



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Senate Votes for Week of February 28, 2022

JIM RANNEY March 3, 2022

| ISSUE: **NYS SENATE**



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

2525A Requires real estate brokers to compile and disclose client demographic data to the secretary of state. The bill requires this information be submitted to the Secretary of State at least annually. Demographic information from its clients includes 1) the race, ethnicity and gender of each client, and other information deemed necessary by the Secretary of State; 2) every real estate transaction engaged in by the broker in New York, including properties listed or shown, the location of such properties, the disposition of every offer received, and

whether a closing occurred. NAY (Burdensome on real estate salespeople and brokers.)

S112 This bill requires the attorney general to conduct fair housing testing annually. It further authorizes the attorney general to contract with a not for profit fair housing organization with expertise in fair housing testing, for all or a portion of the required fair housing testing. This bill requires the results of such testing to be provided annually to the governor and the legislature. AYE

S1746A Waives the initial deposit required for new EZ pass holders when the Thruway Authority raises tolls on cash or non-EZ pass users for 60 days from such action. Also permits users to replenish their EZ pass accounts using cash at retailers who offer EZ pass to customers. AYE

S78A Clarifies the meaning of the phrase "greatest social need" for purposes of the administration of programs under the federal Older Americans Act of 1965, defining it to mean the need caused by non-economic factors that restrict an individual's ability to perform normal daily tasks or that threaten his or her capacity to live independently. Such factors would include, but not be limited to physical or mental disability, language barriers, and cultural or social isolation caused by, among other things, racial and ethnic status, sexual orientation, gender identity or expression, or HIV status. AYE (Expands eligibility for services provided by the Older Americans Act, funds administered by the State Office for the Aging (SOFA).

S6389 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

S8288 CHAPTER AMENDMENT - Chapter 834 of 2021, which established the Office of the Advocate for People with Disabilities. The chapter amendment renames the office to the Chief Disability Officer. Additionally, the Chief Disability Officer would be housed in the executive chamber rather than the Department of State, with the Governor making the appointment. AYE

S6035 Authorizes the Bellmore Fire District to file an application for exemption from 2020-2021 real property taxes. AYE

S4894 Prohibits banking organizations from issuing mail-loan checks without request or application therefor; provides that failure to destroy or return a mail-loan check does not constitute an acceptance thereof; provides that mail loan checks shall have the transaction fee and interest rate included on the check. AYE

S1592 Codifies the title of "Medicaid Director" within the statute and requires such position to be appointed by the Governor and approved by the Senate, similar to the appointment of the Commissioner of the Department of Health. AYE

S6110 Authorizes the establishment of comprehensive medication management protocols to the Public Health law. Said protocols would be between a physician and a qualified pharmacist (which is a pharmacist who maintains an unrestricted license, has two years of experience in patient care as a practicing pharmacist within the last five years and who demonstrates competency in the medication management of patients with chronic disease(s)). AYE

S738 Amends section 5-336 of the general obligations law to prohibit any settlement or other resolution of a claim involving sexual harassment or any other form of unlawful discrimination from including any term or condition that requires the complainant, to pay

the defendant liquidated damages in the event that the plaintiff violates a non-disclosure agreement. AYE

S766 Adds a new section 5-338 to General Obligations Law to provide that no release of a claim made by an employee or independent contractor against an employer shall be valid if, as part of the agreement resolving the claim, the employee or independent contractor is barred from applying for or accepting future employment with the employer or any entities related to the employer. Applies to public and private employers and employees alike. NAY (Infringement on rights of employers. Opens door to retaliatory future claims by employees.)

S6824 Relates to the filing of objections in child support cases in the family court; allows for electronic transmission of such objections. AYE

S25C Requires the Empire State Development Corporation, in consultation with SUNY, CUNY, public housing authorities and the Commission on Independent Colleges and Universities to conduct a study on the economic impact of the establishment of kitchen incubators; requires a report to the governor and the legislature. AYE

S7144 Provides addiction and mental health services training, including crisis intervention team training, mental health first aid, implicit bias training and naloxone training, to firefighters and emergency medical services personnel. AYE

