

**August 31, 2010 – Governor’s Office**

## **Governor Paterson Acts on 92 Bills**

---

Governor David A. Paterson today announced that he has acted on 92 bills, signing 66 bills into law and issuing 26 vetoes.

Among the bills signed by Governor Paterson is the Smart Growth Public Infrastructure Policy Act, which establishes Smart Growth criteria in State law, requires several State agencies to create Smart Growth Advisory Committees that would evaluate public infrastructure investments based on the Smart Growth criteria, and requires such infrastructure investments, to the extent practicable, to meet the criteria.

“An investment in smart, sustainable growth is an investment in the long-term fiscal, economic and environmental sustainability of the State,” Governor Paterson said. “At a time when I’ve been putting all State spending under a microscope, this bill will promote fiscally sound and economically beneficial investments of taxpayer dollars that will help New York survive and thrive in the New Economy.”

Governor Paterson also signed into law A.2563-A/S.6177-A, which requires employers who provide funeral leave for family members of a deceased person to provide the same leave to same-sex committed partners.

“I have consistently said that we must continue onward toward the goal of equality, whatever setbacks we may face,” Governor Paterson said. “I am pleased today to sign this new law, which provides grieving partners with leave time to attend their loved one’s funeral.”

Additionally, Governor Paterson has signed into law the Construction Industry Fair Play Act, which creates a clear litmus test to distinguish the difference between a worker and an independent contractor. It also provides a method to clearly define which business on a construction project is responsible for which workers. Finally, for the first time in State history, it imposes monetary and criminal penalties specifically for the act of employee misclassification on construction projects.

“Studies have shown that up to 15 percent of New York’s construction industry is misclassified at any given time. Employee misclassification is a terrible practice that happens when a worker who should be considered an employee is improperly classified as an independent contractor or paid ‘off-the-books,’” Governor Paterson said. “It deprives the government of tax revenue at a time when it is sorely needed and places an unfair burden on law-abiding employers who play by the rules. It often deprives New York’s workers of crucial benefits such as overtime pay, workers’ compensation and unemployment insurance. This new law will be a powerful tool that hopefully will clean up this practice once and for all.”

Governor Paterson also vetoed 26 bills.

“As Governor, it is essential that I continue to take necessary action to protect the fiscal health

of New York State,” Governor Paterson said. “During my time in office, I have issued thousands of vetoes that have saved more than \$1.5 billion in scarce taxpayer resources and I will continue to veto any unfunded spending that is added by the Legislature.”

###

*The following statements were provided in support of the Construction Industry Fair Play Act:*

Senator George Onorato said: “The Fair Play Act will curb a long-standing problem for construction workers and law-abiding employers resulting from the misclassification of workers as independent contractors instead of as employees. Misclassification deprives workers of basic labor protections, including workers’ compensation coverage, unemployment benefits and the payment of prevailing wages. By approving this law, New York has recognized the need to protect thousands of construction workers throughout the State who are often taken advantage of by unscrupulous contractors. It is unconscionable that individuals who perform dangerous construction work with the understanding that they will receive workers’ compensation benefits if injured, or unemployment benefits if they lose a job through no fault of their own, should suddenly find themselves without any medical coverage or income. This legislation will right these wrongs and make New York a fair place to work for workers and law-abiding employers.”

Frank Spencer, Vice President of the United Brotherhood of Carpenters Eastern District, said: “I’d like to thank Governor Paterson and the New York State Legislature for enacting the Fair Play Act. New York has joined other states in the region and around the country that have clearly and substantively addressed the harm construction worker misclassification does to workers, good employers and taxpayers.”

###

*Governor Paterson signed the following 66 bills into law:*

A.600-B/S.5794-A: Allows the release of any animal to another pound, duly incorporated society for the prevention of cruelty to animals or humane society in certain cases.

A.620/S.4403: Provides for notification of a cooperative tenant shareholder’ or condominium owner’s right to terminate a self-dealing contract under federal law.

A.10355-B/S.7600-B: Provides for the creation of the Brunswick community library district in the town of Brunswick, county of Rensselaer

A.1870-A/S.5421: Authorizes family and supreme courts to issue orders of protection for the protection of witnesses.

A.2365-A/S.3317-A: Provides that a victim of domestic violence who has left certain housing

accommodations shall be deemed to be occupying such accommodation as a primary residence.

A.2563-A/S.6177-A: Provides that employers who provide funeral leave for family members of deceased shall not deny such leave for same-sex committed partners of the deceased.

A.3563/ S.7980: Authorizes withdrawal from a primary election run-off.

A.5180-A/S.6283: Enacts the “internet dating safety act.”

