



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Senate Votes for Week of February 13, 2023

JIM RANNEY February 17, 2023

| ISSUE: **NYS SENATE**



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

S835 CHAPTER AMENNDMENT - Includes night clubs into the already established opioid antagonist program overseen by DOH instead of creating a new separate program specific to nightlife establishments and directs DOH to establish guidelines. Enabling legislation establishes the nightlife opioid antagonist program to allow certain establishments to apply and receive an opioid antagonist, free of charge, to be administered to patrons, staff or individuals on premises of such establishment in the case of an emergency. AYE

S836 CHAPTER AMENDMENT - This amendment fully repeals and redrafts the law. The amendment contains the same intent as the original law in the correct section of the insurance law to capture the appropriate private insurance plans. Additionally, the amendment explicitly exempts any state or federal insurance affordability program plan, such as the Medicaid program. Enabling legislation enacts the "Patient Rx information and choice expansion act (PRICE Act)" to allow prescription plan coverage and drug cost information available at the point-of-care to ensure patients have access to the medications prescribed by their provider and increase medication adherence while reducing administrative burdens on providers. NAY (Significant new administrative costs.)

S839 CHAPTER AMENDMENT - Exempts certain Medicaid forms whose content is dictated by the federal government, as well as makes additional technical amendments. Enabling legislation requires space for donate life registration on forms used for enrollment, renewal, disclosures and related health insurance policy transactions. AYE

S840 CHAPTER AMENDMENT - Moves language from the original chapter relating to the increased state share to various sections of law to ensure it is appropriately referenced and clarify it only applies to complete street projects. Enabling legislation increases state funding for construction and improvement by the department of transportation where the municipality agrees to fund a complete street design feature as a component of the project. Increases the state share of municipal highway, road, street, bicycle path, or pedestrian path projects not on the state highway system and that are receiving federal funding from 80 percent of the difference between the total project cost and the federal assistance to 87.5 percent if the municipality agrees to fund a complete street design feature. AYE

S844 CHAPTER AMENDMENT - Requires the temporary supplier to assume all liability that may result from the improper filling, inspection, or testing of such tank. Enabling legislation would amend section 192-E of Agriculture and Markets Law to allow homeowners leasing

propane containers to receive emergency deliveries from any suppliers during times of urgent need and periods of high demand when their regular suppliers could not fulfill the request. AYE

S852 CHAPTER AMENDMENT - Makes sure the maps are made available in various downloadable digital file formats. Enabling legislation requires congressional, senatorial, assembly and election district maps be made available on applicable board of elections' websites and in a downloadable Shapefile format. AYE

S1032 Bill to amend the Arts and Cultural Affairs Law to move the Amistad Commission, which reviews education to propose improvements in teaching about slavery in United States and the Slave Trade, from the control of the Dept of State to the Dept of Education. Dept of State will still be involved, but not in direct control. Also authorizes incentive grants for teachers who perform well on the subject. AYE

S1192 Establishes the underrepresented teachers of tomorrow teacher recruitment and retention program to attract and retain underrepresented certified teachers in schools which have an underrepresentation of underrepresented certified teachers; provides for grants and procedures for applying for such grants and eligibility requirements for fund distribution. AYE

S1988 This bill would require SED to annually convene a Statewide convention of underrepresented educators to discuss experiences, best practices, and afford for networking, mentorship opportunities, and support. It would also require at least five regional conventions be held annually for the same purpose. AYE

S2140A This bill would direct SED, SUNY, and CUNY to develop guidelines for school districts, BOCES, and colleges and universities to use in developing their own Grow Your Own

initiatives. This would include local recruitment of underrepresented candidates, partnerships with local organizations, and implementation of funding sources to attract and retain candidates. It would not provide any funding to do so. Adds persons that may be eligible as well. AYE

S3385A Bill establishing educator diversity task force to conduct a comprehensive study on the diversity of educators in NYS and how to improve the same. Task force to be comprised of 15 members (5 from the Gov.; 4 from the Senate pro temp; 4 from the Speaker of the Assembly; 1 from Senate minority leader; and 1 from Assembly minority leader). AYE

S3408 Establishes the bilingual teachers of tomorrow teacher recruitment and retention program to attract and retain bilingual, certified teachers in schools with a bilingual teacher shortage; provides for grants and procedures for applying for such grants and eligibility requirements for fund distribution. AYE

S1320 CHAPTER AMENDMENT - amends the underlying chapter by altering the definition of original equipment manufacturers (OEMs), makes the bill effective only for products manufactured for the first time, and first sold or used in New York on or after July first, 2023 and requires that consumers be provided with information on warranties when they bring a device to an independent repair provider. Enabling legislation require original equipment manufacturers (OEM) to make diagnostic and repair information for digital electronic parts and equipment available to independent repair providers and consumers if such parts and repair information are also available to OEM authorized repair providers. AYE

S1328 CHAPTER AMENDMENT - Amends the underlying chapter as requested by the Executive by requiring each agency to post the following information: the language creating the board; the size and current membership along with qualifications of the board; eligibility for payment or other compensation for duties; and any other information deemed necessary.

