Committee Assignment: Senate Freedom 2 Bill #:SF-10

Sponsors: Patrick Barnett, Victoria Guzzi

An Act To
Add Chapter 60 Article 20-E Section 500 to the Consolidated Tax Law to place a 3.5% excise tax per pound on the sale of red meat.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

Purpose
To impose a 3.5% excise tax on the sale of red meat per pound.

Summary of Provisions
Section 1: Definitions
Red meat: Any meat that comes from mammalian muscle including beef, lamb, pork, goat, veal, and mutton.

Section 2:
Article 20-E 1. A fine will be levied and imposed on a purchaser of red meat. Each pound of red meat will be subject to a 3.5% excise tax.
(a) There is hereby imposed an excise tax on any red meat purchased in the state of New York under the rate of 3.5% per pound. This tax applies to any and all 1) fresh red meat which is sold in New York State and 2) prepackaged red meat which is sold in New York State. The excise tax imposed by this article shall be charged and paid by the purchaser at the time of such sale. The tax money derived from such red meat tax will be allocated to the New York Department of Environmental Conservation.

Justification
The passage of this bill will drastically reduce the increasing threat of environmental destruction which is seen throughout our world, nation, and state of New York.
Large plots of land, keys to ecological success, are being shredded at alarming rates throughout New York in order to appease an unaddressed drive for livestock.
In fact, livestock farming alone is responsible for an estimated eighteen percent of all greenhouse gas emissions worldwide. Revenue of the excise tax will be allocated to the New York State Department of Environmental Conservation.

Fiscal Implications
This Bill will institute a three point five percent (3.5%) excise tax on the purchase of red meat per pound.

Environmental Implications
The passage of this bill will stimulate an array of positive environmental impacts, directly promoting an advancement of environmental conservation.

Effective Date
This Bill shall go into effect two years after passage.
Committee Assignment: Senate Freedom 2  Bill #: SF-11

**Sponsors:** Melissa Golden and Olivia Kelly

**An Act To** Amend section §130.96 of NYS consolidated law to raise the age of classification for victims of first-degree sexual assault from 13 and younger to 15 and younger.

*The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

**Purpose**
This bill will provide protection for a greater range of ages for victims of sexual assault in the first degree.

**Summary of Provisions**

**Section 1**
- **Rape:** penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim
- **Victim:** a person harmed, injured, or killed as a result of a crime, accident, or other event or action
- **Sexual Assault:** when someone touches any part of another person's body in a sexual manner, even through clothes, without that person's consent. Sexual assault includes, but is not limited to attacks such as rape or attempted rape, as well as any unwanted sexual contact or threats
- **Predator:** a person or group that violates an individual through the manner of sexual assault

**Section 2**
- §130.96: A person is guilty of predatory sexual assault against a child when, being eighteen years old or more, he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and the victim is less than thirteen or equal to the age of fifteen years old.

**Justification**
Overall, rape rates in America have increased tremendously. Females ages 16-19 are 4 times more likely than the general population to be victims of rape, attempted rape, or sexual assault. Yes, females under the age of 13 get raped, but the age for first degree must be raised. 82% of all victims under 18 are female. One in 9 girls and 1 in 53 boys under the age of 18 experience sexual abuse or assault at the hands of an adult. During a one-year period in the U.S., 16% of youth ages 14 to 17 had been sexually victimized. The law currently states that the
Committee Assignment: Senate Freedom 2

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course of sexual contact against a child in the first degree, as defined in this article, and the victim is less than thirteen years of age. Thirteen, while a decent age, could be better. As mentioned, most are between 16-19. When raised to the age of 15, lives will be saved from death and mental health cases. Rape can leave people feeling alone, ashamed, and scared. The age of thirteen is simply too low. While of course, rape should never happen, raising the age would be far more beneficial. A study conducted in 1986 found that 63% of women who had suffered sexual abuse by a family member also reported a rape or attempted rape after the age of 14. Recent studies in 2000, 2002, and 2005 have all concluded similar results. The average woman isn’t even fully developed until 22, and the time period most are sexually assaulted is a prime time in a teen’s life. Over the course of their lifetime, 28% of U.S. youth ages 14 to 17 had been sexually victimized.

**Fiscal Implications**

Each sexual assault court case has an average cost of around $600. Rape results in more than $122,000 in costs per victim and nearly $3.1 trillion to the economy over the lifetimes of all 25 million victims in the US population. For every rape prevented, more than $122,000 in lifetime costs are averted. According to the Malta Justice Initiative (Including costs such as feeding, housing, and security.) The average cost of an inmate per year is $167,731.

