



NEW YORK STATE SENATOR

Patrick M. Gallivan

Votes in the NYS Senate for Week of Jan. 21, 2020

JIM RANNEY January 27, 2020

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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.

6933 CHAPTER AMENDMENT - Amending criteria for designating certain species as vulnerable species and prohibiting the sale of articles made from such vulnerable species; providing for a repeal date of January 1st, 2021, for when a report to be provided to the department of environmental conservation shall no longer be required. This chapter amendment would amend the requirements that allow DEC to designate a species a

"vulnerable". A species would be categorized as "vulnerable" if "a decline that if unreserved, will likely result in the species becoming endangered or threatened within the foreseeable future." NAY (If lawful elsewhere, not right to place such restrictions on New York citizens.)

6941 CHAPTER AMENDMENT - Relating to anatomical gifts; providing for a new Article 43-A outlining the anatomical gift duties of hospitals and procurement organizations; making technical corrections, including, to use two examples: the removal of "close friend" as an authorized individual who can speak on a donor's behalf; and the removal of the use of symbols to indicate the general intent to make a gift, whereas a phrase such as "organ donor" or "donor" remains sufficient to imply consent to be a donor. AYE

6950 CHAPTER AMENDMENT - Relates to sick leave for certain individuals with a qualifying World Trade Center condition and rights of public employers and employees relating thereto. This Chapter Amendment repeals language that would have given the State Civil Service Commission the ability review claims for reimbursement and instead provides such authority to the President of the Civil Service Commission. It further extends eligibility to individuals who have filed a notice of participation under Workers' Compensation Law and are now employed by the state, a public authority or any municipal corporation. It also specifically includes new language with respect to the rights of employers/employees operating under collectively bargained agreements. And Lastly, this chapter amendment would expressly allow appeals in accordance with Article 78 procedures instead of to the Civil Service Commission. AYE

6956 CHAPTER AMENDMENT - Relates to rights of sexual offense victims; provides that sexual offense victims shall be informed that a rape crisis or victim assistance organization is available to provide victims with transportation from a medical facility. The chapter amendment removes the provisions from the executive law providing authority to the

Office of Victims Services (OVS) and implements them in the public health law to require the hospital or entity providing the medical service to include in their duties when contacting a rape crisis or victim assistance organization to help coordinate transportation through the assistance organization for a sexual assault crime victim. AYE

6960 CHAPTER AMENDMENT - Making technical corrections to water saving performance standards and establishing certain threshold amounts for showerheads. AYE

6965 CHAPTER AMENDMENT - Requires that information be made available to parents regarding window blind safety. This chapter amendment is due to the fact that the Governor found the bill to be too broad in nature. This amendment removes the mandate on providers that requires exorbitant printing of the leaflets by DOH and distribution to parents at the child's 6 month appointment. The amendment instead requires the department to post a printable format of the leaflet to allow providers to provide the leaflet to providers at the child's 6 month visit. This will be less onerous on providers and reduce costs on DOH. AYE

6968 CHAPTER AMENDMENT - Relates to hemp, cannabinoid hemp, and hemp extract. This chapter amendment adds the Department of Health, instead of the Department of Agriculture and Markets, as the agency that will oversee all facets of regulation for products derived hemp extract (CBS oil). AYE

4034 Amending the general municipal law to permit the employees of authorized organizations such as the American Legion or their auxiliaries or affiliates to operate games of chance; permitting non-employees to assist the licensee in further activities. AYE

643 Permits an insurer to rescind or retroactively cancel a policy in circumstance involving an accident staged to defraud an insurer. AYE

7166 CHAPTER AMENDMENT - This legislation amends the previous bills by changing the name on the personal income tax forms of the tax check-off created by those bills from "Meals on Wheels for Seniors" to "Home delivered Meals to Seniors." AYE

7312 Authorizes the appointment of a monitor to oversee the Wyandanch union free school district, authorizes deficit financing and an advance of aid payments for such district. NAY

