



Assemblymember

Vivian E. Cook

Reports to the People

Winter 2011

Dear Residents:

It is with great pleasure that I submit to you this news report which contains highlights of the Laws of 2011. This year's legislative session addressed a number of important issues, and the results will be overwhelmingly positive for the people of Jamaica. I helped pass an on-time budget, strengthened rent regulations, and capped property taxes at 2 percent, while cracking down on texting while driving and improving the performance and safety of state-run group homes. I am pleased to report that this year alone more than 600 bills were passed by the Legislature and signed into law by the Governor. These new laws are designed to protect the safety and well-being of New York State residents.

I would also like to take this opportunity to alert seniors to important changes to the Elderly Pharmaceutical Insurance Coverage program (EPIC). EPIC has served as the state's prescription plan for seniors aged 65 and older who have incomes of \$35,000 or less if they are single, or \$50,000 or less if they are married. Effective July 1, 2011, EPIC, which provides assistance for Medicare Part D Prescription Drug Plan premiums for its Fee Plan participants, will extend this assistance for low-income Deductible Plan participants who have an annual income less than or equal to \$23,000 if they are single, and \$29,000 if they are married. This assistance will be paid directly to Medicare Part D. All participants will be responsible for any additional amount to pay the premium in full. Beginning Jan. 1, 2012, the Fee and Deductible plans will be replaced by one level of coverage under Medicare Part D. If you don't choose to enroll in a Medicare Part D plan and you don't have creditable coverage under another plan, you will be penalized if you choose to enroll in a Medicare Part D plan at a later date. "Creditable Coverage" is coverage that pays on average at least as much as the standard Medicare Part D plan.

Please take a moment to read this news report as it contains important new laws as they will affect you or someone you know. It also contains information for eligible residents to sign up for the Home Energy Assistance Program (HEAP), a federally-funded program that issues heating benefits to supplement a household's annual energy cost. For additional information regarding EPIC changes you may call my office for a brochure or call the EPIC hotline at 1-800-332-3742.

If I may be of further assistance please feel free to contact me at (718) 322-3975. Best wishes and happy holidays.

Sincerely,

Vivian E. Cook
Member of Assembly

HIGHLIGHTS OF THE LAWS OF 2011

AGING

Missing Vulnerable Adults Clearinghouse Establishes the Missing Vulnerable Adults Clearinghouse. The law will provide for the planning and implementation of an alert system to aid in the recovery of missing vulnerable adults who have cognitive impairments. (Chapter 222)

AGRICULTURE

NYS Farm Grown Products Finances the transportation and distribution of New York State farm grown products to food service markets, especially in underserved communities. (Chapter 454)

Frozen Wine Desserts Allows the sale of frozen dessert products made with wine. Current law permits the sale of ice cream that includes wine as one of its ingredients. (Chapter 42)

ALCOHOLISM AND DRUG ABUSE

Care for Women Suffering from Alcoholism Requires the Office of Alcoholism and Substance Abuse Services (OASAS), in consultation with the Department of Health (DOH), to provide and publish educational materials for health care providers regarding screening, assessment, and diagnosis of women for alcoholism and chemical dependency. (Chapter 265)

Youth Substance Abuse Renames the "Advisory Council on Underage Alcohol Consumption" to the "Advisory Council on Underage Alcohol Consumption and Youth Substance Abuse." The law will expand the council's focus to more effectively respond to the national trend of increased drug abuse among 12 year olds and older. (Chapter 283)

BANKS

Protect Consumers from Unscrupulous Contractors Prohibits home improvement contractors from acting on behalf of mortgage brokers in order to protect consumers from deceptive business practices. (Chapter 593)

Banking Development District Continued Extends the banking development district program for an additional five-year period, from January 1, 2012 to January 1, 2017, to ensure the availability of commercial banking services in the state's underserved communities. (Chapter 484)

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Assemblymember Cook, Assemblymember Michele Titus, and Mr. Brian Simon tour the National September 11th Memorial prior to the 10th Anniversary of the September 11, 2001 terrorist attacks on the World Trade Center where nearly 3,000 innocent New Yorkers lost their lives. Assemblymember Cook is pleased that the Memorial Museum will house countless artifacts and personal memorabilia and is set to open in September 2012.

