



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Votes for Week of January 18, 2022

Jim Ranney

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ISSUE:

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

S7710 CHAPTER AMENDMENT - amendment to S.701-A, which was co-sponsored by Senator Jordan and passed the Senate and Assembly unanimously in 2021. S.701-A established the women veterans advisory committee. Makes technical amendments. AYE

S7714 CHAPTER AMENDMENT - Establishes that a gift certificate does not include a fare payment card or electronic payment device used to pay for travel on a public transportation authority system. This legislation makes a technical correction to the underlying chapter by clarifying that the new gift card parameters do not apply to public transportation system fare cards. AYE

S7715 CHAPTER AMENDMENT - Relates to including information relating to the individual or business enterprise that has been awarded an identical or substantially similar procurement contract in certain notices of procurement contract opportunities; provides that for multiple award contracts, a link may be provided to a publicly accessible website that includes such information. This chapter amendment makes small technical changes to the original bill. AYE

S7716 CHAPTER AMENDMENT - Relates to the firearm violence research institute; makes technical changes to the institutes procedures, goals and activities. The chapter amendment makes clarifications to the original chapter by signifying the Institute will be created within the State University of New York (SUNY). NAY (There is no appropriation made in the bill to fund the Institute's efforts. DCJS and law enforcement already do this.)

S7718 CHAPTER AMENDMENT - Add two members who should be appointed by the commissioner of labor to the New York state rural ambulance services task force. AYE

S7719 CHAPTER AMENDMENT - Changes the number of members in the private student loan finance task force from 11 to 13; designates the superintendent of financial services as the chairperson. AYE

S7722 CHAPTER AMENDMENT - Directs the New York state department of public service to study the feasibility and the costs of relocating underground all or most of

the existing, above-ground electrical distribution lines, telephone lines and internet transmission lines. The chapter amendment has NYSEERDA be included in the study and has the PSC and NYSEERDA look at more factors than the original bill, such as job sector impacts. AYE

S7727 CHAPTER AMENDMENT - Relates to reporting requirements regarding the obligation to affirmatively further fair housing. This clarifies time frames state and local agencies administering housing programs have to affirmatively further fair housing in New York. AYE

S7728 GAUGHRAN CHAPTER AMENDMENT - Relates to the attorney general entering into contracts with fair housing entities and providing certain reports. Makes various technical amendments. NAY (This bill increases potential fines for all violations, not only violations related to housing discrimination.)

S7733 CHAPTER AMENDMENT - Relates to the awarding of attorney's fees under the human rights law; removes language relating to claims of credit discrimination where sex is a basis of such discrimination and claims of employment discrimination. This chapter amendment removes language that allowed for attorney's fees to be award in claims of discrimination where sex is the basis of discriminator, as well as claims of employment discrimination. NAY (Too expansive. Costly to business.)

S7713 CHAPTER AMENDMENT - Establishes a task force on veteran employment opportunities; provides for the membership of such task force including increasing membership from eleven to thirteen members. AYE

S7717 CHAPTER AMENDMENT - Requires every general hospital and nursing home to comply with Medicare and Medicaid conditions of participation for antimicrobial stewardship programs in health care facilities, including training requirements regarding antimicrobial resistance and infection prevention and control. The amendment removes requirements that hospitals and nursing homes establish and implement an antimicrobial\ stewardship program. AYE

S7720 CHAPTER AMENDMENT - Relates to including the promotion and expansion of cricket in the state of New York and to the authorization of the department of economic development to give a preference to any tourist promotion agency that is promoting the sport of cricket. Makes technical amendments. AYE

S7721 CHAPTER AMENDMENT - amendment to S.3926, which related to allowing commercial fleet lessors the option to pay sales tax up front on its purchases of vehicles for lease, which according to the sponsor would simplify tax compliance. This chapter amendment changes the structure in which the terminal rental adjustment is determined. AYE

S7723 CHAPTER AMENDMENT - Limits the exceptions to certain effluent limitations in Nassau and Suffolk counties; requires certain eligible projects for state aid involving water pollution control revolving fund agreements to take county-wide or regional wastewater planning into consideration when determining eligibility; requires best available technology to be used to reduce nitrogen pollution. The primary change within the Chapter Amendment is that when 'Best Available Technology' is required to be used to reduce nitrogen pollution as added by the underlying legislation, it should only be done when economically feasible and cost effective. AYE

S7724 CHAPTER AMENDMENT - Relates to authorizing reverse cooperative apartment unit loans for persons sixty-two years of age or older; provides additional consumer protections. Makes technical amendments. AYE

S7725 CHAPTER AMENDMENT - Relates to disclosing personally identifiable information; provides that no personally identifiable information, including information identifying specific employers, shall be disclosed by the department of labor when the department makes information available on its website relating to work opportunity tax credit certifications. AYE

