



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for Week of February 22, 2021

JIM RANNEY February 24, 2021

| ISSUE: **NYS SENATE**



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

546 This bill would require every board of education to ensure a student government organization is provided for grades 9-12. AYE

912 This bill requires school districts, BOCES, charter schools, and non-public schools to adopt a policy to promote student voter registration and pre-registration for students in grades 10-12. It also requires local boards of elections to promote student voter registration

and pre-registration. AYE

1379 The bill would amend numerous sections within Article 9-a of General Municipal Law by allowing one-occasion poker tournaments to be considered a game of chance for non-profit fundraising purposes. It would cap the admission fee to a poker tournament at \$100, of which half would be used for the prize and half could be retained by the authorized organization. AYE

1138 Authorizes the commissioner of general services to convey the North County Trailway, real property in Westchester county, to the county of Westchester. AYE

1800 This bill would add "distributed ledger technology" to the list of business types that participate in the Excelsior Jobs Program that engage in financial services data centers. This bill defines distributed ledger technology as a mathematically secured, chronological, and decentralized consensus ledger or database, whether maintained via internet interaction, peer-to-peer networking, or otherwise, used to authenticate records, share and synchronize transactions in respective electronic ledgers or databases. AYE

498 Exempts commercial lines insurance transactions, placed by wholesale insurance brokers, from the excess line diligent effort requirement. It would also modify the excess line affidavit proscribed in section 2118, to provide that declinations filed by insurance brokers when placing excess line business, shall be limited to those risks named and identified by the National Association of Insurance Commissioners (NAIC) code. Council of Insurance Brokers of Greater NY, Inc. AYE

62 This bill would require driver's education and defensive driving instructors to include proper behavior when stopped by a law enforcement officer as a part of driving instruction courses. AYE

262 Authorizes variable message signs placed within the right of way of highways to display certain voting related communications; provides that no such communications shall be displayed if advised by the United States Department of Transportation or any of its agencies that the display of such information will interfere with federal law or regulation or result in the reduction of federal aid highway funds. NAY (Not purpose of highway signs. Detracts from signs purpose.)

3992 Extends the limitations on the shift between classes of taxable property in the town of Orangetown, county of Rockland for the 2021--2022 assessment rolls. AYE (This change has been implemented for previous assessment years for Orangetown.)

553 Requires that the most recent star rating of every nursing home assigned pursuant to the U.S. Centers for Medicare and Medicaid Services (CMS rating), shall be prominently displayed on the home page of the Department of Health's website as well on each nursing home facility website homepage. AYE

598B Enacts the "reimagining long-term care task force act" to create a task force to study the state of long-term care services in this state. The B version of the bill has the task force also consider culturally and linguistically relevant healthcare and provides that persons with expertise in addressing disparities including ethnicity. AYE

612A This bill Enacts The "Long-Term Care Ombudsman Program Reform Act." Directs the office of the state long-term care ombudsman to provide opportunities for volunteers to work as resident advocates within the longterm care ombudsman program (Part A); directs the commissioner of health, in consultation with the state long-term care ombudsman, to establish policies and procedures for reporting, by staff and volunteers of the long-term care ombudsman program, issues concerning the health and safety of residents at nursing homes and residential health care facilities (Part B); and includes access to state long-term care

ombudsman program staff and volunteers within the pandemic emergency plan prepared by residential health care facilities (Part C). AYE (Provides additional checks and protection for nursing home residents.)

614B COSPONSOR Establishes personal caregiving and compassionate caregiving visitors to be able to visit nursing home residents during a declared local or state health emergencies by exempting such designated persons from any prohibitions on visiting residents. Personal caregiving is meant to support a resident by providing benefit to a resident's mental, physical or social wellbeing. Compassionate caregiving is meant to provide end of life care or care due to significant mental or social decline or crisis of a nursing home resident. AYE

1783 Directs NYS DOH to establish an infection control competency audit of nursing home or residential health care facilities. Such audit must include a competency checklist incorporating specific core competences based on guidance and the NYS DOH is required to commence such audits by October 1, 2021 and annually thereafter. The audit of such facilities will result in a score of "in adherence" or "in adherence but warrants reinspection" or "not in adherence." AYE

1784A Requires adult care facilities to include quality improvement committees; includes a focus on infection control in such facilities' quality assurance plans. AYE

3058 This bill codifies NYS regulations and federal law regarding the transfer, discharge and voluntary discharge requirements for residential health care facilities, which under the Public Health Law (PHL) include nursing homes. AYE

3061A This bill requires the Commissioner of Health to ensure the department updates its regular reporting of Nursing Home and Adult Care Facility COVID Related Deaths Statewide to include those confirmed or presumed positive cases of those residents transferred to a

hospital and died in a hospital retroactive to March 1, 2020. Requires this update to occur within 30 days of the effective date. Requires the Commissioner to share reports in the Health Emergency Response Data System (HERDS) with entities submitting such information to support their awareness and emergency response. States the information MAY be made public by the department and used to ensure accuracy and timely reporting of the deaths. AYE (Establishes transparency in identifying the number of nursing home residents who died from COVID-19.)