7321 Authorizes the appointment of a monitor to oversee the Hempstead union free school district. NAY

6939 CHAPTER AMENDMENT - This bill would require jewelry containing 40 parts/million of lead to carry a warning that the jewelry "may be harmful if eaten or chewed." This would notify consumers or parents of children wearing such jewelry that a potential hazard exists. This bill makes corrections in the reference to a federal regulatory standard, to reflect the updated regulation. AYE

5517 OCA Departmental - This measure would amend the Criminal Procedure Law to expand the list of authorized notations a trial court may add to a verdict sheet to assist the jury in distinguishing among submitted offenses. AYE

7162 CHAPTER AMENDMENT - This legislation amends the underlying chapter by removing the changes made to the Alcohol Beverage Control Law and instead placing the sales tax exemption in the Tax Law. The first sale made for in premises consumption by a brewery or farm brewery to a customer of up to four four-ounce servings of beer in a flight, each serving constituting a different beer, would be exempted from the sales tax. NAY (Limits tax incentive. Could result in higher taxes.)

7164 CHAPTER AMENDMENT - This legislation amends the underlying chapter by changing the agency in charge of conducting a study of the methods and technologies used for the

authentication, use, preservation, and security, of electronic versions of legal documents. AYE

7170 CHAPTER AMENDMENT - The purpose of this bill is to increase by one year the number of years of military service that can be deducted from the age of an applicant for appointments or promotions for positions in public service. Pursuant to approval memo 23 of 2019, the Executive sought an amendment which would clarify that the benefit applies statewide, including in New York City. This chapter amendment provides that clarification. AYE

7174 CHAPTER AMENDMENT - Relates to exempting income earned by persons under the age of 24 from certain workforce development programs from the determination of need for public assistance programs. Pursuant to approval memo 19 of 2019, the Executive expressed concerns that the bill, as currently written, contained technical flaws that would prevent effective implementation and possibly cause confusion as to its applicability. This legislation is a negotiated change to the underlying chapter that addresses those concerns. AYE

7183 CHAPTER AMENDMENT - This bill requires agencies proposing regulations that affect small businesses or local governments to assess the minimum time such entities will need to come into compliance with any new regulatory requirements. This legislation amends the underlying chapter by repealing the requirement that agencies include an analysis of the time needed to comply with new rules that will affect small businesses and local governments. Instead, agencies will be required to consider the time to comply when they are developing a new rule. Additionally, when modifying an existing rule, agencies will include a statement of time to comply, where appropriate. Finally, the effective date has been amended. AYE

7184 CHAPTER AMENDMENT - Provides for the regulation of reverse mortgages that are issued under the federal home equity conversion mortgage program; prohibits the deceptive advertising and issuance of such mortgages; requires that independent counseling be provided to applicants for such mortgages; requires lenders to provide notice of duty of mortgagor to pay certain property related expenses when equity in the real property is low or depleted; prohibits foreclosure on mortgaged property based on the failure of the mortgagor to live on the property, until an inspection has been made at the property; establishes a proved right of action with treble damages for violations of such provisions. The amendments here will prohibit the use of the words "government insured" or other similar language in a manner that falsely represents that reverse mortgage loans are insured, supported and sponsored by any governmental entity in any commercial, mailing, advertisement or writing relating thereto. NAY (The state should not be regulating federal programs.)

7194 CHAPTER AMENDMENT - This bill would amend section 5-211 of the election law to mandate that all institutions of the state university of New York and the city university of New York must create and make available to all students a webpage for voter education on each such institution's website, containing a link to an application for voter registration, a link to an application for an absentee ballot, contact information for the county board of elections, and the name and contact information for the administrator responsible for voter registration assistance on each campus. This legislation amends the underlying chapter by changing the deadline for the report on voter registration efforts to June 1, 2020 from January 1, 2020; removing reference to students in language that required the report to contain the number of clicks to online voter registration and absentee ballot applications to the number of clicks to said applications generally; and to provide that SUNY and CUNY provide the report on behalf of its respective institutions, but requires that the report contains disaggregated data from each institution. NAY (Not universal. Disparate

treatment.)