CHILDREN AND FAMILIES

Protections for Developmentally Disabled Adults

Requires adult protective services workers to consult with a supervisor about whether to seek a court order when denied access to an alleged victim during an investigation and to document the reasons for the determination. The law will also provide social services officials with access to reports in the Statewide Central Register of Child Abuse and Maltreatment if they may be related to the investigation of a person alleged to be in need of protective services. These laws are in response to the death of Laura Cummings, a 23-year-old developmentally disabled woman in Buffalo who died in the custody of caregivers in January 2010. (Chapters 440/412)

Family Assessment Response Program Makes permanent the Family Assessment Response Program (FAR), which provides an alternative, services oriented, approach to traditional child protective services investigations in non-safety related cases. The law will also permit the program to be implemented statewide. (Chapter 45)

Camp Directors, Mandatory Reporters of Child Abuse Expands the law that designates mandated reporters of child abuse to include camp directors. Under the law, camp directors will be provided immunity for criminal and civil liability for good faith reporting of suspected child abuse or maltreatment. (Chapter 91)

CITIES

Water Bill Exemptions Extends full or partial exemptions on water bills for charitable organizations in New York City until September 1, 2012. Under the law, full exemptions apply to water bill amounts of up to \$28,103.18 and bills up to \$56,195.58 receive a 50 percent exemption. Not-for-profits and other charitable groups are eligible for the exemption, including hospitals, women's shelters, day care centers, public baths, religious sites used exclusively for public worship, social settlements and certain non-public schools. (Chapter 75)

CODES

Order of Protections Expanded Clarifies the law so that when an order of protection is issued in relation to a family offense, its duration extends from the time of sentencing and not the date of conviction. (Chapter 9)

Peace Officer Status Confers peace officer status on certain security officers, criminal investigators and police officers of the Federal Protective Service of the U.S. Department of Homeland Security. (Chapter 407)

Prohibition on Firearm Possession for Domestic Violence Offenders Establishes a process for determining whether a misdemeanor

offense was a domestic violence offense committed against a family member in order to identify persons prohibited from possessing a firearm under federal law. (Chapter 258)

Increased Penalty for Sex Offenders Increases the penalty for sexual contact with a person under 13 by a person over 21 as sexual abuse in the first degree, a class D felony. (Chapter 26)

Drug Overdose Evidence Limitations Provides limitations on the use of evidence in a criminal prosecution that was obtained in connection with a person who was acting in good faith in seeking or receiving health care for a drug overdose. (Chapter 154)

Increased Penalty for Prostitution in School Zone Increases the criminal penalty from an A misdemeanor to an E felony for acts of prostitution and promoting prostitution occurring in a school zone. (Chapter 191)

Police Training Directs the Municipal Police Training Council to establish policies and procedures to guide police officers investigating sex offenses. (Chapter 506)

Obstruction of Governmental Duties Establishes the offense of obstruction of governmental duties by means of a bomb, destructive device, explosive, or hazardous substance, a class D felony, which is punishable by up to seven years in prison. (Chapter 327)

Prohibits Smoking on Train Platforms Prohibits smoking in outdoor areas of ticketing, boarding, waiting or platform areas of railroad stations operated by the Metropolitan Transportation Authority. (Chapter 389)

Secured Bail Bonds Amends the Criminal Procedure Law to add a further, more streamlined, way to determine the value of real property used in a secured bail bond. (Chapter 305)

Review of Order of Recognizance Authorizes a court to review an order of recognizance issued if a felony complaint is not disposed or a probable cause hearing is not started within a certain period of time. (Chapter 565)

Sexting Diversion Program for Juveniles Creates an educational reform program and a diversionary program for certain juveniles who are in criminal court or family court for sending explicit text messages. (Chapter 535)

Criminal Liability of Correctional Facility Employees Expands the definition of "employee" for the purposes of imposing criminal liability on employees of correctional facilities that have sexual relations with an inmate. (Chapter 205)

