



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Senate Votes for Week of January 31, 2022

JIM RANNEY February 4, 2022

| ISSUE: **NYS LEGISLATURE**



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

S7703 CHAPTER AMENDMENT - Chapter 423 of the Laws of 2021 (S.1795). S.1795 required the Department of Corrections and Community Supervision (DOCCS) to establish a program that would give inmates with substance abuse disorders the option to participate in a medication assisted treatment program. This bill makes technical changes such as changing replacing the word "inmate" with the phrase "incarcerated individual" and replacing references to the Office of Alcoholism and Substance Abuse Services to the Office of

Addiction Services and Supports. NAY (NYS funding insufficient to cover costs. Unfunded mandate. Takes funds from nonoffender treatment.)

S7734 CHAPTER AMENDMENT - amendment of S.6017 of 2021, which would have required that when an agency is considering denying access to records under the law enforcement exception to FOIL, on the grounds that disclosure would interfere with a judicial proceeding, that the agency receiving such FOIL request must promptly notify, in writing, the judge before whom such judicial proceeding is pending, as well as the person making the request. This chapter amendment would remove the involvement of the judge, and merely require that law enforcement confirm that the records requested via FOIL would interfere with an ongoing investigation. AYE (The changes in this chapter amendment would seem to address those concerns by clarifying that no portion of any report or other document could be released that might potentially identify a victim.)

S7778 CHAPTER AMENDMENT - Relates to certain reports provided by the Long Island Power Authority; requires service providers of the authority to also provide certain reports related to advertising and lobbying. NOTE - amends the underlying chapter by clarifying that the Long Island Power Authority's service provider shall report on its lobbying and advertising activities on behalf of the Authority, in connection with its management contract, or the operation of the Authority's electric grid. AYE

S7798 CHAPTER AMENDMENT - This is a chapter amendment to Chapter 57 of 2021 (S.6571) which expanded the requirements of the Department of Health's annual report on statewide opioid overdoses by including demographic and emergency room utilization data on alcohol overdoses. NOTE - makes technical changes and expands reporting requirements by including alcohol overdose data in addition to existing opioid overdose reporting requirements. The bill also requires quarterly reports to be made permanent. AYE

S7801 CHAPTER AMENDMENT - Exempts shareholders of cooperative housing corporations from new provisions of law prohibiting legal fees in connection with the operation or rental of a residential unit. NOTE - This legislation amends the underlying chapter by clarifying that this prohibition against unauthorized legal fees is not applicable to a shareholder of a co-op, however a shareholder of a co-op that rents out the unit is still prohibited from charging their tenants or sub-tenants legal fees without a court order. NAY (Should be subject to lease/contracts.)

S7803 CHAPTER AMENDMENT - Amends the definition of "public body" to include any entity created or appointed to perform a necessary function in the decision-making process. NOTE - This chapter amendment would add a requirement that these conditions would apply when a quorum is required to conduct public business. According to the approval message, this is intended to provide clarity that an individual is not an entity. AYE

S7808 CHAPTER AMENDMENT - Relates to changes of name and sex designation. This bill makes several grammatical changes to the language of the original bill and clarifies that a notice of name change must be provided to any court that imposed a child or spousal support order and any social services agency from which a party to the name change petition receives child support services. The bill also extends the effective date for the provisions affecting the DMV from 180 days to one year. NAY

S7814 CHAPTER AMENDMENT - Requires the department of agriculture and markets to develop and maintain a directory of New York state farms and farm products instead of a database. NOTE - amends the underlying chapter by removing the Department of Economic Development and the Urban Development Corporation as cooperating entities and replaces "database" with "directory." AYE

S7816 CHAPTER AMENDMENT - Relates to compensation disclosures by certain gas corporations, electric corporations, water-works and steam corporations; defines certain terms relating thereto; changes the effective date to the ninetieth day after it shall have become a law. NOTE - The chapter amendment defines the terms "compensation" and "executive officer." It also requires the Department of Public Service to post annual reports no later than 30 days after receiving them. AYE (Concerns about definition of compensation have been addressed.)

