



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for June 7, 2021

JIM RANNEY June 7, 2021

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

514A Increases the amount from \$25,000 to \$50,000 for actions and proceedings in the New York city civil court. AYE

1184A This bill would establish a person cannot be held for more than 24-hours after being taken into custody without being brought before a criminal court. When a writ of habeas corpus is being heard challenging the pre-arraignment detention of a person being held for

more than 24 hours, there must be a penitentiary presumption that the detention is unnecessary and unlawful. The failure of a government agency to bring a person before a court within 24 hours of being taken into custody would result in the immediate release from custody of the person being held. The bill also creates the Detained Persons Registry. NYC must establish and maintain a searchable online registry that allows authorized users to locate persons detained for any reason. NAY (This bill would allow an individual to be detained for more than 24 hours, however, it would put the burden on the prosecution to prove such delay was actually necessary.)

1557 Requires the release of individuals from utility corporation services in instances of domestic violence where such individuals request to opt-out in writing and provide certain documents to the utility corporation. AYE

1783A Directs NYS DOH to establish an infection control competency audit of nursing home or residential health care facilities. Such audit must include a competency checklist incorporating specific core competences based on guidance and the NYS DOH is required to commence such audits by October 1, 2021 and annually thereafter. The audit of such facilities will result in a score of “in adherence” or “in adherence but warrants reinspection” or “not in adherence.” AYE

3536A Requires any food establishment that prepares, sells or serves food that has a grease trap or interceptor manhole located outdoors or accessible to the general public to ensure the manhole is designed to withstand unexpected loads and prevent access by children. Requires the manhole cover to be secured by a bolt or locking mechanism at all times or be constructed of round cast iron or similar construction rated for heavy road traffic. Requires the trap or manhole to include a secondary protection device consisting of a screen or netting sufficient to prevent a person from falling into such trap. Requires the trap or manhole to be attended while open. AYE

329A Authorizes the Family and Children's Association to receive retroactive real property tax exempt status with respect to the 2019-2020 assessment roll for a portion of the 2019-2020 school taxes and a portion of the 2019 general taxes and all of the 2020 general taxes. AYE

1625A Amends the definition of "public body" to include any entity created or appointed to perform a necessary function in the decision-making process. AYE

3467B Relates to fees for gift cards; limits the amount a merchant may charge for the gift card; prohibits the expiration of such gift cards or certificates with the exception of promotional gift certificates in which such certificates may not expire earlier than 9 years after the date it was issued. AYE

2986A Expands the definition of the offense of coercion in the second degree to include the production or dissemination of nude images. AYE

4703A Requires the commissioner of taxation and finance to conduct a study on how successful property tax grievances have been over the prior three years throughout the state. AYE

5127A Authorizes the town of Webster, county of Monroe, to alienate certain lands used as parkland and to dedicate certain other lands as parklands. AYE

1869 Authorizes the village of Canton to reduce the speed limit on East Main Street to forty miles per hour. AYE

5148 Provides that the "Suicide Awareness and Remembrance Flag" shall be the official state flag for the raising of awareness of veteran suicide; directs the commissioner of general services to establish a protocol for the flying of such flag. AYE

774A Requires the collection of certain demographic information about the sexual orientation and gender identity by certain state agencies, boards and commissions. AYE

5944A This bill extends the timeframe from two to three years for the rare diseases workgroup to submit its report to the Governor and legislative leaders. AYE

1372 Authorizes the county of Nassau to transfer ownership of certain parkland to the village of Freeport. AYE

3220 Allows for the creation of a joint police department for the towns of Webb and Inlet; outlines requirements for local laws establishing rules and regulations for such department. AYE

4682B Establishes a demonstration program implementing speed violation monitoring systems in work zones by means of photo devices; relates to notices of liability and the adjudication of certain traffic infractions involving the use of photo monitoring devices. AYE

133B Relates to establishing a set grace period for the use of credit card reward points when an account is modified, cancelled, closed or terminated; provides ninety days shall be provided for the use of such points from the date notice of modification, cancellation, or termination of the card is provided. AYE

