease traffic congestion, and help preserve our natural resources. New York's communities will be safer and more livable for all of us because of this new law.

Protecting Students Who Sustain Sports-related Concussions (Chapter 496 of 2011)

News reports of the high incidence of dementia-related conditions among retired professional football players have brought a new awareness that a blow to the head during athletic competition should not be treated as inconsequential. Concussions are not tem-

porary injuries that athletes can just “dust themselves off” and get back into the game; especially student athletes. No child should suffer a lifetime of serious medical problems because they did not receive appropriate medical care for a concussion. This legislation will protect children from re-entering play too soon and suffering further harm after sustaining a concussion. Return to athletic activity would only be permitted following a 24 hour period of being symptom-free and with the approval of a physician.

Oral Anti-Cancer Chemotherapy Now Covered (Chapter 559 of 2011)

High out-of-pocket costs for oral anti-cancer medications result in one in six cancer patients stopping their medications against medical advice. This can lead to tragic recurrences, shortened lives, and increased long-term health care costs. This new law will save chemotherapy patients thousands of dollars in pharmaceutical costs by ensuring that insurance companies cover oral chemotherapy treatment to the same extent that it covers injections. The measure amends insurance law and increases coverage of chemotherapy medications while preventing insurers from hiking costs for other cancer care to make up for costs.

New Alert System Created for Missing Vulnerable Adults (Chapter 222 of 2011)

This important new law will create a system, similar to the nationwide Amber Alert program, to help authorities locate cognitively-impaired persons who go missing. The measure responds to a number of instances where cognitively impaired adults have wandered away from home for an extended period of time, often placing themselves at risk. Under the new law, the same Amber Alert mechanisms used to find missing children will be activated for missing vulnerable adults, including the printing and distribution of photographs and posters, a toll-free 24-hour hotline, a curriculum for training law enforcement personnel, and assistance for returning missing vulnerable adults who are located out of state.



Pictured above are Assemblyman Englebright and Governor Cuomo at the August 5, 2011 event announcing the elimination of the fee-based saltwater fishing license.

New York Saltwater Fishing Licenses Fees Eliminated (Chapter 60 of 2011)

When the state began in 2009 to require a fee-based saltwater fishing license, many residents felt a part of their Long Island marine heritage had vanished overnight. The federal government requires that all fishermen in marine waters be registered, and the state originally met this requirement by adopting the Recreational Marine Fishing License Program. This year, not only has free fishing been restored in New York's saltwater areas, but persons who purchased licenses got their money back. A new no-fee registry will allow New Yorkers to fish in coastal areas without any additional cost.

Legislation In Progress

High-Volume Hydrofracking Moratorium

Hydraulic fracturing or “hydrofracking” is a natural gas drilling technique that uses millions of gallons of water mixed with a variety of toxic chemicals and sand. This “frack fluid” is pumped deep into the earth to cause fracturing of rock formations, opening them to the extraction of natural gas. In New York State, an underground formation known as the Marcellus Shale contains abundant natural gas resources and is found below the Southern Tier, Finger Lakes, and Catskill regions.

As the NYS Department of Environmental Conservation moves forward with plans to allow drilling in the Marcellus Shale, Assemblyman Englebright, a geologist by training, has been among those advocating a moratorium on hydrofracking, citing problems that have arisen with drinking water supplies and waste water disposal in other states including neighboring Pennsylvania. Englebright has introduced A.6541, which would place a 5-year moratorium on high-volume hydrofracking to enable the State to responsibly study the issue and develop best practices for regulation of this technology based on unbiased scientific research.

Creating Green Jobs by Accelerating Solar Industry Development

Assemblyman Englebright’s bill A.5713, the New York Solar Industry Development and Jobs Act, will position New York State—and Long Island—as leaders in renewable energy by establishing a sustainable market for solar energy development. Increasing New York’s access to solar energy will provide stability against a volatile fossil fuel market, reduce peak demand, improve air quality, and create thousands of long-term, well-paying jobs across the State.

This measure draws from and improves upon successful models for solar energy development from other states and supports a broad diversity of business models, customer types and technologies in order to ensure market growth in all sectors. This legislation creates the Solar Renewable Energy Credit Program, which will stimulate the installation and generation of solar energy in New York State. A Renewable Energy Credit model provides investment stability through long term contracts and competitive bidding in open auctions.

