



NEW YORK STATE SENATOR

Patrick M. Gallivan

Votes in the NYS Senate for June 17, 2019

JIM RANNEY June 18, 2019

| ISSUE: **NYS SENATE**



The bills listed below were voted on in the New York State Senate. The legislation is listed by bill number and includes a short description, followed by Senator Gallivan's vote.

S1730 Requires the real property transfer tax return relating to residential property sold or purchased by a limited liability company to include information on the ownership of such company.

NAY (No legitimate reason to do. Does not capture corporations. Parties to transaction are permitted to obtain such information.)

S2978A Requires charter buses to use commercial global positioning system technology which takes into account the minimum clearance of the motor vehicle.

AYE

S2455A Amends the general obligations law by adding a new section 5-336 that prohibits a contract or proposed contract for the sale or lease of consumer goods or services from including a provision waiving the consumer's right to make any statement regarding the seller or lessor or its employees or agents, or concerning the good or services.

NAY (Contract should be what is agreed to by parties. Creates private right of action.)

S4089A Authorizes political subdivisions and certain public authorities to establish demonstration programs implementing railroad grade crossing monitoring systems by means of photo devices.

AYE

S2100B Requires the department of environmental conservation to report on coyote management techniques in urban and suburban areas.

NAY (1. Does not apply statewide. 2. Does not include most of SD 59.)

S1966A Increases the number of physicians who may be appointed to serve as the medical board of the NYC employees' retirement system.

AYE

S2387B Relates to menstrual product labeling; requires label affixed thereto or a package insert, upon which there shall be plainly and conspicuously printed a list of all ingredients which shall be listed in order of predominance.

NAY (Should be dealt with at the federal level to mitigate burden on manufacturers.)

S456B This legislation would clarify that public employees have the same rights as private employees and may bring a private right of action to enforce their right to equal pay for equal and equivalent work.

AYE

S4661 This bill amends the Alcoholic Beverage Control Law to require that certain licenses to brew or sell beer include the certificate of authority number.

AYE

S4949A Validates certain acts of the Mahopac Central school district with regard to certain capital improvement projects.

AYE

S5248B This bill amends current law that prohibits differential rates on the basis of "sex" to prohibiting differential pay rates for substantially similar work on the basis of a "protected class."

AYE

S3639 Requires persons having claims under a life insurance policy to provide reasonable assistance to the insurer in obtaining information relating to misrepresentations made by the insured.

AYE

S1631A Requires disclosure of a missing or non-functional airbag for certain vehicles at resale or auction.

NAY (NYS does not require inspection of working airbags.)

S4019A Requires that a retail lessee shall not be liable for charges for the early termination of a retail lease agreement of a motor vehicle if he or she has deceased before the end of such

lease.

AYE

S4197B Relates to the sale of bonds and notes of the city of New York, the issuance of bonds or notes with variable rates of interest, interest rate exchange agreements of the city of New York, the refunding of bonds, and the down payment for projects financed by bonds; amends the New York state financial emergency act for the city of New York; makes further amendments relating to the effectiveness thereof.

AYE

S5450 This bill amends section 390.30(6) (a) of the Criminal Procedure Law to create a two-year interim probation period for any treatment program supervised by any treatment court.

AYE

S3421A Makes care and services provided by licensed mental health practitioners eligible for coverage under the Medicaid program.

AYE

S2655B Prohibits smoking in public parks; sets \$50 fine; defines terms.

NAY (Further restriction on a legal product is incongruous.)

S4399 Creates the state office of the utility consumer advocate to represent interests of residential utility customers.

NAY (Duplicative. No funding source provided. Cost likely to be passed onto the consumer.)

S5723 Amends the Administrative Code of the City of New York by adding a new Section 19-610 that prohibits school buses operated by or pursuant to a contract with the board of education for transportation of students to or from public schools from parking overnight

on a city street.

AYE

S5866 Requires an annual report on appliance and equipment energy efficiency standards and resulting energy and utility bill savings.

NAY (Redundant.)

S5763B Authorizes the beneficiaries of a member of the state and local employees' retirement system who died after filing a retirement application to choose pension benefits rather than a death benefit.

AYE

S6130A Raises the mandatory retirement age from 62 to 65 formembers of the New York State and Local Police and Fire Retirement System (PFRS) who are covered under the provisions of Section 384 of the Retirement and Social Security Law. This aforementioned section allows any member of the PFRS to contribute to certain retirement plans contingent upon 25 years of service.