Possession of Certain Shotguns and Rifles Provides that certain persons, including convicted felons, may not possess antique firearms, black powder firearms or muzzle loading firearms. (Chapter 357)

CORRECTIONS

Juvenile Offenders Compact Establishes New York State's membership in the Interstate Compact for Juveniles (ICJ), which oversees, supervises and coordinates the interstate movement of juvenile delinquents, non-adjudicated juveniles and runaways. The law also ensures that basic due process protections are provided to children detained under the compact. (Chapter 29)

Sex Offender Registry Information Requires the type and length of supervision for sex offenders be disclosed on the sex offender registry. (Chapter 507)

Sex Offender Employment Information

Requires level 2 sex offenders to register their employment address and updates the manner in which Department of Criminal Justice Services (DCJS) makes the electronic directory of offenders available to law enforcement. (Chapter 532)

Unlawful Surveillance Crime Provides that persons convicted of attempted unlawful surveillance must register as a sex offender with the state. The law also authorizes local law enforcement agencies to provide communities with vulnerable populations with the exact address of a Level 2 sex offender. (Chapter 513)

ECONOMIC DEVELOPMENT

Innovate NY Fund Makes available federal funds to the Innovate NY Fund, the New York State Capital Access Program (CAP), and the Bonding Guarantee Assistance Program to help stimulate the development of new jobs and increase economic development activity in New York State. (Chapter 103)

EDUCATION

Inventory of NYC Schoolyards Requires the chancellor of the New York City school district to compile an inventory of outdoor schoolyards, noting their usage and plans for construction or renovations. (Chapter 544)

School Bedbug Notification Allows New York City school district principals to notify the parents or guardians of students affected by a bedbug infestation. (Chapter 300)

Concussion Management and Awareness Act Requires the State Education Department to establish head-injury guidelines for school coaches, physical education teachers, nurses and athletic trainers. The guidelines will be used to identify symptoms of a concussion and to ensure appropriate medical treatment is provided to an injured student. (Chapter 496)

Nonpublic School Fingerprinting Contracts Authorizes nonpublic schools to contract with BOCES for the processing of fingerprints used for employee criminal history record checks. (Chapter 17)

ELECTION LAW

Polling Maps Mandates that each polling place have a map available so poll inspectors can aid voters who arrive at an incorrect polling place. (Chapter 125)

Optical Scan Machine Security Ensures that the electronic memory devices used by the new optical scan voting machines are secured and stored properly after an election. (Chapter 169)

Absentee Ballot Retention Provides that absentee ballots be retained by the board of elections and canvassed as required by law. (Chapter 308)

2012 Presidential Primary Schedules the 2012 presidential primary election for April 24, 2012. (Chapter 147)

ENERGY

Power NY Act of 2011 Provides a comprehensive energy policy to address power generation, conservation and environmentally safe sources of power. The law will also establish the Article X power plant siting law, an on-bill financing mechanism for the Green Jobs-Green New York program, and directs NYSERDA to conduct identifying strategies to increase solar energy generation in New York. (Chapter 388)

ENVIRONMENTAL CONSERVATION

Protecting NY's Water Resources Authorizes DEC to implement a water withdrawal permit-



Assemblymember Cook takes a moment out of Session to meet with DC 37 members on their annual legislative day in Albany.

ting program to better monitor and regulate the use of the state's water resources. (Chapter 401)

GOVERNMENTAL EMPLOYEES

Surviving Spouse Benefit Provides a cost of living increase of approximately three percent to all line-of-duty widows or widowers of certain police and fire personnel for fiscal year 2011-12. (Chapter 161)

Teachers' Pension Portability Permits members of the New York State Teachers' Retirement System (NYSTRS) to receive service credit in another state teachers' retirement system for their New York State teaching service. This will make their service credit portable. (Chapter 553)

GOVERNMENTAL OPERATIONS

Ethics Reform Requires extensive financial disclosure by public officials and reorganizes the state bodies that oversee ethics in order to establish an independent entity to investigate allegations of ethics violations. The law will authorize the reduction or elimination of the pensions of officials who commit felonies related to their office. (Chapter 399)

