



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Senate Votes for Week of January 24, 2022

JIM RANNEY January 27, 2022

| ISSUE: **NYS SENATE**



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

S7697 CHAPTER AMENDMENT - This bill is a Chapter Amendment that replaces the term feminine products with the term menstrual products and clarifies that the provisions are only applicable to temporary shelters reimbursed by the State or State administered grants.
AYE

S7701 CHAPTER AMENDMENT - Relates to electronic lease regulations; provides such regulations shall include procedures regarding notification to tenants regarding affirmative consent. AYE

S7712 CHAPTER AMENDMENT - Requires law enforcement agencies or district attorney's offices to inform human trafficking victims of where certain brochures or written materials regarding social or legal services available to such victim are available online. Clarifies that the law enforcement agency may inform such individuals where the information can be obtained online and shall offer to contact and connect such provider or providers with the apparent victim. AYE

S7730 CHAPTER AMENDMENT - Increases the required training for real estate brokers and real estate salespeople relating to fair housing laws and housing discrimination; provides the secretary of state shall require approved faculty to sign and affirm under penalty of perjury a document approved by and submitted electronically attesting to compliance with requirements pertaining to the instruction of established curriculum. Makes technical amendments. AYE

S7732 CHAPTER AMENDMENT - Relates to the study on the quality of life and human health impacts at John F. Kennedy international airport and LaGuardia airport. Switches the lead agency from DEC to DOH -Adds to the extent practicable under state and federal law to guide the study -Adds asthma to the items that the study will look at -Removes environmental impacts from the study -Removes air pollution and certain volatile organic compounds and nitrogen dioxide that the study should pay particular attention to. AYE

S7761 CHAPTER AMENDMENT - Makes care and services provided by licensed mental health counselors and marriage and family therapists eligible for coverage under the Medicaid program. Amends the underlying chapter by changing mental health practitioners

to mental health counselors and adds marriage and family therapists to the list of providers covered under the bill. Additionally, it removes creative art therapists and psychoanalysts.

AYE

S7767 CHAPTER AMENDMENT - Prohibits health care plans that provide essential benefits under the Affordable Care Act from removing a prescription drug from a formulary or adding new or additional formulary restrictions from a formulary during a plan year; requires notice to policy holders of intent to remove a drug from a formulary; relates to the effectiveness of certain provisions of law relating thereto. NOTE - This chapter amendment makes technical changes to the underlying chapter. Also, it changes language to prohibit formulary changes from the "date a plan year begins" instead of barring modifications from the "open enrollment date." In addition, it expands the timeframe for the notice of intent to make changes from the original 30 days before open enrollment to 90 days before the start of the plan year. Finally, it changes the underlying chapter amendment's effective date to January 1, 2023. NAY

S7772 CHAPTER AMENDMENT - This is a chapter amendment to the Housing Our Neighbors with Dignity act that makes changes to the provisions of L.2021, c.396, to clarify the purpose of the legislation, expand the definition of "appropriate nonprofit organization", and specify the size of mandated refrigerators in each unit. NAY (This bill would remove properties from commercial tax rolls without replacing that lost revenue.)

S7787 CHAPTER AMENDMENT - Requires the office of information technology services to advise all state agencies in the implementation of language translation technology. NOTE - Extends the deadlines for the Office of Information to advise and assist State agencies in the implementation of language translation technology on state agency websites containing information about COVID-19 or programs, benefits or services related to COVID-19 from within 30 days to within 60 days of the effective date of the original chapter and on all state

agency websites from within 90 days to within six months of the effective date of the original chapter. AYE

S7788 CHAPTER AMENDMENT - Provides that one hundred percent of in-state sales of new passenger cars and trucks shall be zero-emissions by two thousand thirty-five; provides that it shall be a further goal of the state to transition to one hundred percent zero-emissions from new off-road vehicles and equipment purchased beginning in 2035, where feasible.

NOTE - The Chapter Amendment makes the following changes: Clarifies legislative intent that the bill applies to new sales of off-road vehicles and equipment. Switches the entity leading the ZEV Market Development Strategy from DEC to NYSERDA. NAY (Overreaching and potentially costly to consumers. Burden for farmers.)

