



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes in the NYS Senate for Week of Feb. 10, 2020

JIM RANNEY February 14, 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.

6944 CHAPTER AMENDMENT - The underlying chapter amended the correction law to allow for significant programmatic accomplishment for limited credit time allowances for certain inmates; includes an associate's degree, bachelor's degree, master's degree or doctoral degree by completing a registered program from a New York state degree-granting institution, or a program offered by an out-of-state institution of higher education. This

chapter amendment is technical and ensures the bachelor, associate or master's degree the inmate completes meets NYS Education Department standards. NAY (Only technical changes made. Opposed to reduction of sentence (incarceration) that initially imposed by a judge.)

6967 CHAPTER AMENDMENT - This amends the underlying chapter by further crystallizing the exercise of the privilege to operate a motor vehicle when presenting evidence of loss of consciousness for the purposes of maintaining a driver's license. It (1) ensures that licensees/applicants will provide sufficient medical documentation in advance of automatic suspension/denial hearings, to ensure that the DMV has sufficient evidence to evaluate the case and (2) distinguishes between loss of consciousness reports originating from police or medical professionals as contrasted with other sources. The license denial/suspension would be automatic pending the hearing if the loss of consciousness is based on police reports or medical reports; on the other hand, the license denial/suspension would be deferred until after a hearing if based on reports from other sources, unless DMV determines that a motorist is an immediate hazard in conformance with its existing regulations on the subject. AYE

1054-A This bill would amend the penal law to create a new section prohibiting the illegal installation of gas meters. A gas meter is unlawfully installed when it is installed by a person other than a person acting on behalf of a utility corporation subject to the jurisdiction of the PSC, unless such person has received a permit. Unlawfully installing gas meters would be a class B misdemeanor. AYE

7187 CHAPTER AMENDMENT - The underlying chapter amends the real property tax law permitting special districts to adopt local laws providing for an exemption for improvements to residential real property for the purpose of facilitating accessibility of such property to a physically disabled owner. This chapter amendment would authorize a county, city, town or

village to adopt a local law or a school district to adopt a resolution to exempt from real property tax special ad valorem levies where improvements to residential real property were made to facilitate accessibility for physically disabled persons. AYE

5723 Prohibits, under N.Y.C.'s administrative code, school buses operated by or pursuant to a contract with the board of education for transportation of students to or from public schools from being parked overnight on a city street. AYE

5574 DEPARTMENTAL - This bill requires where a plaintiff in an action for personal injury or wrongful death commences suit with a summons with notice rather than with a summons and complaint, the summons with notice does not have to specify the sum of money the plaintiff seeks. AYE

4661 Requires that the forthcoming licenses include a "certificate of authority" number. Applicable licenses: brewer's, wholesaler's, vendor's, beer retail sales for off-premises consumption, retail beer and wine products' sales for off-premises consumption, and retail beer sales for on-premises consumption. AYE

2174 This bill amends the social services law to assure individuals with limited English proficiency and in need of communication assistance receive appropriate written, verbal and other language translation services in the six most common non-English languages spoken by recipients to increase awareness and participation regarding the SNAP program. AYE

3041 This bill would require the office of Temporary and Disability Assistance (OTDA) to work with the local Social Services Districts to determine what information should be given to applicants and recipients of public assistance. Additionally, the Office of Temporary and Disability Assistance (OTDA) shall further determine which of that information shall be placed on the office's website. AYE

4188 This bill amends the banking law to require financial institutions to provide notice to customers that includes a telephone number and full contact information to reach a representative of the financial institution regarding any charges tendered to a customer for any account inactivity. AYE

7063 CHAPTER AMENDMENT - Revises the definition of a campground under real property law to say it shall not include land owned by the state. The underlying chapter setting a procedure for the removal of persons from a campground for a term of more than one week who, among other things, create a disturbance or otherwise violate lawful regulations promulgated by the campground owner. AYE

3872A This bill would amend subdivision (c) of section 7.41 of the mental hygiene law to authorize the commissioners of the office of mental health (OMH) and department of health (DOH) to waive rules and regulations to address barriers to collaboration between mental health providers and providers of home care services under the Geriatric Service Demonstration Program. The barriers to collaboration addressed within this legislation include: barriers related to Medical Assistance reimbursement, service procedures, care coordination and direct care worker training applicable to such providers. AYE

