



End of 2016 Legislative Session Summary

Administrative Procedures/Rulemaking

Staff contact: [Ken Pokalsky](#)

Passed both houses

- Requires timely online posting of proposed rulemakings exceeding 2,000 words and the text of emergency rulemakings.
S.7097(Murphy)/A.9612(Zebrowski) and S.7098(Murphy)/A.9615(Zebrowski)
The Business Council supported.

Construction/Transportation

Passed Both Houses

- Prohibits contracts between shippers and motor carriers from indemnifying the shipper for liability for damages to goods regardless of fault.
S.4173-A (Nozzolio)/A.7307 (Lupardo)
The Business Council did not take a position.
- Imposes additional road crossing and bridge inspection mandates on railroads; duplicates and/or contradicts federal requirements.
S.8119 (Robach) /A.10714 (Buchwald)
[The Business Council opposed.](#)

Not Approved

- Imposes Binding Arbitration Mandate on NYPA
S.3120 (Griffo)/A.6175 (Abbate)
[The Business Council opposes](#)
- Would exempt the Niagara frontier transit authority (NFTA) from bond issuance charges.
S.3328 (Ranzenhofer)/A.8164 (Peoples-Stokes)
[The Business Council supports.](#)
- Requires various public transit authorities and their employees to submit all unresolvable contract negotiations to binding arbitration.
S.4746 (Funke)/A.5303 (Abbate)
[The Business Council opposes.](#)

- Reforms the prompt payment system for contractors, subcontractors and materials suppliers on public works contracts.
S. 6315 (DeFrancisco) /A.9868 (Cusick)
[The Business Council supports.](#)
- Extends public works' prevailing wage mandate to private sector projects receiving any level of state financial support.
S. 7861 (Martins)/A.10141 (Bronson)
[The Business Council opposed.](#)

Contract Procurement

Staff contact:[Sonia Lindell](#)

Passed Both Houses

- Clarifies the definition of “restricted period” in State Finance Law (SFL) Section 139-k. (This year’s enacted budget updated the definition in SFL Section 139-j.)
[S.7722 \(Lanza\)/A.10296 \(Peoples-Stokes\)](#)
[The Business Council supports.](#)
- Provides that the burden of proof of material prejudice claims would fall on a public owner if the contractor provides notice within 180 days of the time specified in the contract; after this time period, the burden would fall on the contractor to prove that that public owner had not been prejudiced.
[S.6906 \(Ranzenhofer\)/A.10136 \(Cusick\)](#)
[The Business Council supports.](#)

Not Approved

- Creation of a state innovation technology information center.
[S.3095-A \(Funke\)/A.690-A \(Hevesi\)](#)
[The Business Council supports.](#)
- Legislation authorizing the use of “competitive negotiations” and alternative procurement methods (OSC program bill).
[S.7892 \(DeFrancisco\)/A.10186 \(Peoples-Stokes\)](#)
[The Business Council supports.](#)
- Requires new analysis requirements on state agencies prior to entering into a consultant services contract in excess of \$750,000 in a 12-month period
[S.6810-A \(Robach\)/A.2499-A \(Bronson\)](#)
[The Business Council opposes.](#)

Consumer Affairs

Passed both houses.

- S.6485-A (Bonacic)/A.8630-A (Gunther)
Prohibits charges for termination or early cancellation of telephone, cellular telephone, television, internet, energy, or water services contracts in the event the customer has deceased before the end of such contract.

Did not pass

- Requires a “safety warning” on certain beverage and drink mix packages, as well as additional postings in food service establishments.
S.6435 (Rivera)/A.2320-B (Dinowitz)
[The Business Council opposed.](#)
- Impose significant new regulatory and reporting requirements on “multilevel distribution companies.”
S.8125 (Klein)/A.10735 (Moya)
The Business Council opposed.

