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ABSTRACT

The priorities of eight program areas of the Community Service Society (CSS) for the 1976 New York State Legislature are enumerated in this report. The activities of the 1975 legislature are also briefly summarized and all the bills on which CSS took a position are indexed for each area addressed. The eight program areas as well as some of the listed priorities for each of them are listed as follows: aging (real property tax relief, State financing, supplemental security income, protection against age discrimination), education (bilingual education, students' rights, school services for the handicapped), general programs and issue (price advertising for prescription drugs, consumer credit reform), health (long-term care, restructuring the health care system, health maintenance organizations), housing and urban development (State programs, public housing, housing subsidies), income security (tax legislation, welfare legislation, unemployment insurance), social services (reorganization of the child welfare system, services for single-parent families), and youth and correction (drug abuse, family court, juvenile justice, criminal justice-penal law). (Author/AM)

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COMMUNITY SERVICE SOCIETY OF NEW YORK

LEGISLATION FOR HUMAN NEEDS

An Agenda for 1976

U.S. DEPARTMENT OF HEALTH,  
EDUCATION & WELFARE  
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Department of Public Affairs  
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## ACKNOWLEDGEMENTS

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## INTRODUCTION

This report enumerates the priorities of the Community Service Society for the 1976 New York State Legislature. It also summarizes briefly the activity of the 1975 Legislature and indexes all the bills upon which CSS took a position.

The 1976 Legislative session will be one of the most significant of recent years. It is imperative that legislators resist the temptation to refuse considering all human needs legislation because of the State's fiscal problems.

The monumental cost of funding construction and maintenance of health care systems, institutions for the mentally ill, correctional facilities and programs to combat joblessness and poverty is a major reason for the State's financial difficulty. Concerned citizens are confronted with the pressing need of finding ways to reduce the cost of these programs, but in the most efficient and effective way possible.

Legislators are often intimidated by programs that emphasize prevention in order to avoid more costly remediation on the grounds that the "populations in need" sometimes seem to be nearly the whole population of the State. In some instances, the charge is true: every school age child is entitled to a first-rate education and there is no cheap way to deliver it. The issue here is not one of cost. A good education prevents future joblessness but it is due our children by right, not for the sake of future economy.

Nevertheless, for the State's most expensive per unit services - institutional child care, nursing homes, incarceration of criminals, custodial mental health, hospitalization and the like - reform is possible within the limits of scarce available resources. At the same time, carefully planned preventive programs, targeted at a realistic population, may help to diminish future needs for such services. Programs should not promise more than they can deliver and services should be phased in only when their feasibility has been tested and funds are available. A cost containment approach to such preventive programs can solve the problem of unplanned program growth.

It is also imperative that the Legislature avoid the temptation to economize by means of pro rata program reductions. Across-the-board decreases, perhaps the simplest way to cut expenditures, often result in services being slashed beyond effectiveness while the appearance of service availability is maintained. In this way, even bad programs are continued and hard allocation decisions are not made.

The Community Service Society's "Legislation for Human Needs: an Agenda for 1976" represents the priorities of eight program area citizen committees. Committee members are both experts and informed laymen and come from all walks of life. The committees are staffed by dedicated professionals. CSS itself manages a wide variety of demonstration programs in the delivery of human services throughout New York City, as well as an office of program planning and research.

Finally, a plea to remember that human need programs are directed at the most vulnerable among us - the poor, the old, the children, and the physically and

mentally handicapped. These people are least able to adjust to increased hardship.

Legislators, advocates, and informed citizens should find this report useful. CSS is interested in your reactions and comments and hopes that, working together, we can turn this adverse period into an opportunity for social progress.

NOTE: The indices following each committee's section of the report were prepared prior to a final word from both houses of the Legislature as to which bills will be carried over from the 1975 to the 1976 half of the current session. It can be assumed that almost all bills which did not reach the Governor will be carried over and thereby automatically reintroduced.

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INTRODUCTION

The Committee on Aging, like all committees in the Department, is charged to work for improved social conditions and the relief of evident human needs. However, unlike other committees, it cannot deal with only a single functional area, e.g., housing or health or even simply with a defined age group. Rather, the Committee, recognizing the achievement of longer life that has been accomplished in this century, views its role as both "gadfly" and "watchdog" to the entire spectrum of public programs and policy decisions as they relate to an aging population. It works to make functional areas and programs cognizant of an increasing older citizenry by urging that programs and policies be adjusted to include a population profile that, for the first time in our history, has in it large numbers of healthy, capable and vital older adults.

In carrying out this role, the Committee works in conjunction with other committees in the Community Service Society and reviews bills that have to do with health, housing, social services, income maintenance, employment, education, transportation and consumer affairs to provide immediate assistance to those already old with unmet needs and to prevent, to the extent possible, recurrence of those needs for future generations of older people.

1975 LEGISLATIVE REVIEW

Although New York State has given special legislative attention to aging for more than 25 years, no commonly accepted perception of either the problems or their solutions has evolved. An appropriate policy on aging for New York State has not been developed. However, when the Legislature reorganized itself as a result of the 1974 elections which brought a Democratic majority in the Assembly while retaining a Republican majority in the Senate, each house reaffirmed its commitment to solving the problems of aging.

In a radical departure from the customary substantive area committee structure, the Assembly established a ~~Committee on Aging as a standing legislative committee~~. As such, it considers bills in all areas of legislative concern that relate to older people or in some way impinge on their lives. The Senate, on the other hand, informally continued an ad hoc committee, which is referred to as the Senate Select Committee on the Problems of the Aging. This ad hoc committee studies problems and then recommends action through the appropriately related committee, continuing in large measure the role formerly played by the Joint Committee on Aging in both houses.

In addition to these special committees, the involvement of various committees of the Legislature as well as the executive branch and the public at large was highly evident in the development of legislation related to aging during the 1975 session.

Media disclosure of the deplorable conditions and treatment of patients in nursing homes was pursued by Assemblyman Stein and his Temporary State Commission on Living Costs and the Economy, resulting in the uncovering of what became known as the "New York nursing home scandal." Almost immediately upon being sworn in, Governor Carey appointed a Moreland Act Commission under the chairmanship of Morris Abram to investigate abuses and recommend legislative and/or legal action. As a result, some 13 bills to reform the nursing home laws and to protect the rights of patients were enacted by the Legislature and signed by the Governor.

Similarly pressures to reduce hardship experienced by the elderly poor because of an overly stringent and inadequate emergency assistance program for Supplemental

Security Income recipients also came from community groups and focused on the Legislature's Social Services Committees. The Community Service Society selected this as a priority legislative item and mobilized community organizations and senior citizen groups throughout the State to work toward a more responsive and equitable emergency assistance program for SSI recipients. Although the measure accepted by the Senate Social Services Committee and enacted by the Legislature was not all that we had hoped for, the most onerous restrictions on eligibility were removed and the most pressing emergency needs added to the program. Also, it was the Governor, although belatedly, who requested the legislation to increase the State's additional payment level to SSI so that New York State recipients would realize a cash benefit from the Federal SSI 8% cost-of-living increase.

The scores of bills related to the senior citizens' real property tax exemption provision that are introduced in every session were again duly filed, referred and for the most part ignored. Three somewhat limited adjustments to the current law were enacted, but the fact remains that New York State still does not have a uniform statewide program of real property tax relief for older people. The Assembly Committee on Real Property Taxation did begin public hearings on the subject of "circuit breaker" legislation which could provide property tax rebates to tenants and fixed income property owners on a statewide basis. We have urged before, and do so again, that serious consideration be given to the development of senior citizens' real property tax relief along the lines of the circuit breaker concept. Certainly the sheer numbers of bills related to the senior citizens' real property tax exemption that were referred to the Assembly Committee on Aging should identify reexamination of the current program as a priority item.

The Legislature again passed, as it had in the two preceding years, authorization for a \$250 million bond issue, subject to voter approval, for construction of senior citizen housing. Vetoed by Governor Rockefeller in 1973, and again by Governor Wilson in 1974, the bill was signed this year by Governor Carey and the proposition went to the voters on November 4th. A floundering national economy, extraordinary State fiscal problems and the impending default by New York City on obligations due only intensified the traditional voter hostility toward housing bond issues. The electorate decisively turned down the proposal by a 2 to 1 margin.

As we have noted in previous reports, the federal government has played the major role in the growth of special programs and services for the elderly at the community level under grant provisions of the Older Americans Act. As with other federal programs that use a "seed money" approach to encourage community development, federal support is declining, leaving municipalities with the difficult choice of either restricting programs and services for the aged or assuming full costs for their continuation, which municipalities can ill afford. The Legislature's attention to state aid to communities to continue programs and services initially funded under the Older Americans Act is long overdue. State legislatures must not simply pass enabling legislation for initial participation in federal incentive programs such as the Older Americans Act; they must also stand ready to join in the partnership of public support of activities authorized. Several bills that would have moved toward this goal languished in committee. Among these were a bill to provide state aid to counties to provide transportation services and a bill to dedicate a percentage of State general revenue sharing monies for local protective service programs for the elderly.

#### LEGISLATIVE PRIORITIES FOR 1976

In the pages that follow, we present four issues on which the Committee on Aging of the Community Service Society believes the Legislature should act during the 1976 session. While the proposals are far-reaching and broad in scope, we firmly believe

that timely action on them now will prevent further exacerbation of the problems and the need for more costly remediation in the future.

### Real Property Tax Relief

For some years all levels of government have recognized that people with lower incomes, particularly the elderly, whether renters or owners of their housing, are overloaded with real property taxes. The national Advisory Commission on Intergovernmental Relations, which has studied this problem, has stated that "...there is clear evidence that some segments of the population - especially the low-income elderly - are seriously burdened by the property tax..." In urban centers, where older householders more frequently rent than own, it has long been known that the elderly pay inordinate amounts of their incomes for housing, particularly if there is no program to limit or control these housing costs.

Over the years various programs have been established to protect or shield the incomes of older persons and certain others with respect to their expenditures for housing. Different programs have been established for different categories of housing in which senior citizens and other covered groups of people live. For example, certain older home owners are eligible for a fifty-percent forgiveness of real property taxes. There is a rent increase exemption program for older people living in rent controlled apartments, a similar program for seniors living in Mitchell-Lama housing projects and recently, coverage for older persons residing in "rent stabilized" units. In addition, there are real property tax relief programs for special groups of the "non-elderly," i.e., veterans, clergy and volunteer firemen. All of these existing programs operate differently with regard to eligibility and income protection benefits.

Older tenants and others living in non-federally aided public housing and in private rental and cooperative accommodations, which are not covered by any of the forms of "rent control", are not protected by any program to control rent-income ratios. In each legislative session there are scores of bills that would either add new groups to the real property tax exemption rolls or would upgrade benefits and modify standards.

This piecemeal approach has inevitably resulted in an uneven array of programs for different groups of people with little regard to overall needs and to the impact of these programs on the tax base so important to local municipalities. Adding to the problem is the fact that state laws for these programs are "permissive," leaving the option to localities as to whether or not to implement these programs, which must be paid for with local funds. The costs of administering these many and varied programs must be unnecessarily high.

To solve these problems, many states have established statewide real property tax relief programs either for the elderly only or for everyone in need. Furthermore, in the majority of these states the programs are state financed. Generally, these programs provide tax relief to low income elderly homeowners by paying for that portion of property tax levies that exceed a set percentage of their total income, and to renters for that portion of rent calculated for property taxes that exceeds a set percentage of their income. These programs employ a sliding scale of income against which the amount of benefit, or tax relief, is given.

In 1973 the Committee on Aging supported a bill entitled "Senior Citizen Tax Relief Act", which would have created a system of credits and rebates against the state income tax for certain low income property owners and renters 65 years of age or older. The concept involved in the bill is called the "circuit breaker" since it is intended to protect eligible persons from an "overload" of real property

taxation. Furthermore, the Committee supported this measure because it would have created a uniform statewide program financed by the State. Unfortunately, the 1974 and 1975 versions of this proposal receded from the substantial state assistance embodied in the 1973 bill, either by providing that the program supplement existing local tax exemption programs or by limiting state costs by imposing a local cost sharing requirement.

In 1976, more than ever in the past, reform of these real property tax measures is essential to provide a more equitable and adequate uniform means of protecting incomes of the aged and others in need, and to establish a more cost effective method of administering this type of income protection program.

#### State Financing for Programs and Services

While older New Yorkers benefit from omnibus programs and attendant services that have been established for all state residents in need, regardless of age, the many other programs specifically directed at older persons are tenuous in status or non-existent in local communities because of the absence of state appropriations or the lack of state aid to localities. These programs and services fall into two categories. First, there are federally enacted programs, funding for which is merely funnelled through state agencies which perform a broker function in allocating federal money to different localities. A second type of program was established at the state level by "permissive" legislation which provides no state funding and simply permits localities to implement the program at their own expense, if they so wish.

Examples of the first program type (federal) are Older Americans Act grants for community programs and nutrition services, Urban Mass Transportation Administration programs and Law Enforcement Assistance Administration grants. These programs inevitably are time-limited and can be characterized for the most part as demonstration projects even though they may not be called such. Time and again these programs have more than proven themselves, only to be discontinued because the locality could not manage the costs of continuing them and/or because it was some other locality's turn for the particular program.

Examples of the second type of program (state permissive) are the many real property tax and rent exemption programs, and the reduced fare transportation programs.

One major problem with each of these program categories is the lack of state financing to enable localities to start the programs, to keep them going, and then to expand them where needed. Proposals to provide continuing support for proven programs by using State general revenue sharing funds have been introduced in the last two legislative sessions. We have supported this approach in the past and urge the Legislature to assist local programs with general revenue sharing support.

#### Supplemental Security Income "Pass Through"

Since the start of the Supplemental Security Income program by the federal government in January 1974, there have been three increases in federal benefits. The first two increases were voted by Congress as interim measures to help offset rises in living costs until the effective date of national automatic cost-of-living increases for Social Security and SSI benefits.

When the Federal SSI benefits were increased the first two times, the State

of New York reduced its supplement dollar for dollar, with the result that SSI beneficiaries realized no net gain. The State rationalized these reductions by claiming that it had no choice because a pass through of these federal increases would cause the State to spend more of its own money because the new payment level would exceed the level protected under the "hold harmless" provision.

The third increase in Federal SSI benefits occurred when the automatic cost-of-living mechanism went into effect in July 1975. The State, up to the eleventh hour, was adamant that it could not provide a pass through of these benefits, but in the end the Governor and other state leadership relented. For the first time since the start of the program, SSI recipients realized an increase in their benefits. The precedent is now set despite continued fiscal problems of the State of New York. This issue needs to be resolved by a state commitment to pass through federal benefit increases automatically each time they occur.

### Protection Against Age Discrimination

A tacit agreement between society as a whole and its economic and political leaders to permit mandatory retirement at specific ages and most commonly at age 65 denies full protection of the law and basic rights to an entire segment of the population on the simple basis of age. The failure of government and private enterprise to adjust social organizations to accommodate a population that is living significantly longer has elevated aging in the United States to the status of a major social issue. "Legitimizing" age discrimination as a solution to an excessive labor force by protecting age defined mandatory retirement practices has led in turn to a frantic search for compensatory welfare programs for "senior citizens" and continuous attempts to apply that euphemism to lower and lower ages. Many so called "problems of the aging" might well be averted by simply designing flexible retirement policies that would permit individual choice.

Both federal and state statutes prohibiting age discrimination in employment limit the ages of persons protected, thus implicitly legalizing discrimination on the basis of age for those under or over the ages defined. The laws also protect mandatory retirement policies based solely on age.

The far-reaching effects that removal of the age limitations and mandatory retirement protection would generate are recognized by national and state legislators, union and business leaders and the courts. Bills have been introduced in the New York State Legislature for at least the past three years that would remove the words "between 40 and 65" from the State provision but would continue to permit mandatory retirement policies. Community Service Society finds such a compromise unacceptable and urges that age limitations be removed along with any provision that legitimates retirement mandated solely on the basis of age.

The counter-productive nature of tacitly accepted age-based discrimination has been recognized in selected areas and prohibited by the Legislature. In 1973 and 1974 bills were enacted to prohibit the denial of issuance or renewal of licenses and insurances solely on the basis of age. We applaud these actions but believe an individual's access to gainful employment should not be abridged or denied solely on the basis of age.

BILLS RELATED TO AGING BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION

Subject	Intro.#	Introducer	CSS Action	Final Outcome
NURSING HOME REFORM Provides for annual reports by nursing homes to contain balance sheets, disclosure of owners, operators and persons owning 10% interest in or doing business with the home and description of transactions.	S.6542-B*	Lombardi et al	Memo #13 S (Joint with Health)	Chapter 652
Requires at least two inspections of each nursing home and health related facility annually, one of which will be unannounced; provides penalties for unauthorized advance notice of such inspections.	S.6543-A*	Lombardi	Memo #15 S (Joint with Health)	Chapter 653
Requires homes to retain inspection reports for 10 years and that they be available to the public.	S.6544-B*	Lombardi	Memo #14 S (Joint with Health)	Chapter 654
Patients' Bill of Rights	A.993-C S.1074-B*	H.A. Posner	Testimony to the Subcommittee on Health Care, Assembly Committee on Health May 16, 1975 - S	Chapter 648

LEGEND

- \* - Denotes bill which became law or was vetoed
- S - Support
- SWR - Support with Recommendation
- O - Oppose
- OWR - Oppose with Recommendation



BILLS RELATED TO AGING BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intró.#	Introducer	CSS Action	Final Outcome
NURSING HOME REFORM (Cont'd).				
Establishes criteria for the regulation of nursing homes and facilities providing health related services.	A.8815* S.6942	Revesi et al Lombardi et al	Testimony to the Subcommittee on Health Care, Assembly Committee on Health May 16, 1975 - S	Chapter 649
Revises criteria for the regulation of residential health care facilities.	A.8816* S.6945	Rules	(same as above)	Chapter 650
Subjects operators or persons who control nursing homes and health related facilities to personal liability for damages and civil penalties.	S.6541-C*	Lombardi et al	(same as above)	Chapter 651
Requires certification by an independent certified public accountant of all financial reports and information submitted by homes.	S.6545-A*	Lombardi	(same as above)	Chapter 655
Imposes stricter requirements on character and competency of persons applying for health facility certification.	S.6546-B*	Lombardi	Memo #19 S (Joint with Health)	Chapter 656



BILLS RELATED TO AGING BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<b>NURSING HOME REFORM (Cont'd)</b>				
Authorizes the State Commissioner of Health to temporarily suspend operating certificates where patient health or safety is in imminent danger and authorizes him to transfer patients to other facilities.	S.6547-A*	Lombardi	Memo #18 S (Joint with Health)	Chapter 657
Provides for class action suits by or on behalf of nursing home patients and gives patients the right of action for injuries and deprivation of rights.	S.6551-B*	Flynn	Memo #17 SWR (Joint with Health)	Chapter 658
Permits the Attorney General to sue for treble damages in cases of Medicaid or social services over-payments due to deliberate fraud.	S.6553-A*	Smith et al	Memo #16 SWR (Joint with Health)	Chapter 659
Authorizes citizen appointees age 60 or over to investigate unfavorable conditions in nursing homes.	S.269-A*	Flynn	Memo #1 0 (Joint with Health)	Vetoed
<b>SUPPLEMENTAL SECURITY INCOME</b>				
Modifies emergency assistance program for SSI recipients by making eligibility for emergency assistance consistent with eligibility for SSI; provides Medicaid cards for SSI recipients on a semiannual basis.	A.6469-A*	G.W. Miller	Memo #3 0	Chapter 198



BILLS RELATED TO AGING BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<b>SUPPLEMENTAL SECURITY INCOME (Cont'd)</b>				
Creates an integrated emergency assistance program for all who need assistance to avoid destitution.	S. 5108 A. 7082	Leichter Grannis	Memo #4 (Joint with Income Security)	Held in Senate Social Services Committee. Some provisions incorporated in A. 8820.
<b>HOUSING</b>				
Authorizes \$250 million bond issue referendum to support construction of senior citizen housing.	S. 1030*	Goodman	Letter of Support to Governor	Chapter 554
<b>MISCELLANEOUS</b>				
Expands powers of conservatorship to include powers over the person of the conservatee.	A. 2934	Frey	Memo #2 (Joint with Health)	Held in Assembly Mental Health Committee.
Removes age limitation of "between 40 and 65" with respect to discrimination in employment and licensing practice.	S. 1295 A. 1386	Bellamy Strelzin	Memo #5 SWR	Held in Senate Finance Committee. Held in Assembly Government Operations Committee.
Requires all members of Advisory Committee to Office for Aging be 60 years of age or older.	S. 1042 A. 956	Straub Lentol.	Memo #6 O	Held in Senate Finance Committee. Held in Assembly Aging Committee.
Establishes statewide system of identification cards for persons 65 years of age or older.	S. 716* A. 708	Flynn Lane	Memo #8 O	Vetoed



BILLS RELATED TO AGING BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
MISCELLANEOUS (Cont'd)				
Provides state aid for county transportation services for senior citizens.	S.2452-A	Flynn et al	Memo #9 S	Passed Senate. Held in Assembly Transportation Committee.
Establishes State Community Enhancement Program for low-income persons 60 years old or older.	S.1045 A.971	Straub Lentol	Memo #10 O	Held in Senate Finance Committee. Held in Assembly Aging Committee.
Requires various departments of state government to submit annual reports with respect to expenditures on behalf of senior citizens.	S.5549 A.8144	Bellamy DiFalco	Memo #11 SWR	Held in Senate Finance Committee. Held in Assembly Aging Committee.
Provides state aid to County Protective Service Programs for the elderly by allocating a percentage of federal-state general revenue sharing funds.	S.2624 A.6033	Flynn et al Fortune	Memo #12 SWR	Held in Senate Finance Committee. Held in Assembly Government Operations Committee.

