



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for June 3, 2021

JIM RANNEY June 4, 2021

| ISSUE: **NYS SENATE**



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

361A Relates to requiring counselors to have certain courses of study or equivalent on-the-job experience including on providing trauma-informed, patient-centered care, referring individuals to appropriate treatments for cooccurring disorders, and sensitivity training.

AYE

343A This legislation amends the definitions of "extortion" and "coercion" to also include making threats for such purposes as to cause deportation proceedings to be brought against an individual. The bill adds the threat of deportation to the crime of coercion in the 3rd degree - a class A misdemeanor and any crime of larceny by extortion. A PRINT - adds reporting of immigration status or suspected immigration status to coercion in the third degree. NAY (If illegal should not be bar to reporting it.)

1543A Amends the Public Officers Law to prohibit statewide elected official, state officer or employee, member of the legislature, legislative employee or political party chairman who owns or controls a certain percentage of a corporation or limited liability company from receiving compensation for consulting or legal services from a state or local authority. NAY (Public bidding should be open to all.)

1667 Relates to expanding the definition of agency; includes entities created by an agency or that are governed by a board of directors or similar body a majority of which is designated by one or more state or local government officials in the definition of agency under the public officers law. AYE

2629 Relates to notice to the commander of a military station of certain municipal actions that occur within 3000 feet of the property to be affected by the proposed action. AYE

235A Allows for the examination of industrial development agencies and not-for-profit corporations by county comptrollers. AYE

4610 Ensures that when land is disposed of by public authorities, certain safeguards are in place, including disclosure of ownership information, ensuring that disposals with that contain rights of first refusal make certain that the land is transferred at or above fair market value, that when land is transferred for less than fair market value, it is in the public

interest to do so and the legislature retains oversight. AYE

4611 Ensures that when land is disposed of by public authorities, the names of all beneficial owners of the property shall be disclosed via an explanatory statement that will be publicly available. AYE

3566 This bill would remove provisions requiring local network participating pharmacies to accept the same terms and conditions as mail order pharmacies, and exempts unions from the provisions. NAY (Excludes unions. Will increase costs. Eliminates prior protection.)

2740B Relates to establishing a demonstration program on interstate route 278 in Kings county to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems. Penalties imposed on owners for violations of weight restrictions must not exceed \$1,000 per violation and such owner is liable for an additional penalty of \$25 for each violation for failure to respond to a notice of liability within a prescribed time period. The NYC Parking Violations Bureau will be the overseeing agency. Establishes a 90 day grace period before notices of liability are issued. Sunsets three years from first notice of liability is issued. AYE

4640 Requires a health care professional to consider nonopioid treatment alternatives, instead of an opioid treatment for any neuromusculoskeletal condition that causes pain. AYE

5715A Requires assessors using the comparable sales, income capitalization or cost method for assessments to consider certain comparable properties in formulating the assessment of non-residential properties. AYE

4468A Relates to the reimbursement of local services provided to persons with a disability; provides for retroactive reimbursement if local services were furnished prior to approval.

AYE

6199 Requires manufactured home park owners to provide a written justification for rent increases in excess of three percent of the current rent; provides that increases in costs to justify such rent increase shall not be due to ordinary maintenance or repair to meet the warranty of habitability obligations. AYE

1318A Provides total disability benefits for volunteer firefighters and volunteer ambulance workers for injuries sustained on or after July 1, 2021. AYE

2966A Requires that a prescriber of a first opioid prescription provided to a patient also prescribe an opioid antagonist when any of the following risk factors are present: over 50 morphine milligram equivalents per day; nonbenzodiazepine sedative hypnotics. NAY (Physicians and prescribers are already required to use the CDC Guideline for Prescribing Opioids for Chronic Pain when assessing patients for opioid use, which require, in part, that prescribers discuss benefits and risks and the availability of nonopioid therapies with the patient and ensure that patients are started on the lowest dosage possible.)

1656A Prohibits industrial development agencies from incentivizing movements within the state where any plant, facility, or personnel of the project occupant are abandoned or removed. NAY (Not necessary. Prohibition already exists.)

