



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan's Senate Votes for the Week of January 23, 2023

JIM RANNEY January 27, 2023

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

S826 CHAPTER AMENDMENT - Amendment extends the effective date of S7360 and A9821's alcohol training awareness program to 180 days, from the proposed 30 days, at Executive's request, when amending the alcoholic beverage control law. AYE

S829 CHAPTER AMENDMENT - Makes a number of changes by toning down the scope of the Council and increasing the composition, such as: -The council now includes Hunger in its

title -It no longer has "responsibilities" but "priorities", -Further, it will advise the State on the development of policies, instead of developing policies itself. The enabling legislation would amend Agriculture and Markets Law, State Finance Law, and Economic Development Law to establish the New York State Council on Food Policy to develop and track guidelines and programs that promote locally grown food products. The council would consist of 13 voting members and requires such council to consult with an advisory board on a regular basis. AYE

S831 CHAPTER AMENDMENT - Amends DOH's mandate to "require training" rather than "develop a training program" to allow flexibility; deletes "personal care staff" from the requirements since it is an undefined term and it would lead to confusion; and requires the training to be available within 12 months (rather than 6 months) to give DOH sufficient time to develop and/or evaluate training material. AYE

S843 CHAPTER AMENDMENT - Amends education law to require a city school district in a city having a population of one million or more inhabitants, a plan developed in collaboration with the collective bargaining units representing teachers and the principals beginning in September 2022 and signed off on by the chancellor and the presidents of each bargaining unit, to reduce class sizes beginning September 2023 and to be achieved by September 2028 for all classes (passed last year); requires a report on or before November 15, 2023 and on or before November 15th of each year thereafter; further requires the city school district to submit a financial impact statement on November 15, 2025. AYE

S847 CHAPTER AMENDMENT- Amends agriculture and market law to replace natural fiber textile development council (created last year with S8741A) with natural fiber and textile development workgroup. AYE

S848 CHAPTER AMENDMENT - Amends labor law to change time allowed for employer recognition of workplace safety committees from five days to fifteen days. AYE

S849 CHAPTER AMENDMENT - Amends executive law to remove annual minimum of ten hours for building safety inspector and twenty-six hours for code enforcement officials in requirement for in-service training for code enforcement personnel to maintain skills created last year. NAY (This bill amounts to an unfunded mandate.)

S856 CHAPTER AMENDMENT - Repeals section 1 (legislative finding and declaration) of a chapter of the laws of 2022 to remove relating to determining whether the state can claim federal financial participation for coverage of and payment for certain prescription digital therapeutics, as proposed in S559 and A3642, in relation to prescription digital therapeutics. AYE

S858 CHAPTER AMENDMENT - Amends finance law to requires the state when purchasing commodities and such commodities are available and purchased from approved charitable non-profit-making agencies for the blind, the preferred source shall perform fifty percent or more of the work. AYE

S859 CHAPTER AMENDMENT - Clarifies that the type of winnings to be excluded from a district's adjusted gross income (AGI) for the purpose of determining School Aid, the mechanism for transmitting information between the State Gaming Commission and the Department of Taxation and Finance, and the commencement date of such a policy (calendar year 2022). Enabling legislation modifies section 3602 of the Education Law by adding a sentence to the definition of "adjusted gross income" indicating that any lottery winnings in excess of twenty-five percent of a district's adjusted gross income shall be excluded from such district's adjusted gross income for the year. AYE

S1318 CHAPTER AMENDMENT - Amends insurance law to clarify that licensees or brokers won't be required to record on the affidavit the name of the representative declining the risk, the representative's affiliation, or the reason for the declination. AYE

S1334 CHAPTER AMENDMENT - Amends Real Property Actions and Proceedings Law to alter alternative notice provisions for certain proceedings to convey title to abandoned commercial and industrial real property to a city, town, or village. Enabling legislation established a new Article 19-B of the RPAPL to allow a city, town or village to institute a special proceeding to convey title to abandoned commercial or industrial property where the city, town or village determines such property has been abandoned in accordance with the provisions of the new article. AYE