COMMITTEE ON EDUCATION

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## INTRODUCTION

The Committee on Education has set as its program goal the achievement of adequate, appropriate and equal education for all children and the necessary and humane accommodation to special needs. Recognizing that under the Constitution of the State of New York the Legislature has prime responsibility for providing "for the maintenance and support of a system of free common schools, wherein all the children of the state may be educated", the Committee has addressed much of its attention to education law at the State level.

## 1975 LEGISLATIVE REVIEW

Action on education legislation received little attention in the 1975 legislative session because the Legislature was preoccupied with several major crises that occurred, one after another, from the moment it convened.

Because of the tight budget squeeze, cost became a larger factor than usual in the consideration of education bills. No legislation was enacted to support an expanded bilingual education program for children in need of this type of instruction, nor for early childhood education of handicapped and non-handicapped children, nor was legislative action taken to achieve needed reforms in the conduct of Community School Board elections, even though financing was not a major consideration.

Chapter 399 (A.8798) was the major law enacted in 1975 affecting state financial aid for local schools. This measure guarantees school districts that they will receive at least as much operating aid in the 1975-76 year as they received in the 1974-75 year; under the terms of legislation enacted in 1974, school districts might have suffered a loss of state aid this year based on declining enrollments. The new law retains for one more year the 1.25 weighting for secondary school pupils which had been scheduled to end this year.

In addition to the "save harmless" provision, the new law permits the inclusion of attendance of handicapped children attending private schools in computation of a district's total aidable pupil units. Increased state aid for special education is provided to the "Big Five" city school districts by raising the ceiling for severely handicapped pupils from \$3,000 to \$4,000 and aid for occupational education from \$1,200 to \$1,400 per pupil. Chapter 467 (A.8808), which amends Chapter 399, provides up to \$5 million of state aid for special reading programs for New York City children with special educational needs.

Several bills related to tenure for school personnel were enacted into law this year. Administrators, directors, supervisors, principals and all supervisory staff will be granted tenure after a three-year probationary period. In New York City executive directors and community superintendents have been added to the list of those excepted from tenure (Chap. 468/S.4099-B).

Two school transportation bills were introduced and passed in the Legislature. One would have permitted franchise contracts for a period of up to ten years to be granted to firms providing transportation to school for children in New York City (A.3865-A). A second bill would have permitted extension of transportation contracts by local school boards beyond the current five-year maximum to seven years (S.1426-A). A major study conducted by the Education Committee during the past year on the transportation troubles of handicapped children in New York City

revealed that the service being provided was extremely costly, inefficient, uncomfortable and unsafe for children. CSS therefore urged veto of both proposals. In addition to its objection that the award of ten-year franchise contracts would remove the necessity for public bidding for these contracts and would restrict competition, it considered such authorization unwarranted and dangerous in view of the findings of its report. The Governor vetoed both measures.

A bill that permits the exclusive use of public school buildings and grounds for "recreation, physical training, and athletics, including competitive athletic contests of children attending a private, nonprofit school" when school is in session, provided that the school board or trustees do not consider it disruptive of normal school operations, was signed into law, over the strong objections of CSS (Chap. 722/S.4525). CSS contended that such use by parochial or other religious schools would violate the constitutional prohibition of Article XI, Section 3 of the State Constitution against the use of any public money or property in aid of any school under the control of any religious denomination. It pointed out that such exclusive use of public school facilities by private and sectarian schools should not be provided by public school boards of education, and that there is no prohibition against use of public school recreational facilities after school hours by individual children, regardless of the school they attend. The Governor, in signing the bill, noted that the State Education Department has ruled that a school district has the right to charge users of its facilities for out-of-pocket expenses to cover light, heat, janitorial and other services.

A bill giving the New York City Board of Higher Education, rather than the State University of New York, jurisdiction and responsibility for the eight community colleges in New York City was signed into law during the session (Chap. 332/A.2979). This law is consistent with the recommendation made in several studies of the relationship between the New York City community colleges and the State University or City University.

Chapter 587 (A.8164-A) provides for inclusion of a non-voting student member on the boards of trustees of the State University, the City University and the various community colleges.

Chapter 411 (A.3833-A) bars the State University and the City University of New York from including a student's residence in the criteria for eligibility of economically and educationally disadvantaged students for the Higher Education Opportunity Program (HEOP) and includes the SEEK program (Search for Education, Evaluation, and Knowledge) in New York City. This means that residence in a poverty area can no longer be used as a criterion for selecting students.

#### LEGISLATIVE PRIORITIES FOR 1976

In the 1976 legislative session, the Committee on Education will seek to protect the education of New York City's children, who have already been severely affected by budget cuts. Its efforts will be directed toward obtaining an increase in state funds for education and a more equitable distribution of state aid so that New York City will not continue to receive less than its fair share. The State must also assume greater responsibility for financing the education of handicapped children and for bilingual education programs which are vital for those children who cannot participate effectively in school because of English language difficulties. Legislation will be sought to require a full school day for all children above the kindergarten level; the Committee believes there is no justification for the City or State trying to solve its fiscal problems by reducing the length of the school day.

Not all CSS' priorities for education have fiscal implications. In the coming year the Education Committee will press for reforms in election procedures for members of Community School Boards and for more clearly defined rights and responsibilities of these boards. Defeat will be sought for legislation that might threaten the civil and constitutional rights of parents and children as they relate to education.

#### Increased State Aid to Education

CSS maintains that the local units of government, with their limited taxing capability, are least able to bear the mounting costs of education, and that the State, with its greater taxing capability, must bear a greater, not a lesser share, of these costs.

It must be emphasized that while New York City's property wealth per pupil, seemingly high in comparison to other districts, is used as a measure of fiscal wealth to determine state aid, the formula does not take into account the fact that much of the City's revenue must be used for non-school purposes. Nor is there allowance for the fact that 70 percent of the State's low income families live in New York City and that 65 percent of underachieving pupils in New York State attend New York City schools. CSS therefore will urge that the formula to be used in allocating increased funds for state aid to education provide for meeting the individual needs of all children in New York State equitably and that New York City not continue to be placed at a disadvantage by a discriminatory aid formula.

CSS will continue to urge passage of legislation that would change the basis for determining state aid to school districts from weighted average daily attendance to enrollment. Pegging state aid to attendance puts a double burden on school districts. First, they must pay for services budgeted for absentees, because a school board must hire staff and plan services for the full number of students registered, whether or not all attend. Second, since socio-economic levels are closely related to school attendance, those school districts which must provide the most services for needy children are those which receive the smallest proportion of state aid under a formula geared to attendance.

CSS will also support the indefinite retention of the 1.25 weighting for secondary pupils, as one of many efforts needed to stem the continuing decline in state aid to the localities for education.

The cost of meeting the basic educational needs of the children of New York State has created critical financial problems for many localities due to inflation and diminishing local revenues. CSS has taken the position that it would be both unjust and irresponsible for the State to mandate programs upon the localities which would require additional operating expenditures without providing the additional funds needed to implement them. It therefore would strongly support a measure to require the State Legislature to appropriate funds needed for covering the increase in operating costs that would be incurred in carrying out any order, direction, ruling or mandate of the Commissioner of Education for any new or separate program in any school district. Such legislation was introduced last year but was not reported out of the Education Committee (S.4279/A.5466/A.5673) in either house of the Legislature.

#### School Services for Handicapped Children

While considerable progress has been made in the last two years in the State Legislature with regard to state aid for the education of handicapped children,



the burden still falls heavily on hard-pressed local school districts. CSS therefore recommends that the State fund the total cost of educating a handicapped pupil less the average cost of a nonhandicapped pupil's education in the local school district, which should be the district's share (proposed by the Regents in its Position Paper #20). The legislation should require the State Education Department to establish reasonable ceilings for such excess costs.

Until the State accepts its full responsibility in this area, corrections in the present formula, for which legislative action is needed, include the following: weighting for the education of handicapped children should more nearly approximate the individual cost index for each type of handicap, or an average nearer to the overall weight (which in New York City is 2.71); such weightings for moderately handicapped children should take regional differences into account; if residential care is deemed appropriate and necessary and is provided in a public institution, the parents' financial burden should be limited to the cost of maintenance of a child at home; but if the school district or the State has not met its obligation to provide public educational facilities for a handicapped child and then places such a child in a private residential school because it is the only facility available, the municipality and the State should bear the maintenance costs.

Among other needed reforms proposed which CSS supports are the establishment of responsibility in the Office of the Education Commissioner for regulating instructional programs for handicapped children in whatever facilities may house or serve them, making provision for the auditing of public and nonpublic schools receiving public monies, and requiring the State Education Department to distribute its regulations governing the rights of and methods of appeal for parents of handicapped children.

Early identification of physical, mental or emotional handicaps as well as early intervention would enhance and hasten the possibility of many handicapped children transferring from special classes into the educational mainstream. It would provide an opportunity for parents to learn how to better meet their children's special needs, with the help of professional personnel. Such early investment would make it possible for many of these children to become self-sustaining rather than wholly dependent as adults. For these reasons, CSS has supported and will continue to support proposals which would allow school districts to establish instructional programs for handicapped children starting at age three, with their attendance counted for state aid purposes. Such a proposal was introduced at the last legislative session (S.1736) but no action was taken.

While CSS acknowledges the need for early identification of children with handicapping conditions and recognizes the many benefits that can be derived from such programs, it maintains that an adequate screening program should include both a medical and educational component and that it must be implemented by highly-trained staff. Confirmation of a diagnosis made through early screening must be accompanied by a prescription for treatment and provision of an appropriate program. The Committee on Education will support legislation that contains these key elements.

### Bilingual Education

Because of its strong interest in the provision of effective education for those children in New York whose first language is not English, the CSS Committee on Education made several recommendations for legislative reform in its Report on Bilingual Education published in 1974.

CSS believes that removing the mandatory time limit on bilingual programs and

placing responsibility at the local level would facilitate the development of standards, guidelines and methods of bilingual instruction and would permit long-term studies and evaluations. Current law with respect to bilingual education must be amended to give local school districts the right to determine the length of time bilingual instruction should be provided to individual pupils. Bills to accomplish this were introduced in the Legislature last year but failed to pass (S.6209/A.6642). CSS would also seek passage of legislation which would permit pupils whose schools did not have a bilingual program in their dominant language to attend classes, with parental consent, in a school having such a program; would require the language dominance of every child to be included in the school census; and would require school districts to submit a comprehensive plan for evaluation of their bilingual programs to the Commissioner of Education for his approval.

The need for reform was demonstrated in a follow-up study of a court-ordered program for pupils with English language difficulty in New York City, which CSS conducted in the spring of 1975. The Society's Committee on Education monitored Pilot Programs for Bilingual Education in New York City which were established in February in accord with the Consent Decree handed down by a Federal judge in New York City in August 1974. That program has been severely affected by the budget crisis.

Therefore CSS will seek legislative support for a program which the courts have ruled to be a civil right of children who cannot participate effectively in school because of their difficulty with the English language.

#### Community School Boards

In keeping with the Society's support of decentralization of the New York City school system, the Committee on Education during the coming year will continue to seek passage of legislation which would protect the intent of decentralization and local control.

The Decentralization Law must be amended to reform election procedures and to define clearly the rights and responsibilities of Community School Boards. As a result of tremendous dissatisfaction with past elections, the State Commissioner of Education Ewald B. Nyquist had appointed former Regent Max Rubin to study the election procedures and make recommendations. CSS supported many of these recommendations and would urge their inclusion in state law.

One of the conclusions of the Rubin study was that the proportional representation method, which exists in law, ensures the opportunity for minority participation on Community School Boards. However, problems arise when vacancies on CSB's occur between elections. Now vacancies are filled by appointment by the incumbent Community School Board members, to be followed by a special election if the term extends beyond the end of the calendar year. Disputes within the board or community can hold up a decision, as can an evenly split vote in an 8-member board. When agreement is finally reached, often an important segment of the community has lost its representation on the board. CSS would support legislation revising the method of filling vacancies on CSB's to provide for a recount of all valid ballots cast at the last school board election, except those cast for members still on the board or no longer eligible. This recount would include ballots cast for candidates not elected and those cast for the outgoing member or members. Regular proportional representation counting procedures would be followed.

This change in method would facilitate a more orderly filling of vacancies and reduce the likelihood of the need for special elections, which are costly to candidates and to the public. Legislation to accomplish this was introduced last year (S.1959/A.3205), but was never reported out of Committee.



In order to protect against conflict of interest on Community School Boards, CSS has supported and will continue to support passage of legislation which would prohibit employees of the school system from serving on Community School Boards or the Central Board of Education of New York City. It would also support extension of the term of office of Community School Board members from two to three years as a way of providing continuity and to reduce the costs of frequent elections. Bills to accomplish this (S.1669/A.3251; S.1458-A/A.6030) did not receive legislative approval last year.

Decentralization is meaningless if districts are not provided a set budget, large or small, which they can spend to meet their needs in the most appropriate way without having their decisions superseded by the Central Board of Education, except when abuses merit intervention. Legislation is required to protect the rights of Community School Boards to make their own decisions about allocation of their resources, subject only to audit and control, as in any other school district in the State.

#### Instructional Time

New York City school children have suffered a disastrous cut of 90 minutes a week of instructional time as a result of a strike settlement negotiated between the New York City Board of Education and the United Federation of Teachers. State law must protect against such actions which deny pupils their right to a full day's instruction.

The Committee on Education shall therefore urge legislation to reinstate the lost instructional time in New York City and to establish in law the minimum length of a school day. Other states make such provision by statute.

#### Students' Rights

Since its report on suspensions in one New York City school district was issued in 1969, CSS has maintained its interest in protecting the rights of pupils in the schools. That report disclosed that 72 percent of the students suspended were between the ages of six and thirteen, and were disproportionately black and Puerto Rican.

CSS will support legislation to extend the protections of due process to those students suspended or excluded from school for five days or less. (State law now only provides formal hearings for students suspended for more than five days.) This would fulfill the mandate of a recent United States Supreme Court ruling which requires that a student suspended from school for ten school days or less be notified of the reason for the suspension, and if he disputes it, be given an opportunity to have his version of the facts presented to the person authorized to administer this discipline. The Education Committee considered that the provisions of a bill introduced last year (S.5741/A.6797) would bring State law into conformity with the United States Supreme Court decision and would reflect a commitment to safeguarding the civil rights of school children. However, the bill remained in Senate Committee and did not reach final passage in the Assembly chamber. CSS will urge resubmission and passage of such a proposal.

EDUCATION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<b>EDUCATION FOR THE HANDICAPPED</b>				
Permits educational programs for the handicapped to begin at age three.	S.1736	Giuffreda et al	Memo #3 S	Held in Senate Education Committee.
Mandates early screening for potential impediments to learning.	S.3343-A* A.8012	Pisani et al Landes et al	Memo #26 O	Passed Senate. Held in Assembly Education Committee.
Makes it unlawful to obtain clinical health or education records of handicapped children without specific consent.	S.2740-A A.3475-A	Flynn et al Marchiselli et al	Memo #17 O	Passed Senate. Held in Assembly Education Committee.
<b>PRE-KINDERGARTEN</b>				
Calls for pre-primary programs in all schools for children 3-6 years old.	A.2617 A.3175	Fortune H.J. Miller	Memo #9 S	Both bills held in Assembly Education Committee.
<b>BILINGUAL EDUCATION</b>				
Gives local school districts the right to determine the length of time bilingual instruction should be provided to individual pupils.	S.6209 A.6642	Garcia DiFalco	Memo #23 S	Held in Senate Education Committee. Held in Assembly Education Committee.

LEGEND

- \* -- Denotes bill which became law or was vetoed.
- S - Support.
- SWR - Support with Recommendation
- O - Oppose
- OWR - Oppose with Recommendation



EDUCATION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<b>BILINGUAL EDUCATION (Cont'd)</b>				
Extends the current time limit for the period of bilingual instruction from 3 to 4 years.	S.6208	Garcia	Memo #25 S	Held in Senate Education Committee. Held in Assembly Ways and Means Committee.
<b>STUDENTS RIGHTS</b>				
Assures procedural due process for students suspended for five days or less.	S.5741	Giuffreda et al	Memo #22 S	Held in Senate Education Committee. Held in Assembly Education Committee.
<b>TRANSPORTATION</b>				
Permits franchise contracts for up to ten years for school transportation in New York City.	S.2906-A A.3865-A*	Calandra Nicolosi, Velella	Memo #15 O	Vetoed
Permits annual extension of school transportation contracts beyond current five-year maximum to seven years.	S.1426-A* A.1590-A	Patersdn Griffin	Memo #27 O	Vetoed
<b>BUSING-INTEGRATION</b>				
Prohibits the apportionment of state money for pupil transportation to achieve racial balance.	S.3515	Schermerhorn	Memo #11 O	Held in Senate Education Committee.
Requires that transportation of students to achieve racial balance in schools be approved by public referendum.	S.4732	Schermerhorn	Memo #20 O	Held in Senate Rules Committee.



EDUCATION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<b>GOVERNANCE AND ADMINISTRATION</b>				
Continues present school district boundaries in New York City until 1977.	S.907 A.1132*	Goodman, Garcia Stavisky	Memo #1 S	Chapter 5
Revises the method of filling vacancies on Community School Boards in New York City.	S.1959 A.3205	Garcia Stavisky	Memo #2 S	Held in Senate Rules Committee. Held in Assembly Education Committee.
Requires Board of Education approval on appointments of supervisors.	S.2870 A.3569	Bloom Griffith	Memo #6 O	Held in Senate Education Committee. Held in Assembly Education Committee.
Extends from two to three years term of office of New York City Community School Board members.	S.1669 A.3251	Bronston Stavisky	Memo #7 S	Passed Senate. Held in Assembly Education Committee. Passed Senate. Held in Assembly Education Committee.
Prohibits school employees from serving on Community School Boards or the Central Board of Education of New York (conflict of interest).	S.1458-A A.6020	Padavan Esposito		
Permits appointments to fill vacancies on boards of education, including Community School Boards, until next regular election, whether or not appointments extend beyond 12/31 in any year.	S.3110 A.2427 S.2835 A.3206	Giuffreda Stavisky Goodman et al Stavisky	Memo #12 S Memo #16 SWR	Held in Senate Education Committee. Passed Assembly; reported by Senate Judiciary Committee but not passed. Reported by Senate Rules Committee but not passed. Held in Assembly Judiciary Committee.



EDUCATION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<b>GOVERNANCE AND ADMINISTRATION (Cont'd)</b>				
Gives voting rights to non-citizen parents of children attending nonpublic schools in Community School Board elections.	S.449 A.501 A.2303	Padavan Esposito Nicolosi	Memo #5 O	Passed Senate. All bills held in Assembly Education Committee.
<b>MISCELLANEOUS</b>				
Requires participating schools to serve a full range of lunch and breakfast programs to eligible students.	A.8505-B S.6492-B	Rules (request of Stawisky et al) Marchi et al	Memo #19 S	Passed Assembly. Reported by Senate Finance Committee but not passed. [Further amended and re-numbered (S.6963; A.8951); held in Senate Finance Committee and Assembly Ways and Means Committee.]
<b>FINANCING-STATE AID</b>				
Restores 1.25 weighting for grades 7 through 12 for purposes of state aid.	S.998 A.1720	Giuffreda et al Duryea et al	Memo #8 S	Held in Senate Finance Committee. Held in Assembly Finance Committee.
Changes the basis for determining state aid to public schools from attendance to enrollment.	S.92 A.201	Gold Hevesi	Memo #10 S	Held in Senate Education Committee. Held in Assembly Education Committee.
Requires legislative appropriation of additional funds for mandated programs that incur increases in district operating costs.	S.4279 A.5466 A.5673	Volker, Tauriello Hoyt et al Hoyt et al	Memo #21 S	Held in Senate Rules Committee. Held in Assembly Education Committee. Held in Assembly Ways and Means Committee.



EDUCATION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<b>NONPUBLIC SCHOOLS</b>				
Extends guidance and other services to nonpublic schools.	S. 548 A. 5736	Caemmerer Margiotta	Memo #4 0	Held in Senate Education Committee. Held in Assembly Education Committee.
Exempts nonpublic institutions of higher education from prohibition against using state funds for sectarian schools.	S. 3765 A. 6211	Paterson, Calandra M. Murphy	Memo #13 0	Held in Senate Judiciary Committee. Held in Assembly Judiciary Committee.
Permits exclusive use of public school properties for athletic activities of nonpublic schools during school hours.	S. 4525* A. 5919	Marchi Thorpe	Memo #18 0	Chapter 722
Broadens definition of textbooks to include other supplies (applies to textbook loans to nonpublic schools).	S. 6067 A. 4982	Knorr Izard	Memo #14 0	Held in Senate Rules Committee. Held in Assembly Education Committee.
Broadens definition of textbooks to include other supplies (applies to textbook loans to nonpublic schools).	A. 4982-A	Izard	Memo #24 0	Held in Assembly Education Committee.
<p>Note: Public statements were issued on the following omnibus bills, portions of which were supported and other portions opposed. Copies are available on request.</p>				
Omnibus bill on the state aid formula.	A. 7749	Stavisky	Statement at Public Hearing May 16, 1975	Amended twice; Passed Assembly; Not passed in Senate.
Omnibus bill on education for the handicapped.	S. 5967-C	Giuffreda	Statement at Public Hearing September 23, 1975	Passed Senate; Not passed in Assembly.

COMMITTEE ON GENERAL PROGRAMS AND ISSUES

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## INTRODUCTION

The General Programs and Issues Committee has concerned itself with how the structure of government assists or impedes the fulfillment of human needs. The protection of citizen rights and the provision of citizen access for participation in government remains a priority. The CSS position on Charter Reform which appeared on the ballot in November 1975 was developed by the Committee in cooperation with many local community groups who expressed their views of how to effect citizen participation on the local level. The Committee's recommendations were, for the most part, supported by the voters of New York when they voted to accept the first six Charter Propositions. The Committee intends to continue as before to review legislation on government reform and human rights.

