



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for the Week of May 13, 2024

JIM RANNEY May 16, 2024

| ISSUE: **NYS SENATE**



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

S3141A This bill establishes a grant program under the Housing Trust Fund Corporation for the purposes of replacing dilapidated mobile homes. The grants would be structured as declining deferred payment loans that would expire after 10 years. If the property is sold or refinanced prior to the expiration of the lien, the remaining balance would be repaid. AYE

S509A Requires restaurants that offer online delivery services to post their most recent sanitary inspection grade on their website and/or any internet-based food delivery service websites where consumers can order from such food service establishment. AYE

S609 This bill would allow poll clerks to work split shifts. Under current law, a poll clerk must work an entire 16 hour election day, from 6AM to 9PM. AYE

S6933A Increases the term of office of an election commissioner from two to four years beginning January first of each odd numbered year. AYE

S99A Grants employees access to personnel records; requires notice of negative information in such records and an opportunity for a review; permits employee to include certain information in personnel records. NAY (Creates a private cause of action against employers. Burdensome.)

S4187 Changes the official name of the Staten Island Expressway to the "POW-MIA Memorial Highway". AYE

S7353A Provides that an educational agency where a student who is ordered by a court to be held in a juvenile detention facility attended school prior to such an order, shall upon request of the juvenile detention facility where such student is held, disclose the student's educational records to educational program personnel at said facility without the consent of the parent or eligible student, pursuant to certain conditions. AYE

S8708 Authorizes the John Theissen Children Foundation, Inc. to receive retroactive real property tax exempt status for a parcel located at 1492 Wantagh Avenue, hamlet of Wantagh, town of Hempstead, county of Nassau. AYE

S136 Increases compensation of election inspectors to \$300 and coordinators to \$350 in New York city. NAY (Increased costs to local entities.)

S224 Amends the tax law to expand the scope of the term "qualified historic home" to include residences within "qualifying census tracts" located in cities with a population greater than 1 million people and subject to the Homeowner Tax Credit. AYE

S239E Enacts the "New York open water data act"; directs certain agencies, under the leadership of conveners, to identify and integrate key water data sets; provides duties and an annual plan for data to be researched and reported. AYE

S543B This bill would decouple the New York State tax treatment of gains from qualified opportunity zones in calculating taxable income from the Federal Tax Code. NAY (Tax increases for some.)

S600 Authorizes the correctional association to inspect residential juvenile detention facilities. This bill would also provide The Prisoners' Legal Services of New York additional powers. NAY (Too burdensome on operations. Not necessary)

S611B Makes commissioners full time employees of boards outside the city of New York. NAY (Cost to counties who have to move from part time to full time commissioners)

S887 CLEAR Establishes a dementia and Alzheimer's disease program database. AYE

S3340 This bill requires the courts to notify the statewide computerized registry of orders of protection and warrants of arrest of the issuance of any temporary or final extreme risk protection order (red flag law). This bill further clarifies that the statewide computerized registry of order of protection and warrants of arrest shall include extreme risk protection orders. NRA (verbal) NAY

S303 This legislation expands within the definition of “essential personal property”, as it relates to monetary awards being provided to crime victims, the term “personal property necessary and essential to the welfare of the victim” to mean such items that were lost, stolen or damaged as a result of a crime for which reimbursement or replacement is reasonably necessary for the victim to restore stability or maintain a reasonable and/or basic standard of living. AYE

S1716 Prohibits any elected official serving at the county, town, city, or village level, from serving as member of the board of any industrial development agency (IDA) located within the county. NAY (Should be local decision.)

S1304 This bill requires the New York State Department of Building to develop a pamphlet known as the "Adjacent Neighbors' Bill of Rights." This pamphlet would advise homeowners who are adjacent to a property under development or construction of their rights, and available resources. NAY (Another mandate put on developers, increasing their costs.)

