



2010 Legislation Approved by Both the Senate and Assembly Impacting Higher Education

Status as of Tuesday, July 20, 2010

Chapter Laws of 2010

Chapter 1

A.9559 Silver

S.6439 Squadron

Prohibits and criminalizes the use by certain public officers and employees of state property, services or resources for activities related to private business or to a political campaign.

Effective date: February 12, 2010

Chapter 4

A.9949-A Destito

S.6924-B Kruger

Relates to procurement lobbying creating clarity and certainty for both vendors and governmental agencies as to their rights and responsibilities during the procurement process.

Effective date: March 3, 2010

Chapter 8

A.7729-D Gottfried

S.3164-B Duane

Creates the family health care decisions act establishing procedures for family members, surrogates and others close to an incapacitated patient making health care decisions on behalf of patients unable to decide about treatment for themselves in accordance with special procedures, standards and safeguards.

Effective date: June 1, 2010

Chapter 15

A.9954 Pretlow

S.6352-A Adams

Authorizes state colleges with an approved equine science program to conduct equine drug testing at race meetings.

Effective date: March 23, 2010

Chapter 30
S.4998-A Duane
A.1726-B Gottfried

Clarifies the scope of practice of physician assistants to authorize such physician assistants, while under the supervision of a physician, to perform the medical services that the physician could perform if such physician assistant has the proper training.
Effective date: March 30, 2010

Chapter 37
A.1138 Gottfried
S.4529 Krueger

Authorizes the provision of optometric services through the college of optometry of the state university of New York, to recipients of medical assistance for the needy.
Effective date: April 14, 2010

Chapter 40
A.5873 Pretlow
S.4284 Valesky

Directs public bodies to make or cause to be made all reasonable efforts to ensure that meetings are held in an appropriate facility which can adequately accommodate members of the public who wish to attend.
Effective date: April 14, 2010

Chapter 43
A.10093 Destito
S.3195-B Valesky

Permits any meeting of a public body to be recorded, broadcast, webcast, and photographed, provided that it is done in a way that is not disruptive to the meeting.
Effective date: April 1, 2011

Chapter 44
A.10196 Destito
S.7054 Oppenheimer

Authorizes the court to declare that a public body has violated the open meetings law or to declare that actions taken by a public body are void and requires members of the public body to attend a training session concerning the obligations of the open meetings law.
Effective date: June 13, 2010

Chapter 45
A.10065-A Abbate
S.6972-A Savino

Enact a temporary retirement incentive program for employees who are members of TRS and ERS and who are in bargaining units represented by NYSUT who are above age 55 and with 25 years of service.
Effective date: April 14, 2010

Chapter 98

S.5585-C Stavisky

A.9844-A Glick

Requires the board of trustees of SUNY, CUNY and HESC to make publicly available agendas and subsequent meeting records on their websites.

Effective date: May 25, 2010

Chapter 100

A.11309 Rules

S.7989 Rules

Appropriates \$20.4 million to the state education department for services and expenses related to implementing a state longitudinal data system to support the expansion of the current P-12 data system to begin to match student, teacher, and course information and support the beginning of P-20 system linkages with SUNY and CUNY.

Effective date: April 1, 2010

Chapter 101

A.11310 Silver

S.7990 Oppenheimer

Relates to the establishment, organization, and administration of charter schools which includes the issuance of additional charters through a new competitive request for proposals process developed by the board of regents and the board of trustees of the state university of New York and establishes enhanced transparency and accountability measures for the operation and management of charter schools.

Effective Date: May 28, 2010

Chapter 105

A.11144 Abbate

S.7909 Savino

Establishes temporary retirement benefit incentives for certain public employees for the fiscal year 2010-2011 which provides additional service credit for certain members of NYS&LERS, NYSTRS, NYCTRS, NYCBERS and NYCERS and eliminates the early retirement reductions at 25 years of service instead of at 30 years of service for retirement during a specified 90 day period for Tier 2, 3 and 4 members of such retirement systems.

Effective Date: June 2, 2010

Chapter 117

A.8827-A Scarborough

S.3895-B Montgomery

Relates to the enforcement of child day care safety and standards.

Effective date: June 15, 2010

Chapter 130

A.8897-A Pretlow

S.5921-A Stavisky

Grants an exemption from licensing requirements for certain social work and mental health professionals employed by certain not-for-profit corporations, education corporations and business corporations if such corporations register with the education department and extends the expiration of provisions of law establishing licensing for social workers and mental health practitioners.