Address Confidentiality Establishes an Address Confidentiality Program in the office of the secretary of state for domestic violence victims who need to maintain confidentiality of their location. (Chapter 502)

HEALTH

Bath Salt Ban Prohibits the sale of bath salt products containing harmful stimulants that are being ingested by users to experience a "high" but which are also damaging to human health. The law will make it illegal to sell and distribute bath salts containing 4-Methylmethcathinone, also known as Mephedrone and Methylenedioxypyrovalerone. The law will also classify these stimulants as controlled substances. (Chapter 130)

Certificate of Still Birth Requires the health department to establish a certificate of still birth. Under the law, a certificate of still birth will be provided upon the request of a parent. The law permits parents to restrict disclosure of information provided on the certificate of still birth. (Chapter 552)

Family Health Care Decision Act to Include Hospice Patients Expands the Family Health Care Decisions Act to include the special procedures, standards and safeguards for hospice patients. The Family Health Care Decision Act provides procedures for family members, surrogates and others who must make health care decisions on behalf of patients who are unable to decide for themselves as to what is the most appropriate treatment for their illness. (Chapter 167)

Health Care Facility Construction Projects Exemption Exempts construction projects involving routine repairs and maintenance, non-clinical infrastructure projects and equipment replacements from prior approval and pre-opening certification and survey requirements. (Chapter 174)

HIGHER EDUCATION

SUNY 2020 allows for an annual capped tuition increase at public universities of up to \$300 annually for five years and establishes a new tuition credit system for students eligible for the Tuition Assistance Program (TAP) to mitigate hardships toward future increases. The law provides \$140 million in capital support to SUNY University Centers in accordance with their approved NYSUNY2020 Plans. The law also requires the State University of New York (SUNY) and City University of New York (CUNY) to review the current TAP award

levels and eligibility criteria, and make recommendations on how to improve the program to meet the future financial aid needs of students. (Chapter 260)

E-prescriptions Allows prescribers to complete and transmit medical prescriptions electronically to a pharmacy to be dispensed. (Chapter 590)

Occupational Therapy Assistants Authorizes the SED commissioner to regulate the practice of occupational therapy assistants. (Chapter 460)

Certifying Public Accountants Allows certified public accountants (CPAs) who have a principal place of business in another state to practice in New York if they have qualifications that are substantially equivalent to those required in New York. (Chapter 456)

Automatic External Defibrillators Requires all dental facilities to possess an automatic external defibrillator, consistent with mandatory CPR training that all dentists are required to perform. (Chapter 65)

HOUSING

Rent Regulation Extends Rent Regulation Laws through June 15, 2015, increases vacancy decontrol thresholds from \$2,000 to \$2,500 per month, and raises the high income/high rent deregulation threshold from \$175,000 to \$200,000. The law will also limit to one the number of vacancy bonuses a landlord can take in a calendar year, change the amount rent can be increased after an individual apartment is improved from 1/40th to 1/60th of the cost of the improvement, and require the Division of Housing and Community Renewal to issue regulations to enforce all the provisions of the law. (Chapter 97)

Loft Law Protections Prohibits landlords from interrupting essential services, such as heat or running water, from the time an occupant files an application for coverage under the Loft Law until a final decision has been made by the Loft Board. (Chapter 159)

Affordable Housing Eligibility Makes provisions of the Private Housing Finance Law permanent and expands eligibility for the Low Income Housing Trust Fund program. To help increase the availability of affordable housing units, the law will permit the financing of rehabilitation projects as well as new construction housing units. (Chapter 197)

INSURANCE

Oral Chemotherapy Coverage Requires commercial, not-for-profit and HMO health insurance policies that provide coverage for prescription drugs and coverage for cancer chemotherapy treatment to provide coverage for prescribed oral chemotherapy medication. Under the law, the insurance policy must apply the lower cost sharing amount of either the oral medication or the intravenous chemotherapy. (Chapter 559)

