



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Votes for Week of May 2, 2022

JIM RANNEY May 5, 2022

| ISSUE: **NYS SENATE**



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

S253A This bill allows for stray marks or writing on an absentee ballot so long as the express intent of the voter is unambiguous. NAY (Voter security concerns.)

S1829B Directs NYSERDA to study and make recommendations regarding siting renewable energy resources at decommissioned or dormant electric generating sites. AYE

S4540A This bill would prevent local social service districts from seeking overpayment if due to an agency or contractors error and eliminated a right of action to recover and alleged overpayment for assistance or care received by a person under twenty-one. NAY (Taxpayer should not be held liable for errors of governmental agencies and independent contractors errors.)

S5261B COSPONSOR Provides for expanded ownership in design professional service corporations by employee stock ownership plans (ESOP) and non-licensed employees. B PRINT - after being reported from corporations to require the Design Professional Corporations to register with the State and be issued a certificate granting the ESOP the authority to hold the shares of such corporation. It adds a provision prohibiting the ESOP from attempting to influence any decisions that fall within the scope of practice of a design professional corporation. AYE

S5877C GALLIVAN Authorizes the village of Perry, county of Wyoming to hire a planning board member, zoning board of appeals member and zoning officer who are not residents of such village. AYE

S7399A The bill would amend subdivision 4 of section 219-m of the General Municipal law to increase the number of years of service in which a participant (volunteer ambulance workers) in a defined contribution plan or defined benefit plan service award program may receive a contribution from 40 years to 50 years. AYE (Establishes parity with volunteer firefighters who were authorized to continue to receive such contributions for 50 years.)

S6244B Waives pandemic unemployment assistance repayments if the payment of such pandemic unemployment assistance was without fault on the part of the claimant and such repayment would be contrary to equity and good conscience. Requires the commission of labor to develop and implement a process by which claimants may request and obtain a

waiver of recovery of pandemic unemployment assistance overpayment. B PRINT - changes definitions from previous version. NAY (Criteria for eligibility too broad. Taxpayers will foot the bill for money received not otherwise entitled to.)

S8149 Provides incarcerated individuals with access to breast cancer screenings every two years and information about breast self-examinations. AYE

S5333 Authorizes the state to convey certain forest preserve land; such sale shall be subject to legislative approval and the proceeds of such conveyance shall be used for acquisitions to the forest preserve. AYE

S7582A Requires the examination of current and the recommendation of future standardized building code requirements for flood mitigation; adds the commissioner of the department of environmental conservation and the director of the office of emergency management and an individual with significant professional technical experience in flood prevention and building code council. AYE

S1093A Excludes deer management professionals retained by the incorporated village of Llyod Harbor, or in the incorporated village of Upper Brookville from the hunting rifle ban on Long Island. AYE

S2991 Authorizes the town board of the town of Lewisboro, county of Westchester to establish certain speed limits on rural major and minor collector roads at twenty-five miles per hour. AYE

S6893 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

S1379 The bill would amend numerous sections within Article 9-a of the General Municipal law by allowing one occasion poker tournaments to be considered a game of chance for non-profit fundraising purposes. It would cap the admission fee to a poker tournament at \$100, of which half would be used for the prize and half could be retained by the authorized organization. AYE

S5091 The bill permits participation in bingo games by minors (under 18 years of age) who are accompanied by an adult. AYE

S8947 Makes several technical changes related to the gas tax holiday. This bill would allow for municipalities to have until May 16th to send their certification to Tax and Finance. Furthermore, this bill would allow for municipalities to elect to have their sales tax cap expire on January 1st, when the State gas tax holiday ends. AYE

S8948 Makes technical corrections related to employer participation in the New York youth jobs program tax credit program and to estimated tax payments made by partnerships or S corporations who have made a pass-through entity tax election. NOTE - The language in the Enacted Budget related to employer participation in the New York Youth Jobs Program Tax Credit stated that employers must submit their application no later than December 1, 2003, instead of 2023, which this bill corrects. AYE

S8949 A person designated as a candidate for nomination or for party position, or nominated for an office may decline the designation or nomination under certain circumstances; A. where the person has been arrested or charged with a misdemeanor or felony by the filing of

an accusatory instrument in a state court or a criminal complaint, information or indictment in a federal court any time after such person's designation or nomination; B. where the person has been convicted of one or more misdemeanors or felonies under state or federal law at any time after such person's designation or nomination. NAY

S6373B This would expand eligibility for claims for mental injury premised upon extraordinary work-related stress incurred at work to all workers. Currently it only applies to first responders. B PRINT - changes the effective date from immediately to the first of January following the date it becomes law. NAY (No fiscal.)