Economic Development

Staff contact: [Johnny Evers](#)

Passed Both Houses

- SLA and Alcohol Beverage Control Law (ABCL) amendments including the provision of language to allow for Sunday morning sales of alcoholic beverages for on-site consumption; modernization of numerous sections of the ABCL including streamlining certain permit and sales provision; amends the Executive Law in relation to vacancies on the State Liquor Authority Board and the chairmanship of said board.
S.8140 (Lanza) /A.10728 (Schimminger)
[The Business Council supported.](#)
- Amends the alcoholic beverage control law, in relation to the authority of the state liquor authority (SLA) to revoke, suspend, or cancel a license or permit.
S.7728 (Boyle) /A.10248 (Steck)
[The Business Council supported.](#)
- Relates to federal bond volume allocations, the unified state bond ceiling and the private activity bond allocation act of 2016.
S.7637 (Little) /A.10255 (Magnarelli)
The Business Council supported.
- Establishes protocols for combative sports; authorizes mixed martial arts events in this state.
S.5949-A (Griffo)/ A. 2604-C (Morelle)
The Business Council supported.
- S. 6397-B (Martins)/ A. 9174-A (Blake) - Requires state agencies to pay small businesses within fifteen days of receipt of an invoice. Passed both houses.
The Business Council supported.
Chapter 37.

Not Approved

- Expand eligibility for Excelsior jobs program tax credit by lowering new jobs and capital investment thresholds.
S.7583 (Young)/A.10156 (Schimminger)
[The Business Council supported.](#)

Education/Workforce Development

Staff contact: [Sonia Lindell](#)

Not Approved

- Codifies P-TECH program in statute, and makes \$25 million available for their support (SED departmental bill).
[S.7496 \(Marcellino\)/A.10024 \(Nolan\)](#)
[The Business Council supports](#)

Energy

Staff contact: [Darren Suarez](#)

Passed Both Houses

- A concurrent resolution of the Senate and Assembly to amend article 14 of the constitution, in relation to allowing public utility lines and bike paths to be constructed in the width of state, county or town highways; on forest preserve property within the right of way.
S. 8026-A (Little) /A.10721-A Rules (Englebright)

Not Approved

- Creates the State Office of the Utility Consumer Advocate to represent residential utility consumers' interests in residential utility matters at the state and federal level.
S.3356 (Savino) /A.180 (Dinowitz)
[The Business Council opposed.](#)
- Amends section 5 of the Public Service Law by adding a subdivision 7 requiring each public utility company, to remove or relocate any utility poles within ninety days if necessary for the construction or improvement of any public roadway by the state or political subdivision.S.4349 (Lanza)
[The Business Council opposed](#)
- Allows certain vehicles of a utility company to access the State parkway system. Currently, the vehicle and traffic law prohibits large commercial vehicles from utilizing the state parkway system.
S.5757-B (Murphy) /A.8119-A (Paulin)
[The Business Council Supported](#)
- Establishes a self-directed or “banking” approach, for large electric customers encompassing all applicable state-imposed Clean Energy charges. The self-directed or banking approach would maximize investments in renewable energy, load reduction and REV related projects while at the same time, moderating rate impacts and reducing competitive inequities associated with current energy assessments. The proposed legislation allows business customers a reasonable opportunity to utilize current energy assessment to meet the State’s energy goals and will make the cost of such efforts more manageable.
S.7840 (Griffo) / A.10716 Rules (Woerner)
[The Business Council Supported](#)
- Allows electric load serving entities (utilities or energy service companies) to offer business customers electricity that is exempt from their obligation under the Clean Energy Standard. The Clean Energy Standard (CES) as proposed by Governor Cuomo would mandate that 50 percent of all electricity consumed in New York by 2030 result

from clean and renewable energy sources.