Health Coverage for Autism Requires commercial, not-for-profit, and HMO policies to cover the screening, diagnosis, and treatment of autism spectrum disorders. Under the law, insurers must provide coverage of up to \$45,000 per person for applied behavior analysis claims. (Chapters 595/596)

Federal Affordable Care Act Ensures that New York State Insurance Law conforms with the Federal Affordable Care Act by providing coverage to dependents up to age 26, aligning coverage for preventive care with federal guidelines and prevents co-payments or deductibles from being charged for preventative care. The



Assemblymember Cook welcomes to the NYS Assembly the First Lady of Jamaica, Mrs. Lorna Golding, wife of Jamaican Prime Minister Bruce Golding. The first lady has been a tireless worker in the promotion of literacy and children's programs throughout the world.

measure also ends the requirement for an enrollee to receive pre-authorization in order to receive emergency care and prohibits lifetime limits on essential benefits, beginning January 1, 2014. In addition, the law also bans annual limits on essential benefits. (Chapter 219)

JUDICIARY

Marriage Equality Act Provides same sex couples with the ability to obtain a marriage license in New York State. (Chapter 95)

Child Support Orders Empowers the Family Court to order unemployed individuals who owe child support to seek employment or participate in training programs that will lead to employment in order to enhance the collection of financial support for children and families. (Chapter 592)

LABOR

Unemployment Benefits Continues extended benefits for unemployed workers who are unable to find work. (Chapter 7)

LIBRARIES

New York State Library Requires the New York State Library to be open at least eight hours each day on five days every week in the year except on specified legal holidays. This law will provide the Regents with the flexibility necessary to develop a schedule that best meets the needs of the public to access the state library and museum. (Chapter 261)

LOCAL GOVERNMENTS

Land Banks Authorizes municipalities to create a not-for-profit corporation, known as a land bank to acquire vacant, abandoned, tax delinquent, or tax foreclosed real property and convert the properties to productive use. (Chapter 257)

Private Activity Bond Allocation Act of 2011 Establishes the process for the state to allocate its share of the Bond Volume Cap, which was established by the federal government in 1987. This law allocates one-third of available tax exempt bonds to local issuing agencies, including local governments and industrial development agencies (IDAs), one-third to state issuing agencies, and one-third to a statewide bond reserve to be available upon application when eligible agencies have exhausted their share of the bond volume cap. Any unused local and state bond volume caps would be transferred to the statewide bond reserve each year on October 1st. (Chapter 71)

MENTAL HEALTH

Mandatory Reporting of Crimes requires the district attorney or appropriate law enforcement



Assemblymember Cook is pleased to meet with representatives of Brooks Senior Center on their lobbying day in Albany to discuss funding and other issues of importance to seniors.

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officials to be contacted immediately but no later than 24 hours if it appears a situation has occurred where conduct caused physical injury or unauthorized sexual contact, if it appears the welfare of an individual has been endangered, or a felony crime was committed. (Chapter 558)

REAL PROPERTY TAXATION

Real Property Tax Cap and Mandate Relief Requires school districts and local government entities to cap increases in real property taxes at two percent or the rate of inflation, over the previous year's levy, whichever is less. Under the law, school districts could exceed the cap with 60 percent of a public vote, and local governments may exceed the tax limit with the approval of 60 percent of the governing body for the 2012 fiscal year for local governments and for the 2012-2013 school budget year. The law contains a number of mandate relief measures to help local governments achieve operational savings and reduce the need to increase real property taxes. The law addresses unfunded mandate relief by providing local governments and schools districts with more flexibility so they can provide municipal services without further burdening their tax base. In addition, the law establishes a Mandate Relief Council to review unfunded mandates and examine their impact on local governments. (Chapter 97)

SOCIAL SERVICES

Driver's License Suspension Continues the suspension of a driver's license for individuals who are delinquent in child support payments until June 30, 2013. (Chapter 101)

TOURISM

Sporting, Entertainment and Cultural Event Tickets Extends the current regulations and consumer protections for the sale and resale of tickets for sporting, cultural and entertainment events until May 15, 2013. (Chapter 19)

