



Capital *Update*

A Special Message From

Assemblyman

Robin Schimminger

140th Assembly District



You may want to know...

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

2015 Legislative Session

Dear Friend,

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 measures garnered enough support in the legislative process to be enacted into law.

In this report, I wanted to narrow the focus and tell you of a few changes that you may not be aware of, but might find it useful to know about. Each of these measures has been passed by both houses, and has 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. As always, I welcome your thoughts on these or any other issues.

Sincerely,

Inside...

Senior Citizens

Jobs &
The Economy

Health Care Changes

Supporting Those
Who Serve

Protecting
Vulnerable Persons

Keeping Us Safe

SENIOR CITIZENS

Each year hundreds of thousands of elderly people are abused, neglected, or exploited in the United States. Many victims are people who are older, frail, and vulnerable and cannot help themselves and depend on others to meet their most basic needs. Abusers are both women and men, and may be family members, friends, or trusted caregivers. Unfortunately, the number of elder abuse cases has been on the rise, and while many people are aware of the problem generally, they may not know what to specifically look for or where to file a report about their concerns. A new initiative has been passed by both houses that would **require the State Office for the Aging to conduct a public education campaign regarding elder abuse.** The focus would be on the signs and symptoms of elder abuse, where suspected elder abuse can be reported and contact information for programs that can help.

Social adult day services and other local aging programs are an important component of the community-based ser-



vice-delivery system that helps delay or prevent nursing home placement and the need for other costly services by providing vital assistance to individuals with cognitive and/or physical impairments. A new law, once signed by the Governor, **will require the State Office for the Aging to develop materials that provide information about programs and services offered by local area agencies to be distributed to patients being discharged from hospitals.**

The Ombudsman Program is an effective advocate and resource for older adults and persons with disabilities who live in nursing homes, assisted living and other licensed adult care homes. Ombudsmen help residents understand and exercise their rights to good quality care in an environment that promotes and protects their dignity and quality of life. The program was set to expire on December 31, 2015, but we in the State Legislature enacted legislation that **will extend the Ombudsman Program through 2017.**

JOBS & THE ECONOMY

Western New York has benefitted greatly from the Brownfield Cleanup Program, which removes dangerous toxins from abandoned properties and puts dormant land back on the tax rolls. Projects like the renovation of the former Remington Rand building in North Tonawanda and the cleanup of the former Polymer Applications site in the Town of Tonawanda would likely not have been undertaken without the assistance provided from this program. This year, **we extended the Brownfield Tax Credit Program through 2025 and established new guidelines for asbestos and lead-paint abatement.**

Industrial Development Agencies are public benefit corporations that promote and assist private sector business development. One main objective of IDAs is to advance job opportunities and the economic well-being of communities by providing certain tax exemptions and financial assistance to private entities for a variety of projects. A bill was passed by both houses of the



Legislature that would **require IDAs to develop standard application forms and uniform criteria for assessing financial assistance applications.**

In recent years, an emphasis has been placed on “green energy” solutions to better the health of our environment. This year, two initiatives have been enacted into law that would incentivize residential property owners to invest in environmentally-friendly, energy saving equipment while also providing a boost to these fledgling industries. The first establishes a **tax credit for the purchase and installation of geothermal energy systems** that do not require the burning of fossil fuels and emit almost no carbon gases. The tax credit, not to exceed \$5,000, will be available to taxpayers who install a geothermal energy system in their primary residential home. Another new law will **exempt homeowners who purchase solar energy system equipment to produce energy designed to provide heating, cooling, hot water and/or electricity from state and local sales taxes.**

HEALTH CARE CHANGES

According to the National Survey on Drug Use and Health, 70 percent of controlled substance prescription abusers obtain their drugs from a family member or a friend who had been previously prescribed the medication. Currently, there are limited

options for individuals looking to properly dispose of their unused medications. Medication drop boxes are only available at law enforcement agencies, and not all police departments participate in the program. Another option is to wait until there is an orga-

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HEALTH CARE CHANGES (continued)

nized prescription drug drop-off day in the area. Legislation that was passed by both houses would **allow retail pharmacies and other Drug Enforcement Administration authorized collectors to begin functioning as prescription drug collection sites.**

This year, the New York State Legislature passed several bills that relate to the treatment of pregnant women and their healthcare. Some pregnant workers require modest adjustments on the job for conditions related to pregnancy and childbirth in order to stay healthy and keep working. For instance, pregnant employees may require a stool to sit on, more frequent bathroom breaks, a transfer away from hazardous duties and reasonable time off for childbirth recovery. A new law, once signed by the Governor, would **end pregnancy discrimination in the workplace by clarifying that**



employers must perform a reasonable accommodation analysis for employees with pregnancy-related conditions, who would then be treated as someone with a temporary disability for the purposes of current Division of Human Rights regulations. Another measure will make New York the first state to **make pregnancy a qualifying life event for health plan enrollment**, allowing women to sign up for health coverage when already pregnant.

