



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for the Week of February 6, 2023

JIM RANNEY February 9, 2023

| ISSUE: **NYS SENATE**



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

S815 CHAPTER AMENDMENT - Amends public authorities law to require the Niagara Frontier Transit Authority, Rochester-Genesee Regional Transportation Authority, Capital District Transportation Authority, and Central New York Regional Transportation Authority to have at least one voting member who is an individual who is limited to public transit as their primary transportation mode because of a disability. Clarifies "transit dependent." AYE

S819 CHAPTER AMENDMENT - Amends public health law & agriculture & markets law to redefine "food service establishment" to include restaurants or catering halls & and menus. Changes definition of "menu" to refer to online menus explicitly. Also requires notice of food allergy information be given in twelve most common non-English languages rather than six. NAY (Continues to remain onerous to restaurants and catering halls, many that are small businesses. Unnecessary.)

S845 CHAPTER AMENDMENT - Makes the law less burdensome on facilities by amending the 12 hour notification requirement to no later than 5pm the next calendar day following detection of a confirmed infection of a resident or staff member, or at such earlier time as guidance from the federal centers for Medicaid and Medicare Services (CMS) or centers for disease control and prevention (CDC) provide. It further requires the cohorting plan to be consistent with any CDC or CMS guidance. Enabling legislation adds to the requirement that residential health care facilities must annually, or more frequently as directed by NYS DOH make available to the public a pandemic emergency plan on the facility's website and immediately upon request by including an update to all residents, authorized family members and guardians of residents at the facility within 12 hours of the detection of the presence of an infection by a resident or staff member pursuant to the communications plan within such emergency plan. AYE

S1321 CHAPTER AMENDMENT - Amends public health law and social services law to alter definition of "living donor" to include not only people who make a living donation but those who were evaluated but ultimately ruled out for medical reasons. Also changes language on reimbursing lost wages or value of sick/vacation time but not both at once. Clarifies when practitioners are required to provide educational materials. AYE

S1323 CHAPTER AMENDMENT - Amends Elder Law to place a subsequent calendar year limit on seniors enrolled in the elderly pharmaceutical insurance coverage program if they

previously qualified but are no longer eligible due to an increase in either a public or private pension or social security benefit. AYE

S1348 CHAPTER AMENDMENT - Amends social services law to prior notice of changes to the managed care model contract. The changes require posting of the changes on the Department of Health's website prior to federal submission; clarify that all changes will be posted in the state register; and clarify that requests for proposals for managed care providers will also be published in the state register. AYE

S1355 CHAPTER AMENDMENT - Amends insurance law to remove creative arts therapists from the list of outpatient providers since it could trigger a state fiscal as a new mandated benefit. Enabling legislation require health insurers to provide coverage for outpatient mental health conditions by mental health counselors, marriage and family therapists, creative arts therapists and psychoanalysts. This version of the bill states that nothing in the bill authorizes an expansion of scope of practice, or be construed to create a new mandated benefit. AYE

S2220 CHAPTER AMENDMENT - Amends public officers law to prohibit agencies from charging a fee for records where an electronic copy is already available from a previous request made within the past six months. AYE

S2225 CHAPTER AMENDMENT - Amends the underlying chapter by clarifying the list of medical equipment with an electrical need that must be considered for purposes of customer outreach in an electric utilities emergency response plan; and amends the effective date. Enabling legislation defines medical needs for essential electricity for the purpose of planning for emergency restoration of services. AYE

S2228 CHAPTER AMENDMENT - Amends insurance law and public health law requiring 30 emergency supply of prescription drugs during state of emergency to direct Commissioner of Health to create list of drugs exempted, including all schedule II & III controlled substances. AYE

S2231 CHAPTER AMENDMENT - Amends the underlying chapter by prohibiting insurers from cancelling an insurance policy for the sole reason that the insured was the victim of a hate crime. Enabling legislation prohibits an insurer from cancelling, refusing to issue, refusing to renew, or increasing the premium of a policy solely on the basis that one or more claims have been made against any policy during the preceding sixty months for a loss that is the result of a hate crime. AYE