**Environmental Implications**

Passage of this bill will have a negligible effect on New York State Environment.

**Effective Date**

The bill will be effective one year after passage.
Committee Assignment: Senate Freedom 2

Bill #: SF-12

Sponsors: Wells Liscomb, Kason Romanowski

An Act To Amend bill S-4144 to mandate New York State to alter the State Foundation Aid formula

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

Purpose
The purpose of this bill is to alter the Payable State Foundation Aid formula so that schools are given aid money more effectively based on the amount of students with Extraordinary needs.

Summary of Provisions
Section 1
Foundation Aid: The total financial aid given by the state to public schools.
Public School: A school supported by public funds, whether through state funding or taxes.
Extraordinary Needs: Students who require assistance in their education, whether the student has a learning disability or the student is an ELL Student.
ELL Student: A student who has another language as their primary language or is in the process of learning the English language.
Learning Disability: A condition giving rise to acquiring knowledge and skills to the level expected of those the same age.

Section 2
Bill S-4144 is being amended to include subsection 3605-A that will add the total amount of a District’s Students who have a Learning Disability to Tier D of the Foundation Aid Payable formula.

Justification
Currently, there are a number of public New York schools that are not being given enough financial aid by New York State when they require more money to continue certain programs. Not only is this unfair to the schools who are being paid less than necessary, but it’s also unfair to the local taxpayers, who now have to cover the rest of the State Aid. This bill would help to bolster a fiscal level playing field, and help the schools with their budgets. This bill is being written to try to help patch a problem that has become more and more apparent over the past years. Currently, the Payable Foundation Aid formula is complicated, with a lot of factors going into it. The formula is a tiered system, with 10 different tiers. The main tier this group is
Committee Assignment: Senate Freedom 2  Bill #: SF-12

focusing on is Tier D, which accounts for ELL students and the Pupil Wealth ratio. However, Tier D doesn’t take into account students with a learning disability. In fact, none of the tiers do. This bill looks to add the amount of Students with a Learning Disability to the Foundation Aid Payable formula. Districts currently are eligible for Tier D benefits if the Public Enrollment increases, the amount of ELL Students increase, and the Combined Wealth Ratio decreases. If this bill passes, schools would also qualify if the amount of students who have a Learning Disability increase by 5% within a given time period.

**Fiscal Implications**
The passing of the bill will cost the state a relatively small amount of money which will vary depending on each district’s total Foundation Aid Payable sum, but will ultimately lower the local school taxes, as the schools would be receiving more Foundation Aid

**Environmental Implications**
This bill is expected to have no effect on New York State Wildlife.

**Effective Date**
This bill will go into effect before the next year’s state budget is released.
Committee Assignment: Senate Freedom 3  

**Sponsors:** Grace Brody, Bridget Connolly, Owen Luntz  

**Bill #:** SF-18

**An Act To** Amend Vehicle and Traffic Law Article 19, Section 502, paragraph 4(b) to add paragraph 4(b)(i) to require that road tests include a test of driving skills on roads with a speed limit of 55 miles per hour or greater.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

**Purpose** To ensure that licensed drivers within New York State possess the skills and competency required to drive on roads with speed limits of 55 miles per hour or greater.

**Summary of Provisions**

**Section 1**  
Road test: shall mean an assessment of a permit holder’s ability to drive that takes place at least six (6) months after the acquisition of the learner’s permit.  
Licensed driver: shall mean an individual who is in possession of a valid New York State driver’s license.  
High speed driving skills: shall mean any skill required to operate a vehicle at speeds at or above 55 miles per hour, including but not limited to: merging, lane changing and defensive driving.

**Section 2**  
4(b)(i) All road tests administered in conjunction with an application for a driver’s license shall include a test of driving skills on roads with a speed limit of 55 miles per hour or greater, including but not limited to: merging, lane changing and defensive driving.

**Justification**  
From 2011 to 2015, there were 12,000 speed-related crashes in New York State alone. In 2015 this included 29% of roadway fatalities. High-speed driving is high risk driving. Currently, the New York State road test may include a three-point turn, left turn, and parallel parking, with no requirements for assessment of high speed driving skills. Despite the New York State road test’s aim to holistically assess prospective drivers, it fails to do so. While driver’s education and the five-hour course may include general information on high-speed driving, it is possible to receive a New York State driver’s license with no practical assessment of high-speed driving skills. High-speed roadways are congested, unpredictable, and dangerous. Inexperienced drivers create a hazard for themselves and others on the road. Skills required to safely navigate high-speed roadways include merging, lane
Committee Assignment: Senate Freedom 3  Bill #:SF-18
changing, and defensive driving. This bill will ensure that drivers acquire those skills
necessary to be safe drivers on all New York State roadways.

