



# Capital *Update*

*A Special Message From*

Assemblyman

**Robin Schimminger**

*140<sup>th</sup> Assembly District*



## You may want to know...

*A brief overview of some new state laws that may affect you, your family, friends and neighbors.*

### 2014 Legislative Session

*This year, as every year, we in the State Legislature considered thousands of bills on a broad range of issues, and, of those, hundreds of proposals received enough support to be enacted into law. In this report, I wanted to narrow the focus and tell you about a few changes that you may not be aware of, but nonetheless might find it useful to know about.*

*Each of the measures included in this report have been passed by both houses of the Legislature, and have been, or can be reasonably expected to be, signed into law by the Governor. Please be aware that some of these provisions may not become fully effective immediately.*

*I hope this information is helpful to you, and, as always, I welcome your thoughts on these or any other issues.*

*Sincerely,*

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## CONSUMER CORNER

The safety of our children is of the utmost importance. Two measures were passed by both houses of the Legislature that would prohibit the use of unsafe products for children. Under the first measure, the state legislature expanded a 2011 law which prohibited the use of TRIS (2-chloroethyl) phosphate or TCEP in child care products. The new provision will include **banning the use of TRIS (1, 3-dichloro-2-propyl) phosphate or TDCPP in certain child care products,**



**such as car seats,** because these chemicals have been linked to cancer, birth defects, and other reproductive issues.

Another law we enacted in 2010 prohibited the sale of any crib that does not meet safety standards established by the U.S. Consumer Product Safety Commission. This new law **bans the use of non-compliant cribs that do not meet applicable safety standards in certain child care facilities and lodging accommodations.**

## GRANT FUNDING

Libraries have been and continue to be staples of learning in our communities. Chapter 498 of the Laws of 2011 made two changes to the way that state Public Library Construction Grants are used and awarded. In June, the Town of Tonawanda's Kenilworth and Kenmore branches received \$30,263 and \$87,375, respectively, in funding from this program to update their heating and cooling systems. The City of Tonawanda Public Library received \$29,546 and the North Tonawanda Public Library received \$9,515 to upgrade their buildings' energy efficiency. This program had been set to sunset on March 31, 2015; however, we passed a measure this year that **will extend the program to March 31, 2020.**

Volunteer fire companies provide vital services and help lessen the burdens on our local governments, but they are not considered, under current state law, to be eligible for the state's Records Management Improvement Grant Program. Volunteer fire companies would benefit greatly from funding for the proper organization, retention, and management of records, including active members lists, length of service lists, budgets, and mutual aid agreements. A pending new law will **make volunteer fire companies and volunteer ambulance companies eligible to apply for the Records Management Improvement Grant Program.**

## ENVIRONMENTAL ECONOMIC DEVELOPMENT

The state's Brownfield Cleanup Program remediates brownfield sites by removing hazardous substances and puts unusable land back on the tax rolls through tax credits awarded to developers who clean up polluted properties for commercial re-use and create jobs. In Western New York, 53 sites have benefited from this program, such as the Remington Rand site in North Tonawanda and the recently announced River-



Bend project site in Buffalo. Across the state, more than \$7 billion in private development has occurred because of the Brownfield Cleanup Program; however, it was set to expire on March 31, 2015. In legislation passed by both houses, the program will be **extended until March 31, 2017, the State Superfund will be refinanced through**

**March 17, 2017 and \$100 million has been appropriated for the Superfund program for the current 2014-15 fiscal year.**

The encouragement of safe, reliable, and diverse renewable energy supplies, such as wind or solar energy systems, that decrease the state's dependence on fossil fuels and imported petroleum products and promote economic growth is a goal we all share. To incentivize such businesses, the state created the real property tax exemption for solar, wind and other alternative energy systems, which helps spur the development of renewable energy and in turn contributes to reductions in harmful emissions. A measure we passed will **extend the program through 2025.** Local governments can opt into the program by passing a local resolution.

## HEALTH CARE CHANGES

Medical marijuana has the potential to help alleviate some of the pain and suffering of New Yorkers afflicted with serious illnesses like Parkinsons, cancer, HIV/AIDS, Lou Gehrig's Disease, Huntington's Disease, epilepsy, and more. More than 20 states in the union have recognized that there are therapeutic and palliative benefits associated with the use of medical marijuana. We enacted legislation this year that would **allow licensed physicians to determine if a patient suffering from a debilitating or life-threatening illness is likely to benefit from the use of medicinal marijuana. Patients would then receive a special identification card, which they'd be required to carry while in possession of the drug. The bill also imposes penalties on anyone attempting to defraud the program; makes it a felony for a practitioner to prescribe marijuana when there is no medical need; and limits the prescribed forms of the drug to oil-based extracts, pills, edibles, and vaporized forms.** The legislation caps the number of licensed marijuana growers at five and the number of dispensary locations at 20 statewide.