S2232 CHAPTER AMENDMENT - Amends Real Property Taxation law to authorize the assessor of Nassau County to accept an application from Mineola Union Free School District for real property tax exemption upon approval of the County legislature. AYE

S2234 CHAPTER AMENDMENT - Amends underlying chapter to replace layperson applications for one-day marriage officiant license application to Secretary of State to town or city clerk's office. This amendment would further authorize such clerks to receive a fee of \$25 dollars for issuing a one-day marriage officiant license. Enabling legislation allows for the authorization of lay individuals to act as a marriage officiant for one day in order to solemnize marriages. The underlying bill authorized the Secretary of State, or his or her designee, to issue one day marriage officiant designations. AYE

S1331 CHAPTER AMENDMENT - Makes various technical amendments. Enabling legislation requires DOH and Medicaid managed care plans to establish a medication synchronization program to allow individuals in the Medicaid program to refill multiple prescriptions at the same time. AYE

S1342 CHAPTER AMENDMENT - Amends the underlying chapter by including federal guidance from the United States Food and Drug Administration, the Centers for Medicare and Medicaid Services, or the United States Department of Health and Human Services on the list of exceptions to the prohibition on age restrictions for access to non-invasive prenatal testing for Medicaid patients. Enabling legislation Provides that coverage and access to non-invasive prenatal testing under Medicaid shall not be limited based upon the age of the pregnant patient. AYE

S2221 CHAPTER AMENDMENT - Enabling legislation enacts "Bianca and Caroline's Law," creates the crimes of Unlawful Dissemination of a Personal Image in the First and Second Degrees. Amendments clarifies that the offense established applies to images posted on social media; clarifies the requisite intent of the actor; clarifies that the offense does not apply to discourse in the public interest or newsworthy or artistic value; clarifies that the bill applies to images in which some degree of injury is depicted; and clarifies that the person posting the image must have participated in the underlying crime. AYE

S2226 CHAPTER AMENDMENT - Makes technical corrections, clarifies that the tracking system is for kits submitted to the custody of law enforcement, and makes conforming changes to reduce duplicative efforts already conducted by DCJS. The amendment also extends the effective date to January 1, 2025. Enabling legislation directs the division of criminal justice services in consultation with the department of health, office of victim services, division of state police, and the New York State Coalition Against Sexual Abuse to develop and implement a statewide electronic tracking system for evidence collection kits used to collect and preserve evidence of a sexual assault or other sex offense. AYE

S2229 CHAPTER AMENDMENT - Makes several amendments to chapter 698 of 2022. Enabling legislation provided that a veteran seeking a housing loan under chapter 37 of title 38 of the United States Code be offered loan counseling services prior to the processing of

such application by a banking institution or mortgage lender. AYE

S1419 This bill requires the director of the division of minority and women's business development to promulgate rules to require all contracting agencies to promptly provide specific information to all unsuccessful bidders that are certified minority-owned or women-owned business enterprises. AYE

S1424 Requires all contracting state agencies to develop a three year growth plan that determines their proposed means of promoting MWBE participation, and to then submit it to the Governor and legislature as part of New York State's yearly annual report. This report should also specify the number of actual contracts issues to MBWE's for that year. AYE

S1873 This bill broadens the definition of small business for purposes of the state's MWBE laws such that during a declared state disaster emergency the limit of up to 300 employees to be deemed a small business only applies to employees who work 30 or more hours per week over 52 weeks, with a total of over 1,560 hours worked. The bill notes that an employee can have a break from employment for up to 13 weeks before the 52 week lookback period would restart. AYE

S702 This bill would expand the eligibility of the urban development corporation act to allow dry cleaning businesses and appearance enhancement businesses, which practice nail specialty to make capital improvements through grants and flexible financing programs. AYE

S1862 Establishes the New York state innovation voucher program; provides small businesses with access to research and development by colleges and universities, government laboratories and public research institutes in order to assist such businesses in the creation of innovative products or services. AYE

