



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Votes for the Week of May 20, 2024

JIM RANNEY May 23, 2024

| ISSUE: **NYS SENATE**



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

S932D Requires health clubs accept cancellation of a membership within ten business days of receiving notice of the cancellation. D PRINT - Increases from 3 to 10 business days the processing time for refunds. AYE

S564A Provides that any person who has been injured by reason of any violation of any such rules, regulations or policies as the superintendent may promulgate may bring an action in

his or her own name; assert a counterclaim; or, if an action is commenced by the mortgagee or anyone acting on its behalf, bring a third party claim, against either the mortgagee and/or the mortgage servicer to enjoin any violations thereof; authorizes damages; makes related provisions. NAY (Would have an major impact on lenders who are seeking to enforce valid mortgages.)

S7861A Authorizes the county of Nassau assessor to accept an application for a real property tax exemption from Rock Community Church, Inc. for all of the 2023 general taxes and all of the 2022-2023 school taxes. AYE

S5905 This legislation provides that dependent persons under the age of eighteen shall not be listed in eviction petitions or warrants, and that the records pertaining to the eviction proceeding of a person under the age of eighteen shall be sealed. This bill also has provisions that seal records pertaining to children who have been named in eviction warrants. NAY

S1110A Amends Executive Law and General Municipal Law to require that all state agency, public authority, municipal, and municipal corporation forms that request a person's sex or gender must include an X marker for persons who do not identify as male or female. NAY (No purpose. Mandate on local governments.)

S585A An election commissioner may be removed from office by an affirmative vote of a majority of duly confirmed commissioners of the state board of elections for incompetence, misconduct, or other good cause, provided that prior to removal, such election commissioner shall be given a written copy of the charges against them and have an opportunity to be heard in their defense. NAY

S2477D This bill would amend the Labor Law by adding a new article 36 entitled New York State Fashion Workers Protection Act which would provide for the registration and duties of

model management companies and creative management companies and provide complaint procedures and penalties for violations. AYE

S799 Extends the period given to a disabled applicant for, or recipient of, public assistance benefits to request a fair hearing on a determination of their ability to participate in work activities from ten days to sixty days or within sixty days of receipt of a work activity assignment. NAY

S7185 Requires the office for the prevention of domestic violence to conduct a study on domestic violence in the transgender community with a focus on Black transgender women. AYE

S2695B This bill would exclude sheriffs and undersheriffs from certain training that is required under the General Municipal Law. AYE

S4743 Establishes a Black Leadership Institute within the state university of New York as an initiative for Black leaders in higher education with a mission to retain and grow from within SUNY a greater proportion of Black professionals at SUNY campuses; creates an eight member advisory council. AYE

S160A Amends Judiciary Law and repeals section 52 of the Civil Rights Law to allow for video recordings of all judicial proceedings, except when the presiding judge or justice prohibits it for certain participants for safety and the fair administration of justice or if the courtroom is order closed to the public. The manner of such recordings is controlled by the statute. State is required to install cameras in all courtrooms and provide streaming of proceedings free of charge on a state website. AYE

S7001 Provides for the selection of a city court judge for the city of Jamestown. AYE

S3552 Provides for the licensing of genetic counselors; creates the state board for genetic counseling. AYE

S1901A Amends criminal procedure law to enact Emma's law. Permits the court to allow victims of misdemeanor crimes to request and be granted an opportunity to speak at sentencing. AYE

S333 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.)

