



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for June 8, 2021

JIM RANNEY June 8, 2021

| ISSUE: **NYS SENATE**



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

2936A Adds a new section 19-0329 to the Environmental Conservation Law to completely phase out the use of fuel oil grade 6 for the purposes of providing heat for any building or facility in the state, This section also makes clear that nothing in this act shall preempt a municipality from adopting a more stringent law. AYE

911 This bill would prohibit the introduction of possession of an opioid antagonist to any trial, hearing, or proceeding under certain sections of the penal law, real property tax law or real property actions and proceedings law for purposes of establishing probable cause for an arrest or as evidence that a building or premises is being used for illegal trade, manufacture, or other illegal business. Requires law enforcement agencies ensure that officers receive appropriate instruction relating to the introduction of opioid antagonists into evidence in certain cases. NAY

4402B Enacts the "Gender Recognition Act". Amends pertinent sections of the civil rights law governing the process of changing a person's name by removing the requirement that the order granting such be published in a newspaper. Also expands the ability to seal name change papers by defining the term totality of circumstances (to include risk of violence or discrimination due to status as transgender or as a subject of domestic violence), which is the standard the court must adhere to. This bill also establishes a new Article 6-a to permit a person to petition to change their sex designation and further requires the NYS DMV to issue Driver's license and ID cards with an X sex designation in addition to Male and Female. Finally, amends the Public Health law to permit parents to choose on a child's birth certificate to be designated as "parent" instead of "father" or "mother" and requires upon application the issuance of new birth certificates reflecting the gender stated on the application and any name change (if accompanied by court order). NAY

6017 This bill would make changes to the Freedom of Information Law (FOIL) and to section 50-b of the civil rights law. This bill would provide that when an agency is considering denying access to records under the law enforcement exception to FOIL on the grounds that disclosure would interfere with a judicial proceeding, then the decision of whether to grant access would be made by the judge presiding over that judicial proceeding. This bill would clarify that a denial of access to records under FOIL does not prevent a person from

obtaining records under any other law. In addition, the bill would clarify that parties to any civil or criminal action or proceeding can use FOIL to obtain records concerning the action or proceeding. Furthermore, this bill clarifies that access to a record cannot be withheld due to the type or category of record. This bill would also amend the law enforcement exception to FOIL to make clear that records cannot be withheld solely because they relate in some manner to an investigation or criminal proceeding. This bill would also amend section 50-b of the civil rights law to clarify that only the portions of a report that would identify a victim of a sexual offense are exempt from disclosure. NAY (Potential to compromise criminal investigations and endanger victims/witnesses.)

1759A Expands the list of chemicals to be included on the list of emerging contaminants; requires the commissioner to publish draft regulations containing the first list within 90 days and make regulations implementing such list within 90 days thereafter; and requires updating of the list at least every three years. NAY (It should be left up to the experts at DOH, who will have great flexibility to make changes as needed.)

52A Establishes the Nassau county and Queens county border task force to review jurisdiction and boundary disputes. AYE

4614A Authorizes every governing body of an assessing unit and every local assessor to accept a late application for a tax exemption related to having a disability for the 2020-2021 school taxes and the 2021 general taxes, provided that acceptance of such late application may occur only pursuant to local authorization by adoption of a local law in the case of a county, city, town or village, or passage of a resolution in the case of a school district other than a school district subject to article fiftytwo of the education law. AYE

542A Requires the Office of General Services to establish guidelines concerning the procurement of low embodied carbon concrete. Contractors doing this type of work would

then need to follow these guidelines and certify that their work and the concrete they are procuring meets these minimum guidelines. The bill outlines what the office will need to examine when crafting the guidelines including incentives for the procurement and usage of low embodied carbon concrete by contractors. The bill requires the guidance and any associated legislative recommendations to be issued to the governor and the legislature. NAY (There are currently no specifications for low embodied carbon concrete that have been thoroughly tested or approved by agencies of the State for use in buildings, bridges or roadways.)