S653 Purpose is to correct an error on distinctive plates for medal of honor recipients by removing "Congressional" as the proper term for the award is "Medal of Honor" AYE

S4555B Prohibits the use of intoxication of the victim as a defense in sex crimes where the victim is under the extreme influence of any drug, intoxicant, or other substance to a degree which renders that person incapable of giving consent and that condition is known or reasonably should be known to a person in the defendant's situation. AYE

S5131 This bill would allow a retired member to change his or her option election or designate a new beneficiary where the beneficiary has been convicted of a family offense. Such change of beneficiary shall take place within 180 day of the conviction. AYE

S1815 Requires the district attorney to notify victims by letter of the final disposition of the case within sixty days of such disposition in cases where such final disposition includes a conviction; provides such letter shall also notify victims of their right to make a victim impact statement; allows them to personally appear at parole hearings and make such a statement. AYE

S1951 Amends penal law to remove the "within ten years" element for the charge of persistent sexual abuse. Meaning any person who is convicted two or more separate times of the prerequisite offenses is guilty of the charge regardless of the amount of time said convictions were adjudicated. AYE

S5502 This bill requires prosecutors or the court to provide to the parent or guardian of a crime victim or a surviving family member in a homicide case with an informational pamphlet detailing the rights of crime victims. The Division of Criminal Justice Services, in consultation with the Office of Victim Services, currently publishes this pamphlet. AYE

S2376B This bill would add medical information and health insurance information to those services that are covered under identity theft. Medical information: any information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional. AYE

S1382 Directs the Metropolitan Transportation Authority to promulgate regulations requiring that all application and maintenance of paint and coatings on bridges, trestles, elevated subway tracks, elevated subway stations, elevated railway tracks and elevated railway stations by non-employees have a quality management program and meet applicable industry standards of the Society for Protective Coatings Painting Contractor Certification Program. Further, the removal, surface preparation and application of all paint and coatings shall be performed in accordance with the NACE13/ACSI Standard. AYE

S8977 Requires DCJS, in consultation with the OPDV and other stakeholders, to update the domestic violence incident report form and develop training for law enforcement by January 1, 2025 to administer a lethality assessment. Such training must be completed by January 1, 2026 and going forward, such training must be incorporated into any training requirements for new law enforcement officers. AYE

S1055 Establishes the New York state youth in agriculture and entrepreneurship summer employment program to provide students with the opportunity to be educated on the agricultural industry and alternative career paths and to provide agricultural work experience and entrepreneurship work experience. AYE

S1791 Establishes the "small water utility transparency act"; requires the public service commission and the department of environmental conservation to conduct audits of certain private water companies; requires certain private water companies which are under certain investigations to file public updates on the status of compliance with such orders. AYE

S1860 Requires the department, in consultation with OMH and the Division of Human Rights, to create (in English and twelve most common non-English languages spoken by individuals in the State) and distribute materials regarding mental health services and resources available to employees. Further requires every employer in the State to post such materials in an accessible place and in a visually conspicuous manner. NAY (Another mandate on businesses)

S2352 Requires real estate brokers to compile and disclose client demographic data to the secretary of state. The bill requires this information be submitted to the Secretary of State at least annually. Demographic information from its clients includes 1) the race, ethnicity and gender of each client, and other information deemed necessary by the Secretary of State; 2) every real estate transaction engaged in by the broker in New York, including properties

listed or shown, the location of such properties, the disposition of every offer received, and whether a closing occurred. Clarifies that real estate salespersons and brokers would be required to request and collect demographic information but would not be obligated to create such information where a client declines to provide such information. NAY (Burdensome on real estate salespeople and brokers. Unnecessary.)

S2463B Directs the department of health to create an informational pamphlet regarding the laparoscopic power morcellation surgery technique. AYE

S2278A The bill seeks to ensure that victims of economic abuse are not held liable for coerced debt by allowing the alleged victim of coerced debt to bring an action against a creditor to establish that the debt in question was coerced. NAY (Laudable goal in seeking to protect victims of financial abuse. Nonetheless, onerous on creditors and debt collectors. Avenues already exist to deal with fraud/coercion.)

S5939 Permits the Albany Cemetery Association to file a certificate of amendment of certificate of incorporation with the department of state within one year of the effective date. AYE

S259 Requires cultural awareness and competence training for medical professionals, including two hours of course work encompassing minority healthcare issues. This bill applies to physicians, physician assistants (PAs), registered professional nurses (RNs), licensed practical nurses (LPNs), podiatrists, optometrists and nurse practitioners who provide direct patient care. Training must be completed by July 1, 2024. NAY (No evidence necessary. Cost exceeds benefit.)

S1752 Amends Agriculture and Markets Law to include cannabis under the definition of crops, livestock and livestock products for the purpose of receiving agricultural assessments.

AYE

S8372 This bill would establish a procedure for intervenors in a utility rate case brought before the Public Service Commission (PSC) to be compensated for their participation. This bill also establishes a "utility intervenor account" to hold such compensation. NAY (Could result in higher electricity costs as the utility will be responsible for paying the reimbursement of the intervenors.)