TRANSPORTATION

Hazard Vehicle Safety Requires motorists to exercise due care when passing a parked, stopped or standing hazard vehicle, such as a tow truck, utility vehicle, highway maintenance vehicle, snow plow, and postal service vehicle. (Chapter 458)

School Bus Driver Disqualification Expands the list of offenses for which a conviction would disqualify a person from operating a school bus. (Chapter 400)

Texting and Use of Portable Electronic Devices Allows for the primary enforcement of the law banning the use of portable electronic devices, such as handheld mobile telephones and laptop computers, while driving. (Chapter 109)

Complete Streets Provides for the consideration of complete street design features, including sidewalks, paved shoulders, bicycle lanes, bus pullouts, and others, in various state and local transportation projects. (Chapter 398)

VETERANS AFFAIRS

OASAS Coordination Council Requires two of the 26 member advisory council of the Office of Alcohol and Substance Abuse Services to be combat veterans, beginning with vacancies that occur on or after the bill's effective date of the law. (Chapter 499)

Women Veterans Coordinator Updates the duties of the women veterans coordinator within the state Division of Veterans' Affairs to include the promotion of events and activities that recognize, educate and honor women veterans. (Chapter 515)

Funeral Event Demonstrations Authorizes the state and local municipalities to create a permitting system in order to regulate demonstrations within 1000 feet of a military funeral event. (Chapter 527)

HEAP OFFERS ASSISTANCE TO THOSE WHO NEED IT MOST THIS WINTER

New York is notorious for harsh winter weather, making cold weather preparation and protection essential to surviving these months. Many working families and seniors have trouble paying their heating bills, especially in this tough economy. To help those vulnerable households meet their home-heating needs in a safer, more affordable manner this winter, I strongly encourage eligible residents of Southeast Queens to sign up for the Home Energy Assistance Program (HEAP). HEAP is a federally funded program that issues heating benefits to supplement a household's annual energy cost.

The HEAP program has a number of different benefits available. The regular benefit component assists lower-income New Yorkers with the cost of heating their homes or apartments. Regular HEAP benefits are based on income, the primary heating source and the presence of a household member who is under age 6, age 60 or older or permanently disabled. An eligible household may receive one regular HEAP benefit per program year. Regular benefits for households that pay directly for heat based on actual usage are paid to the vendor of the household's primary source of heat. You may be eligible for a regular benefit if:

- You and your household members are United States citizens or qualified aliens;
- Your household's gross monthly income is at or below the current income guidelines for your household size;
- You receive food stamps;
- You receive temporary assistance; or
- You receive Code A Supplemental Security Income (SSI living alone).

In addition to regular benefits, HEAP also provides emergency benefits to New Yorkers who are facing a heat or heat-related energy emergency and do not have the resources available to fix the crisis. Emergency HEAP benefits are based on income, available resources, the number of household members and the primary fuel type. You may be eligible for the emergency benefits if:

- Your electricity is necessary for your heating system or thermostat to work and is either shut off or scheduled to be shut off;
- Your natural gas heat is off or scheduled to be shut off;
- You are in danger of running out of fuel; or
- Your essential home-heating equipment is inoperable.

HEAP benefits also include the heating equipment repair or replacement component, which helps low-income homeowners repair or replace furnaces, boilers and other direct-heating elements required to keep the home's primary heating source in working order. Benefit amounts are based on the actual cost incurred for repair or replacement of the appliance, up to \$6,000.

A warm home is critical during the long, cold winter months. That's why household heating cost increases have created a serious issue for many Southeast Queens residents, and HEAP assistance provides added protection for those who need it most. I am committed to supporting HEAP and ensuring that seniors on fixed incomes and working families struggling to make ends meet do not have to choose between heating their homes and putting food on the table.

For further information about HEAP in New York City, please call the Human Resources Administration Department of Social Services toll-free number at 800-692-0557 or visit the HRA/DSS website at www.nyc.gov/html/hra/html/directory/heap.shtml. As always, please do not hesitate to contact my office with any questions or concerns at (718) 322-3975.

ASSEMBLYMEMBER COOK'S OFFICE INFORMATION

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