



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for Week of May 10, 2021

JIM RANNEY May 14, 2021

| ISSUE: **NYS SENATE**



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

1451A Requires a health equity assessment to be filed with an application for construction, or substantial reduction of, a hospital or health related service. A health equity impact assessment is an assessment of whether, and if so how, a project will improve access to hospital services and health care, health equity and reduction of health disparities with reference to members of medically underserved groups in the applicant's service area. NAY (Duplicative and unnecessarily costly.)

4027 Authorizes the town of East Hampton, county of Suffolk, to reduce the maximum speed limit along certain designated streets in such town to not less than twenty miles per hour.

AYE

3909A Establishes the "New York task force on automated vehicle technology" to study and assess the future of automated vehicle technology. This 17-member automated vehicle technology task force will study and provide recommendations that will support the safetesting, deployment and operation of automated vehicle technology on public highways. The task force shall report its findings and recommendations to the governor, the temporary president of the senate, and the speaker of the assembly by 2023. AYE

23A This bill would require that parking facilities with 50 or more spots constructed with State funding be capable of supporting electric vehicle charging stations. AYE

4742 Directs the commissioner of housing and community renewal to promulgate rules and regulations regarding the use of electronic records and signatures for residential leases and lease renewals of units for which the owner is required to file annual registration statements. REBNY (verbal). AYE

2095 Provides for a tax check-off box on personal income tax and corporate franchise tax returns for gifts to the New York state horse retirement and rescue fund; and directs the commissioner of agriculture and markets to compile a list of approved horse retirement and rescue programs. AYE

5576C This bill would provide a tenure process for probationary teachers and principals in regard to annual professional performance reviews (APPRs) for the 2020-21 school year.

NOTE - Teachers hired on or after July 1, 2015, start with a 4-year probationary period.

Teachers hired before that date, had a 3-year probationary period. The teacher and school

district can voluntarily agree to extend the probationary period. AYE

4809 Allows a person who receives a traffic summons to plead guilty and pay the associated fines or penalties over the Internet. AYE

5506A This bill permits all beds in hospice residences to be dually certified as both hospice and in-patient beds. AYE (This bill would make that Executive Order language permanent.)

1847 Designates the fourth Thursday in March as "Tuskegee Airmen Commemoration Day". AYE

5760 This bill creates a new kind of business disabilityrelated coverage to protect businesses, and individuals associated with such businesses, from catastrophic loss where the limits of a primary disability insurance policy in force may be inadequate to properly cover losses relative to a business' financial circumstances, or where no primary business-related disability insurance coverage can be obtained in the authorized insurer market by such business. AYE

5715 Requires assessors using the comparable sales, income capitalization or cost method for assessments to consider certain comparable properties in formulating the assessment of non-residential properties. AYE (By providing guidelines for assessing value, this bill would help to ensure that assessors are being consistent in developing values of mixed-use and non-residential properties.)

4255 Provides an exemption to the prohibition on tinted windows in automobiles for emergency ambulance service vehicles. AYE

532 This bill give the Secretary of State the authority to promulgate rules and regulations regarding code enforcement. It creates a timeline for completion of the mandatory training

for code enforcement personnel and increases the continuing education required to maintain certification. NAY (This bill amounts to an unfunded mandate.)

5720 COSPONSOR Establishes March 13 as a day of commemoration to be known as "K9 Veterans Day". AYE

6170 Requires the office of the inspector general to establish a searchable public database providing information regarding eviction proceedings in the state. NAY (Unfunded mandate.)

5753 Provides that fifty percent of the total funds appropriated to a library system may be used to support the total costs for projects receiving state aid in excess of seventy-five percent of the total approved costs. AYE

72 Amends the administrative code of the city of New York so that the department of housing preservation and the department of buildings shall each maintain data on their websites of open code violations in public housing developments owned by the New York City Housing Authority. AYE

4485 Includes landlord training classes in the definition of neighborhood preservation activities. NOTE - Under current law Neighborhood Preservation Activities include: Constructing, maintaining, preserving, repairing, or rehabilitating residences. NAY (There are no guidelines or definitions of what needs to be taught in these classes, how long they have to last, or if a landlord would have to attend more than one of these classes.)

