



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Votes in the NYS Senate for Week of Feb. 24, 2020

JIM RANNEY February 28, 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.

877-A Expands the 'affirmation of truth of statement' provision to cover all health care licensed practitioners licensed, certified or authorized under title 8 of the Education Law. Under current law attorneys, physicians, osteopaths and dentists have the right to affirmations, meaning they do not have to find a notary public to administer an oath before submitting a sworn written statement. Under this law, acupuncturists, athletic trainers,

massage therapists, etc would have the right to affirmation. AYE

5209-A This bill would expand the informal caregiver training program to include an individual providing care for a person in need of assistance or an older adult providing care to a minor relative in their home. The bill removes language related to frail or disabled person but includes language related to a person in need of assistance. Further, the bill defines person in need of assistance to mean any person who requires assistance with one or more activities of daily living or instrumental activities of daily living. AYE

435 This bill would eliminate the present one-year time requirement for aggregation payments in tax fraud cases. Under the present law, a person can only be criminally charged for the amount of unpaid tax accruing in a single taxable year. There is no authority which would allow for the aggregation of amounts of unpaid tax in multiple years, which the sponsor contends would result in a higher charge, with more severe penalties, which would be more reflective of the extent of the crime. Accordingly, this bill would allow all unpaid taxes from multiple years to be combined into a single tax fraud charge, thereby authorizing a higher charge and a higher penalty. AYE

3834 Authorizes children's overnight camps, summer day camps, traveling summer day camps and camps for children with developmental disabilities to employ certain professionals (licensed social workers, physical therapists, psychologists, athletic trainers, mental health care professionals, occupational therapists and other licensed professionals) in order to better serve the mental and physical needs of these children during their summer camp experience. Under the current law, mental health professionals are excluded from the list of permissible services a summer camp may engage on behalf of camp attendees. AYE

6252 Extends the effectiveness of provisions related to licensing of establishments where animals or fowls are slaughtered from 2020 until 2024. AYE

3998 Allows the Hebrew Academy of Nassau County to provide satellite driver education courses in middle school or elementary school locations provided such course instruction occurs when elementary or middle school is not in session. AYE

311 This bill requires the Commissioner of Education to perform a comprehensive study on the number of public school students in grades 8 through 12 served by a guidance counselor and on the types of services provided. Further, the bill requires the Commissioner to make recommendations based on the findings. AYE

5023-A This bill would establish the interagency task force on health literacy within the State University of New York (SUNY). The purpose of this task force would be to increase knowledge of health literacy to help health care providers better serve New York State patients. AYE

628 Establishes the lease and landlord fraud public awareness program to promote public awareness of the potential risks of signing a fraudulent lease with an individual misrepresenting themselves as a landlord. AYE

3057 This bill would add a new section 7-a to the volunteer firefighters benefit law, to provide for the payment of certain volunteer firefighter death benefits within 90 days of the filing of application to receive such death benefit by the person or persons entitled to such benefit. AYE

2719 This legislation would increase the damages from \$100 to \$500 on creditors who do not execute and file satisfied judgments with a court clerk for judgments in excess of \$5,000 within 20 days after receiving full satisfaction. The sponsor states the goal of this legislation is to encourage individuals to file so it is less likely someone will have false strikes on their credit report. NAY

(This bill would create a new cause of action on an issue that no longer jeopardizes consumers as well as burdens the court system with new cases seeking to recover for technical violations or a harmless filing error.)

5421-A This bill would add licensed Massage Therapists to the list of authorized providers of workers' compensation. A licensed Massage Therapist is defined in this bill as having completed a formal course of study and having passed an examination in accordance with the education law, the regulations of the commissioner of education, and the requirements of the board of regents. AYE

2861 This bill would amend section 92-f of the public service law to require that prepaid cellular telephone cards have the expiration date of the minutes purchased printed on the card in conspicuous print. The print must be in bold and be at least two times larger than any other print at a minimum 10pt font. NAY (Information already provided & therefore not necessary.)