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

S1965A Requires certain health and casualty insurers to provide coverage for prenatal vitamins. AYE

S2266 Creates the offense of defrauding the government in the first degree (via the use of an automated sales suppression device to evade any tax owed to the state or a municipality) and expands the definition of conspiracy in the fourth degree; to include the aforementioned felony. Defrauding the government in the 1st degree is a class D felony and conspiracy in the 4th is a class E felony. AYE

S5423 Prohibits the mandated use of credit cards at state parks, recreational facilities or historic sites. AYE

S1267A Requires a utilization review agent to follow certain rules when establishing a step therapy protocol; requires that the protocol accepts any attestation submitted by the insured's health care professional stating that a required drug has failed as prima facie evidence that the required drug has failed. AYE

S1233 Requires that DOCCS take steps to ensure that incarcerated individuals whose first language is not English are able to understand, participate and complete substance abuse programs provided in prisons. AYE

S6923 Amends railroad law by adding section 72-a. This requires every railroad corporation operating any freight train in the state to conduct a comprehensive safety inspection while the freight train is parked in the train yard before traveling in the state. Requires every railroad corporation to have minimum of two safety inspectors on either side as the freight train leaves the yard. AYE

S612C Prohibits conflicts of interest among board of elections employees; prevents a board of elections employee with the exception of members of a county committee and district leaders from remaining on the board of elections payroll while also a candidate for an office who has an election overseen by the board at which they are employed; allows for a member to remain on the board until 90 days before the general election if there is no primary for such office. AYE

S8448 Includes Mattituck-Laurel library within libraries eligible for the financing of projects through the dormitory authority. AYE

S8884A Allows F.X. Matt Brewing Company, located in the City of Utica, in the County of Oneida, to serve beer at their annual Boilermaker race and festival. AYE

S8331 Establishes January 30th of each year as a day of commemoration known as "Fred Korematsu Day of Civil Liberties and the Constitution". AYE

S8488 Establishes a Latina suicide prevention task force; provides for the number of members, manner of appointment and the topics to be reviewed. AYE

S8642 Exempts the Varna Volunteer Fire Company, Inc., within the town of Dryden, Tompkins county from the forty-five percent limit on non-resident members. AYE

S3310A Amends the Public Officers Law to prohibit statewide elected official, state officer or employee, member of the legislature, legislative employee or political party chairman who owns or controls a certain percentage of a corporation or limited liability company from receiving compensation for consulting or legal services from a state or local authority. NAY (Public bidding should be open to all.)

S154F The bill would prohibit the manufacturing, distribution, assembly, reconditioning, sale, or offering for sale of any lithium-ion battery or second-use lithium-ion battery intended for use in electric bicycles, limited-use motorcycles, or micro-mobility devices (hoverboards, one wheeled scooters, e-scooters) unless the battery is certified by an accredited testing laboratory as compliant with Underwriters Laboratories (UL) and European standards. AYE

S7503B Would require retailers of micro-mobility devices, bicycles with electric assist, limited use motorcycles powered by lithium-ion batteries, and lithium-ion batteries intended for use in such devices or bicycles to provide customers with an operating manual. The operating manual must include instructions on storing and charging batteries and management when problems arise. AYE

S7744C Requires retailers to affix a notice on any bicycles with electric assist and micro-mobility devices which states that you cannot use such device on sidewalks or on highways

with speed limits over 30 MPH, except where allowed by local law; authorizes the department of state to promulgate necessary rules and regulations; imposes fines for violations thereof; makes related provisions. AYE

S7746A Requires any dealer where lithium-ion batteries, bicycles with electric assist, micro-mobility devices and limited use motorcycles are sold at retail or repaired, and/or lithium ion electric batteries are housed in a storage facility to maintain functional fire protection and suppression measures effective against lithium-ion battery and electrical fires, including but not limited to Class B extinguishers, battery cases, and automatic monitoring and detection; authorizes the department of state to promulgate necessary rules and regulations; imposes a fine of \$250 for a knowing violation to comply with such provisions. AYE

S7760A Requires micro mobility devices, mopeds, and bicycles with electric assist to have a red tag attached to the charging cord which states to unplug when not in use. AYE

S8743 Directs the department of state, in consultation with the division of homeland security and emergency services and the New York state energy research and development authority, to develop and maintain safety resources, information, and protocols in regard to fire hazard prevention relating to, but not limited to, lithium-ion batteries, second-use lithium-ion batteries, bicycles with electric assist as defined in section one hundred two-c of the vehicle and traffic law, mopeds, and micro mobility devices. AYE

S644A Requires every county board of elections employ at least four full time employees in addition to the commissioners. NAY (Unfunded mandate on some local counties. Too broad.)