S566A Amends Section 297 ("Procedure") of Article 15 of the Executive Law ("Human Rights Law") to extend the statute of limitations for filing complaints about any alleged unlawful discriminatory practices to the New York State Division of Human Rights (DHR) from one year to three years, consistent with the current statute of limitations for administration complaints to DHR alleging sexual harassment in employment. AYE

S812A Establishes a toll free confidential hotline for complainants of workplace sexual harassment to be administered by the division of human rights; makes related provisions. AYE

S936 This bill creates exemptions to the license suspension law for taxpayers who are 1) on public assistance, or 2) a taxpayer whose income does not exceed 250 percent of the poverty level (from \$31,225 1 person in household to \$108,535 - 8 people in household.) Additionally, this bill would add an inflation factor to the \$10,000 in tax liens required to trigger the possible suspension of a taxpayers drivers license. The \$10,000 figure would be increased for inflation every year. NAY (Disparate impact)

S3395A Includes the state and all public employers as employers subject to the provisions of the human rights law; includes executive, legislative and judicial employers. NOTE - this version of the bill now includes elected officials and local government and judicial officials, including local elected officials. AYE

S5870 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

S5628 Provides that a foster youth who has obtained the age of eighteen shall not be required to receive a criminal history record check unless the youth's foster or adoptive parent or guardian is being certified to care for an additional foster youth who is under the age of eighteen; makes related provisions. AYE

S849A This bill would extend the statute of limitations for unlawful discriminatory practice in the workplace under the Human Rights law to six years. AYE

S5487 This bill updates the law regarding physician profile information collected and made public by the Department of Health (DOH). The bill requires DOH, and not the physician, to update physician's health plan affiliation information utilizing provide network participation information. Requires physicians to update their profile information prior to the submission of the reregistration application. AYE

S7864 This bill would amend subdivision 12 of section 239-bb of the General Municipal Law by adding title five B of article five of the Public Authorities Law. It would ensure that the South Nassau Water Authority and North Shore Water Authority would be eligible to receive one million dollars each in relation to the countywide shared services panels beginning with state fiscal year 2021-2022. AYE

S3577 This bill requires the Superintendent of the Department of Financial Services, in consultation with the Commissioner of the Department of Taxation and Finance, to conduct a study in which the Superintendent will review the adequacy of employee protections and small business employer protections in the payroll services industry. The Superintendent shall make recommendations regarding the same. AYE

S1057 This bill would replace the term 'handicapping conditions' with the word 'disabilities' within a number of references of Education Law. AYE

S7027 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

S484A This bill establishes restrictions on broadcasting of patients. It states that every patient in a health care facility has a right to have privacy in treatment and caring for

personal needs, including the broadcasting of a recognizable image or speech of such patient involved in a health care procedure by requiring a health care facility to obtain express written consent used solely for the purpose of the consent to broadcast the image or voice of the patient receiving treatment. Exceptions include images or speech to advance health care treatment of the individual, a quality assurance program, the education or training of health care personnel or necessary security purposes. AYE

S134 Prohibits banks from doing any of the following after the date on which a customer is notified that such customer's account shall be closed: (1) honoring requests for deposits or withdrawals, (2) keeping open or re-opening the account, or (3) charging fees with respect to such account. AYE

S1202 This bill would amend the unconsolidated law to authorize and direct the state board of real property tax services to conduct a study on real property tax saturation. AYE

S1317A Authorizes municipalities to offer real property tax credits to certain volunteers who live in one municipality but who serve in neighboring municipalities. A PRINT - makes minor technical amendments. AYE

S2925 Authorizes the DMV Commissioner to impose higher civil penalties upon motor carriers for failure to report to the Commissioner violations, including driving while intoxicated, leaving the scene of an incident, reckless driving, or a felony involving the use of a motor vehicle by bus drivers employed by such carrier. AYE

S3150 Enacts "Valeria's law"; requires police officers to notify family members in person of a relative's death in certain circumstances. AYE

S4450 Requires the display of a motor carrier's valid operating authority, inspection information and the driver's credentials prominently for ease of reference by passengers.

