



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Senate Votes for Week of May 17, 2021

JIM RANNEY May 21, 2021

| ISSUE: **NYS SENATE**



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

2241 Relates to extending the Thousand Islands - Seaway Wine Trail to include the White Caps Winery and the Cape Winery. AYE

694 Requires the annual report of the division of minority and women's business development to contain information on each contract identifying whether it is a contract for goods or services, whether the contract was awarded to a certified minority-owned business

enterprise or a certified women-owned business enterprise, the name and business address of prime contractors and subcontractors providing services under such contract, and the dollar value of such contract. AYE

1577 This legislation will prevent service provided to individuals pursuant to the nursing home transition and diversion (NHTD) and traumatic brain injury (TBI) program waivers from the Medicaid managed care program. Also directs the NYS DOH commissioner to take any action necessary to continue provisions of such services through waivers. AYE

2802 This bill would require a quarterly Work Opportunity Tax Credit (WOTC) reporting. Department of Labor must make available on its website certain statistical information and target group eligibility information relating to WOTC certifications approved by the department made pursuant to the federal PATH Act of 2015. AYE

5490B 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. B PRINT - makes technical amendments. AYE

5267B Designates a portion of state route 13 in the county of Madison as the "Assemblyman William 'Bill' Magee Highway". B PRINT - makes technical amendments. AYE

5472 Requires disclosure of information concerning flood insurance on property condition disclosure statements; relates to liability with respect to property disclosures. AYE

977A Amends various sections of law to expand the powers of the Authorities Budget Office to include the removal of public authority board members who are in violation of the Public Authorities Law (PUB) P2824 and also to dissolve state or local public authorities for cause.

NAY (Hinders economic development. Sufficient oversight already exists.)

4855 This bill adds section 485-v to the Real Property Tax Law, which allows the governing body of an assessing unit the ability to adopt an option for a two-year phase in for assessment increased on some residential properties. AYE

1830 The bill amends the Executive law to provide the ability of the Secretary of State to investigate any complaint from a county stating that a local government within their county is not in compliance with the uniform code. AYE

3145 COSPONSOR Designates the month of September as firefighter, police officer and emergency medical technician appreciation month. AYE

3676 Requires 10% of the penalties imposed by the superintendent of financial services to be deposited in the community development financial institution fund. NAY (Encourages 90 percent of these fine monies to be used by the Executive as a discretionary spending pot.)

5728A Provides that a beneficiary of a deceased participant in the NYC teachers' retirement system who dies on or after July 1, 2021 may not establish a tax deferred account. Under this bill provisions that allow for the beneficiaries of deceased participants to establish accounts in the tax deferred annuity (TDA) program of the New York City Teacher Retirement system (TRS) would sunset. NAY

4534 Relates to the geriatric demonstration program to promote mental health and home care collaboration; authorizes the commissioner of mental health to identify barriers to participation in the program and make recommendations to address such barriers. AYE

556 Relates to direct interstate and intrastate cider shipments; establishes requirements regarding age verification and shipping limits. AYE

6352 Makes corrections regarding tax rates imposed on parimutuel pools of the franchised corporation, and references to the former Racing and Wagering Board. AYE

6216 Requires the board of elections for the voting district in which an old polling place is located to post at the entrance of the old polling location a notice informing voters that the polling place has been moved and providing the street address of the new location. AYE

1231 Directs counties and the city of New York to contact a veterans' organization to provide for the disposition of the unclaimed remains of a deceased veteran when such veteran has no next of kin or other person designated to provide for the disposition of his or her remains. AYE

6277 Requires OPWDD's comprehensive report to include: The number of individuals and average Medicaid expenditure levels broken down by age range Race and ethnicity by age range Primary language spoken by individuals receiving services Residence type categorized by age, race, ethnicity and primary language. AYE

1333 This bill directs the Director of the Office of Technology, in collaboration with the Director of Budget, to develop a single, searchable budget database website accessible by the public at no cost. AYE

1795 Requires the department of corrections and community supervision to establish a program that would allow inmates with substance abuse disorders the option to participate in a medication assisted treatment (MAT) program. NAY (NYS funding insufficient to cover costs. Unfunded mandate. Takes funds from nonoffender treatment.)

2934 This bill provides a technical amendment related to the retirement of members who serve as police medics, police medic supervisors and members who perform police medic related services in the Nassau county police department. AYE

2014 The bill would amend the New York City Administrative Code, and Emergency Tenant Protection Act of 1974, the Emergency Housing Rent Control Law, and the Real Property Law by prohibiting any landlord from charging legal services fees in connection with the operation or rental of a residential unit unless awarded pursuant to a Court Order. NAY (Should be subject to lease/contracts.)

