



NEW YORK STATE SENATOR

Patrick M. Gallivan

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

JIM RANNEY April 4, 2022

| ISSUE: **NYS SENATE**



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

S5024D Establishes “Dakota’s Law” which would add to the lead poisoning prevention program the requirement that primary health care providers provide to the parent or guardian of each child under 6 years old guidance on lead poisoning prevention as part of routine care. D PRINT - makes technical corrections. AYE

S615A This bill would amend the Labor Law by adding a new section 201-h to the general provisions of the Labor Law governing hours of labor. The bill would prohibit employers from requesting, requiring or coercing user name and password information from an employee as a condition of employment or during the course of continuing employment.

AYE

S5321 The bill would amend § 1308 of Real Property Actions and Proceedings Law (RPAPL) to increase the maximum civil penalty from \$500 to \$1,000 per day per property for each day the mortgagee or agent of the mortgagee has been in violation. AYE

S1843A Requires that a policy that provides supplementary uninsured/underinsured motorist insurance coverage for bodily injury must include police vehicles. A PRINT - adds fire vehicles and police vehicles to the definition of motor vehicle for the purposes of these vehicles being insured. NAY (Only applies to NYS chartered banks and no other mortgage holder. Not fair to all.)

S2837 Directs the Public Service Commission (PSC) to adjust each utility corporation's residential fixed-charge upon such corporation's filing with the department of an amendment of rate schedules. The adjustment would allow the utility to recover only the fixed costs and operation and maintenance expenses directly related to metering, billing, service connections and the provision of customer service. AYE

S4469A Establishes a curriculum and task force to provide housing navigation services for those with intellectual and developmental disabilities. A PRINT - adds the Commissioner of OMH and the Commissioner of OASAS to serve on the taskforce. Delays the effective date to April 1, 2023. New York Alliance for Inclusion and Innovation AYE

S3227B 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. A AND B PRINTS - Original legislation required the information to be published on the website, whereas it would now be a database. Removes language expanding the definition of Retail Food Store to include specific types of stores. Adds a public awareness campaign requirement. AYE

S931A Defines medical needs for essential electricity for the purpose of planning for emergency restoration of services. Medical needs for essential electricity includes but is not limited to: apnea monitors for infants, cuirass respirators, hemodialysis machines, IV feeding machines, IV medical infusion machines, oxygen concentrators, positive pressure respirators, respirator/ventilators, rocking bed respirators, suction machines, tank type respirators, as well as any medical equipment or equipment necessary for an individual whose diagnosis is likely to be significantly triggered or significantly exacerbated by a continued loss of power that will adversely impact that individual's health. AYE

S7077 OCA DEPARTMENTAL - This bill would establish that in cases where an agreement or a stipulation fails to comply with any of the provisions of the Child Support Standards Act - CSSA (Section 413(1)(h)), the non-CSSA complaint provisions are void as of the earlier of the date that one of the parties alleged noncompliance in a pleading or motion or the date the court finds the noncompliance. AYE

S6694B This bill allows dental hygienists to use local infiltration and nitrous oxide anesthetic modalities to assist a dentist in performing any dental service. Dental hygienists are currently allowed to provide nitrous oxide analgesia and to administer and monitor local infiltration anesthesia for dental hygiene procedures only. AYE

S1826A This bill provides that when a state agency, public authority or municipality is planning to award a contract, subject to competitive bidding or an RFP process, that includes the procurement of information and communication technologies, the awarded contract shall require that such information and communication technologies make available software that blocks automated calls that cause a caller ID service to transmit false caller-ID information to all information and communication technologies customers. AYE

S5280 This bill provides for a continuation of senior citizen rent increase exemption benefits in the City of New York after a period of ineligibility due to a head of household's temporary increase in income. The temporary spike in income cannot exceed two years. AYE

S2972 This bill would amend section 61 of Volunteer Firefighters' Benefit Law, so as to make permanent, the procedures regarding a presumption that the death or disability of a volunteer firefighter from a disease or malfunction of heart or coronary arteries was caused due to work related factors. AYE

S2973 This bill would amend section 11-c of Volunteer Firefighters' Benefit Law, so as to make permanent, the procedures regarding a presumption that the death or disability of a volunteer firefighter from a disease or malfunction of the lung was caused due to work related factors. AYE

S7501 This bill amends PHL section 2145, regarding rabies services and expenses of suppression. The bill essentially requires insurance coverage of post-exposure treatment for rabies when authorized by a county health authority. AYE

S4703A 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

S7549 Authorizes St. Mark Coptic Church Center, located in the hamlet of Woodbury, town of Oyster Bay, county of Nassau to retroactively apply for a real property tax exemption for certain property. AYE

S1025 This bill provides that recovery of wages due to a clerical error by the employer or vendor of the employer is prohibited if such clerical error did not result in an overpayment or other inaccuracy in the amount of wages paid or the time in which wages were dispersed. AYE

S7429 Requires the DOL, in consultation with the Office of Temporary and Disability Assistance (OTDA), the State Education Department (SED) and the NYS Office of New Americans and in conjunction with any other entity deemed necessary by the aforementioned agencies heads to conduct a comprehensive study and prepare a report on immigrant and refugee participation in adult education and the workforce. NAY (Precludes the state from using or sharing data obtained as part of the study for use in civil immigration enforcement.)