641 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

1557A Requires the release of individuals from utility, phone and television contracts in instances of domestic violence; requires such victims to provide certain proof of victim status. AYE

2586 Directs the social services district to take no action to establish paternity or a child support order when the applicant or recipient for aid to dependent children has established good cause to refuse to cooperate. AYE (No concerns from the NYPWA who represent the social service districts.)

1216 Requires state contractors to submit a statement on preventing human trafficking in bids to the state and maintain a written policy for preventing human trafficking within its operations, business dealings, and supply chain and provide to the state a copy of such policy when submitting such statement. AYE

672 The bill authorizes actual, compensatory, punitive damages, and injunctive relief and any combination of those or any other appropriate relief for individuals who have been victims of human trafficking. Such action shall be commenced within fifteen years of the date that such victim was freed from the situation or after the victim attains the age of majority. AYE

3374 Promotes the education of the human trafficking information and referral hotlines to assist persons in freeing themselves from severe acts or forms of sex trafficking. Requires the NYS Liquor Authority to prepare, print and distribute across the state to all adult entertainment establishments, including any person, corporation, or other business establishment with a license to sell alcoholic beverages for consumption on the premises, a sign or poster on Human Trafficking. AYE

244A Relates to human trafficking awareness and training; requires employees of lodging facilities to have training in the recognition of a human trafficking victim; requires the division of criminal justice services, the office of temporary and disability assistance and the New York state interagency task force on human trafficking to approve a human trafficking recognition training program. AYE

748 Establishes the "New York State Transparency in Supply Chains Act" which requires businesses to fully disclose efforts being taken to eliminate human trafficking within the supply chain process and provide those disclosures to consumers. Requires every retail seller and manufacturer doing business in NYS with annual worldwide gross receipts that exceed one hundred million dollars to disclose its efforts to eradicate human trafficking from its direct supply chain for tangible goods offered for sale. AYE

3826 Authorizes the state university trustees to offer separate tuition rates to certain non-resident undergraduate students attending the state university college of arts and sciences at Potsdam. AYE

3086 This bill amends the Domestic Relations Law to prohibit marriages of minors 17 years of age. AYE

3010 This bill would require the Department of Health to offer a risk management course in obstetrics and midwifery, and would allow the Department of Financial Services (DFS) to approve an actuarially appropriate premium reduction to the physician/midwives medical malpractice insurance. AYE

536 Replaces all instances of the word or variations of the word salesman with the word salesperson or variation thereof; amends the language of the real property law to be gender neutral. AYE

5137 Prohibits the formation of a subsidiary of a public authority without prior approval of the legislature. AYE

5381 Permits the Maine-Endwell central school district to establish an insurance reserve fund. AYE

1735 This bill amends General Business Law section 89- cc(1) by removing specific instructions on how New York City's process servers must keep their records. It also requires these process servers to preserve their records by submitting them to a third party contractor, and provides instructions on how the records are to be reported and kept secure. AYE

1399 Enacts the child abuse reporting expansion act; relates to making clergy members required reporters of child abuse or mistreatment. AYE

6244A Waives pandemic unemployment assistance repayments if the payment of such pandemic unemployment assistance was without fault on the part of the claimant and such repayment would be contrary to equity and good conscience. Requires the commissioner of labor to develop and implement a process by which claimants may request and obtain a waiver of recovery of pandemic unemployment assistance overpayment. AYE (Establishing a payment plan over a period of time is warranted.)

5434 The bill will supply patients and their authorized representative with materials providing information related to seeking an extreme risk protection order prior to a patient's discharge or conditional release from a mental health facility. NAY (Not appropriate role of mental health professionals.)

