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NEW YORK 1956 LEGISLATIVE SESSION — RESUME OF BILLS ENACTED AND SIGNED BY THE GOVERNOR

SIDNEY H. ASCH

THE 179th session of the New York State Legislature convened in Albany on January 4th. A record number of bills, totalling 7,400, were introduced during the session. Some 1,288 bills had passed both the Senate and Assembly when the Legislature adjourned on March 23. Governor Harriman signed 197 bills before adjournment and vetoed ten. This left 1,091 bills for the Governor to act upon within thirty days. In total, the Governor signed 951 and vetoed 337.

I. BUDGET AND TAXATION

THE Legislature passed a number of budget bills carrying appropriations of \$1,482,493,498. They represent an increase of \$222,802,147 and set a new high over last year's total.

A special highway construction account in the capital construction fund was created. Into it will go an amount equal to 60 per cent of the previous year's motor fuel taxes in addition to any revenue from future increases in motor fuel taxes.

A \$500,000,000 state bond issue for highway construction purposes was authorized subject to a referendum. Also subject to a referendum was another \$100,000,000 state bond issue providing for loans to regulate private housing companies for middle-income housing to rent for \$18 to \$22 a room a month.

The Legislature approved a \$50,000,000 income tax reduction by allowing a credit of 20 per cent on the first \$100 of tax due in addition to ten per cent on the next \$400 which was vetoed by the Governor.

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As a substitute for the vetoed tax bill, approval was given to a second bill providing for a 15 per cent credit on the first \$100 of tax due plus ten per cent of the next \$200 to reduce taxes by \$40,000,000.

A number of "humanizing" amendments to the income tax law, applicable on returns due in 1957, to cut \$10,000,000 from taxes payable by the aged, blind, working mothers and widowers with small dependents and families with large medical bills was passed.

It passed a bill to modify the franchise tax on bus corporations to cut taxes payable by any company up to \$10,000 each.

The Legislature turned down recommendations by the Temporary Highway Finance Commission and Governor Harriman for a 1-cent increase in the gasoline tax and a 1½-cent increase in the Diesel fuel tax; \$23,800,000 from Governor Harriman's budget request, but later restoring about \$2,800,000 of this total; a request for an additional \$1,900,000 appropriation for the Tax Department to step up its campaign on tax delinquents.

II. CIVIL SERVICE

THE Legislature granted pay increases of \$300 a year to state employees of the legislative, judicial and executive branches, up to a limit of \$12,000 a year; established a bipartisan committee to arrange for a health and hospitalization insurance plan for state employees, and reduced the work week for state employees by four hours, from forty-eight to forty-four and in some cases from forty-four to forty.

It continued for another year the security risk law, providing for discharge or transfer from "sensitive" posts of employees deemed subversive. It established a forty-hour week for municipal police; authorized the state to contract with the Federal Government to permit all state and municipal employees to qualify for Social Security retirement benefits in addition to state or local pensions. It provided for a check-off system of deducting union dues from pay checks for state employees.

It killed bills to repeal the Condon-Wadlin Law, outlawing strikes by public employees.

III. EDUCATION

As a result of the Heald Commission report, the Legislature adopted a formula for aid to local schools which will increase the State contribution by \$150,000,000 over a two-year period as a result of an increase in school attendance. It made permanent the arrangement

for state contributions to building costs in rapidly growing areas. Minimum pay scales for teachers were set at a starting salary of \$3,500 a year, minimum after five years at \$4,100 and the minimum after ten years at \$5,100 with an additional \$300 for a Master's Degree or its equivalent. It authorized increases in pensions payable for retired teachers to set a floor of \$108.50 a month under retirement allowance of any teacher. It provided additional state grants to districts maintaining special classes for mentally retarded, physically handicapped and non-English speaking children.

IV. ELECTION LAW

THE Governor vetoed a bill which eliminated a requirement in the Optional Permanent Personal Registration Law for a biennial house-to-house canvass of registered voters in cities of 100,000 population or less. He allowed a simplification of the Optional Permanent Personal Registration Law's requirements as to storage of records, keeping of records and mail check on registered voters. Governor Harriman's request that permanent personal registration be made mandatory for all areas of the state instead of optional with county administrations and the City of New York was rejected.

Machinery was set up, in accordance with a recent constitutional amendment, permitting absentee registration of voters and broadening the provision for absentee voting. A two-hour extension of voting time was given for this Fall's Presidential election. Polls will remain open to 9 P.M. instead of 7 P.M. A limitation on the privilege of substituting candidates after a primary designating petition has been filed was enacted in an effort to restrict activities of the Liberal Party.

Governor Harriman's proposal for a constitutional amendment to permit 18-year-olds to vote was rejected, as were proposals to change existing requirement that those who work on Election Day be given two hours off, with pay, to vote; and to eliminate the requirement for a biennial house-to-house canvass of registered voters in New York City and other large cities of the State.