S1824 Establishes a matching grant program for small businesses receiving phase one or phase two funding under the federal small business innovation research program or the small business technology transfer program to promote commercialization and cover certain expenses. AYE

S818 CHAPTER AMENDMENT - Amends the underlying chapter by modifying the effective date for various provisions of the law to July 1, 2023. Enabling legislation establishes the John R. Lewis Voting Rights Act of New York creating a state-level pre-clearance system that requires certain jurisdictions with a history of racial discrimination in their elections to seek approval from the state attorney general's office or a local court before making changes to their election administration. NAY (AG is a political office.)

S823 CHAPTER AMENDMENT - amends the underlying chapter by clarifying the application timeline for eligibility determinations and service authorizations for services through OPWDD. Requires that applications submitted by individuals with developmental disabilities for eligibility determinations and service authorizations be processed in a timely manner; requires the office of mental health to provide a report regarding such applications. AYE

S834 CHAPTER AMENDMENT - Primary change of the legislation is to delay the effectiveness of the program by two years. The enabling legislation 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. C PRINT - adds incineration, pyrolysis, gasification, solvolysis, waste fuel or an chemical conversion process to the term of what Recycling does not include. AYE

S846 CHAPTER AMENDMENT - amends the underlying chapter by providing the provisions take effect two years after the bill becomes law and allows retail pet shops to receive a reasonable fee for space used to showcase dogs, cats or rabbits available for adoption. Enabling legislation prohibits the sale of dogs, cats and rabbits by retail pet shops; authorizes collaboration with entities to provide space to showcase cats or dogs owned by certain entities for the purpose of adoption. AYE

S854 CHAPTER AMENDMENT - Makes several technical changes to the underlying bill. Enabling legislation directs the division of veterans' services to develop a searchable database of veterans memorials located within the state, to include information regarding the location of a memorial and who or what veteran or battle the memorial is honoring. AYE

S855 CHAPTER AMENDMENT - Makes technical changes to the underlying chapter. Enabling legislation establishes a state-level program of all-inclusive care for the elderly to provide community based, risk-based and capitated long-term care services as optional services under Medicaid, and where applicable, under Medicare, as well as under contracts with CMS, the department and PACE organizations. The bill authorizes currently operating PACE programs to continue operation while transitioning into compliance with this program. AYE

S857 CHAPTER AMENDMENT - Establishes the Flax Pond tidal wetlands sanctuary; establishes uses for the sanctuary, including the limited use of certain boats; repeals provisions prohibiting boating in the Flax Pond tidal wetlands sanctuary. AYE

S1326 CHAPTER AMENDMENT - Clarifies job advertising in the law, and excludes remote job opportunities performed entirely outside of the State without a connection to a New York office or supervisor. Enabling legislation requires employers to disclose compensation or range of compensation to applicants and employees upon issuing an employment



opportunity for internal or public viewing or upon employee request. NAY

S1329 CHAPTER AMENDMENT - Amends the underlying chapter by requiring the Consumer Protection Division of the Department of State to create a model notice and make it accessible to sellers. Enabling legislation requires stores where gift cards are sold to post a notice alerting customers about gift card scams. NAY

S1332 CHAPTER AMENDMENT - Creates a new summary proceeding to allow tenants to bring a summary proceeding against a landlord in certain courts for a judgment directing repairs of conditions and/or other relief in residential real property. Enabling legislation established the tenant dignity and safe housing act. NAY

S1340 CHAPTER AMENDMENT - Amends the underlying chapter to conform its provisions to the existing statute and to align the prohibition on use of mercury in cosmetics to current regulatory limits set forth by the FDA. Enabling legislation prohibits the sale of any cosmetic product or personal care product containing mercury after June 1, 2023. AYE

S1346 CHAPTER AMENDMENT - Amends the underlying chapter by clarifying the dates upon which state agencies must prepare state fleet decarbonization plans; clarifies the requirements apply to state agencies; and changes the section of law from the executive law to the state finance law. Enabling legislation 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)