4435B Requires members of a board of trustees of public, free association and Indian libraries to complete two hours of trustee education annually. AYE

334A Requires the commissioner of mental health to issue a report on short term crisis respite programs and intensive crisis respite programs. AYE

6072A Relates to allowing bed and breakfasts to sell cider, liquor, beer and wine on the licensed premises. AYE

5451A Relates to directing the department of public service and the department of environmental conservation to prepare written reports on the effect the COVID-19 state of emergency has on certain utilities of electric, gas, water, wastewater, and telephone service to commercial and residential customers in the state. NAY (Costs associated with this study will be borne by utilities, and, ultimately, ratepayers.)

1555A Relates to the confidentiality of registration records for victims of domestic violence; requires victims of domestic violence wishing to make their registration records confidential to deliver a signed written statement swearing or affirming that they are victims of domestic violence and due to the threat of physical or emotional harm they wish to keep their registration record confidential. AYE

5785A Makes the affirmative allegation provisions for high-cost loans and subprime home loans applicable to foreclosures of residential mortgages covering one to four family dwellings. NAY

6037 Establishes a distinctive plate honoring the Eagle Scouts for which the regular registration fee will apply plus an initial one time service charge of \$25. AYE

6189 Authorizes the formation of Community Choice Aggregation programs in the Long Island Power Authority service territory. AYE

4608A 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

1036 Prohibits the taking of non-native big game mammals in a fenced or other area from which there is no means for such mammal to escape. NAY

5724A Provides that the rate of interest on money judgments in actions involving consumer debt where the defendant is a natural person shall be calculated at a rate of two percent. NAY (Should be market rate - not too high or too low.)

6498 Prohibits the use of handcuffs, chains, shackles, irons, straitjackets and other restraints on children under the age of twenty-one appearing before family court. NAY (Safety concerns.)

6294A Requires the developmental disabilities advisory council to evaluate and produce a report on the state's response to the COVID-19 state disaster emergency as it relates to individuals with intellectual or developmental disabilities with assistance from OPWDD and the department of health. AYE

3330 Allows certified dietitians and nutritionists to order therapeutic diets. AYE

4965 This bill would require Medicaid coverage to be automatically renewed for certain enrollees, upon an attestation of unchanged resources or diminished resources, unless there is a finding of lack of eligibility. NAY

1851 Prohibits a state party from using the word "Independent" or "Independence" in its name. NAY

4658 Provides that whenever a contiguous property of a college or university contains three hundred or more registrants, the polling place designated for such election district shall be on such contiguous property or at a location approved by the college or university. NAY

6327 Relates to residency requirements for certain peace officers in Putnam county; allows peace officers residing in counties adjacent to Putnam county to be appointed as peace officers for the Putnam county society for the prevention of cruelty to animals. AYE

6412 Relates to voting, election and referendum procedures; requirements regarding mutual housing companies considering dissolution and/or reconstitution; duties of a board of directors of a limited-profit housing company; prohibits certain limited-profit housing companies from voluntarily dissolving during the state disaster emergency declared in response to the outbreak of COVID-19. NAY (Places unreasonable conditions on MitchellLama cooperatives, and prohibits their dissolution during the pandemic, with disregard to the shareholder's wishes.)

1208A Authorizes the assessor of the town of Hempstead, county of Nassau, to accept from Mercy Medical Center an application for exemption from real property taxes. AYE

6553C Authorizes the town of Yorktown, county of Westchester, to alienate and discontinue the use of certain parkland. AYE

6593 Authorizes the town of Binghamton, county of Broome, to alienate and discontinue the use of certain parklands for the purpose of accommodating equipment and serving as a training facility for the Town of Binghamton Volunteer Fire Department. AYE

3586 Relates to enacting the "adjacent neighbors' bill of rights"; requires the department of buildings to develop a pamphlet known as the "adjacent neighbors' bill of rights" advising homeowners who are adjacent to a property under development or construction of their rights and available resources and post such pamphlet on the department's internet website. NAY (Cost exceeds benefit.)