S5025A Creates a legislative task force on outdoor environmental education and recreation that will benefit residents of New York state by fostering stewardship and conservation of the environment, and an appreciation of the importance of the wise use of natural resources as well as acknowledgment of the health benefits of time spent in nature. AYE

S6085 Removes certain requirements for prospective purchasers of manufactured home parks. AYE

S5933A This bill directs the department of Labor to study the employment rate of transgender persons in NYS and issue a report to the Governor and legislative leaders within one year of the effective date. NAY (Not necessary. Diversity workers study bill (Chapter 615

of 2021) will address this issue.)

S7610A Permits India Pentecostal Assembly, Inc. to file an application for real property tax exemption for property owned at 3 Avon Ct, Syosset. AYE

S7612 Permits India Pentecostal Assembly, Inc. to file an application for real property tax exemption for property owned at 310 South Oyster Bay Rd, Syosset. AYE

S1026 This bill would amend the Workers' Compensation Law section 13 (5) (i) related to reimbursement for pharmaceutical claims. Current law requires claimants to obtain all prescribed medicines from a pharmacy with whom the employer has a contract ("network pharmacy") unless there is a medical emergency. This bill would amend current law to only "encourage" employees to obtain their prescription drugs through the contracted pharmacy. AYE (Ease of access to prescription medications for injured workers notwithstanding, increased costs due to such changes are concerning.)

S704B Authorizes the empire state development corporation to develop a public awareness campaign promoting businesses located in New York state with an emphasis on small businesses and the need to shop in downtown local areas; requires the creation of the Buy New York Online Networking Directory to connect purchasers with businesses located in New York. AYE

S6233 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

S6394 The bill would authorize the Urban Development Corporation (UDC) to make loans or grants from the Empire State Economic Development Fund to employees of microbusinesses (five employees or less) to take over and continue such a business upon the retirement of the owner. The loans and grants would come from existing ESDC funding sources. AYE

S3483A Provides that an individual shall not become ineligible under the EPIC program due to an increase in social security benefits or a public or private pension where such increase does not exceed the consumer price index. AYE

S5148 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

S123A Requires the Division of Human Rights to establish a statewide campaign for the acceptance, inclusion, tolerance and understanding of diversity. A PRINT - changes the distribution of such materials from print to listed on the website and extends effective date. AYE

S5924C This legislation would prohibit higher education institutions from refusing to provide a transcript for a current or former student on the grounds that the student owes a debt. B AND C PRINTS - Removes §602 of the GBL which would have additionally made violations fall under the state deceptive acts and practices law. The C print makes the bill apply "degree granting institutions" and "licensed private career schools" as opposed to "institutions of higher education". NAY (Transcript withholding is a key tool in the process by which colleges and universities communicate with students about owed balances.)

S8276A Amends chapters 112 and 147 of the laws of 2021 that provided a tenure process for probationary teachers and principals in regard to annual professional performance reviews

(APPRs) for the 2020-21 school year. Provides for a tenure process for probationary teachers and principals in regard to annual professional performance reviews (APPRs) for the 2021-22 school year. Further provides that no school district shall be required to complete APPRs for the 2021-22 school year and prevents any state funding from being withheld for failure to conduct such evaluations. AYE

S739A Designates lay individuals as one-day marriage officiants in order to solemnize marriages. A PRINT - makes minor technical changes. AYE

S1355 Provides that any municipality that has received alienation authorization through enactment of municipal parkland alienation legislation shall submit a report to the Office of Parks, Recreation and Historic Preservation. This bill would provide enforcement power to the Attorney General against municipalities that violate the terms established in the alienation legislation. AYE

S3791 Establishes the crime of misappropriation of payroll funds when a person knows that funds are designated for use as employee payroll funds or as payment of payroll taxes, and intentionally prevents the funds from being used for their designated purpose.

Misappropriation of payroll funds is a class E felony (would not qualify for bail). AYE

S1207 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

S8595 EXTENDER BILL - The bill provides another six-year extender to Chapter 77 of the Laws of 2010, which created the Environmental Facility and Cancer Incidence Map. AYE

S8266 EXTENDER BILL - Extends the authority of the commissioner of general services to transfer and convey certain lands to the city of New Rochelle until December 31, 2022. AYE



S8552 Requires the board of elections to mail notice of ensuing primary and general elections, registration status, polling place location and other information to active voters between the third Tuesday in April and the second Friday in May each year. NOTE - Under current law such notice must be mailed between 65-70 days before a primary election. This year that is between April 19 and April 24. AYE

S8658 HSES DEPARTMENTAL - Extends the submission of the report relating to the volunteer firefighter recruitment and retention taskforce to December 31, 2022 (original deadline was one year after effective date). AYE

S8665 Permits any elected and appointed officers within any city who failed to take or file their oaths of office or official undertaking within the prescribed period between January 1, 2022 and March 31, 2022 to continue to serve if they take or file the required oath or undertaking within 30 days. NOTE - This bill is in response to the fact that NYC Comptroller Brad Lander did not file his surety bond to ensure he would "faithfully discharge the duties" of the office within the required 30 days of taking office. AYE