The Committee already has a record of accomplishment through the work of its Special Committee on Consumer Protection with respect to governmental regulations for consumer protection. The studies done by the Committee on the Small Claims Court have focused the attention of legislators, law enforcement officials and consumer advocates on the need for reform in the collection of judgments by plaintiffs. During the past session the Committee worked toward passage of further extensive legislation to strengthen the Small Claims Court, traditionally known as the "people's court."

## 1975 LEGISLATIVE REVIEW

### Small Claims Legislation

In its study of the New York City Small Claims Court in 1973, the Special Committee on Consumer Protection found that the court administered fair and equitable justice in awarding judgments to plaintiffs but that 50% of those awarded judgments for consumer transactions were unable to collect them.

In a follow-up study of the court in 1974, CSS demonstrated the existence of a large number of "scofflaw" firms which had not paid two or more outstanding judgments against them as awarded by the Small Claims Court. Since the existence of these unpaid judgments is not generally known, businesses continue to operate with impunity. CSS recommended the establishment of a system for making these firms visible and accountable.

An informal coalition was formed, seeking legislative solutions to the problems with the court that the CSS study raised. The coalition put together five bills, all focusing on the need to relieve to some extent the difficulties claimants were having collecting their judgments. Four of these five bills passed and were signed into law. These bills were as follows:

Treble Damages, which creates liability in defendant for treble damages if the defendant has at least three recorded unsatisfied judgments against him under certain specified conditions. It is hoped that this legislation will encourage small claims scofflaws to pay old judgments to avoid treble liability.

Sheriff's Fee would require the sheriff to levy against additional property of a defendant for his fee, rather than to collect the fee in advance from a claimant. This legislation should encourage the claimants to use the sheriff in their collection efforts.

Defendant Index requires an indexing by defendant's name to facilitate monitoring by providing for easy identification of scofflaw businesses which do not pay multiple judgments.



Unsatisfied Executions would require sheriffs and marshals to return unsatisfied executions to the clerk; currently, only fully and partially satisfied executions need to be returned. This bill fits with the defendant index, because it provides the information for the index.

The fifth bill of the package, The Defendant Designation Bill (A.4629/S.3949), died in the Senate Rules Committee but passed in the Assembly. This bill attempted to deal with collection difficulties of claimants due to judgments found to be invalid, and therefore, unenforceable, as a consequence of a technically improper naming of defendant. It would have provided that a judgment is valid if the defendant is named in the name under which he does business. Working toward passage of such a bill in the 1976 Legislature is a CSS priority.

CSS supported another bill which became law, changing the limit of the amount for which a consumer could sue in Small Claims from \$500 to \$1,000.

CSS believes that abolishing the Office of the Marshal and placing its function in an office accountable to the public would be a great advantage to consumers. Therefore, we supported a bill to abolish the Office of City Marshal. This bill was passed in the Senate, but not reported out of committee in the Assembly.

#### Other Consumer Legislation

The Committee also supported other important consumer measures, such as a bill providing new rules for consumer class actions. New York State courts had interpreted the section of the Civil Practice Law and Rules dealing with class actions so restrictively that such actions in the consumer context did not become a viable consumer protection device, as they had in other states. For years these same courts expressed frustration at being tied to this interpretation, and called upon the Legislature to change one anachronistic section. Finally, in the 1975 session, the Legislature responded to the call, thereby allowing consumer-plaintiffs with similar claims against a common defendant to join together in common litigation for the benefit of all.

A bill to prohibit price fixing by repealing certain sections of the Fair Trade Law was also strongly supported by CSS and became law. Prior law had forced consumers to buy goods at unnecessarily high prices, because it permitted a producer or owner of a brand name commodity to stipulate the price at which all dealers had to sell the commodity.

#### LEGISLATIVE PRIORITIES FOR 1976

Encouraged by successful efforts in 1975, the Committee looks forward in the year ahead to continuing vigilance in behalf of the low-income consumer.

During 1975 CSS actively supported and testified for a bill to create a State Division of Consumer Affairs. Although the bill did not pass, the need still exists to replace the present ineffectual Consumer Protection Board by a State Division which would have broad regulatory powers. These would include the right to define deceptive and unconscionable trade practices, to receive and investigate complaints, to intervene in class actions in behalf of consumers and to subpoena witnesses. The bill would have provided for civil penalties up to \$5,000 for violations.

A limitation of the bill to create a State Division of Consumer Affairs was that it did not provide the means of enforcing its own regulations. Instead, enforcement would be through the State's Attorney General. The work of such a division in insuring consumer rights and protection would be most effective if it had the authority to

enforce its own regulations. Even though such a bill did not pass during the last session, CSS would recommend this addition to any similar legislation in the next session.

### Prescription Drugs: Price Advertising

An ongoing concern of CSS has been the plight of the prescription drug consumer, particularly in times of rampant inflation. The poor, the elderly and others on fixed incomes are particularly penalized by the high cost of prescription drugs. The Society believes the high price is created in part by barriers to free competition in the market place. The barriers on the retail level result from the prohibition by the State Board of Regents against advertising fixed drug prices and against substitution by pharmacists of lower cost generic equivalent drugs for the brand name drugs prescribed by doctors. From November 1974 to January 1975 the Committee conducted a study of prescription prices in 103 drug stores located in low and middle-income neighborhoods. The study revealed a great price disparity from neighborhood to neighborhood and from store to store within neighborhoods. Consumers could pay as much as eight times more for a given drug in one store over another. The poor pay more for their prescription drugs, since the highest prices surveyed were in low-income neighborhoods. The "crazy quilt" pattern of prescription price disparity is a product of the consumers' lack of knowledge of substantial price differences even within the same neighborhood. No rational consumer would choose to pay 700% more for a prescription in one store than another if he knew it was available at a cheaper price within his own neighborhood.

The Society believes that prescription price information should be made freely available to the consumer so he can have the same access to price information for his medicine as he does for cat food, dandruff shampoo or detergents. Price information, were it freely available, would be utilized for comparative shopping, and would lead to more competitive market conditions, which would stabilize prices at a lower level. Indeed, this has been the experience in states where drug price advertising is permitted and practiced. In Philadelphia, for example, the consumer pays an average of 34% less for a prescription than the patient in New York City where advertising is still illegal. In order to make it possible for pharmacies to advertise drug prices, the advertising ban imposed by the New York State Board of Regents must be lifted.

During the past legislative session, three bills to lift the advertising ban were introduced and supported by CSS, one of which passed the Assembly but was never reported out of the Education Committee in the Senate. Opposition to the passage of a price advertising bill was well organized and effective. This opposition primarily comes from those who believe that competition in the market place would drive the "mom and pop" store out of business. The Society is unaware of any statistics to support this allegation. In any case, the desire to protect some retail pharmacists from competition does not justify passing on higher drug costs to the poor, the elderly and the disadvantaged of New York. In the coming session, the Committee will press for passage of this much needed legislation.

Some opponents of price advertising point to the fact that there has been a price posting law in effect since 1974 which requires pharmacists to post the price of 150 commonly prescribed drugs. However, such posting has not had the effect of reducing price disparities, and only 13% of consumers questioned by CSS found the charts helpful. Posting by itself is an ineffective device for price disclosure, especially for those sick at home or those whose medication may not be among the 150 commonly prescribed drugs.

A nationwide investigation by the Federal Trade Commission on prescription drug price disparity led to the promulgation of regulations which would require individual states to lift the advertising ban. These rules have not yet been implemented, and

a question remains as to whether the F.T.C. rulings can pre-empt State laws in this area. In March 1975 the Supreme Court agreed to review a decision by a three judge Federal Court to decide whether a State can ban advertising on prescription drugs. Since the outcome of this case is not known or the effect it will have on a State law clear, CSS believes strongly that we must continue to fight for and support a strong price advertising bill in Albany during the coming legislative year.

### Generic Substitution

Another group of bills actively supported by the Society would have permitted pharmacists to substitute lower priced generic equivalent drugs for the brand name drugs prescribed by the doctor. The prescription drug pricing survey demonstrated that generic drugs cost on the average 78% less than brand named equivalents. By law, the pharmacist in New York is now prohibited from substituting the generic equivalent. Legislation must be enacted in the current session which would allow the pharmacist a greater role in product selection. Such legislation should permit the pharmacist to dispense the less costly generic equivalent only with the knowledge of the patient and only unless the physician specifically forbids doing so by indicating it in writing on the prescription.

CSS believes further that any generic substitution bill should have some provision for protecting the public health by assuring therapeutic equivalence in substituted drugs. A bill supported by us last year, which was never reported out of committee in either the Assembly or the Senate, would have provided that the State Department of Health certify drugs that were interchangeable. While the creation of a state formulary system would be a desirable route toward protecting the public health, it would require additional funding at a time of substantial financial retrenchment at the State level due to the fiscal crisis.

It is possible to meet the needs to assure quality and yet avoid State expense by tying a partial repeal of the anti-substitution statute to bio-equivalence information developed by the Federal Food and Drug Administration as part of the "Maximum Allowable Cost" program scheduled to be implemented by the Federal Department of Health, Education and Welfare in April of 1976.

It would be desirable to include a mandate to pharmacists to pass cost savings on to consumers in cases where a low cost generic has been substituted. However, there seems to be no legally enforceable way to require pharmacists to do this. If price advertising is permitted, the pharmacist who dispenses lower cost drugs and so informs the public would be in an enhanced competitive position. This might then create incentive for other pharmacists to also dispense lower cost generics.

### Eyeglass Price Advertising

Consistent with CSS's commitment to the principle that consumers have the right to receive freely disseminated price information for the goods and services they purchase, the Special Committee on Consumer Protection is planning to undertake a survey of the price disparity of prescription eyeglasses. New Yorkers spend upwards of \$50 million a year for eyeglasses. Yet, regulations by the New York State Board of Regents, which prevent the advertisement of prescription drug prices also prohibit advertising the retail cost of a pair of eyeglasses. Lack of price information for informed comparative shopping minimizes competition in the market place, and keeps prices artificially inflated. Unnecessarily high prices are passed along to the poor and elderly consumers least able to afford them.

During the last legislative session a bill was introduced into the Assembly that

would have permitted dispensers of eyeglasses to advertise prices. However, it was amended to correspond with a considerably weakened bill that had passed the Senate. This amended bill did pass in the Assembly and went to the Governor for signature. The Society urged the Governor to veto the bill on the grounds that its wording, which allowed for the "lawful advertising for the sale of eyeglasses." was vague and ambiguous, since it did not specifically include the words "price advertising." The Governor vetoed the bill. As a result of its own first-hand study of the issues, the Committee plans to actively support the enactment of a true eyeglass price advertising bill during the coming legislative session.

#### Consumer Credit Reform

Another major focus of CSS legislative interest will be in the area of identifying issues and solutions leading toward reform of consumer credit abuses, which particularly affect the poor consumer.

Installment credit and installment buying are a significant part of the American way of life. Installment debt, excluding mortgage debt, amounted to an average of approximately \$1,600 per family in 1970. While easy credit terms have made it possible for many to have access to goods and services they could not otherwise possess, they have also led to heavy personal indebtedness, bankruptcy, marital discord, job loss and the increased need for public assistance.

Of the dozen or more credit bills introduced during the last session, few were passed. During the coming session, the Committee will review new and reintroduced legislation which would forbid wage assignments in contracts, provide redemption of collateral and limit credit guarantees, as well as other bills relating to credit card regulations, Credit Bureau reporting notices and limiting consumer liability for billing errors. The need for comprehensive credit reform and protection against deceptive business practices for the poor consumer must and will remain a priority concern.

CONSUMER PROTECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<b>STATE DIVISION OF CONSUMER PROTECTION</b>				
Would have created a State Division of Consumer Protection with broad regulatory powers to replace the present ineffectual Consumer Protection Board.	S. 5228-A A. 6890-A	Pisani et al Strelzin	Memo #14 S	Held in Senate Consumer Protection Committee. Held in Senate Finance Committee.
<b>SMALL CLAIMS COURT</b>				
Increased the jurisdiction of New York City Small Claims Courts from \$500 to \$1000.	S. 1700 A. 248*	Bellamy Lehner	Memo #1 S	Chapter 23
Increased the jurisdictional amount from \$500 to \$1000 in Small Claims Court in cities and districts throughout New York State.	S. 1232* A. 1585	Dunne Thorpe	Memo #2 S	Chapter 71
Provides for systematic identification of businesses that do not pay judgments by requiring sheriffs to return unsatisfied judgments within 90 days of receipt.	S. 3627 A. 4180*	Knorr Nicolosi et al	Memo #7 S	Chapter 486

**LEGEND**

- \* - Denotes bill which became law or was vetoed
- S - Support
- SWR - Support with Recommendation
- O - Oppose
- OWR - Oppose with Recommendation



CONSUMER PROTECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<b>SMALL CLAIMS COURT (Cont'd)</b>				
Permits a creditor to collect treble damages and legal fees for nonpayment of small claims judgments under certain conditions.	S.1231-B* A.1584-B	Dunne Thorp	Memo #3 S	Chapter 318
Eliminates requirement that a person awarded judgment by Small Claims Court pay a fee in advance to a sheriff for collection; fee would be collected from the judgment debtor.	S.5365* A.4182-A	Knorr Schumer et al	Memo #8 S	Chapter 366
Would have permitted corporations to sue in Small Claims Court under certain circumstances.	S.211 A.146	B.C. Smith Flanagan	Memo #4 O	Held in Senate Codes Committee. Held in Assembly Codes Committee.
	S.502 S.2957 A.1105	Caemmerer Bronston Weprin	Memo #10 O	Held in Senate Judiciary Committee. Held in Senate Judiciary Committee. Held in Assembly Judiciary Committee.
Would provide that a firm may be sued in Small Claims Court in the name in which it does business.	A.4626-A S.3949-A	Nicolosi et al Pisani et al	Memo #9 S	Held in Senate Judiciary Committee. Held in Senate Rules Committee.
Provides records of judgments awarded by Small Claims Court be indexed by defendant to create central file of firms which have unpaid judgments.	A.4181-B S.3041-B*	Nicolosi et al Dunne, Knorr	Memo #11 S	Chapter 484





CONSUMER PROTECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject Intro.#. Introducer CSS Action Final Outcome

CITY MARSHALL - NEW YORK CITY

Would have abolished the office of City Marshall and would have placed exclusive jurisdiction for the execution of court mandates with the City Sheriff's office.

Goodman Memo #15 S Held in Assembly Cities Committee.  
Ruyon et al A.6225 S Held in Assembly Cities Committee.

TEAR-OFF ANSWER TO SUMMONS

Would provide that in an action of \$10,000 or less regarding a consumer transaction, the summons must contain a tear-off portion postpaid, addressed to the clerk of the court which a person should return if he wishes to contest the claim.

Pisani et al S.5227 S Memo #17  
Harenberg et al A.6887-B S Held in Senate Codes Committee.  
Held in Senate Codes Committee.

CLASS ACTION

Permits one or more members of a class to sue or be sued as representative on behalf of all under certain circumstances.

Barclay et al S.1309-B S Memo #15  
Fink et al A.1252-B\* S Chapter 207

FAIR TRADE LAW

Repeals the Fair Trade Law of New York State; provides that contracts setting a stipulated minimum price for sale of consumer commodities will not be enforceable.

Dunne et al S.3716 S Memo #12  
Cooperman et al A.3916\* S Chapter 65



CONSUMER PROTECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<b>CONFLICT OF INTEREST</b>				
Prohibits legislators or their staffs from representing a client before a state regulatory agency, whether or not they were compensated for it.	A.7819-A	Hevesi	Memo #18 S	Held in Senate Judiciary Committee.
<b>PRESCRIPTION DRUGS</b>				
Would have allowed retail pharmacists to advertise fixed, definite prices for the compounding and/or dispensing of prescriptions by repealing a rule of the State Board of Regents which forbids advertising.	S.989	Bellamy	Memo #13 S	Held in Senate Education Committee.
	S.5646	Burstein et al	Memo #16 S	Held in Senate Education Committee.
	A.6146	Lewis	Memo #13 S	Held in Assembly Higher Education Committee.
	A.4798-A	Pesce		Held in Senate Higher Education Committee.
Would have amended the Education Law to allow pharmacists to substitute a less expensive generic or other brand name equivalent drug for the brand name drug originally prescribed.	S.1254	Dunne et al	Memo #6 S	Held in Senate Education Committee.
	A.6336	Stavisky		Held in Assembly Higher Education Committee.
<b>EYEGLASS ADVERTISING</b>				
Would have amended the Education Law so as not to prohibit the lawful advertising for the sale of eyeglasses.	S.3339*	Giuffreda	Letter to Governor O	Vetoed





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## INTRODUCTION

The Committee on Health is committed to the goal of reshaping and strengthening the health care system. One approach we are using is alerting government and community leaders to the great financial leverage that would be contained in a national health insurance program and showing how that power might be used to moderate the costs of such a program. Only a strong commitment to using health dollars more efficiently can provide equal access to comprehensive, quality health care for all Americans. A report detailing specific recommendations which the Society believes must be built into an NHI program to make it affordable and workable was published this year. It is titled National Health Insurance: Toward Quality Care All Can Afford. Some of the suggestions made in the report for altering the ways in which health care is delivered can be implemented now at the state level given the money, power and will to do so.

## 1975 LEGISLATIVE REVIEW

Staff to the Committee on Health reviewed 627 health bills during the 1975 session of the New York State Legislature. Committee positions were taken on 50, as listed in the Index. Of these 50, the Governor signed 16 into law; the majority were reform bills designed to eliminate fiscal irregularity and patient abuse in nursing homes and to improve the quality of patient care. Generally, the bills tighten the controls available to the State Department of Health over nursing homes and health-related facilities and allow for the imposition of stricter penalties for violations. One of the most significant of the bills signed into law permits class action suits by or on behalf of nursing home patients. Giving patients the legal right to use this type of redress, coupled with bills designed to tighten regulation of the industry, are considered among the most progressive actions taken by the Legislature this session.

The Governor vetoed four health bills we commented on. These are described here in detail because we believe similar bills will be introduced in the next session. The Community Service Society supported enactment of a bill which would have extended health insurance coverage for outpatient services. The Governor's veto was based on technical considerations, and he has suggested that the proposal be amended and reintroduced next session. The following three bills which the Society actively opposed were vetoed:

One would have established a separate office for mental retardation, now part of the Department of Mental Hygiene. No appropriations were attached, yet cost estimates to create the separate office ranged from \$4 - \$7 million. Further, as retardation is symptomatic of many problems and requires a comprehensive treatment plan, this separation of responsibilities would only fragment that care.

A second vetoed bill would have extended licensure to proprietary home health agencies, making them eligible for Medicare and Medicaid reimbursement. At present, only public and voluntary nonprofit agencies may be licensed as home health care providers. The Department of Health estimated that \$2 million would be needed for inspection and auditing; however, no appropriations were attached for this purpose. Cognizant that opportunities may still exist for the kind of abuse of Medicaid funds that occurred in the nursing home industry and that close surveillance of the care of patients in their own homes would be needed, this bill's enactment was opposed. CSS also opposed this provision in 1975 federal legislation (e.g. H.R. 4772, Koch et al) for these same reasons.

The third vetoed bill would have authorized 65 year-old citizens to investigate unfavorable nursing home conditions. CSS's opposition position pointed out that no

legal presumption would be attached to the advocate's findings, no staff or compensation were provided for nor were any qualifications other than age set for the investigator.

### LEGISLATIVE PRIORITIES FOR 1976

In 1976 the Committee on Health intends to address three cost-related issues where State legislation is needed to promote change. These issues are: restructuring the health delivery system; broadening the nature of health insurance coverage and benefits; and improving health planning.

#### Restructuring the Health Care System

A 1972 government study estimated that 25 percent of the patient population was being treated in facilities where the level of care given was not appropriate to their needs.<sup>1/</sup> CSS endorses the proposition that the health care system be a continuum, offering many diverse alternatives to costly inpatient hospitalization. In order to provide a complete spectrum of care, legislative measures are needed to accelerate the growth of prepaid comprehensive health care plans and home health care services and upgrade and improve long-term care.

#### Home Health Care

A recently completed survey of skilled nursing facilities links deterioration of patients' conditions directly to institutionalization and recommends that such alternatives as home health care and day care be given highest priority.<sup>2/</sup> According to the American Public Health Association, from 10 to 25 percent of patients in institutions could be cared for at home with certain support services.<sup>3/</sup> Another preliminary study estimates that 165,000 chronically ill, home-bound persons in New York City need home health care; <sup>4/</sup> for them institutionalization might be forestalled or averted if such care were available.

Home health care is widely promoted as less costly than other modes of care. However, as a prestigious government study points out, there are problems in calculating cost savings because of the scarcity of comparable data and the difficulties involved in dealing with differences in program objectives, client populations and benefits offered.<sup>5/</sup> A precise definition of the units of measurement must be developed before adequate cost comparisons can be made with traditional care. A major cost control device in home health care programs is the use of less highly paid personnel, such as homemaker-home health aides working under registered nurse supervision, as is now required in the Medicare and Medicaid programs. In any case, growth of home health care programs should not be encouraged solely because of cost savings but rather because that care would be more appropriate for the patient.

Lack of third-party reimbursement hindered the growth of home health care until 1973 when state legislation became effective which required certification of voluntary nonprofit and public home care agencies and obligated insurers to offer coverage in hospitalization policies. The insured had to request coverage, cost sharing was possible and prior hospitalization was required. In 1975 CSS supported a bill (S.657), which became law, mandating coverage in hospitalization contracts for home health care. The requirement of prior hospitalization was removed, but the stipulation that coverage may be subject to deductible and coinsurance provisions was not. Generally, the Committee on Health believes cost-sharing devices result in expensive and complex accounting and administrative procedures. Further, there is no evidence that cost-sharing inhibits patient overuse of services. Accordingly, CSS will support

legislation designed to remove such financial barriers to health care, particularly in this area of health care where insurers are experiencing savings. A bulletin released by the New York State Senate Health Committee cites the experience of Blue Cross of Connecticut which reported that its Health Care Program saved an estimated 13,390 days of hospitalization in 1974 - or the equivalent of \$1,301,427. <sup>6/</sup>

Existing certified home health agencies need assistance to expand the range of services they offer and to increase the number and variety of their personnel. It is unrealistic to presume that patient load can be greatly expanded unless some monies are available for development. Along these lines, CSS supported a bill (S.658/A.2757) in 1975, which failed to pass, which would have made state aid available in the form of grants up to \$50,000 for such purposes. Either this bill or a similar one will be supported by the Committee on Health in 1976.

