



NEWS From Assemblymember John T. McDonald III

Summer 2019

2019 END OF SESSION HIGHLIGHTS

The last day of the 2019 New York State Legislative session was held on June 21st. This Legislative session was an ambitious one with many bills passing both houses and a number of issues addressed and discussed throughout the session.

I am happy to share legislation that I sponsored that was passed by both the Assembly and Senate that will hopefully be signed into law while highlighting other bills that I deem equally important and will focus on passing in both houses during next year's session. Thank you for your valuable input on these and other bills during the legislative year and as always, I look forward to hearing about the issues that are important to you.



Assemblymember McDonald with Shaker High School student and American Idol finalist Madison Vandenburg

Highlights of bills sponsored by Assemblymember McDonald that have passed both the Senate and the Assembly (awaiting signature by the Governor)

A2853 (McDonald)/S2622 (Breslin)

Authorizes the city of Troy to impose hotel and motel taxes; and provides for the repeal of such provisions upon expiration thereof

- This bill allows the city of Troy to impose a hotel/motel occupancy tax for Rensselaer County which is a tax collected on those visiting the community of which the funds are used to promote tourism and economic development in our region.

A2858B McDonald/S1866B (Breslin)

Increases the amount of money a retiree may earn in a position of public service to \$35,000

- This bill would increase the amount that a public retiree under sixty-five years of age may earn in public employment without a diminution of his or her retirement benefits.

A3822D McDonald/S4469B (Stavisky)

Relates to the instilling of mydriatic or cycloplegic eye drops by persons qualified and supervised by a licensed optometrist or ophthalmologist

- This bill authorizes ophthalmologists and optometrists to supervise trained personnel to instill dilating eye drops.

A3839 McDonald/S1817 (Rivera)

Relates to home care and community based sepsis prevention, screening, intervention and education

- This bill promotes sepsis prevention, screening, intervention, education, and seamless and timely continuum response through the engagement and support of the home and community based care system.

A3840 McDonald/S4181 (Salazar)

Relates to requiring that information be made available to parents regarding window blind safety

- This bill would require that information be made available to parents regarding window blind safety and the potential fatal consequences from strangulation posed by corded window blinds.

A3918 McDonald/S1813 (Rivera)

Relates to the dispensing of partially filled prescriptions

- This bill allows a pharmacist at the patient's request to partially fill a prescription for controlled substances.

A4403 McDonald/S1864 (Gaughran)

Relates to the redemption of real property subject to a delinquent tax lien

- This bill lowers the tax redemption period for abandoned buildings from two years to one year for properties that have been certified as vacant and abandoned.

A7062 McDonald/S5425 (Mayer)

Relates to the definition of school districts which have the power to contract indebtedness

- This bill allows small city districts to factor anticipated building aid into their debt limit calculations, as is done for non-city districts.

A7540B McDonald/S5815C (Kaplan)

Relates to regulatory fines for small businesses

- This bill is intended to reduce regulatory fines on businesses and to create a productive relationship between the state and business owners that will allow them to work closely together.

A7548A McDonald/S5639A (Breslin)

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

- This bill adds parcels of land to the list of premises which are exempt from the provisions of law which generally restrict manufacturers, wholesalers and retailers from sharing an interest in a liquor license.

A7634A McDonald/S5616A (Breslin)

Relates to amending chapter 450 of the laws of 2018, in relation to revising the metes and bounds of the parkland property to be alienated

- This bill authorizes the city of Albany to alienate certain lands used as parkland and to dedicate certain other lands as parklands, in relation to revising the metes and bounds of the parkland property to be alienated.