6085 Removes certain requirements for prospective purchasers of manufactured home parks. AYE

5434A The bill will supply patients and their authorized representative with materials providing information related to seeking an extreme risk protection order prior to a patient's discharge or conditional release from a mental health facility. NOTE - This order can be filed in court by a family member, police officer, district attorney or a school official. A PRINT - permits such materials to be provided only if the director of such facility and the facility's clinical staff determines there is a presence of a mental health diagnosis or symptoms of mental illness exhibited by the patient. NAY (Not appropriate role of mental health professionals.)

6397 Amends Section 142 of the economic development law by adding a new Section 1-a which would notwithstanding other provisions of law related to procurement contract opportunities that are required to effectuate the COVID19 pandemic small business recovery program (Section sixteen-ff of section one of the Urban Development Corporation Act) to allow for the notice to be available for at least five days on the internet. AYE

6401 Authorizes the posting by each municipality of turtle crossing signs on local roads located within such municipality; empowers the state commissioner of transportation to develop and implement rules and regulations authorizing municipalities to post turtle crossing signs on local roads located within the municipality. AYE

1232 Declares a policy of equal treatment of people of all races, cultures, religions, incomes, education levels, disabilities, gender identity/expression and sexual preference in the development and enforcement of environmental laws, regulations and policies. AYE

4630B Enacts the family and fire fighter protection act relating to the regulation of chemicals in upholstered furniture, mattresses and electronic enclosures; bans the use of certain flame retardant chemicals in furniture and mattresses; bans the use of certain flame retardant chemicals in electronic casings. AYE

5116C This bill would amend various sections within Article 24 of Environmental Conservation Law to increase DEC's regulation authority relating to freshwater wetlands. NAY

6172 Prohibits the disabling, removal or interference with emission control devices and the use of emission tampering devices; provides remedies for the violation of such provisions. Violations of this section are punishable by a civil penalty between \$1,000 and \$5,000 for initial violations and between \$2,000- \$10,000 for subsequent violations. All civil penalties collected to be deposited to the credit of the Environmental Protection Fund. AYE

6532A Permits kelp cultivation in underwater lands at Gardiner's and Peconic bays; permits Suffolk county to lease lands under water ceded to it by the state for the purpose of kelp cultivation; modifies certain provisions regarding commercial fishing licenses; makes related provisions. AYE

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 (Could negatively impact small business who extend credit to consumers.)

4413 Relates to specification of objections to designating petitions, independent nominating petitions, certificates of nomination or ballot access documents; standardizes requirements for specification of objections by removing authority of local boards of election to make their own rules. AYE

1182 Allows business corporations, not-for-profit corporations, religious institutions, and cooperatives to hold meetings of shareholders, members, trustees, etc., via electronic communication. AYE

1150A Amends the public officers law to require documents to be discussed at open meetings be made available upon request or posted on the public body's website at least 24 hours prior to such open meeting. AYE

5909 Prohibits the application of fail-first or step therapy protocols to coverage for the diagnosis and treatment of mental health conditions. AYE

6455C Permits the issuance by the Utility Debt Securitization Authority (UDSA) of additional securitized restructuring to fund costs of improvements to the Long Island Power Authority's (LIPA) transmission and distribution system. AYE

3683B Relates to the hours of operation for family courts; requires family courts in New York City to remain open until midnight on at least one weekday each week in at least two counties effective January 1, 2022, and in at least three counties, effective January 1, 2023. AYE

6312 Allows the New York State Medical Care Facilities Finance Agency (MCFFA) to increase its bond cap from \$16.6 billion to \$17.4 billion for purpose of issuing hospital and nursing home project bonds and notes. AYE

6256A This legislation is to expand the temporary retail and manufacturing permits granted by the State Liquor Authority to all qualified alcohol beverage makers in New York State. AYE

396A Legalizes, validates, ratifies and confirms a transportation contract of the Oneonta city school district for the 2019-2020 school year. AYE

5985B Authorizes the town of Southampton, county of Suffolk to alienate certain parcels of land used as parkland. AYE

3101 This bill provides certain fire personnel in Nassau County be entitled to performance of duty disability retirement. 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

7101 Bill provides that for people 21 and younger who complete diploma requirements while incarcerated will be granted a diploma from the district where the facility is located. AYE

311 Provides that no nonstop flights to or from points beyond one thousand five hundred miles, except on Saturdays and flights to Denver, Colorado, may fly to or from LaGuardia airport, an air terminal of the Port Authority of New York and New Jersey. NAY (Will likely

disrupt air traffic. Nonetheless, consideration of residents is noteworthy.