S1565 This bill would add a new section 78-a to the banking law to provide that the financial frauds and consumer protection unit of the department of financial services shall refer any instances of a person, partnership, association, corporation or other entity which is operating without being chartered, licensed or registered as required under the banking law, to the attorney general and to any other federal, state or local agency or entity for appropriate enforcement action. NAY (Regulatory overreach of the Department of Financial Services.)

S7479 This bill requires that loan servicers pay for the common charges for vacant and abandoned condominiums. The common charges or "CC" is a monthly expense which is meant to cover "common services and amenities" shared by other condo residents. These charges can include management fees and operating expenses for the building. NAY (This bill will increase costs to banks and financial lenders that could lead to less credit and loans being made available.)

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.)

S5472 Requires disclosure of information concerning flood insurance on property condition disclosure statements; relates to liability with respect to property disclosures. AYE

S5473D Enacts the "Foreclosure Abuse Prevention Act". This bill, in part, is a response to the 2021 Court of Appeals decision Freedom Mortgage v. Engel (37 NY3d 1,2021). The Engel case(which actually resolved 4 different cases) dealt with the statute of limitations for mortgage debts as they relate to the effect of acceleration clauses in mortgage contracts. NAY

S8540 The bill allows for an individual who is a resident of an adjoining county to be employed as an assistant district attorney in Oneida County. AYE

S7483 Directs the commissioner of the department of environmental conservation to provide for the re-designation of Squaw Island in the town of Canandaigua, Ontario county as Skenoh Island; makes other technical corrections. AYE

S7417 Waives the residency requirement for the city attorney in the city of Johnstown, Fulton county. AYE

S1288A Establishes the veteran career assistance program within the SUNY and CUNY systems to provide veterans with assistance in resume writing and employment placement services. AYE

S1378A This bill would add a new fourth veterans exemption to the real property tax law, by adding a new section 458- c, to provide active duty military personnel with a real property

tax exemption equal to 15% of the assessed value of their residential property, and provide an additional 10% property tax exemption if such active duty personnel are deployed in an active combat zone. AYE

S2918A Establishes a real property tax exemption for the primary residence of veterans with a 100 percent service connected disability. A PRINT - clarify that this bill will take effect immediately upon enactment. AYE

S3402 Provides additional tax exemptions on qualifying residential real property where two or more qualified veterans live in the same household. AYE

S8500 This bill requires the publication of the number of veterans or surviving spouses of veterans on certain housing waiting lists. Normally, veterans are put at the top of waitlists for affordable housing such as Mitchell Lama facilities. However, veterans may not know that other veterans are applying for the same unit. This bill requires that the number of applicants applying as veterans and a surviving spouse of veterans be made available on the applications waitlist. AYE

S8802 Extends provisions related to allowing approved multidisciplinary evaluation programs to employ a certified school psychologist to conduct a multidisciplinary evaluation of a preschool child or an infant or toddler having or suspected of having a disability until June 30, 2024. AYE

S7622A This bill would amend Title 35 of the Public Authorities Law to require that directors of the Roosevelt Island operating corporation be residents of Roosevelt Island and to require the appointment of certain vacant board positions within sixty days. AYE

S8403 This bill amends the effective date of chapter 289 of the laws of 2021 to be June 1, 2022. NOTE - Chapter 289 authorized children's camps to employ or contract with licensed

psychologists, social workers, mental health practitioners and behavior analysis to provide mental health services. It also allows camps for children with developmental disabilities to hire licensed professionals, such as occupational therapists or speech-language pathologists. AYE

S8618 Requires the Commissioner of Health by regulation or emergency regulation to reclassify any compound, mixture or preparation containing any substance listed in Schedule I as a Schedule II, III, IV or V substance, or exempt it, if that same compound, mixture or preparation is re-designated or rescheduled other than under Schedule I pursuant to the federal Controlled Substances Act, or deleted as a controlled substance under said Act. AYE

S6193A Designates April twentieth as a day of commemoration to be known as New York state constitution day. AYE

S8272 Provides technical clean-up of the lettering and numbering of various provisions of the Vehicle and Traffic Law added by separate chapters of the laws of 2021. AYE

S664 This bill will require standard financial aid award letters to include the estimated cost of repayment of all outstanding loans including expected monthly payments. AYE

S5139 This bill expands the scope of eligible uses of funds made available under the community health care revolving capital fund to include non-capital expenditures, such as working capital and debt restructuring, retirement and refinancing. AYE (To the extent that the expansion of fund uses will sustain these clinics, the bill is noteworthy.)