A.5434/S.4472: Requires N.Y. city school districts to notify parents of bedbug infestations.

A.6922/S.4536: Relates to the enforcement of State court judgments.

A.7093-B/S.4431-B: Relates to the provision of information to veterans regarding veteran-owned business opportunities.

A.7162-B/ S.5789-A: Grants an automatic extension of time for filing a personal income tax return and paying a personal income tax when a spouse dies within 30 days of the April 15th deadline.

A.7383-A/S.3004-A: Relates to health insurance coverage for surviving spouses or domestic partners of members of the New York City department of correction or sanitation.

A.7385-A/S.8324: Provides that the amount required to redeem real property affected by any tax sale certificate in foreclosure shall include certain amounts and costs.

A.7850/S.8030: Provides that polling places, whenever practicable, to be designated directly on a public transportation route.

A.8011-B/S.5560-B: Establishes the “State Smart Growth Public Infrastructure Policy Act.”

A.8300-A/ S.5722-A: Excludes idling reduction devices from the calculation of the weight of certain vehicles.

A.8645-B/ S.5803-B: Relates to alcohol awareness training programs.

A.8712-A/S.5783-A: Authorizes unallocated expansion or replacement power to be allocated for western N.Y. economic development fund benefits.

A.8969/ S.7201: Expands assets for the benefit of a decedent's family which are exempt from provisions of a will.

A.9252-A/S.6303-A: Relates to food donation by public food service establishments.

A.9914-A/S.6879-A: Increases certain special accidental death benefits.

A.9991/S.6964: Establishes the science and technology law center and the technology commercialization clinic program; repealer.

A.10038-A/S.4767-B: Provides that an approved policy form that has been revised may continue to be delivered or issued for delivery in New York State without further approval.

A.10266, A.10320/ S.7775: Makes permanent the provisions of chapter 176 of the laws of 2007 relating to persons exempt from licensure as veterinarians.

A.10443-B/S.7672-A: Relates to disclosure regarding dual agency in real estate relationships.

A.10754-A/S.7562-B: Creates a provision for the disposition of a veteran's cremated remains.

A.10860/S.7636: Dissolves the Corning Urban Renewal Agency; repealer.

A.11100/S.8058: Relates to service of orders of protection including applications to extend and petitions for violations of orders of protection and temporary orders of protection.

A.11111/S.2950-D: Relates to abandoned infants and endangering the welfare of a child.

A.11131/S.7772: Relating to definition of an independent worker and requirements for an eligible insurer's application.

A11178A/S.7955-A: Relates to the disposition of abandoned animals.

A.11179-A/S.7903-A: Authorizes the town of Canandaigua, county of Ontario to discontinue the use of certain town lands as parkland.

A.11316/S.8298: Requires the person establishing a lifetime trust to execute and acknowledge such trust.

A.11546/S.8339: Relates to the powers and duties of the dormitory authority and equipment loans for intellectual property.

A.11555/S.8358-A: Relates to the definition of an independent worker for purposes of the health insurance demonstration program for independent workers.

S.396-A/A.1039-A: Authorizes the city of Albany to provide for a residential parking permit system.

S.1083-A/A.377-A: Requires local social services districts to notify person of right to pre-investigation emergency needs assistance upon application for public assistance or care.

S.1172/A.3336: Authorizes the city of Schenectady to accept an application for real property tax exemption from Union Graduate College.

S.1803-C/A.213-C: Provides that comprehensive medical insurance policies shall include coverage for regular, non-emergency out-of-network dialysis.

S.1861-D/A.8804-B: Provides for increased fines for overnight parking of tractor-trailer combinations, tractors and truck trailers on residential streets in the city of New York.

S.2717/A.3322: Requires OTB corporations to submit copy of annual budget to racing and wagering board, and, upon finding of reasonable basis, conduct business and managerial audit.

S.2956-A/A.6729-A: Expands the quota penalty provisions to include a ticket, summons or arrest authorized by any general, special or local law.

S.3499-A/A.8557-A: Reserve investments of a domestic insurer shall include shares, share certificates and share draft accounts issued by credit unions up to certain amounts.

S.3601-D/A.3065-E: Requires certain day care centers to provide six months notice before it intends to close its facility.

S.5431-C/ A.8340-C: Requires massage therapists to complete thirty-six hours of continuing education each registration period.

S.5536-A/A.1431-B Relates to larceny of an automated teller machine.

S.5593-A/A.8470-A: Allows fire vehicles to display a combination of red, white and/or blue lights for rear projection only.

S.5847-F/A.8237-D: Enacts the "New York state construction industry fair play act."