AYE

S5473A To increase the maximum pay for chairmen, election inspectors and ballot clerks for fire district elections

AYE

S4429 Requires the commissioner of economic development to publicize certain information related to programs for small business enterprises and minority and women-owned business enterprises.

AYE

S3636 Relates to licensing of independent insurance adjusters by waiving requirements regarding character references and a written examination if the applicant holds a claim certification from a national or state-based claims association.

AYE

S4078 This bill would amend the insurance law by adding Article 32, governing for profit commercial health insurance policies, and Article 43, governing nonprofit health insurance policies. The bill would provide coverage for a pharmaceutical claim for less than a 30 day supply for patients enrolling in medication synchronization programs.

AYE

S3059 Establishes the hours during which alcoholic beverages may be sold on certain international airport property; authorizes the sale of alcohol from 6:00 AM to 3:00 AM.

AYE

S2519 Prohibits the taking of non-native big game mammals in a fenced or other area from which there is no means for such mammal to escape.

NAY (Too expansive. Regulated by the DEC.)

S2854B Requires the development, adoption and implementation of a master plan for the Nissequogue River State Park.

AYE

S5695A Relates to observance of all religious holidays by institutions within the state university and the city university of New York, and includes the Asian Lunar New Year within the definition of such holidays.

AYE

S6014A Establishes the New York task force on automated vehicle technology to study and assess the future of automated vehicle technology.

AYE

S5575B ATTORNEY GENERAL DEPARTMENTAL - This bill broadens the scope of information covered under the data breach notification law and updates the notification requirements when there has been a breach of data. It also broadens the definition of a data breach to include an unauthorized person gaining access to information. It also requires reasonable data security, provides standards tailored to the size of a business, and provides protections from liability for certain entities.

NAY (Adds regulatory hurdles for small business. Too much power is given to the Attorney General to negatively impact small businesses. Will discourage reporting.)

S1813 This bill permits pharmacists, at the request of the patient or a prescriber, to partially fill a prescription for a schedule II, III or IV controlled substance within the statutorily mandated timeframe of 30 days from the date of issuance of said prescription. The remainder of the prescription may be dispensed separately so long as it is done so within said 30-day timeframe.

AYE

S5960 This bill amends the social services law to allow care and services provided by clinical social workers licensed under article 154 of the education law, acting within their lawful scope of practice, eligible for coverage under the Medicaid program.

AYE

S1997B Permits Essex county to enter into a municipal cooperative agreement for emergency medical services and general ambulance services.

AYE

S5883A Establishes school election wards in the Washingtonville Central School District.

NAY (Not necessary.)

S5884A Establishes school election wards in the Chester Union Free School District.

NAY (Not necessary.)

S5935A This bill includes in standard Medicaid coverage all US FDA approved forms of medication assisted treatment for treatment of substance use disorder. Removes all prior authorization mandates on all forms of medication assisted treatment.

NAY (Increased cost and not necessary.)

S6179A Establishes school election wards in the Warwick Valley Central School District.

NAY (Not necessary.)

S5522A Directs the department of education to study the frequency of residents who are being assessed library taxes for more than one library district and to make recommendations to address the double taxation of residents.

AYE

S6178 Allows the New York City clerk to designate additional staff members as he or she deems necessary to officiate marriages.

AYE

s6239A Relates to the authority of the New York black car operators' injury compensation fund, Inc. to provide additional benefits, consistent with its plan of operation, for all black car operators.

AYE

S5905A This bill would eliminate the requirement that certain titles are required to file an application to become members of the New York City's Teachers' Retirement System (TRS).
AYE

S5932A Permits regulatory agencies to adjust any authorized fares to account for credit card processing fees for meters used in for-hire vehicles and requires credit card processing fees to be separately stated on receipts to passengers of such vehicles.
AYE

S3965A This bill directs the Commissioner of the Department of Motor Vehicles (DMV) to establish a pilot program for the delivery of the motor vehicle pre-licensing course via the Internet. The Commissioner is also authorized to promulgate rules and regulations to establish the pilot program. The Commissioner may establish an application fee of not more than \$7,500 for entities interested in sponsoring a pre-licensing course. The Commissioner may also establish a fee of not more than \$8 for each student who completes the pre-licensing course. The monies from this per-student fee will be deposited in the dedicated highway and bridge trust fund.
AYE

S4944A Permits members of the Fair Harbor fire district to adopt a resolution changing the date for the nomination of the chief and assistant chiefs of such fire department.
AYE

S5554B Relates to the green roof tax abatement; authorizes a tax abatement for any tax year commencing on or after July 1, 2019 and ending on or before June 30, 2024, which shall be fifteen dollars per square foot of a green roof; provides that the amount of such tax abatement shall not exceed \$200,000.
AYE

S5933A This bill requires certain public works contracts to contain a clause allowing a contractor to make a claim for additional costs caused by a delay in the performance of the contract which is caused by a material act or omission of a state agency.