S859A This bill establishes a student loan repayment information notice. Requires the DOL commissioner, in consultation with the President of the Higher Education Services Corporation and the Superintendent of DFS to develop a notice, pamphlet or other written

materials with regard to responsibilities and repayment options for student loans. Further requires all employers in the State to provide such information materials to new employees who have been hired for a post-graduate internship or entry-level position that requires an associate's degree or higher such notice. NAY (Government program and therefore should not be responsibility of the employer. Adds to cost of doing business in NYS.)

S4449 Requires the higher education services corporation to make a determination of financial eligibility of a student for financial aid, awards and loans within 60 days from the day of the receipt of the financial aid application; where the higher education services corporation fails to make a timely determination the applicant shall be deemed eligible for such aid for the semester for which the application was made; allows for a 30-day extension if notice is given to the educational institution within the initial 60-day period. AYE

S7278B This bill authorizes the board of managers of a condominium to allow unit owner meetings to be conducted via electronic means. AYE

S7914 Requires colleges, universities, professional, proprietary and graduate schools to provide written notice to all students of the institution's tuition liability policy. AYE

S5136B This legislation seeks to increase transparency in the private education loan market. The bill imposes new notification and information requirements that loan lenders and debt collectors will need to provide to borrowers and cosigners in servicing private education loans. It additionally, prohibits certain instances of loan acceleration. The bill seeks to protect loan borrowers and cosigners from predatory private student loan practices. AYE

A1769 Prohibits any elected official serving at the county, town, city, or village level, from serving as member of the board of any industrial development agency (IDA) located within the county. AYE

S8545 Exempts the Rockland county assistant district attorney from certain residency requirements provided that a person holding such office reside in such county or an adjoining county. AYE

S502 Permits an insurer to rescind or retroactively cancel a policy in circumstance involving an accident staged to defraud an insurer. AYE

S5346 The bill would amend General Municipal Law to allow authorized non-profits to conduct Games of Chance all hours of Sunday as well as on Easter Sunday and Christmas Day. AYE

S3682 Directs the commissioner of education to study and report on the provision of services to public school students in grades 8 through 12 by guidance counselors. AYE

S3264 This bill would amend current law to make it easier for cemetery corporations to access funds from their permanent maintenance fund, by adopting standards that conform with the uniform not-for-profit standard of the Prudent Management of Institutional Funds Act. AYE

S552A This bill allows a student's Tuition Assistance Program (TAP) award to be applied to credits earned in a dual or concurrent enrollment high school program upon such student's enrollment in and acceptance of the credits by a postsecondary degree program. A PRINT-revises effective date to first of July next succeeding. AYE

S7862 This bill would amend State Finance law to remove any liability resulting from tuition, fees, room and board, educational benefit overpayments, student loans, or other charges incurred by a student due from the definition of "debt" owed to State Agencies that can be collected on with interest by the Attorney General's Office. AYE

S7916B This bill would increase the income eligibility threshold for the tuition assistance program from \$80,000 to \$110,000. AYE

S8647 This bill would increase the number of members on the Autism Spectrum Advisory Board by 5, giving the Governor, the Temporary President of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate and the Minority Leader of the Assembly each an additional appointment to the board. Additionally, the appointing authority would get an additional appointment who must be a self-advocate in their community. AYE

S7497 Designates a portion of the state highway system in Jefferson County as the "Chief Samuel A. Johnson, Sr. Memorial Bridge". AYE

S8282 This bill eliminates the expiration of the provision that provide public employees with ability to petition the Public Employment Relations Board or the New York City Board of Collective Bargaining and receive injunctive relief for a charge of improper practice. AYE

S5027C 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

S7122 Prohibits the development of viable agricultural land by the NYSERDA as part of the build-ready program (which advances large-scale renewable energy projects by identifying sites that are consistent with the State's standards and are made build-ready for private renewable energy developers). NAY (Does not define "viable agricultural lands." Limits options of farmers to protect themselves from economic losses.)

