



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for Week of March 22, 2021

JIM RANNEY March 26, 2021

| ISSUE: **NYS SENATE**



The NYS Senate approved the following legislation. Senator Gallivan's vote is noted at the end of each item.

1091 Increases the number of years of service that a participant in a defined benefit contribution plan or defined benefit plan service award program (for volunteer firefighters and ambulance workers) may receive a contribution from the current 40 years to 50 years.

AYE

3266 Requires certain provisions be included in any procurement or agreement prior to disposing of any asset owned, leased or otherwise controlled on or in the immediate vicinity of the Lefferts Boulevard Bridge. AYE

1565 This bill would add a new section 78-a to the banking law to provide that the financial frauds and consumer protection unit of the department of financial services shall refer any instances of a person, partnership, association, corporation or other entity which is operating without being chartered, licensed or registered as required under the banking law, to the attorney general and to any other federal, state or local agency or entity for appropriate enforcement action. NAY (Regulatory overreach of the Department of Financial Services.)

3974 The cap on limited local purchasing of food by a school district or BOCES is removed in its entirety. This bill would also allow a Board of Education to include language in an offer for bids favoring local or regional procurement if certain standards were met. AYE

1413 Lowers the cost sharing cap for insulin from one hundred dollars to thirty dollars. NAY (Too costly.)

572A Relates to special act school districts and special education; authorizes boards of education of special act school districts to establish fiscal stabilization reserve funds. A PRINT - prohibits funds from being recoverable on reconciliation. AYE

5040 Increases the homestead exemption amount from civil judgments in certain counties (NYC, Nassau, Suffolk, Rockland, Westchester and Putnam) in this state from \$50,000 to \$250,000. NAY (Does not apply to all counties.)

3483 Provides that an individual shall not become ineligible under the EPIC program due to an increase in social security benefits or a public or private pension where such increase does not exceed the consumer price index. AYE

1291 This bill would add a new section 2617 of the insurance law to provide that whenever an insured suffers a loss or damage to real property, no insurer providing coverage therefor shall require that repairs be completed by a particular entity or individual. NAY (Insured should be able to choose.)

5669A Permits the Great Neck school district to move the date of their annual meeting and election for the 2021 year from the third Tuesday of May to the second Tuesday of May so that it does not conflict with religious observances. AYE

1659 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.)

624 Authorizes a residential parking system in certain parts of the hamlet of Oceanside in the town of Hempstead. AYE

3967A To allow local governments in Rockland County to provide a property tax exemption to active auxiliary police officers. AYE

4708 Amends section 382 of the executive law as it relates to increasing the penalties for building code violations when the condition is deemed an imminent threat to the safety and welfare of the building's occupants by the local government. The bill provides for graduated penalties for repeat offenders. A first time violation carries a fine of no less than one thousand dollars and no more than five thousand dollars. A second violation will carry a fine of no less than five thousand dollars and no more than ten thousand dollars. Finally, a third

violation will result in a fine that is no less than ten thousand dollars per day of violation or imprisonment not exceeding one year or both. NAY (Onerous penalty structure. Local Governments already authorized to issue fines for violation of the uniform building code.)

3229A Provides for a tax abatement for electric energy storage equipment placed in service after January 1, 2024 and before January 1, 2026. Applies to NYC only. AYE

4349 Directs the office of children and family services to study and report on the availability of child day care for working parents. Directs the Commissioner to submit a report to the Governor and Legislature, within one year of this act becoming law. AYE

5162A Requires local social service districts to offer to pay childcare providers via a direct deposit for any subsidized child care funds owed; requires the local services offices to provide forms to request such payments. AYE (Long overdue. Also the trade group representing local social service districts is not opposed.)

2008 Requires health insurers to include in notification requirements to a policyholder whether the claim or bill has been denied or partially approved, and which claim or medical payment it is not obligated to pay. The bill has minimum font, size and location requirements for the notice. NAY (Unnecessary and would be costly to implement.)

3577 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

2998A This bill includes certified peer recovery advocates, credentialed family peer advocates and other peer advocate telehealth services eligible under the definition of a "telehealth

provider" under the public health law. This would allow these entities to be reimbursed by insurers for their services. 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 covered by the federal Clean Air Act and Article 19 of the ECL.)

4893A This bill would require the Public Health and Health Planning Council (PHHPC) when it receives an application for incorporation or establishment of any nursing home to provide the public, the state office of the long-term care ombudsman and the regional office having geographical jurisdiction where the proposed nursing home will be established with notice and a copy of the application within 30 days. Regarding an existing nursing home, the PHHPC must provide notice in writing and electronically to residents, their representatives and staff of the nursing home. A PRINT - removes residential health care facility from the definition of "nursing home" and further identifies a consistently high level of care is not delivered at a facility in the United States that has earned a two-star rating or less by federal CMS. NAY (Does not measure overall provider performance. Could discourage investment in homes needing improvement. Removes staffing requirements of original bill.)