S8373A Exempts credit card debt from the definition of medical debt unless the credit card is issued under an openended or closed-ended plan offered specifically for the payment of health care services, products, or devices provided to a person. NAY (Prevents recovery of debt for services rendered.)

S8344 This bill would amend the Workers' Compensation Law Section 15 (3) (w) which relates to disability schedules in workers comp. The bill changes the manner in which the carrier or employer receive a credit against permanent partial disability benefits for temporary partial disability payments made in excess of 130 weeks. AYE

S2237B Would include coverage of illegal immigrants under the State's newly created 1332 State innovation program, established pursuant to the FY 2024 enacted budget. Also establishes the DOH Commissioner to place limitations on enrollment to ensure costs associated with rendering services to illegal immigrants do not exceed the revenues anticipated to be transferred to the 1332 program. NAY

S4967 Prohibits the imposition of any surcharge for the installation or use of a tenant-installed appliance where the tenant pays for electric utility service in the City of New York. NAY (Additional rent control.)



S8136A This act would establish the New York state Cryptocurrency and blockchain study task force (the task force). This task force would provide the governor and the legislature with information on the widespread use of cryptocurrencies and other forms of digital currencies and their ancillary systems, including blockchain technology in the state. AYE

S8627 Expands the legislative reporting requirements regarding annual financial reports from the office of mental health and the office for people with developmental disabilities to include the chair of the assembly committee on people with disabilities and the chair of the senate committee on disabilities. AYE

S881 Relates to establishing the crime of larceny by adding cyber extortion to the definition, which shall mean when a person intends to obtain property from another person or entity located in the state of New York through the use of certain malicious software. AYE

S7532 This bill would expand the instances in which DFS can remove a director, trustee, or official. NAY (Too much government power.)

S9021A This bill amend section 3420 of the Insurance Law, regarding property/casualty liability insurance, to require insurers to provide coverage to a first named insured who has indicated that the insured has a spouse on the insurance application, against liability of the insured because of death or injury to the insured's spouse, unless the first named insured elects, in writing to decline and refuse such coverage in the first named insured's policy. AYE

S8903 Adds a person with a disability who has their primary residence in a special needs trust, or a property owner who has a tenant with a disability whose lease provides them with a life interest in the property as long as the tenant remains in residence as eligible for a real property tax exemption pursuant to section 459-c of the real property tax law. AYE

S9054 This bill would create a new Annual Professional Performance Review process for teachers and principals. AYE

S6797A Authorizes Saddle Rock Minyan to file an application for retroactive real property tax exemption with respect to the 2021-2022 and 2022-2023 assessment rolls. AYE

S4876A Relates to the amount of St. Lawrence county economic development power that may be used by the New York Power Authority to generate net earnings and authority TMED contracts. AYE

S1818A The bill clarifies that corporations organized prior to April 15, 1935, and thereafter that were lawfully practicing engineering or land surveying shall be authorized to practice geology so long as such corporations have at least one officer or director licensed as a professional geologist. AYE

S2049 Permits persons 65 years of age to enroll in a limited number of state university and city university courses for credit without tuition. AYE

S5914B This bill authorizes nursing homes, residential health care facilities and hospices to utilize automated dispensing devices (ADD), which is a mechanical system that stores prescribed medications at such facilities and dispenses such medications for the sole use of the facilities residents. The ADD remains the property of the pharmacy and the pharmacy shall maintain all controls, record keeping and regulations of the state. Utilization of such devices for dispensing of controlled substances shall obtain a machine specific federal Drug Enforcement Administration (DEA) registration number and appropriate NYS licensing. Also adds the automated storage and dispensing of medications under the education law as opposed to the public health law; removes assisted living facilities and requires additional reporting by ADDs. AYE

S62 This bill requires coroners, pathologists, medical examiners, or other persons qualified to conduct examination of a deceased persons to report to the Department of Health if the person was afflicted with Lyme or other tick-borne diseases, as determined by the commissioner. AYE

S985 Codifies the title of "Medicaid Director" within the statute and requires such position to be appointed by the Governor and approved by the Senate, similar to the appointment of the Commissioner of the Department of Health. AYE (Given the importance of this position, it is vital that the legislature have a role in the appointment process for this individual.)

