



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for June 2, 2021

PATRICK M. GALLIVAN June 3, 2021

| ISSUE: **NYS SENATE**



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

687 Clarifies the definition of imitation weapon to not be a weapon colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple or is constructed entirely of transparent or translucent materials which permits unmistakable observation of the imitation or toy firearm's complete contents. Such weapon must also not have a laser pointer. ) NAY

13A Enacts the "Scott J. Beigel unfinished receiver act"; relates to unfinished frames or receivers; establishes the crimes of criminal sale of an unfinished frame or receiver in the first and second degrees as class D and E felonies, respectively. NAY (There is a lack of protection for pre 1968 guns which predate the Gun Control Act of 1968 and are not required to have serial numbers.)

14A Criminalizes the sale of ghost guns and requires gunsmiths to register and serialize firearms, rifles, shotguns, and unfinished frames or receivers they assemble. A PRINT Lowers crime of possession of a ghost gun from criminal possession of a weapon in the third degree (class D felony) to criminal possession of a weapon in the fourth degree; removes provision criminalizing anyone other than a licensed gunsmith from assembling a firearm; lowers penalty of gunsmith none compliance with the provisions from a class C felony to a class E felony. NAY

2127 This bill amends the social service law regarding Medicaid managed care (MMC) to allow School Based Health Centers (SBHCs) to participate in MMC and requires where a SBHC does participate in MMC to enter into a standard memorandum of understanding, developed by the commissioner of health, to promote the delivery of coordinated health care and participation in quality improvement initiatives. AYE

255B Requires prevailing wage to be paid for work performed on a public works project for any work involving the delivery to and hauling of aggregate supply construction materials, as well as any return hauls, whether empty or loaded and any time spent loading/unloading. B PRINT excludes renewable energy systems. NAY (Will cause logistical problems and result in more traffic due to contractors splitting their loads. Contradicts DavisBacon, which mandates that the federal prevailing wage apply only for wages paid to workers employed directly upon the site of the work.)

5333 Authorizes the state to convey certain forest preserve land; such sale shall be subject to legislative approval and the proceeds of such conveyance shall be used for acquisitions to the forest preserve. AYE

3258 Provides a fine of one thousand dollars for a person responsible for a trailer or semitrailer parked or left unattended in a city with a population of one million or more; makes certain exceptions. AYE

1201A Requires the Department of Health to maintain a schedule setting forth when competency exams for qualified home care services workers who live outside New York State will be administered to fill any shortage of said workers. The schedule must be made available on the NYS DOH website and readily accessible by the public. A PRINT requires DOH to consult with the State Education Department. AYE

5758B Authorizes the village of Freeport to appoint a second associate village justice to serve when requested by the village justice or in the absence or inability of the village justice or current associate justice to serve. AYE

1684 Directs the department of financial services to conduct a study on underbanked communities and households in New York state and to make recommendations to improve access to financial services. AYE

5000B This bill would prohibit an individual from purchasing or disposing a firearm, rifle or shotgun if they are subject to an outstanding warrant of arrest for a felony or serious offense. Under current law, an individual must be convicted of such a crime before they are prohibited from purchasing or disposing of a firearm. B PRINT removes the requirement that law enforcement official report stolen firearms. NAY (Individuals subject to a warrant have not yet been convicted of a crime.)

2981 Creates a firearm violence research institute and a firearm violence research fund. The Institute would be located within SUNY. It would advise the Governor on matters related to gun violence, conduct research, and promote policies intended to reduce firearm violence - including organizing and lobbying of policymakers. NAY (There is no appropriation made in the bill to fund the Institute's efforts. DCJS and law enforcement already do this.)