3012 Exempts operators of law enforcement and fire department vessels from laws which regulate vessels on the navigable waters of the state while such operators are in the course of responding to emergencies. AYE

4873A Directs the board of trustees of the state university of New York and the city university of New York to report on the current composition of faculty at four year campuses and community colleges. AYE

1265 Authorizes the use of innovative techniques to enhance public participation in the rule making process; provides that use of such techniques shall in no way otherwise diminish public participation in the rule making process; establishes a three year pilot project for seven major regulatory agencies to hold public hearings upon petition of 125 or more New York residents. AYE

3736 Extends the exemption from filing requirements only with respect to rates and policy forms to out of state businesses underwritten and transacted from an office outside this state. It allows insurers to take advantage of the Free Trade Zone regardless of whether they maintain a physical office in-state. AYE

7165 CHAPTER AMENDMENT - Requires an annual report on appliance and equipment energy efficiency standards and resulting energy and utility bill savings. Narrows the scope of the report by removing language that requires a determination about federal preemption of energy efficiency performance standards. This legislation further amends the underlying chapter by changing the annual requirement to produce a report on energy efficiency standards and utility bill savings to a requirement for a report in 2021 and again in 2030. NAY (redundant.)

7167 CHAPTER AMENDMENT - Reduces the use of PFAS chemicals in firefighting activities; charges the office of fire prevention with making determinations on the availability of non-PFAS foams every two years; repealer. Pursuant to approval memo 61 of 2019, the Executive expressed concerns about the need to ensure that, while effective substitutes are not in existence, fire departments could continue to use PFAS containing foams in limited circumstances to deal with not only flammable liquid fires, but ignitable liquid fires. They expressed a need for language giving the Office of Fire Prevention periodic authority to determine whether effective alternatives for fighting these kinds of fire are available. This legislation is a negotiated change to the underlying chapter that addresses those concerns. AYE

7171 CHAPTER AMENDMENT - This chapter amendment clarifies that SUNY and CUNY institutions that route on-campus 911 calls to their own emergency answering and response systems can continue to do so. AYE

7173 CHAPTER AMENDMENT - This legislation requires hospitals to adopt obstetric hemorrhage protocols and requires the hospitals to provide the protocols to the Department of Health upon request. DOH must develop guidance to hospitals on obstetric hemorrhages, including a toolkit and checklist and must post the guidance and toolkit on the DOH website. This chapter amendment alleviates the concerns with the first bill that it was duplicative in nature and unnecessary. AYE

7178 CHAPTER AMENDMENT - Relates to canvass of ballots cast by certain voters by re-defining the term "substantially complied" to encompass how "the board can determine the voter's eligibility based on the statement of the affiant or records of the board." This chapter amendment would clarify that substantially complies means the board can determine the voter's eligibility based on the statement of the affiant or records of the board. NAY (Voters should have to fully comply with an affidavit form. Defining "substantially comply" does not

go far enough.)

7180 CHAPTER AMENDMENT - This legislation amends the underlying chapter by extending the effective date to one year after it shall have become a law. AYE

7195 CHAPTER AMENDMENT - The bill requires the Department of State to conduct a study on the number of women directors that serve on corporate boards that do business in New York State. The extension of the effective date is to give the Department of State enough time to make the system changes necessary to implement this legislation. AYE

7197 CHAPTER AMENDMENT - The underlying bill which was signed by the Governor prohibits employers from discriminating against employees based on the employees' or dependent's reproductive health decisions, and to provide remedies for such violations. The chapter amendment adds a severability clause. Basically, this amendment states that if any part of the underlying law is found to be invalid, ONLY the part found invalid can be struck down while the remaining provisions of the original bill remain in effect. NAY (Unnecessary as current law already provides protection to employees.)

6391 This bill would repeal Labor Law § 206-b, which prohibits factory or mercantile owners from knowingly employing a female who has given birth within the last 4 weeks without specific written permissions. AYE