V. HEALTH AND WELFARE

THE Legislature authorized the transfer of Herman E. Biggs Memorial Hospital, a former state cancer institution, from New York State to Tompkins County; established a new interdepartmental Board of Health Resources; approved a bill to permit the admission of nontubercular patients suffering from chronic disease to county

tuberculosis hospitals. It set up a licensing system for psychologists to be administered by the State Education Department; provided for state regulation of private proprietary nursing and convalescent homes; and permitted the State Parole Board to make clinical treatment a condition of parole for narcotics addicts. It appropriated \$2,500,000 to buy extra milk for 200,000 children of families on relief; authorized the distribution to relief recipients of Federal surplus commodities; approved the state's membership in an interstate compact on mental hygiene and authorized the Governor to proceed with a \$100,000 research program into the causes of poverty.

It rejected a bill that would have barred relief payments to anyone who had not lived in the welfare district for a year; killed a bill that would have set up a state licensing system for chiropractors and refused to approve a bill that would have provided state aid to communities fluoridating their water supply systems.

The Legislature allocated additional funds for job counseling of persons over forty-five years of age and furnished grants to nonprofit organizations for experimental work in placement. A Bureau of Chronic Diseases and Geriatrics was set up in the Health Department and a post of consultants on aged established in the Mental Hygiene Department. It gave the State Vocational Rehabilitation Division funds for a project to assist the aged infirm to maintain for themselves; directed the Education Department to begin a pre-retirement counselling service, vocational re-training for the aged and special courses for the aged in adult education programs; allocated "an adequate number" of apartments in new housing projects for older tenants; appropriated funds for state aid to local activities and recreation programs for the aged, and provided the State University with funds for establishing in its medical schools coordinated research and training programs in geriatrics.

VI. HIGHWAY AND MOTOR VEHICLES

THE controversial bill to require all motor vehicle owners to carry liability insurance protecting them up to \$10,000 for injury to one person, \$20,000 for injury to two or more and \$5,000 for property damage was passed. A supplementary bill that would have established a state fund to compensate the victims of accidents involving stolen cars, out-of-state drivers and hit-and-run drivers was defeated as was a Harriman Administration substitute for compulsory insurance

under which all victims of accidents with uninsured drivers would be compensated out of a state fund. At the same time, it passed a program requiring the mechanical inspection of all cars four years old and older once a year. However, a bill that would have repealed altogether the compulsory inspection passed in 1954 and held in abeyance for a year was rejected.

A \$500,000,000 highway bond issue on which the people will vote next Fall was passed. A bill requiring the State Superintendent of Public Works to make public each January 1st a list of the highway projects planned for the year and their priority was also passed. A highway account was set up within the capital construction fund from which to draw money for roads and a program increasing state aid for the construction and maintenance of town roads was instituted. The Uniform Rules of the Road now in effect in many other states were adopted. The Legislature directed the State Motor Vehicle Bureau to return to the two-plate license system beginning in 1958.

VII. HOUSING AND RENT

THE Legislature approved a bond issue of 100 million dollars for loans to encourage the construction of middle income housing, subject to referendum approval. It passed a constitutional amendment to permit state-guaranteed loans to private companies for improvement of tenements and for new construction. It also permitted New York City and Buffalo to give tax concessions to owners of tenement houses desiring to improve their buildings, especially for the installation of central heating. It changed the 1955 law authorizing limited profit housing corporations to meet objections which had been raised by the Comptroller of the City of New York. It permitted the establishment of privately financed mortgage lending corporations by banks and similar organizations to make mortgage loans in areas needing rehabilitation of tenements and other residential accommodations.

By other legislation, the landlord and tenant law was amended to require a court order before eviction of any rooming house tenant in New York City, provided that such tenant had occupied the premises for thirty days or more. The Governor vetoed a bill which sought to return to submetering of electricity in business and commercial buildings, in effect overruling an order of the Public Service Commission. The State Commission Against Discrimination was empowered to enforce laws outlawing discrimination in housing financed with Federal Housing Administration loans.

The business and commercial rent laws applicable to New York City were extended another year. However, notice was given that the law would not be extended beyond 1958. The Legislature rejected a request by Governor Harriman for a bill forbidding portable kerosene heaters.

VIII. INDUSTRY AND LABOR

THE Legislature increased the maximum weekly benefits available under the sickness disability program from \$33 to \$40; the maximum number of weeks that sickness disability benefits may be received, from thirteen to twenty. It did away with the one-week waiting period for unemployment insurance where the job is lost as a result of a natural disaster; provided for regulation of union welfare funds by the State Banking and Insurance Department; set up a new Joint Legislative Committee on the State's Economy to encourage prosperity, and changed the name of the head of the State Labor Department from Industrial Commissioner to Commissioner of Labor.

