



Assemblyman  
**CARL E. HEASTIE**  
*Reports To The People*

WINTER 2012



*Dear Neighbor(s),*

*As the Holiday Season approaches, I want to wish you and your family a Merry Christmas and a prosperous New Year. I write to update the community on what has been accomplished recently in the State and Community. Since the last newsletter, the Governor has signed many bills into law and among them several pieces of legislation that are of significant importance.*

*As 2012 draws to an end, I wanted to inform you of the progress we have made to meet the needs of the people of New York State. As always, if there is any way that I can be of assistance to you, please do not hesitate to contact me. My office is here to serve you.*

*With Love and Hope,*

*Carl E. Heastie*

Carl E. Heastie  
 Member of Assembly



## Assemblyman Carl E. Heastie and Pathmark Grocery Store Provide Turkeys for Thanksgiving Dinner

Assemblyman Carl E. Heastie in conjunction with the Food Industry Alliance has provided turkey dinners for seniors and families in the Northeast Bronx for Thanksgiving celebrations. In the true spirit of Thanksgiving, turkey dinners with “all the fixins” were given to local families, churches, and senior centers so residents could enjoy a traditional Thanksgiving dinner.

“I would like to recognize the work of the Food Industry Alliance as they help local families enjoy the spirit of the Holiday season,” said Assemblyman Heastie. “This is just another example of how New Yorkers come together in the wake of adversity to help members of the community,” stated Assemblyman Heastie.

Assemblyman Heastie, with the help of the Food Industry Alliance, provided the coordination of these events.



*Assemblyman Carl Heastie distributes free turkeys to members of the Northeast Bronx community for Thanksgiving.*

# SIGNIFICANT LEGISLATION

## CITIES

**NYC Taxi Licenses** authorizes New York City to sell 2,000 accessible taxi licenses and 18,000 HAIL licenses. Under the bill, the HAIL licenses would allow livery cars to pick up street hails in northern Manhattan, Bronx, Brooklyn, Queens and Staten Island. ([A.8691-A](#) / S.6118-A; Chapter 9)

## CODES

**False Financial Claims** requires a court, upon conviction of an individual for filing a false financial statement, to issue and file with the Secretary of State a certificate of the conviction. The bill would ensure that victims have proof of the fraudulent financial statements that are being used against them and help repair the damage caused to their credit history. ([A.3457](#) / S.6354; Chapter 113)

**Social Services Employees Assault** enhances the criminal penalties for assaulting certain employees of a local social services district while they are performing their duties from a Class A misdemeanor to a Class D felony. ([A.4672-D](#) / S.7720; Chapter 434)

**Voluntary Surveillance Access Database** establishes a voluntary surveillance access database. Under the bill, homeowners and business owners could participate in a program that permits private security cameras or other electronic video surveillance systems to be made available to law enforcement agencies to help solve crimes and apprehend criminals. ([A.9380-B](#) / S.7775; Chapter 287)

**DNA Testing** expands the collection of DNA samples from defendants convicted of crimes in New York State to include all felonies and all penal law misdemeanors. The bill also enhances the protections afforded to defendants to demonstrate their innocence by providing access in certain circumstances to DNA testing in post-plea contexts. In addition, the bill provides for the ability of the court to order discovery for convicted defendants who file a post-conviction motion seeking to demonstrate actual innocence. ([A.9555](#) / S.6733; Chapter 19)

**Domestic Violence Omnibus Bill** establishes a domestic violence fatality review team to examine the factors involved in domestic violence deaths and near-deaths and to make recommendations to prevent future fatalities. The bill prohibits persons who are the subject of an order of protection from the decedent or who are charged with the homicide of the decedent from controlling the disposition of the decedent's remains. The legislation would make technical corrections to the confidentiality program of the Department of State. The measure also would allow a court to consider prior violations of an order of protection and prior use of a firearm when determining the issuance of an order of recognizance or bail. In addition, it also establishes the crime of aggravated domestic violence. ([A.10624](#) / S.7638; Chapter 491)

**Prohibits Sexual Performance by a Child** expands the definition of the crime of possessing an obscene sexual performance by a child, which is punishable as a Class E felony and ban the viewing of child pornography in digital form. The measure also provides that an attorney will not be guilty of possession of child pornography if he or she possesses the image as a part of the attorney's representation of a defendant charged with such crime. ([A.10713](#) / S.7742; Chapter 456)