Mention was made earlier of CSS's opposition to opening up Medicare and Medicaid funding to proprietary home health care providers. A National League for Nursing inquiry concerning proprietary agency problems revealed that some of them engaged in questionable practices such as dropping patients when they no longer had third-party or private reimbursement, inflating the length of visit time and excess visiting. <sup>7/</sup> Also, concern that excess profiteering and poor quality care as found in some private nursing homes not be extended to home health care, plus the fact that no monies were appropriated in the bill to handle the additional regulatory load, were among the reasons the bill was opposed. If care that is provided in institutions is inadequately regulated, as at present, the problem of checking on services given to patients in their own homes where they are far more vulnerable seems insurmountable. Given current resources, perhaps voluntary and public agencies should be allowed to subcontract with proprietary agencies for provision of services as proposed in federal Medicare regulations. In any case, the legislators will confront this issue again in 1976. At the moment there is no state legislation which addresses this problem, and CSS intends to explore legislative solutions.

#### Health Maintenance Organizations

As confirmed by many studies, the prepaid comprehensive health care plan is a more efficient way of organizing and delivering health care than traditional fee-for-service medical practice. Most national health insurance proposals before Congress include this model of health care delivery as a basic component. The National Advisory Commission on Health Manpower found that the average Kaiser-Permanente member obtains high quality medical care at 20 to 30 percent less than the cost of comparable care obtained outside the plan. <sup>8/</sup> Research findings clearly demonstrate that beneficiaries of prepaid group practices experience reductions in hospital days and hospital admissions. For example, one expert stated that the Community Health Program of Queens - Nassau, during its first year of health care delivery, demonstrated a reduction greater than 30 percent in hospital days as compared to a population of similar Blue Cross/Blue Shield subscribers in that community. <sup>9/</sup> Although the concept of prepaid comprehensive health care plans is not new, they do not exist in sufficient numbers to be considered a practical alternative for most consumers.

The federal Health Maintenance Organization Act of 1973 (P.L. 93-222) contains specific provisions for the growth of comprehensive health care plans which CSS believes must be incorporated in state legislation. Two state bills were analyzed (A.2862-A, and S.1939) and we found each had some commendable features the other lacked. Either bill might be amended or a new bill drafted to include those elements necessary to promote this method of health care delivery as an effective and beneficial competitor in the industry.

For example, the basic benefit package in the state bills is only broadly defined.

It needs to be made more inclusive and explicit. Home health services are not included as a basic benefit, a provision which could serve to moderate HMO costs. Neither bill includes treatment for mental health services or for the addiction to or abuse of alcohol or drugs. In addition, there are no restrictions on the size of fees which the HMO can charge for benefits not covered in the plan. This would add a large fee-for-service component and expand the very system we had hoped the HMO model would avoid. Neither bill addresses the subject of reimbursing health professionals, whereas the federal Act stipulates that members of the medical group are to pool the income from the plan and distribute it on the basis of salary, drawing account or other plan. Although an HMO can market its plan, advertising rates and charges is prohibited; this practice is clearly not in the consumers' interest. Greater consumer involvement through representation on policy-making bodies of HMO's, organization of a grievance procedure to resolve disputes and a quality assurance program in which continued certification is tied to quality care, would help to assure public accountability and should be included in the state legislation.

There has been recent pressure on Congress to delete some provisions of P.L. 93-222 and the COH reacted to the proposed amendments. CSS objected to the elimination of home health services and treatment for alcohol and drug abuse from the basic benefits package, removal of the requirement that physicians have the HMO as their principal professional practice, deletion of the mandatory dual option feature, allowing the HMO to contract directly with outside health professionals, deletion of the community rating system for setting premiums and deletion of the annual open enrollment period. The fate of these amendments has not yet been decided.

Since the federal Act provides start-up and operating monies for HMO's, and loan guarantees are likely to be extended for two more years, CSS believes that state legislation should be designed to allow potential HMO sponsors to be able to qualify for such assistance. Neither the present Assembly nor Senate HMO bills can be considered enabling legislation. The Committee will try to obtain a bill which contains all the necessary provisions in this regard.

#### Long-Term Care

Adequate long-term resources to treat patients who cannot be maintained at home are needed. Efforts to upgrade nursing homes, particularly to inspect and audit them, have been intensified following the inquiries made by the Temporary Commission on Living Costs and the Economy headed by Andrew Stein and the Moreland Act Commission headed by Morris Abram. Staff to the Committee on Health prepared and presented testimony on behalf of the Committees on Health and Aging at hearings of the New York State Assembly Health Committee held in New York City and Albany. Letters and memoranda were also distributed in reaction to eleven proposals to improve nursing home conditions. Most reform measures passed, with the conspicuous absence of the bill to prohibit legislators from representing clients before state agencies. CSS plans to support such a bill if reintroduced and will consider additional proposals forthcoming from the Moreland Act Commission.

#### Broadening Health Insurance Coverage

The Committee's major strategy in 1976 will be to secure national health insurance legislation embodying the principles recommended in its economic study. The Ford Administration's theme as enunciated in the Forward Plan for Health for fiscal years 1977-81 is that other important national objectives may preclude full solution of all health care financing problems and that NHI has to be built on a firm foundation of guiding principles. One such principle is "building on the strength of the private health care financing system" which is said to

work very well and cannot be destroyed simply because some portions should be modified or replaced. <sup>10/</sup> Efforts must be continued at the state level to improve privately underwritten health insurance, regardless of the solution which will eventually be applied by NHI.

Lack of coverage of outpatient benefits is a major cause of overuse of hospital beds. CSS recommends that legislation be passed to make insurance readily available to cover the costs of care in hospital and nonhospital outpatient facilities and that safeguards and controls on providers be included in the bill to avoid abuse. In 1975 the Committee supported S.659-A/A.3241 which would have added four types of outpatient care to hospitalization policies. Specifically, preadmission testing and emergency medical services were mandatory and nursing home and ambulatory care were optional, to be available on request of the policy holder. Certain procedures could be handled in physicians' offices, as well as in hospital outpatient facilities. Nonhospital-based outpatient facilities (originally in the bill and later deleted) should be included as providers in order to maximize any cost savings which may be realized from this type of care. CSS plans to organize a coalition of interested agencies to restore this provision to the bill. As indicated earlier, this bill was vetoed by the Governor but no doubt will be reintroduced with amendments.

Two serious health problems for which little insurance coverage is available are alcoholism and psychiatric care. CSS supported A.41 which would have required inpatient hospital insurance to cover psychiatric care in government as well as nongovernment hospitals. Blue Cross now pays for psychiatric treatment in government hospitals in 22 states. In New York State, Blue Cross covers up to 30 days of psychiatric treatment in general hospitals, but fails to cover hospital care in government hospitals. This bill was held over in committee at the end of the session. Coverage for alcoholism, a problem affecting 800,000 New Yorkers, was included in a variety of bills in 1975. The Committee supported S.21/A.1582 which mandated coverage and recommends that the bill be amended to include coverage not only for treatment of acute episodes of intoxication but for aftercare at a nonhospital treatment facility. Only licensed facilities were to be included in the insurer's liability. The bill was also held over in committee.

#### Improving Health Planning

Among the techniques that can improve the health system is better regulation and planning of the allocation of health resources. It is hoped this will achieve some reduction in the supply of unnecessary hospital beds, prevent the construction of new ones which may not be needed, and avoid duplication of services.

Enactment of P.L. 93-641, the National Health Planning and Resources Development Act of 1974, gives states and localities greater authority than did the earlier Comprehensive Health Planning Program to restrict the construction of new facilities deemed unnecessary. Some people believe the review authority does not allow for eliminating underused, duplicative and substandard resources.

New York State already has a certificate of need law, now to be required of all states under P.L. 93-641. It was hoped that the federal Act would also have provided for periodic recertification of need; instead, the Act merely calls for a review at least every five years of the "appropriateness" of all institutional health services. All health services, not just those provided in institutions, should be covered by certificate of need requirements. The Committee on Health, therefore, will explore the advisability of extending these provisions by means of new legislation beyond the facilities now covered by law and the possibility of establishing a recertification program at the state level to determine the continuing appropriateness of health



services. Added administrative costs to the State for such a program might be offset to some extent by establishing fees for examination and relicensure. Savings, of course, should be realized when underutilized, unneeded facilities are closed down or converted to other uses.

In response to an invitation from the Assistant Secretary for Health of the Department of HEW, the COH will offer its recommendations for consideration in formulating national guidelines to be used in the implementation of P.L. 93-641. Of major concern is that this legislation create improved areawide planning of health care services, manpower and facilities, which is essential if a national health insurance program is ultimately to provide equal access to quality care at a reasonable price. CSS has called for a strong federal posture in review of local agency operations.

CSS plans to make its recommendations known regarding the legal structure to be proposed for the local planning body under the Act, known as the Health Systems Agency. Consideration will be given to whether the HSA should be a unit of local government or a nonprofit private corporation. It is essential that the local planning agency be able to function independently of special interest groups and that it be publicly accountable.



Footnotes

- 1/ Study of Health Facilities Construction Costs, U.S. General Accounting Office, Washington, D.C., November 20, 1972, p. 98.
- 2/ Long-Term Care Facility Improvement Study, Introductory Report, U.S. Department of HEW, Washington, D.C., July 1975, p. 15.
- 3/ American Journal of Public Health, Vol. 64, No. 2, February 1974, p. 80.
- 4/ Davis et al, "An Analysis of the Need for Home Health Care Services in New York City," New School for Social Research, New York, 1975.
- 5/ Callendar, Marie and LaVor, Judy, "Home Health Care Development, Problems and Potential," Disability Long-Term Care Study, U.S. Department of HEW, April 1975, pp. 48-53
- 6/ Health Bulletin #30, New York State Senate Health Committee, June 1975.
- 7/ "Proprietary Agency Problems," National League for Nursing, Council of Home Health Agencies and Community Health Services, New York, May 15, 1975.
- 8/ Study of Health Facilities Construction Costs, op. cit., p. 814.
- 9/ Statement of Martin Lowy before New York State Assembly Health Committee, New York, October 15, 1975.
- 10/ Forward Plan for Health FY 1977-81, U.S. Department of HEW, June 1975, pp. 164, 165.

HEALTH BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<b>ABORTION</b>				
Refusal to perform - Allows hospitals to refuse to participate in justifiable abortions without penalty or loss of public funding.	S.2591	Griffin, Nolan, Knorr	Memo #25 - 0 -	Passed Senate
	A.3274	Brown		Held in Assembly Health Committee
<b>DRUGS AND MEDICINES</b>				
Substitution of generic equivalents - Allows pharmacists to substitute a less expensive generic or other brand name equivalent drug for the one prescribed, unless subscribing physician will not permit.	S.1254	Dunne, Goodman, Padavan	Memo #9 - 8 - (Joint with General Programs and Issues)	Held in Senate Education Committee
	A.6336	Stavisky		Held in Assembly Higher Education Committee
<b>FAMILY PLANNING</b>				
Information on facilities - Requires county health officers to make available to the public lists of clinics and other facilities providing family planning, birth control, contraceptive and sterilization services.	S.2280	Halperin	Memo #12 - S -	Held in Senate Health Committee
	A.2915	Blumenthal		Held in Assembly Ways and Means Committee

LEGEND

- \* - Denotes bill which became law or was vetoed
- S - Support
- SWR - Support with Recommendation
- O - Oppose
- OWR - Oppose with Recommendation



HEALTH BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<b>HANDICAPPED</b>				
Confidentiality of records - Makes it unlawful to gain access to clinical health or education records of handicapped children without specific consent.	S.2740-A A.3475-A	Flynn et al Marchiselli et al	Memo #27 - O - (Joint with Education)	Passed Senate Held in Assembly Education Committee
Early childhood instruction - Permits school districts to establish instructional programs for handicapped children starting at age three.	S.1736	Giuffreda et al	Memo #10 - S - (Joint with Education)	Held in Senate Education Committee
Early screening of children - Mandates educational testing of entrants to kindergarten and first grade to detect potential impediments to learning.	S.3343-A A.8012	Pisani et al Landes et al	Memo #40 - O - (Joint with Education)	Passed Senate Held in Assembly Education Committee
Exemption from sales and use taxes - Specifies colostomy, ileostomy, urinary ileostomy and other artificial devices as prosthetic aids to be exempt from sales and use taxes.	S.2115 A.1804	Flynn, Bernstein, Koppell et al	Memo #4 - S -	Held in Senate Taxation Committee Held in Assembly Ways and Means Committee
Supplemental grant to blind - Provides \$20 monthly grant to blind persons eligible for Supplementary Security Income benefits who maintain a seeing-eye dog.	S.4567-A A.6513-A	Knorr Delli Bovi et al	Memo #22 - S -	Held in Senate Rules Committee Passed Assembly

HEALTH BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<b>HEALTH INSURANCE</b>				
Alcoholism care coverage - Requires that health insurance contracts for inpatient hospital care include coverage for both inpatient hospital care and out of hospital care for the treatment of alcoholism.	S.21-B	Pisani, Caemmerer	Memo #2 - SWR -	Held in Senate Insurance Committee Held in Assembly Insurance Committee
Handicapped dependent children coverage - Requires that health insurance contracts providing coverage for adults also include unmarried children, regardless of age, incapable of self support because of handicap acquired before age 19.	S.750	Marino	Memo #21 - S -	Held in Senate Insurance Committee Held in Assembly Insurance Committee Held in Senate Insurance Committee
Home care coverage - Requires health insurance contracts for inpatient hospital care also to provide coverage for home care. The requirement of prior hospitalization has been eliminated.	S.657* A.3378	Lombardi et al Silverman	Memo #8 and Letter to Governor's Counsel (5-day bill) - SWR -	Chapter 647
	S.2235-A	Dunne et al		Passed Senate
	A.4268-A	Silverman		Passed Assembly



HEALTH BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject Intro. # Introducer CSS Action Final Outcome

HEALTH INSURANCE (Cont'd)

Outpatient services coverage -  
 Adds four areas of outpatient  
 care to inpatient hospitalization  
 insurance contracts. Two would  
 be mandatory: preadmission  
 testing and emergency medical  
 services. Two areas would be  
 optional on request: nursing  
 home care and ambulatory care.

S.659-A\* Lombardi et al Memo #11 and Letter to Governor's Counsel (5-day bill)  
 A.3241 H.J. Miller et al - SWR -

Vetoed

Psychiatric care coverage -  
 Requires inpatient hospital care  
 insurance contracts to include  
 coverage for psychiatric care.  
 Provisions would apply to any  
 psychiatric hospital or hospital  
 psychiatric unit, regardless of  
 type of control of hospital.

A.41 Wertz, Burns

Memo #1 - S -  
 Held in Assembly Ways and Means Committee

Registered nurse reimbursement -  
 Provides for third party  
 reimbursement in health insurance  
 contracts for services rendered  
 by registered professional nurses.

S.4699-A Pisani et al Memo #24 - S -  
 A.5956 Blumenthal

Held in Senate Insurance Committee  
 Passed Assembly

Social worker reimbursement -  
 Provides for third party  
 reimbursement in health insurance  
 contracts for services rendered  
 by certified and registered  
 social workers.

A.6593-A Runyon et al Memo #23 - S - (Joint with Social Services)

Passed Assembly



## HEALTH BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<b>HEALTH MANPOWER</b> Public medical school - Creates a temporary state commission to formulate a plan for establishing a public medical college in Queens County.	S. 6487-A A. 7803-A*	Bronston et al H. Posner et al	Letter to Assemblyman Posner - O -	Chapter 813
<b>HOSPITALS AND OTHER CARE FACILITIES</b> Character and competence of operators - Imposes character and competence requirements on operators for health facility certification.	S. 6546-B* A. 7818-A	Lombardi et al Hevesi et al	Memo #35 and Letter to Governor's Counsel (5-day bill) - S - (Joint with Aging)	Chapter 656
Criteria for regulation of nursing homes - Enacts criteria for regulating residential care facilities, including linking rate reimbursement to the prudent buyer concept, developing a rating system and providing for receivership.	S. 6942 A. 8815*	Lombardi et al Rules Committee (Request of Hevesi et al)	Letter to Governor's Counsel (5-day bill) - S -	Chapter 649
Emergency financing for public hospitals - Allows public hospitals to include losses of their ambulatory care services in the costs of their inpatient services.	S. 1833 S. 5052	Pisani Pisani	Memo #18 - S -	Held in Senate Health Committee Held in Senate Health Committee
	A. 6992	Marchiselli		Held in Assembly Ways and Means Committee

HEALTH BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
HOSPITALS AND OTHER CARE FACILITIES (Cont'd)				
False Medicaid cost statements - Empowers state and local social services districts to sue for treble damages for false overstatement by providers or suppliers of services in medical assistance program.	S.553-A* A.7820-A	W.T. Smith et al Hevesi et al	Memo #32 and Letter to Governor's Counsel (5-day bill) - SWR - (Joint with Aging)	Chapter 659
Financial disclosure - Requires all certified health facilities to file annual reports on their financial condition and transactions.	A.3775	Stavisky	Memo #17 - S -	Held in Assembly Health Committee
Financial reports - Requires residential health care facilities to file annual financial reports including information concerning persons with 10% or greater interest in land, building or mortgage.	S.6542-B* A.7825-A	Lombardi et al Hevesi	Memo #29 and Letter to Governor's Counsel (5-day bill) - S - (Joint with Aging)	Chapter 652
Financial report certification - Financial statements submitted by nursing homes or health - related facilities must be certified by an independent certified public accountant.	S.6545-A* A.7821-A	Lombardi et al Hevesi et al	Letter to Governor's Counsel (5-day bill) - S - (Joint with Aging)	Chapter 655



HEALTH HILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
HOSPITALS AND OTHER CARE FACILITIES (Cont'd)				
Health and Hospitals Corporation Board - Adds representatives of community advisory boards to the Board of Directors of the New York City Health and Hospitals Corporation.	S. 4707-A	Bellamy	Memo #15 - S -	Held in Senate Rules Committee  Passed Assembly
Health and Hospitals Corporation Board - Director of New York City Office of Management and Budget to replace Administrator of Health Services Administration on the Board and allows Director, Deputy Mayor and Commissioners of Health, Mental Health and Social Services to send representatives to Board meetings.	S. 6631	Rules Committee (Request of Ohrenstein)	Memo #39 and Mailgram to Governor - O -	Held in Senate Cities Committee  Held in Assembly Health Committee
Health and Hospitals Corporation finances - Extends fiscal control over the Corporation to the Mayor of New York City, allowing quarterly revision of expense plans, collection of monies to go to City Finance Administration, and allowing ceilings to be placed on job categories of the Corporation.	S. 6632	Rules Committee (Request of Ohrenstein)	Memo #38 and Mailgram to Governor - O -	Held in Senate Cities Committee  Held in Assembly Ways and Means Committee
	A. 7877	Hecht		

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HEALTH BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<b>HOSPITALS AND OTHER CARE FACILITIES (Cont'd)</b>				
Home health care services - Authorizes state grants not to exceed \$50,000 to certified home health care agencies for improvement of services.	S.658 A.2757	Lombardi et al H.J. Miller et al	Memo #7 - S -	Passed Senate Held in Assembly Ways and Means Committee
Home health care services - Extends licensure to proprietary home health care agencies and mandates inclusion of home health care benefits in health insurance policies.	S.6707-A A.7841-B*	W.T. Smith, Galiber H.J. Miller et al	Letter to Governor's Counsel (5-day bill) - O -	Vetoed
Legislative ethics - Prohibits legislators and legislative staff from representing clients before a state regulatory agency.	A.7819-A	Hevesi et al	Memo #37 - S - (Joint with Aging, General Programs and Issues)	Passed Assembly
Liability of controlling persons - Makes every person responsible for management and policies of residential health care facility liable to persons for damages or to the state for penalties and fines.	S.6541-C* A.7826-A	Lombardi et al Hevesi et al	Letter to Governor's Counsel (5-day bill) - S - (Joint with Aging)	Chapter 651

HEALTH BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
HOSPITALS AND OTHER CARE FACILITIES (Cont'd)	S.6543-A*	Lombardi et al	Memo #31 and Letter to Governor's Counsel (5-day bill)	Chapter 653
	A.7824-A	Hevesi et al	- S - (Joint with Aging)	
Inspections - Requires at least two annual inspections of residential health care facilities, one of which shall be unannounced.	S.6544-B*	Lombardi et al	Memo #30 and Letter to Governor's Counsel (5-day bill)	Chapter 654
Inspection reports - Financial and inspection reports of residential health care facilities to be available for public inspection and summary of the latest inspection report to be posted in the facility.	A/7823-A	Hevesi	- S - (Joint with Aging)	
Patient advocates - Authorizes citizen appointees, of 60 years of age or older, to receive and investigate complaints from residents of nursing homes.	S.269-A*	Flynn et al	Memo #13	Vetoed
Patients' bill of rights - Enacts a bill of rights for patients in residential health care facilities.	A.4405	Fortune et al	- O - (Joint with Aging)	
	A.7874-A	Amatucci et al	Memo #36	Passed Assembly
			- S - (Joint with Aging)	