6001A Authorizes Choice for All, a not-for-profit organization, to file an application for exemption from real property taxes for the 2018-2019 and 2019-2020 assessment rolls. AYE

6402 Authorizes the town of Oyster Bay to adopt a local law establishing an administrative adjudication hearing procedure for all code and ordinance violations relating to conditions which constitute a threat or danger to the public health, safety or welfare. AYE

4094 Directs the department of environmental conservation to study alternative municipal uses for recycled glass; requires the department to submit a report containing its findings along with legislative proposals as it deems necessary to implement its recommendations. AYE

606 Amends both correction law and penal law to establish merit time allowance credits within the local merit time credit allowance program and certain administrative privileges credits for local correctional facilities. This program is meant to allow jail inmates who participate in programs and maintain a good disciplinary record the opportunity to earn credit time off of their jail sentences. Inmates who are transferred to the custody of DOCCS will receive jail time credit for any such merit time allowance credits they received while detained in county jails and at Rikers. "Credit" means a reduction of 24 hours in the amount of time an inmate must serve in a correctional facility on the inmate's sentence upon conviction. NAY (Section 70.30 of the Penal Law already establishes good behavior time. If a defendant displays good behavior during their time incarcerated, they can reduce their

sentence by up to a third of the total time.)

1048A This legislation seeks to hold firearm manufactures accountable by creating a new article in the General Business Law (GBL) regarding the sale, manufacturing, importing and marketing of firearms. NRA; National Shooting Sports Foundation Inc. NAY (Creates a right of action to sue gun manufacturers. Imposes unrealistic requirements on the firearm industry.)

3985 Places a cap on the amount that a rental vehicle company may charge a renter for refueling a rental vehicle; imposes a maximum fine for a violation of such cap on charges. AYE

2036B Provides that the coroner, coroner's physician or medical examiner shall promptly report to the division of veterans' services, in a form developed and provided by such division, any death which appears to be a suicide by a person who, to the knowledge of the coroner, coroner's physician or medical examiner, is a veteran; a report shall be provided to the governor and legislature on certain suicide statistics no later than June 13, 2024. AYE

4645 Authorizes the Nassau county assessor to accept an application from the town of Oyster Bay for a real property tax exemption for property owned by such municipal corporation. AYE

6579 Authorizes Divya Jyoti Jagrati Kendra to file an application for exemption from real property taxes. AYE

6582A Relates to the Volunteer and Exempt Firemen's Benevolent Association of Woodmere, Nassau County, New York, Inc. AYE

2766C This bill would amend Article 6 of the Labor law related to payment of wages to add a new section 198-e entitled "Construction Industry Wage Theft". The bill defines "construction contract" as a written or oral agreement for the construction, reconstruction, alteration, maintenance, moving or demolition of any building, structure or improvement or relating to the excavation of or other development or improvement to land. B AND C PRINTS make technical amendments. NAY (Wage violations by subcontractors should be kept under the jurisdiction of the NYS Department of Labor, NYS Attorney General and DA's. Would also create a significant increase in costs.)

3469A This bill would amend the Labor Law to add a new article 18-a to establish the Industry Targeted Unemployment Task Force for the purpose of directing unemployment assistance and job training during times of high unemployment to individuals who have previously been employed by an industry that is experiencing unemployment rates higher than the statewide average. AYE

4394A This bill amends subdivision 2 of section 740 of the Labor Law, which prohibits retaliatory action by employers. It would include in the definition of employee to included independent contractors, who perform work in furtherance of an employer's enterprise but are not themselves employers and creates a private right of action for said independent contractors to sue for punitive damages if the violation was willful, malicious or wanton. A PRINT makes changes to the definition of "law, rule or regulation", "public body" and "retaliatory action" as well as removes whistle blower protections in the cases of health care fraud. NAY (Will incentivize frivolous lawsuits that will increase insurance costs for small businesses.)

5055A This bill would amend article 7 of the Labor Law governing General Provisions to add a new section 201- h that would establish a model racial equity, social justice, and implicit bias training program. Implicit Bias means attitudes or stereotypes that affect our

understanding, actions, and decisions in an unconscious manner. NAY (Not necessary. Already prohibited conduct.)

