



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Votes in the NYS Senate for Week of Jan. 27, 2020

JIM RANNEY January 31, 2020

| 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.

509 This bill permits participation in bingo games by minors (under 18 years of age) who are accompanied by an adult. AYE

7087 Amends the racing, pari-mutuel wagering, and breeding law, extending by an extra year the New York Thoroughbred Horsemen's Association's authority to receive an additional

1.0% of purse funds for the support of additional medical and mental health services for backstretch employees. AYE

7161 CHAPTER AMENDMENT - Amends the public health law and executive law, requiring hospitals to provide to both minor and adult sexual assault victims the full 28-day regimen of HIV post-exposure prophylaxis and inform them of payment assistance services through the Office of Victim Services. This chapter amendment reverts the law back to its original form requiring a 7-day starter pack of HIV post-exposure prophylaxis. However, the chapter amendment requires a 7-day starter pack for persons 18 years of age and older, and provides the option of a full regime for a person less than 18 years of age. NAY (This bill would result in disparate treatment of victims of sexual assault by requiring HIV PEP treatment to be reimbursed by OVS without having to submit a crime victim's compensation application. Should follow established procedures.)

7172 CHAPTER AMENDMENT - Establishes the rare disease advisory council; advise and consult on policy matters relating to rare disease; twenty-one appointed members. The chapter amendment repeals the entire law on the creation of rare disease advisory council, and instead requires DOH to convene a workgroup to identify best practices that could improve awareness of rare diseases and referral of individuals with rare diseases to specialists, and evaluate barriers to treatment, including financial. DOH must issue a report no later than 2 years following the effective date summarizing the workgroups findings. AYE

7175 CHAPTER AMENDMENT - Requires the commissioner of health to develop and update information on possible complications from pregnancy that can endanger the life or health of the newborn or the mother; requires hospitals offering maternity or women's wellness services to provide information concerning pregnancy complications; and repeals certain provisions of the public health law relating to providing information on possible complications from pregnancy. The governor's approval message stated that this

information should be given out at a more appropriate time during a woman's pregnancy. AYE

7176 CHAPTER AMENDMENT - Establishes a sexual discrimination training program within the state office for the aging. This chapter amendment moves the training program to the section of law outlining the powers and duties of the New York State Office of the Aging (NYSOFA). It also requires NYSOFA to create the training itself subject to an appropriation and to make it available to the Area Agencies on Aging (AAA). This was needed to more closely align the training program with the existing structure of NYSOFA and the AAAs, as well as to clarify that the training program will be subject to an appropriation. AYE

2397 Directs the New York state department of financial services and the New York state department of state's consumer protection division to conduct a study on consumer awareness and financial education in New York state and to make recommendations for a consumer awareness and financial education program. AYE

5538A Directs the commissioner of the office for people with developmental disabilities to conduct a study in consultation with the comptroller's office on whether it is feasible to allow the use of debit cards for residents' cash accounts to be used for facilities and service providers holding operating certificates. Amendment extends date to complete study to 2021. AYE

4977 This bill amends General Business Law section 89-cc(1) by removing specific instructions on how New York City's process servers must keep their records. It also requires these process servers to preserve their records by submitting them to a third party contractor, and provides instructions on how the records are to be reported and kept secure. AYE

7307 CHAPTER AMENDMENT - Amends the labor law on additional information provided to employees on public work contracts. This Chapter Amendment makes a series of technical and practical changes to ensure effective administration of the newly created notice provision. Additionally, the bill ensures that notice provided in the underlying bill of the supplements provided or claimed pursuant to the prevailing wage schedule is given to an individual worker, and the worker receives explicit notice about the type, nature, and amount of the supplement. NAY (Not necessary. Prevailing wage already required.)