**Fiscal Implications**
This bill will have minor and absorbable costs to the Department of Motor Vehicles
within the state budget.

**Environmental Implications**
Establishment of a road test that more accurately reflects the driving conditions
faced by the average driver in New York State will increase safety on New York
State roadways.

**Effective Date**
This bill will go into effect one year after passage.
Committee Assignment: Senate Liberty 1  Bill #: SL-01

**Sponsors:** Niquita Varier, Juliet Lovelace, Shana Hatia

**An Act To:** Amend 5-102 of Article 5, Title 1 of the New York State Election Law to lower the minimum voting age for local elections

_The People of the State of New York, represented in the Senate and Assembly do enact as follows:_

**Purpose:**
AN ACT to amend the election law, in relation to the qualifications of voters in local elections;

**Summary of Provisions:**

**Section 1**
- a) Federal election - Elections in the United States that are held for government officials at the federal level (ex. President)
- b) State election - Elections held in each individual states that are held for state representatives (ex. Governor, state legislative representatives)
- c) Local election - Elections that take place to select office-holders in local government (city or town), such as mayors and councillors. It can also be referred to as "municipal elections" (ex. sheriff, city council members, mayor, school board)
- d) Vote - indication of a choice between two or more candidates or courses of action expressed through election
- e) Residence - a place where someone lives such as a state, county, village, city, and street.

**Section 2**
Qualifications of voters; age and residence.

1. No person shall be qualified to register for and vote at any state and federal election unless he is a citizen of the United States and is or will be, on the day of such election, eighteen years of age or over, and a resident of this state and of the county, city or village for a minimum of thirty days next preceding such election.

No person shall be qualified to register for and vote at municipal elections unless he is a citizen of the United States and is or will be, on the day of such election, sixteen years of age or over, and a resident of this state and of the county, city or village for a minimum of thirty days next preceding such election.
Justification:
Passing this bill will give youth citizens a voice in their future. 16 is considered a perfect voting age as in certain states a 16-year-old is considered old enough to be examined for the death penalty, eligible to drive, qualified to hold a job, and are old enough to drop out of school. At the age of 17 you are legally able to join the military, with parental consent, as well. I believe that if people feel so passionately about something they should have the right to be heard. The right to vote would provide a constituency for children, not only for those registered to vote, but also for their younger brothers and sisters. Many people believe that having the power to vote is the strongest way to get legislators' attention. The concept is to slowly introduce 16 and 17 year olds to the idea of being able to take their future into their own hands, and help decide what kind of government they want stating locally within their counties and cities.

Fiscal Implications:
Instead of changing the voting registration form for the state entirely, which states the age to be eighteen, students of ages 16 and 17 can be eligible to register for the municipal elections locally at their own school. If one does not attend a school they can register at their local city or town hall. This registration only grants them access to vote at local elections.

Effective Date: January 1, 2021
Committee Assignment: Senate Liberty 1

Bill #: SL-02

**Sponsors:** Stephen Gilbert, Logan Luke and Joy Mydlenski

**An Act To** Add to Article 10 §207 of NYS General Municipal Law § 207-R for compensation of firefighters and emergency medical practitioners with PTSD

*The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

**Purpose** The purpose of this bill is to create a PTSD presumptive payment for emergency medical practitioners and firefighters who develop PTSD due to their work as first responders.

**Summary of Provisions**

**Section 1**

§ 207-R. Presumptive Payments to Emergency Medical Practitioners and Firefighters with Post Traumatic Stress Disorder (PTSD). Emergency medical practitioners and paid members of the fire department of any city or town in New York who (a) have been employed in such profession for two or more years and (b) are clinically diagnosed with PTSD shall be assumed to have acquired it due to Repeated Exposure Trauma.

(1) Upon receiving a clinical diagnosis from a registered psychiatrist or psychologist, New York State shall compensate any emergency medical practitioner or firefighter with proof of diagnosis with a presumptive payment of one thousand dollars to help the payment of treatment.

(2) Should a second diagnosis occur, and treatment need to continue two years after the initial diagnosis

(a) the state shall provide two hundred and fifty dollars per quarter in which psychotherapy continues or

(b) full compensation of prescription costs

**Justification** Up to thirty seven percent of firefighters and emergency medical practitioners have a high chance of currently having PTSD, either diagnosed or undiagnosed. Currently, New York State does nothing to help firefighters and their risk of PTSD but they do cover physical ailments such as broken bones, hospitalized injuries and most recently cancer. Several other states such as California, Washington, Montana, and Vermont have enacted legislation regarding PTSD and the health of their first responders and New York State has already begun to expand the compensation and health benefits of the state’s first responders.

