



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for the Week of January 30, 2023

JIM RANNEY February 3, 2023

| ISSUE: **NYS SENATE**



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

S615 This legislation ensures the current contribution limits for all offices other than the offices that participate in the public campaign financing matching program (statewide offices, senate and assembly) continues at the same level as they did before the program took effect. NAY

S850 CHAPTER AMENDMENT - Makes technical changes and provides that the Department of Labor (DOL) establish an Enforcement Officer who will oversee investigations into complaints of violations of a newly created reporting requirement for health care employers who mandate overtime over certain periods of time. Enabling legislation would amend the Labor Law, section 167 relating to the restrictions on consecutive hours of work for nurses to assess a civil penalty of not less than one thousand nor more than ten thousand dollars, per violation upon an employer should such employer require a nurse to work more than such nurse's regularly scheduled work hours. The bill further provides that the employee shall receive an additional fifteen percent of the overtime payment from the employer for each violation. NAY (Civil penalties remain unnecessary.)

S1330 CHAPTER AMENDMENT - Makes a technical correction to apply the provisions to HMO's and group health plan contracts. Enabling legislation established the Hospital Equity and Affordability Legislation (HEAL) Act. NAY (Disproportionately impact community, safety net hospitals.)

S1336 CHAPTER AMENDMENT - Amends the underlying chapter by making several grammatical edits to ensure the legislation has the most appropriate language for the community. Additionally, since this legislation was passed outside of the state's budget process, the effective date of implementation of this legislation was moved to April 1, 2023. Enabling legislation establishes the transgender and gender non-binary (TGNB) wellness and equity program; establishes a fund for such program. NAY

S1337 CHAPTER AMENDMENT - Amends the underlying chapter by permitting notices via email. Enabling legislation require Industrial Development Agencies, established under Article 18-A of the general municipal law, to provide written and mailed notice regarding proposed financial incentives offered by such IDAs to affected local taxing jurisdictions and school districts, prior to approval of projects by such an IDA. AYE

S1338 CHAPTER AMENDMENT - Amends the underlying chapter by making definitional changes to the notice requirements for public utility companies in the administrative code of the City of New York; and amends the effective date. Enabling legislation Requires notice to members of the legislature and certain local officials relating to certain construction and other projects affecting such members' and officials' districts in NYC. AYE

S1343 CHAPTER AMENDMENT - amends the underlying chapter by clarifying the requirements apply to state agencies; changes the effective date for the buy American provisions; and changes the section of law from the executive law to the state finance law. Enabling legislation directs the commissioner of general services to include requirements in any procurement for the manufacturing or retrofitting of zero emission vehicles and charging or fueling infrastructure that the components and parts used or supplied in the performance of the contract or any subcontract thereto shall be produced or made in whole or substantial part in the United States, its territories or possessions and that final assembly of the zero emission vehicles and charging or fueling infrastructure shall occur in the United States, its territories or possessions. AYE

S1347 CHAPTER AMENDMENT - clarify that hot tubs with covers are exempt from the other requirements of the subdivision and swimming pools with covers are exempt from paragraph b of the subdivision. Enabling legislation make a technical change to the hot tub and spa building code statute to clarify lockable hot tub and spa safety covers are the primary means of a safety barrier. AYE

S1349 CHAPTER AMENDMENT - Makes a technical change to the underlying bill by requiring the State to apply for federal matching funds for these hospice services. Enabling legislation This bill amends provisions of law governing payment for hospice services by authorizing individuals residing in an adult care facility (ACF) and enrolled in an assisted living program to receive such care. Requires the NYS DOH to promulgate the necessary

rules and regulations to implement the legislation. AYE

S1351 CHAPTER AMENDMENT - Clarifies and expands provisions in the underlying chapter that shield New Yorkers from civil and criminal consequences for abortions that are lawfully performed in New York State. Enabling legislation creates several protections for doctors who legally perform abortions within New York State who are targets of civil or criminal investigations or proceedings in other states. NAY (Anticipatory. Other states cannot regulate conduct in NY.)

