



# Assemblymember PATRICIA A. FAHY

Legislative and Community Report  
109<sup>th</sup> Assembly District



Summer 2018

Dear Neighbors,

I am honored to continue to work for each of you in Albany, Bethlehem, Guilderland and New Scotland as your representative in the New York State Assembly. This edition of the Legislative and Community Report includes updates on this year's legislative accomplishments, the work that remains, and a brief survey to get your opinion on timely issues. Criminal justice and public safety continue to be at the forefront in the Assembly and certainly locally. Given recent spikes in violence in Albany, it is imperative that efforts continue between state, local and community partners to find solutions that work.

Patricia A. Fahy  
Member of Assembly, 109th District



Immigrant children along the Southern border were being separated from their families after being detained and many families are still awaiting reunification. Assemblymember Fahy helped organize a press conference with her Assembly colleagues to call for families to be reunited.

## Criminal Justice & Gun Safety

### Law Enforcement Assisted Diversion (LEAD) Bill Passed.

A personal legislative highlight for Assemblymember Fahy was the passage of a bill to help expand and recreate the success of Law Enforcement Assisted Diversion (LEAD) programs (A.10403/S.8760). LEAD Programs, including a nationally recognized program in the City of Albany, seek to divert low-level, non-violent offenders into substance abuse, mental health, housing assistance or other programs rather than prosecution. LEAD programs do not currently have a steady stream of funding, and rely on grant funding, which has seriously limited their growth. Legislation passed by Assemblymember Fahy enables the use of proceeds from civil asset forfeitures for LEAD programs and provides the Commissioner of the Office of Alcoholism and Substance Abuse Services (OASAS) the authority to provide funding to LEAD programs in the state. The bill has passed both houses of the legislature and awaits the Governor's signature.

### Extreme Risk Protection Orders (ERPO).

ERPO legislation, which was adopted in the budget this session, would enable the court to issue a restraining order prohibiting a person who is a threat to themselves or others from purchasing or possessing a firearm for up to one year. The petitioner, who could be a family member or law enforcement officer would be required to file a sworn application describing the circumstances and justification for the request. In emergency circumstances, the court would also be authorized to issue a temporary order restricting access to firearms pending a final hearing. Assemblymember Fahy was a strong supporter of this measure, as well as another bill which passed the Assembly to allow school officials to request a protection order.

### Bump Stock Ban.

Bump Stocks and other similar devices allow semi-automatic weapons to function as what are essentially fully automatic weapons, and were used in the horrific shooting that killed more than 50 people in a shooting in Las Vegas last year. While these devices are illegal to use in New York State, they are currently fully legal to possess, transport and manufacture. Legislation introduced by Assemblymember Fahy (A.8717) would ban the possession, transportation and manufacture of these devices with no functional purpose other than harming people. The legislation has passed the Assembly and remains in committee in the Senate.

### Bail Reform.

Legislation passed by the Assembly this session would, in most instances, eliminate the option for a court to impose a monetary bail requirement at arraignment, or thereafter, when a defendant is charged with a traffic infraction, violation, misdemeanor or non-violent felony. Instead, the courts would be required to release the individual on recognizance or release on non-monetary conditions, such as, being monitored by a pre-trial services agency or imposing travel restrictions. For certain offenses, the court would be authorized to use electronic location monitoring. Assemblymember Fahy supported this legislation to help level the scales of justice in communities throughout NYS while advocating to modify the bill with concerns regarding domestic violence and sexual assault with the legislation. The bill has passed only the Assembly and remains in committee in the Senate.

### Guns and Domestic Violence.

Women and other victims of domestic violence are significantly more likely to die at the hands of their abuser if there is a gun in the home. Assemblymember Fahy was proud to support legislation which was signed by the Governor during this legislative session to ban those convicted of domestic violence offenses from possessing a firearm. The bill has been signed into law by the Governor.



### Prosecutorial Misconduct.

Assemblymember Fahy voted in support of legislation this session that would create an eleven-member independent commission of legal professionals to be appointed by the governor, legislature and chief judge, to investigate and, where appropriate, recommend sanctions for prosecutors found to have engaged in misconduct in the performance of their duties. The bill directs that the membership be comprised of an equal number of prosecutors and defense attorneys. It provides subpoena authority and other powers to enable the commission to receive, initiate, investigate, and hear complaints relating to prosecutorial conduct, qualifications, or fitness to perform, and to secure the disposition of these complaints. The bill has passed both houses of the legislature and now awaits the Governor's signature.