S.7886 (Griffo)

[The Business Council Supports](#)

Environment

Staff contact: [Darren Suarez](#)

Passed Both Houses

- Provides that a personal injury action based on contact with or exposure to any of the substances found within an area designated as a Superfund site may be commenced: “within the period allowed pursuant to section two hundred fourteen-c of this article” or “within three years of such designation of such area as a superfund site,” whichever is latest.”
S.6824-A (Marchione) /A.9568-A (McDonald)
[The Business Council Opposed](#)

Not Approved

- Requires the labeling of genetically modified foods and other consumable products made from genetically modified materials.
S.485-A (LaValle) / A.617-A (Rosenthal)
[The Business Council opposed.](#)
- Mandates the Department of Environmental Conservation to undergo a chemical review process to make concrete determinations about the toxicity of chemicals and their potential harm to the public.
S.4102-A (Boyle) /A.5612 (Englebright), see also S.8105 (Boyle)/A.10715 (Englebright)
[The Business Council opposed.](#)
- Provides the Department of Environmental Conservation (DEC) with the mandate to eliminate all greenhouse gas emissions from any emission source in the state by 2050.
S.8005 (Savino) /A.10342(Englebright)
[The Business Council Opposed](#)

“Ethics”/Lobbying/Elections Reforms

Staff contact: [Ken Pokalsky](#)

Passed Both Houses

- New standards and reporting requirements for independent expenditure committees; creates new criteria for prohibited coordination between IECs and candidates; prohibits contributions from PACs to related IECs; increases disclosure requirements for IEC income and expenditures (Part A). Expands “source of funding” requirements to include entities that spend \$15,000 over 12 months on lobbying (reduced from \$50,000), requires disclosure of funding sources over \$2,500 (reduced from \$5,000); amounts received as membership dues payments do not have to be disclosed (Part D). Imposes new reporting requirements on 501(c)3 and 4 entities that make contributions to lobbying expenses. Imposes new registration and reporting requirements on “political consultants.” (Part H).
S.8160 (Flanagan)/A.10742 (Rules)
The Business Council did not take a position.
- First passage of concurrent legislative resolution to amend the state constitution to allow the pension of a public officer to be reduced or revoked based on a felony conviction

related to official duties. “Public officer includes: elected officials; gubernatorial appointees; county, city, town or village administrator or manager; the head of any state or local department, board, commission or public benefit corporation; a judge or justice of the unified court system; and any legislative, executive, or judicial employee of this state who is designated as a policymaker under state law.

S.8163 (Crocì)/A.10739-A (Rules)

The Business Council did not take a position.

Not Approved

- Restrict political contributions from LLCs to the \$5,000 limit applicable to corporations; require disclosure of owners of LLCs that make political contributions.

[S.60-B \(Squadron\)/A.6975-C \(Kavanagh\)](#)

The Business Council opposed.

- Concurrent legislative resolution to amend the state constitution to increase the terms of office of members of the legislature from two to four years.

S.894-A (Avella)/A.8577-A (Braunstein)

The Business Council supported.

Financial Services

Staff contact: [Cate Tully](#)

Passed Both Houses

- Would modify state regulation of gift cards and gift certificates.

S.4771-E (Funke)/A.7610-E (Dinowitz)

[The Business Council supports.](#)

- Creates a state insurance advisory board.

[S.7536-A \(Seward\)/A.10267-A \(Cahill\)](#)

The Business Council supports.

- Implements administrative procedures for the Department of Financial Services that will provide greater transparency in their analysis, inquiries and regulation of the insurance industry.

S.7534-A (Seward)/A.10292-A (Cahill)

The Business Council supports.

- Impose unnecessary new mandates on lenders regarding mortgaged property, in, or potentially in, foreclosure.

S.8159 (Flanagan)/A.10741 (Farrell), Part Q

The Business Council opposes.

Not Approved

- Would authorize minority non-CPA ownership in public accounting firms.

S.4672-A (LaValle)/A.5964-A (Ortiz)

[The Business Council supports.](#)

- Authorize transportation network companies to operate in New York; addresses insurance coverage requirements for drivers/vehicles performing services for a TNC.

