



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Votes for the Week of March 25, 2024

PATRICK M. GALLIVAN March 28, 2024

| ISSUE: **NYS SENATE**



The following bills were approved in the NYS Senate. Senator Gallivan's vote is noted.

S7830A Establishes a fiscal cliff task force to conduct a study on fiscal cliffs in the state's public assistance programs and to make recommendations related thereto. AYE

S6112A Removes the requirement that professional license applications be mailed to licensees by the State Education Department (SED) and simply requires that SED "provides" such applications within the current timeframes (approximately four months before the end of a

licensee's registration period). AYE

S1181 Designates March 25, "Medal of Honor Day", as a day of commemoration. AYE

S1480A Establishes November twenty-sixth of each year as a day of commemoration known as "Sojourner Truth Day". AYE

S7205 Establishes the crime of misappropriation of payroll funds when a person knows that funds are designated for use as employee payroll funds or as payment of payroll taxes, and intentionally prevents the funds from being used for their designated purpose. AYE

S1087 This bill amends the public authorities law and the economic development law to require public authorities and state agencies to notify within 30 days, each MWBE firm that unsuccessfully bid on a contract as to why their bid was unsuccessful. AYE

S1398 Requires public utility companies in the City of New York to repair or replace all damaged residential lateral sewer and water pipes where such damage was caused by such public utility company. AYE

S1471 Permits an insurer to rescind or retroactively cancel a policy in circumstance involving an accident staged to defraud an insurer. AYE

S1360 Increases civil penalties to no less than \$1,000 and no greater than \$5,000 for each violation that involves a motor carrier that fails to notify the department of motor vehicles when they employ or terminate with a prior felony conviction involving the use of a motor vehicle, operating a motor vehicle under the influence, or reckless driving. Also increases for subsequent violations to \$10,000 within 18 months. Also, states that if the motor carrier fails to notify, and that driver causes injury or death the penalty shall be no less than \$1,500 and no greater than \$7,500 with subsequent violations being no greater than \$15,000. AYE

S1198 Directs the commissioner of health to do a comprehensive assessment of the existing methodology used to determine payment for early intervention screenings, evaluations, services and service coordination; directs recommendations on reimbursement methodology as well as needs under the program. AYE

S1634B Increases the maximum penalty for violating the Real Property Action and Proceedings law regarding inspecting, securing, and maintaining vacant and abandoned residential real properties from \$500 to \$650 per day, per property. The bill also authorizes political subdivisions that receive vacant and abandoned properties registry data from DFS to share such information with others. Also expands the types of information lenders, assignees, and mortgage loan servicers must provide to DFS on such properties and establishes that a penalty may be issued for not submitting required information to DFS about such properties up to \$5,000 per property, after an administrative hearing or court. AYE (According to NYSAC, this bill would make information on vacant and abandoned properties more readily available to be shared among local governments and the public and increase penalties for failure to properly maintain such properties.)

S5414 CONSTITUTIONAL AMENDMENT - Authorizes the legislature to increase the number of justices of the supreme court in any judicial district. Currently, under the constitution, the cap is set at one justice per 50,000 people (or fraction over 30,000 people). AYE

S7883 This bill amends the Lobbying Act to expand the provisions of the act so that acts to influence nominations or confirmations are viewed as lobbying under the act, and thus are subject to reporting requirements of the act. NAY (Overly cumbersome. Retroactive. Democratic process should allow people to speak up for/against.)

S2675 Designates August thirty-first of each year as a day of commemoration to be known as "Overdose Awareness Day". AYE

S2773B Prohibits the sale of ATVs and off-highway motorcycles in the city of New York; provides enforcement mechanisms and penalties. NAY (Free market.)

S1552 Permits local sanitation departments install and use security cameras in order to help enforcement officers identify and fine individuals who have engaged in illegal dumping.
AYE

S2418 Amends section 382 of the executive law as it relates to increasing the penalties for building code violations when the condition is deemed an imminent threat to the safety and welfare of the building's occupants by the local government. The bill provides for graduated penalties for repeat offenders. A first time violation carries a fine of no less than one thousand dollars and no more than five thousand dollars. A second violation will carry a fine of no less than five thousand dollars and no more than ten thousand dollars. Finally, a third violation will result in a fine that is no less than ten thousand dollars per day of violation or imprisonment not exceeding one year or both. NAY (Onerous penalty structure. Local Governments already authorized to issue fines for violation of the uniform building code.)

S2143A This bill would require the Department of Labor to complete a self-sufficiency standard study by contracting with a Third Party contractor and provide a report to the Governor and Legislature by September 1, 2026. NAY (No funding.)

