



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Votes for the Week of March 1, 2021

JIM RANNEY March 6, 2021

| ISSUE: **NYS SENATE**



The following bills were approved by the NYS Senate. Senator Gallivan's vote is noted below.

1034A This bill would amend Article 5 of the Labor Law related to hours of labor to add a new §218-b to further the prevention of occupational exposure to airborne infectious disease (Covid-19). It would also amend Article 2 of the Labor Law, which governs the Department of Labor, to add a new §27-d which creates a workplace safety committee to oversee the aforementioned. NAY (Places significant additional administrative overhead on businesses. Creates a cause of action and establishes onerous fine structure. Public employees excluded.)

1209 Authorizes the date of the public hearing to discuss the contents of the proposed budget of fire, fire alarm, and fire protection districts to be held during the third week of October.

AYE

1393 Authorizes the town of Babylon to grant Long Island Teen Challenge, a not-for-profit corporation, a real property tax exemption with respect to the 2018-2019 tax assessment rolls.

AYE

1579A This bill would obligate mortgage foreclosure plaintiffs to act in good faith when they commence a foreclosure and maintain that good faith throughout the foreclosure process. This bill would forbid financial institutions from delaying actions regarding the upkeep on the vacant dwelling itself. This bill would force the lender or a assignee for a mortgage loan services to maintain the property until ownership has been transferred. NAY (The definition of "good faith" has been removed from the bill.)

1239 Allows the administration of certain prescribed medications by trained, unlicensed school personnel. AYE

2588A This bill would grant up to 4 hours of time off for public and private employees to receive a COVID-19 vaccination. AYE

17A This bill would permit any group of employees who may experience a potential loss of employment as a result of a reduction in force action or have experienced such employment loss due to a reduction in workforce to petition the applicable employer to apply for the shared work program. Requires an employer upon receiving said petition to respond in writing to the group of employees providing a decision and reason for such decision, within 7 days from receipt of the petition. This bill also prohibits any retaliation against employees for exercising the rights herein. AYE (Shared Work Programs likely increase disbursements

from the Unemployment Insurance Fund, count against employers experience rating in normal times, and could result in employers paying a higher State Unemployment Tax (SUTA). THAT notwithstanding, no opposition has been raised by business groups.)

3470 This bill requires the NYS DOL, in conjunction with the NYS DOH, to develop of a program that provides expedited training and certification processes for unemployed persons to obtain healthcare positions. Requires the NYS DOL to maintain a list of positions in the healthcare field in which there are substantial staff shortages statewide and per region of the state. This list would have to be updated at least once every calendar year. AYE

4049 This bill would amend section 607 of the Labor Law related to benefits in the Shared Work Program to change the cap on shared work benefits from 26 weeks to 26 times the amount of regular compensation that a claimant would be eligible for from unemployment insurance during a benefit year. AYE

4681 Establishes a coronavirus disease 2019 (COVID-19) public employee death benefit. This bill is similar to a bill that was passed unanimously last year, (S.8427) unfortunately, the current provisions expired December 31, 2020. However, this bill would extend certain provisions for two years until December 31, 2022. It provides an accidental death benefit for public employees related to COVID-19, unless the statutory beneficiary elects to receive the ordinary death benefit. AYE

1463A EXTENDER BILL - Extends the provisions relating to the New York state thoroughbred breeding and development fund until eleven years after the commencement of the operation of a video lottery terminal facility at Aqueduct racetrack. This chapter provides the following provisions to be extended for an additional year:-Payments from NYRA and OTBs be made on a quarterly basis-Percentage of revenue that can be allotted for breeder awards-The amount of money used for promotion-The money used for

administrative allotments. A PRINT restores the word "direct" when requiring the promulgation of rules and regulations. AYE

1592 Codifies the title of "Medicaid Director" within the statute and requires such position to be appointed by the Governor and approved by the Senate, similar to the appointment of the Commissioner of the Department of Health. AYE

1765 Requires legislative approval for the closure of certain office of mental health, office for people with developmental disabilities or office of children and family services facilities and institutions. AYE

290 This bill would add an exemption to the debtor and creditor law to exempt a debtor's interest in his or her rent-stabilized lease from bankruptcy proceedings. AYE (Already in practice. Codifies holding of Court of Appeals in 2014 that a lease for a rent-regulated apartment is a public assistance benefit and therefore cannot be seized as an asset in a personal bankruptcy.)