The bill creates the long-term certainty necessary for large-scale solar investment, while driving down the cost of installation. Solar investment creates more jobs per megawatt than any other power source (on a capacity basis) and is a driver of local economic development. The Department of Energy’s National Renewable Energy Laboratory’s jobs and economic impact estimate tool predicts that the Englebright bill will create at least 3,200 well-paying jobs in New York through 2025, the year the bill would expire. Even more jobs could be created if the bill is renewed and expanded.

Catalyst for Job Creation

NY-SUNY 2020 Challenge Grant Program Act & the Stony Brook University SUNY 2020 Plan

Stony Brook University (SBU) is not only a world class learning and research institution; it is also a major driver of our regional economy. As the leading advocate for Stony Brook in the Assembly, Assemblyman Englebright played a major role in advancing the NY-SUNY2020 Challenge Grant Program and rational tuition plan for SUNY schools, which will enable expanded research and economic development as well as increasing access to a quality education at Stony Brook.

This initiative is designed to make SUNY a leading catalyst for job growth in New York State, while strengthening the academic and research programs at its four University Centers: Stony Brook, Albany, Binghamton and Buffalo. The initial phase of the program focuses on a \$35 million capital construction challenge grant that will be awarded to each Center upon approval of a long-term economic development and academic enrichment plan.

SBU plans to use these capital resources towards the construction of a \$194 million Medical and Research Translation (MART) building that will focus on cancer research and care and biomedical imaging. This project will bolster our region’s economic growth by strengthening the local economy in the construction, medical and science fields.

Additionally, SBU plans to hire additional faculty and staff and create economic development partnerships with industry in the Long Island region. The SUNY2020 plan gives SBU the ability to implement a predictable tuition program that will protect families from runaway tuition hikes and, at the same time, increase financial assistance for eligible students from families with an income of \$75,000 or less.

In addition, there is a “Keep it at SUNY” provision in the new law, which will ensure that revenue from the tuition increase will stay within the SUNY system and not go into the state’s general fund. A Maintenance of Effort provision guarantees that, unless a fiscal emergency is declared, state funding for SUNY cannot drop below the budget that existed during the 2010-2011 academic year. Stony Brook’s SUNY 2020 Plan will provide for:

- 4,200 construction jobs
- 267 new faculty, 400 new staff, and 80 new clinical jobs
- Creating or saving nearly 1,000 jobs through research partnerships with industries that bring new ideas to the marketplace
- More than \$50 million in total new revenue from research grant income

Phase II of the East Setauket-Port Jefferson Station Greenway Set to Begin

The East Setauket-Port Jefferson Station Greenway, a recreational and commuter path built on unused DOT Right of Way, has become a community treasure since its opening in the spring of 2010. Bicyclists, walkers, joggers, and parents with strollers have been taking to the path in greater and greater numbers as word of the Greenway spreads. A trip counter installed at the intersection with Old Town Road has recorded over 500,000 passes since opening.

Residents appreciate the opportunity to walk, bike and exercise away from the noise and hazards of car traffic. And at the intersections with main roadways, safety is enhanced by an active warning system that provides a forewarning to oncoming vehicles that path users are near or at an intersection.

Phase II of the Greenway/Bikeway is nearing the end of design. This will add two additional miles to the Greenway, one mile heading west and one mile heading east. Heading west from the Gnarled Hollow Road Greenway Parking lot, the path will end near the East Setauket Post Office. Heading east from the Suffolk County Parkland Sandpits, Phase II will take the path to Port Jefferson Station, ending at the parking area on Route 112 near Hallock Road.



Eagle Scouts Bring Park Benches to the Setauket Greenway

Tyler Corsello and Anthony Stella of Boy Scout Troop 427 of Setauket were honored for achieving the rank of Eagle Scout, the highest in Scouting. Tyler and Anthony’s community service projects involved improvements including benches along the East Setauket-Port Jefferson Station Greenway. Assemblyman Steve Englebright presented Citations from the State Assembly to Tyler and Anthony at a ceremony held at the St. James R.C. Church Parish Center in Setauket. Pictured above from left to right are Nick Koridis, Troop 427 Scoutmaster; Eagle Scouts Tyler Corsello and Anthony Stella; Assemblyman Englebright; and Charlie McAteer, President, Friends of the Greenway.