S2867 This legislation will prevent service provided to individuals pursuant to the nursing home transition and diversion (NHTD) and traumatic brain injury (TBI) program waivers from the Medicaid managed care program. Also directs the NYS DOH commissioner to take any action necessary to continue provisions of such services through waivers. AYE (Keeping such TBI/NHTD Medicaid waivers is warranted as no cost savings will be realized by the move to managed care and the unique needs of this vulnerable population are better served under the current model.)

S1672 Amends Highway Law to require written notice be provided to any public or non-public school fourteen days before any construction or alterations to any highway, sidewalk, or appurtenance thereof begins within a distance of three hundred feet of any school building. AYE

S2747 Directs the superintendent of state police to develop and institute child-sensitive arrest policies and procedures for instances where police are arresting an individual who is a parent, guardian or other person legally charged with the care or custody of a child. AYE

S3116A Provides that persons with a disability shall be eligible to receive a fishing license for five dollars. AYE

S2573A This bill establishes an exception to the hearsay rule for civil cases to allow evidence that a party alleging discrimination reported such discrimination or facts giving rise to an inference of discrimination to another person to be admitted into evidence to support the allegation that discrimination occurred. AYE

S2301 Establishes the crime of voyeurism in the first and second degree, which shall be a class A and B misdemeanor, respectively. Importantly, this bill exempts firefighters, healthcare professionals and correctional facility personnel. This bill incorporates amendments made last year that removed the language that would make it a crime to view a person in a bedroom, changing room, fitting room, restroom, toilet, bathroom, washroom, shower, or any room assigned to guest in a hotel, motel or inn without the person's knowledge or consent. It adds the requirement that the offender trespass for the purpose of viewing the person in a specified situation without their consent. It also specifically includes trespassing to view a person engaging in sexual conduct without such person's consent or knowledge. AYE

S1738 Purpose of this legislation is to protect freedom of speech and creative expression in New York State. Ensures that criminal defendants are tried based upon evidence of criminal conduct, not the provocative nature of their artistic works and tastes. Limits what the proffering party is allowed to introduce into evidence. NAY (Impacts the admissibility of creative expressions to prove essential facts beyond just the commission of the crime.)

S545 This is a sunshine bill that would amend the Urban Development Corporation Act, the State Finance Law, the General Municipal Law, and the Economic Development Law to Prohibit confidentiality and non-disclosure from inclusion in certain contracts entered into by the state or a municipality. AYE

S2714 Includes complete streets design features in resurfacing, maintenance and pavement recycling projects that are subject to the department of transportation's oversight. NAY (Unfunded mandate on municipalities.)

S2976 This bill would require the Department of Labor to issue notice of initial determination for unemployment benefits within 30 days of the claimant furnishing the necessary documentation. If the commissioner is unable to issue a determination within such time frame, they shall inform the claimant of the new estimated time frame for the issuance of a determination. AYE

S3607 This legislation would license and regulate laser hair removal technicians. The licensing would be performed through the Department of State. Currently, DOS has a licensing structure in place for those that practice a nail specialty, waxing, natural hair styling, esthetics and cosmetology. AYE

S4071 This bill would require DOCCS to notify an inmate's next of kin or personal representative by electronic means immediately prior to transferring the inmate and would

allow the inmate to make at least one personal telephone call, free of charge, immediately prior to an inmate's transfer, except under exceptional circumstances when allowing so would create an unacceptable risk to the safety of inmates or staff. NAY (Could pose safety risk for staff and incarcerated persons.)

S3315A This bill increases Surrogate's Court fees on various matters involving estates or other subject matters. These matters involving estates include petitions to commence a proceeding to probate a will, petitions to commence a proceeding for administration in intestacy, and petitions to commence a proceeding for an accounting. A PRINT - lower the increased fee at the \$750K-\$1M threshold to \$1,875; lower the fee at the \$1M-\$2M threshold to \$2,500; lower the fee at the \$2M-\$3M threshold to \$5,000. NAY (Unnecessary.)