Treatment is relatively inexpensive, but firefighters deserve compensation for the hard work they have done to keep their neighborhoods safe not just from fires but other disasters.

**Fiscal Implications** This would approximately cost New York State less than five million dollars upon passage and approximately less than five hundred thousand dollars every subsequent year.

**Environmental Implications** There are no environmental implications to this bill.

**Effective Date** This bill will go into effect one year after passage.
New York State YMCA
Youth And Government
WWW.YMCANYS.ORG

Committee Assignment: Senate Liberty 1          Bill #:SL-06

Sponsors: Emilia Brandimarte, Lydia Colon, Julianna Uglialoro

An Act To
Amend Article 17, § 801, subsection 3, of the New York State Education Law to add LGBTQ+ history to social studies curriculum.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

Purpose
This bill aims to add LGBTQ+ history to all applicable high school history classes in order to make them more inclusive to a diverse range of historical perspectives and create a more accepting environment for marginalized LGBTQ+ students.

Summary of Provisions
Section 1: Definitions
LGBTQ+: individuals who identify themselves with the community of lesbian, gay, bisexual, transgender, and queer individuals.

Section 2
3. The regents shall determine the subjects to be included in such courses of instruction in patriotism, citizenship, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery (including the freedom trail and underground railroad), the Holocaust, and the mass starvation in Ireland from 1845 to 1850, a study of the impact of LGBTQ+ individuals throughout history and to the world, including but not limited to the Stonewall riots and the involvement of the United States in the AIDS epidemic; and in the history, meaning, significance and effect of the provisions of the constitution of the United States, the amendments thereto, the declaration of independence, the constitution of the state of New York and the amendments thereto, and the period of instruction in each of the grades in such subjects. They shall adopt rules providing for attendance upon such instruction and for such other matters as are required for carrying into effect the objects and purposes of this section. The commissioner shall be responsible for the enforcement of such section and shall cause to be inspected and supervise the instruction to be given in such subjects. The commissioner may, in his discretion, cause all or a portion of the public school money to be apportioned to a district or city to be withheld for failure of the school authorities of such district or city to provide instruction in such courses and to compel attendance upon such instruction, as herein prescribed, and for a non-compliance with the rules of the regents adopted as herein provided.

Justification
This bill will give students a more diverse and inclusive view of history. The history that we learn in mandatory high school classes usually shape the worldviews of most students well into their
Committee Assignment: Senate Liberty 1          Bill #: SL-06

adult lives, since most people don’t look extensively into other perspectives and historical narratives. History as it is taught is extremely subjective; the events and sources that are used can completely change how we look at the world and can define the zeitgeist of an entire generation. Therefore, teaching queer history to a general population by adding it to existing mandatory classes instead of adding it as an elective can foster inclusivity throughout the high school population, and acceptance of queer students by their peers. This will legitimize the queer struggle to outsiders, as well as making students confront preconceived biases that they may have about the queer community by proving that alternate identities have always existed. In addition, it will legitimize queerness to queer students themselves who have internalized bigotry or are unwilling to accept their identities. Queer history isn’t passed down familially, so this is also a way to preserve history that is often lost due to lack of legitimization as a field and visibility. By bringing alternate views of history into light, students straight and queer alike will receive a perspective that they may not have considered looking into themselves.

Fiscal Implications
This bill will require the additional training of teachers on how to teach this new material and the optional purchase of new textbooks. This bill won’t necessitate the addition of any new teachers, classes, or school time.

Effective Date
This law will go into effect on January 1, 2024.
Committee Assignment: Senate Liberty 1  Bill #: SL-08

**Sponsors:** Sophia Gugino, Ellaina Scholes, Grace Darrin, Raygen Haggstrom

**An Act To** Add New York State Education Law EDN § 344-d, replacing the New York State Standardized Exams in grades 3-8 in ELA, Math, and Science with locally developed exams.

*The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

**Purpose** Improve the academic careers of students in grades three through eighth by eliminating the need for the NY State Test Exams in English, math, and science, while permitting the continuation of NYS regents offered to eighth graders.

