



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Votes for the Week of April 25, 2022

JIM RANNEY April 29, 2022

| ISSUE: **NYS SENATE**



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

S3229A Provides for a tax abatement for electric energy storage equipment placed in service after January 1, 2024 and before January 1, 2026. Applies to NYC only. AYE

S8830 The bill amends various sections of Environmental Conservation Law (ECL) to require that Environmental Impact Statements also take into account whether the project/action will lead to a disproportionate and/or inequitable pollution burden on environmental

disadvantaged communities. AYE

S659 Adds a new section 9-0508 to the environmental conservation law to allow the department to enter into agreements for the purpose of aiding in the siting and connectivity of renewable energy installations, as well as the transmission and distribution of electricity from those installations on state forest lands classified as reforestation lands. AYE

S1103A Establishes the bottle redemption fraud task force to provide the governor and the legislature with information on the fraud, enforcement, and reporting requirements related to the New York state returnable container act. AYE

S1237 This bill would amend Article 71 of Environmental Conservation Law (ECL) to expand the Department of Environmental Conservation's (DEC) powers for General Civil Penalty (section 71-4003) to also include injunctive relief, revoking/suspending a permit/certificate, or deny a pending renewal application. NAY (Too much power vested in nonelected bureaucracy.)

S1421 Prohibits the lease of state forests, wildlife management areas and unique areas for the purpose of gas production. AYE

S2995 This bill would allow municipalities to alienate certain parklands without receiving authorization from the Legislature for the purpose of renewable energy generating projects. This bill would exempt solar energy projects that are under two megawatts of generating capacity to be installed in the airspace of a vehicle parking lot without the usual authorization of the Legislature. AYE

S1829A Directs NYSERDA to study and make recommendations regarding siting renewable energy resources at decommissioned or dormant electric generating sites. A PRINT - adds surrounding properties containing the generating site's infrastructure as part of the study.

AYE

S7453A Establishes the electric landscaping equipment rebate program. The program would provide rebate money of up to 70% of the equipment's cost or a max dollar amount which varies depending on the equipment purchased. NOTE - The rebate program would expire on Jan 1, 2030 and would be run by NYSERDA. AYE

S23A This bill would require that parking facilities with 50 or more spots constructed with State funding be capable of supporting electric vehicle charging stations. A PRINT - requires the prevailing wages be paid for construction or development of such projects and adds that such charging stations make up 20 percent of available parking spaces. AYE

S2838C Beginning in 2026, at least 25 percent of vehicle purchases must be zero emission. Requirement increases to 100 percent by 2031. Additionally, bill requires at least 50 percent of the total State fleet be zero emission vehicles by 2031. NAY (Unrealistic and costly to state.)

S7176 Establishes the "Advanced Building Codes, Appliance and Equipment Efficiency Standards Act of 2021." NAY (Bill is excessive in the products it attempts to regulate, establishing definitions for products such as 'trough-type urinals,' 'water coolers,' 'portable air conditioners,' and even basic telephones.)

S1868 Authorizes the town of Dekalb, in the county of St. Lawrence, to reduce the maximum speed limit on a portion of United States route eleven. AYE

S5027B 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

S7521 Establishes a retired employee health insurance premium reserve fund for the town of Saranac to cover retired town employee health insurance premiums, to stabilize the tax rate, and to ensure transparency for the taxpayers and elected officials. AYE

S370A This bill requires that any parking facility owned and/or operated by the State of New York which has between 50 and 250 parking spots install electric charging stations in at least ten percent of the total parking spaces. The bill requires that any parking facility owned and/or operated by the State of New York with more than 250 parking spots install electric charging stations in at least 20 percent of the total parking spaces. The bill provides minimum technical requirements for each vehicle charging station. NAY

(Excessive/unknown cost)

S404 This bill would allow prosecutors to access records related to prior prosecutions of criminal defendants that would be otherwise sealed where access to such records would be necessary to proceed with a new prosecution of such defendants. This is particularly useful in the context of domestic violence prosecutions where defendants violate orders of protection. AYE

S6142A This bill requires the state of New York to transfer certain lands to the Oak Brush Plains State Preserve by December 1, 2022. AYE

S1681 Requires statewide housing authorities, in reviewing applicants, to grant domestic violence survivors the same preference as granted other prioritized populations, should the authority establish waiting list preferences. Establishes a standardized definition of domestic violence when determining applicant eligibility for the preferred population. AYE

S1269 Establishes the crime of criminal possession of a flamethrower as a class E felony. NAY (Government overreach. Unnecessary.)