HEALTH BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
HOSPITALS AND OTHER CARE FACILITIES (Cont'd)				
Patients' class action suits - Provides patients of residential health care facilities, either individually or as a group, with right to bring legal action against a facility for deprivation or infringement of lawful rights to adequate care and treatment.	S.6551-B* A.7816-A	Flynn et al Hevesi et al	Memo #33 and Letter to Governor's Counsel (5-day bill.) - SWR - (Joint with Aging)	Chapter 658
Penalties for violations of regulations - Establishes a system of penalties of up to \$1,000 per day for continuing violations of regulations pertaining to patient care by residential health care facilities.	S.6554-B* A.7822-A	Flynn et al Hevesi et al	Letter to Governor's Counsel (5-day bill.) - S - (Joint with Aging)	Chapter 660
Suspension of operating certificates - Provides for the suspension or temporary limitation of operating certificates of any hospital, nursing home or health-related facility when Department of Health finds a condition which poses imminent danger to the health or safety of any patient.	S.6547-A* A.7817-A	Lombardi et al Hevesi et al	Memo #34 and Letter to Governor's Counsel (5-day bill.) - SWR - (Joint with Aging)	Chapter 657

HEALTH BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<b>MEDICAL ASSISTANCE</b>				
State aid for costs of public and medical assistance - Provides for state to assume 100 per cent of the costs of public assistance and medical assistance programs.	A.1464	Eve	Memo #19 - SWR - (Joint with Social Services)	Held in Assembly Social Services Committee
Travel expenses for medical assistance recipients - Allows use of county commissioner's emergency revolving fund to provide medical assistance recipient with money for travel expenses to obtain medical care and services.	A.1462	Eve	Memo #20 - S -	Passed Assembly
<b>MENTAL HEALTH</b>				
Aftercare of the mentally disabled - Requires inspection and issuance of operating certificates for community residences. Requires written service plans for discharged patients.	A.6180-A*	McCabe, Wertz et al	Letter to Governor's Counsel (5-day bill) - SWR -	Chapter 804
Conservatorship - Expands conservatorship of the property to include conservatorship of the person.	A.2934	Frey	Memo #14 - O - (Joint with Aging)	Held in Assembly Mental Health Committee

HEALTH BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
MENTAL HEALTH nt'd)				
Family care homes for the mentally disabled - Strengthens regulations and requires operating certificates for family care homes used for mentally disabled persons.	S.5260-B*	Donovan et al	Letter to Governor's Counsel (10-day bill), - S -	Chapter 805
Office for Mental Retardation - Establishes an office for mental retardation in the executive department and transfers powers and duties from Department of Mental Hygiene.	S.11-B* A.2-B	Conklin et al Steingut et al	Memo #16, Letter to Governor and Two Letters to Governor's Counsel (one on 10-day bill) - O -	Vetoed

MENORS' RIGHTS TO HEALTH CARE

Consent for treatment - Requires persons under 18 years of age to have parental or legal guardian consent for an abortion to be performed.	S.2419-B A.3111-B	Padavan et al Esposito et al	Memo #26 - O -	Passed Senate Held in Assembly Health Committee
Contraceptives - Permits the sale of contraceptives to minors under age 16 by persons other than licensed pharmacists. Removes the prohibition against advertisement and display of contraceptives.	S.681 A.2161	Goodman et al Blumenthal et al	Memo #5 - S -	Held in Senate Education Committee Held in Assembly Higher Education Committee

HEALTH BILLS BEFORE THE 1975. NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<b>MINORS' RIGHTS TO HEALTH CARE (Cont'd)</b>				
Contraceptives - Removes the prohibition against the advertisement and display of contraceptives.	S.1978 A.2162	Gold Blumenthal	Memo #6 - SWR -	Held in Senate Education Committee Held in Assembly Higher Education Committee
<b>PRISON HEALTH SERVICES</b>				
Transfer of health services - Establishes a Division of Prison Health Services in Department of Health and transfers to it responsibility for health care of prisoners from the Department of Correctional Services.	S.5137 A.7097-A	Bronston Weprin et al	Memo #28 - S - (Joint with Youth and Corrections)	Held in Senate Health Committee Held in Assembly Ways and Means Committee
<b>TUBERCULOSIS</b>				
Change in state aid - Provides for 50 per cent state reimbursement for hospital inpatient, outpatient and home health care services.	S.724 A.1810	Lombardi, Garcia Jonas	Memo #3 and Letter to Senator Marchi, Chairman, Senate Finance Committee - S -	Passed Senate Held in Assembly Ways and Means Committee
<b>VENEREAL DISEASE</b>				
Premarital examinations - Postpones until July 1, 1976 the requirement of a serological test for gonorrhea within 30 days prior to application for a marriage license.	S.2613 A.2657*	Lombardi H.J. Miller	Letter to Governor's Counsel (10-day bill) - S -	Chapter 174



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## INTRODUCTION

The Committee on Housing and Urban Development has been an active citizens' housing organization since 1898. Over the years the Committee has sponsored or supported legislation and programs which are intended to improve standards in the supply of existing housing and to expand the supply of decent, safe and sanitary housing for families of low and moderate income. It has supported housing programs that facilitate racial and economic integration. Since the value of decent housing has a relationship to the quality of its environment, the Committee has also concerned itself with matters of community facilities, parks and zoning. Matters of housing maintenance, code enforcement, tenants' rights and community development are only a few of the housing related issues that occupy the Committee's attention.

## 1975 LEGISLATIVE REVIEW

A prolonged and occasionally agonizing session of the New York State Legislature was punctuated in mid-June by passage of the "Warranty of Habitability" (S.3331-B), supported by CSS in various forms since 1969. In debate it was hailed as landmark housing legislation. Under its terms, the landlord must maintain his rental premises in a condition fit for human habitation. If the landlord breaches this "warranty" the tenant now has a personal legal right that he may assert, independent of any government action with respect to code enforcement. The Community Service Society has supported this measure in the belief that it would facilitate the continual task of ensuring proper housing maintenance, thereby preventing deterioration and abandonment of dwellings as well as helping individual tenants with neglectful landlords.

Another highlight of the session was the passage of a bill (S.1030) to authorize the State to float a full faith and credit housing bond issue of \$250 million for low-income elderly. However, the measure, sponsored by Senate Housing Committee Chairman Roy M. Goodman and signed by the Governor, failed to achieve voter approval in the November election. It is estimated that the proceeds of the bond issue could have resulted in the creation of up to 9,000 new dwelling units at approximately \$45 per rental room per month. Although it was criticized for supporting such an indebtedness during the fiscal crisis, Community Service Society supported the measure as a needed authorization. The bonds would have been marketed only when conditions become more favorable.

The only other new money bills for housing purposes were the measures enacted over the course of the spring, as the New York State Urban Development Corporation went into default. The quasi-public super-agency, created in the spring of 1968, had been financed through the issuance of so-called "moral obligation" bonds, which lack the backing of the full faith and credit of the State of New York. There was always the thought that if the agency did have problems, the State would come to the rescue. The test came during the first days of Governor Carey's term, when, after months of UDC's struggling internally to deal with the problems of too little revenue to meet the cost of outstanding obligations, the crisis became public. It is to the Governor's credit that he recognized the great contribution that the agency had made to the State's housing needs, and rather than disown the agency as a creation of the Rockefeller administration, he worked diligently to fashion a plan which would protect the housing programs already underway. The Legislature created the New York State Project Finance Agency (A.4177, A.4623), and appropriated \$318,150,000 for it to systematically purchase UDC bonds as individual projects were evaluated. Of the total amount, \$140 million was earmarked as matching funds to stimulate the private banking market to continue to invest in the housing programs.

Although no money bills other than the UDC "bail-out" funds were approved, a number of measures which would facilitate the use of existing funds for the rehabilitation of housing units were passed. A measure (A.4300-A) which would allow non-profit housing companies to receive 100% loans under Private Housing Finance Law, Article VIII was finally passed, after leaping many hurdles in both the Senate and the Assembly. The measure was designed to free non-profit companies from the difficult task of finding the 10% equity funds required by the earlier statute. Members of the Senate were loath to give the City more flexibility in the granting of loans, but when it was shown that the companies that could significantly help rebuild the City's housing stock would be strengthened, the bill was reported out of the Rules Committee and passed during the last days of the session.

Approved also was a related measure (S.6484) which would permit non-profit companies to receive "seed money" mortgage loans from the New York City Housing Development Corporation for rehabilitation. In addition the power to make Article VIII rehabilitation loans was extended to the New York City Housing and Development Corporation (S.3727). Also, housing companies presently funded for projects by the New York City Housing Development Corporation were permitted an exemption from the interest rate limitations on renewals of notes and bonds for current project obligations (S.6580).

A number of technical amendments were made to the New York City Rehabilitation Mortgage Insurance Corporation (REMIC) Law (S.5209-B) to permit that Corporation to attract investors in an era of high interest rates. The City's J-51 Tax Exemption and Abatement Law was amended to allow projects financed with Article VIII loans to benefit from the abatement from the time the construction commences (S.2592).

A number of tenants' rights measures gained approval during the session, including a long-sought-after bill providing that a landlord in a multiple dwelling may not unreasonably withhold his consent to let a tenant sublease his apartment (S.6805). If consent is unreasonably withheld, the tenant may be released from his lease upon request. A second measure protects tenants who wish to organize by prohibiting the landlord from interfering with, harassing or punishing any tenant who joins a tenant group (S.2188-B). Another bill (A.8522) requiring the licensing and regulation of so-called "apartment referral agencies" was initiated following hearings in the spring about abuses of existing agencies. The measure would require such agencies to be licensed by the Secretary of State, to post their scope of services and to put up \$1,000 in escrow as an account against possible claims from the consumer group.

The Governor vetoed a bill (A.5471-A) which would have granted tax exemption to senior citizen cooperative shareholders on the grounds that the bill was faulty because only the cooperative is entitled to the exemption under the Federal Internal Revenue Code. The Governor also vetoed a bill (A.5028-A) which would have brought public housing structures under the definition of a "public building" and made them subject to certain physical code review requirements that are either duplicative or unnecessary.

Prior to the opening of the 1975 session, Commissioner Lee Goodwin of the New York State Department of Housing and Community Renewal announced her support for considering the emergency repair program as part of the City's code enforcement effort entitled to 50% reimbursement. However, the funds did not become available. In an effort to support that program, a bill (S.3832) appropriating a modest \$5 million to be paid directly to the City for use in its Emergency Repair Program was introduced, but not even reported out of committee.

## LEGISLATIVE PRIORITIES FOR 1976

Without money both the government and private industry can have little impact on the housing needs of New Yorkers today. The development of capital sources is critical if the City's and the State's social policies are to be implemented. A federal involvement, difficult to foresee at this moment, is needed.

The full faith and credit of the federal government financed public housing; subsequent federal housing supports cover a range of measures from federal insurance to grants and loans to production subsidies. The new Section 8 housing program provides subsidy money but fails to provide the mechanisms to secure capital financing for either new construction or rehabilitation of existing units. The current demise of the state housing finance agencies, in the aftermath of the UDC crisis, cut off what was perceived as a major source of those capital funds and an integral part of the federal program. Efforts to use federal insuring programs or secondary mortgage market mechanisms to obtain capital willing to invest in housing have so far been ineffectual. Statutory changes in the 1974 Housing and Community Development Act and in its administration will be explored by the Committee on Housing and Urban Development in an effort to make money market sources available for housing.

### State Program

While recognizing the fiscal crises at both the State and City levels, we nevertheless must look to the State for financial aid until there are adequate national programs addressed to urban housing and development needs. Last year's proposal for a State Bank was in part directed to the problem of making capital funds available for housing. Other approaches to attract private capital to housing investment are likely to come before the State Legislature and will require careful review and examination.

One technique is to track the banks' housing investments. Such a measure is before the United States Congress -- Senate 1281: "Home Mortgage Disclosure Act of 1975." This bill, aimed at disclosure of "red-lining" activities by banks throughout the nation has attracted considerable attention. By requiring banks to disclose where their mortgage investments are being made, it is believed that community pressure exercised by neighborhood depositors would generate sufficient force to cause local investment in housing. Several states presently have laws for this purpose; and if Senate 1281 is not enacted we should consider a State bill along these lines.

A bill (S.5819), introduced but not reported out of committee last year, would have created a New York State Community Development program with a \$49 million appropriation for capital grants to municipalities in an amount not to exceed 20% of their federal Community Development allocation. This measure will receive new support this year. Similarly, a bill creating a New York State Neighborhood Preservation Corporation (S.3847) will again receive attention. Last year it was drawn with a \$25 million appropriation to assist communities in their rehabilitation efforts.

### Public Housing

A series of bills which were held in either the Senate Finance or the Assembly Ways and Means Committees last year, appropriating funds for the modernization of State and Municipal public housing (S.4548) and for subsidies toward rent, operation and maintenance (S.4547, S.3831) will receive our support. Without such assistance, the physical housing plant for many low income people will be endangered, as will be the stability of the families who have enjoyed the benefits of the program.

We will press again for a measure introduced in 1975 (S.4568) limiting rents of tenants in state and municipal public housing to 25% of their income. Tenants in federal public housing are now restricted to this rent/income ratio under the Brooke Amendment to the federal housing law.

### Housing Subsidies

Housing subsidies cut across the entire spectrum of the housing market for low, moderate and middle income tenants. This is true whether they have the benefits of government assisted construction subsidies, tax exemption, municipal bond financing or other government assistance. Even were the money market to be freed of current restrictions and bond offerings for new and rehabilitated housing to be floated with interest rates stabilized at 8 1/2%, the cost of much newly constructed housing, without additional subsidies, will be beyond the reach of the average family. Even many substantially rehabilitated housing units will require further subsidies, although costs are significantly lower.

Attention is being given to the development of a "single variable subsidy" program for housing, which would first establish a formula of rent to income and then establish a rent at which the unit will carry its cost of maintenance and operation, tax payments and debt service obligations, as well as a return on capital investment. Families and individuals unable to pay in accordance with these standards would receive subsidies. Such an approach would overcome the lack of uniformity in existing programs of income deductions and rent payment requirements and it would eliminate the gaps in coverage created by the fact that existing housing programs are often structured by narrow income ranges. Thus, the design would serve all families who cannot afford housing on the private market.

### Rent Control

The great debate over rent control will be sharpened this year by the fiscal crisis, which may remove the power of the City in this area. Real estate tax advantages have been added to the "laundry list" of alleged adverse consequences of regulation of the rental stock. Federal policies have given and continue to give the largest dollar assistance to those who would flee the cities to live in single-family homes. Additionally, federal policies on welfare and social programs have helped to encourage some 420,000 workers to leave New York City in the past five years. The consequences of these policies coupled with a one million population shift in a decade cannot be ignored in legislating for the future of the existing stock. It is estimated that more than 500,000 families in the City of New York (excluding those on welfare assistance) with incomes under \$10,000 pay over 25% of their income for rent. Rent control must confront these factors, plus rampant inflation and the consequences of fuel cost escalation to which the housing market has not yet adjusted.

The Community Service Society has, from the beginning, supported the concept of the Maximum Base Rent system. It provides a rational mechanism for setting rents and calculating adjustments while providing adjustable rent ceilings at levels that give owners an opportunity to meet operation and maintenance costs, pay taxes, make mortgage payments with provision for a return on investment, without allowing sudden and intolerable increases for tenants. Since the MBR system sets rent ceilings which are not of historic origin, current housing costs govern the ceilings. Rent stabilized housing, however, faces the difficulties of a regulated rent structure based on historic rents, so that the rents come into the system at greatly varying levels of economic return for owners. Conditioning MBR increases on the removal of pre-recorded housing violations imposes a housing

maintenance requirement that seeks to balance administrative feasibility, tenant action and landlord opportunity for correcting violations. The limited capacity of other code compliance techniques to achieve housing maintenance is the subject of the Committee on Housing and Urban Development's study of the Housing Court.

In the private housing market as well, the need for subsidies for individual tenants must be addressed. The lack of a uniform governmental response to people's housing needs is clear when one contrasts the maximum permitted rents recently promulgated by the State Department of Social Services with those ceilings set by the federal government in the Section 8 Housing Assistance Program.

The ceiling for rents for four people in the DOSS program is \$218 per month, while HUD allows \$242 as the maximum rent for a two bedroom unit. These disparities in setting ceilings, while presumably using the same basic economic data, reveals the failure of government to come to grips with the rent and housing program needs of low and moderate income families.

As we formulate a program of rent regulation for the 1976 legislative session, the factors of housing costs, tenant capacity to pay, the availability of government subsidy, and the heightened need to achieve and retain a viable City economy must all be considered. The MBR approach contains the ingredients for balancing these factors.

#### Housing Maintenance

Housing preservation and maintenance efforts deserve the highest priority at a time when everyone must recognize the lack of meaningful alternative housing choices for those who are committed to the City. It is generally accepted that there is an annual City need of some 27,000 new and rehabilitated units. This goal will again not be met, heightening the need for the maintenance and upgrading of the existing housing stock.

The implementation of the Housing Court Act of 1973 has been the subject of a study now being reviewed by the Committee on Housing and Urban Development. Our analysis of the problems revealed by this careful study should lead to suggestions for strengthening the Housing Court's ability to achieve the broad housing maintenance goals for which it was designed. The role of the code enforcement agency in initiating actions in the court, the need for an independent judiciary, the effectiveness of penalties, and the integration of the work of 600 housing inspectors with the Office of Code Enforcement are some of the areas for legislative consideration.

#### Regional Plan

One of the largest problems in this country is the economic segregation between the city and the suburb and the difficulty of getting the suburb to build low-income housing, even for its own population. The Washington Council of Governments and the State of Massachusetts have devised "Fair Share" plans to encourage communities to build a proportion of low-income housing. The Dayton Plan in Ohio distributed low- and moderate-income housing on a regional plan basis. In Westchester County in 1972, a Fair Share plan was formulated by UDC, which unfortunately met with great opposition and was abandoned. Careful study and planning, with meticulous attention to such variables as need, fiscal structure of the communities, economic base of the area, physical constraints which would affect construction, etc., is needed for a program of this type to succeed. This would be a long-range project, but one which has potential, particularly if there is momentum to change the methods of financing schools.



Quasi-Public Corporations

Community Service Society foresaw the difficulties that the many State-created quasi-public bodies involved in a variety of building and housing functions might encounter with moral obligation bonds. These multi-faceted corporations were separately designed, each with a single function. Illustrative is the Educational Construction Fund empowered to spearhead the building of combined occupancy structures containing school facilities. No similar agency was created which would be authorized to develop structures involving senior citizen centers or community-based governmental offices. Although the lesson of UDC as a super-agency enabled to build housing, commercial space, etc., is still being learned, an agency with more flexibility to create a variety of multi-use structures allowing for fuller use of such space by the community will be especially needed if government becomes more locally based. Modifications in present authorizations would anticipate the time when government-sponsored construction is again possible.



HOUSING AND URBAN DEVELOPMENT BILLS BEFORE THE 1975 STATE LEGISLATURE ON WHICH CSS TOOK ACTION

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<p><u>Correction of Violation</u> - Changes the time period for removal of "rent-impairing" violations in Section 302-a of the Multiple Dwelling Law to one month.</p>	A.2031	Hevesi	Memo #7 O	Held in Assembly Housing Committee.
<p><u>Correction of Violation</u> - Permits Housing Development Administration to postpone date for violation correction upon agreement to correct earlier violations.</p>	S.5939	Goodman et al	Memo #35 S	Chapter 825
<p><u>Emergency Repair Program</u> - Appropriates \$5 million in state funds for New York City's repair program.</p>	S.3832	Goodman	Memo #15 S	Held in Senate Finance Committee
<p><u>Warranty of Habitability</u> - Establishes an "implied covenant" by landlord that residential rental premises are habitable.</p>	S.3331-B* A.6544-A	Barclay et al Barbaro et al	Memo #14 S	Chapter 597

CODE ENFORCEMENT

- LEGEND
- \* - Denotes bill which became law or was vetoed
  - S - Support
  - SWR - Support with Recommendation
  - O - Oppose
  - OWR - Oppose with Recommendation



HOUSING AND URBAN DEVELOPMENT BILLS BEFORE THE 1975 STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<b>HOUSING AND URBAN DEVELOPMENT</b>				
Community Development Program - Appro- priates \$49,210,000 to be used as state contribution to federally-funded Community Development Program, with grants not to exceed 20% of the federal allocation for each municipality.	S.5819 A.8192	Tauriello Rules (Griffin, Hoyt)	Memo #24 S	Held in Senate Finance Committee. Held in Assembly Ways and Means Committee.
New York State UDC - Creates N.Y. State Project Finance Agency empowered to buy UDC bonds and appropriates \$90 million for purchase of the bonds.	A.4177 A.4623	Hecht Budget	Telegram - S Telegram - S	Chapter 7 Chapter 11
<b>HOUSING COURT</b>				
Counterclaims - Prohibits counterclaims in Housing Court unless they relate to actions specified in §110-a of the New York City Civil Court Act.	A.7277	Lehner	Memo #31 O	Chapter 627
Deposit of Rent - Permits Housing Part to collect and hold rent during pro- ceeding.	A.2016	Hochberg	Memo #11 OWR	Held in Assembly Codes Committee.
Injunctions - Conforms the N.Y. City Administrative Code by giving in- junctive powers to the Housing Court.	S.5205* A.7278	Goodman et al Lehner	Memo #19 S	Chapter 285
Jurisdiction - Extends jurisdiction of Housing Court to Article 78 pro- ceedings on rent control.	S.507 A.568	Bellamy Lehner	Memo #13 O	Held in Senate Judiciary Committee. Held in Assembly Ways and Means Committee.



HOUSING AND URBAN DEVELOPMENT BILLS BEFORE THE 1975 STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<b>HOUSING COURT (Cont'd)</b>				
<u>Penalties</u> - Permits HDA to collect per diem penalties for violations as well as fixed sums demanded in complaints.	S.251 A.270	Bellamy Lehner	Memo #6 S	Held in Senate Rules Committee. Held in Assembly Housing Committee.
<b>HOUSING FOR THE ELDERLY</b>				
<u>Bonds</u> - Authorizes a \$.250 million State bond issue for low-rent housing for the aged.	S.1030* A.6661	Goodman et al Montano	Memo #40 S	Chapter 554 Referendum failed, November 4, 1975.
<b>HOUSING STANDARDS</b>				
<u>Exemptions</u> - Redefines "multiple dwelling" to exclude 3-family owner-occupied structures.	S.350 A.1149-C	Moore Gazzara	Memo #12 O	Killed in Senate Rules Committee. Passed Assembly.
<u>Inspection</u> - Requires periodic inspections of multiple dwellings, boilers and elevators.	A.754	Hecht	Memo #16 O	Held in Assembly Housing Committee
<u>Public Buildings</u> - Includes "public housing" in the definition of public buildings.	A.5028-A	Montano	Memo #33 O	Vetoed
<b>LOW-INCOME HOUSING</b>				
<u>Capital Grants</u> - Authorizes \$50 million in State capital grants for public housing modernization.	S.4548 A.6468	Straub Montano	Memo #21 S	Held in Senate Finance Committee. Held in Assembly Ways and Means Committee.