1769 Prohibits any elected official serving at the county, town, city, or village level, from serving as member of the board of any industrial development agency (IDA) located within the county. AYE

3256 This bill would amend sections 859-a and 874 of the general municipal law and sections 1963-a, 2307 and 2316 of the public authorities law, to require Industrial Development Agencies, established under Article 18-A of the general municipal law, to provide written and

mailed notice regarding proposed financial incentives offered by such IDAs to affected local taxing jurisdictions and school districts, prior to approval of projects by such an IDA. AYE

5671A Provides that the appointing official for an Industrial Development Agency (IDA) shall not serve as an officer, agent, or employee of the agency when the official has appointing authority for the IDA. AYE

6035 Authorizes the Bellmore Fire District to file an application for exemption from 2020-2021 real property taxes. AYE

6317 Authorizes the Faith Evangelical Lutheran Church to retroactively apply for a real property tax exemption for certain property. AYE

1798 Legalizes, validates, ratifies and confirms the actions of the Panama central school district regardless of the failure of such district to timely file final building cost reports. AYE

4963A Validates certain acts by the Pearl River union free school district in connection with final building cost reports required to be filed with the state education department. AYE

5562A Legalizes, validates, ratifies and confirms transportation contracts for the West Hempstead Union Free school district. AYE

5563B Legalizes, validates, ratifies and confirms transportation contracts for the Baldwin Union Free school district. AYE

5627 Legalizes, validates, ratifies and confirms the actions of the Monticello central school district regardless of the failure of such district to timely file final building cost reports. AYE

6188A Relates to legalizing, validating, ratifying and confirming a certain contract of the West Islip union free school district. AYE

1016B This bill, entitled the “Dominic Murray sudden cardiac arrest prevention act” requires DOH and SED to develop information relating to sudden cardiac arrest (SCA). B PRINT - requires regulations be promulgated to remove any student from athletic activities who shows signs or symptoms of pending or sudden cardiac arrest and such athlete may not return until evaluated and approved by a licensed physician. AYE

5870 Prohibits the release of personnel or employees as a retaliatory action against employees who complain or assist in proceedings involving unlawful discriminatory practices by employers. AYE

1207 Requires annual reports and budget reports that public authorities have to submit to the Authorities Budget Office (ABO) to be made available to the public on the Public Authorities Reporting Information System (PARIS). AYE

6675 Provides that a local law adopted by a town and subject to a referendum on petition shall be conducted as a permissive referendum. AYE

6239 Requires restaurants that offer online delivery services to post their most recent sanitary inspection grade on their website and/or any internet-based food delivery service websites where consumers can order from such food service establishment. AYE

4609 Amends Subdivision 27 of Section 292 of the Executive Law by striking the phrase "However, nothing contained herein shall be construed to protect conduct otherwise proscribed by law" from the definition of "sexual orientation." AYE

5132 Suspends state support for the local enforcement of past-due property taxes until after the end of the COVID19 state disaster emergency by allowing past-due property owners to continue to receive STAR credits or STAR exemptions. AYE

5668A Improves insurance consumer servicing options; modernizes the methods of consumer servicing that unauthorized insurers are permitted to use, including servicing by telephone, video call, facsimile, web portal, electronic transfer of funds and other methods approved by the superintendent of financial services. AYE

5945A Facilities operated, licensed, or certified by the Office for People with Developmental Disabilities (OPWDD), the Office of Health (OMH), or the Office of Alcoholism and Substance Abuse Services (CASAS) provide a copy of a written incident report within 10 days of such request. AYE

5940 Requires the office for the prevention of domestic violence to conduct a study on domestic violence in the transgender community with a focus on Black transgender women. AYE

6682 Appoints an impartial hearing officer to issue an order of relief if a parent or person in parental relation of a student files a due process complaint notice seeking an impartial due process hearing. AYE

1504 Exempts veterans from certain fees of the business corporation law and not-for-profit corporation law within five years of being honorably discharged from military service, receiving confirmation of a qualifying condition from the New York State Division of Veterans' Services (DVS), or receiving confirmation of their status as a discharged LGBT Veteran from DVS pursuant to the Restoration of Honor Act. AYE