S7726 CHAPTER AMENDMENT - Directs the commissioner of health to establish and implement an infection inspection control audit and checklist on nursing homes; provides civil penalties for nursing homes who violate infection control standards. This amendment amends the commencement date of the audits from October 1, 2021 to December 1, 2022. Additionally, the amendment requires DOH utilize the checklist consistent with the infection control survey standards issued by the federal Centers for Medicaid and Medicaid services (reducing redundancy in the original chapter). AYE

S7731 CHAPTER AMENDMENT - Directs the fee paid for issuing or reissuing a real estate broker or salesmen license to the anti-discrimination in housing fund. NAY (Adds to the cost of doing business.)

S7735 CHAPTER AMENDMENT - Delineates instances where no landlord-tenant relationships exist in cooperative apartments. This bill makes minor technical corrections to that bill. AYE

S7736 CHAPTER AMENDMENT - Amends the "Scott J. Beigel unfinished receiver act" relating to the sale or possession of un-serialized frames or receivers. This bill makes some technical and clarifying changes to the original legislation. It also amends the criminal statutes created to specify that the possession by anyone other than licensed gunsmiths or gun dealers and the sale of "un-serialized frames or receivers" is prohibited. NAY (This chapter amendment would expand the prohibition to include frames or receivers that have been finished, but not serialized.)

S7737 CHAPTER AMENDMENT - Relates to the ban of the use of certain flame retardant chemicals in furniture and mattresses and in electronic casings. The bill makes the following changes to the underlying legislation: -Clarifies the definition of Custom Upholsterer' to make it clear that it does not include any maker of new, ready to be-sold furniture -Clarifies the definition of Organohalogen Flame Retardant Chemical' to make it clear that the function of the chemical is to resist or inhibit the spread of fire -Delays the ban on the sale of new furniture/mattresses with prohibited chemical retardants from January 1, 2024 to December 1, 2024; for custom upholstered from January 1, 2025 to December 1, 2025; and electronics containing Organohalogen retardants from January 1, 2024 to December 1, 2024. - Creates a Certification of Compliance' to shield retailers from liability if the manufactures presented them with written assurance that the products were compliant. AYE

S7738 CHAPTER AMENDMENT - Provides that the coroner, coroner's physician or medical examiner shall report to the division of veterans' services, in a form and time frame developed by the department of health, any death which appears to be a suicide by a person who, to the knowledge of the coroner, coroner's physician or medical examiner, is a veteran; defines veteran. AYE

S7775 CHAPTER AMENDMENT - Directs the commissioner of agriculture and markets in conjunction with the state soil and water conservation committee to promulgate rules and regulations to further the climate resilient farming initiative. NOTE - amends the underlying chapter by empowering the Commissioner of the Department of Agriculture and Markets and the Soil and Water Conservation Committee to develop necessary rules and regulations to implement the bill.

Further, this legislation would shift the effective date from July 1, 2021 to 180 days after becoming law. AYE

S7800 CHAPTER AMENDMENT - Relates to the child poverty reduction advisory council; changes reporting requirements by such council. NOTE - This legislation amends the underlying chapter by changing reporting requirements for the council. AYE

S7806 CHAPTER AMENDMENT - The original chapter mandates that local boards of elections commence the reviewing of absentee, military or special ballots within four days of receipt if received before the election and within one day of receipt on and after election day. NOTE - The chapter amendment changes the effective date from January 1, 2022 to April 1, 2022. NAY (Unfunded mandate. Unrealistic expectations.)

S7819 CHAPTER AMENDMENT - Relates to special elections to fill vacancies in the state senate and assembly and certain deadlines with regard to such special elections. NOTE - The chapter amendment provides some local control to elections by allowing them to pass a local law, resolution or ordinance with regard to a local special election. AYE

S7823 CHAPTER AMENDMENT - Creates an advisory group which shall produce a report on improving urban and rural consumer access to locally produced, healthy foods; provides such group shall include representatives from agriculture, food access organizations, food retailers and economic development agencies; makes changes to the effectiveness. NOTE - The Chapter Amendment changes the underlying legislation by instead of having an 11-person Task Force with individuals selected by the Executive and Majority and Minority Conference Leaders, it is now an Advisory Group with individuals selected by the Commissioner of Ag and Markets. The Group would have individuals from agriculture, food access organizations, food retailers and economic develop agencies. AYE

S7836 CHAPTER AMENDMENT - Establishes a commercial tariff on electric vehicles; requires the public service commission to commence a proceeding to establish a commercial tariff utilizing alternatives to traditional demand-based rate structures, other operating cost relief mechanisms, or a combination thereof (collectively, solutions) to facilitate faster charging for eligible light duty, heavy duty, and fleet electric vehicles; makes technical corrections to the effective date. AYE