Effective date: June 1, 2010

Chapter 131

A.11438 Rules

S.8168 Rules

Provides the New York State Theatre Institute with an appropriation to finance a portion of its liabilities owed to the State University of New York at Albany and amends NYSTI's governance structure, streamlining qualifications of NYSTI Board members and provides current and future board members, officers and employees of NYSTI with defense and indemnification under Public Officers Law.

Effective date: April 1, 2010

Chapter 145

A.10961 Wright

S.7336 Squadron

Makes permanent the provisions of chapter 534 of the laws of 2000, which clarifies the definition of work activities to include certain work-study and internship positions to further ensure that students will have the opportunity to continue in school even if assigned to other work activities.

Effective date: June 29, 2010

Chapter 148

A.11603 Rules

S.8421 Rules

Relates to 2010-11 budget appropriations for SUNY amending Chapter 53 of the Laws of 2010 addressing special revenue funds.

Effective date: July 2, 2010

Chapter 149

A.11604 Rules

S.8422 Rules

Extends the period of time in which certain payments and transfers by the state university chancellor shall be made.

Effective date: July 2, 2010

Chapter 154

A.8531-A Destito

S.6058 Adams

Expands protection of technology assets used to maintain public information which permits an agency to deny access to records that would jeopardize the capacity of any entity to guarantee the security of its information technology assets.

Effective date: July 7, 2010

Chapter 173

A.11525 Destito

S.8312 Hassell-Thompson

Relates to discretionary purchases by state agencies and provides that certain discretionary purchases shall be subject to written internal controls established by each state agency, raising the limit for purchasing from small businesses and MWBEs without formal competitive process from \$100,000 to \$200,000.

Effective date: October 13, 2010

Chapter 175

A.11527 Cook

S.8314 Hassell-Thompson

Relates to expanding opportunities for women and minority-owned business enterprises and increasing competition and diversity in procurements by the State and its public authorities.

Effective date: October 13, 2010

Vetoes of 2010

Veto 1

A.9544 Silver

S.6457 Schneiderman

Creates an executive ethics and compliance commission and the New York state commission on lobbying ethics and compliance and establishes the legislative office of ethics investigation and joint legislative commission on ethics standards.

Veto 2

S.4917 Thompson

A.249 Magnarelli

Establishes the New York state greenhouse gases management research and development program to promote new technologies and processes which shall avoid, abate, mitigate, capture or sequester carbon dioxide and other greenhouse gases.

Veto 17

A.6453-A Ortiz

S.6196-A Schneiderman

Directs the commissioner of education, in cooperation with the commissioner of health, to facilitate a program to coordinate the donation of excess, unused, edible food from school, university or other educational institutions meal programs to voluntary food assistance programs; such may be allowed under applicable federal and state laws.

Passed Both Senate & Assembly – Currently in Governor’s Office Pending Final Action

A.9810 Gabryszak

S.6854 Stachowski

Relates to certain funds used by the center for advanced technology requiring the centers to accelerate technology development and commercialization, to facilitate new company formation, to conduct outreach to companies, and to provide evidence of partnerships with entities that aid in the economic development growth of the State.

Status: Delivered to Governor – July 8, 2010

A.1729 Gottfried

S.5002 Duane

Prohibits hospitals from denying staff membership or professional privileges to any psychologist without stating the reasons and provides that such reasons must be related to standards of patient care, patient welfare, the objectives of the hospital, or the character or competency of the psychologist.

Status: Delivered to Governor – July 8, 2010

A.9512 Wright

S.7859 Volker

Renames the CUNY Seek Program as the Percy Ellis Sutton SEEK Program.

Status: Delivered to Governor – July 8, 2010

A.10118 Bing

S.7748-A Stavisky

Reauthorizes the current law relating to a statewide advisory council regarding college instructional materials which extends certain provisions relating to publishers or manufacturers providing printed instructional materials for college students with disabilities.

Status: Delivered to Governor – July 8, 2010

A.10771 Cusick

S.7329 Johnson, C.

Protects individuals with disabilities from discrimination and provides equal opportunity to enjoy common portions of dwellings.

Status: Delivered to Governor – July 8, 2010

A.10068 Abbate

S.7078 Savino

Relates to transfer of retirement membership for SUNY employees within the professional, scientific and technical bargaining unit into the New York state and local employees' retirement system from the optional retirement program.