7639 The bill amends the Racing, Pari-Mutual Wagering and Breeding Law, the General Municipal Law, the Alcoholic Beverage Control Law and Administrative Code of the City of New York, to eliminate references to the State Racing and Wagering Board in the aforementioned consolidated chapters of law and make other technical changes. AYE

6172 State Division of Human Rights Departmental - This bill would amend section 296 of the executive law, to provide that it would be an unlawful discriminatory practice for the owner, lessee, sub-lessee, assignee, or managing agent of publicly-assisted housing accommodations or other person having the right of ownership or possession of or the right to rent or lease such accommodations, to not permit a disabled person to use an animal in a dwelling that alleviates the symptoms or effects of a disability. AYE

4142 This bill would amend section 302 of the state technology law to define "Blockchain technology" to mean distributed ledger technology that uses a distributed, decentralized, shared and replicated ledger, which may be public or private, permissioned or permissionless, or driven by tokenized crypto economics or tokenless, and where the data on the ledger is protected with cryptography, is immutable and auditable and provides an uncensored truth. AYE

6037-A 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

3654 This bill prohibits any party within the chain of distribution of any drug subject to a shortage to sell the drug at an unconscionably excessive price. It is a question for the court to factor the amount of excess in price; if there was an exercise of unfair leverage; or a combination of both. Authorizes the Attorney General to bring an action where a civil penalty cannot exceed \$100,000 and allows private right of actions by consumers to recover damages. AYE

2570 Provides an additional property tax exemption as an alternative exemption for two qualified veterans living in the same household, provided that the county opt to grant this alternative. Permissible up to 15% of the assessed value of such property, provided, that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate. Also available is an additional exemption of up to 10 of qualifying residential real property for veterans who served in a combat theatre or combat zone of operations, provided, however, that such exemption shall not exceed \$8,000 or the product of \$8,000 multiplied by the latest state equalization rate for the assessing unit. AYE

2930-A Authorizes municipalities to offer a real property tax exemption for property owned by full-time military personnel provides the authority for municipalities to enact a tax

exemption equal to 15% of the assessed value of a residential property owned by a full-time active duty member of the United States armed forces, but it shall not exceed twelve thousand dollars. Further, this provides an additional 10% property tax exemption for members of the United States armed forces deployed in an active combat zone. AYE

3561-A Requires certain contractor, subcontractor and worker certifications for any highway contract receiving state financial assistance that includes industrial painting or coating shall include workers certified to conduct the work. Any intermunicipal water quality infrastructure projects must follow the same training requirements for industrial painting and coating projects. AYE

6057 Establishes November 1st of each year as Military Opportunities Day in New York State. AYE

4495-A Vests exclusive jurisdiction in the state over automobile tire inflation machines. To ensure consistency in the regulation of tire inflation machines mandated for service stations by providing exclusive jurisdiction to the state through the Agriculture and Markets Department. Eliminates confusion over the issue of whether the state occupies the field and controls the regulation of tire inflation machines for motor fuel dealers. At the same time this bill makes it clear that a municipality is not restricted in enforcing the provision of a tire inflation machine by a dealer as required by the Commissioner of Agriculture and Markets. AYE

3647 CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY: This constitutional amendment allows anyone who has served in the armed forces to receive additional credits on competitive examinations for civil service appointments and promotions (5 points additional credit in a competitive examination for original appointment and 2 1/2 points in an examination for promotion, or additional 10 or 5 points credit, respectively, if such veteran

was disabled in the actual performance of duty in any war). Currently, the Constitution provides additional credits for veterans who served during a period of war. This amendment will provide parity amongst our armed forces veterans by eliminating the requirement of service in a time of war. Undetermined fiscal implications. AYE

3471-A Establishes the veteran career assistance program within the SUNY and CUNY systems to provide veterans discharged under honorable conditions with assistance in resume writing and employment placement services. The program shall be developed and maintained with resources already available to the division and the university systems. The director shall report to the legislature on an annual basis, the number of veterans utilizing the career assistance program. AYE

6706-A Establishes the Outdoor Rx Act; requires the Division of Veterans' Services to review issues relating to veterans' abilities to access state parks, lands, and facilities, in consultation with the Office of Parks, Recreation and Historic Preservation, the Department of Environmental Conservation, the Department of Health, and the Office of Mental Health. AYE

