



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for Week of April 19, 2021

JIM RANNEY April 21, 2021

| ISSUE: **NYS SENATE**



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

1410 This bill includes in the statewide immunization information system (hereinafter "the system") reports of asthma or other respiratory disease diagnosis for which a rescue inhaler treatment is prescribed. This requires health care providers on or after January 1, 2023 to report to the system when he or she prescribes or renews a prescription for a rescue treatment inhaler. AYE

1034B NY HERO ACT - Prevents occupational exposure to an airborne infectious disease by implementing a model infectious disease exposure prevention standard and requiring employers to implement such model or a similar plan; provides that where an action brought by an employee under the provisions of this section, or a defense, counterclaim, or crossclaim brought by an employer in response thereto, is found upon judgment to be completely without merit in law and undertaken primarily to harass or maliciously injure another, the court may in its discretion impose sanctions against the attorney or party who brought such action, defense, counterclaim or crossclaim; makes related provisions. "B" print of this bill amends subdivision 11 of the new section 218-b of the Labor Law to tie in provisions of section 215 (2) (a) and (b) related to prohibitions on employers from retaliating against employees for exercising their rights pursuant to this section. NAY (Places significant additional administrative overhead on businesses. Creates a cause of action and establishes onerous fine structure. Public employees excluded.)

134 Prohibits banks from doing any of the following after the date on which a customer is notified that such customer's account shall be closed: (1) honoring requests for deposits or withdrawals, (2) keeping open or re-opening the account, or (3) charging fees with respect to such account. AYE

1843 Requires bodily injury be covered under supplementary uninsured/underinsured motorist insurance coverage for police vehicles. AYE

989A Enacts the "Long Island water utility reform act"; relates to the assessment of property owned by water-works corporations; and establishes the Nassau county water authority.

AYE (This bill is an important issue for residents of Long Island as it pertains to the solesource aquifer, which affects not only residents of Nassau county, but all of Long Island.)

3156 This bill adds municipal housing authorities to the list of entities that fall within the purview of the public authorities reform legislation and the Authorities Budget Office. AYE

4326 Amends Insurance Law Section 3426 to permit insurers to offer a commercial lines policy with a term of less than one year upon an insured's request. This bill would provide greater insurance flexibility for businesses, especially small business, in a gig economy that would help with cost savings. AYE

1682 This bill updates the terminology in the criminal procedure law, combining the classifications "substance abuse" and "substance dependency" into "substance use." Additionally, this bill expands the number of drugrelated crimes that will now be eligible for diversion to drug treatment programs. NAY (This bill does not take into account that not every instance of conspiracy, auto stripping or identity theft is related to a drug offense.)

3070 Directs the president of the state civil service commission to conduct a study on the current civil service examination process to identify, and provide recommendations to improve current methodologies used regarding the examination process to ensure diversity in recruitment and hiring in the public sector. AYE

5267A Designates a portion of state route 13 in the county of Madison as the "Assemblyman William 'Bill' Magee Highway". AYE

2135A The bill would amend section 305-A of Agriculture and Markets Law (AML) to include agriculture custom operators within entities eligible for agriculture protections. The A print maintains the same intent of the original version of the bill and removes the definition of agricultural custom operator. AYE

69 This bill provides for small claims court jurisdiction when the claimant is or was a tenant or lessee, the defendant is the property owner, the claim relates to such tenancy or lease, and

the property is situated within the county. This legislation would allow tenants to file in small claims court in the area where the rental unit is located. AYE (Options make it fair for tenants and landlords.)

412 This bill requires the Office of Addiction Services and Supports (OASAS) to identify or develop educational materials to be provided to individuals who place themselves on a self-exclusion list. It also requires that a standardized form be created that would require an individual to acknowledge that they are aware of the dangers of problem gambling, as well as where to receive treatment for problem gambling prior to being removed from the self-exclusion list. NOTE - The "selfexclusion list" is formed of individuals who are aware that they suffer from a gambling problem and voluntarily request that they be prohibited from entering gambling establishments in NY State. AYE

3467A This bill would prohibit fees on gift cards and gift certificates. In addition, it would limit gift card and gift card expiration dates to no earlier than nine years after issuance, and allow gift cards and gift certificates to be redeemed for cash when the remaining value is less than five dollars. A PRINT - raises the ceiling on the allowable one-time activation fee for open loop gift certificates from \$4 to \$9. AYE

4431 Permits the Liverpool central school district to establish an insurance reserve fund. AYE

4481 Grants the Carmel central school district the authority to establish insurance reserve funds. AYE

2008A Requires health insurers to include in notification requirements to a policyholder whether the claim or bill has been denied or partially approved, and which claim or medical payment it is not obligated to pay. The bill has minimum font, size and location

requirements for the notice. NAY (Unnecessary and would be costly to implement.)

4897 This bill authorizes employees classified as the Triborough Bridge and Tunnel Authority Superior Officer Benevolent Association (SOBA) of an MTA-public employer to be covered by binding arbitration provisions within 90 days of enactment. AYE

3666 The bill amends Real Property Law to prohibit a landlord from charging a tenant a fee greater than 110% of the actual cost of reproducing another set of keys. This cap on fees would not apply after three copies have been made in a single calendar year. NAY

3925 Requires the Department of Motor Vehicles ("DMV") to provide space on driver's license applications so that applicants could request a notation on their license that they are a veteran of the U.S. Armed Forces. AYE

1307 CHAPTER AMENDMENT - Removes mandatory language related to premium rate reductions by insurers. An insurer may, upon submission of a completion certificate by an insured, provide an actuarially-appropriate reduction of the premium for such insured's yacht or boating liability insurance. AYE

166B This bill would require licensed money transmitters to clearly and prominently warn their customers that are requesting the transmissions prior to completing such transmission of funds, regarding the dangers of consumer fraud. NAY (Unnecessary and a burdensome statutory requirement.)

813 This bill would increase the maximum age of receiving shelter services to twenty-four in certain situations. Current transitional independent living support programs service youth between the ages of 16 to 21. This bill would allow a youth to remain eligible for an additional three years until 24. NAY (Transitional independent living programs currently house youth 16 years of age and older. Housing a 24 year old with younger youth is problematic.)

3966 Requires single-purpose day camps to ascertain whether an employee or volunteer is listed on the state sex offender registry pursuant to article six-C of the correction law; defines "single-purpose day camp". AYE

1829 Directs NYSERDA to study and make recommendations regarding siting renewable energy resources at decommissioned or dormant electric generating sites. AYE

199A This bill requires the department of transportation to annually prepare and submit to the legislature certain highway pavement and bridge condition reports. AYE

5321 The bill would amend P 1308 of Real Property Actions and Proceedings Law (RPAPL) to increase the maximum civil penalty from \$500 to \$1,000 per day per property for each day the mortgagee or agent of the mortgagee has been in violation. AYE

261 Includes earning at least eighteen credits from a program registered by the state education department from a degree-granting higher education institution as a condition on which the merit board may grant merit time. NAY (Still potential for early release of violent individuals.)

5487 This bill updates the law regarding physician profile information collected and made public by the Department of Health (DOH). The bill requires DOH, and not the physician, to update physician's health plan affiliation information utilizing provide network participation information. Requires physicians to update their profile information prior to the submission of the reregistration application. AYE

61 Amends the statute related to criminal impersonation in the 2nd degree to add impersonating another by using another's electronic signature; makes it a class A misdemeanor. AYE