S.4108-D (Seward); Also S.4280-A (Seward)/A.6090-A (Cahill)

[The Business Council supports.](#)

- Requires home improvement contractors to have insurance coverage and regulates their conduct when making repairs covered by homeowner's insurance.
S.5126-A (Amedore)/A.7339-A (Brindisi)
[The Business Council supports.](#)
- These bills would create a private right of action against insurance companies for unfair claim settlement practices.
S.29-A (DeFrancisco)/A.8025 (Brennan); Also S.4049-B (Lanza); A.257-A (Weinstein)
[The Business Council opposes.](#)
- Authorize a private retirement plan to be created by the State of New York; mandates that employers that do not make a retirement program available to employees offer this option to all employees, to be paid for through employee withholdings
S.6045-D (Savino)/A.8332-F (Rodriguez)
[The Business Council opposes.](#)
- Prohibits the use of arbitration clauses in consumer and employment contracts.
A.108-D (Dinowitz); A.9956-A (Dinowitz)
[The Business Council opposes.](#)

Health / Health Insurance

Staff contact: [Lev Ginsburg](#)

Passed Both Houses

- Mandates unlimited, medically necessary, treatment for substance use disorder including inpatient coverage as required by the Mental Health Parity and Addiction Equity Act of 2008 (29 U.S.C. § 1185a); requires insurance carriers to provide coverage, without prior authorization and without co-pays, for inpatient services for the diagnosis and treatment of a substance use disorder as long as needed and for fourteen days before they perform any utilization review; insurers required to use objective diagnostic tool approved by the New York State Office of Alcoholism and Substance Abuse Services (OASAS).
S.8137 (Ortt)/A.10725 (Rules)
- Limits opioids prescriptions to seven-day supply, but allows only pay a single copayment co-pay for 30 days' worth of pharmaceuticals; insurance carriers to provide at least five days of coverage, without prior authorization, for medication to treat substance use disorder and provide coverage for medication to reverse overdoses called opioid antagonists to any person under the same policy as the treated addicted individual.
S.8139 (Murphy)/A.10727 (Rules)
- Expands private insurance coverage for diagnosis and treatment of breast cancer; mandates longer hospital hours and time off for NYC government employees to get screened; precludes deductibles and co-pay requirements for diagnostic mammograms, breast ultrasounds, and magnetic resonance imaging.
S.8093 (Flanagan)/ A.10679 Rules (Barrett)
- Exempts Employer Group Waiver Plans (EGWPs) that cover prescription drug benefits for Medicare beneficiaries from New York Insurance Law requirements including State benefit mandates and rate filing requirements.
S.7867 (Seward) /A.10524 (Cahill)
[The Business Council supports.](#)

Not Approved

- Mandates nursing staff ratios on hospitals and nursing homes throughout the state, which could have increased cost to the health care system by between \$2 and \$3 billion annually. Passed Assembly.
S.782 (Hannon)/ A.8580-A (Gunther)
[The Business Council opposes.](#)
- Would permit health care providers, including physicians, to collectively bargain with health plans.
S.1157 (Hannon) /A.336 (Gottfried)
[The Business Council opposes.](#)
- Creates the New York Health Plan, a single-payor health care system while making most forms of private insurance illegal. Passed Assembly.
S.1846 (Hannon) / A.3734 (Gottfried)
[The Business Council opposes.](#)
- Limit pharmacy mail order options for health insurance purchasers.
S.2530 (Golden)/A.6194 (Joyner) Passed Assembly.
[The Business Council opposes.](#)
- Legislation would allow for Westchester hospital system to avoid antitrust statutes in negotiations with health plans.
S.4417-A (Murphy)/ A.2888-A (Abinanti)
[Business Council Opposes](#)
- Creates mandate on group insurance to cover IVF and other fertilization procedures
S.7219 (Savino)/A.10137 (Simotas)
[Business Council Opposes](#)
- Mandates “chain pharmacies” to operate disposal sites for unused controlled substances.
S.7407 (Hannon)/ A.9883 (Gunther)
[Business Council Opposes](#)

Labor/Human Resources

The Business Council negotiated acceptable language on components of the Department of Labor’s proposed rules regarding Method of Payment of Wages. A [notice of revised rulemaking](#) was issued June 15, 2016, with an additional 30 day public comment period prior to issuance of a final rule.