S830 CHAPTER AMENDMENT - Amends the underlying chapter by removing the requirement that the provisions of this legislation apply to agency boarding homes or group homes. Establishes "Brendan's law"; requires child day care centers and certain other facilities installing new or replacement window coverings to install cordless window coverings; requires child day care centers and certain other facilities that have window coverings in place before the effective date of this section to meet safety standards established in ANSI/WCMA A 100.1-2012 or any successor standard. AYE

S833 CHAPTER AMENDMENT - Moves back the effective date to August in order to give the Department of Financial Services adequate time to update its regulations and forms. Enabling legislation required motor vehicle liability insurance policies to include supplemental spousal liability coverage unless the insured declines such coverage in writing. AYE

S837 CHAPTER AMENDMENT - Makes various technical amendments and repeals provisions shielding information from discovery, subpoena, warrant or any other means for use in court. Enabling legislation restricts vaccine registry information from discovery and other process; requires the commissioner of health and the New York City commissioner of health and mental hygiene to develop regulations to protect patient vaccine information from disclosure. AYE

S838 CHAPTER AMENDMENT - Clarifies provisions related to a registration system for contractors and subcontractors engaged in public work and covered projects. Enabling legislation would require that prior to submitting a bid on a contract for public work or commencing work on a covered project under private contract, a contractor (including subcontractors) that performs any work related to construction, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration or custom fabrication must register in writing with the Department of Labor's bureau of public works. AYE

S841 CHAPTER AMENDMENT - Makes the following changes: 1) it replaces a requirement that would have required a representative contractor and a representative of an MWBE firm to sign a certification outlining the work performed by the MWBE firm with a new requirement that rules be promulgated by the division regarding MWBE utilization compliance reports so that they must include a standardized prepayment declaration, under penalty of perjury, by contractors that they complied with various MWBE requirements. 2) reduces the information required by the original bill to be included in the online searchable database of MWBE firms to include records of MWBE certifications and re-certifications, as well as revocations of MWBE certifications for convictions of MWBE fraud. 3) clarifies that the monies of the new MWBE fund shall be expended by NYS offices, agencies or authorities 4) extends the effective date of the original bill so that it will generally take effect 180 days after it becomes law. Enabling legislation requires post completion certifications to be completed, under penalty of perjury, that the MWBE performed the work, performed the services, or delivered the materials. AYE

S842 CHAPTER AMENDMENT - Makes clarifying changes to the exemption of real property of an applicable battery park city property from payments in lieu of taxes (PILOT). Enabling legislation relates to enacting legislation related to Battery Park city; relates to authorizing eligibility for SCRIE and DRIE for tenants of properties located in Battery Park city (Part A);

relates to authorizing eligibility for the senior citizen homeowners' exemption (SCHE) and the disabled homeowners' exemption (DHE) for property in Battery Park city (Part B); directs the battery park city authority to extend its lease with the city of New York until June 18, 2119 (Part C). AYE

S1327 CHAPTER AMENDMENT - Makes changes to ensure the change in the registration deadline is compatible with provisions of the Election Law, such as those pertaining to processing of registration forms. NAY (Burdensome on the board of elections as it will be difficult for them to get all of the deadline applications into the poll book, in time for early voting.)

S108A CONSTITUTIONAL AMENDMENT - Provides that no person shall be denied the equal protection of the laws of this state or any subdivision thereof; provides no person shall, because of race, color, ethnicity, national origin, age, disability, creed, religion, or sex, including sexual orientation, gender identity or expression, pregnancy, pregnancy outcomes, reproductive healthcare and autonomy, be subjected to any discrimination in their civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state. NAY (Provides for abortion at any time. Potential infringement of freedom of religion. Current constitutional provision already provides for equal protection for all persons.)

