



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for Week of March 8, 2021

JIM RANNEY March 12, 2021

| ISSUE: **NYS SENATE**

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

591 This bill requires the Department of Health, State Education Department and the Office of Addiction Services (OASAS) to update the course work or training in pain management, palliative care and addiction for medical professionals that prescribe controlled substances to include: best practices for providing patient centered care with the consideration of social

determinants to health and co-occurring disorders. Additionally, the bill adds to the coursework requirement techniques that will reduce the likelihood of overdose and the spread of blood-borne diseases by those who use drugs, medication assisted treatment and information about becoming a buprenorphine prescriber. AYE

1578A This bill incorporates Applied Behavior Analysis (ABA) for the treatment of autism spectrum disorder, when provided by a licensed behavior analyst or certified behavior analyst, within the standard coverage for Medicaid. AYE

1269 Establishes the crime of criminal possession of a flamethrower as a class E felony. NAY (Government overreach. Unnecessary.)

90 This bill seeks to clarify and enhance the animal crimes laws of New York State as they pertain to animal fighting. It does so by introducing a new felony level offense for enterprise animal fighting, consolidating definitions, stratifying levels of offense, altering penalty classifications, and harmonizing provisions with the criminal procedure law and the penal law. AYE

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

2204 This bill relates to codifying federal standards for the supervision of the manufacturing and repacking of certain medical gases or wholesaling of respiratory therapy agents. AYE

1728 This bill would amend various sections of law to allow service of process on the Secretary of State or any person authorized by the Secretary of State at the New York City office of the Department of State in addition to the Department of State's Albany location. AYE

2940 This bill would extend the period of time between when notice is provided on a project and a public hearing taking place from 10 days to 14 business days. AYE

2976 Requires the provision of opioid overdose education where a patient is about to be discharged or conditionally released from an correctional, hospital or mental health facility who has been diagnosed with an opioid use disorder; further requires at discharge from the hospital that such individual be provided with two doses of opioid antagonists in a form approved for take home use by the federal food and drug administration. NAY (Education for those to be released from correctional facilities appropriate, sending home with antagonists is not. NYS facilities only.)

3372 The bill would amend § 1112 of Private Housing Finance Law (PVH) by increasing the amount that can be awarded for projects in high cost markets from \$40,000 per dwelling unit up to \$75,000; and from \$35,000 to \$50,000 for all other units. It would also allow the grantee to establish resale restrictions for units that receive an award of over \$40,000. The Affordable Housing Corporation (AHC) would also establish tiered project funding levels based on length and depth of affordability. AYE

1633 The bill amends § 382 of the Executive Law to allow a justice of the New York City Civil Court, a City Court, District Court, County Court, or Supreme Court the authority to order the removal of a building or an abatement of the condition in violation of provisions. NAY (Under current law, only a justice of the Supreme Court has the authority to order the removal of the building or abatement of conditions where the construction or use of the building is in violation of the uniform code. Expertise needed.)

2884 The bill amends sections 381 and 382 of Executive Law by requiring additional information for those individuals seeking permits or to purchase property held by a land bank or subsidized by public money to identify any outstanding violations and also increases

minimum fines for failure to comply with an order of remedy. NAY (Onerous penalty structure. Bill establishes a second violation fine of between \$100 and \$2,000 a day per violation and a third violation fine of between \$150 and \$3,000 per day of violation.)

1187 Prohibits insurance companies from charging different rates for disability insurance on the basis of gender. AYE

2115 This bill would amend the definition of "physically helpless" that is used in article 130 of the penal law in relation to sexual contact. It re-defines "physically helpless" to mean a person is unable to communicate affirmative consent to an act. AYE (The new language would ensure individuals affirmatively consent to sex act.)

2623 This bill would amend the Labor Law §593 (1) related to causes for becoming disqualified for unemployment insurance benefits. It would add a new exception to the disqualifying event of voluntary separation; for the need to provide childcare when reasonable efforts to obtain alternative childcare have been unsuccessful. NAY (Raises costs for employers and add confusion about eligibility for unemployment insurance benefits.)