4449 Requires the higher education services corporation to make a determination of financial eligibility of a student for financial aid, awards and loans within 60 days from the day of the receipt of the financial aid application; where the higher education services corporation fails to make a timely determination the applicant shall be deemed eligible for such aid for the semester for which the application was made; allows for a 30-day extension if notice is given to the educational institution within the initial 60-day period. AYE

6393 Authorizes a pharmacist to substitute an alternate epinephrine auto-injector when a brand-named epinephrine auto-injector has been prescribed, provided the prescriber has not prohibited such substitution, that the epinephrine auto-injector will cost the consumer less, that the consumer has consented to receive the alternative product, and that the consumer has been counseled on how to operate the alternative product. Pharmacist must counsel the patient or the person authorized to act on the patient's behalf on the proper usage and operation of the alternate epinephrine auto injector. AYE

6666 Modifies certain interest rates for life insurance within the standard nonforfeiture law. Under current law, there is a fixed 4% interest rate requirement. This bill would eliminate the fixed 4% rate and in exchange implement an indexed approach which will fluctuate as interest rates move up and down. AYE

6667 Reduces the minimum nonforfeiture interest rate for annuities from one percent to one half of one percent for annuities during the surrender charge period, and from one percent to fifteen hundredths of one percent during any contract period with no surrender charge. AYE

5645 Creates a city-wide council for district seventy-five to advise and comment on educational or instructional policies involving district seventy-five services. AYE

1251 Requires the division of criminal justice services to publish quarterly reports beginning October 1, 2021, providing information related to firearms, rifles and shotguns used in the commission of crimes in the state of New York. NAY (Potential to compromise criminal investigations. ATF responsibility.)

4069 Establishes the congressional chartered veterans service organizations fund; provides for gifts made to such fund on an individual's personal income tax return. AYE

5180A Establishes a tax credit for employment of an individual who has successfully completed a judicial diversion substance abuse treatment program or graduated from drug court. The tax credit established by this bill would be worth \$3,000 in the first year. A PRINT requires the department to issue an annual report regarding the utilization of the credit.

AYE

5574 This bill provides an increase in certain exemptions of income and includes additional resources which would not be used to calculate public assistance benefits. While these exemptions were previously per household this bill changes the language to any applicant. NAY (Public assistance should be the payer of last resort when all other options have been exhausted.)

5186 This legislation adds more modern definitions to computer offenses in the penal law, including adding a definition for computer system, government computer system, public safety infrastructure computer system, computer contaminant, electronic mail and profile, among others. The bill adds new computer related crimes:- unlawful disruption of computer services in the 1st and 2nd degrees - unlawful computer access assistance in the 1st and 2nd



degrees - unauthorized use of internet domain name or profile - unlawful introduction of a computer contaminant. AYE

3077 Requires anti-bias training for every medical student, medical resident and physician assistant student in the state, and requires the department of health to make an annual report on the implementation and effectiveness of such training. NAY (Duplicative of current practice.)

6575 This bill amends section 265-a of the social services law to include care and services provided by mental health providers under the Medicaid program. AYE

6576 This bill amends the social services law to allow care and services provided by clinical social workers licensed under article 154 of the education law, acting within their lawful scope of practice, eligible for coverage under the Medicaid program. AYE

4071A COSPONSOR Designates human organ delivery vehicles as authorized emergency vehicles which shall permit the operator of such vehicles certain privileges when involved in an emergency operation. AYE

4846 Authorizes county highway superintendents to rent road machinery from any city, town or village. AYE

5876B Requires state disaster preparedness plans and local comprehensive emergency management plans to include at least one annual simulation of both natural and man-made disaster events in the form of a tabletop exercise in which key personnel assigned emergency management roles and responsibilities gather to discuss, in a non-threatening environment, various simulated emergency situations; provides that such simulation shall be completed annually prior to the first of May in areas at risk to hurricane damage. AYE

6460 Establishes the position of an insurance liaison on the disaster preparedness commission to be appointed by the governor and serve as a non-voting member. AYE

1443 The bill would amend Racing, Pari-Mutuel Wagering and Breeding Law (PML) to allow for the distinguishing of key and non-key casino employees, and the requirements of each for occupational licensing for employment of gaming activities. AYE