951 Amends the navigation law to require the court to suspend a person's privilege to operate a motor vehicle and may suspend a registration where the operator of vessel while ability impaired by drugs or alcohol. AYE

966B Directs the department of health, with the assistance of other state departments and agencies, to conduct a study on the quality of life and human health impacts of John F. Kennedy international airport and LaGuardia airport. B PRINT - Changes the leading state agency to DEC from DOH and adds funding to conduct said study. AYE

4981 Requires the port authority of New York to conduct a study on the alignment of the Outerbridge Crossing in order to determine what steps would need to be taken in order to widen the bridge and increase traffic flow. AYE

5027A The bill would provide a new Title within Article 27 of Environmental Conservation to create a Carpet Stewardship Program. Which will require Carpet Producers to create a Stewardship Organization to handle all discarded carpet within the State and require all carpet sold within the State to be manufactured with an increasing amount of recycled material. AYE

5300 Allows the city of Beacon to sell its excess sewage capacity to private corporations and individuals outside of the city limits. AYE

5406 Authorizes Harvey Eilbaum to file a request to nominate an additional beneficiary with the New York state and local employees' retirement system. AYE

6223 Authorizes Thomas Collins to file a request for change of benefit coverage with the New York state teachers' retirement system. AYE



6331 Increases the terms of office for the Trustees of the Freeholders and Commonalty of the Town of East Hampton from two to four years; provides for the staggering of such terms of office; further provides that at the biennial election to be held in said town in two thousand twenty-three, the five candidates receiving the largest number of votes shall be entitled to hold office for a term of four years and the remaining four successful candidates shall hold office for a term of two years. AYE

760 This bill would add a new section 6-o to the banking law to authorize owners of co-op apartments who are age 62 and older the ability to obtain reverse mortgages on their cooperative apartment loans. AYE

1019A Relates to administering asthma rescue medications and authorizing schools to possess and administer asthma rescue medications in emergency situations to pupils with a requirement that the parent or guardian of such pupils are notified in writing of such emergency situation. AYE

1022A This bill would require the workers compensation board (hereafter "the board") to provide translation of all documents and forms used by or issued to injured employees in the six most common non-English languages spoken in New York State. A PRINT - increases the languages to ten most common. NAY (No funding. This bill could potentially impact assessments on employers if the Board is unable to implement with existing resources.)

1165 Establishes the home improvement fraud prevention act relating to the responsibilities of home improvement contractors and requiring home improvement contractors to register with the secretary of state. Long Island Builders Institute (LIBI). AYE

2911 Provides for the autism detection, education and mapping program. AYE

3081 This bill prohibits any party within the chain of distribution of any drug subject to a shortage to sell the drug at an unconscionably excessive price. AYE

3160A Requires the New York city transit authority advisory council to investigate, report and make recommendations on instructing the public on how to react when an individual falls onto authority facility tracks. AYE

3227 Requires the department of agriculture and markets to post the results of its graded inspections of retail food stores on their website and provide information as to where a customer may file a consumer report. AYE

3345 Requires that academic credit toward a high school diploma be given for practical experience gained outside of school during high school. AYE

3468A This bill would amend the Executive Law to establish the Office of Racial Equity and Social Justice. The Office would be lead by an Executive Director, who would also serve as the Chief Equity Officer for the State of New York. NAY (No funding for establishing new office.)