## Taxes and Small Business

### Guilderland Equalization Rate Reform Passed.

Last fall, residents of certain parts of Guilderland were dismayed to find large hikes in the school portion of their property taxes. Due to a change in the town's equalization rate, which ensures a uniform portion of property values are paid in school taxes in school districts that cross municipal boundaries by homeowners in different municipalities, homeowners were stunned to find bills hundreds of dollars greater than anticipated. Assemblymember Fahy successfully sponsored legislation with Senator George Amedore (A.8803/S.6960) creating a temporary one-year special segmented equalization rate for impacted portions of the town, which will give residents significant financial relief as the town conducts a reassessment. The bill passed both houses and was signed by the Governor in July.

**Equalization Rate Setting Reform.** The equalization rate issue in Guilderland also revealed more problems with the transparency and efficiency of creating these rates. Assemblymember Fahy and Senator Amedore sponsored legislation (A.8805/S.6959) which would require town assessors give notice to local stakeholders, including town board members and school superintendents, when the town's local stated level of assessment (what a municipality claims it is collecting in school taxes as a percentage of the total market value of property in the town) differs more than *five percentage* points from what tentative equalization rate given to the town by the NYS Office of Real Property Tax Services. This will enable local officials to alert residents of a potential problem much earlier in the process. Assemblymember Fahy also sponsored legislation stating that the final equalization rate must be set at least 30 days prior to the levy of taxes (A.8806/S.6958). All three of these bills addressing equalization rate reform passed the Assembly and Senate.

**Net Neutrality Protection.** The Assembly this session voted to pass Assemblymember Fahy's bill (A.8882) to prohibit New York State, its authorities and municipalities from doing business with internet service providers that do *not* adhere to the principles of net neutrality, including discriminating against lawful content by blocking websites or apps, slowing transmission of data because of the nature of the content or creating an internet fast lane for companies and consumers who pay premiums. This bill protects consumers, small businesses and students in New York by working to keep the internet free and open, and awaits passage in the Senate!

## Environment

**Pine Bush Enhancement Bill.** The Assembly and Senate passed Assemblymember Fahy's bill (A.11039) which would enable the Albany Pine Bush to purchase surrounding land from willing sellers in order to further their important conservation work. The Pine Bush is one of only a few inland Pine Barrens in the world; and is home to the endangered Karner Blue Butterfly, which is supported by the indigenous blue lupine. The bill awaits the Governor's signature.



**“Run, Bike, Hike” Summit.** The Capital Region's network of trails is one of the area's greatest assets for recreation and economic development. Assemblymember Fahy organized a standing-room only “Run, Bike, Hike: Capital Region Trails Summit” this May to bring regional stakeholders together to identify opportunities to increase interconnectivity and enhance our trails. Investing in trails has serious health and economic benefits for our community.

## More To Do

Each year the legislature contends with more than bills, yet less than 1,000 ever become law! Below are some of the issues not addressed this year, which Assemblymember Fahy is committed to addressing in the coming session:

**LLC Loophole & Ethics.** Ethics problems in the legislature have been in the news for months. While Assemblymember Fahy is proud of the reforms undertaken by the legislature in recent years, it is clear that there is much more work to be done. In particular, she strongly supports closing the LLC Loophole, which allows certain corporations to avoid disclosing their donations to political candidates.

**Child Victims Act.** Sexual abuse often leaves victims scarred for life; and for some victims in New York the ability to seek legal recourse is limited by current law. Many victims do not come forward until later in life, when the ability to file civil and criminal charges has expired. The child victims act would extend the ability to file criminal charges until a victim turns 28, and would allow civil charge to be brought before age 50. Additionally, the bill would provide for a one-year look back window where civil charges could be brought no matter the age of the victim.

**Plastic Bag Pollution.** Plastic pollution continues to harm our environment and damage our water and sewer infrastructure, costing taxpayers significantly. More than 23 billion single-use plastic bags are discarded each year in New York alone! Assemblywoman Fahy supports measures to reduce plastic pollution by banning single-use plastic bags, placing a small fee on single use paper-bags, and distributing reusable bags to encourage sustainable practices at the check-out line.



**E-Bikes will help enable those with access issues enjoy the benefits of cycling.** Assemblymember Fahy joined with cycling advocates to call for the statewide legalization of e-bikes.

**E-Bikes in Upstate NY.** Pedal-assisted electronic bicycles enable those with disabilities or who otherwise have difficulty riding a traditional bicycle enjoy the many benefits of cycling. Electronic bikes are not legal statewide, and Assemblymember Fahy is a strong supporter of legislation to permit bikes that requires some user operation with electronic assistance be legalized and will continue to advocate for this legislation.