HOUSING AND URBAN DEVELOPMENT BILLS BEFORE THE 1975 STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<u>LOW-INCOME HOUSING (Cont'd)</u>				
<u>Capital Grants</u> - Authorizes \$35 million in State capital grants for operation, maintenance and tenant services in public housing.	S.4547 A.6467	Flynn Montano	Memo #22 S	Held in Senate Finance Committee. Held in Assembly Ways and Means Committee.
<u>Capital Grants</u> - Authorizes \$40 million in State capital grants for operation, maintenance and tenant services in public housing.	S.3831	Goodman	Memo #27 S	Held in Senate Finance Committee.
<u>Housing Authority</u> - Gives New York City Housing Authority permanent power to purchase leased properties.	S.2514 A.5707-A	Goodman Lehner	Memo #23 S	Chapter 278
<u>Mortgage Loan Authorization</u> - Limits authorization for construction of senior citizen housing to \$35 million; lowers authorization for senior citizen service centers from \$50 to \$15 million.	A.6035-A	Fortune	Memo #34 S	Vetoed
<u>Public Assistance</u> - Increases to \$1,200 the amount of a Department of Social Services grant for cooperative purchase.	S.4511 A.5744	Garcia Miller	Memo #20 S	Held in Senate Social Services Committee. Held in Assembly Ways and Means Committee.
<u>Rent</u> - Provides that rent in state or municipal project shall not exceed 25% of income; provides \$2 million in subsidies.	S.4568 A.6522	Beatty et al Montano et al	Memo #26 S	Held in Senate Finance Committee. Held in Assembly Ways and Means Committee.

HOUSING AND URBAN DEVELOPMENT BILLS BEFORE THE 1975 STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<b>LOW-INCOME HOUSING (Cont'd)</b>				
<u>Subsidies</u> - Increases by \$20 million amount of annual state subsidies to assure low-rent character of public housing.	S.3848	Goodman	Memo #17 S	Held in Senate Finance Committee.
<b>MIDDLE-INCOME HOUSING</b>				
<u>Interest Limits</u> - Exempts housing company funded by HDC loan from interest rate limitations on renewal of notes, and bonds for current obligations.	S.6580	Beatty	Memo #32 S	Chapter 600
<u>Tax Exemption</u> - Extends permissible period of exemption for Mitchell-Lama housing from 30 to 50 years.	S.1354 A.1268	Halperin Lasher	Memo #9 SWR	Held in Senate Housing Committee. Held in Assembly Ways and Means Committee.
<b>REHABILITATION AND PRESERVATION</b>				
<u>Constitutional Amendment</u> - Extends authorization for rehabilitation loan program to State for all types of housing.	S.1007 A.6659	Goodman	Memo #8 SWR	Held in Senate Judiciary Committee.
<u>Municipal Loans</u> - Permits HDC to participate in the rehabilitation loan program.	S.3727* A.5032	Goodman Montano	Memo #18 S	Chapter 599

HOUSING AND URBAN DEVELOPMENT BILLS BEFORE THE 1975 STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<b>REHABILITATION AND PRESERVATION (Cont'd)</b>				
<u>Municipal Loans</u> - Provides loans for non-profit housing companies at 100% of project cost.	S.3326-A A.4300-A*	Bellamy Barbaro	Memo #28 S	Chapter 601
<u>Municipal Loans</u> - Permits non-profit and mutual housing companies to receive "seed money" loans from HDC for use with Article VIII Rehabilitation Loans.	S.6484	Rules	Memo #39 S	Chapter 628
<u>Neighborhood Preservation</u> - Creates a New York State Neighborhood Preservation Corporation empowered to issue second mortgage loans; appropriates \$25 million.	S.3847	Goodman	Memo #29 - SWR	Held in Senate Finance Committee.
<b>TAXES</b>				
<u>Tax Abatement</u> - Starting date of abatement in the case of Article VIII loans will be at start of alterations.	S.2592* A.6260-A	Goodman Sharoff	Memo #25 S	Chapter 852
<u>Tax Exemption</u> - For cooperative apartment shareholders over 65.	A.5471-A	Stavisky et al	Memo #37 O	Vetoed

HOUSING AND URBAN DEVELOPMENT BILLS BEFORE THE 1975 STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<b>TENANTS' RIGHTS</b>				
Anti-discrimination - Prevents landlord from discriminating against tenants in renting or renewal because of their activities with regard to housing.	S.89 A.189*	Gold Hevesi	Memo #5 OWR	Passed Assembly. Held in Senate Finance Committee
Apartment Referral Agencies - Provides for licensing and regulation of referral agencies.	A.116 A.8522	Kremer Rules	Memo #36 S	Chapter 772
Assignment of Lease - Provides that tenant may assign a lease.	S.1699 A.321	Bellamy Lehner	Memo #2 OWR	Held in Senate Judiciary Committee. Held in Assembly Judiciary Committee.
Mitigation of Damages - Requires landlord to mitigate damages in the event a lease is breached.	A.236 S.259-A A.278-A	Hecht Bellamy Lehner	Memo #3 S	Held in Assembly Judiciary Committee Held in Senate Rules Committee. Passed Assembly; held in Senate Judiciary Committee.
Rent-Withholding - Permits a tenant to bring an affirmative action to withhold rent when hazardous conditions exist.	A.2004	Hevesi	Memo #10 S	Held in Assembly Judiciary Committee.





HOUSING AND URBAN DEVELOPMENT BILLS BEFORE THE 1975 STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<b>TENANTS' RIGHTS (Cont'd)</b>				
Retaliatory Eviction - Prevents a landlord from evicting a tenant because of tenants' activities directed to improve housing conditions.	A.16-A	S. Posner	Memo #4 SWR	Passed Assembly. Held in Senate Judiciary Committee.
Standard Lease - Creates a Temporary State Commission to study feasibility of standard leases.	S.96 A.206	Gold Hevesi	Memo #1 S	Held in Senate Finance Committee. Held in Assembly Ways and Means Committee.
Sublet - Permits tenant to sublet with approval of landlord or be released if landlord does not approve.	S.6805	Halperin	Memo #30 S	Chapter 548
Tenant Unions - Provides that no landlord may interfere with a tenant who wishes to organize, or join a tenant union.	S.2188-A S.2188-B (N.B. The "B" version was amended to delete the penalty provision which COHUD opposed.)	Bernstein	Memo #38 O	Chapter 809

COMMITTEE ON INCOME SECURITY

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## INTRODUCTION

The central purpose of the Committee on Income Security is to promote policies which redistribute income to the poor. Its positions on taxes, income transfer programs and employment policy are designed to advance such a redistribution. This type of policy needs to be promoted mainly through federal government activities. However, the state government does influence the tax burdens and make important policy decisions on public assistance programs. The State also affects the income flow of families and individuals by its laws on unemployment insurance and state and local government expenditures. For these reasons the state government is an important conduit for achieving the goal of redistribution in favor of the poor.

## 1975 LEGISLATIVE REVIEW

The Committee on Income Security issued four legislative memoranda last year. It supported a bill to increase public assistance grants for recipients. It supported a bill to require participating schools to serve a full range of lunch and breakfast programs to eligible students. It supported a bill to create an integrated emergency assistance program for all who need assistance to avoid destitution and a chapter amendment to make emergency assistance benefits for Supplemental Security Income recipients comparable to the benefits available to public assistance recipients.

While none of these bills was enacted into law in the form endorsed by the Community Service Society, several important component pieces did become law. Emergency assistance for SSI recipients was expanded by providing partial replacement for lost or stolen checks and also by providing special grants to prevent eviction or utility shut-off. In addition, SSI benefit levels were increased by \$11.70 per month for an individual and \$17.60 per month for a couple.

No significant legislation in the field of unemployment insurance was passed since 1974 amendments to the New York State Unemployment Law, which increased the maximum benefit rate to \$95 a week and extended experience rating provisions.

During the 1975 session, a bill (A.6459) was introduced which would have altered the labor law by increasing the maximum benefit rate and would also have provided an allowance for dependents. The bill died in committee.

As a result of federal legislation in 1975 many New York State workers who were not previously protected under the employment compensation system are now eligible under the Special Unemployment Assistance (SUA) program (P.L. 93-567). Included in that category of newly covered workers were State and municipal employees and farm workers. Under SUA, federal unemployment insurance benefits coverage was also extended to 65 weeks.

Finally, the Committee, in conjunction with the CSS Committee on Education, sought enactment of a bill that would have insured full state-wide participation in the national school breakfast and lunch program. Even though it was shown that the expansion was needed, that the cost to the State under the bill would have been minimal compared to the federal aid it would have brought, and that with proper administration, no local tax levy funds would have been required, the bill died on the last day of the session. A bill reflecting federal developments since the end of the 1975 session will be introduced in the 1976 session and supported vigorously by CSS.

## LEGISLATIVE PRIORITIES FOR 1976

In 1976, CSS will begin working toward achieving a greater degree of income redistribution through changes in the tax law and transfer payments so that a larger share of economic resources goes to the poor. At the same time, we would like to see a more equitable tax system, so that people in similar economic situations pay the same amount of taxes and receive the same governmental benefits. CSS will also work to increase employment opportunities for low-income people through the creation of jobs in New York City.

### Tax Legislation

The New York City fiscal crisis has had its impact on State finances. With the continuing financial support given by the State to the City there is a strong likelihood that taxes will have to be raised in order to fill a revenue gap in the \$300 - \$700 million range left for this fiscal year. Next year's budget deficit will be probably even larger unless more revenues are raised.

There are three main avenues open to the State for raising substantial sums of revenue: sales tax, the personal income tax and a combination of business taxes. CSS favors the sales tax for raising more revenues in the State. At the moment it is 4 percent of sales (plus a local sales tax which in New York City is 4 percent). It will probably be raised by 2 percent. Most of the tax is initially paid by consumers. However, some retail purchases are made by business. Because a tax is not levied on housing, rentals, purchases of food which are to be consumed at home, and drugs, the sales tax is probably distributed proportionately in the lower and middle part of the income distribution. It is regressive for upper income levels, i.e. those with higher incomes pay a smaller proportion of their income in sales taxes. However, higher income people may pay more sales tax dollars.

At its present rate the sales tax takes a large bite out of the income of the poor. Naturally, a higher rate would be even more burdensome. One method for relieving this is to amend the New York State personal income tax law so that poor people could receive a credit in lieu of the state and local sales taxes they pay.

The plan would work as follows: Up to a certain income a credit which is proportional to income would be received on the personal income tax by all taxpayers. Those individuals whose income tax liability is below the credit would get the difference in cash from the State government. In order to avoid a "notch problem", a smaller credit would be given to individuals whose income is in the next bracket. The credit would gradually fall to zero for taxpayers with moderate incomes. Therefore, taxpayers with larger incomes would get no credit. In this way the tax would be substantially more progressive at the lower end of the income distribution, or the larger the income the higher the proportion of income paid in sales taxes.

A second alternative which might appear favorable is to increase the personal income tax rates. In order to increase the progressiveness of the tax, rates would be increased most for high income people and least for low income taxpayers. One drawback is that the high personal income tax offers a tempting motive for taxpayers to leave the State. Increasing the tax rates would exacerbate this problem. Increasing personal income tax rates would therefore be less preferable than raising the sales tax with a cashable credit.

The third alternative for raising revenues is to raise business taxes. The

problem with this proposal is that its impact on business location decisions in New York State might be unfavorable. If such tax increases lead to many businesses, especially those located in New York City, leaving the State, this course would be self-defeating. For this reason the Committee feels that both the sales and personal taxes seem preferable to the business tax.

A recent New York State court ruling (Hellerstein v. Town of Islip) requires that assessment authorities assess all property at full value. At the present time, assessments are below market value of property. This practice discriminates against certain types of property. The result is a wide variation in the ratio of assessed to market value among property of the same value.

The Income Security Committee favors a new assessment procedure. However, it favors alteration in the property tax so that the tax becomes more progressive. One method for doing this is to exempt some portion of property value from taxation. This would alleviate some of the burden of the tax to small property owners. CSS is for a similar arrangement which would lower that portion of the property tax burden which is passed on from owners to tenants through rent charges.

### Welfare Legislation

CSS believes that the federal government should assume the full cost of state and local welfare expenditures. Such an assumption of responsibility would reflect the fact that welfare is a national problem, the size and character of which is greatly influenced by nationwide economic conditions. In the absence of federal ~~take-over~~ of welfare costs, however, the Committee supports the position that the state should absorb the full cost of non-federal expenditures in both the Aid to Families with Dependent Children (AFDC) and Home Relief (HR) programs.

Under the present matching formula, the federal government pays 50% of New York State's AFDC costs. The remaining 50% is divided equally between the State and localities. In the Home Relief program, there is no federal participation and the full cost is divided equally between the State and localities. This division places a heavy financial burden on the local districts, many of which are simultaneously faced with a shrinking tax base and decreasing revenues. In these circumstances, to provide 25 cents for every welfare dollar expended becomes an intolerable burden. If the State absorbed the full share of non-federal welfare costs, welfare expenditures would be more evenly distributed throughout the State.

### Public Assistance Grant Levels

All states are mandated by the Social Security Act to establish a standard of need; representing the costs of those basic living needs that the state recognizes as essential for all applicants or recipients of assistance programs.

In 1967 amendments to the Social Security Act required states to adjust standards of need to reflect changes in living costs. However, states were not required to pay the full standard as adjusted to July 1969 costs. New York State's standard was updated in 1970, based on 1969 prices. Since New York did pay its full standard, the new standard and payment level were \$231 per month for all items except shelter and heating for a family of four. However, in 1971, the State Legislature reduced welfare payments by 10%; New York was paying less than its full standard for the first time in its history. In 1974, Governor Wilson restored the cuts and the payment was again \$231. In July 1974, both standard and payment level were increased by 11.7%, so that a family of four living in New York State now

receives \$258 a month to cover all expenses excluding shelter and heating costs (if not included in rent).

Since 1969, when the standard of need was established, the cost of the items priced has risen until in October 1975 it had increased by 62.7%, while grant levels for public assistance recipients had increased only 11.7%. For a family of four to have the same purchasing power as it did in 1970, the benefit level would have to be increased to \$376 per month, excluding shelter and heating costs.

Not only have real grant levels fallen further and further behind the State's standard of need, but public assistance recipients are receiving a smaller and smaller share of Discretionary Family Income as calculated using the U.S. Bureau of Labor Statistics Lower Living Budget. This income (defined as Personal Income minus categories of expenditures such as direct taxes, rents, insurance, etc.) is conceptually roughly equivalent to the public assistance standard of need, minus shelter and heating costs, plus the bonus value of food stamps. Since 1969, the Discretionary Family Income of public assistance recipients has experienced a net gain of 43%, compared to the 67% necessary for a family of four to maintain even a minimally decent standard of living.

Because of the fiscal crisis, the Legislature will be considering a cut in cash grants to public assistance recipients in the coming year. The Committee on Income Security will oppose such cuts vigorously, since recipients have already experienced a de facto cut in real incomes and will continue to do so every month that the cost of living rises but grants do not. An outright cut would be disastrous to many families, currently balanced on the brink of destitution, if not already over the brink.

#### Work Sharing Proposal

CSS is looking into a plan which seeks to diffuse layoffs in the private and public sectors by spreading the available work over an employer's existing work force. If an employer is forced to reduce his work force by 20%, the plan would encourage employers to reduce the work week of all workers by one day instead of laying off 20% of the workers. The plan recommends that the fifth day's income be supplemented by unemployment insurance. Through this plan disposable income would also rise since workers would be able to utilize unused exemptions and deductions in the federal income tax.

Participation in the plan is voluntary. What is required is a change in the State law which would allow unemployment benefits to be received by workers who are unemployed for one day out of each five-day work week. The Committee is considering legislation such as a bill, introduced in 1975 as A.8737, which would amend the labor law in relation to effective days of eligibility, or similar legislation.

#### Unemployment Insurance

The continuation of the economic downturn has resulted in large numbers of workers being unemployed for long periods of time. The Committee on Income Security has expressed concern over the adequacy of Unemployment Insurance Benefits, especially as they affect the poor. One proposal to aid low-income individuals was a bill introduced in last year's legislative session (A.6459-B). This bill would have provided for a dependents' allowance for unemployed workers. An unemployed worker with 3 dependents who earned \$189 a week would receive \$29 a week in dependents' allowances in addition to the \$95 maximum basic benefit for a total maximum of \$124 a week. The Governor proposed a similar plan which would have raised maximum benefits

of unemployed workers with 3 dependents to \$163 a week. Neither proposal was acted upon. Another alternative to aid the unemployed would be to raise benefit levels to 66-2/3% of the weekly wage. Both proposals are being considered by the Committee on Income Security, in the context of their effects on incomes of the poor as well as on work incentives.

### The New York City Economy

New York City's economy needs to be revitalized. For this purpose the Committee on Income Security favors a broad-based economic development plan which would help the City attract new business ventures. The necessary State legislation to facilitate such an enterprise is at this point unclear. However, legislation in setting up the corporate economic development structure, the special financial arrangements and the use of public land and public transportation facilities are among the areas for which State legislation will probably be needed.

One example of necessary State legislation in the area of economic development is a bill introduced last year but not passed (S.6750/A.8635-A), which would have offered reductions in property taxes for limited periods of time to firms which wish to locate in the State or to expand their existing facilities here, either by construction or by rehabilitation of industrial property. While the Committee did not react last year to this specific bill in 1976, it favors measures that make New York State more competitive in attracting new jobs. Attracting new industries would create jobs for the unemployed and produce revenues for both City and State governments in order to support essential governmental services.



INCOME SECURITY BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<b>INCOME MAINTENANCE</b>				
Creates an integrated emergency assistance program for all who need assistance to avoid destitution.	S. 5108 A. 7082	Leichter Grannis	Memo #1 S (Joint with Aging)	Held in Senate Social Services Committee. Held in Assembly Social Services Committee.
Makes emergency assistance benefits for SSI recipients comparable to those for public assistance recipients.	A. 7688	Miller	Memo #2 S (Joint with Aging)	Held in Senate Finance Committee.
Increases public assistance grants by \$10 per person per month.	S. 5563	McCall	Memo #3 S	Held in Senate Social Services Committee.
<b>SCHOOL BREAKFAST/LUNCH</b>				
Requires participating schools to serve a full range of lunch and breakfast programs to eligible students.	S. 6492-B A. 8505-B	Marchi et al Rules (request of Stavisky et al)	Memo #4 S (Joint with Education)	Reported by Senate Rules Committee but not passed. Passed Assembly.

**LEGEND**  
 \* - Denotes bill which became law or was vetoed  
 S - Support  
 S/R - Support with Recommendation  
 O - Oppose  
 OWR - Oppose with Recommendation



COMMITTEE ON SOCIAL SERVICES

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## INTRODUCTION

The Committee on Social Services is committed to the preservation of family life. It seeks changes in state laws and administrative regulations governing family and child welfare programs funded by public agencies which would further this goal.

The rise of unemployment and the condition of the nation's economy have increased the stresses on poor families and expanded the need for social services of all kinds. The financial problems of the City and the State of New York have led to a reluctance to pass legislation that can change the emphasis and improve the quality of necessary social services. At present the Committee is focusing its attention on the consequences of public neglect of serious family and social problems which, if allowed to get worse, will lead to family and social breakdown.

## 1975 LEGISLATIVE REVIEW

During the 1975 session of the State Legislature, there was a serious reluctance to vote for bills that would add to public expenditure. In many instances the choices made by the Legislature may prove unwise, saving small amounts of money despite the evidence that such relatively small expenditures would save much larger sums of public funds and provide better services for families and children in need.

The Committee supported legislation which would have integrated a number of State agencies responsible for the administration of social service programs. Widespread agreement that the current organization of the State agencies diminishes the effectiveness of many social service programs did not impress the legislators who were concerned about the costs of the proposed administrative changes.

The Committee supported a bill that would have enabled the payment of a portion of the legal fees for certain adoptions (S.4075-A/A.6076). Often, the high cost of legal services hinders efforts of child welfare agencies to place children in adoptive homes. Because of high legal fees and the Legislature's failure to approve this bill, the number of adoptions will continue declining annually in New York State. As a result, many youngsters remain in costly temporary foster care when they might otherwise have the legal and emotional security of adoptive homes.

CSS viewed the Legislature's failure to appropriate funds for the continuation of the preventive services demonstration program which it authorized several years ago, as an unwise decision (S.5966/A.7300; S.6677/A.8531). The projects are proving to be successful; they have saved the public money by helping families avoid placing their children in care at public expense. Fortunately, a concerted effort by New York City's public child welfare agency (Special Services for Children) and a coalition of the voluntary child care agencies persuaded the Governor to support a supplemental appropriation sufficient to continue the demonstration program.

The Legislature also failed to pass day treatment services legislation (S.6556/A.8537). The passage of such a bill would have enabled service agencies to focus greater energy on efforts to help families obtain treatment for their children while keeping these children at home and the family intact.

Fourteen bills supported by the Committee were enacted during the 1975 session, of which three of the most important are listed below:

Chapter 704 of the Laws of 1975 protects the rights of natural parents whose children are in care. Chapter 147 strengthens the enforcement of child support orders by the Court. Chapter 342 requires that when the Family Court does a periodic review

of foster care status (Section 392 review), the judge must include in his order of disposition findings supporting his decision that such an order is in the best interest of the child.