S7840 CHAPTER AMENDMENT - Relates to expenses for potable water testing in school buildings. NOTE - The chapter amendment allows the Commissioner to grant a waiver from testing requirements for certain school buildings, provided the school district has substantially complied with the testing requirements and found to be below lead levels as determined by regulation. It further requires districts exhaust any other state or federal funds available before seeking building aid for such purposes. AYE

S7770 CHAPTER AMENDMENT - Requires real estate brokers to receive two hours of training in cultural competency. NOTE - defines cultural competency as understanding cultural norms, preferences and challenges within our diverse communities. It also shortens the effective date of S.979-A from 120 days after 12/21/21, when it took effect, to 90 days after such date. AYE

S7782 CHAPTER AMENDMENT - Directs the department of financial services, in coordination with the division of housing and community renewal, to conduct a study examining the increasing costs of insurance premiums and the lack of availability of insurance coverage for affordable housing developments. NOTE - Clarifies the law to focus the study on any increases in liability, fire and casualty insurance premiums. AYE

S7790 CHAPTER AMENDMENT - Former OCA departmental. Relates to pleas of guilty and removal of adolescent offender proceedings to the family court. NOTE - makes a technical change to the original legislation which clarifies that sixteen and seventeen year old offenders who have cases originating in Youth Part that get removed to Family Court fall within the scope of the original legislation if that offender would be statutorily eligible for adjustment. AYE

S7792 CHAPTER AMENDMENT - Defines vacant and abandoned residential property in relation to mortgage foreclosure actions; establishes plaintiffs in such matters shall maintain the subject property. NOTE - This legislation establishes a penalty of \$500 against plaintiffs who enter residential property without a good faith belief that the property is vacant or abandoned. The penalty is paid to the aggrieved owner and/or tenants of residential properties. NAY (Will increase costs for financial institutions on properties that have already created a loss for them.)

S7804 CHAPTER AMENDMENT - Adds four members to the veterans' mental health and suicide prevention task force including the commissioner of the office of mental health, the director of veterans' services, the commissioner of the office of alcoholism and substance abuse services, and the commissioner of health, or their designees. AYE

S7818 CHAPTER AMENDMENT - Relates to certain portions of the New York state thruway where maximum dimension and weight limitations of vehicle shall not be applicable. NOTE - The chapter amendment makes a technical change to clarify that tandem trucks can still use a tandem lot access road that was authorized in the originally enacted statute. AYE

S7827 CHAPTER AMENDMENT - Relates to aquatic invasive species inspection stations and spread prevention efforts. NOTE - The Chapter Amendment clarifies that the inspection station mandate applies only in circumstances when an inspection station is open. AYE

S7847 CHAPTER AMENDMENT - Relates to the provision of records upon the receipt of a complaint of an incident of abuse or neglect of an individual with a disability; requires that explanations of denials shall be provided within one business day after the expiration of the deadline; changes effective date to 30 days. AYE

S3408 Establishes a Black youth suicide prevention task force; provides for the number of members, manner of appointment and the topics to be reviewed. AYE

S694 Requires the annual report of the division of minority and women's business development to contain information on each contract identifying whether it is a contract for goods or services, whether the contract was awarded to a certified minority-owned business enterprise or a certified women-owned business enterprise, the name and business address of prime contractors and subcontractors providing services under such contract, and the dollar value of such contract. AYE

S3468A This bill would amend the Executive Law to establish the Office of Racial Equity and Social Justice. The Office would be lead by an Executive Director, who would also serve as the Chief Equity Officer for the State of New York. NAY (No funding for establishing new office.)

S7795 CHAPTER AMENDMENT - Excludes certain seasonal use tenancies from the provisions regulating deposits and advances for residential dwelling units; provides that a seasonal dwelling unit shall be registered with the appropriate local government or county registry. NOTE - makes a technical amendment the underlying chapter by striking references to a state-run registry of seasonal-use dwellings. The bill amends the general obligations law to clarify that for a seasonal-use dwelling to qualify for exemption from otherwise applicable security deposit laws, the dwelling must be registered with an appropriate local or county authority. AYE

S7821 CHAPTER AMENDMENT - Relates to the collection of certain demographic information by certain state agencies, boards, departments and commissions; provides that the requirements shall not be effective for the department of labor, the division of criminal justice services, the office of mental health or office of temporary and disability assistance until July 1, 2024. NOTE - Limits the scope of the bill to the top ten most populous Asian groups in New York; the State will no longer be required to collect and report on such data received pursuant to a private contract; the timeline for providing the report is increased to 18 months. NAY (Limitation is discriminatory.)

