



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Senate Votes for Week of March 21, 2022

JIM RANNEY March 25, 2022

| ISSUE: **NYS SENATE**



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

S4738 Requires that modular construction projects (whether units installed in buildings or new construction) comply with applicable municipal plumbing, gas piping, electrical, and fire suppression licensing requirements, whenever such final construction project is to be located in a city having a population of 1 million or more. NAY

S536A Replaces all instances of the word or variations of the word salesman with the word salesperson or variation thereof; amends the language of the real property law to be gender neutral. AYE

S4697 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

S4965 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 (Bill completely ignores the growing costs of long-term care in Medicaid.)

S6074A This bill amends the Family Court Act to expand the right to assistance of counsel in family court to include matters where: 1) an indigent individual is acting as a parent of a child, who is petitioning for custody or guardianship of such child, and who is a kinship caregiver of such child; or 2) an indigent individual is a respondent in a guardianship proceeding. AYE

S7265 Authorizes St. Francis Hospital, Roslyn, New York to file an application for exemption from real property taxes. AYE

S6289C Bill requires that for school districts that contract with a private food service management company, the company must disclose ingredient lists and nutritional information for all the meals they provide school districts. C PRINT - adds language requiring private food service management companies to consolidate nutritional

information for any meal that is comprised of separate individual ingredients. Further provides, school districts and BOCES shall have no responsibility to provide nutritional information except to provide ingredient lists and nutritional information on their district's website. AYE

S6612 NYSERDA DEPARTMENTAL - This bill would amend section 1896 of Public Authorities Law (PAL), section 66-m of Public Service Law (PSL) and section 242 of the Real Property Law (RPL) to allow a revised On-Bill Recovery (OBR) loan transferability process to eliminate a recording requirement and reduce costs associated with the program. AYE

S6307 Extends the time period from eighteen years to twenty-five 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.)

S715 This bill provides that when the human rights commissioner finds a violation of fair housing provisions the commissioner shall issue an order that: 1) awards compensatory damages to the person aggrieved by such violation; 2) assesses a civil penalty of: a) up to \$25K, if its first violation determined to have been committed; b) up to \$50K, if one other violation is determined to have been committed in prior 5 years; c) up to \$75K, if two or more violations are determined to have been committed in prior 7 years; 3) requires respondent to cease and desist from the unlawful discriminatory practices; 4) awards punitive damages to person aggrieved by violation; 5) other relief that commission deems just and equitable. NAY (The intent of this bill is laudable, however, given that penalties set forth could be retroactively applied, is concerning.)

S209A This bill would add medical information and health insurance information to those services that are covered under identity theft. Medical information: any information

regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional. AYE

S2121C This bill establishes a definition of ""medically fragile child"" in PHL section 4900 regarding utilization review to mean an individual under 21 years of age with a chronic debilitating condition(s), who may be in a facility and meets one or more of the following: functions; interventions to maintain health status; to prevent serious deterioration of health status or medical complications that place life, health or development at risk. C PRINT - changes effective date to the first of January after the bill shall have become a law. AYE

S907A Permits state employees to be excused from work without loss of compensation for up to four hours to donate blood; permits supervisor to require proof of such donation. AYE

S6807 This bill amends the CPLR to allow an attorney to appear on behalf of a party in a civil action or proceeding for limited purposes. AYE

S1735A Allows process servers in a municipalities with a population of one million or more people the choice of preserving their records of service either by the current method of log books or to utilize digital electronic record keeping provided by third party contractors. AYE

S6035A Authorizes the Bellmore Fire District to file an application for exemption from real property taxes. AYE

S7674 Exempts the Camillus Volunteer Fire Department, Inc. from the requirement that the percentage of nonresident fire department members not exceed forty-five percent of the membership. AYE

S714 This bill amends section 2118 of the insurance law regarding excess line coverage, to remove the requirement that excess line brokers must obtain a declination from the medical

malpractice insurance pool before the broker can place primary malpractice insurance in the excess line market. AYE

S6903 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

S7611 Relates to the time limits for posting publication of notice of election and filing candidate petitions; provides that notice of election for the establishment of the Gold Coast public library district must be published at least thirty days before such election; provides that petitions for candidacy for the board of trustees for such library must be filed at least thirty days before candidates are to be elected. AYE