4869 Grants retroactive membership with Tier II status in the New York state teachers' retirement system to Lori Cohen. AYE

5543A This bill amends Section 668-e of the education law, to expand the scope of children, spouses or financial dependents of members of the US armed forces or state organized

militia can qualify for Military Enhanced Recognition, Incentive and Tribute (MERIT) Scholarships. AYE

6042 To provide a tax credit and tax exemption for the rehabilitation of historic barns. AYE

6233 Enacts the "food retail establishment subsidization for healthy communities act" (FRESH Communities); provides loans, loan guarantees, interest subsidies and grants to businesses, municipalities, not-for-profit corporations or local development corporations for the purpose of attracting, maintaining or permitting the expansion of food retail establishments in underserved areas. AYE

6292 Requires the office for people with developmental disabilities to submit a detailed report of proposed savings and investment initiatives within the executive budget. AYE

3150 Enacts "Valeria's law"; requires police officers to notify family members in person of a relative's death in certain circumstances. AYE

5607A Establishes the hyperloop and high speed rail commission to assess and study the benefits and implications of creating a high speed rail system in New York state. AYE

6332A Allows tandem trucks to use less than 2 miles of public road off from Thruway Exit 25-A. AYE

4719A Provides that members of the civil air patrol shall be entitled to paid leave for emergency services during a declared state of emergency. AYE

4971 Directs the division of veterans' services to provide information regarding resources that are available to assist veterans who experience post-traumatic stress disorder and traumatic brain injury (TBI); directs portals on the division's internet website. AYE



5772 Establishes a gasoline priority list for emergency response personnel in the department of homeland security and emergency services for use at all service stations during a natural or man-made disaster. AYE

5869A Requires state disaster preparedness plans to include at least one annual simulation of both natural and manmade 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

5091 This bill permits participation in bingo games by minors (under 18 years of age) who are accompanied by an adult. AYE

2201 Eliminates the thirty dollar parole fee that parolees are required to pay once a month. NAY (The law currently allows for a waiver of the fee when it would cause an unreasonable hardship on the parolee or their family.)

2205 Extends permanently requirements to continue protection of Jamaica Bay. This will strengthen protection of the Jamaica Bay waters making it safer for current and all future generations. AYE

4231 Relates to designating the month of May as "Korean American Family Month". AYE

5981 This bill would repeal subdivision 2 of section 189 of the correction law and paragraph (b) of subdivision 5 of section 60.35 of the penal law. Both of these statutes are related to the ability of the Department of Corrections and Community Supervision (DOCCS) to collect an incarceration fee from inmates in state prison. NAY (The correction law allows for the fee to be waived where it would result in an unreasonable financial hardship.)

66 This bill amends the CPLR to provide that civil claims for sexual offenses (as defined by § 130 of the penal law) or incest offenses (as defined by §§ 255.26 & 255.27 of the penal law) committed against someone who was 18 or older at the time of such offense shall be revived for a one year period beginning 9 months after the effective date of this bill, even if such claim is otherwise time barred. Any claim that was previously dismissed on the bases of being time-barred, or failure to file a notice of claim or notice of intention to file a claim, would be revived as well. AYE

6357 Establishes procedures regarding orders of posttermination visitation and/or contact between a child and such child's parent. The bill authorizes that upon application of any party the court shall order posttermination visitation and /or contact between the child and such child's parent to such proceeding on such terms and conditions as may be agreed upon by the parent, the child and the foster parent or authorized agency prior to the entry of an order committing the guardianship and custody of the child. AYE (This bill partly addresses the concerns raised in the 2019 veto message by providing a hearing if the adoptive parents withhold consent regarding a modification of a post-termination contact order.)

649A This bill includes in standard Medicaid coverage all FDA approved forms of medication assisted treatment for treatment of a substance use disorder. Removes all prior authorization mandates on all forms of medicationassisted treatment. NAY (This would add significant costs to the state and counties and thus ought to be addressed within the confines of the state budget process.)