6389 Relates to non-marital parents in adoption, surrender, and termination of parental rights proceedings in family and surrogate courts in order to ensure that unmarried fathers whose children have been removed by the state and placed into foster care do not lose their parental rights to those children without a full and fair opportunity to a hearing regarding their fitness to care for them. AYE

3763 COSPONSOR Provides for the licensing of vision impairment specialists. AYE

4237A Prevents institutions from implementing contingencies on the receipt of state funding by preventing the use of language in agreements regarding mandatory arbitration, internal dispute processes, prohibiting class actions and prohibiting the disclosure of any information in the agreement to anyone. AYE

653A Relates to electronic delivery of property/casualty insurance notices and posting property/casualty insurance policies on the internet; authorizes electronic delivery of insurance notices with consent and the posting of policies on the internet if certain conditions are met; requires notice in the subject line and body of an email to be clear and conspicuous. AYE

6715 Enacts the peer-to-peer car sharing program act, which provides guidelines for establishing peer-to-peer car sharing programs and outlines how they shall be insured, which cars shall be used, how drivers shall work under such programs, and how liability should be determined under such programs in the case of an accident or damaged property. AYE

1110B Relates to requirements associated with the New York city community school district system; permits city-wide council presidents to vote for a member of the city board; allows parents whose children who at any time in the past enrolled in a bilingual or English as a second language program to serve on the city-wide council on English language learners.



AYE

2755C Establishes the child poverty reduction advisory council to effectuate a fifty percent reduction of child poverty in the state within ten years. AYE

1217 This legislation permits a court to grant post-conviction motions to vacate judgment when the issue raised is ineffective assistance of counsel. Under current law, the court must deny such motion to vacate a judgment and the issue can be raised on appeal. AYE

6443 Requires the court to inquire of the defendant or respondent as to the existence and location of any firearm owned or possessed by the defendant or respondent whenever an order of protection is issued. Under current law, an individual that has an order of protection issued upon them has their firearm license revoked or suspended and must surrender their firearms. NAY (Many courts already do this.)

4652B Directs the commissioner of economic development, in consultation with the commissioner of health, labor and OCFS to study, develop, and implement a long-term strategy to support the growth of the caregiving industry in New York state. AYE

2193A Establishes an affordable housing five-year capital plan. AYE

6018B This bill to extends the requirement that large supermarkets make excess edible food available from time to time to food relief organizations from December 31, 2021 to December 31, 2026. NAY (The FDFSR act was passed in the budget in 2019 and applies to some of the same entities as in the enabling chapter. Also includes a mandatory requirement for food scrap generators to begin donating excess food on Jan. 1, 2022.)

4961B 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

5672A Designates a portion of the Mohawk-Hudson Bike Hike Trail within the village of Menands as the "Ronald H. Miller Memorial Bike Trail". AYE

6207 Authorizes Long Island Science Center to file an application for a real property tax exemption for property owned by the not-for-profit association in the town of Riverhead. AYE

16D Relates to establishing restrictions on the sale of over-the-counter diet pills and dietary supplements for weight loss or muscle building; prohibits the sale of over-the-counter diet pills or dietary supplements for weight loss or muscle building to people under 18 unless properly prescribed by a health care provider; exempts certain protein powders, protein drinks and foods. NAY (Should be regulated federally - parental consent should matter.)

6691 Eliminates the sunset date on the one-call notification system training law. The goal of the law was to reduce the number of excavation-related accidents, and to provide enhanced public safety. NAY

1815 Amends the general municipal law by adding a new article 13-e entitled "municipal websites". The legislation will require municipalities to maintain a website that is accessible to the public and provides important information to residents. NAY (Unfunded mandated. Cost to implement.)

3437C Establishes a dedicated telephone line within the Division of Human Rights to provide individuals with assistance for complainants related to housing discrimination. Further requires real estate brokers display the dedicated telephone line number in their place of

business or on their website. AYE

5395A The bill makes enrollment into the New York State Secure Choice Savings Program (state administered retirement savings plan) automatic thus making it enrollment mandatory. It would additionally allow employees to opt out of the program. NAY (Has the potential to negatively effect small businesses.)