6935 CHAPTER AMENDMENT - Amends the underlying chapter under the civil service law, which sought to clarify the policy of the state with respect to fair pay policies and a non-biased compensation structure, by deleting language regarding bringing actions in court (private right of action) regarding compensation discrimination and provides that pay differentials based on collective bargaining agreements will not constitute a violation of the section. AYE

6942 CHAPTER AMENDMENT - The original bill would implement a state policy to ensure public employees receive fair and equal pay for substantially similar work. This amendment removes the language -substantially similar title- to clarify that the individual in the same protected class or classes must be in the same title. AYE

6957 CHAPTER AMENDMENT - Relates to authorizing retail licenses to purchase beer with a business payment card. Pursuant to approval memo 91 of 2019, the Executive expressed concerns that the underlying bill required some technical changes to ensure that all wholesalers and manufacturers are placed in an equal footing, including by ensuring that the small wholesalers wouldn't be put at a disadvantage by having to pay for credit card fees, while large wholesalers could absorb the costs. In addition, differences between the beer and wine/liquor wholesale business led to concerns and for that reason the use of credit card for wine and liquor transactions was removed from the bill. This legislation is a negotiated

change to the underlying chapter that addresses those concerns. NAY (Unfair for wine/liquor businesses.)

7088 EXTENDER BILL - Relates to extending the provisions relating to the New York state thoroughbred breeding and development fund until ten years after the commencement of the operation of a video lottery terminal facility at Aqueduct racetrack. AYE

6725A Establishes the crime of misappropriation of payroll funds when a person knows that funds are designated for use as employee payroll funds or as payment of payroll taxes, and intentionally prevents the funds from being used for their designated purpose. The A print adds language that states a delayed transfer is not covered under this statute if there is an agreement between a payroll processing company and an employer for the purpose of investigating potential fraud or incorrect transactions. The A print further protects a payroll processing company by stating they are not responsible if an employer fails to provide sufficient funds. AYE

6728 This bill requires the Superintendent of the Department of Financial Services, in consultation with the Commissioner of the Department of Taxation and Finance, to conduct a study in which the Superintendent will review the adequacy of employee protections and small business employer protections in the payroll services industry. The Superintendent shall make recommendations regarding the same. AYE

7168 CHAPTER AMENDMENT - This legislation amends the underlying chapter to make several technical changes to ensure that domestic partners become fully eligible to receive compensation from the office of victim services. AYE

7177 CHAPTER AMENDMENT - Consistent with ongoing efforts to addressing marine conservation issues, in relation to the bill that establishes the marine mammal and sea turtle

protection area, this Chapter Amendment repeals the requirement for mapping of marine mammal and sea turtle protection area and further repeals section 11-2052 of the environmental conservation law, which would have required the formation of a marine mammal and sea turtle protection area advisory committee. AYE

7191 CHAPTER AMENDMENT - Relates to disclosing if the property subject to lien is real property improved or to be improved with a single family dwelling. The original bill required the notice of a lien specify whether the lien is being filed is on a single family dwelling. This chapter amendment merely clarifies that language. AYE

6727B Amends the general obligations law to provide that payroll processing companies that intentionally and wrongfully prevent the distribution of payroll shall be liable to employees that failed to receive an expected payment for an amount up to three times the expected amount; to provide an action to recover damages may be maintained as a class action; to define a payroll processing company as a person or business entity that contracts with an employer to 1) calculate, process, and produce wage payments under the employer's federal employer identification number, 2) remit taxes to the government under the employer's federal employer identification number, 3) issue income tax forms under the employer's federal employer identification number and 4) conditions wage payment on the employer's advance deposit of funds to the payroll processor. AYE

6726A This bill provides that recovery of wages due to a clerical error by the employer or vendor of the employer is prohibited if such clerical error did not result in an overpayment or other inaccuracy in the amount of wages paid or the time in which wages were dispersed. AYE

7308 CHAPTER AMENDMENT - In relation to adding components sold with instructions to combine such components to create combustion or detonation to the definition of

"explosives". This legislation amends the underlying chapter by amending the existing definitions section of the Labor Law instead of creating a new article pertaining to explosives. An additional clause is added to the definition of the term "explosives" that states: "The term 'explosives' shall also include two or more components that are advertised and sold together with instructions on how to combine the components to create any device designed or specially adapted to facilitate a detonation or combustion." NAY (Will have a negative impact on sportsman.)

