



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for Week of January 18, 2021

JIM RANNEY January 19, 2021

| ISSUE: **NYS SENATE**



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

S18A This bill would amend the Labor Law by adding a new section 602-a related to the Shared Work Program. The bill would require the Department of Labor to provide information about shared work program eligibility on their website and coordinate with the Department of Economic Development and small business development centers to conduct an outreach program to employers about eligibility. The Department would be required to submit an annual report to the Governor and Legislature. AYE

S471A Establishes the COVID-19 Emergency Protect Our Small Businesses Act of 2021; relates to eviction proceedings (Part A); relates to foreclosure proceedings (Subpart A); relates to tax sales (Subpart B); establishes hardship declarations for owners of commercial real property (Subpart C) (Part B). NAY (Does not help small business in meaningful way. Not fair to all involved.)

S1042A This bill amends the Labor Law to replace the partial unemployment benefit system from one based on the number of days someone works to one based on weekly earnings. This bill would disregard half of part-time earnings before reducing unemployment benefits on a dollar-to-dollar basis up to the full weekly amount, and guarantee that anyone who earns significant part-time earnings on one day of the week can still receive up to three-quarters of their full weekly unemployment benefit. AYE

S1197 The bill would amend §581 of the Labor Law to prohibit the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges. AYE

S1554B Prohibits third-party food delivery services from charging a food service establishment a delivery fee that totals more than a certain percent of the total purchase price of an online order. The purpose of this bill is to cap the permissible fees third-party food delivery services may charge to restaurants for delivery services for the period of the COVID-19 related public health emergency and 90 days after. AYE

S1630A Requires third-party delivery services to have a valid agreement with a merchant before they advertise, promote, or sell the merchant's products on their platform, and prohibits the inclusion of an indemnity clause in such agreements. AYE

S862 CHAPTER AMENDMENT - This legislation amends the underlying chapter by changing the approval entity for the retroactive tax exemption from the Suffolk County Legislature to the Huntington Town Board, as that is the appropriate entity in this case. AYE

S863 CHAPTER AMENDMENT - Relates to making an application for exemption from real property taxes from the Joshua Baptist Church contingent upon the approval of the town board of Huntington. AYE

S866 CHAPTER AMENDMENT - Relates to New York state veterans' cemeteries; provides further instruction on the selections process and costs associated with the establishment of such cemetery. AYE

S869 CHAPTER AMENDMENT - This legislation amends the underlying chapter by reducing the increased membership of the Public Health and Health Planning Council (PHHPC) from 26 back to the current membership of 24 while maintaining the additional member who represents consumer advocacy groups that advocate for low and moderate income healthcare consumers. NAY (Dilutes representation.)

S870 CHAPTER AMENDMENT - Creates a Crohn's and colitis identification card. Pursuant to approval memo 22 of 2020, the Executive noted that these provisions should be placed in the general business law (not the public health law) as that is where the 2018 Crohn's and Colitis Fairness Act is in statute. AYE

S876 CHAPTER AMENDMENT - Directs a study of the status of consumer awareness and financial education in New York state to instead require that the department of financial services website provide information to enhance consumer financial literacy and consumer awareness which shall include information on basic banking and personal financial management, how credit scores are determined and ways to establish good credit, options

for investing and increasing savings, best practices for protecting personal information, and any other topics deemed appropriate by the superintendent. This legislation amends the underlying chapter by removing the requirement to conduct a study regarding the status of consumer awareness and financial education and make recommendations for a consumer awareness and financial education program. AYE (No longer has a fiscal impact)

S881 CHAPTER AMENDMENT - The bill is a chapter amendment to S.1714 (Brooks), which amended P382 of Executive Law to impose a penalty (up to \$7,500) on owners who have knowledge, or should have knowledge, that their building has been altered in violation of uniform code and such alteration impedes a person's egress from such building during a fire or emergency evacuation. AYE

S884 CHAPTER AMENDMENT - This Chapter amendment eliminates certain burdens on the Department of Financial Services (DFS) and authorizes DFS to promulgate rules and regulations related to such real property action and proceedings to include any additional information required by DFS concerning reverse mortgage loans. NAY (The state should not be regulating federal programs.)

S889 CHAPTER AMENDMENT - Provides that every state agency and public authority shall provide to the department of economic development a list of programs, including a description of each program, offered by such state agency or public authority to assist small businesses doing business within this state and the contract information for such programs. NAY (Reduces potential benefits to small businesses.)