S7825 CHAPTER AMENDMENT - Extends the date for compliance with the prohibition on certain hotels from making available to its hotel guests small plastic bottles containing hospitality personal care products. NOTE - delays the implementation of the ban by one year. NAY (Deleterious financial impact on small chain and independent hotels.)

S7850 CHAPTER AMENDMENT - Directs the commissioner of the office of mental health, in consultation with the commissioner and the office of addiction services and supports to submit a report that details the resources necessary to make the National Suicide Prevention Lifeline, otherwise known as the 9-8-8 suicide prevention and mental health crisis hotline system, available, operational, and effective across the state. AYE

S6791A Specifies contribution rates for employers to the unemployment insurance fund in the 2022 and 2023 fiscal years, regardless of what the current actual size of the fund index is and sets the unemployment insurance maximum benefit rate. AYE (This is essential in particular to small businesses in New York State in that it would set current year UI tax rates at their 2019 pre-pandemic levels.)

S7768 CHAPTER AMENDMENT - Provides for a policy term of less than one year where an insured requests such a policy from an insurer offering such a policy; requires that the insurer shall offer additional information regarding such policy. NOTE - The chapter amendment limits these types of policies that are less than one year to liability insurance policies. AYE

S7771 CHAPTER AMENDMENT - Relates to the Nourish New York program and the hunger prevention and nutrition assistance program; requires the commissioner of agriculture and markets to provide certain reports to the governor and the legislature. NOTE - amends the underlying chapter by defining processed products for the Nourish Program as those grown, produced or harvested, and further altered, butchered, canned, or froze in New York, and includes processed products as surplus agricultural products. AYE

S7779 CHAPTER AMENDMENT - Incorporates identity theft into the definition of elder abuse for purposes of support services and programs for elder persons. NOTE - amends the underlying chapter by adding identity theft to the list of eligible services provided by a classic or neighborhood NORC program, or in coordination with other entities. This legislation also adds identity theft to sections of law where elder abuse is listed. AYE

S7783 CHAPTER AMENDMENT - Relates to the prohibition of the slaughter of race horses and race horse breeding stock; provides that an owner shall not be liable for a violation related to such prohibition if such owner can demonstrate that there is proper documentation of a transfer of ownership. NOTE - amends the underlying chapter by providing that race horse owners who can demonstrate that there is proper documentation of a transfer of ownership to a party with no financial or familial relationship to the owner shall be shielded from liability AYE

S7785 CHAPTER AMENDMENT - This bill would amend Chapter 717 of the Laws of 2021 which requires the workers' compensation board to appoint the uninsured employers' fund as the responsible party when the identity of the responsible insurance carrier cannot be determined. NOTE - expands the time from ten days to 30 days for the Workers' Compensation Board to investigate before appointing the UEF. NAY

S7793 CHAPTER AMENDMENT - Relates to modifying delinquent home loans and single point of contact; provides such point of contact shall be provided to a borrower who is 30 days or more delinquent. NOTE - This chapter amendment reduces the number of days, by half, on when a single point of contact will be provided to a borrower during a foreclosure process. DFS would also be authorized to establish rules and regulations necessary for the single point of contact. NAY (Creates much more harm than good in the mortgage market.)

S7794 CHAPTER AMENDMENT - This chapter amendment seeks to clarify that a determination that an individual is developmentally disabled for purposes of continuation of child support as provided in S4467-B shall not be binding as a determination of eligibility for services provided by the state and local governments, including the Office of People With Developmental Disabilities. AYE

S7797 CHAPTER AMENDMENT - This is a chapter amendment to chapter 761 of the laws of 2021 (S.653- A) which allows for the electronic delivery of property/casualty notices as long as the policyholder affirmatively consents to receive them electronically. NOTE - The chapter amendment provides a definition for "property/casualty insurance" and clarifies that an insureds consent to receive one type of notice electronically is not a blanket consent for every kind of notice and document to be delivered electronically. AYE

S7802 CHAPTER AMENDMENT - Relates to storm hardening and system resiliency plans required to be submitted by electric corporations; relates to recovery of certain costs. NOTE -

The chapter amendment authorizes electric corporations to recover Resilience Plan costs through established cost recovery mechanisms where PSC determines costs are prudently incurred. Also amends the requirement that utilities submit a report to the Commission from annually to biennially. NAY (Negatively impacts ratepayers.)