210A Requires the department of health to develop an informational pamphlet for patients undergoing pelvic examinations and to make the informational pamphlet available for use by medical practitioners performing pelvic examinations and requires medical practitioners performing pelvic exams to disseminate such pamphlets. AYE

3209 This bill would require the Department of Health to include postnatal donation of tissue and fluids as part of wellness education and outreach programs. AYE

3474 Enacts "Lian's law"; provides that the department of health may conduct education and outreach programs on preeclampsia for consumers, patients, educators & care providers. AYE

4827 Directs the department of financial services, in consultation with the department of health to prepare a report with recommendations on their review of covered benefits related to childbirth offered by all health insurance providers in New York state. This review would cover all types of insurance policies offered and would include the current length of stay coverage periods, patients incurred costs, reimbursements, and any additional benefits offered, or benefits not offered. AYE

3178 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

238 This bill authorizes the Commissioner of the Department of Health to reimburse relatives of patients receiving Medicaid, who have been approved for inhome nursing care through Medicaid, for providing private duty nursing services, so long as such relative is a registered professional nurse. The rate of payment to said relative must be on par with the rate paid to a licensed practical nurse. St. Mary's Hospital for Children in Queens (2020) AYE

1566 This bill would require banks to disclose what the negative consequences of establishing alternative payment schedules on a loan payment would have on customer bank scores.
NAY (Places undue bureaucratic work on the state chartered bank system and make it difficult for banks to operate in the state.)

2725 This bill would add a new section 54-b of the legislative law to create a new standing committee on conference to resolve differences between similar, but not identical, bills and resolutions which have passed the senate and assembly. Such committee would be composed of majority conference and minority conference members in the same proportion

as the number of majority conference and minority conference members in the senate and assembly relative to the total membership of the senate and assembly. NAY (Unnecessary. Rules already provide for this.)

3126A Calls for the Public Service Commission (PSC) and NYSERDA to establish energy efficiency measures, job training funding, and energy efficiency program funding in "potential environmental justice areas." NAY (Potential funding shift for rural areas.)

1271 Increases the fines for dumping snow onto handicapped parking spaces. AYE

1502 This bill would amend section 502 of the vehicle and traffic law to add mandatory instruction in the laws relating to parking spaces for the handicapped to the list of items on which the Commissioner of the Department of Motor Vehicles must test for when administering a test for a drivers license in New York State. AYE

3996 Extends limitations on the shift between classes of taxable property in the town of Clarkstown, county of Rockland for 2021--2022. AYE

841 The bill would amend Environmental Conservation Law (ECL) to require that aboveground petroleum storage tanks be painted either white or beige/cream as a way of reducing air pollution stemming from the tanks. AYE

914 The bill would amend Environmental Conservation Law and Public Health Law to require the Department of Environmental Conservation (DEC) to adopt environmental standards relating to the amount of lead contaminated soil, lead concentration on floors and window sills, and lead concentrations in ambient air. AYE

1031B The bill amends Environmental Conservation Law (ECL) to require that Environmental Impact Statements also take into account whether the project/action will lead to a

disproportionate and/or inequitable pollution burden on environmental justice communities. AYE (Existing policy.)

3211A The bill amends Environmental Conservation Law to require that any draft Environmental Impact Statement contain an Enhanced Public Participation Plan as required under Department of Environmental Conservation (DEC) Commissioner Policy 29. AYE (Existing policy.)