6302 Authorizes Michael J. Cappiello to purchase service credit for service with the Long Island Railroad Company police department prior to its merger with the MTA and the state retirement system. AYE

6307 Extends the time period from eighteen years to twentyfive years that a school shall be guaranteed recovery of energy performance contract costs from energy savings incurred by school districts over that time period. AYE (In line with the 25 year requirement set by the federal government for federal buildings.)

6373B This is a workers' compensation bill that would expand eligibility for claims for mental injury premised upon extraordinary work-related stress incurred at work to all workers. Currently it only applies to first responders. NAY (No fiscal.)

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

7098 Includes the examination of latent fingerprints by a police agency within the definition of "forensic laboratory" thereby requiring police agencies conducting examinations of latent fingerprints shall have such services subject to the oversight of the Commission of Forensic Science and be required to be accredited and meet standards set by the Commission. AYE (The legislation would potentially increase costs by requiring agencies to become accredited, however, this must be weighed against the benefits of increased oversight.)

7099 Allows the department of corrections and community supervision to contact a victim of a crime electronically. AYE

7100 This bill amends the requirements and timetables for the reduction in provisional appointments by the New York City Department of Citywide Administrative Services (DCAS). AYE

7102 This bill extends through July 1, 2024 provisions relating to energy audits and/or disaster preparedness reviews of residential healthcare facilities. AYE

7103 This bill is a two year extender. In 2010, the Judiciary Law was amended to give the chief administrator the authority to allow referees to determine applications for orders of protection during the hours the Family Court is in session. This bill extends that authority for two years. AYE

7104 This bill extends the Foster Care Demonstration Program for four years. AYE

7105 The bill would change the reporting requirements for filing complaints with the Division of Human Rights. Current law requires that a complaint is "verified", this bill changes it to "under oath or by declaration". AYE

483A This bill prohibits vendor contributions, indirectly or directly, to political committees during the restricted vendor contribution period operationally, when those committees are controlled by officeholders with authority over state governmental entities responsible for issuing a procurement solicitation, evaluating responses, or determining or awarding a final contract or to political committees of candidates for office of such a government entity. AYE

933A This bill would specify that any actions or practices which attempt to establish a monopoly or monopsony are illegal and void. The bill further makes it illegal for anyone in a

dominant position to abuse that position in the conduct of any business, trade, or commerce, in any labor market. The bill also creates a premerger notification requirement and allows recoverable damages to be recovered in any action which a court may authorize as a class action. NAY (Departs from existing state antitrust law by criminalizing a wide range of conduct. Too broad - Potential to hurt businesses.)

2523 Decriminalizes the possession and sale of hypodermic needles and syringes; regulates the sale of hypodermic needles and syringes. NAY (Decriminalizes the use of syringes for illegal drug use.)

3434 Mandates NYC Transit Authority to produce annual reports concerning actions to reduce noise. AYE

3587B This bill establishes that any public authority that operates a toll highway, bridge, and/or tunnel facility authorized to promulgate toll collection regulations and to impose monetary liability for failure to comply with such regulations is authorized and empowered to operate a demonstration program for utilization of cashless tolling facilities, cashless tolling monitoring systems, and a tolls by mail program and to impose monetary liability on the owner of a vehicle for failure to comply with the toll collection regulations of such public authority so long as each public authority complies with the provisions of this bill. AYE

5236 This bill would require the State, public authorities and counties to provide certain documents and forms in the 12 most common non-English languages spoken by limited English proficient immigrants that have been in the country for five years or less. The exact languages would be determined by the American Community Survey, as published by the United States Census Bureau. NAY (Unfunded mandate.)