### Federal Legislation and Regulations

The Committee dealt with several major federal matters. Chief among these was the effort to gain Congressional approval of Title XX of the Social Security Act. Title XX consolidated the rules governing social services, gave considerable freedom to states to plan service programs suited to their specific needs, and required that the states involve interested citizens in the planning process. Following enactment of the new law on January 4, 1975, the Committee participated in efforts to improve the regulations prepared by the U.S. Department of Health, Education and Welfare and testified in a hearing conducted on the subject by the City and State Commissioners of Social Services. The Committee will continue to be concerned with expanding and strengthening the new law and the manner of its implementation during the coming year. The Committee also worked toward the establishment of federal machinery to develop improvements in legal aid services throughout the nation.

### LEGISLATIVE PRIORITIES FOR 1976

In the coming year, the expectation of New York City's inability to meet its financial obligations and the resulting problems will undoubtedly burden the Legislature with an enormous amount of emergency legislation to consider. These concerns are likely to push aside long-term considerations about the people of the City and the State. Nevertheless, the need for social services of all kinds will continue, the defects of existing programs remain to be overcome, and the need for family and child welfare legislation that prevents family breakdown and supports family life will continue to grow.

### Reorganization of the Child Welfare System

While small changes in New York City's child welfare system have been made each year, the major defects remain. The system is primarily a set of placement services. The cost of caring for children out of their homes is very high, much higher than the cost of services designed to help children and families while the children are in their home environments. However, voluntary child care agencies continue to be reimbursed on a per diem basis, and this manner of reimbursement does not guarantee that the agency will work with members of the child's natural family or that the agency will be encouraged to seek a speedy return of the child to that family. A greater mixture is needed in the services available to New York families, in the voluntary, but particularly in the public sector. An increase in the productivity of individual child welfare personnel, and in the realization of the stated goals of child welfare services is also needed. Often, these services have as their stated goal the return of the child to his home; however, the system is organized in such a way that the return is delayed or prevented. Changes in the current laws are necessary for the reorganization of the system and elimination or amelioration of these problems.

CSS would support legislation such as a bill introduced last year (S.6556/A.8537) which would provide day treatment services for children and families. The Committee on Social Services believes that such services are an important alternative to placement of children outside of their homes. This bill would have prevented foster care or enabled a child in foster care to return to his family earlier than would otherwise be possible, by providing psychiatric, psychological, social casework, education, vocational, recreational, health, transportation and other services, both to the child and to his family. CSS continues to recommend that any such legislation include a

section on planning. Such a broad program should be well planned and administered to be effective.

CSS favors changing reimbursement from a generalized per diem payment to a system that encourages voluntary agencies to concentrate on efforts to restore children to their families, when appropriate, or to arrange adoption when children cannot return. This reimbursement might include grants for specific services, such as family counseling, psychiatric care for the child and other members of the family, and other supportive or remedial measures.

The State Constitution stipulates that children in care be placed through agencies under the auspices of the child's religious denomination whenever practicable. This has resulted in different levels of service for children of different religions and, to the degree that they are correlated with religion, of different races and nationalities. Currently, Hispanic and Black children are inappropriately placed more frequently than other children because of this system. The religious stipulation also works against a rational, integrated system of services for children and families. Sometimes services are duplicated; sometimes they are in short supply; and sometimes they are not available to selected populations. The parts of the system are too fragmented to work together smoothly, and waste and lack of effectiveness result.

The financial problems of the City and the State will not permit the establishment of additional categories of service. If the emphasis could be shifted to the development of a comprehensive system of child welfare services, it would make possible the reallocation of funds to community and supportive services aimed at keeping families together and at strengthening the role of the community as a support for families and children.

#### Legal Rights of Families and the "Best Interests of the Child"

Legal protection of the rights of families and children against inappropriate intervention by agents of the child welfare system has resulted in undue difficulties for those children whose parents are unable to care for them, but who will not relinquish their "ownership" of the child. Sometimes what may seem to be "the best interests of the child" would seem to conflict with the "natural rights of parents". CSS believes that legislation is needed which would both protect parental rights and be in the best interest of the child.

Last year, a bill became law (Chapter 704) which stated that evidence of insubstantial or infrequent contact should not by itself be sufficient to preclude a finding that a parent had abandoned a child (S.1992-A/A.5610). CSS supported that bill as consistent with the best interests of the child. However, another measure (S.1971-A/A.5608), which would have expanded the definition of a "permanently neglected" child to include all children in care, rather than just those technically placed or committed into care, failed to pass. CSS supported this legislation and will support it if introduced again, on the grounds that it would permit children to be freed for adoption if they were in the care of an authorized agency, regardless of the manner in which they came into care.

#### An Expanded Role for the Public Agency

At present, the vast majority (86%) of children in care in New York City are under the auspices of voluntary religious and non-sectarian agencies, while only 14% receive direct services and care from the City agency, Special Services for Children. CSS sees a necessity for change in the balance of public and voluntary services. The public sector should take an active role in providing services and not serve only

those children rejected by the voluntary service delivery system. It therefore, must develop a varied array of services that complements the voluntary sector and responds to the current and projected needs for services. A true partnership would require expansion of those child welfare services currently provided by the public sector and change in those voluntary sector agencies whose services are no longer responsive to the needs of families and children.

### Services for Single-Parent Families

The number of one-parent families in New York has grown enormously in the last ten years. Few services are provided for these families, and the result is seen in the numbers of children in out-of-home care who come from a one-parent home. Most single parents must work to support their families, and the pressures on these working single parents are enormous. Sometimes those in the lower economic brackets may find little advantage in going to work, because of the cost of securing adequate care for their children. Those with higher incomes still struggle with inadequate child care arrangements and with the high cost of running a home alone while working. CSS advocates provision of a wide variety of day services, ranging from the most informal to the most sophisticated developmental day care. Support for such services must come in part from direct sources such as public funds, but it can also come from changes in tax laws to provide greater tax deductions and tax credits for those who are the sole support of their families. Such arrangements will prevent single parents from becoming public charges, promote their continuing independence and keep families intact.

SOCIAL SERVICES BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<b>ADMINISTRATION</b>				
Creates in the executive department a Division of Family Services.	S.1843-B A.2376-B	W. Smith et al C. Miller	Memo #23 S	Held in Assembly Social Services Committee. Held in Assembly Social Services Committee.
Requires DSS to provide written notice of proposed changes in regulations with not less than 30 days to comment.	S.4402 A.6491	W. Smith Wemple et al	Memo #9 S	Held in Assembly Social Services Committee. Held in Assembly Ways and Means Committee.
Requires notice to local social services districts of departmental proposals to amend state plan.	S.4403 A.5079	W. Smith Wemple et al	Memo #8 S	Held in Assembly Social Services Committee. Held in Assembly Ways and Means Committee.
Period of residence of 6 months for an adoptive child when the adoptive parents are the foster parents.	S.4074* A.5490	Pisani Amatucci et al	Memo #7 S	Chapter 424
Permits payment up to \$500 in legal fees to certain prospective adoptive parents.	S.4075-A 6076	Pisani Gottfried et al	Memo #2 S	Held in Senate Social Services Committee. Held in Assembly Ways and Means Committee.

**OF S ADOPTION**

**LEGEND**

- \* - Denotes bill which became law or was vetoed
- S - Support
- SWR - Support with Recommendation
- O - Oppose
- GTR - Oppose with Recommendation





SOCIAL SERVICES BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<u>Adoption (cont'd)</u>				
Provides that public welfare officials may contract with adoptive parents of a handicapped child who has been legally free for adoption for 12 months for payment of a subsidy for a period not to exceed the child's 21st birthday without regard to the financial status of adoptive parents.	A.5966	Burrows, Barbara	Memo #3 O	Held in Assembly Ways and Means Committee.
<b>CHILD ABUSE AND NEGLECT</b>				
Proof that a child has remained in the care of an authorized agency, either institution or foster home for continuous period of 24 months shall be prima facie evidence that such child is permanently neglected.	A.1738	Eve	Memo #1 O	Held in Assembly Judiciary Committee.
Evidence of insubstantial and infrequent contacts by parent with child shall not, of itself, be sufficient to preclude a finding that such parent has abandoned such child.	S.1992-A* A.5610	Pisani Gottfried	Memo #14 S	Chapter 704
Would require authorized agencies to give services to parents of children in danger of becoming public charges.	A.3001	H. Posner	Memo #12 O	Held in Assembly Child Care Committee.
<b>CONSERVATOR</b>				
Provides an informal accounting procedure for committees of incompetents and of patients and for conservators.	S.2685* A.4117	Gordon Fink	Letter to Hon. Judah Gribetz S	Chapter 94

SOCIAL SERVICES BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (continued)

Subject	Intro #	Introducer	CSS Action	Final Outcome
<b>DAY CARE</b>				
DSS eligibility for day care shall not be less than federal eligibility standards.	S. 6519 A. 7719	Conklin et al Gottfried et al	Memo #18 S	Held in Senate Social Services Committee. Held in Senate Social Services Committee.
In addition to a stipend a family day care provider shall receive food and equipment allowances.	S. 6520 A. 7720*	Conklin et al Marchiselli et al	Memo #20 S	Vetoed
Paid holidays established by State for children in family day care and allowances for child's absence.	S. 6522 A. 7722*	Conklin et al Hoyt et al	Memo #20 S	Vetoed.
Training and career ladder program by DSS for family day care providers is required.	S. 6517 A. 7723	Conklin et al Diggs et al	Memo #20 S	Held in Senate Social Services Committee. Held in Senate Social Services Committee.
<b>DOMESTIC RELATIONS-SUPPORT</b>				
Where there is a court order for support, 3 missed payments would be sufficient for a prima facie case, to be remedied by garnishment.	S. 522-A* A. 3090-A	Giuffreda et al Wertz et al	Letter to Hon. Judah Gribetz. S	Chapter 147.
<b>FOSTER CARE.</b> Would require that when court does a 392 Review the judge must include the court's findings supporting its determination.	S. 1970* A.Pr.30004	Pisani	Memo #21 S	Chapter 342.

SOCIAL SERVICES BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (continued)

Subject	Intro #	Introducer	CSS Action	Final Outcome
<b>FCSTER CARE (cont'd)</b>				
Would improve language of the law defining "permanent neglect".	S. 1971	Pisani	Memo #13	Chapter 700.
	A. 5608*	Gottfried	S	
Foster care payments for foster care children attending college or university may be made to such college or university.	S. 3606*	Owens	Letter to	Chapter 512.
	A. 4536	Barbaro et al	Hon. Judah Gribetz. S	
Calls for review of abandoned children in foster care.	S. 4076-A*	Pisani	Memo #26	Chapter 705.
	A. 6209	M.Murphy et al	S	
Foster care payments for foster care children attending college may be made to such college in lieu of payments to the foster parents	S. 4581	Hudson	Memo #5	Held in Senate Social Services Committee. Held in Assembly Ways and Means Committee
	A. 5492	Barbaro et al	S	
Law guardians would be appointed by the Family Court to represent children in periodic court reviews of foster care status and would be permitted to inspect the records of the child's supervising agency.	S. 5251	Pisani et al	Memo #22	Held in Senate Finance Committee. Held in Assembly Ways and Means Committee.
	A. 8317	Rules	O	



SOCIAL SERVICES BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (continued)

Subject	Intro #	Introducer	CSS Action	Final Outcome
<b>FOSTER CARE (cont'd)</b>				
After initial period of placement (18 months) placement will not be extended except after a hearing held either upon motion of the court, agency or foster parents.	S. 5254* A. 8126	Pisani et al Rules	Letter to Hon. Judah Gribetz. S	Chapter 220
Calls for providing services to prevent the placement of children in foster care.	S. 5966 A. 7800*	Pisani Gottfried	Memo #24 S	Chapter 703
Appropriates \$500,000 for the continuation of the preventive services demonstration programs.	S. 6677 A. 8531	Pisani et al Rules	Memo #24 S	Held in Senate Finance Committee. Held in Assembly Ways and Means Committee.
Would require that order of disposition be made solely on basis of best interests of child.	A. 6068* S. 1972	Gottfried Pisani	Letter to Gov. Carey S	Chapter 701
Foster parents, in the event that the legal guardian cannot be contacted, could give consent for medical treatment to the foster child.	A. 5969 S. 6659	Burrows, Barbara Pisani	Memo #6 O	Held in Assembly Child Care Committee. Held in Senate Social Services Committee.
Would establish a procedure for temporary transfers of care and custody.	S. 6466-A* A. 7799	Pisani Gottfried	Memo #28 S	Chapter 710

SOCIAL SERVICES BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (continued)

Subject	Intro #	Introducer	CSS Action	Final Outcome
<b>FOSTER CARE (cont'd)</b>				
Would provide day services for part of the day of one or more children under 18 years and their families in a program.	S. 6556 A. 8537	Pisani et al Rules	Memo #27 SWR	Held in Senate Finance Committee. Held in Assembly Child Care Committee.
Permits grandparents to qualify as foster parents.	S. 4073* A. 6196	Pisani, Knorr M. Miller et al	Memo #4 S	Chapter 281
<b>GROUP HOMES</b>				
Allows placement of mother in group home with her children.	S. 5715* A. 7710	W. Smith Connor	Memo #19 S	Chapter 427
<b>LEGAL SERVICES</b>				
Provides counsel for indigent adults in Family Court proceedings.	S. 5408* A. 8041	Gordon Rules	Memo #25 S	Chapter 682
<b>MISCELLANEOUS</b>				
Provides third party payments to social workers who treat mental, nervous or emotional disorders.	A. 6593-A	Runyon et al	Memo #16 S	Held in Senate Insurance Committee.

SOCIAL SERVICES BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (continued)

Subject	Intrc #	Introducer	CSS Action	Final Outcome
<b>PUBLIC ASSISTANCE</b>				
Replaces state reimbursement to localities of 50% of amount expended for public assistance and care with scheduled increases from 70% to 100% coverage over the next 5 years.	A. 1464	Eve	Memo #11 SWR	Held in Assembly Social Services Committee
No social services official or agency shall pay a fee to any person or company for finding housing accommodations for recipients of public assistance.	S. 3719	Lewis	Memo #10 O	Held in Senate Social Services Committee
<b>SUBSIDIES</b>				
Grants up to \$1,200 to recipients of public assistance and care for down payments for apartments in cooperative housing.	S. 4511	Garcia	Memo #17 S	Held in Senate Social Services Committee. Held in Assembly Ways and Means Committee.
	A. 5744	G. Miller		
<b>TERMINATION PARENTAL RIGHTS</b>				
Re: petitions to terminate parental rights.	A. 5962	Burrows,Barbaro	Memo #15 S	Held in Assembly Child Care Committee

COMMITTEE ON YOUTH AND CORRECTION

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## INTRODUCTION

The objective of the Committee on Youth and Correction is to improve conditions and increase responsiveness to human needs in the fields of courts, criminal justice and correction and drug abuse. Securing justice for the poor and limiting the overreach of the criminal law will be particularly urgent concerns in the year ahead. Pursuit of these priorities may take many different forms, but concern with them will be evident in our consideration of specific issues.

An overworked and overloaded court system is being asked to do the impossible -- protect the society from the most dangerous offenders. Reports of heinous crimes permeate the media, justifiably alarming the community about the violence which exists in our society. To restrain these offenders humanely but effectively, while preventing them from hurting themselves and correctional staff, is an awesome task. The Committee on Youth and Correction believes that to do this the system must be eased, the court burden lessened by excluding inappropriate cases. The Legislature must be encouraged to fulfill its role as an overseer of the administrative departments which it funds to insure that they fulfill their mandate and protect the public from those who have hurt it.

Many courts in New York State offer an undelivered promise to solve poor people's problems. The Family Court, primarily a forum for the family difficulties of poor people, often fails to serve the best interests of families and children. Its jurisdiction is too broad and it lacks access to the services its clients need. CSS believes strongly that if more of these services were available to the poor, many children and families could be spared the costly and degrading experience of going to court.

The criminal justice system has been asked to solve many of society's residual problems. Narrowing the reach of the criminal law is a major concern in the fields of criminal justice and drug abuse. Often problems before the courts are medical and social rather than public safety concerns. Issues which fall within the heading of overreach of the criminal law will be discussed later under priorities for juvenile justice, penal reform, work release and civil disabilities.

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## 1975 LEGISLATIVE REVIEW

During the 1975 Legislative session, the Committee on Youth and Correction reviewed many hundreds of bills. Of these, it took positions on over 60, publishing Legislative Memoranda on 49 and expressing views on the remainder through open letters to committee chairmen in the Senate and Assembly.

One of two Constitutional Amendments which the Committee supported passed and was approved by the voters on November 4, 1975. Amendment #2 creates a Commission on Judicial Conduct to receive or initiate complaints on the fitness of judges and to recommend to the Chief Judge of the state court system that the Court on the Judiciary hear and determine charges against a judge. It also strengthens the Court on the Judiciary. Organization and procedure for the Commission on Judicial Conduct must be provided by the Legislature. CSS will join other court reform organizations in monitoring the implementation of this amendment.

Amendment #3 would have vested supervision of the court system in a chief administrator, provided for a statewide judicial budget and authorized the State to finance operation and maintenance of the courts subject to a formula to be set forth in statute. The amendment also went to the voters on November 4, but was defeated.

A bill to restructure the State Commission on Correction (S.6765) became law (Chapter 865). CSS supported the restructuring of the Commission through oral testimony, written memoranda, task forces, coalitions, study panels and informal consultation with officials. While the bill did not incorporate all CSS's suggestions, it did include a skilled, paid professional staff under the control of a paid commissioner and chairmen, a voluntary Citizen Policy and Complaint Review Council, with access to local facilities for investigating and acting on complaints, and a paid commissioner to chair the Correction Medical Review Board.

The Legislature enacted and the Governor signed a bill (A.1213-A) which states that prisoners must now receive a written statement of the reasons for which parole has been denied them (Chapter 131). CSS supported this bill as in line with its position on prisoners' rights.

In 1975 CSS, in a radical change of position on the marijuana laws, announced its support of legalization of possession and sale of marijuana for adults aged 18 and older, subject to state regulation and control similar to the provisions now in effect for alcoholic beverages. Previously the Society had recommended reduction of the harsh criminal sanctions now imposed for marijuana offenses in favor of a penalty structure that would reflect the relatively mild nature of the drug but deter use. However, in the light of current scientific knowledge we have concluded, as have experts and leaders in many fields, that criminal penalties for marijuana use cause damage to society that outweighs the drug's potential hazards to health.

In June 1975 CSS published Methadone Maintenance Treatment in New York City, which reported on the use of methadone, a synthetic opiate which alleviates narcotic craving and staves off the withdrawal symptoms that follow narcotic deprivation, as a treatment for heroin addiction. The report recommended the removal of legal obstacles and discriminatory practices which prevent methadone patients from obtaining employment. Legislation to remove some of these obstacles failed to pass despite CSS support. The report also recognized the widespread public hostility to methadone clinics, which in the 1975 session expressed itself in bills intended to curtail and even eliminate the use of methadone. The Committee on Youth and Correction opposed six such measures, of which one became law and one passed but was vetoed by the Governor.

CSS also took positive action in 1975 to rectify an injustice to methadone patients resulting from a 1973 change in the Penal Law. We supported a bill, which became law (Chapter 785), to change the standard by which penalties for illegal possession and sale of methadone are determined. From aggregate weight, which did not fairly reflect the amount of the drug present, the standard is now changed to pure weight, thus removing the offense from the Class A category.

CSS also supported a bill to permit persons serving prison terms for criminal possession or sale of methadone in the first, second or third degree to apply for resentencing in accordance with the new weight standard for methadone (Chapter 786).

#### LEGISLATIVE PRIORITIES FOR 1976

Even in those areas where progress has been made, much remains to be done. In the 1976 session, CSS will support legislation which specifies a formula for state financing of a unified court system. In the fields of Family Court, juvenile justice, criminal justice, drug abuse and correction, the Committee will press for social and legislative change in 1976, keeping in mind the twin objectives of justice for the poor and limiting the overreach of the criminal law.

### Drug Abuse

CSS will continue in 1976 to press for legalization of marijuana with government control of production, distribution and retail sale. A system of regulation, which would set standards of quality and purity, penalize sale to minors and reduce black market dealing and its resulting association with more dangerous drugs, is needed to protect the public health. However, CSS will also support legislation with the more limited, but more politically feasible goal of removing criminal penalties for possession of small amounts of marijuana for personal use.

We will also initiate positive action to encourage various regulatory agencies at all levels of government to simplify and coordinate their independent and differing sets of regulations in the interest of more effective and economical supervision of methadone programs.

### The Family Court

When the Family Court Act was enacted in 1962, it was considered a model law. Little more than ten years later, many aspects of the Act have been modified and some of the basic assumptions underlying whole sections are under attack. In cooperation with other Department of Public Affairs committees, especially the Committee on Social Services; the Committee on Youth and Correction wishes to give careful attention to the Family Court Act and how it actually functions in the 1970's.

In 1976 the Committee on Youth and Correction will focus primarily on juvenile justice aspects of the Family Court. We will analyze the problems relating to New York City adolescents who now come before the Court on delinquency or PINS (Persons in Need of Supervision) petitions, with special emphasis on interagency relationships and their impact on provision of services to the Court's clients. The Committee is also reviewing the implications of the methods by which various courts and quasi-judicial agencies enforce or fail to enforce orders and judgments. A preliminary study of Section 255 of the Family Court Act suggests that merely to give the Court the statutory power to order other individuals and agencies to provide services to a client or class of client is insufficient. Section 255 as it stands is generally unworkable. Recommendations for legislative and other changes will be made to ensure better provision of services to those who have no other option but the Family Court.