S.5870/A.10078: Authorizes the village of Matinecock, county of Nassau, to expend certain trust funds for the restoration of Planting Fields Road.

S.5950-B/A.9043-A: Authorizes the town of Brookhaven, Suffolk county to establish a special improvement district to benefit the Fire Island Pines area.

S.6360-A/A.10725: Provides for orders of attachment against a foreign state.

S.6844-A/A.8821-A: Relates to contracts for public work project and accommodation of private facilities or structures; and providing for the repeal of such provisions upon expiration.

S.6954-C/ A.9504-B: Eliminates the board of fire underwriters; repealer.

S.6970/A.10031: Relates to brewer's licenses.

S.7556/A.10839 Clarifies the application of the tax credit for rehabilitation of historic properties and historic homes and makes permanent certain provisions of the tax law regarding the credit.

S.7578-A/A.11130-A Relates to the New York State thoroughbred breeding and development fund.

S.7664-A/A.10916-A: Authorizes bond proceeds to be used for site improvements next to All High Stadium in Buffalo.

S.7876/A.10997: Provides that one member of the board of the city of Yonkers industrial development agency shall be appointed by the city council of such city.

S.7934-B/A.11221-B: Authorizes the county of Erie to transfer and convey Beeman Creek Park to the town of Clarence, county of Erie.

S.8130/A.10356-B: Requires bedbug infestation history to be provided to any lessee of real property within New York City.

S.8140-A/ A.11346-A: Authorizes the village of Heuvelton, county of St. Lawrence to transfer ownership of certain parklands to the Heuvelton central school district.

S.8175/A.11485: Relates to larceny of religious property.

S.8273/A.11394: Relates to the residence of peace officers employed as fire protection inspectors, urban park rangers and traffic enforcement agents level IV by a city with a population over one million.

***Governor Paterson vetoed the following 26 bills:***

A275-A / S3790-A/S.7269-A: Establishes the New York State automatic identification technology privacy task force.

A699-A/S.264-A: Directs the law revision commission to make recommendations to the legislature concerning proposed revisions to laws that relate to local government.

A4395/S.8059: Includes State University of New York police in provisions permitting transfer of police officers.

A6527-B/S.3071-A: Allows the Westchester joint water works, a non-profit utility, the authority to increase the per meeting compensation of the members of the board of trustees.

A6742-A/S.3182-A: Legalizes, confirms, ratifies and validates certain transportation contracts of the South Huntington school district of the 2005-2006 school year.

A6812/S.2082: Removes a certain time period in which an adult receives cash assistance in the safety net program.

A8560-B/S.6110-A: Increases the membership of the marine and coastal district of New York

conservation, education and research board.

A10027-B/S.6990-B: Establishes the New York State War of 1812 200th anniversary commemoration commission to promote the 200th anniversary of the War of 1812.

A10269-B/S.8343: Establishes seagrass protection act.

A10392-C/S.7985-A: Relates to the management of the Roosevelt Island operating corporation.

A10502/S.7399: Requires mortgage lenders and brokers to provide consumer with mortgage bill of rights pamphlet which must be signed by the consumer prior to mortgage application.

A10715-A/S.7612-A: Requires animal shelters to annually report on intake and disposition of animals.

A10798-A/S.7681-A: Authorizes the Fredonia central school district to receive State aid for certain approved capital funded projects.

A10918/S.8066: Requires notice to renters of safe deposit boxes regarding fees and charges.

A11087/S.8308: Relates to establishing a gang assessment, intervention, prevention and suppression program.

A.11098/S.7961: Enacts the Veterans Mental Health and Chemical Dependency Act.

A.11389/S.7863-A: Relates to the release of sealed court records.

S.1990/A.3787: Relates to witnesses to a health care proxy.

S.2923/A.2108: Requires division of criminal justice services to provide additional information when sex offender is in violation of registration requirements.

S.4260-A/A.1478-A: Requires one member of the State board of real property services to be a current resident of New York City.

S.4988/A.9856: Requires employers to authorize absence from or lateness to work if such absence or lateness was due to responding to an emergency as a volunteer.

S.6466-A/A.9723-A: Authorizes approval of certain transportation contracts of the Port Chester-Rye union free school district.

S.6680/A.1516: Provides for a uniform allowable resource exemption and disregard for an applicant or recipient with an automobile.

S.6776-B/A.7883-B: Authorizes school districts to purchase curriculum and instructional

resources with money that has otherwise been set aside for the purchase of textbooks.

S.7455-A/A.10311: Relates to the rates of payments for the treatment and care of injured employees.

S.7805/A.650-A: Relates to agency reports.