Also changes the review of a bus driver's files by the DMV from every three years to annually. Doesn't apply to school buses or buses operated by a transit authority or municipality. AYE

S7563 Extends the date that the final report from the stretch limousine passenger safety task force shall be issued to October 1, 2022. AYE

S5035 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

S3967A To allow local governments in Rockland County to provide a property tax exemption to active auxiliary police officers. AYE

S4935 Establishes a new section under Article 30 of the Public Health law governing Emergency Medical Services relating to rescue inhaler devices. The bill authorizes the purchase, possession and use of a rescue inhaler device for emergency treatment of a person experiencing asthmatic or other respiratory disease symptoms. Requires designation of individual(s) by an entity authorized under this program to obtain training in the use of a rescue inhaler and prohibits anyone from using the inhaler without appropriate training. These provisions are not mandatory. AYE

S1391A This legislation first amends the Vehicle and Traffic Law is by adding a new section 141-c that creates a first responder safety zone. The legislation defines this zone as an "area or space, not to exceed 660 feet on a highway passing or abutting any facility or parking area where fire vehicles, police vehicles, ambulances, or emergency ambulance service vehicles are stationed, for use in responding to emergencies. First responder zones shall be protected, marked or indicated by lines or other markings on the surface and by adequate signs as to be

plainly visible at all times while set apart as a safety zone." AYE

S813 This bill would increase the maximum age of receiving shelter services to twenty-four in certain situations. Current transitional independent living support programs service youth between the ages of 16 to 21. This bill would allow a youth to remain eligible for an additional three years until 24. NAY (Transitional independent living programs currently house youth 16 years of age and older. Housing a 24 year old with younger youth is problematic.)

S778A This bill prohibits contracts related to development of electronic cigarettes from suppressing research into the health consequences of their use. It also bars manufacturers, distributors and retailers of electronic cigarettes misrepresenting facts regarding health consequences. Additionally, prohibits the promotion of electronic cigarettes, bans gift offers with the purchase of electronic cigarettes, and bans electronic cigarette brands from sponsoring sports, arts or social events. AYE

S1735 This bill amends General Business Law section 89- cc(1) by removing specific instructions on how New York City's process servers must keep their records. It also requires these process servers to preserve their records by submitting them to a third party contractor, and provides instructions on how the records are to be reported and kept secure. AYE

S3572 Permits insurers of commercial lines automobile insurance, to make available to their customers, multiple rating programs, within and from the same company, in the voluntary market. NOTE - Under current law, only non-commercial auto insurance lines may offer multiple rating plans for their customers. AYE

S2143A Provides that any person who has been injured by reason of any violation of any such rules, regulations or policies as the superintendent may promulgate may bring an action in

his or her own name; assert a counterclaim; or, if an action is commenced by the mortgagee or anyone acting on its behalf, bring a third party claim, against either the mortgagee and/or the mortgage servicer to enjoin any violations thereof; authorizes damages; makes related provisions. NAY (Would have an major impact on lenders who are seeking to enforce valid mortgages.)

S3476 Establishes a workgroup to conduct analysis on the ambulatory patient group rates and commercial insurance rates for behavioral health services. The purpose of this bill is to ensure that mental health and substance use service providers have fiscally viable programs. AYE

S7089A 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. A PRINT - makes technical changes. AYE

S4469 Establishes a curriculum and task force to provide housing navigation services for those with intellectual and developmental disabilities. AYE

S2542A 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

S1684 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

S2687 Authorizes school districts to enter into a lease outside of such school district.

Currently, school districts have the authority to enter into a lease for the use and occupancy of a building for use as a school facility provided the building or facility is located within the district. AYE

S6393 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

S2877 Establishes a Latina suicide prevention task force; provides for the number of members, manner of appointment and the topics to be reviewed. AYE

S3083 Establishes an LGBT youth and young adult suicide prevention task force; provides for the number of members, manner of appointment and the topics to be reviewed. AYE

S3409 This bill would amend the Mental Hygiene Law (MHL) to authorize the release of certain records of deceased residents of facilities certified or operated by the Office of Mental Health (OMH). AYE

S4253 This bill would require the commissioner of the Office of Mental Health (OMH) to provide monthly status reports of the community investments and the impact on inpatient census. AYE

S2940 This bill would extend the period of time between when notice is provided on a project and a public hearing taking place from 10 days to 14 business days. AYE

S7617 This bill extends the requirement for OPWDD to notify the Senate, Assembly, and labor organizations of any closures or transfer of a state operated individualized residential alternative through March 31, 2024. AYE