### Juvenile Justice

In 1975 questions relating to the courts' adjudication and disposition of cases involving violent acts by juveniles occupied the Legislature to the exclusion of most other juvenile justice issues. The Committee opposed a series of bills and amendments which appeared in rapid succession, toward the end of the session -- most importantly:

... a bill, which was vetoed, providing for waiver or transfer of juveniles to the criminal courts, court review of release of certain juvenile delinquents, secure intensive treatment facilities and extension of the authorized length of commitment for certain juveniles. (A.7832-B, Print S.21,031-A);

... a bill, which was enacted, providing for extended detention, proceeding in the absence of a parent, fingerprinting certain juvenile delinquents and transfer of certain juvenile delinquents to mental health facilities (A.8050-A, Print S.21,028).

The Committee has studied carefully the problem of "violent youth," reviewing

available statistics, fiscal information and current treatment practices and programs, as well as official responses to the perceived problem. Legislative strategy in 1976 regarding "violent youth" will center on preventing passage of bills which would mandate either criminal court jurisdiction over juveniles or inappropriate long-term incarceration of juveniles in the juvenile or adult systems.

CSS prefers administrative changes that will allow the juvenile justice system to incarcerate those youth who are defined as dangerous. These changes would be a positive substitute for ill-conceived legislative action. The Committee will encourage the Legislature to see its role as including oversight of the administrative process. The Legislature must take responsibility for monitoring the state departments for which they provide appropriations. The problem of "violent youth" and other important issues regarding the public safety can be solved by the implementation of new administrative procedures. Specifically, in 1976 we will explore the feasibility of the following:

- 1... use of secure facilities only in cases of defined and repeated violence
- ... changing admission criteria of Division for Youth Title II facilities (non-secure) so that non-dangerous juveniles can be afforded the least restrictive alternative;
- ... reallocation of funds from large institutions, which are expensive and inhumane, to less expensive, small, secure and non-secure facilities;
- ... use of a new Family Court mechanism for dispositional decision-making to insure that appropriate planning for each child is done before the dispositional hearing and that such disposition is actually carried out;
- ... use of the reimbursement powers of the Division for Youth to insure that appropriate facilities for non-residential, residential and community group-home-type treatment centers are developed in the voluntary sector.

#### Criminal Justice -- Penal Law

CSS is opposed to the mandatory imprisonment law known as the "Rockefeller Drug and Second Felony Offender Law," which was enacted in 1973 as a response to public alarm over crime, especially crimes by addicts. We are committed to repeal of this law which has had none of the effects which its sponsors predicted. Felony arrests continue to increase; rates of trials in New York have increased, resulting in a greater tax burden as well as court backlogs. Felony conviction rates have begun to drop. A recent study found that increased numbers of D and E felony offenders are being incarcerated, not major felony offenders.

The Governor has promised legislation to modify certain aspects of the law. The intent of a 1975 bill which he vetoed (S. 6081-A) was to modify the rigid restrictions imposed on plea bargaining in drug-related cases. The present law permits no plea bargaining on Class A-III felonies, which carry a mandatory sentence of imprisonment of one year to life with lifetime parole. Currently, very harsh penalties are imposed for sale of very small amounts of a narcotic drug -- less than one-eighth ounce (a Class A-III felony). The bill would have eased the penalty for small-scale drug-dealing and would have relieved the burden on the courts created by demands for trial. The 1975 bill, however, also called for added restrictions on plea bargaining in Class A non-drug felony cases, Class B and certain C non-drug felony cases, a change which would increase demands for trial. The Governor vetoed the bill because its non-drug felony restrictions would "constitute a drastic change in our criminal justice system" that had not been given adequate consideration. CSS will work for total repeal of the

mandatory imprisonment provisions of the law, for shorter maximum sentences and for a statutory emphasis on non-prison sentences for non-violent criminal offenses.

### Parole

CSS will review parole issues in New York State and develop a statement of principle that can be used as a framework within which to react to legislation proposed for the 1976 session. Parole is only one part of an integrated process; the Committee will propose reform of parole in relation to restructuring of the indeterminate and mandatory minimum prison term sentencing provisions of the current Penal Law. In the coming year the Committee will develop specific recommendations for parole reform to assure due process in parole board determination of minimum period of imprisonment, release date and revocation proceedings. Those rights should include: representation by counsel; presentation of witnesses; examination of case file prior to release interview; written statements of the detailed and specific criteria which the parole board will use in deciding on release or denial; judicial review of substantive and procedural aspects of parole board decisions.

The burden of proof as to why an inmate should not be released should rest with the parole board. After a release decision is made, parolees should be provided with a limited number of rules for conduct under community supervision. Those rules should protect the privacy of the parolee's person, home and property; parole rules should be limited to the individual's legal means of financial support, reporting requirements and expectations of law-abiding behavior. Parole should only be revoked for conviction of a new criminal offense, but it should be modified for violation of rules of conduct.

In accordance with current understanding of human behavior, programs designed to change behavior will not generally succeed unless the client is interested in changing that behavior. Therefore, rehabilitation programs and service available to parolees should be offered on a voluntary basis.

### Temporary Release

In 1975 CSS continued its investigation of work release and related programs in New York State. A final report, Community Oriented Correctional Programs, was published in September. CSS concluded that partial confinement, temporary release and other residential correctional programs should be expanded as part of a continuum of community oriented correction. Within the requirements of public safety, priority should be given to correctional programs that maintain and strengthen offenders' ties with society, community and family. Our interest is timely because the state temporary release law, Article 26 of the Correction Law, expires in 1976 as does the local furlough law, Article 22-A. CSS recommends:

- ...that state prisoners be permitted by statute to apply for temporary release without regard to parole date eligibility. Current law requires that candidates be within one year of parole eligibility;
- ...that state prisoners be eligible under statute to apply for unescorted leaves of absence for reasons of a compelling nature, including serious family or legal problems;
- ...that furloughs for state prisoners be authorized and granted on a greatly expanded basis for a broad range of community and family oriented purposes;



...that unescorted leaves and furloughs of up to seven days be permitted by statute and administrative policy for inmates serving sentences of one year or less, regardless of the jurisdiction under which they are incarcerated;

...that state and local commissioners of correction be authorized by statute to contract with voluntary agencies and other governmental agencies for residential correctional programs for inmates. Current statute requires that inmates be confined in a facility operated by the correctional agency. New York State is more restrictive than most states in this respect;

...that the laws of New York State be revised to permit direct referral and commitment of detained and convicted persons to open community based residential programs. This option should be provided for the court in lieu of pretrial detention or commitment to a correctional agency. It should also be available as a substitute for parole revocation.

#### Civil Disabilities

CSS has adopted the following goals for legislative action toward removal of civil disabilities imposed on ex-offenders and prohibition of certain discriminatory practices:

...that access to information on individuals coming into contact with the criminal or juvenile justice systems should be severely circumscribed and limited to authorized personnel for specific purposes;

...that use of criminal conviction and juvenile adjudication information be prohibited unless certain restrictive and carefully drawn criteria are met as to relationship of the offense to the position, failure to remain a law-abiding citizen, or lapse of time since adjudication;

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...that sealing and nullification be available as additional measures for protection of privacy;

...that mandated statutory disabilities be repealed;

...that new regulatory practices be mandated by executive order including publication of guidelines on ex-offender employment and rules of procedural due process in the matter of applications and appeals by those ex-offenders affected by regulatory restrictions.

In the last session, the Committee supported S. 4222 sponsored by Senator Marino with Assembly companion A. 5393 sponsored by Mr. Fink. Attempts to eliminate statutory bars and to define discriminatory practices in relation to ex-offenders have to date been rough patchworks. Provisions for discretionary relief from disabilities are confused, inconsistent and in need of drastic overhaul. We therefore welcome these legislators' efforts to codify all applicable statutes, to repeal outdated disabling statutes and to develop a rational and consistent approach to removing arbitrary restrictions on offenders' legitimate economic activities while assuring adequate protection of the public.

YOUTH AND CORRECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION

Subject	Intrp.#	Introducer	CSS Action	Final Outcome
<u>COURTS</u>				
<u>Court Reform</u>				
Constitutional Amendment: Administration and financing unified state court system.	S.415	Gordon et al	Memo #4 S	Not approved by voters November 4, 1975
Constitutional Amendment: Reconstruct the court on the judiciary and establish a commission on judicial conduct.	A.212	Burrows		
	S.414	Gordon	Memo #5 S	Approved by voters November 4, 1975
<u>Family Court and Juvenile Justice</u>				
Amends the executive law and the family court act, in relation to court review of release of certain juvenile delinquents; securing intensive treatment facilities and preparing a plan for such facilities; extension of time for commitment of certain juveniles.	A.7832-B S. Pr. 21,031-A*	Gottfried et al	Memo #38 O	Vetoed

LEGEND  
 \* - Denotes bill which became law or was vetoed  
 S - Support  
 SWR - Support with Recommendation  
 O - Oppose  
 OWR - Oppose with Recommendation





YOUTH AND CORRECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
Family Court and Juvenile Justice(Cont'd)				
Amends the family court act and the mental hygiene law, in relation to extended detention, proceeding in the absence of parent, fingerprinting certain juvenile delinquents, and transfer of certain juvenile delinquents to mental hygiene facilities.	A.8050-A S.P. 21,028*	DelliBovi et al	Memo #38	Chapter 837
Amends the family court act to strengthen contempt powers of the family court.	S.5407*	Goodman	Memo #20	Chapter 496
Amends family court act and county law to provide counsel for most indigent persons	A.8040 S.5408*	Rules Committee Gordon	Memo #33	Chapter 682
Amends the family court act, in relation to prohibiting waiver of the right to counsel in proceedings to extend or continue the placement of a juvenile delinquent or PINS.	A.8041 S.5301*	Rules Committee Dunne et al	(Joint with Committee on Social Services) Letter to Governor June 27, 1975	Chapter 709
Amends the executive law and the family court act to require prior written approval by a local director of probation before adjustment of juvenile delinquency cases alleged to be class A or B felonies.	A.7829-B*	Lentol et al	Memo #40	Chapter 836



YOUTH AND CORRECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
Family Court and Juvenile Justice (Cont'd.)				
Amends the family court act and executive law concerning continued institutionalization of juveniles 13 years and over and transfer of 15 year olds to criminal court.	S. 2845	Padavan	Memo #12 0	Held in Senate Judiciary Committee. Held in Assembly Ways and Means Committee.
Amends the criminal procedure law lowering the age of juvenile delinquents and youthful offenders to 14 years.	S. 4746-B A. 3531-B	Barclay Ross et al	Memo #13 0	Held in Senate Codes Committee. Held in Assembly Child Care Committee. Held in Assembly Child Care Committee.
Amends the correction law, family court act and criminal procedure law concerning waiver to the criminal court, privacy of records, fingerprinting and use of police records in juvenile cases of violent crime.	A. 5652-A	Hecht		
Amends the family court act in relation to the time for hearings.	S. 5281-A	Marino et al	Memo #14 0	Held in Senate Crime Committee.
	S. 5283	Marino et al	Memo #16 0	Held in Senate Judiciary Committee. A. 8050-A as amended by substitution became S. Pr. 21, 208 Chapter 837
	A. 8050	DelliBovi et al		

YOUTH AND CORRECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intrc.#	Introducer	CSC Action	Final Outcome
Family Court and Juvenile Justice (Cont'd.)				
Amends family court act concerning extension of time for hearings.	S.5263-A	Marino et al	Memo #22	Held in Senate Judiciary Committee.
	A.7464-B	DelliBovi et al		Held in Assembly Child Care Committee.
	(Substance of A.7464-A was incorporated in A.8050-A - S. Fr.21,028 - Chapter 837)			
Amends the family court act in relation to family offenses.	S.3725	Lewis	Memo #15	Held in Senate Judiciary Committee.
	A.3071	Silverman		Passed Assembly.
<b>CORRECTION</b>				
<u>Civil Disabilities</u>				
Amends the civil rights law and the criminal procedure law, in relation to protecting the pre-arrest and pre-accusatory status of innocent persons and to repeal section seventy-nine of the civil rights law relating thereto.	S.1394-B*	Pisani et al	Memo #36	Vetoed
Amends criminal procedure law to provide for sealing of records upon dismissal of charges.	S.1287	Halperin	Memo #1	Held in Senate Codes Committee.
	A.356	Murphy	S	Passed Assembly.
Amends civil rights law to prohibit inquiry or acting on information concerning arrests of applicant for license or permit.	A.2994-A	M.H.Miller	Memo #21	Passed Assembly.

YOUTH AND CORRECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<u>Civil Disabilities (Cont'd.)</u>				
Amends the general business law, in relation to correction of records upon receipt of copy of order or notice of dismissal of criminal charges.	S. 3611	Rolison	Letter to Governor June 20, 1975 S	Vetoed
Amends the correction law, in relation to rehabilitation of criminal offenders.	S. 4222-B	Marino et al	Letter to Marino June 5, 1975 S	Held in Senate Rules Committee.
	A. 5393-B	Fink, Reilly		Held in Assembly Codes Committee.
Amends civil rights law to prohibit discrimination against former felons and/or misdemeanants.	S. 761-A*	Dunne et al	Memo-#2 S	Vetoed
<u>Temporary Release</u>				
Amends the correction law, in relation to the definition of "leave of absence."	S. 760	Dunne et al	Letter to Fink and Weprin April 18, 1975 SWR	Passed Senate; substituted for A. 5579-A. Held in Senate Codes Committee.
Amends the correction law to permit the commissioner of the City of New York to designate facilities not operated by the department for the care and housing of prisoners participating in work release programs.	S. 825	Garcia	Letter to Marino June 5, 1975 S	Held in Senate Rules Committee.



YOUTH AND CORRECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro. #	Introducer	CSS Action	Final Outcome
<u>Parole, Conditional Release and Probation</u>				
Amends correction law to mandate provision of written statement of reasons for denial of parole.	S. 763-A	Dunne et al	Memo #3 S	Chapter 131
Amends correction law to provide for including presentence memoranda in parole records.	A. 1213-A*	Fink et al		
	S. 3417	Marino	Memo #29 S	Chapter 583A
	A. 4374*	Jonas		
Amends the correction law, in relation to parole eligibility for certain inmates.	S. 3146-A*	Marino et al	Letter to Governor May 28, 1975 S	Chapter 343
	A. 3925	Fink et al		
Amends the penal law and the correction law in relation to crediting of time for inmates who are conditionally released.	S. 767-A*	Dunne et al	Letter to Governor May 28, 1975 S	Chapter 148
	A. 4904	Fink		
Amends executive law relating to supervision of probationers.	S. 4950*	Marino	Memo #19 SWR	Chapter 237
	A. 6895	Frenning		
Amends the correction law, in relation to representation by counsel at parole revocation hearing before state board of parole.	S. 5095	Bronston	Letter to Fink and Weprin, April 18, 1975 S	Held in Senate Crime Committee. Held in Assembly Codes Committee.
	A. 6933	Weprin		
Amends the correction law, in relation to the state board of parole.	A. 1155-B	Gottfried	Letter to Fink and Weprin, April 18, 1975 S	Held in Assembly Codes Committee.



YOUTH AND CORRECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<u>Parole, Conditional Release and Probation (Cont'd.)</u>				
Amends the correction law, in relation to taking treatment for alcoholism as a condition of parole.	S.5954 A.8712	Marino Rules Committee	Letter to Marino June 5, 1975 S	Passed Senate. Held in Assembly Codes Committee.
<u>Prisoners' Rights</u>				
Amends the correction law to mandate written rules and regulations in state prisons.	S.4668-A S.6284 A.7550-A* A.6560-A	Marino Garcia et al Brown Ruyon	Memo #18 S	Chapter 231
Amends the correction law in relation to grievance procedures at state correctional facilities.	S.6819 A.7991*	Marino Weprin	Letter to Governor July 11, 1975 S	Chapter 867
Amends the correction law to provide due process in prison disciplinary hearings.	A.1447-B	Eve, Blumenthal	Memo #17 S	Held in Assembly Codes Committee.
Amends the correction law, in relation to right of prisoner to be informed in writing of reports to be made concerning his conduct.	A.1448-A	Eve	Letter to Marino June 5, 1975 S	Passed Assembly.



YOUTH AND CORRECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<u>Prisoners' Rights (Cont'd.)</u>				
Amends the correction law, in relation to mail privileges of inmates.	S.6299	Galiber et al	Letter to Fink and Weprin April 18, 1975	Held in Senate Crime Committee.
	A.7551-A	Blumenthal	Letter to Marino June 5, 1975 S	Passed Assembly.
Amends the correction law, in relation to the personal property of inmates.	A.7563-A	Brown	Letter to Fink and Weprin April 18, 1975 SWR	Passed Assembly.
Amends the correction law, in relation to religious services and counseling.	A.5561-A	Eve	Letter to Fink and Weprin April 18, 1975 SWR	Passed Assembly.
Amends the correction law, in relation to visiting privileges of inmates.	S.6296	Gold et al	Letter to Fink and Weprin April 18, 1975 O	Held in Senate Crime Committee. Held in Assembly Codes Committee.
	A.2434-A	Blumenthal		





YOUTH AND CORRECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<u>Administration</u> Amends the executive law and the correction law in relation to repealing and reenacting article three of the correction law in relation to the state commission of correction.	S.6765*	Marino et al	Memo #39 S	Chapter 865
Amends public health and correction laws to transfer prison health services from state department of correctional services to state department of health.	S.5137	Bronston	Memo #23 S in principle. (Joint with Committee on Health)	Held in Senate Health Committee.  Held in Assembly Ways and Means Committee.
<u>Confidentiality of Records</u> Amends criminal procedure law relating to disclosure of presentence reports.	S.4725-A*	Dunne et al	Memo #28 S	Chapter 310
Amends the executive law, in relation to indemnification of probation volunteers.	A.5833-A S.4952*	Suchin Marino	Memo #37 S	Chapter 680
<u>DRUG ABUSE</u> <u>Administration</u> Amends the mental hygiene law to replace the five-member drug abuse control commission with single commissioner.	S.3464 A.4481-A*	Budget Bill Budget Bill	Memo #6 S	Chapter 667

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YOUTH AND CORRECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
Administration (Cont'd.)				
Amends the mental hygiene law, in relation to powers and duties of the drug abuse control commission.	S.5530-A*	Padavan	Letter to Governor July 15, 1975	Chapter 608
Amends the mental hygiene law to limit the providing of drug abuse services to not-for-profit corporations.	S.5175-A* A.6906-A	Donovan, Isabella Zimmer, McCabe	Memo #27	Vetoed
<u>Methodone Maintenance</u>				
Amends the public health law to require prior approval of all public and private methadone maintenance programs by the public health council.	S.604-A* A.871	Lombardi Goodman	Memo #24	Chapter 822
Amends the penal law, in relation to the possession and sale of methadone.	A.8002*	H.J.Miller	Letter to Governor July 15, 1975 (Also see Memo #8)	Chapter 785
Amends a chapter of the laws of nineteen hundred seventy-five, entitled "An Act to amend the penal law, in relation to the possession and sale of methadone, in relation to rebuttable presumptions in certain instances."	A.8003*	H.J.Miller	Letter to Governor July 15, 1975 (Also see Memo #8)	Chapter 786



YOUTH AND CORRECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<u>Methodone Maintenance (Cont'd.)</u>				
Amends the public health law to require prior approval of all public and private methadone maintenance programs by the public health council.	A.2758-A	H.J.Miller et al	Memo #25 0	S. 604-A substituted - Chapter 822
Amends the public health law to require prior approval of all public and private methadone maintenance programs by the public health council.	A.2678-A	Siegel et al	Memo #26 0	Held in Assembly Health Committee.
Amends the mental hygiene law to extend the range of requirements for prior approval of methadone treatment centers.	S.5963	Garcia et al	Memo #34 0	Held in Senate Mental Hygiene Committee.
Amends the public health law to prohibit allocation of state funds to methadone maintenance programs.	S.2744-A	Bellamy, Bernstein	Memo #10 0	Held in Senate Health Committee.
	A.3480-A	Runyon et al		Held in Assembly Health Committee.
Amends the public health law to prohibit possession of a methadone dosage after the date designated for its consumption.	A.218	H. Posner	Memo #7 0	Held in Assembly Health Committee.
Amends the penal law to reduce the penalty for criminal sale of methadone by patients enrolled in maintenance programs.	S.2071	Dunne	Memo #8 SWR	Held in Senate Codes Committee.
	A.2576	H.J.Miller		Held in Assembly Codes Committee.
	S.2522	Dunne		Held in Senate Codes Committee.
	A.3892	H.J.Miller		Held in Assembly Codes Committee.



YOUTH AND CORRECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<u>Methadone Maintenance (Cont'd.)</u>				
Amends the general business law to prohibit disqualification for licensing of former narcotic addicts and methadone patients.	S.2152	Galiber	Memo #11 SWR	Passed Senate
<u>Marijuana Reform</u>				
Amends the executive law to establish a marijuana control authority.	S.1852	Leichter et al	Memo #30 SWR	Held in Senate Finance Committee. Held in Assembly Governmental Operations Committee.
	A.2988	Hevesi et al		
Amends the penal law, public health law, criminal procedure law and family court act to remove criminal penalties for personal possession and use of small amounts of marijuana.	A.4602	H.J. Miller	Memo #31 SWR	Held in Assembly Codes Committee.
Amends the penal law, public health law, criminal procedure law and family court act to remove criminal penalties for personal possession and use of small amounts of marijuana.	S.4177	Goodman et al	Memo #32 SWR	Held in Senate Codes Committee. Held in Assembly Codes Committee.
	A.5487	Gottfried et al		
Amends the penal law to reduce the punishment of first offenders for the possession of small amounts of marijuana.	S.2145	Galiber	Memo #9 SWR	Held in Senate Codes Committee.



YOUTH AND CORRECTION BILLS BEFORE THE 1975 NEW YORK STATE LEGISLATURE ON WHICH CSS TOOK ACTION (Continued)

Subject	Intro.#	Introducer	CSS Action	Final Outcome
<u>Marijuana Reform (Cont'd.)</u> Amends the penal law to remove criminal penalties for possession of marijuana, consensual sodomy, public intoxication and certain loitering offenses.	S.684	Goodman	Memo #35 SWR	Held in Senate Codes Committee.