## Healthcare

**Partial Prescription Refills.** The opioid crisis continues to wreak havoc in communities across our state, claiming countless lives each and every year. To ensure New Yorkers aren't left with extra painkillers that could be misused or could fall into the wrong hands, Assemblymember Fahy voted for legislation sponsored by Assemblyman John McDonald enabling patients to partially fill controlled substance prescriptions. Under current law, patients who partly fill this type of medication initially are not allowed to fill the remainder of the prescription later on. This measure would allow 30 days to fill the remainder of the prescription. It gives patients the final say when it comes to their treatment and may help stop prescription drug abuse before it happens. The bill has passed the Assembly and awaits passage in the Senate.



Last year Volkswagen settled with New York for millions in damages stemming from their emissions scandal. Assemblymember Fahy is advocating for a portion of these funds to be used to purchase clean-running electric buses for Upstate transit authorities like CDTA.

Making state government more representative of New York's population is a cause important to Assemblymember Fahy. Here she confers with fellows from the Center for Women in Government from Rockefeller College.



## 109th District Constituent Survey

Assemblymember Fahy is committed to being an independent voice for Capital Region residents in the legislature, and welcomes learning more about the opinions of constituents on a number of current issues that will likely be debated in next year's legislative session.

**Detach this portion of the newsletter and mail it to: Assemblymember Patricia Fahy,  
452 Legislative Office Building, Albany, NY 12248.**

**Or fill out the survey on my website at <http://nyassembly.gov/mem/Patricia-Fahy/>**

	Strong Yes	Yes	No	Strong No	No Opinion
Should a <i>moratorium</i> on using standardized test results in teacher evaluations set to expire in 2020 be extended?					
Should online sports gambling, managed by New York Casinos, be <i>permitted</i> in New York?					
Should terminally ill patients in New York have the ability to <i>choose</i> to end their life with medical assistance?					
Should recreational marijuana be <i>legalized</i> in New York?					
Should large online retailers such as Wayfair or Etsy, have to <i>collect</i> the same sales tax as brick and mortar stores for sales made to New York residents?					
Should New York <i>ban</i> the sale of flavored e-cigarette (vape) products, only permitting tobacco and menthol flavors?					
Should New York enact a <i>total ban</i> on single-use plastic bags and a nominal fee on paper bags to [reduce] plastic pollution?					

**When considering how to allocate the State's financial resources, which categories are your highest priorities?**

*Please rank issues of concern by highest priority as 1 – lowest priority as 11*

	Education (Pre-K to 12)
	Higher Education/College
	Healthcare/Opioid/Heroin
	Environment/Climate Change
	Local Governments/Property Tax Relief
	Bridge and Road Infrastructure/Public Transportation
	Water and Sewer Infrastructure
	Parks and Trails (Including Pedestrian and Bike Safety)
	Workforce Development (Trades, Apprenticeships, Nursing, etc.)
	Resources for the Aging Community
	Childcare



# Lyme Disease Update

## Ticks and Climate Change.

New York State is the center of a regional Lyme Disease and tick-borne disease epidemic, fueled by changes in our climate which has made our region more favorable to ticks. Longer periods of warm weather create more opportunities for ticks to reproduce and potential infections. Additionally, a combination of warmer weather and declines in predatory bird species have led to a proliferation of white-footed mice, one of the greatest carrier species for ticks.

## New Legislation to Address Lyme Epidemic.

Both houses of the legislature passed a bill co-sponsored by Assemblymember Fahy to install warning signs about ticks on all state-owned parks, including trail entryways and campgrounds. Assemblymember Fahy also voted in favor of legislation

that would establish a tick-borne disease work group to address this growing epidemic.

**Tick Bite Prevention.** Summer in the Capital Region means spending time outside on our regions' extensive network of trails. Follow these tips to avoid tick bites while enjoying the great outdoors:

- **Know Where Ticks Live:** Avoid areas of tall grass, bushes and areas with lots of leaf litter. These are prime tick habitats. Try to stick to the center of trails.
- **Use Insect Repellent:** One way to prevent ticks bites is to make sure they stay far away from you and your clothing. Be aware that insect repellent should not be used on children under 2.

- **Dress for Protection:** When you can, try to wear long, light colored clothing while outdoors. Tick can be harder to spot on dark colored clothes. Consider tucking pant legs in your socks. Wash clothes soon after being outdoors.

- **Check Yourself:** When you return home, be sure to check your body and your family for ticks bites. Remember to check pets as well!

- **Removing a Tick:** If you find a tick, don't panic! It can take up to 36 hours for tick-borne illnesses to spread from a bite. It's important to carefully remove the tick with tweezers as soon as it is found. Monitor the site of the bite for a rash. If a rash or flu-like symptoms appear, seek help from a medical professional immediately.

*For more info visit [www.cdc.gov/lyme/](http://www.cdc.gov/lyme/)!*



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<http://nyassembly.gov/mem/?ad=109&sh=enews>

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*Chair, Task Force on Women's Issues  
Chair, Subcommittee on Oversight of the Department of Environmental Conservation*

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