S7824 CHAPTER AMENDMENT - Relates to a strategic action plan created by the metropolitan transportation authority which improves bicycle and pedestrian access at its bridges and passenger stations; requires findings be submitted by June 1, 2022 and every 5 years thereafter. NOTE - removes language about direct demands on the MTA's capital plan including amendments and modifications being made in such a strategic plan per an agreement. Amends language to only add one member to the NYC Transit Authority Advisory Council instead of three (16 members instead of 18 members) and requires that one member recommended by the Mayor (not three) shall have demonstrated expertise or interest in the promotion and development of improved bicycle and pedestrian access. AYE

S7828 CHAPTER AMENDMENT - Makes the Sai Mandir USA real property tax exemption contingent upon the approval of the legislature of the county of Nassau. AYE

S7834 CHAPTER AMENDMENT - Relates to the construction of modular and manufactured housing; makes technical changes to the definition of mortgage. NOTE - Makes technical changes to a tax code reference. AYE

S7844 CHAPTER AMENDMENT - Provides taxpayer gifts for gun violence research; requires the tax commission to include space on the personal income tax return to enable a taxpayer

to make such contribution; establishes the gun violence research fund. NOTE - Replaces the word gun with firearm in regards to the firearm violence research fund. NAY (Duplicative.)

S7883 CHAPTER AMENDMENT - Allows for an emergency medical technician to act as a designated camp health director or to provide health services in assistance to the camp health director at children's camps and camps for children with developmental disabilities; allows for children's camps and camps for children with developmental disabilities to contract with licensed medical professionals to provide professional services during any period in which the camp has a valid permit to operate. AYE

S7884 CHAPTER AMENDMENT - Allows for an individual with a disability or the legal guardian for the individual to designate a single primary essential support person to assist with communicating medical needs and managing everyday needs during hospitalization. NOTE - The original chapter from 2021 was a result of individuals with disabilities being denied an essential support person when admitted to a hospital during the COVID-19 pandemic. AYE

S7885 CHAPTER AMENDMENT - Relates to applications for construction, or substantial reduction of, a hospital or health related service; relates to the effectiveness of certain provisions relating to health equity assessments in the establishment or construction of a hospital. NOTE - clarifies that in the Certificate of Need application for certain hospital projects requires a health equity assessment if the application would result in a substantial change of a hospital service or health related service by the hospital. The amendment also moves the effective date from 180 days following enactment to 18 months. NAY (Duplicative and unnecessarily costly.)

S7888 CHAPTER AMENDMENT - Relates to competency exams offered to qualified home care services workers residing outside this state. NOTE - Makes the contact details of

department-approved education or training programs that offer competency exams to home health aides available on the department of health's website; amends effectiveness to 180 days. AYE

S7889 CHAPTER AMENDMENT - Provides that on each seasonal and decorative lighting product manufactured, sold or delivered by a manufacturer or distributed in this state that contains an electrical cord casing in which lead is present in a quantity greater than one hundred parts per million, there shall be a warning label; defines terms; provides for civil penalties. NOTE - Moves the section relating to the manufacture of seasonal and decorative lighting products containing lead from the public health law to the general business law. NAY (Remains overly burdensome.)

S571 Allows businesses to use funds received from the minority- and women-owned business development and lending program for the purpose of refinancing existing debt. AYE

S3263 This bill amends the public authorities law and the economic development law to require public authorities and state agencies to notify within 30 days, each MWBE firm that unsuccessfully bid on a contract as to why their bid was unsuccessful. AYE

S7774 CHAPTER AMENDMENT - Gives schools improved access to the statewide immunization database for the immunization records of certain children. NOTE - The changes to the underlying chapter are technical: it was narrowed to schools that have the technical ability to batch download, limited to students that schools have certificate of immunizations for, and changed the effective date from immediately to July 1. AYE

S7791 CHAPTER AMENDMENT - Makes changes to a chapter of the laws of 2021 that required the Department of Transportation to annually prepare and submit to the legislature every year reports detailing information highway and bridge conditions, capital

letting and implementation, capital program accomplishments, and non-MTA downstate suburban and upstate transit capital programs. NOTE - Changes the due date for the required capital projects reports from January 1st to June 1st; defines preliminary project cost estimates; excludes the MTA from needs assessment requirements. AYE

