



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Votes for Week of May 9, 2022

JIM RANNEY May 12, 2022

| ISSUE: **NYS SENATE**



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

3966A This bill would require a children's non-regulated camp to determine whether an employee or volunteer is listed on the state sex offender registry under Article 6-C of the Correction Law prior to the day the individual commences work and annually thereafter.
AYE

S3178A Requires a posting of the rights of individuals who are applying to receive assistance including the right to: a fair hearing; ask about emergency assistance; apply for all benefits and services; ask about child care; free language services; screening and special services if experiencing domestic violence; and a written adequate notice. AYE

S3823 Relates to distinctive license plates issued to gold star mothers; permits gold star mothers to retain one keepsake plate as a commemorative item after distinctive plates are surrendered AYE

S7554C Authorizes the town of Hempstead in the county of Nassau to establish residential parking systems in the neighborhoods of Bellerose Terrace and Elmont. AYE

S774B Requires the collection of certain demographic information about the sexual orientation and gender identity by certain state agencies, boards and commissions. AYE

S6210A Directs the state fire prevention and building code council to update the state fire prevention and building code and the state energy conservation construction code within 12 months of the publication of any updated or revised edition of the international and national codes relating thereto, so as to ensure that the state's codes reflect such revisions and updates. NAY (vote due to the potential to increase costs of building new homes or other structures.)

S4708 Amends section 382 of the executive law as it relates to increasing the penalties for building code violations when the condition is deemed an imminent threat to the safety and welfare of the building's occupants by the local government. The bill provides for graduated penalties for repeat offenders. A first time violation carries a fine of no less than one thousand dollars and no more than five thousand dollars. A second violation will carry a fine of no less than five thousand dollars and no more than ten thousand dollars. Finally, a third

violation will result in a fine that is no less than ten thousand dollars per day of violation or imprisonment not exceeding one year or both. NAY (Onerous penalty structure. Local Governments already authorized to issue fines for violation of the uniform building code.)

S6443B Requires the court to inquire of the defendant and the prosecutor as to the existence and location of any firearm, rifle or shotgun reasonably believed to be owned or possessed by the defendant, and the prosecutor will make reasonable efforts to obtain such information regarding the same and present it to the court. NAY (Many courts already do this. Due process concerns.)

S1830 The bill amends the Executive law to provide the ability of the Secretary of State to investigate any complaint from a county stating that a local government within their county is not in compliance with the uniform code. AYE

S6287B Establishes "Elizabeth's law"; requires child care providers to be trained on the impacts and dangers of congenital cytomegalovirus infection and the treatments and methods of prevention of cytomegalovirus infection; requires distribution of materials relating to cytomegalovirus by certain physicians. AYE

S1232 Declares a policy of equal treatment of people of all races, cultures, religions, incomes, education levels, disabilities, gender identity/expression and sexual preference in the development and enforcement of environmental laws, regulations and policies. AYE

S2937 Prohibits fuel oil, grade number four in any building or facility in the state on and after July 1, 2027. NAY (Does not apply to NYC. Excessive cost of conversion.)

S240B Requires owners and agents of multiple residences and multiple dwellings to provide names and contact information of residents to emergency personnel where the physical safety of such residents must be accounted for by ascertaining their whereabouts. NAY

(Puts additional requirements on landlords or their agents.)

S5093A Fire Code requires periodic testing, as determined by local code officials, but does not define the term "periodic." This bill requires a minimum of one flushing test a year for each hydrant. AYE

S6089A This bill requires the inspection of non-fireproof buildings every three years, it also requires that dwelling not in compliance with New York City Housing Maintenance Code make repairs within six months. If a property owner fails to comply with standards within those six months, a lien will be placed on the dwelling. NAY (Negative impact on property owners.)