Passed both houses

- Imposes new standards on employment agencies; intends to “deter employment agency abuse;” requires additional information on available jobs be provided to job seekers.
S.8102 (Klein)/A.10672 (Moya)
[The Business Council opposed an earlier version of this bill](#), but did not take a position on the final bill which addressed our most significant concerns.

Not Approved

- Creates an employee lien against an employer and certain managers/supervisors based on allegations of non-payment of wages.
S.2232-E (Peralta)/A.5501-C (Rosenthal)
[The Business Council opposes](#)

- Enacts the "credit privacy in employment act" to prohibit the use of consumer credit reports in hiring and employment determinations.
S.1545-A (Klein)/A.2372 (Dinowitz)
[The Business Council opposes.](#)
- Requires employers to make a conditional offer of employment before inquiring about any criminal convictions of a prospective employee.
S.2029 (Hassell-Thompson)/A.2990 (Aubry)
[The Business Council opposes.](#)
- Provides public and private employees right to review personnel file.
S.2578 (Parker) / A.7876 (Titus)
[The Business Council opposes.](#)
- Requires prior written notice upon hiring and once annually to all employees, informing them of the types of electronic monitoring which may occur.
A.995 (Rosenthal)
[The Business Council opposes.](#)

Legal Reform

Staff contact: [Lev Ginsburg](#)

Not Approved

- Provides that a non-New York business or non-profit that secures authorization to conduct business in New York is automatically subject to the general jurisdiction of the state's courts.
S.4846 (Bonacic) /A.6714 (Weinstein)
[Business Council Opposes](#)
- Requires the disclosure of all past, pending, and anticipated asbestos trust claims by a plaintiff.
S.5504 (O'Mara) /A.5978 (Schimminger)
[Business Council Supports](#)
- Regulates lawsuit lending industry in New York State.
S.8006 (Ort) /A.9241-C (Simanowitz)
[Business Council Supports](#)
- Allows assessed value of property subject to PILOT agreement to be included in tax cap change factor; excludes BOCES capital expenditures from inclusion school districts tax cap; subjects school district budget to majority vote where the budget itself is tax cap compliant, but voter submitted propositions cause the budget to exceed the tax cap.
- Allows assessed value of property subject to PILOT agreement to be included in tax cap change factor; excludes BOCES capital expenditures from inclusion school districts tax cap; subjects school district budget to majority vote where the budget itself is tax cap compliant, but voter submitted propositions cause the budget to exceed the tax cap.
S.8049 (Rules)
The Business Council supported components of this bill.

Taxation / Revenue / Tax Credits

Staff contact: [Ken Pokalsky](#)

Passed Both Houses

- Precludes Industrial Development Agencies from providing exemptions from mortgage recording taxes imposed for upstate transit authorities.
S.7442 (DeFrancisco)/A.9490 (Magnarelli)
The Business Council opposed.
- Amends NYC business tax filing deadlines for consistency with federal and state tax deadlines for sole proprietors, which would be required to file returns by April 15th.
S.8038 (Lanza)/A.10266 (Farrell)
The Business Council supported.
- Directs payment of QEZE tax credits to taxpayers that were decertified on or after 4/1/09 but subsequently reinstated pursuant to judicial review.
S.7609 (Ranzenhofer)/A.10223 (Schimminger)
The Business Council supported.
- Expands the bonus “empire state film production credit” to include the entire state except New York City and Westchester, Rockland and Nassau counties.
S.6987 (Amedore)/A.9415 (Gunther)
- Exempts “feminine hygiene products” from state and local sales tax.
S.7838 (Serino)/A.7555-A (Rosenthal)
- Establishes the empire state music production credit and the empire state digital gaming media production credit.
S.7485-B (Golden)/A.10083-B (Lentol)