**Summary of Provisions**

**Section 1** Definitions
- AP - advanced placement
- NEA – National Education Association
- NAESP – National Association of Elementary School Principles
- ESSA – Federal regulation of 2015 Every Student Succeeds Act which requires all states measure and report student growth in ELA and Math to the Department of Education

**Section 2**
- Grade 3-8 exams in Math, ELA, and Science as required by Federal Law

**Justification**
A majority of third through eighth graders take the NYS test for math and English, with an additional science test taken in fourth and eighth grade. At the school’s discretion, eighth graders can begin to take AP science and math, eradicating the need for these students to take the state exam. They would continue to take the regents exam like in previous years from that point on. Unlike the regents exams, there is no retest option if you perform poorly on the state test.

The NEA conducted a survey in 2015 consisting of 1500 NEA members. This study showed that 70% of educators believe that the curriculum being tested is not helping the development of students when working towards a career path, and therefore is unnecessary. This survey also displays that 76% of elementary and
middle school teachers see standardized exams to be hurtful towards students. A separate study also performed by the NEA shows 72% of educators feel pressured by districts to improve their test scores. The test scores from the 2019 NYS ELA exam show only 45% of students who took the test reached proficiency. Similarly, the 2019 NYS math exam shows 47% of students met proficiency. Another large factor to consider is how the human body responds to the taxing nature of these exams. The years students take these exams is also the time the average student experiences puberty. Puberty not only ages us physically, but mentally as well. An article by the NAESP proves this; during puberty, around 20% of all past connections are lost, including material you may have learned and are expected to retain from elementary school. This time period is when the development of the neo-cortex occurs. The neo-cortex can also be referred to as the executive portion of a brain. This shift sets students apart from a childlike mentality. Development of the neo-cortex can also be linked to a child’s attention span. The average student’s attention span is around 10-12 minutes. Training a young and undeveloped brain to sit down to take the exam can prove to be a difficult task for anyone. Sitting through these exams can be mentally draining, and bad for a student’s overall health; this can also make it difficult to focus, leading to the potential for a poor test result.

**Fiscal Implications**

By repealing a state-wide exam for students grades 3-8 the state will be able to save around 93.6 million dollars a year of the nation’s 669 million spent on standardized exams. NYS alone spends $7 per child per test. This seems miniscule; however, this means that from third to eighth grade the school will spend upwards of $98 for you to take the state exams. As a nation we spend $1.7 billion on standardized testing, only .25% of the yearly amount spent on education. Ultimately, replacing state-wide exams with a district localized exam will help the school’s budget as they no longer have to pay for the testing implemented by the state.

**Environmental Implications** This will have a positive impact on the environment, since the state will not have to print the tests, saving paper.

**Effective Date** The start of the school year following the bills passage.
Committee Assignment: Senate Liberty 2  Bill #:SL-10

**Sponsors:** Violet Hamlin, Michael Innocenzi, Viktoriya Jones, and Melanie Schwartz

**An Act To**
Amend section §12-102 of NYS consolidated Energy law to require a percentage of renewable energy in all new houses.

*The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

**Purpose**
The purpose of this bill is to require a percentage of all new houses to have renewable energy in order to help counteract the climate crisis.

**Summary of Provisions**

**Section 1 Definitions:**

New house: A residential one-family or two-family home, that is to begin construction after this bill is enacted.

The New York State Affordable Housing Corporation (AHC): A corporation that creates homeownership opportunities for low- and moderate-income families by providing grants to governmental, not-for-profit and charitable organizations to help subsidize the cost of newly constructed houses and the renovation of existing housing.

**Section 2**
The legislature hereby finds and declares that the use of renewable energy technologies, such as solar energy, within the state should be encouraged to the maximum extent possible, and required that 15% of the energy in all new houses is renewable, not including houses being built with help from New York State Affordable Housing Corporation grants; that effective, well-designed, carefully manufactured and properly serviced solar thermal systems are essential for the development of a viable solar industry; that false claims, fraudulent sales practices, shoddy workmanship, equipment failures and poor servicing of products would inhibit the growth of the solar industry; that adequate warranty protections should be made available to consumers in order to prevent such deceptions; that certain warranty protections are presently made available to consumers of products normally used for personal, family or household purposes pursuant to the Federal Magnuson-Moss Warranty Act; and that warranty protections should be made available to purchasers of all solar energy products in this state, regardless of use.
Committee Assignment: Senate Liberty 2