S8357 Extends, from December 31, 2022 to December 31, 2023, the expiration of the authorization granted to residential property owners in high risk brush fire areas on Staten Island to cut and remove reeds from their property. AYE

S7395 Authorizes the assessor of the town of Smithtown, county of Suffolk, to accept from the New Horizons Counseling Center, Inc., an application for exemption from real property taxes. AYE

S8497 This bill would amend the Real Property Tax Law to limit the amount of property shift between homestead/non homestead and class share apportionment for local governments within and including Nassau county. NOTE - A homestead can be a separate structure, condominium or a manufactured home located on owned or leased land. A non-homestead class are all other properties including apartments and commercial buildings. AYE

S286A Requires the board of elections to make available to the public upon request, electronic images of cast ballots from ballot scanners at an election, and requires these images to be available no later than one week after such election. NAY (Court of appeals has already ruled that ballots are FOIL-able two years after an election. This bill is an end run around that decision.)

S3345 Requires that academic credit toward a high school diploma be given for practical experience gained outside of school during high school. AYE

S5355A Provides for the licensing of genetic counselors; creates the state board for genetic counseling. AYE

S3049 Expands the 'affirmation of truth of statement' provision to cover all health care licensed practitioners licensed, certified or authorized under title 8 of the Education Law. Under current law attorneys, physicians, osteopaths and dentists have the right to

affirmations, meaning they do not have to find a notary public to administer an oath before submitting a sworn written statement. Under this law, acupuncturists, athletic trainers, massage therapists, etc. would have the right to affirmation. AYE

S3959A Requires the appointment of a transit dependent and a paratransit dependent representative on various transportation authorities. AYE

S8204A Designates the Director of the Canal Corporation as the Chairperson of the upstate flood mitigation task force. Requires the task force meet four times between the effective date and July 1, 2023 and on an annual basis thereafter. A public report shall be conducted no later than July 1, 2023. AYE

S8327A This bill would allow fuel flexible linear generator electric generating equipment be used for net energy metering. Under current law, solar, wind, fuel cell, tidal, wave energy and several other sources of energy can be used for net energy metering. AYE

S556 Relates to direct interstate and intrastate cider shipments; establishes requirements regarding age verification and shipping limits. AYE

S7913 This bill would authorize a licensee with a license to sell wine, beer and Korean Soju at retail for consumption on the premises to include the retail sale of Japanese Shochu on such premise to be consumed under the same terms and conditions. NOTE - Shochu is defined as a Japanese alcoholic beverage that contains not more than twenty-four per centum alcohol, by volume, and is derived from agricultural products. AYE

S7906 Authorizes the Chabad of Oceanside, Inc. to receive retroactive real property tax exempt status. AYE

S8247 Authorizes the county of Nassau assessor to accept an application for a retroactive real property tax exemption from the Incorporated Village of Hempstead Community Development Agency for the 2020-2021 school taxes and the 2021 general taxes for the property at 40 Byrd Street. AYE

S8248 Authorizes the county of Nassau assessor to accept an application for a retroactive real property tax exemption from the Incorporated Village of Hempstead Community Development Agency for the 2020-2021 school taxes and the 2021 general taxes for the property located at 118 Terrace Avenue, Hempstead NY. AYE

S8717 Extends provisions of law relating to providing local governments greater contract flexibility and cost savings by permitting certain shared purchasing among political subdivisions from July 31, 2023 until June 30, 2026. AYE

S8718 Extends the deadline until March 1, 2024 for tax exemption applications for tax assessments for certain improved properties affected by Superstorm Sandy. AYE

S1273A Directs the commissioner of the Office for People With Developmental Disabilities to provide for the oversight of facilities and providers of services under section 16.03 of the mental hygiene law relating to the management of the cash accounts of residents. Oversight of resident's cash accounts shall include a statewide policy mandating audits, policies governing the purchase of gift cards, and prohibiting the use of self-generated receipts as evidence of meal purchases by cash custodians for meals outside of the residence. AYE