Status: Delivered to Governor – July 19, 2010

A.11056 Glick

S.6958-A Stavisky

Relates to the educational requirements for special assistants and physician's assistants to update Section 6541 of the Education Law to reflect the minimum requirements of every physician assistant program in New York State.

Status: Delivered to Governor – July 19, 2010

A.2358 Gottfried

S.6103 Parker

Authorizes the commissioner of health to make grants to not-for-profit organizations and elementary, secondary and postsecondary schools to be used to help pay for the costs of conducting local blood drives.

Status: Delivered to Governor – July 19, 2010

A.8117-B Gottfried

S.5007-A Duane

Eliminates the requirement for a written practice agreement that the midwife have collaborative relationships that provide for consultation, collaborative management or referral, and emergency medical gynecological and/or obstetric coverage, as indicated by the health status of the patient.

Status: Delivered to Governor – July 19, 2010

A.8173-A Destito

S.5454-A Aubertine

Directs the president of the SUNY Upstate Medical University to conduct a study to explore the viability and compelling need for branch campuses of the SUNY Upstate Medical University in the Fort Drum/Watertown and Mohawk Valley Regions of New York State.

Status: Delivered to Governor – July 19, 2010

A.10676 Paulin
S.7482 Huntley

Clarifies the scope of protections against discrimination on the basis of disability in services provided by public entities including exclusion from participation or denial of benefits, services, programs or activities of a public entity and refusal of a public entity to make reasonable accommodations unless such entity can establish undue hardship.
Status: Delivered to Governor – July 19, 2010

A.7471-A Rosenthal
S.4812-A Johnson, C.

Prohibits agencies from charging for the process of a FOIL request made by state and local agencies or the state legislature.
Status: Delivered to Governor – July 19, 2010

Passed Both Senate & Assembly – Pending Delivery to Governor for Final Action

A.8296-A Espaillat
S.7112 Adams

Establishes the New York state interagency coordinating council for service-disabled veterans to provide accessible, coordinated, and specialized services to service disabled veterans from multiple state and local agencies.

S.3603-C Stavisky
A. 6391-B Glick

Requires a report by the higher education services corporation to be submitted on February 15th of each year which shall include but not be limited to all polices regarding, and the costs associated with, the distribution of TAP funds to both full-time and part-time TAP recipients, payment schedules, certification times, and repayment procedures TAP and a review of all procedures for the adjustments of income for change in circumstance and its impact and utilization by recipients of TAP, at each institution, each semester or trimester.

A.356 Magnarelli
S.2293-B Stavisky

Creates the technology employment community hub (TECH) centers program to award grants of up to \$100,000 to community colleges to upgrade their educational, occupational, and training services including their facilities, labs, and high technology equipment.

A.7957-A Lentol
S.6102-A Adams

Consolidates and streamlines the police officer and peace officer registries, and upgrades and clarifies minimum training requirements for peace officers.

A.1249-C Lancman

S.1736-B Stavisky

Relates to qualifications for certain appointed positions with the board of trustees for SUNY and CUNY, prohibiting trustees from being employees of the appointing authority.

A.8220 Glick

S.4199 Stavisky

Eliminates the requirement that the community college student member appointed to HESC's Board of Trustees by the Governor receive Senate confirmation.

A.247 Magnarelli

S.7979 Parker

Relates to the maintenance of a database on intellectual property generated by state employees or developed through state-funded research which shall include, at a minimum, a brief description of the intellectual property and up-to-date contact information for each item.

A.1130-A Dinowitz

S.1928 Espada

Provides for limited dental instruction for dentists licensed in another state or country at accredited schools or residency programs approved by the department of education. to participate in continuing education opportunities offered by accredited New York medical centers.

A.3419 Sweeney

S.5689 Thompson

Requires state agencies, including SUNY, to report on greenhouse gas emissions as a result of their operations, conducting an annual environmental audit by requiring that such audits include a calculation of the amount of greenhouse gas emitted as a result of such agencies' operations.

A.3421 Sweeney

S.4958 Thompson

Includes provisions where it is the duty of the department of environmental conservation to establish a method for individuals and businesses to calculate their greenhouse gas emissions and best management and procurement practices for state agencies to reduce their greenhouse gas emissions.

A.4395 Canestrari

S.8059 Johnson, C.

Includes state university of New York police in provisions permitting the lateral transfer of police officers to another police force or department.