3321 The bill would amend §19-0327 of Environmental Conservation Law (ECL) to require heating oil used in buildings to increasingly contain biodiesel or renewable hydrocarbon diesel over the next decade. AYE

4371B The bill would amend Environmental Conservation Law to require the Department of Environmental Conservation (DEC) to establish ambient air quality standards for certain toxic air contaminants, and then enforce those standards for major source emitters. NAY (Already standards in place. Targets heavy industry, which will lead to heavy compliance costs or closure of factories leading to loss of jobs/tax revenue.)

4378A The bill would amend Environmental Conservation Law to require electric generating Peaker Plants in or adjacent to Environmental Justice Communities to transition to renewable energy systems. NAY (Will impact the reliability of power generation.)

523 This bill amends Article 53 of the CPLR which governs the recognition of foreign country money judgments and seeks to update the provisions to bring New York into fully conformity with the 2005 "Uniform Foreign-County Money Judgments Recognition Act"(UFCJRA Act). The current law is based on the 1962 Uniform Foreign Country Money Judgments Recognition Act originally adopted in New York in 1970. AYE

3887 Designates a portion of the state highway system otherwise known as the "3rd Street Bridge" as the "Dr. Martin Luther King Jr. - Michael Henry Schwerner Memorial Bridge" connecting Mount Vernon, county of Westchester with the town of Pelham, county of Westchester. AYE

1519 Allows optometrists to prescribe a limited number of oral medications for treatment of eye diseases. Optometrists must be certified to prescribe oral medications which would require a forty hour course and examination and 75 hours of continuing education every registration period, increased from 36 hours. AYE (Beneficial to rural residents.)

983 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

1202 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

2135 The bill would amend the Agriculture and Markets Law (AML) to define agriculture custom operators and include them within entities eligible for agriculture protections. AYE

2199 Directs the Department of Agriculture and Markets to increase the number of regional farmers' markets for the direct marketing of foods and produce produced in the state. AYE

1560 Incorporates identity theft into the definition of elder abuse for purposes of support services and programs for elder persons. AYE

2585 Requires voluntary agencies to provide potential adoptive parents with information concerning statefunded benefits or services available once the foster child is adopted as well

as those that expire upon adoption. AYE

484A This bill would prohibit a health care facility from making and/or broadcasting any visual image of an individual undergoing medical treatment without prior written consent. AYE

4345 This bill would allow children's overnight camp, summer day camp or traveling summer day camp to employ or contract with physical therapists, physical therapist assistants, psychologists, social workers, athletic trainers, mental health practitioners and other licensed health practitioners pursuant to regulations promulgated by the commissioner of health in consultation with the commissioner of education. AYE

3396 The bill would provide a new title within Agriculture and Markets Law to create a NYS Animal and Plant Fiber Program which would be part of the NY Grown and Certified Program. The program would allow the opportunity for producers of animal fibers and plant fibers in NYS to apply for permission to use the NYS Grown and Certified seal for their products. AYE

4945 This bill would amend section 20 of the Town Law to authorize the Town of Rye to elect two additional justices if the village of Port Chester abolishes its court effective May 15, 2021. AYE

549A The bill would amend Agriculture and Markets Law, State Finance Law, and Economic Development Law to establish the New York State Council on Food Policy to develop and track guidelines and programs that promote locally grown food products. It would also set goals for procurement of local foods by state agencies and facilities to increase market for New York agricultural industry's products. A PRINT - reduces number of voting members to 13 from 20; removes non-voting members from council and instead makes them an advisory

board; and removes specific industries that the executive's non-voting appointees must come from. AYE

4072 The bill would amend the Agriculture and Markets Law to have the Department of Agriculture and Markets, in cooperation with Cornell Cooperative Extension, create a one-stop toll free number for information regarding all aspects of farming. AYE

4707 Establishes a tax credit for farmers who maximize carbon sequestration potential through a "carbon farming" land management strategy; directs DEC to develop regulations related to certifying the amount of carbon sequestered or emissions reduced. AYE