S3866 Requires commercial service airports owned or operated by the Port Authority or a local authority, county, city, town or village to provide a room or other location in each passenger terminal behind the airport security screening area for persons to express breast milk in private. Such location must include: (1) at a minimum, a chair and an electrical outlet; (2) be located outside of a public restroom; and (3) include a sink (this requirement only applies to airports that have constructed a new terminal or have renovated, replaced or expanded an existing terminal). AYE

S534B This bill would require the inclusion of the annual percentage of maternal deaths, before during and up to six weeks after childbirth, third trimester fetal losses and still births, hemorrhage; and injuries related to childbirth within the informational pamphlet given at the time of pre booking to prospective maternity patients and include a racial breakdown of all data points. AYE

S8127 This legislation would streamline the excess line affidavit regarding declinations that are filed by both retail and wholesale insurance brokers when placing excess line transactions. Under the bill a licensee or affirming broker can record on an affidavit the name and national association of insurance commissioners code of each authorized insurer declining a risk with no additional diligent effort information reported on the affidavit. AYE

S968 Relates to how the Long Island Power Authority (LIPA) must prepare and submit emergency response plans. Requires LIPA to annually submit an emergency response plan to the public service commission for review; authorizes the public service commission to require LIPA to amend the plan and authorizes the commission to open an investigation to review the performance of LIPA in meeting the requirements of the emergency response plan. AYE

S7752 Directs the commissioner of mental health to establish a maternal mental health workgroup to study and issue recommendations related to maternal mental health and perinatal and postpartum mood and anxiety disorders; identifies underrepresented and vulnerable populations and risk factors in the state for maternal mental health disorders that may occur during pregnancy and through the first postpartum year. AYE

S7753 Requires the office of mental health and the department of health to conduct a study on the disparate impacts regarding postpartum depression screening tests and to prepare and submit a report of findings and recommendations to the governor, the temporary president of the senate, the speaker of the assembly, and the senate and assembly minority leaders. AYE

S6287A Establishes "Elizabeth's law"; requires child care providers to be trained on the impacts and dangers of congenital cytomegalovirus infection and the treatments and methods of prevention of cytomegalovirus infection; requires distribution of materials

relating to cytomegalovirus by certain physicians. AYE

S7628 This bill would amend the public health law to raise the number of members from twenty-four to twenty-five for the health planning council, and would require a member to be a representative of women's health service providers. AYE

S8241A This bill would amend insurance law to permit pregnant women to enroll in state health insurance during a special enrollment period without imposing a fee or penalty. AYE

S3010 This bill would require the Department of Health to offer a risk management course in obstetrics and midwifery, and would allow the Department of Financial Services (DFS) to approve an actuarially appropriate premium reduction to the physician/midwives medical malpractice insurance. AYE

S1847 Designates the fourth Thursday in March as "Tuskegee Airmen Commemoration Day". AYE

S161 CONSTITUTIONAL AMENDMENT - This concurrent resolution to amend the constitution would eliminate the requirement that a veteran must have served in time of war in order to be eligible to receive 5 points additional credit in a competitive examination for original appointment and 2 1/2 points additional credit in an examination for promotion. AYE

S6232 This bill would expand eligibility for participation in the low-interest rate mortgage program of the State of New York Mortgage Agency to include graduates of post-secondary education or comparable apprenticeship or workforce training programs. The program would allow such graduates to participate for a period of seven years after such graduation. AYE

S7861A Directs the department of agriculture and markets, in cooperation with NYSERDA, to develop and produce guidance and educational materials for farmers on the use of agrivoltaics in farming. AYE

S2012 The bill would amend various sections of law related to rent stabilized and controlled apartments to prohibit surcharges related to the installation and use of air conditioner units if the tenant pays the electric utility service. NAY

S7107A OPWDD DEPARTMENTAL - 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 forms 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

S1131 This bill will lower the threshold for filing an income tax return from the current \$4,000 to the amount of the taxpayers standard deduction. AYE

S2204 This bill relates to codifying federal standards for the supervision of the manufacturing and repacking of certain medical gases or wholesaling of respiratory therapy agents. AYE

S6517 SED DEPARTMENTAL - Provides method for distributing funding for college students with disabilities to access additional support services. Funding is distributed proportionally among universities according to the number of students with a disability enrolled in each



institution of higher education that successfully applies for funding. AYE

S7087A Authorizes the power authority of the state of New York to form a pure captive insurance company. This authority is currently granted to groups of related businesses, the MTA, and New York City. AYE