



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Votes for the Week of January 17, 2023

JIM RANNEY January 24, 2023

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

S644 Requires every county board of elections employ at least four full time employees in addition to the commissioners. NAY (Unfunded mandate on some local counties. Too broad.)

S645 Requires a commissioner to meet certain qualifications before his or her appointment which shall include, but not be limited to, the qualifications prescribed by section three of the public officers law, and demonstrated experience in election administration or other

management, operations, or administrative experience in the public, non-profit, or private sector as deemed sufficient by the board. The qualifications will apply to commissioners appointed thirty days after the promulgation of such qualifications. NAY

S811 Makes technical amendments to legislation that ensures Participating ("Par") deferred income annuities (DIA) can be sold in New York. Currently, Par DIAs are not authorized in New York because they cannot pass the "betterment of rates" test of New York Insurance Law Section 4223(a)(1)(E). The betterment of rates test ensures that an annuitant receives the best guaranteed income rate that an insurer offers to that class of annuitants at the time annuity income starts. AYE

S812 Amends the underlying chapter by requiring that a local social services district seek approval from the Office of Children and Family Services to extend a family's child care eligibility from twelve months to twenty-four months. The legislation also specifies that eligible families must have income which does not exceed eighty-five percent of the state median income. Lastly, the effective date has been changed to ninety days which will allow time for the approval process to take place. AYE

S813 This legislation amends the underlying chapter by extending mayoral control an additional two years and provides more time for the expanded PEP to be operational. Enabling legislation extended mayoral control of New York City schools for two years (June 30, 2024), increases the size of the Panel for Education Policy (PEP - The NYC School Board), requires greater parental representation on the PEP, requires six hours of training for members of the PEP, requires each public school in NYC to have a parent coordinator, and requires the Chancellor to respond to provide written responses to resolutions passed by the city-wide education councils and community district education councils within 30 days of receipt. AYE

S814 Directs that when soliciting a contract for the purchase of rock salt or sodium chloride, any department or agency of the state, any department or agency of a political subdivision, any public authority, or the commissioner of transportation, may award such contract to the responsible and reliable bidder offering to supply rock salt or sodium chloride that is mined or hand harvested in the United States, and which offer is within ten percent of the lowest price or best value offer, rather than to the lowest responsible and reliable bidder. AYE

S816 Makes technical corrections. Enabling legislation clarified 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

S504 Lowers the cost sharing cap for insulin from one hundred dollars to thirty dollars. NAY (Too costly to insurance customers).

S817 Amends the underlying chapter by requiring the New York State Office for the Aging to submit a plan to the federal department of health and human services. Enabling legislation clarified 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. AYE (Expands eligibility for services provided by the Older Americans Act, funds administered by the State Office for the Aging (SOFA).

S820 Extends the timeframe for enactment of the bill's provisions from 120 days after the effective date to one year. 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

S821 Makes technical corrections to the underlying bill. Required the Department of Health to publish a report on the Opioid Stewardship Fund on the Department's website. AYE

S824 Fully repeals the original chapter and rather than a mandate on all health plans, requires only large group policies to cover preventative screenings, examinations and laboratory tests in accordance with the American Cancer Society Guidelines for colorectal cancer screening of average risk individuals. Enabling legislation required certain providers of health care policies to provide coverage for colorectal cancer early detection in accordance with the American cancer society guidelines; requires the insurance carriers to notify enrollees of such coverage and screening guidelines via mail. AYE

S825 This amendment limits the mandate to large group policies only, and may subject coverage to deductibles and coinsurance as appropriate by the Superintendent and are consistent with those established for other benefits within a given policy, unless the PrEP has a rating of "A" or "B" in the current recommendations of the United States preventative services task force (USPSTF). Enabling legislation required health insurance coverage for the cost of pre-exposure prophylaxis (PrEP) for the prevention of HIV and post-exposure prophylaxis to prevent HIV infection. NAY (Limiting coverage to the large group market will substantially reduce the cost of this mandate on insurers and insureds.)

S101 Enacts the "New York Land-Home Property Act" establishing a process for converting a manufactured home from personal property to real property. AYE

S177 This bill would require licensed money transmitters to clearly and prominently warn their customers that are requesting the transmissions prior to completing such transmission of funds, regarding the dangers of consumer fraud. NAY (Unnecessary and a burdensome

statutory requirement.)

S492A This bill establishes that any public authority that operates a toll highway, bridge, and/or tunnel facility authorized to promulgate toll collection regulations and to impose monetary liability for failure to comply with such regulations is authorized and empowered to operate a demonstration program for utilization of cashless tolling facilities, cashless tolling monitoring systems, and a tolls by mail program and to impose monetary liability on the owner of a vehicle for failure to comply with the toll collection regulations of such public authority so long as each public authority complies with the provisions of this bill. AYE

S564A 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.)

S935 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 postsecondary 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

S967 This bill would cap the interest rate on delinquent property taxes at 7.5% of the delinquent tax payment. This would apply to owner-occupied properties outside with three or fewer dwelling units. This would also apply to buildings held in condominium and cooperative form. This would not apply to vacant homes. AYE

S1065 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

S1144 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.)

S1242 Establishes that the department of motor vehicles shall notify individuals via postal mail or electronic notification that their vehicle inspection is subject to expiration thirty days before such expiration; provides for a five day grace period after the expiration of the vehicle inspection certificate wherein operators of such vehicle shall not be fined. NAY (Personal responsibility and unwarranted cost.)