## CORRECTIONS

**Medical Records Access** permits the Commission of Correction to subpoena medical records of both living and deceased inmates from hospitals and other outside medical providers in order to carry out its function of investigating and reporting on the delivery of medical care to inmates. ([A.9553](#) / S.6847; Chapter 232)

**Sex Offender Photographs** clarifies the discretion of local law enforcement agencies to take a new photograph of a level 3 sex offender if, at the time he or she appears for a quarterly address verification, his or her appearance has changed. ([A.9229](#) / S.7569; Chapter 364)

**Transcripts of Parole Board Hearings** instructs the Board of Parole to make a verbatim transcript of each parole board interview of a sex offender and provide the transcript to the Office of Mental Health for use in conducting reviews of offenders for possible civil commitment upon release from incarceration. ([A.8917](#) / S.6785; Chapter 363)

## EDUCATION

**School Funding** increases school aid formula funding for the SFY 2012-2013 Budget, reversing several years of no increases. The bill increases General Support for Public Schools by \$805 million over the previous school year, including \$751 million more in funding for formula based aids. This is a 3.9 percent increase, which is the first year-to-year increase in three years. ([A.9057](#) / S.6257; Chapter 57)

**Maintain School Aid for Flood-Ravaged Districts** permits distribution of full state aid to a community stricken by a catastrophic event. The bill holds school districts financially harmless if a school has lost up to 10 days during the 2011-12 school year, and is unable to be in session for the state mandated 180 days due to a federal declaration of a natural disaster, state disaster emergency, or certain other exceptional events. ([A.9442](#) / S.6284; Chapter 139)

**Moratorium on School Closing in New York City** prohibits the chancellor of the New York City School District from proposing any school closing, school phase-out or grade reconfiguration during the 2013-14 or 2014-15 school years. The bill also would establish a school closure evaluation and review committee which would report on the impact of school closings in NYC by September 30, 2014. ([A.6158-B](#); Passed Assembly / S.4465-A; Rules)

**New York City School District Mandatory Kindergarten** authorizes the New York City Board of Education to require minors who are five years old by December 1, to attend kindergarten instruction except for those students who are enrolled in non-public schools or who are home-schooled. ([A.9861](#)/S.7015; Chapter 157)

**New York City School Busing Exemption** exempts the New York City school district from the "like circumstances" provision in the Education Law when the city school district provides existing contract bus service for children in the elementary grades to students in grades seven and eight. The bill would allow the New York City school district to restore bus services that were provided during the 2009-10 school year. ([A.8683-B](#)/ S.6027-B; Chapter 42)

**Co-Location in the New York City School District** requires the community district education councils to approve school co-location proposals in their district prior to the proposal being voted upon by the city board. ([A.9551](#); Passed Assembly)

**Pre-K Students Transportation** permits school districts to provide busing for pre-kindergarten students so long as it is provided equally to all children in similar circumstances and the voters of the district approve a proposition to provide transportation to these students. ([A.10397-A](#) / S.7218-A; Chapter 244)

**Cyberbullying Prevention** protects students from cyberbullying as well as harassment and discrimination by requiring school districts to establish protocols to respond to cyberbullying, harassment, bullying and discrimination, including designating a school official to receive and promptly investigate reports and take preventive actions. The legislation also requires schools to coordinate with law enforcement, when appropriate, develop a bullying prevention strategy and provide notice to all school community members of the school's policies. ([A.10712](#) / S.7740; Chapter 102)

**State Seal of Biliteracy** establishes the State Seal of Biliteracy, which would certify attainment of a high level of proficiency by a graduating high school student in one or more languages in addition to English. The academic criteria necessary to earn the State Seal of Biliteracy will be established through regulations set by the commissioner of SED. Under the bill, school district participation in the program is voluntary and fees could not be charged to students for participation in the program. ([A.10292-A](#) / S.7522A; Chapter 271)