5054 Creates the chemical dependence treatment bill of rights to be posted in a conspicuous place in all treatment facilities. AYE

6044 Directs the office of alcoholism and substance abuse services to maintain an online directory of distributors of opioid antagonists. AYE

1964 Authorizes boards of cooperative educational services to establish workers' compensation reserve funds. AYE

4608 Authorizes the town of Brookhaven, county of Suffolk, to alienate and discontinue the use of certain parklands for the purpose of erecting a wireless communications tower. AYE

5380 Permits the Owego Apalachin central school district to establish an insurance reserve fund. AYE

6469 Authorizes certain towns to adopt a local law to provide that, real property whose interests or rights have been acquired for the purpose of the preservation of an open space or an open area may be partially exempt from local real property taxation, provided that the owner or owners of such real property enter into a conservation easement agreement with the municipality. AYE

2857 This bill would create a new article 191 of the penal law related to identity theft, creating the new crimes of Petit Identity Theft (class A misdemeanor), Identity Theft in the Fourth

Degree (class E felony), Identity Theft in the Third Degree (class D felony), Identity Theft in the Second Degree (class C felony), Identity Theft in the First Degree (class B felony). AYE

3791 Establishes the crime of misappropriation of payroll funds when a person knows that funds are designated for use as employee payroll funds or as payment of payroll taxes, and intentionally prevents the funds from being used for their designated purpose.

Misappropriation of payroll funds is a class E felony (would not qualify for bail). AYE

5725 Extends provisions authorizing big game hunting in Albany county until October 1, 2024. AYE

6173 Extends the moratorium on the issuance of certificates of environmental safety for the siting of facilities and certification of routes for the transportation of liquefied natural or petroleum gas. AYE

6382A Extends for three years, until June 30, 2024, provisions of the Education Law relating to the implementation of IDEA. AYE

615A Prohibits an employer from requesting or requiring that an employee or applicant disclose any user name, password, or other means for accessing a personal account or service through specified electronic communications devices. AYE

76 Adds a new section 235-i to the Real Property Law establishing that a landlord who willfully includes information he or she knows to be misleading or incorrect in any notice provided pursuant to a particular requirement of the Real Property Tax Law is guilty of a violation punishable by a fine of \$1,000. NAY

749 Amends Executive Law § 297 (10) to allow the commissioner or the court in an action or proceeding (with respect to cases of housing discrimination only) to award reasonable

attorney's fees to any prevailing or substantially prevailing party, provided that a prevailing respondent or defendant in order to recover such reasonable attorney's fees must make a motion requesting such fees and show that the action or proceeding was frivolous. NAY (Too expansive. Costly to business.)

1210 This bill would amend section 217 of the General Municipal Law by adding a new subparagraph q that would address how volunteer fire departments respond to emergencies by allowing volunteer fire departments to amend their point system as part of a service award program. AYE

1053 Establishes the crime of voyeurism in the first and second degree, which shall be a class A and B misdemeanor, respectively. Importantly, this bill exempts firefighters, healthcare professionals and correctional facility personnel. AYE

982A Requires the commissioner of the department of transportation in consultation with the department of motor vehicles to develop a program addressing the problem of wrong way drivers on New York interstate highways. AYE

2959A Authorizes the village of Pittsford, town of Pittsford, Monroe county, to lower the speed limit on certain village roads to not less than twenty-five miles per hour. AYE

1414A This bill requires that when a midwifery birth center is proposed and demonstrates the intent and capability to obtain and maintain accreditation by an accrediting organization that it is deemed to meet the requirements related to establishment of midwifery birthing center (specifically related to a certificate of incorporation, articles of organization and establishment, contingent on obtaining and maintaining such accreditation). AYE

4887A Allows brewery supply stores to sell New York state labelled beer for off-premises consumption. AYE

1149 Directs the commissioner of corrections and community supervision, in consultation with the commissioner of motor vehicles and the federal bureau of prisons, to develop a program to provide an identification card to each inmate upon the release of such inmate from custody. NAY (Law abiding citizens must pay a fee to obtain an ID card.)

1078A Requires instruction in pedestrian and bicyclist safety as part of the drivers pre-licensing course to educate prospective licensees on how to safely pass a bicyclist on the road, use of bicycle lanes and the dangers of motorists to bicyclists and pedestrians. AYE

1391A This legislation first amends the Vehicle and Traffic Law by adding a new section 141-c that creates a first responder safety zone. The legislation also amends Section 1144-a of the Vehicle and Traffic Law by adding a new subdivision (d) that requiring in an active emergency, that every operator of a motor vehicle yield the right of way to any fire vehicle, police vehicle, ambulance, or emergency ambulance service vehicle displaying one or more red, white, blue or green lights and traveling within or entering a first responder safety zone. AYE

4529 Provides that outside of New York City an operator of a vehicle overtaking a bicycle from behind shall pass on the left at a distance of not less than three feet until safely clear. AYE

1383 Requires all new private, one-family and two-family home construction contracts to include a cost estimate for installation of a fire sprinkler system. NAY (Requiring builders to get cost estimates from sprinkler manufacturers every time a construction estimate is performed will likely have the unattended consequence of adding to the cost of a new home

along with time delays.)