AYE

S17D This bill would amend the Racing, Pari-Mutuel Wagering, and Breeding Law in relation to establishing regulations for expanded sports betting. The bill would allow casinos to operate a mobile sports wagering platform.

AYE

S500 Specifies requirements for motor fuel advertising media; requires clearly visible signs relating to the pricing of motor fuels.

NAY (Overly broad. Duplicative.)

S517B CONSTITUTIONAL AMENDMENT - This bill would expand the equal protection clause of the state constitution to include ethnicity, national origin, age, disability, sex including pregnancy, sexual orientation and gender identity or expression.

AYE

S1167 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

S1209 Authorizes the St. Lawrence county jail to be used for detention of persons under arrest being held for arraignment in any local court in the county of St. Lawrence.

AYE

S1930 Makes the provisions of law authorizing hunting big game by rifle in the county of Orleans permanent.

AYE

S1983 Prohibits a sex offender whose victim was a child and level 3 sex offenders from knowingly being within 1,000 feet of a facility where pre-kindergarten or kindergarten instruction is provided.

AYE

S2198 This bill amends the definition of qualified agencies as it relates to the provisions of the Executive Law relating to the Division of Criminal Justice Services. Specifically, it would add public defenders, legal aid societies and assigned counsel administrators to the existing list of qualified agencies which are allowed to access criminal history reports from the Division of Criminal Justice Services.

AYE

S2296A Allows businesses to use funds received from minority- and women-owned business development and lending program for the purpose of refinancing existing debt.

AYE

S2359 This bill would amend section 100 of the alcoholic beverage control law, to provide that within 10 days after filing a new application or an application for renewal, and within 10 days of the applicant's receipt of written notice of a hearing scheduled with respect to a license to sell liquor under section 64 (license to sell liquor at retail for consumption on the premises), 64-a (special license to sell liquor at retail for consumption on the premises), 64-b (license to sell liquor on premises commonly known as a bottle club), 64-c (license to manufacture and sell alcoholic beverages in a premises commonly known as a restaurant-brewer), or 64-d (license to sell liquor on premises commonly known as a cabaret), a notice thereof must be posted by the applicant, in a conspicuous place at the entrance to the establishment or proposed establishment where it can be easily read by passers-by.

NAY (Additional regulation on businesses. No additional benefit.)

S2461 This bill extends the expiration date to December 31, 2021 for a provision in the Environmental Conservation Law that allows a single individual to fish with up to three lines in freshwater.

AYE

S2593 This bill establishes in the Department of Health a family planning program to ensure the continuity of family planning services in the state. "Family planning providers" means services funded under Title X of the Federal Public Health Services Act as of December 31, 2016; and that lost eligibility for Title X funding. This bill would allow funds to continue to go to entities like Planned Parenthood at the state level since the Trump administration in May amended the regulations to prevent any federal funds to go to family planning providers who offer abortion services. Funding used to support family planning services under the program would be in addition to any funding applied by DOH before December 31, 2016, to the maintenance of effort requirement for federal funding under Title X.

NAY (This bill seeks to provide state funding to entities that perform abortion services that have lost federal funding.)

S2946 This bill establishes that assessed values of NYC cooperative units and condominiums cannot increase more than 3% in the two years following resolution of tax certiorari proceedings.

AYE

S3032A This bill would authorize victims of human trafficking to recover actual, compensatory and punitive damage as well as injunctive relief or any appropriate combination, or any other appropriate relief in addition to reasonable attorney's fees.

AYE

S3237 Requires the metropolitan transportation authority to provide more detailed information to the public on its website

AYE

S3360A This bill expands current law to require home improvement contractors that provide an estimate to install a home heating system, which includes the cost of converting an existing home heating oil system to a different kind specifically natural gas and electric and any other home heating system, to include a separate estimate detailing costs related to closure, abandonment, and or removal of a home heating oil storage tank. Any relevant local laws must also be provided. This is an expansion of current law by requiring a cost of converting of any other home heating system.

AYE

S4463A This bill would remove provisions requiring local network participating pharmacies to accept the same terms and conditions as mail order pharmacies, and exempts unions from the provisions.

NAY (Excludes unions. Will increase costs. Eliminates prior protection.)