**Justification**

The Earth is dying. Every day, across New York State, the United States, and the world, people excessively use fossil fuels to power their homes. These nonrenewable, destructive energy sources are rapidly causing irreparable damage to our environment. In 2017 alone, New York state consumed 1.28 quadrillion British Thermal Units (BTU) of natural gas. Natural gas is one of many fossil fuels that detrimental effects on our Earth due to the fact they produce Carbon Dioxide and other greenhouse gases. Increasing levels of greenhouse gases have caused a higher level of heat to be trapped within our atmosphere. Global temperatures in 2018 were 1.5 degrees Fahrenheit (0.83 degrees Celsius) warmer than the 1951 to 1980 mean average, according to scientists at NASA. Furthermore, global sea levels are on the rise. Those living on coasts, which is more than half of the New York State population, have already experienced major flooding due to encroaching waters, and by 2100 will experience sea levels that could be up to 75 inches higher than they are now. If action is not taken, a multitude of New York Counties, including the five boroughs of New York, will experience serious damage. The implementation of this law would reduce fossil fuel dependency in New York State and thus ensuring a brighter future.

**Fiscal Implications**

Given the fact that solar is the most popular type of renewable energy, the following calculations are for solar energy. The average house needs about 4 to 6 panels to power 15% of its electricity. In New York State, it costs around $10,000 for one solar panel. Thus, it would cost $40,000 to $60,000 dollars to install these panels before incentives. New York State offers a 25% tax credit on solar panels, so the cost would be lowered to $30,000 to $45,000. Not to mention, over time, due to the fact that solar panels are cheaper than fossil fuel electricity long term profit margins will be increased.

**Environmental Implications**

This bill will have positive effects on the environment. By requiring the use of renewable energy, there will be a reduction in the use of fossil fuels within homes. This will therefore minimize the amount of greenhouse gas emissions that would typically be generated by New York State. The implementation of cleaner energy will only benefit the environment, including New York State wildlife and reserves.

**Effective Date**

This bill will go into effect one year after passage.
Sponsors: Eli DeCampo, Coen Nelson, Ian Salyer

An Act To
An act to amend the Education Law §- 3208 -A to allow homeschooled students of New York to try out and be on public school sports teams.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

Purpose
To allow New York homeschoolers to participate in public school sports programs.

Section 1: Definitions
Homeschooler: A school-age child who is not actively enrolled in any running public or private school.

Section 2:
In no event shall a successful petitioner be entitled to costs in any proceeding brought pursuant to this section. The school district shall not be responsible for providing or bear the cost of, any special or preventive measures or devices needed to protect the student unless such special or preventive measures or devices are contained in a student's individual education plan recommended by the school district committee on the handicapped and such student is a child with a handicapping condition, as defined in section forty-four hundred one of this chapter. A physically impaired child eligible to commence a special proceeding as provided by this section shall be defined as any child determined by a school physician as ineligible for participation on the basis of the regulations of the state education department, the American Medical Association Guide for Medical Evaluation for Candidates for School Sports, or by any standard established by the school district involved.

An athletic program for the purpose of this section shall include intramural activities, inter-school activities, extramural activities, and organized practice as defined by section 135.1 by the commissioner of education's regulations except for section 135.4 (c) (7) (iii) (2). Additionally, any homeschooler will be given the opportunity to participate in public school athletic programs by entering the tryouts of the school, and by meeting the qualifications the school sets for all participants. If the homeschooler earns a position in the athletic program, they are allowed to participate in it just as the other participants from the school.
Committee Assignment: Senate Liberty 2

Bill #: SL-16

Justification
Homeschoolers should be given the same athletic opportunities as people in public schools. This is because homeschool families pay school taxes as well. This type of legislation is not unheard of, and is rather common in the United States. Currently, Arizona, Colorado, Florida, and 19 other states allow homeschoolers to participate in public school sports. By giving public schools the opportunity to make their athletic teams stronger, they can be greatly affected in positive ways. These benefits include the schools being able to wield a stronger sports team, which can lead to better funding and donations, expanding the students’ interactions with other children, and leading to an overall more connected community.

Environmental Impact
This bill has no environmental impact.

Fiscal Implications
This bill has no fiscal implications.

Effective Date
This law will go into effect one academic year after its passage.
An Act To
Amend § 120.16 of the New York State Penal Law to make hazing in the first degree a class E felony.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

Purpose
To increase the penalty for hazing in the first degree. Hazing is a problem that is on the rise. Current legislation does not define or punish offenders of this crime appropriately.

Summary of Provisions
Section 1: Definitions
Class E Felony: Ranges from no jail with probation or jail for up to 4 years.

Section 2:
§ 120.16 Hazing in the first degree.
A person is guilty of hazing in the first degree when, in the course of another person’s initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct, including, but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury causing serious bodily injury or risk of death to such other person or a third person and thereby causes such injury.

Hazing in the first degree is a class A misdemeanor or class E felony.