5723 Amends the racing, pari-mutuel wagering, and breeding law, extending by an extra year the New York Thoroughbred Horsemen's Association's authority to receive an additional

1.0% of purse funds for the support of additional medical and mental health services for backstretch employees. AYE

404 This bill would allow prosecutors to access records related to prior prosecutions of criminal defendants that would be otherwise sealed where access to such records would be necessary to proceed with a new prosecution of such defendants. This is particularly useful in the context of domestic violence prosecutions where defendants violate orders of protection. AYE

3020A Enacts the "New York State Phoenix Act"; extends the statute of limitations for felony family offenses to ten years and misdemeanor family offenses to five years. AYE

6363 Requires the court to order the search for and immediate seizure of firearms, rifles, or shotguns when a defendant willfully refuses to surrender such firearms, rifles or shotguns. Under current law, it is at the discretion of the court whether to seize the guns when a defendant willfully refuses to surrender them. NAY (Should be handled by the judge on a case by case basis as is done currently.)

1555 Allows a victim of domestic violence to request that their voter registration record be kept confidential if they sign a written statement swearing and affirming: 1. such person is a victim of domestic violence; and 2. that because of the threat of physical or emotional harm to themselves or a family member, such person wishes for their registration to be kept confidential. AYE

3855 Allows victims of sexual violence to have their voter registration records sealed. AYE

6015 This bill would require the appointment and promotion of Supervising Fire Alarm Dispatcher Level II be based on merit and fitness as determined by competitive examination, due weight being given to seniority. AYE

1267 Exempts the metropolitan transportation authority from the requirement to reimburse the state for state services provided to such authority. NAY (This bill provides an additional subsidy to NYS at the expense of rest of state.)

328A This bill would amend the penal law to create a new section prohibiting the illegal installation of gas meters. A gas meter is unlawfully installed when it is installed by a person other than a person acting on behalf of a utility corporation subject to the jurisdiction of the PSC, unless such person has received a permit. AYE

3291A This bill would amend the Workers' Compensation Law section 202 related to a covered employer for the purposes of Workers' Compensation. The A print changed the effective date from immediately to the first January following the date it becomes law. NAY (Will increase costs on domestic employers who are currently exempt from participating in the Workers' Compensation Program.)

3623 Provides that spouses who voluntarily separate from employment to accompany a spouse who is the subject of a military transfer shall be eligible for unemployment benefits. AYE

1958 This bill would prohibit employers, labor organizations, or employment agencies from assessing points, occurrences, or otherwise disciplining employees for lawful absences from work. AYE

5063 This bill would amend the Human Rights Law to prohibit employers from discriminating against individuals based on such individual's status as a caregiver. AYE

5064 Amends the Human Rights law by adding to the definition of "employee" domestic worker. Currently, domestic workers are protected from unwelcome sexual advances, and from a hostile work environment. However, they are excluded from protections on the

grounds of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, and status as a victim of domestic violence. AYE

5065 This bill is two-fold in that it establishes (1) a rebuttable presumption of entitlement for parents and legal guardians to work remotely when day care centers and schools are closed due to a state of emergency or local disaster emergency and (2) right of parents and legal guardians to request flexible working arrangements when day care centers or schools are closed due to a state or local disaster emergency. Both would apply to all employers in New York State. NAY (Government interference in an employer's operations, specifically when a presumption of entitlement to work remotely is established in law regardless of an emergency declaration, is unwarranted and unnecessary.)