3185 This bill requires the NYS DOH to provide residents of residential health care facilities and their families with a separate document, included in the intake application that includes information on how potential residents and family members can look up complaints, citations, inspections, enforcement actions and penalties taken against the facility. The document must include the web address for the New York State nursing home profiles website that is maintained by DOH and the nursing home compare website maintained by the U.S. Department of Human Services if applicable. AYE

4336A This bill would require the Commissioner of Health to establish direct care ratio reporting and rebate requirement by July 1, 2021. This would require nursing homes to report total revenues to the Commissioner, the portion of revenues expended on direct patient care, staff wages taxes and administrative costs, which would include staffing contracts, investments in improvements to the facility and equipment, real estate costs, capital expenses, profits, and any other factors the commissioner shall require. NAY (Having to budget for an ever-changing amount of revenue and adhere to the ratio will be extraordinarily burdensome on nursing homes. No governance of quality care. Government intrusion on business. Direct care ratio split of 40/70 is arbitrary. Insurance already has an established medical loss ratio.)

4893 This bill would require the Public Health and Health Planning Council (PHHPC) when it receives an application for incorporation or establishment of any nursing home to provide the public, the state office of the long-term care ombudsman and the regional office having geographical jurisdiction where the proposed nursing home will be established with notice and a copy of the application within 30 days. AYE (While this bill likely creates more red tape, providing notice and increased transparency in the establishment of nursing home facilities is necessary.)

192 This bill amends sections 198-a and 198-b of the general business law regarding warranties and the sale or lease of new and used motor vehicles. The amendment changes the word "consumer" to "purchaser" throughout the law. Additionally, the bill amends the definition of "purchaser" to include vehicles used primarily for commercial or business purposes. NAY (Can open up car manufacturers to expensive and time consuming lawsuits. Increase consumer costs.)

931A Defines medical needs for essential electricity for the purpose of planning for emergency restoration of services. Medical needs for essential electricity includes but is not limited to: apnea monitors for infants, cuirass respirators, hemodialysis machines, IV feeding machines, IV medical infusion machines, oxygen concentrators, positive pressure respirators, respirator/ventilators, rocking bed respirators, suction machines, tank type respirators, as well as any medical equipment or equipment necessary for an individual whose diagnosis is likely to be significantly triggered or significantly exacerbated by a continued loss of power that will adversely impact that individual's health. AYE

1453A Extends a moratorium on utility termination of services until December 31, 2021 or 180 after the COVID-19 state of emergency is lifted or expires, whichever is earlier. This bill also provides the Public Service Commission with the authority to adjudicate complaints and conduct investigations into violations of the moratorium, which was not explicit in the

original language. AYE

1556 This bill eliminates from the calculation of operating costs those dues or fees paid by a utility to a trade association if ANY of the money is used for lobbying activities. Currently, the portion of trade association dues that is not used for lobbying is allowed as a valid cost of operations and is thereby integrated into the rate structure. This bill eliminates all such dues. NAY (Allowable cost/expense of doing business.)

544 This bill requires engineering plans or specifications for engineering work or services that could pose a material risk to public safety (as determined by PSC) which are developed by or on behalf of a gas company, to bear a stamp of approval of a professional engineer and authorizes the public service commission to promulgate rules and regulations relating to such requirement. AYE

929B Provides for reimbursements to small businesses and residential consumers of most utilities for failure to provide contracted services; extends the requirement to the Long Island Power Authority (LIPA). AYE

968 Relates to how the Long Island Power Authority (LIPA) must prepare and submit emergency response plans. Requires LIPA to annually submit an emergency response plan to the public service commission for review; authorizes the public service commission to require LIPA to amend the plan and authorizes the commission to open an investigation to review the performance of LIPA in meeting the requirements of the emergency response plan. AYE

1199 Requires that at least one commissioner of the public service commission have experience in utility consumer advocacy. AYE

1544A Requires a compensation statement to be filed annually with the public service commission by any public utility corporation or service provider with a gross annual operating revenue of more than one million dollars. Any public electrical or water utility or service provider (i.e., telecoms companies) with a gross annual operating revenue of at least \$1 million annually would be required to file the names, titles, and duties of all Executive Officers with the Public Service Commission (PSC). NAY (Compensation is not defined, so it is unclear if the bill would merely reflect salary, or also stock options and other benefits like paid housing or vehicles.)