4894 Prohibits banking organizations from issuing mail-loan checks without request or application therefor; provides that failure to destroy or return a mail-loan check does not constitute an acceptance thereof; provides that mailloan checks shall have the transaction fee and interest rate included on the check. AYE

1439 The bill amends Racing, Pari-Mutuel Wagering and Breeding Law to provide a severability clause in existing Interactive Fantasy Sports law and amends Penal Law to explicitly decriminalize interactive fantasy sports participation. AYE

284A Requires the counting of an affidavit ballot of an eligible voter if such voter appeared at a polling place in the correct county but in the incorrect election district; provides that such vote shall not be cast and canvassed for such contests for which the person was not entitled to vote at such election. NAY (Would likely complicate and slow down the voting process.)

3957 Increases penalties for endangerment of a highway worker, promote work zone safety awareness, and establish a fund for additional work zone safety enforcement. AYE

4661 Provides for the transfer of a portion of fines issued for illegally passing a school bus to the comprehensive school bus driver safety training program for the study and promotion of issues involving school bus safety; establishes a school bus motorist education fund. AYE

252A This bill would authorize the Long Island Railroad and the Metro-North Commuter Railroads to install and operate a railroad grade crossing photo violationmonitoring device at any railroad sign or signal within its jurisdiction. AYE

3533 This bill establishes additional safety requirements for vehicles engaged in the transportation of passengers. Specifically, any transportation network company vehicles, for-hire vehicles in NYC, and other commercial vehicles engaged in the for-hire transportation of passengers must provide a system of "interactive electronic coupling between the passenger and the driver assigned to pick the passenger up. NAY (Overly burdensome.)

6202 Establishes a rebuttable presumption that every person who violates the prohibition against reckless driving and who causes physical injury, serious physical injury, or death to an other person shall be found to have acted with criminal negligence as defined in the penal law and shall be guilty of a class A misdemeanor. The legislation also requires the creation of a "Reckless Driving and Vehicular Violence" awareness component to be included as part of the required pre-licensing course. NAY

6321A Requires charter buses to use commercial global positioning system technology which selects routes and takes into account the minimum clearance of the motor vehicle within no later than one year of the date upon which the national highway traffic safety administration promulgates final regulations establishing standards for commercial GPS. AYE

344 Provides that rules that require changes to compliance or billing standards that could result in eventual withholdings or takebacks due to Medicaid auditing and/or self-disclosure obligations shall become effective no sooner than ninety days from the publication of adoption of the rules. AYE

6019 Relates to an exemption for certain property located in Saratoga county from the prohibition of alcohol sales within a certain distance from a church. AYE

4895A Allows Mercy Haven, Inc. to file an application with the town of Islip for a real property tax exemption for the 2018-2019 assessment roll for a certain parcel located in Central Islip. AYE

1036 The bill would amend section 11-1904 of Environmental Conservation Law to eliminate the current 10-acre minimum for canned (fenced) hunting of non-native big game animals, in turn, prohibiting canned/fenced hunting. NAY (Too expansive. Regulated by the DEC.)

2814 This bill would amend Environmental Conservation Law to prohibit the import, export, transport, process, sale, purchase, trade, barter, distribute or possession of any part or product of an African Elephant, African Leopard, African Lion, Black Rhinoceros, White Rhinoceros, or African Giraffe. NAY (Hunting lawfully permitted in Africa.)

6500 This bill amends the state finance law to formally establish the attorney licensing fund. It will consist of the portion of attorney biennial registration fees currently deposited into the attorney licensing fund. AYE

5397 Enacts the "New York state YouthBuild act"; sets program requirements; authorizes grants to eligible YouthBuild participants and establishes application requirements. AYE

5885A Allows out of state health care professionals to perform services at the Ironman Lake Placid 2021. AYE

5006 Permits farmers markets in state and local parks. AYE

5354 Increases the rates for pilotage on the Hudson River for the years 2021 and 2022 by two percent each year. AYE

2951 This bill would shorten the deadline for voter registration applications to 10 days before the election. This bill would provide that an application postmarked by no later than fifteen

days before the next primary, general or special election, which is received no later than ten days before such election, or which is delivered in person at least ten days before such election to the county board of elections, shall entitle such applicant to vote at such election.

NAY (Burdensome on the board of elections as it will be difficult for them to get all of the deadline applications into the poll book, in time for early voting.)

6280 Relates to qualification to hold the position of assessor of the village in the village of Upper Nyack. AYE