**Teacher Evaluation Disclosure** provides that school districts and Boards of Cooperative Educational Services (BOCES) must fully disclose final quality ratings and composite effectiveness scores from the annual professional performance reviews (APPR) of its teachers and principals to the State Education Department (SED) and upon request to a student's parents or legal guardians. The bill also requires SED to provide this information on its website and requires the data to be suitable for research, analysis and comparison of APPR data. Under the legislation, the data also would be provided in certain itemized categories and the inclusion of personally identifying information is prohibited. ([A.10786 / S.7792](#); Chapter 68)

## ENERGY

**Utility Emergency Plans** requires electric utilities to submit annual detailed utility emergency plans to the Public Service Commission (PSC) for its review and approval to address the needs of utility customers during storms and other emergency situations. ([A.10162](#); Passed Assembly / S.1083; Rules)

## ENVIRONMENTAL CONSERVATION

**Hydraulic Fracturing Health Assessment** requires a comprehensive health impact assessment of the effects of high volume hydraulic fracturing in New York State by requiring a school of public health within the State University of New York. The bill also allows for a public comment period on the draft of the health impact assessment and requires the Health Department to make the assessment publicly available. ([A.10234](#); Passed Assembly)

**Sewage Pollution Right to Know Act** Requires discharges involving the release of untreated or partially treated sewage or sewer overflows to be disclosed within two hours of discovery to the Department of Environmental Conservation (DEC) and the local health department. The bill also requires that neighboring communities be notified and that information about the discharge be posted on the DEC web site. ([A.10585-A / S.6268-D](#); Chapter 368)

**Increased Funding for the Environmental Protection Fund** requires a percentage of the proceeds of unredeemed containers, collected through the state's "Bottle Bill," to be deposited in the state's Environmental Protection Fund. ([A.10519 / S.7525](#); Passed Both Houses)

## GOVERNMENTAL OPERATIONS

**Dream Fund** creates the Development, Relief and Education for Alien Minors (DREAM) Fund Commission, which will raise private funds to provide scholarships to college-bound children with at least one parent who is an immigrant. The bill establishes the fund, which will make family tuition accounts available to anyone who provides a valid taxpayer identification number. ([A.8689-B](#); Passed Assembly)

**Clothing and Footwear Sales Tax Lifted** restores the sales tax exemption on clothing and footwear on apparel items and shoes costing less than \$110 beginning April 2012. ([A.9059-D / S.6259](#); Chapter 59)

**Intercity Bus Operations** authorizes an intercity bus passenger service permit system in the City of New York, for the loading and unloading of passengers on the city's streets. ([A.4578-A / S.4313-B](#); Chapter 410)

**Counseling Services for Families of Homicide Victims** expands the eligibility for counseling services from the Office of Victim Services to more family members of homicide victims to include the guardians, siblings and step-siblings of victims. ([A.9898 / S.6848](#); Chapter 233)

**Redistricting Reform Act of 2012** establishes an independent redistricting commission to reflect the diversity of the state and requires that new district lines be drawn to protect minority voting rights and affirmatively and transparently explain any deviations from the mathematically ideal population size of each district. The bill also requires statewide public hearings, the commission's disclosure of all relevant data and publication of the proposed plans as well as drafting the proposed district lines in public. ([A.9557 / S.6736](#); Chapter 17)

**Constitutional Amendment to Reform the Redistricting Process** amends the state constitution to create an independent redistricting commission to draw district lines. The measure requires new district lines to be drawn to protect minority voting rights and population equality for each district and mandates extensive public hearings statewide. Under the resolution, the newly established commission is required to publish all relevant data and draft plans to facilitate public review. ([A.9526 / S.6698](#); received first passage and delivered to the Secretary of State)

**Muni-Meter Parking** provides an affirmative defense to a parking ticket if a muni-meter receipt was purchased before, or up to five minutes after, a ticket was issued. ([A.9353-C / S.6727-B](#); Chapter 486)

## HEALTH

**Medicaid Reform** requires the state to implement a three-year, phased-in takeover of the growth in the local share of Medicaid expenditures beginning in SFY 2013-14, with the state assuming the administration of the Medicaid program from localities over a multi-year period, with full takeover to be completed by March 31, 2018. ([A.9056-D / S. 6256](#); Chapter 56)