It rejected a proposal that welfare fund control be extended to funds operated entirely by employers; killed a bill that would have allowed restricted plans to supplement unemployment insurance benefits so as to produce a variety of guaranteed annual wage; refused legislation seeking to prohibit all guaranteed annual wage plans.

IX. JUDICIARY AND CRIME

THE Governor vetoed bills increasing the number of Supreme Court justices by twenty-one and increasing the pay of Supreme Court justices. He approved an increase from six to eight in number of the Court of Claims judges; increased the pay of the Court of Claims judges from \$17,000 to \$20,000. He approved a bill authorizing youth courts as a division of the county court, in all counties, to provide separate facilities for criminal trials involving persons in the sixteen to twenty-one age range. He also approved a series of bills to strengthen enforcement of laws against dope peddlers and increased penalties.

The Legislature extended the power of the State Board of Parole to terminate parole for good behavior. It established a joint legislative committee to study procedural law relating to marital cases; approved a bill to permit the use in bookmaking cases of newspaper accounts of sporting events as evidence that the events took place; granted a privileged status for sealed court records to bar libel actions on publication of such records. It made the Youth Commission a permanent

state agency; created a joint legislative committee to study narcotics problems; approved legislation tightening laws on sale of obscene materials; revised fee system in municipal court to increase fees by \$80,000. It increased from nineteen to twenty-one the maximum age for the application of specialized procedures for youthful offenders; authorized state aid toward cost of legal assistance for indigent youths between the ages of sixteen and twenty-one; approved experimental programs through which clinical treatment would be given to narcotics addicts and approved additional funds for conservation work camps or youth hostels for less serious offenders. The Governor vetoed a bill which would have restricted wiretapping and eavesdropping; approved a bill empowering children's courts to require certain courses of conduct for parents when parental conduct has contributed to juvenile delinquency and imposing liability on them.

It killed a bill to raise the pay of Domestic Relations Court justices in New York City. It also killed a bill to abolish blue ribbon grand juries. The Governor vetoed a bill to make parents liable up to \$250 for damage caused by their children.

X. RACING REGULATIONS

THE Legislature agreed to give the State's Harness Tracks half of all state pari-mutuel revenue above \$25,470,000 a year, to be used for construction projects. It authorized Yonkers and Nassau counties to increase their local taxes on harness track admissions from 15 to 30 per cent.

However, the Legislature refused to give the flat tracks an additional one per cent of pari-mutuel revenue now going to the state to assist them in building a "dream track"; to give the counties the 50 per cent share of the harness track "breakage" that is now retained by the tracks; to let cities and counties take over the 15 per cent tax on flat track admissions now levied by the state.

XI. NEW YORK CITY

THE Legislature approved new school aid for New York City in an amount of \$34,750,000. It authorized revision of the state formula for aid to local youth boards to increase New York City's share by \$600,000 and the formula for the care of felons, an aid increase of \$180,000. Pay raises for school supervisors and the president of the Board of Water Supply were adopted. It approved legislation allowing

the City to acquire and lease the Staten Island Rapid Transit Company; to convey Grant's Tomb to the Federal Government; to convey its sanatorium at Otisville to the state for use as a male juvenile delinquent training school.

New York City's right to give tax exemptions for the expense of installing central heating and other improvements to multiple dwellings was extended for one year. It approved bills: (1) giving tenure to the teachers of the School of Applied Arts and Science in Brooklyn; (2) facilitating recovery by a former owner of property taken for tax delinquency; (3) extending the law permitting payment of small fines by mail; putting unskilled laborers in competitive Civil Service classification. It gave New York City authority to establish a Brooklyn Center Authority that would build a new ball park for the Brooklyn Dodgers.

A number of bills affecting New York City's finances were killed. They included proposals to increase the city's share of motor vehicle license fees and gasoline taxes amounting to \$11,500,000; to restore the former five per cent pari-mutuel tax for the city; to give the city \$2,500,000 in state aid for child day care centers. Other measures killed included: a bill which would have the effect of enabling former Mayor O'Dwyer to change his pension basis; a bill to give New York City complete authority over multiple dwellings; a bill to do away with requirement of semi-annual voter canvass under existing permanent personal regulation law; a bill prohibiting "bottle clubs."

XII. CONCLUSION

A PITHY evaluation of the current session of the Legislature was expressed in an editorial of the New York Times on March 25th. It summed up the work of the session as follows:

"The New York legislative session now in its final hours has written a record of productive and generally sound achievement. It leaves less major business unfinished than is usual at adjournment. The final week has been less frantic and disorderly than in many years. The working methods, while still far from ideal, showed some improvement. More public hearings have been held, and there has been more debate on the floor, a gain for democratic process. While there has been a steady drumbeat of politics, especially on the synthetic issue of an income tax cut, it has not been allowed to lengthen the session."¹

¹ N. Y. Times, March 25, 1956, p. 26, col. 1.