Here in New York a person may designate a health care agent, who is usually a family member or trusted friend, to make medical decisions on his or her behalf in the event that he or she is unable to communicate or make his/her own health care decisions. Unfortunately, instances may occur when the health care agent might not act in the patient's best interest. Under legislation that I co-sponsored, a court will be able to **remove the authority of a health care agent from making medical decisions on behalf of a patient if the agent is subject to an order of protection against the patient, or has been arrested or criminally**

**charged with a criminal act that allegedly caused the patient's incapacity.**

According to the American Cancer Society, more than 800,000 new skin cancer cases of highly curable basal cell or squamous cell cancers are diagnosed each year. Skin care prevention involves taking appropriate steps to limit exposure to the sun's ultraviolet rays, wearing protective clothing, and using sunscreen. Sunscreen products have an effectiveness life of three to five years, but there is currently no requirement to add expiration dates on the bottles. A new law will **require certain sunscreen products made in New York to be labeled with expiration dates.**

Heroin and opioid use has become a huge problem in New York State and statistics show it is getting worse. In an effort to help address this growing pandemic, we passed a legislative package of bills that will help increase awareness and prevention, ensure treatment is available, crack down on criminal offenders, and reduce drug use among teens. A few of the provisions include directing the State Education Department to **update health education curriculum on substance abuse, including the dangers of abusing heroin and other opioids.** Another measure authorizes the State Office of Alcoholism and Substance Abuse Services to work with the Department of Health to **establish the Opioid Addiction Treatment and Hospital Diversion Demonstration.** Finally, several measures help to discourage the illegal distribution of controlled substances. The first **creates the offense of prescription medication fraud and deceit as a class A misdemeanor.** Additionally, **the illegal sale of a controlled substance by a practitioner or pharmacist will now be a class C felony.**

## SALUTING OUR VETERANS

When the Twin Cities Memorial Highway was named in state law in 1970 citizens and community leaders in the Twin Cities had wanted the name to honor military personnel from the Cities of Tonawanda and North Tonawanda who died in Vietnam, but because of the sensitive nature of the times, the words Vietnam Veterans were left off of the official name. Vietnam Veterans Memorials went up months later, not paid for by the state, at the entrance and exit ramps below the highway's bridge spanning the Erie Canal. However, the stone monuments were located in isolated areas and over the years both cities relocated their Vietnam Veterans Memorials. While the monuments still honor those who died in Vietnam, they now stand far removed from the arterial. Legislation I sponsored this year that has been passed and signed into law **re-dedicates the Twin Cities Memorial Highway as the Twin Cities Vietnam Veter-**



**ans Memorial Highway to honor the Tonawandas' fallen Vietnam veterans as was originally envisioned.**

Today, New York is home to more than 900,000 veterans, including 88,000 New Yorkers who have served in Afghanistan and Iraq. Although the state ranks fourth in the nation for the amount of veteran-owned small businesses in the country, often it is difficult for these small business owners to compete for state contracts. Another new law passed this year was designed to increase our commitment to veterans with service-related disabilities who have started their own businesses. **In order to open the door to the state contracting process, the Service-Disabled Veteran-Owned Business Procurement Act was enacted, setting a goal of awarding at least six percent of the state's contracts to certified businesses owned by service-disabled veterans.**

## PROTECTING VULNERABLE PERSONS

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Local Child Protective Service agencies handle large numbers of cases of suspected abuse and maltreatment each year. In an effort to better understand the needs of the local social services districts, a new law will **require an annual report in which local CPS agencies input data on supervisory and non-supervisory staffing levels, the average caseload per month per CPS employee and steps taken to lower the average caseload per employee.** The data will also be available to the public on each of the local agencies' websites.

Testifying before a grand jury can be stressful for anyone, especially for an elderly witness who may suffer from physical, mental, or emotional impairment. Sometimes, these

vulnerable individuals may be afraid to testify against a defendant, fearing that an abusive home health aide might seek retribution, or that an abusive family member might place the victim in a nursing home. The Criminal Procedure Law allows social workers, rape crisis counselors, psychologists, or other professionals to accompany child witnesses in grand jury proceedings, but does not allow for the same courtesy to be made to impaired elderly witnesses. In an effort to better serve vulnerable older adults, I sponsored legislation this year, which was passed by both houses of the Legislature, **to allow a social worker or an informal caregiver to be present and give care to a vulnerable elderly person who testifies in a grand jury proceeding.**

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## CRIMINAL JUSTICE UPDATES

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In 1995, New York created the Sex Offender Registry to assist local law enforcement agencies with protecting their communities, in addition to providing information to the public about certain sex offenders living in their communities. Up until now, only the most recent sex offense was required to be listed on the registry. A new law will **make available for public view all prior convictions which would qualify for registration in the Sex Offender Registry.**

Another measure I co-sponsored that was passed by both houses of the Legislature **allows volunteer fire departments to screen applicants for sex offense convictions**

**and authorizes the fire department to refuse a volunteer with a sex offense conviction.**

According to the U.S. Department of Justice, one in four cases of stalking involves the use of technology, and one in 13 cases involves electronic monitoring and Global Positioning System (GPS) tracking, which is often linked to domestic violence cases. In an effort to better protect victims of stalking and domestic violence, we passed legislation that creates the crime of stalking in the fourth degree, which makes it **illegal to use a GPS or other device to follow or track an individual with the intent to cause physical and mental harm.**