6671 Allows Corning School District to avoid a penalty for failure to file a timely transportation aid cost report. AYE

6801 Extends certain provisions providing enhanced consumer and provider protections under contracts with managed care organizations for an additional two years, until June 30,

2023. AYE

6890 Authorizes the conveyance of real property at the State University of New York College at Delhi to the College Foundation at Delhi, Inc. to construct, maintain and operate a hotel to support the University's hospitality management program, in exchange for land owned by such foundation. AYE

1126A Prohibits "foreign-influenced" entities from making political contributions either directly or indirectly to a constituted committee, independent expenditure committee, political committee or party committee. These entities would also be prohibited from making an expenditure, independent expenditure, or disbursement for a political communication. NOTE - A person guilty of violating the provisions of this bill are guilty of a class E felony and subject to a \$10,000 fine. NAY

1867 Legalizes, validates, ratifies and confirms a transportation contract of the Fulton city school district. AYE

2728 This bill would amend section 862 of the general municipal law, to prohibit the provision of financial assistance from an industrial development agency, to an economic development project, unless it can be proven that such project will have a "regionally significant" economic impact. NAY (This bill would severely restrict the ability of an IDA to provide any financial support to an economic development project.)

4516A Makes the falsification of COVID-19 vaccination records a crime as part of computer tampering in the third degree which is a class E felony. NAY (Computer tampering already a crime.)

4540A This bill would prevent local social service districts from seeking overpayment if due to an agency or contractors error and eliminated a right of action to recover an alleged

overpayment for assistance or care received by a person under twenty-one. NAY (Taxpayer should not be held liable for errors of governmental agencies and independent contractors errors.)

5035 This legislation would enable the state to track the wait time for persons with Psychiatric disabilities seeking supportive, supervised or congregate housing in the office of mental health system. AYE

5151A Prohibits schools or school districts from filing a lawsuit against a student's parent or guardian for unpaid meal fees. AYE

829 This bill would amend the Workers' Compensation Law, Article 2 to provide a 20 day period in which to cure irregularities in a cover sheet accompanying an application for administrative review or full board review of a rebuttal to such applications. AYE

1607 This bill would authorize Susan Gillinder, the widow of Robert C. Ritchie, to file a new service retirement application and an option election form on behalf of her deceased husband with the New York state and local employees' retirement system. AYE

1751 Provides for the selection of a city court judge for the city of Jamestown. AYE

3100 This bill would provide performance of duty disability retirement benefits for the employee titles of Police Medic, Police Medic Supervisor, Police Medic Coordinator, Bureau Director Emergency Ambulance, and Deputy Bureau Director Emergency Ambulance in the employ of Nassau county. AYE

4261 Relates to the amount of St. Lawrence county economic development power that may be used by the New York Power Authority to generate net earnings. AYE

4408 This bill would establish a Performance of Duty Disability Retirement for a member of the retirement system employed by the division of military and navel affairs. The individual must be an airport firefighter apprentice, airport firefighter I, airport firefighter II, airport firefighter III or training and safety officer. AYE

4471A This bill would require IDAs to inform taxing jurisdictions of the end of PILOT agreements two years before the expiration of such agreement. AYE

4542A Prohibits BOE employees from engaging or participating in any trade or business which creates, or may tend to create, an actual or potential conflict of interest. AYE

4722A The bill would amend Agriculture and Markets Law and Soil & Water Conservation Districts Law to have the Department of Agriculture and Markets, in cooperation with the State Soil and Water Conservation Committee, and other partners working on soil health, encourage agricultural producers in Urban, Suburban, and Rural communities to improve and maintain the health of farm soils in various manners. AYE

4860 Authorizes Janice Middlebrooks, the widow of William James Middlebrooks, to file a retirement option election on behalf of her deceased husband. AYE

5083A The bill would provide within Unconsolidated Law, the direction for the Department of Agriculture and Markets to conduct a study on all forms of Urban Agriculture, including, but not limited to, vertical farming, community gardens, and urban farming. AYE

6229A Authorizes the city of New York to alienate and discontinue the use of certain portions of parkland to enable the use of such lands for the construction of a storm sewer. AYE

6585 Grants retroactive tier IV membership in the New York state and local employees' retirement system to Brian Zielinski. AYE

6616 Establishes the ethical standards for state agency contractors act including ethical standards for contractors performing inherently governmental and mission-critical functions or rendering services pursuant to an information-risk contract. AYE

6628A Requires the workers' compensation board to appoint the uninsured employers fund as the insurance carrier in cases when the identity of the responsible insurance carrier for the employer cannot be determined within ten days of the filing of a claim and to proceed with hearings and provide notices necessary to process such claim; makes conforming technical changes. NAY (10 days not sufficient time.)