S1331 Creates the offense of defrauding the government in the first degree (via the use of an automated sales suppression device to evade any tax owed to the state or a municipality) and expands the definition of conspiracy in the fourth degree; to include the aforementioned felony. Defrauding the government in the 1st degree is a class D felony and conspiracy in the 4th is a class E felony. AYE

S2115 Amends subdivision 7 of section 130.00 (defining terms related to sex offenses) of the penal law to say that "Physically Helpless" means that a person is unconscious or for any other reason physically unable to communicate affirmative consent (as opposed to unwillingness) to an act. AYE

S7157A Requires the release of individuals from utility, phone and television contracts in instances of domestic violence. A PRINT - makes minor technical changes. AYE

S1745 Establishes a temporary New York craft beverage permit for all New York state manufactured liquor, spirits, wine, beer, cider and mead for events located in a municipality with a population of less than one million. AYE

S6805 This bill would amend the Labor Law, which governs the posting of laws and orders to require copies of certain documents physically posted in a workplace to be made available to employees electronically. It would require copies of certain documents physically posted in a workplace to be made available to employees electronically through the employer's website or by email. NAY (Duplicative and does not contemplate that some businesses may not have a website and having to send every document to employees by email creates administrative overhead.)

S6549B GALLIVAN Designates a portion of the state highway system in the town of Wales as the "Petty Officer Robert Segool Memorial Highway". AYE

S4009A Adds wage theft to the types of activities included in the crime of larceny. Makes it a larceny offense when a person obtains property by wage theft when he or she agrees to hire a person to perform services and the person performs such services and the defendant withholds such wages from said person. AYE

S6443A 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. A PRINT - Clarifies that any inquiry with the protected party be done outside the presence of the defendant. NAY (Many courts already do this. Due process concerns.)

S5940 Requires the office for the prevention of domestic violence to conduct a study on domestic violence in the transgender community with a focus on Black transgender women. AYE

S66A This bill amends the CPLR to provide that civil claims for sexual offenses (as defined by P130 of the penal law) or incest offenses (as defined by PP 255.26 & 255.27 of the penal law) committed against someone who was 18 or older at the time of such offense shall be revived for a one year period beginning 9 months after the effective date of this bill, even if such claim is otherwise time barred. Any claim that was previously dismissed on the bases of being time-barred, or failure to file a notice of claim or notice of intention to file a claim, would be revived as well. A PRINT - makes technical amendments. AYE

S192 This bill amends sections 198-a and 198-b of the general business law regarding warranties and the sale or lease of new and used motor vehicles. The amendment changes the word "consumer" to "purchaser" throughout the law. Additionally, the bill amends the definition of "purchaser" to include vehicles used primarily for commercial or business

purposes. NAY (Can open up car manufacturers to expensive and time consuming lawsuits. Increase consumer costs.)