7304 Expands The Public Health and Health Planning Council (PHHPC) to include additional consumer representation. Increases PHHPC appointees by the Governor from 24 to 26. Increases the required number of representatives of health care consumer advocacy organizations on the PHHPC from one to three. Spells out a clearer definition of "health care consumer advocacy organization" than is in current law in order to ensure that the concerns of low- and moderate- income patients are heard. This bill is a modification of A4071/S870 of 2019. A4071/S870 would have increased PHHPC membership from 24 to 36. In the veto message the Governor raised quorum concerns due to size of the increase, but also said he supported the intent of diversifying PHHPC to reflect the community and that he would appoint additional consumer advocates. However, a statutory change is necessary in order to

create the additional seats for those consumers. NAY (This bill continues to give a stronger voice to consumer advocacy groups and while these groups have their membership's best interest in mind, their priorities do not necessarily compute with how to effectively deliver health care within the state.)

7318 Permits Donate Life Registry organ donor registration when applying for or renewing a hunting, fishing, or trapping license in person or electronically. Requires the D.E.C. Commissioner to provide a space on applications to enable the above. Currently, the only ways to enroll in the registry are through the Department of Health, the Department of Motor Vehicles, and the Board of Elections. Today, nearly 10,000 New Yorkers are waiting for life-saving organ transplants, this bill creates another path to increase enrollment in the Registry. AYE

7306 CHAPTER AMENDMENT - This legislation amends the underlying chapter by clarifying the intent of the legislature and ratifying changes requested by the Executive to fix technical and substantive concerns on how the licensing shall be administrated, including broadening the scope of the statewide license to include New York City. AYE

2665 Prohibits the imposition of any charge or fee on the telephone bill of a consumer when such fee or charge is imposed by a third party, unless the consumer explicitly agrees to the nature and amount of such fee or charge; makes the unauthorized imposition of such a fee void and unenforceable; directs the public service commission to enforce such provisions. AYE

6869-A Authorizes the assessor of the town of Huntington, county of Suffolk, to accept from the Joshua Baptist Church, an application for exemption from real property taxes. AYE

6152 OVS DEPARTMENTAL - Establishes that an action upon a restitution order may be commenced within 20 years of the date it was imposed by the court and any action brought by a victim or a victim's representative may be commenced within 20 years of the date of the crime. NOTE - expands the time frame from 7 - 10 years. AYE

5476 The bill amends Racing, Pari-Mutuel Wagering, and Breeding Law to codify the existence of the Racing Fan Advisory Council, which was previously created through resolution adopted by the Racing and Wagering Board in 2011 and subsequently reapproved by the Gaming Commission in 2016. AYE

7524 This bill amends section 2807-rn of the Public Health law to require the Department of Health to appoint a work group consisting of individuals recommended by associations representing physicians, general hospitals and other health care facilities to assess the impact of requiring individual applicants for grants from Doctors Across NY (DANY) physician loan repayment and physician practice support programs to use the NYS Grants Gateway. Such assessment must be completed by March 31, 2021. AYE

4284-A Requires cemetery corporations to post and provide customers with the New York state cemetery disclosure form. AYE

6431 Authorizes the dormitory authority to provide financing to the Young Men's and Young Women's Hebrew Association (dba 92nd Street Y). AYE

1475-A The bill would require businesses making automatic renewal/continuous service offers to New York consumers to present the terms of such offers in a clear and conspicuous manner, prohibit such businesses from charging consumers without their affirmative consent to the offer terms, and require such businesses to provide the offer terms and cancellation policy in a manner capable of being retained by the consumer. NOTE - knowing

violations include a civil penalty of not more than \$500 for a single violation and not more than \$1000 for multiple violations resulting from a single act or incident. AYE

5473-A To increase the maximum pay for chairmen, election inspectors and ballot clerks for fire district elections. This bill would increase the pay for election workers at fire district elections. It would nearly triple minimum pay from \$35 to \$70 and quadruple maximum pay from \$50 to \$100. Voted NAY on original print. AYE (This amended bill reduces the previous increase to a reasonable amount.)