2928A This bill would amend the Workers' Compensation Law §201 related to eligibility for disability benefits, to add siblings to the definition of family member. This would make care for a sibling, defined as any sibling who is a biological or adopted sibling or a half sibling or a stepsibling a triggering event for eligibility under Paid Family Leave. NAY (Adds significant new administrative, staffing and cost burdens to struggling small businesses.)

33 Provides that the departments of agriculture and markets, environmental conservation, labor, transportation and taxation and finance shall designate an existing employee to serve as its liaison to small businesses regulated by such department; further provides the duties of such small business liaison. AYE

3563 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

4844A Expands the existing statutory requirements placed on employers related to the right of nursing mothers to express breast milk by allowing such an employee to use unpaid or paid break time or mealtime for each time such employee has a reasonable need to do so. Current law only requires employers to provide such paid or unpaid time once each day. AYE

1364 To authorize the Office of Parks, Recreation and Historic Preservation (OPRHP) to identify and lease vacant, at-risk structures in state parks and state historic sites to private persons to encourage investment of private resources to rehabilitate and maintain such structures pursuant to a plan approved by the state board for historic preservation. Establishes a State Resident Curator Program to define the at-risk structures for which the office may enter into resident curator lease agreements, and requires consultation with the state board for historic preservation for programmatic determinations. AYE

447 This bill amends the OpenMeetings Law to authorize a public body, during a state disaster emergency, to make a determination that complying with requirements of the open meetings law will unduly threaten the health or safety of members of the public body or the general public. AYE (Sunsets on December 31, 2023.)

1092 Authorizes the assessor of the town of Huntington, county of Suffolk, to accept from the League for Animal Protection of Huntington Inc. an application for exemption from real property taxes. AYE

913 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

2837 Directs the Public Service Commission (PSC) to adjust each utility corporation's residential fixed-charge upon such corporation's filing with the department of an amendment of rate schedules. The adjustment would allow the utility to recover only the fixed costs and operation and maintenance expenses directly related to metering, billing, service connections and the provision of customer service. AYE

1215 This bill authorizes the Director of the Division of Minority and Women's Business Development and the Commissioner of Labor to work together to assist contractors to identify and locate minority group members and women who are participating in apprenticeship agreements pursuant to the labor law. AYE

571 Allows businesses to use funds received from the minority- and women-owned business development and lending program for the purpose of refinancing existing debt. AYE

2191 Requires every general hospital and nursing home to establish and implement an antimicrobial stewardship program. The program must incorporate an ongoing process to measure the impact of said program, including a review at least annually of antimicrobial utilization data with development of response plans for high or increasing utilization. AYE

1637 Prohibits the operation of any motor vehicle equipped with a device which affects the operation of trafficcontrol signals; provides that the possession of such a device shall

constitute a traffic infraction, use thereof is a class A misdemeanor, and use which results in personal injury or death shall constitute a class E felony. AYE

572 Allows Boards of Education of special act schools to establish fiscal reserve funds. AYE

5266A Reduces the number of designating petition signatures needed for an office filled by all voters of a town with 100,000 residents or less. AYE

30 Authorizes the empire state development corporation to develop a public awareness campaign promoting personal protective clothing and equipment manufacturing businesses located in New York state. AYE

391 Relates to requiring local building and planning regulations to accommodate the use of solar thermal, photovoltaics, wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, farm waste electric generating equipment, and fuel cells. AYE

988 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

996 This bill would prevent a court, in a child custody case, from prohibiting a parent from undergoing a gender reassignment as a condition of receiving custody. Also prohibits the court from considering the sex, sexual orientation, gender identity or gender expression of the parties. AYE

1903 Designates a portion of the state highway system as the "Detective Brian C. Mulkeen Memorial Bridge". AYE



3049 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

3263 This bill amends the public authorities law and the economic development law to require public authorities and state agencies to notify within 30 days, each MWBE firm that unsuccessfully bid on a contract as to why their bid was unsuccessful. AYE

664 This bill will require standard financial aid award letters to include the estimated cost of repayment of all outstanding loans including expected monthly payments. AYE

815 This bill permits health insurance carriers and HMOs to offer premium discounts or other benefits for participation in wellness programs approved by DFS. AYE

2687 Authorizes school districts to enter into a lease outside of such school district. Currently, school districts have the authority to enter into a lease for the use and occupancy of a building for use as a school facility provided the building or facility is located within the district. AYE