6916A This bill would postpone the date by which the City may make a determination as to the continuation of the housing emergency from April 1, 2022 until July 1, 2022 to give the Census Bureau three additional months to complete field work.. NAY (Unnecessary.)

6998 This bill would raises the general discretionary buying threshold from \$50,000 to \$85,000 for state agencies, when the agency is serviced by the Office of General Business Services(OGS) business services center. NAY (Would likely increase the various risks to the state by avoiding comptroller review.)

7056 Extends for three years, to September 30, 2024 provisions authorizing a fifty percent subsidy in connection with the State Water Pollution Control Revolving Fund. AYE

7057 Removes the sunset provision of the Electric Generating Facility Cessation Mitigation Fund, thereby making the Fund permanent. AYE

7058 The bill would extend for three years, until December 31, 2024, DEC's ability to adopt regulations to implement conservation measures that affect the take, possession and landings of lobsters, and the closure of Lobster harvesting in the LI Sound annually from September 8 until November 28. AYE

7090 Provides for annual reporting regarding meetings of the state charter advisory board; extends the effectiveness of such board for five years. AYE

427A Amends the executive law by adding a new section 170- e that directs the division of human rights to promulgate regulations requiring entities authorized to administer any public housing program or assistance to provide written notice to prospective tenants, and individuals who have applied for and are eligible to receive housing assistance of their rights related to source of income discrimination. AYE

485A Requires certain health care providers to disclose the fact that the provider is on probation to current and new patients. Disclosure is only when probation is related to the individuals practice such as gross negligence or gross incompetence, mental illness or other cognitive impairment that impedes a licensee's ability to safely render patient care, or drug or alcohol abuse that threatens to impair a licensee's ability to render patient care safely. AYE

741 Prohibits the use of campaign funds to pay any settlement fees, fines or penalties for sexual harassment civil or criminal actions. Under current law campaign funds may not be used as payment of any fine or penalties assessed against the candidate. AYE

946B Authorizes workers' compensation board to award representation fees commensurate with services rendered. NAY (Increased costs.)

1102A Adds section 12-D to town law, which requires that candidates for election to a sanitation district file statements of campaign expenditures and contributions. This section also requires that such disclosures be maintained for five years after filing. Added § 209-v provides for the proceedings to compel filing of the disclosures. AYE

1270 The bill would require all vessels with an enclosed accommodation compartment to have a marine carbon monoxide detection system that meets the requirements set forth by the American Boat and Yacht Council Standard A-24. The legislation would also require a detection system where a boat has undergone substantial renovations that are equal to or greater than fair market value of the vessel prior to the improvements. Once the law is in effect, it would prohibit the sale of any vessel with an enclosed accommodation compartment but without such detection system or vessels that have undergone "substantial renovations". AYE

1279 Amends the Criminal Procedure Law governing poor person relief on appeal, which permits the court in its discretion to authorize counsel to represent defendant without cost during the pendency of the appeals process, to now presume such defendant eligible for assignment of counsel on appeal without further proof of eligibility. This bill also expands such right to a defendant in any "criminal action" rather than only a "trial". NAY (This bill establishes a presumption of need for public defender without requiring additional proof of such need.)