S7811 CHAPTER AMENDMENT - Relates to prevailing wage on public works worksites for work involving the hauling and delivery of aggregate supply construction materials; changes the term projects to worksites. NOTE - amends the underlying chapter to clarify that prevailing wage will be paid only at the worksite itself and for travel between the worksite and a designated central stockpile where aggregate supply construction materials are delivered. Prevailing wage will not apply to out of jurisdiction deliveries of aggregate supply materials to the designated central stockpile. NAY (Will cause logistical problems and result in more traffic due to contractors splitting their loads. Contradicts DavisBacon, which mandates that the federal prevailing wage apply only for wages paid to workers employed directly upon the site of the work.)

S7815 CHAPTER AMENDMENT - Relates to autism detection, education and mapping including a discussion on the screening and detection of autism, how to promote education of the public regarding autism, to promote counseling and referral services, and to discuss previously mapped locations of the occurrence of autism. NOTE - The basis for the chapter amendment is to achieve the same goals as the original chapter without establishing and funding a new program. AYE

S7817 CHAPTER AMENDMENT - Relates to a study of the delivery of medical care in this state in response to the COVID-19 pandemic including health care facilities licensed under article 28 of the public health law; changes the reporting date to the governor and the legislature to two years after the study shall have become law. NOTE - The chapter amendment makes technical corrections which limits the study to providers regulated by

DOH and amends the due date of the report from one year to two years. AYE

S7822 CHAPTER AMENDMENT - Relates to subway track safety; provides instructions shall be provided on how to react safely, timely, and effectively when a person falls onto the subway tracks as part of its ongoing safety education campaigns. NOTE - Repeals the operative section of Chapter 776 of the Laws of 2021, and requires the MTA to include instructions on how to react safely, timely, and effectively when a person falls onto the subway tracks as part of its ongoing safety education campaigns. AYE

S7843 CHAPTER AMENDMENT - Requires the workers' compensation board to provide translations of certain documents and forms used by injured employees to apply for workers' compensation benefits. NAY

S7759 CHAPTER AMENDMENT - Includes in the crime of computer tampering in the third degree when someone enters information to falsify COVID-19 vaccination records. This bill clarifies that the unauthorized entering of computer material regarding COVID-19 vaccination status is considered computer tampering under the penal law. NAY (Computer tampering already a crime.)

S7760 CHAPTER AMENDMENT - Requires the division of criminal justice services to publish quarterly reports providing information related to firearms, rifles and shotguns used in the commission of crimes in the state of New York. This bill amends the underlying chapter by making the Division of State Police, rather than the Division of Criminal Justice Services, primarily responsible for compiling and reporting data regarding guns used in crimes. NAY (Potential to compromise criminal investigations. ATF responsibility.)

S7762 CHAPTER AMENDMENT - Requires written applications for attorney's fees in workers' compensation claims over \$1,000; requires a description of the services claimed and

the calculation used to determine the fees; amends effective date to take effect January 1, 2023. NOTE - This legislation amends the underlying chapter by adding provisions regarding written fee applications and amending the effective date. NAY (Increased costs.)

S7763 CHAPTER AMENDMENT - Relates to the responsibility of the department of environmental conservation to conduct a study on glass collection, processing and recycling; requires a report to be provided on or before 12/31/2023. NOTE - This legislation amends the underlying chapter by (1) eliminating the requirement for DEC to consult with the Department of Transportation; (2) changing the study scope to include research into glass collection, processing and recycling; (3) removing the requirement that the study include recommendations for legislation; (4) eliminating the requirement that the study be submitted to legislative leadership, committee chairs and the Governor; and (5) establishing a deadline of December 31, 2023 for completion of the report. AYE

S7764 CHAPTER AMENDMENT - Amends membership on the construction industry advisory council on public contracting reform; repeals provisions after two years. NOTE - clarify the construction industry advisory council is a temporary council; amend the membership structure of the council; require a majority vote to issue the council's report; and require the council's report include a summary of all council members' positions on matters deliberated by the council. AYE