4892A Establishes the Nourish New York program to facilitate programming that ensures that certain surplus agricultural products are provided to food relief organizations at competitive wholesale prices. A PRINT - Ag & Markets in consultation with DOH, will review and make recommendations on the current funding/adequacy and service levels of the Hunger Prevention Nutrition Assistance Program; Ag & Markets will also review and report on the need to establish a grant program to fund the purchase of cold storage equipment for regional food banks. AYE

5357 Provides that the legislature may terminate by concurrent resolution a state disaster emergency issued under section 28 of the executive law; authorizes any directive issued pursuant to chapter 23 of the laws of 2020, in effect at the time of the repeal of such chapter shall be permitted to continue for 30 days from the date of such repeal, subject to certain provisions; makes related provisions. NAY (Does not strip the Governor of his extraordinary powers, but instead establishes a notification and comment process for those powers without providing a mechanism for the Legislature to enforce their input. Extends powers until state of emergency is declared over by the Executive.)

1509 This bill amends the Transportation law to add certain member and update the titles of certain appointees to the Interagency Coordinating Committee on Rural Public Transportation. The bill adds the Commissioner of the Office Of Alcoholism and Substance Abuse Services, the Commissioner of the Office for Temporary and Disability Assistance, the Executive Director of the New York State Justice Center for the Protection of People with Special Needs, the Commissioner of the Office of Children and Family Services. The bill also reduces the number of voting members appointed by the legislature who are transportation providers or consumers representing rural counties by one, while adding a representative of a labor union affiliated with rural public transportation systems receiving public transportation systems as a voting member. The bill establishes that the rest of the members will serve in an advisory capacity. AYE

3917A This bill would amend Article 7 of the Business Corporation Law which governs director and officers of corporations as well as the Not-For Profit Corporation Law and the Religious Corporation Law. The bill would extend provisions for the remote conduct of certain practices and procedures relating to board meetings until the later of the duration of the current state of emergency or December 31, 2021. AYE

3223A Allows individuals applying for or receiving public assistance to be interviewed by phone. AYE

4136 The bill would amend section 284 of Agriculture and Markets Law to expand the Department of Agriculture and Markets direct marketing activities beyond New York farm and food products to also include beverages. The bill would amend Alcohol Beverage Control Law to allow a Motion Picture Theatre to apply for a special license to sell wine/beer at their business. AYE

1465 This bill would amend the banking law by adding a new section 9-y that would require that every banking institution, which maintains checking accounts for customers, shall pay checks in the order that they are received or pay checks from smallest to largest dollar amounts for each business day's transactions. NAY (An administrative nightmare for State chartered banks.)

1441 The bill would amend Article 5 of Racing, Pari-Mutuel Wagering and Breeding Law to allow Off-Track Betting (OTB) Corporations to set up a special reserve fund to be used to pay statutory payments to any New York State entity as required by law. AYE

329 Authorizes the Family and Children's Association to receive retroactive real property tax exempt status with respect to the 2019-2020 assessment roll for a portion of the 2019-2020 school taxes and a portion of the 2020 general taxes. AYE

3984 This bill would amend section 30 of the Town Law, to require that any town that maintains a regularly and routinely updated website and utilizes a high speed internet connection, must post an electronic version of their sign-board upon which any legal notice may be posted. AYE

3543 Bill would require professions certified, licensed, registered or authorized pursuant Education Law to provide SED with information and documentation, as deemed necessary by SED. This will be done in consultation with the Department of Health (DOH), to enable DOH to evaluate access to needed services in this state. Information would be provided when professionals register/re-register for licensure/certification. Information would likely include the region that each profession serves and the types of services that are provided. Because it requires the submission of information "necessary to enable (DOH) to evaluate access to needed services," it could become a burden on individuals if questions are being asked regarding patient populations (e.g., racial demographics of patients served). AYE

2168 This bill amends Navigation Law and State Finance Law in relation to the operation of personal and specialty prop-craft to provide that section five of this act shall be set to expire and be deemed repealed January 1, 2023. AYE