



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for Week of March 27, 2023

JIM RANNEY April 3, 2023

| ISSUE: **NYS SENATE**



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

S536 Amends general business law and public health law relating to electronic cigarettes. Prohibits anyone engaged in the chain of business for electronic cigarettes from misrepresenting any facts regarding their health consequences and provides for a \$500 fine per violation. Prohibits any manufacturers and distributors of electronic cigarettes from making any other products with branding associated with electronic cigarettes. Also prohibits manufacturers, distributors and sellers from offering any promotional deals

involving the purchase of electronic cigarettes or from sponsoring any social, sporting, or cultural event in a way that displays the name or branding identifiable with electronic cigarettes. AYE

S1359 Amends 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.)

S1948 Amends environmental conservation and vehicle & traffic law to prohibit the disabling or interference with emission control devices or the possession, sale and distribution of any device made for that purpose. Requires visual inspection for the presence of such device. Violations of this section are punishable by a civil penalty between \$1,000 and \$5,000 for initial violations and between \$2,000-\$10,000 for subsequent violations. All civil penalties collected to be deposited to the credit of the Environmental Protection Fund. AYE

S14 Amends general obligations law to render unenforceable any claim settlement between an employer and an employee or independent contractor, who is a natural person, if such settlement prohibits the employee or contractor from working for the employer, or any entity related to the employer, in the future. NAY (Infringement on rights of employers. Opens door to retaliatory future claims by employees.)

S2263 Amends real property actions and proceedings law to prohibit a tenant from being removed from a residential unit for the certified medical use of medical marihuana. AYE

S2297 Amends general municipal law to allow county comptrollers or local equivalent to examine and audit the projects and actions of industrial development agencies and not-for-profit corporations operating within a county. AYE

S2119 Amends education law allow a veteran who otherwise qualified to receive tuition awards may elect to transfer such awards to an immediate family member (meaning spouse, child or survivor as defined in the bill). AYE

S314 Directs NYSERDA to establish a Ride Clean Rebate Program for class 1, 2, 3 bicycles with electric assists and electric scooters. Offering a 50% rebate up to \$1,100. AYE

S4854 Directs NYSERDA, in consultation with the Department of Public Service and the Division of Homeland Security and Emergency Services, to prepare a report on establishing microgrids for protecting critical facilities in the state. Final report due one year after act takes effect. AYE

S208 Requires the use of gender-neutral terminology on websites operated by or for a state agency or authority. AYE

S2442 Amends executive law to strike a sentence in the definition of "sexual orientation" contained within the Human Rights Law. The removed sentence provided that sexual orientation's definition shall not be construed to protect conduct otherwise prohibited by law. AYE

S3473 Amends education law to prohibit Gubernatorial or Mayoral appointees from serving as trustees to the State or City University system. Makes exceptions for ex-officio members and classified civil service employees. AYE

S717 Excludes expenditures for medical care and prescription drug expenses not covered by insurance from the definition of "income" for the purpose of a real property tax abatement for rent-controlled and rent regulated property occupied by senior citizens (SCRIE). AYE

S4967 Prohibits the imposition of any surcharge for the installation or use of a tenant-installed appliance where the tenant pays for electric utility service in the City of New York. NAY (Additional rent control.)

S1172 This bill amends the Executive Law to provide that the state disaster preparedness commission may directly monitor and record the off-site presence of radioactive material in the vicinity of any decommissioned facilities, facilities in the process of being decommissioned, or those decommissioned nuclear electric generating facilities being used for spent fuel nuclear storage located in New York. AYE

S1468 This bill would amend section 2108 of the insurance law, regarding licensing of independent insurance adjusters, to waive requirements regarding character references and a written examination, if the applicant holds a claim certification from a national or state-based claims association, and such program meets certain high end requirements. AYE

S4266A Establishes a task force on missing women and girls who are black, indigenous and people of color (BIPOC) to develop policy changes that will work to address the lack of care and concern for missing and murdered BIPOC women and girls with New York state governmental agencies. AYE

S2103A Directs the commissioner to publicly publish an annual report on the environmental radiation surveillance program and analyze such report showing trends and cumulative impact, as well as notify other relevant agencies if contamination has exceeded EPA standards for maximum amounts of contamination allowed in drinking water or food. AYE

S1839 Establishes such program within the department to promote the screening and detection of sickle cell disease, especially among unserved or underserved populations; to educate the public regarding sickle cell disease and the benefits of early detection; and to

provide counseling and referral services. AYE

S3131 This bill requires the Commissioner of Health to conduct a study on the rates of reimbursement made through the New York state Medicaid durable medical equipment, orthotics, prosthetics and supplies program for rate adequacy and patient access. The review shall include recommendations for changing reimbursement methodologies, an assessment to timely service provision including racial and socioeconomic disparities, the workforce needed to provide such services in the next 5 years to eligible children and adults by county, and an assessment of cost savings associated with the percentage of the Medicaid population returning to work after orthotic and/or prosthetic provision. AYE

S1250 Establishes an LGBTQ+ youth and young adult suicide prevention task force of seven members. Purpose is to studying current mental health practices and suicide prevention efforts in New York and make recommendations to improve the same. Required to produce final report and legislative proposals, if any, within 22 months. AYE