S7813 AMENDMENT - Changes the state geological planning and management board to the state geological planning and advisory council; changes the effective date to one year after it shall have become a law. NOTE - The Chapter Amendment significantly waters the bill down by replacing the Shall with May when it comes to: Designating areas/sites with geological significance; and Requiring DEC (with DOT and ESDC) to establish a management plan to foster economic growth; establish methods for conserving geological heritage; best practices for conservation. AYE

S7820 CHAPTER AMENDMENT - Changes the annual submission dates for a report by the division for small business regarding the use of opportunities for cure or ameliorative action afforded to small businesses for first time violations of rules and regulations to October first. AYE

S7832 CHAPTER AMENDMENT - Relates to the hiring of security guards by public sports venues with a capacity of at least sixty thousand people located in the county of Erie. NOTE - This legislation amends the underlying chapter by narrowing the scope of the underlying bill to publicly owned sports venues with a capacity of 60,000 or more located in Erie County. AYE

S7833 CHAPTER AMENDMENT - Permits seaweed cultivation in underwater lands at Gardiner's and Peconic bays; permits Suffolk county to lease lands underwater ceded to it by the state for the purpose of seaweed cultivation; modifies certain provisions regarding commercial fishing licenses; makes related provisions. NOTE - The Chapter Amendment

substitutes kelp for seaweed to broaden the range of seaweed species that may be cultivated. AYE

S7841 CHAPTER AMENDMENT - Relates to the issuance of diplomas to youth who are placed, committed, supervised, detained or confined in certain facilities; makes an exception for the issuance of diplomas by programming provided by another school district, in that case such district shall issue the diploma. NOTE - The amendment provides that if the credit-bearing educational programming is provided by another school district, that district shall be responsible for issuing the high school diploma. AYE

S7831 CHAPTER AMENDMENT - Authorizes additional supervision and regulation of mutual companies relating to requiring members of a board of directors of a mutual company to complete training regarding the financial oversight, accountability and fiduciary responsibilities of a board member and the powers, functions and duties of a board of directors of a mutual company. NOTE - changes the word "company" to 'mutual company.'
NAY

S7886 CHAPTER AMENDMENT - Relates to posting of information relating to the long-term care ombudsman program; provides that nursing homes and residential health care facilities shall provide certain contact information related to the long-term care ombudsman program at or prior to a patient's admission and twice a year. NOTE - requires the department to translate the patient's bill of rights in the 10 most common non-English speaking languages as opposed to 6 in the original bill. Additionally, removes requirement contact information on the ombudsman program be posted in each resident's room and instead requires it be placed in a conspicuous place and provide each number of the facility's staff, each patient and their appointed personal representative at or prior to time of admission or at time of the representative's appointment. Requires including on the statement contact information for the department's nursing home complaint hotline. AYE

S8172A This bill is the legislature's proposal to establish congressional districts. The Independent Redistricting Commission(IRC) submitted two proposals (S.7631 & S.7634) for Congressional districts to the Legislature in January. Both proposals were voted down. After the IRC failed to send another plan to the Legislature, the Legislature drafted its own plan for Congressional districts. NAY

S8196 CHAPTER AMENDMENT - Relates to congressional districts. The amendments make changes to the tracts of Congressional District 9, Congressional District 10 & Congressional District 11. NAY

S8185A This bill is the legislature's proposal to establish senate and assembly districts for the 2022 and subsequent elections. The Independent Redistricting Commission (IRC) submitted two proposals (S.7632 & S.7633) for senate and assembly districts to the Legislature in January. Both proposals were voted down. After the IRC failed to send another plan to the Legislature, the Legislature drafted its own plan for senate and assembly districts. NAY

S8197 CHAPTER AMENDMENT - Relates to assembly and senate districts. The amendments makes technical changes to the tracts of Assembly District 61, Assembly District 62, Assembly District 63, Assembly District 98, Assembly District 100, Assembly District 101, Assembly District 108, Assembly District 109, Senate District 4, Senate District 9, Senate District 52, Senate District 53 and Senate District 62. NAY