Assemblymember McDonald speaks to the Blue Star Families who he honored with a resolution for Blue Star Families Day

Limousine Safety Measures

At the end of session, the Assembly passed six one house bills that seek to add to the comprehensive reforms to the limo industry we passed during the State Fiscal Year (SFY) 2019-20 Budget

The bills passed by the Assembly include:

- A bill that would authorize the Department of Transportation (DOT) to impound any stretch limo that fails to pass a state safety inspection and is placed out of service, until arrangements are made for the safe and proper repair of the vehicle (A.8302, Magnarelli). This bill also provides a process for limo owners to be notified of the impoundment and that repairs must be made in order to recover the vehicle.
- Another measure would require the Department of Motor Vehicles (DMV) to annually review the driving record of drivers employed by a company that operates stretch limos seating 15 or more passengers, and verify whether these individuals hold valid licenses to operate stretch limos (A.5774-A, Santabarbara). Additionally, this bill would create a public database of limo operators on the DMV website, so that consumers can make informed decisions when hiring a limo operator.
- Another piece of legislation increases the penalties for stretch limos that make illegal U-turns (A.8172-A, Santabarbara). Despite employers providing training and prohibiting drivers from making U-turns it is difficult to make sure that these laws are enforced. This bill increases the fines to \$250-\$400 and/or up to 15 days in prison for a first violation, and \$650-\$700 and/or up to 45 days in prison for a second or subsequent violation within 18 months. Additionally, drivers operating a stretch limo and making an illegal U-turn while carrying at least one passenger would be penalized by fines of \$750-\$1,000 and/or up to 180 days in prison.
- The Assembly also passed a measure that would require stretch limousines to use commercial global positioning system (GPS) technology to ensure that drivers are using routes that take into account the minimum clearance, weight restriction and turning radius of the vehicles (A.8171-A, Santabarbara). Certain roadways are not engineered for commercial vehicles, having narrow lanes, no or minimal shoulders, low clearances and other design features that make commercial operation inappropriate



Assemblymember McDonald attends the Operation Safety Stop event promoting school bus safety

and dangerous. Employing this technology will ensure that limo drivers are using appropriate roadways to safely transport their passengers.

- As part of the SFY 2019-20 budget, the legislature passed a provision that requires for-hire vehicles with a capacity of eight or more people to carry a minimum insurance policy of \$1.5 million in a "single combined limit." This policy includes coverage for bodily injury and death. Another bill clarifies that this coverage also applies to destruction of property (A.7789, Magnarelli).
- A proposal passed that would require all stretch limousines registered or sold in the state which are altered on or after January 1, 2020 to be equipped with seat belts for all seating positions (A.2157-A, Paulin). All seat belts installed would be required to be clearly visible, accessible and maintained in good working order. The limos would be required to post a notice in the vehicle encouraging passengers to wear the seatbelts.

Earlier this year, the legislature passed significant reforms to the limo industry as part of the SFY 2019-20 budget that were enacted into law. These reforms included provisions that will:

- Create new criminal penalties for operating a commercial vehicle knowing its registration is suspended for violating DOT safety regulations, or for operating without DOT authority;
- Authorize DOT to seize the license plates of stretch limousines that fail inspection and are placed out of service, and clarify the authority of DOT to seize the license plates of all non-personal vehicles owned by a person found in violation of DOT safety regulations or operating without DOT authority;
- Prohibit the DMV from registering vehicles failing to comply with federal motor vehicle safety certificate label requirements; and
- Require stretch limo owner/operators to display valid operating authority, inspection information and driver qualifications, both where business is conducted and inside the vehicles.

The Senate passed its own package of one house bills at the end of session that differed from the package passed by the Assembly. I have advocated for and believe that the proposals must be reconciled and that additional measures will be passed in the 2020 session.

Opioid Legislation

The Senate and Assembly passed a bill A.2904 (Quart)/S.4808 (Harckham) to ensure uniformity across all health insurance plan policies regarding reasonable patient access to medication assisted treatment for substance abuse disorders and prohibits certain insurance policies from requiring prior authorization for certain medications used in the treatment of substance use disorders.

The Assembly passed a one house bill A.972A (Rosenthal)/S.4643A (Harckham) prohibiting co-payments for treatment at an opioid treatment program.