2542A This bill would amend provisions in the adopted 2020- 21 budget to clarify that the "look-back period" for the determination of eligibility of a non-institutionalized individual for medical assistance benefits apply to transfers of assets made on or after October 1, 2020. It amends current transfer provisions where an individual can show that all assets were transferred for less than fair market value have been returned to the individual to further allow individuals to show that the assets were used on the individual's behalf. AYE



3941 Includes electronic messaging texts as a form of telemarketing communication for purposes of the nocall registry. AYE

4407 COSPONSOR Prohibits the making of decisions concerning guardianship, custody or visitation or adoption petitions solely on the basis of a parent's, guardian's or custodian's blindness; prohibits the department of social services from denying, deciding or opposing a petition or request for guardianship, custody or visitation solely because the petitioner is blind and prohibits the department of social services from taking actions solely because a parent, custodian or guardian is blind. AYE

4723 Authorizes, under certain circumstances, full-time college and university students to act as election inspectors and poll clerks in the election district where their college or university is located. NAY (Election inspectors should be residents of the community.)

4864 Requires the Long Island power authority to conduct comprehensive management and operations audits every three years instead of every five years. AYE

5023A Requires veterinarians to report suspected animal cruelty to the police, duly incorporated society for the prevention of cruelty to animals, peace officer, district attorney's office, animal control officer, department of agriculture and markets, or other appropriate government agency and to turn over necessary records; protects the identity of such veterinarians; allows such veterinarians to receive a copy of such report. AYE

5356 This bill would require that prior to entering into a contract for consultant services with an anticipated value of \$1 million or more annually, the contracting state agency must conduct a "cost comparison review" to determine whether the services can be performed at equal or lower cost using current state employees. AYE

5453A Creates the twelve member rural suicide prevention council to examine the causes of rural suicides or attempts and to make recommendations for rural suicide reduction. AYE

5606B Requires hospitals distribute literature created by the commissioner to patients at a high risk of sickle cell disease. AYE

5691 Authorizes David Goodman to apply for retroactive membership in the New York state and local employees' retirement system. AYE

5743A Permits a K-12 student to preliminarily enroll by remote registration without charge. District shall not require the student or the parents or guardians of the student to physically appear at a location within the district for the purpose of enrolling the student. AYE

6079A Requires the welfare management system to offer a gender-neutral marker on forms and materials for applications for social services benefits; requires the office of court administration to provide a nonbinary option for demographic information on forms for securing orders. NAY

6330A Requires the department of agriculture and markets to establish a publicly available searchable database of New York state farms which includes the products available for purchase, produce grown and contact information for each farm. AYE (A farm can opt-out of being included in the database.)

6353A This bill would authorize for one year the authorization, currently authorized by Executive Order, to permit the use of municipal space for outdoor dining. A holder of a liquor license would have to apply to SLA to operate in this space. AYE

6405 Provides that the salary base for members of the city of New York fire department pension fund whose employment with the fire department of the city of New York

commenced on or after July 1, 2000 shall be determined in the same manner as members whose employment commenced prior to such date. AYE

6511 This bill would make technical amendments to Education Law to extend the period of Library Construction projects completion from three to four years for Construction Aid eligibility. This bill would update Library System aid formula language by consolidating the Central Library Development Aid and Central Book Aid to create the Central Library Services Aid Program and would consolidate the Family and Adult literacy programs and place it within the Public Library System Outreach Aid Formula, consolidate the Regional Bibliographic Databases Aid into Basic Aid Funding for the Regional Reference and Research Library Resource System. AYE

6657 Authorizes the assessor of the town of Islip, county of Suffolk, to accept from the Community Services Support Corporation, an application for exemption from real property taxes. AYE

6707 Relates to the establishment of the North Shore water authority to protect, preserve and enhance the quality and quantity of the water within its supply area; defines terms; creates the water authority of the North Shore district and the water authority of North Shore; establishes the powers, bonds and moneys of the authority; makes related provisions. AYE

6772 Relates to the purposes of the Wallkill hook ladder and hose company firemen's benevolent association, and to the use of taxes therefor. AYE

6811 This bill would amend Section 466-d of the Real Property Tax Law to specifically indicate that Westchester County has authorization to provide a real property tax exemption for qualified volunteer firefighters and volunteer ambulance workers. AYE

6921 Requires written, in-person, or electronic notifications to be utilized for registration in the donate life registry. AYE

7013 Extends racetrack licenses from one year to three years for non-NYRA racetracks and make corresponding technical changes. AYE