S1356 CHAPTER AMENDMENT - Amends the underlying chapter to specify that refinancing provisions apply to commercial and business loans only. Enabling legislation allows businesses to use funds received from the minority- and women-owned business development and lending program for the purpose of refinancing existing debt. AYE

S2233 CHAPTER AMENDMENT - Amends the underlying chapter by making technical changes to the approving entity. Enabling legislation Authorizes the Bais Torah U'tefillah to receive retroactive real property tax exempt status. AYE

S822 CHAPTER AMENDMENT - amends the underlying chapter by allowing notice to be given by electronic correspondence in lieu of overnight mail with the consent of the objector or the candidate. It also establishes the method by which objectors or candidates can consent to electronic correspondence. Enabling legislation related to specification of objections to designating petitions, independent nominating petitions, certificates of nomination or ballot access documents; standardizes requirements for specification of objections by removing authority of local boards of election to make their own rules. AYE

S827 CHAPTER AMENDMENT - Adds electronic and "in-person" methods of notification when a person enrolls in the donate life registry, and clarifies the effective date of a person's

enrollment, amendment, or revocation in the registry. Enabling legislation included within provisions that require written or electronic notification of registration to individuals enrolling in the donate life registry provisions prioritizing the use of written, in-person or electronic notifications wherever possible. Additionally, the bill adds language to the timing of the effectiveness of registration to include the receipt of enrollment by the registry. AYE

S851 CHAPTER AMENDMENT - Makes both technical and substantive changes to the bill. Enabling legislation amends the Labor Law by adding a new Article 21-A Establishing The Warehouse Worker Protection Act. The purpose of the bill is to reduce injuries that arise from intense quotas that employees in just-in time delivery ware houses must adhere to. According to the sponsor warehouse injuries are 4.0 cases per 100 compared to the national average of 1.7 cases per 100. NAY

S1341 CHAPTER AMENDMENT - Amends the effective date of the underlying chapter from immediately upon enactment to 180 days after enactment. Enabling legislation Would allow residential tenants or the local commissioner (who enforces the local housing code) to move in a special proceeding for the appointment of an administrator and an order directing rents be deposited into the court where the administrator would then be tasked with using the rents to remediate or resolve the certain conditions. NAY (Onerous for landlords.)

S1367 Requires pre-trip safety briefings by drivers of stretch limousines; directs the commissioner of DMV to establish content for safety briefings to be made to passengers and requires drivers to demonstrate proficiency in providing briefings. AYE (Included within the recommendations of the stretch limousine passenger safety taskforce.)

S1368 Requires stretch limousines to be equipped with rollover protection devices such as cages or pillars and anti-intrusion bars for the purpose of protecting rear compartment passengers. AYE

S1369 Extends provisions relating to establishing the stretch limousine passenger safety task force; authorizes the stretch limousine passenger safety task force to continue to hold public hearings and meetings to review the actions taken by the state and to publish a report of its findings. AYE

S1370A Provides for a fine of not less than ten thousand dollars for each offense committed, or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment for a class A misdemeanor where a stretch limousine has failed an inspection but an operator still operates such vehicle; provides for the seizure and redemption of unlawfully operated and unsafe commercial motor vehicles by an officer; requires such vehicle information to be entered into the New York statewide police information network as an impounded vehicle; makes related provisions. AYE

S1371 Relates to expanding required disclosure of information regarding safety issues for certain motor carriers, specifically stretch limousines. AYE (Included within the recommendations of the stretch limousine passenger safety taskforce.)

S1442 Relates to additional equipment requirements for stretch limousines; requires that stretch limousines are equipped with the necessary quantity of window break tools and operational fire extinguishers. AYE (Included within the recommendations of the stretch limousine passenger safety taskforce.)

S1443A Provides that a stretch limousine shall not be operated if it is more than ten years old or has more than 350,000 miles on the odometer; permits exceptions by the commissioner; provides for imputed odometer calculation in certain circumstances. AYE (Exceptions include manufacture or modified by coachbuilders and warrantied or based upon demonstrated safety record history of compliance.)

S2230 CHAPTER AMENDMENT - Amends the underlying chapter by requiring the operator to notify the appropriate regional office of the Department of Health and the state long-term care ombudsman office of the proposed closure in writing. Implements a 90 day timeframe on DOH to review the closure plan. Enabling legislation established specific procedures for the closure and/or decertification of assisted living residences. Such procedures include 120 days notification to the regional office of a plan to close which is subject to the approval of the Commissioner. NAY (Requiring the facility to remain open and providing staff for a small number of residents would likely only exacerbate the financial difficulties.)