5363 Designates baseball as the official sport of the state of New York. AYE

6086 Extends the deadline for the filing of applications and renewal applications for real property tax abatement programs to July 15, 2021. AYE

6224 Authorizes Jodi Manne to receive a refund from the New York state teachers' retirement system. AYE

6421 Establishes the position of Catskill park coordinator within the department of environmental conservation to build partnerships between the department and other state agencies, municipal governments, businesses and nonprofit entities that will develop a communitybased tourism strategy for the forest preserve to help fortify the regional economy and to coordinate implementation of the public access plan and other approved or adopted Catskill park-wide plans. AYE

6517 Provides method for distributing funding for college students with disabilities to access additional support services. NOTE - A new \$7 million appropriation for assisting students with disabilities was included in the enacted budget. AYE

6531 Extends the effectiveness of an occupancy tax imposed in the city of Yonkers to September 1, 2024. AYE

6745 Extends provisions of law relating to the state disaster emergency loan program from December 31, 2021 until December 31, 2022. NOTE - provides interest-free loans to small businesses and not-for-profit corporations. AYE

6828A This bill would require the Department of Labor to issue notice of initial determination for unemployment benefits within 30 days of the claimant furnishing the necessary documentation. If the commissioner is unable to issue a determination within such time frame she shall inform the claimant of the new estimated time frame for the issuance of a determination. AYE

6903 Would expand eligibility for SCRIE and DRIE to tenants whose landlords have entered into such agreements subject to the approval of NYC Department of Housing Preservation and Developments (HPD) and are tenants in former Mitchell-Lama buildings in New York City. AYE

6963 Repeals provisions of law relating to certain lands of the New York state canal corporation located in the city of Syracuse, county of Onondaga. AYE

7071 The bill would provide a new Title within Article 49 of Environmental Conservation Law to require DEC to study and designate areas and sites within the State that have geological, archaeological, ecological and cultural value. Such areas would be part of a trail to promote their economic, scientific, cultural, and conservation aspects. NOTE - The bill would further create the State Geological Planning and Management Board. AYE

7107 Add Article 82 to the Mental Hygiene Law, identifying Supported Decision Making as a less restrictive alternative to guardianship and to create additional support and autonomy to individuals needing assistance to make decisions for themselves. Creates obligations and corresponding immunity from liability for third parties in order to effectuate supported decisions made with a Supported Decision-Making Agreement. Allows regulations to be promulgated by state agencies serving a myriad of individuals who may benefit by less restrictive support, such as the Office for People With Developmental Disabilities, Office of Children and Family Services and the Office for the Aging. AYE

7108 Provides licensed facilities a summary of final substantiated reports of category two conduct for a current employee or volunteer where the conduct in such reports occurred at another facility or provider agency. AYE

7111 Establishes the apiary industry advisory committee; defines terms; requires the commissioner of agriculture and markets to give a beekeeper advanced notice of any inspection of an apiary; establishes the cooperative honeybee health improvement program; makes related provisions. AYE

7114 Designates the pedestrian bridge across the Taconic State Parkway, in the town of Yorktown, county of Westchester as the "Atomic Veterans Memorial Bridge". AYE

7116 Provides for the incorporation of the Kenilworth Volunteer Fire Co. #1 Benevolent Association and for its powers and duties. AYE

7119 Extends the expiration of provisions relating to including the trustees of the Freeholders and Commonalty of the town of Southampton, trustees of the Freeholders and Commonalty of the town of East Hampton and the trustees of the Freeholders and Commonalty of the town of Southold as municipal corporations for the purposes of permitting them to receive land at no cost from Suffolk County to be placed under their stewardship. AYE

7126 Allows proprietary schools to operate under a candidacy status for a period of one year (with a possible six-month extension) while SED considers its application. Statute is set to sunset - this bill would provide a three-year extension of the law. AYE

7128 Relates to the composition and obligations of the child care availability taskforce and the focus of such taskforce. The bill also extends the expiration date to December 31, 2024. AYE

7148 This bill would amend to S.1042-A, which passed the Senate on 1/19/21. It makes both technical and substantive amendments to provisions that would replace the current system of determining eligibility for partial unemployment insurance benefits to a system that is based on the claimants weekly earnings rather than days worked. AYE