1275 Directs the Division of the Budget to prepare an annual Unified Economic Development Budget that outlines the aggregate amounts of State investments in economic development projects statewide, the benefactors of these investments and the number of jobs businesses created or retained as a result of this development assistance. AYE

2700 Relates to distinctive plates for medal of honor recipients; removes the word "congressional" from distinctive plates; provides for the reissuance of plates to persons assigned distinctive plates for medal of honor recipients. AYE

2811A Relates to the creation of a statewide residential rental registry providing information relating to rental units including the number and types of code violations issued by the appropriate enforcement agency, and the number of findings of harassment currently on record with the code enforcement agencies. NAY (Significant unfunded mandate.)

3009 This bill amends section 218 of the general business law (GBL) to add to the definition of "reasonable time" as it relates to the time an establishment can detain an individual following a theft to state that the reasonable time cannot exceed one hour, except for extraordinary circumstances. NAY (Unnecessary and will negatively impact business.)

5419 This bill would increase the maximum value of rent subsidies provided as part of preventive services. Such subsidy shall increase from \$300 per month to \$600 dollars per month. AYE

6074 This bill amends the Family Court Act to expand the right to assistance of counsel in family court to include matters where: 1) an indigent individual is acting as a parent of a child, who is petitioning for custody or guardianship of such child, and who is a kinship caregiver of such child; or 2) an indigent individual is a respondent in a guardianship proceeding. AYE

6510 Relates to allowing counties to prohibit hunting during a seven-day special late bow, special long bow and muzzle loader season in the southern zone. NAY (Will negatively effect hunters.)

6572 Provides feminine hygiene products at no cost to menstruating individuals in homeless shelters, including, but not limited to, sanitary napkins, tampons and panty liners. AYE

6642A Requires a report by the division for small business regarding the use of opportunities for cure or ameliorative action afforded to small businesses for first time violations of rules and regulations; extends such provisions for three years. AYE

947 Creates a new crime of operating a vessel while impaired by the consumption of alcohol while a child who is fifteen years of age or less is a passenger in such vessel a Class E felony. AYE

3448 Requires the State University of New York (SUNY), the City University of New York (CUNY), and all community colleges to have resident assistants trained to administer an opioid antagonist in the event of an overdose occurring in college housing. AYE

4343 Authorizes the county of Ulster to offer an optional twenty year retirement plan to Kyle Frano, Joseph Sciutto and Emmett Vedder III, deputy sheriffs employed by the county of Ulster. AYE

4359A This bill amends the public health law to require that the office of addiction services and supports, in consultation with the department of health, shall develop or utilize existing education materials to be provided to general hospitals to disseminate to individuals with a documented substance use disorder or who appear to have or be at risk for a substance use disorder during discharge planning. AYE

4401 Authorizes Jason M. Schiedel to receive certain credit under section 384-d of the retirement and social security law. AYE

4404 Authorizes the county of Columbia to offer an optional twenty year retirement plan to Theodore Blank, a deputy sheriff employed by such county. AYE

4961A This bill would expand the definition of member for individuals who participated in the World Trade Center Rescue, Recovery, or Cleanup operations. Such individuals would have been employed in public service and participated in the World Trade Center rescue, recovery or cleanup operations, but became members of a retirement system at a later date and purchased service credit for such period of time. AYE

63A This bill would create an allowance for diapers, not to exceed eighty dollars, every three months, per eligible child. AYE

5544 Authorizes Jaime Laczko to elect to participate in the optional 25 year retirement plan for forest rangers. AYE

5658 Creates a new section 9-x of the banking law as follows: \* The Superintendent of the Department of Financial Services would develop guidelines for reporting suspected financial exploitation in consultation with the State Office for the Aging, NYS Attorney General, representatives of the financial services industry, law enforcement, senior groups, and district attorneys; and \* If a report of suspected financial exploitation were to be made in

accordance with those guidelines, the individual making the report would be protected from liability-resulting from that report. AYE