Justification
Hazing is far too common on college campuses and an under reported incident. 95% of cases did not report their hazing experiences to university officials. While not all hazing cases can be defined under this law, our efforts are intended to bring justice to the worst offenders of this crime. This is an issue more prevalent than the public eye realizes which is why attention must be brought to it.

Fiscal Implications
This bill will increase the sentence of this crime therefore costing the taxpayer more money per year by minimal amounts. On average it costs 62,000 dollars a year to house a prisoner in New York.

Environmental Implications
This bill does not include any direct environmental implications to the state.

Effective Date
This bill will go into effect on August 1, 2021.
Committee Assignment: Senate Liberty 3  
Bill #: SL-19 

**Sponsors:** Zarib Alam and Gabriel Hoglund 

**An Act To** Amend NYS Labor Law §240(1) to include comparative negligence in the liability of gravity-related (falling) work injuries. 

*The People of the State of New York, represented in the Senate and Assembly do enact as follows:* 

**Purpose** By Labor Law §240(1), otherwise known as the Scaffold Law, a contractor/employer is fully liable for the injury of their workers in gravity-related accidents despite the worker’s own negligence in the accident. By amending this law to include comparative negligence, the fault of both the worker and the contractor/employer shall be considered, resulting in fairer accountability. 

**Summary of Provisions** 

**Section 1** 
Gravity-related injury: the injury of an individual resulting from the falling of construction materials or the individual falling due to the improper use or function of construction equipment. 

Absolute liability: full liability of a contractor, owner, or agent in the gravity-related injury of their workers, regardless of the injured worker’s negligence. 

Comparative negligence: consideration of fault for both the worker involved in a gravity-related accident and the contractor, owner, or agent overseeing such worker. 

**Section 2** 
Labor Law §240 
1. All contractors and owners and their agents, except owners of one and two-family dwellings who contract for but do not direct or control the work, in the erection, demolition, repairing, altering, painting, cleaning or pointing of a building or structure shall furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders, slings, hangers, blocks, pulleys, braces, irons, ropes, and other devices which shall be so constructed, placed and operated as to give proper protection to a person so employed. In gravity-related worker injuries, the fault of the worker is to be considered along with the fault of the worker’s contractor or owner as comparative negligence. 

**Justification** 
As the result of Labor Law §240, known as the Scaffold Law, New York has become one of the worst places for construction in the country. Insurance rates on construction have skyrocketed, with project costs increasing by the millions and much of it being paid for by the taxpayer. The law has become obsolete. It was introduced in 1885, when effective equipment and worker’s protection agencies did
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not yet exist. Now, it simply serves as an unjust obstacle for the construction industry. Employers that take the necessary measures to protect their workers are held fully liable for their workers’ negligence in gravity-related injuries. The impact of this law is felt everywhere. The Building Trade Employers Association named it a significant obstacle to minority and women contractors. A study by Cornell University found that New York had an average of 667 more construction accidents per year because of the rule. Moreover, New York is the only state to possess such a law. To remedy this clearly problematic statute, a new standard of comparative negligence must be adopted. This will allow the contractor and employee to be equal under the law. In doing so, construction in New York will become more inexpensive and appealing.

Fiscal Implications

Labor Law §240 makes the New York construction insurance rate one of the highest in the country. The economic consequences are expected to only become worse. For example, the law is estimated to add an additional $200 million to the construction of the Gov. Mario M. Cuomo Bridge and an additional $300 million to the new cross-Hudson train tunnel project. Repealing it is expected to save the state approximately $785 million dollars annually and save the New York construction industry an estimated $3 billion dollars annually. By lowering the cost of developing bridges, homes, schools, and places of work, construction in New York will become more appealing. This will allow our business, employment, and economy to prosper.

Enviornmental Implications

By making construction less expensive, more resources can be dedicated to building with sustainable materials and methods. Additionally, Habitat for Humanity and other disaster relief organizations named Labor Law §240 a barrier to disaster relief following Superstorm Sandy. By amending the law, disaster relief and reconstruction can occur at a faster rate.

Effective Date

This bill shall go into effect one year after passage.
An Act To:

An act to amend §40.07 of Title P: New York State Cultural education trust to add onto the existing section an incentive for schools to hold culture fairs.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

Purpose:
The purpose of this bill is to institute an incentive for schools to host a culture fair to promote cultural acceptance and diversity within schools and communities.

Summary of Provisions:

Section 1
Culture fair- An event where students, preferably at the secondary education level, host a table portraying their background’s culture. Incentive- A collective that a school may be provided with in order to instigate the implementation of a culture fair. Trust- A trust is a fiduciary arrangement that allows a third party, or trustee, to hold assets on behalf of a beneficiary or beneficiaries.