S8795A This bill increases penalties for landlords who are in violation of the uniform fire prevention and building code who have failed to comply with an order to remedy. Under this legislation a property owner would have at most 14 days to remedy the problem before incurring fines. NAY

S1753 This bill would finalize the sale of land in the towns of Cuba in Allegany County and Ischua in Cattaraugus county, from the State OGS to the Cuba Lake District. These lands would be sold at a "reasonable" value. AYE

S3606 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.)

S6761A This act provides for the establishment of minimum standards for licensure of water-based fire protection system installation, servicing, repairing, inspecting, testing and maintenance. It establishes penalties for improper business practices and prohibits unlicensed activities. AYE

S7863A Requires electric space heaters to have thermostats, automatic shut-offs and be certified by a testing and certification body recognized and approved by the United States department of labor, occupational safety and health administration. AYE

S5960 Designates August thirty-first of each year as a day of commemoration to be known as "Overdose Awareness Day". AYE

S6522A Prohibits a lien being placed or enforced against a person's primary residence in an action arising from medical debt judgments and prohibit wage garnishment for medical debt judgments. AYE

S8170 Designates room three hundred one of the Putnam supreme and county court as the "Judge James F. Reitz Memorial Courtroom". AYE

S4839B Prohibits the manufacture or sale of cosmetics tested on animals; punishable by a fine of not more than five thousand dollars for the first violation and not more than one thousand dollars per day if the violation continues; the attorney general may investigate and bring an action for violations. AYE

S8315A Clarifies the insurance law in such a manner as to prohibit insurance companies from excluding, limiting, restricting, or reducing coverage on a homeowners' insurance policy based on ownership of a particular breed of dog. AYE

S4013A Requires notice to members of the legislature and certain local officials relating to certain construction and other projects affecting such members' and officials' districts in NYC. AYE

S7317 Expands the use of foreign fire insurance premium taxes by the Volunteer and Exempt Firemen's Benevolent Association of Upper Mountain, Inc. AYE

S4344 Authorizes a veteran's close friend or family who is reasonably familiar with such veteran's wishes to request that such veteran be buried in a state veterans' cemetery. AYE

S7858 This legislation would make a technical change to the hot tub and spa building code statute to clarify lockable hot tub and spa safety covers are the primary means of a safety barrier. AYE

S5759B Exempts certain income and resources provided to persons enrolled in certain pilot programs with direct cash transfers in determining eligibility for public assistance benefits. NAY (All income should count toward eligibility.)

S7621 Requires board of directors of the Roosevelt Island Operating Corporation to appoint a CEO that is a resident of Roosevelt Island or will become a resident within one year of the date of appointment (residency requirement may be waived under certain circumstances). The board is further required to determine the term of office for such position; fix compensation; prescribe the duties and responsibilities for the position; and may remove the CEO for inefficiency, neglect of duty or misconduct in office, after notice and opportunity to be heard. AYE

S63B This bill would create an allowance for diapers, not to exceed eighty dollars, every three months, per eligible child. AYE

S555C Creates the office of older adult workforce development within the office for the aging to address the needs of older adults regarding the workplace. AYE

S2144 Conforms the definition of an inmate with a serious mental illness to the definition of "person with a serious mental illness" in the mental hygiene law. NAY (Expansion of mental disorders is problematic in relation to precluding placement into a special housing unit.)

S3034A This bill would establish a procedure for intervenors in a utility rate case brought before the Public Service Commission (PSC) to be compensated for their participation. This bill also establishes a "utility intervenor account" to hold such compensation. NAY (Could result in higher electricity costs as the utility will be responsible for paying the reimbursement of the intervenors.)