Not Approved

- Expand eligibility for Excelsior jobs program tax credit by lowering new jobs and capital investment thresholds.
[S.7583 \(Young\)/A.10156 \(Schimminger\)](#)
The Business Council supported.
- Creates a biotechnology research and development investment tax credit.
S.4138-A (Ranzenhofer)/A.7045-A (Schimminger)

Telecom and Technology

Staff contact: [Johnny Evers](#)

Not Approved

- Amends the general municipal law to enact the "wireless broadband eligible facility permitting act" to provide for uniform municipal regulation of improvements at existing wireless facilities.
S. 6090 (Little) /A.10620 (Morelle)
[The Business Council supported.](#)
- PSC mandated service quality standards, credits, reports and penalties.
A. 8123-A (Brennen)
[The Business Council opposed.](#)
- Mandates that manufacturers of digital electronic equipment make available for purchase that equipment’s diagnostic and repair information, embedded software, tools and other parts to owners of the equipment and to independent repair providers not associated with the manufacturer

S.3998-B (Boyle) / A.6068-A (Morelle)

[The Business Council opposed.](#)

- Broadens the scope of information covered under the notification provisions regarding security breaches under state law; expands the definition of personal information; requires issuers of credit and debit cards to notify customers of the breach of security prior to the issuance of replacement cards; mandates media campaigns to alert the media of data breaches.

S. 6834-B (Venditto) /A.10475-A (Dinowitz)

[The Business Council opposed.](#)

- Mandates a PSC study of fiber optic cable television systems, imposes additional reporting requirements on service providers.

S. 1034 (Avella) /A.2597 (Brennan)

[The Business Council opposed.](#)

- Creates standards by which the public service commission reviews and approves a merger or acquisition between telephone corporations, cable corporations and combination telephone and cable corporations.

A. 1223-D (Brennen)

[Business Council opposed.](#)

- Requires the formation of a cyber security advisory board and the implementation of a cyber security initiative.

S. 3407-A (Crocì) /A.6130-A (DenDekker)

The Business Council opposed.

- Requires a comprehensive review of all cyber security services to be performed every five years.

S.3405-A (Crocì) /A.6133-A (DenDekker)

The Business Council opposed.

- Imposes penalties on a business moving call center employment and operations overseas, by restricting their access to state contracts and loans.

S. 757-A (Kennedy) / A. 3688-A (Peoples-Stokes)

[The Business Council opposed.](#)

Travel and Tourism

Staff contact: Johnny Evers

Passed Both Houses

- Amends the Arts and Cultural Affairs Law relating to automated ticket purchasing software also known as “bots” and makes it unlawful for ticket resellers to resell or offer to resell tickets that they know were obtained using ticket purchasing software if not obtained for their own use or those of their invitees, employees or agents.

S.8123 (Lanza) /A.10713 (Crespo)

The Business Council supported.

Unemployment Insurance

Staff Contact: [Lev Ginsburg](#)

Not Approved

- Exempts employers from paying unemployment insurance on H2A visa temporary farm workers.
S.1853-A (Little) / A.6256-A (Magee) Passed Senate.
[Business Council Supports](#)
- Creates a personal liability of corporate officers for delinquent unemployment contributions.
S.7268 (Martins)/ A.10443 (Titus)
[Business Council Opposes](#)

Workers' Compensation

Staff contact: [Lev Ginsburg](#)

Passed Both Houses

- Authorizes the care and treatment of injured employees by duly licensed or certified acupuncturists under the workers' compensation program.
S.7431-A (Martins) /A.2462-A (Bronson)
[The Business Council opposes.](#)

Not Approved

- Mandates payment mechanism for any willing pharmacy.
S.5783-B (Martins)/ A.7885-B (Cahill)
[The Business Council opposes.](#)
- Reverses the holding of the Court of Appeals in the Matter of Zamora v. New York Neurologic, creating a presumption of causally related wage loss.
S.2768 (Savino) /A.5561 (Titus)
[The Business Council opposes.](#)