**Curb Prescription Drug Abuse** establishes the Internet System for Tracking Over-Prescribing (I-STOP) Act, a real-time prescription monitoring registry to provide timely and enhanced information to practitioners and pharmacists. It also would require all prescriptions to be electronically transmitted. The bill also modifies the state's Controlled Substances Schedule by moving drugs with small amounts of hydrocodone to Schedule II and adding tramadol to Schedule IV, and directs the Department of Health to establish a safe disposal program for unused controlled substances. ([A.10623 / S.7637](#); Chapter 447)

**Dense Breast Tissue Notification** requires physicians to notify their patients when dense breast tissue is detected by a mammogram screening. The bill would raise awareness among women with dense breast tissue and encourage them to consult with their doctor about the potential health risks they face. ([A.9586-D / S.6769-B](#); Chapter 265)

**Access to Post Exposure Prophylaxis Treatment** enables survivors of sexual assault who have undergone a forensic rape exam to receive a seven day starter pack of HIV post exposure prophylaxis (PEP) treatment. ([A.669-C / S.3200-B](#); Chapter 39)

**Disabled Parking** authorizes optometrists to certify a patient's disability for the purpose of obtaining a license plate for disabled parking. ([A.7574-A / S.1340-A](#); Chapter 277)

**Electronic Cigarettes** adds electronic cigarettes to the provisions governing the sale of tobacco products, herbal cigarettes and shisha. ([A.9044-B / S.2926-B](#); Chapter 448)

**Whooping Cough Vaccinations** requires hospitals to offer whooping cough vaccination to parents or guardians of newborns being treated by the facility. ([A.9381 / S.6500](#); Chapter 215)

**Medicaid Home Care** exempts Medicaid recoupments or reductions for certain home care providers from interest charges between April 1, 2009 and March 31, 2014 in order to provide relief to the home care industry from the impact of the state's rate adjustments. ([A.9664-B / S.6493-B](#); Veto 161)

**Assisting Transition from DRIE to SCRIE** creates a system to ensure that DRIE participants are seamlessly transitioned to the SCRIE program once they are eligible for both programs. ([A.9223-A / S.6591](#); Chapter 286)

**Prohibiting Body Piercing of Minors** requires written parental consent for persons less than 18 years of age who want to receive a body piercing. ([A.10095 / S.7446](#); Chapter 270)

**Prohibit Smoking Near Schools** prohibits smoking within 100 feet of primary and secondary school entrances and exits or outdoor areas. ([A.10141-B / S.6854](#); Chapter 449)

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**Treatment Option Information** requires that patients diagnosed with a terminal illness or condition be given information regarding other appropriate treatment options should the patient wish to initiate or continue treatment. ([A.10373](#) / S.7596; Chapter 256)

**Pharmacists Administering Shingles Vaccine** allows licensed pharmacists to administer the shingles vaccination to individuals who provide a prescription from a physician or nurse practitioner. ([A.6301-D](#) / S.3808-B; Chapter 116)

**Health Care Mandatory Reporting** requires that when a complaint of sexual offense has been made against a licensed health care or mental health care provider during a treatment session, consultation, interview or examination, the investigating professional conduct officer or the Office of Professional Discipline must notify the appropriate law enforcement authority. ([A.10336-B](#) / S.7456-B; Chapter 365)

## HOUSING

**Domestic Violence Shelter Stay Extender** permits a second 45 day extension, if needed, in a domestic violence shelter. ([A.2651-B](#) / S.6308-A; Chapter 459)

**Rental Increase Capped** limits the amount a landlord could increase rent on a vacated rent-regulated apartment from 20 percent to 10 percent to preserve the availability of affordable housing. ([A.2593-A](#); Passed Assembly)

**Vacancy Decontrol** repeals vacancy decontrol laws that permit landlords to remove rent-regulated apartments from regulation when rent equals or exceeds \$2,000 per month. ([A.2430-A](#); Passed Assembly)

**Protection Against Unilateral Rental Rate Adjustment** prevents a Rent Guidelines Board from adjusting rental rates in the absence of legislative authorization. ([A.7234-A](#); Passed the Assembly)

**Rental Formula Parity** requires the rental formula used to determine rent increases for rent-controlled apartments by the Division of Housing and Community Renewal to be the same formula used by the Rent Guidelines Board to decide rent increases for rent-stabilized apartments. ([A.1892-B](#); Passed Assembly)