S348B This legislation would enact the “reproductive freedom and equity grant program” by establishing within the NYS DOH a grant program to ensure access to abortion care. Such program will provide funding to abortion providers, government entities and non-profits (whose primary function is to facilitate access to abortion care) by, in part, funding uncompensated care. NAY (Only funds abortion. Funding for anyone including out of state residents.)

S1003A This bill requires NYS DOH to collect from health care facilities (to include general hospitals, public health centers, diagnostic treatment centers, treatment centers, maternity hospitals, midwifery birth centers, and limited services pregnancy centers) a list of its policy-based exclusions on an annual basis. NAY (Not necessary. Targets selective institutions.)

S1043 Relates to the dispensing of self-administered hormonal contraceptives; authorizes a licensed physician and a certified nurse practitioner to prescribe and order a nonpatient specific regimen to a pharmacist licensed and located in the state for the dispensing of self-administered hormonal contraceptives. Defines "self-administered hormonal contraceptives" as self-administered contraceptive medications or devices approved by the federal Food and Drug Administration to prevent pregnancy. NAY (No age requirement. Parental consent for minors not required.)

S1066A Provides certain legal protections for reproductive health service providers who provide legally protected health activities including protection from extradition, arrest and legal proceedings in other states relating to such services; restricts the use of evidence relating to the involvement of a party in providing legally protected health activity to persons located out-of-state. NAY (Invites out of state residents to access abortion in NYS.)

S1324 CHAPTER AMENDMENT - Makes good on the Governors message of approval of the original bill, Chapter 807 of the Laws of 2022, to extend the current Medical Indemnity Fund (MIF) rates but repeals provisions related to expanding the costs of medical procedures that are covered by the MIF. The chapter amendment, therefore, repeals the expansion provisions but extends the current MIF reimbursement structure through 2025. AYE

S1325 CHAPTER AMENDMENT - The amendment makes several changes to the original legislation. Enabling legislation expanded criminal liability for corporations to include certain criminal conduct by agents of the corporation that results in the death or injury of a

worker. It also allows for higher fines and restitution beyond the statutory cap for convictions of corporations related to the injury or death of a worker. AYE

S345 Amends the Civil Practice Laws and Rules (CPLR) to extend the statute of limitations (SOL) from three to six years for individuals to file cases based on unlawful discriminatory practice in employment pursuant to the Human Rights Law. AYE

S473 This bill prohibits a surrogate's court clerk or chief clerk from accepting filing papers with specific deficiencies including the following: 1) paper does not have a filing number; 2) petition or decree contains the words "et al" or does not contain a full caption; 3) paper to be filed with the clerk is being filed in the wrong court; 4) paper is not signed in accordance with the rules of the chief administrator; The bill requires the chief clerk to require payment of any fees before accepting a paper for filing, unless a court ordered the fees waived. AYE

S60 This bill would amend the unconsolidated law to authorize and direct the state board of real property tax services to conduct a study on real property tax saturation. AYE

S434 Authorizes municipalities in the county of Orange to add unpaid housing code violation penalties, costs and fines to such municipalities' annual tax levy in accordance with applicable law. AYE

S506 Enacts "Vincent Scheppa's law" authorizing, in certain cases, the provision of private duty nursing services to a medical assistance recipient by a relative who is a registered professional nurse. AYE

S439 Requires that a policy that provides supplementary uninsured/underinsured motorist insurance coverage for bodily injury must include police vehicles. AYE

S450 Prohibits insurance companies from charging different rates for disability insurance on the basis of gender. AYE

S131 Clarifies the status of certain persons exempt from optometrist license requirements to allow an optometry student who attends a school outside of New York State that has accreditation acceptable to the State Education Department to engage in supervised clinical work. AYE

S362 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

S1521 OCA DEPARTMENTAL PAY BILL - Implements certain collective bargaining agreements relating to terms and conditions of employment of certain nonjudicial officers and employees of the unified court system. AYE