S5286 This bill prohibits any charitable organization registered in NY from taking any charitable donation that the organization receives and using such donation to make a payment related to a confidentiality agreement or closed settlement agreement. AYE

S2690 This bill would require the governing body of a public corporation to give written notice of changes to a health insurance plan to retired officers, retired employees and their families who are covered by such plan 45 days prior to the approval of such plan. AYE

S2515C Establishes scramble crosswalks in NYC leading to and from school buildings during times of student arrival and dismissal to ensure all vehicular traffic is stopped while pedestrians are crossing in the same intersection. AYE

S1424A Directs contracting state agencies to develop a growth plan in order to increase participation of minority- and women-owned businesses with respect to state contracts and subcontracts which includes an analyses of the use of discretionary buying. AYE

S6926 This bill would require the department of transportation to conduct a follow up inspection of any freight train or rail track. This would be conducted by the federal railroad administration that identifies safety-related violations. AYE

S8173 Requires the Department of Corrections and Community Supervision (DOCCS) to cooperate with an authorized agency of a local department of social services to screen incarcerated individuals, 30 days prior to release, for eligibility for SNAP benefits and to assist such individuals in applying for said benefits. NAY (Personal responsibility.)

S139C This bill prohibits any person from serving as a town or village justice in a town or village with a high arraignment volume, unless they are an attorney who has been admitted to practice law in NYS for at least five years. NAY

S8707 Permits certain licensed athletic trainers who are licensed to practice in another state or territory to provide athletic training services to athletes and team personnel at a discrete sanctioned team sporting event or performance in this state. AYE

S8469A Adjusts the base pilotage tariffs at Sandy Hook, Sands Point and Execution Rocks for vessels over 1650 pilotage units. AYE

S4407 This bill would amend the Executive Law to add "wearing any attire, clothing, or facial hair in accordance of the requirements or practice of an individual's religion" to the list of categories that are unlawful for an individual to be discriminated against for at a place of public accommodation. AYE

S4999B Exempts certain parcels of land containing the Smith Opera House from licensing restrictions prohibiting manufacturers, wholesalers and retailers of alcoholic beverages from sharing an interest in a licensed premises. AYE

S4863A This bill would amend section 1101 of the Insurance Law, definitions regarding doing an insurance business, to remove non-indemnity prepaid legal service plans from the insurance law and thus insurance regulation, while maintaining regulations of traditional legal service insurance policies. AYE

S5853A Establishes the electric landscaping equipment rebate program to reduce greenhouse gas emissions, improve air quality, and reduce noise pollution by promoting the adoption of quieter, zero-emission landscaping equipment; provides for rebates at the point of sale for applicants purchasing or leasing certain equipment; provides for the repeal of such provisions upon expiration thereof. NAY (Concerns from commercial landscapers. Additional costs for others.)

S8473 Amends provisions of the Suffolk county water quality restoration act, which was signed into law as part of the FY 2024 enacted budget. This act created a water quality restoration fund to finance projects for the protection, preservation and rehabilitation of groundwater and surface waters as recommended by the Suffolk county subwatersheds wastewater plan. AYE

S8898 Enacts the tropical rainforest economic & environmental sustainability act requiring that companies contracting with the state do not contribute to tropical forest degradation or deforestation directly or through their supply chains; establishes the supply chain transparency assistance program to assist small and medium-sized businesses and minority and women-owned businesses in achieving compliant supply chains. NAY

S3571 This bill would amend section 696-a of the Labor Law, which governs minimum wage rates for covered airport workers to include Stewart International Airport in the definition of covered airport location. AYE

S8366 This bill would amend subdivision 1 of section 14 of chapter 560 of the laws of 1998 as amended by Chapter 514 of the laws of 2021, related to the application of certain provisions of law to certain crematoriums located in the town of Tonawanda. NAY

S314A Directs the New York state energy and development authority to establish a ride clean rebate program for electric assist bicycles and electric scooters; defines terms; provides a fifty percent rebate for eligible purchases. NAY (Increased concerns for safety of batteries and costs for ratepayers.)

S3473A Amends education law to prohibit Gubernatorial or Mayoral appointees from serving as trustees to the State or City University system. Makes exceptions for ex-officio members and classified civil service employees. AYE

S3348 This bill amends the public health law to require that the office of addiction services and supports, in consultation with the department of health, shall develop or utilize existing education materials to be provided to general hospitals to disseminate to individuals with a documented substance use disorder or who appear to have or be at risk for a substance use disorder during discharge planning. AYE

S8800 Extends the authorization of the city of White Plains to enact a local law imposing an occupancy tax until December 31, 2027. AYE