5299 This bill would require insurance companies or PBMs to apply any price reduction instrument for out-of-pocket expenses when calculating an insured individuals cost sharing requirements. AYE

4962 Provides schools with improved access to the statewide immunization database. Schools must apply for access to the database and would only be able to download sets of immunization records of children under their administrative responsibility. AYE

5973 COSPONSOR This bill allows donate life registration on electronic applications administered by the office of temporary disability assistance, the higher education services corporation, and on mandatory electronic tax filings. AYE

6091 GALLIVAN Designates a portion of the state highway system in the town of West Seneca, county of Erie, as the "Trooper Joseph Gallagher Memorial Bridge". AYE

1056 Creates a task force on improving urban and rural access to locally produced, healthy foods; provides that such task force should identify strategies, opportunities and methods to expand such access; provides that such task force report to the governor and the legislature within one year after the section takes effect. AYE

3606 The bill amends P381 of Executive Law and provides a new section within Article 18 of Executive Law to increase the code enforcement powers of the Secretary of State by: - Creating a standard for the number of code enforcement required per municipality -Ability to place an oversight official within a local government -Creating the Office of the State Code Enforcement Ombudsperson to resolve complaints related to code enforcement. NAY (Increased costs to the State and Local governments.)

5759 This bill would exempt income and resources for a period of no more than sixty months for an individual enrolled in a poverty research program or research project, when determining eligibility for public assistance benefits. Such income and resources include, but are not limited to financial assistance, wages, cash transfers, gifts or other payment provided to such individual. NAY (Cost or fiscal impact analysis for implementation unknown.)

5734 Authorize and directs the Commissioner of Labor to conduct a multi-agency study of the issues impacting the continuum of caregiving in the state, which must include an assessment of the adequacy of the current caregiver workforce. AYE

700 This bill repeals P470 of the judiciary law which allows an attorney (admitted to practice in New York) who is a resident of another state to practice in New York, provided such attorney maintains a law office in New York. AYE

25A Requires the Empire State Development Corporation, in consultation with SUNY, CUNY, and the Commission on Independent Colleges and Universities to conduct a study on the

economic impact of the establishment of kitchen incubators; requires a report to the governor and the legislature. AYE

5695 Provides for a license to sell liquor at retail for consumption for the Jeffersonville Baking Company. AYE

4549B The bill would amend Racing, Pari-Mutuel Wagering and Breeding Law to provide health insurance to thoroughbred horse trainers at NYRA race tracks utilizing existing purse enhancement payments provided by VLTs at Resort's World Aqueduct. AYE

1133 This bill would allow a candidate to use an alternate, anglicized (definition: make English in form or character) or familiar form of a name or a nickname on their petitions and on the ballot. AYE

6215 Authorizes a change of location of early voting polling places for certain special, primary and run-off primary elections when no voters of the municipality with the highest population within the county are eligible to vote. AYE

3410 Requires every mandated reporter to make a report to the register unless the register has knowledge of the incident. This legislation is meant to provide clarity and uniformity to all appropriate state agencies on reporting requirements that have already been adopted by the Office of Mental Health and by the Office of Alcoholism and Substance Abuse Services as it relates to the Justice Center. NAY (Should not be any exceptions.)

6293 This legislation will change who will appoint the members of the developmental disabilities advisory council to include legislative appointments. NOTE - The Advisory Council originally had 33 members all appointed by the Governor, but this bill would lower the Governor's appointments to 17 while giving the Legislature 16. NAY (No minority conference appointments.)

5418C Establishes the New York state aid and incentives for municipalities (AIM) redesign task force for municipalities formula and allocations; an analysis of available alternatives to the current aid and incentives for municipalities formula and allocations, including models from other states; provides that such analysis of available alternatives shall not include the allocation of funds to any municipality which is not currently receiving aid and incentives for municipalities funding; and recommendations concerning such alternatives to the formula used to determine future aid and incentives to municipalities funding allocations.  
AYE

5785 The bill amends §1302 of the Real Property Actions and Proceedings Law (RPAPL) to require that all mortgagees at the commencement of proceeding, plead ownership of the property and complied with the provisions of sections 595-a, 6-l, and 6-m of Banking Law and section 1304 of RPAPL. NAY (Too burdensome for banks without significant benefit for consumer.)