S3145 COSPONSOR Designates the month of September as firefighter, police officer and emergency medical technician appreciation month. AYE

S4221 Allows non-CPAs to be minority owners of a CPA firm. AYE

S4778A Authorizes the assessor of the town of Brookhaven to accept an application for exemption from real property taxes from Al-Muneer Foundation, Inc., a not-for-profit religious organization. AYE

S3085A Increases the amount of income property owners may earn for the purpose of eligibility for the property tax exemption for persons sixty-five years of age or over and for persons with disabilities and limited income. This bill would permanently allow the local governing body to authorize an increase in the allowable annual income of a household to \$50,000 in order to qualify for the Senior Citizen Homeowners Exemption (SCHE) and the Disabled Homeowners Exemption (DHE) from \$29,000 to \$50,000. AYE

S960 The bill would amend §353-a of Agriculture and Markets Law to eliminate the term 'serious' from the level of physical injury required to charge someone with felony aggravated cruelty to animals. AYE

S1130 COSPONSOR Prohibits the sale of dogs, cats and rabbits by retail pet shops; authorizes collaboration with entities to provide space to showcase cats or dogs owned by certain entities for the purpose of adoption. AYE

S1289B The bill would provide a new section within Education Law to require information regarding medication to be provided by Veterinarians when dispensing. AYE

S4081A The bill would amend section 373 of Agriculture and Markets Law to require the property owner or lessor of property that has been vacated as a result of an eviction, foreclosure, default, or abandonment, to inspect the property within three days of such known vacancy to search for the presence of abandoned animals. AYE

S7756 Allows out of state health care professionals to perform services at the Ironman Lake Placid 2022. AYE

S3683D This bill amends the Family Court Act to provide that the Family Courts in New York City shall remain open until midnight on at least one day each week 1) in at least 2 NYC counties beginning January 1, 2023; and 2) in at least 3 NYC counties beginning January 2, 2024. AYE

S8429A Relates to state aid eligibility for library construction; provides that aid shall be provided on approved expenses incurred during the period commencing July first and ending June thirtieth for up to six years, or until the project is completed, whichever occurs first. AYE

S2814 This bill would amend Environmental Conservation Law to prohibit the import, export, transport, process, sale, purchase, trade, barter, distribute or possession of any part or product of an African Elephant, African Leopard, African Lion, Black Rhinoceros, White Rhinoceros, or African Giraffe. NAY (Hunting lawfully permitted in Africa.)

S4203 Requires putrescible and non-putrescible waste to be covered by a hard tarp when transported by rail. NAY (Not necessary as rail containers hauling such waste are already sealed with hard lids.)

S8599B This bill would allow, in addition to testing at the time of the first examination, every such physician or other authorized practitioner may order a syphilis test during the third trimester of pregnancy consistent with any guidance and regulations issued by the commissioner. AYE

S5129 This legislation authorizes occupational therapy assistants and physical therapy assistants to render the applicable therapy services to workers' comp patients when under the direct supervision of an authorized occupational therapist or physical therapist. Supervision must be evidenced by signed records of instructions for treatment and signed records of the patient's condition and progress. AYE

S3150A Enacts "Valeria's law"; requires police officers to notify family members in person of a relative's death in certain circumstances. AYE

S3468B 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.)

S2012A The bill would amend various sections of law related to rent stabilized and controlled apartments to prohibit surcharges related to the installation and use of air conditioner units if the tenant pays the electric utility service. NAY

S2013A Prohibits the imposition of any surcharge for the installation or use of a tenant-installed appliance where the tenant pays for electric utility service. NAY (Additional rent control.)

S1019C Relates to administering asthma rescue medications and authorizing schools to have asthma rescue medications for emergency situations. Bill specifies that such medication shall be available for supervised use by a registered nurse. If emergency medication does have to be used, parents must be notified of the incident, as well as the State. AYE

S6928B This legislation adds to the Department of Health's wellness education and outreach program aimed at consumers, patients, educators and health care providers relating to any health care matters to include myalgic encephalomyelitis/chronic fatigue syndrome ("ME/CFS"). AYE

S3960 Requires the office of court administration to study racial disparities in jury selection pools and juror selection and make recommendations that can be undertaken to reduce or eliminate racial and ethnic disparities in jury selection pools and juror selection. AYE

S8262 Requires Port Authority airports (JFK, LaGuardia and Stewart) to make available in plain view and in a conspicuous place in the public restrooms informational cards and/or signs, developed by OTDA in consultation with the NYS interagency taskforce on human trafficking or US Department of Homeland Security, regarding services for human trafficking victims and the national human trafficking hotline telephone number. AYE