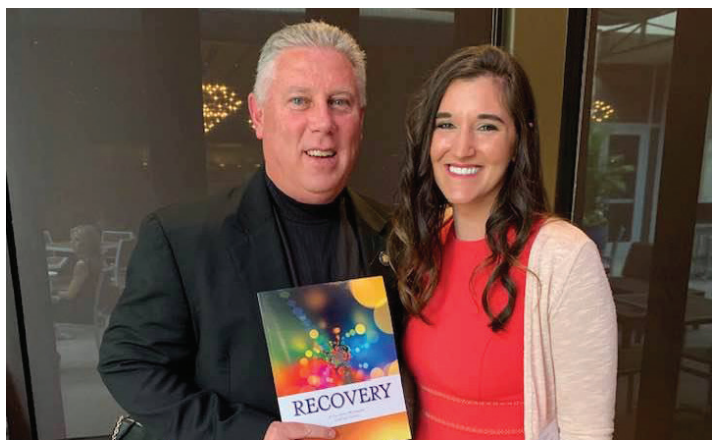
This year I was proud to serve as an Opioid Policy Fellow for the National Conference of State Legislatures (NCSL). It was a tremendous experience to collaborate with and have discussions with federal policymakers and other state policymakers throughout the country. The meetings were informative and I look forward to taking what I have learned and working with my colleagues next year to advance initiatives to address the epidemic.

As previously mentioned in the list of bills that have passed both houses, my bill A.3918 allows a pharmacist to partially fill a prescription for controlled substances at the patient's request. This change that will hopefully be signed into law will prevent unnecessary and unused opioids from being circulated. I also carry two bills that I think would address some of the issues surrounding opioid addiction. The first bill would track the nerve drug Gabapentin on the Prescription Monitoring Program (PMP). The U.S. Food and Drug Administration (FDA) Commissioner and other states have recognized gabapentin addiction as a growing problem. When taken with opioids, gabapentin can increase the effects of opioids and lead to a stronger "high." The second bill would provide for notification in the PMP for a person's primary care physician when the person has received naloxone or another overdose reversal drug in a hospital

setting to enable the physician to be fully informed when discussing treatment options.

- **A.3823A (McDonald)/S.3906 (Rivera)** Gabapentin tracking on the Prescription Monitoring Program
- **A.3741 (McDonald)/S.4482 (Harckham)** Requires practitioners who administer naloxone or another overdose reversal agent to a patient to report the administration of the agent to the prescription monitoring program registry

I will continue to work to advance these bills and other measures in the next legislative session.



Assemblymember McDonald and Capital Region native Cortney Lovell at the National Conference of State Legislatures (NCSL) Opioid Policy Fellows Conference

Tenant Protection Legislation

This year, Rent Control and Stabilization laws were set to expire in June and there was much discussion about possibly expanding the laws to Upstate New York and the possible implementation of “good cause” eviction legislation. There was a proposal to expand rent control as it currently exists in New York City to upstate. Ultimately a compromise was reached and that measure was not passed and instead a tenant protection package was successful that did not include “good cause” eviction measures but included meaningful legislation that protects tenant rights. The Housing Stability and Tenant Protection act of 2019 (Ch. 36 of 2019), makes permanent the rent stabilization and rent control regulations that were set to expire on June 15, and extends the Emergency Tenant Protection Act of 1974 (ETPA) to any municipality with a rental vacancy rate of 5% or less that chooses to opt in. Currently, only New York City and municipalities in Nassau, Rockland and Westchester counties are eligible for ETPA protections.

The following tenant protections are included in the law:

- prohibit landlords of rent-regulated apartments from discontinuing preferential rent for a current tenant, and ensure all future increases are based on the preferential rate, not the legal maximum rent;
- require landlords provide 30 days’ notice for a tenant of one year or less, 60 days’ notice for a tenant of one to two years and 90 days’ notice for a tenant of two or more years when refusing to renew a lease;

- require landlords make a good faith effort to re-rent a unit after a tenant breaks the lease to help mitigate damages;
- prevent landlords from using a database of court information to blacklist prospective tenants;
- limit the amount of a security deposit to an amount equal to one month’s rent and requires any deposit to be refundable; and
- limit background check fees to \$20 and prohibit lease application fees.

The measure also strengthens existing retaliatory eviction laws by prohibiting retaliatory eviction against a tenant who makes a good faith complaint to the landlord alleging uninhabitable conditions. Landlords would have the burden of proof to show the eviction is not in retaliation for up to a year after the complaint, and tenants could receive a one-year rent renewal if they prevail.