S7837 CHAPTER AMENDMENT - This is a chapter amendment to chapter 166 of the laws of 2021 (S.3762) which provides for the licensure and registration of pharmacy benefit managers (PBMs) under the Department of Financial Services (DFS). The chapter amendment improves the original chapter slightly in the following ways: removes the private right of action; removes references to "pharmacies" which in effect removes this fiduciary obligation on a PBMs yet maintains them for both plans and covered individuals of those plans (the original chapter imposed fiduciary duties on PBMs to three competing stakeholders making upholding the duties impracticable); the definition of "health plan" is expanded to try and encompass ERISA/self-insured plans which are not regulated by the state but by the federal government; removes prohibition on PBMs requiring specialty accreditation for pharmacies handling in specialty medications; removes the registration date to June 1, 2022 (was 2021) and all registrations expire on December 31, 2023; and increases the registration fee from \$1000 to \$4000. NAY

S7729 CHAPTER AMENDMENT - Requires real estate brokers to institute standardized operating procedures for the prerequisites prospective homebuyers shall meet prior to receiving any services. Makes technical amendments. AYE

S7780 CHAPTER AMENDMENT - Provides for electronic notarization; provides that a notary public is authorized to perform a remote notarization by utilizing communication technology that allows the notary public to interact with a principal; provides that a notary public qualified under this article is hereby authorized to perform an electronic notarial act by utilizing audio/video communication technology that allows the notary public to interact with a principal. NOTE - amends the underlying chapter by setting up a temporary remote-ink notarization system which would allow individuals to meet with notaries electronically and sign documents remotely, similarly to what was done during the COVID19 state emergency. The remote-ink notarization program would take effect immediately upon passage of the underlying chapter and would then expire when the permanent and fully-electronic notarization program is scheduled to be online, which is January 31, 2023. The underlying chapter is also amended by the addition of several technical and conforming changes. AYE

S7784 CHAPTER AMENDMENT - Relates to certain temporary retail permits issued by the state liquor authority to licensees located in a municipality having a population of one million or more persons; provides that applicants in such a municipality applying for a temporary retail permit must file additional notice; provides conditions

for operation under a temporary retail permit in a city with a population of one million or more. AYE

S7799 CHAPTER AMENDMENT - Relates to the effectiveness of provisions relating to providing an online absentee ballot tracking system. NOTE - The chapter amendment extends the effective date of the provisions from January 1, 2022 to April 1, 2022. NAY (Unfunded mandate. Privacy concerns.)

S7826 CHAPTER AMENDMENT - Permits the use of contiguous and non-contiguous municipal public space by certain licensees under the alcoholic beverage control law. NOTE - This chapter amendment makes a number of technical changes to the underlying legislation, in part to allow for a greater level of local control. AYE

S7838 CHAPTER AMENDMENT - Relates to the peer-to-peer car sharing program act, which provides guidelines for establishing peer-to-peer car sharing programs and outlines how they shall be insured, which cars shall be used, how drivers shall work under such programs, and how liability should be determined under such programs in the case of an accident or damaged property. NOTE - The amendments to the tax structure of this bill conform the structure to that of the state sales tax rather than create an entirely new tax structure. NAY (Because there is a new tax)

S7845 CHAPTER AMENDMENT - Extends provisions relating to electronic absentee ballot applications until April 1, 2022; bumps the effectiveness to April 1, 2022. NAY

S7846 CHAPTER AMENDMENT - This bill is a chapter amendment that modifies the focus of the child care availability taskforce to include examining the impact of the COVID-19 pandemic on child care in New York State; advise the state in developing an implementation framework leading to a phased-in rollout of universal child care using existing state and federal resources and recommend potential solutions, partnerships or other way to address chronic child care workforce issues and other identified concerns. AYE (Notwithstanding the phased-in rollout of universal childcare using existing state and federal resources.)

S7848 CHAPTER AMENDMENT - Requires that on and after June 30, 2022, the developmental disabilities council consist of thirty-five members, including the commissioner, the chairman of the conference of local mental hygiene directors or his or her designee, four members to be appointed by the temporary president of the senate, four members to be appointed by the speaker of the assembly, one member to be appointed by the minority leader of the senate, one member to be

appointed by the minority leader of the assembly and twenty-three members to be appointed by the governor. NAY (Gives the Governor back the majority of appointments to the board, which really defeats the purpose of the original chapter.)

S7870 RIVERA Provides that moneys expended from the opioid settlement fund shall be used consistent with the terms of any statewide opioid settlement agreements; provides such fund shall consist of money received by the state pursuant to any statewide opioid settlement agreements; relates to the membership of the opioid settlement board. AYE