S4131 Amends tax law to change the income tax credit for solar energy systems. Changes "principal residence" to "a residence" and limits the credit to one residence of the taxpayer's choice. AYE

S2691 Allows the planning commission or planning board of a city, village, county, or town to request assistance from the Office of Information Technology Services in various GIS mapping or conducting of surveys when it is part of a strategic plan involving a review or study of floor space usage. AYE

S5176 Authorizes the assessor of Nassau county to grant the World Restoration Center Inc. retroactive real property tax exempt status upon an application therefor. AYE

S579 Provides that the Small Business Seed Funding Grant Program requirement that a business started on September 1, 2018, or later does not apply to independent arts contractors. NAY (Not necessary. Program has ended.)

S449 This bill would establish a person cannot be held for more than 24-hours after being taken into custody without being brought before a criminal court. When a writ of habeas corpus is being heard challenging the pre-arraignment detention of a person being held for more than 24 hours, there must be an penitentiary presumption that the detention is unnecessary and unlawful. The failure of a government agency to bring a person before a court within 24 hours of being taken into custody would result in the immediate release from custody of the person being held. The bill also creates the Detained Persons Registry. NYC must establish and maintain a searchable online registry that allows authorized users to locate persons detained for any reason. Also includes language that there shall be a presumption it was avoidable. NAY (This bill would allow an individual to be detained for more than 24 hours, however, it would put the burden on the prosecution to prove such delay was actually necessary.)

S2391 This bill modifies the income limits for medical assistance to disabled individuals at least 16 years of age, but under 65 years of age to effectively adjust the Medicaid asset test for working people with disabilities (WPD) to 150% of income threshold used to determine Medicaid eligibility, which would be 207% of the federal poverty level (FPL). AYE

S3436 Amends civil service and practice law by adding extreme risk protection order applications to be exempt from index number fees. NOTE - index number fees are fees paid to county clerks for assignment of an index number pending in a court of which he or she is clerk. NAY (Optional to set fee. Can be done at the local level.)

S308 Adds additional information to reporting requirements by DOCCS for temporary release programs including the number of incarcerated individuals denied participation in each temporary release program and the reasons for denial. AYE

S1730 Requires the office for the aging to develop and provide elder abuse prevention training to train senior service centers and contractors in the detection and reporting of elder abuse in consultation with the office of children and family services. AYE

S5025 CONSTITUTIONAL AMENDMENT - This bill would eliminate the current constitutional limits on the amount of debt that any school districts in a city with less than 125,000 inhabitants can incur. AYE

S224 Amends the tax law to expand the scope of the term "qualified historic home" to include residences within "qualifying census tracts" located in cities with a population greater than 1 million people and subject to the Homeowner Tax Credit. AYE

2359 Directs the commissioner of mental health to establish a maternal mental health workgroup within the office of mental health to study and issue recommendations to improve the impacts maternal mental health disorders have on women, children and families. Final report due on or before December 31, 2023. AYE

S1714 EXTENDER BILL - Would extend the town of Islip's alienation authorization for an additional 10 years for an ice skating sports and recreation facility known as "The Rinx". AYE

S2200 Authorizes New York Kali Mandir, Inc. to receive retroactive real property tax exempt status. AYE

S2574 This bill would include workers compensation certificates of disability for disabled homeowners property tax exemption programs. AYE

S5818A Extends the filing date for designating petitions for the 2023 Primary Election. Under current law, the filing period is from April 3 to April 6. This bill extends the filing period from April 3 to April 10. NOTE - only applies to the 2023 primary election. AYE

S2711 Requires electric and natural gas corporations to establish and continue reduced rate schedules for low-income (SSI, Medicaid, HEAP, SNAP, TANF, etc. recipients) electric and natural gas customers. Requires such rate reduction to be at least 25 and no more than 35 percent of the revenues that would have been generated for the same billed usage were the customer not be eligible for such reduced rate. Precludes such corporations from recovering any low-income rate costs from any single class of customer. NAY (State already has programs to assist low-income customers.)

S2994A Prohibits fuel oil, grade number four in any building or facility in the state on and after July 1, 2029. NAY (Does not apply to NYC. Excessive cost of conversion.)

S3609B This bill would require that the Health Equity Impact Assessments, as required under the Certificate of Need Process, include the availability and provision of reproductive health services and maternal health care in the applicant's service area and if they would be affected if the project is implemented. Under the bill, applicants are required to demonstrate how the project will meet the obligations of providing such services. B PRINT - Makes changes to requiring applicants of projects to demonstrate how it meets the obligations of the right to abortion which was codified into law as a part of the reproductive health act in 2019. NAY

S2330 This bill requires insurers to send policyholders a notice as to the "good faith increases of premium rates" for the policy over the next 10 years. NAY



S2731 Allows for certain notices related to property/casualty insurance contracts under the workers' compensation law and the vehicle and traffic law to be delivered by electronic means. AYE

S1938 Updates the "period of war" definitions in the alternative veterans' exemption to include recent and current "hostilities" in Somalia, Bosnia, and Kosovo and in the Global War on Terrorism respectively. AYE