21 This bill would direct the Public Service Commission to conduct and publish a study analyzing available time-of-use plans offered by all gas and electric utility companies. The study shall analyze time variant plans available to both residential and commercial customers, comparative prices of those plans, Advanced Metering Infrastructure (at times referred to as Smart Meters) and costs relating thereto, potential impacts on rates, and how to incentivize and effectively advertise these plans to customers. AYE

839A Enacts the "New York state YouthBuild act"; sets program requirements; authorizes grants to eligible YouthBuild participants and establishes application requirements. A print adds several services to the program, alters the program standards to those set by the U.S. Department of Labor, and other technical corrections. AYE

4835 Provides that court records in a proceeding under articles 81 of the mental hygiene law shall not be perused, examined, disclosed, taken or copied by any other person than a party, the attorney or counsel of a party, the guardian, the court evaluator or the court examiner except by order of the court. AYE

3412 The bill would amend the Agriculture and Markets Law to require any individual, who has the legal authority to be at a vacated foreclosed property, that encounters an animal that seems abandoned, to notify authorities to retrieve such animal. AYE

7310 CHAPTER AMENDMENT - In relation to increasing the length of the suspension period applicable to certain striking workers who seek to obtain unemployment insurance benefits. While striking workers are permitted to receive unemployment insurance benefits, prior to the underlying chapter, striking workers had to wait until after the expiration of a 49-day suspension period. The underlying chapter sought to lessen the undue financial hardship on workers exercising their legally guaranteed rights to organize, bargain collectively, and strike and to align the amount of time that an unemployment insurance benefits claimant must wait with the waiting period applicable to other claimants (two weeks). NAY (Do not agree with chapter amendment.)

7313 CHAPTER AMENDMENT - The original bill, S.4910 by Senator Skoufis, would have required that all political committees which make an expenditure for a political communication, would be required to disclose their identity on such political communication with the following language: "Paid for by:" followed by the name of the political committee making the expenditure. This chapter amendment would exempt this new requirement from: \* Political communications that are considered promotional items, including but not limited to pens, bumper stickers, yard signs, buttons, shirts, bags or balloons; and \* Political communications that are considered digital media. This chapter would limit the scope of such requirement of the original bill by not including promotional material or digital media. AYE

6199 DHCR DEPARTMENTAL - This bill would amend the statute of the Housing Finance Agency's (HFA) subsidiary, the Housing Trust Fund Corporation (HTFC), to extend the 30-year loan term maximum by allowing the loan term to be co-terminus with other financing or regulating agencies participating in the project. The change is necessary to permit HTFC to participate in projects funded by its parent and other agencies with longer financing and regulatory requirements. AYE



6153 OVS DEPARTMENTAL - Requires law enforcement and other agencies to provide the information necessary for the Office of Victim Services (OVS) to investigate a claim. Also provides that in the event there are inconsistent reports among two or more criminal justice agencies, OVS shall consider the totality of the circumstances. AYE

4408 Requires an authorized lender which seeks to foreclose upon a reverse mortgage issued under the federal home equity conversion mortgage program to provide notice thereof to the department of financial services and to the mortgagor; directs such department to provide notice to the mortgagor of legal service organizations which may assist them with the default or foreclosure; prohibits authorized lenders from making advance payment of debts upon the mortgaged real property. NAY (The state should not be regulating federal programs.)

5557A 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. The A version of this bill makes a technical amendment to a date. AYE

3099 Includes step children within the meaning of the term "child" for purposes of additional credits for children of firefighters, police officers, emergency medical technicians and paramedics killed in the line of duty. Legacy credits are points which can be used on civil service tests when the job applicant is the child of a first responder killed in the line of duty. AYE

7236 This bill provides the mailing of annual voter registrant checks occur no more than 90 days before a primary election and no less than 85 days before a primary election. Under current law the mailings occur no more than 70 days before a primary election and no less than 65 days before the election. The sponsor states this bill is necessary because the

previous time limit would overlap with the new early voting period before the June primary. The registrant check is meant to notify voters who have changed their addresses or other voter information since the last election. AYE