S828A CHAPTER AMENDMENT - Allows for a trained child custody forensic evaluator to conduct evaluations via video conference when a child is living more than one hundred miles outside of the New York State border. Enabling legislation requires that court ordered forensic evaluations involving child custody and visitation be a licensed psychologist, social worker or psychiatrist who has completed a training program developed by the New York State Coalition Against Domestic Violence. AYE

S832 CHAPTER AMENDMENT - Removes the term "runaway" from the law so the provisions only apply to homeless youth. Enabling legislation would enable individuals who meet the definitions of "homeless youth" and "runaway youth", or who receive services at an approved runaway and homeless youth crisis services program or transitional independent living support program to consent to medical, dental, health and hospital services. Applies to persons less than 18 years of age. NAY

S1339 CHAPTER AMENDMENT - Amends the underlying chapter by removing the Division of Tax and Finance from local decisions regarding the assessment of the underlying parcels addressed in the chapter. Enabling legislation Relates to payments for certain school, fire, fire protection, and ambulance districts for lands exempt from real property taxation for

purposes which implement the Peconic Bay community preservation fund. AYE

S1344 CHAPTER AMENDMENT - Amends the underlying chapter by clarifying what a victim of domestic violence must include in the attestation in writing to be released from a utility contract; and amends the effective date. Enabling legislation requires the release of individuals from utility, phone and television contracts in instances of domestic violence. AYE

S1350 CHAPTER AMENDMENT - Clarifies provisions relating to calculating an insured individual's overall contribution to any out-of-pocket maximum or any cost-sharing requirement. Enabling legislation require insurance companies or PBMs to apply any price reduction instrument for out-of-pocket expenses when calculating an insured individuals cost sharing requirements. AYE

S1353 CHAPTER AMENDMENT - Amends the underlying chapter by making the federal waiver request to the US Department of Agriculture a permissive requirement as opposed to mandatory. Enabling legislation exempts certain income and resources provided to persons enrolled in certain pilot programs with direct cash transfers in determining eligibility for public assistance benefits. NAY (All income should count toward eligibility.)

S1354 CHAPTER AMENDMENT - Amends the underlying chapter by extending the effective date from immediately to one hundred and eighty days, to give the agency time to implement the policy. The bill is moved from mental hygiene law to unconsolidated law. Enabling legislation require the commissioner of the Office of Mental Health (OMH) to provide monthly status reports of the community investments and the impact on inpatient census. AYE



S2222 CHAPTER AMENDMENT - Amends the underlying chapter by requiring the department of environmental conservation to post draft strategies and methodology developed no later than July 1, 2024; requires at least one public hearing and posting of the final goal strategies and methodology on such department's website. Enabling legislation provided a new section in Environmental Conservation Law to establish a 30 by 30 Conservation Goal. It would be the goal of the state to support and contribute to national efforts to conserve at least 30 percent of US lands and inland waters by 2030. NAY (Too many questions - How far do we have to go to get there? Private land? Cost? Should not be NY taxpayer responsibility. Chapter amendment reduces public input opportunity.)

S2223 CHAPTER AMENDMENT - amends the underlying chapter by requiring the agency to coordinate a plan for delivery of medical supplies and medications to pharmacies, hospitals and nursing homes located within the area declared to be experiencing a disaster emergency. Enabling legislation required that the state's disaster preparedness plans include arrangements to ensure medical supplies and medications are delivered to pharmacies, hospitals and nursing homes located within the area declared to be experiencing a disaster emergency. AYE

S2224 CHAPTER AMENDMENT - Amends the underlying chapter by clarifying it applies during a widespread prolonged outage; clarifies the chain of operations in providing a list of affected facilities to the utility and the state; requires coordination between local governments and affected facilities for using back-up power in the event of a state of emergency; and amends the effective date. Enabling legislation Requires electric corporations to prioritize restoring services to police departments, fire departments, and ambulance services, when such services are interrupted; prohibits such corporations from charging rate payers a higher rate for extra costs incurred due to prioritizing such services; requires that police departments, fire departments, or ambulance services be registered with

the division of homeland security and emergency services for emergency provisions to apply.

AYE