



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Votes for Week of April 26, 2021

JIM RANNEY April 28, 2021

| ISSUE: **NYS SENATE**



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

543 Prohibits hotels from making available to its hotel guests small plastic bottles containing hospitality personal care products; imposes a monetary penalty for violation of such prohibition after notice, and a hearing or opportunity to be heard. NAY (Deleterious financial impact on small chain and independent hotels.)

1237 This bill would amend Article 71 of Environmental Conservation Law (ECL) to expand the Department of Environmental Conservation's (DEC) powers for General Civil Penalty (section 71-4003) to also include injunctive relief, revoking/suspending a permit/certificate, or deny a pending renewal application. NAY (Too much power vested in nonelected bureaucracy.)

3929 Provides that each investor owned utility must file with the public service commission an electric vehicle charging commercial tariff that allows a customer to purchase electricity for the purpose of recharging an electric vehicle. AYE (This change would reduce the cost of operating fast charging stations and may be necessary for the State to develop a network of stations that allows electric car owners to traverse the state without fear of their car battery dying.)

3521A Expands customer access to community distributed generation by creating a model tariff to provide for the transfer of bill credits associated with electricity produced by community distributed generation facilities in one electric corporation territory to other territories. NAY (Not necessary. Changes to "net metering" better option.)

1421 Prohibits the lease of state forests, wildlife management areas and unique areas for the purpose of gas production. AYE

2758 Provides that one hundred percent of in-state sales of new passenger cars and trucks shall be zero-emissions by two thousand thirty-five, medium-duty and heavyduty vehicles by two thousand forty-five and off-road vehicles and equipment by two thousand thirty-five. NAY (Overreaching and potentially costly to consumers. Burden for farmers.)

5266 Allows hunting, fishing, or sale of otherwise prohibited species by citizens of an Indian nation tribe who are exercising a hunting or fishing right reserved by a treaty to which such

tribe is a party; includes exceptions for certain species that need protection. AYE

6191 The bill would section 49-0207 of Environmental Conservation Law to update the State Land Acquisition Plan to specify that it shall be the policy of the State to support efforts to conserve at least 30 percent of New York State's land by 2030. NAY (Too many questions - How far do we have to go to get there? Private land? Cost?)

3501 Extends the period during which the city of White Plains is authorized to impose an additional sales and compensating use tax to 2023. AYE

6065 This bill extends the provision that provides public employees with ability to petition the Public Employment Relations Board or the New York City Board of Collective Bargaining and receive injunctive relief for a charge of improper practice for two years. AYE

660 Directs the Commissioner of the Department of Transportation, in cooperation with the Department of Environmental Conservation, to develop policies and procedures to encourage, train and assist the State and localities to use pollinator-friendly plant species in medians along highways. AYE

2838A Beginning in 2026, at least 25 percent of vehicle purchases must be zero emission. Requirement increases to 100 percent by 2031. Additionally, bill requires at least 50 percent of the total State fleet be zero emission vehicles by 2031. NAY (Unrealistic and costly to state.)

723A Authorizes the presence of epinephrine auto-injector devices on pre-school premises. This bill includes within the definition of "eligible person or entity" preschool facilities or any person employed by such facilities. By adding these entities to the definition, preschool facilities are authorized to purchase, acquire, possess and use epinephrine auto-injector devices for emergency treatment of a person appearing to experience anaphylactic symptoms. AYE

113 Directs the secretary of state to provide new businesses the following contact information, including the website address and telephone number of the following entities serving their region: 1) New York State Small Business Development Center 2) New York State Entrepreneurship Assistance Center 3) Empire State Development Corporation resources. AYE

4478A Prohibits the use of pesticides at children's overnight, summer day camps or non-regulated camps other than on publicly-owned or publicly-leased property in a city of one million or more (i.e. NYC) except that an emergency application may be made as determined by the county health department. NAY (Curtails the preventive use of pest management tools that enable sleepaway and day camps to avoid pest infestations in the first place.)