**Mitchell-Lama Housing Conversion** requires buildings that are removed by their landlords from the Mitchell-Lama program to become rent-stabilized, even if constructed after 1974 in a municipality that requires rent regulation. ([A.2750-A](#); Passed Assembly)

**Tax Abatement Continuation Authorization** provides communities with the ability to ensure the retention of federally subsidized affordable housing by authorizing municipalities to continue property tax abatements for up to 50 years. ([A.9498](#) / S.6480; Chapter 415)

**HFA Bonding Authority Enhanced** increases the bonding authority of the New York State Housing Finance Agency (HFA) by \$1 billion to help ensure the availability of affordable housing, bringing HFA's total bonding authority to \$17.28 billion. ([A.10050](#) / S.6899; Chapter 419)

**Authorization for Neighborhood Housing Group Mergers** permits existing Neighborhood Preservation Companies to merge resources and funding into one organization in order to better meet the housing needs of unserved and underserved areas of the state. ([A.9843-A](#) / S.7278-A; Chapter 295)

## INSURANCE

**Insurance Demonstration Program for Independent Workers** extends, until 2014, the health insurance program for independent contractors and individuals who are self-employed, work part-time or obtain temporary work. ([A.9225](#) / S.6841; Chapter 31)

**Health Insurance Pilot Program for Early Retirees** establishes a pilot program to ensure employees who have retired from an established New York company can retain the same health insurance coverage they received through their former employer. ([A.9675-B](#) / S.6740-B; Chapter 362)

**Unclaimed Life Insurance Benefits** requires life insurers to cross-check every policy, contract, certificate, and account against the Death Master File of potentially deceased individuals maintained by the U.S. Social Security Administration in order to locate missing beneficiaries for unclaimed life insurance benefits. The bill also requires the superintendent of Financial Services to develop and implement a lost policy finder to assist requestors in locating unclaimed life insurance benefits. ([A.9845-B](#) / S.6943-A; Passed Both Houses)

**Health Insurance Reduction of Payments and Claims Denials** prohibits a health insurer from denying payment to a hospital for medically necessary inpatient emergency services solely because the hospital did not notify the insurer of the services provided in a timely fashion. ([A.9946-B](#) / S.7071-B; Chapter 297)

**Self-Fund Student Health Insurance Plans** permits the superintendent of Financial Services to authorize certain public and private universities to self-fund their student health insurance plans. The bill requires any plan to be subject to the same consumer protections, benefits, rates, and premium requirements as a non-profit health insurer and to meet statutory minimum financial reserve requirements. ([A.10577](#) / S.7314-A; Chapter 246)

## JUDICIARY

**Electronic Filing and Litigating** allows the chief administrator of the courts to expand the use of electronic filing in litigation, including in the criminal and family courts. ([A.10706](#) / S.7592-A; Chapter 184)

**Child Support Enforcement** expands the authority of Child Support Magistrates in Family Court to enforce child support collection laws. ([A.10345](#) / S.7579; Chapter 468)

**Appointment of Guardians** provides judges presiding in Mental Hygiene Law Article 81 proceedings greater information related to the criminal history records of potential guardians, which is consistent with information provided to judges in custody and visitation proceedings. ([A.10608-A](#) / S.7587-B; Chapter 475)

## LABOR

**NYS Minimum Wage** raises the statutory minimum wage in New York State from \$7.25 to \$8.50 per hour, and for food service workers receiving a minimum cash wage, from \$5.00 to \$5.86 per hour, on and after January 1, 2013. The bill also provides that on each January after 2013 both rates shall be indexed to inflation. ([A.9148](#); Passed Assembly / S.6413; Labor)

**Prevailing Wage for Public Works Projects by Third Parties** makes permanent provisions of law which authorized the Department of Labor to enforce prevailing wage laws on public works projects entered into by a third party acting in place of, on behalf of and for the benefit of public entities. ([A.9832](#) / S.6923-A; Chapter 389)

**Female Workforce Education** requires the Department of Labor to implement a workforce guidance policy that would educate and inform both men and women about higher paying jobs and careers including jobs traditionally underrepresented by women. ([A.9020](#) / S.6429-A; Chapter 284)



### Contact information for Assemblyman Carl E. Heastie

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