S3020A Enacts the "New York State Phoenix Act"; extends the statute of limitations for felony family offenses to ten years and misdemeanor family offenses to five years. AYE

S7562 Establishes the Purple Alert System. Requires the Division of Criminal Justice Services (DCJS) to develop and implement a statewide system to be activated on behalf of a missing victim of domestic violence (DV), who has elected to participate in such system. Requires law enforcement to notify DCJS if they receive a report of a missing DV victim and DCJS must confirm accuracy of the information and, if confirmed, immediately issue an alert. AYE

S8231A Requires the office of children and family services to submit an annual report about juvenile recidivism and cost of juvenile incarceration. NOTE - The report shall be provided to the Governor, the Speaker of the Assembly, the Temporary President of the Senate and the Minority Leaders of the Assembly and Senate on February 1, 2023 and annually thereafter. The report shall be posted on the OCFS website by February 1st of each year. AYE

S7235 The legislation would allow rent regulated buildings with project based assistance to increase the preferential rent above the legal rent as needed to keep up with the rents under the contract. NEW BILL AYE 8417B PERSAUD This bill would add status as a victim of domestic violence to the list of protected classes under Human Rights Law. NOTE - Current protected classes include age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, and marital status. AYE

S2279 Designates the state of New York a purple heart state. AYE

S4887A Allows brewery supply stores to sell New York state labelled beer for off-premises consumption. AYE

S51 This bill amends the general business law to include attachments to electronic devices within the meaning of the term "imitation weapon". The intent of this bill is to clarify that cellular device cases modeled in the form of a firearm are banned for sale and possession in NYS. NAY

S687 Clarifies the definition of imitation weapon to not be a weapon colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple or is constructed entirely of transparent or translucent materials which permits unmistakable observation of the imitation or toy firearm's complete contents. Such weapon must also not have a laser pointer. NAY

S1341 Establishes November first of each year as a day of commemoration known as Military Opportunities Day. AYE

S4093 Establishes September twenty-second of each year as a day of commemoration known as Veteran Suicide Awareness and Remembrance Day. AYE

S4231 Relates to designating the month of May as "Korean American Family Month". AYE

S1053A Establishes the crime of voyeurism in the first and second degree, which shall be a class A and B misdemeanor, respectively. Importantly, this bill exempts firefighters, healthcare professionals and correctional facility personnel. A PRINT - makes significant changes. It removed the language that would make it a crime to view a person in a bedroom, changing room, fitting room, restroom, toilet, bathroom, washroom, shower, or any room assigned to guest in a hotel, motel or inn without the person's knowledge or consent. It adds the requirement that the offender trespass for the purpose of viewing the person in a

specified situation without their consent. It also specifically includes trespassing to view a person engaging in sexual conduct without such person's consent or knowledge. AYE

S6239 Requires restaurants that offer online delivery services to post their most recent sanitary inspection grade on their website and/or any internet-based food delivery service websites where consumers can order from such food service establishment. AYE

S532 This bill give the Secretary of State the authority to promulgate rules and regulations regarding code enforcement. It creates a timeline for completion of the mandatory training for code enforcement personnel and increases the continuing education required to maintain certification. NAY (This bill amounts to an unfunded mandate.)

S8073 Prohibits state chartered banking institutions from investing in and providing financing for private prisons. NAY (Does not apply to foreign banks or federally chartered banks. Unfair.)

S3471 This bill provides additional incentives through the Excelsior Jobs Program if the project prioritizes medical equipment production or development. AYE

S4733A Enacts "Bryan Johnson's law"; includes prior convictions of operation of a vessel while under the influence of alcohol or drugs as prior convictions of driving while intoxicated. AYE

S7378A This bill would require the Department of Health to publish a report on the Opioid Stewardship Fund on the Department's website. AYE

S2728 This bill would amend section 862 of the general municipal law, to prohibit the provision of financial assistance from an industrial development agency, to an economic development project, unless it can be proven that such project will have a "regionally

significant" economic impact. NAY (This bill would severely restrict the ability of an IDA to provide any financial support to an economic development project.)

S3220 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

S7744 Provides that purchasers of annuities that pay a dividend are a separate class of annuitants from purchasers of annuities that do not pay a dividend. AYE

S4243A Bill would allow the Northport-East Northport Union Free School District, the North Shore Central School District, the Oceanside Union Free School District, and the Island Park Union Free School District to establish "tax assessment challenge reserve funds" in anticipation of decreases in revenue or taxes or a significant shift in tax liability due to a tax certiorari. Voter approval of the creation of the fund would be required. AYE