3759 Establishes a death benefit for deputy sheriffs employed by Nassau county entitling the sheriff's beneficiaries to receive in a lump sum an amount payable which shall equal the pension reserve that would have been established had the member retired on the date of his or her death. AYE

4110A This bill amends the state finance law and the public authorities law to require, to the extent practicable, state agencies and public authorities, when they enter contracts of \$50,000 or greater to purchase personal protective equipment(PPE) or medical equipment, to purchase such items produced or made in New York. AYE

4150B Enacts the "Shepherd Patterson law"; requires a physician who treats a minor patient with a medical condition that may cause a disability to provide certain educational information to such patient's parents or guardians indicating such minor is entitled to a free and appropriate public education as defined under section five hundred four of the federal rehabilitation act of nineteen hundred seventy-three; makes related provisions. AYE

4254 Establishes that no home owners insurer shall refuse to issue or renew, cancel, or charge or impose an increased premium or rate for such policy or contract based solely upon harboring or owning any dog of a specific breed or mixture of breeds. NAY (Insurers argue all policyholders will pay more to subsidize policyholders with dangerous dogs.)

4410C Establishes the "New York state two hundred fiftieth commemoration act" which creates the New York state two hundred fiftieth commemoration commission to develop a plan to celebrate the 250th anniversary of the American Revolution; establishes the New York state two hundred fiftieth commemoration commission fund. AYE

4421 Provides that the department of taxation and finance shall withdraw from county records a tax lien for which the tax debt has been paid in full and satisfied. AYE

4535 This bill would enact the "Long Island power authority rate reform act." The bill would prohibit the LIPA Board of Trustees from approving a final rate plan until holding a public hearing in each county within the service and upon at least 30 days notice to the public. AYE

4687B Directs public bodies that have meetings that allow public comments to provide a means for the public to comment in real time during the time allocated for public comment. AYE

4697 This bill amends the general obligations law provisions governing power of attorney to provide that nothing in those rules shall prevent the execution of a power of attorney for the

purpose of transferring a salvage certificate of title (and the execution of an odometer and damage disclosure statement in connection with such title) by electronic means pursuant to article 3 of the state technology law. AYE

5199 This bill amends the requirement that the Department of Health (DOH) analyze data in the prescription monitoring program registry to include analysis of the inappropriate prescribing of controlled substances. AYE

5245A This bill provides that individuals who are the spouse or dependent of any full-time active service member and enrolled at SUNY, CUNY or a community college, shall continue to be charged in-state tuition rates when such full-time active service member is station is moved somewhere out of state. AYE

5286 Allows college coursework to be credited as a work activity which may be used toward fulfilling the employment requirements for public assistance benefits under certain conditions. AYE

5389 This bill seeks to clarify that certain equipment owned by wireless phone and internet service providers that is used for transmission or switching or radio signals to provide wireless phone and internet service will not be subject to real property taxation. This would not include fiber optic cables, towers, permanently affixed rooftop structures, and walk-in shelters. AYE

5868A Allows a telephone provider to replace existing telephone lines placed previously by a telephone corporation in a building with fiber optic facilities. The company may do so without any additional compensation to the building owner. However, if the owner would explicitly be entitled to compensation for the replacement under existing law, the owner may still seek compensation. AYE

5872 This bill would allow the lawful exchange or transfer of firearms to qualified individuals who are designated beneficiaries pursuant to will and/or probate order. AYE

6156 Designates a portion of the state highway system as the "Sergeant Gregory Wahl Memorial Highway". AYE

6194B Establishes a 9-8-8 suicide prevention and mental health crisis hotline system; provides crisis intervention services and crisis care coordination to individuals accessing the 9-8-8 suicide prevention and mental health crisis hotline. AYE

6269 Requires applicants for public assistance to be given notice in writing, that they may be liable to reimburse the state for benefits received; provides such notice shall be given as part of an informational booklet and as a standalone document. AYE

6310B This bill would cap the interest rate on delinquent property taxes at 7.5% of the delinquent tax payment. This would apply to owner-occupied properties outside with three or fewer dwelling units. This would also apply to buildings held in condominium and cooperative form. This would not apply to vacant homes. AYE

6335A This bill amends the classification for a Class D (standard driver's license) and a Class M license (motorcycles) to include an "autocycle", a threewheeled motor vehicle that has two wheels situated in the front and one wheel in the rear, has a steering wheel and seating which does not require the operator to straddle or sit astride, is equipped with safety belts for all occupants and is manufactured to comply with federal motor vehicle safety standards for motorcycles. AYE