S2922 Amends penal law to add new section deeming a person who engages in sexual conduct during the period of their probation with his or her supervising probation officer as being incapable of consent. AYE

S7376 CIVIL SERVICE DEPARTMENTAL - This is a Civil Service Departmental bill (Internal #3 - 2023) that would amend the Civil Service Law section 50 to remove an exclusion from background checks for police officers, but not for other civil servants. NAY

S4530 Establishes an intensive addiction and medical services integrated services pilot program to support two three year demonstration programs that provide intensive addiction and medical services integrated services to individuals who have significant addiction and medical issues. AYE

S4505A Prohibits discrimination of students on school property or at a school function based on religious attire, clothing, or facial hair. AYE

S1730 Provides the director of the office for the aging to develop a program to train senior service providers in detecting and reporting elder abuse. The bill also includes training on the counseling of elder abuse. Requires senior centers to hold at least two educational sessions regarding counseling and awareness. AYE

S2144 Exempts income earned by a head of household or any person in the household from certain job training or adult education programs from the determination of need for public assistance programs for six consecutive months. AYE

S2935D Enacts the "just energy transition act"; requires a study of competitive options to facilitate the phase-out, replacement and redevelopment of New York state's oldest and most-polluting fossil fueled generation facilities and their sites by the year 2030. D PRINT - amends the date the PSC must issue an order regarding implementation of strategies, programs, standards and requirements described in the study to July 30, 2026. NAY

S4393 Adds fentanyl test strips to be included in any distribution of opioid antagonists. Adds requirement that an informational card regarding fentanyl test strips and their uses be included in any opioid antagonist distribution. AYE

S1748 Enacts the New York state money transmission disclosure act; requires each licensee providing a transmission transaction which involves currency of one country into the currency of another country to provide the customer with a written disclosure; authorizes the superintendent of financial services to implement any necessary rules and regulations. NOTE - Money transmitters are licensed by DFS and already must follow a litany of regulations. NAY (Applies to NYS banks only.)

S4304 Provides that credits for excess electricity generated by customer-generators subject to net energy metering by an electric corporation or the Long Island power authority may be

carried over indefinitely and used against any charges imposed by an electric corporation or the Long Island power authority when the customer-generator uses more electricity than such customer generates; provides for the accounting of credits once every 5 years and the electric corporation or Long Island power authority shall reimburse the customer-generator for the accumulated credits. AYE

S440 Designates the fourth Thursday in March as "Tuskegee Airmen Commemoration Day". AYE

S2919 This bill authorizes the Department of State to fine real estate appraisers up to \$2,000 for any disciplinary violations provided for in §160-u of the Executive Law. Under current law, a license can be revoked or suspended for these violations, but a fine is not allowed. NOTE - 50 percent of the any fine would be deposited in the state's new anti-discrimination in housing fund. AYE

S167 Abolishes citizens arrests in New York state. Strikes the reference to 140.40 of Criminal Procedure Law (Arrest without a warrant; by person acting other than as a police officer or a peace officer; procedure after arrest). Removes reference to private persons abilities to use physical force to arrest custody. May only use physical force against one who reasonably believed to commit a felony and did commit it, and is fleeing. NAY (Removes authority even for persons who have committed murder or manslaughter.)

S6746 Amends various sections of law to expand the powers of the Authorities Budget Office to include the removal of public authority board members who are in violation of the Public Authorities Law (PUB) §2824 and also to dissolve state or local public authorities for cause. NAY (Hinders economic development. Sufficient oversight already exists.)

S6328 Prevents the displacement of call center workers who provide call center services for the government in certain circumstances. NAY (Providing employee names, addresses and dates of hire could potentially be used by stalkers or for non-work related purposes.)

S643D Relates to rechargeable battery recycling; adds a battery used as the principal electric power source for an electric scooter or bicycle with electric assist to the definition of "rechargeable battery"; provides that a battery manufacturer may not sell, offer for sale, or distribute rechargeable batteries in the state unless the battery manufacturer is implementing or participating under an approved plan; allows a city with a population of one million or more to enforce through its own agencies. AYE

S5505 This bill redefines "following" for the Stalking in the Fourth Degree offense. "Following" would include the unauthorized tracking of a person's movements or location through the use, placement, attachment or insertion of any device or computer software, program, spyware, malware or adware that gains access to, records, tracks or reports a movement or location of a person or their property without the person's permission or authority to do so. AYE

S5955A Exempts books, magazines, pamphlets, and other related items sold at a school facility at a book fair organized or sponsored by a nonprofit and charitable organization for educational purposes from sales and compensating use taxes. AYE

S8302 Makes appropriations for the support of government - State Debt Budget. NAY

S8919 PROGRAM BILL - Provides for emergency appropriation through April 4, 2024 for the support of government. AYE

S8920 PROGRAM BILL - Extends certain components of legislation necessary to implement the state fiscal plan for the 2024-2025 state fiscal year. Part A allows pharmacists to direct

limited service laboratories and order and administer COVID-19 and influenza tests and modernize nurse practitioners. Part B relates to certain motor vehicle transaction fees. AYE