S5963A Requires the commissioner to establish Asian American, Native Hawaiian, and Pacific Islander history and civic impact curriculum or instructions for school districts. AYE

S6809B Provides that NYSERDA shall establish a program to provide rebates or new lithium-ion batteries for powered mobility devices at reduced cost or no cost to certain individuals; sets standards for lithium-ion batteries provided pursuant to the program; requires NYSERDA to submit an annual report on such program. NAY

S8659 Establishes a Black youth suicide prevention task force to study the current mental health practices and suicide prevention efforts of Black youth age 5 through 18 years and make recommendations therefor; provides for the number of members, manner of appointment and the topics to be reviewed. AYE

S8742 Requires the state fire administrator to establish hazardous materials emergency response training for incidents involving lithium-ion batteries. AYE

S5537A Authorizes county boards of elections to establish countywide polling places. NAY
(Potential to limit voter access. Difficult implementation.)

S6798A Permits certain defendants in a criminal action in Delaware, Otsego or Schoharie county to appear electronically, with the approval of the court. AYE

S2776A 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. AYE

S3512A Authorizes Christopher Walser to take the competitive civil service examination for the position of police officer and be placed on the eligible list for employment as a fulltime police officer for the village of Skaneateles police department. AYE

S4520A Authorizes Lawrence Ecker to receive certain service credit with the New York state and local employees' retirement system for his time as a state supreme court judge from approximately June 2021 through June 2022. AYE

S5291A Grants retroactive membership with tier IV status in the NY state and local employees' retirement system to Dana Kerstanski. AYE

S2862A Authorizes municipalities to offer real property tax credits to certain volunteers who live in one municipality but who serve in neighboring municipalities. AYE

S1979A Requires the Empire State Development Corporation, in consultation with SUNY, CUNY, public housing authorities and the Commission on Independent Colleges and Universities to conduct a study on the economic impact of the establishment of kitchen incubators; requires a report to the governor and the legislature. AYE

S1936 Ensures that when land is disposed of by public authorities, certain safeguards are in place, including disclosure of ownership information, ensuring that disposals with that contain rights of first refusal make certain that the land is transferred at or above fair market value, that when land is transferred for less than fair market value, it is in the public interest to do so and the legislature retains oversight. AYE

S7780A Mandates the department of health to prepare a comprehensive study and report on the integration of doula services in birthing delivery teams and healthcare delivery facilities and recommend metrics to formally designate doula friendly spaces. AYE

S4534 Requires the addition of fog lines on all state highways and other public ways under the jurisdiction of the department of transportation when such highway or public way is repaved. AYE

S2450 COSPONSOR Amends penal law to add contact via text, private message, direct message, email or other electronic communication to the list of types of communication for the purposes of proving aggravated harassment in the second degree. Presently, only telephone calls qualify. AYE

S8542 Extends the effectiveness of provisions related to licensing of establishments where animals or fowls are slaughtered until August 5, 2028. AYE

S9015 The bill expands the factors considered by judges when determining child support, including aspects like the parent's employment history, education, and the needs of the children. In addition, the bill removes exceptions regarding incarceration being considered voluntary unemployment for child support purposes, ensuring that incarceration does not automatically preclude modifications to child support orders based on changes in circumstances. AYE (NYS is at risk of losing \$200 million in Federal Child Support Funding if we are not in compliance with a federal rule from the Office of Child Support Enforcement by June 2024.)