6415A Provides that a kindergarten or a pre-kindergarten operated by a public school district shall not be considered a child day care if the kindergarten or prekindergarten is not located on the premises or campus where the elementary or secondary education is provided. AYE

6437A Exempts a certain parcel of land in the town of Islip from stated restrictions of use so that the Town of Islip may transfer a portion of the land for uses to be approved by the town board. AYE

6445A This bill amends section 239-bb of the General Municipal Law to offer flexibility for the timeframes for which counties will be eligible for matching funds. This bill also extends the period of the program's effectiveness from June 30, 2022 to June 30, 2025. AYE

6486B The bill would provide a new section within Article 19, Title 3 of Environmental Conservation Law to place a prohibition on the approval of new or renewal applications for an electric generating facility that utilizes a carbon-based fuels to provide behind-the-meter electric energy to a blockchain facility. NAY

6548 GALLIVAN Designates a portion of the state highway system in the town of Collins, county of Erie, as the "Staff Sergeant Peter J. Blidy Memorial Bridge". AYE

6676A Provides a tax exemption on real property owned by members of volunteer fire companies or voluntary ambulance services in counties with a population of more than 735,000 but less than 750,000. AYE

6702 Incorporates the East Amherst Fire Department Benevolent Association; provides for its powers and duties. AYE

6708 Requires employers to provide up to ten additional days of unpaid leave for absences when the employee or employee's family member has been the victim of domestic violence, a family offense, sexual offense, stalking or human trafficking upon the employee's request for reasons related to such offense or offenses. NAY

6730 Authorizes the payment of retirement benefits by the New York state teachers' retirement system to Dominic J. Feminella, the widower of Jeannette M. Feminella, if he shall file an option election form with the retirement board of such retirement system. AYE

6744 Removes the term incorrigible from certain sections of the education law. NOTE - The Executive budget proposal included a similar provision that would have also removed references within the Family Court Act. AYE

6781A This bill would provide an exemption to allow for a business to the three tier model of alcohol distribution and sales to allow a new hotel on Wall Street to apply for a liquor license despite holding an interest in an Australian winery. AYE

6799 Designates a portion of the state highway system in the town of Butternuts, county of Otsego, as the "SP4 Richard F. Walton, Jr. Memorial Highway". AYE

6825 Codifies the NYS Smart Scholars Early College High School (ECHS) program and the New York State P-TECH program, and allows SED to set aside a portion of future appropriations for program administration. AYE

6839 Authorizes the town of Hempstead, in the county of Nassau, to establish a speed limit of less than 30 miles per hour on certain highways in the community of East Atlantic Beach. AYE

6893 Broadens the permissible scope of use of certain property conveyed to the Hollis-Bellaire-Queens Village Athletic Association, Inc. by chapter 602 of the laws of 1980 relating to authorizing the commissioner of general services to sell or lease certain lands in Queens county to the Hollis-Bellaire-Queens Village Athletic Association, Inc. and chapter 841 of the laws of 1990 relating to authorizing the commissioner of general services to sell or lease certain lands in Queens county to the Hollis-Bellaire-Queens Village Athletic Association, Inc.

AYE

6959A This bill would to require the State Liquor Authority to provide, upon application, a credit to be used for any future application for a license to sell alcohol at retail for on-premises consumption at any sports or cultural organization that held more than one license to sell alcohol at retail for on-premises consumption in calendar year 2020. AYE

6961A Authorizes Cong Yeshiva Zera Yakov, Inc. to file an application for a real property tax exemption. AYE

6976 Modifies the retirement program for Triborough bridge and tunnel members to a twenty-year retirement program. AYE

7010C Authorizes the establishment of aquatic invasive species inspection stations at certain locations in the Adirondack park to inspect motorized watercraft for the presence of organisms or organic material that may harbor aquatic invasive species; authorizes self-issuing certification; directs education and outreach; makes permanent certain provisions of law relating to aquatic invasive species spread prevention. AYE