4377 This bill amends Section 2803-c of the public health law to require the Department of Health to translate and make available the statement of patient's rights in the six most common non-English languages spoken by individuals with limited-English proficiency in New York state at all facilities under Article 28 of the PHL regulating hospitals, residential care facilities and other health care entities. The six most common languages will be determined based on the most recent census. Facilities shall post and make available copies of said statement for residents. AYE

1957A Authorizes the chief administrator of the courts to establish veterans treatment courts; relates to the removal of certain actions to veterans treatment courts. AYE

1780B This bill would allow for the electronic notarization of official documents to take place digitally by means of video conferencing technology. Notary publics would have to register with the Secretary of State to be authorized to perform electronic notarizations. A and B PRINTS - make technical changes. AYE

297B Enacts provisions relating to the discontinuance of LIBOR (the London interbank offered rate); prohibits parties from refusing to perform contractual obligations or declaring a breach of contract as a result of the discontinuance of LIBOR or the use of a replacement; establishes that the replacement is a commercially reasonable substitute for and a commercially substantial equivalent to LIBOR; provides a safe harbor from litigation for the use of the recommended benchmark replacement. AYE

4412 Establishes an Alzheimer's disease outreach and education program for medical and non-medical professionals to promote earlier identification of Alzheimer's and to provide information and other assistance in finding community support for caregivers. AYE

5177 Repeals the remaining provisions of the Emergency or Disaster Treatment Protection Act (EDTPA) enacted in the 2020-21 adopted budget (Part GGG of ELFA, S.7506B), which provided limited immunity from civil or criminal liability to health care facilities and health care professionals for acts or omissions occurring in connection with providing or arranging for health services during the COVID-19 pandemic. AYE (Not retroactive.)

4866 This bill would amend the environmental conservation law (ECL) by doubling the penalties for violations of 11-0535 (the taking importation, transportation, possession or sale of any endangered or threatened species) and 11-0536 (sale of parts of certain exotic animals).

AYE

1556 Disallows the cost recovery for membership dues of any entity that engages in legislative lobbying activities. AYE

346 Includes certain independent contractors in the state directory of new hires that require the "employer" to file a W-4 and potentially collect withholding from such contractors. NAY  
(This is onerous to anyone who hires an independent contractor.)

1317 Authorizes municipalities to offer real property tax credits to certain volunteers who live in one municipality but who serve in neighboring municipalities. AYE

355 Prohibits the use of drilling fluids, brine and flowback water from wells, pools or fields on any highway for any purpose including but not limited to de-icing or dust suppression. AYE  
(County and Local Highways Departments have no complaints with the bill because they do not believe any of their Departments use such material.)

3866 Requires commercial service airports owned or operated by the Port Authority or a local authority, county, city, town or village to provide a room or other location in each passenger terminal behind the airport security screening area for persons to express breast milk in private. Such location must include: (1) at a minimum, a chair and an electrical outlet; (2) be located outside of a public restroom; and (3) include a sink (this requirement only applies to airports that have constructed a new terminal or have renovated, replaced or expanded an existing terminal). AYE

4201A Prohibits public employers from taking retaliatory adverse personnel actions against employees who use sick leave or compensatory time to quarantine, seek medical treatment, or for other absences related to COVID-19. Retroactive back to March 1, 2020. AYE

5304 This bill requires any state department that maintains a website to post a current list of the names of all individuals authorized by the department to execute contracts on behalf of the department. AYE (This bill is almost the same as Part GG of S2505 of the Executive Budget proposal.)

4092 The bill would amend the Environmental Conservation Law to increase the minimum and maximum amount that DEC may provide as a rebate for those participating in the Municipal Zero-emission Vehicle Program. The law currently limits the rebate to be between \$750 and \$5,000. The bill would increase that range to \$1,500-\$7,500. AYE

4596 The bill would amend Environmental Conservation Law to require DEC pesticide reports to also include product name and active ingredient. It also removes language relating to Computer Diskettes and instead allow for electronic format with scannable forms. NAY (Reporting issues for landscapers. Additional compliance costs for DEC not provided for.)

4738 Requires that modular construction projects (whether units installed in buildings or new construction) comply with applicable municipal plumbing, gas piping, electrical, and fire suppression licensing requirements, whenever such final construction project is to be located in a city having a population of 1 million or more. AYE