7623 CHAPTER AMENDMENT - Provides that a police officer shall only issue a summons for a violation of failure to wear a seatbelt in a taxi or a livery for minors eight years of age or older but under age sixteen to the parent or guardian, if the violation by such person occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more; relates to safety postings in a taxi or a livery; amends the posting to say, "Seatbelts must be available for your use. You must buckle up, it's the law." Further provides that such notices posted within for-hire taxis and liveries subject to registration and licensing by cities having a population of one million or more shall also be provided in the top two designated citywide languages. Directs the DMV to undertake a

public education campaign designed for for-hire vehicle drivers and taxi and limousine commissions to educate them on the new seatbelt law passed last month. AYE

1913 Authorizes municipalities to offer real property tax credits to volunteer firefighters and volunteer ambulance personnel who live in one municipality but who serve in neighboring municipalities. AYE

3685-B Provides that authorities having control of a fire department or fire company which provides emergency medical services may establish fees and charges for services. AYE

7314 CHAPTER AMENDMENT - Exempts recreational vessels from the compulsory state pilotage requirement. The underlying chapter incorrectly cited to the U.S.C. provision on offshore supply vessels (title 46, § 2102(25)), so this correction substitutes the citation for recreational vessels: title 46, § 2102(34). AYE

7315 CHAPTER AMENDMENT - In terms of the Central Pine Barrens area and the core preservation area, this chapter amendment accurately describes the legal metes and bounds of the aforementioned property. AYE

5443 OVS DEPARTMENTAL - This legislation would add "employment related transportation expenses" to include in an award to a claimant due to their personal physical injuries as a result of a crime. The office of victim services would reimburse such reasonable expenses, capped at \$2,500 for the period of time necessary. AYE

854 The bill would require the Division of the Budget to report to the Legislature and make available on its website a report listing the recipients, by zip code, of grants, awards or funds appropriated for services and programs delivered by such community based organizations. AYE

5188 Prohibits the making of any change, alteration or modification to any entrance to or exit from a polling place unless such change, alteration or modification is necessary to maintain public safety due to the occurrence of an emergency, and requires the posting of signage in relation to such change, alteration or modification. AYE

781 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

3443-A This bill would add a new section 563 to the real property tax law to provide that, notwithstanding any other provision of law, real property owned or leased on which spent nuclear fuel is stored and is pending further or final disposal, including fuel stored in a spent fuel pool or in a dry cask storage system, from a nuclear power station following the permanent cessation of power operations of such station, shall be assessed at a rate that reflects the best possible use of those lands. Presently spent nuclear fuel is classified as personal property of its owner and accordingly is not taxable as real property by a locality. NAY (This bill seeks to address one aspect of the Indian Point closure by making its stored, spent fuel taxable as real property for local governments. No value for the spent fuel. Cost to remove spent fuel is prohibitive.)

3679-A This bill would create a new seven member task force within the Department of Tax and Finance to study and make recommendations on real property tax exemptions. AYE

3994 Allows a village that has one associate justice, by unanimous resolution of its board of trustees, to authorize the appointment of a second associate village justice to serve when requested by the village justice or in the absence or inability of the village justice or acting village justice to serve. AYE

4907 This bill would amend section 239-nn of the general municipal law, to mandate that a legislative body of a municipality must give notice to an adjacent municipality, when a hearing is held by such body relating to the adoption or amendment of any zoning ordinance or local law or comprehensive plan, where such changes would affect a parcel or parcels that are within 500 feet of an adjacent municipality. NAY (Could stymie economic development efforts. Infringes on home rule.)

5312-A This bill would amend the unconsolidated law to authorize and direct the state board of real property tax services to conduct a study on real property tax saturation. AYE

6326 DPS DEPARTMENTAL - This bill changes the siting law allowing the Department of Public Service (DPS) to del-gate its approval power for siting electric transmission lines and natural gas lines to another agency or municipality. It also changes adds another exception to the exclusive approval power to include those laws that Enforce the state uniform fire prevention and building code. However, section 126(g) of the Public Service Law already contains a qualification to issue a Certificate of Environmental Compatibility and Public Need ("certificate") already states that such issuance the location of the facility must take into account local laws. AYE

5122-A This bill would prohibit the Long Island Power Authority (LIPA) or any third party power suppliers from receiving a refund of any property taxes due to LIPA resulting from any successful tax certiorari case. Any municipality, governmental subdivision or school district would not be liable for refunding any property taxes that a court rules was improperly assessed on LIPA property. AYE