S4525 This bill would provide small businesses (independently owned and operated, not dominant in its field and has less than 100 employees) with additional rights and privileges under the general obligations law and the banking law. Specifically, additional rights and privileges when it comes to rates of interest; effect on usury.

AYE

S4632 This bill would amend section 700 of the county law, to authorize Hamilton County, through its board of supervisors, to designate the office of district attorney, as a full time position.

AYE

S4724 Grants William J. Cooley additional service credit within the New York state and local police and fire retirement system.

AYE

S4725 Authorizes Patrick Humiston to receive certain service credit under section 384-d of the retirement and social security law.

AYE

S4848 This bill authorizes pharmacists to administer injectable medications for the treatment of mental health and substance use disorders, as prescribed or ordered by a licensed prescriber in NY and in accordance with regulations promulgated by the Commissioner in consultation with the State Board of Pharmacy.

NAY (Does not provide for necessary training.)

S5225A This bill authorizes the commissioner of motor vehicles to require the submission of physicians', physicians' assistants or nurse practitioners' statements on a scheduled basis to any applicant for an original driver's license who has ever suffered a loss of consciousness, any applicant for a renewal driver's license who has suffered a loss of consciousness since their last license was issued, any person who is required to submit a medical statement as a condition for continued licensing, and any licensee concerning whom DMV has received evidence of a loss of consciousness.

AYE

S5430 This bill will amend the public service law to change the requirement for a quorum of the public service commission from a majority of the "duly appointed commissioners" to a majority of total number of members designated in the makeup of the commission (five). In other words, there must be at least three members present in order to constitute a quorum.

AYE

S5467A Authorizes the assessor of the town of Brookhaven, county of Suffolk, to accept from The Jackey Foundation, an application for exemption from real property taxes.

AYE

S5626 Allows justices of criminal courts in the county of Madison to preside in any court for the limited purposes of arraignments and appearance proceedings pursuant to a bench warrant.

AYE

S5661 The bill amends section 653 of the Tax Law to provide that a taxpayer's electronic signature on a New York State e-file authorization signature form received by a tax preparer shall have the same effect as if it was actually signed by the taxpayer.

NAY (Current procedures help to prevent fraud upon taxpayer.)

S6037A This bill would add "distributed ledger technology" to the list of business types that participate in the Excelsior Jobs Program that engage in financial services data centers.

AYE

S6050 Includes acts of domestic violence in the criteria the court shall consider in determining the equitable disposition of property during divorce proceedings.

AYE

S6209A Prohibits race discrimination based on natural hair or hairstyles; defines "race" for certain specific purposes to include, but not be limited to, ancestry, color, ethnic group identification, and ethnic background, and to include traits historically associated with race, including but not limited to, hair texture and protective hairstyles; and defines "protective hairstyles" to include, but not be limited to, such hairstyles as braids, locks, and twists.

NAY (A person's hair is not their race, rather their choice.)

S6249 This bill clarifies that an appraisal management company may hire or contract a person for property inspections or evaluations if they are licensed as an appraiser, real estate broker, or home inspector, or a person for a broker price opinion if they are licensed as a real estate broker.

New York Bankers Association; Real Estate Valuation Advocacy Association

AYE

S6259A Provides for advance payment of the earned income credit by employers, the commissioner of the department of tax and finance and the commissioner of New York City's department of finance.

NAY (Administrative burden. Invites even more potential for fraud in already problematic area.)

S6271 The bill would amend section 1340 of Racing, Pari - Mutuel Wagering and Breeding Law to allow Native American class II and class III gaming facilities to elect to have the Gaming Commission oversee and regulate alcohol service instead of the State Liquor Authority.

AYE

S6297 This bill would require a pass-through pricing model for pharmacy benefit managers(PBMs) in the commercial market and prohibits spread pricing.

NAY (Overly burdensome. Will increase prescription drug costs.)

S6303 This bill would require insurance companies or PBMs to apply any price reduction instrument for out-of-pocket expenses when calculating an insured individuals cost sharing requirements. This would require the application of coupons or rebates by health insurers when calculating an individuals deductible so the deductible would be reached sooner and in theory alleviate some out-of-pocket expenses for consumers.

AYE

S6307 Requires domestic violence and sexual assault awareness education for persons engaged in the practice of nail specialty, waxing, natural hair styling, esthetics and cosmetology and establishes such education programs.

NAY (Too much Government intrusion in private business.)

S6313 STATE COMPTROLLER DEPARTMENTAL - Extends the period of time to file an application for an accidental death benefit after the death of a member of the New York state and local employees' retirement system or the New York state and local police and fire retirement system.