Section 2
The purpose of the trust shall be to prepare and recommend plans, in cooperation with the commissioner of education, to the director of the budget regarding projects to enhance the public display of the collections and exhibits of the state museum, library and archives, and for the acquisition of a new storage facility for such collections. Knowledge of different cultures through the creation of an incentive for schools to encourage the hosting of a culture fair.

Justification:
Even in times such as 2019 which are supposed to encompass acceptance of all kinds of individuals, there is still some discrimination of individuals in various facilities all throughout schools. Society has made strides in the right direction, yet some still feel they are not recognized for who they are. With students having the ability to show their culture to their classmates, and explain to them who they are, the more people will feel comfortable with who they are. Studies also show that with a better understanding of culture at a younger age, people will remain more
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open minded in the future, improving lives in the workplace and helping deal with discrimination.

In more recent times people are supposed to be more accepting of each other, and yet there is still discrimination in schools everywhere. Society has evolved with time but not all problems have been solved. If students are allowed to show classmates their cultures, and show others who they are, the more comfortable they will feel about themselves. Studies also show that if one understands culture better from a younger age, people would be more open-minded, improving life by dealing with discrimination.

**Fiscal Implications:**

A minimal portion of the existing New York State Cultural Education Trust will be used for the incentive.

**Environmental Implications:**

There are no environmental implications that are in accord with this bill.

**Effective Date:**

This bill will go into effect at the commencement of the 2021-2022 school year.
An Act to amend the New York State Criminal Procedure Law §530.45–1 to impose certain modifications for a securing order

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

Purpose: Assure that defendants convicted of Class A, B, C, D and E felonies committed against those under the age of 18 are subjected to a securing order and immediate fixed bail post-conviction and before sentencing.

Summary of Provisions
Section 1: Definitions
Securing Order: A order of a court committing a defendant to the custody of the Sheriff or fixing bail, where authorized, or releasing the defendant on his/her own recognizance or releasing the defendant under non-monetary conditions to assure the defendants return to court.
Fixed bail: A court fixes bail when, having acquired jurisdiction over a defendant of a principal, it designates a sum of money and stipulates that, if bail in such amount is posted on behalf of the defendant and approved, it will permit him/her to be at liberty during the pendency of the criminal action or proceeding involved.
Order of recognizance or bail: A securing order releasing a principal on his own recognizance or fixing bail

Section 2:
1. When the defendant is at liberty in the course of a criminal action as a result of a prior order of recognizance, release under non-monetary conditions or bail and the court revokes such order and then, where authorized, fixes no bail or fixes bail in a greater amount or in a more burdensome form than was previously fixed and remands or commits defendant to the custody of the Sheriff, or issues a more restrictive securing order, a judge designated in subdivision two of this section shall set fixed bail against defendants eighteen years or older convicted of any class felony committed or attempted to have been committed against a person less than eighteen years of age upon conviction and before sentencing, upon application of the defendant following conviction of an offense other than a class A felony or a class B or class C felony offense as defined in article one hundred thirty of the penal law committed or attempted to be committed by a person eighteen years of age or older against a person less than eighteen years of age, and before sentencing, may issue a securing order and release the defendant on the defendant’s own recognizance, release the defendant under non-monetary conditions, or, where authorized, fix bail or fix bail in a lesser
amount or in a less burdensome form, or issue a less restrictive securing order, than fixed by the court in which the conviction was entered.

**Justification**

Under the existing provision of the “Bail Reform Bill of 2019” potential criminals that commit egregious offenses are readily released on recognizance. This amendment ascertains that criminals who commit offenses to minors (under 18 years of age) are held accountable for inflicting harm and unjustified acts on adolescents. The extent to which New York, and the rest of developing system has sought to alleviate the misfortunes regarding the judicial system has been well intentioned. Seeking to lower burdens on low income offenders is noble by appearance. Though, by enabling perpetrators to escalate further crime on innocent children we open the prospect for further crimes to be committed with the passage to potential freedom. Criminal Justice reform begins with fundamentally reducing incarceration. Inevitably, by allowing criminals that commit crimes on minors we jeopardize public safety and infringe the vow to keep our communities and youth secured. As a result of the growing unrest of crimes committed by children, we should be fostering initiatives that assure the preservation of our youth.

**Environmental Implications**

There are no environmental implications from the passage of this bill.

**Fiscal Implications**

Cost per prisoner in the state of New York amounts to $65,355

**Effective Date** This act shall take effect immediately.