A.5255-A Espaillat
S.7228-A Stachowski

Creates the bioscience facilities development program to provide grants to local economic development corporations for the purpose of creating a revolving fund for loans to bioscience facilities to assist commercial bioscience companies to remain in New York state.

A.6420 Weisenberg
S.3430 Breslin

Increases employment opportunities for members of the Business Enterprise Program who are blind and visually disabled by adding locations –SUNY, Department of Corrections and the Thruway Authority - where vending facilities may be located.

A.7203-C Abbate
S.285-C Little

Requires veterinarians and veterinary technicians to complete continuing education during each triennial registration period.

A.8011-B Hoyt
S.5560-B Oppenheimer

Establishes the "state smart growth public infrastructure policy act" which provides privity in public funding for projects which use, maintain or improve existing infrastructure and which protect and preserve natural resources and authorizes each state infrastructure agency to create a smart growth advisory committee.

A.8079-A Parment
S.4075-A Winner

Permits community college regions to finance capital improvements through the facilities of the Dormitory Authority of the State of New York.

A.9252-A Peoples-Stokes
S.6303-A Aubertine

Relates to food donation by public food service establishments providing protection from criminal and civil liability to a good faith donor or gleaner of any canned or perishable food to a bona fide charitable organization for free distribution.

A.9991 Magnarelli
S.6964 Valesky

Establishes the technology commercialization clinic administered by NYSTAR and managed by the science and technology law center for the purposes of assisting universities, entrepreneurs and companies in the state in commercializing new products and processes.

A.10123 Glick
S.7810 Stavisky

Grants licensure to foreign trained dentists who are employed as a full-time faculty member at a NYS dental school.

A.10222-A Pretlow
S.6781-A Stachowski

Allows the thoroughbred horsemen's organization at Aqueduct, Belmont and Saratoga to use horsemen's purse funds to support additional medical and mental health services such as drug and alcohol counseling to backstretch employees in addition to continued support for the testing for steroids in racehorses provided by SUNY Morrisville.

A.10266 Pheffer
S.7775 Klein

Makes permanent Chapter 176 of the Laws of 2007 which allows state licensed veterinarians who provide services to American Zoo and Aquarium Association accredited facilities to retain the services of licensed physicians to perform services upon gibbons, siamangos, orangutans, chimps, gorillas and other great apes under certain limited circumstances.

A.10638 Paulin
S.7754 Oppenheimer

Authorizes graduates of dental hygiene programs who have met all the requirements for licensure but not yet passed the New York licensing examination to obtain limited permits to practice for a period of one year.

A.11546 Gantt
S.8339 Perkins

Relates to the powers and duties of the dormitory authority and equipment loans for intellectual property to include health information technology equipment, software, intellectual property, other intangible property and ancillary costs associated with that equipment.

A.432-B Kavanagh
S.2087-B Parker

Establish penalties for unlawfully dissecting, stealing, or receiving a dead human body or any tissue, organ or part thereof, or opening a grave with the intent of removing the body or any tissue, organ or part thereof for the purpose of selling it.

A.8340-C Morelle
S.5431-C Stachowski

Requires massage therapists to complete thirty-six hours of continuing education each registration period.

A.8407-B Gottfried
S.5597-B Squadron

Creates the New York City-New York state task force on building and fire safety and provides for the powers and duties of such task force as they relate to the applicability of local building codes to state and state agency owned buildings.

A.8237-D John
S.5847-F Onorato

Enacts the "New York state construction industry fair play act" which provides notice to persons receiving remuneration from contractors and subcontractors creating a presumption of employee status unless an employer met specific criteria for classifying a worker as an independent contractor and would establish penalties for classification violations.

A.9928 Hoyt
S.6846 Breslin

Relates to record keeping procedures and policies relating to records of the governor, the executive chamber, the legislature and civil departments.

A.9724-A Lancman
S.7500 Addabbo

Enacts the "state workforce injury reduction act" which requires state agencies to submit a written action plan for reducing occurrences of injuries in the coming year to the governor and the legislature.

A.650-A Kavanagh
S.7805 Squadron

Requires state agency reports to be posted on line and provides for a letter or notice to be sent to members of the legislature indicating the website address and the name of the person at such state agency to whom a legislator may request a printed copy of such report.

A.11471-A McEneny
S.8221-A Breslin

Authorizes the lease of lands located at the State University of New York at Albany for the construction of needed office and laboratory space that is required to support the University's legislatively mandated mission of research.