6259A Directs the Commissioner of Transportation to promulgate regulations requiring the Department of Transportation to issue written notice of complete application to a fiber-optic utility, working within the state highway right of way. that is applying for a work permit or use and occupancy permit, within 21 days of receipt of such an application AND requires that the Department to complete the review of the application and either issue or deny such permits with 45 days of issuing the notice of complete application. AYE

6303 This bill would authorize political subdivisions to hold meetings remotely for the duration the COVID-19 state disaster emergency. Political subdivisions would be entitled to meet and take actions without permitting inperson access to meetings and would be entitled to hold such meetings remotely. The political subdivision would be required to ensure that public has the ability to view or listen to the proceeding and would be required to record and transcribe such meetings. AYE

6459 Permits the Cherry Grove fire district to hold meetings for nomination of the chief and assistant chiefs on the third Saturday in September. AYE

6679 This bill would extend for two years the advisory panel on employee owned enterprises. The panel is tasked with reporting and making recommendations on how to best support those businesses. This includes promoting the formation and growth of new employee-owned enterprises in NYS. AYE

6737 This bill would extends provisions related to the resolution of labor disputes regarding the metropolitan transportation authority until July 1, 2023. AYE

6740 This bill would extend the authorization of the LongTerm Care Ombudsman Program for two years until December 31, 2023. AYE

6855 Increases the defined number of registrants in an election district, with the approval of the county board of elections, from the present 1,150 to 2,000 voters. As under current law, such limit would not include registrants in inactive status). AYE

6883 This legislation would extend for three additional years certain provisions of the local finance law and other related provisions until 2024. AYE

7017 This bill would extend current exemptions of income and resources for public assistance programs under the welfare reform act of 1997. AYE

668 This bill would establish the New York City reengagement and non-compliance process Statewide for individuals who participate in the public assistance work program, but have not complied with such requirements. NAY (Create additional financial obligations and was only recently implemented in NYC.)

1235 This bill establishes a 10 day waiting period for the purchase of any firearm. NAY

1767 Allows the village and town of Skaneateles in the county of Onondaga to regulate the construction and location of boathouses, moorings and docks. AYE

3312 Provides a heart disease presumption for certain fire marshals in Nassau county. AYE

3812 Repeals provisions of law prohibiting the practice of barbering on Sunday. AYE

4411 This bill would authorize a designated beneficiary of a member of the State and Local Employees' Retirement System to have the option to choose the benefit provided by service retirement rather than the death benefit in certain situations. AYE

4440 This bill would permits beneficiaries of Correction Officers employed by Nassau County to elect to receive, in a lump sum, an amount payable equal to the pension reserve that would have been established had the member retired on the date of his or her death, or the value of the death benefit and the reserve-forincreased-take-home-pay, whichever is greater.

AYE

4779 Authorizes Edward Tercasio, Jr. to receive certain credit under section 384-d of the retirement and social security law. AYE

4987 Relates to establishing distinctive "Alzheimer's Awareness" license plates; provides that the funding for such be deposited in the "Alzheimer's disease assistance fund". AYE

6171B Relates to funeral entities and the operation of any crematory or crematorium; permits a crematory operated by a funeral entity in the town of Tonawanda, that has been subject to a consent order issued by the department of environmental conservation, to relocate existing operations subject to local authority approval. AYE

6428 Makes permanent the Residential Parking Permit System in the city of Albany, increases the residential parking permit area to a one-mile radius (previously 3/4 of a mile) of Nelson Rockefeller Empire State Plaza, and increases the maximum number of permits to 3,500 of the 9,000 residential spaces within the permit area (previously 2,750 permits). AYE

6494A Extends the authorization for the New York city marshals to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments to June 30, 2022. AYE

6512 This bill would limit the amount of a loan a member of the New York State Teachers' Retirement System who joined on or after July 1, 2022 to not exceed fifty percent of the members' total contribution made including interest or \$50,000, which ever is less. AYE

6519 Authorizes the Yonkers parking authority to issue bonds or notes in the principal amount not to exceed thirty million dollars to finance critical infrastructure improvements to parking facilities located in the city of Yonkers. AYE