S8881 Requires DCJS, in cooperation with the Office of Victim's Services to develop and implement a standardized procedure to be used by police officers, county sheriffs' department and state police officers whereby family members and dependents who may be eligible to receive a crime victims award to be notified about the existence of such award and the existence of any other relevant services or programs. Requires such information be included in materials prepared by the Municipal Police Training Council and NYS Police. AYE

S2907 COSPONSOR Provides for the licensing of vision impairment specialists. Academy of Certification of Vision Rehabilitation and Education Professionals; American Council of the Blind of New York, Inc.; AURORA of Central New York, Inc.; Central Association for the Blind

and Visually Impaired; Chautauqua Blind Association, Inc.; NY Vision Rehabilitation Assoc.; Visually Impaired Advancement. AYE

S4447 Authorizes a pharmacist to substitute an alternate epinephrine auto-injector when a brand-named epinephrine auto-injector has been prescribed, provided the prescriber has not prohibited such substitution, that the epinephrine auto-injector will cost the consumer less, that the consumer has consented to receive the alternative product, and that the consumer has been counseled on how to operate the alternative product. Pharmacist must counsel the patient or the person authorized to act on the patient's behalf on the proper usage and operation of the alternate epinephrine auto injector. AYE

S6433 Directs the commissioner of the Office for People With Developmental Disabilities to provide for the oversight of facilities and providers of services under section 16.03 of the mental hygiene law relating to the management of the cash accounts of residents. Oversight of resident's cash accounts shall include a statewide policy mandating audits, policies governing the purchase of gift cards, and prohibiting the use of self-generated receipts as evidence of meal purchases by cash custodians for meals outside of the residence. AYE

S4970 Directs the division of housing and community renewal to study non-rental fees charged by landlords and report to the legislature. Study to include a description of fees commonly or frequently charged, amounts of such fees, how fees are determined and any other data or information the division deems pertinent. NAY (Slippery slope.)

S8739 Requires towers to clean up any debris in the surrounding area resulting from the vehicles they are towing and tow trucks to be equipped with the appropriate equipment for such clean up efforts. AYE

S27 Authorizes the state to convey certain forest preserve land; provides such sale shall be subject to legislative approval and the proceeds of such conveyance shall be used for acquisitions to the forest preserve. AYE

S3196 Establishes a curriculum and task force to provide housing navigation services for those with intellectual and developmental disabilities. Adds the Commissioner of OMH and the Commissioner of OASAS to serve on the taskforce. Delays the effective date to April 1, 2023. 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

S5801A Provides for the award of reasonable attorneys' fees in FOIL proceedings if the person is successful and in open meeting proceedings to the successful petitioner and against the public body. AYE

S8336 Permits the use of snowmobiles on the right-of-way of certain portions of state route nine hundred fifty-four-h within the village of Bemus Point in Chautauqua county. AYE

S1687A Provides a rebuttable presumption relating to further certification as a minority and women-owned business enterprise if there is no change in the ownership of the enterprise and no material change in the nature or management of the enterprise from the time of approval of the previous minority and women-owned business enterprise certification. AYE

S1148 This bill exempts public schools from being designated as early voting polling sites. The bill authorizes county BOEs to designate buildings owned by an entity receiving more than \$1 million in annual state grant funding as early voting polling sites unless the owner can demonstrate that such use is significantly incompatible with the primary function of the

entity. Under current law, the county BOE can only chose a building that is exempt from taxation. Finally, the bill also authorizes places of business licensed to sell alcohol as early voting sites. These places are currently prohibited. NAY (Should be local decision. Imposition on businesses. Voting should be public.)

S2298 Amends the election law to require subpoenas relating to election matters be served with a separate informational sheet summarizing the reason for each subpoena being issued and other related information. AYE

S9276 Allows evidence of a defendant's prior sexual offense to be admissible in a sexual assault proceeding. AYE

S5361A MANNION Grants Peter Guarino retroactive membership with Tier IV status in the New York state teachers' retirement system. AYE

S5865 Authorizes the assessor of the town of Brookhaven, county of Suffolk, to accept from the Post-Morrow Foundation, Inc. an application for exemption from real property taxes for 2022-2023 for property located at 0 and 25 Orchard Road. AYE

S4321 Relates to the distribution of educational materials regarding the misuse of and addiction to prescription drugs in counties with the most prevalent abuse of prescription opioids. AYE