Enabling legislation requires the Secretary of State to create and maintain an inventory (centralized database) of State boards within the Department. AYE

S1335 CHAPTER AMENDMENT - Makes a technical change to clarify that flood damage to the leased premises due to a natural event must be disclosed in the residential lease where the lessor(landlord) knows or reasonably should know such flood damage has occurred to the premises and the nature of any such damage. Enabling legislation required a flood history and risk notice be included in residential leases. AYE

S2227 CHAPTER AMENDMENT - Amends the underlying chapter by aligning the gas safety report due date with other required quarterly reports; adds leak repair information to the report; and makes other technical changes to clarify responsibilities of the Public Service Commission. Enabling legislation requires gas corporations to file annual gas safety reports. NAY (Onerous on the gas corporation and the sponsor does not specify why it is necessary other than to further scrutinize the natural gas industry.)

S2301 Establishes the crime of voyeurism in the first and second degree, which shall be a class A and B misdemeanor, respectively. Importantly, this bill exempts firefighters, healthcare professionals and correctional facility personnel. This bill incorporates amendments made last year that removed the language that would make it a crime to view a person in a bedroom, changing room, fitting room, restroom, toilet, bathroom, washroom, shower, or any room assigned to guest in a hotel, motel or inn without the person's knowledge or consent. It adds the requirement that the offender trespass for the purpose of viewing the person in a specified situation without their consent. It also specifically includes trespassing to view a person engaging in sexual conduct without such person's consent or knowledge. AYE

S509 Requires restaurants that offer online delivery services to post their most recent sanitary inspection grade on their website and/or any internet-based food delivery service

websites where consumers can order from such food service establishment. AYE

S1974 This bill would amend the Workers' Compensation Law section 13 (5) (i) related to reimbursement for pharmaceutical claims. Current law requires claimants to obtain all prescribed medicines from a pharmacy with whom the employer has a contract ("network pharmacy") unless there is a medical emergency. This bill would amend current law to only "encourage" employees to obtain their prescription drugs through the contracted pharmacy. Specifies that a claimant may seek to have a prescription filled from any resident, in-state pharmacy licensed to conduct business in the State of New York when the network pharmacist has failed to fulfill the claimant's prescription within 72 hours. AYE

S1290 Provides that the "Suicide Awareness and Remembrance Flag" shall be the official state flag for the raising of awareness of veteran suicide; directs the commissioner of general services to establish a protocol for the flying of such flag. AYE

S2235 CHAPTER AMENDMENT - Strikes language from the underlying chapter that authorized the award of punitive damages. It instead says that the court may award "additional damages of up to three times the amount of compensatory damages" to a successful plaintiff. Enabling legislation enacts the "Freedom from Interference with Reproductive Health and Endocrine Health Advocacy and Travel Exercise Act" or the "FIRE HATE ACT." Creates a new cause of action of Unlawful Interference with Protected Rights. NAY (Anticipatory. Creates cause of action for potential legislative action in another state. Trying to regulate conduct in another state.)

S2621 CHAPTER AMENDMENT - Amends the underlying chapter by making definitional changes to "construction project" to ensure that the projects are aligned with current labor law; includes language for hardship exemptions; and amends the effective date. Enabling legislation requires that parking facilities with 50 or more spots constructed with State

funding be capable of supporting electric vehicle charging stations. Further requires the prevailing wages be paid for construction or development of such projects and adds that such charging stations make up 20 percent of available parking spaces. AYE

S2622 CHAPTER AMENDMENT - Amends the underlying chapter by making technical changes to the underlying chapter to ensure compliance with current law and to ensure proper local approval. Enabling legislation authorizes the Bellmore Fire District to file an application for exemption from real property taxes. AYE

S1176 This bill would amend section 11-c of Volunteer Firefighters' Benefit Law, so as to make permanent, the procedures regarding a presumption that the death or disability of a volunteer firefighter from a disease or malfunction of the lung was caused due to work related factors. AYE