3085 Increases the amount of income property owners may earn for the purpose of eligibility for the property tax exemption for persons sixty-five years of age or over and for persons with disabilities and limited income. This bill would permanently allow the local governing body to authorize an increase in the allowable annual income of a household to \$50,000 in order to qualify for the Senior Citizen Homeowners Exemption (SCHE) and the Disabled Homeowners Exemption (DHE) from \$29,000 to \$50,000. AYE

3083 Establishes an LGBT youth and young adult suicide prevention task force; provides for the number of members, manner of appointment and the topics to be reviewed. AYE

3408 Establishes a Black youth suicide prevention task force; provides for the number of members, manner of appointment and the topics to be reviewed. AYE

3409 This bill would amend the Mental Hygiene Law (MHL) to authorize the release of certain records of deceased residents of facilities certified or operated by the Office of Mental Health (OMH). AYE

3476 Establishes a workgroup to conduct analysis on the ambulatory patient group rates and commercial insurance rates for behavioral health services. The purpose of this bill is to



ensure that mental health and substance use service providers have fiscally viable programs.

AYE

3784A Requires utility companies to reimburse individual consumers for spoilage of food and medication due to the lack of refrigeration in the event of a power outage lasting 72 hours or more. For spoiled food, the maximum reimbursement shall be \$235 for a customer providing an itemized list of losses, and \$540 for customers that can provide proof of loss. For spoiled medication, reimbursement shall be equal to the actual loss of prescription medication. In addition to individuals, utilities would be required to reimburse small businesses no more than \$10,700. Small business is not defined, and would be left up to the PSC to determine.

AYE

4960 Expands the manner in which the Public Service Commission (PSC) can fine a utility found out of compliance, and removes the maximum value of fines that can be imposed. Expands from violations of the statute or PSC orders to also include violations of regulation that can be fined in the event a public utility company or its agents or employees knowingly fails or neglects to obey with said regulation. NAY (Could be a very dangerous expansion of powers.)

646B Requires the Department of Health (DOH) to conduct a study on the incidences of asthma in cities having a population of 90,000 or more as determined by the last federal decennial census. The study shall include an analysis of high risk neighborhoods examining disparities in: income, race/ethnicity, public and private housing, proximity to major sources of air pollution and evaluation of effectiveness of existing medical facilities in each city. Requires the study to include recommendations for evidence-based interventions to address the high incidences of asthma. Requires study completion by September 30, 2023. B PRINT add towns to the bill. AYE

1466 Allows the planning commission or planning board of a city, village, county, or town to request assistance from the Office of Information Technology Services in various GIS mapping or conducting of surveys when it is part of a strategic plan involving a review or study of floor space usage. AYE

1477A Includes contacts via text, email or other electronic communication in the definition of the offense of aggravated harassment in the second degree. A PRINT adds private messages and direct messages to the provisions of this bill. AYE

1426 Requires cities with a population of one million or more to collect discarded recyclable materials at city parks, playgrounds, historic sites and other recreational facilities; requires the posting of signs on facilities without trash receptacles stating that trash must be retained until you reach a trash can; provides state assistance for such programs. AYE

2925 Authorizes the DMV Commissioner to impose higher civil penalties upon motor carriers for failure to report to the Commissioner violations, including driving while intoxicated, leaving the scene of an incident, reckless driving, or a felony involving the use of a motor vehicle by bus drivers employed by such carrier. AYE

952 This bill would add a new section 7-a to the volunteer firefighters benefit law, to provide for the payment of certain volunteer firefighter death benefits within 90 days of the filing of application to receive such death benefit by the person or persons entitled to such benefit. AYE

4341 Relates to the harvesting of Jonah crabs; provides a holder of a commercial crab permit shall not exceed the bycatch limit of Jonah crab unless they request a special permit. AYE

1162A This legislation requires the NYS DOH, in collaboration with any other state agency or entity, to update the Draft New York State's COVID-19 Vaccination Program Plan by

providing a written plan (updated on weekly basis) to be posted on the department's website by March 1st. AYE

3293 This bill extends the effective date regarding reciprocity provisions related to debarments under the DavisBacon Act from three to six years. The enabling chapter prohibits contractors or subcontractors from bidding on or being awarded a State or municipal public works contract if they have been debarred from bidding on, or being awarded federal contracts for, violating prevailing wage payment obligations under the federal Davis-Bacon Act. AYE

830B This bill establishes the right to vote for incarcerated persons who are no longer confined in a correctional facility. Requires DOCCS and local correctional facilities to notify inmates prior to release, both verbally and in writing that his or her voting rights will be restored upon release and to provide such inmate with an application for voter registration. DOCCS and local correctional facilities are also required to submit such application on behalf of the inmate if said inmate request such. NAY (Individuals that are on parole have not finished their sentence and thus should not be granted voting rights.)