In addition, the bill reforms the eviction process to ensure tenants aren’t kicked out of their home because their paycheck is late. It gives tenants 14 days after a missed payment to pay their rent before an action can be brought, 10 days’ notice for a court hearing once an action is brought and, if the court decides against the tenant, a warrant providing 14 days to leave the unit. The measure also gives judges greater leeway to stay eviction proceedings in cases where such action would cause an undue hardship.

Around the District



Assemblymember McDonald reads to students at the Little Red Schoolhouse



Assemblymember McDonald speaks at the One Troy Empire State Poverty Reduction Initiative



Assemblymember McDonald serves ice cream with Albany Common Council Member Richard Conti at Lincoln Park at the 2019 Lincoln Park Pool opening day



Assemblymember McDonald attends the ribbon cutting for the Rensselaer Boys & Girls Club unveiling the completed renovation



Assemblymember McDonald attends the Workforce Collaboration announcement between Northern Rivers Family of Services and Hudson Valley Community College (HVCC) (pictured with Dr. Roger Ramsammy, President of HVCC)



Assemblymember McDonald attends the Diversity Day parade at the City of Albany Brighter Choice Charter School for Boys



Assemblymember McDonald speaking at the Ingalls Avenue Boat Launch Grand Opening in the City of Troy (with Troy Mayor Patrick Madden and Senator Neil Breslin)



Assemblymember McDonald attends Red, White, and Blue Day at Troy School 14



Assemblymember McDonald attends the annual “Real Kids Wear Pink Day” event

Census 2020

There is an important event occurring in 2020 that will affect the lives of every single New Yorker. Starting in March 2020, the Census Bureau will begin outreach for its decennial count of every person residing in the United States for the 2020 Census. The information collected helps inform a host of public policy decisions, including the distribution of billions in federal funding, legislative redistricting, and congressional representation. There will be local outreach efforts over the next year leading to the April 1, 2020 Census Day.

While filling out a census form may feel like an unimportant exercise or a boring task to complete, an inaccurate count has real-world results. Following previous census counts, New York State has dramatically suffered because of undercounting. After the 2010 Census, our state lost significant federal funding for schools, hospitals, public transportation, emergency services and so much more, including two congressional seats.

You can help ensure all New Yorkers are counted. You can get involved locally by working with community-based institutions that have created Complete Count Committees (CCCs), which implement outreach campaigns to raise awareness and increase participation rates. Visit https://www.census.gov/programs-surveys/decennial-census/2020-census/complete_count.html to learn more about your local CCC. You can also become a census community partner or even work with the Census Bureau ensuring your family, friends and neighbors are counted. Visit www.census.gov to learn more.

I urge everyone to fill out the census form they receive – the information you provide is protected. In fact, it is a felony for Census Bureau employees to disclose any confidential information with a punishment of up to five years imprisonment and/or a fine of \$250,000. Also, the Census Bureau never asks for your full Social Security number, money or donations, anything on behalf of a political party or your bank or credit card account numbers.



Assemblymember McDonald and Art Shamsky in the Assembly Chamber commemorating the 50th anniversary of the 1969 "Miracle Mets"



Assemblymember McDonald, Senator Neil Breslin, and Assemblymember Patricia Fahy at the Governor's July 9, 2019 announcement at Albany International Airport

Exit 3 Albany International Airport

In early July, I joined Governor Andrew Cuomo, Senator Neil Breslin, Assemblymember Patricia Fahy, and other elected officials at the Governor's announcement regarding the creation of a new exit 3 for the Albany International Airport and a new airport parking garage along with other airport improvements. The new exit 3 will offer improved access and decreased traffic on Wolf Road.

For more information visit: <https://www.governor.ny.gov/news/after-50-years-delay-governor-cuomo-announces-new-exit-3-improve-accessibility-albany>

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Need a speaker? I am always interested in speaking to groups and hearing what people have to say in the district. If your organization is interested in having me as a guest at your event or would like a legislative update, please contact my office at **518-455-4474**.