S7744A This bill ensures Participating ("Par") deferred income annuities (DIA) can be sold in New York. Currently, Par DIAs are not authorized in New York because they cannot pass the "betterment of rates" test of New York Insurance Law Section 4223(a)(1)(E). The betterment of rates test ensures that an annuitant receives the best guaranteed income rate that an insurer offers to that class of annuitants at the time annuity income starts. AYE

S8320 Establishes a task force to identify evidence-based and evidence informed solutions to reduce children's exposure to adverse childhood experiences. AYE

S8447 This legislation amends the provision of law governing Medicaid managed care programs to permanently exclude services provided by school-based health centers from such program, thereby permitting such services to remain being paid under fee-for-service. AYE

S3211B The bill amends Environmental Conservation Law to require that any draft Environmental Impact Statement contain an Enhanced Public Participation Plan as required under Department of Environmental Conservation (DEC) Commissioner Policy 29. AYE

S7360 Requires curriculum related to human trafficking awareness to be included in alcohol training awareness programs; requires such training to be developed in conjunction with and approved by the New York state interagency task force on human trafficking. AYE

S7655A This bill would extend for 5 years the time period for which a beer made using at least 60% (by weight) of New York grown hops can be considered a New York State labelled beer. AYE

S8080 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

S8573 Directs the Port Authority to provide information concerning services for human trafficking victims in Port Authority bus terminals. AYE

S5286 Allows college coursework to be credited as a work activity which may be used toward fulfilling the employment requirements for public assistance benefits under certain conditions. AYE

S3542 To allow engineering companies to receive certificates of authority to practice geology. AYE

S3374B This bill is intended to raise awareness of human trafficking by requiring that all establishments that sell wine, beer or liquor and allow nudity/and or exotic dancing post a flyer related to human trafficking. The fliers will be at least 8.5' by 11' and remind customers that receipt of services from someone involved with human trafficking is a crime. It will be the responsibility of the New York State Liquor Authority to design and distribute these fliers. AYE

S351 This bill would create a 120-day grace period for congressionally chartered veterans' organizations to cure certain violations that are handed down by certain state or local agencies. AYE

S793A This bill increases the amount of allowance trial and grand jurors are entitled to in each court of the unified court system from \$40 to \$72 per day, for each day of physical of physical attendance at court. AYE

S6619B This bill delays reductions in the ordinary death benefit payable to members of the New York State and Local Retirement and the New York State and Local Police and Fire Retirement System and the NYS Teachers Retirement System to ensure that no reduction occurs before a member becomes retirement eligible for an unreduced retirement from age 61 to 62 for members Tiers 1-5 and 63 for members in Tier 6. AYE

S5262 Requires health clubs with a membership of 50 or more to have at least 1 automated external defibrillator on the premises which is accessible to the staff, members and guests. AYE

S8209 Requires the division of housing and community renewal to provide an annual report on the New York access to home programs. AYE

S6962 This bill would amend section 19-0301 of Environmental Conservation Law to add into the duty and responsibility of DEC to educate the public about the health and environmental impacts of idling vehicles. AYE

S7902 Includes White Lake in the county of Sullivan as an inland waterway for the purposes of waterfront revitalization. AYE

S8273 Designates a portion of the state highway system as the "Port Authority Police Officer James W. Kennelly Memorial Highway". AYE

S8305A GALLIVAN Designates a certain portion of the state highway system in the village of Caledonia, town of Caledonia, county of Livingston as the "WWII Rapone Brothers Memorial Highway". AYE

S8688A Designates a portion of the state highway system as the "Trooper John J. Lane Memorial Bridge" located in the town of Oyster Bay, Nassau County. AYE

S8751 This bill would require hospitals and birth centers to make all annual statistical information compiled to be made available on the department's website for the most recent 5 years for which the data is available. AYE