S3592 Gives the Superintendent of the NYS Department of Financial Services (DFS) the flexibility to allow mortgage guaranty insurance companies to make early withdrawals from their statutorily-mandated contingency reserve accounts if the Superintendent determines that such withdrawal would not be harmful to policyholders. AYE

S3004 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

S3320 Creates a residential condominium owner's bill of rights that includes the right to transparency, the right to timely decisions, voting rights, the right to notice, and the right against extraordinary expenses. AYE

S2776 This bill amends the section of the Public Health law governing the reimbursement of health care services by means of telehealth, originally codified in 2015 (see Chapter 6 of the laws of 2015), for persons being provided care under the following State agencies: Office for People with Developmental Disabilities (OPWDD), Office of Mental Health (OMH) and Office of Addiction Services and Supports (OASAS). AYE

S2995 This bill, known as "Shepherd Patterson law" would require that before July 1, 2023, the NYS Department of Health, in consultation with the Department of Education, to develop an informational pamphlet for practitioners to distribute to parents or guardians of patients

under the age of 18 with a medical condition that may create a disability pursuant to the Federal Rehabilitation Act of 1973 informing them that such minor may be entitled to a free and appropriate public education, which may include accommodations for the delivery of programs and services. AYE

S2123 CHAPTER AMENDMENT - Amends finance law making a technical change to refer to "animal shelter regulation" fund rather than "pet dealer licensing" fund in S.6870B of 2022 (relating to regulation of animal shelters). AYE

S4711 This bill would add a new section 7-a to the volunteer firefighters benefit law, to provide for the payment of certain volunteer firefighter death benefits within 90 days of the filing of application to receive such death benefit by the person or persons entitled to such benefit. AYE

S6061 GOVERNOR'S PROGRAM BILL - This bill provides that whenever a governor's appointee for chief judge of the court of appeals is confirmed by the Senate, and such confirmation creates a vacancy for an associate judge of the court of appeals(ie. the chief judge appointee was an associate judge on the court of appeals), then the governor would be allowed to then make an appointment for associate judge on the court of appeals from the remaining recommendations (from the commission on judicial nomination) for the prior chief judge vacancy. NAY

S1043A Provides that physicians and nurse practitioners may prescribe and order a non-patient-specific order to a pharmacist licensed and located in the state for dispensing self-administered hormonal contraceptives. A PRINT - prohibits pharmacists from dispensing self-administered hormonal contraceptives without training satisfactory to the Commissioner of Education (previously the bill only provided that the Commissioner of Education may require= pharmacists to undergo training relating to providing the care

specified in this legislation); - adds language to clarify that a pharmacist reviews the self-screening assessment given to patients for risk factors as part of providing guidance in choosing a self-administered contraceptive; and - makes various technical amendments.  
NAY (No age requirement. Parental consent for minors not required.)

S527 Amends the vehicle and traffic law and the public officers law to permit political subdivisions of the state to install and maintain demonstration programs for railroad grade crossing monitoring systems; imposes fines stemming from violations recorded by said systems (not to exceed \$100 per violation plus fees); provides for notice requirements and reporting requirements on the program to the Executive and Legislature. AYE

S2796 This bill amends section 2118 of the insurance law regarding excess line coverage, to remove the requirement that excess line brokers must obtain a declination from the medical malpractice insurance pool before the broker can place primary malpractice insurance in the excess line market. AYE

S2088 Makes rent stabilized dwelling units eligible for certain protections regarding deposits. NOTE - This bill seeks to extend the protections of the housing stability and tenant protection act of 2019, related to security deposits to tenants in rent stabilized dwelling units as well. NAY (Not balanced. Onerous for landlords.)

S2820 Designates a portion of the state highway system in the town of Woodbury, county of Orange, as the "Detective Brian C. Mulkeen Memorial Bridge". AYE

S945 Amends election law to accurately reflect proper cross reference relating to the operational failure of a voting machine. NOTE - Enabling legislation mandated 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. NAY (Underlying chapter still problematic. Unfunded mandate. Unrealistic expectations.)

S4742A This bill would authorize special permits for bars to remain open between 4am and 10 am if approved by the State Liquor Authority. Further clarifies that it would only clarify to the morning of New Years Day. AYE

S3392 The bill allows for buildings that exceed six stories to be included in the definition of a neighborhood NORC (Naturally occurring retirement community). In the event that a neighborhood or classic NORC is no longer funded, the director is instructed to provide information about nearby services available to residents who currently live in neighborhood and classic NORCs. AYE

S4790 This bill adds to the Standard Coverage under Medicaid (which means payment of part or all of the cost of medically necessary medical, dental, and remedial care, services and supplies...that are necessary to prevent, diagnose, correct or cure conditions, etc.) the provision of medically tailored meals and medical nutrition therapy. AYE (Cost notwithstanding, noteworthy bill. Potential for savings down the road.)

S4505A Prohibits discrimination of students on school property or at a school function based on religious attire, clothing, or facial hair. AYE

S3354 Amends 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

S4002 BUDGET DEBT SERVICE BILL NEW BILL. NAY