S7765 CHAPTER AMENDMENT - Provides for alternative penalties for a first time violation of certain provisions of the alcoholic beverage control law; includes a definition for "for cause" in relation to such violations. NOTE - the purpose of the original bill was to authorize the SLA to provide a cure period or other opportunity for ameliorative action for a first-time violation of the ABC law, rule or regulation if such violation related to administrative or paperwork violations that were not a health or safety risk. AYE

S7773 CHAPTER AMENDMENT - Provides that a contractor making or taking a construction contract shall assume liability for any debt resulting from making a claim, owed to an employee, or third party on an employee's behalf, incurred by a subcontractor at any tier acting under, by, or for the contractor for an employee's performance of labor; provides for wage theft prevention and enforcement. NOTE - amendment would require employees to give contractors ten business days to cure a violation before bringing a law suit. NAY (Wage violations by subcontractors should be kept under the jurisdiction of the NYS Department of Labor, NYS Attorney General and DA's. Would also create a significant increase in costs.)

S7796 CHAPTER AMENDMENT - Amends the definition of a "disguised gun" to include any firearms designed and intended to appear to be a toy gun. NOTE - This bill amends the original by replacing the word "pistol" with "firearm." NAY (Does not have a grandfather clause so current owners of these guns would become felons after the effective date of November 1st.)

S7805 CHAPTER AMENDMENT - Relates to public hearings on proposed rules; carves out specific procedures for public hearings for certain entities; changes the effective date to January 1, 2023. AYE

S7807 CHAPTER AMENDMENT - Relates to the "hate crimes analysis and review act"; calls for the promulgation of regulations related to the use of a "hate crime demographic data form"; changes the effective date to the 180th day after it shall have become a law. AYE

S7812 CHAPTER AMENDMENT - Relates to defining supermarket for the purposes of the supermarket excess edible food requirement to include the requirement that they generate an annual average of less than two tons per week of food scraps. NOTE - amends the underlying chapter by replacing the square footage jurisdictional threshold with a two ton per week jurisdictional threshold to clarify that the bill applies only to supermarkets that

generate less than two tons per week of food scraps. NAY

S7830 CHAPTER AMENDMENT - Relates to certain duties of a board of directors of a mutual housing company; prohibits certain mutual housing companies from voluntarily dissolving during the COVID-19 state disaster emergency. NOTE - This bill tightens some of the language relating to voting, election and referendum procedures. NAY (Places unreasonable conditions on MitchellLama cooperatives, and prohibits their dissolution during the pandemic, with disregard to the shareholder's wishes.)

S7835 CHAPTER AMENDMENT - Relates to accreditation, approval, and operation of midwifery birth centers; adds life safety codes or applicable other building standards to the considerations the commissioner shall consider when approving certificates of incorporation; extends the effective date to 180 days after it shall have become a law. AYE

S7766 CHAPTER AMENDMENT - Relates to fiber-based services being provided to tenants; prevents landlords from: demanding or accepting payment from tenants in exchange for permitting fiber optic service on or within such landlord's property or premises, or from any telephone company in exchange therefor in excess of any amount which the commission shall, by regulation, determine to be reasonable; or discriminating in rental charges or otherwise, between tenants who receive fiber optic service and those who do not. NOTE - clarifies that the installation of the fiber optics facilities must conform to reasonable conditions that protect the safety, functioning and appearance of the premises. AYE

S7882 CHAPTER AMENDMENT - Enacts the comprehensive insurance disclosure act to require that all parties provide notice and proof of the existence and contents of any insurance agreement, including coverage amounts, under which any person or entity may be liable to satisfy part or all of a judgment within sixty days of serving an answer in an action. NOTE - This bill makes various technical changes to the underlying bill including: 1) delays the deadline for disclosure of insurance agreements until 90 days after the filing of an

answer; 2) allows a plaintiff to choose to receive an insurance policy declaration page instead of a copy of the complete policy document; 3) instructs a defendant to provide the name of an assigned individual responsible for adjusting the claim being litigated; 4) clarifies that a plaintiff must make reasonable efforts to ensure insurance policy information provided remains accurate and complete at the time of the filing of the note of issue, when entering settlement negotiations conducted or supervised by the court, at a voluntary mediation, when a case is called for trial, and 60 days after any settlement or entry of final judgment. AYE (New York Insurance Association, Inc. is now in support of the chapter amendment)