S898 CHAPTER AMENDMENT - Exempts certain commercial financing transactions from certain disclosure requirements. This legislation amends the underlying chapter by excluding automobile financing from the reach of the legislation, by raising the loan amount that is excluded from the bill requirements to \$2.5M, by including restitution for violation of

the disclosure requirements, and by extending the effective date. NAY (Only excludes automobile financing law from the bill from original bill. Applies consumer protections to commercial loans)

S864 CHAPTER AMENDMENT - Relates to the New York state volunteer firefighter recruitment and retention task force; relates to the number of appointments and time to make such appointments to the task force. AYE

S867 CHAPTER AMENDMENT - Requires the disclosure of disabled tenants' rights to reasonable accommodations. Pursuant to approval memo 23 of 2020, the Executive noted that a notice requirement would not appropriately fit in the originally selected section of Human Rights Law, because that section of law establishes unlawful discriminatory practices and this proposal does not create or alter any unlawful discriminatory practices. Additionally, the requirement to conspicuously post forms containing all disabled tenant's rights to reasonable accommodations on every vacant listing in New York, was seen as an excessive mandate on landlords across the state and difficult to enforce uniformly. AYE

S868 CHAPTER AMENDMENT - Specifies what property conveyed to Rockland Recovery Homes, Inc. should be used for, what happens to the reverter interest of the property and adds an expiration date. AYE

S871 CHAPTER AMENDMENT - Provides for the appointment of the members of the New York state housing finance agency, the housing trust fund corporation and the affordable housing corporation. The chapter amendment provides technical changes to the original legislation by increasing the quorum requirements for the respective boards from four to six members, and restoring delegation powers that were removed. AYE

S880 CHAPTER AMENDMENT - Relates to payment in construction contracts; specifies the meaning of "substantial completion" for the purposes of requisition payments in construction contracts. Technical amendments only. AYE

S883 CHAPTER AMENDMENT - Prohibits symbols of hate on state owned property. The Chapter Amendment significantly alters the original legislation's sections relating to the sale of symbols of hate at State and Local fairs. The Commissioner of Ag and Markets would take any measures necessary to prohibit any person from attaching or affixing any symbols of hate to state owned property on the grounds of the State Fair. The Commissioner would no longer be required to take measures to prohibit the sale of hate symbols at state or local fairs, as the original bill required. AYE

S888 CHAPTER AMENDMENT - Relates to the statutory short form and other powers of attorney for purposes of financial and estate planning. This bill makes technical changes only. NAY

(While this bill intends to simplify the rules for power of attorney, in practice it would likely complicate the rules)

S894 CHAPTER AMENDMENT - Relates to premium reductions of commercial risk insurance policies covering for-hire vehicles and a for-hire motor vehicle safety program. This chapter would substitute the commissioner of the department of motor vehicles for the superintendent of the department of financial services as the person to oversee this program. It would also provide that any insured who successfully completes a course of instruction on for-hire motor vehicle safety pursuant to this section and receives a premium reduction on the insured's commercial risk insurance policy covering the for-hire vehicle shall not, also be eligible for an additional premium reduction on the insured's commercial risk insurance policy covering the for-hire vehicle for successful completion of the motor vehicle accident prevention course, known as the national safety council's defensive driving

course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, as authorized. AYE

S896 CHAPTER AMENDMENT - This bill would expand the ability of cemetery corporations to purchase land that is not adjacent to existing cemetery property or that would result in the cemetery corporation owning more than 200 acres of land under the following criteria:i. the purchase benefits the cemetery corporation and owners of the graves and plots;ii. the cemetery corporation has sufficient fund to take on the debt related to the transaction;iii. the cemetery corporation has conducted requisite due diligence before making the purchase;iv. municipalities that would be required to assume the care and maintenance of any part of the cemetery should it be abandoned. AYE

S1184 This bill would establish a person cannot be held for more than 24-hours after being taken into custody without being brought before a criminal court. Being held beyond 24 hours would be considered an "unnecessary delay." An individual being held beyond 24 hours without being brought before a court could file a writ of habeas corpus to challenge the pre-arraignment detention. There would be a penitentiary presumption that the detention is unnecessary and unlawful. NAY (This bill would allow an individual to be detained for more than 24 hours, however, it would put the burden on the prosecution to prove such delay was actually necessary.)