S8323 Amends the Workers' Compensation Law section 13-A to provide that certain communications between a claimant's attorney or representative and an injured employee's treating provider or a claimant's medical consultant are not improper influence or an attempt to improperly influence. AYE

S5262 Provides retroactivity to the original date of eligibility for the senior citizens rent increase exemption (SCRIE) and disability rent increase exemption (DRIE) in the City of New York. AYE

S6239 Allows a judge, for good cause, to issue a protective order, prohibiting the release of the names and addresses of any prospective or sworn juror to anyone other than counsel for a party to the action. AYE

S2731A 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

S7647B The MTA and NYC transit authority shall use such committed funds, upon a determination by the MTA or NYC transit authority, to rename the 23rd street subway station to the 23rd street Baruch College station. AYE

S1050B COSPONSOR Allows pharmacy technicians to practice in any pharmacy under the supervision of a pharmacist. AYE

S5635A Authorizes pharmacists to administer injections for contraceptive use after a non-specific patient order from the Commissioner of Health, a licensed physician or a certified nurse practitioner. NAY

S7937 Requires the commissioner of corrections and community supervision to make correctional facility water testing results accessible directly to incarcerated individuals and correctional facility staff in such facilities and make such water testing results available to the public on the website of the department. AYE

S5896 Exempts certain commercial lines insurance transactions placed by wholesale insurance brokers from the excess line diligent effort requirement. AYE

S6424C Expands the membership of the interagency task force on trafficking in persons to include the commissioner of the department of transportation, the commissioner of the department of motor vehicles and the executive director of the New York state thruway authority. AYE

S1316A Establishes that each utility shall submit a report on its total customer in arrears to the Public Service Commission. Provides that the commission shall require assistance programs related to the payback of customer arrears shall be either 24 or 36 month payment plans. AYE

S8899 Extends certain provisions relating to bonds and notes of the city of Yonkers until June 30, 2025. AYE

S8602 This bill provides certain exemptions for individuals having entered into a contract to play baseball at the minor league level and who is compensated pursuant to the terms of a collective bargaining agreement. The bill provides for exemptions under the labor law from minimum wage, overtime, and record keeping requirements and under article 6 of the labor law including but not limited to, record keeping requirements, wage statement requirements, and weekly pay requirements for "manual workers". AYE

S4340 This bill amends Article 21 of the CPLR, which provides rules governing papers served or filed, to provide that every exhibit shall be clearly identified but no specific method of labeling shall be required. The bill also provides that the rejection of a submission shall not be based solely on the mislabeling of an exhibit. AYE

S7517 Provides that an itemized bill or invoice, receipted or marked paid, for services or repairs of an amount not in excess of five thousand dollars is admissible in evidence and is prima facie evidence of the reasonable value and necessity of such services or repairs itemized therein in a civil action if accompanied by proper certification from the person rendering such services or making such repairs. AYE

S6584C This bill would amend the Executive Law related to the collection of certain demographic information by certain state agencies, boards, departments and commissions to require separate collection categories for White, Middle Eastern, and North African groups. AYE

S1156 The bill would amend sections 189 and 195-c of General Municipal Law to allow employees of non-profit organizations to participate in the management and operation of games of chance'. AYE

S9250 Extends the effectiveness of certain provisions of law relating to the operation of personal watercraft and specialty prop-craft. AYE

S8781A Provides that a board of education or a board of cooperative educational services shall have the authority to award contracts for school food services on the basis of certain scoring criteria. AYE (This allows the school district and localities to determine their best lunches, allowing them enough space to operate as opposed to mandating they take the lowest bid.)

S9163A Authorizes the Praise Tabernacle Church of God to receive retroactive real property tax exempt status with respect to the 2021-2022, 2022-2023, and 2023-2024 assessment rolls. AYE

S9486 This bill would amend the Real Property Tax Law to limit the amount of property shift between homestead/non-homestead and class share apportionment for local governments within and including Nassau county. AYE