6569 This bill would extend the provision of the minimum retirement allowance for members of the New York state teachers' retirement system who retired prior to July 1, 1980. The bill also increases the maximum benefit amount from \$17,500 to \$19,250. AYE

6618 This bill provides that the death benefit for a retiree shall not be less than ten percent of the benefit in force at the time of retirement regardless of age for members of the New York State Teachers' Retirement System. AYE

6710 This bill provides Nassau County Sheriffs, Deputy Sheriffs, Undersheriffs or Correctional Officers with a performance of duty disability benefit consisting of 3/4 salary (less worker's compensation) for injuries resulting from the intentional and/or reckless acts of a civilian visiting an inmate housed in a Nassau County correctional facility. AYE

6720 This bill extends for three years the authorization for villages that adopted local laws by September 1, 1994, to continue to enforce unpaid property tax liens by tax lien sale may continue to hold such sales until December 31, 2024. AYE

6764 Designates a portion of the state highway system as the "State Trooper Donald A. Strand Memorial Bridge" AYE

6765 Designates a portion of the state highway system constituting the Sunrise Highway Speonk Riverhead Rd. overpass on route 27, in the town of Southampton, county of Suffolk, as the "State Trooper Jose A. Rosado Memorial Bridge". AYE



6798 Authorizes and legalizes Albany county to issue refund bonds for serial bonds the county issued for the purpose of undertaking certain improvements to the Albany county nursing home. AYE

6824 Relates to the filing of objections in child support cases in the family court; allows for electronic transmission of such objections. AYE

6886 This bill would amended the Human Rights Law to ensure there is no exemption from the requirement of nondiscrimination in advertisements and inquiries for the rental of an apartment or room. AYE

6909 Permits The Abundant Life Church to file an application with the city of Jamestown tax assessor for a real property tax exemption for the 2018-2019 assessment roll. AYE

6972 Relates to certain lung disabilities incurred by members of the New York city transit authority in certain cases; provides that any lung condition resulting in total or partial disability or death to a member of the New York city transit authority, or its subsidiary corporation, where such member successfully passed a physical examination on entry into such service or subsequent thereto, which exam failed to reveal evidence of such condition, shall be presumed to have been incurred in the performance and discharge of duty. AYE

6974 This bill authorizes the affordable housing corporation to administer support services for federal section 8 project based housing assistance payments contracts. AYE

7009 Allows for the electronic submission of a notice that a member of a retirement system participated in World Trade Center rescue, recovery or cleanup operations for a qualifying period. AYE

7019 Requires the Office to Information Technology Services to notify, within 24 hours of discovering a data breach or network security breach, the chief information officer and the chief information security officer of any state entity with which it shares data, provides network services, or shares a network connection that is a victim of such a breach. AYE

7021 Exempts the village of Briarcliff Manor fire department, within the village of Briarcliff Manor, county of Westchester, from the requirement that the percentage of non-resident fire department members not exceed forty-five percent of the membership. AYE

7031 Extends certain provisions relating to a partial tax abatement for residential real property held in the cooperative or condominium form of ownership in a city having a population of one million or more. AYE (Extending the current abatement program will continue the current level of relief for hundreds of thousands of New York City co-op and condo owners.)

7047 The bill would extend various sections of Environmental Conservation Law relating to hunting big game from December 31, 2021 to December 31, 2024. AYE

7055 Extends provisions relating to the residential care offsite facility demonstration project to the residential care off-site facility demonstration project to 2024. AYE

7059 This bill extends for another 2 years, until 2021, law which relate to limited licensed home care services agencies eligibility, rates of payment. AYE

7062 This bill would make the existing pilot emergency medical service (EMS) recertification program permanent. AYE

7064 Extends the authority of the department of environmental conservation to manage scallops until the year 2024. AYE

7065 Extends the authority of the department of environmental conservation to manage monkfish to 2024. AYE

7069 Extends provisions of law relating to the issuance of land installment purchase obligations from July 1, 2021 until July 1, 2031. AYE

7070 The bill would extend for three years until December 31, 2024, the ability of DEC to adopt regulations to manage striped bass. AYE