3396A This bill is amended from its previous version that would have established a new title within the AG and MARKETS Law entitled NYS Animal and Plant Fiber Program. The program would have been part of the NY Grown and Certified Program. This version removes the establishment of such program in the law but maintains the concept, which is to assist in the promotion, marketing and sale, both within and outside the state, animal and plant fiber and products made from such fiber. AYE

1341 Establishes November first of each year as a day of commemoration known as Military Opportunities Day. AYE

859A This bill establishes a student loan repayment information notice. Requires the DOL commissioner, in consultation with the President of the Higher Education Services Corporation and the Superintendent of DFS to develop a notice, pamphlet or other written materials with regard to responsibilities and repayment options for student loans. Further requires all employers in the State to provide such information materials to new employees who have been hired for a post-graduate internship or entry-level position that requires an

associate's degree or higher such notice. NAY (Government program and therefore should not be responsibility of the employer. Adds to cost of doing business in NYS.)

3946 This legislation requires the DOL to provide every employer in the state with a registration form to afford such employers the ability to voluntarily register with the emergency alert notification system. The form, created by the State Office of Information Technology Services, must be provided either by mail or in electronic format to said employers and must include a summary of the benefits of registering for alerts, including a description of how the use of the system can be utilized to preserve the health and safety of workers, and an example for distribution to workers of information received from an emergency alert notification. AYE

2008B 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.)

4111 Prohibits health care plans that provide essential benefits under the Affordable Care Act from removing a prescription drug from a formulary or adding new or additional formulary restrictions from a formulary during an enrollment year; requires notice to policy holders of intent to remove a drug from a formulary. NAY

4102A This bill authorizes nursing homes, residential health care facilities and hospices to utilize automated dispensing devices (ADD), which is a mechanical system that stores prescribed medications at such facilities and dispenses such medications for the sole use of the facilities residents. The ADD remains the property of the pharmacy and the pharmacy shall maintain all controls, record keeping and regulations of the state. Utilization of such devices for dispensing of controlled substances shall obtain a machine specific federal Drug

Enforcement Administration (DEA) registration number and appropriate NYS licensing.

AYE

4095B Prohibits the sale and use of pavement products containing coal tar. NAY (No equivalent alternatives for refined tar-based sealers and a ban on the sale and use of such products is unnecessary.)

5150 Extends, from December 31, 2021 to December 31, 2022, the expiration of the authorization granted to residential property owners in high risk brush fire areas on Staten Island to cut and remove reeds from their property. AYE

5490A Requires the commissioner of labor to provide notice to unemployment applicants of rental, mortgage, food and utility assistance programs available through the division of housing and community renewal and the office of temporary and disability assistance; requires the commissioner to provide a link to such programs on the department's website. A PRINT - this version adds food and utility assistance programs . AYE

956 This bill amends the public health law by adding a new section 1167-a for the reimbursement of state assistance payments/grants made to a municipality for an eligible project to remove contaminants, such as 1,4- dioxane, PFOS and/or PFOA, when the municipality takes legal action to recover costs of removing the contaminants from its water supplies caused by responsible parties and it receives a payment from a responsible party for such contamination. AYE

5950 Authorizes the dormitory authority to provide financing to Mary Cariola Children's Center Inc. AYE

6003 Authorizes the dormitory authority to provide financing to NYSARC, Inc., Erie County Chapter. AYE

1256A This bill would require lead water testing in schools at least once every 3 years. Requires schools to abate the contamination within 90 days. The bill would also expand school water testing to any state or local park. The onus would be on the officer, board or commission having management or control of the state or local park to conduct testing at least once every 3 years. Requires state and local parks to abate the contamination within 90 days. Requires the Commissioner of Parks, Recreation and Historic Preservation to post all testing results and any lead remediation plans on the department's website, and requires a biennial report on the findings from tap water testing. AYE

1759 Relates to adding additional chemicals to the list of emerging contaminants; directs the commissioner of health to establish the first list within 30 days. NAY (It should be left up to the experts at DOH, who will have great flexibility to make changes as needed.)