7026 This legislation amends the Private Housing Finance Law to require limited-profit housing companies, commonly known as Mitchell-Lama housing companies, to provide a written statement of the current value of a tenant-cooperator's shares and equity in the housing company upon request of the tenant-cooperator. AYE

7027 Relates to maintaining the continued viability of the state's existing large-scale, renewable energy resources; directs the public service commission, in consultation with NYSERDA to modify the Competitive Tier 2 Program adopted by the order modifying the clean energy standard. AYE



7028 Allows for the use of broadband internet attachments on existing utility poles; ensures contracts for such attachments are universal within a given town, village or city; and to fairly distributes the costs of pole replacements in the event a pole replacement is required to accommodate an attachment request. AYE

7073 This bill amends the definition of qualified agencies as it relates to the provisions of the Executive Law relating to the Division of Criminal Justice Services. Specifically, it would add public defenders, legal aid societies and assigned counsel administrators to the existing list of qualified agencies which are allowed to access criminal history reports from the Division of Criminal Justice Services. AYE

7089 Provides for the powers and duties of the Colonial Farmhouse Restoration Society of Bellerose, Queens county, New York; reestablishes the powers and duties of the board of directors. AYE

7109 This bill would provide that in the event that a practitioner, who is evaluating an individual for a disability or limitations related to the public assistance work requirement and the individuals private practitioner disagree on the disability or limitation from such work assignment the individuals private physician opinion is generally controlling. AYE

7124A Conforms the definition of a veteran serving in the Vietnam war era to newly enacted federal law (H.R. 7105) for veterans who served in-country in the Republic of Vietnam from between February 28, 1961 and May 7, 1975, to any active duty service in the Republic of Vietnam that occurred between November 1, 1955 and May 7, 1975. AYE

7133 This bill authorizes the payment of camp fees for children receiving safety net assistance or family assistance provided such funds cannot be obtained from other sources. AYE

7149 This bill would amend the Housing Finance Agency (HFA) and Housing Development Corporation (HDC) statutes to broaden the scope of eligible purchasers of non-rated, privately issued HFA and HDC bonds to include agencies that are active in the housing space. AYE

7151 Includes for-profit entities that operate a college, university, licensed private career school or certified English as a second language school which holds itself out to the public to be non-sectarian and which is not exempt from taxation in the definition of educational institution. AYE

7155 Authorizes the assessor of the town of Clarkstown, Rockland county to accept from NYSARC, Inc. Rockland County Chapter an application for certain real property tax exemptions. AYE

7156 Authorizes the assessor of the town of Clarkstown, county of Rockland to accept from the Nyack Union Free School District an application for exemption from real property taxes for the 2020 assessment roll. AYE

7157 Requires the release of individuals from utility, phone and television contracts in instances of domestic violence. AYE

7159 This bill is at the request of NYC Actuaries and extends the interest rates for the five actuarially-funded New York City Retirement Systems and Pensions Funds for two years. AYE

7160 This bill would direct the New York City Council, by October 1, 2021, to determine the class share growth rate for property taxes at a rate up to 5 percent for City Fiscal Year 2022. AYE

7177 Eliminates unconstitutional language relating to the pre-audit of expenditures from the state insurance fund by the state comptroller. AYE

7185 Relates to the construction of modular and manufactured housing and seeks to address what SONYMA believes to be a shortage of funds for new construction of modular and manufactured housing. AYE

7186 Provides that authorities having control of a fire department or fire company which provides emergency medical services may establish fees and charges for services. AYE

7189 This legislation amends the underlying chapter by adding language to clarify details of the tenure process, notwithstanding that the annual professional performance review had not been completed. AYE

7194 Requires all funds received by the state as the result of a settlement or a judgement in litigation against opioid manufacturers, distributors, dispensers, consultants or resellers shall be deposited into the opioid settlement fund, and that such funds shall not supplant or replace existing state funding. AYE

7196 To regulate the sale, manufacture, importation and marketing of firearms in relation to creating or maintaining a condition that endangers safety or health through the sale, manufacturing, importing or marketing of firearms within the guidelines of City of New York v Beretta USA Corp., 524 F3d 384 (2d Cir. 2008). NAY