AYE

S6327 DOS DEPARTMENTAL - Adds text messages to provisions regarding telemarketing and provides for increased caller identification transparency for certain types of telemarketing activity.

AYE

S6336 This bill would exempt certain land in the Town of Carmel, in Putnam County from provisions that restrict manufacturers, wholesalers, and retailers from sharing an interest in a liquor license.

AYE

S6351 OCA DEPARTMENTAL - Allows the court to suspend jury deliberations and separate the jury until the close of business on the second day following such recess, or, "for good cause shown," until the close, of business on the third day following the recess, not including weekends and holidays. The measure also provides that a defendant may consent to a longer period of suspension and separation. By requiring "good cause" for any suspension longer than two business days.

AYE

S6353 OVS DEPARTMENTAL - Expands the definition of "child victim" to include victims less than 18 years old, who suffer physical, mental or emotional injury, loss or damage as a result of any violation enumerated in Article 22 of the Executive Law - committed against, or witnessed by such child. This would allow child victims to collect if they are the witness of one of the crimes enumerated in Article 22 of the Executive Law. NOTE - Crimes included in article 22 of the Executive Law include menacing, criminal obstruction of breathing or blood circulation, harassment, criminal contempt, stalking, etc.

AYE

S6356 Provides that health care decisions regarding routine medical treatment for adult patients without surrogates are not required to be reviewed by an ethics committee.

AYE

S6363 This bill seeks to bring uniformity to DEC's authority to regulate shellfish by including scallops.

AYE

S6368 Directs the commissioner of health to develop informational materials concerning menstrual disorders for distribution in schools and to patients.

AYE

S6374 Relates to the presidential primary, to provide for the election of delegates to a national party convention or a national party conference in 2020; establishes the "Presidential" primary date as April 28, 2020.

AYE

S6384 Limits the exceptions to certain effluent limitations in Nassau and Suffolk counties and requires certain eligible projects for state aid involving water pollution control revolving

fund agreements to take county-wide or regional wastewater planning into consideration when determining eligibility.

AYE

S6389 GAMING COMMISSION DEPARTMENTAL - The bill would enhance the Gaming Commission's self-exclusion program. Current law provides for self-exclusion, but authorizes forfeiture of winnings in violation of self-exclusion only for prohibited commercial casino gambling. This bill would strengthen the disincentives for a self-excluded person to violate the terms of his or her exclusion.

AYE

S6405 Provides that upon the application of a relative to become a foster parent of a child in foster care, the court shall hold a hearing to determine whether the child should be placed with a relative in foster care only if the person is related to the child as described under paragraph (a), (b), or (c) of subdivision three of section four hundred fifty-eight-a of the social services law and if other circumstances are present.

AYE

S6406A This bill would require the Office of Mental Health to create and submit a written report on the development of plans, programs, and services to prevent suicide in New York, as well as a report on prevention services and program initiatives directed towards high risk minority groups and demographics.

AYE

S6416 SLA DEPARTMENTAL - This bill would amend section 110-b the alcoholic beverage control law, to require that not less than 30 nor more than 270 days before filing an application for a liquor license, an applicant must notify the municipality in which the premises is located of such applicant's intent to file such an application.

AYE

S6426 Extends the expiration of provisions relating to including the trustees of the Freeholders and Commonalty of the town of Southampton, trustees of the Freeholders and Commonalty of the town of East Hampton and the trustees of Freeholders and Commonalty of the town of Southold as municipal corporations for the purposes of section 72-h of the general municipal law.

AYE

S6431 Authorizes the dormitory authority to provide financing to the Young Men's and Young Women's Hebrew Association (dba 92nd Street Y).

AYE

S6436 This bill would amend the principle of fair and equal pay for similar work to include or substantially similar work, when viewed as a composite of skill, effort, and responsibility and performed under similar working conditions and without discrimination based on status within a protected class.

AYE

S6445 This bill would move the Amistad commission from the Department of State to the New York State Education Department.

AYE

S6448 This bill would allow institutions that conduct research on human subjects whose research is not federally funded, but is subject to and in compliance with federal policies to attest to the commissioner of health that such research is in compliance with federal and state laws and regulations.

AYE

S6531 Provides for pharmacy benefit management and the procurement of prescription drugs to be dispensed to patients, or the administration or management of prescription drug benefits; sets forth definitions; provides for funds received by a pharmacy in trust for the health plan or provider and provides for accountability of such funds; further provides for an appeals process to investigate and resolve disputes regarding multi-source generic drug pricing.

NAY (The bill would substantially interfere in the contacting process between health plans, pharmacies and PBMS. Decreases competition and raises drug prices.)