6203 CHAPTER AMENDMENT - This bill is a chapter amendment to S614-B which authorized and regulated caregiving and compassionate caregiving visitation to residents of nursing homes and adult care facilities during declared local or state health emergencies. This bill requiring documentation of the personal care visitor in the resident's medical records, clarifies that Medicaid does not pay for the care provided by the personal care visitor and that this care does not relieve the facility from providing needed care to the resident, and allows more flexibility for DOH to change requirements for health screenings as best practices change. AYE

6204 CHAPTER AMENDMENT - This bill is a chapter amendment to S.3058, which codified NYS regulations and federal law regarding the transfer, discharge and voluntary discharge requirements for residential health care facilities. This legislation amends the underlying chapter by requiring the documentation in the resident's medical record the reason for why the resident is seeking a transfer or discharge and to add language clarifying that the resident's rights to determine their own discharge or transfer shall not be diminished by the

provisions of the bill. This chapter amendment also changes the effective date from immediately to 90 days. AYE

1091A Authorizes a municipality to increase the number of years of service that a participant in a defined contribution plan or defined benefit plan service award program may receive a contribution for up to an additional ten years, to a maximum of fifty years; makes related provisions. AYE

936 This bill creates exemptions to the license suspension law for taxpayers who are 1) on public assistance, or 2) a taxpayer whose income does not exceed 250 percent of the poverty level (from \$31,225 1 person in household to \$108,535 - 8 people in household.) Additionally, this bill would add an inflation factor to the \$10,000 in tax liens required to trigger the possible suspension of a taxpayers drivers license. The \$10,000 figure would be increased for inflation every year. NAY (Disparate impact)

2044 Relates to authorizing angling by a single individual with up to three lines in freshwater; extends effectiveness of provisions for two years. AYE

403 Deems a person who engages in sexual conduct during the period of their probation with his or her supervising probation officer as being incapable of consent. AYE

2211 This bill prevents the double bunking of inmates in a dormitory setting within State correctional facilities. AYE

3265 Requires a two-thirds vote of a corporation's board members present at the time of the vote, for a proposed consolidation, merger or dissolution of the corporation, so long as there is a quorum at that time. AYE

5066 This bill clarifies that providers may include actual or expected Federal aid related to COVID-19 as "approved net operating costs." This specifically relates to the Federal aid received through the PPP program. Providers saw fewer patients, but through PPP were able to maintain pre-pandemic staffing numbers. The necessary infusions of capital through PPP in order to maintain staffing levels will not be considered revenue to be taxed. AYE

345 Requires the office of alcoholism and substance abuse services to develop training materials for health care providers and qualified health professionals, recognized by the office to enable the implementation of the screening, brief intervention, and referral to treatment program, regarding screening for alcoholism and chemical dependency. AYE

4483 Authorizes credit card, debit card or checking account group policies to offer insurance coverage to protect a cell phone and other wireless communication equipment if it is damaged, lost, stolen, or incurs a breakdown. AYE

720 This bill amends the exceptions to the general rule that a husband or wife are deemed the surviving spouse (whether or not the deceased spouse had a will), for purposes of various sections of the Estates, Powers, and Trusts Law (EPTL). This bill impacts New York's Spousal Right of Election provisions provided by EPTL 5-1.1A in that it would allow a decree or judgment nullifying a marriage after death to eliminate a spouses right of election. AYE

5764 The bill would require that the State Liquor Authority's public website to be updated daily with a list of all open license and permit applications, in the order in which they were received, as well as some additional information, including an estimated timeframe in which the review will be completed, which the sponsor claims will give applicants a better picture of where they stand in the approval process. AYE

5923A This bill exempts COVID-19 stimulus relief payments from money judgments for individuals and families with children. AYE (The state currently exempts a limited amount of personal property from judgment creditors. In light of the significant impact of the pandemic, it may make sense to expand these protections to covid-19 stimulus payments.)

3264 This bill would amend current law to make it easier for cemetery corporations to access funds from their permanent maintenance fund, by adopting standards that conform with the uniform not-for-profit standard of the Prudent Management of Institutional Funds Act. AYE

3541 This legislation amends the engineering licensing requirements by removing the provision authorizing a substitution of 12 years working experience for a bachelor's degree or higher and authorizes the Commissioner, in accordance with regulations, to accept substantially equivalent educational requirements in place of the bachelors or higher degree. AYE

1132A Establishes the General Aviation Task Force to study measures to improve general aviation in New York State. AYE

4772 Relates to designating a portion of the state highway system as the "Detective Betsy Horner-Miller Cutrone Memorial Bridge". AYE

1131 This bill will lower the threshold for filing an income tax return from the current \$4,000 to the amount of the taxpayers standard deduction. AYE

4082 Expands eligibility under the New York state young farmers loan forgiveness incentive program. AYE