Back in 2008, we enacted a law that allows pharmacists in New York State to administer flu and pneumococcal vaccines, which has had great success. This year, we are expanding the scope of vaccines pharmacists can administer to **include herpes zoster (shingles), tetanus, diphtheria and pertussis.** The new law took effect immediately and will be in effect through July 2019.

SUPPORTING THOSE WHO SERVE

Active duty training for reservists or members of the National Guard or Air Guard is designed to enhance or refresh skills that are needed for military operations or deployments. Sometimes, active duty or training requirements interfere with a service member's ability to take a New York State Civil Service exam. Legislation that was passed by both houses of the Legislature would **allow service members called away to training or active duty deployment to take a makeup Civil Service examination.**

Military families often move around to different military bases throughout their career. Military families with members who have developmental disabilities



face additional challenges during these relocations, because their loved ones with developmental disabilities often need additional services. In an effort to assist these individuals more effectively so that services are not interrupted during these transition periods, we have enacted a new law that will require the Office for People with Developmental Disabilities in consultation with the Division of Military and Naval Affairs and the State Education Department to review existing laws and regulations applicable to military families in need of agency services and make recommendations to the state on ways to improve state laws, regulations and practices to better assist these families.

PROTECTING VULNERABLE PERSONS

In December 2014, President Obama signed into law the Achieving a Better Life Experience (ABLE) Act, which allows states to establish ABLE savings accounts, that will be exempt from the monetary limits related to income thresholds for Medicaid and Supplemental Security Income (SSI) benefits for people with disabilities. New York State has now passed legislation that will allow the State Comptroller to **create ABLE accounts and establish the NY ABLE Account Advisory Council**



to study, review and make recommendations to the Comptroller about any further legislative or regulatory actions that may be needed.

Alzheimer's Disease is the most common cause of dementia among older adults, affecting more than 5 million people nationwide. Dementia is the loss of cognitive functioning—thinking, remembering, and reasoning—and behavioral abilities to such an extent that it interferes with a person's daily life and activities. There are many

Continued on next page

KEEPING US SAFE

Amanda Lynn Wienckowski, formerly of Tonawanda, was found dead in a garbage tote on the City of Buffalo's east side in the winter of 2008 at the age of 20. Although no formal charges have ever been made, it has long been believed that someone connected to her death placed her body in the tote. Legislation passed by both houses, which I authored in the Assembly, would **make it a class E felony to conceal, alter or destroy a human corpse with the intent to prevent its production, use or discovery.** A person would be guilty of this crime when there is a reasonable expectation that a human corpse would be used as physical evidence in an official proceeding or that an autopsy would be performed as part of a criminal investigation.

New York State has seen a dramatic increase in the number of cases where a driver leaves the scene of a fatal or serious injury accident. A new law would **create the crime of "aggravated**

leaving the scene of an incident without reporting." A person would be guilty of this class C felony if he or she left the scene of an accident resulting in death or serious injury and had a prior driving while intoxicated conviction.

When a loved one goes missing, family members and friends often turn to the police for assistance with locating them. However, many police departments do not always allow for family members to file a missing persons report until after a certain amount of time has passed. Legislation that was passed by both houses will **require police agencies to electronically file a missing person's report within 24 hours to the National Crime Information Center Register.** This will create a permanent record of all reports of missing persons and can assist law enforcement agencies in identifying if a missing person has been located in a hospital or morgue.

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PROTECTING VULNERABLE PERSONS (continued)

programs in New York State that are designed to assist and support individuals with this disease. Legislation has been passed that would **create a program database on the State Office for the Aging website so that the public would have access to information about programs available to sufferers of Alzheimers' and their family members and caregivers in each geographic area of the state.** The link on the website would go live one year from when the Governor signs the legislation into law.

Roughly 80,000 children in New York State were reported abused or neglected in 2010, according the NYS Central Register of Child Abuse and Maltreatment. Unfortunately, sexual crimes,

including the production and distribution of child pornography, are among the most under reported crimes in the nation. Sexual assault can cause severe physical and psychological trauma to victims, including depression, suicide, alienation and post-traumatic stress disorders. In order to assist victims, we in the State Legislature passed a bill that would require the Department of Health to **develop materials to educate the public about the availability of counseling programs, educational programs and not-for-profit organizations that specialize in assisting victims of sexual offenses and victims of child pornography promotion and possession.**